

**SUPPLEMENTAL TESTIMONY  
OF  
DOUGLAS G. LANKFORD  
CHIEF OF THE MIAMI TRIBE OF OKLAHOMA**

**Committee on Natural Resources  
Subcommittee on Indian and Insular Affairs  
Legislative Hearing  
1324 Longworth House Office Building  
March 4, 2026**

**H.R. 2827 (Rep. Cole)** To provide for the equitable settlement of certain Indian land disputes regarding land in Illinois, and for other purposes

Chairman Hurd and Honorable Members of the Subcommittee, I provide this additional testimony to supplement that which I provided to the Subcommittee on March 4, 2026 to respond to the questions for the record (QFRs) submitted by Congressman Westerman regarding **H.R. 2827**, a bill to provide for the equitable resolution of certain Indian land disputes regarding land in Illinois, and for other purposes. I want to thank Congressman Westerman for his questions and the Subcommittee for this opportunity to respond to them.

**Miami Tribe of Oklahoma's Responses to Questions from Rep. Westerman**

1. *Chief Lankford, are you aware of other tribes with claims to the same land that is implicated by H.R. 2827?*

*A. Does it preclude any other tribe from seeking its own legislative agenda?*

*B. If another tribe believes it has a viable claim, is a similar legislative fix an appropriate vehicle to address that claim?*

**Miami Tribes Response:**

A. H.R. 2827 addresses only the rights of the Miami Tribe of Oklahoma's rights under Article IV of the 1805 Treaty of Grouseland. That provision specifically reserves the rights of the Miami, the Eel River Miami, and the Wea Tribe. The Miami Tribe is the modern body politic of the Miami proper and Eel River Miami, which have been a single entity for over a century. The Wea Tribe quit claimed all remaining land interests in 1832 before it confederated with the Peoria Tribe.

B. A Tribe that believes it has an unresolved takings claim against the United States is free to pursue legislation as the Miami Tribe has done for over a decade. The Miami Tribe has no opinion on whether any theoretical future legislation would be viable, but reiterates unequivocally that no

tribe, other than those whose rights were protected under Article IV of the 1805 Grouseland Treaty has any claim whatever to join in H.R. 2827.

2. *Your written testimony mentions previous legislative efforts in the 107th Congress to fix this problem and extinguish the Tribe's claims to the land. Could you give background on those? How are they different compared to H.R. 2827?*

### **Miami Tribe's Response:**

#### Relationship of H.R. 2827 to H.R. 791, S 533 and past Acts of Congress:

H.R. 2827 is the direct descendant of H.R. 791 and S 533 introduced by the Illinois delegation in the 107<sup>th</sup> Congress. It is also the grand descendant of Pub Law 97-385, 96 Stat. 1944 (Cherokee Nation), Pub L. 96-405, 94 Stat. 1713 (Blackfeet and Gros Ventre); Pub. L 96-404, 94 Stat. 1711 (Three Affiliated Tribes); and Pub L 96-251, 94 Stat. 372 (Cow Creek Band), which provided the language that H.R. 791 and S 533 used.

The only difference between H.R. 2827 and H.R. 791 and S 533 is that those prior bills attempted to extinguish ALL tribal claims, treaty or aboriginal, in the State of Illinois, which raised widespread opposition and ultimately appears to have stalled the legislation in House Committee. The Miami Tribe sought to narrow the language of the prior legislation so that it applied ONLY for the Miami Tribe. You will also note that H.R. 2827's language is more efficient than H.R. 791 and S 533, which is a function of the Tribe's work with House and Senate Committees and Staff over the last decade to improve and condense the bill language.

#### Origins of H.R. 791 and S 533:

In 2000, the Tribe brought a federal court action claiming title to the reserved land.<sup>1</sup> This rendered the preexisting cloud on title, created by the Treaty itself, a matter of public record. In response to that litigation, and possibly a claim by the Prairie Band Potawatomi to lands near Dekalb Illinois, the Illinois delegation introduced companion legislation in the House and Senate that would extinguish all tribal title claims in Illinois and instead offer tribes an opportunity to bring those claims before the United States Court of Federal Claims.

H.R. 791 (Johnson, IL), and S 533 (Durbin, IL), introduced by the Illinois delegation in the 107<sup>th</sup> Congress and, like H.R. 2827, garnered strong bipartisan support from members of the Committee on Resources. Specifically, Congressman Phelps stated:

I am in support of Congressman Johnson's legislation, H.R. 791, and I commend him for his leadership on this issue, *which will place this issue's accountability where it belongs, with the Federal Government.* This is not a question of who is

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<sup>1</sup> Doc. 1 (6/02/2000) *Miami Tribe of Oklahoma v. Walden, et al.*, Case No. 4:00-cv-041420-JPG.

right and who is wrong, the Miami Tribe or the landowners. This is a question of who is going to take responsibility.<sup>2</sup>

Many others echoed Congressman Phelps' support, acknowledging that the Tribe should be given the opportunity to right serious historic wrongs, the responsibility for which, if proven, would fall on the United States and not the landowners of Illinois. For example, Congressman Timothy Johnson, the sponsor of H.R. 791, clarified that the legislation "enjoyed widespread support" and expressed that, while H.R. 791 (like H.R. 396) *did not* render a judgment on the merits of the Tribe's claim, "there is no question there have certainly been examples throughout history of wrongs committed on Native Americans."<sup>3</sup> Similarly, Speaker Dennis Hastert referred to H.R. 791 as "commonsense legislation" and stressed that the merits of the Tribe's claim based on the Treaty of Grouseland "can and should be made by experts."<sup>4</sup> Likewise, Congressman John Shimkus, whose district currently includes the lands subject to the Tribe's claim, described H.R. 791 as "straightforward and fair to both sides."<sup>5</sup>

Tribe withdrew its lawsuit, which remains unresolved, after considering the potential impact on the innocent land owners of east central Illinois and determining that 1) it did not wish to visit on them the kind of dispossession that occurred to the Tribe throughout the 19<sup>th</sup> Century; and 2) the real party in interest – the one who passed off title to land it had not purchased – was the United States.

H.R. 791 was however broadly opposed in Indian country because it attempted to extinguish all tribal claims. And, as a result, it stalled in committee and was not reintroduced by the Illinois delegation in the 108<sup>th</sup> or later Congresses. This was an unfortunate development in the eyes of the Miami Tribe. The Tribe's then-Chief Floyd Leonard wrote to the Committee considering H.R. 791 that the Miami Tribe believed that "fair and reasonable" federal legislation was the most appropriate vehicle for an expeditious resolution of the recognized treaty title claims of the Miami Tribe of Oklahoma to land, and related rights and interests, in the State of Illinois.<sup>6</sup> I have carried that belief forward to realize Chief Leonard's goal of achieving a fair and reasonable legislation solution - from H.R. 183 authored by Congressman Mullin in the 115<sup>th</sup> Congress to the current bill, H.R. 2827 authored by Congressman Cole.

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<sup>2</sup> *Legislative Hearing on H.R. 521 and H.R. 791 Before the Committee on Resources, U.S. House of Representatives, 107th Cong. 7 (2002), available at: <https://www.govinfo.gov/content/pkg/CH.R.G-107hH.R.g79494/pdf/CH.R.G-107hH.R.g79494.pdf>* (prepared statement of Congressman David Phelps) (emphasis added).

<sup>3</sup> *Id.* at 3 (testimony of Congressman Timothy V. Johnson).

<sup>4</sup> *Id.* at 79 (prepared statement of Congressman J. Dennis Hastert, Speaker of the U.S. House of Representatives).

<sup>5</sup> *Id.* at 5 (prepared statement of Congressman John Shimkus).

<sup>6</sup> Sadly, Chief Leonard became ill and passed several years later, not having seen his goal of a legislative resolution of the Illinois land claim achieved.

3. *H.R. 2827 not only allows your Tribe's claim to proceed, but it also permanently extinguishes your Tribe's claim to the Illinois lands at issue.*

A. *Why is the Tribe willing to permanently extinguish its land claim in exchange for the opportunity to pursue monetary damages?*

B. *Does this bill provide permanent finality for Illinois landowners?*

**Miami Tribe's Response:**

A. As I testified, the Tribe reconsidered its approach to the land claim and realized that it did not want to be party to a proceeding that might dispossess the residents of east central Illinois in the same manner as the Tribe was dispossessed by the United States. It was *precisely* the Illinois Delegation's legislation (H.R. 791 and S. 533) in the 107<sup>th</sup> Congress that gave the Tribe pause and that the Tribe embraced even though the house bill garnered widespread opposition in Indian Country. H.R. 2827, like H.R. 791 before it, affords the Tribe its day in court in a claim against the party responsible for the taking and affords the landowners the title relief that only Congress can provide.

B. Yes, H.R. 2827 provides Illinois landowners immediate statutory relief upon enactment into law.

4. *Can you explain why the Tribe did not file this Illinois claim during the Indian Claims Commission period?*

**Miami Tribe's Response:**

As I have testified previously, the limits placed on ICC jurisdiction made it ineffective for a claim like the Tribe's. The Tribe did not pursue any remedy for the Grouseland Treaty reserve before the Indian Claims Commission because that Commission awarded money damages in payment for inadequate compensation. The Tribe never ceded the land and was never compensated for any cessation. The Tribe, therefore, continued to hold title to the land, for which it intended to seek confirmation.

In 2000, the Tribe filed suit in federal district court seeking the remedy that the ICC could not grant.<sup>7</sup> As discussed in response to question number 2, above, an alternate solution was proposed by the Illinois delegation in the 107<sup>th</sup> Congress, which acknowledged that the Tribe should be given the opportunity to right serious historic wrongs, the responsibility for which, if proven, would fall on the United States and not the landowners of Illinois.

While H.R. 791 did not become law, the Tribe thought that the solution it proposed was more equitable. Tribe withdrew its federal court lawsuit, which remains unresolved, after considering the potential impact on the innocent land owners of east central Illinois and determining that 1) it

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<sup>7</sup> Doc. 1 (6/02/2000) *Miami Tribe of Oklahoma v. Walden, et al.*, Case No. 4:00-cv-041420-JPG.

did not wish to visit on them the kind of dispossession that occurred to the Tribe throughout the 19<sup>th</sup> Century; and 2) the real party in interest – the one who passed off title to land it had not purchased – was the United States. Tribe’s predecessor Chiefs and I remained committed to working with Congress to secure a legislative solution to the title issue, which has led to H.R. 2827 and S 550.

5. *H.R. 2827 extinguishes claims of the Miami Tribe and any predecessor in interest – can you explain who the Tribe understands to fall within that term?*

**Miami Tribe’s Response:**

The reference in H.R. 2827 to “the Miami Tribe and any predecessor in interest” was suggested to be added by the Committee’s staff. It is intended to cover the only the Tribes that were protected by Article IV of the 1805 Treaty of Grouseland, however constituted presently. The Miami and the Eel River Miami comprise the Miami Tribe of Oklahoma.<sup>8</sup> The purpose is to clarify that any prior band of Miami Indians is fully represented by the federally recognized Miami Tribe of Oklahoma, and that is the fact.

6. *If the Miami is successful in the Court of Federal Claims and is issued a monetary judgment, what does the Tribe intend to do with the funds it receives?*

**Miami Tribe’s Response:**

Two points are relevant to this question. First, any judgement in favor of the Miami Tribe will only be released from the Judgment Fund when the United States Department of the Interior has approved a “Judgment Fund Distribution Plan.”<sup>9</sup> Departmental approval requires core elements such as the identification of beneficiaries, use of funds proposals, investment strategies, protection against loss, experience and qualifications of investment advisors and consultants, and auditing and reporting requirements. That process involves the Department in the assessment of the prudence of the Tribe’s plan for the long-term benefit of the Tribe, and to assess the legitimacy of partners providing investment and management services.<sup>10</sup>

Second, while the Tribe cannot say with particularity what its Judgment Fund Distribution Plan will provide for, the Tribe’s plan is that any judgment will be protected as an embodiment of its land and the Tribe will not sell its land. What this means is that the Tribe intends to invest the judgment and to distribute only interest from that fund annually to fund essential governmental

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<sup>8</sup> *Miami Tribe of Oklahoma v. United States*, 5 Ind. Cl. Comm’n 180, 181 (1957). As previously testified to, the Wea ceded “all lands” in Illinois in the Treaty of October 29, 1832, 7 Stat. 410 and later confederated with the Peoria Tribe. *Peoria Tribe of Indians of Oklahoma v. United States*, 4 Ind. Cl. Comm’n 223 (1956).

<sup>9</sup> 25 U.S.C. Chapter 16 and 25 CFR Parts 87 and 1200 specify essential matters that must be addressed in a plan.

<sup>10</sup> The Judgment Fund Distribution Plan requirements appear to have been developed from lessons learned from the failures of the United States throughout the 19<sup>th</sup> and much of the 20<sup>th</sup> centuries as trustee of Tribal trust funds.

functions including health care, elder care and housing, education funding, land acquisition, and business development. In this model, the Tribe will harvest the produce of the fund annually and replant it in a manner that serves the Tribe's members forever.