



Miami Tribe of Oklahoma

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May 11, 2022

Hon. Teresa Leger Fernandez, Chair
Hon. Members of the Committee
Subcommittee for Indigenous Peoples of the United States
1324 Longworth House Office Building
Washington, DC 20515

Re: HR 6063 – Letter of MNI

Dear Chair Leger Fernandez and Members of the Subcommittee:

This letter responds to the letter filed with the Subcommittee by the Miami Nation of Indiana, Incorporated (the corporation). The corporation is a 501(c) 3 entity, lacking any powers vested in a federally-recognized Indian Tribe. The corporation has for years sought to usurp the authority of the Miami Tribe by sheer repetition of claiming to be something it is not. Its opinions are on behalf of an entity that, despite its dressed-up letterhead and created titles, is not a tribe, is not the Miami Tribe, and has a membership of unknown composition.

There is and only has ever been one Miami Tribe, and its government is located in Oklahoma. For this reason alone, we ask that the Committee recognize the entity for what it is and give its comments consideration commensurate with its status.

The Miami Tribe is the modern body politic, and the only sovereign tribal government, representing the interests of the Miami and Eel River tribes who signed the 1805 Treaty. Treaties are contracts between sovereigns,¹ and the Miami Tribe alone has the sovereign capacity to bring a claim vindicating the Tribe's rights under the Grouseland Treaty,² and alone has the sovereign capacity to agree to actions necessary to clear title to land that is currently clouded by the Tribe's claim. The corporation lacks any authority or capacity to take these steps.

Those Miami who remained in Indiana after the Tribe's forced removal in 1846 severed their tribal relationship, received land and became U.S. citizens. The Tribal government moved west to the

¹ *Washington v Washington State Com. Passenger Fishing Vessel Ass'n*, 443 U.S. 658, 675 (1979), *modified sub nom*, *Washington v. U.S.*, 444 U.S. 816 (1979).

² *Apache Stronghold v. U.S.*, 519 F. Supp. 591, 600 (D. Ariz. 2021) (“treaty rights are rights of signatory tribes not of individual Indians”) (citing *Washington*, 443 U.S. at 675). For example, despite the corporation's assertion, the Miami Tribe has the sole authority and standing to assert a treaty taking in violation of the 5th Amendment, as it is the sovereign to which the United States promised to protect the land from further cession.

Great Kansas Reservation³ and its relationship with the United States was administered through the Osage Agency⁴ of the Office of Indian Affairs. In 1867 the Tribe was again subject to forced removal, this time to the Indian Territory, with its seat of government in Ottawa County and its relationship with the United States administered through the Miami Agency of the Bureau of Indian Affairs. To be clear, the corporation's statement regarding two separately recognized tribes is false. The Tribe and its sovereign government moved west, first to the Kansas and then in the Indian Territory. Tribal membership was only ever with the one federally-recognized Miami Tribe.

Despite formally severing their relationship with the Miami Tribe in the 1800s, those in Indiana have been given a path to restoration of tribal membership by virtue of the Miami Tribe amending its Constitution in 1996. In fact, the Tribe currently has over 1,000 enrolled members residing in the Tribe's Indiana homelands, and over 400 recently enrolled members⁵ who specifically descend from those who severed their tribal relations 1846.

The essential fact is that the Tribe will exercise its sovereign authority to vindicate the Tribe's Treaty rights on behalf of all those whose ancestors were members at the time of the execution of the Treaty and the taking of land, but the authority to determine the manner and method by which those Treaty rights will be asserted is for the sovereign Miami Tribe alone to make. The corporation loosely purports to represent people and interests that the Tribe represents, and in fact only the Tribe can represent.

Thank you for the opportunity to respond and to clarify the record.

Sincerely,

A handwritten signature in cursive script that reads "Douglas Lankford".

Douglas Lankford, Chief
Miami Tribe of Oklahoma

³ The reservation was promised to be 500,000 acres, but ended up comprising 325,000 acres as the apparent result of a "mistaken survey." Anson, *Miami Indians*, 239-40.

⁴ Edward E. Hill, *The Office of Indian Affairs, 1824-1880: Historical Sketches* (New York: Clearwater Publishing Company, Ind., 1974), 130-31.

⁵ Notably, members of the corporation need not relinquish that membership when admitted to membership in the Tribe, because, of course, the corporation is not a tribe and dual enrollment is therefore not implicated.