

**WRITTEN STATEMENT OF
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WINNEBAGO TRIBE OF NEBRASKA**

**BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON INDIAN AND INSULAR AFFAIRS**

**LEGISLATIVE HEARING ON
“H.R. 1240 - THE WINNEBAGO LAND TRANSFER ACT OF 2023”
JUNE 7, 2023**

Chairwoman Hageman, Ranking Member Leger Fernandez and Members of the Committee, thank you for holding this important hearing today.

My name is Victoria Kitcheyan, and I am the Chairwoman of the Winnebago Tribe of Nebraska. I am here to tell our story of forced removals by the United States Army, our reservation that was established by treaty along the banks of the Missouri River, and the wrongful condemnation of our lands by the United States Army Corps of Engineers.

Today, the Winnebagos make our home on a reservation along the hills and banks of the Missouri River in Northeastern Nebraska and Northwestern Iowa. We have over 5,000 tribal members and tribal enterprises that employ thousands of employees in Nebraska and Iowa and around the world.

The Winnebago people are originally from present-day Wisconsin. In the mid-1800s, our people were forcibly removed by the United States Army from Wisconsin to Minnesota, Iowa, South Dakota, and finally in 1865 to the Winnebago Indian Reservation in Nebraska and Iowa. Our treaty promised that land was “set apart for the occupation and future home of the Winnebago Indians, **forever**....” I will say that again - Forever.

Unfortunately, the United States did not live up to this promise. After enduring a history of removals, a portion of our land, reserved by treaty, was still taken from us as recently as 1970 – only 53 years ago. At that time, the U.S. Army Corps began condemning lands along the Missouri River including our lands reserved by treaty, which was then broken.

In 1970, the Army Corps improperly and illegally condemned almost 2,000 acres of land of our reservation in Iowa and Nebraska. The Corps filed two condemnation proceedings against the Tribe, one in Iowa and one in Nebraska. As trustee, the U.S. should defend the Tribe as part of its trust responsibility for our land. However, because the Army Corps itself is a federal entity, the U.S. could not defend the Tribe’s interests. The Tribe had to defend its own interests in multiple lawsuits, in multiple states, in multiple courts, on extremely short notice and with limited resources. One of our councilmen at the time, Louis “Louie” Larose, tells an account that the Tribe only had one day get a lawyer to defend its lands.

The Tribe initially lost in both courts. When the Tribe appealed to the federal Court of Appeals, the Tribe prevailed in its lawsuit in Nebraska. The Appeals Court found that the Army Corps did not have Congressional authorization to condemn our Reservation lands.

The Tribe also appealed the Iowa case to the federal Court of Appeals. After years of litigation and appeals, the Eighth Circuit Court of Appeals found that the condemnation was illegal, but the Court did not have the authority to order the Army Corps to return the land to the Tribe because of *res judicata*, *the matter was already decided*.

To this day, the Tribe has been fighting for the return of our land. The Tribe has exhausted its remedies in the court system. After decades of seeking redress from the U.S. Army Corps and United States Department of the Interior (“Interior”), the Tribe was told to go to Congress. So we did.

The Winnebago Land Transfer Act of 2023 was introduced to right this wrong and restore our homelands. We thank the legislation’s bi-partisan sponsor and original co-sponsors: Representative Randy Feenstra, our congressman on the Iowa side of our reservation where these lands are located; Representative Sharice Davids, a member of our sister tribe, the Ho-Chunk Nation; Representative Mike Flood; Representative Zach Nunn; and Representative Adrian Smith. We are grateful that the U.S. Department of the Interior supports our legislation. Secretary Deb Haaland, the first Native American Secretary, has made restoration of tribal homelands one of her top priorities.

The bill would transfer the Tribe’s former reservation lands from the Army Corps back to the Department of the Interior to be held in trust for the Tribe. The land in this bill is mostly woodland and marsh along the Iowa side of the Missouri River and a recreational, hunting and fishing area. Once restored to us, the Winnebago Wildlife and Parks Department would be responsible for this land, just like all our land. The Department oversees hunting and fishing on 10,000 acres of woodland on the Nebraska side of the Missouri River. Hunters come from all over the country to hunt at Winnebago. The Department has the experience and resources to regulate recreational and conservation activities and ensure laws and regulations are enforced. The Department’s website provides information on fees and regulations and offers an online process to obtain hunting and fishing licenses. The Tribe would not make much change to the conservation measures in place now by the U.S. Army Corps and the State of Iowa Department of Natural Resources.

Upon passage of our legislation, we hope that the U.S. Army Corps of Engineers makes the timely and efficient transfer of the land back to us a priority. Only then would the United States right this wrong and ensure that our Tribe’s homelands are protected, respected, and preserved.

For more than 50 years, the Winnebago People have waited for this land to be returned. Councilman Larose has served on the Winnebago Tribal Council intermittently for the past 50 years. He was the Tribe’s Chairman in the early 1970s when the land at Snyder’s Bend was illegally condemned by the United States Army Corps of Engineers. He bore witness to the proceedings where our lands were lost. He sits on the Council today and has fought hard for the

return of these lands. During his service to the Tribe, he has not given up on getting our land back, and we have never been closer to the moment when our land will finally be returned to the Tribe.

Homelands are the lifeblood of American Indians, Alaska Natives and Native Hawaiians. Our legislation is a prime example and an opportunity for a wrong to be made right. Congress must do everything it can to protect all tribal homelands.

We ask for your support in this important legislation. It is time for Congress to act and pass this bill to restore the promises our country made to us in a treaty -- the supreme law of the land.