

**STATEMENT OF
VICTORIA KITCHEYAN
CHAIRWOMAN
WINNEBAGO TRIBE OF NEBRASKA
BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE FOR INDIGENOUS PEOPLES OF THE UNITED STATES
LEGISLATIVE HEARING ON
“H.R.2402 - THE WINNEBAGO LAND TRANSFER ACT OF 2021”
OCTOBER 5, 2021**

Good Afternoon Chairwoman Leger Fernandez, Ranking Member Young and Members of the Committee. Thank you for holding this 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 along the banks of the Missouri River and the wrongful condemnation of our lands by the United States Army Corps of Engineers.

I want to thank Congressman Fortenberry for introducing the Winnebago Land Transfer Act of 2021 and his commitment to the Winnebago People to righting this wrong. We also thank the bipartisan original co-sponsors, Representative Sharice Davids, a member of our sister tribe, the Ho-Chunk Nation, Representative Darren Soto, an esteemed member of this subcommittee, and Representative Randy Feenstra, our congressman on the Iowa side of our reservation where these lands are located.

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 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’ll say that again - Forever.

Unfortunately, the U.S. did not live up to this promise. In 1970, the Army Corps improperly and illegally condemned almost 2,000 acres of land of our reservation in Iowa and Nebraska. They filed two condemnation proceedings against the Tribe, one in Iowa and one in Nebraska. Usually, the U.S. would be required to 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 our 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 councilman at

the time, Louie Larose, tells an account that the Tribe only had one day get a lawyer to defend its lands.

The Tribe 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. The Eighth Circuit found that the condemnation of the Iowa land was improper but because the Tribe's attorney did not preserve the issue for appeal, the land was not returned to the tribe due to *res judicata*.

The Tribe has been fighting for return of our land ever since. The Tribe exhausted its remedies in the court system. Congressional relief is our last hope. After 50 years, the Winnebago People deserve to have this injustice rectified.

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. If restored to us, the Winnebago Wildlife and Parks Department would be responsible for this land just like all of our land. The Department oversees hunting and on 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 Winnebago laws and regulations are enforced. The Department's website provides information on fees and regulations and offers 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.

For 50 years, the Winnebago People have waited for their land to be returned. This bill has now been introduced in Congress three times. We hope the third time is a charm. We hope 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.