

**WRITTEN STATEMENT OF
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BEFORE THE
UNITED STATES SENATE
COMMITTEE ON INDIAN AFFAIRS
LEGISLATIVE HEARING ON
“S. 3230 - THE WINNEBAGO LAND TRANSFER ACT OF 2023”
FEBRUARY 8, 2024**

INTRODUCTION

Good morning Chairman Schatz, Vice Chairman Murkowski, and Members of the Senate Committee on Indian Affairs. My name is Victoria Kitcheyan, and I have the honor of serving as the Chairwoman of the Winnebago Tribe of Nebraska (“Tribe” or “Winnebago”). Thank you for holding this hearing on S. 3230, the Winnebago Land Transfer Act, which would restore a portion of our homelands that were illegally taken from the Tribe decades ago.

I. BACKGROUND ON WINNEBAGO TRIBE

In the mid-1800s, the Winnebago 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....” Today, the Winnebago people make our home on a reservation along the hills and banks of the Missouri River in Northeastern Nebraska and Northwestern Iowa.

II. NEED FOR LEGISLATION

Over 150 years after my ancestors made their marks on our 1865 Treaty, I am here fighting to ensure that the federal government lives up to the obligations it made in that agreement. I am carrying forward the work of Winnebago leaders that came before me, including the late Louis LaRose, who served on the Winnebago Tribal Council intermittently for the past 50 years.

Louis was elected to the Tribal Council at the age of 26, then became chairman at just 28 years old. It was during his time as chairman in the early 1970s when the U.S. Army Corps of Engineers (“Army Corps”) improperly and illegally condemned approximately 1,600 acres of our reservation in Iowa and Nebraska for a proposed recreation project, a project that never came to fruition.

The Army Corps filed two condemnation proceedings against the Tribe, one in Iowa and one in Nebraska. As trustee, the U.S. should have defended 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. Therefore, the Tribe had to defend its own interests in multiple lawsuits, in multiple states, in multiple courts, and on extremely short notice with

limited resources. Louie would share a story about the Tribe having only one day to get a lawyer to defend our lands.

The Tribe initially lost in both the U.S. District Court of Nebraska and U.S. District Court for the Northern District of Iowa, Western Division. However, when the Tribe appealed to the federal Court of Appeals, we prevailed in our lawsuit in Nebraska. The Appeals Court found that the Army Corps did not have Congressional authorization to condemn our reservation lands.

We 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.

The Tribe has exhausted its remedies in the court system, and we've been unable to obtain redress from the Army Corps, nor the Department of the Interior. So, the Winnebago Tribe is here today to urge Congress to return those lands to the Tribe by enacting the Winnebago Land Transfer Act.

III. BILL OVERVIEW

The Winnebago Land Transfer Act is a testament to the Winnebago peoples' persistence, determination, and commitment to being a good neighbor. Our approach led to the introduction of bicameral, bipartisan legislation that is supported by our entire Congressional delegation, the Department of the Interior, as well as many stakeholders.

The bill would transfer approximately 1,600 acres of 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 being returned to the Tribe is mostly woodland and marsh along the Iowa side of the Missouri River that is primarily used for recreational hunting and fishing. For the Winnebago people, we also have a strong cultural connection to this land as it contains many of our traditional medicines.

The lands that are the subject of the bill are currently maintained by the Iowa Department of Natural Resources ("DNR") who supports this legislation. In fact, the latest renewal agreement of the license between the Iowa DNR and the Army Corps includes a provision that anticipates the return of the land to the Winnebago Tribe.

Once restored to the Tribe, the Winnebago Wildlife and Parks Department ("Department") would be responsible for managing this land. Our Department has the experience and resources to regulate recreational and conservation activities and ensure laws and regulations are enforced, as well as a strong commitment to improve the overall management of these lands. It currently oversees hunting and fishing on 10,000 acres of woodland on the Nebraska side of the Missouri River, where hunters from all over the country come to hunt.

The Tribe has no intention of making any major changes to the conservation measures in place now by the Army Corps and the Iowa DNR. Further, those hunting and fishing on the land will only have to pay a fee to the Tribe, not both the Tribe and the Iowa DNR. Our Department's

website will provide information on fees and regulations and offers an online process to obtain hunting and fishing licenses.

IV. SUPPORT FOR LEGISLATION

The Winnebago people have waited for more than 50 years to have the lands that were wrongfully seized by the Army Corps returned to the Tribe. The Tribe is very thankful to have so many champions of that effort here in Congress. We greatly appreciate Senator Fischer, Senator Grassley, Senator Ricketts, and Senator Ernst introducing and championing the Winnebago Land Transfer Act in the Senate.

Earlier this week, the House of Representatives approved the Winnebago Land Transfer Act. This historic moment would not have been possible without the strong support of 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; Representative Adrian Smith; Representative Mariannette Miller-Meeks; Representative Don Bacon; and Representative Ashley Hinson.

CONCLUSION

Our late Chairman Louis LaRose fought tirelessly to see these lands returned to the Winnebago people throughout his distinguished career, a career that included many significant achievements, initiatives, and movements on behalf of our people, and on behalf of Indian Country. Sadly, he passed away the day after the Winnebago Land Transfer Act was introduced in the Senate. Louis started the work which led to the development of the bill, and now the Tribal Council is determined to help send this legislation to the President's desk in his name and honor.

The Winnebago Tribe urges the Committee and full Senate to approve the Winnebago Land Transfer Act. Through the enactment of this legislation, the United States would correct an injustice and ensure that our Tribe's homelands are protected, respected, and preserved. Thank you again for the opportunity to testify on S. 3230, the Winnebago Land Transfer Act.