

## Nation v. Municipality: Indigenous Land Recovery, Settler Resentment, and Taxation on the Oneida Reservation

**IN 2002 ONEIDA NATION CITIZEN** Hugh Danforth saw the coming trouble with Hobart, a majority non-Native Wisconsin municipality located entirely within the treaty boundaries of the Oneida Reservation.<sup>1</sup> As the wealthy suburban town of Hobart formally became a village, it gained a greater degree of autonomous home rule. Danforth took to the pages of the tribal newspaper, *Kalihwisaks* (“She Looks for News”). “Hobart is an urban cancer that will destroy our reservation, our adopted homeland, and our sovereignty if we don’t do something about it,” he warned.<sup>2</sup> Writing on another occasion, Danforth urged, “It will be harder for the Oneida Nation to buy back land and it will be harder for the Oneida Nation to put land into trust if Hobart becomes a village.”<sup>3</sup> He was right. Within a few years, the historically strained relations between the Oneida Nation and the municipal government of Hobart erupted into an ongoing legal battle over the future of their shared territory.

Hobart was born amid a set of competing goals. The Oneida people lost ownership of all but a couple thousand acres of their more than sixty-five-thousand-acre reservation following the implementation of the Dawes General Allotment Act (1887).<sup>4</sup> As the *Daily State Gazette* noted in 1890, an Oneida general council voted unanimously to pursue the creation of towns on the reservation.<sup>5</sup> A decade later, when land speculators began gradually encroaching within the reservation, Wisconsin State Assemblyman J. F. Martin proposed that the Oneida Reservation be divided into two townships. Joseph C. Hart, the federal Indian agent at Oneida, purportedly favored Martin’s vision for the reservation’s future. One local newspaper declared that “up to the present time the Indians have escaped taxation, but under the township system of government, they will be obliged to pay their fair share of the burdens.”<sup>6</sup>

The proponents of creating the two towns argued that they would bring much-needed resources for infrastructure improvements that would benefit the Oneidas. Moreover, according to the *Post-Crescent*, published in nearby

Appleton, establishing town governments that could collect taxes “would speedily mean the building of roads and opening the reservation for white settlers.”<sup>7</sup> With a small but growing number of non-Native property owners within the reservation boundaries, the newly established governments of the Town of Hobart (1908) and the Town of Oneida (1910) were both led by tribal members.<sup>8</sup> As Oneidas gradually became the minority within their own treaty territory, however, they lost political control of Hobart.

When the towns were established, nobody—Native or non-Native—imagined that a century later the Oneida Nation would be in a position to buy back so much of the reservation that their white neighbors would feel under assault by a tribal government whose land base was rapidly growing. The Oneida Nation had reacquired ownership of tens of thousands of acres by the early 2000s, and each acre of reservation land they placed back into federal trust meant one less acre from which the nation’s neighboring municipal governments could draw tax revenue. With Hobart being heavily dependent upon property taxes, transitioning to a village government was an important first step toward enacting their own long-term vision for the land. In Wisconsin, village governments have greater authority than town governments to create tax incremental districts (TIDs) as a mechanism to support development projects that help raise property values. “The village of Hobart Board is mainly interested in growth,” Hugh Danforth remarked, and that stood in contrast to the Oneida Nation’s vision of preserving the reservation’s rural character.<sup>9</sup>

Beginning in the late 1990s and early 2000s, the Oneida Nation had signed service agreements with several other neighboring governments whose jurisdiction overlaps the nation’s: Brown County, the City of Green Bay, and the Village of Ashwaubenon. In light of a complex and checkerboarded reservation map that contains both taxable property in fee simple and numerous nontaxable parcels held in federal trust, these service agreements have provided a reasonable solution for compensating local governments for services such as road improvements and fire services that are made available to tribal members residing on trust land.<sup>10</sup> As Ho-Chunk Nation chairman John Greendeer remarked in an address to the Wisconsin State Assembly, “Payments in lieu of taxes, those are taxes.”<sup>11</sup> The Oneida Nation and Village of Hobart had reached an impasse in negotiating a service agreement. “Why can’t the Village of Hobart officials establish a working relationship with the Oneida Nation?” a frustrated Hobart resident wrote in *Kalihwisaks*. “Having overlapping jurisdiction with the Oneida Nation is a tremendous opportunity for Hobart but it’s been treated as a liability,” he continued, perhaps referring to the nation having long been one of the biggest employers in the Green Bay area.<sup>12</sup>

By 2008 the tensions over taxation had escalated and soon Hobart not only challenged the legitimacy of the Oneida Nation's sovereignty but also called into question the basic tenets of federal Indian law and policy writ large. This dispute between the Oneida Nation and their white neighbors provides a case study for how indigeneity, property rights, and settler colonialism all collided in a moment of Wisconsin and U.S. history characterized by economic anxiety and the politics of resentment. Amid the Great Recession and embattled Governor Scott Walker's antagonism against public employees, the Village of Hobart's leaders set their sights on a tribal government they regarded as greedy and bloated with federal aid and tax exemptions.<sup>13</sup> Although struggles for Indigenous sovereignty are most often viewed through the lens of nation-to-nation relationships with the U.S. federal government, tribal relationships with local municipal governments are also crucial sites for understanding the realization of Indigenous autonomy and recovery.<sup>14</sup> Anthropologist Thomas Biolsi has astutely argued that the system of federal Indian law and policy indeed creates such intergovernmental conflict, pitting the interests of Indigenous nations and their neighbors against one another.<sup>15</sup>

The path to reacquiring ownership of reservation land is full of barriers. The intergovernmental conflict between the Oneida Nation and the Village of Hobart is a story about what happens when Indigenous power jeopardizes settler authority on a local scale.

Allotment was catastrophically effective at dispossessing Indigenous people of title to ninety million acres of reservation homelands; when the Indian Reorganization Act (1934) formally halted allotment, it empowered the Secretary of the Interior to place reservation lands back into tax-free federal trust.<sup>16</sup> For decades, the acreage that tribes, including the Oneida Nation of Wisconsin, bought back and placed back into trust status amounted to a trickle. For some Indigenous nations, the growth of casino gaming following the landmark decision *California v. Cabazon Band of Mission Indians* (1987) and the resulting Indian Gaming Regulatory Act (1988) opened the door to much more rapid land reacquisition.<sup>17</sup>

The Oneida Nation of Wisconsin eagerly pursued the recovery of land ownership within their reservation, having adopted an ambitious goal in 1998 to reacquire 51 percent of the land inside its boundaries.<sup>18</sup> These efforts transformed the Oneida Nation's relationship with their non-Indigenous neighbors who had become the majority of the reservation's residents in the decades that followed allotment.<sup>19</sup> In fact, one way to assess the extent of the Oneida Nation's success in nation rebuilding is to observe how defensive their non-Native neighbors became as the nation's political and economic clout grew. The Village of Hobart's leaders rallied around defending



**FIGURE 1.** The boundaries of the Oneida Nation's reservation. Map data copyright 2019 Google.



**FIGURE 2.** The boundaries of the village of Hobart. Map data copyright 2019 Google.

their diminishing tax base, seeing themselves as losing ground to vindictive, expansionist Indians.<sup>20</sup>

In November 2004 the Oneida Nation and the Village of Hobart signed a three-year agreement regarding the services provided on trust lands located within the village. In signing the document, the Hobart officials recognized that “under the laws of the State of Wisconsin and the United States of America, [the village] is required to provide certain services to the Oneida Nation properties regardless of fee or trust status of the land.” However, the two parties affirmed one another as “good neighbors . . . [that] desire the spirit of cooperation to continue between the two governments.”<sup>21</sup> The village agreed to provide primary fire protection and backup police, ambulance, and first responder services, as well as street improvements. Likewise, the tribe agreed to provide the village with backup services, took on primary responsibility for most of their own emergency services, and consented to pay the village an agreed-upon amount for those services. By 2007 the tribe had paid over \$491,000 to the village under the terms of the agreement.<sup>22</sup>

As part of the 2004 service agreement, however, the Village agreed that it would not “oppose the Oneida Nation’s attempt to place fee land into trust,” including properties owned by the tribe when the agreement became effective.<sup>23</sup> In October 2007, however—one month before the agreement was set to expire—the president of the Village of Hobart, Richard Heidel, wrote to the Bureau of Indian Affairs Midwest Regional Office to oppose the fee-to-trust applications for parcels that the tribe had purchased in 1995, 1999, and 2001. Heidel characterized the Oneida Nation’s actions as “an aggressive on-going effort” to recover their reservation lands. Noting that the tribe had already reclaimed ownership of 32 percent of the land within the village, Heidel expressed concern that “the amount and pattern of land acquisition and trust status have a cumulative impact on the Village that is eroding its tax base, its ability to extend public utilities, and its ability to manage land use. In short, the Village’s ability to remain an effective local government is being jeopardized as the Village finds itself being annexed from within.” Heidel remarked that legal action was straining the possibilities of a productive long-term relationship between the two governments. “The Tribe is not merely acquiring large amounts of land,” he wrote, “but they are doing so in a pattern, which results in isolating portions of the Village from other portions of the Village and disrupting road utility corridors.”<sup>24</sup> During the 2000s, the nation and the village had responded tit for tat to each other’s initiatives. In 2001, for instance, when the village invested over \$3 million in developing roads and infrastructure to create a 490-acre business/industrial park, the nation purchased more than 75 percent of the land within the proposed site

and informed the village that it had no intention of developing the land.<sup>25</sup> Furthermore, given the fact that the tribe already owned thousands of acres of trust land, Heidel remarked that “the Village does not see the need for additional land to be given trust status,” suggesting that the tribe should be content with having reacquired significant acreage already.<sup>26</sup>

In an act signaling their increasing frustration with the Oneida Nation, Hobart officials voiced their opinion on Indigenous political debates that extended far beyond the boundaries of the Oneida Nation. Since 2000 U.S. senator Daniel Akaka (D-HI) has presented various versions of the Native Hawaiian Government Reorganization Act (better known as the Akaka Bill) to Congress. The bill, which has never been adopted, proposes to reorganize Native Hawaiians into a federally recognized entity that would engage in government-to-government relations in a manner similar to American Indian tribes. After the bill was brought before Congress again in 2007, five members of the Hobart village board wrote Congressman Steve Kagen and Senators Herb Kohl and Russ Feingold expressing their opposition. “The proposed legislation would dedicate scarce financial resources to promote ethnic divisions within our great nation,” the board members stated. The act would cost \$1 million per year to implement, and the Hobart officials expressed concern that those funds would be better directed to the needy. They did not identify Native Hawaiians as needy, nor did they acknowledge the 1893 annexation of the Kingdom of Hawaii to be an unjust act. Rather, the Hobart board wrote, the Akaka Bill “sets a precedent for thousands of Native American groups to seek federal recognition as independent Tribes . . . [that] may refuse to adhere to local zoning or environmental regulations, refuse to collect or remit sales and excise taxes owed on non-tribal transactions, and may impart greater influence over elections due to their exemption from campaign contribution laws.”<sup>27</sup> Hobart officials feared Congress would open the door to increased levels of Indigenous autonomy throughout the United States.

The village’s immediate focus, however, remained fixed on taxes. Hobart’s tax revenue was draining away due not only to the Oneida Nation’s casino-financed land buy-backs but also to annexation by the neighboring City of Green Bay and Village of Ashwaubenon. Hobart’s leaders used the centennial of the town’s founding in 1908 as an occasion to stake their own vision of the future. The Village of Hobart purchased 350 acres of farmland in 2008 to create a TID and a downtown where one did not presently exist. Village officials dubbed the new downtown the “Centennial Centre at Hobart, to honor its launch in our centennial year, to honor the founders and settlers of this community, and to ensure the economic sustainability of Hobart’s next 100 years.”<sup>28</sup> In a promotional brochure that labeled the Centennial Centre

“a developer and land buyer’s dream” and “a location with staying power,” village officials advertised that they would fast-track developer approval.<sup>29</sup> The Centennial Centre would feature retail businesses, light manufacturing, a village square, parks and trails, and single-family and multifamily residential areas. According to *Marketplace Magazine* (a publication based in Oshkosh, Wisconsin), in 2010 it was “expected to bring \$43 million to \$45 million in residential and commercial development to the village within the next eight years.”<sup>30</sup>

The Oneida Nation attempted to block the development of the Centennial Centre. “About the time the ink dried on the acquired Village property,” a Hobart newsletter noted, the tribe purchased a seventeen-acre, L-shaped parcel that prevented the village from extending infrastructure, including a sewer line, to the site it had just acquired.<sup>31</sup> When the village attempted to exercise eminent domain over the lands recently acquired by the tribe, the Oneida Nation sued Hobart in federal court. The tribe lost. In March 2008 Judge William C. Griesbach ruled that “the fee land within the original boundaries of the Tribe’s reservation which was allotted pursuant to federal law, transferred to the third parties, and subsequently acquired by the Tribe in fee simple on the open market, is subject to the Village’s power of eminent domain.”<sup>32</sup>

With the development of Centennial Centre under way and a legal victory against the Oneida Nation, the rhetoric emerging from the village of Hobart intensified. In a community forum in early 2008, the Village sponsored a lecture by Elaine Willman on the topics of, according to the advertisement in the village newsletter, “Homeland Security and the 2010 Census, as they both relate to Hobart and the borders we share with the Oneida Tribe.”<sup>33</sup> According to tribal attorney Rebecca Webster, however, “instead, Ms. Willman advocated for the abolition of tribal governments, with specific reference to the [Oneida] Tribe.”<sup>34</sup> That came as no surprise, as Elaine Willman was once the chairperson of the most influential antisovereignty organization in the United States, the Citizens Equal Rights Alliance (CERA). The Wisconsin-based CERA has attracted the attention of the Southern Poverty Law Center, which monitors hate groups and has criticized CERA’s “implicit white nationalism,” labeling the group “anti-Indian.”<sup>35</sup>

The roots of the contemporary antisovereignty movement and organizations such as CERA can be traced back decades. Political scientist Jeffrey Dudas has examined countermovements that formed in opposition to Indigenous rights, specifically anticasinomovements. In Dudas’s view, the antisovereignty movement is part of the New Right’s broader post-civil rights backlash and its opposition to “special rights” in the form of affirmative action.<sup>36</sup> The antisovereignty movement, Dudas argues, is “historically

specific, emerging from a collective worldview that represents the egalitarian changes of the latter half of the twentieth century as confirmation of America's historic commitment to the principles of nondiscrimination and equal rights."<sup>37</sup> As Dudas reveals, the New Right often does not recognize Indigenous rights as underwritten by treaties between two sovereigns but rather construes them as illegitimate preferential policies. Moreover, antisovereignty advocates argue that Indigenous rights fly in the face of time-honored normative American values such as individuality, meritocracy, and equality. In order to dismantle tribal sovereignty, such advocates attempt to reposition Indigenous rights as a cause of immoral inequality. Not far from the Oneida Nation, white residents of northern Wisconsin during the late 1980s and early 1990s engaged in heated, even violent, confrontations at boat landings in opposition to the exercise of Ojibwe treaty-guaranteed spearfishing rights.<sup>38</sup>

Although the antisovereignty movement is relatively small, its literature can fill a bookshelf. Ruth Packwood Scofield's 1972 book, *Americans behind the Buckskin Curtain*, was a seminal text in the movement, expressing its support of the termination policy by equating tribalism with Communism.<sup>39</sup> The work of anthropologist James A. Clifton, who retired as professor emeritus at the University of Wisconsin—Green Bay, took a conspiratorial tone. In his edited volume, *The Invented Indian* (1990), Clifton alleged the existence of a "New Indian Ring" perpetuating dangerous "cultural fictions." This cabal of scholars, bureaucrats, attorneys, and publishers, Clifton claimed, operates according to the "Eleventh Commandment . . . 'Thou Shall Not Say No to an Indian.'"<sup>40</sup> The range of antisovereignty literature includes self-published books such as Elaine Willman's *Going to Pieces: The Dismantling of the United States of America* and websites such as "Aloha 4 All."<sup>41</sup> Tom Flanagan's *First Nations? Second Thoughts*, on the other hand, has enjoyed mainstream success in Canada, winning accolades and now in a second edition published by McGill-Queens University Press. Like Clifton, Flanagan identifies an "aboriginal orthodoxy . . . widely shared among aboriginal leaders, government officials and academic experts" and warns of a bleak future should this orthodoxy remain in place: "Canada will be redefined as a multinational state embracing an archipelago of aboriginal nations that own a third of Canada's land mass, are immune from federal and provincial taxation, are supported by transfer payments from citizens who do pay taxes, are able to opt out of federal and provincial legislation, and engage in 'nation to nation' diplomacy with whatever is left of Canada."<sup>42</sup> As the leaders of the village of Hobart laid plans for their future, they recruited Elaine Willman, the matriarch of CERA, as a full-time employee to lead their efforts.



Willman's reputation as a prominent antisovereignty organizer preceded her, and the news of her hire sent a clear signal to the tribal government that the village was squaring off for a protracted battle. In February 2008, merely a month after her arrival in Wisconsin, the tribal government passed a resolution that ceased all negotiations with the village: "NOW THEREFORE BE IT RESOLVED, that the Oneida Tribe of Indians of Wisconsin will not enter into service agreement negotiations with the Village of Hobart until such time as the Village Board formally recognizes the right of the Oneida Tribe to maintain its own government and exercise jurisdiction within its Reservation, and the Village Board abandons assimilationist rhetoric and attempts to change federal Indian policy to the detriment of the Oneida Tribe."<sup>43</sup> The resolution signaled a complete collapse in diplomacy between the tribal government and the village, and from that point forward both parties became increasingly antagonistic toward one another.

Willman was born in Portland, Oregon, and raised in Spokane, Washington. After earning a master's degree in public affairs, Willman was hired as community development director for the City of Toppenish, Washington, in 1992, a position that she held for sixteen years. Toppenish lies in the middle of the Yakama Indian Reservation, what Willman referred to in an interview as a "real reservation," in contrast to the Oneida Nation. Recalling her first eight years in Toppenish, Willman remarked that relations among Indians and non-Indians living within the bounds of the reservation were characterized by "decades of really good rapport," and indeed, "everybody got along pretty well." Upon the opening of a tribal casino in 2000, however, life inside the Yakama Reservation changed dramatically. "It was like a different day there," Willman remarked. Shortly thereafter, the tribal government began expressing an interest in banning alcohol on the reservation, gaining control of a power utility, and taking over and breaching a dam. "And all of a sudden this quiet, complacent, compliant, and cooperative tribal government was really worrying people," Willman stated, suggesting that the proper role of Indigenous nations is to be quiet, complacent, and compliant with their settler occupants.<sup>44</sup>

Prior to 2000 Willman had no knowledge of federal Indian policy, but the changes in Toppenish following the opening of the tribe's casino sparked her interest. "[Federal Indian policy] had never concerned me," Willman recalled during our interview, "until I was about to be taxed by a government that didn't represent me, and that got my attention." She soon became involved in CERA, becoming its chair in 2002. She left Toppenish and her position as CERA chair to become director of community development and tribal affairs for the Village of Hobart. "I came here for a reason," Willman remarked, "[and] part of the reason was the Oneida Tribe itself." Willman noted that the

Oneida Nation is among the most successful tribes in the United States and not only economically savvy but also politically influential. Consequently, addressing the conflict between the tribe and Hobart could set a precedent for other municipalities with non-Indian majorities located within Indian reservations to curtail tribal sovereignty.<sup>45</sup>

Willman and Hobart's leaders regarded the Oneida Nation's wealth and influence as posing an existential threat to the village. As they saw it, the tribe's stated mission to buy back all of the land within the reservation and place it back into trust status was not reversing the effects of a historical injustice; rather, it was an assault upon the village and its non-Native residents. According to Willman, "When they say take back the reservation, they're really saying take down the representative government of the property owners who already live here, and that's pretty severe." The conflict was Willman's motivation for accepting the position with the village. "If there's a place, if there's a zip code in the country where we could look at these conflicts between tribal government and the host communities they are located in," Willman stated, "if there's a place we can start solving the problem, then it's probably Hobart."<sup>46</sup> Willman's choice of the phrase "host community" to describe Hobart hinted at her broader perspective of the relationship between the two governments: the village did not fall within the boundaries of an Indigenous nation, she argued, because the Oneida Reservation supposedly ceased to exist after allotment. If Hobart was to be "the point man on the rifle squad," as village board president Richard Heidel allegedly remarked, then Elaine Willman was a hired gun.<sup>47</sup>

Now that Willman was leading Hobart's campaign against the tribe, the village leaders' arguments increasingly emphasized what they saw as the limits of the Oneida Nation's jurisdiction and also called into question the very existence of the tribe as a valid legal entity. Hobart leaders offered a competing narrative of Oneida history, which held that the tribe was gradually phased out of existence during the late nineteenth and early twentieth centuries, the same period in which tribal members first launched a conscious movement to rebuild the reservation following allotment and assimilation. The village also maintained that the tribe, acting under the terms of the Indian Reorganization Act of 1934, had restored a system of self-governance that was completely defunct. Willman and the Hobart government thus argued that the Oneida Nation did not exist until it became a chartered incorporation in 1937. Hobart's claim is an important one in light of *Carcieri v. Salazar* (2009), which ruled that lands cannot be placed back into trust for tribes that were not under federal jurisdiction when the Indian Reorganization Act was enacted in 1934.<sup>48</sup>

Willman argued that because tribal members voted to implement the

Dawes Act on their reservation and subsequently even celebrated their U.S. citizenship, they were no longer tribal members. “The day they received their allotment they became Wisconsin citizens,” Willman remarked, “and part of that process involved walking away from any tribal government, foreswearing their tribal government.”<sup>49</sup> Carol Cornelius, former area manager of the Oneida Tribe’s Cultural Heritage Department, refuted the claim that the majority of Oneidas ever supported allotment. “Proposals to allot the reservation were highly contentious for the Oneidas,” Cornelius wrote in an affidavit. “People walked out on meetings discussing allotments because they were so disgusted with the allotment proposal, so early votes did not accurately reflect the level of Oneida opposition to allotment,” according to Cornelius.<sup>50</sup> Even if the majority of Oneidas had supported allotment, however, to do so would not have meant “walking away” from their self-government.

A point of particular importance in Willman’s argument is that as early as the 1890s, some Oneidas expressed interest in creating two Wisconsin municipalities within the bounds of the reservation, and after the formal creation of the town of Hobart in 1908, many Oneidas held elected positions within the new town.<sup>51</sup> Tribal members endorsing the creation of municipalities within the reservation, however, did not signify the end of their self-governance as a federally recognized Indigenous nation. In 1906 the Oneidas created a new committee—the Business Committee—which, according to Cornelius, sought to “protect the interests of the Oneida people with respect to the sale of inherited lands, and repair of roads and bridges and to advocate for the Tribe for money owed by the federal government.” At that time, the tribe also created several new elected positions, which included clerks, ballot clerks, and inspectors. Tribal self-government continued after the creation of the towns on the reservation, as evidenced by the fact that in 1911 the Oneidas rejected the federal government’s offer of a lump-sum payment to abrogate the annuity obligation under the Treaty of 1794.<sup>52</sup>

Furthermore, it is unclear why gaining U.S. citizenship would have entailed the loss of tribal citizenship. If the federal government no longer considered the Wisconsin Oneidas a recognized sovereign entity, then why did the Bureau of Indian Affairs (BIA) maintain continuous government-to-government relations with the Oneidas before, during, and after the reservation’s allotment? And if Wisconsin Oneida sovereignty had already been extinguished, why did the BIA target the Oneidas for termination in the 1950s? In *The Third Space of Sovereignty*, Kevin Bruyneel argues that the U.S. Supreme Court, along with groups like CERA, “increasingly views tribal sovereignty as a political expression that is out of (another) time.”<sup>53</sup> That is fundamentally true in regard to Hobart and Willman: they envision the

Oneida Nation as an anachronism that has no place in the present despite an abundance of evidence demonstrating its political continuity.

The village and the tribe have each made sincere efforts to reach out to individuals on both sides of the conflict in the hope that better understanding would lead to better relations. The pages of the Hobart newspaper, however, reveal that for village and tribal officials alike, good neighbor rhetoric was little more than lip service. On June 24, 2011, Elaine Willman's lead article in the *Press* expressed hope for friendly, nonpolitical relations, noting that a small group of Oneidas and non-Indians had recently been gathering at the Oneida Community Library "to encourage interaction, understandings and future social activities that will remind us that we are all Hobart residents regardless of our ethnicities."<sup>54</sup> Meanwhile, on the opposite page, representatives of the village and tribe launched virulent attacks against one another over an episode that began with the purchase of a golf course.

In 2009 the Oneida Nation acquired Thornberry Creek, a bankrupt golf course located in Hobart. Prior to the reopening of the golf course, the village initially refused to grant a liquor license to the facility due to outstanding stormwater taxes assessed on Oneida Reservation land. The Oneida Nation filed suit, initiating a legal battle over stormwater taxes that would not be resolved until 2013. Tribal officials contested the validity of the taxes on the basis that a municipality cannot tax property held in trust by the federal government.<sup>55</sup> Ultimately, the tribal government received a liquor license from the Wisconsin Department of Revenue under the provisions of 2009 Wisconsin Act 28, which allows tribes to circumvent municipal authority and appeal directly to the state for a license.<sup>56</sup> In 2011, however, a new piece of legislation unsuccessfully sought to repeal that provision and invalidate any liquor licenses previously granted to tribes by the Department of Revenue.<sup>57</sup>

Writing in the *Kalihwisaks*, the Oneida tribal newspaper, Councilman (now Chairman) Ron Tehassi Hill reported that he had testified on behalf of the Oneida Nation in opposition to the repeal. "Hobart fought our purchase of the property every step of the way, and continued to sabotage our operations by refusing to grant a liquor license because of unrelated storm water charges," Hill claimed. According to Hill, if the Oneida Nation had been sent back to Hobart to request a liquor license, the village would surely have found another pretext to deny the tribe's application. Councilman Hill asserted that "the Village should not be allowed to use its discretion to issue liquor licenses as a bludgeon to force the Tribe to pay unrelated assessments for [trust] property owned by the United States. . . . [It is] unreasonable and unlawful."<sup>58</sup> Hill argued that without a liquor license the Thornberry Creek golf course might have to close, thereby eliminating one hundred local jobs in the midst of a recession.

When the *Press* reprinted Hill's article, it included a letter by Richard Heidel, Hobart village board president, who felt that the councilman's perspective "scream[ed] for rebuttal." "Councilman Hill either knows nothing about what he writes or is not being truthful," Heidel charged. He insisted that the village had cooperated with the tribe by granting a temporary license and had been willing to arrange for a regular license as well: "It was the Village's proposal—not the tribe's—to suspend payment of the contested fees, deposit them in an escrow account, and issue the regular liquor license."<sup>59</sup> Heidel reiterated the village's interest in cooperation, arguing as Hill did that a fatal blow to the Thornberry Creek golf course would harm Hobart's then struggling economy. Indeed, the conflict over the golf course sheds light on the ways in which the well-being of the village had become intertwined with that of the tribe. Although the tribe was the primary threat to the village, the Oneida Nation provided an important source of jobs and revenue. Perhaps what most concerned Hobart officials was the inequality of the relationship between the nation and the municipality: Hobart needed the Oneida Nation in order to survive, while the reverse was not true.

A third party—the tribally chartered corporation operating the golf course—brought a somewhat surprising perspective to the debate over Thornberry Creek's liquor license. In the same issue of the *Press* in which Hill and Heidel attacked one another's governments, Bobbi Webster, president of the Oneida Golf Enterprise Corporation, wrote an open letter to *both* governments. "It is not our desire to be in the middle of Oneida and Hobart's ongoing challenges," Webster wrote. "Because we are a separate entity from the Oneida Tribe, we simply want to operate a successful business that isn't constantly used as fodder [for legal challenges]."<sup>60</sup> Such a statement raises the question of whether tribal corporations ought to be regarded as extensions of the sovereign tribal government or merely as private legal entities like any other state-chartered corporation; tribal enterprises are able to strategically identify themselves either as a project of the sovereign nation or as a private corporation.

Questions of temporality (i.e., it is too late to reverse history and disrupt the status quo) along with the colorblind rhetoric of equality feature centrally in calls for dismantling Indigenous sovereignty.<sup>61</sup> Tribal members have often charged that Hobart's actions against the Oneida Nation have been racially motivated. In an effort to skirt such claims, Heidel stated, "The Village does not see 'tribe' or 'race' or any other institutionalized distinction between people or groups when it comes to dispatching the Village's responsibilities or exercising its authority."<sup>62</sup> Heidel's attempt to articulate a policy of fairness only reveals that he envisions "tribe" as a category with no legal significance whatsoever, a proposition that challenges the U.S. Constitution,

numerous Supreme Court decisions, and centuries of federal Indian law. Like Heidel, Willman would also exclude race from the legal dispute. In an apparent attempt to evade accusations of racism, Willman readily identifies her husband as a Shoshone Indian and claims that she herself is eligible for Cherokee citizenship, though she has chosen not to enroll.<sup>63</sup> Willman has never demonstrated any evidence of Cherokee kinship. While the argument that the legal dispute was not initially motivated by race has some credence, it would be naive to overlook how the intense rivalry devolved into a racially defined “us” versus “them” mentality. Moreover, CERA and Willman have deep ties to the overtly racist organization Protect America’s Rights and Resources (PARR), which organized protests against Ojibwe people exercising their spearfishing rights in northern Wisconsin during the late 1980s and early 1990s. As can be seen in the documentary film *Lighting the Seventh Fire* (1995), PARR protests frequently featured signage with slogans such as “Save a Walleye . . . Spear an Indian” and shouts of “Timber Ni\*\*er!” directed at Ojibwe fishermen.<sup>64</sup> CERA was founded in 1988 at the PARR annual convention, Willman has been a regular columnist for PARR publications, and Heidel has been a speaker at CERA gatherings.<sup>65</sup>

Willman joined a local struggle between Oneidas and non-Natives in Hobart, but ultimately her concern is with Indigenous rights as a whole, not merely those of the Oneida Nation. As tribes exert more jurisdictional power, Willman expresses deep concern that they could potentially hold authority over white people in Indian Country. “To the extent that a tribal government thinks for thirty seconds it has authority over a non-tribal American citizen, it poses a threat,” Willman remarked. Tribal rights, she believes, “have gone too far, and they’ve been abused. . . . It’s almost like a parent that just gives their child absolutely everything and ruins them . . . and the child says ‘more, more, more’ and never knows how to say enough or thank you.” In this statement, Willman characterizes Indigenous sovereignty as a privilege, even a gift, that can and ought to be revoked by the settler state when tribal self-governance comes too close to actually existing. In the view of the antisovereignty movement, the entire concept of a nation within a nation is unconscionable, and Willman condemns the “loose usage” of the terms “nation” and “sovereignty” when they are applied to tribal communities.<sup>66</sup>

Moreover, Willman and her CERA associates pit Indigenous governments as takers acting as a drain upon the U.S. economy. American conservatives popularized the pithy rhetoric of takers versus makers shortly after the advent of the 2007–8 global financial crisis and the United States’ plummet into the Great Recession. Mainstream members of the Republican Party and radical Tea Party activists alike each began deploying the language of

takers to disparage the beneficiaries of so-called entitlement programs such as unemployment insurance and food stamps. In time, the ideology of takers versus makers became a core principle of Mitt Romney and Wisconsin congressman Paul Ryan's 2012 Republican presidential campaign.<sup>67</sup> Echoing this increasingly familiar economic binary, Willman characterized the treaty-making process as an institution that disproportionately favored entitled Native peoples. "Since the execution of treaties," Willman claimed, "American Indians have always been given resources that no other citizens were." After all, she argues, in the nineteenth century, western migrants embarked upon their journeys with no government aid, yet "with the Indian treaties [Native people] were given land, houses, blacksmiths, doctors, schools."<sup>68</sup> Not only are her historical claims entirely inaccurate, since most U.S. treaties with Indigenous nations are land cessions in which Americans took territory, but also American westward migrants who went in pursuit of a piece of "free" (i.e., taken) Indigenous land certainly did receive considerable federal aid, a trend that persists into the twenty-first century in some western states.<sup>69</sup>

## *Conclusion*

In October 2013 the Oneida Nation won a lawsuit against the Village of Hobart and an ordinance attempting to levy a stormwater tax on tribal trust land. The court held that "because federal law prohibits states and local authorities to tax Indian lands, the tribe can't be forced to pay the assessment decreed by the challenged ordinance if the assessment is a tax."<sup>70</sup> In April 2014 the U.S. Supreme Court refused to hear the Village of Hobart's appeal, upholding the Oneida Nation's victory. Just over a year later, after spending seven years in Hobart, Elaine Willman accepted a new position in Montana, where she soon began to warn, "We have a growing national epidemic but the impacts first strike locally, in one zip code after another, one town after another, one county after another. It is coming to your front porch." Moreover, she has pursued a new tactic. During a moment of U.S. anxiety over the potential acceptance of Syrian refugees, she appealed to Islamophobic fears, asserting, "Domestic tribalism and Middle Eastern tribalism have shared cultural norms (communalism) and a common adversary: the United States."<sup>71</sup> Such a turn reveals that, for Willman, Indigenous nations mirror what is broadly wrong with America, and they become localized sites for grappling with these broader anxieties.

While American opposition to Indigenous sovereignty is nothing new, the reacquisition of reservation land has reignited old debates and conflicts. The Oneida Nation has the resources to gradually buy out white landowners and

create an uninterrupted block of tribally-owned land. To view the Oneida Nation's conflict with Hobart as simply a matter of land tenure and taxes would be to overlook the complicated responses to a local reversal of the colonial relationship between Indigenous people and settlers.

The Oneida Nation defies many American expectations of Native people. In the American popular imagination, Native people are often incapable of succeeding in a competitive market. While some critics would characterize tribal casinos as "greedy," that label would hardly describe the behavior of Indigenous nations in light of merely reclaiming fragments of what once belonged to them and doing so on the open market. As one scholar notes, some Americans have worried that "the Indians' wealth has caused them to lose their soul."<sup>72</sup> The expectation of poverty not only essentializes (and even dehumanizes) Native people as striving for bare survival but also implies that Native communities are not suited for competition in the marketplace.<sup>73</sup> Perhaps, then, what stings the antisovereignty advocates at Hobart more than anything else is that even during the challenging conditions of the Great Recession in the small-town Midwest, the Oneida Nation still thrived and its landholdings continued growing.

Skip Hayward, former chairman of the Mashantucket Pequot Tribe, once remarked on similar forms of resentment in Connecticut: "Maybe if we were still getting water from an open well and going outside to two-hole outhouses and using human manure to fertilize our gardens, nobody would be paying any attention to us. Now, we are coming back to be leaders again. Now, there seems to be a problem."<sup>74</sup> In some of the most fortunate Native communities tribal members are prospering and even enjoying a higher standard of living than many of their white neighbors. As a result, the Indian reservation—a system founded upon the American goals of Indian containment, submission, obedience, and assimilation—has surprisingly come to be seen as a site of unfair ethnic advantage.<sup>75</sup> The argument that wealthy tribes should be stripped of their sovereignty is a form of what one scholar has labeled "rich Indian racism."<sup>76</sup> As Jessica Cattelino argues, the double bind of need-based sovereignty is that although Native governments require economic resources to exercise their sovereignty, settlers often contest the legitimacy of tribes that exert economic power.<sup>77</sup>

The intergovernmental conflict between the Oneida Nation and the Village of Hobart highlights the long afterlife of allotment: 130 years since its implementation, allotment's legacies remain at the heart of some of the most vexing dilemmas in Indian Country. Attempting to reverse the effects of allotment further highlights the ways in which Indigenous resurgence and resentful backlash go hand in hand. The antisovereignty movement is driven by a zero-sum calculus of rights, that is, the perception that the



exercise of Indigenous rights inherently takes from rights of non-Indigenous Americans.

The Village of Hobart is now one of the fastest-growing municipalities in Wisconsin and has recently been successful in both development and litigation.<sup>78</sup> “A decade ago, Centennial Centre was nothing but empty fields,” the *Press Times* reported.<sup>79</sup> The new development has since exceeded expectations, having led to the construction of nearly \$130 million in taxable property, bringing total property values in Hobart to \$975 million.<sup>80</sup> Moreover, the population of the village of Hobart has jumped 53.5 percent (from 6,182 to 9,496) since 2010, according to the U.S. Census Bureau’s 2018 estimates.<sup>81</sup> The village also recently claimed an important victory against the Oneida Nation, with the U.S. District Court for the Eastern District of Wisconsin having ruled the reservation boundaries formally “diminished” by allotment.<sup>82</sup> That is, the Oneida Nation cannot broadly assert its jurisdiction over all lands within the reservation but only those lands that are currently held in federal trust. The nation has appealed and remains undeterred in its effort to reacquire 75 percent of the land within the reservation by 2033.<sup>83</sup>



**FIGURE 3.** Wisconsin governor and Republican presidential candidate Scott Walker (center) participating in a groundbreaking ceremony for a new development in the village of Hobart. Photograph by Corrie Campbell. 2015. Courtesy of the *Press Times*.

The U.S. government, the State of Wisconsin, and the National Congress of American Indians (NCAI) have each submitted amicus briefs in strong support of the Oneida Nation.<sup>84</sup> During a previous hearing in the U.S. Seventh Circuit Court of Appeals in 2013, *Kalihwisaks* reported that Judge Richard A. Posner, the most cited legal scholar of the twentieth century, remarked that “Hobart doesn’t seem to like Indians.”<sup>85</sup>

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## Notes

1. According to the U.S. Census Bureau’s 2018 population estimates, the total population of Hobart is 9,496, with 78.3 percent of the population identifying as white (non-Hispanic or Latino) and 10.6 percent of the population identifying as American Indian / Alaska Native. See <https://www.census.gov/quickfacts/fact/table/hobartvillagewisconsin,US/INC110217>.
2. Hugh Danforth, letter to the editor, *Kalihwisaks*, October 31, 2002, 7A.
3. Hugh Danforth, letter to the editor, *Kalihwisaks*, April 4, 2002, 10A.
4. Dawes Severalty Act, February 8, 1887, 24 Stat. 388. For an overview of Oneida history during the allotment period, see L. Gordon McLester III and Laurence M. Hauptman, *The Oneida Indians in the Age of Allotment, 1860–1920* (Norman: University of Oklahoma Press, 2008).
5. “Petition of the Oneidas for Admission to Brown County,” *Daily State Gazette* (Green Bay, Wis.), February 13, 1890, 3.
6. “Oneida Reservation, Proposed to Invest the Indians with Local Town Governments,” *Oshkosh Northwestern*, April 24, 1903, 4.
7. “Ready for Legislature, Bill to Create Townships for Reservation Is Drafted,” *Appleton Post*, April 23, 1903, 3; “Would Annex Part of the Reservation,” *Post-Crescent* (Appleton, Wis.), February 1, 1908, 8.
8. “Five New Members in County Board,” *Green Bay Semi-Weekly Gazette*, April 11, 1908, 1; “Oneida Organized into a Township,” *Post-Crescent*, April 7, 1910, 1.
9. Hugh Danforth, letter to the editor, *Kalihwisaks*, November 29, 2002, 6A.
10. Rebecca M. Webster, “Service Agreements: Exploring Payment Formulas for Tribal Trust Lands on the Oneida Reservation,” *American Indian Quarterly* 39, no. 4 (2015): 347–63.
11. John Greendeer, “State of the Tribes Address,” Wisconsin State Assembly, March 13, 2012, <https://wiseye.org/2012/03/13/assembly-floor-session-with-state-of-the-tribes-address-part-1-of-4/>.
12. Paul Egelhoff, letter to the editor, *Kalihwisaks*, February 6, 2003, 7A; see also James M. Murray, *Local Economic Impacts of Oneida Gaming* (Green Bay:

University of Wisconsin—Green Bay, 1992), UW—Green Bay Archives, call no. HV6721.W5 L6 1992x.

13. Katherine J. Kramer, *The Politics of Resentment: Rural Consciousness in Wisconsin and the Rise of Scott Walker* (Chicago: University of Chicago Press, 2016); Dan Kaufman, *The Fall of Wisconsin: The Conservative Conquest of a Progressive Bastion and the Future of American Politics* (New York: W. W. Norton, 2018).

14. On the broader significance of the local in U.S. political history, see Thomas J. Sugrue, “All Politics Is Local: The Persistence of Localism in Twentieth-Century America,” in *The Democratic Experiment: New Directions in American Political History*, ed. Meg Jacobs, William J. Novak, and Julian E. Zelizer (Princeton, N.J.: Princeton University Press, 2003), 301–26.

15. Thomas Biolsi, *Deadliest Enemies: Law and Race Relations on and off Rosebud Reservation*, 2nd ed. (Minneapolis: University of Minnesota Press, 2007).

16. For an overview of allotment, see Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880–1920*, 2nd ed. (Lincoln: University of Nebraska Press, 2001); Indian Reorganization Act, June 18, 1934, 48 Stat. 984.

17. *California v. Cabazon Band of Mission Indians*, 480 U.S. 202 (1987); Indian Gaming Regulatory Act, October 17, 1988, 102 Stat. 2467. See also Steven Andrew Light and Kathryn R. L. Rand, *Indian Gaming and Tribal Sovereignty: The Casino Compromise* (Lawrence: University Press of Kansas, 2005).

18. Oneida Tribe of Indians of Wisconsin, “20-20 Vision Acquisition Plan,” General Tribal Council Resolution 10-26-98A.

19. In regard to casino gaming transforming relationships between Native nations and the United States and the resulting dilemmas of Indigenous governance, see Jessica Cattelino, “The Double Bind of American Indian Need-Based Sovereignty,” *Cultural Anthropology* 25, no. 2 (2010): 235–62.

20. For related histories, see Meghan Y. McCune, “It’s a Question of Fairness: Fee-to-Trust and Opposition to Haudenosaunee Land Rights and Economic Development,” in *Gambling on Authenticity: Gaming, the Noble Savage, and the Not-So-New Indian*, ed. Becca Gercken and Julie Pelletier (East Lansing: Michigan State University Press, 2018), 111–34.

21. “Exhibit J: Service Agreement between the Oneida Nation in Wisconsin and the Village of Hobart,” affidavit of Rebecca Webster, Oneida Tribe of Indians of Wisconsin v. Village of Hobart, Wisconsin (Civil File No. 06-C-1302), 1. The Oneida Indian Nation of New York also wrestled with municipal tax authority. The Nation reacquired fee land within their traditional territory and the City of Sherrill taxed it. In *City of Sherrill v. Oneida Indian Nation of New York*, 544 U.S. 197 (2005), the U.S. Supreme Court ruled the Oneida Indian Nation of New York could not challenge the imposition of local property taxes on this fee land, because the land had passed out of the Oneidas control nearly 200 years ago and was only recently reacquired by the Oneidas. The Sherrill decision was based upon the unique factual circumstances in New York, and does not speak to reservations allotted under the General Allotment Act.

22. Affidavit of Rebecca Webster, *Oneida Tribe of Indians*, para. 33.

23. “Exhibit J: Service Agreement,” 1.

24. "Exhibit N," affidavit of Rebecca Webster, *Oneida Tribe of Indians*, 2.
25. Elaine Willman, "A Less Than Neighborly Neighbor," 1, <http://www.hobart-wi.org/vertical/sites/%7B354A483F-042E-454E-A570-720BFED46D9%7D/uploads/%7B70EA3D24-6438-4DDF-B269-04447C08F39C%7D.PDF>.
26. "Exhibit N," 3.
27. "Exhibit O," affidavit of Rebecca Webster, *Oneida Tribe of Indians*, 1.
28. "Welcome to the Centennial Centre at Hobart!" Village of Hobart, Wisconsin, [http://www.hobartwi.govoffice3.com/index.asp?Type=B\\_BASIC&SEC={00C876AE-F179-4FE3-8820-E6A9CFAC6B03}](http://www.hobartwi.govoffice3.com/index.asp?Type=B_BASIC&SEC={00C876AE-F179-4FE3-8820-E6A9CFAC6B03}).
29. "A Developer and Land Buyer's Dream: Step into Centennial Centre at Hobart," Village of Hobart, Wisconsin, <http://www.hobart-wi.org/vertical/sites/%7B354A483F-042E-454E-A570-720BFED46D9%7D/uploads/%7BC5432DAF-85FF-4703-9984-DD2F5CD6BC34%7D.PDF>.
30. "Downtown Hobart: Centennial Centre Is the Village's Effort to Create the Heart of the Community," *Marketplace Magazine* 21, no. 4 (2010): 12.
31. Willman, "A Less Than Neighborly Neighbor," 1.
32. *Oneida Tribe of Indians of Wisconsin v. Village of Hobart, Wisconsin*, 542 F. Supp. 2d 908 (2008).
33. "Exhibit P: Village of Hobart News," affidavit of Rebecca Webster, *Oneida Tribe of Indians*, 4.
34. Affidavit of Rebecca Webster, *Oneida Tribe of Indians*, para. 39.
35. Ryan Lenz, "Seeing Red," *Intelligence Report*, February 17, 2016, <https://www.splcenter.org/fighting-hate/intelligence-report/2016/seeing-red>.
36. Additional examples of influential literature that questions special rights and envisions multiculturalism as ethnic separatism include Thomas Sowell, *Preferential Policies: An International Perspective* (New York: William Morrow and Company, 1990); and Arthur M. Schlesinger Jr., *The Disuniting of America: Reflections on a Multicultural Society*, 2nd ed. (New York: W. W. Norton, 1998).
37. Jeffrey R. Dudas, *The Cultivation of Resentment: Treaty Rights and the New Right* (Stanford, Calif.: Stanford University Press, 2008), 10.
38. For additional information on the Ojibwe spearfishing controversy, see Walter Bresette and Rick Whaley, *Walleye Warriors: An Effective Alliance against Racism and for the Earth* (New Society Publishers, 1993); *Lighting the Seventh Fire*, dir. Sandra Osawa (Upstream Productions, 1995), film; Larry Nesper, *The Walleye War: The Struggle for Ojibwe Spearfishing and Treaty Rights* (Lincoln: University of Nebraska Press, 2002); and Patty Loew and James Thanum, "After the Storm: Ojibwe Treaty Rights Twenty-Five Years after the Voigt Decision," *American Indian Quarterly* 35, no. 2 (Spring 2011): 161–91.
39. The text was also later reprinted in a second edition. See Ruth Packwood Scofield, *Americans behind the Buckskin Curtain*, 2nd ed. (New York: Carlton Press, 1992). For additional examples of antisovereignty texts, see David Price, *The Second Civil War: Examining the Indian Demand for Ethnic Sovereignty* (St. Paul Park, Minn.: Second Source, 1998); and A. R. Eguiguren, *Legalized Racism: Federal Indian Policy and the End of Equal Rights for All America* (Heathsville, Va.: Sun on Earth Books, 2000).

40. James A. Clifton, ed., *The Invented Indian: Cultural Fictions and Government Policies* (New Brunswick, N.J.: Transaction Publishers, 1990), 15, 13–14.
41. Elaine Devary Willman and Kamie Christensen Biehl, *Going to Pieces: The Dismantling of the United States of America* (Toppenish, Wash.: Epilocus, LLC, 2005), <https://aloha4all.org/wordpress/>.
42. Tom Flanagan, *First Nations? Second Thoughts*, 2nd ed. (Montreal: McGill University Press, 2008), 4, 5.
43. Oneida Tribe of Indians of Wisconsin, “Resolution Regarding Government-to-Government Relations with the Village of Hobart (Business Committee Resolution #2-20-08-C),” 3.
44. Elaine Willman, interview by the author, January 28, 2011.
45. Willman claims that there are over one thousand incorporated municipalities located within Indian reservations throughout the United States.
46. Willman, interview.
47. Oneida Tribe of Indians of Wisconsin, “Resolution,” 2.
48. Willman, interview; and *Carcieri v. Salazar* (No. 07-526), 497 F.3d 15. Regarding *Carcieri v. Salazar*, the federal government has considered the Wisconsin Oneidas to be among the tribes that were under federal jurisdiction as of June 18, 1934, when the Indian Reorganization Act became law. The Village of Hobart, however, has stated: “It is the Village’s position that there was no ‘Tribe now under federal jurisdiction’ as defined by § 479 of the IRA as interpreted by the *Carcieri* court” (“Village of Hobart’s Opening Brief,” Village of Hobart v. Midwest Regional Director, Bureau of Indian Affairs, Docket No. IBIA 11-058).
49. Willman, interview.
50. Affidavit of Carol Cornelius, *Oneida Tribe of Indians*, para. 19.
51. “Newly-Allotted Oneidas.”
52. Affidavit of Carol Cornelius, *Oneida Tribe of Indians*, para. 24.
53. Kevin Bruyneel, *The Third Space of Sovereignty: The Postcolonial Politics of U.S.—Indigenous Relations* (Minneapolis: University of Minnesota Press, 2010), 171.
54. Elaine Willman, “Hobart—The Not-So-Hidden Spirit of the Community,” *Press*, June 24, 2011, 17.
55. Ron Tehassi Hill, “OBC Forum,” *Kalihwisaks*, June 16, 2011, 6A.
56. Wisconsin State Assembly, 2009 Wisconsin Act 28, sections 125.27 (3) and 125.51 (5) (d) (June 29, 2009), <https://docs.legis.wisconsin.gov/2009/related/acts/28>.
57. Wisconsin State Assembly, 2011 Assembly Bill 25, <https://docs.legis.wisconsin.gov/2011/proposals/ab95>.
58. Hill, “OBC Forum,” 6A.
59. Rich Heidel, “Response to Tehassi Hill Commentary,” *Press*, June 24, 2011, 18.
60. Bobbi Webster, “An Open Letter to Our Communities,” *Press*, June 24, 2011, 18.
61. Along these lines, see Bruyneel, *The Third Space*, 171–216; Alyosha Goldstein, “Where the Nation Takes Place: Proprietary Regimes, Antistatistism, and U.S. Settler Colonialism,” *South Atlantic Quarterly* 107, no. 4 (2008): 833–61.

62. Heidel, "Response."
63. Willman, interview.
64. See Osawa, *Lighting the Seventh Fire*; and Nesper, *The Walleye War*.
65. Bruyneel, *The Third Space*, 197–98.
66. Willman, interview.
67. Ezra Klein, "Romney's Theory of the 'Taker Class,' and Why It Matters," *New York Times*, September 17, 2012, <http://www.washingtonpost.com/blogs/wonkblog/wp/2012/09/17/romneys-theory-of-the-taker-class-and-why-it-matters/>.
68. Willman, interview.
69. Works that characterize the U.S. West as historically dependent upon federal support include Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W. W. Norton, 1987); and Richard White, *"It's Your Misfortune and None of My Own": A New History of the American West* (Norman: University of Oklahoma Press, 1991).
70. *Oneida Tribe of Indians of Wisconsin v. Village of Hobart*, 732 F.3d 837 (2013).
71. Elaine Willman, "The Spreading Epidemic of Tribalism in America," *NewsWithViews.Com*, January 11, 2016, <http://www.newswithviews.com/Willman/elaine100.htm>.
72. Anne-Marie d'Hauteserre, "Explaining Antagonism to the Owners of Foxwoods Casino Resort," *American Indian Culture and Research Journal* 34, no. 3 (2010): 121.
73. For a discussion of these themes at greater length, see Alexandra Harmon, *Rich Indians: Native People and the Problem of Wealth in American History* (Chapel Hill: University of North Carolina Press, 2010).
74. Quoted in Renee Ann Cramer, "The Common Sense of Anti-Indian Racism: Reactions to Mashantucket Pequot Success in Gaming and Acknowledgement," *Law & Social Inquiry* 31, no. 2 (2006): 332.
75. For an examination of these issues in a Pequot context, see d'Hauteserre, "Explaining Antagonism," 107–27.
76. Katherine A. Spilde, "Rich Indian Racism: The Uses of Indian Imagery in the Political Process," paper presented at 11th International Conference on Gambling and Risk Taking, Las Vegas, Nev., June 20, 2000, <http://www.indiangaming.org/library/articles/rich-indian-racism.shtml>.
77. Cattelino, "The Double Bind."
78. Jeff Bollier, "Hot in Hobart: Residential Boom Continues, County VV Plans Take Shape," *Green Bay Press-Gazette*, June 12, 2019, 1A.
79. Ben Rodgers, "Teaming Up on 29, Governments Coming Together for Grant," *Press Times*, June 26, 2018, <https://gopresstimes.com/2018/06/26/teaming-up-on-29-governments-coming-together-for-grant/>.
80. Kevin Boneske, "Equalized Property Value Nearing \$1 Billion," *Press Times*, August 16, 2019, 1.
81. U.S. Census Bureau QuickFacts, <https://www.census.gov/quickfacts/fact/table/hobartvillagewisconsin,US/INC110217>.

82. *Oneida Nation v. Village of Hobart, Wisconsin* (U.S. District Court for the Eastern District of Wisconsin, Green Bay Division, Case No. 16-CV-1217).

83. Oneida Tribe of Indians of Wisconsin, “2033 Land Acquisition Plan,” GTC Resolution 09-18-10-A.

84. Paul Srubas, “Government Sides with Oneida Tribe in Dispute with Hobart,” *Green Bay Press-Gazette*, October 3, 2019, 1A.

85. Dawn Walschinski, “Hobart Groundwater Claim Washed Down the Drain,” *Kalihwisaks*, October 31, 2013, 4A; Fred R. Shapiro, “The Most-Cited Legal Scholars,” *Journal of Legal Studies* 29, no. S1 (January 2000): 409–26. For a legal forum on the Oneida–Hobart jurisdictional disputes, see Rebecca M. Webster, “Tribal and Local Governments: Jurisdictional Spaces within Shared Spaces,” State Bar of Wisconsin, January 1, 2016, <https://www.wisbar.org/NewsPublications/Pages/General-Article.aspx?ArticleID=24550>.