

**UCLA**

**American Indian Culture and Research Journal**

**Title**

In Defense of Sovereignty: Protecting the Oneida Nation's Inherent Right to Self-Determination

**Permalink**

<https://escholarship.org/uc/item/9nj5g6qq>

**Journal**

American Indian Culture and Research Journal , 47(3)

**ISSN**

0161-6463

**Author**

Carmi, Marissa

**Publication Date**

2024-12-01

**DOI**

10.17953/A3.34822

**Copyright Information**

This work is made available under the terms of a Creative Commons Attribution-NonCommercial License, available at <https://creativecommons.org/licenses/by-nc/4.0/>

**In Defense of Sovereignty: Protecting the Oneida Nation's Inherent Right to Self-Determination.** By Rebecca M. Webster. Madison: University of Wisconsin Press, 2023. 208 pages. \$27.95 cloth; \$19.95 paper.

In 2020, Indian country experienced despair so acute that the world took notice. COVID-19 spread rapidly through our communities and inflicted what the Centers for Disease Control and Prevention described as a “disproportionate impact” on American Indian and Alaska Native individuals and families. Our infection rates, death rates, and imperiled tribal economies were the subject of local and national headlines, prompting non-Native people everywhere to hypothesize the cause of our adversity. Amid this devastation, however, Indian country experienced two important victories, both in the courts. In July 2020, the Supreme Court of the United States ruled in *McGirt v. Oklahoma* that the eastern half of Oklahoma remains Indian territory. Less than thirty days later, the United States Court of Appeals for the Seventh Circuit ruled in *Oneida Nation v. Village of Hobart* that the Oneida Reservation in Wisconsin remains intact and that Hobart, a municipal government situated within the Reservation's boundaries, lacks authority to impose ordinances on the nation and the nation's land. Readers are likely familiar with the first case; Rebecca M. Webster's *In Defense of Sovereignty* ensures you are familiar with the second.

*In Defense of Sovereignty* presents an overview of the key events leading up to *Oneida Nation v. Village of Hobart*. It begins with the reluctant migration of Oneida families from New York to Wisconsin in the 1830s, progressing to attempts made by Hobart in 2010 and again in 2011 to challenge decisions made by the Bureau of Indian Affairs to take land reacquired by Oneida into trust. In the period between, Oneida people forged a distinct and thriving community at Duck Creek, directly west of present-day Green Bay, where they painstakingly protected their land and sovereignty and weathered allotment, boarding schools, and relocation to assert their standing as the Oneida Nation of Wisconsin. In the twentieth and twenty-first centuries, the nation exercised its sovereignty to build a successful gaming enterprise whose revenues, in part, have been used to increase the nation's capacity to meet the needs of its tribal citizens in the areas of education, housing, elder care, and health and human services.

As Webster repeatedly points out, however, revenues generated by the nation's enterprises are also used to meet guarantees made to neighboring local governments, including the Village of Hobart. The terms of intergovernmental agreements between Oneida Nation and Brown County, the City of Green Bay, the Town of Oneida, and Hobart itself are the subject of several chapters in Webster's book. These agreements are, for the most part, reflections of the mutual respect and sense of collaboration that animate relations between the nation and local governments. As an example, though the nation does not pay taxes to the Town of Oneida, a municipal government located within the western half of the reservation, it does compensate the town for its first

responders and fire department. These resources, currently unavailable through the tribe, support Oneida tribal citizens living on the reservation, in addition to the town's residents. In recognition of the town's service to Oneida tribal citizens, the nation pays the town (99). The sustained attention these agreements receive in the book is strategic and serves to expose the irrationality of Hobart's belief that the nation's gains are Hobart's losses.

As a collection of essays, *In Defense of Sovereignty* follows a format exemplary of Oneida scholarship. Key texts in this field, such as *The Oneida Indian Journey*, *The Oneida Indian Experience*, and *A Nation within a Nation*, bring together essays by elected leaders, knowledge keepers, and scholars to offer nuanced and capacious renderings of formative moments in Oneida history. The implication is that the Oneida story is incomplete if it's told in only one voice. *In Defense of Sovereignty* seems to suggest the same. Webster is joined by eminent historians James W. Oberly and Frederick E. Hoxie, who detail the Oneida's first century in Wisconsin. Former Oneida councilman William Gollnick traces the nation's uphill path to self-determination, while attorneys for the Oneida Nation, James R. Bittorf and Arlinda F. Locklear, recount Hobart's "failed attempt to put an end to the Oneida Reservation" in *Oneida Nation v. Village of Hobart* (135). The result is a comprehensive and robust defense of Oneida sovereignty.

Missing is the voice of Hobart community members who deviated from the hard line drawn by village leadership. In passing, Webster mentions individual Hobart residents who defended Oneida sovereignty and even attempted, unsuccessfully, to unseat intransigent leaders by running for office. Though a minority, these individuals possess key perspectives on the inner workings of Hobart hegemony that will likely prove useful as the nation charts a path forward. Webster does not appear confident in Hobart's ability to change, but she does close with four strategies for increasing positive intergovernmental relationships. These, however, are limited to bullet points without concrete examples. For instance, one of Webster's recommendations is to "find ways to learn about tribal and local government services in order to find equitable ways to acknowledge and compensate each other for providing those services" (170). What might a knowledge exchange look like between Oneida and Hobart officials and, perhaps even more important, between Oneida and Hobart community members?

Community, after all, is at the center of sovereignty. Webster concludes, "At the end of the day, if a local government is unable or unwilling to deal with the nation on a government-to-government basis, the Oneida people consider the faces yet to be born" (170). Here, Webster demonstrates that sovereignty is not an abstract political concept or exercise. It is, fundamentally, about the nation's right to secure a future for its people. The world speculated about the rampant spread of COVID-19 among tribal communities, but the source of this tragedy is not a mystery. When the inherent sovereignty of tribal nations is respected by all levels of government, when tribal resources aren't strained by lawsuits and litigation, tribes are free to care for their people on their own terms.

*Marissa Carmi*

University of North Carolina, Chapel Hill