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The Federal Trust Responsibility: Weaponizing Our Own Legal Framework

When federal policymakers talk about "Indian policy," they're usually referring to the elaborate bureaucratic maze designed to manage what they see as the "Indian problem." But here's what they don't want to acknowledge: every federal Indian policy since 1787 has been built on a fundamental contradiction that we can—and should—exploit.

The contradiction is this: the United States simultaneously claims sovereignty over Indian nations while legally acknowledging our inherent sovereignty through treaties, Supreme Court decisions, and the trust relationship. This isn't just historical curiosity—it's a live wire we can grab hold of.

Take the trust responsibility doctrine. Federal courts have repeatedly held that the United States owes Indian tribes the highest fiduciary duty known to law. That's stronger language than what applies to a corporate board's duty to shareholders. Yet federal agencies routinely make decisions affecting tribal lands, resources, and people without meeting even basic fiduciary standards. They're in breach of trust every single day, and they know it.

The Biden administration's much-touted commitment to "tribal consultation" illustrates this perfectly. Consultation isn't collaboration—it's a box-checking exercise designed to insulate federal decisions from legal challenge. Real government-to-government relations would mean federal agencies can't approve pipeline routes, mining permits, or water diversions in Indian Country without meaningful tribal consent. But "meaningful consent" would require acknowledging that tribes can say no, which would fundamentally alter the power dynamic federal policy is designed to preserve.

This is where strategic thinking becomes crucial. Instead of asking federal policymakers to be nicer to us, we should be forcing them to live up to their own legal framework. The trust responsibility isn't just a moral obligation—it's legally enforceable. Every federal agency action that fails to consider tribal interests with the highest degree of care is a potential lawsuit. Every appropriation that underfunds treaty obligations is a breach of contract with constitutional implications.

The Supreme Court's recent decision in McGirt v. Oklahoma proves this approach works. Oklahoma spent over a century acting as if reservation boundaries didn't exist, with federal acquiescence. But the legal framework was always there—Major Crimes Act jurisdiction, treaty language, congressional intent. The Court simply enforced what the law already required, and suddenly Oklahoma had to reckon with tribal jurisdiction over half the state.

We need to apply this same pressure systematically across federal policy. The Indian Self-Determination Act gives tribes the right to contract federal services, but agencies routinely drag their feet or impose impossible conditions. That's not bureaucratic inefficiency—it's intentional sabotage of congressional policy, and it's legally challengeable.

Environmental policy offers even richer opportunities. Climate change disproportionately affects tribal communities, but federal climate policy consistently ignores tribal expertise and jurisdiction. The Biden administration talks about environmental justice while approving fossil fuel projects that directly harm tribal lands and waters. Meanwhile, tribal nations are leading renewable energy development and carbon sequestration efforts that could be scaled nationally if federal policy supported rather than hindered tribal innovation.

But here's the deeper issue: federal Indian policy will always be fundamentally flawed because it assumes federal supremacy over inherently sovereign tribal nations. You can't have a coherent policy framework when your starting premise is legally and historically wrong.

The path forward requires abandoning the mythology of federal benevolence and embracing hardball legal strategy. Every congressional hearing should include pointed questions about trust responsibility compliance. Every federal budget should be scrutinized for treaty violations. Every agency rule affecting Indian Country should face immediate legal challenge if it fails fiduciary standards.

This isn't about being grateful for federal largesse—it's about enforcing legal obligations the United States assumed when it decided to treat with tribal nations rather than simply wage war against us. They made these commitments to legitimize their occupation of our territories. Now they're legally bound by them, whether they like it or not.

The federal government's own legal framework gives us everything we need to completely restructure the relationship. We just have to be willing to use it. Federal policymakers are counting on us to keep asking politely for what's already legally ours.

Time to stop asking and start taking what the law guarantees us. The trust responsibility isn't a gift—it's a debt, and it's past due.

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Claudia Pochita February 5, 2026

Les Enfants Numériques: How Gen Z Navigates the Ruins of Digital Colonialism

There is something profoundly melancholic about watching Generation Z perform their identities across the fractured mirrors of social media platforms—these young souls who have never known a world without the constant hum of notifications, who speak in the abbreviated poetry of TikTok captions and Instagram stories, who have inherited not just climate catastrophe and economic precarity but also the peculiar burden of being perpetually visible, eternally archived, forever subject to the algorithmic gaze that sorts and categorizes their desires with the same cold efficiency that once mapped colonial territories. They are, in their own way, *les enfants perdus* of late capitalism, raised by recommendation engines and targeted advertisements, their coming-of-age stories written in the metadata of their digital footprints, and yet—and this is what strikes me as both heartbreaking and revolutionary—they have somehow managed to carve out spaces of genuine intimacy and radical resistance within these surveilled landscapes.

Watch them on BeReal, that curious French export that promises authenticity through simultaneous vulnerability—everyone posting at the same randomized moment, front and back cameras capturing both the curator and the curated, the performed and the accidentally real—and you witness a generation attempting to decolonize the very notion of social media performance, to reclaim some fragment of unfiltered truth from platforms designed to extract and monetize their most private selves. There is something beautifully defiant about their embrace of the "photo dump," those carefully careless collections of images that resist the polished aesthetics of millennial Instagram, that refuse the tyranny of the single perfect moment in favor of temporal multiplicity, emotional complexity, the acknowledgment that identity cannot be contained within the frame of optimal engagement metrics.

But we must not romanticize their situation, these digital natives who navigate an online ecosystem still largely controlled by the same Silicon Valley techno-colonizers who have systematically extracted wealth from the Global South while imposing Western frameworks of connection, consumption, and self-presentation upon diverse cultural practices of community-building. When a young person in Dakar or Mumbai or São Paulo opens TikTok, they encounter an algorithm trained primarily on data from affluent Western users, a recommendation system that privileges certain body types, certain languages, certain

forms of cultural expression while rendering others invisible—a form of cultural imperialism so subtle and pervasive that even its victims often mistake it for personal preference, for the neutral operation of technological systems that are anything but neutral.

Yet Gen Z has developed their own forms of *détournement*, their own strategies for hacking these colonial systems from within—the way they've transformed LinkedIn, that monument to professional capitalism, into a space for anticapitalist critique and mutual aid; the way they use Pinterest to create alternative archives of beauty, resistance, and possibility that circumvent traditional gatekeepers; the way they've turned the comment sections of corporate social media into spaces of genuine political education and community formation. They understand intuitively what many older critics have struggled to articulate: that digital platforms are not neutral tools but contested territories where questions of representation, power, and cultural survival are negotiated daily through millions of seemingly insignificant acts of posting, sharing, liking, commenting.

Their relationship to privacy, too, reveals a sophisticated understanding of power that previous generations have often dismissed as reckless oversharing—they know that true privacy is already impossible under surveillance capitalism, so instead they practice strategic transparency, controlled vulnerability, the careful management of multiple digital personas across different platforms and contexts. They are *flâneurs* of the digital boulevards, wandering through algorithmic recommendations with the same mixture of curiosity and skepticism that Baudelaire brought to the arcades of nineteenth-century Paris, understanding that these spaces of apparent leisure and entertainment are also sites of labor extraction, data harvesting, ideological formation.

Perhaps what moves me most about Generation Z is their refusal to accept the false choice between digital connection and authentic human relationship—they have created new forms of intimacy through shared memes, collaborative playlists, group chats that span continents and time zones, parasocial relationships with content creators who feel more real and accessible than traditional celebrities ever did. They are writing new grammars of care and community within systems designed to isolate and commodify them, proving that even under the most totalizing forms of digital surveillance, human creativity and resistance will find a way to flourish. *C'est peut-être là notre seul espoir*—perhaps this is our only hope.