

THE GOONZETTE

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Beyond Paper Promises: Why Modern Treaty Work Demands More Than Federal Good Faith

The recent flurry of treaty-related developments across Indian Country tells a familiar story—one of federal promises made, broken, and occasionally, grudgingly honored. But if we're going to move beyond the tired cycle of litigation and legislative band-aids, we need to fundamentally shift how we approach treaty relationships in the 21st century.

As Ho-Chunk people, we know something about treaties that don't stick. We've been "removed" from Wisconsin multiple times, only to return each time because the land calls us home. Our persistence taught us that treaties aren't just legal documents—they're living relationships that require constant tending, strategic thinking, and the willingness to challenge power structures that would rather we disappear into history books.

The Supreme Court's recent decisions have created both opportunities and landmines. While *McGirt v. Oklahoma* affirmed that congressional intent matters more than state convenience, the backlash has been swift and predictable. State attorneys general are lining up to chip away at tribal jurisdiction, and Congress is already hearing whispers about "clarifying" federal Indian law. This is the pattern: when tribes win, the rules get rewritten.

But here's what's different now. Tribal legal departments have evolved far beyond the under-resourced offices of decades past. We're building sophisticated legal strategies that don't just react to federal policy—we're shaping it. The key is understanding that treaty work happens as much in boardrooms and planning sessions as it does in courtrooms.

Take water rights negotiations. For too long, tribes approached these discussions from a position of supplication—grateful for whatever crumbs the federal government offered while states watched nervously from the sidelines. Smart tribes now come to the table with comprehensive data, economic impact studies,

and alternative proposals that force everyone else to respond to Indigenous priorities rather than the other way around.

The Yakama Nation's recent success in securing Columbia River fishing rights demonstrates this strategic evolution. They didn't just cite *Winans* and hope for the best. They built coalitions, leveraged environmental concerns, and positioned treaty rights as essential to regional ecological health. When your legal argument aligns with broader public interests, you're no longer fighting alone.

This strategic approach requires us to think beyond traditional legal frameworks. Federal Indian law operates on the fiction that tribes are "domestic dependent nations"—a paternalistic framework designed to justify federal control while denying true sovereignty. Modern treaty work must systematically dismantle this framework by asserting inherent sovereignty in practical, undeniable ways.

Economic development provides the clearest path forward. When tribes control significant economic resources—whether through gaming, energy development, or cannabis enterprises—suddenly everyone wants to negotiate. Federal and state officials who ignore tribal governments when we're seeking consultation on sacred sites become remarkably attentive when tribal enterprises generate millions in tax revenue.

But economic leverage alone isn't enough. We need legal strategies that create lasting structural change. This means pushing for congressional action that clarifies tribal jurisdiction, federal trust responsibilities, and the scope of treaty rights. It means building relationships with federal agencies that extend beyond whoever happens to occupy the White House. And it means training the next generation of tribal leaders to think strategically about power—how to accumulate it, wield it, and use it to protect our communities.

The current political moment offers unique opportunities. Climate change has made everyone suddenly interested in Indigenous knowledge about land management. The push for renewable energy development requires tribal partnerships. Federal infrastructure spending creates opportunities for tribal governments to be partners rather than afterthoughts.

Smart tribal leaders are seizing these opportunities to reframe treaty relationships. Instead of asking federal agencies to honor promises made centuries ago, we're positioning ourselves as essential partners in

addressing 21st-century challenges. This shift from supplication to partnership fundamentally changes the negotiating dynamic.

The ultimate goal isn't just better treaty implementation—it's transforming the relationship between Indigenous nations and settler governments from paternalistic dependency to true government-to-government partnership. This requires tribal leaders who understand both traditional governance and modern power structures, legal teams that think strategically rather than just reactively, and communities that support long-term institutional building over short-term victories.

Treaty work in 2024 demands more than legal expertise—it requires the wisdom of our ancestors combined with the strategic thinking of modern Indigenous leaders. Those paper promises our great-grandparents signed weren't just legal documents. They were investments in our future, and it's time we collected with interest.

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****L'Algorithme de l'Absence: How Gen Z Performs Intimacy in the Theatre of Digital Ruins****

There is something profoundly melancholic about watching a seventeen-year-old craft their entire emotional landscape through fifteen-second fragments on TikTok, each video a desperate transmission into the void that was once occupied by stable cultural narratives—and I say this not with the condescending gaze of the elder observing the young, but with the recognition that Generation Z has inherited what we might call **les décombres numériques**, the digital ruins of our collective failure to imagine sustainable forms of connection in the postcolonial wasteland of Silicon Valley's extractive technologies.

Consider how these young people—born into the smartphone's omnipresence, raised by algorithms designed in California boardrooms by predominantly white men who never questioned whether their vision of human interaction might be fundamentally colonial in its assumption that all experience can be commodified, quantified, and optimized for engagement—have developed what I can only describe as a radical form of emotional archaeology, excavating meaning from the fragments of viral content, memes that die and resurrect within hours, and the perpetual performance of authenticity that social media demands while simultaneously making authenticity impossible.

The phenomenon of "core" aesthetics—cottagecore, dark academia, goblincore—reveals something profound about how Gen Z navigates the absence of stable cultural foundations: they are essentially engaging in a form of digital bricolage that mirrors the way colonized peoples have always had to construct identity from the fragments left behind by imperial violence, except now the empire is technological rather than territorial, and the violence is the systematic destruction of attention spans, the commodification of intimacy, and the surveillance capitalism that treats every human emotion as raw material for profit extraction.

What strikes me most about their relationship to mental health discourse—the way depression and anxiety are discussed with a casualness that would have scandalized previous generations—is not that they

are more fragile than their predecessors, but that they are the first generation to inherit a world where the very concept of privacy has been systematically dismantled, where every feeling must be performed for an audience of strangers, where the boundary between authentic expression and content creation has collapsed so completely that they experience what Baudrillard might have called the hyperreal, except instead of the map preceding the territory, the performance of emotion precedes the experience of emotion itself.

The linguistic innovations of Gen Z—"periodt," "no cap," "it's giving"—represent more than generational slang; they constitute a form of linguistic resistance to the flattening effect of digital communication, a way of injecting specificity and cultural particularity into platforms designed to homogenize human expression into data points, and it's worth noting how much of this linguistic creativity emerges from Black American vernacular, only to be appropriated and sanitized as it spreads across predominantly white digital spaces, revealing how even in rebellion, the colonial dynamics of cultural extraction persist.

Their relationship to work—the so-called "quiet quitting" phenomenon, the rejection of hustle culture, the embrace of "lazy girl jobs"—should be understood not as entitlement but as a rational response to inheriting an economic system that has systematically failed them, where homeownership is a fantasy, where climate catastrophe looms, where the promise of meritocracy has been revealed as **une grande illusion**, and where the very notion of a stable career has been replaced by the gig economy's precarity, which is itself a form of digital feudalism that treats human labor as infinitely disposable.

What moves me most about Generation Z is their capacity for genuine tenderness despite—or perhaps because of—their immersion in technologies designed to exploit that tenderness: the way they create found families in online spaces, the fierce protectiveness they show toward marginalized members of their communities, their instinctive understanding that traditional institutions have failed them so completely that they must build new forms of solidarity from scratch, using the master's tools not to dismantle the master's house but to construct temporary shelters in the ruins.

They are, in essence, the first generation of digital refugees, displaced persons in their own homeland, and their apparent chaos—the infinite scroll, the rapid cycling through identities, the seeming inability to focus—is actually a profound adaptation to living in a world where stability itself has become impossible, where the only rational response to systemic uncertainty is to embrace fluidity as a survival strategy, **une mélancolie nécessaire** that honors what has been lost while refusing to surrender hope for what might still be built.

