

THE GOONZETTE

Digital Culture • Commentary • Analysis

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Beyond Paper Promises: Why Modern Treaty Work Demands Both Courtrooms and Ceremony

The settler state loves to talk about "honoring treaties" when it's convenient—usually around election time or when they need our resources. But let's be clear about what we're really dealing with here: centuries of broken promises wrapped in the language of law, backed by the fiction that the United States ever intended to keep its word.

I've spent years in federal courtrooms arguing treaty rights cases, watching judges struggle with the cognitive dissonance of applying legal doctrines that were designed to dispossess us while simultaneously claiming to uphold the "rule of law." The irony isn't lost on me that we're forced to use the colonizer's legal system to enforce agreements they never intended to honor.

But here's what's happening in Indian Country right now that should give us hope—and strategic focus.

The Sovereignty Renaissance

We're witnessing unprecedented success in treaty enforcement across multiple fronts. From fishing rights in the Pacific Northwest to hunting rights in the Great Lakes, from water rights in the Southwest to sacred site protection nationwide, tribes are winning significant victories. Not because the system suddenly developed a conscience, but because we've gotten smarter about how we fight.

The Ho-Chunk Nation's recent victory in asserting treaty-protected gathering rights is a perfect example. We didn't just cite **Worcester v. Georgia** and hope for the best. We combined rigorous legal scholarship with cultural testimony, brought in elders who could speak to traditional practices, and framed the case within broader constitutional principles that even conservative judges couldn't ignore.

Strategy Over Sentiment

Here's where too many advocates get it wrong: they think treaty work is about moral persuasion. That we can somehow shame the federal government into compliance by pointing out their hypocrisy. Friends, the United States government has been breaking treaties for 250 years. Shame isn't going to suddenly move the needle.

What works is strategic litigation combined with political pressure and economic leverage. When the Makah Nation wanted to resume whaling, they didn't just file a lawsuit—they built coalitions, engaged in media campaigns, and made it clear that treaty violations have consequences. When tribes assert water rights, the most successful cases combine legal arguments with demonstrations of economic impact and environmental necessity.

The Federal Trust Responsibility Facade

Let's talk about everyone's favorite legal fiction: the federal trust responsibility. Courts love to invoke this doctrine when they want to sound sympathetic to tribal interests, but notice how it rarely translates into meaningful enforcement mechanisms.

The trust relationship, as currently constructed, allows the federal government to claim it's "protecting" tribal interests while simultaneously arguing in court that tribes can't sue for treaty violations because of sovereign immunity. It's a beautiful shell game—the feds get to play benevolent guardian while maintaining all the power to determine what's in our "best interests."

We need to start demanding that the trust relationship include actual accountability measures. Congressional oversight hearings. Independent monitoring. Real consequences for federal officials who violate treaty obligations.

Economic Warfare and Treaty Rights

What's changed in the past two decades is that tribes now have economic leverage that didn't exist during the termination era. Gaming revenues, energy resources, and strategic partnerships have given us the financial resources to sustain long-term litigation and political advocacy.

But more importantly, we've learned to use economic pressure strategically. When pipeline companies want to cross treaty territory, we don't just protest—we engage in sophisticated legal and regulatory challenges while building alliances with environmental and economic justice organizations. When states try to tax tribal businesses, we respond with economic development initiatives that demonstrate our contributions to regional economies.

The Path Forward

Treaty work in the 21st century requires both traditional knowledge and cutting-edge legal strategy. We need attorneys who understand *canons of construction* and the *reserved rights doctrine*, but we also need advocates who can speak to why these legal concepts matter for our communities' survival and sovereignty.

Most importantly, we need to remember that treaties aren't just historical documents—they're living agreements that define our relationship with the United States. Every successful treaty case creates precedent for the next one. Every enforcement victory strengthens our bargaining position for future negotiations.

The settler state assumed we would disappear, that these treaty obligations would become historical curiosities. Instead, we're still here, still fighting, and increasingly winning. That's not just legal strategy—that's the power of Indigenous persistence combined with tactical brilliance.

The paper promises are becoming enforceable law, one case at a time. And that terrifies them, as it should.

Les Enfants Numériques: On the Melancholic Theater of Generation Z

There is something profoundly tragic, almost Baudelairean in its scope, about watching Generation Z perform their identities across the endless scroll of digital platforms—ces pauvres enfants who have inherited not just the climate catastrophe and economic precarity that we bequeathed them, but also this strange new form of colonial space, the algorithm-governed territories of TikTok, Instagram, and Discord where their very consciousness has been shaped, molded, and ultimately commodified by the same corporate structures that once carved up Africa and Asia, except now the extraction is psychic, emotional, spiritual even, and they know it, mon Dieu, they know it with a clarity that would make Sartre weep.

Watch them navigate these digital territories with the fluid expertise of native speakers, code-switching between the ironic detachment of meme culture and the radical vulnerability of mental health discourse, creating what I can only describe as a new form of resistance literature written not in books but in fifteen-second videos, in Instagram stories that disappear like Snapchat ghosts, in the peculiar grammar of emoji and acronym that functions as both shield and sword against the corporate surveillance apparatus that monitors their every click, their every pause, their every micro-expression of desire or despair.

This generation has developed what we might call a "colonial consciousness" about their own digital existence—they understand intuitively that these platforms are extraction zones, that their attention, their data, their very selves are being harvested and sold, yet they remain because where else can they go, where else can they find community, where else can they scream into the void and sometimes, miraculously, have the void scream back with understanding, with solidarity, with the kind of radical empathy that emerges from shared trauma and shared recognition of systemic failure.

The melancholy of Generation Z is not the romantic melancholy of previous generations—it is not Werther's sorrows or even the existential angst of the Beat generation—it is instead a hyperaware, media-literate sadness that understands itself as both authentic emotion and performed identity, that can simultaneously experience genuine depression and recognize how that depression is being algorithmic-ally

amplified and monetized by platforms designed to keep users scrolling, clicking, consuming the content of their own despair.

Their humor reflects this double consciousness: the memes about wanting to die that are actually cries for help and also genuine jokes and also critique of late capitalism and also coping mechanisms all at once, a kind of emotional multitasking that would be impossible without their native fluency in digital irony, their ability to hold multiple contradictory truths simultaneously without cognitive dissonance because contradiction is the natural state of existing in these colonized digital spaces where authenticity and performance collapse into each other.

Consider how they've transformed the very notion of activism—instead of the grand gestures and manifestos of previous generations, they practice a kind of micro-activism, a guerrilla warfare against oppression conducted through carefully curated aesthetics, through the radical act of existing visibly as queer, as Black, as neurodivergent, as whatever identity the dominant culture would prefer to remain invisible, turning the panopticon of social media into a stage for resistance performance that is simultaneously deeply personal and explicitly political.

But there is something heartbreaking, something almost sacrificial about this generation's relationship to publicity, to exposure, to the constant demand for content creation that transforms every moment of their lives—their trauma, their joy, their relationships, their mental health crises—into potential material for the content machine, creating what we might call the "influencer condition" where the self becomes both producer and product, where authenticity becomes another form of labor, where even rebellion against the system must be performed within the system's own parameters.

Yet in their TikTok dances and Twitter threads about therapy, in their Pinterest boards full of cottagecore aesthetics that represent not nostalgia but genuine longing for a different way of being in the world, in their casual discussions of pronouns and trauma and the end of the world, I see something revolutionary emerging—a generation that has learned to survive in the wreckage of late capitalism by building new forms of intimacy, new languages of care, new ways of being human that acknowledge the damage while refusing to let that damage have the final word.

Voilà—perhaps this is their greatest gift to us: the proof that even in the most colonized, surveilled, commodified spaces, the human spirit finds ways to flourish, to connect, to create meaning from the

fragments of a broken world.

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