

THE GOONZETTE

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The Treaty Promise: Why America's Oldest Agreements Still Matter in 2024

When most Americans think about contracts, they imagine documents with expiration dates, termination clauses, and escape hatches. But treaties between the United States and Indigenous nations weren't drafted in corporate boardrooms—they were forged as sacred agreements between sovereigns, meant to last "as long as the grass grows and the water flows."

Yet here we are in 2024, still fighting in courtrooms to make America honor promises it made centuries ago.

The recent developments in treaty law tell a story that should make every American uncomfortable. Take the **McGirt v. Oklahoma** decision from 2020, which the Supreme Court decided correctly—almost by accident. The Court simply read the treaty as written: Congress never explicitly disestablished the Muscogee (Creek) Nation's reservation. Revolutionary concept, right? Actually reading the document before you.

But what happened next reveals everything about how power really works in this country. Rather than accept this straightforward legal ruling, Oklahoma launched a full-scale assault on tribal jurisdiction. State officials cried about chaos and confusion, as if respecting Indigenous sovereignty would somehow collapse civilization. The real concern? Losing control over prosecutions, taxation, and regulation within reservation boundaries.

This isn't ancient history—it's contemporary colonialism in a business suit.

The Ho-Chunk Nation knows this game intimately. Our treaties with the United States span decades of broken promises, forced relocations, and land theft sanctioned by federal law. We were promised permanent homelands multiple times, only to be marched to new territories when white settlers wanted our land. Each time, federal officials assured us these new agreements would be different, permanent, sacred.

The pattern repeats because the fundamental power imbalance never changes. When Indigenous nations succeed in court, Congress simply changes the rules. When we assert treaty rights, states claim economic hardship. When we demand consultation, federal agencies schedule meetings designed to exhaust our resources rather than hear our voices.

But something is shifting in how these battles play out.

Modern treaty litigation increasingly centers on climate change and environmental protection—areas where Indigenous knowledge and federal law align against state and corporate interests. The Biden administration's emphasis on co-management agreements represents a tactical evolution: rather than relitigating treaty boundaries, these arrangements focus on shared stewardship of traditional territories.

Smart strategy, but insufficient remedy.

Co-management sounds progressive until you examine the power dynamics. Federal agencies maintain ultimate authority while Indigenous nations provide expertise and labor. We're invited to advise on managing lands stolen from our ancestors, then praised for our "partnership" in protecting resources we never stopped protecting.

The real test isn't whether federal bureaucrats acknowledge our environmental wisdom—it's whether they'll return decision-making authority over our traditional territories.

This matters for every American because treaty law establishes fundamental principles about how governments honor commitments. When the United States breaks promises to Indigenous nations, it signals to every other country, every business partner, every ally that American agreements expire when they become inconvenient.

You can't build lasting relationships—diplomatic, commercial, or personal—on selective honesty.

The legal developments I'm tracking suggest we're approaching a inflection point. Younger federal judges, educated in law schools where Indigenous legal traditions receive serious study, bring different assumptions

to treaty interpretation. They're more likely to apply basic contract principles: read the agreement as written, honor the original understanding, require clear evidence before finding termination.

Meanwhile, Indigenous legal advocates are building coalitions that transcend traditional tribal boundaries. The National Congress of American Indians coordinates strategy across hundreds of nations, while organizations like the Native American Rights Fund develop litigation strategies that strengthen tribal sovereignty broadly, not just for individual clients.

The opposition is adapting too. State attorneys general coordinate through organizations like the Republican Attorneys General Association to challenge tribal jurisdiction systematically. They frame treaty rights as "special privileges" that create "legal uncertainty" for businesses operating near reservations.

Translation: respecting Indigenous sovereignty costs money, and someone might have to pay taxes to tribal governments instead of state governments.

But treaties aren't privileges—they're the supreme law of the land under Article VI of the Constitution. The uncertainty comes from centuries of federal failure to enforce them consistently.

The path forward requires strategic patience and sustained pressure. Indigenous nations must continue building legal victories while strengthening our own governmental capacity. We need tribal courts, tribal codes, and tribal institutions robust enough to exercise the jurisdiction we're fighting to protect.

Because when America finally starts keeping its promises, we need to be ready to govern.

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The Algorithm's Colonial Gaze: How Digital Platforms Reproduce the Cartographies of Empire

We are witnessing, mes amis, a profound metamorphosis in our digital landscape—one that mirrors with uncanny precision the colonial enterprises of centuries past, where the same mechanisms of extraction, categorization, and cultural flattening that once carved up continents now dissect our online selves into monetizable fragments, our digital identities parsed and packaged by algorithms that speak in the cold mathematics of engagement metrics while whispering the ancient promises of empire: total surveillance disguised as personalization, cultural homogenization masquerading as global connectivity.

The melancholy of this moment lies not merely in our collective surrender to these platforms—though that capitulation is profound enough—but in how seamlessly we have accepted the colonial logic embedded within their very architecture. TikTok's infinite scroll is nothing less than a digital *enclosure*, transforming the commons of human creativity into private property where attention becomes the new raw material, extracted from the Global South's vibrant cultural traditions and repackaged for Northern consumption, stripped of context, drained of meaning, reduced to fifteen-second spectacles that flatten millennia of artistic expression into trending hashtags.

Consider how Instagram's visual grammar has colonized our perception of beauty itself: the platform's algorithmic preferences—that subtle but insistent push toward certain body types, certain aesthetics, certain modes of being—function as a kind of digital *mission civilisatrice*, teaching users worldwide to perform whiteness, to embody Western standards of desirability, to transform their most intimate moments into content optimized for maximum shareability. The violence here is exquisite in its subtlety, operating through the seductive logic of choice while systematically marginalizing forms of expression that resist commodification.

Yet what strikes me as most troubling about this current cultural shift is how it has weaponized our loneliness—that peculiarly modern affliction born from the collapse of traditional communities—against

our capacity for genuine connection. These platforms promise communion while delivering isolation, offering us the simulacrum of social life while systematically destroying the conditions that make authentic relationships possible. We scroll through feeds populated by algorithmic phantoms, each post calibrated to trigger just enough dopamine to keep us trapped in the cycle of consumption, our desires shaped by machine learning models trained on the behavioral patterns of millions, our individuality dissolved into data points that reveal us to be far more predictable than we ever imagined.

The postcolonial dimension becomes most visible when we examine how these platforms export Western modes of selfhood to societies with radically different conceptions of identity and community. WhatsApp's penetration into rural India, Facebook's expansion across Africa, Twitter's role in shaping political discourse from Lagos to São Paulo—each represents a form of cultural imperialism more subtle but perhaps more totalizing than anything achieved by gunboat diplomacy, replacing local forms of communication and community-building with standardized interfaces designed in Silicon Valley boardrooms by programmers who mistake their particular cultural assumptions for universal human nature.

But I do not wish to paint a picture of pure dystopia, for within these very systems of control, we also witness extraordinary acts of resistance and creativity: the ways Black Twitter has repeatedly subverted the platform's intended uses to create spaces of cultural critique and community formation, how TikTok users in the Global South have deployed the algorithm against itself to center marginalized voices and perspectives, how Instagram has become a vital tool for grassroots organizing and political mobilization. These counter-narratives remind us that no colonial system is ever total, that the same technologies used for domination can be repurposed for liberation.

The question that haunts me as I observe this digital transformation is whether we can develop new forms of technological literacy that recognize both the emancipatory potential and the colonial dangers embedded in these platforms. Can we learn to navigate these spaces without being colonized by them? Can we preserve the genuinely democratic possibilities of digital connection while resisting the totalizing logic of surveillance capitalism?

Perhaps the answer lies not in abandoning these platforms entirely—an impossible task given their integration into the fabric of contemporary life—but in approaching them with what I might call a *décolonial consciousness*, one that recognizes their imperial genealogies while insisting on our capacity to inhabit them otherwise. The cultural shift we are experiencing is not inevitable; it is the product of

particular choices made by particular people for particular reasons. Understanding this gives us the power to choose differently.

C'est la lutte continue.

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