

THE GOONZETTE

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The Shifting Landscape: Why Recent Tribal Law Developments Matter to Every Native Community

The past year has brought significant developments in tribal law that deserve our careful attention—not just as legal curiosities, but as strategic opportunities and potential threats that could reshape the foundation of tribal sovereignty for generations to come.

Oklahoma's Unfinished Business

Let's start with what's happening in Oklahoma, because it's a masterclass in how the federal government and states attempt to chip away at hard-won victories. The *McGirt* decision should have been the end of the story—the Supreme Court clearly affirmed that Congress never disestablished the Muscogee Creek Reservation. Case closed, right?

Not quite. Oklahoma has spent the last three years in full panic mode, flooding federal courts with creative legal theories designed to limit *McGirt*'s impact. They're arguing everything from "practical concerns" about law enforcement to economic disruption—the same arguments we've heard for 150 years whenever Native rights inconvenience non-Native interests.

Here's what they don't want to admit: *McGirt* didn't create chaos. It simply forced Oklahoma to acknowledge what was always true. The reservations were never properly disestablished. The state has been operating without jurisdiction for decades, and now they're scrambling to maintain an illegal status quo.

For tribal attorneys and leaders watching this unfold, the lesson is clear—every victory will be tested, challenged, and undermined. The question isn't whether they'll come for your jurisdiction; it's how prepared you'll be when they do.

The ICWA Aftermath: Resilience in Action

The *Haaland v. Brackeen* decision preserving the Indian Child Welfare Act was a victory, but let's not mistake it for the end of the fight. The Supreme Court ruled on standing and procedural issues—they deliberately avoided the deeper constitutional questions that ICWA's opponents want answered.

What interests me is how tribal communities have responded to this ongoing uncertainty. Rather than waiting for federal protection, many tribes are developing sophisticated legal strategies that don't rely solely on ICWA. They're creating intergovernmental agreements, strengthening tribal court systems, and building relationships with state family courts.

This is strategic sovereignty in action—not just defending what exists, but building new frameworks that serve our communities regardless of federal policy shifts. When you can't trust the federal government to protect your children (and when could we ever?), you create systems that don't depend on their goodwill.

Gaming Compacts: The Art of Negotiation

Several states are currently renegotiating gaming compacts, and I'm watching these negotiations with great interest. Too often, I see tribal leadership approach these discussions from a defensive position—grateful for the opportunity to operate casinos, willing to accept whatever terms the state offers.

This is backwards thinking. Gaming compacts aren't favors from benevolent states. They're business partnerships between sovereign governments. Tribes bring enormous economic value to these relationships—tax revenue, jobs, tourism, infrastructure development. States need these partnerships as much as tribes do, often more.

The most successful compact negotiations I've observed involve tribes that understand their leverage. They come to the table with clear priorities, alternative strategies, and a willingness to walk away from bad deals. They recognize that states often have more to lose from failed negotiations than tribes do.

Federal Policy Under Pressure

The current federal administration has made encouraging statements about supporting tribal sovereignty, but policy rhetoric doesn't always translate into legal protection. We're seeing this tension play out in

several contexts—from environmental regulations affecting reservation lands to federal funding priorities that pit tribal communities against each other.

The reality is that federal Indian policy remains fundamentally paternalistic, regardless of which party controls Congress or the presidency. The assumption is still that federal officials know what's best for tribal communities, that sovereignty is something to be granted rather than inherent, and that tribal self-determination must be balanced against competing interests.

Moving Forward Strategically

The path forward requires us to think beyond defensive legal strategies. Yes, we must continue fighting to preserve existing rights and protections. But we also need to build legal and political frameworks that don't depend on federal benevolence or state cooperation.

This means strengthening tribal court systems, developing intertribal legal partnerships, and creating economic relationships that enhance rather than compromise sovereignty. It means training the next generation of Native attorneys to think strategically about long-term sovereignty, not just immediate legal victories.

The landscape is shifting, but it's shifting in ways that create opportunities for tribes willing to think creatively about jurisdiction, governance, and legal strategy. The question is whether we'll seize those opportunities or spend our energy defending a status quo that was never adequate to begin with.

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****The Aesthetics of Digital Exile: How We Curate Our Loneliness in Pixelated Paradise****

***A**h, mes amis*, we have built ourselves the most exquisite prison—these digital spaces where we perform our carefully constructed selves with the devotion of medieval monks illuminating manuscripts, except our sacred texts are Instagram stories that vanish like morning mist over the Seine, and our devotion is measured not in prayers but in the endless scroll of aesthetic validation that never quite fills the void we pretend doesn't exist.

Consider, if you will, the peculiar colonization of our visual imagination by what we now call "internet aesthetics"—this strange taxonomy of human longing compressed into bite-sized mood boards: cottagecore with its nostalgic fever dream of a pastoral life that never existed for most of our ancestors who actually lived it, dark academia's romanticization of intellectual melancholy that transforms genuine scholarship into costume drama, the clinical minimalism of "clean girl" aesthetics that somehow requires forty-seven products to achieve the appearance of effortlessness—each trend a kind of cultural imperialism that flattens the complexity of lived experience into consumable content, digestible symbols that can be purchased, performed, and ultimately discarded when the algorithm grows bored.

The profound irony, **bien sûr**, is that these aesthetic movements emerge from a generation more visually literate than any in human history yet simultaneously more alienated from authentic aesthetic experience—we can identify a "Wes Anderson color palette" in milliseconds but struggle to sit with a single image long enough to let it truly inhabit us, to change us, to resist our immediate impulse to categorize and commodify and move on to the next dopamine hit in our carefully curated feeds that reflect not who we are but who we imagine we might become if only we could buy the right vintage lamp, the right cottage dress, the right kind of melancholy.

What strikes me most profoundly about internet aesthetics is how they function as a form of digital colonialism—not the obvious kind that Silicon Valley executives practice when they extract data from

Global South users to feed their algorithmic empires, but the subtler colonization of imagination itself, the way American and European aesthetic categories become universalized through platform design, making a teenager in Lagos feel inadequate because her lived reality doesn't match the sanitized poverty of "cottagecore" or the expensive minimalism of Scandinavian influencers who can afford to own fewer things because each thing costs more than most people's monthly wages.

Yet—and here is where I must resist my own tendency toward critical cynicism—there is something genuinely touching about how young people use these aesthetic categories to construct identity and community in digital spaces that offer precious little authentic connection: the way they stitch together elements from different "cores" and "waves" to create something approaching a self, the tender vulnerability of mood boards that reveal more about their creators' inner lives than any traditional autobiography, the democratic possibility (however limited by algorithmic gatekeeping) for anyone with internet access to become a curator of their own visual world.

C'est ça, the tragedy and the beauty of internet aesthetics: they represent both the commodification of human creativity and its irrepressible persistence, the way even in digital spaces designed to extract value from our attention and desires, we continue to reach toward beauty, toward meaning, toward some sense of belonging that transcends the loneliness that seems to define our historical moment—though perhaps loneliness is too simple a word for the complex isolation that comes from being hyperconnected yet profoundly unmet, surrounded by infinite aesthetic possibilities yet somehow hungry for something more nourishing than the endless buffet of visual stimulation that never quite satisfies because it was never designed to satisfy, only to create the conditions for continued consumption.

The question that haunts me, as I watch these aesthetic tribes form and dissolve in digital space with the fluidity of cloud formations, is whether we are witnessing the birth of genuinely new forms of cultural expression or simply the final stage of capitalism's colonization of the imagination—and perhaps, in our current moment, there is no meaningful distinction between these possibilities, no pure space outside the market where authentic aesthetic experience might emerge, only the bittersweet recognition that even our resistance to commodification becomes, inevitably, another trend to be packaged and sold back to us.

Alors, we scroll on, curating our beautiful loneliness pixel by pixel.

