

Indian Affairs Committee

Background Materials for Minute to Repudiate Doctrine of Discovery

BACKGROUND: The Doctrine of Discovery (*discoverer takes all*) is a preeminence ideology that asserted that European nations had the right to claim and seize Indigenous lands, establish territorial power and subordinate or destroy Native peoples. European explorers and sponsors believed they had the right and duty to establish dominion in the name of Christianity and Christian sovereigns. That belief became a reality, and the Doctrine became the basis for non-Indigenous governments' claims to legitimacy and to control over Indigenous territories. Less known is the fact that the reasoning underlying the belief in discovery/dispossession became embedded in law in the United States, giving rise to Congress having near-total power over American Indians. As Quakers, we abhor this doctrine and its destructive aftermath, just as we abhor the ideology of racial superiority and its attendant practices and injuries. We find it necessary to make a public statement of renouncement because United States Supreme Court decisions and federal government actions *continue to utilize this doctrine* (and related legal concepts such as laches) to keep tribes from having control over their land and self governance.

The colonizers who originally invoked the Doctrine of Discovery used Christianity as a primary legitimizing argument for their depredations against Native peoples. Therefore it is now the responsibility of faith communities to explicitly withdraw such implied or assumed permission to the colonizers' successors as they continue to rely upon the Doctrine—since, in so doing, they are again, in essence, acting under the moral cover of Christianity. Following the lead of Indigenous leaders and fellow Quakers, and in conjunction with the efforts of Episcopalian and Unitarian Universalist advocates and the World Council of Churches, we too repudiate the Doctrine of Discovery.

As a living document, the United Nations Declaration on the Rights of Indigenous Peoples is a moral counterweight to the Doctrine of Discovery. It has been described as a beacon and catalyst for achievement, well-being, and renewed hope. It affirms distinct peoples and cultures and the necessity of consultation with them. As a human rights instrument, it establishes a standard for the treatment of Indigenous peoples and can be a vehicle in assisting them in combating discrimination, marginalization, and oppression. Quakers participated in and supported the passage of the Declaration as a means to address present injustices and prevent future ones. We call upon the U.S. to be in full compliance with the Declaration, the implementation of which can be reparative to the centuries of damage caused by the false doctrine of discovery/dispossession.

Statement from the National Congress of American Indians

“While it is not binding in law, the declaration represents the highest moral standard for the treatment of the world’s estimated 370 million Indigenous peoples, written as it is in a human rights framework that will guide government policies for indigenous communities and promote the participation of indigenous peoples in the political processes and decisions that affect them.”

PRINCIPLES: Whereas,

- ~ Friends believe in equality, non violence, right relationships, and that of God in every person;
- ~ Friends welcome opportunities to work with Native peoples to raise awareness, create understanding, and bear witness to their aspirations;
- ~ Friends do not accept that Popes and royal heads of state had the right to divide up lands they named the “pagan” world with its “barbarous peoples” so that they could take over lands inhabited from time immemorial;
- ~Friends deplore the fact that English, Portuguese, Spanish and other colonizers acted upon this premise of superiority and this Christian dogma;
- ~ Friends do not accept that violent conquest and occupancy give the conquerors sovereignty over and ownership of the lands and resources thus discovered, even though this has been embedded into national and international law;
- ~ Friends do not agree that the U.S. Congress should have plenary power—full and complete power—over Indian tribes, their governments, their members and their property, even though this is currently included in federal law;
- ~ Friends welcome opportunities to repair some of the damage caused by the Doctrine of Discovery, its successors such as the Monroe Doctrine and Manifest Destiny;
- ~Friends wish to acknowledge and apologize for related aspects of our own history such as the actions of Quaker forebears involved in the taking of Native lands and the suppression of Native cultures through Indian boarding schools;
- ~Friends view the United Nations Declaration on the Rights of Indigenous Peoples as a new and vital tool for advancing and implementing human rights; and
- ~ Friends agree that many of the rights enumerated in the Declaration will encourage countries to take new participatory approaches to issues such as care of the earth, sovereignty, and development; therefore

Proposed MINUTE

In solidarity with initiatives led by Indigenous leaders and religious groups, the Baltimore Yearly Meeting of the Religious Society of Friends (Quakers) denounces and repudiates the Doctrine of Discovery. This 15th Century European doctrine sanctioned conquest of Indigenous *non-Christian* Peoples and seizure of their lands. It also sustained domination. In the United States, the Doctrine of Discovery became incorporated into federal law. We declare that such a doctrine cannot be justified in the name of Christianity and is contrary to all the principles of Divine Love.

Along with the World Council of Churches, Baltimore Yearly Meeting urges the governments and nation states of the world to dismantle the legal structures and policies based on the Doctrine of Discovery and dominance. We particularly urge our United States government to examine Supreme Court decisions that perpetuate the Doctrine-- thereby continuing to disadvantage and harm American Indians, Alaska Natives, and Native Hawaiians.

In addition, Baltimore Yearly Meeting reaffirms its support of the 2007 United Nations Declaration on the Rights of Indigenous Peoples. The Declaration seeks to redefine the relationship between Indigenous Peoples and the State and create opportunities for reconciliation. The Declaration promotes the principles of Indigenous self-determination and community governance and the process of peaceful consultation in decision making.

Proceed As Way Opens: To undertake a service or course of action without prior clarity

about all the details but with confidence that divine guidance will make these apparent and assure an appropriate outcome.

ANTICIPATED QUESTIONS AND MODEST ANSWERS

Question: What is the history of the Indian Committee in bringing this Minute?

Answer: The Indian Affairs Committee previously put forward a Minute, adopted by BYM in 2011, to endorse the United Nations Declaration on the Rights of Indigenous Peoples. A Minute to repudiate the Doctrine of Discovery was adopted in 2010 by our Indian Affairs Committee. A “blended minute” has been prepared to enable BYM to speak comprehensively to the two closely interrelated issues. It is presented, not as a new concern, but as part of a continuing commitment on the part of Friends to help repair 500 years of enduring injustice and harm to our Indigenous brothers and sisters. It illustrates that Quaker witness to dignify and befriend Native individuals and tribes is ongoing. (The BYM Indian Affairs Committee was established in 1795.)

Question: What is the big picture as we consider repudiating the “Doctrine of Discovery?”

Answer: The Committee’s recommendation to BYM to adopt the Minute is consistent with the mission of the Indian Affairs Committee and with Friends’ testimony. One purpose is for Friends to visibly and constructively answer the call of Indigenous peoples and of fellow faith groups to join them on this journey of healing and restorative justice. The broader faith community has new leadings to revisit the situation of Native people. The World Council of Churches is one of many religious organizations denouncing the Doctrine and endorsing the U.N. Declaration on the Rights of Indigenous Peoples. (Quakers are members of the World Council of Churches through Friends General Conference and Friends United Meeting.) It should be noted that Quaker effort long pre-dated that of the World Council. A statement of repudiation is one of many actions that can be taken to support Indigenous peoples, including American Indians and Alaska Natives.

The World Council of Churches calls upon each faith group to:

. . . reflect upon its own national and church history and to encourage all parishes and congregations [and meetings] to seek a greater understanding of the issues facing Indigenous Peoples, to support Indigenous Peoples in their ongoing efforts to exercise their inherent sovereignty and fundamental human rights, to continue to raise awareness about the issues facing Indigenous Peoples and to develop advocacy campaigns to support the rights, aspirations and needs of Indigenous Peoples.

Question: Why publicly “repudiate?”

Answer: Although renouncing the Doctrine may seem like a mere symbolic gesture, we know inhumane belief systems left unchallenged do centuries-long personal and societal harm: consider past thinking about females, gay people, people of color, and developmentally disabled individuals. Often what is left unexamined leaves us indifferent or hinders right action. Therefore consciousness-raising is worthwhile. To be most effective in future community education, religious groups can reframe concepts by revisiting and mentally releasing old world or erroneous assumptions and generalizations about Native Americans. They can acknowledge past wrongs to move forward.

Furthermore, as U. S. Quakers, we are not excused from responsibility to bear this witness simply because historically we were less overt participants in the establishment and implementation of the Doctrine. Think of William Penn getting a land grant from King Charles II for occupancy of the lands of the Lenni Lenape in the colony of Pennsylvania, a direct link to the ethos and practices of the Doctrine. Truth telling about history is necessary for current integrity.

Question: Are there other reasons to take on repudiation of the Doctrine of Discovery as a cause? Why not let things rest? Don't most well read people know the narrative anyway?

Answer: In May 2012, during its eleventh annual session, the United Nations Permanent Forum on Indigenous Issues focused on the theme of the Doctrine of Discovery and the enduring impact of this religious justification for the seizure of Indigenous land and resources that later became embedded in international law and policy. One reason was to learn historical lessons and compare them with current conditions in order to inform proper and relevant redress.

While the Doctrine may seem so old and dusty as to be irrelevant, it is not political correctness but modern concern that also prompts us to raise this up. An 1823 U.S. Supreme Court case *Johnson v. McIntosh* enshrined the Doctrine of Discovery saying the tribes only have rights of occupancy not ownership. That benchmark case continues to be cited today not only in U.S. courts but also in Australian, Canadian, and New Zealand courts. The U.S. Supreme Court relied on Johnson in 1946, 1955 and 2005 cases. Our proposed Minute reflects the belief that the justices and the public can be educated about Indian law--old and new.

Question: What does this Minute and “campaign” mean for Quakers and Indians?

Answer: We celebrate the rejuvenation and strength of Indigenous cultures. We are grateful for the wisdom and other gifts that Native peoples have shared with non-Native Friends and our ancestors. American Indians often speak about “all our relations” and Friends increasingly embrace that belief in the web of life. We seek a healthy blending of multicultural world views to help us face current and future challenges. And we listen to what Native leaders want to explicitly gain and/or challenge. In saying that Friends re-avow our historic commitment to witness for and with Indigenous peoples, we engage in continuing efforts of peacemaking, healing, and reconciliation. This Minute is a contemporary opportunity to bring Indigenous concerns from the shadow of invisibility to the sunlight of awareness, thereby encouraging Friends, including a younger generation, to undertake needed action. In doing so, Friends will work with others as gradual steps are taken to implement the principles of the U.N. Declaration on the Rights of Indigenous Peoples.

Question: Who are some others that have supported repudiation?

Answer: The Philadelphia and New York Indian committees have minuted their support. Since 2009, a growing number of Meetings have renounced the Doctrine of Discovery and affirmed the U.N. Declaration of the Rights of Indigenous Peoples such as Butternuts, Cobscook, and Syracuse. In January 2012, the steering committee of Quaker Earthcare Witness approved a short statement repudiating the Doctrine of Discovery and calling for Monthly Meetings and Churches and Yearly Meetings to renounce it. Some in the Quaker Earthcare Witness group previously considered bringing forward a longer Minute. An early *draft* contained the following ideas, which provide another perspective on the importance of this subject.

“We encourage Friends everywhere to reflect upon Quaker historic and present kindnesses, injustices and ignorance vis a vis Indigenous Peoples. We urge Friends to cultivate joyful and meaningful relationships between Friends and Indigenous Peoples of their regions, and seek how best to support them in their ongoing quest for survival, respect, and inherent sovereignty. In many cases, this quest is inseparable from the care, protection, and restoration of the life-giving systems of the health of our planet.”

Indigenous Peoples are calling for revocation of historic Royal Charters and Papal Bulls, and ask us to show support by repudiating the Doctrine of Discovery. By doing this we acknowledge and make visible, to ourselves and to others, that our past practices, done in the context and mentality of the times, were in error, contributed to the physical, spiritual,

and cultural near-genocide of Indigenous Peoples, and opened the way for the ongoing, heedless assault on the natural environment of their lands.

We affirm our responsibility to support and to lead in healing and restorative justice in the 21st century, including standing with Indigenous peoples against the continuation of judicial and legal injustices being perpetuated today, the foundation for which continues to be the Doctrine of Discovery.”

Question: What use will be made of the BYM Minute if adopted?

Answer: Within the larger international Quaker and religious community, there is a network of people who are compiling statements of conscience, resolutions, and Minutes on this topic. They use a communications strategy to persuade additional faith organizations to make public declarations. We will forward the BYM Minute to approximately 15 groups such as the Canadian Friends Service Committee, the New England Yearly Meeting Committee of Racial, Social and Economic Justice, and the American Indian Law Alliance. The BYM Indian Affairs Committee has personal contacts in each organization.

The Minute can be used as part of community and religious education at Monthly Meetings. It can be used as a springboard to discuss a number of domestic Indigenous issues too such as stereotyping, pending national legislation to stop violence against Native women, protection of sacred sites, and federal recognition of the Virginia tribes.

"We pray that God will give us strength and courage to do this work together for the good of all our relations, in the belief that Christ Jesus ends hostility and brings together those who were once divided."

The Most Rev. Katharine Jefferts Schori
Presiding Bishop and Primate
The Episcopal Church

(Presiding bishop's letter on Doctrine of Discovery, Indigenous Peoples, Episcopal News Service, May 16, 2012)