

Episcopal Church repudiates Doctrine of Discovery

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ANAHEIM, Calif. – In a first-of-its-kind action in the Christian world, the national Episcopal Church has passed a landmark resolution repudiating the Doctrine of Discovery and urging the U.S. government to endorse the U.N. Declaration on the Rights of Indigenous Peoples.

Organizers of the bill hope it will lead to the overturning of a 19th century U.S. Supreme Court ruling and Congress' assumption of plenary power over Indian nations they say are illegitimate and immoral, and continue to strip American Indian nations of their inherent sovereignty.

The resolution, called "Repudiate the Doctrine of Discovery," was passed unanimously by the Episcopal House of Bishops and by an overwhelming majority of the House of Delegates during the church's 76th General Convention July 8 – 17 in Anaheim.

"It's a historic event," said Steven Newcomb, Shawnee/Lenape. Newcomb is the indigenous law research coordinator for the Sycuan Education Department, co-founder and co-director of the Indigenous Law Institute, and a columnist for Indian Country Today.

Newcomb's work on the Doctrine of Discovery in his many essays and his 2008 book "Pagans in the Promise Land" is the spark that ignited individuals in the Episcopal Church to pursue the resolution.

Newcomb expressed his "deep appreciation" for John Dieffenbacher-Krall, Brenda Hamilton, and John Chaffee "who powerfully advocated for passage of the adopted resolution.

"Through the official action of an important religious institution in the United States, the document raises the visibility of the Doctrine of Christian Discovery, while providing a means of educating people about that doctrine and its continuing effects on indigenous nations and peoples. The resolution is also important because of its focus on and endorsement of the U.N. Declaration on the Rights of Indigenous Peoples."

The resolution is also timely: The U.N. Permanent Forum on Indigenous Issues has called for a study of the Doctrine of Discovery and its historic and continuing effects on indigenous people to be completed by the forum's convening in 2010.

"The Episcopalian Church's resolution will no doubt factor into that study," Newcomb said.

The Doctrine of Discovery was a principle of international law developed in a series of 15th century papal bulls and 16th century charters by European monarchs. It was essentially a racist philosophy that gave white Christian Europeans the green light to go forth and claim the lands and resources of non-Christian peoples and kill or enslave them – if other Christian Europeans had not already done so.

The doctrine institutionalized the competition between European countries in their ever-expanding quest for colonies, resources and markets, and sanctioned the genocide of indigenous people in the "New World."

The resolution renounces the doctrine "as fundamentally opposed to the Gospel of Jesus Christ and our understanding of the inherent rights that individuals and peoples have received from God," and promises to share the document with its churches, governments within its boundaries, and the U.N.

It resolves to eliminate the doctrine within the church's contemporary politics, programs and structures, and urges the U.S. government to do the same. It asks Queen Elizabeth to publicly repudiate the Doctrine of Discovery, and encourages all Episcopal churches to support indigenous peoples in their ongoing efforts for their inherent sovereignty and fundamental human rights as peoples to be respected.

Johnson v. M'Intosh, an 1823 U.S. Supreme Court case, held that because of the Doctrine of Discovery American Indians have a mere right of occupancy to their lands. The ruling is foundational to federal Indian law.

Dieffenbacher-Krall, the executive director of the Maine Indian Tribal State Commission and originator of the resolution movement, said the ultimate goal is to overturn Johnson v. M'Intosh, and dismantle Congress' claim to plenary power over Indian nations.

"This is illegitimate, this is immoral, this is evil. U.S. law shouldn't be based on this. I want to see an all out effort to overturn Johnson v. M'Intosh just as the NAACP legal defense fund and many civil rights activists worked strategically to overturn Plessy v. Ferguson," he said, referring to the 1896 Supreme Court ruling that upheld a "separate but equal" decision by a lower court that allowed Louisiana to operate separate railroad cars for African-Americans. The high court decision provided cover for southern states to impose racist Jim Crow laws for more than five decades until segregation was tossed out in 1954 in Brown v. Board of Education.

A longtime social justice activist, Dieffenbacher-Krall said his growing awareness and understanding of the doctrine's history made action irresistible.

"It's not like I had a St. Paul on the road to Damascus moment, but sometime in the winter, spring or summer of 2006, I really became aware of the Doctrine of Discovery in connection to Congress' claim of plenary power over American Indian nations.

"So where's the social justice behind Congress saying, 'We'll just do whatever we want with the Maliseets or Navajo or Hopi because we're the U.S. and you're not?' I felt that because I have an uncommon knowledge for a white person about some of this stuff that I might have a role to play working in my church to make people aware of this."

Working with the Wabanaki tribes in Maine, reading Newcomb's articles and later contacting him helped strengthen Dieffenbacher-Krall's determination to act, and in October 2007, Maine's Episcopal Church responded by passing a resolution calling on Queen Elizabeth and the Archbishop of Canterbury to rescind the 1496 charter given to John Cabot and his sons to go forth and claim possession of all the lands in the "New World" that weren't already claimed by Spain and Portugal.

Dieffenbacher-Krall also worked with Chaffee, a professor of Chinese history at Binghamton University and member of the Episcopalian diocese in Central New York, to pass its own similar resolution in November 2008, and with Hamilton, a Maine social worker, who worked with Chaffee to shepherd the national church's resolution through the process in Anaheim.

Chaffee crafted the resolution that was adopted at the general convention.

The resolution has “a substantial practical value,” Chaffee said, because it could potentially “provide important legal ammunition in terms of pending and future legal cases that might be brought by Native Americans. I’m very happy to be just a small part of that whole process.”

Hamilton was honored to be able to participate. In an e-mail update to her colleagues during the convention, she wrote, “My testimony rebutted the comment I have often heard about this issue, ‘What, are we trying to rewrite history?’ I said that to stand in any of the colonial churches of New England was a reminder that those churches stood on a history of the Doctrine of Discovery and genocide, thus there needed to be recognition of that both by the Episcopal Church and its colonial forbears in the Church of England.”