

Editor's note: This annotated transcript combines elements of the film's spoken word with excerpts from "The Doctrine of Discovery and its Enduring Impact on Indigenous Peoples" PDF inside the essential reading collection of files, "Onondaga Nation Files Suit in World Court." From the Introduction:

On Tuesday, April 15, 2014, members of the Onondaga Nation, a treaty-recognized sovereign nation with homelands in upstate New York, [filed a petition against the United States with the Inter-American Commission on Human Rights \(IACHR\)](#). Since 1788, 2.5 million acres of land have been stolen from the Onondaga Nation by New York State, and the failure of the domestic court system has left the Nation with no choice but to seek assistance for human rights violations from the international community.

Doctrine of Discovery

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[MP3 recording](#) (5:59, 11.1MB)

This short film is part of 8 short, testimonial films, on the Haudenosaunee (Iroquois.) The Iroquois are embarking on an historic project about the 500-year history of the Iroquois, their relationship with Europe and America and their prophecies that, if heard, can help us navigate the oncoming changes due to climate change. This series of short films is done via their testimony, and creates the space for the Iroquois to tell their story as they strive to uphold the traditions and the legacy of their people while also protecting the central tenets of their people and their relationship and care for the Earth.

This series was created by Tree Media in collaboration with Oren Lyons, Sid Hill and the Haudenosaunee. This series was created with the support of the Leonardo DiCaprio Foundation (a project of the California Community Foundation) and with the support of Executive Producer Oliver Stanton. For more information: www.digitalwampum.org and www.treemedia.com.

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Tadadaho Sidney Hill: We always wondered why did they think it was right or just to do what they did, was to take our lands and to push us off our lands and to try to eliminate us as a people. Then we discovered this [Doctrine of Discovery](#). It made things understandable as to where they got their direction from.

Faithkeeper Oren Lyons: When Columbus landed and he went back and he reported and they said then, they the leaders, and the Vatican was the most powerful voice in the world at that time, [a papal bull, 1493](#), one year later: if there are no Christian nations in this new land you have discovered I declare those lands to be empty, *terra nullius*. Very old Roman law that had been exercised in Africa, India, Europe. Further, if there are people there and they are not Christians they do not have a right of title to land. They have only the right of occupancy. From our perspective, the same right as a rabbit running on the ground, or a turkey, or a deer, or a buffalo, or an Indian. They do not have a right of title to land.

1823, Supreme Court Justice John Marshall adjudicated in the case, *Johnson versus McIntosh*, two white men arguing over Ohio Indian land. He said, You boys have it all wrong. Don't you understand? This was settled long ago. They don't have a right of title to land. And he moved that principle into US federal law, 1823. The Doctrine of Discovery became the doctrine of law.

Today Christian doctrine specific, wasn't Muslim doctrine, wasn't Jewish doctrine, Christian. And it prevails as here, it's a reality. But most people don't understand that, most people don't know that. We didn't even understand that in 1990-1991, when I first really said, Well, what's the Doctrine of Discovery? What is that?

Young man by the name of [Steve Newcomb](#) said I've got something, you guys have got to see it. Came out of Peru. Came out of people down there they were really digging. It was an unspoken conspiracy by states going on all those years. Shhhhhh, don't tell Natives. We found out anyway, eventually, finally.

2005, *City of Sherrill v. Oneida Indian Nation*, court case, first notation by a Supreme Court Justice [Ginsburg Opinion], "doctrine of discovery". [[Footnote #1](#): Under the "doctrine of discovery," *County of Oneida v. Oneida Indian Nation of N.Y.*, [470 U.S. 226](#), 234 (1985) (Oneida II), "fee title to the lands occupied by Indians when the colonists arrived became vested in the sovereign—first the discovering European nation and later the original States and the United States," *Oneida Indian Nation of N.Y. v. County of Oneida*, [414 U.S. 661](#), 667 (1974) (Oneida I).] It's not alive? I think it's alive and well. [30 court cases for Onondaga Nation](#), dismissed out of hand. 'Oh, you guys were too slow, it's too late. Let's make up, let's see, "new laches" we'll call it. Besides it's disruptive to our people.' That's what the Justice said, It's disruptive. No discussion about our people and about justice, about what's right.

The American people don't know about this. Well it's time they learn. [It's time they learn because it's going to take all of us](#). It's going to take all of us. And I would be very, very, very careful about stamping out the last place that's holding the line the hardest. Haudenosaunee, 6 Nations, that's holding the line hardest for the common good. For the good of all. For the future. That's what I have to say.

From 1493 to 2018: Papal Bulls of Worldwide Christian Domination

Excerpts from “The Doctrine of Discovery and its Enduring Impact on Indigenous Peoples” [PDF](#) inside the file set pertaining to [Onondaga Nation Files Suit in World Court](#):

The Discovery Doctrine is a construct of public international law expounded by the United States Supreme Court in a series of decisions, initially in *Johnson v. M’Intosh* in 1823. It is based on a series of [15th century Papal Bulls](#) that gave Christian explorers the right to claim title to the lands they “discovered” and lay claim to those lands for their Christian Monarchs. Any land that was not inhabited by Christians was available to be “discovered”, claimed, and exploited. If the “pagan” inhabitants could be converted, they might be spared. If not, they could be enslaved or killed.

“By this directive, by fiat, the European nations claimed for themselves the entire Western Hemisphere. It is a demonstration of the incredible arrogance of the time. This has resulted in the subjugation, genocide, relegating indigenous peoples to a subhuman status in international politics. Indigenous peoples have been laboring and suffering under that status right up until the [U.N. Declaration on the Rights of Indigenous Peoples](#) was established in 2007, which for the first time recognized Indigenous peoples as ‘peoples’. Up until recently, we were politically denied human rights.”

—Onondaga Nation Faithkeeper Oren Lyons

THE DOCTRINE OF DISCOVERY IS STILL USED TO DENY INDIGENOUS LAND RIGHTS

“Under the ‘doctrine of discovery’ ... fee title to the lands occupied by Indians when the colonists arrived became vested in the sovereign—first the discovering European nation and later the original states and the United States”

[Footnote #1, *City of Sherrill v. Oneida Indian Nation of New York* 125 S. Ct. 1478, 148384 \(2005\)](#)

This decision resulted in the subsequent dismissal of the Cayuga and Oneida land claims and the Onondaga Nation’s Land Rights Action.

A MOVEMENT IS GROWING TO REPUDIATE THE DOCTRINE OF DISCOVERY
— See developing archive treasury at: doctrineofdiscovery.org.

400 years of hostility to Native Americans

By OREN LYONS

Albany Times Union, August 9, 2009, pp-B1 and B3

Oren Lyons is faithkeeper of the Turtle Clan and a member of the Onondaga Nation Council of Chiefs of the Haudenosaunee (Iroquois) confederation.

When Henry Hudson's Half Moon sailed into what is now called New York Bay 400 years ago, the natives he met had already been declared non-people for more than a century. That racist "Doctrine of Discovery" still resonates today in American courts of law.

Under the doctrine, issued in 1493 by Pope Alexander VI after Christopher Columbus kicked off a frenzy of transatlantic voyages, native lands "discovered" by European explorers were considered "unoccupied" because the people in those uncharted lands were not Christian.

That doctrine, known in church law as [Inter Cetera](#), forms the basis of Indian law in what was to become the United States, justifying in the minds and courts of white settlers that they could divide up land ownership without regard for the millions of natives who had lived here for millennia. The protections intended in the separation of church and state were conveniently not extended to the Indians.

When the leaders of the American Revolution pledged their honor and fortunes in the fight to break free from England, those fortunes in many cases were based on huge profits pocketed by land speculators like Washington, Jefferson and Adams, who relied on the doctrine to survey, subdivide and claim ownership of lands with no consideration for the indigenous people living on them.

That is why we are calling on Pope Benedict XVI, who has committed to confronting past wrongs done in the Catholic Church's name, to formally renounce Inter Cetera as a critical step on the road to right historic wrongs visited upon indigenous peoples here and elsewhere around the world where it was similarly applied.

Just last month, the Episcopal Church General Convention passed a resolution that "repudiates and renounces the Doctrine of Discovery as fundamentally opposed to the Gospel of Jesus Christ and our understanding of the inherent rights that individuals and peoples have received from God."

This is not ancient history.

"It continues to be invoked, in only slightly modified form, in court cases and in the many destructive policies of governments and other institutions of the modern nation-

state that lead to the colonizing dispossession of the lands of indigenous peoples and the disruption of their way of life ” the Episcopal Convention resolution stated.

The Doctrine was cited as recently as 2005 by Supreme Court Justice Ruth Bader Ginsburg in a decision denying land sovereign status to the Oneida Indian nation’s purchase of property clearly within its historic boundaries as established by the 1794 treaties signed by the new U.S. government with the nations of the Haudenosaunee (or Iroquois) confederation. Those nations include the Mohawk, Oneida, Cayuga, Seneca, Tuscarora and the Onondaga, the nation of which I am part.

Ginsburg wrote that “fee title to the lands occupied by Indians when the colonists arrived became vested in the sovereign—first the discovering European nation and later the original States and the United States.”

She was applying longstanding law dating to a landmark 1823 decision in which Chief Justice John Marshall wrote that Piankeshaw Indians in Illinois could not freely sell their land because the federal government controlled it.

Citing the doctrine, Marshall noted that English explorer John Cabot was authorized to claim ownership of “discovered” lands “[notwithstanding the occupancy of the natives](#), who were heathens, and at the same time, admitting the prior title of any Christian people who may have made a previous discovery.”

Whether 1823 or 2005, it’s clear who is left out—the people who lived on the land for countless generations before Europeans arrived.

The United States is one of only four nations—along with Canada, Australia and New Zealand—to have voted against the U.N.’s 2007 Declaration on the Rights of Indigenous Peoples, which protects indigenous people’s rights to culture, identity, language, employment, health, education and use and development of their land.

So as New York and the nation commemorate the 400th anniversary of Henry Hudson’s voyage up the river that bears his name, it is not surprising that indigenous people are invisible in that commemoration. According to the Doctrine of Discovery, we didn’t exist when he first arrived. Apparently, we still don’t.