



At the 222nd General Assembly in 2016, the Presbyterian Church (USA) adopted recommendations for action on the Doctrine of Discovery: **It calls the church to “confess its complicity and repudiate the Doctrine of Discovery,** and direct the Presbyterian Mission Agency and the Office of the General Assembly, in consultation with ACREC (Advisory Committee on Racial Ethnic Concerns), to initiate a process of review of the Doctrine of Discovery.”

A conversation on the Doctrine of Discovery will always entail a discussion of Native American or Indigenous lands. Moreover, because the doctrine has been a central part of U.S. law regarding tribal lands, the Presbyterian Church has played a major role historically in the implementation of the doctrine.

As the National Capital overture stated, “[d]uring all ... periods of American history, Christian churches.... have accepted and supported the various forms of the Doctrine of Discovery. ... We have participated both actively and passively throughout our history in discriminatory behavior directed against Native Americans. We have stood by while Native Americans were killed and their lands taken, while the story of their participation in the history of our country was distorted and suppressed.”

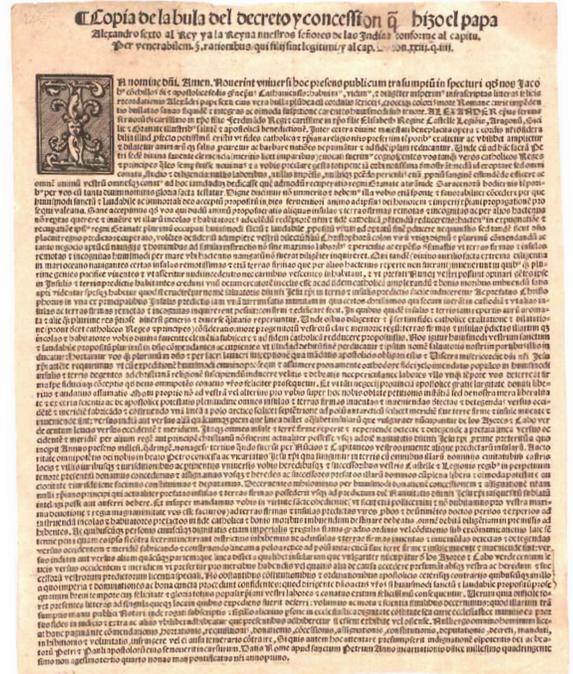
PC(USA) and the Doctrine of Discovery

A Review of Its Origins and Implications for Congregations in the PC(USA) and Support for Native American Sovereignty As Approved by the 223rd General Assembly

“...in our times especially the Catholic faith and the Christian religion be exalted and be everywhere increased and spread, that the health of souls be cared for and that barbarous nations be overthrown and brought to the faith itself.”

Papal Bull, 1493

[aka The Doctrine of Discovery]



The Papal Bull "Inter Caetera," issued by Pope Alexander VI on May 4, 1493, played a central role in the conquest of the New World. The Bull stated that any land not inhabited by Christians was available to be “discovered, claimed, and exploited by Christian rulers.”

This "**Doctrine of Discovery**" became the basis of all European claims in the Americas as well as the foundation for the United States’ western expansion. In the US Supreme Court in the 1823 case *Johnson v. McIntosh*, Chief Justice John Marshall’s opinion in the unanimous decision held "that the principle of discovery gave European nations an absolute right to New World lands." In essence, American Indians had only a right of occupancy, which could be abolished.

— *The Gilder Lehrman Institute of American History*

1. The process of review includes the preparation of a four part report;
2. Makes recommendations of how congregations in the PCUSA can support Native Americans in their ongoing efforts for sovereignty and fundamental human rights;
3. Describes how relationships with specific Native American individuals and tribes can be developed; and
4. Suggests specific ways in which congregations may recognize, support, and cooperate with Native American individuals, tribes, and nations who reside within their communities. With this action the PCUSA joins other denominations who have taken actions to repudiate the Doctrine of Discovery.

The denomination's Report describes the Doctrine of Discovery and explains its history. First articulated in 1823 in the US, the Doctrine of Discovery is a principal of law by which "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."

The U.S. Supreme Court interpreted "discovery" to mean that when European, Christian nations "discovered" lands unknown to Europeans, they automatically gained sovereign

Clearly, the doctrine had Christian roots, leading some to label it the "Christian Doctrine of Discovery," merging theology and law.

and property rights in the lands. This was so, even though Indigenous people had occupied and used the lands for millennia. This real-property right was subject only to the continuing use and occupancy rights of the Indigenous peoples.

Indigenous peoples were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own discretion; but their rights to complete sovereignty, as independent nations, were necessarily diminished, and their power to dispose of the soil at their own will, to whomsoever they pleased, was denied by the original fundamental principle, that discovery gave exclusive title to those who made it.

Johnson v. McIntosh 21 U.S. (8 Wheat.) 543 (1823), involved the attempted purchase of land in Indiana and Illinois from Piankashaw and Illinois Indians by private land speculators in Philadelphia and Baltimore. The U.S. Supreme Court interpreted "discovery" to mean that when European, Christian nations "discovered" lands unknown to Europeans, they automatically gained sovereign and property rights in the lands.

Johnson has been cited and relied on by Australian, New Zealand, and Canadian courts, and thus had a major impact on all Indigenous peoples who have experienced the colonial impacts of the British crown.

Writing on the International law of colonialism, Robert Miller* observed that, by 1494, the Doctrine of Discovery stood for four points, as defined by the Church, Portugal, and Spain: (1) the Church possessed the

authority to grant Christian kings title and sovereignty over Indigenous peoples and their lands; (2) European exploration, conquest, and colonization was designed to assist the papacy in exercising its guardianship over the entire earthly flock; (3) Portugal and Spain held exclusive rights over other European countries to colonize the world; and (4) the mere discovery of lands by Portugal or Spain in their respective spheres of influence, and engagement in symbolic acts of possession on these lands, was sufficient to establish their ownership rights.

Additionally, through its mission work outside of the United States, the Presbyterian Church has had relationships with Indigenous peoples on all continents of the world. Thus, an understanding of the origins and modern-day manifestations of the Doctrine of Discovery, including its impacts on Indigenous peoples in the United States and around the globe, is essential to meaningful "recommendations of how congregations in the PC(USA) can support Native Americans in their ongoing efforts for sovereignty and fundamental human rights."

*See discussion in Robert J. Miller, "The International Law of Colonialism: A Comparative Analysis," 15 Lewis & Clark L. Rev. 847 (2011) "In discussing Discovery, one is forced to use a comparative analysis to examine how the legal regimes of England, Spain, and Portugal developed the international law of European expansion and colonization, and then how they applied the Doctrine in Australia, Brazil, Canada, Chile, New Zealand, and the United States."

This is excerpted and adapted from a PC(USA) report to the 223rd General Assembly in 2018. See full report here: <http://bit.ly/2QuODDd>



PC(USA) and the Doctrine of Discovery

**Recommendations Approved
by the 223rd General Assembly (2018)**

1. Urge the session of each congregation, as well as each mid council, COTE-member seminaries, Presbyterian Women's groups, and other organizations to confess their complicity and repudiate the Doctrine of Discovery.
2. Direct the Presbyterian Mission Agency to create resources for education on racism that address the themes in this report involving Native American Presbyterians and congregations.
3. Encourage COTE-member seminaries to prepare students to articulate Native American theologies to give voice to these theologies and disrupt historic oppression and racism in Native American communities.
4. Encourage the commissioners of the 223rd General Assembly (2018) to review the 212th General Assembly (2000) report, "Comprehensive Strategy for Ministries with Native Americans" (Minutes, 2000, Part I, pp. 206ff), including its supplemental recommendations regarding all aspects of Native American ministry, and to lift up Native American ministries in the PC(USA).
5. Direct the Presbyterian Mission Agency to create a speaker's bureau on Indigenous issues and publicize the list to the church.
6. Direct the Office of the General Assembly to amend the Standing Rules of the General Assembly so that each meeting of the assembly begins with an acknowledgement of whose land the assembly is meeting on and that greetings to the assembly include a welcome from those Indigenous peoples currently living on the land.
7. Direct the agencies of the Presbyterian Church (U.S.A.) to begin each meeting with an acknowledgement of whose land they are meeting on and that greetings to the assembly include a welcome from those Indigenous peoples currently living on the land.
8. Encourage mid councils to begin their meetings with an acknowledgment of whose land they are meeting on and that greetings to the assembly include a welcome from those Indigenous peoples currently living on the land.
9. Encourage the Presbyterian Publishing Corporation to create resources that address the realities faced by Indigenous peoples in the United States and worldwide.
10. Encourage the Presbyterian Mission Agency to provide education on the human rights of Indigenous peoples as part of preparation for all mission co-workers.
11. Direct the Presbyterian Historical Society to identify and highlight resources related to Presbyterian Church (U.S.A.) and its relationships with Indigenous peoples.
12. Direct the Presbyterian Mission Agency to initiate a survey in order to create a listing of courses taught in COTE-member seminaries that focus on the histories of Indigenous peoples and current issues facing Indigenous peoples, identifying specific instructors, courses, texts, and syllabi when possible.

13. Direct the Presbyterian Mission Agency to identify in the Book of Confessions how our confessions may support the Doctrine of Discovery, how our confessions may challenge the Doctrine of Discovery, how our confessions provide evidence for ways the church can change, and to report its findings to the 224th General Assembly (2020).

14. Direct the Presbyterian Mission Agency to include the Doctrine of Discovery and the histories of Indigenous peoples and current issues facing Indigenous peoples in its antiracism and training efforts.

15. Encourage mid councils to request that when they contract outside antiracism trainers that the trainers address Indigenous issues and include Indigenous trainers, adjusting the content to be appropriate to the context in which the training takes place.

16. Direct the Presbyterian Mission Agency, in consultation with the Native American Consulting Committee (NACC), to devote an issue of *Unbound* to the Doctrine of Discovery, including histories of Indigenous peoples and issues facing Indigenous peoples.

17. Urge the session of each congregation—as well as each mid council, COTE-member seminaries, Presbyterian Women’s groups, and national church agency—to review the existing study resources on the Doctrine of Discovery (posted on the Facing Racism website: <https://facing-racism.pcusa.org/item/41901/>), and to lift up histories of Indigenous peoples and current issues facing Indigenous peoples.

18. Direct the Presbyterian Ministries at the United Nations to monitor Indigenous issues in the United Nations and to share this information in its reporting.

The complete report contains a lengthy review of the church’s complicity in accepting and enforcing the Doctrine of Discovery; it can be found here: <http://bit.ly/2QuODDd>

The report was prepared in consultation with a committee of PCUSA staff and Native American consultants who represented or had served on the following PCUSA bodies:

- REAC, Racial Equity Advocacy Committee, (formerly known as ACREC, the Advisory Committee on Racial Ethnic Concerns)
- Native American Consulting Committee
- Synod of Lakes and Prairies
- Synod of the Southwest
- Synod of the Northwest
- Dakota Presbytery
- Yukon Presbytery
- Office of Racial and Intercultural Justice
- Presbyterian Mission Agency
- Assistant Stated Clerk and Manager for Equity



Israel/Palestine Mission Network

of the PRESBYTERIAN CHURCH, U.S.A.

peacemaking through partnerships, education and advocacy

“Currently, 92% of the PCUSA membership is Caucasian and still (mostly-unconsciously) guided by the same trajectory of thought that is reflected in the Doctrine of Discovery. Guidance into a new way of thinking must come from sources outside the dominant culture.”

—Report approved by 223rd GA

“The Doctrine of Discovery reinforced the dehumanization of many (Jews, Arabs, Africans, et al.) and contributes to the ideology of white nationalism today.”

—Rev. Dr. Walt Davis, Christian Ethicist
Prof. Emeritus, San Francisco Seminary