

1-1-2016

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### Recommended Citation

Charles, Mark (2016) "The Doctrine of Discovery, War, and the Myth of America," *Leaven*: Vol. 24 : Iss. 3 , Article 9.  
Available at: <http://digitalcommons.pepperdine.edu/leaven/vol24/iss3/9>

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# The Doctrine of Discovery, War, and the Myth of America

Mark Charles

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**T**he United States of America proclaims itself to be a nation of liberty and equality. We tell ourselves that we are a country built on biblical principles, by God-fearing men. We are the good guys, and our wars are just. After all, our Declaration of Independence states, “All men are created equal . . .” And our constitution begins with the words:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence [*sic*], promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America . . .”

But is that accurate? Are these the principles our nation is really founded on? Before you read any more of this article, I invite you to complete a short exercise. From memory, make a mental list of every war and military conflict that the United States of America was engaged in between 1819 and 1918.

What did you come up with? Most would say the Civil War (1861–1865), Mexican–American War (1846 and 1848), and entrance into World War I. But what else? Weren’t there some Indian Wars during that period?

Yes. In fact, a simple Google search on “19th Century Wars of the United States” reveals that the United States was practically in a constant state of war or military conflict against Native tribes and Indigenous peoples for a majority of the one-hundred-year period in question.

- First Seminole War (1817–1818)
- Texas Indian War (1820–1875)
- Arikara War (1823)
- Winnebago War (1827)
- Black Hawk War (1832)
- Second Seminole War (1835–1842)
- Cayuse War (1847–1855)
- Apache War (1851–1900)
- Puget Sound War (1855–1856)
- Rogue River Wars (1855–1856)
- Third Seminole War (1855–1858)
- Yakima War (1855–1858)
- Navajo Wars (1858–1866)
- Paiute War (1860)
- Yavbapachi Wars (1861–1875)
- Dakota War of 1862 (1862)
- Colorado War (1862–1865)

- Snake War (1864–1868)
- Powder River War (1865)
- Red Cloud’s War (1866–1868)
- Comanche Campaign (1867–1875)
- Modoc War (1872–1873)
- Red River War (1874–1875)
- Great Sioux War of 1876 (1876–1877)
- Buffalo Hunter’s War (1876–1877)
- Nez Pierce War (1877)
- Bannock War (1878)
- Cheyenne War (1878–1879)
- Sheepeater Indian War (1879)
- Victorio’s War (1879–1881)
- White River War (1897–1880)
- Pine Ridge Campaign (1890–1891)
- Yaqui Wars (1896–1918)
- Battle of Kelly Creek (1911)
- Bluff War (1914–1915)

But this history is not taught in our schools. Our educational system teaches that the United States was founded on the premise that “all men are created equal” and our freedom was won through the fighting of a Revolutionary War against the oppressive colonial government of Great Britain. While that may be partially true, it does not tell the full story. You see, the history taught in the United States is not so much a history as it is a mythology. A set of words, stories, and ideas carefully chosen and delicately nuanced to construct an image of freedom, liberty, and equality. But this mythology is false and the actual history is quite contrary to that image.

The mythology begins with discovery, which is based on a doctrine we have tried hard to forget.

### **The Doctrine of Discovery**

Invade, search out, capture, vanquish, and subdue all Saracens and pagans whatsoever, and other enemies of Christ wheresoever placed, and the kingdoms, dukedoms, principalities, dominions, possessions, and all movable and immovable goods whatsoever held and possessed by them and to reduce their persons to perpetual slavery, and to apply and appropriate to himself and his successors the kingdoms, dukedoms, counties, principalities, dominions, possessions, and goods, and to convert them to his and their use and profit.

These are the words of Pope Nicholas V, written in 1452 in the Papal Bull *Dum Diversas*. This Bull, along with others written between 1452 and 1493, collectively became known as the Doctrine of Discovery. The Doctrine of Discovery is the Church in Europe telling the nations of Europe that wherever they go, whatever lands they find that are not ruled by Christian rulers, those people are less than human and the land is theirs for the taking. It is this doctrine that allowed European nations to colonize the continent of Africa and enslave the African people. It is also this Doctrine of Discovery that allowed Christopher Columbus, who was lost at sea, to land in a “new world” already inhabited by millions and claim to have “discovered” it.

Common sense tells us you cannot *discover* lands that are already inhabited. And the lands of Turtle Island definitely were not empty. This world was not *new*. People, communities, tribes, entire societies had been living here for hundreds, even thousands of years prior to Columbus getting lost at sea. And the process of taking lands that are already occupied is more accurately described as “stealing” or “conquering.” But that is not how we teach American history. The fact that even to this day the United States refers to what

Columbus did as discovery reveals America's unjust foundations and narcissistic worldview. The myth that America was discovered is a racist, colonial concept that assumes the dehumanization of Indigenous peoples.

Unfortunately, the influence of the Doctrine of Discovery in the United States does not end there.

In 1763, King George issued the Proclamation of 1763. In this proclamation he drew a line down the Appalachian Mountains and essentially told the colonists they no longer had the right of discovery of the Indian lands west of Appalachia. That right was now reserved solely for the crown. The colonies were angered by this proclamation. They wanted to keep the right of discovery for themselves, and so a few years later they wrote a letter of protest. In this letter they stated,

“He [King George] has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.”

They went on in this same letter to address several other issues they had with the king, concluding with the following: “He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages . . .”

They signed their letter on July 4, 1776.

Yes, the Declaration of Independence, which so eloquently states, “All men are created equal,” just thirty lines later goes on to dehumanize natives as “savages.” Making it abundantly clear that the independence and freedom upon which the United States of America is founded is dependent upon a narrow definition of who is actually human.

After the colonies won the Revolutionary War and their freedom from the Crown, they needed to establish guidelines for their grand experiment of building a new nation. In the Constitution they needed to clearly define who *We the People* and *All men* actually referred to. A plain text reading of Article I Section II the Constitution makes it quite clear: women (who are never mentioned), African slaves and Native Americans are NOT included.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.”

About forty years later, the parameters for the rights of the myth of discovery were further clarified by our legal system in the following Supreme Court case ruling:

As they [European colonizing nations] were all in pursuit of nearly the same object, it was necessary, in order to avoid conflicting settlements, and consequent war with each other, to establish a principle, which all should acknowledge as the law by which the right of acquisition, which they all asserted, should be regulated as between themselves. This principle was, that discovery gave title to the government by whose subjects, or by whose authority it was made, against all other European governments, which title might be consummated by possession.<sup>1</sup>

In 1823, the United States Supreme Court presided over a case brought by two men of European descent regarding a single piece of land. One acquired the land from a Native tribe and the other received it from the government. They wanted to know who legally owned it. In reviewing the case the Supreme Court decided that the principal for land titles was discovery, and then used the Doctrine of Discovery to determine that Indian tribes only have the right of occupancy to land, while Europeans have the right of

1. Johnson v. M'Intosh, 21 U.S. 543 (1823).

discovery, and therefore the true title to the land. This case helped establish a legal precedent for land titles based on the dehumanizing interpretation of the Doctrine of Discovery. Shockingly, this legal precedent and the Doctrine were referenced by the United States Supreme Court as recently as 2005.<sup>2</sup>

Now that we have established how the Doctrine of Discovery has influenced the very foundations of our nation, it will be easier to identify some of the history that we fail to teach in our American mythology classes.

### **1830—Indian Removal Act**

In 1830, the United States Congress passed the Indian Removal Act. In practice, this act allowed the US government to forcibly remove Native tribes from our traditional lands and relocate us to marginalized reservations elsewhere throughout the country. It was this act that resulted in the Trail of Tears for the Cherokee and the Long Walk for the Navajo. All told, numerous tribes were removed and tens of thousands of Native people died as a direct result of the Indian Removal Act.

### **1862—Dakota 38**

In the early 1860s, the Dakota people made a series of treaties with the US government that restricted their lands in exchange for financial compensation and other resources. But in 1862, the promised payments were slow in coming and, with their hunting land depleted and winter quickly approaching, the Dakota people saw the writing on the wall regarding their survival.

In mid-August several Dakota hunters raided and killed some white settlers over a stash of eggs. They returned to their tribe and reported what they had done and the reluctant decision was made to go to war.

After about a month of fighting, the Dakota people were split in regards to continuing the war: half the warriors left the camp and those remaining chose to surrender to the US army. Hasty military trials were set up and, in about a month and a half, more than three hundred of the Dakota warriors who surrendered were sentenced to death.

Cases were handled with increasing speed. On November 5, the commission completed its work. 392 prisoners were tried, 303 were sentenced to death, and 16 were given prison terms. President Lincoln and government lawyers then reviewed the trial transcripts of all 303 men. As Lincoln would later explain to the U.S. Senate: ‘Anxious to not act with so much clemency as to encourage another outbreak on one hand, nor with so much severity as to be real cruelty on the other, I ordered a careful examination of the records of the trials to be made, in view of first ordering the execution of such as had been proved guilty of violating females.’ When only two men were found guilty of rape, Lincoln expanded the criteria to include those who had participated in ‘massacres’ of civilians rather than just ‘battles.’ He then made his final decision, and forwarded a list of 39 names to Sibley.<sup>3</sup>

So, on the day after Christmas 1862, by the order of President Abraham Lincoln, the largest mass execution in the history of the United States took place with the hanging of the Dakota 38. More than four thousand white American settlers watched, cheering when the execution was completed.

### **1864—Sand Creek Massacre**

“On November 29, 1864, approximately 675 United States soldiers under the command of Colonel John Chivington killed more than 200 Cheyenne and Arapaho villagers, mostly elderly men, women, and children, approximately 180 miles southeast of Denver near Eads, Colorado. Despite

2. City of Sherrill v. Oneida Indian Nation of N.Y., 544 U.S. 197 (2005).

3. “The Trials & Hanging” of The US–Dakota War of 1862, Minnesota Historical Society website, <http://usdakotawar.org/history/aftermath/trials-hanging>.

assurance from American negotiators that they would be safe, and despite Cheyenne Chief Black Kettle raising both a United States flag and a white flag as symbols of peace, Colonel Chivington ordered his troops to take no prisoners and to pillage and set the village ablaze, violently forcing the ambushed and outnumbered Cheyenne and Arapaho villagers to flee on foot. Colonel Chivington and his troops paraded mutilated body parts of men, women, and children in downtown Denver, Colorado, in celebration of the massacre.” (Colorado Sen. Joint Resolution 14–030)

### 1890—Massacre at Wounded Knee

When he heard of Sitting Bull’s death, Big Foot led his people south to seek protection at the Pine Ridge Reservation. The army intercepted the band on December 28 and brought them to the edge of the Wounded Knee to camp. The next morning the chief, racked with pneumonia and dying, sat among his warriors and powwowed with the army officers. Suddenly the sound of a shot pierced the early morning gloom. Within seconds the charged atmosphere erupted as Indian braves scurried to retrieve their discarded rifles and troopers fired volley after volley into the Sioux camp. From the heights above, the army’s Hotchkiss guns raked the Indian teepees with grapeshot. Clouds of gun smoke filled the air as men, women and children scrambled for their lives. Many ran for a ravine next to the camp only to be cut down in a withering cross fire. When the smoke cleared and the shooting stopped, approximately 300 Sioux were dead, Big Foot among them.<sup>4</sup>

Congressional Medals of Honor were awarded to twenty of the US soldiers who participated in the massacre at Wounded Knee.

The mythology of America begins with discovery, because without discovery the United States of America is merely an oppressive colonial government that ethnically cleansed an entire continent from 1820 to 1919 in order to establish a pseudo-religious nation state.

### The Myth of American Exceptionalism

In 1630, while on board the ship *Arbella*, John Winthrop preached a sermon titled “A Model of Christian Charity,” which is more commonly known as the “City on a Hill Sermon.” In this sermon, he compares the colonists and their planned Boston colony to “a city on a hill.” This is an image borrowed from the teachings of Jesus in Matthew 5.14, where he exhorts his disciples with the words, “You are a light to the world. A city on a hill cannot be hidden.”

In his sermon John exhorts the colonists by saying:

We must uphold a familiar Commerce together in all meekness, gentleness, patience and liberality, we must delight in each other, make other’s Conditions our own, rejoice together, mourn together, labor, and suffer together, always having before our eyes our Commission and Community in the work, our Community as members of the same body, so shall we keep the unity of the spirit in the bond of peace . . .<sup>5</sup>

He then concludes his sermon by quoting from Deuteronomy 30. This is the chapter where Moses is reiterating the threats and promises of God’s land covenant with the Israelites before they cross the Jordan River to take possession of their Promised Land. The section ends with the words, “But if your hearts turn away and you are not obedient . . . you will not live long in the land you are crossing *the Jordan* to enter and possess.”<sup>6</sup>

4. “Massacre At Wounded Knee, 1890,” EyeWitness to History.com website, <http://www.eyewitnesstohistory.com/knee.htm>

5. “John Winthrop, A Modell [*sic*] of Christian Charity (1630),” from the Hanover Historical Texts Collection, Hanover College Department of History website, <https://history.hanover.edu/texts/winthmod.html>. Original Old English spelling edited for readability.

6. Emphasis added.

However, in his sermon, John Winthrop replaces the words *the Jordan* with the term *vast sea*. Why does he do this? Simple, his audience is not standing on the bank of a river; they just crossed the Atlantic Ocean. He is implying that, on the exhortation of Jesus to be a “city on a hill” and, in the model of Old Testament Israel, the colonists are at the shore of their Promised Land ready to go and take possession of it. One does not need to read far into the book of Joshua to learn that claiming the Promised Land for one group of people is literally God-ordained genocide for another.

This sermon was the birth of *American exceptionalism*, and these ideas percolated for over a hundred years. In the late 1700s the newly established United States of America began expanding. This coincided with the Second Great Awakening. There was a renewal of faith and the growth of denominationalism. An almost religious fervor was created as the settlers moved westward. In 1830, the Indian Removal Act passed and in the 1840s the term *manifest destiny* was coined.

The United States proclaims itself to be a nation of liberty and equality. We tell ourselves that we are a country built on biblical principles, by God-fearing men. We are the good guys, and our wars are just. But that’s because we teach that Columbus discovered America and that we are a city on a hill.

The myth of American exceptionalism is merely a coping mechanism for a nation in deep denial of its genocidal past and its systemically racist foundations. And the myth of discovery is why we refer to the nineteenth century as a period of God-ordained expansion, rather than a hundred years of ethnic cleansing and unjust wars.

In his final State of the Union Address, President Obama talked about the need for “better politics” in our nation. He then quoted the preamble to the Constitution when he said, “*We the People*. Our Constitution begins with those three simple words, words we’ve come to recognize mean all the people, not just some.”

I paused when I heard that line. As a Native man who has lived on the Navajo reservation for the past decade—land our tribe does not own, but rather is held in trust for us by the federal government because the Supreme Court concluded in 1823 that Native Americans only have the right to occupancy of land—I asked myself, “*We the People* really means ‘all the people’? When did we decide that?”

That appears to be the debate that is raging in our country this election year. Donald Trump understands all too well what made America great. It was explicit and institutional racism. Article I section II of the Constitution never mentions women, specifically excludes natives, and counts Africans as three-fifths human. The Declaration of Independence dehumanizes natives as savages. And the United States Supreme Court set a legal precedent for land titles based on the Doctrine of Discovery and the dehumanization of Native peoples.

If I understand Donald Trump correctly, *We the People* does not include Muslims, or undocumented immigrants. I am not convinced by his words and actions that he believes *We the People* includes women either. And due to the obscene amount of money he has made buying and selling real estate in the United States, I am certain he does not believe *We the People* includes Native Americans.

But that is not the only challenge with Donald Trump. The other challenge is that he is exposing the implicit bias of the more moderate candidates and leaders. Both Hillary Clinton and President Obama have responded to the explicit racist rhetoric of Donald Trump by reassuring people that “he does not represent who the United States is” or that “we are great already.” But that’s the problem. If you understand the Doctrine of Discovery and have actually read the founding documents of our nation, systemically and explicitly racist is who we are. The carefully constructed mythologies of discovery, expansion, and American exceptionalism have succeeded only in moving our racist attitudes from the explicit to the implicit. But the actual history reveals the truth. And now Donald Trump is forcing our country to decide between two options that terrify us: Do we want to keep racism as our implicit bias, or do we want to let him champion racism once again as our explicit bias?

We need a third option. Georges Erasmus, an Aboriginal leader from Canada has said, “Where common memory is lacking, where people do not share in the same past, there can be no real community. Where community is to be formed, common memory must be created.”

This quotation gets to the heart of the problem of race in the United States. Our dominant culture remembers a mythical history of discovery, expansion, opportunity, and exceptionalism while our

communities of color have the lived experience of stolen lands, broken treaties, slavery, ethnic cleansing, Jim Crow laws, internment camps, and mass incarceration: there is no common memory. And I think we can all agree that the United States of America is not currently experiencing much community.

If we want our nation to be a place where *We the People* means all of us, we first must acknowledge that according to the Doctrine of Discovery, our Declaration of Independence, our Constitution, our Supreme Court, and the mythical history we teach in our schools, it doesn't.<sup>7</sup> We need to teach the truth. We need to deconstruct the myth. We need to create a common memory.

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7. In response to such prolonged and systemic injustice many nations have held truth and reconciliation commissions. South Africa had one after the fall of apartheid. Rwanda had one after a very bloody civil war. And Canada just had one after a costly lawsuit brought by Residential School Survivors. In the United States something similar is needed, but calling it truth and reconciliation is not accurate since reconciliation implies a previous harmony existed in the relationship. Clearly that was not the case here. What we need is a truth and conciliation commission since the latter is defined as “the settling of a dispute.” Reconciliation perpetuates a myth; conciliation acknowledges that past for what it is—broken. Earlier this year I recorded a short video that articulated the vision for a national truth and conciliation commission in 2021 (#TCC2021) and the steps that are needed to get there. It won't be easy but I do believe it's possible.