

CHAPTER 1

Original Nations of “Great Turtle Island” and the Genesis of the United States

Steven T. Newcomb

A View from the Shore of Great Turtle Island (“North America”)

Let us begin from the hypothetical viewpoint of an original nation of the continent now commonly called North America, a place which that original nation calls “Great Turtle Island.” It is a time before any Christian political claims of sovereignty, dominion, or *dominium* had been asserted on the continent by any monarchy or state of Western Christendom. It is a context of spiritual and political independence for that original nation – our nation – and for all the original nations existing for thousands of years on Great Turtle Island.

Our nation is living independently of Western Christendom. We have our way of life, with our own language, culture, traditions, ceremonies, origin stories, as well as our families and child-rearing practices. We have our own economy, our own foods and medicines, our own political system and manner of decision making, as well as relations with other nations existing in their own territories.

A group of our nation’s fishermen, together with their wives and children, have gathered at the ocean shoreline for shell fishing. Suddenly, one of the women points out to the others something highly unusual that she has spotted out on the ocean horizon; it appears to be a massive canoe on the water. What our people do not yet know is that they have noticed the first colonizing ship from Western Christendom to reach our part of the world. Given our independence at that time, a question arises: On what basis will the sailing colonizers eventually claim that our nation is rightfully subject to their ideas and standards, and the judgments and documents of their monarchy?

For centuries, colonizing powers have assumed that all the nations of our part of the planet ought to exist “beneath” them. The colonizers based this assumption on what they called “sovereignty” and “possession.” The colonizers manifested this assumption by means of ritualized symbolic acts (Keller, Lissitzyn, and Mann 1938), premised on

the religious origin story these strange immigrants carried with them on their ships. Based on that origin story, the colonizing voyagers assumed – *even before* they set sail, even as they imagined the journey, even before they could be sure these shores existed, even before the colonizers came ashore – that they already possessed divine and royal authorization and therefore the right to subject the inhabitants of our part of the planet (Great Turtle Island) to the ideas, standards, and judgments of Christian political power to be foisted on the lands and peoples existing in distant places. That assumption later became integral to the political consciousness that served as a foundation of the United States of America.

The Book of Genesis and the Genesis of the Theology of Domination

There is ample documentary evidence that both the genesis of the United States (beginning with the establishment of the first 13 English colonies), and the political relationship between the US government and the original “Indian” nations of the continent, are analogically premised on a Judeo-Christian religious worldview traced first and foremost to the Old Testament of the Bible (Burns 1957, 61).

The biblical worldview that has shaped the US posture toward the original nations of the continent, and the US policies applied to them, are conceptually and politically structured in terms of a higher order dominating position (sovereignty) for the people who are conceptualized as having been chosen by a deity to wield providential power. By contrast, those who are viewed as providentially destined by that deity to be subjected or subordinated to that power of domination are conceptualized as being of a lower order of existence (Newcomb 2008). The operative idealized mental model and analogy is succinctly stated in Genesis 12. The deity of the Hebrews tells Abram (who becomes Abraham) to leave his father’s home and travel with that deity to a distant land that the deity wants Abram and his people to possess. It is a land already inhabited by many other nations, such as the Canaanites. Abram and his people were either to subdue those nations or else to “utterly destroy them” as stated in Deuteronomy 20:17 (Holy Bible 1816, 198).

Such narratives characterize the divine promise to the Hebrews as giving them, the “chosen people,” an upper hand and dominating superiority in relation to the non-Hebrew “heathen” nations living in the land granted them by Yahweh. The pattern of domination is found in the first commandment to man found in Genesis 1:28: “And God blessed them, and God said to them, ‘Be fruitful and multiply and fill the earth and subdue it and dominate the fish of the sea and the birds of the skies and every animal that creeps on the earth’” (Friedman 2003, 34).

Psalms 2:8 of the Old Testament exemplifies this pattern, as well: “Ask of me and I shall give *thee* the heathen for thine inheritance, and the uttermost parts of the earth *for thy possession*” (Holy Bible 1816, 524, emphasis added). The words are attributed to the Hebrew deity, or God, of the Bible, and they are words spoken to the leader of the “chosen people,” the Hebrews’ King David. As the story goes, David is being told by the deity that he and his people have but to ask, and the providential spirit of the Lord will

"give" them "heathen" nations, such as the Canaanites, as a form of "inheritance" (property), along with the most remote and "heathen" parts of the Earth for them to subdue and possess.

Christians of Western Europe interpreted such passages as applying to themselves, and the so-called "New World" became the land that the Old Testament deity had promised the "chosen people." As Christians, the English people, too, considered themselves "chosen." Consequently, once they had located (discovered) "heathen and infidel" lands, they saw themselves as having a divine commission to follow the directive from Genesis to subdue and dominate the part of the Earth that was new to them, and exert a deity-given right of Lordship (domination) over those lands. In their minds, their divine mandate was to discover and take possession of any non-Christian lands they were able to locate, and politically assert an absolute title of sovereignty (domination¹) over them (Mead 2008; Newcomb 2008). In the minds of the English, then, the colonizers metaphorically played the role of the chosen people and the "Indians" played the role of the Canaanites or pagans in the land that God had promised His chosen English people as they entered and took possession of the land they called their "New Israel" (Cave 1988; Mead 2008).

The English agreed that the right of domination in relation to non-Christian lands belonged to the English crown by virtue of the English location and settlement of the North American lands they "discovered." The English colonizers were explicit: they had the moral and legal authority to spread their sovereignty and dominion (domination) throughout the world. Historical documents show that the colonizers' views regarding colonization were conceptually rooted in the Old Testament narrative of the Chosen People and the Promised Land (Cave 1988). For example, on April 15, 1609, three years after the First Royal Charter of Virginia was issued, and one month prior to the issuance of the Second Royal Charter of Virginia, a "Preacher at Saint Saviour's in Southwarke" named William Symonds delivered "A Sermon Preached at White-Chappel, in the presence of many Honourable and Worshipful, the Adventurers and Planters for Virginia" (Brown 1890, 284). Symonds began his sermon to the colonizers with an exposition of the Chosen People/Promised Land narrative, and the creation story in the book of Genesis, making such claims as:

Genesis 12. 1.2.3. For the Lord had said unto Abram, get thee out of thy Country, and from thy kindred, and from thy father's house, unto the land that I will shew thee.

And I will make of thee a great nation, and will blesse thee, and make thy name great, and thou shalt be a blessing.

Hereupon the Lord ... did make man, both male and female, After his owne image, that is Jesus Christ, and gave them this blessing, Bring forth fruit and multiplie, and fill the earth, and subdue it[.] (Brown 1890, 287)

Symonds's sermon at White-Chappel makes clear the defining importance of the origin story of the biblical Chosen People/Promised Land narrative for the English. As a result of that narrative, the English saw themselves as a chosen people, and therefore authorized by their deity, and by their monarch through a royal patent, charter, or commission, to take possession of remote "heathen and infidel" lands across the ocean. This necessarily required

that they travel by sea to physically search for, seek out, and attempt to locate distant non-Christian lands of which they had no knowledge.

The Genesis of the Doctrine of Christian Discovery

Centuries before the Christian colonizing of North America, the biblical assumptions described above gave rise to papal doctrinal pronouncements that were to have a lasting and devastating impact on original non-Christian nations around the world. After centuries of Christian crusades, during the so-called Age of Discovery it was considered to be “a fundamental law of Christendom that all Christians were in a state of war with all infidels” (Williamson 1962, 53). The Christian state of war against non-Christians “was at that time,” says Williamson, “the justification of the permission to ‘conquer, occupy, and possess’ any non-Christian territories that might be found” (53). It is from this presumption that the claimed right of Christian domination arose as against non-Christians.

This dominating attitudinal posture toward non-Christian lands and their peoples (nations) was articulated in a series of papal bulls or edicts, such as Pope Alexander VI’s papal edict of May 4, 1493, in which he purported to “give, grant, and assign forever to you and your heirs and successors, kings of Castile and Leon, all singular the aforesaid countries and islands ... hitherto discovered ... and to be discovered ... together with all their dominions, cities, camps, places, and villages, and all rights, jurisdictions, and appurtenances of the same” (Davenport 1917, 77). The Latin version of one of the papal edicts from 1493 reads “sub actuali dominio temporali aliquorum dominorum Christianorum constitute non sint” (Davenport 1917, 59), the significance of which is that it constituted papal authorization to establish a domination of Christian lordship on lands that had not previously been forced under the actual temporal domination of any Christian dominator. The method by which such Christian domination was to be achieved is revealed by the language found in, for example, the papal edict *Romanus Pontifex*. That document authorized the king of Portugal to go to non-Christian lands, and to “invade, capture, vanquish, and subdue, all Saracens, pagans, and other enemies of Christ, to reduce their persons to perpetual slavery, and take away all their possessions and property” (Davenport 1917, 23).

As famed Dakota/Nakota theologian and lawyer Vine Deloria, Jr. concluded, what the “pious language” of Alexander VI’s edict and other such edicts “meant in practical terms was that if confiscation of [Native] lands were couched in quasi-religious sentiments, the nations of Europe could proceed” (Deloria 1994, 255). Consequently, “[b]y divine law the Christian imperial nations were superior and had the right to dominion and rule over non-Christian inhabitants and their territories” (Parker 1989, 3). Such papal edicts were evidence of a “Christian doctrine of discovery” (Deloria 1999, 82–83) and Christian domination (Newcomb 2011).

From the religio-political perspective of Western Christendom, then, the first Christian nation or people to locate the lands of “heathens” and “infidels” in North America, or elsewhere, was considered to have the right to assert a title of political sovereignty (domination) and a title of *dominium* in relation to those non-Christian lands.

This was premised on what Alfred A. Cave characterized as the relationship of "Christian imperialism" to the "Canaanite" nations already existing in the North American Promised Land – a relationship based on what he calls the "Providential Theory of Empire" (1988, 279). Clearly, this "Doctrine of Discovery" was not primarily a secular edict, as some – even Deloria – have tended to describe it²; rather, it was framed in terms of a religious contrast between Christian believers and non-believer heathens and infidels (Newcomb 2008).

This stance toward non-Christian lands and peoples also was reflected in original colonial documents such as royal charters, which espoused the Doctrine of Discovery in terms of "Christians" or "Christian people," on the one hand, and "heathens and infidels," on the other hand. These royal patents and charters arose in a time and attitude of competition among Christians for non-Christian lands (Williamson 1962), for population expansion and imperial economic exploitation. An early example is a royal patent from King Henry VII in 1496, which authorized John Cabot and his sons "to seek out, discover, and finde whatsoever isles, countries, regions or provinces of the heathen and infidels ... which before this time have been unknown to all Christian people" (Thorpe 1909, 46–47; Washburn 1995, 30). The Cabot charter's distinction between "Christian people" and "heathen" and "infidels" is a direct and unmistakable connection to the Genesis story, which thus forms the core of the fifteenth- and sixteenth-century religio-political context for such royal patents of discovery, subjugation (i.e., domination), and *dominion*.

Once having located any previously unknown non-Christian places, the Cabot letters patent say, the king's colonizers were to "subjugate" (*subjugare*) those places so as to expand the king's "jurisdiction" and "*dominium titula*" (domination title) and thereby benefit the king and his realm (Thorpe 1909, 45). This same idea was expressed in the later royal charters as well, such as those granted to Sir Humphrey Gilbert in 1578, and to Sir Thomas Gates and renewed to Sir Walter Raleigh in 1606 (see *Johnson v. M'Intosh* 1823, 577).

Symbol, Ritual, and Imagination in the Presumed Right of Sovereignty

Gary Witherspoon (1977) has noted that culture "is a symbolic code" as well as "a set of conceptions of and orientations to the world, embodied in symbols and symbolic forms." He has explained that "[t]hrough the adoption of and adherence to particular concepts of and orientations to reality, human beings actually create the worlds within which they live, think, speak, and act" (1977, 3). Christian colonizers' symbolic codes, conceptions, and forms were the means by which they purported to create their "New World" and their claimed right of sovereignty (right of domination) on the lands of the continent.

As a result of their culturally biased and assumed right of domination, the colonizers symbolically circumscribed, and created a metaphorical overlay on top of, the territories of the original nations of the continent through the performance of ceremonial acts of possession (Banner 2005). As Stuart Banner notes, "[The] settlers performed the ritual

acts they understood to confer sovereignty on their monarchs" (2005, 15). That is, Christians' rights of sovereignty (domination) were created by means of the colonizers' performance of metaphorical and symbolic acts (Keller, Lissitzyn, and Mann 1938; Seed 1995). In her *Ceremonies of Possession*, Seed explains "Colonial rule over the New World was initiated through largely ceremonial practices – planting crosses, standards, banners, and coats of arms – marching in processions, picking up dirt, measuring the stars, drawing maps, speaking certain words, or remaining silent" (Seed 1995, 2).

These symbolic acts required the colonizers to invent mental models and mental maps based on their imagined "reality" (Winter 2001; Newcomb 2008). Through the colonizers' political use of their imagination, they thought of and artistically created physical maps to depict the territories of the original nations as being inside or within their colonizing zones of sovereignty, and as being part of the dominions of the different Christian European crowns. In this way, the English crown purported to create discrete zones of sovereignty around and over the territories of non-Christian nations. Banner states: "Indian tribes might retain powers of self-government within territories they occupied, but those territories were located within larger zones of sovereignty allocated to European nations on the basis of discovery" (2005, 14–15).³ Viewed from the shore-to-ship perspective of any given original nation of the continent, those zones of "sovereignty" were zones of unjust Christian domination (Havercroft 2011, 34).

Seed points out that on these bases "sixteenth- and seventeenth-century Europeans also believed in their *right* to rule" (Seed 1995, 2, emphasis in original). Wilcomb Washburn expresses succinctly the background Christian religious rationale of moral right and religiously premised "legal" authority of domination:

While many other justifications for travel, settlement or conquest in the newly discovered lands were alleged, at the root of the justifications lay the assumption that Christians and Christianity had both a moral right and legal authority to overspread the world. Since this assumption was often accompanied by a belief that the Indians' mental capacity, culture, or sins against nature rendered them naturally subject to European control, the possibility of peaceful relations between the two races on the basis of reason and respect was not to be expected. The English in large measure inherited these assumptions of European culture. (Washburn 1995, 22–23)

The Christian world regarded the colonizers' boundary-ascribing rituals as evidence of valid Christian political claims to non-Christian lands. However, such rituals were merely an outgrowth of the mental, cultural, and metaphorical activities which constituted that form of domination typically called "the advance of civilization" that was exhibited by the Christian European powers using their physical and cognitive acumen to extend their domination globally. Yet even the word "civilization" reveals the same domination cognitive frame. *Webster's Third New International Dictionary* provides this insightful definition: "the act of civilizing: esp. the forcing of a particular cultural pattern on a population to whom it [that pattern] is foreign" (*Webster's* 1993, 413).

From the shoreline viewpoint of the original nations of Great Turtle Island, then, "civilization" is a process by which one invading nation or people forces another nation

or people under an imposed cultural pattern. That is, the word "civilization" is but a euphemism for domination. This sense of civilization also relates to the idea of "the state," of which the German sociologist Max Weber said, "Like the political institutions historically preceding it, the state is a relation of men dominating men, a relation supported by means of legitimate (i.e., considered to be legitimate) violence" (Weber [1919] 2009, 78). As Weber continued, he made the connection between "the state" and domination even more clear: "If the state is to exist, the dominated must obey the authority claimed by the powers that be" (Weber [1919] 2009, 78). Further, application of the term "Indigenous" to the nations and peoples of Great Turtle Island matches these ideas of subjection to state dominance or domination (Newcomb 2011).⁴

Consequently, it is clear that the cognitive patterns of domination are reflected in word-symbols and metonyms (a word that stands for the whole) of domination. The word-symbols "Christendom," "Christian(s)," "heathens," "pagans," "infidels," "civilization," and "civilize" are metaphors of power and domination—subordination (or subjugation) tied to the origin stories of the colonizers' Bible. The word "discovery," itself, in relation to Vatican papal edicts and royal colonial charters is, then, a metonym for the whole Chosen People/Promised Land mental model of domination and analogy from the Old Testament.

Such insight provides an accurate interpretation and meaning behind the claim that Western Christendom purported to bring "civilization" and "Christianity" to the "uncivilized" (un-dominated and thus still free) "heathen" "Indians." The boundary-ascribing rituals of "possession" were part of the cognitive and symbolic means by which a reality of Christian domination was mentally conjured and physically enacted into existence and imposed on the original nations and peoples of the continent—Great Turtle Island.

The Territories of Original Nations: A "Promised Land" for the United States

As shown, explicitly religious constructs became the conceptual pillars of the dominating political relationship between the United States and what are typically called "American Indian" or "Indigenous" nations and peoples. Robert Bellah (1967) points out generally that "Behind the civil religion at every point lie biblical archetypes: Exodus, Chosen People, Promised Land, New Jerusalem, and Sacrificial Death and Rebirth. But it is also genuinely American and genuinely new" (18). That "genuinely American" mindset was expressed in a letter by George Washington to the Jewish synagogue in Savannah, Georgia, in May of 1790, in which Washington wrote after his election to the US presidency:

May the same wonder-working Deity, who long since delivering the Hebrews from their Egyptian oppressors, [and] planted them in the promised land, *whose providential agency has lately been conspicuous in establishing these United States as an independent nation*, still continue to water them with the dews of Heaven and to make the inhabitants of every denomination participate in the temporal and spiritual blessings of that people whose God is Jehovah. (Boller 1963, 184–85, emphasis added)

Washington evidently saw the Old Testament deity as responsible for establishing the United States as an independent nation.

The Promised Land analogy also shaped how Washington viewed the future colonization of the Ohio River Valley by the political power of the United States, which he called “a rising Empire” (Fitzpatrick 1938, 277). In a letter to his friend David Humphreys regarding Indian lands in the Ohio Valley, Washington wrote: “Rather than quarrel about territory, let the poor, the needy, and the oppressed of the earth, and those who want land, resort to the fertile plains of the western country [the Ohio Valley], the second land of promise, and there dwell in peace, fulfilling the first and great commandment” of the Bible (Evans 1908, 498). Washington’s allusion to the Promised Land analogy, by means of his phrase “second land of promise,” is reminiscent of his assertion to the Jewish synagogue in Georgia, in 1790, that Jehovah, the deity of the Old Testament, had established “these United States as an independent nation.” Washington’s reference to the “first and great commandment” was also to the Old Testament, specifically to Genesis 1:28: “Be fruitful and multiply, and replenish the earth and subdue it: and dominate the fish of the sea, and the fowl of the air, and all living things that moveth upon the earth.”

Thomas Jefferson also espoused the Promised Land analogy. His suggestion for the front of the Great Seal of the United States was: “children of Israel in the wilderness, led by a cloud by day and a pillar of fire by night” (Patterson and Dougall 1976, 7–18). And, in his second inaugural address, Jefferson said: “I shall need, too, the favor of that Being in whose hands we are, who led our fathers, as Israel of old, from their native land and planted them in a country flowing with all the necessaries and comforts of life” (Jefferson 1805). Theologian Robert Bellah identified the rhetorical pattern: “Europe is Egypt; America, the promised land” (Bellah 1967, 8). In fact, the narrative of the Chosen People of the Old Testament and the Promised Land, and the analogy between the people of the United States and the “Chosen People,” formed the cultural and cognitive backdrop for the founding era of the United States. These biblical references demonstrate that a religious politics (a political religion) was integral to the “world constructing” process (Berger 1967, 3–51) called “the founding of the United States of America.”

It is no wonder, then, that the religio-political story rooted in the biblical book of Genesis – of a people chosen by a deity to dominate others – has become integral to the legal and political system of the United States, and from the beginning formed a critical part of the apparatus of control that the United States has exerted over Indian nations of the North American continent ever since.

***Johnson v. M'Intosh*: The Doctrine of Discovery Becomes a Basis for US Law**

The Old Testament religio-political narrative of Promised Land, the Doctrine of Discovery, Chosen People domination, its commensurate mental models and mental maps, and “heathen” subordination underlie the political-legal system of control, or sovereignty, that the US government has claimed and wielded in a manner of domination over original Indian nations of Great Turtle Island since the founding of the United States. This

religio-political narrative serves as the basis of the US Supreme Court's 1823 ruling in *Johnson & Graham's Lessee v. M'Intosh* 21 US (8 Wheat.) 543, a pivotal and detrimental decision about the nature of Indian land title in US law that is fundamental to the political system and law of the United States (Poore 1878).

In *Johnson v. M'Intosh*, the US Supreme Court held that a person with a federal land patent, William M'Intosh, had a valid title as against the title of a land company that had purchased the same land directly from Indian nations (Robertson 2005, 49–59). To arrive at that decision, the court adopted the reasoning about a right of Christian domination (ascendency and ultimate dominion) drawn by inference from papal edicts (Davenport 1917), and from royal charters issued by the English crown (*Johnson v. M'Intosh* 1823, 577). And in so doing, the court set precedent that prevails today.⁵

In a nutshell, the court reasoned that the monarchies of Christendom, and their successor states, such as the United States, have acquired a right and title of *dominium* (domination) over non-Christian lands discovered and to be discovered. Chief Justice John Marshall, writing for a unanimous court, invoked "those principles of abstract justice which the Creator of all things has impressed on the mind of this creature man" (*Johnson v. M'Intosh* 1823, 572). He said that those principles were "admitted" by the court "to regulate in a great degree the rights of civilized nations," and that the "perfect independence" of such "civilized" nations was "acknowledged" by the court (572). Marshall's "Creator" was from the same Judeo-Christian religio-political tradition invoked by Washington's letter to the Jewish synagogue in Savannah, Georgia, and by Jefferson in his proposal for the Great Seal of the United States, mentioned above. The "civilized" nations Marshall referred to were what Henry Wheaton, the official court reporter at the time, called in his 1866 *Elements of International Law* "the Christian nations of modern Europe" (xv) and "States of Christendom" (242).

Chief Justice Marshall stated at the outset of the *Johnson* ruling that the court's decision would not be confined to what he called "principles of abstract justice" applied to "civilized nations," but would take into account "those principles also which the government has given us as the rule for our decision" (572). He based his ruling on the Doctrine of Christian Discovery:

On the discovery of this vast continent, the great nations of Europe were eager to appropriate to themselves so much of it as they could respectively acquire. Its vast extent offered an ample field to the avarice and ambition of them all, and the character and religion of its inhabitants afforded an apology for considering them as a people over whom the superior genius of Europe might claim an ascendency. (*Johnson v. M'Intosh* 1823, 572–73)

That is, the "character and [non-Christian] religion" of the Original Nations' peoples provided a rationale for claiming "an ascendency" (i.e., governing authority: domination) over them. Marshall said that the monarchs of Europe had "asserted the ultimate dominion to be in themselves, and claimed and exercised as a consequence of that ultimate dominion, a power to grant the soil while yet in possession of the natives" (574). The colonizing nations had established a principle premised on a claim that "discovery gave title, to the government, by whose subjects or by whose authority it

[discovery] was made, against all other European governments,” Marshall asserted and further said of the Christian basis for the claim:

No one of the powers of Europe gave its full assent to this principle more unequivocally than England. The documents upon this subject are ample and complete. So early as the year 1496, her monarch granted a commission to the Cabots to discover countries then unknown to Christian people and to take possession of them in the name of the King of England. Two years afterwards, Cabot proceeded on this voyage and discovered the continent of North America, along which he sailed as far south as Virginia. To this discovery the English trace their title. (576)

“A complete recognition” of the principle of discovery that Marshall asserted was demonstrated by the “first effort by the English government to acquire territory on this continent” (576). Relying on the royal charter tradition, Marshall went on to elaborate the religio-political nature of the royal commission given to Cabot:

The right of discovery given by this commission is confined to countries “then unknown to all Christian people,” and of these countries Cabot was empowered to take possession in the name of the King of England. Thus asserting a right to take possession 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. (576–77)

What the court in *Johnson v. M'Intosh* did, then, was express the “right of discovery” in terms of the political assertion of “ultimate dominion” (right of domination) by a “Christian people” as contrasted with the “occupancy” of “heathens” (577). Thus, the court had invested itself in the word-symbols and metonyms of the metaphorical Christian *dominium* (domination) conceptual system, which remain operative today.⁶

Conclusion

The Chosen People/Promised Land colonizing narrative and its cultural products, including the Doctrine of Christian Discovery, were maintained as a formal tradition all the way through to the “American” period and became the eventual “civil religion” basis for the founding of the United States (Bellah 1967). That civil religion narrative became the central foundation upon which the United States developed its continuing political relationship with the Indian nations in federal Indian law and policy. As Bellah points out, “The theme of the American Israel was used, almost from the beginning, as a justification for the shameful treatment of the Indians so characteristic of our history” (1967, 14). As Walter Russell Mead has maintained, “Americans found the idea that they were God’s Israel so attractive partly because it helped justify their displacement of the Native Americans” (2008, 49).

Today, centuries later, conceptual strands of the biblical narratives and papal edicts on which the colonizers based their claims to our original nations, and eventually all the original nations of North America, remain a critical element of the domination-subjection system called US federal Indian law and policy, a subjection system recently acknowledged

as such by the US Supreme Court in *Michigan v. Bay Mills Indian Community* (2014). There both the majority and the dissent used the concept of "subjection" to characterize the relationship of the United States with Indian nations. Explaining what they mean when they characterize Indian nations as "tribes" that are "subject to the will of Congress," the majority wrote: "Subjection means (among much else) that Congress can abrogate that [tribal sovereign] immunity as and to the extent it wishes" (239).

The challenge for our original nations in our time is how to persuade the society of the United States to disestablish the conceptual and behavioral system of domination found in US federal Indian law and policy, which the United States continues to use, on the basis of Christianity, against our nations. From the shoreline viewpoint of the original nations of Great Turtle Island, the dehumanizing presumption of a right of sovereignty first brought here by the colonizers' ships of Christendom continues to be maintained by the United States. The first step toward ending that presumption is making people fully aware of the fact that it exists as a self-perpetuating mental and behavioral system of domination.

Notes

- 1 From a critical philosophy perspective of such thinkers as Arendt, Foucault, Agamben, Hardt, and Negri, "sovereignty is an unjust form of political domination that limits human freedom" (Havercroft 2011, 34).
- 2 See, e.g., Banner (2005). Although Banner does provide a few examples of the religious thinking of the English in relation to the "Indians" and their lands (16–17), he is silent as to the Christian and Old Testament religious basis for the English crown's claimed political right of sovereignty (domination) over the lands of non-Christian peoples. Although Deloria (1994) also references "quasi-religious sentiments," his main arguments are framed in secular terms.
- 3 Banner's account seems to accept the idea that such symbolic acts *really did* create physical "zones" of sovereignty, and *really did* circumscribe the territories of the original nations. We might say, therefore, that his narrative is accurately characterized as an extension of and elaboration upon the initial ceremonial and symbolic acts. Banner's writing is a contemporary manifestation of the colonizing mentality. His narrative contains an element of dehumanization as well: "... the Indians watched from the side, without any role to play" (Banner 2005, 15). However, as shown, this is rather imprecise.
- 4 This characterization is manifested in US federal Indian law and policy today.
- 5 See, e.g., *Michigan v. Bay Mills Indian Community*, 134 S.Ct. 2024 (2014), 239; *Tee-Hit-Ton Indians v. United States*, 348 US 272 (1955).
- 6 See notes ⁴ and ⁵ above.

References

- Banner, Stuart. 2005. *How the Indians Lost Their Land: Law and Power on the Frontier*. Cambridge, MA: The Belknap Press of Harvard University Press.
- Bellah, Robert N. 1967. "Civil Religion in America." *Dædalus, Journal of the American Academy of Arts and Sciences* 96 (1): 1–21. http://www.robertbellah.com/articles_5.htm. Accessed October 2015.

- Berger, Peter L. 1967. *The Sacred Canopy: Elements of a Sociological Theory of Religion*. Garden City, NY: Anchor Books.
- Boller, Jr., Paul F. 1963. *George Washington & Religion*. Dallas: Southern Methodist University Press. (Appendix 20 [May 1790] Unpublished Papers of Washington, CCCXXXIV, 131–32, Library of Congress.)
- Brown, Alexander. 1890. *The Genesis of the United States*, Volume I. Boston: Houghton, Mifflin, and Co.
- Burns, Edward M. 1957. *The American Idea of Mission: Concepts of National Purpose and Destiny*. Westport, CT: Greenwood Press.
- Cave, Alfred A. 1988. "Canaanites in the Promised Land: The American Indian and the Providential Theory of Empire." *American Indian Quarterly* 12 (4): 277–97.
- Davenport, Francis G., ed. 1917. *European Treaties Bearing on the History of the United States to 1648*. Washington, DC: The Carnegie Institution.
- Deloria, Vine. 1994. *God Is Red: A Native View of Religion*. Golden, CO: Fulcrum.
- Deloria, Vine. 1999. "An Open Letter to the Heads of the Christian Churches in America." In *For This Land: Writings on Religion in America*, edited and introduced by James Treat, 77–83. New York: Routledge.
- Evans, Lawrence B., ed. 1908. *Writings of George Washington*. New York: G.P. Putnam's Sons.
- Fitzpatrick, John C. 1938. *The Writings of Washington*, Volume 26. January 1, 1783–June 10, 1783. Washington, DC: United States Government Printing Office.
- Friedman, Richard E. 2003. *The Bible with Sources Revealed: A New View into the Five Books of Moses*. San Francisco: Harpers.
- Havercroft, Jonathon. 2011. *Captives of Sovereignty*. Cambridge: Cambridge University Press.
- Holy Bible Containing the Old and New Testaments Translated Out of the Original Tongues and with the Former Translations Diligently Compared & Revised, Set Forth in 1611 and Commonly Known as the King James Version* (1816). New York: American Bible Society, Instituted in the Year 1816.
- Jefferson, Thomas. 1805. Yale Avalon Project. http://avalon.law.yale.edu/19th_century/jefinau2.asp. Accessed October 2015.
- Johnson & Graham's Lessee v. M'Intosh*, 21 US (8 Wheat.) (1823).
- Keller, A., O. Lissitzyn, and F. Mann. 1938. *Creation of Rights of Sovereignty through Symbolic Acts 1400–1800*. New York: Columbia University Press.
- Mead, Walter R. 2008. "The Deep Roots of American Zionism: Why Gentile Americans Back the Jewish State." *Foreign Affairs* July/August: 28–46.
- Michigan v. Bay Mills Indian Community*, 134 S.Ct. 2024 (2014).
- Newcomb, Steven T. 2008. *Pagans in the Promised Land: Decoding the Doctrine of Christian Discovery*. Golden, CO: Fulcrum Publishing.
- Newcomb, Steven T. 2011. "The UN Declaration on the Rights of Indigenous Peoples and the Paradigm of Domination." *Griffith Law Review* 20 (3): 578–607.
- Parker, Linda. 1989. *Native American Estate: The Struggle Over Indian and Hawaiian Lands*. Honolulu: University of Hawaii Press.
- Patterson, Richard S., and Richardson Dougall. 1976. *The Eagle and the Shield: A History of the Great Seal of the United States*. Washington, DC: US Government Printing Office.
- Poore, Ben Perley. 1878. *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States*, 2nd ed. Part I. Washington, DC: Government Printing Office.
- Robertson, Lindsay G. 2005. *Conquest by Law: How the Discovery of America Dispossessed Indigenous Peoples of Their Lands*. Oxford: Oxford University Press.
- Seed, Patricia. 1995. *Ceremonies of Possession in Europe's Conquest of the New World: 1492–1640*. Cambridge: Cambridge University Press.

- Tee-Hit-Ton Indians v. United States*, 348 US 272 (1955).
- Thorpe, Francis N. 1909. *The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America*, Volume I. Washington, DC: Government Printing Office.
- Washburn, Wilcomb. 1995. *Red Man's Land, White Man's Law: The Past and Present Status of the American Indian*. Norman: University of Oklahoma Press.
- Weber, Max. (1919) 2009. "Politics as Vocation." In *From Max Weber: Essays in Sociology*, edited and translated by H.H. Gerth and C. Wright Mills, 78. London and New York: Routledge.
- Webster's Third New International Dictionary of the English Language Unabridged*. 1993. Springfield, MA: Merriam-Webster.
- Wheaton, Henry. 1866. *Elements of International Law*, 8th ed. Edited by R. Dana. Boston: Little, Brown & Co.
- Williamson, James Alexander. 1962. *The Cabot Voyages and Bristol Discovery under Henry VII/with the Cartography of the Voyages by R.A. Skelton*. Cambridge: Published for the Hakluyt Society at the University Press.
- Winter, Steven L. 2001. *A Clearing in the Forest: Law, Life and Mind*. Chicago: University of Chicago Press.
- Witherspoon, Gary. 1977. *Language and Art in the Navajo Universe*. Ann Arbor: University of Michigan Press.