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On the Limits of the Concept of Religious Freedom in Indigenous Communities

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Abstract: In this essay, we will argue that firstly, the international and national legal framings of religion or belief are limited in scope, and one must ask not only religious freedom *for whom* but also *from whom*. Secondly, we will underscore the continued limitations of international human rights-based discourse. Why are Indigenous nations consistently excluded from rights-based discourses? We have the UN Declaration on Human Rights (UNDHR), the UN Declaration on the Rights of Indigenous Peoples (UNPFII), the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), this new report, and so many other reports. We will ask at what stage we move from declarations and reports to protecting and supporting Indigenous nations and peoples. Thirdly, building on the limitations of rights-based reporting, we will highlight what this report gets right and invite activists, lawyers, scholars, and all folks to take up and read the report and follow up on the elements we believe to be most salient. Finally, we will conclude by offering an alternative to declarations that support Indigenous nations and peoples' inherent right to sovereignty. Our conclusion emphasizes Faithkeeper Lyons' urgent message, "The Ice is Melting in the North," and provides a framework for how people could respond by explaining the Two Row Wampum treaty and the Two Row Wampum Method.[3]

Keywords: Indigenous Sovereignty, Land Back, Environment, International Law

Brother, you say there is but one way to worship and serve the Great Spirit; if there is but one religion, why do you white people differ so much about it? Why not all agree, as you can all read the book?

– Red Jacket, 1805[4]

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3. The Two Row Wampum Method is a vital element of the collaborative work undertaken by the American Indian Law Alliance and the Indigenous Values Initiative. Cf. Philip P. Arnold, *The Urgency of Indigenous Values* (Syracuse, NY: Syracuse University Press, 2023).
4. Red Jacket, "Red Jacket Defends Native American Religion, 1805," in *Lives of Celebrated American Indians*, ed. Daniel Drake (Boston: Bradbury, Soden & Co., 1843), 283–287, https://historymatters.gmu.edu/d/5790/.

In dialogue with Augustine and Thomas Aquinas, Cornel West traces religion's etymology and offers a definition of religion. Religion's root might be found in the Latin *relegere* (to read repetitively) or *religare* (to bind). West's preference is for the latter. For West, religion means "we must come up with some sense of a story, a narrative, a ritual in a community, some bonds of affection, some networks of support, some cords or ties of empathy and sympathy and compassion."[5] This definition of religion is compelling because of its expansiveness. West's definition of religion is perhaps big enough to include some elements of Indigenous religions. It speaks to cords and ties to story, narrative, ritual, community, emotions, and support networks. However, West's framing of religion excludes Mother Earth and all living beings. Drawing upon Onondaga Nation Faithkeeper Oren Lyons' public discussions of Haudenosaunee practices that could be labeled religious, they still eclipse West's framing.[6] Faithkeeper Lyons and Betty Hill quickly remark that the Haudenosaunee do not have a religion. The "Interim report of the Special Rapporteur on freedom of religion or belief" (A/77/514) rightly notes that many Indigenous nations do not have religion but "a way of life." Building on the work of Faithkeeper Lyons, Philip P. Arnold argues in his book *The Urgency of Indigenous Values* that instead of talking about Indigenous religions, one should speak about Indigenous values.[7]

As Philip P. Arnold, Tomoko Masuzawa, and Jonathan Z. Smith have demonstrated, the use-value of the category of religion must be interrogated.[8] For Indigenous nations and peoples, it has been a cudgel wielded against them by Christian settler-colonialists who weaponized Christianity as a means of providing a theological and legal justification for land theft and genocide, better known as the Doctrine of Discovery or, more accurately, the Doctrine of Christian Discovery.[9] This Christian Doctrine is a collection of papal bulls that putatively purport to affirm European Christian's "divine right" to enslave, extract, and exploit humans and the natural world.[10] As Tonya Gonnella Frichner (Onondaga Nation, Snipe Clan), founder of

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5. William Olson and Antonio Callari, "A Conversation with Cornel West," *Rethinking Marxism* 7, no. 4 (December 1, 1994): 8–27, https://doi.org/10.1080/08935699408658120
6. Cf. Philip P. Arnold, "What Are Indigenous Religions? Lessons from Onondaga," *Journal for the Study of Religion* 16, no. 2 (2003): 33–49.
7. Ahmed Shaheed, "Interim Report of the Special Rapporteur on Freedom of Religion or Belief. Indigenous Peoples and the Right to Freedom of Religion or Belief.," UN, Freedom of Religion or Belief (New York: United Nations, October 10, 2022), https://www.ohchr.org/en/documents/thematic-reports/a77514-interim-report-special-rapporteur-freedom-religion-or-belief.
8. Cf. Jonathan Z Smith, "God Save This Honorable Court," *Writing Religion: The Case for the Critical Study of Religion*, ed. Steven Wesley Ramey (Tuscaloosa: University of Alamaba Press, 2015), 17–31; Tomoko Masuzawa, *The Invention of World Religions: Or, How European Universalism Was Preserved in the Language of Pluralism* (Chicago, IL: University of Chicago Press, 2005).
9. Cf. Tonya Gonnella Frichner, "The Preliminary Study on the Doctrine of Discovery," UNPFII (New York: United Nations, April 27, 2010), Presented at the Permanent Forum on Indigenous Issues, Ninth Session, United Nations Economic and Social Council, New York, April 27, 2010, https://undocs.org/E/C.19/2010/13; Philip P. Arnold and Sandra L. Bigtree, "S01E02: The Doctrine Of Christian Discovery As An Ideological And Legal Framework with Steven T. Newcomb," Mapping the Doctrine of Discovery (podcast), August 10, 2023, 57 min., 34 sec., https://podcast.doctrineofdiscovery.org/season1/episode-02/; Philip P. Arnold and Sandra L. Bigtree, "Ten Religious Themes of the Doctrine of Christian Discovery (DoCD) That Contrast with Indigenous Values," *Doctrine of Discovery Project* (blog), September 26, 2022, https://doctrineofdiscovery.org/10-religous-dimensions/.
10. Shawnee and Lenape scholar Steven T. Newcomb critically distills the Doctrine of Discovery down to enslavement, exploitation, and extraction in his book *Pagans in the Promised Land*: *Decoding the Doctrine of Christian Discovery* (Golden, CO: Fulcrum Publishing, 2008). See also *The Doctrine of Discovery: Unmasking the Domination Code*, directed by Sheldon P. Wolfchild (2015; Mankato, MN: 38 Plus 2 Productions), https://vimeo.com/ondemand/dominationcode, which is based off of Newcomb's book, and also Arnold and Bigtree, "S01E02."

the American Indian Law Alliance, noted in her preliminary report on the Doctrine of Discovery, its framework of domination and Christian hegemony are enshrined in international law.[11] The enmeshment of the Doctrine of Christian Discovery within international law has significant repercussions for Indigenous nations and peoples daily, for example, there are very few mechanisms of enforcement for the rights/rules based international social order. Reason, responsibility, and freedom, core tenants of the interim report and needs of Indigenous nations are often elided by settler colonial nation states' refusal to honour Indigenous treaties and engage with Indigenous leadership. Thus international law and international rights-based discourse remain at the level of discourse and are slow to move to action.

The Value of Responsibility

The Haudenosaunee Confederacy does not have a word for religion. Religion and belief are not the best frameworks for understanding Haudenosaunee culture and way of life. Looking at the "Thanksgiving Address or the Words That Come Before All Else," one can understand what scholars *might* call religion.[12] Here, thanksgiving and gratitude are given to Mother Earth, the natural world, and all living beings. It is not a wish or a prayer because nothing is asked for in return. It is an expression and acknowledgment of gratitude to be done daily and whenever people gather. It begins and ends all meetings in the Longhouse, as an expression of gratitude and a reminder of one's rights and responsibilities. (Non)Belief does not liberate one from their responsibilities. The waters, fish, and plants continue to flow, grow, and flourish despite human-caused climate change, pollution, and harm to Mother Earth. If they can do their jobs consistently and persistently, so can humans. We do not ask the waters, plants, and animals if they believe and we exempt them from their responsibilities based on non-belief, so why should they grant humans an exception based upon belief? Haudenosaunee lifeways emphasize living in right and responsible relationship to the natural world and all living beings. Balance and mutuality are values which include plants, animals, and all living beings. There is a capriciousness in the sense of community. The Thanksgiving Address highlights these values.

Shifting from thinking about religion and belief to Indigenous values or lifeways allows for a more integrative and capacious understanding of how relationality functions as a value. Indigenous values are communicated through ceremony, protocols, and most importantly actions. For example, The Thanksgiving Address teaches one the value of responsibility. Out of this relationship of responsibility flows a gratitude that Mother Earth and all living beings seek to live in balance and harmony, coming together with a good mind. The English translation of the consistent refrain of the Thanksgiving address is "Now our minds are one." Coming together with one mind requires attunement to harmony, balance, and the difficult work of consensus building. As the Dish With One Spoon Wampum treaty reminds us, we are all eating out one dish with one spoon.

11. Newcomb, who helped Gonnella Frichner with the research on the report, makes this point even clearer in the film *Domination Code*. *The Doctrine of Discovery: Unmasking the Domination Code*.

12. "Haudenosaunee Thanksgiving Address Greetings to the Natural World," National Museum of the American Indian, Smithsonian Institute, accessed June 4, 2024, https://americanindian.si.edu/environment/pdf/01_02_Thanksgiving_Address.pdf.

Religious Freedom

The separation of church and state bolsters the modern international framework of religious freedom. Thomas Jefferson's 1802 letter to the Danbury Baptist ensconced the separation of church and state in the North American psyche.[13] Despite Jefferson's significant contributions to the idea, it has a much longer history; one could trace it back to Martin Luther and the Protestant Reformation. There is a similar pathway that goes from Jefferson to John Locke's "A Letter Concerning Toleration" and Roger Williams's concept of "Soul-Liberty" or, as it is more commonly known today, "Soul Freedom."[14] There is a wide variety of primarily European and Christian etiologies where people see the damage done in the name of the church and state, and imagine another world is possible, one where there is a barrier between church and state. The separation of church and state is a limited step as it does not go to the deeper issue that the harms and abuses being carried out by the church and crown are rooted in a framework of domination. Until the framework of domination is dismantled, the separation of church and state is but a half-measure. The limits of the separation of church and state are seen even in the figure of Thomas Jefferson. Just as he argued passionately for religious freedom, he was also an enslaver.[15] Despite the inherent contradiction in Jefferson's words, or instead because of them, the Supreme Court of the United States uses him as part of their 1878 and 1947 cases, which have become critical legal touchstones in U.S. Jurisprudence around religious freedom.

The contradiction of enslaving while writing about religious freedom went unremarked precisely because it is part of the root cause of the problem: Christian domination through religion, culture, and law. While there is a (porous) wall of separation between church and state, it is still *church* and *state*. Religion here is assumed to be Christian, and the basic unit of religious expression is a church. During the time, there were no religious tests for office or religious tests for voting in the United States, and Indigenous lifeways (~~religions~~) were outlawed. Where was that wall of separation when the church and state were stealing Indigenous children from their homes and placing them in Christian boarding schools designed to "kill the Indian, save the man?"[16]

As Jonathan Z. Smith highlights in his iconic essay "God Save This Honorable Court," Christianity influences the state in multiple ways, one of which is the Internal Revenue Service (IRS). The IRS becomes the *defacto* arbiter and adjudicator of religion in the United States. Both exerting pressure upon the other and seeking the upper hand. Subsequently, due to this power struggle between church and state, the only

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13. James H. Hutson and Thomas Jefferson, "Thomas Jefferson's Letter to the Danbury Baptists: A Controversy Rejoined," *The William and Mary Quarterly* 56, no. 4 (1999): 775–790, https://doi.org/10.2307/2674235; Thomas Jefferson, "Jefferson's Letter to the Danbury Baptists, January 1, 1802" *Library of Congress Information Bulletin* 57, no. 6 (June 1998): http://www.loc.gov/loc/lcib/9806/danpre.html.
14. John Locke, *A Letter Concerning Toleration* (Peterborough, ON: Broadview Press, 2013); Edwin S. Gaustad, *Roger Williams* (Oxford: Oxford University Press, 2005); Curtis W. Freeman, "Roger Williams, American Democracy, and the Baptists," *Perspectives in Religious Studies* 34, no. 3 (September 2007): 267–286; Phillip J. Donnelly, "The Challenges of Roger Williams: Religious Liberty, Violent Persecution, and the Bible," *Perspectives in Religious Studies* 34, no. 1 (2007): 116–119; Arthur Barsazou Strickland, *Roger Williams, Prophet and Pioneer of Soul-Liberty* (King of Prussia, PA: Judson Press, 1919).
15. Jefferson writes passionately in his Letter to the Danbury Baptists, "Believing with you that religion is a matter which lies solely between Man & his God, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only, & not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between Church and State."
16. Betty Hill, "Truth and Justification: On the Cruelties Against Indigenous People," *The Nation*, August 23, 2021, https://www.thenation.com/article/society/indigenous-residential-boarding-schools-canada/.

Indigenous lifeways that have the most visibility, legibility, and projection in the eyes of the U.S. are those that are organized and function in a Christian fashion so to navigate this system Indigenous peoples formed the Native American Church as a way to try and preserve and protect their lifeways (~~religions~~) from the state.

Continuing through the timeline of the separation of church and state, churches accept federal government funding for Christian programs like schools that seek not only Title VI exemptions but also Title IX exemptions.[17] While Indigenous peoples are fighting for their human rights, civil rights, and protections from sexual misconduct, Christian institutions are fighting to be exempt from Titles VI and IX. Indigenous nations and peoples are fighting for their right to freedom of expression and fundamental human rights, while Christian institutions are fighting to maintain their hegemonic socio-cultural position and their imagined right to domination. Their institutions receive federal funds, yet non-Christian Indigenous LGBTQIA2S+ students, should they attend these institutions, will be told that they are less than and that they need to assimilate.

In the United States, the wall of separation between church and state is less like a wall and more like a joint and tendon. The two remain inextricably linked. Christian hegemony and the European socio-cultural desire for domination remain intact. Dismantling Christian domination through law requires religious, legal, and political reform and a total transformation in thinking. Faithkeeper Lyons understands this point, so he calls for a value change for survival. Arnold summarizes this moment powerfully in his book. Faithkeeper Lyons was asked to summarize the work of the 1985 "Global Forum Of Spiritual And Parliamentary Leaders On Human Survival," he used these words, "value change for survival."[18] In our estimation report, the Special Rapporteur On Freedom Of Religion Or Belief (A/77/514) similarly calls for a value change.

The U.S. Supreme Court explicitly references the Doctrine of Discovery in its legal reasoning in cases like *Johnson v. M'Intosh* (1823) and *Sherrill v. Oneida Nation* (2005).[19] Critically, Christian domination and hegemony through law is not a liberal v. conservative issue; even noted liberal jurist Ruth Bader Ginsburg, who pinned the 2005 decision, cites the Doctrine of Discovery as part of her rationale of why Indigenous nations should not be able to reclaim their stolen lands.

Indigenous lifeways are all interconnected as one flows into the other. Religious freedom cannot be sutured from land rights. Land rights cases like *Johnson, Sherrill,* and the Onondaga Land Rights actions

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17. Rachel F. Moran, "Affirmative Action, Religious Liberty, and The Freedom to Discriminate," *Canopy Forum: On the Interactions of Law and Religion,* March 13, 2024, https://canopyforum.org/2024/03/13/affirmative-action-religious-liberty-and-the-freedom-to-discriminate/; Alexa Terribilini, "The Athletic God Complex: The Title IX Lawsuit Against Baylor University and How the Government Responds," *Jeffrey S. Moorad Sports Law Journal* 26, no. 2 (2019): 439–469, https://digitalcommons.law.villanova.edu/cgi/viewcontent.cgi?article=1383&context=mslj; Robert Romano and Mackenzie Shanklin, "Consider Potential Implications of Title IX Exemption Granted to Baylor University," *College Athletics and the Law* 21, no. 2 (2024): 5–8.
18. Arnold, *The Urgency of Indigenous Values*, 243; "Global Forum of Spiritual and Parliamentary Leaders on Human Survival," UN Archives and Records Management Section Folder S-1032-0059-0010 (New York: United Nations, 1985), https://search.archives.un.org/uploads/r/united-nations-archives/f/0/7/f0760c355d03a868b335e5d9a9cbba7b6d40ef1341c938a297efc2afbb971f9c/S-1086-0106-09-00001.PDF.
19. Eric Kades, "The Dark Side of Efficiency: Johnson v. M'Intosh and the Expropriation of American Indian Lands," *University of Pennsylvania Law Review* 148, no. 4 (2000): 1065–1190; Lindsay G. Robertson, *Conquest by Law: How the Discovery of America Dispossessed Indigenous Peoples of Their Lands* (Oxford University Press, 2005); Cynthia J. Boshell, "Johnson v. M'intosh: Christianity, Genocide, and the Dispossession of Indigenous Peoples," 2022; Johnson's Lessee v. M'Intosh, 21 US 543 (Supreme Court 1823); City of Sherrill v. Oneida Indian Nation of NY, 544 US 197 (Supreme Court 2005); Dana Lloyd, "City of Sherrill v. Oneida Indian Nation of New York," *Doctrine of Discovery Project* (blog), October 19, 2022, https://doctrineofdiscovery.org/sherrill-v-oneida-opinion-of-the-court/.

all have important implications for Indigenous religious freedom. Indigenous lifeways must be practiced on their ancestral homelands. The earth and all living beings are part of the ceremonial gift economy. The European Protestant Christian notion of private property ownership and enforcing imagined imposed borders onto the natural world restricts the movement of Indigenous nations, peoples, plants, and all living beings. Additionally, the US Supreme Court's rulings continue to enshrine fifteenth-century theological and legal justifications for land theft and the cessation of Indigenous rights all in the names of a settler colonial missionizing project. We call attention to land rights here because of their trifold impact on Indigenous lifeways first by denying religious freedom, second by denying the autonomy of the land and all living beings, and third by continuing to make recourse to Christian theological sources to justify the "secular" settler colonial project of the United States. Parenthetically, we say secular because the US has no official state religion, even though we would argue that European Protestant Christianity is the defacto religion.

Land Rights

One need not despair; all hope is not lost, and another world is possible; we know this because there was another flourishing world living under the Great Law of Peace before European Christian Settler Colonists arrived. The Great Law of Peace remains active today, unifying and holding the Haudenosaunee Confederacy together. Onondaga Nation remains the Central Fire of the Haudenosaunee Confederacy and preserves its pre-Christian, precolonial matrilineal society.

Indigenous nations and peoples continue their over five-hundred-year fight against European Christian Settler Colonial domination through law, and there have been essential moments where Indigenous peoples have won and will continue to win, not only in the courts but also in reconceptualizing law and justice. Some notable recent examples are the 2016 *Amicus Brief* in *Cougar Den v. Department of Licensing of The State of Washington* and Onondaga Nation's land rights action. There are many more examples, but these are the two we will briefly discuss.[20]

JoDe Goudy (Yamaka Nation) and Steven T. Newcomb (Shawnee/Lenape) played instrumental roles in the *Cougar Den* amicus brief. The 2018 Amicus Brief makes it clear that Washington State's argument would be defeated – which it was – because it relied on "the religious, racist, genocidal, fabricated doctrine of Christian discovery."[21] This brief is powerful for many reasons, first, it refuses to draw a distinction between the settler colonial nation-states religion, politics, law, and culture and, therefore, can illustrate the function of the Doctrine of Christian Discovery's framework within the case. Secondly, it relied on well-established international legal principles like "first in time, first in right" and "the authority of a nation within its own territory is absolute and exclusive."[22] Both of these international law principles rest upon recognizing the full sovereignty of the original free and prior existing nations of Turtle Island. The Yakama nation's sovereignty and treaty rights cannot and should not be impinged upon by settler colonial nation-states and local state government actors. The Yakama nation brief helps provide a stark and necessary contrast between settler colonial legal ideology and Indigenous knowledge frameworks.

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20. Ethan Jones and Marcus Shirzad, "Brief Of Amicus Curiae Confederated Tribes And Bands Of The Yakama Nation In Support Of Respondent," Amicus Curiae, Washington State Department of Licensing v. Cougar Den, Inc, 2018, https://doctrineofdiscovery.org/assets/pdfs/20180924115810387_36893-pdf-Yakama-Nation-br.pdf.
21. Jones and Shirzad, 13.
22. Peter d'Errico and Steven Newcomb, "Yakama *Amicus* Brief has Major Spoken and Unspoken Impact on Supreme Court *Cougar Den* Decision," *Indianz.com*, March 26, 2019, https://indianz.com/News/2019/03/26/yakama-nation-makes-major-impact-with-de.asp.

Wisely, the Yakama nation did not rely on the "trust doctrine" or the "government-to-government relationships" because these principles, while important, continued to collapse in settler colonial courts as they refused to uphold their side of the bargain. Additionally, they do not get to the more significant structural issue of domination. The amicus brief forces the Washington state court's hand either to uphold the Yakama nation's treaty rights or acknowledge U.S. property law and "Federal anti-Indian Law" (to use Peter d'Errico's book title) rely on a framework of Christian hegemony.[23] Religion and law are rarely separate, and the lack of acknowledgment of their separation was crucial in the *Cougar Den* case.[24] The Yakama nation embraced their sovereignty and refused to use the settler colonial categories of religion and law, which allowed them to demonstrate to the courts how the state courts operated in a Christian hegemonic manner.

Through careful examination of the 1988 *Lyng v. Northwest Indian Cemetery Protective Association*, our colleague Dana Lloyd underscores that for Indigenous peoples, *Land is Kin*.[25] Indigenous peoples' call for the land back is the same as their call asserting no more stolen sisters, children, and 2 Spirit folks. Our ancestors, relatives, and families are not for sale or up for possession and ownership. Mapuche elders remind us, "I belong to the earth; the earth doesn't belong to me."[26] For Indigenous peoples, it does not matter whether one believes or not; one has a responsibility to the earth.

Another important example is the Onondaga Nation Land Rights Action.[27] This action began in 2005 and is still ongoing now.[28] The case is framed as a land rights action because the Onondaga Nation wanted to highlight the rights of the land and all living beings. Onondaga Nations' approach highlights what Tupac Enrique Acosta (Izkaloteka Mexica Azteca) calls the territorial integrity of Mother Earth.[29] The opening preamble is worth quoting here at length:

> The Onondaga People wish to bring about a healing between themselves and all others who live in this region that has been the homeland of the Onondaga Nation since the dawn of time. The Nation and its people have a unique spiritual, cultural, and historic relationship with the land, embodied in *Gayanashagowa*, the Great Law of Peace.[30]

Notice how the Onondaga Nation focuses on peace and healing between the natural world and all living beings. Second, they acknowledge the principle of "first in time, first in right," and third, Indigenous sovereignty: "the authority of a nation within its own territory is absolute and exclusive." A sentiment reiterated later in the Cougar Den case. Additionally, this action by the Onondaga Nation discusses the

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23. Peter P. d'Errico, *Federal Anti-Indian Law: The Legal Entrapment of Indigenous Peoples* (Santa Barbara, CA: Praeger (ABC-CLIO), 2022).
24. Washington State Department of Licensing v. Cougar Den, Inc., 139 S. Ct. 1000 (Supreme Court 2019).
25. Lyng v. Northwest Indian Cemetery Protective Assn., 485 US 439 (Supreme Court 1988); Dana Lloyd, *Land Is Kin: Sovereignty, Religious Freedom, and Indigenous Sacred Sites* (Lawrence, KS: University Press of Kansas, 2023).
26. Shaheed, "Indigenous Peoples and the Right to Freedom of Religion or Belief."
27. Onondaga Nation, "The Land Rights Case," *Onondaga Nation: People of the Hills* (blog), 2005, https://www.onondaganation.org/land-rights/.
28. Joseph J. Heath, Andrew B. Reid, and Tadodaho Sidney Hill, "The Onondaga Nation And The Haudenosaunee Confederacy Supplemental Submission Brief On The Merits," *Doctrine of Discovery Project* (blog), December 28, 2023, https://doctrineofdiscovery.org/assets/pdfs/Petitioners-Merits-Brief-revd-12.24.2023.pdf.
29. Tupac Enrique Acosta, "Superseding the Doctrine of Discovery: World Water One," *Doctrine of Discovery Project* (blog), March 29, 2023, https://doctrineofdiscovery.org/blog/1CEMANAHUAC/.
30. Betty Hill, "Sovereignty," *American Indian Law Alliance* (blog), October 15, 2017, https://aila.ngo/issues/sovereignty/; Onondaga Nation, "Sovereignty," *Onondaga Nation: People of the Hills* (blog), n.d., https://www.onondaganation.org/government/sovereignty/.

critical "religious" relationship the Nation has with the land without using the category of religion or acknowledging the Western colonial concepts of religion and belief. Instead, their intersectional and dynamic relationship is described in English as spiritual, cultural, historical, and relational. Words fail to fully capture the power and importance of the mutual sustaining and holistic connection between Onondagas, the natural world, and all living beings. The best expression of the relationship is found in the Onondaga word *Gayanashagowa* (The Great Law of Peace). The *Gayanashagowa*, sometimes mistakenly called the Great Binding Law or the Constitution of the Haudenosaunee Confederacy, was given to the Haudenosaunee Confederacy by the Peacemaker thousands of years ago on the shores of Onondaga Lake. This powerful message brought together five warring nations and united them in peace, forming a powerful confederacy. A confederacy so compelling that later, the Tuscarora nation would come and join.

The Onondaga Land Rights Action would ultimately be dismissed by the US Courts as being "too disruptive," as though doing the wrong thing for so long somehow justifies not doing the right thing now. Presently, the Onondaga Land Rights Action is working its way through the Organization of American States system as the Nation continues to seek justice for themselves and the natural world. This land claim further highlights how, for the Haudenosaunee Confederacy, one cannot separate and draw boundaries between religion and culture, humans and animals, humans and the environment. Everyone and everything are interconnected and inseparable. International rights frameworks need to do more to take this integrative approach seriously. Imagine for a moment what it would look like for the land, water, animals, and humans to have equal rights and protections. The fact that this is not the case, and it is an imagined exercise, shows how pervasive the segmented worldview of the Western world is.

Federal Anti-Indian Law

Shifting from land rights to U.S. Federal Indian [*sic*] law, we want to highlight the prescient new book Peter d'Errico's, *Federal Anti-Indian Law: The Legal Entrapment of Indigenous Peoples*.[31] The U.S. Federal Indian system continues the white Christian European colonial mentality that Indigenous peoples are less than and somehow need to be placed under the guardianship of the United States.[32] What d'Errico's book underscores is how much the U.S. system is set up as a court of disenfranchisement for Indigenous nations and peoples. It is a place of diminishment, not protection. One that is meant to take away rights. For example, this year marks almost 100 years of the false promise of U.S. citizenship for Indigenous peoples.[33] Hanadagá•yas Calvin Coolidge offered Native Americans citizenship, which on the surface may seem like a nice gesture and something meaningful. Still, it assumes that Indigenous nations and peoples want to surrender their sovereignty and assimilate into the dominant settler-colonial society.[34] The Indian Citizenship Act was yet another step in the genocidal attempt at erasing Indigenous nations and peoples

31. d'Errico, *Federal Anti-Indian Law*.
32. Daniel ISJ Rey-Bear and Matthew LM Fletcher, "'We Need Protection from Our Protectors': The Nature, Issues, and Future of the Federal Trust Responsibility to Indians," *Mich. J. Envtl. & Admin. L.* 6 (2016): 397.
33. Joseph J. Heath, "The Citizenship Act Of 1924," *Onondaga Nation: People of the Hills* (blog), June 7, 2018, https://www.onondaganation.org/news/2018/the-citizenship-act-of-1924/; Francine Uenuma, "A Century Ago, This Law Underscored the Promises and Pitfalls of Native American Citizenship," *Smithsonian Magazine*, May 29, 2024, https://www.smithsonianmag.com/history/a-century-ago-this-law-underscored-the-promises-and-pitfalls-of-native-american-citizenship-180984426/.
34. Hanadagá•yas (Town Destroyer) is a title earned by President George Washington for the genocide committed against the Haudenosaunee Confederacy during the Sullivan Clinton. This term is now the formal address used by the Haudenosaunee Confederacy for all U.S. Presidents. Onondaga Nation, "US Presidents – Hanadagá•yas," Onondaga Nation People of the Hills, n.d., https://www.onondaganation.org/history/us-presidents-hanadagayas/.

from Turtle Island. Onondaga Nation courageously rejected the offer of citizenship by reminding the United States of the Canandaigua Treaty; they said: "As a party to the Treaty between the United States and the Six Nations in [1794], do hereby protest the Snyder Bill, since it abrogates sections 1, 2, & 4 of the Treaty…"[35] The Onondaga Nation statement continues to remind the United States that they continue to exercise and enjoy their rights and freedoms unimpeded by the United States and do not wish to surrender their sovereignty. Heath reminds us that for anyone to understand Federal anti-Indian law, one must first understand the Doctrine of Christian Discovery and the importance of Indigenous sovereignty.[36] Citizenship as an assault on Indigenous sovereignty continues today with France attacking the Kanak nation's sovereignty to further French control of Kanaky (colonized name New Caledonia) by offering the Kanak French citizenship. Amnesty International has raised concerns over France changing the territories voting laws and restricting internet access to quash the independence movement.[37]

The United States Constitution Article VI provides that treaties are the supreme law of the land.[38] Yet Article I Section 8 gives Congress the unilateral power to regulate commerce with foreign nations and "Indian tribes."[39] Joseph J. Heath, Onondaga Nation General Counsel, notes that the term tribe is a diminishment. It seeks to reduce and remove Indigenous sovereignty and nationhood.[40] The 1830 Indian Removal Act makes these desires of the United States even clearer. Additionally, land speculator and Chief Justice of the U.S. Supreme Court, John Marshall, in his famous trilogy (*Johnson v. M'Intosh* (1823), *Cherokee Nation v. Georgia* (1831), *Worcester v. Georgia* (1832)), provides further legal justification of the dispossession of Indigenous nations and peoples from their land, through his reliance on the Doctrine of Discovery.[41] As the language of *Cherokee Nation v. Georgia* makes clear, he sees Indigenous nations as "domestic dependent nations," "pupil[s]," and characterizes the United States role as similar to "a ward and his guardian."[42] It is difficult to understate the damage done by Johnson's decisions. The American Indian Law Alliance and our collaborators at Indigenous Values Initiative and Syracuse University recently held a conference sponsored by the Henry Luce Foundation and many others charting the damage done by *Johnson v. M'Intosh* through Marshall's legal codification of the Doctrine of Discovery. Likewise, a similar conference should be held on all these cases. In *Cherokee Nation v. Georgia*, Marshall imagines this peculiar category of a domestic dependent nation. How can one's sovereignty and nationhood be unilaterally reduced to that of a domestic dependent? The term is an oxymoron. Either one is a sovereign nation, or one is a domestic dependent.

Marshall sees the United States as a benevolent teacher and Indigenous nations as pupils learning the art of statecraft and democracy from one who wishes to reduce them to a "domestic dependent." Never mind, the United States sat under the Haudenosaunee Confederacy's pupilage and proved itself to be a poor

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35. Heath, "The Citizenship Act Of 1924."
36. Joseph J. Heath, "The Doctrine Of Christian Discovery: Its Fundamental Importance In United States Indian Law And The Need For Its Repudiation And Removal," *Albany Government Law Review* 10, no. 1 (2017): https://doctrineofdiscovery.org/law/resources/algr-doctrine-christian-discovery-indian-law-repuidation/.
37. Amnesty International, "Kanaky New Caledonia: French Authorities Must Uphold Rights of the Indigenous Kanak People amid Unrest," NGO, *Amnesty International*, May 17, 2024, https://www.amnesty.org/en/latest/news/2024/05/kanaky-new-caledonia-french-authorities-must-uphold-rights-of-the-indigenous-kanak-people-amid-unrest/.
38. "The Constitution of the United States: A Transcription" (College Park, MD: The National Archives, America's Founding Documents, 1788), https://www.archives.gov/founding-docs/constitution-transcript.
39. "Constitution."
40. Heath, "The Doctrine Of Christian Discovery."
41. Johnson's Lessee v. M'Intosh, 21 US; The Cherokee Nation v. The State of Georgia, 30 US 1 (Supreme Court 1831); Worcester v. Georgia, 31 US 515 (Supreme Court 1832).
42. The Cherokee Nation v. The State of Georgia, 30 US.

student, learning democracy, diplomacy, and governance. The 1754 Albany Plan of Union and the one hundredth Congress H.Con.Res.331 all clearly attest to the Haudenosaunee (despairingly Iroquois) Confederacy's influence on U.S. Democracy.[43] Betty is always quick to point out that the U.S. studied Haudenosaunee leadership; they forgot the role of women, protections for Mother Earth, the principles of equality, and much more. The U.S. may have studied, but they did not critically reflect on their core practices of enslavement, exploitation, and extraction, all of which are derived from the Doctrine of Discovery.

In 1871, recognizing the existential threat to settler colonial domination that is Indigenous sovereignty and the risk posed by Indigenous nations joining the Haudenosaunee Confederacy and the increased growth of other Indigenous confederacies, Congress attempted to shirk their treaty obligations in U.S. Code 25, Chapter 3 § 71. "No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe..."[44] Again, as Betty quickly reminds U.S. and Canadian leaders, the Haudenosaunee have long memories and will keep them at their word. As the United States continues to escape its responsibilities and the principle of treaty as the Supreme Law of the land, Indigenous peoples continue to hold the U.S. to its word by highlighting the shaky reasoning and footing of all these attempts to undermine treaties. The core of the issue is the assumption of divinatory blessing of dominion and theft. One cannot be a nation of laws when those laws rest upon so shaky a foundation of the assumed divine right of kings being transferred from the crowns of Europe to Hanadagá•yas. This assumption is so pervasive and compelling that even noted liberal legal jurist Ruth Bader Ginsburg, in her 2005 decision *Sherrill v. Oneida,* assumes it.[45] Examining the foundations of the United States reveals the structural instability of settler colonial societies. It also emphasizes the peculiar and paradoxical house of cards utilized by the U.S. Government, whereby a card is offered in the form of recognition that treaties are of great importance but immediately thereafter another card is drawn removing or undermining the privilege granted. Onondaga's words of warning continue to resonate as Indigenous peoples who accepted U.S. Citizenship continue to struggle from 1925 to today for their full rights to citizenship and voting.[46]

Boarding Schools

The attempts at undermining Indigenous sovereignty continued with the Dawes Act of 1887. This Act attempted to undermine the matrilineal clan structures of many nations and confederacies. It parcelled out Indigenous lands held by nations and communities to individual male heads of families. Those who

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43.“Albany Plan of Union 1754,” *The Avalon Project: Documents in Law, History and Diplomacy*, n.d., https://avalon.law.yale.edu/18th_century/albany.asp; “Albany Plan of Union, 1754” (United States: Department of State, Office of the Historian, 1754), https://history.state.gov/milestones/1750-1775/albany-plan; Edmund Bailey O'Callaghan, *Documents Relative to the Colonial History of the State of New-York*, vol. 6, (Albany, NY: Weed, Parsons and Company Printers, 1861), https://archive.org/details/documents_relativ06brod/page/n7/mode/2up; “Concurrent Resolution to Acknowledge the Contribution of the Iroquois Confederacy of Nations,” Congressional Resolution, 10th Congress, 2nd Session (Washington DC: October 21, 1988), https://www.senate.gov/reference/resources/pdf/hconres331.pdf.
44. “Future Treaties with Indian Tribes,” n.d., https://www.law.cornell.edu/uscode/text/25/71.
45. Cf. Footnote 1. City of Sherrill v. Oneida Indian Nation of NY, 544 US.
46. Heath, “The Citizenship Act Of 1924”; Becky Little, “Native Americans' Long Journey to US Citizenship and Voting Rights,” *History.Com*, November 7, 2023, https://www.history.com/news/native-american-voting-rights-citizenship.

participated in the system when the U.S. granted U.S. Citizenship and those who did not were often disenrolled and no longer recognized as Indigenous by the U.S. government. Both moves are acts of erasure of Indigeneity. The Dawes Act was a direct assault on sovereignty and Indigenous governments. The offer of U.S. Citizenship provides a way to erase Indigeneity and to create further barriers to participating and being part of one's Indigenous government. This Act was yet another genocidal attempt at assimilation. Just as the Dawes Act set out to reorganize Indigenous relationships, the residential boarding school system sought to assimilate Indigenous children into U.S. and Canadian Society forcibly.[47] Based upon the Roman Catholic Missionary Schools used out west, the Indian Residential Boarding Schools were a collaboration between churches and the state aimed at genocidal erasure.[48] Famously, at the opening of Carlisle Indian Industrial School, Richard Henry Pratt proclaimed, "Kill the Indian and Save the Man."[49] In this speech, Pratt opened a near era in the genocide against the Indigenous nations and peoples of Turtle Island. Indigenous children were stolen from their families, placed in residential boarding schools that had graveyards, solitary confinement, and served as defacto prisons. These places were rife with abuse against the children who were sent there. Betty reminds us that these were not places of "deculturation" but of genocide, and they were built upon the principles of the Doctrine of Discovery and the U.S. as a "guardian" who must discipline and correct the pupil into the ideal docile and compliant citizen.[50]

Code of Indian Offenses

As Newcomb's work underscores within the Doctrine of Discovery's system of domination, there can never be enough domination. Dominion is an eliminationist epistemology. Dissatisfied with the systems of domination that are the Dawes Act, the Bureau of Indian Affairs, Indian Residential Schools, Federal Indian Law, and Property Laws; the U.S. turned its attention to the categories of religion and culture. Seeking new forms of control, the 1883 Code of Indian Offences sought to regulate further and restrict Indigenous lifeways. Amongst the many things outlawed were sacred dances, rituals, ceremonies, medicine keepers, funerary practices, potlatches, sun dances, and famously the Ghost Dance. The code's extreme restriction on Indigenous life and the cruel attempt to separate religion and culture and then outlaw non-

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47. The Indian Residential Schools or boarding schools in Canada and the United States were influenced by their historical antecedent the Spanish mission schools. Chronologically speaking the Spanish mission schools came first then the US residential schools founded by Richard Henry Pratt, and then quickly thereafter the Canadian residential schools. While there are important distinctions to be drawn between how the schools in Mexico, Canada, and the US functioned the intent and the impact was genocide. Cf. Keiteyana I. Parks, "Indigenous Boarding Schools in the United States and Canada," *American Indian Law Review* 47, no. 1 (2022): 37–70; Alexander S. Dawson, "Histories and Memories of the Indian Boarding Schools in Mexico, Canada, and the United States," *Latin American Perspectives* 39, no. 5 (2012): 80–99, https://doi.org/10.1177/0094582X12447274; Sean Ryan, "Chapter 4 American Indian Boarding Schools," in *Encyclopedia of Critical Whiteness Studies in Education*, (Leiden, The Netherlands: Brill, 2020), https://doi.org/10.1163/9789004444836_004; James Rodger Miller, "The State, the Church, and Indian Residential Schools in Canada," in *Religion and Public Life in Canada: Historical and Comparative Perspectives*, ed. Marguerite Van Die (Toronto: University of Toronto Press, 2001), 109–129.
48. Hill, "Truth and Justification: On the Cruelties Against Indigenous People."
49. Richard H. Pratt, "'Kill the Indian, and Save the Man': Capt. Richard H. Pratt on the Education of Native Americans," in *The American Indians: Writings by the "Friends of the Indian" 1880–1900*, ed. Francis Paul Prucha (Cambridge, MA: Harvard University Press, 1973), 260–271, https://historymatters.gmu.edu/d/4929; Lindsay Peterson, "'Kill the Indian, Save the Man,' Americanization through Education: Richard Henry Pratt's Legacy" (BA Honors Thesis, Colby College, 2013), 1–99, https://digitalcommons.colby.edu/honorstheses/696/.
50. Nancy Carol Carter, "Race and Power Politics as Aspects of Federal Guardianship over American Indians: Land-Related Cases, 1887-1924," *American Indian Law Review* 4, no. 2 (1976): 197–248, https://doi.org/10.2307/20067991.

Christian religious practices contributed to Wounded Knee in 1890.[51] The Code of Indian Offenses led to the 1924 Citizenship Act. During all the attempts to attack and reduce Indigenous sovereignty, Onondaga Nation and the Haudenosaunee Confederacy remained strong, maintaining their precolonial matrilineal lifeways. As a way around these codes and offences, Quanah Parker (Comanche Nation) helped found the Native American Church Movement to protect Indigenous religious practices by using the Christian structure of a church to try and navigate the restrictions on Indigenous life.[52]

In 1978, Hanadagá•yas Jimmy Carter signed the American Indian Religious Freedom Act.[53] While landmark legislation AIRFA lacked an enforcement mechanism, Indigenous lifeways continued to be assailed by state and federal agencies and courts. In response to continued limitations on Indigenous practices, Senator Chuck Schumer sponsored the Religious Freedom Restoration Act of 1993, which was overwhelmingly passed by Congress. RFRA would be amended in 1994 as the Native American Church still faced issues practicing their religious ceremonies. Hanadagá•yas William Clinton signed an executive order in 1996 to try and further RFRA and protect Indigenous Sacred sites. Nevertheless, RFRA was not strong enough to protect Mother Earth and the Navajo Nation from the usage of recycled sewage water to generate artificial snow for tourists. Instead of acknowledging and confronting climate change, tourists get artificial snow made out of recycled sewage, disregarding the Navajo Nation's sovereignty and attempts to protect sacred lands.[54] However, RFRA was strong enough, in *Burwell v. Hobby Lobby* (2014), to protect a Christian corporation's ability to challenge the Affordable Care Act and deny employees contraceptive health care.[55] These cases illustrate the continued existence of Christian hegemony and privilege within the United States. Even legislation designed to protect Indigenous religious freedoms fails to protect the freedoms of sovereign nations, but the legislation does protect the acts of capitalist Christian corporations. Indigenous lifeways and ways of being in the world are constantly being carved up. Working within the settler colonial system of laws and legislation has limited impact because that is working within a system of domination that is built upon the Doctrine of Christian Discovery. So long as the Doctrine of Christian Discovery is utilized in law and theology it must be repudiated and rescinded by the Roman Catholic Church. Additionally, it must be repealed and removed from all courts of law, especially international law and international rights-based discourses.

Conclusion

As we reflect on the "Interim report of the Special Rapporteur on Freedom of Religion or Belief" (A/77/514), we thank the External Special Rapporteur on Freedom of Religion or Belief, Ahmed Shaheed, and his staff for this timely intervention. We hope our essay has highlighted some of the concerns and limitations not of the report but of the larger categories of religion, belief, human rights frameworks, and international rights-based frameworks. We join our dear friends of the Indigenous Values Initiative in calling for an urgent return to Indigenous Values.[56] Returning and incorporating an Indigenous episte-

51. John Rhodes, "An American Tradition: The Religious Persecution of Native Americans," *Mont. L. Rev.* 52 (1991): 13.
52. Cf. William T Hagan, *Quanah Parker, Comanche Chief*, vol. 6 (University of Oklahoma Press, 1995).
53. Robert S. Michaelsen, "The Significance of the American Indian Religious Freedom Act of 1978," *Journal of the American Academy of Religion* 52, no. 1 (1984): 93–115; Suzan Shown Harjo, "American Indian Religious Freedom Act after Twenty-Five Years: An Introduction," *Wicazo Sa Review* 19, no. 2 (2004): 129–136.
54. Cf. Navajo Nation v. United States Forest Service, 479 F.3d 1024 (9th Cir., 2007).
55. Burwell v. Hobby Lobby Stores, Inc., 573 US 682 (Supreme Court 2014).
56. Cf. Arnold, *The Urgency of Indigenous Values*.

mology allows for a profoundly integrative, collaborative, and holistic approach to caring for each other and the natural world. The Original Free Nations of Turtle Island/Abya Yala are a persistent reminder that another world is possible, healing is possible, and living in the right relationship with each other and the natural world is possible.

Faithkeeper Lyons constantly reminds international bodies that "The Ice is Melting in the North." The ice is losing its reflectivity; so much ice is melting that it is slowing the earth's rotation; as the ice melts forever, chemicals are being released into the ocean, and more.[57] The Doctrine of Christian Discovery and its framework of domination are doing irreparable harm – Indigenous lifeways – are ancient powerful messages and medicines of healing and transformation. Let us turn to Indigenous perspectives and value Indigenous nations as the original caretakers of these lands and trust their wisdom in healing these lands. One of the oldest Haudenosaunee Confederacy wampum belts is a treaty between the Haudenosaunee and the Anishinaabe. This treaty is popularly known as the One Dish and One Spoon Wampum.[58] This wampum belt served as a treaty and reminder that the Haudenosaunee and Anishinaabe were to share the forest because we were all eating out of one dish with one spoon. Today, this treaty reminds everyone that all living beings eat out of one dish and with one spoon. All beings are responsible for loving and caring for the earth and the natural world. The best protection of Indigenous religious freedom or belief is the cessation of all conflicts, the embrace of peace, and for there to be a stop to the violence and terror being wrought against Indigenous nations and peoples. While we remain thankful for the work of this report, our goal is to see the fullest manifestation of Indigenous sovereignty and flourishing. Faithkeeper Lyons reminds us that sovereignty is the Act thereof.[59] Indigenous peoples have been and continue to be sovereign since time immemorial, and they maintain their sovereignty by acting sovereign in their language, culture, religion, and relationships with the natural world. Suppose the rules-based international order will not work with and support Indigenous peoples in their advocacy for dismantling the Doctrine of Christian Discovery and all attendant systems of domination, Indigenous freedom and flourishing, and the complete restoration of the natural world. In that case, Indigenous peoples will continue to carry on that work on their own. Here, the Onondaga Nation and the Haudenosaunee Confederacy are once again instructive about how this can be

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57. Bob Weinhold, "Persistent Organic Pollutants: Melting Glaciers Release Frozen Toxicants," *Environmental Health Perspectives* 117, no. 12 (December 2009): A538, https://doi.org/10.1289/ehp.117-a538; Jack Garnett et al., "High Concentrations of Perfluoroalkyl Acids in Arctic Seawater Driven by Early Thawing Sea Ice," *Environmental Science & Technology* 55, no. 16 (2021): 11049–11059; Duncan Carr Agnew, "A Global Timekeeping Problem Postponed by Global Warming," *Nature* 628, no. 8007 (2024): 333–336, https://doi.org/10.1038/s41586-024-07170-0; Philip L. Dreike et al., "Broadband Radiometric Measurements from GPS Satellites Reveal Summertime Arctic Ocean Albedo Decreases More Rapidly than Sea Ice Recedes," *Scientific Reports* 13, no. 1 (2023): 13769, https://doi.org/10.1038/s41598-023-39877-x; Francis X. Diebold et al., "When Will Arctic Sea Ice Disappear? Projections of Area, Extent, Thickness, and Volume," *Journal of Econometrics* 236, no. 2 (2023): 105479, https://doi.org/10.1016/j.jeconom.2023.105479; Garnett et al., "High Concentrations of Perfluoroalkyl Acids in Arctic Seawater Driven by Early Thawing Sea Ice"; Kevin R. Arrigo, Gert van Dijken, and Sudeshna Pabi, "Impact of a Shrinking Arctic Ice Cover on Marine Primary Production," *Geophysical Research Letters* 35, no. 19 (2008); Dmitry Sharapov, "Arctic Ice Changes and Global Warming," *E3S Web Conference* 460 (2023): https://doi.org/10.1051/e3sconf/202346008014.

58. Peter Jemison, Jamie Jacobs, and Michael Galban, "Wampum: A Living Tradition," *Gradhiva. Revue d'anthropologie et d'histoire Des Arts* 33 (2022): 118–131, https://doi.org/10.4000/gradhiva.6265.

59. Oren Lyons, "'Sovereignty and the Natural World Economy' as Part of 'the Current Picture: Progress or Impasse?,'" in *Justice for Natives*, ed. Andrea P. Morrison and Irwin Cotler (Montreal: McGill-Queen's University Press, 1997), 157–196, http://www.jstor.org/stable/j.ctt7zn4m.13; Harjo, "American Indian Religious Freedom Act after Twenty-Five Years: An Introduction."

done. The message of the Great Law of Peace continues to flourish and grow thanks to the preservation of traditional practices amongst the Haudenosaunee.

In 2010, AILA's founder, Gonnella Frichner, in her role as Special Rapporteurs for the UN Permanent Forum on Indigenous Issues (UNPFII), delivered a presented "Preliminary study of the impact on Indigenous peoples of the international legal construct known as the Doctrine of Discovery" (E/C.19/2010/13).[60] This study resulted from many years of hard work and dedication by Gonnella Frichner and Steven T. Newcomb – the preliminary report called for a full account and report on the impact of the Doctrine of Discovery. To date, the United Nations has yet to conduct this report. Each year, the American Indian Law Alliance asks for a follow-up report. We believe that the "Interim report of the Special Rapporteur on freedom of religion or belief" (A/77/514) further highlights the urgency of a full accounting of the impact of the Doctrine of Discovery.

Conducting a full account of the impact of the Doctrine of Christian Discovery will provide an account of the harmful legacy of Christianity on Turtle Island/Abya Yala. Only by understanding the past and its impact on the present can we work together to imagine new futures – a world where all living beings have the freedom to fulfill their lifeways. Two examples of what this could look like are the One Dish One Spoon Wampum and the Two Row Wampum Treaty and Method.[61] The Two Row Wampum Treaty was between the Haudenosaunee and the Dutch. It is a treaty that is still in effect. This treaty belt shows two rows of purple beads amidst a sea of white beads representing the river of life. The Haudenosaunee travelling in their canoes and the Dutch travelling in their boats each on their side – as Jake Haiwhagai'i Edwards (Onondaga Nation, Eel Clan) says – not interfering with one another but being responsible for the natural world together.

As the United Nations and other international bodies continue to consider and assess Indigenous religious freedom or belief, we ask them to think, first, why don't existing mechanisms protect these rights and freedoms? Could existing mechanisms be expanded and made more enforceable? Secondly, we ask once more for the consideration of the rights of Mother Earth and the territorial integrity of Mother Earth. We must act swiftly. Additionally, we request stronger enforceable mechanisms and the inclusion of Indigenous nations and peoples in international law as sovereign nations who participate on their own terms, entirely equal to settler colonial nations.

The next steps after this important report are, of course, a full study of the impact of the Doctrine of Christian Discovery, the return of Indigenous lands to Indigenous hands, and the healing of Mother Earth from the present climate catastrophe. The Christian hegemony wrought by the Doctrine of Discovery is still ongoing, and the missionization and assimilationist practices persist. Indigenous athletes are mocked for their braids; school children are told not to speak their language or have their hair cut by teachers or students.

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60. Gonnella Frichner, "Preliminary Study."

61. The Two Row Wampum Method is a vital element of the collaborative work that has been undertaken by the American Indian Law Alliance and the Indigenous Values Initiative. For more about The Two Row Wampum as a method, we encourage everyone to read Philip P. Arnold's book *The Urgency of Indigenous Values.* Cf. Onondaga Nation, "Two Row Wampum – Gasweñdah," Onondaga Nation People of the Hills, n.d., https://www.onondaganation.org/culture/wampum/two-row-wampum-belt-guswenta/; Richard Hill, "Oral Memory of the Haudenosaunee: Views of Two Row Wampum," in *Indian Roots of American Democracy*, ed. José Barreiro (Ithaca, NY: AKWE:KON PRESS, Cornell University, 1992), 149–159; Arnold, *The Urgency of Indigenous Values*.

Linguicide, Scholasticide, and deculturation are all types of genocide and forced assimilation of Indigenous peoples that have been allowed to persist.[62]

One of the remarkable pieces of the Onondaga Nation's Land Rights Action is how it acknowledges the atrocities of the past and present while refusing to cede hope for transformation, and the embrace of a better world by returning to and embracing Indigenous values, honouring treaties. This is not an empty hope but an embodied hope that is continually renewed by Onondaga's persistent flourishing and the maintenance of their precolonial matrilineal lifeways. The Haudenosaunee Confederacy and Onondaga nation provide examples of resistance, flourishing, hope and as Arnold outlines in his book a template for returning to and sustaining Indigenous values.

We remain grateful for the report's emphasis on protecting Indigenous lifeways and sacred practices. Ceremonies and ceremonial objects are not for sale or consumption by outsiders. Indigenous cultural practices belong to their nations and communities of origin. These sacred ceremonies must be protected.

62. "UN Experts Deeply Concerned over 'Scholasticide' in Gaza," Press Release, *The Office of the United Nations High Commissioner for Human Rights*, April 18, 2024, https://www.ohchr.org/en/press-releases/2024/04/un-experts-deeply-concerned-over-scholasticide-gaza.

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