

Papal Bulls, Political Bull, Legal Fictions & other Con Games

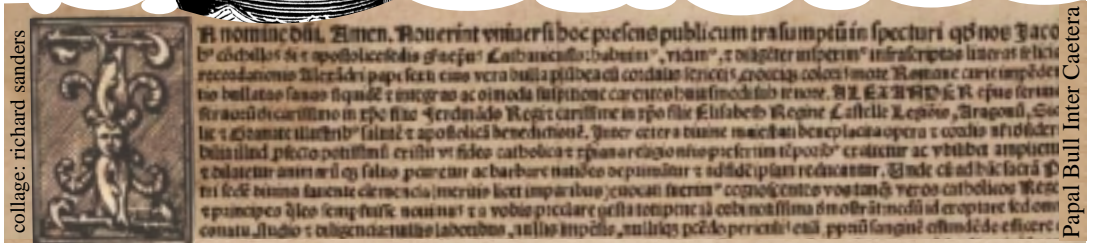
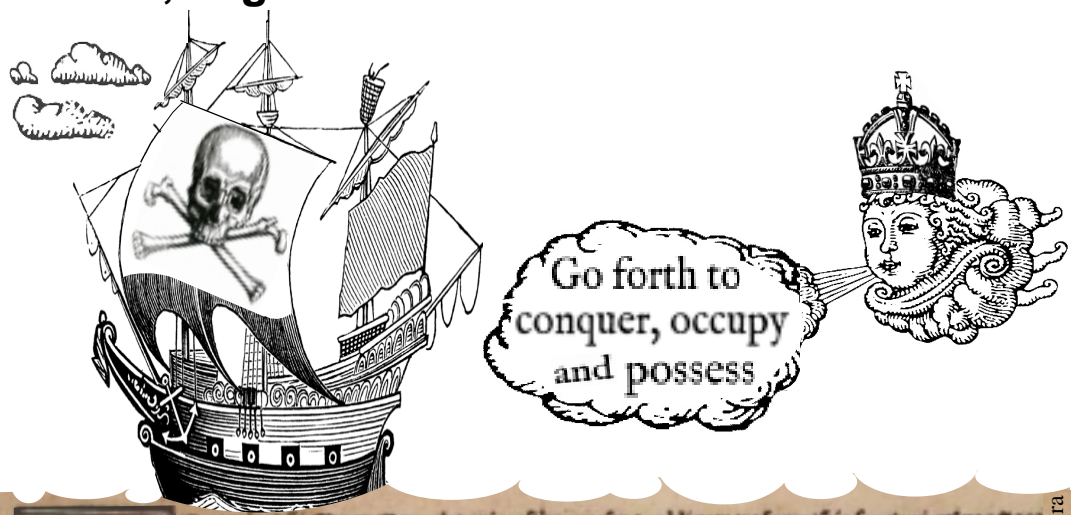
By Richard Sanders

In 1496, John Cabot (*Giovanni Caboto*) received a license from Henry VII to “conquer, occupy and possess.” This piracy contract came with an important religious caveat. The king only gave Cabot “full and free authority, faculty and power to ... find, discover and investigate whatsoever islands, countries, regions or provinces of *heathens and infidels*,... which before this time were unknown to all Christians.”¹ (Emphasis added.)

Three years earlier, Pope Alexander VI issued a bull,* *Inter Caetera*, that gave Spanish and Portuguese kings “full and free power, authority, and jurisdiction of every kind” over all lands “discovered” by their envoys, as long as no Christian king had claimed them before Christmas of 1492.²

Cloaking war and worldly greed with a zeal for religious conversion and the training of Indians in “good morals,” the pope’s 1493 edict declared that God’s greatest pleasure was for Catholicism to be “increased and spread, that the health of souls be cared for and that barbarous nations be overthrown.” Recognizing that in the “countries already discovered are found gold, spices, and very many other precious things,” the pope gave the “kings of Castile and Leon,” and their “heirs and successors, ... forever ... all rights” to “all islands and mainlands ... discovered and to be discovered.” *Inter Caetera* also awarded a trade monopoly to the conquerors by saying the Church “strictly forbid[s] all persons ... to dare ... to go for the purpose of trade or any other reason to the islands or mainlands ... discovered.” The pope concluded his bull with a dire threat. Anyone daring to “infringe, or with rash boldness contravene” the Church’s divine edict, would “incur the wrath of Almighty God.”³

A precedent for this decree was Pope Nicholas V’s *Dum Diversis* bull of 1452 which gave Portugal’s king free and ample faculty ... to invade, search out, capture, vanquish, and subdue all Saracens [Muslims] and pagans whatsoever, and other enemies of Christ



Floating on a sea of papal bull and blown by the winds of imperial hubris, Canada’s founding, corporate pirates were armed to the teeth with the vainglorious social narcissism of both church and state.

..., and the kingdoms, dukedoms, principalities, dominions, possessions, and *all movable and immovable goods* ... and to reduce their persons to perpetual slavery, and ... appropriate to himself and his successors the kingdoms, dukedoms, ... possessions, and goods, and to convert them to his... use and profit.⁴ (Emphasis added.)

In 1455, his whole passage was repeated, almost verbatim, in yet another papal bull called *Romanus Pontifex*.⁵

After 1513, when Spanish conquistadores “discovered” Indigenous people, they were legally bound to read out an official proclamation, in Spanish, called “El Requerimiento.” It began with a lesson in history: God “created the heaven and the earth;” all humans are descended from Adam and Eve; popes are ordained by God to lead “the whole human race;” and the pontiff “made donation of these isles and Terra-firma” to the Spanish crown. The native people who heard but could not understand this gibberish were then ordered to “acknowledge the Church as the ruler and superior of the whole world.” Then came the not-so-fine print of this surrender-or-die threat:

But if you do not do this, ... we shall powerfully enter into your country, and shall make war against you ..., and shall subject you to the yoke and obedience

of the Church and of their Highnesses; we shall take you, and your wives, and children, and shall make slaves of them, ... and we shall take away your goods, ... and ... the deaths and losses which shall accrue from this are your fault, and not that of their highnesses, or ours, nor of these cavaliers [horse-mounted soldiers] who come with us.⁶

While agents of the English and French crowns who were contracted to seize control of “Canada” were not required to read out such ridiculous proclamations of their genocidal intentions, they did share the crazed fanaticism of their Spanish and Portuguese counterparts. All these Catholic kings believed they had the moral, religious and legal authority to arm thugs to cross oceans to seek out Indigenous peoples, seize them as slaves, plunder their possessions and claim dominion over the vast tracts of land they inhabited.

With its self-righteous bulls, the Catholic Church gave European kings the religious cover stories needed to consecrate their holy wars against the so-called “enemies of Christ.” In so doing, Christianity sanctified a brutal renaissance in the spread of imperial culture. Long euphemized as the “Age of Discovery,” this glorification of invasion, mass captivity and armed robbery marked the beginning of our modern era. With papal charters in

* Papal bulls are decrees, charters or letters patent issued by Popes. “Bull” comes from the seal (*bullā*) used to authenticate them.

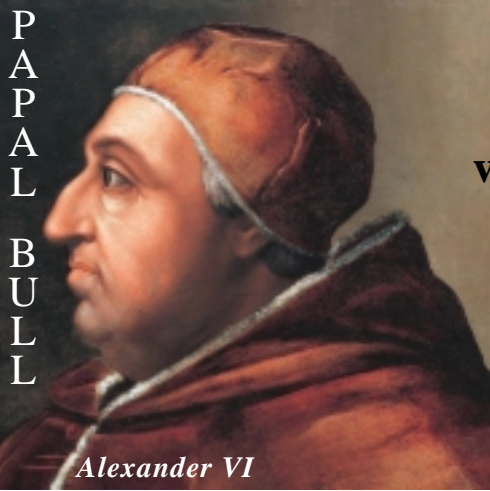
hand as pretexts to expand their sovereignty, European kings issued lucrative contracts to glorified pirates who sailed off to pillage foreign lands and “discover” peoples to be conquered and enslaved.

While it is tempting to believe that we have morally and legally evolved beyond such reprehensible doctrines, such a leap of faith would be mistaken. The Discovery Doctrine is not just a bygone relic of long-lost antiquity. As Manitoba’s Aboriginal Justice Inquiry stated:

Since the beginning of the Age of Discovery, European states have engaged relentlessly in the process of divesting indigenous peoples of their lands, and have sought to justify and legitimate this practice through the use of the doctrines of discovery, occupation, adverse possession, conquest and cession. On the whole, domestic courts have either ignored or generally misapplied and misinterpreted these doctrines in their discussions of ‘Aboriginal title,’ thereby upholding the status quo of Aboriginal dispossession

The doctrine of discovery has been — and still is—rigorously advanced by various authors, jurists, legal scholars, nation states and domestic courts as the foundation upon which English, Canadian or American sovereignty in North America is based.⁸

The United Nations Permanent Forum on Indigenous Issues reported in 2010 that the “legal construct known as the Doctrine of Discovery” has been institutionalized in law and policy, on



Alexander VI



vs.

SITTING BULL

national and international levels, and lies at the root of the violations of indigenous peoples’ human rights, both individual and collective. This has resulted in State claims to and the mass appropriation of the lands, territories and resources of indigenous peoples This ... has resulted in the dispossession and impoverishment of indigenous peoples, and the host of problems that they face today on a daily basis.⁹

As Steven Newcomb, Shawnee/Lenape co-founder of the Indigenous Law Institute, said in 2016, “the doctrine of discovery is an ongoing language system of domination that is still being used against our Original Nations and Peoples.”¹⁰ In 2003, Newcomb described U.S. federal Indian law as a language system “comprised only of words and ideas” that is based on the “pretension” of the Doctrine of Discovery. The “legal pronouncements ... regarding Indians are considered

binding on Indians today,” he said, because “certain white men in the past, duly authorized by the monarchs of Christendom, are said to have ‘discovered’ the ancestors of present day Indians.”¹¹

Newcomb suggested a new spin on an old definition posited by British legal philosopher John Austin in 1831. While Austin said laws were “commands, backed by threat of sanctions, from a sovereign, to whom people have a habit of obedience,” Newcomb said law is the “habit of obedience to a person or group of people who pretend to a higher authority over others.” He also said that “to kick the habit of obedience to a system based on religious racism,” people “must call into question” the “‘pretension’ of conquest” and challenge the state’s “pretension of a higher authority over Indian nations on the basis of religious racism.”¹²

The Canadian Legal Fiction of Original Crown Occupancy

By Patrick Macklem, professor of law, University of Toronto, and former constitutional advisor to the Royal Commission on Aboriginal Peoples.

During the period of initial European contact and colonial expansion in North America, it was accepted practice among European nations that the first to discover vacant land acquired sovereignty over that land to the exclusion of other potential discoverers. With populated land, sovereignty was acquired by the discovering nation not by simple settlement, but by conquest or cession, but such land could be deemed vacant if its inhabitants were insufficiently Christian or civilized. International law subsequently deemed North America to be vacant, and regarded the acquisition of territorial sovereignty by European powers as occurring through the mere act of dis-

covery and settlement. One expression and consequence of the sovereign power of the Canadian state is that Aboriginal territorial interests are governed by Canadian law.

Based on the legal fiction that the Crown was the original occupant of all the lands of the realm, Canadian property law holds that the Crown enjoys underlying title to all of Canada....

The fiction of original Crown occupancy was developed to legitimate feudal landholdings in England, along with another fiction that the actual occupants of the land enjoyed rights of ownership as a result of Crown grants. The law imagined the Crown as granting lands to landholders, with the result that ownership ... passed as a result of these grants to landholders. [T]his process never truly occurred; the Crown was not the original occupant and therefore owner of the land

and by and large it did not confer actual grants to landholders. These fictions were developed to rationalize the existing pattern of landholdings in England, and they served this purpose well

Although the Crown was imagined as the original occupant of all of Canada, actual Aboriginal occupants were not recognized as owning their land as a result of a series of fictional Crown grants. The Crown was thus relatively free to grant third-party interests to whomever it pleased: to settlers, mining companies, forestry companies, and others. To the extent that it refused to acknowledge the full legal significance of Aboriginal occupancy, Canadian property law vested extraordinary proprietary power in the Crown.

Source: *Indigenous Difference and the Constitution of Canada*, 2002, pp.91-92. <tinyurl.com/y7qluyjn>

Lingua Nullius:

The Power of Empty Words

For decades, many Indigenous organizations have been demanding that the Catholic Church annul the papal bulls that justified the Discovery Doctrine. In the early 1990s, Steven Newcomb helped launch “a global campaign against the Doctrine of Discovery.” It began by “calling for Pope John Paul II to revoke the *Inter Caetera*.”¹³

In 2013, thirteen U.S. Catholic groups asked the pope for “a formal rescission of the ... papal bulls that provide the basis for the Doctrine of Discovery.” In doing so, this tiny segment of the Catholic community joined others, including some Quakers, Methodists and Unitarians, that had made similar appeals.¹⁴

In 2016, several key people from four Canadian Catholic organisations issued a statement about the Discovery Doctrine and the Vatican’s 500-year-old bulls. These individuals, who work for the Canadian Conference of Catholic Bishops (CCCCB), the Canadian Religious Conference, the Canadian Catholic Organisation for Development and Peace and the Canadian Catholic Aboriginal Council, signed their “statement in response to the errors and falsehoods perpetuated, often by Christians, during and following the so-called Age of Discovery.”¹⁵

The first sentence of their statement is telling. It betrays their basic underlying bias by speaking of “the historical abuses perpetrated against Indigenous peoples in *our land*.”¹⁶ (Emphasis added.) Whose land do these Catholics believe Indigenous people were living in when they began suffering the “historic abuses” of Christian institutions more than 500 years ago?

Their statement is not an apology but merely an exercise in apologetics. Neither do these Catholics ask the Vatican to apologise for, or to revoke, its 15th-century bulls. While acknowledging some of the now-undeniable abuses perpetrated against Indigenous peoples by their church, they repeatedly try to explain away the role of Catholicism in these injustices. In response, Newcomb concluded that they failed to understand that Christendom’s use of domination as a means of attempting to destroy non-Christian nations has led to the grinding present day problems experienced by our Original Nations....¹⁷

They also misrepresented Henry VII’s license to Cabot saying it: made no mention of Christ or Christianity whatsoever [It] contains no jus-

tification, theological or otherwise, for the seizure of these lands save for the will of Henry VII.¹⁸

By putting all the blame on King Henry VII, this Catholic statement tries to deflect fault from the Vatican by distorting the truth about Cabot’s charter. Henry’s license to Cabot *did* mention Christianity in its justification for land plunder. It clearly stated that Cabot could “conquer, occupy and possess” whatever “heathens and infidels” he discovered in lands “unknown to all Christians”¹⁹ This was a clear reference by England’s last Catholic king to the *Inter Caetera* bull. Henry’s charter deferred to the pope’s 1493 edict blessing the kings of Spain and Portugal with the right to dominate the *non-Christian* peoples that they had recently “discovered” across the Atlantic.

The Catholic statement also ignored other links between Christianity and Cabot’s mission of conquest. Contemporary accounts of Cabot’s voyages indicate that they were justified and funded by the Catholic Church. And, when Cabot erect-

ed giant crosses and banners bearing the “arms of the Holy Father,” he showed that his actions were done in the name of the Church (See “Finding our National Origins in a Royal Licence to Conquer,” p.4.)

The Catholic statement also whitewashed the Vatican’s role in the brutal conquest of the Americas saying

‘grants’ accorded to Portugal and Spain were one tool the Popes used to attempt to ensure that the European expansion, which they could not prevent, would be *as peaceful as possible* and at least include *Christian missionaries to provide for the spiritual needs of the native inhabitants*.²⁰ (Emphasis added.)

First of all, papal “grants” were used to sanctify the worst crimes of “European expansion.” Second, missionaries did not “provide for the spiritual needs” of Natives. Missionaries were the militant vanguard of Christian efforts to *eradicate* the cultural traditions that Indigenous people had developed to “provide for” their own “spiritual needs.” Third, to say that papal bulls “ensure[d] that ... European expansion” was “as peaceful as possible”

A Legal Fiction is...

“A rule assuming as true something that is clearly false.”

Encyclopædia Britannica

“A rule of law which assumes as true, and will not allow to be disproved, something which is false, but not impossible.”

Black’s Dictionary of Law

“(1) a statement propounded with a complete or partial consciousness of its falsity, or (2) a false statement recognized as having utility.”

Lon L.Fuller, “Legal Fictions,” *Illinois Law Review*, Vol.25, 1930, p.369.

“A ruling or status in law based on hypothetical or inexistent facts.”

Duhaime’s Encyclopedia of Law

“An assumption that something occurred or someone or something exists which, in fact, is not the case, but that is made in the law”

West’s Encyclopedia of American Law

“The European settlement in Australia in 1788 as *Terra Nullius* (empty land) was a legal fiction as it suppressed the fact that the land was inhabited ... by the aboriginal peoples.”

Butterworths Concise Australian Legal Dictionary

Indian Act as Hoax and Legal Fiction

By Derek Nepinak, Grand Chief, Assembly of Manitoba Chiefs. A former chief of the Pine Creek First Nation, Derek has a law degree from the University of Saskatchewan.

The Indian Act creates the legal fiction known as the ‘status Indian.’ This legal fiction has provided for the ongoing justification of colonization. Through capitalism, its application and interpretation has monetized and commodified the original peoples of this land. As a result, it denies our true identity as human beings living in our ancestral lands, capable of self-determination and self-government outside a colonial framework.

Manitoba Chiefs again seek to end the colonial paradigm perpetuated by the Indian Act.... Even our treaty freedoms have nothing to do with the Indian Act containment system. Our treaty freedoms remain intact. Canadians must learn about hoax of the Indian Act and finally work together with us to change it.

Source: Assembly of Manitoba Chiefs Resolve to Abolish the Indian Act, Media Release, March 10, 2016. <tinyurl.com/yc46q5wa>

downplays Vatican complicity in the horrors conducted by Catholic conquerors.

The fanciful idea that popes promoted benign conquest is repeated elsewhere in the Catholic statement:

The practice of enslaving non-Christian prisoners captured in a just war was common practice at the time, and conquering people often made slaves of those they conquered. This practice was considered *more merciful than execution* and allowed the victor to extract some economic benefit for his losses.²¹ (Emphasis added.)

While the Catholic Church extracted huge “economic benefit” from its possessions in Canada, including Indigenous slaves, it caused incommensurable harm to First Nations. Although 60% of Canada’s residential schools were Catholic, this church has yet to apologise let alone be held to account for its crimes of genocide.

In 2007, after the largest class-action lawsuit in Canadian history, the churches agreed to a settlement. It included a plan to help fund the healing of residential school survivors. The Catholic Church was forced to promise that it would make its “best effort” to raise \$25 million. Meanwhile, the Anglican, United and Presbyterian churches agreed to pay a set percentage of whatever the Catholics raised.

In April 2016, a month after the Catholic statement on papal bulls, media reports said that during its final days, Stephen Harper’s Conservative government had excused the Catholic Church from having to raise any more of the \$25 million. After seven years, the “Catholic entities” that ran most of Canada’s residential schools had raised only a paltry \$3.7 million, and had paid only \$2.2 million. This drastically reduced the payments required from the other three churches.²²

Recognising its mistake, Harper’s government appealed the court decision that released the Catholic church from its obligations. But, only six days after taking office, the Liberals dropped the government’s appeal, giving up the effort to force the Catholic Church to continue its fundraising efforts.²³

The Catholic pledge to raise \$25 million for residential school survivors was hollow. The Church could have sold some of its many properties to redress the victims of its crimes. Similarly, Liberal government pledges to Indigenous peoples have also been vacant and devoid of real meaning. These examples of vacuous talk are linguistic fictions which subvert the truth.



The Vacuous Myth of Terra Nullius

The Discovery Doctrine is related to a legal concept called *terra nullius*. This Latin legalese refers to empty, barren or vacant territory belonging to no one. It is an elaborate “legal fiction.”²⁴ (See pp.20-21.) Originally confined to meaning such places as desert islands, the idea of *terra nullius* was enlarged by the Catholic Church during the “Age of Discovery” to encompass lands coveted by European monarchs and their piratical agents. As noted in the Manitoba Justice Inquiry’s final report:

The concept of *terra nullius* was expanded ... to include any area devoid of ‘civilized’ society. [T]o reflect colonial desires, the New World was said by some courts to fall within this expanded definition.²⁵

The religious dimension to this inflated concept of *terra nullius* was described in the UN’s 2010 report on the Doctrine of Discovery. It explained that during the 1500s, the Vatican enlarged the semantic boundaries of *terra nullius* to include “land inhabited by heathens, pagans, infidels or unbaptized persons, whom Christians treated in a fundamental sense as not existing.”²⁶

In 2012, the Assembly of First Na-

tions (AFN), various First Nations and Indigenous groups, Amnesty International (Canada and Quebec) and the Canadian Friends Service Committee (CFSC), issued a statement saying that *terra nullius* and the Discovery Doctrine were “used to dehumanize, exploit and subordinate Indigenous peoples and dispossess them of their most basic rights.” Their statement was presented to the UN’s Permanent Forum on Indigenous Issues by Shawn Atleo, then Grand Chief of the AFN. He pointed out that the “fictitious and racist doctrines” contained in the papal bulls of the 1500s called for

non-Christian peoples to be invaded, captured, vanquished, subdued, reduced to perpetual slavery, and to have their possessions and property *seized* by Christian monarchs. Such ideology led to practices that *continue unabated in the form of modern day laws and policies of successor States.*²⁷ (Emphasis added.)

Among the “successor states” on “seized” land is our Peaceable Kingdom. “Canada’s laws and policies,” said the AFN and its allies, are a “misinterpretation of international law relating to the doctrine of ‘discovery.’”²⁸

A month later, the B.C. Court of Appeal denied Aboriginal title and land rights to the Tsilhqot’in Nation. It justified this by saying that

European explorers considered that by virtue of the ‘principle of discovery’ they were at liberty to claim territory in North America on behalf of their sovereigns.²⁹

In response the AFN said the B.C. court’s reasoning “would implement the long discredited legal fiction of *terra nullius*,” and was “a tremendous step backwards for the rights of indigenous peoples in Canada and, quite possibly, internationally.”³⁰

In October 2012, numerous First Nations and Aboriginal groups joined with the CFSC and Kairos (an ecumenical Christian group) to make a joint submission to the UN Human Rights Council. They stated that:

Doctrines of racial superiority are invalid and discriminatory. Yet federal and provincial governments in Canada are still invoking the doctrine of ‘discovery’ to deny or limit Aboriginal ti-

tle to lands....³¹

One year later, in October 2013 — on the 250th anniversary of the 1763 “Royal Proclamation” — the Canadian government was doing its best to promote an entirely different historical narrative. Bernard Valcourt, then Minister of Aboriginal Affairs and Northern Development, chose that day to make vacuous statements that Canada had rejected the Discovery Doctrine. “The Royal Proclamation and its principles,” he said, “began to guide Canada along a historic path that distinguished it from practices such as the Doctrine of Discovery” Valcourt then pretended that Canada had renounced its long reliance on this racist legal fiction and had reversed its history of crimes against Aboriginal peoples:

History reminds us of the injustices from doctrines, policies and practices based on superiority of peoples on the basis of national origin or racial, religious, ethnic or cultural differences. In this vein, ... there is no place in Canada for the Doctrine of Discovery — it plays no part in our relationship with Aboriginal peoples in Canada.³²

Unfortunately, these words bear little resemblance to reality on Canada’s plundered ground. Government duplicity was abundantly clear to James Anaya, the UN Special Rapporteur on the Rights of Indigenous Peoples, who began a fact-finding mission here in October 2013. “Canada’s repudiation of the Doctrine of Discovery on the 250th anniversary of the Royal Proclamation of 1763,” said the AFN report to Anaya, “further demonstrates Canada’s need to transform words into action.” The AFN also noted that “ongoing manifestations of doctrines, such as the doctrine of discovery and *terra nullius*” had been “adopted by colonial governments throughout the world.”³³

These doctrines, the AFN said, “continue to directly harm the socio-economic conditions of Indigenous Peoples.” To illustrate the Canada’s ongoing seizure of Aboriginal lands and resources, the AFN reported that while Canada was “embarking on an aggressive strategy to formalize economic relationships with other nations,” and was expecting \$650 billion in foreign investment for resource projects across Canada, this money was all “hinged on access by industry to the resources held within Indigenous Peoples’ lands.”³⁴

Two days after this scathing AFN report was published, the Government of Canada outdid its hypocrisy in its parlia-

mentary Speech from the Throne. The official rhetoric not only invoked veiled allusions to such legal fictions as the Discovery Doctrine and *terra nullius*, it summoned up a host of cultural phantoms that prey on the vacuous myth of Canadian exceptionalism.

But this should come as no surprise. For centuries, throne speeches have epitomized the pompous oratory of kings, not to mention their insatiable greed and propensity for war. Canada’s tradition arises from the days when British monarchs addressed their Parliament with “His Majesty’s Most Gracious Speech.” When George III delivered his throne speech in 1763, just weeks after issuing the Royal Proclamation, he called for “stricted frugality” to pay the military expenses of Britain’s recent imperial war with France. While focusing on the prospect of great commercial success to be achieved by the first global war (fought in Europe, India and America), he called for the support of my fleet, to which our past successes have been so much owing, and upon which the future welfare and importance of Great Britain do most essentially depend.³⁵

Britain’s victory in this war, known to Anglophone Canadians as the Seven Years’ War and to many Québécois as the War of Conquest, gave King George sovereignty over the vast Indigenous lands and lucrative resources of “New France.” In the Royal Proclamation and his “most gracious speech,” George III called these spoils of war his “valuable acquisitions.”³⁶ But Canada’s king did not keep all this loot for himself. “Crown land” was given to European settlers, now widely eulogised as Canada’s “pioneers.”

Pioneers:

Seizing the Moment & the Land

While most Canadians may not have heard of the Discovery Doctrine or *terra nullius*, modern allusions to these odious dogmas still surface in official statements. For example, the 2013 throne speech, called “Seizing Canada’s Moment” and read in Parliament by Governor General David Johnston, gushed with reverence for those mythic heroes — European pioneers:

[W]e draw inspiration from our founders, leaders of courage and audacity[who] looked beyond narrow self-interest. They faced down incredible challenges — geographic, military, and economic They dared to seize the moment that history offered. Pioneers, then few in number, reached across a

vast continent. They forged an independent country *where none would have otherwise existed*.³⁷ (Emphasis added.)

The idea that no country would ever have existed here without Europeans, ignores the existence of First Nations. Also ploughed under is the fact that when Canadian pioneers “dared to seize the moment,” they also dared to seize and occupy the lands of Indigenous Peoples.

AFN Chief Shawn Atleo responded by saying that the government’s words “echoed the legal theory of *terra nullius* and the related doctrine of discovery used by European powers to claim lands inhabited by Indigenous peoples.”³⁸ Cree reporter Doug Cuthand denounced the speech as the

same old self-congratulatory settler racism that, for many, represents Canada’s foundation.... The fact that we still have to deal with this form of racism in the 21st century is an indication of how backward this government and the country remain.³⁹

Jorge Barrera, an Aboriginal journalist, said the throne speech “painted an image of a country hewed from an unorganized landscape,” and continued government efforts “to refashion the Canadian mythology by describing a country founded by ‘pioneers.’”⁴⁰

Asked about the praise for “pioneers,” Romeo Saganash, an NDP MP from northern Quebec, said “I am disappointed that this important speech ignored basic historical facts about the founding nations of this country.” As a Cree survivor of residential schools, Saganash said the speech reminded him that “only four years ago ... Harper said that Canada has no history of colonialism, which we know is historically inaccurate.”⁴¹

Harper was not the first prime minister to falsely claim that Canada is innocent of colonialism. In 2004, shortly after Canada, the U.S. and France invaded Haiti, deposed its elected government and imposed a brutal dictatorship, then-prime minister Paul Martin summarized a fundamental principle of the UN’s Responsibility to Protect doctrine, which the Liberal government had helped pioneer. “Failed states,” said Martin, “more often than not require military intervention in order to ensure stability.” Asking “Why is it up to Canada to be the catalyst?” Martin said “*We inspire confidence ... because we are neither a former colonial power nor a superpower*.”⁴² (Emphasis added.)



* "Ca- na- da; One little, two little, three Canadians; We love thee..."

Inspiring Public Confidence in Political Scampaigns

The state's ability to "inspire confidence" is key to political confidence schemes. Con artists working within the grand game of politics, must gain public trust in order to defraud them. Political grifters solicit the faith of citizens to sucker them into handing over donations, votes and taxes. Such con artists hustle their marks into supporting policies, and enrolling participation in vast scams and campaigns such as invasions, wars and even genocide. This mass swindling exploits psychological traits from greed and vanity, to compassion and naivety. Politicians — wittingly or not — are on the front lines in this game of conning people into the believing that government *scampaigns* are conducted for moral reasons to benefit the public.

In the 2013 throne speech, the Governor General tried to boost public confidence not only in the government and politicians, but also in Canadian citizens and the country as a whole. This is a central stratagem in building the kinds of narcissistic national myths that can fool people into thinking they are doing good, when their actions may be causing great harm to others and often to themselves. Here are several examples from the speech that in-

tertwine the crafty arts of confidence building with nationalistic myth building:

Parliamentarians, you gather today with the high *confidence* and higher expectation of Canadians.... Remember that our nation has embraced a unique set of indelible qualities that must guide your deliberations Canada's greatest dreams are ... the dreams of a North *confident* and prosperous, the True North, strong and free

This is the true character of Canadians honourable in our dealings, faithful to our commitments, loyal to our friends. *Confident* partners, courageous warriors and compassionate neighbours.

.... As we look *confidently* to the future, we draw great strength from our past. Beginning with our Aboriginal peoples, Canada's story is one of risk, sacrifice, and rugged determination.⁴³ (Emphasis added.)

By repeating the pitch that Canadians must act quickly to grab prosperity, this speech also reeked of confidence schemes. "Just as our founders dared, so too must we," the government said. "We must *seize this moment to secure prosperity*, for Canadians now, and the generations to follow."⁴⁴ (Emphasis added.)

It was a typical get-rich-quick scam. After gaining people's confidence, con artists play to the greed of their targets, urging them to act quickly to take ad-

vantage of a narrow window of opportunity to seize wealth and prosperity. The throne speech continued:

[A] rare opportunity now lies before us as Canadians: the opportunity to build on our ingenuity, our immense natural wealth, and our values and stability; the opportunity to secure the future, for our generation, and our children's generation. It is the opportunity to lead the world in security and prosperity.... so that Canadian families who work hard, pay their taxes and play by the rules can get ahead. This is Canada's moment; together we will seize it.⁴⁵

In "How to spot a con artist," Donna Andersen explains that sociopaths "use flattery and inflated credentials. They talk fast, pushing you for fast decisions" using "all manner of trickery and deceit." She also notes that:

A swindler's driving force is greed and they have a talent for sniffing out the same vice in others who, in their desire to get rich quick, are all too eager to put their trust and their money in the hands of unscrupulous schemers Bunko artists, grifters and cons all have charisma which sometimes masks the fact that they are malignant narcissists who like to feed on the insecurities and stupidities of the naive and weak.⁴⁶

Con Artists, Cultural Narcissists, and the Myth of Canada

Besides building larger-than-life images of valiant European "pioneers," Canada's 2013 Throne Speech explored new frontiers in self-righteous myth building. Using the same self-indulgent, narcissistic conceits of cultural superiority that once justified the Discovery Doctrine, the government smugly proclaimed that Canada is "the best country on earth." Then, saying "our Government is leading the world by example," the Queen's representative stated in absolute moral terms that "Canada stands for what is right and good in the world."⁴⁷

Such grandiose declarations of ethical purity are as imperious and sanctimo-

*Note: 'Ca... na... da' is the opening from the theme song for the 1967 centennial. It came from 'Ten Little Injuns' (1868), a song derived from an 1850s minstrel skit called 'John Brown had a little Injun.' This song became 'Ten Little Niggers,' a racist standard for blackface minstrel shows.

nious as any papal bull. But the throne speech was more than bullish, it overflowed with optimistic clichés typifying Canada’s boastful patriotism. While ironically claiming that Canadians are “sustained by humility” and “deplore self-satisfaction,” the speech went on to immodestly list a “unique set of indelible qualities” that “our nation has embraced”:

- Consider this: we are inclusive
- Consider this: we are honourable....
- Consider this: we are selfless...
- Consider this: we are smart
- Consider this: we are caring.⁴⁸

He then trumpeted that “Canada is a model for the world. Admired for our freedom. Respected for our principles. Envied for our openness, compassion and peaceful pluralism.”

If this vainglorious rhetoric was not enough, consider this: in a section on “Promoting Canadian Values,” Gov. General Johnson gloated that the “true character of Canadians” also includes being “honourable,” “faithful,” “loyal,” “confident” and “compassionate.”⁴⁹

Another “Canadian value” listed with pride in the throne speech was “freedom of religion.” (Freedom *from* religion was never mentioned.) Oddly, only one religion was named: “Our Government defends Israel’s right to exist as a Jewish state,” said Canada’s symbolic head of the armed forces. Calling Israel “the lone outpost of freedom and democracy in a dangerous region,”⁵⁰ there was no mention of the rights and freedoms of Palestinians who do not embrace Israel’s state religion.

For those assembled in our hallowed Parliament, the throne speech concluded with this prayer: “May Divine Providence guide you in your deliberations and make you faithful custodians of the trust bestowed upon you.”⁵¹ Apparently, Canadians are expected to have “trust,” faith and confidence that “Divine Providence” is guiding our political leaders. This assumes that a god or supreme being is providing aid and guidance to the select few that we happen to elect.

Belief in divine intervention has been infecting such official utterances for centuries. In the *Inter Caetera* bull of 1493, the pope spoke of “the Lord’s guidance” to kings, and how Columbus, thanks to “divine aid” had “discovered ... islands and even mainlands [that] ... had not been discovered by others.”⁵²



Discovering the Myth of “Canadian Values”

When it comes to the enduring legacy of Canada’s grand unifying mythology of exceptionalism, nothing has changed under the latest Liberal government.

The official myth of “Canadian values” is as warm, fuzzy and poly-annaish under the Liberals as it was with the Conservatives. Soon after taking office, Trudeau pushed the idea of Canada’s moral rectitude, while denying such generalisations. In one breath he said “There is no core identity, no mainstream in Canada,” while in another he pushed the myth of Canadian altruism. “There are shared values,” said our newly anointed leader, “openness, respect, compassion, willingness to work hard, to be there for each other, to search for equality and justice.”⁵²

CBC columnist and senior correspondent Neil Macdonald has commented on Trudeau’s prolific use of the Canadian-values card. Macdonald has for instance noted that Trudeau:

seems to have an endless list of what he likes to call ‘core Canadian values’ Most are mushy and ill-defined. Mutual respect is one of his favourites. Tolerance is another. He once named freedom as the supreme Canadian value.... And of course the value Trudeau most

often praises is diversity for its own sake, which of course amounts to jamming all sorts of conflicting values systems into the same polity. But most of those things, while worthy-sounding, tend to unravel when challenged.....

A better place to go looking for Canadian values, you’d think, is in the Charter of Rights and Freedoms, the centrepiece of our basic law. But that modern legal document begins, jarringly, with this sentence: ‘Canada is founded upon principles that recognize the supremacy of God.....’ The sentence is true only insofar as Canada’s founders were a group of professed Christians who no doubt regarded the conversion of heathens as some sort of good⁵⁴

Trudeau has excelled at spouting the glowing narrative of “Canadian values” as a way of boosting confidence in officially sanctioned national dreams. Trudeau and his handlers regularly try to score popularity points with the public by associating themselves with Canada’s feel-good self-image.

A bright example of this is Trudeau’s 2015 launch of a state-sponsored propaganda event called “Christmas Lights Across Canada,” which has been held every year since 1984. In a few words, Trudeau conflated family and community values with Christianity and Canada’s military. All this came under the warm and fuzzy comfy blanket of Canada’s supposed national values:

As we launch the Christmas Lights Across Canada program, we should all take a moment to reflect on how fortunate we are to call this great country home. During the cold winter days ahead, let us find time to reach out to family, friends, and our communities to celebrate all the blessings we enjoy.

The lights illuminated in our nation[al] ... provincial and territorial capitals... — link us together and serve as a powerful symbol of our Canadian values of peace, unity, and hope for the future....

We also send our warmest wishes to those friends and family members, including those serving with our Canadian Armed Forces While far away, you are with us in our thoughts.⁵⁵

In 2013, the National Capital Commission had produced a \$69,000 analysis of the event. It said that this government light show on Parliament Hill — co-funded by insurance giant Manulife Financial — is “mired in mediocrity” and “is not representative of a multicultural Canada.” The

report also said that “Christmas” should be removed from the event’s name.⁵⁶ However, neither the Conservative nor Liberal government agreed with the idea of deChristianising this event.

During Trudeau’s first Christmas as prime minister, Heritage Canada kicked in \$350,000 for the event. A year later, in 2016, using the same old Christmassy name, Trudeau, the Government of Canada and Manulife were at it again. To officially launch this Christian festival Trudeau’s statement lit on all the points of the previous year. “Christmas Lights,” he noted, “represent the values that bring us together — those of peace, unity, and *confidence* in the future.” (Emphasis added.)

Trudeau again highlighted only one group that we should hold in our hearts to celebrate Canada’s unifying Christmas spirit. Those special citizens — the human symbols who best illuminate the true meaning of Canada and its Christian religiosity — are, he said, “the brave women and men of the Canadian Armed Forces, and their families, who make incredible sacrifices for our country each and every day.”⁵⁷

Challenging the Discovery Doctrine and *terra nullius*

Trudeau has disappointed many Canadians who expected him to meet his sugary promises to First Nations. For example, little has been done to fulfil Trudeau’s pledge to implement all of the initiatives called for by the 2015 Truth and Reconciliation Commission (TRC).

The TRC’s final report called on Canada to reject the Discovery Doctrine and the legal fiction of *terra nullius*. To do so would undermine Canada’s claim to be a sovereign country, and weaken its position in land claims negotiations with First Nations.

The TRC also asked Canada to work with Aboriginal peoples to develop a “Royal Proclamation of Reconciliation.” Envisioning that this would build on the Royal Proclamation (1763) and the Treaty of Niagara (1764), the TRC said the new proclamation should

Repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and *terra nullius*.⁵⁸

The TRC also called on all levels



of government (federal, provincial, territorial and municipal), to not only “repudiate concepts ... such as the Doctrine of Discovery and *terra nullius*,” but “to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.”⁵⁹

While Trudeau’s Liberal government has failed its commitment to meet these and many other TRC requests, it has asked others to follow through on the commission’s calls to action. For example, the commission said the pope should visit Canada and apologise for the Vatican’s role in the spiritual, cultural, emotional, physical, and sexual abuse of First Nations, Inuit, and Métis children in Catholic-run residential schools.⁶⁰

While all the other Canadian churches that operated these schools have apologised, the Catholic Church has not. Similarly, while other churches have repudiated the Doctrine of Discovery and *terra nullius*, Canada’s Catholic Church has not. Added to this is the fact that just days after taking office, the Trudeau Liberals dropped the government’s legal challenge which had been trying to force the Catholic Church to fulfil its financial obligations to the survivors of residential schools.

Being a Catholic himself, Trudeau’s political thinking on these matters may be influenced by his religious ties. “My own personal faith,” he told the Canadian Press, “is an extremely important part of who I am and the values that I try to lead with.”⁶¹

On May 29, 2017, after attending a summit of the NATO military pact, Tru-

deau went to Rome for a half-hour audience with “His Holiness.” Canada’s prime minister was thrilled by this once-in-a-lifetime meeting, which he described as “a deeply personal and wide-ranging, thoughtful conversation with the leader of my own faith.”⁶²

Although the TRC’s final report in 2015 said the pope should visit Canada within one year to apologise, Trudeau used his 2017 Vatican visit to ask “the pope to visit Canada in the coming years.”⁶³ Besides praising the pope for leadership on global issues, Trudeau requested an apology for the Vatican’s role in Canada’s residential schools.

Media stories said Trudeau gave the pontiff a set of valuable, 17th-century chronicles called *The Jesuit Relations*. This “rare edition,” said Trudeau, provides “stories of Jesuit missionaries documenting the origins of Canada.”⁶⁴ He did not mention

that these overly optimistic annual reports (1632-1672) were used by missionaries to raise money to convert Indigenous people.⁶⁵ (Throughout these texts the Jesuits, who saw Indians as inferior, animalistic and demonic, referred to them as “heathens” and “savages.”⁶⁶) For his part, the pope gave Trudeau “a gold medal marking the fourth year of his pontificate, an autographed copy of his message for World Peace Day” and a few printouts of “papal letters” on “family, the environment and evangelism.”⁶⁷

Over the centuries, other papal letters were handed out to Catholic politicians who used them to justify the enslavement and genocide of native peoples. Trudeau does not seem to have raised this fact at this “cordial” meeting with his religious leader. The media did not mention papal bulls or the TRC’s call to churches to repudiate the Doctrine of Discovery, *terra nullius* and the current laws, state strategies and policies that still rely on these bogus concepts.⁶⁸

Demands for papal repudiation of the Discovery Doctrine have been growing for decades, and culminated with the “Long March to Rome” in 2016. This campaign led to an encounter between Indigenous activists and the pope in May 2016. But besides having a few face-to-face moments with the pope, participants had a two-hour meeting with the Vatican’s Pontifical Council for Justice and Peace (PCJP). One activist, Kahnawake Mohawk Kenneth Deer, noted that the pontiff’s rep-

representatives

started giving the usual spiel that the papal bulls are no longer in effect, that they've been superseded by other papal bulls and there was no need for us to do anything.⁶⁹

A few months later, this "spiel" was repeated in a letter from PCJP delegate, Silvano Tomasi. "The statement *Sublimis Deus* (1537), condemning racist theses," he said, "nullified any previous decrees that would deny the right of Indigenous Peoples in America of their freedom and their property."⁷⁰

What Archbishop Tomasi failed to say is that in 1538, one year after Paul III issued *Sublimis Deus*, he issued a retraction that "removed all ecclesiastical penalties (interdict and excommunication) for any violation of the terms of the *Sublimis Deus*."⁷¹ This was pointed out by Steven Newcomb, an honorary delegate at the meeting, who has opposed papal bulls for 30 years.

The Vatican's claims about *Sublimis Deus* were critiqued eight decades ago by Lewis Hanke, a preeminent Harvard historian. Hanke wrote in 1937 that Paul III "reverse[d] his original policy of protecting the American Indians" and had been "wrongly acclaimed" in "ecclesiastical and secular histories alike ... as a great friend and protector of the American Indian." Hanke's research showed that "Paul III's reversal on this important matter has not yet been fully perceived by historians." By revoking his 1537 letters "which provided for the enforcement of the doctrine in America by threat of severe ecclesiastical penalties," and declaring them "null and void," Paul III "withdrew ... a powerful weapon which ... might have been used ... to protect the Indians from the rapacity of the conquistadores."⁷²

Charles V, the King of Spain and Emperor of the Holy Roman Empire, interpreted Paul III's 1538 retraction as a revocation of *Sublimis Deus* in its entirety, not just its penalties. Charles then issued a royal order that all of "the original bulls and briefs ... be seized."⁷³

By 1538 "millions of Indians had been deprived of their lives, their liberty, and their property," said Newcomb, "because of the papal bulls of 1493." And, he noted, the pope "never intended" for "*Sub-*



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limis Deus to remove Spain's claim of sovereignty" or "its claimed right of domination." The most they "could hope for," he said, "was to be 'free' under or beneath the Spanish crown's domination."⁷⁴

So, while *Sublimis Deus* opposed Indian enslavement, the pope removed all ecclesiastical penalties on those who bought, sold or owned slaves. While the bull *did* mention in passing that "Indians and all other people who may later be discovered by Christians" should "by no means ... be deprived of their liberty or the possession of their property, ... [or] in any way enslaved," its key purpose was to promote the conversion of Indians to Catholicism.⁷⁵

Sublimis Deus declared that because Indians were finally considered humans and not beasts, Catholics had to be far more active in evangelising them. The "Indians ... should be converted to the faith of Jesus Christ," the pope declared, because God created humans to "enjoy eternal life ... which none may obtain save through faith in our Lord Jesus Christ."⁷⁶

While saying that Indians were not "dumb brutes created for our service," the bull actually used metaphoric language to describe Indians as animals that Catholics — being religiously superior — should take control of:

We, who ... exercise on earth the power

of our Lord ... seek with all our might to bring those sheep of His flock who are outside into the fold committed to our charge.⁷⁷

Quoting from the gospel of Matthew, "Go ye and teach all nations," *Sublimis Deus* clearly demonstrates that the Vatican maintained its age-old tradition of self-righteous, religious supremacy.

This presumption of superiority and dominion over others typified the Catholic and Protestant churches alike. Equipped with such profound religious narcissism, Christians justified their use of "residential schools," even though these institutions inflicted genocide through such gave crimes as abduction, captivity and forced labour.

The Discovery Doctrine Lives on in a Legacy of Denial

While overthrowing papal decrees from 500 years ago would be a good first step, much more is obviously required to overcome the legacy of these bulls. As the UN Permanent Forum on Indigenous Issues stated in 2014:

in regard to land dispossessions, forced conversions of non-Christians, the deprivation of liberty and the enslavement of indigenous peoples, the Holy See reported that an 'abrogation process took place over the centuries' to invalidate such nefarious actions. *Such papal renunciations do not go far enough.*⁷⁸ (Emphasis added.)

The author of this report, Edward John — Hereditary Chief of the Tl'azt'en Nation in northern B.C., who has been a lawyer for 30 years — described the

pressing need to decolonize from the debilitating impacts and the ongoing legacy of denial by States of indigenous peoples' inherent sovereignty, laws, and title to their lands, territories and resources.⁷⁹

The Assembly of First Nations (AFN) expressed this in 2016 when demanding revocation of the Papal Bulls of Discovery. Endorsing the Long March to Rome, it said that "for healing and understanding between First Nations and Canada to truly begin," *Romanus Pontifex* (1455) and *Inter Caetera* (1493) must be rescinded. Calling these bulls "the 'blueprint' for conquest of the New World," the AFN said they "provided moral justification for the enslavement and conquest of Indigenous peoples worldwide."⁸⁰

The AFN concluded that these papal bulls "are an ongoing violation of con-

temporary international human rights law,” and need to be clearly and publicly revoked in order to assist Indigenous communities that are now struggling to protect their lands:

Other communities currently struggling to save their lands are threatened by modern-day ideologies of inequality anchored in the Papal Bulls of Discovery.⁸¹

These Vatican bulls not only legitimised the royal contracts used by Spanish *conquistadores* to pillage the New World, they also provided legal and religious cover stories that authorised the official pirates of England and France to plunder and enslave the peoples of what came to be called Canada.

Indigenous activists, organisations, communities and nations continue to campaign for the final, unequivocal abrogation of the Vatican’s blood-stained 500-year-old papal bulls. “By means of his ceremonial revocation of those terrible documents, and others proceeding them, such as *Dum Diversas* and *Romanus Pontifex*,” said Newcomb, Pope Francis could “undercut the very basis of the arguments of domination now being used against us.”⁸²

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