

Libby Comeaux, retired Colorado attorney and co-member in the Loretto Community, the group of nuns that issued the first high school diploma in Colorado in 1875.

This bill proposes to retire Columbus Day and replace it with Colorado Day, partly because "state holidays are intended to honor prominent figures in United States history ..."

Columbus never entered what became US, so he is not technically a figure "in United States history."

Webster defines "prominent" as "widely and popularly known; leading." To the extent that the Columbus event was a "leading" event that influenced the history of a country he never touched, it had highly negative consequences.

"To honor" means "to hold in high respect; revere; to regard or treat someone with admiration." My research shows that the Columbus event implicates state-sponsored terrorism whose root was religious prejudice used to justify African slavery and genocide in the Americas. Problematic at best to admire this.

So, in short, it is proper for this august body to retire the Columbus Day holiday because keeping it does not further the state holiday policy "to honor prominent figures in United States history ..."

I will just add that I am from an ethnic Cajun Catholic group that suffered a genocide forcing my ancestors to immigrate to the US. In 1755, the British deported and separated our families, many of whom died in the smallpox-infested ships that transported us away from our hundred-year-old settlements in L'Acadie (now NovaScotia). But after that horrendous event, there were no persistent laws that kidnapped our children, forced us to move again and again to less and less desirable land, or held state-sponsored extermination campaigns against us, such as Indigenous Peoples have suffered over the entire course of United States history.

So from a family deeply embedded in the Knights of Columbus, I support the bill. And I am not alone – many, many faith communities stand with Indigenous Peoples on this issue.

I refer you to the letter from the president of Notre Dame University when confronted with a request not that different from the one you are considering today. Announcing his decision to hide the famous murals that honored the Columbus event as heroic and benevolent, he wrote:

“The murals present us with several narratives not easily reconciled, and the tensions among them are especially perplexing for us because of Notre Dame’s distinctive history and Catholic mission. At the time they were painted, the murals were not intended to slight Indigenous Peoples, but to encourage another marginalized group.... The message to the Notre Dame community was that they too, though largely immigrants and Catholics, could be fully and proudly American. ¶ For the native peoples of the ‘new’ land, however, Columbus’s arrival was nothing short of a catastrophe. Whatever else Columbus’s arrival brought, for these peoples it led to exploitation, expropriation of land, repression of vibrant cultures, enslavement, and new diseases causing epidemics that killed millions.”

So, both as a technical explication of the text of the bill, and as a voice from the Catholic heritage of ethnic immigrants, I pray you, please pass this bill out of Committee to the Floor of the Senate.

Thank you.

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My name is Libby Comeaux, Colorado voter since 1970. I grew up in a Cajun Catholic family in the Deep South. Our ethnic group suffered a genocide in 1755 when the British forcibly removed and scattered our ancestors from hundred-year-old settlements at Grand Pré, Port Royal and other locations along the SW coast of *L'Acadie* – now called Nova Scotia. But we recovered, mostly. There was a lot of prejudice in those 50 years of wandering and resettling, but no persistent laws that kidnapped our children, forced us to move again and again to less and less desirable land, or held state-sponsored extermination campaigns against us.

Indigenous Peoples worldwide – except for those in Europe and Russia – have since the early 19<sup>th</sup> century been burdened by a legal structure called the Doctrine of Discovery. It started in the US with the 1823 decision by Chief Justice John Marshal in *Johnson v. M'Intosh*. When I was in law school, its significance went right past me. Twenty-eight years later, I was at a conference here as a co-member of the Loretto Community – the group of nuns that issued the first high school diploma in Colorado in 1875. To our surprise, an academic and practicing attorney challenged us at that conference: Do something about the Doctrine of Discovery! Shock, dismay, and resolve followed, as we learned that 15<sup>th</sup> century popes issued a series of executive orders as part of their civil authority over Europe that implicated them in the murderous near-extermination of millions of Indigenous Peoples, the theft of their lands, and the brutal enslavement of any survivors – to extract riches for the kings of Europe.

And even worse: This devastation was justified in the name of religion because these heinous papal orders targeted Indigenous Peoples specifically because they were non-Christians! Yes, the justification for the slave trade from Africa, the justification for the genocide and ethnocide of the equally complex and varied cultures of the Americas – amounts to religious terrorism.

Yet they are still here. They speak eloquently for themselves. As a result of our studies, the Loretto Community as well as the entire Leadership Conference of Women Religious, joining many Christian and other faith communities, took public stands in solidarity with the long-standing request from traditional Indigenous Peoples that a sitting pope formally repudiate those 15<sup>th</sup> century papal bulls. For complicated legal reasons, Pope Francis has not done that. But his

encyclical *Laudato Sí* makes it clear that no practicing Christian should ever have promulgated them or engaged in that genocide – and urges us to do whatever we can to ameliorate the enduring suffering they have caused.

My purpose here is to stand in solidarity with the request that you retire the state holiday celebrating the Columbus event. I place into the record the three papal bulls and as sample of the US Supreme Court decisions based on them as legal authority for the suppression of Indigenous Peoples – decisions that have influenced the rest of the colonized world.

My father belonged to the Knights of Columbus and judged the annual Columbus Day essay. He also ran the St Vincent de Paul service in his free time from working to support his wife and thirteen children. His mission of service to those who had suffered hard knocks in life was UNinformed by the true legacy of the Columbus event. If he had known, I feel sure he would not have participated in glorifying the memory of Columbus – because doing that inevitably causes so much pain to people already burdened by so many hard knocks.

I stand with these Indigenous Peoples, and I stand with my father's memory as one of the Knights of Columbus, and I pray you to pass this bill!

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## References:

Series of 15<sup>th</sup> century papal bulls that, when read together, constitute (1) Papal grant of the ancestral territories of indigenous peoples to Christian European monarchs “in perpetuity,” and (2) Papal authorization for European Christian monarchs to “assume dominion in perpetuity over indigenous peoples and their territories.” <https://doctrineofdiscovery.org/papal-bulls/>

- *Inter Caetera II* (May, 1493) (The papal order to “give, grant, and assign to you and your heirs and successors, kings of Castile and Leon, **forever**, together with all their dominions, cities, camps, places, and villages, and all rights, jurisdictions, and appurtenances, all islands and mainlands found and to be found, discovered and to be discovered [unless east of a N-S line along west side of present-day Brazil, or already possessed by another Christian European king]”) <http://www.papalencyclicals.net/alex06/alex06inter.htm>
- *Romanus Pontifex* (1455) (extending *Dum Diversas* to authorize Portuguese royalty to claim title to lands and possession of peoples *previously seized* in Africa and to rule over them; reiterating the authority “to invade, search out, capture, vanquish, and subdue all Saracens and pagans whatsoever, and other enemies of Christ wheresoever placed, and the kingdoms, dukedoms, principalities, dominions, possessions, and all movable and immovable goods whatsoever held and possessed by them and to reduce their persons to **perpetual slavery**, and to apply and appropriate to himself and his successors the kingdoms, dukedoms, counties, principalities, dominions, possessions, and goods, and to convert them to his and their **use and profit.**” <http://www.papalencyclicals.net/nichol05/romanus-pontifex.htm>
- *Dum Diversas* (1452) (authorizing the King of Portugal to go to the west coast of Africa and “capture, vanquish and subdue the Saracens, pagans and other enemies of Christ and put them into perpetual slavery and to take all their possessions and their property”). Latin original: <https://books.google.com/books?id=6NDmAAAAMAAJ&dq=%22Bullarium%20patronatus%20Portugalliae%20Regum%22&pg=PA22#v=onepage&q&f=false>

1496 Patent granted by King Henry VII to John Cabot and his sons:

<https://doctrineofdiscovery.org/patent-cabot-henry-vii/>

### U. S. Supreme Court decisions:

- *Johnson v. M'Intosh*, 8 Wheat. 543, 5 L.Ed. 681 (1823) (**An Indian cannot sell his land because it does not belong to him, it belongs to the federal government**);
- *TEE-HIT-TON Indians v. US*, 348 U.S. 272, 75 S.Ct. 313 (1955) (**Alaskan Natives have no right to compensation for timber removed from their lands without their consent**);
- *City of Sherrill, NY, v. Oneida Indian Nation*, 544 U.S. 197 (2005) (**Oneida Nation cannot reassert sovereignty over land that it purchased within its Canandaigua Treaty recognized reservation.**) "Under the 'doctrine of discovery,' ...'fee title to the lands occupied by Indians when the colonists arrived became vested in the sovereign—first the discovering European nation and later the original States and the United States.'" *County of Oneida v. Oneida Indian Nation of NY*, 470 US 226, 234 (1985) (*Oneida II*). Note also, *Ottawa Tribe v. Logan*, 577 F. 3d 634 (6<sup>th</sup> Cir, 2009) (**The Tribe's treaty-guaranteed fishing rights were "abandoned" when the federal government forcibly removed the tribe in the 1830's.**)

### Faith Communities:

- January 20, 2019 letter of president of University of Notre Dame to campus regarding Columbus murals. "The murals present us with several narratives not easily reconciled, and the tensions among them are especially perplexing for us because of Notre Dame's distinctive history and Catholic mission. At the time they were painted, the murals were not intended to slight Indigenous Peoples, but to encourage another marginalized group. In the second half of the 19<sup>th</sup> century, Notre Dame's Catholic population, largely immigrants or from families of recent immigrants, encountered significant anti-Catholic, anti-immigrant attitudes in American public life. At the same time, Columbus was hailed by Americans generally as an intrepid explorer, the 'first American' and the 'discoverer of the New World.' Gregori's murals focused on the popular image of Columbus as an American hero, who was also an immigrant and a devout Catholic. The message to the Notre Dame community was that they too, though largely immigrants and Catholics, could be fully and proudly American. ¶ For the native

peoples of the 'new' land, however, Columbus's arrival was nothing short of a catastrophe. Whatever else Columbus's arrival brought, for these peoples it led to exploitation, expropriation of land, repression of vibrant cultures, enslavement, and new diseases causing epidemics that killed millions. As Pope John Paul II said in a 1987 meeting with the Native Peoples of the Americas, 'the encounter [between native and European cultures] was a harsh and painful reality for your peoples. The cultural oppression, the injustices, the disruption of your way of life and of your traditional societies must be acknowledged.'"

<https://president.nd.edu/writings-addresses/2019-writings/letter-to-campus-regarding-columbus-murals/>

- Long list, with documents, of faith communities standing in solidarity with the request of Indigenous Peoples that the Doctrine of Discovery be abolished. <https://doctrineofdiscovery.org/faith-communities/>

#### Documentation of Continuing Impacts of the Doctrine of Discovery on Indigenous Peoples – some samples:

- UN Permanent Forum on Indigenous Issues reports: 2014 Study on the Impacts of the Doctrine of Discovery on Indigenous Peoples, <http://undocs.org/E/C.19/2014/3>
- 2013 Reports of Special Rapporteur James Anaya to the UN Permanent Forum on Indigenous Issues:
  - <https://www.youtube.com/watch?v=ttCQm27WqKY>
  - [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session24/Documents/A\\_HRC\\_24\\_41\\_Add.4\\_ENG.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session24/Documents/A_HRC_24_41_Add.4_ENG.doc)