

2024 Gonzaga Law Human Rights Conference  
Cultural Heritage as A Human Right  
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**United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) Panel Abstract: The Story of Tribal Nation-United States Relations and Its Impact on Our Cultural Survival & Perseverance**

Throughout the 15th century, various Popes issued papal bulls that contributed to the Doctrine of Discovery, a so-called doctrine and religious decree premised on the morally corrupt idea that Christians are culturally and racially superior human beings. The Doctrine of Discovery was used to justify denying non-Christians the human rights, including to our cultural heritage and identity, the dignity, and the reverence that the Creator intended for all people. European powers soon weaponized the Doctrine of Discovery as the foundation for their unjust colonization and theft of Indigenous peoples' lands and resources.

In the United States, Native Americans were not even considered "persons" within the federal courts until Ponca Chief Standing Bear forced the government to recognize his personhood in U.S. federal court precedent in 1879. From the beginning, U.S. courts utilized the Doctrine of Discovery as the backbone of a legal framework designed to support the Manifest Destiny ideology that it was the United States' inevitable destiny to take Tribal Nations' lands and resources. This unjust colonizer legal framework continues to this day and directly interferes with the free exercise of the inherent sovereign rights and authorities of Tribal Nations, and it aids the United States in its efforts to avoid its trust and treaty obligations.

One profound way that colonization can be seen in the United States is the legal treatment and public perception of Tribal cultural heritage items and sacred places—both of which are integral to our very existence and identity. At times, the United States has intentionally allowed these to be desecrated as part of its larger goal to erase Tribal Nations and Native identity. At other times, the United States and the public, both domestically and abroad, have viewed our sacred items and places as art or relics of history, treating our items as souvenirs of past colonialism now fully realized.

During our panel, we will discuss the foundations of U.S. federal Indian law and policy and current challenges to our diplomatic relations, including the impacts of U.S. colonization on our cultural heritage, how existing domestic laws offering limited protections for our Tribal cultural heritage items and sacred places fit into this larger legal framework, and case studies where Tribal Nations have succeeded in utilizing these laws as best as possible to bring items home and to save sacred places.