

LEGISLATIVE SUMMARY SHEET

Tracking No. 0149-22

DATE: July 14, 2022

TITLE OF RESOLUTION: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, HEALTH, EDUCATION, AND HUMAN SERVICES, LAW AND ORDER, AND THE NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE

PURPOSE: This resolution, if approved, will be the Navajo Nation's firm position in opposing any state within the United States decriminalizing the use of peyote and urges all states to limit the non-criminal use of peyote for religious, ceremonial, and cultural purposes only, as it is stated in the American Indian Religious Freedom Act Amendments of 1994, 42 U.S.C § 1996a, P.L. 103-344.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 11:05AM; 08-04-22
Posting End Date: 08-09-22
Eligible for Action: 08-10-22

Resources & Development Committee

Thence

Health Education & Human Services Committee

Thence

Law & Order Committee

Thence

Naabik'íyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL – Fourth Year, 2022

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0149-22

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT, HEALTH, EDUCATION, AND HUMAN SERVICES, LAW AND ORDER, AND THE NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE

WHEREAS,

- A. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council empowered to assist and coordinate all requests for information, appearances and testimony relating to proposed county, state and federal legislation impacting the Navajo Nation. 2 N.N.C. §§ 700(A), 701(A)(6).
- B. The Resources and Development Committee is a standing committee of the Navajo Nation Council empowered to represent the Navajo Nation at local, state, and federal levels, in cooperation and coordination with the President of the Navajo Nation and the appropriate committee of the Navajo Nation Council on proposed resolutions or actions affecting natural resources. . . 2 N.N.C. §§ 500(A), 501(B)(5)
- C. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council empowered to represent the Navajo Nation at local, state and federal levels, in coordination with the President of the Navajo Nation and the Naabik'íyáti' Committee on proposed legislation, funding and other actions affecting environmental health. 2 N.N.C. §§ 400(A), 401(B)(7)(a).

- 1 D. The Law and Order Committee is a standing committee of the Navajo Nation Council
2 with its purpose to protect the rights and interests of the Navajo People by improving the
3 quality and effectiveness of the justice system within the Navajo Nation. 2 N.N.C. §
4 600(C)(2).
- 5 E. The use of peyote for ceremonial and cultural purposes by the Native American Church
6 members is one of the oldest religious traditions in the Western Hemisphere; a recent
7 carbon dating of peyote at an archeological site in Texas revealed that the peyote dated
8 back to 4,220 B.C. (approximately 6,000 years ago). James D. Muneta, *Peyote Crisis*
9 *Confronting Modern Indigenous Peoples: The Declining Peyote Population and a*
10 *Demand for Conservation*, Amer. Ind. Law Journal: Vol. 9 : Iss. 1, Article 6., (2020).
11 <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1228&context=ailj>
- 12 F. Tribal members whom are bonafide members of the Native American Church consume
13 the sacred cactus plant (*lophophora williamsii*) known as peyote which contains the
14 hallucinogenic drug “*mescaline*” during ceremonies. The hallucinogenic effect of
15 mescaline is naturally found in the peyote cactuses (*lophophora williamsii*).
- 16 G. In the Southwest United States, including Texas, and Mexico, peyote is drastically
17 declining due to land development, ranching, agriculture, poaching, psychedelic tourism,
18 incorrect harvesting, and other factors such as recreational use and climate change.
- 19 H. Peyote is a slow-growing cactus that takes approximately ten or more years to grow from
20 a seed to a mature plant to be consumed.
- 21 I. The Azeé Bee Nahaghá of Diné Nation, Inc., passed a resolution, attached as **Exhibit A**,
22 requesting the Navajo Nation to oppose decriminalization of peyote by all states across
23 the United States. The Azeé Bee Nahaghá of Diné Nation, Inc., further recognized
24 through their resolution that peyote should only be strictly used by bonafide members of
25 the Native American Church as it is stated in the American Indian Religious Freedom
26 Act Amendments of 1994, 42 U.S.C 1996a, P.L. 103-344.
- 27 J. Azeé means medicine in Diné language. Diné Native American Church traditional
28 practitioners identify Azeé to also mean peyote and is believed to spiritually heal a person
29 through songs, prayers, and consumption of the Azeé (Peyote).
- 30 K. The Navajo Nation understands that peyote is classified as a Schedule I controlled
substance under the Federal Controlled Substance Act. However, the Navajo Nation

1 government has allowed the ceremonial, cultural, and religious use of peyote since 1967
2 within the Navajo Nation through Resolution No. CO-65-67. Resolution No. CO-65-67
3 is hereby incorporated by reference only.

4 L. The Navajo Nation further understands that federal law, the American Indian Religious
5 Freedom Act Amendments of 1994, 42 U.S.C. § 1996a, P.L. 103-344 provided
6 authorization for bonafide members of the Native American Church to legally use peyote
7 for religious purposes only.

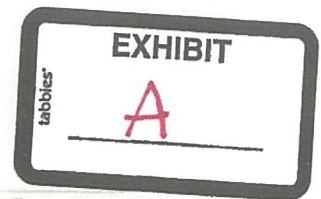
8 M. It is in the best interest of the Navajo Nation to oppose decriminalizing the use of peyote
9 as it is a cacti that could be excessively harvested and will endanger the plant (peyote)
10 and will also substantially affect the religious, ceremonial and cultural practices of
11 Indigenous People across the Western Hemisphere including members of the Navajo
12 Nation who have a sincere religious belief and a strong connection to the use of peyote
13 for ceremonial and cultural purposes.

14
15 **NOW THEREFORE BE IT RESOLVED THAT,**

16 The Navajo Nation firmly opposes any state within the United States decriminalizing the use
17 of peyote and urges all states to limit the non-criminal use of peyote for religious, ceremonial,
18 and cultural purposes only, as it is stated in the American Indian Religious Freedom Act
19 Amendments of 1994, 42 U.S.C § 1996a, P.L. 103-344.



AZEE' BEE NAHAGHA OF DINE NATION, Inc.
P.O. Box 1570 Chinle, Arizona 86503



Willie Tracey Jr., President
Albert Johnson, Vice President

Victoria Woody, Treasurer
Reyanna Harvey, Secretary

RESOLUTION OF THE AZEE' BEE NAHAGHA OF DINE NATION, Inc.

**Respectfully Approving and Recommending the Navajo Nation Council to Oppose the
National Peyote Decriminalization**

WHEREAS:

1. Azee Bee Nahagha of Dine Nation, Inc. (ABNDN Inc.) is governed by Board of Directors as provided for in its Articles of Incorporation, Constitution and Bylaws; and
2. The Native American Church of Navajoland, Inc. (NACNL Inc.), now known as ABNDN Inc. was established on June 11, 1966 as a non-profit organization, was incorporated within the State of New Mexico on May 15, 1972 and in December 1989, the Advisory Committee of the Navajo Tribal Council granted a Revocable Land Use Permit (Mission Site) for NACNL comprising of ten (10) acres of Navajo Nation Trust land at Chinle, Arizona; and
3. ABNDN, Inc. is vested with the authority to review all matters affecting it's membership while making appropriate delicate decisions as deem necessary and to make recommendation to various agencies while seeking resources; and
4. ABNDN recognizes the Azee (Peyote) plant to be sacred among the Navajo people; and
5. ABNDN recognizes Azee (Peyote) has been consumed by Navajo people for religious, cultural, and ceremonial purposes since time in immemorial; and
6. ABNDN recognizes certain lands in the Southwest part of Texas and in Northern Mexico are cultural places of significant importance where Azee (Peyote) plant grows in its aboriginal habitat; and
7. ABNDN recognizes the number of Azee (Peyote) plants has decreased in recent years, threatening the long-term sustainability of the Azee (Peyote) aboriginal habitats or populations, and depleting the number of Azee (Peyote) that could be available for future generations; and
8. ABNDN recognizes the personal and corporate cultivation of the Azee (Peyote) plant threatens the historical, cultural, and biological integrity of the plant by potentially exposing the population to hybridization, genetic modification, and sterilization, all of which is in violation of Public Law 103-344 American Indian Religious Freedom Act of 1994 (AIRFA of 1994); and
9. ABNDN recognizes the movement to decriminalize Azee (Peyote) use directly threatens the availability of Azee (Peyote) and integrity of the ceremonial use of Azee (Peyote) for Navajo people, including other Indigenous peoples, and would be contrary to the doctrine of

federal preemption, whereby federal law supersedes state law in this area (under Public Law 103-344 AIRFA of 1994).

10. ABNDN recognizes the decriminalization of Azeé (Peyote) consumption beyond the already hundreds of thousands of federally recognized tribes and other Indigenous peoples, including Navajo people, will create a demand and market for Azeé (Peyote) that further threatens the existing aboriginal inhabitants.

NOW THEREFORE, BE IT RESOLVED THAT:

1. ABNDN opposes the decriminalization of Azeé (Peyote). Usage should be only "by a federally enrolled tribal citizen who uses Azeé (Peyote) in a bona fide traditional ceremony.

2. ABNDN opposes the extraction and synthesis of mescaline, and any cultivation, tincture, or manufacturing for scientific purposes (research), or for any reasons outside of a traditional bone-fide ceremonial setting and purposes.


3. ABNDN hereby requests to protect and preserve Azeé (Peyote) strictly used for religious, cultural, and ceremonial purposes by the Navajo people, as protected under federal law.

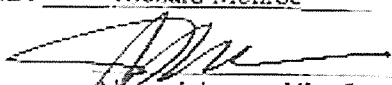
4. ABNDN hereby requests Navajo leadership to protect and preserve the Peyote Way of Life and the lands in which they reside within its natural aboriginal habitat.

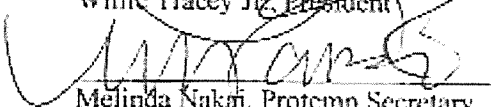
CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the ABNDN, Inc. Executive Officials and Board of Directors at a duly called meeting at Chinle, Navajo Nation, Arizona, at which a quorum was present and that same was passed by a vote of 11 in favor, 00 opposed and 01 abstained, this 16th day of April, 2022.

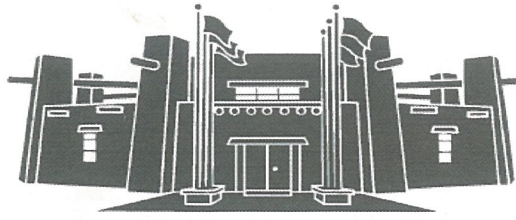
MOTION: Justin Dale SECOND: Richard Monroe


Willie Tracey Jr., President


Albert Johnson, Vice President


Melinda Nakai, Protemp Secretary


Victoria Woody, Treasurer



MEMORANDUM

TO: Chairwoman, Eugenia Charles-Newton, Sponsor
Law and Order Committee
24th Navajo Nation Council

Vice-Chairman Thomas Walker, Jr., Co-Sponsor
Resources and Development Committee
24th Navajo Nation Council

FROM:


Chad Abeyta, Attorney
Office of Legislative Counsel

DATE: July 14, 2022

SUBJECT: **AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, HEALTH, EDUCATION, AND HUMAN SERVICES, LAW AND ORDER, AND THE NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE**

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§300, 400, 500, 600 and 700. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

Please ensure that this resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction. Ahehee!

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0149-22_

SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to the Resources and Development, Health, Education, and Human Services, Law and Order, and the Naabik'iyáti' Committees; Opposing States' Decriminalization of the Use of Peyote

Date posted: August 04, 2022 at 11:05AM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*