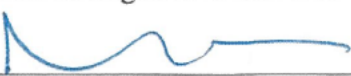




MEMORANDUM

TO : Julissa M. Johnson, Policy Analyst
Office of Legislative Services

FROM : 
Manuel Rico, Jr., Executive Director
Office of Legislative Services

DATE : January 04, 2023

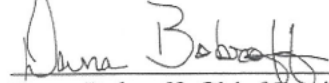
SUBJECT : 24th Navajo Nation Council Expired Legislation

Pursuant to 2 N.N.C. § 164(A)(1), "The last day for consideration of resolutions shall be December 31st of the year immediately preceding the swearing in of the new Council", the following legislation need to be closed out as soon as possible and labeled as "Expired":

0079-19	0116-19	0182-19	0207-19	0265-19	0285-19
0308-19	0320-19	0011-20	0138-20	0209-20	0221-20
0234-20	0271-20	0292-20	0315-20	0013-21	0109-21
0111-21	0112-21	0114-21	0158-21	0161-21	0167-21
0192-21	0229-21	0259-21	0261-21	0267-21	0020-22
0035-22	0040-22	0052-22	0064-22	0076-22	0101-22
0108-22	0149-22	0157-22	0158-22	0168-22	0180-22
0190-22	0191-22	0224-22	0227-22	0228-22	0232-22
0233-22	0236-22	0238-22	0243-22	0245-22	
0259-22	0260-22	0271-22	0272-22	0275-22	0276-22

If you have any questions, please let me know.

CONCURRENCE:



Dana Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

CC: Sherylene Yazzie, Chief of Staff, Office of the Speaker
OLS Tracking Section
File

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

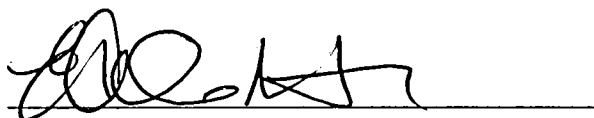
Thence

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.

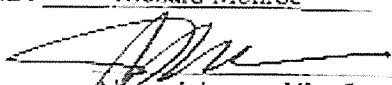
4. ABNDN hereby requests Navajo leadership to protect and preserve the Peyote Way of Life and the lands in which they reside within its natural aboriginal habitat.

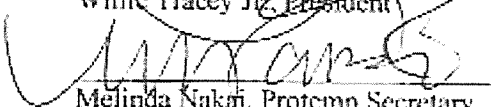
CERTIFICATION

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.

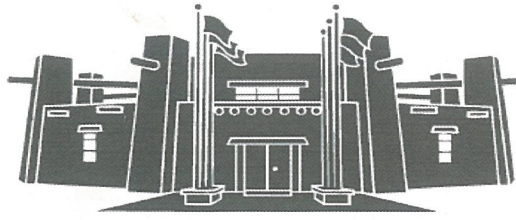
MOTION: Justin Dale SECOND: Richard Monroe


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.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0149-22

SPONSOR: Honorable 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

Posted: August 04, 2022 at 11:05 PM

5 DAY Comment Period Ended: August 09, 2022

Digital Comments received:

Comments Supporting	<ol style="list-style-type: none"> 1) Ronald Benally 2) Earl Morris, Jr. 3) ABNDN, District 17 4) David S. Clark 5) Richard Monroe 6) Alburt Johnson 7) Lula Monroe 8) ABNDN, District 3 9) ABNDN, District 5 10) Brooke Clark 11) Amber Begaye 12) Carlos Clark 13) Tamara Talayumptewa 14) Darlene Clark 15) Dudley Clark 16) Geraldyn Clark 17) Sharon Clark-Begaye 18) Byron Clark 19) Austin Wero 20) Camria Clark-Robinson 21) Darren Cling 22) David Cling 23) Maximus Oliver 24) Tristen Tsosie 25) Hershel Walker Clark
Comments Opposing	<i>None</i>

Comments/Recommendations	1) Lorenzo Bedonie
--------------------------	--------------------


Legislative Tracking Secretary
Office of Legislative Services

August 10, 2022; 7:30 AM
Date/Time

Peyote Decriminalization

Ronald Benally <redmesa91@gmail.com>

Tue 8/9/2022 3:01 PM

To: comments <comments@navajo-nsn.gov>;

Yaateeh Abini,

My name is Ronald Benally , I'm the Board of Director for 9-A , Tolikan ABNDN Chapter.

I' writing this response in regards to Peyote Decrimination legislation that is currently in place. We the majority of the board are full support to continue with the process to move forward and looking for your full support.

AHEE HEE

WARNING: External email. Please verify sender before opening attachments or clicking on links.

LEGISLATION NO: 0149-22

Earl Morris JR. <emjr.00@gmail.com>

Tue 8/9/2022 3:02 PM

To:comments <comments@navajo-nsn.gov>;

I am a registered member of the Azeé Bee Nahagha of Diné Nation organization and have been made aware by my local leaders of a recent legislation that proposes the decriminalization of peyote. I offer my disapproval of this legislation and encourage those with the power to oppose as well. I was raised with the peyote ceremony which to my family is a very sacred religion and the partaking of this form of medicine is also sacred to us Native people and is used in a very strict and sacred manner. To decriminalize the usage of peyote would result in unintended consequences that will destroy our way of life. Popularizing the usage of peyote to outside Native communities and allowing recreational usage of peyote would result in mass production efforts and attempts to commercialize this holy sacrament. The government has no business in trying to regulate our faith as Diné people. So again, I strongly oppose and hope it will be reconsidered to honor our religious beliefs and take account the effects these laws would have on Indigenous communities.

Thank You,
Earl Morris Jr

WARNING: External email. Please verify sender before opening attachments or clicking on links.



A Supporting Resolution by Azeé Bee Nahaghá of Diné Nation District 17 to the 24th Navajo Nation Council to Oppose the Decriminalization of Peyote (mescaline) at the State, Local Governments, and Territories in the United States (US).

WHEREAS:

1. District 17 Chapters (Ganado, Wide Ruins/Klagetoh, Steamboat, Cornfields, Kinlichee, Greasewood) is a local entity of Azeé Bee Nahaghá of Diné Nation (ABNDN) recognized and certified with authority and responsibility to act in the best interest of its members on matters in pertaining to the protection and preservation of our sacred Azeé (Peyote).
2. The ABNDN, formerly known as the Native American Church of Navajoland (NACNL), have fought numerous legal and political battles at the tribal, state, and federal level to achieve the right to use our sacred Azeé (Peyote) within our Navajo ceremonial and cultural ways.
3. District 17 Chapters (Ganado, Wide Ruins/Klagetoh, Steamboat, Cornfields, Kinlichee, Greasewood) understands Public Law 103-344 (P.L 103-344) American Indian Religion Freedom Amendment Act of 1994 (AIRFA of 1994) provides authorization for Navajo people and other federally recognized tribal members to legally possess, transport, and use peyote strictly for religious, cultural, and ceremonial purposes only.
4. District 17 Chapters (Ganado, Wide Ruins/Klagetoh, Steamboat, Cornfields, Kinlichee, Greasewood) urges all states, local government, and territories in the US to respect and fully support the continued federal protection of our sacred peyote medicine to be strictly used by a federally recognized tribal member as recognized under P.L 103-344 AIRFA of 1994.
5. District 17 Chapters (Ganado, Wide Ruins/Klagetoh, Steamboat, Cornfields, Kinlichee, Greasewood) recognizes the movement to decriminalize peyote (mescaline) by the state, local governments, and territories in the US directly violates P.L 103-344 AIRFA of 1994.
6. District 17 Chapters (Ganado, Wide Ruins/Klagetoh, Steamboat, Cornfields, Kinlichee, Greasewood) believes it is in the best interest for the Navajo Nation to oppose the decriminalization of peyote (mescaline) efforts in the US as it will affect the ceremonial and cultural practices of Indigenous peoples across the Western Hemisphere including members of the Navajo Nation who have a strong connection to the use of peyote for ceremonial and cultural purposes.

NOW THEREFORE IT BE RESOLVED THAT:

1. District 17 Chapters (Ganado, Wide Ruins/Klagetoh, Steamboat, Cornfields, Kinlichee,

Greasewood) sstrongly opposes the decriminalization of peyote (mescaline) and urge all states, local governments, and territories in the US to adhere to P.L. 103-344 AIRFA of 1994.

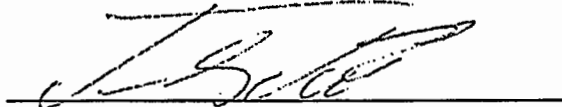
2. District 17 Chapters (Ganado, Wide Ruins/Klagetoh, Steamboat, Cornfields, Kinlichee, Greasewood) strongly opposes the extraction and synthesis of peyote (mescaline), and any cultivation, harvest, extraction, tincture, or other product manufactured or derived therefrom, or for any reasons outside of a traditional bone-fide ceremonial setting and purposes.
3. District 17 Chapters (Ganado, Wide Ruins/Klagetoh, Steamboat, Cornfields, Kinlichee, Greasewood) hereby requests Navajo Nation leadership to protect and preserve the Peyote Way of Life for the Navajo people by adhering to P.L. 103-344 AIRFA of 1994.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered at a duly called meeting in Klagetoh,, Arizona, at which time a quorum was present and that the same was passed by a vote of 22 in favor, and 0 opposed, and 0

abstained, on this 24th day of July 2022.

Motion by: Marilyn Taliman Seconded by: Robert Begay

A handwritten signature in black ink, appearing to read 'T. Foster', is written over a horizontal line.

Trevor S. Foster, ABNDN District 17 BOD



Azeé Bee Nahaghá of Diné Nation
Former President / Founder: David S. Clark

August 6, 2022

Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom it May Concern,

The passing of Public Law 103-344 American Indian Religious Freedom Act of 1994 and Title 17, Section 394 of the Navajo Nation Criminal Code Controlled Substance Law protects federally recognized tribal members, including Navajos, to use, possess, and transport peyote for religious, cultural, and ceremonial purposes only. Navajo Nation should be at the forefront in opposing the decriminalization of peyote by standing firmly by the statutory and regulatory laws.

The Navajo Nation, including other Tribal Nations, have fought numerous legal and political battles at the tribal, state, and federal level to achieve the legal right to use our sacred Azeé (Peyote) for ceremonial and cultural purposes. Other Tribal Nations wait for Navajo leadership to move forward in a unifying effort. It takes great courage and leadership to do what is right.

We fought hard to legalize the use of our medicine. I whole heartily support the ABNDN Peyote Task Forces recommended revisions to uphold the statutory laws within the Navajo Nations proposed resolution to oppose the decriminalization of peyote. Please feel free to contact me if you have any questions at (928) . Thank you for your leadership.

Sincerely,

David S. Clark, Former President / Founder of ABNDN



Azeé Bee Nahaghá of Diné Nation
Richard Monroe, District 5 Board of Director

August 7, 2022

24th Navajo Nation Council
Post Office Box 3390
Window Rock, Navajo Nation AZ 86515

Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom it May Concern,

It is with great pleasure that I am writing in support for the Navajo Nation proposed resolution to oppose the decriminalization of peyote throughout the country. However, additional revised language is needed within the proposed resolution. The recommended revisions will provide much needed support in protecting the ceremonial and cultural use of our sacred Azeé (peyote).

In addition, this resolution, with revisions, will ensure federal protection of our Azeé (peyote) and will be in accordance with Public Law 103-344 American Indian Religious Freedom Amendment Act of 1994, which provides authorization for Navajo people and other federally recognized tribal members to legally possess, transport, and use peyote strictly for religious, cultural, and ceremonial purposes only. I am aware of the decriminalization of peyote efforts in the US. I believe it is in the best interest for the Navajo Nation to oppose the decriminalization of peyote and mescaline efforts in the US. Furthermore, this peyote initiative has created a stronger need for the Navajo Nation to advocate for the enforcement of federal regulations on peyote.

I believe the proposed resolution, with recommended revisions by the ABNDN Peyote Task Force, will further protect the rights for Navajo people to use our Azeé (peyote) in a respectful and meaningful way. I appreciate your continuous leadership during this time. I wish you the best and thank you for your time regarding this important matter for the Navajo people.

Sincerely,

Richard Monroe, ABNDN District 5 Board of Director



**Azeé Bee Nahaghá of Diné Nation:
Ceremonial Protection Committee**

Richard Monroe, Chairperson
Al Yazzie, Vice Chairperson

August 8, 2022

Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom it May Concern,

The Azeé Bee Nahaghá of Diné (ABNDN) Ceremonial Protection Committee thanks and appreciates the Honorable Delegate Charles-Newton for acknowledging the ABNDN Peyote Task Force revised recommendations to the proposed resolution. However, additional revised language is still needed within the proposed resolution. Therefore, ABNDN Ceremonial Protection Committee respectfully requests the Navajo Council to revise the language within the proposed resolution to be in accordance with the Navajo Nation Title 17 Controlled Substance Code and the American Indian Religious Freedom Act Amendment of 1994.

ABNDN Ceremonial Protection Committee whole heartily supports the 24th Navajo Nation Council proposed resolution to oppose the decriminalization of peyote with recommended revisions. We appreciate your leadership as we continue to protect and preserve our Navajo way of life. Please feel free to contact the ABNDN Ceremonial Protection Committee Chairperson, Richard Monroe at (928) [redacted] for any questions or additional information. Ahéhee. Thank you for your time.

Respectfully,

ABNDN Ceremonial Protection Chairperson



**Azeé Bee Nahaghá of Diné Nation:
Peyote Task Force Committee**

Alburt Johnson, Chairperson
Emmett Johnson, Treasurer
Lenora Hataathlie, Secretary

August 7, 2022

Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom it May Concern,

The Azeé Bee Nahaghá of Diné (ABNDN) Peyote Task Force appreciates the Honorable Delegate Charles-Newton for acknowledging ABNDN Task Forces revised recommendations to the proposed resolution. However, additional revised language is still needed within the proposed resolution. Therefore, ABNDN Peyote Task Force will respectfully work with the Navajo leadership to further strengthen the Navajo Nations position to oppose the decriminalization of peyote in the US.

ABNDN Peyote Task Force whole heartly supports the Navajo Nation proposed resolution to oppose the decriminalization of peyote with recommended revisions. We appreciate your leadership as we continue to protect and preserve our Navajo way of life. Please feel free to contact the ABNDN Peyote Task Force Chairperson, Alburt Johnson at (928) for any questions or additional information. Ahéhee. Thank you for your time.

Respectfully,

Alburt Johnson, ABNDN Peyote Task Force Chairperson



August 7, 2022

24th Navajo Nation Council
Post Office Box 3390
Window Rock, Navajo Nation AZ 86515

Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom it May Concern,

It is with great pleasure that I am writing in support for the Navajo Nation proposed resolution to oppose the decriminalization of peyote throughout the country. However, additional revised language is needed within the proposed resolution. The recommended revisions will provide much needed support in protecting the ceremonial and cultural use of our sacred Azeé (peyote).

In addition, this resolution, with revisions, will ensure federal protection of our Azeé (peyote) and will be in accordance with Public Law 103-344 American Indian Religious Freedom Amendment Act of 1994, which provides authorization for Navajo people and other federally recognized tribal members to legally possess, transport, and use peyote strictly for religious, cultural, and ceremonial purposes only. I am aware of the decriminalization of peyote efforts in the US. I believe it is in the best interest for the Navajo Nation to oppose the decriminalization of peyote and mescaline efforts in the US. Furthermore, this peyote initiative has created a stronger need for the Navajo Nation to advocate for the enforcement of federal regulations on peyote.

I believe the proposed resolution, with recommended revisions by the ABNDN Peyote Task Force, will further protect the rights for Navajo people to use our Azeé (peyote) in a respectful and meaningful way. I appreciate your continuous leadership during this time. I wish you the best and thank you for your time regarding this important matter for the Navajo people.

Sincerely,

Lula Monroe, District 5 Secretary
Azeé Bee Nahaghá of Diné Nation

Winslow, AZ 86047
Email: monroelula56@gmail.com



A Supporting Resolution by Azeé Bee Nahaghá of Diné Nation District 3 to the 24th Navajo Nation Council to Oppose the Decriminalization of Peyote (mescaline) at the State, Local Governments, and Territories in the United States (US).

WHEREAS:

1. District 3 Chapter (Tuba City, Bodaway Gap, Cameron, and Coalmine) is a local entity of Azeé Bee Nahaghá of Diné Nation (ABNDN) recognized and certified with authority and responsibility to act in the best interest of its members on matters in pertaining to the protection and preservation of our sacred Azeé (Peyote).
2. The ABNDN, formerly known as the Native American Church of Navajoland (NACNL), have fought numerous legal and political battles at the tribal, state, and federal level to achieve the right to use our sacred Azeé (Peyote) within our Navajo ceremonial and cultural ways.
3. District 3 Chapter understands Public Law 103-344 (P.L 103-344) American Indian Religious Freedom Amendment Act of 1994 (AIRFA of 1994) provides authorization for Navajo people and other federally recognized tribal members to legally possess, transport, and use peyote strictly for religious, cultural, and ceremonial purposes only.
4. District 3 Chapter urges all states, local government, and territories in the US to respect and fully support the continued federal protection of our sacred peyote medicine to be strictly used by a federally recognized tribal member as recognized under P.L 103-344 AIRFA of 1994.
5. District 3 Chapter recognizes the movement to decriminalize peyote (mescaline) by the state, local governments, and territories in the US directly violates P.L 103-344 AIRFA of 1994.
6. District 3 Chapter believes it is in the best interest for the Navajo Nation to oppose the decriminalization of peyote (mescaline) efforts in the US as it will affect the ceremonial and cultural practices of Indigenous peoples across the Western Hemisphere including members of the Navajo Nation who have a strong connection to the use of peyote for ceremonial and cultural purposes.

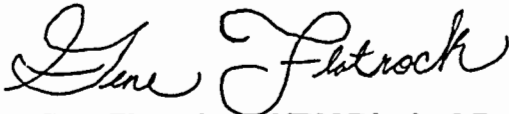
NOW THEREFORE IT BE RESOLVED THAT:

1. District 3 Chapter (Tuba City, Bodaway Gap, Cameron, and Coalmine) strongly opposes the decriminalization of peyote (mescaline) and urge all states, local governments, and territories in the US to adhere to P.L. 103-344 AIRFA of 1994.

2. District 3 Chapter strongly opposes the extraction and synthesis of peyote (mescaline), and any cultivation, harvest, extraction, tincture, or other product manufactured or derived therefrom, or for any reasons outside of a traditional bone-fide ceremonial setting and purposes.
3. District 3 Chapter hereby requests Navajo Nation leadership to protect and preserve the Peyote Way of Life for the Navajo people by adhering to P.L. 103-344 AIRFA of 1994.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered at a duly called meeting in Tuba City, Arizona, at which time a quorum was present and that the same was passed by a vote of 29 in favor, and 0 opposed, and 1 abstained, on this 20th day of July 2022.

A handwritten signature in cursive script, reading "Gene Flatrock". The signature is written in dark ink and is positioned above the printed name.

Gene Flatrock, ABNDN District 3 Board of Director



A Supporting Resolution by Azeé Bee Nahaghá of Diné Nation District 5 to the 24th Navajo Nation Council to Oppose the Decriminalization of Peyote at the State, Local Governments, and Territories in the United States (US).

WHEREAS:

District 5 Chapter (Birdsprings, Leupp, Tolani Lake) is a local entity of Azeé Bee Nahaghá of Diné Nation (ABNDN) recognized and certified with authority and responsibility to act in the best interest of its members on matters in pertaining to the protection and preservation of our sacred Azeé (Peyote).

The ABNDN, formerly known as the Native American Church of Navajoland (NACNL), have fought numerous legal and political battles at the tribal, state, and federal level to achieve the right to use our sacred Azeé (Peyote) within our Navajo ceremonial and cultural ways.

District 5 Chapter understands Public Law 103-344 (P.L 103-344) American Indian Religious Freedom Amendment Act of 1994 (AIRFA of 1994) provides authorization for Navajo people and other federally recognized tribal members to legally possess, transport, and use peyote strictly for religious, cultural, and ceremonial purposes only.

District 5 Chapter urges all states, local government, and territories in the US to respect and fully support the continued federal protection of our sacred peyote medicine to be strictly used by a federally recognized tribal member as recognized under P.L 103-344 AIRFA of 1994.

District 3 Chapter recognizes the movement to decriminalize peyote (mescaline) by the state, local governments, and territories in the US directly violates P.L 103-344 AIRFA of 1994.

District 3 Chapter believes it is in the best interest for the Navajo Nation to oppose the decriminalization of peyote (mescaline) efforts in the US as it will affect the ceremonial and cultural practices of Indigenous peoples across the Western Hemisphere including members of the Navajo Nation who have a strong connection to the use of peyote for

ceremonial and cultural purposes.

NOW THEREFORE IT BE RESOLVED THAT:

District 5 Chapters strongly opposes the decriminalization of peyote (mescaline) and urge all states, local governments, and territories in the US to adhere to P.L. 103-344 AIRFA of 1994.

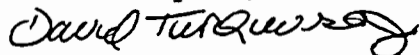
District 5 Chapters strongly opposes the extraction and synthesis of peyote (mescaline), and any cultivation, harvest, extraction, tincture, or other product manufactured or derived therefrom, or for any reasons outside of a traditional bone-fide ceremonial setting and purposes.

District 5 Chapter hereby requests Navajo Nation leadership to protect and preserve the Peyote Way of Life for the Navajo people by adhering to P.L. 103-344 AIRFA of 1994.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered at a duly called meeting in Winslow, Arizona, at which time a quorum was present and that the same was passed by a vote of 10 in favor, and 0 opposed, and 1 abstained, on this 5th day of August 2022.

David Turquoise, ABNDN District 5 President



August 8, 2022

Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom it May Concern,

Our Navajo way of life is our only future in which we must protect. Our tribal leaders fought hard to protect and preserve our sacred peyote medicine in the passing of the American Indian Religious Freedom Act of 1994. With a great sense of gratitude, I ask you to please pass the resolution to oppose the decriminalization of peyote. Much of the Navajo people who want better laws for protecting our Navajo way of life are with you. Thank you.

Respectfully,

Brooke Clark

Brooke Clark, ABNDN Member

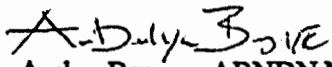
August 7, 2022

Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom it May Concern,

Our Navajo way of life is our only future in which we must protect. Our tribal leaders fought hard to protect and preserve our sacred peyote medicine in the passing of the American Indian Religious Freedom Act of 1994. With a great sense of gratitude, I ask you to please pass the resolution to oppose the decriminalization of peyote. Much of the Navajo people who want better laws for protecting our Navajo way of life are with you. Thank you.

Respectfully,


Amber Begaye, ABNDN Member

August 7, 2022

Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'YÁTTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom It May Concern,

Our Navajo way of life is our only future in which we must protect. Our tribal leaders fought hard to protect and preserve our sacred peyote medicine in the passing of the American Indian Religious Freedom Act of 1994. With a great sense of gratitude, I ask you to please pass the resolution to oppose the decriminalization of peyote. Much of the Navajo people who want better laws for protecting our Navajo way of life are with you. Thank you.

Respectfully,

A handwritten signature in cursive script that reads "Carlos Clark".

Carlos Clark, ABNDN Member

August 8, 2022

Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom it May Concern,

Our Navajo way of life is our only future in which we must protect. Our tribal leaders fought hard to protect and preserve our sacred peyote medicine in the passing of the American Indian Religious Freedom Act of 1994. With a great sense of gratitude, I ask you to please pass the resolution to oppose the decriminalization of peyote. Much of the Navajo people who want better laws for protecting our Navajo way of life are with you. Thank you.

Respectfully,



Tamara Talayumptewa, ABNDN Member

August 7, 2022

Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'YÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom it May Concern,

The vote in the 24th Navajo Nation Council to pass the decriminalization of peyote resolution is the undeniable wish of the people. Several ABNDN chapters and leaders presented their own supporting documents expressing their wish for the Navajo leadership to oppose the decriminalization of peyote and mescaline in the United States. The resolution will have a tremendous affect in protecting the ceremonial and cultural practices for the Navajo people.

The Navajo Nation cannot go wrong when it acts to protect the Navajo way of life. Please pass the resolution with ABNDN Peyote Task Forces revised recommendations. We must respect the laws we fought hard to pass such as the American Indian Religious Freedom Act of 1994. Thank you for your time. May the Creator continue to bless the Navajo leadership. Ahéhee.

Sincerely,



Darlene Clark, ABNDN Member

August 7, 2022

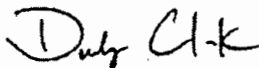
Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom it May Concern,

The vote in the 24th Navajo Nation Council to pass the decriminalization of peyote resolution is the undeniable wish of the people. Several ABNDN chapters and leaders presented their own supporting documents expressing their wish for the Navajo leadership to oppose the decriminalization of peyote and mescaline in the United States. The resolution will have a tremendous affect in protecting the ceremonial and cultural practices for the Navajo people.

The Navajo Nation cannot go wrong when it acts to protect the Navajo way of life. Please pass the resolution with ABNDN Peyote Task Forces revised recommendations. We must respect the laws we fought hard to pass such as the American Indian Religious Freedom Act of 1994. Thank you for your time. May the Creator continue to bless the Navajo leadership. Ahéhee.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dudley Clark". The signature is stylized with a large "D" and a long horizontal stroke.

Dudley Clark, ABNDN Member

August 7, 2022

Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom it May Concern,

The vote in the 24th Navajo Nation Council to pass the decriminalization of peyote resolution is the undeniable wish of the people. Several ABNDN chapters and leaders presented their own supporting documents expressing their wish for the Navajo leadership to oppose the decriminalization of peyote and mescaline in the United States. The resolution will have a tremendous affect in protecting the ceremonial and cultural practices for the Navajo people.

The Navajo Nation cannot go wrong when it acts to protect the Navajo way of life. Please pass the resolution with ABNDN Peyote Task Forces revised recommendations. We must respect the laws we fought hard to pass such as the American Indian Religious Freedom Act of 1994. Thank you for your time. May the Creator continue to bless the Navajo leadership. Ahéhee.

Sincerely,

A handwritten signature in cursive script, appearing to read "Geraldyn Clark".

Geraldyn Clark, ABNDN Member

August 7, 2022

Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom it May Concern,

The vote in the 24th Navajo Nation Council to pass the decriminalization of peyote resolution is the undeniable wish of the people. Several ABNDN chapters and leaders presented their own supporting documents expressing their wish for the Navajo leadership to oppose the decriminalization of peyote and mescaline in the United States. The resolution will have a tremendous affect in protecting the ceremonial and cultural practices for the Navajo people.

The Navajo Nation cannot go wrong when it acts to protect the Navajo way of life. Please pass the resolution with ABNDN Peyote Task Forces revised recommendations. We must respect the laws we fought hard to pass such as the American Indian Religious Freedom Act of 1994. Thank you for your time. May the Creator continue to bless the Navajo leadership. Ahéhee.

Sincerely,

Sharon Clark-Begaye

Sharon Clark-Begaye, ABNDN Member

August 7, 2022

Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom it May Concern,

Our Navajo way of life is our only future in which we must protect. Our tribal leaders fought hard to protect and preserve our sacred peyote medicine in the passing of the American Indian Religious Freedom Act of 1994. With a great sense of gratitude, I ask you to please pass the resolution to oppose the decriminalization of peyote. Much of the Navajo people who want better laws for protecting our Navajo way of life are with you. Thank you.

Respectfully,

Byron Clark

Byron Clark, ABNDN Member

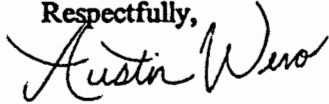
August 6, 2022

Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom it May Concern,

I am a Navajo youth who encourages you to please pass the proposed resolution to oppose the decriminalization of peyote. I have witnessed many of my Navajo relatives who are concerned about our peyote medicine. I know this resolution will do two things: *1) Help ensure my relatives are able to pray and heal with the use of our sacred peyote medicine; and 2) Will create a healthier relationship in the use of our peyote medicine for our people, especially for our Navajo youth and future generations to come.* Please, I urge you to pass the proposed resolution for the Navajo Nation. Ahéhee'!

Respectfully,

A handwritten signature in black ink that reads "Austin Wero". The signature is written in a cursive, flowing style.

Austin Wero, ABNDN Youth

August 6, 2022

Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom It May Concern,

I am a Navajo youth who encourages you to please pass the proposed resolution to oppose the decriminalization of peyote. I have witnessed many of my Navajo relatives who are concerned about our peyote medicine. I know this resolution will do two things: *1) Help ensure my relatives are able to pray and heal with the use of our sacred peyote medicine; and 2) Will create a healthier relationship in the use of our peyote medicine for our people, especially for our Navajo youth and future generations to come.* Please, I urge you to pass the proposed resolution for the Navajo Nation. Ahéhee'!

Respectfully,

A handwritten signature in black ink, appearing to read "Cambria Clark-Robinson", with a stylized flourish at the end.

Cambria Clark-Robinson, ABNDN Youth

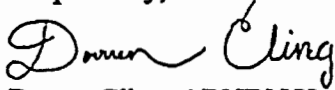
August 6, 2022

Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom it May Concern,

I am a Navajo youth who encourages you to please pass the proposed resolution to oppose the decriminalization of peyote. I have witnessed many of my Navajo relatives who are concerned about our peyote medicine. I know this resolution will do two things: *1) Help ensure my relatives are able to pray and heal with the use of our sacred peyote medicine; and 2) Will create a healthier relationship in the use of our peyote medicine for our people, especially for our Navajo youth and future generations to come.* Please, I urge you to pass the proposed resolution for the Navajo Nation. Ahéhee'!

Respectfully,

A handwritten signature in cursive script that reads "Darren Cling". The signature is written in dark ink and is positioned above the printed name.

Darren Cling, ABNDN Youth

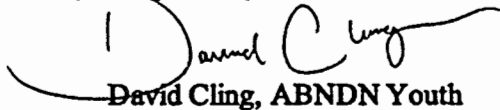
August 6, 2022

Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom it May Concern,

I am a Navajo youth who encourages you to please pass the proposed resolution to oppose the decriminalization of peyote. I have witnessed many of my Navajo relatives who are concerned about our peyote medicine. I know this resolution will do two things: *1) Help ensure my relatives are able to pray and heal with the use of our sacred peyote medicine; and 2) Will create a healthier relationship in the use of our peyote medicine for our people, especially for our Navajo youth and future generations to come.* Please, I urge you to pass the proposed resolution for the Navajo Nation. Ahéhee'!

Respectfully,

A handwritten signature in black ink, appearing to read "David Cling". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline that extends to the left.

David Cling, ABNDN Youth

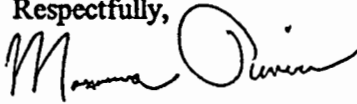
August 6, 2022

Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'YÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom It May Concern,

I am a Navajo youth who encourages you to please pass the proposed resolution to oppose the decriminalization of peyote. I have witnessed many of my Navajo relatives who are concerned about our peyote medicine. I know this resolution will do two things: *1) Help ensure my relatives are able to pray and heal with the use of our sacred peyote medicine; and 2) Will create a healthier relationship in the use of our peyote medicine for our people, especially for our Navajo youth and future generations to come.* Please, I urge you to pass the proposed resolution for the Navajo Nation. Ahéhee'!

Respectfully,

A handwritten signature in black ink, appearing to read 'Maximus Oliver', written in a cursive style.

Maximus Oliver, ABNDN Youth


August 6, 2022

Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'YÁTI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom It May Concern,

I am a Navajo youth who encourages you to please pass the proposed resolution to oppose the decriminalization of peyote. I have witnessed many of my Navajo relatives who are concerned about our peyote medicine. I know this resolution will do two things: *1) Help ensure my relatives are able to pray and heal with the use of our sacred peyote medicine; and 2) Will create a healthier relationship in the use of our peyote medicine for our people, especially for our Navajo youth and future generations to come.* Please, I urge you to pass the proposed resolution for the Navajo Nation. Ahéhee'!

Respectfully,

A handwritten signature in cursive script that reads "Tristen Tsosie". The signature is written in dark ink and is positioned above the printed name.

Tristen Tsosie, ABNDN Youth



Azeé Bee Nahaghá of Diné Nation
Public Health Advisor

August 8, 2022

Re: Revised Recommendation to Legislation, RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTT' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE.

To Whom it May Concern,

It is with great pleasure that I am writing in support for the Navajo Nation resolution to oppose the decriminalization of peyote in the United States. However, additional revised language is still needed within the proposed resolution. Therefore, I respectfully request revisions to the proposed resolution to be in accordance with Title 17, Section 394 of the Navajo Nation Criminal Code Controlled Substance Law, and American Indian Religious Freedom Act Amendment of 1994.

Recommended revisions by the ABNDN Peyote Task Force will further strengthen Navajo Nations position to oppose the decriminalization of peyote efforts in the US. It is in the best interest for the Navajo Nation to establish a strong legal stance by adhering to the federal and tribal regulations that protect our sacred Azeé (peyote) for generations to come.

In closing, I support the Navajo Nation proposed resolution with recommended revisions by the ABNDN Peyote Task Force. I appreciate your continuous efforts to protect our Navajo way of life. If there is anything more that I can do to support this important peyote initiative, please let me know. I wish you the best and thank you for your time regarding this important concern for the Navajo people.

Sincerely,

Hershel W. Clark

Hershel Walker Clark, ABNDN Public Health Advisor

Legislation # 0149-22 Comments

DLBedonie <dlbedonie@gmail.com>

Tue 8/9/2022 6:29 PM

To:comments <comments@navajo-nsn.gov>;

Subjected amendments on page 2 of 3:

Page 2 of 3: line 5 – add “s” to “American”,

Page 2 of 3: Line 6 - delete “church members”.

Line 12 – insert “Many Federally recognized” – before Tribal members.

Line 16 – Insert – part of after the word “southwest”, delete “United States, including”.

Lorenzo Bedonie

ABNDN Board of Director, District 4

WARNING: External email. Please verify sender before opening attachments or clicking on links.

**RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL**

FOURTH YEAR 2022

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

**LEGISLATION #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. Sponsor:**
Honorable Eugenia Charles-Newton

Has had it under consideration and reports a **DO PASS** with no amendments.

And thereafter the legislation was referred to Health, Education, & Human Services Committee.

Respectfully submitted,



Mark A. Freeland, *Pro Tem Chairperson*
Resources and Development Committee of
the 24th Navajo Nation Council

Date: August 10, 2022 – Regular Meeting (Teleconference)
Location: Resources and Development Committee also called in via teleconference
from their location within the boundary of the Navajo Nation.

Main Motion:

M: Wilson C. Stewart, Jr. **S:** Thomas Walker, Jr. **V:** 4-0-1 (CNV)
In Favor: Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Wilson C. Stewart, Jr.
Opposition: None
Excused: Rickie Nez, *Chairperson*
Not Voting: Mark A. Freeland, *Pro Tem Chairperson*

(NOTE: VOTE TALLY attached hereto)

**RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL**

FOURTH YEAR 2022


**ROLL CALL
VOTE TALLY SHEET**

LEGISLATION #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. *Sponsor:*
Honorable Eugenia Charles-Newton

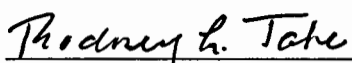
Date: August 10, 2022 – Regular Meeting (Teleconference)
Location: Resources and Development Committee also called in via teleconference
 from their location within the boundary of the Navajo Nation.

Main Motion:

M: Wilson C. Stewart, Jr. **S:** Thomas Walker, Jr. **V:** 4-0-1 (CNV)
In Favor: Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Wilson C. Stewart, Jr.
Opposition: None
Excused: Rickie Nez, *Chairperson*
Not Voting: Mark A. Freeland, *Pro Tem Chairperson*



Honorable Mark A. Freeland, *Pro Tem Chairperson*
Resources and Development Committee



Rodney L. Pahe, *Legislative Advisor*
Office of Legislative Services

**HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
24TH NAVAJO NATION COUNCIL
FOURTH YEAR 2022**

COMMITTEE REPORT

Mr. Speaker,

The **HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE** to whom has been assigned:

Legislation No. 0149-22: 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

Sponsor: *Council Delegate Eugenia Charles Newton*

Has had it under consideration and reports the same with the recommendation that it **DO PASS with no amendment** and is thence referred to the Law and Order Committee.

Respectfully submitted,



Carl R. Slater, Vice-Chairperson
Health, Education and Human Services Committee
24th Navajo Nation Council

Date: August 17, 2022

Main Motion:

Motion: Honorable Pernell Halona

Second: Honorable Edison J. Wauneka

Vote: 5-0-0

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
Regular Meeting
August 17, 2022

Legislation No. 0149-22: 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

Sponsor: *Council Delegate Eugenia Charles Newton*

VOTE TALLY SHEET:

Main Motion:

Motion: Honorable Pernell Halona

Second: Honorable Edison J. Wauneka

Yea: Paul Begay Jr.; Pernell Halona; Charlaine Tso; Daniel E. Tso; Edison J. Wauneka

Nay:

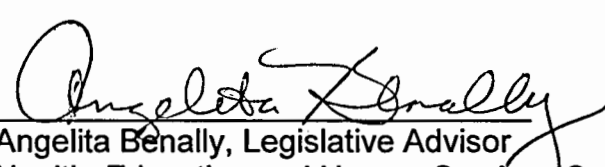
Not Voting: Carl R. Slater (Presiding Vice-Chair)

Excused:

Absent:

Vote: 5-0-0



Carl R. Slater, Vice-Chairperson
Health, Education and Human Services Committee
24th Navajo Nation Council

Angelita Benally, Legislative Advisor
Health, Education and Human Services Committee
Office of Legislative Services

**LAW AND ORDER COMMITTEE
24TH NAVAJO NATION COUNCIL**

FOURTH YEAR 2022

COMMITTEE REPORT

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0149-22: An Action Relating to the Resources and Development, Health, Education and Human Services, Law and Order, and the Naabik'iyati Committees, Opposing States' Decriminalization of the Use of Peyote – *Sponsor: Honorable Eugenia Charles-Newton*

Has had it under consideration and reports a DO PASS with no amendments.

And thereafter the legislation was referred to Naabik'iyati Committee.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'O. Tso', with a horizontal line extending from the end of the signature.

Otto Tso, Chair Pro Tem
Law and Order Committee
24th Navajo Nation Council

Date: August 22, 2022

Main Motion:

Motion : Honorable Vince James
Second : Honorable Eugene Tso
Vote : 4-0-1

LAW AND ORDER COMMITTEE

Regular Meeting

August 22, 2022

Legislation No. 0149-22: An Action Relating to the Resources and Development, Health, Education and Human Services, Law and Order, and the Naabik'iyati Committees, Opposing States' Decriminalization of the Use of Peyote – *Sponsor: Honorable Eugenia Charles-Newton*

VOTE TALLY SHEET:

Main Motion:

Motion: Honorable Vince James

Second: Honorable Eugene Tso

Vote: 4-0-1

Yea: Honorable Eugenia Charles-Newton/Honorable Vince James/Honorable Eugene Tso/
Honorable Edmund Yazzie

Nay: None

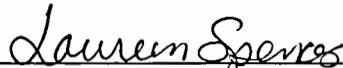
Not Voting: Honorable Otto Tso

Excused: None

Absent: None



Otto Tso, Chair Pro Tem
Law and Order Committee
24th Navajo Nation Council



Lauren Spencer, Legislative Advisor
Office of Legislative Services

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0149-22

SPONSOR: Honorable Eugenia Charles-Newton

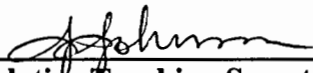
TITLE: An Action Relating to the Resources and Development, Health, Education, and Human Services, Law and Order, and the Naabik'iyáti' Committees; Opposing States' Decriminalization of the Use of Peyote

Posted: August 04, 2022 at 11:05 PM

5 DAY Comment Period Ended: August 09, 2022

Digital Comments received:

Comments Supporting	1) Ruby Tallsalt 2) Dr. David J. Tsosie 3) Delbert & Natalie Tsinnijinnie 4) Louise Claw-Nockideneh
Comments Opposing	<i>None</i>
Comments/Recommendations	1) Tracie & Therill Tso 2) Hershel W. Clark



**Legislative Tracking Secretary
Office of Legislative Services**

August 23, 2022; 10:30 AM
Date/Time

Legislation # 0149-22

Ruby Tallsalt <rutallsalt@yahoo.com>

Tue 8/9/2022 9:14 PM

To: comments <comments@navajo-nsn.gov>;

Ya'aat'eeh shinaat'aanii,

Legislation # 0149-22 Opposing Decriminalization on Peyote

My husband Paul and I, Ruby Tallsalt live in Coppermine, Az. We have been members of Native American Church of Navajoland for quite a long time. As NAC of Navajoland transitioned to Azee Bee Nahagha of Dine' Nation, we too, made the transition as well.

While growing up in the Western part of the Navajo Nation, my parents the late Kee and Alice Tsinnijinnie conducted many ceremonies for our relatives, praying with nihima Azee, peyote to help our ailing relatives to get better, so that they may live long productive lives. They provided prayers and ceremonies at all hours of the night, sometimes for several nights in a row. I have seen and witnessed many healings with the help of nihima azee. The fireplace and nahalahi has been passed onto my brothers, to this day they continue to pray for our relatives.

Our young people are developing confidence with prayers, so that they may continue their education at university levels, trade schools and/or job force. Many times, we prayed with azee for a good life and that has been bestowed upon us. Some have started businesses with prayers, as a result their businesses are thriving.

Relatives that have sought help and healing from the nihima azee are now going out of their way to ensure the medicine is being used as it was meant to be. Our way of praying and singing in ceremonial settings is now being affected by Senate Bills that are surfacing, which would enable any non-native persons to have access to this medicine. If we allow this to continue, we will find ourselves without our healing azee. At this date and time, azee is already scarce and hard to find. It is our duty to protect, preserve and foster our azee, so that our grandchildren, great grandchildren will have azee to turn to when they need guidance, healing and building confidence. If we allow our azee to be available to non-natives, we will not have any left for generations to come.

We implore your approval for this legislation, shinaat'aanii, so that we can continue to use our ceremonial ways without having to worry about one day, losing it to non-native people. Your YES vote would be greatly appreciated. Axe'hee and have a beautiful day.

Ruby Tallsalt

P.O. Box

Tuba City, Az 86045

rutallsalt@yahoo.com

WARNING: External email. Please verify sender before opening attachments or clicking on links.

We as indigenous people have historically been subject to encroachment on and abrogation of our way of life since the arrival of the Western Europeans. We have seen this in the land that has been taken from us and ending in our removal to reservations; the forced placement of our children in boarding schools to be part of the acculturation policy; and finally, the attempt to disconnect us from our sacred sites and spiritual practices/ways. I firmly believe the current attempt to decriminalize the use of peyote is a continuous effort of the latter practice upon indigenous people.

I was the President of the Azee Bee Nahahga of Dine Nation (ABNDN) from 2008 to 2012 and during my administration I became aware of the plight of the Navajo people regarding the legalization of peyote on the Navajo reservation over a period of over 25 years. Also, the concerted efforts of the members of Native American Church of Navajoland to affect the passage of the American Indian Religious Freedom Act Amendment of 1994 (P.L. 102-344). The main emphasis of the membership of ABNDN was the legislative support of P.L. 103-344 which was "the use, possession, or transportation of peyote by an Indian for bona fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion is lawful, and shall not be prohibited by the United States or an State."

The main position expressed by the ABNDN members, directly or indirectly, was that the use of peyote should be for federally recognized Indian Tribes to be used in conjunction with bona fide traditional ceremonies originating from the cultures of the Indian people. The movement to decriminalize peyote undermines the legislative mandate of AIRFA of 1995. It also opens an avenue for public excess to the already limited availability of peyote. This is not to mention the likelihood of the pharmaceutical companies having excess to peyote for researching for medicinal purposes. This is a desecration of our sacred spiritual way of life. I plead with the Honorable Navajo Nation Council to support the resolution opposing the States' decriminalization of peyote.

Dr. David J. Tsosie

August 09, 2022

RE: **Legislation 0149-22**

States Opposing the Decriminalization of the Use of Peyote

Delbert Tsinnijinnie, Board of Director of ABNDN

Natalie Tsinnijinnie, Secretary, Coppermine Chapter ABNDN

Address: PO Box

Cameron, Arizona 86020

Email: ntsinnij@gmail.com

Statement/Position:

As members of the Azeé Be Nahagha Dine' Nation for many years, we have the full support of backing the Opposition of Decriminalization of the Use of Peyote. I, Delbert have been a lifetime user of peyote, and I, Natalie being a user of peyote of nearly 50 years, we both grew up and around the holy sacrament peyote. Our parents raised us in this way of life; therefore, we have a very strong belief in this medicine. Our testimony being how it shaped our lives, and we greatly benefited from providing and establishing a good homestead for our children. To this day, we are happy with our marriage, and as medicine people (Roadman/woman), we continue to share and carry on our traditional values and teachings to others who seek advice and prayers. Whether it be marriage, education, job or health, we stand for our people with peyote as our holy sacrament. We partake the medicine that humble us to be reverent, as we lead a life without abusing alcohol or drugs.

With this said, we do not enjoy other people interrupting our way of life. We have always stood by protecting our medicine, Azeé (peyote). Our prayers with the peyote in our system, we feel the essence of sacredness that heals and protect us every day. Peyote does not compare to any other element in this world that works holistically, as a healing matter. Therefore, we are against the decriminalization of peyote. We want the peyote to remain in its current state, without anyone tempering with it. We are afraid that if peyote is decriminalized, our way of life will tarnish.

Please understand our stance, let us continue to use our medicine as we have for many years. We do not believe in or support anyone who wishes to benefit financially from our powerful healing medicine.

Yours sincerely,

Delbert & Natalie Tsinnijinnie

Opposing States' Decriminalization of the Use of Peyote-

LEGISLATION NO: _0149-22__

LC Nockideneh <lnockideneh@gmail.com>

Tue 8/16/2022 10:11 AM

To: comments <comments@navajo-nsn.gov>;

Ya'at'eeh,

As a member of recognized Organization/Incorporation for many years, I am supporting to continue with the process to move forward with Legislation No.0149-22.

Sacred has been the catalyst thus far...the pursuit of protecting and preserving what is sacred that was passed to us today from yesterday that we need to protect and preserve for those coming tomorrow. It is a task in and of itself that has been well taken and addressed for us by various relatives and officials. Some who are no longer with us today, I think of our spiritual advisors and mentors that have laid out a wonderful way of this peyote way, now it is up to us to safeguard.

I appreciated the continuous leadership during this time. I wish you the best and thank you for your time regarding this important matter for the Navajo People.

Louise Claw-Nockideneh
ABNDN Tonalea Chapter
ABNDN District 01

WARNING: External email. Please verify sender before opening attachments or clicking on links.

0149-22 legislation number

Tracie Yellowman Tso <traciyellowmantso@gmail.com>

Wed 8/17/2022 8:15 AM

To: comments <comments@navajo-nsn.gov>;

Tracie Tso and Therill Tso
Diné
Aneth Chapter

Council Delegate Charlaine Tso

Are in support of Eugenia Charles Newton requested legislation 0149-22 please help us to pass this for protection of our Azéé Peyote.

Thank you for all you do and representing our community.

WARNING: External email. Please verify sender before opening attachments or clicking on links.

ABNDN Peyote Task Force Recommended Revisions

Hershel Clark <hclark@bhcaih.org>

Wed 8/10/2022 11:11 AM

To: comments <comments@navajo-nsn.gov>;

Cc: Alanthony Johnson <alanthony4456@yahoo.com>; leojohnson185@gmail.com <leojohnson185@gmail.com>; Vjohnson8083@yahoo.com <Vjohnson8083@yahoo.com>; Emmett Johnson <emmettabndn@yahoo.com>; Lenora Hatathlie <lhatathlie@gmail.com>; Monroerichard9@gmail.com <monroerichard9@gmail.com>; Thomas Walker Jr. <thomaswalkerjr@navajo-nsn.gov>; dave.fred23@yahoo.com <dave.fred23@yahoo.com>; Ferlin Clark <ferlinclark@yahoo.com>; Frank.dayish@gmail.com <frank.dayish@gmail.com>; Alfred Yazzie <alfred.yazzie54@gmail.com>; Al Yazzie <al_yazz@yahoo.com>;

1 attachments (21 KB)

ABNDN Task Force_ Recommended edits to NNC Decriminalization of Peyote Legislation_8 9 2022.docx;

Ya'ahtech,

On behalf of the Azeé Bee Nahaghá of Diné Nation Peyote Task Force Committee, I am submitting revised recommendations for NNC resolution titled, *"An Action Relating to the Resources and Development, Health, Education, and Human Services, Law and Order, and the Naabik'iyati' Committees; Opposing States' Decriminalization of the Use of Peyote", Resolution No. 0149-22 (see attachment)*. We appreciate the continuous efforts to protect the use of our sacred peyote medicine for the Navajo people. Ahe'hee! Thank you!

Respectfully,

Hershel W. Clark, MPH
ABNDN Public Health Advisor

WARNING: External email. Please verify sender before opening attachments or clicking on links.

ABNDN Peyote Task Force: Opposing Decriminalizing of Peyote Resolution Recommended Revisions

Task Force Meeting: Sunday August 7, 2022

Revised recommendation by the ABNDN Peyote Task Force Committee.

Resolution: Tracking No. 0149-22: RELATING TO THE RESOURCES AND DEVELOPMENT, HEALTH, EDUCATION, AND HUMAN SERVICES, LAW AND ORDER, AND THE NAABIK'ITYATI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE

Amendment 1:

Page 1 of 3 lines 13 and 14 delete language, ~~OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE~~. Insert language, OPPOSING THE DECRIMINALIZATION USE OF PEYOTE AND Mescaline AT THE STATES, LOCAL GOVERNMENTS, AND TERRITORIES IN THE UNITED STATES OF AMERICA.

Page 2 of 3 lines 5 and 6 delete language, ~~the Native American Church members~~ and insert language Indigenous tribes.

Page 2 of 3, line 5, insert language, The Navajo Nation has a government – to – government relationship with the United States of America, Treaty of 1868, August 12, 1868, 15 Stat. 667.

Page 2, line 12 delete language ~~Tribal members whom are bonafide members of the Native American Church~~ and insert language Federally recognize tribal members and other Indigenous tribes.

Page 2, line 14 insert language after ceremonies, and for cultural purposes.

Page 2, line 16 delete ~~In the Southwest United States, including Texas, and in Mexico.~~ Insert language, In the southwest part of Texas and parts of Mexico.

Page 2, line 18 delete, ~~recreational use.~~

Page 2, line 24 and 25 delete language, ~~by bonafide members of the Native American Church.~~ Insert language used for bona-fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion by a federally recognized tribal member.

Page 2 of 3, line 27 delete language, ~~Dine' Native American Church.~~ Insert language, Diné traditional practitioners.

Page 2 of 3, line 30 insert language, and mescaline, after peyote.

Page 2 of 3, in line 30 delete language, ~~Federal Controlled Substance Act.~~ Insert language, Federal Public Law 91-513 Comprehensive Drug Abuse Prevention and Control Act of 1970.

Page 3 of 3, line 6 delete language, ~~Native American Church~~. Insert language, federally recognized tribal members in the United States.

Page 3 of 3, line 7, delete language ~~religious~~. Insert language ceremonial, religious, and cultural.

Additional Recommendations to add under WHEREAS section:

The Navajo Nation understands the American Indian Religious Freedom Act of 1978 provides federal recognition for federally recognized tribal members, including Navajos, as stated, “protects the rights of Native Americans to exercise their traditional religions by ensuring access to sites, use, and possession of sacred objects, and the freedom to worship through ceremonies and traditional rites” (42 U.S.C 1996.).

The Navajo Nation understands Navajo people, including other American Indians, were historically persecuted and prosecuted for their ceremonial use of peyote for more than a century and had to fight numerous legal and political battles at the tribal, state, and federal level to achieve the right to use peyote within their respected traditional ceremonial and cultural practices.

In 1967, the Navajo Nation government legalized peyote by passing Resolution No. CO-65-67, first amendment to the Navajo Bill of Rights, Declaring the Freedom of Religion as a Basic Human Right, which made an exception to the Navajo criminal code to allow Azeé (Peyote) to be used for religious purposes in the Navajo Nation.

Furthermore, in 2005, the Navajo Nation government revised Title 17, Section 394 of the Navajo Nation Criminal Code Controlled Substance Law which states, “the listing of peyote in Subsection A does not apply to the use of Azeé by an enrolled member of an Indian tribe for bona fide ceremonial purposes in connection with Nahaghá. Individuals who use, possess, or transport Azeé for use in Nahaghá are exempt from this prohibition. Azeé is lawful on the Navajo Nation.” This recognized the use of peyote to be strictly used in a bona fide traditional ceremonial purpose or in connection with the practice of a traditional Indian religion by a federally recognized tribal member within the jurisdiction of the Navajo Nation, as in accordance with the American Indian Religious Freedom Act Amendments of 1994, 42 U.S.C 1996a, P.L. 103-344.

Page 3 of 3, lines 16 through 19 delete language, ~~The Navajo Nation firmly opposes 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.~~

Page 3 of 3, insert language after line 19, The Navajo Nation hereby affirms its position to protect and preserve our sacred Azeé (peyote) by strongly opposing the decriminalization of peyote and mescaline in the United States of America.

Page 3 of 3, insert language after line 19, The Navajo Nation hereby urges all states, local governments, and territories in the United States to respectfully adhere to American Indian Religious Freedom Act Amendments of 1994, 42 U.S.C 1996a, P.L. 103-344.

24th NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT Fourth Year 2022

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:


NAVAJO LEGISLATIVE BILL #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

Sponsored by: Honorable Eugenia Charles-Newton

Has had it under consideration and reports the same that the legislation **WAS TABLED AND REMAINS WITH THE NAABIK'ÍYÁTI' COMMITTEE.**

Respectfully Submitted,



*Honorable Seth Damon, Chairman
NAABIK'ÍYÁTI' COMMITTEE*

31 August 2022

TABLING MOTION

Motion to Table Legislation 0149-22 for no more than 45 days to allow the Azeé Bee Nahaghá Diné Nation, Inc. (ABNDN, Inc.) adequate time to provide a resolving resolution.

Motioned by: Honorable Carl R. Slater

Seconded by: Honorable Vince R. James

Vote: 21 in Favor, 00 Opposed (Chairman Damon Not Voting)

MAIN MOTION

Motioned by: Honorable Kee Allen Begay, Jr.

Seconded by: Honorable Pernell Halona

Vote: VOTE PENDING

NAVAJO NATION

1336

8/31/2022

Naa'bik'iyati' Committee Special Meeting

11:55:31 AM

Amd# to Amd#

TABLE: Item E.

PASSED

MOT Slater, C

45 Days or Less;

SEC James, V

Refer back to ABNDN

-Legislation 0149-22

Yeas : 21

Nays : 0

Excused : 2

Not Voting : 0

Yea : 21

Begay, E

Freeland, M

Slater, C

Tso, O

Begay, K

Halona, P

Stewart, W

Walker, T

Begay, P

Henio, J

Tso, C

Wauneka, E

Brown

James, V

Tso, D

Yazzie

Charles-Newton

Nez, R

Tso, E

Yellowhair

Daniels

Nay : 0

Excused : 2

Crotty

Smith

Not Voting : 0

Presiding Speaker: Damon

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0149-22

SPONSOR: Honorable Eugenia Charles-Newton

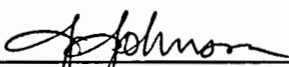
TITLE: An Action Relating to the Resources and Development, Health, Education, and Human Services, Law and Order, and the Naabik'íyáti' Committees; Opposing States' Decriminalization of the Use of Peyote

Posted: August 04, 2022 at 11:05 PM

5 DAY Comment Period Ended: August 09, 2022

Digital Comments received:

Comments Supporting	1) Lenora Hatathlie 2) Theresa Hatathlie 3) Ella and Dennis Bedonie
Comments Opposing	<i>None</i>
Comments/Recommendations	1) Azee' Bee Nahagha of Diné Nation, Inc.



**Legislative Tracking Secretary
Office of Legislative Services**

October 12, 2022; 4:03 PM
Date/Time

Legislation #0149-22

Lenora Hatathlie <lhatathlie@gmail.com>

Tue 8/30/2022 10:11 AM

To: comments <comments@navajo-nsn.gov>;

Dear Honorable Council Delegates,

The Navajo people has a history of persecution and prosecution for the ceremonial use of peyote including my parents. Often my mother had to take my older sisters and I into the jail with her. Peyote was legalized by the Navajo government in 1967.

I humbly request support for Legislation #0149-22 with the recommended amendment by the ABNDN Task Force that was established by the ABNDN Board of Directors to work with Navajo Nation Council and other organizations to address the decriminalization of peyote and mescaline. The scope of the work has been to protect Indian religion and the use, possession and transport of our sacred Azee' to be only for federally recognized American Indians per AIRFA Amendments 1994 and Navajo Nation Code Title 17, section 394.

On July 16, 2022, ABNDN Task Force provided a thorough presentation to ABNDN Board of Directors on legislation #100-22 and recommended revisions with Delegate Charles-Newton in the audience. These are the same amendments being presented by Delegate Walker. She brought the Legislation that is now #149-22 to the meeting to report on but instead tried to have the Board of Directors approve it without any review or discussion.

Delegate Charles-Newton has never presented her legislations to the Board of Directors or the General Membership. The legislations have never been on the Agendas for discussion or action. A thorough presentation was made of all the recommendations for amendment and the reasons for inclusion at the August 20, 2022 General Meeting. She was online and I sincerely hope she listened to them.

We support legislation #0149-22 with recommended amendments. We need a strong position from our great Navajo Nation that will be heard throughout the land before our four sacred mountains.

Thank you for your leadership.

Respectfully,

Lenora Hatathlie
Life time user of Azee'
P.O. Box
Tuba City, AZ 86045

WARNING: External email. Please verify sender before opening attachments or clicking on links.

ABNDN Legislation 0149-22

theresa hatathlie <ms.thatathlie@gmail.com>

Tue 8/30/2022 11:56 AM

To: comments <comments@navajo-nsn.gov>;

Cc: Daniel E. Tso <detso@dinecollege.edu>;

Honorable Council Delegates:

I support ABNDN Legislation #0149-22 and the ABNDN Task Force Committee's proposed amendments.

Now, of all times it is the utmost importance to pass legislation and stand in solidarity with those who carry on this faith. Our forefathers had teachings they passed to us and we pray to carry it forward to the generations here today and into the future.

Decriminalization of Peyote for the sake of profit for use or synthesization of mescaline is a violation and disrespecting those who utilize it with unwavering faith.

I was born into this way of spirituality and have personally experienced healing of my heart, mind and soul, at a time when I experienced loss of my child. Then again, when I was physically hurt. I can't fathom the possibilities of commercial use or garnering of personal profit. This is a western concept that will only further continue to sabotage Indigenous Nation's spiritual ways praying and honoring the Divine Natures.

I humbly request your understanding and support to include the ABNDN Taskforce Amendments to further protect, not just my religious spiritual rights, but hundreds more. These amendments will provide the impenetrable shield to speak truth and advocate to oppose the decriminalization of peyote thorough the states and provide strong support in Washington DC to pass laws that will respect American Indian Freedom of Religion laws.

Ahxé'ée, NABI Committee your favorable approval is appreciated.

Theresa Hatathlie
Coalmine Mesa, Arizona
Lifetime member
ms.thatathlie@gmail.com

WARNING: External email. Please verify sender before opening attachments or clicking on links.

ABNDN LEGISLATION #0149-22

Ella Bedonie <ellabedonie@gmail.com>

Wed 8/31/2022 7:56 AM

To: comments <comments@navajo-nsn.gov>;

Honorable Council Delegates.

We as a family support ABNDN TASK FORCE COMMITTEE'S purposed amendments.

We, The Bedonie family firmly stand with the ABNDN Task Force Committee in having this legislation passed, so we can practice pray and use azéé' in its natural form. We do not believe it should fall into the hands of the pharmaceutical companies. Axehee'

Ella Bedonie, Dennis Bedonie, ellabedonie@gmail.com

WARNING: External email. Please verify sender before opening attachments or clicking on links.



AZEE' BEE NAHAGHA OF DINE NATION, Inc.

P.O. Box 1570 Chinle, Arizona 86503

Willie Tracey Jr., President
Roxyanne Harvey, Secretary

Alburt Johnson, Vice President
Victoria Woody, Treasurer

October 10, 2022

Honorable Eugenia Charles-Newton
24th Navajo Nation Council
The Legislative Branch
P.O. Box 9000
Window Rock, Arizona 86515
Via email: echarlges-newton@navajo-nsn.gov

Re: Legislative Tracking No. 0149-22

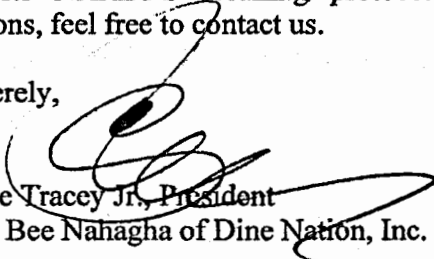
**AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, HEALTH,
EDUCATION, AND HUMAN SERVICES, LAW AND ORDER, AND THE NAABIK'IYATI'
COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE**

Dear Honorable Charles-Newton,

Azee Bee Nahagha of Dine Nation, Inc. Executive Officials / Board of Directors (EO/BOD) held a Special Meeting on October 9, 2022; 1:00 p.m. at it's Chinle Spiritual Site specifically to address proposed amendments as a formal request entertained during Naabi'iyati' Committee's (NAABI) tabling of Legislative Tracking No. 0149-22 for forty-five (45) days. An ABNDN resolution was entertained for proposed amendments, however upon presentation and receiving all amendments the EO/BOD voted down all amendments (see attachments).

Therefore, ABNDN Inc. hereon supports NAABI'S recalling protocols of Legislative Tracking No. 0149-22 for action. Any questions, feel free to contact us.

Sincerely,


Willie Tracey Jr., President
Azee Bee Nahagha of Dine Nation, Inc.

ATTACHMENTS: ABNDN Resolution

Cc: EO/BOD (via email)
File



AZEE' BEE NAHAGHA OF DINE NATION, Inc.

P.O. Box 1570 Chinle, Arizona 86503

Willie Tracey Jr., President
Alburt Johnson, Vice President

Victoria Woody, Treasurer
Roxyanne Harvey, Secretary

Resolution No. ABNDN-002-2023

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

Approving Recommended Amendments to Legislation Tracking No. 0149-22 RELATING TO THE RESOURCES AND DEVELOPMENT, HEALTH, EDUCATION, AND HUMAN SERVICES, LAW AND ORDER, AND THE NAABIK'IYATI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE

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, Inc. recognizes the American Indian Religious Freedom Act (AIRFA) as amended in 1994, Congress recognized that "for many Indian people, the traditional ceremonial use of the peyote cactus as a religious sacrament has for centuries been integral to a way of life, and significant in perpetuating Indian tribes and cultures", and further provided that the use, possession, or transportation of peyote by an Indian for bona fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion is lawful, and shall not be prohibited by the United States or any State"; and
5. ABNDN, Inc. remains conscious that the AIRFA affirms use of Peyote only in "bona fide ceremonies" for use only by members of Indian tribes as defined in the AIRFA amendment of 1994, in order to ensure this traditional medicine is protected; and
6. ABNDN, Inc. is mindful that the legalization and decriminalization of peyote consumption beyond the already hundreds of thousand of members of ABNDN and Native American Church organizations will create a demand and market for Peyote that further threatens the existing wild population; and
7. ABNDN Inc. stands aware of the movement to legalize and/or decriminalize peyote use at the state and local government level directly threatens the availability of peyote and therefore

threatens the integrity of the ceremonial use of Peyote by AI/AN people and would be contrary to the doctrine of federal preemption, whereby federal law supersedes state law.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Azee' Bee Nahagha of Dine Nation, Inc. is hereby approving recommended amendments to Legislation Tracking No. 0149-22 RELATING TO THE RESOURCES AND DEVELOPMENT, HEALTH, EDUCATION, AND HUMAN SERVICES, LAW AND ORDER, AND THE NAABIK'IYATI' COMMITTEES; OPPOSING STATES' DECRIMINALIZATION OF THE USE OF PEYOTE; and

2. The Azee Bee Nahagha of Dine Nation, Inc. were provided an official presentation of Attachment "A" with rational reason(s) for each proposed amendments.

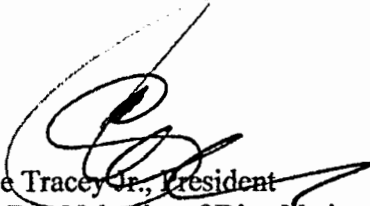
CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the ABNDN, Inc. at a special called meeting at Chinle, Navajo Nation, Arizona, at which a quorum was present and that same voted with 07 in favor, 09 opposed and 00 abstained, this 9th day of October, 2022.

GAN-002-2023 Resolution FAILED

MOTION: Emmett Johnson

SECOND: Richard Monroe


Willie Tracey Jr., President
Azee Bee Nahagha of Dine Nation, Inc.

ATTACHMENT "A": Proposed Amendments

Attachment "A"

Amendment Legislation No. 0149-22

1. Page 1, lines 13 and 14 delete and insert language as follows
OPPOSING STATES' THE DECRIMINALIZATION OF THE USE OF PEYOTE AND Mescaline AT THE STATES, LOCAL GOVERNMENTS, AND UNITED STATES TERRITORIES
2. Page 2, line 5, insert a new Paragraph E as follows and re-letter remaining paragraphs.
E. The Navajo Nation has a government-to-government relationship with the United States of America. Treaty of 1868, signed June 1, 1868, proclaimed August 12, 1868, 15 Stat. 667. The Navajo Nation is a federally recognized tribe.
3. Page 3, line 8 insert new Paragraph M as follows:
M. The Navajo Nation understands the American Indian Religious Freedom Act of 1978 protects the rights of Native Americans to exercise their traditional religions by ensuring access to sites, use, and possession of sacred objects, and the freedom to worship through ceremonies and traditional rites. 42 U.S.C 1996, P.L. 95-341.
4. Page 3, line 8 insert new Paragraph N as follows:
N. The Navajo Nation understands Navajo people, including other American Indians, were historically persecuted and prosecuted for their ceremonial use of peyote for more than a century and had to fight numerous legal and political battles at the tribal, state, and federal levels to achieve the right to use peyote within their respected traditional ceremonial and cultural practices.
5. Page 3, line 8 insert new Paragraph O as follows:
O. In 1967, the Navajo Nation government legalized peyote by passing Resolution No. CO-65-67 that amended to the Navajo Bill of Rights, Declaring the Freedom of Religion as a Basic Human Right, which made an exception to the Navajo criminal code to allow Azee' (Peyote) to be used for religious purposes in the Navajo Nation.
6. Page 3, line 8 insert Paragraph P as follows:
P. In 2005, the Navajo Nation government amended the Navajo Nation Criminal Code, 17 N.N.C. § 394(C), Possession or Sale of Controlled Substances. It states:
"The listing of peyote (more commonly known as Azee') in Subsection A does not apply to the use of Azee' by an enrolled member of an Indian tribe for bona fide ceremonial purposes in connection with Nahaghá. Individuals who use, possess, or transport Azee' for use in Nahaghá are exempt from this prohibition. Azee' is lawful on the Navajo Nation."

Attachment "A"

This recognized the use of Azcee' (peyote) to be strictly used in a bona fide traditional ceremonial purpose or in connection with the practice of a traditional Indian religion within the jurisdiction of the Navajo Nation, as in accordance with the American Indian Religious Freedom Act Amendments of 1994, 42 U.S.C 1996a, P.L. 103-344.

7. Page 2, lines 5 and 6 delete ~~the Native American Church members~~ and insert Indigenous tribes
8. Page 2, line 12 amend as follows: Tribal members whom are bona fide members of the ~~Native American Church~~ Azcee' Bee Nahagha consume
9. Page 2, line 14 insert after the word "ceremonics" insert and for cultural purposes.
10. Page 2, line 16 delete ~~In the Southwest United States, including Texas, and in Mexico~~ and insert: In the southwest part of Texas and parts of Mexico
11. Page 2, line 18 delete ~~recreational use and.~~
12. Page 2, lines 24 and 25 delete ~~by bonafide members of the Native American Church~~ and replace with for bona fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion as is stated in the
13. Page 2, line 27 delete language as follows: ~~Diné Native American Church traditional practitioners~~ Diné Azcee' yee Nahalaha (Diné peyote practitioners)
14. Page 2, line 30 after the word "peyote" insert and mescaline.
15. Page 2, line 31 delete language, ~~Federal Controlled Substance Act~~ and replace with Federal Public Law 91-513 Comprehensive Drug Abuse Prevention and Control Act of 1970
16. Page 3, line 6 delete ~~authorization for bonafide members of the Native American Church to legally use peyote for religious purposes only~~ and replace with: P.L. 103-344 provided that "the use, possession, or transportation of peyote by an Indian for bona fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion is lawful and shall not be prohibited by the United States or any State."
17. Page 3 line 16 insert a new Paragraph A and a new Paragraph B as follows:
 - A. The Navajo Nation hereby affirms its position to protect and preserve our sacred Azcee' (peyote) by strongly opposing the decriminalization of peyote and mescaline in the United States of America.

Attachment "A"

- B. ~~The Navajo Nation firmly opposes any state within the United States decriminalizing the use of peyote and hereby~~ urges all states, local governments, and territories in the United States to respectfully adhere 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.
18. Renumber or re-letter succeeding paragraphs, sections and/or exhibits accordingly, if necessary; and this amendment shall supersede inconsistent language contained in any other committee amendment, which shall be conformed to the intent or language of this amendment. The Office of Legislative Services is hereby authorized to make necessary grammatical changes.
19. Conform the Navajo language spelling to Young, Morgan, The Navajo Language: A Grammar and Colloquial Dictionary.

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0149-22

SPONSOR: Honorable 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

Posted: August 04, 2022 at 11:05 PM

5 DAY Comment Period Ended: August 09, 2022

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	1) Carlos Plazola, Chair Decriminalize Nature National Board
Comments/Recommendations	<i>None</i>



**Legislative Tracking Secretary
Office of Legislative Services**

October 13, 2022; 11:08 AM
Date/Time



**Decriminalize
Nature**

Decriminalize Nature
3007 Telegraph Ave.
Oakland, CA, 94609
decrimnature@gmail.com

October 12, 2022

To the 24th Navajo Nation Council:

RE: Legislation #0149-22 Titled: “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”

This letter is sent on behalf of the National Board of Decriminalize Nature, as approved by unanimous vote of the board on October 12, 2022.

National Board Members of Decriminalize Nature include:

Aikutzi Valadez, Wixarika tribe and ancestry, resides in CA and Jalisco, MX

Shane Norte, La Jolla and Morongo tribes, resides on the La Jolla reservation

Moudou Baqui, African American, African ancestry, resides in Detroit MI

Larry Norris, Finnish ancestry related to the Saami people, resides in Berkeley CA

Carlos Plazola, Chicano/Nahuatl ancestry from Coahuila and Jalisco MX, resides in Oakland CA

By unanimous vote of our board on September 30, 2022, we urge a “No” vote on #0149-22 and instead encourage the opening of dialogue between your Council and our board to pursue solutions other than criminalization and imprisonment toward the goal of preservation of peyote in endemic habitats.

**I. BACKGROUND, WORLDVIEW, AND APPROACH OF DECRIMINALIZATION
NATURE**

Background

Decriminalize Nature (DN) was founded in January 2019 in Oakland CA by a diverse group of people who shared the same ethos of liberating our sacred plant and fungi allies, as well as humanity, from oppressive policies of criminalization. The founding members included people of indigenous ancestry. The councilmember who sponsored the legislation, Noel Gallo, is of Yaqui and Chicano ancestry. Since passing a resolution in Oakland CA to decriminalize ancestral sacred plants, or “entheogens”, in June of 2019, the movement has now enabled the passage of similar resolutions in fifteen other cities, including San Francisco CA, Detroit MI, Washington DC, and Seattle WA.

The movement is firmly grounded in the indigenous worldview which recognizes the importance of one’s personal sovereignty over their relationship with Spirit and how they worship with Spirit.

Worldview

We recognize the interconnectedness of all things and understands that humans are part of a holistic ecosystem of life which includes Spirit, where humans are dependent on all of creation for survival, and where our continued survival depends on re-establishing a relationship of reverence with all of creation. We view all of existence as sacred and recognize that humans can never truly own nature. We embrace approaches of education, guidance, and support over approaches of punishment, control, and criminalization for enabling shifts in human behavior toward a more reverential relationship with Creator, the Great Mother, each other, and ourselves. **(Attachment A: DN Statement on the Indigenous World View and Sacred Plant Medicines)**.

We believe that continued criminalization of people for seeking to build reverential relationships with sacred plants, including peyote, is a continuation of approaches created and implemented by colonialism.

Approach

To this end, Decriminalize Nature released the following position regarding Peyote in a press statement **(Attachment B: DN Peyote Preservation Working Recommendations)** issued on May 6, 2021:

- 1. Cultivation of Peyote by members of Federally Recognized Tribes and Native American Churches should be immediately decriminalized and removed from DEA oversight and regulations, increasing the ability of tribes and churches to choose the means of decreasing demand on the limited natural habitats.*
- 2. Decriminalization of Peyote for personal cultivation for all people in the US should occur immediately to reduce the demand for the cacti that are extracted from indigenous sources and habitats for the peyote trade.*
- 3. Peyote in its natural habitat should be available only for indigenous communities and poaching should continue to be penalized.*

Decriminalize Nature Honors the Reverential Relationship of Native Americans from the US with Peyote

We are told the stories of tribes, such as the Potawatomi, who, through divine intervention, received the sacred medicine of peyote, and then, in ceremony, received guidance from Spirit to survive the violence of passing US militia. We understand the relationship between many tribes of what is today the United States and Peyote is a sacred one, and that there has been much suffering at the hands of the Federal Government of the United States throughout history for being in ceremony with Peyote. We recognize this suffering and honor the resilience of those who have struggled to attain the religious freedoms to worship with peyote. We honor these religious freedoms and we do not seek to undermine them in any way, nor does our movement threaten these freedoms in any way. Rather we seek to extend these freedoms to the allow all people to worship as our ancestors worshipped—in full personal sovereignty with Spirit, without government intervention, interference, or involvement.

II. CRIMINALIZATION HURTS HUMANITY AND IS NOT A VIABLE CONSERVATION SOLUTION

Criminalization of Relations with Nature is an Antiquated and Oppressive Approach

Decriminalize Nature believes that any form of criminalization of anyone seeking to build a reverential relationship with natural plants and fungi is an antiquated, oppressive approach that leads to widespread rebellion and covert behaviors, as well as continued incarceration of people of color at rates higher than the general public. Instead, we believe that a role of traditional medicine keepers, and of those who adhere to an indigenous worldview, is to educate, inform, and guide others in society toward a more reverential and sustainable relationship with sacred plants and fungi, with the native habitats in which they grow, with the native communities in those habitats, and with groups like the Native American Church which have struggled to achieve specific religious rights and freedoms in the face of oppression.

One major problem with continued criminalization of peyote is that criminalization harms many people who seek to build a reverential relationship, often called upon by Spirit, with peyote. This is particularly poignant when understood from the perspective of Mexicans who are US Citizens and whose ancestors are from Peyote lands.

Peyote is Known by Many Names

Peyotl—The Nahuatl name. The Nahua are one of the most ancient tribes in Mexico, giving rise to the Aztec empire. Nahuatl is their language. They have practiced with Peyotl for thousands of years. There are many descendants of the Nahuatl in the US today.

Peyote—The Spanish version of Peyotl assigned to this sacred cactus by the Spanish conquistadores

Hikuri—the Wixarika name. The Wixarika are one of the most ancient tribes in Mexico who have practiced with Peyotl in ceremony for 5,000 plus years. There are many descendants of the Wixarika in the US today.

History of the Mexican Indigenous People and Peyotl

By 1518, prior to arrival of the conquistadores in Mexico, there were between 20,000,000 and 30,000,000 indigenous people in what is today Mexico. Within 30 years, due to disease and executions by the Spanish military, this number dropped to 1,000,000 to 3,000,000—a 90-95% mortality rate within a generation.

Peyotl has been used by tribes of the Chihuahuan Desert for thousands of years, including by tribes such as the Raramuri, the Wixarika, the Coahuiltecos, the Nahua, Mexico, Huastecas, Otomis, Guachichiles, Zacartecos, Tepecanos, Caxcanes, Tecuexes, Guamares, Pames, Cocas, Yaquis, Tamaulipéc, Alazapas, and hundreds of other tribes whose names have now been lost to history due to colonization (**Attachment C: Letter from Aikutzi, a Wixarika Person, to the NNC**). Tribes of current day Mexico and the US traded extensively prior to colonization. Foods, seeds, stones, metals, cacao, dried meats, salt, feathers, art, and many other materials, knowledge, and worldviews were traded through long-established trade routes running the entire length from north to south. Our people have always been relatives. Peyotl was also traded along these trade routes not just for spiritual/ceremonial practice but to heal standard physical ailments such as body pain, diabetes, skin conditions, snake bites, and wounds.

When colonists arrived, they created ownership models, and utilized scarcity-creation as a form of control for purposes of deriving profits. This new approach of “criminalization”, or control through punishment, had not previously been applied to trade of food and medicines by our ancestors of these lands.

Colonialism in Mexico

In Mexico, the Church worked closely with the Crown of Mexico, and the aggressive military force of the Conquistadores. While the armies of Spain wanted to exterminate the natives outright and take their lands, the Church and the Crown worked out an agreement where the remaining natives of Mexico (which after smallpox and extermination efforts numbered between 5 to 10% of the original numbers) were incorporated into the workforce of the *encomiendas*, or plantations. The workforce became so low that slaves were imported to work the sugar cane fields side by side with the native people.

By 1850, the native population of Mexico had recovered to well over 10,000,000 but the majority had been stripped of their tribal affiliations, taken off their lands, and forced to go underground with their customs and rituals.

Mexican Immigration to the United States—Why There are so Many of Us Here

Every US president from Rutherford Hayes to Woodrow Wilson can take some credit for the massive migration of rural indigenous and mestizo Mexicans into the US in the first half of the 20th Century. The alliance between US robber barons of the late 19th Century and early 20th Century and the wealthy elites in Mexico led to the expansion of oil extraction, agribusiness, and mining into the Mexican rural regions populated largely by indigenous and mestizo people. Throughout the late 1880s until the start of the Mexican Revolution in 1910, small farmers and villagers throughout rural Mexico saw their lands usurped by force or legal trickery to make way for extractive industries funded by the likes of Carnegie, Rockefeller, JP Morgan, and Vanderbilt. In the north of Mexico, rebellion was led by Francisco “Pancho” Villa. In the south, it was led by Emiliano Zapata. The demand was “Tierra y Libertad”, Land and Freedom--agrarian reform.

Disruption and poverty remained for years after the wars as the extraction and displacement continued, in large part funded by the Mexican and American capitalists and others seeking profit. Our indigenous people of Mexico, devastated by hundreds of years of indentured servitude to the *encomiendas*, and then the *haciendas*, to produce massive amounts of sugar cane and corn for the world to consume, now found themselves fighting against extractive capitalism. From 1910 to 1930, the population of Mexicans in the US tripled from 200,000 to 600,000 because of this displacement coupled with the US’s need for cheap labor to pick crops.

In the 1930s the US government, due to union political organizing, became hostile toward Mexican immigration into the US and began implementation of policies against Mexicans *within* the US, and policies against Mexican migration *into* the US. But on the heels of a world war in 1942, the US became hungry again for cheap Mexican labor to harvest the crops and work in the factories. The US implemented the Bracero Program and opened the gates again to Mexican migration into the US.

With the rural areas of Mexico destabilized by agribusiness, mining, and oil extraction, many Mexicans from rural areas made the trek through El Paso and other border check points into the US. From 1942 to 1964, more than 5 million Mexicans migrated to the US, most starting families and sinking deep roots.

For 71 years, from 1929 to 2000, one political party in Mexico, El Partido Revolucionario Institucional (the Institutional Revolutionary Party), the PRI party, reigned in absolute power. This political party, largely aligned with US business interests for most of its reign, advanced economic reform policies which served wealthy and middle-class people of the urban regions of Mexico, to the disadvantage of the rural indigenous and mestizo communities who would become Americas field workers and laborers throughout much of the 20th Century. By 2011, the Mexican population had grown by 20 times that of the Mexican population in the US in 1960. Today, the number of people of Mexican ancestry in the US stands at about 40 million.

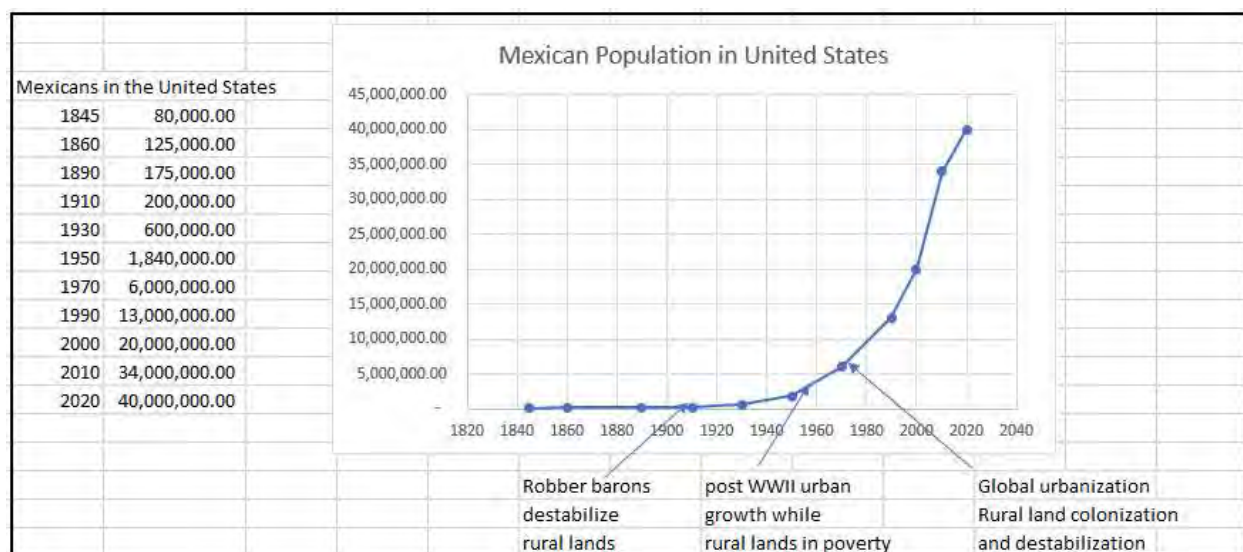


Table 1: Growth of Mexican-born population in the US based on destabilization/colonization of rural lands

There are currently about 7.6 million Mexicans residing in the US who are full US citizens who are descendants from Peyotl lands in Mexico.

What is most important for Americans to understand about this staggering number of Mexicans in the US is that no one wakes up one morning and thinks “I’m tired of living in my ancestral lands where the mountains and rivers are my relatives.” The push out of ancestral lands and into new lands as the under-class comes with a very heavy price tag. The level of desperation must be so intense for one to pay this price of dislocation. These costs include:

- The pain of leaving mothers and fathers, grandmothers and grandfathers, nieces and nephews, and even children, back home
- The loss of stories, language, rituals, and customs due to assimilation necessary to survive
- A sense of aloneness in a strange world
- The loss of ancestry and tribal connection that comes from detachment from community

For almost every Mexican on every corner selling oranges, waiting for work at Home Depot, working behind a desk, running a company, working in a field, there lives within them the struggle of separation from a beautiful and proud history that was not of their making. Almost every Mexican who migrated to the United States did so because someone in their lineage was killed, enslaved, robbed of their lands, brutalized, forced to live in despair, and ultimately sought a better life, as a result.

We are Relatives

The stories of Aztlan are well-known since the emergence of the Chicano movement of the 1970s. Strong evidence exists to show that the people of central Mexico migrated south through the lands of the southwestern US thousands of years ago. For all our collective history, prior to colonization and the institution of borders between our people, we have always been relatives. We have traded, taught each other about foods, agriculture, and medicines. Before colonization, we sat in ceremony together, shared worldviews with each other, and prayed together. We are relatives.

Laws which criminalize the cultivation of peyote threaten people with imprisonment for cultivating their ancestral plant. Today, there are 7.6 million people who are US Citizens whose ancestry are from Peyotl lands of Mexico. We believe it is an injustice that these people, and any other people, who seek to cultivate peyote/peyotl, should face the threat of becoming criminals. And we also support the American Indian Religious Freedom Act Amendments of 1994, 42 U.S.C § 1996a, P.L. 103-344. We do not see a conflict between continued protection of the AIRFA Amendments of 1994 and decriminalization of the cultivation of peyotl that would ensure that people who are called to cultivate peyote do not face imprisonment.

Data, calculations, and sources showing number of US Citizens living in the US who are descendants from Peyotl growing regions in Mexico			
States in Peyotl areas	Population in MX	%	Source
Nayarit	1,300,000.00	1%	MX census data
Aguascalientes	1,450,000.00	1%	MX census data
San Luis Potosi	2,800,000.00	2%	MX census data
Coahuila	3,150,000.00	3%	MX census data
Nuevo Leon	5,800,000.00	5%	MX census data
Chihuahua	3,800,000.00	3%	MX census data
Tamaulipas	3,500,000.00	3%	MX census data
Zacatecas	1,650,000.00	1%	MX census data
Jalisco	8,450,000.00	7%	MX census data
Total	31,900,000.00	25%	MX census data
Total MX	126,000,000.00		MX census data
Calculations			
Percent of MX "Indigenous"	17,000,000.00	15.10%	www.iwglia.org:InternationalIndigenousWorkingGroupData
Percent of MX "Mestizo"	114,660,000.00	91%	INEGI: Censo de población y vivienda. Tabulados Básicos. Tomo I. 2005: México. (2005).
Number of Hisps in US	62,100,000.00		
Percent who are Mexican	38,502,000.00	62%	
Total number of MX w Ind in US	35,036,820.00	91%	
Total from Peyote States	8,870,433.00		
Total number of Mexicans who are also US citizens	33,002,000.00		
Total number of Mx who are US citizens with Ind identity	30,031,820.00		
Total number of MXs who are US Citizens Ind and from peyote lands	7,603,294.11	20%	of all Mexicans in US are descendants from Peyotl Lands in MX and US Citizens

Table 2: Calculations and sources showing that 7.6 million Mexicans in the US are from Peyotl lands and US Citizens

The Journey Back Home for Millions of Displaced Mexicans from Peyotl Lands

It is important to note that many of the descendants of the peyotl people of peyotl lands of Mexico no longer practice with peyotl because they had their ancestry and heritage taken from

them by a colonizing government, and were left to live in poverty as servants to the colonizing forces. Now, as many of us are finally finding our way back to our ancestry, each in our own way, many of us are choosing to sit with peyotl as our ancestral plant medicine to guide us back home, to our ancestral worldview. The idea that we cannot grow or use peyotl for our own healing without threat of criminalization for growing our ancestral plant is a deep injustice to our people who have suffered for far too long.

People are called by Spirit to find their way back home to the sacred in many ways. For many, especially descendants of Mexicans from peyotl lands of Mexico, the personal cultivation of peyote is one such way. The nurturing and care of a peyotl cactus is a symbiotic relationship between a person, spirit and the plant. The path back home to the sacred for someone who has been dispossessed of their rituals, ceremonies, and ancestral ways is a meandering journey lit by Spirit. As such, the individual must be allowed to pursue their own personal path which may not be in alignment with what the US Government considers to be “bona fide religious practice” or “religious use”, nor may they be called to worship within a church system. The pathway back to the sacred and to the ancestry will look very different for every person, as called upon by Spirit, and we must allow for these differences without criminalizing people who seek to find their way back home, to their ancestral worldview, through the cultivation of their ancestral plant.

III. SCIENTIFIC BASIS OF DECRIMINALIZING PEYOTE CULTIVATION

“...we believe, in the end, that it (cultivation) will prove to be the only viable option to ensure survival of peyote in the wild.”—Ermakova, Trout, Terry, Bioone, May 2022

On March 26, 2021, the Cactus Conservation Institute, a leading scientific research non-profit with a focus on the preservation of peyote in endemic habitats, issued a report stating that up to 261 greenhouses, each averaging 10,000 square feet in size, would be needed to grow 1,000,000 buttons of peyote per year. Some estimates suggest that between 5,000,000 to 10,000,000 buttons would need to be grown per year to service the existing consumption by the Native American Churches in the US. This means up to 2,610 greenhouses totaling 26,100,000 square feet of space would need to start operating immediately to meet current demand 16 years from now. See <https://cactusconservation.org/2021/03/26/number-of-greenhouses-required-to-grow-a-million-peyote/>

In May 2022, scientists Ermakova, Terry, and Trout (**Attachment D: Cultivation as a Conservation Tool for Cacti**) released a new research paper in the on-line journal Bioone in May 2022 titled: *“Cultivation as a conservation tool for cacti: review of the botanical evidence and a case study of *Lophophora williamsii*”*. While this report encourages reverence and honor be given to the hard-won struggles for religious freedom by the Native American Church, which we agree with, and it does not give political opinions about how to create the systems and mechanisms for cultivation, it does make a number of strong statements about the importance of cultivation as a tool for ensuring peyote does not go extinct in the wild. Below are two excerpts:

*“Below we examine the case study of *Lophophora williamsii* and present arguments that cultivation is not only necessary conservation strategy for this particular species but is likely the only viable alternative for long-term survival of this cactus in the wild. While we are not telling anyone what to do or not do regarding their own cultivation or their religious practices, we offer our view of the peyote’s present state and its future.”*

“One solution that may become more acceptable in the future is cultivation. Cultivation has long been a cornerstone of successful conservation and repopulation efforts. In the case of peyote, Omer Stewart suggested cultivation as a viable path to ensure peyote’s future survival as long ago as 1987.”

IV. TOWARD A COLLABORATIVE APPROACH

Decriminalize Nature believes that the most viable solution to ensure 1) peyote does not go extinct in the wild and remains available for indigenous communities in the endemic habitats 2) that religious freedoms hard-won by the Native American Church are protected and respected, and 3) that people, including 7.6 million US Citizens descended from ancestry of Mexican peyotl lands, are not criminalized for personal cultivation of peyote, is to decriminalize peyote cultivation.

Additionally, we believe it would be a powerful statement for us to work collaboratively to heal our wounds together as children of Turtle Island/Aztlan, with all humanity working collectively, outside of the scarcity frameworks, to heal our relationships with each other and nature. The peyote/peyotl gardens of our ancestral lands can serve as the stage for this new emergence together. Not only will this be the best way to save peyote from extinction, it will enable the further unification of indigenous people of Mexico and the US working together to honor Peyote and the Great Mother, things which all our ancestors found sacred.

Decriminalize Nature's Declaration on Indigeneity, Sacred Plant Medicines, and Sustainability

1. Decriminalize Nature recognizes the critical state of humanity relative to its relationship with the Great Mother, our Earth, and that the way we act toward our Creator's gifts must improve quickly if we are to pass to our children, and our children's children, the beautiful and bountiful planet our ancestors inherited.
2. Decriminalize Nature recognizes that while the western ways, worldviews, and approaches to science, policymaking, social organization, and economic and political models have led to many discoveries and innovations for humanity, the western worldview has unnecessarily relied on exploitation and extraction of resources from communities and from the Great Mother in ways which are harmful to all.
3. Decriminalize Nature recognizes that for humanity to thrive and arrive to its next level of collective awareness, it must draw upon the ancient wisdom of all of our ancestors who lived from the Indigenous Worldview¹ upon this Earth, and fulfill the Prophecy of the Eagle and the Condor², which foresaw the day when the wisdom of the indigenous worldviews, represented by the Condor, would merge with the technological and scientific innovation of the western worldview, represented by the Eagle, enabling humanity to make wiser choices, from compassion and cooperation, as it creates its new technologies.

¹ Michael Anthony Hart of the University of Manitoba writes in Volume 1 Issue 1 of Journal of Indigenous Voices in Social Work (February 2010) <https://journalhosting.ucalgary.ca/index.php/jisd/article/view/63043/46988>: "There appear to be many commonalities between Indigenous worldviews (Fitznor, 1998; Gill, 2002; Rice, 2005). McKenzie and Morrisette (2003) explained that Indigenous worldviews emerged as a result of the people's close relationship with the environment. They outlined **six metaphysical beliefs of Indigenous peoples that have shaped this relationship: 'All things exist according to the principle of survival; the act of survival pulses with the natural energy and cycles of the earth; this energy is part of some grand design; all things have a role to perform to ensure balance and harmony and the overall well-being of life; all things are an extension of the grand design, and, as such, contain the same essence as the source from which it flows** (Gitchi-Munitou); and this essence is understood as "spirit," which links all things to each other and to Creation. (p. 259)". (*emphasis added by authors of this document*)

"Leanne Simpson (2000) outlined **seven principles of Indigenous worldviews. First, knowledge is holistic, cyclic, and dependent upon relationships and connections to living and non-living beings and entities. Second, there are many truths, and these truths are dependent upon individual experiences. Third, everything is alive. Fourth, all things are equal. Fifth, the land is sacred. Sixth, the relationship between people and the spiritual world is important. Seventh, human beings are least important in the world.**" (*emphasis added by authors of this document*)

² The Eagle and the Condor prophecy of the Amazon speaks of long ago when human societies split into two different paths—that of the Eagle and that of the Condor. The path of the Condor is the path of heart, of intuition, and of the feminine. The path of the Eagle is the path of the mind, of the industrial, and of the masculine. The Eagle and Condor prophecy says that the 1490s would begin a 500-year period during which the Eagle people would become so powerful that they would nearly drive the Condor people out of existence. This can be seen in the conquering of the Americas and the killing and oppressing of the indigenous peoples in the subsequent 500 years—up to and including today. The prophecy says that during the next 500-year period, beginning in 1990, the potential would arise for the Eagle and the Condor to come together, to fly in the same sky, and to create a new level of consciousness for humanity. The prophecy only speaks of the potential, so it's up to humanity to activate this potential and ensure that a new consciousness is allowed to arise. Source: <https://blog.pachamama.org/the-eagle-and-the-condor-prophecy>

4. Decriminalize Nature has been, from its birth, a movement emergent from the indigenous worldview, recognizing that what is needed in this moment in human history is to stand for radical indigeness³ where solutions to the world's greatest social and ecological challenges must include compassion, inclusivity, and reverence for all of nature and nature's creations, including our fellow humans, and from this world view, the re-emergence of the power of the Divine Feminine⁴ to balance the masculine is of paramount importance.
5. Decriminalize Nature recognizes that approaches and strategies enabling colonization include divide-and-conquer strategies where the dominant powers grant to some classes within the oppressed populations certain privileges denied to others; criminalization of people to control non-conforming behaviors; and top-down command-and-control political and economic structures which rely on the narrowing awareness of the general populations so they become increasingly unaware of the causes of their subjugation.
6. Decriminalize Nature recognizes that policies and practices based on greed, fear, or control, including efforts to suppress some voices over others, will only delay the needed emergence of human consciousness. Policies which include criminalization of people for acting upon their calling by Spirit to connect with Nature's sacred medicines are fundamentally grounded in colonization-based frameworks and are unnecessary for the protection of sacred plants and cultural practices. Criminalization, suppression, subjugation, and command-and-control practices have never worked as tools to manage people's behaviors.
7. Instead, the indigenous worldview calls for our community to engage in efforts to educate, rather than berate; to guide rather than criminalize; and to support rather than incarcerate. As mindful parents eventually come to learn, when we teach and guide our children with compassion, their inner light and beauty emerges. When we demand and punish our children, they rebel.
8. Decriminalize Nature recognizes and honors that people who are called by Spirit to follow the indigenous worldview are called to do so regardless of skin color, ethnicity, race, cultural background, or religion, and no person, tribe, council of tribes, non-profit, or government entity has the right to diminish, criticize, or reject a choice by anyone, regardless of their skin-color or ancestral history, to follow the path of the indigenous worldview.
9. Decriminalize Nature recognizes that the current grand struggle of humanity is a battle of paradigms—chief among these battles is the western worldview of scarcity, fear, and

³ Radical is used here in the literal sense: 1. (especially of change or action) relating to or affecting the fundamental nature of something; far-reaching or thorough. 2. advocating or based on thorough or complete political or social change. Definition from the Oxford Dictionary

⁴ See a description of the role of the Divine Feminine here by author Shani Jay: <https://sheroserevolution.com/shanijay/what-is-the-divine-feminine-how-to-awaken-her-power-within/>

competition vs. the indigenous worldview of abundance, compassion, and cooperation. For humanity to emerge victorious in this battle we must open the tent of “indigeneity” to all who are called to live a life from a place of ancient wisdom in connection with Creator and all beings.

10. Decriminalize Nature encourages all people of this loving planet to pursue a path of compassion and cooperation in our common struggle to live well with each other and the Great Mother. From this path, we see that criminalization of nature, and top-down command-and-control models for managing behaviors only lead to rebellion and covert behavior. But if we can learn to trust in the goodness of humanity, and invest in the light within each other, we will learn to live sustainably with Nature and Her gifts through education, guidance, and support.
11. Decriminalize Nature recognizes that the sacred plant medicines provided by Creator, and stewarded by all of our ancient ancestors who walked this planet for thousands of years before colonization, industrialization, and commodification, are portals enabling any and all people who approach these medicines with reverence to connect with Spirit and the Divine, and to find their way back home to the indigenous worldview.
12. While Decriminalize Nature recognizes and honors the ancient and current stewards and teachers of these plant medicines, because we recognize the supremacy of Creator and Mother Earth above all else, we understand there can be no “owners” or “controllers” of any plant medicines, and we ask all who perceive themselves to be the “owners” or “controllers” of any specific species of plant or fungi medicines to trust in the goodness of the light within all people and to choose to educate and guide, rather than criminalize and control.
13. Decriminalize Nature recognizes that certain plants and fungi species are currently threatened or becoming increasingly threatened in their native habitat. We understand the very human reaction to become fearful and to try to control human behavior by continuing with policies which criminalize certain activities. But if we have learned anything from the War on Drugs, it should be that humans will rebel from command-and-control approaches which seek to force their behaviors. But, on the other hand, humans thrive when they are treated with respect, inclusivity, and offered the generous gifts of guidance and education, especially from people they respect and admire.
14. Therefore, Decriminalize Nature encourages all people to explore what it means to live from the indigenous worldview, with compassion for, and in cooperation with, all of humanity and with the Great Mother; and to move away from fear-based policies of punishment and control and to move toward policies of education, guidance, and support, especially as they pertain to our sacred plant and fungi medicines.



DN National Board Statement on Peyote Conservation

For Public Circulation

Decriminalize Nature Releases Working Plan to Prevent Peyote Extinction

Policy recommendations designed to prevent extinction of Peyote, honor Indigenous rights

May 6, 2021--Under increasing threats from mining, agribusiness, land development, ecotourism and poaching in the United States and Mexico, the survival of the revered medicinal and mystical peyote cactus has reached a critical tipping point. A broad spectrum of scientists, including those at the Cactus Conservation Institute (CCI), now acknowledge that it is only a matter of time before this slow-growing cactus ascends to the top of the list as an endangered species that will soon become extinct in its natural habitat unless strategies for its protection and regeneration are immediately implemented.

In a recent analysis conducted by CCI (a non-profit organization which has been studying ways to preserve and protect the wild habitat of endangered cacti, including peyote, in the deserts of the southern US and northern Mexico), CCI concluded that up to 261 green houses would be needed to meet the increasing demand for peyote for use by the more than 500,000 current estimated members of the Native American Churches in the United States.

<https://cactusconservation.org/2021/03/26/number-of-greenhouses-required-to-grow-a-million-peyote/>

Many of the millions of peyote plants collected each year to serve this growing demand are being harvested from wild habitats in both the US and Mexico, thus increasing the imminent threat of extinction in the endemic growing regions. Because the growing cycle of peyote in its natural habitat can take 7-12 years to mature into a size large enough for harvesting, immediate action is needed to plant enough seeds to rehabilitate depleted areas and create many more cultivation sites to satisfy the demand in due time.

Decriminalize Nature's National Board thus strongly recommends the following to prevent the extinction of peyote in its natural habitat and ensure its long-term survival. DN offers this as a working plan, and is soliciting feedback from others concerned about depletion of peyote in its natural habitats.

Decriminalize Nature Policy Position:

1. Cultivation of Peyote by members of Federally Recognized Tribes and Native American Churches should be immediately decriminalized and removed from DEA oversight and regulations, increasing the ability of tribes and churches to choose this means of decreasing demand on the limited natural habitats.
2. Decriminalization of Peyote for personal cultivation for non-Indigenous should occur immediately to reduce the demand for the cacti that are extracted from Indigenous sources and habitats for the peyote trade.
3. Peyote in its natural habitat should be available only for Indigenous communities and poaching should continue to be penalized.

Decriminalize Nature's Rationale and Working Position for Peyote Conservation

Whereas, indigenous people of the United States and Mexico have suffered from persecution of their spiritual ceremonies for over 400 years, and

Whereas, the Wixarika and Rarmuri, of what is today known as Mexico, have had a direct cultural relationship with Peyote for at least 5,000 years, and

Whereas, Peyote has been used by indigenous peoples of the United States in the area now known as the southern border of the United States for hundreds, if not thousands, of years, and

Whereas, there has long been an alliance in the Americas between those known as the Wixarika of modern day Mexico, and the indigenous people of what is now known as the southern United States in sharing of Peyote ceremony, and

Whereas, the lands and peyote gardens of the Wixarika are under severe threat from mining, agribusiness, land development, and legal and illegal poaching of Peyote, and

Whereas, the natural Peyote habitats of southern Texas are also under threat from land development, grazing, and legal illegal poaching of peyote, and

Whereas, it is estimated that up to 500,000 members of the Native American Church use peyote at least once a year, creating an intense pressure to cultivate peyote to meet demand that far outpaces available supply, and

Whereas, in 2020, peyote consumption was decriminalized in Oregon via Measure 110, causing greater threat to the sacred plant, and

Whereas, an analysis by the Cactus Conservation Initiative found that as many as 261 large peyote growing greenhouses are needed immediately to prevent wild peyote from going extinct;

Now Therefore,

Be it Resolved that Decriminalize Nature advocates that *Cultivation* of Peyote by members of Federally Recognized Tribes and Native American Churches should be immediately decriminalized and removed from DEA oversight and regulations, increasing the ability of tribes and churches to choose this means of decreasing demand on the limited natural habitats.

Be it Further Resolved that decriminalization of Peyote for personal *cultivation* for non-Indigenous should occur immediately to reduce the demand for the cacti that are extracted from Indigenous sources and habitats for the peyote trade.

Be it Further Resolved that Peyote in its natural habitat should be available only for Indigenous communities and poaching should continue to be penalized.

October 12, 2022

Dear Members of the 24th Navajo Nation Council,

RE: Legislation #0149-22 Titled: “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 respectfully submit this letter to you for your consideration.

My name is Angelica “Aikutzi” Valadez, I am 44 years old, and I serve as a board member of Decriminalize Nature. My father is a Wixarika and my mother is Caucasian, and both of them live in Mexico full time, where our family has strong ties to the communities and cultural traditions of the Wixarika people in Nayarit and Jalisco. I reside in both Mexico and in the Bay Area in California.

In the Wixarika language my name, “Aikutzi”, means the “sacred gourd bowls” that are used to contain the ceremonial liquid offerings that we use to anoint objects on our altars. The liquids contained in these vessels include such things as the holy water collected at the ocean and sacred springs, blue cornmeal mixed with water, chocolate water, and the blood of animals that have been sacrificed in order to anoint the offerings we take to various sacred locations. These bowls are especially important in the peyote ceremonies because they contain the sacramental peyote water that people in attendance are given by the shamans to drink from during the ancient rituals. I often think of myself as a human Aikutzi, holding the prayers of all of humanity for the future of our beloved Mother Earth and all of her inhabitants.

I have participated in peyote rituals all of my life and have a deep understanding of the vital role of this sacred medicine in Wixarika spirituality, history and traditions. Many of my relatives are shamans and elders who dedicate their lives to being the tradition keepers and passing the sacred knowledge, stories and practices to each generation. A huge part of passing down the knowledge is centered on the long journeys our people make from their mountain homeland to “Wirikuta”, the distant peyote lands, as they continue to follow the path our ancestors charted out for us.

Over the years that I have made this journey to the peyote desert, I have witnessed a shocking decline of peyote in the wilderness due to many factors, including, among other things, the destruction of the habitat by mining companies and building of agro-industrial complexes. Huge areas of the regions that were once abundant are now fenced off, plowed under, and gone without a trace. We shed tears of despair and hopelessness as we watch the destruction of our sacred sites being plundered and consider the real possibility that the extinction of peyote goes hand in hand with the extinction of the Wixarika people and our age-old traditions.

After discussing this horrible scenario with Wixárika guardians who have actually been commissioned to live in this region in order to “protect” the peyote lands, I have come to the conclusion that the biggest threat to the survival of our medicine is the ransacking of these

sacred lands by tourists, poachers and black-market dealers. The people who are engaged in these plundering activities include some of the non-Wixarika landowners in the region, and unethical individuals from the US and all over the world who are attempting to make money by selling peyote for huge sums of money once it becomes scarce. It is disheartening to know that some of the people involved also include unconscionable Wixarika individuals who are enriching themselves by pillaging countless numbers of this sacred cactus to sell to, among others, peyote using churches in the USA. These individuals oppose the decriminalization of cultivation in order to convert our sacred medicine into a scarce commodity.

So yes, we shed tears as others profit off the sale of this precious cactus and in doing so are destroying all that we hold sacred. As we all know, the profit motive has led people to justify their values, or lack of them, and in this case, they just don't care how their actions are devastating our lives and culture. That is why I am writing you this letter. Time is running out and solutions must be implemented to thwart the extinction scenario that is looming over our revered plant medicine and strikes at the heart of our survival as an ancient tribe in the modern world.

One of the solutions is to decriminalize the cultivation of peyote in the USA, so that anyone can have access to it without inflicting further harm to the fragile ecosystems where it grows in the wild. Not only decriminalize cultivation for anyone who seeks the knowledge and healing from this venerated plant, but encourage all peyote churches in the USA and Mexico to unify, cooperate and share resources with one another in order to provide their practitioners with an abundant supply that they grow themselves. At the same time, individuals and churches can be providing seeds and plants that can be transplanted back into the depleted regions in the wild in order to replenish what has been desecrated and restore equilibrium to the endemic wild regions.

Decriminalization will also mean that people such as me, descended from Mexican peyotl people, will not go to prison for practicing our religion in the USA. I fail to understand why indigenous peyote-using people in the US would discriminate against us and be ok with the original peyotl people going to jail for practicing our ancient religious practices north of the border.

At this critical tipping point when peyote is in such danger of being lost, we must unify and move forward with a comprehensive plan to ensure its survival in the wilderness and do everything possible to end the controversy surrounding who "owns" peyote, and who is entitled to use it. This controversy is furthering the extinction of peyote, instead of unifying to protect it. There are many shamans in my Wixarika family, and they agree that "peyote can heal all peoples, everyone needs healing". On many occasions my family helps everyone, even if they are not from our tribe. Again, in my opinion based on what peyote has taught me and my family, the only ones who own peyote are the Creators, who bestowed humanity with this magnificent gift to allow us all to have access, not jail time, to its important messages to guide humankind to a state of higher awareness as custodians of nature. We are all contained in the

Aiktuzi of our beautiful blue planet, and all peyote practitioners must join together in a concerted effort to assume the responsibility of protecting it from harm's way before it is too late.

Thank you for considering my point of view.

Sincerely,

A handwritten signature in black ink, reading "Angelica Aikutzi Valadez". The signature is fluid and cursive, with a large, stylized initial 'A'.

Angelica Aikutzi Valadez

angelicavaladez@hotmail.com

Cultivation as a conservation tool for cacti: review of the botanical evidence and a case study of *Lophophora williamsii*

Authors: Ermakova, Anna O., Terry, Martin K., and Trout, Keeper

Source: *Bradleya*, 2022(sp40) : 71-82

Published By: British Cactus and Succulent Society

URL: <https://doi.org/10.25223/brad.sp40.2022.a8>

BioOne Complete (complete.BioOne.org) is a full-text database of 200 subscribed and open-access titles in the biological, ecological, and environmental sciences published by nonprofit societies, associations, museums, institutions, and presses.

Your use of this PDF, the BioOne Complete website, and all posted and associated content indicates your acceptance of BioOne's Terms of Use, available at www.bioone.org/terms-of-use.

Usage of BioOne Complete content is strictly limited to personal, educational, and non - commercial use. Commercial inquiries or rights and permissions requests should be directed to the individual publisher as copyright holder.

BioOne sees sustainable scholarly publishing as an inherently collaborative enterprise connecting authors, nonprofit publishers, academic institutions, research libraries, and research funders in the common goal of maximizing access to critical research.

Cultivation as a conservation tool for cacti: review of the botanical evidence and a case study of *Lophophora williamsii*

Anna O. Ermakova^{1,2}, Martin K. Terry¹ and Keeper Trout^{1,3}

1. Cactus Conservation Institute, 909 East Sul Ross Ave, Alpine, Texas 79830, U.S.A (mkterryaiw@gmail.com) (annapolarfox@gmail.com)
2. Psychedelic Trials Group, Centre for Affective Disorders, Institute of Psychiatry, Psychology and Neuroscience, King's College London, 16 De Crespigny Park, London SE5 8AF, UK.
Corresponding author
3. P.O. Box 233, Boonville, CA 95415, U.S.A. (keepertrout@gmail.com)

Photographs: the authors

Summary: In this article we review the literature, with a focus on cacti, about the role of cultivation in conservation. We examine in detail the case study of *Lophophora williamsii*, the peyote cactus, and present arguments that cultivation is not only a necessary conservation strategy for this particular species but is likely the only viable alternative for long-term survival of this cactus in the wild. Concerns about cultivation, as well as recommendations and conservation implications are also discussed.

Zusammenfassung: In diesem Artikel geben wir einen Literaturüberblick zur Rolle der Kultur im Artenschutz, wobei wir uns auf Kakteen konzentrieren. Wir befassen uns eingehend mit dem Fallbeispiel von *Lophophora williamsii*, dem Peyote-Kaktus, und präsentieren Argumente dafür, dass die Kultivierung nicht nur eine notwendige Erhaltungsstrategie für diese spezielle Art ist, sondern wahrscheinlich auch die einzige praktikable Alternative für das langfristige Überleben dieses Kaktus in der freien Natur. Bedenken gegen die Kultivierung sowie Empfehlungen und Auswirkungen auf die Erhaltung werden ebenfalls erörtert.

Keywords: *Lophophora williamsii*, peyote, Cactaceae, cactus conservation, plant cultivation, *ex situ* conservation

Cultivation for conservation – review of the literature

The cacti are a culturally significant group, with diverse uses spanning from ornamental plants to medicine and food. Collection of wild plants for such purposes has led to conservation concerns,

and recent global conservation assessment of the whole taxon Cactaceae has concluded that many of these charismatic plants are threatened with extinction. The authors evaluated 1,478 cactus species (out of 1,480 total species – although there are ongoing debates about how the exact number of species should be determined) against the IUCN Red List Categories and Criteria and concluded that 31% of these species are threatened (Goettsch et al., 2015). Amongst the identified drivers of extinction risk, by far the largest is the unscrupulous collection of live plants for the horticultural trade and for private ornamental collections (affecting 47% of threatened cacti) followed by smaller impact from livestock ranching (31%) and agriculture (24%).

Despite the inclusion of the whole family (with only several exceptions) in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), trade in cactus species takes place at both the national and international levels, and it is often illegal (Sajeva et al., 2013). The availability of plants grown from seed in international markets plays a crucial role in whether plants are collected in the wild or not. Although many species are cultivated and techniques of species propagation have been developed (Anderson, 2001), illegal collecting is still a significant threat (Oldfield, 1997; Robbins & Luna, 2003), with 86% of threatened cacti being collected from the wild (Goettsch et al., 2015).

Population evaluation and demographic studies are the best ways to determine the conservation status of cactus species, which then should be followed by specific conservation plans for preservation of species and their habitats *in situ*. However, in practise, comprehensive demographic

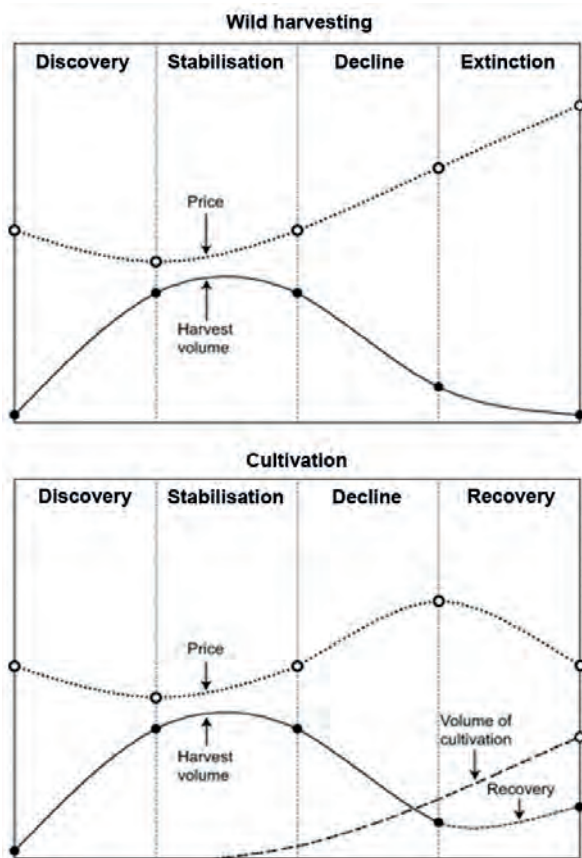


Figure 1. Price and harvest volume variation in the transition from wild-harvesting to cultivation of medicinal plants. As wild resources decline with over-harvesting, the price of raw material increases accordingly. Therefore, cultivation becomes feasible for resource recovery of medicinal plants. Figure from Chen et al., (2016).

assessments and conservation plans are scarce in the regions of cacti biodiversity hotspots, and so is the establishment of comprehensive protected areas (Ortega-Baes & Godínez-Alvarez, 2006). *Ex situ* conservation complements this by protecting and maintaining genetic resources of endemic, endangered and culturally and economically important species outside their natural habitat. Seed banks and botanical gardens are the most common *ex situ* strategies for plant conservation. Additionally, because cacti are particularly popular among plant collectors and horticulturalists, one should not underestimate the protection that existing cactus collections and nurseries can provide from looting wild cacti (Santos-Díaz et al., 2010). The logic behind this is that propagating plants that are a valuable resource (and have considerable demand) reduces the

likelihood that these species would be extracted from the wild, as well increasing potential for re-population and restoration of native habitats. Additional benefits include increasing awareness about endangered species. It could possibly even provide a source of funding to supplement endangered plant conservation (Shirey et al., 2013). When commercial and private cacti nurseries are not able to satisfy the demand (or when there are other restrictions on sales), then consumers would purchase cacti plundered from their natural environment, often via unregulated black markets. A relevant report by TRAFFIC about the trade in the cacti from Chihuahuan desert recommends monitoring the cactus trade better, strengthening protection for species under the most pressure, and developing community-based programmes to harvest common species and commercially cultivate slow-growing species (Robbins & Luna, 2003). When it comes to trade in cultivated plants, regulation is the key – after all, one needs to ensure that the plants do indeed come from nurseries and are not plundered from the wild. Slow-growing plants like cacti are vulnerable to wild collection as it is easy to get an old, larger plant, and black-market dynamics fuel this.

Ex situ conservation works in practice, not just in theory. For example, Pulido et al. (2013) analysed the effect of nurseries on cactus conservation and evaluated whether nurseries have been able to decrease illicit removal of cacti in the Barranca de Metztitlán Biosphere Reserve in Mexico. The authors conclude that the nurseries have helped decrease illegal traffic in cacti and have enabled *ex situ* conservation of twenty-two cacti species, changing cactus management by the local communities from extraction to cultivation (Pulido & Cuevas-Cardona, 2013).

Cultivation is particularly important for protection of plants that have medicinal, cultural or economic value. The assertion that cultivation relieves harvesting pressure on rare and threatened medicinal plants is well supported by the conservation evidence (Figure 1). If a plant is freely available in culture, there is less demand for wild plants. Multiple recommendations and guidelines on protecting threatened wild species of medicinal value emphasise the need for the species in question to be brought under cultivation (Lambert et al., 1997; Schippmann et al., 2002). Such production through cultivation can reduce the pressure on wild plant populations, while ensuring continuous supply for those who require a given plant. Moreover, cultivation allows for the seeds to be conserved and stored in seed banks for

future replanting or exchange of genetic material with other growers (Hamilton, 2004; Havens et al., 2006).

Hoodia gordonii (Masson) Sweet ex Decne., a South African succulent, provides an example of a culturally significant plant and the issues involved with its protection, regulation, and ensuring respect of the indigenous rights (in this case the San people) (Wynberg & Chennells, 2009). Another example, in North America, is the case of American ginseng (*Panax quinquefolius* L.), which has been overharvested in the wild, yet successful cultivation programs and other human interventions allowed recovery of the wild populations (McGraw et al., 2013).

One caveat here is that conservation in the 'real world' (outside the confines of strict nature reserves or academic ivory towers) is a multi-disciplinary challenge. Evidence-based approaches to conservation have been recommended (Sutherland et al., 2004), but they are often difficult to apply in practise, a phenomenon termed 'research-implementation gap' (Toomey et al., 2017). Although lack of access to the information is often cited as the reason for the 'gap', there are plenty of other reasons for its existence. Much diplomacy is needed to navigate conflicting values, belief systems and trust issues between different stakeholders. Yet, Nobel-prize winning economist Elinor Ostrom's work demonstrates that multilevel, distributed decision authority is often more effective than top-down approaches at managing resources in complex social-ecological systems (Ostrom, 2015). In other words, to be effective, conservation interventions must emerge from the dialogues with all the major stakeholders, most importantly native peoples and local communities. More inclusive, decentralised decision-making processes, including community-based conservation and co-management, are more desirable and effective in the long-term in socio-ecosystems (Decker et al., 2016). Unless proposed solutions are culturally and socially acceptable, no amount of conservation evidence is going to lead to their implementation.

Scholars have convincingly shown that empirical evidence is only one factor (and often a minor one) influencing decision-making and change (Pielke, 2007; Owens, 2012). Research in psychology, policy making, and effective communication demonstrates that 'facts' are not perceived in the same way by different publics, but rather are altered through existing beliefs, mental models, experiences, and concerns (Nisbet & Scheufele, 2009; Newell et al., 2014). Pre-existing belief systems may even be able to

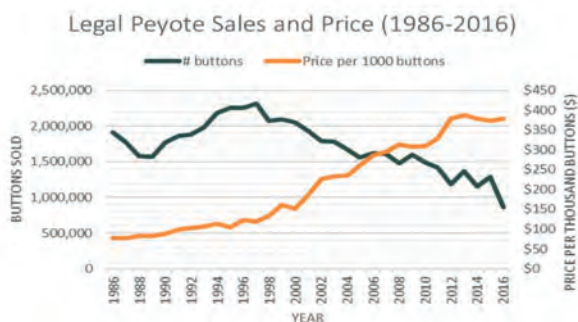


Figure 2. Legal peyote trade data, from Texas Department of Public Safety. One can easily see similarity with the graph depicting wild harvesting in figure 1. The current situation with peyote is that supply is going down (there are less and less plants available to harvest, and the size of individual plants is smaller). The prices are going up, and demand increases, due to increase in the number of members of the NAC.

preclude the evaluation of facts and observations that are in conflict with those beliefs. The progress in conservation science, with its 'wicked problems' of biodiversity loss and climate change, are often halted by the debates and disagreements fuelled by conflicting values and world-views on social justice, economics, and natural resource use. Often, far from resolving discord, scientific information polarises debates around these issues even further (Pielke, 2007; Nisbet & Scheufele, 2009). Yet, as scientists we believe it is important to have a balanced conversation, and our role in it is to provide critical evidence synthesis and evaluation, ensuring that accurate information can be available to help others make their own informed decisions.

Recently there has been a controversy over the cultivation of *Lophophora williamsii* (Lem. ex Salm Dyck) J.M.Coult., or peyote, accompanied by some misleading assertions as to how cultivation potentially affects rare and endangered plants. Cultivation has been successfully used as a conservation tool for the plants that are traditionally harvested from the wild. Seedlings can be grown up to a certain age, and are later re-planted back into their natural habitat, ensured better survival than directly using seeds for re-population efforts, as was successfully implemented with endangered star cactus, *Astrophytum asterias* (Zucc.) Lem, (Birnbaum et al., 2011). Additionally, cultivation can prevent environmental degradation and loss of genetic diversity in the wild. Increased cultivation contributes to decreases in the harvest volume of wild medicinal plants and benefits the recovery of their wild resources (Hamilton, 2004; Schippmann et al., 2005; Larsen & Olsen, 2007).



Figure 3. *Lophophora williamsii*. A – Peyote with flower, B – Peyote plancha, C – Peyote in cultivation in Czech Republic, D – Heavily tufted variety of peyote with fruit.

Below we examine the case study of *Lophophora williamsii* and present arguments that cultivation is not only necessary conservation strategy for this particular species but is likely the only viable alternative for long-term survival of this cactus in the wild. While we aren't telling anyone what to do or not do regarding their own cultivation or their religious practices, we offer our view of the peyote's present state and its future.

Introducing *Lophophora williamsii*

Lophophora williamsii is a small, spineless cactus native to Chihuahuan Desert and Tamaulipan thornscrub ecosystems. It is endemic to Mexico and small parts of south and west Texas. This cactus is blue-green (or reddish-green when

stressed), globose in shape and is 2–6cm high and 4–12cm in diameter. Areoles are rounded and are 0.9–1.5cm apart. These cacti have 5–13 ribs which are easily countable (Figure 2). The number of ribs increases with age. From the cusp areoles arises a tuft of soft, whitish woolly hairs. Spines are absent. The growth rate is very slow, and it takes about ten years in the wild for the plant to mature from seed. The flowers of *L. williamsii* are pink and are found on top of the crown. Peyote flowers March–September (Rojas-Aréchiga & Flores, 2016). The fruit is an edible red or pink berry that contains many oval, black-brown, medium-sized seeds (Šnicher et al., 2009). It is a resilient plant species occurring within a wide range of soil types and environmental extremes.

It is hardly to a surprising degree of heat and drought or cold and wet and naturally tends to form populations that can be impressively dense. Individual plants can live to an immense age, and they can form mounded clusters, referred to as planchas, that can span a metre with dozens of crowns. It has become relatively rare to encounter such individuals or populations. Reproduction can be both sexual and asexual. No studies have examined pollination and seed dispersal in the wild populations. Vegetative reproduction is triggered in response to damage to the crown, such as herbivory or harvesting the crown. Therefore, when harvesting it is important to only cut the green part of the plant and leave stem and root in the ground to re-grow more plants (Terry & Mauseth, 2006).

Peyote can rightly be considered a 'cultural keystone species', i.e. a species of exceptional significance, that can influence social systems and culture and are a key feature of a community's identity (Garibaldi & Turner, 2004). It is a medicine and sacrament for several indigenous groups in Mexico and a growing number of the members of the Native American Church in the USA and Canada. The Diné roadman Steven Benally recently estimated that there are presently 400,000 NAC members (Pollan, 2021). Besides its cultural significance, *Lophophora williamsii* are perennial, slow-growing and long-lived, making them particularly sensitive to anthropogenic activities.

According to the IUCN Red List of Threatened Species it is vulnerable (although it should be added that the data on its distribution and occurrence across the entire species range is deficient), with the major threats being habitat loss and over-harvesting (IUCN, 2017). Studies on peyote's ecology, species distribution, population densities and occurrence across the entire species range are rare (Rojas-Aréchiga & Flores, 2016; Ermakova et al., 2021). The potential effects of climate change on peyote have never been evaluated. In Mexico, peyote is considered a species under special protection (NORMA SEMANART, 2010, an acronym for Secretaría del Medio Ambiente y Recursos Naturales – Natural Resources and Environmental Ministry), and in Texas it is considered imperilled (threatened) (NatureServe, 2020). Therefore, approaches for cultivation, sustainable harvesting, and mitigation measures resulting from habitat loss should be developed for the conservation of this species.

Threats to peyote in the USA and Mexico

The biggest threat to peyote in Texas, by far, has been the change in the use of the land. Tamaulipan

thornscrub, the native brushland where it grows, is still being rapidly cleared to make way for urban development, agriculture, 'improved' pastures, and oil, gas and wind energy infrastructures. The second largest pressure on wild populations is over-harvesting for the use of the Native American Church. In Texas, approximately 1,000,000 peyote crowns are sold annually by the licensed distributors to the NAC (see Figure 3) (IPCI, 2021),

The reality of the peyote populations left in Texas is dire. Many populations have been overharvested for many years, and shortages of peyote have been noted since the 1980s (Stewart, 1987). Some populations have even been eradicated in this process. The conversion of land continues to this day accompanied by bulldozers removing entire populations of peyote in South Texas along with the brush (Anderson, 1996; Trout & Terry, 2016; Ermakova et al., 2021) and a visual representation by Santore (2019, 2020). Any observer with on-the-ground familiarity is aware that peyote populations in Texas are insufficient to sustain harvesting pressures for very many more years. To offset this, Mexican peyote has long been viewed as the answer (Maroukis, 2012) but to accomplish this legally would be impossible due to CITES, NOM-SEMARNAT-2010 and North American Free-Trade Agreement which prohibits exportation/importation of illegal items (Muneta, 2020). Yet, it is increasingly likely that the Mexican peyote is filling the shortfall that wild harvested Texas peyote can no longer fulfill, although for obvious reasons there is no research on this topic, and there are only anecdotal reports to support this belief (Donovan 2009; Najera Quezada, 2013). Mexico holds vastly larger peyote populations than Texas, but Mexico also has its own peyote using groups (for example Wixárika, Rarámuri, Cora) who rely on Mexican peyote. Moreover, the arid areas of Mexico are undergoing many of the same anthropogenic pressures, including land use and climate change, with additional impacts that peyote there is found on common land, and it is a lot easier to harvest it there compared with Texas, where the more are on private land.

While systematic data about peyote populations, harvesting pressure and rates of poaching is unavailable for most of Mexico (Mandujano et al., 2020), the state of San Luis Potosi is somewhat better researched than others. This place is not only one of the hotspots for diversity and density of distribution of threatened cacti (Ortega-Baes & Godínez-Alvarez, 2006; Santos-Díaz et al., 2010) but is also a sacred land of immense cultural significance to the Wixárika (Huichol) people, one of the indigenous groups whose culture

is inextricably linked to peyote cactus. Nájera Quezada monitored seventy transect sites within the Chihuahuan desert in a four-year study. Fifty out of seventy sites showed more than 40% reduction in the number of peyote cacti over the course of the study (Quezada, 2018). Several threats to peyote and the desert ecosystem in the sacred land of the Wixárika have been documented. Although the biggest mining threat has been halted after extensive campaigns and court case(s) (Boni et al., 2015; Hollander, 2017), it was replaced by an aggressive expansion of agrobusinesses with associated use and disposal of pesticides, fertilisers and waste (Negrín, 2021). Another is continuing extraction, although what proportion goes for the use in folk medicine, smuggling abroad to the USA and elsewhere, or for the local 'psychedelic tourism' is unknown. Peyote in Mexico is not infrequently used in folk medicine and is a well-known additive to the topical analgesic ointments, so-called *pomadas de peyote*. They are commonly sold in the local markets, although how much peyote, if any, they contain remains an open question (LeBlanc et al., 2021). In addition, peyote tourism continues to be a serious issue in Mexico (in contrast with Texas) for several reasons, including cultural associations (e.g. Mexico's strong association with psychoactive medicine traditions), lack of enforcement, relative ease of getting peyote and its availability, a variety of contexts in which one can obtain peyote – from all-inclusive weekend retreats with 'shamans' of various degrees of authenticity, to pick-it-yourself desert safaris and buying it in the local markets.

Peyote cultivation

One solution that may become more acceptable in the future is cultivation. Cultivation has long been a cornerstone of successful conservation and repopulation efforts. In the case of peyote, Omer Stewart suggested cultivation as a viable path to ensure peyote's future survival as long ago as 1987. It was also presented as a prominent element in Muneta's evaluation of the peyote crisis (Muneta, 2020).

Three aspects of cultivation can be identified, although the distinction between them is not always clear cut. First, cultivation is an important *ex situ* conservation tool, which can protect genetic diversity and aid re-population efforts. Second, cultivation by and for consumption by the NAC should – at least in theory – offer some degree of peyote self-sufficiency in terms of the number and average size of peyote crowns actually purchased from the DEA-licensed peyote distributors. Home-grown peyote would logically also be expected to

afford Native American peyoteros some degree of protection from the ongoing general peyote shortage, thus enabling some continuation of the supply of this sacrament/medicine for future generations. Third, small nurseries and individuals can make an important contribution for the conservation by propagating cacti while maintaining genetic diversity and keeping track of locality data, sharing knowledge, and establishing protocols for better propagation and germination. Cactus collectors and those who are interested in this plant for its psychoactive properties, whether for recreational or healing purposes, could also be considered a harm-reduction measure, protecting wild-grown cacti from people who would otherwise collect it in the wild.

Peyote in horticulture

We have previously provided an in-depth critical analysis of peyote regulation in the USA (Terry & Trout, 2017b). In brief, the peyote plant (and not just its psychoactive alkaloid, mescaline) is considered a Schedule I drug (Congress, 1970). However, in many countries around the world, peyote is not illegal as an ornamental cactus, and it is freely available to grow (as long as it is not for consumption).

We do not actually know when peyote entered Western horticulture, but it has been known as an ornamental plant cultivated and offered in commerce in Europe for almost 180 years (Cels, 1842, 1845). We only know that the first peyote specimen to be formally described in 1845 (Lemaire, 1845) was a specimen acquired from a cactus grower in England, and that peyote soon became a popular cactus in many European nations. Commercial growers in Europe were offering European-produced peyote by the 1930s. (Haage, 1927; Jahandiez & Jahandiez, 1934). It can be found offered as an ornamental plant in the USA for around 130 years.

It is an easy plant to grow as it propagates readily via divisions, and it is an easy cactus to produce from seed (Trout, 2014). Seeds collected from the plant can be stored for years under appropriate conditions (Mandujano et al., 2020). Published germination and growth protocols for *L. williamsii* are available (Cortés-Olmos et al., 2018), as well as informal advice on growing can be found on the Internet (Valente, 2008). Due to this, large numbers of peyote presently exist in both European and Asian horticulture. It is openly grown where it is legal to possess, and it is kept out of sight where it is not, but it has always been a very popular cactus among ornamental cactus growers. In fact, a curious phenomenon can be

observed in peyote horticulture: peyote can grow to be older than its growers. A friend in Germany purchased a peyote specimen from an elderly grower who had been growing it for forty-five years. After a person has been growing a plant for decades, the idea of harming it or eating it is in most cases abhorrent.

In Asia, cactus-lovers grow peyote plants with unusual physical characteristics; monstrous, variegated, heavily tufted or otherwise different cultivars. In contrast with the collection of novel forms, one interesting aspect of European collectors is an obsession with locality data. Looking through a variety of seeds commercially available, one can trace more than a hundred different seeds originating from plants across the native range of peyote. In the Koehres' *Kakteen* listings alone, eighty-seven localities are presently represented (Köhres, 2021). Koehres' approach appears to be typical. He acquires a limited number of seeds and amplifies their growth rate and proliferation of crowns through grafting and division. Those then become his future seed-producing stock. Regrettably, many of the plants now commercially available as artificially propagated cacti in plant nurseries are descendants of seeds or even live plants that were exported from Mexico or Texas by private collectors. However, this means that a potential library of genomes already exists for locality specific re-population, and the collections of these seeds could become potentially invaluable if the populations that they originally came from become depleted or extirpated.

The question arises whether peyote's presence in horticulture where it is legal stimulates wild harvesting on any meaningful scale. As far as we are aware, no scientific study has examined this for peyote, and it would be fascinating to estimate where does peyote offered in the licit and illicit markets come from. However, it seems unlikely that given the choice of legally purchasing a plant or seeds from nursery or cactus collectors someone would go out of their way to obtain cacti on black market or smuggle them across international borders.

There is also no evidence that peyote being legally available in horticulture results in increase in its consumption among growers. Despite peyote being legal to grow in many European countries, it does not feature in the European Drug reports or National Statistics in the UK (EMCDDA, 2021). A study examining the epidemiology of mescaline use (based on 452 English-speaking respondents to a survey) indicates a higher prevalence of peyote use in North America compared with Europe and the rest of the world (Uthaug et al., 2021). Not

presented in this study, but very informative would be to compare rates of peyote use (outside NAC) in Canada (where peyote is legal in horticulture) and USA (where it is Schedule I drug).

A present point pertinent to make, is to distinguish cultivation by hobbyists and cactus-lovers from *ex situ* conservation interventions involving cultivation. On one hand it is possible to find people who believe that having a peyote on a windowsill is somehow part of a conservation program. This holds a grain of truth but only when propagation standards developed for *ex situ* conservation are followed, an example of which would be to keep track of geographic locality records of plant origin. Conversely, the gene pool of species could be adversely impacted through founder effect (cultivation of large number of individuals with limited genetic variability) or hybridisation (Shirey et al., 2013), however any propagation is better than none. To preserve wild species means protecting not individuals but rather entire populations of individuals. To accomplish this, preserving their habitat is a crucial element.

Controversies and objections to cultivation

Cultivation can be a complex subject depending on the vantage point. There is opposition to both cultivation by the NAC and general ease of existing restriction in the USA. In no area is this so pronounced as with conservation efforts involving plants that experience human use for religious purposes or evoking adverse moral judgements due to association with 'drug use'.

Current scheduling of peyote in the USA is a direct example of such moral judgement and direct attempts of the federal and state government to restrict peyote use. It took Native Americans decades of legal struggle and court cases to defend their rights to this medicine and sacrament (Maroukis, 2012). In the USA, the federal standard for the sacramental use of peyote (and likewise for growing it as a cactus) is membership in a federally recognised tribe. Many Church leaders worry that widening these restrictions, such as by allowing people who are not members of federally recognised tribes or proposed decriminalisation measures would endanger their already dwindling supply of peyote (NCNAC and IPCI statement 2020).

There are also concerns about cultural appropriation and commercialisation, involving non-NA using peyote and NAC ceremonies for personal gain and profit. In fact, many NA view the current legislation as protection for wild peyote (Sahagún, 2020).

It is understandable that people who value threatened plants as sacred sacraments might feel that the Peyote way could be threatened by changing current situation, whether it be widening the restriction on cultivation or listing peyote under Endangered Species Act. Likewise, it is understandable how people would want sovereignty over what is perceived as their cultural heritage. After all, given the legacy of exploitation of indigenous peoples, broken treaties and persecution of peyote users specifically, there is mistrust and apprehension when it comes to changing policies, collaborating with scientists or working with governments (Pacheco et al., 2013). However, over the last century the field of conservation biology has evolved to be cognisant, respectful and welcoming to a variety of belief and knowledge systems and welcomes constructive dialogue and diversity of opinions held by a variety of stakeholders (Sodhi & Ehrlich, 2010). In the end, what we could all agree on, is that conservation of sacred medicine plants does involve their long-term survival in the wild as its primary goal. But to succeed at achieving that goal, ensuring perpetual supplies to traditional users, and being good stewards of the land for local communities and ranchers is a requisite part of the program. This makes conservation a practice that is of direct and lasting benefit for everyone.

Obviously, no one has the wisdom or the right to tell other people how to practise their religion. Unrealistic or self-defeating views will find their own resolution with the passing of time.

There are still many people who believe the peyote will take care of its own future, particularly now that conservation efforts have begun. We will remain hopeful this can prove to be the case. Especially as there are efforts by the IPCI underway aimed both at conservation through conscious harvesting practices and cultivation intended for replanting (IPCI, 2021) and some tribes have begun working on legal pathways to construct greenhouses on Indian reservations to cultivate peyote for its NAC members (Muneta, 2020). These activities by IPCI and by the increasing number of NAC groups they are empowering are both exciting and promising.

At the same time there are two elements that are still at work alongside those welcomed developments. One is the fact the largest portion of peyote users are not yet a part of this effort. There is a variety of opinions about cultivation by the NA among different tribes and/or chapters of NAC. Some tribes are decidedly pro cultivation. Some would not be opposed to cultivated peyote but lack resources or capacity to cultivate. Yet

some NAC members reject the very idea of greenhouse cultivation and would only consider wild-grown peyote as suitable for their purposes. Many of these people believe wild peyote will remain available in perpetuity (Prue, 2016; Muneta, 2020; Pollan, 2021). We want to agree but all available evidence suggests it is going to require both considerable conservation efforts and enough time for that to become true. The current reality of the situation is that peyote is declining across its range, both in Texas and Mexico, and cultivation to ensure supply for the NAC is not only logical, but inevitable. Other plants that are used in NAC ceremonies are already cultivated (tobacco, corn, gourds), but a shift in mindset is required for cultivation for and by the NAC to be more widely acceptable solution to peyote crisis.

Anecdotal accounts among NAC members claim that cultivated plants are commonly lower potency than wild ones. This is due to being well treated when in cultivation. Wild plants experience lengthy drought and heat stress every year. Experiencing high summer heat and going most of any given year without rain is typical for South Texas while farther West summer heat and the duration of annual drought are even more extreme. Some populations in West Texas can receive less than an inch of rain per year. Siniscalco reported that six months of drought stress dramatically increased the mescaline content of peyote being grown in Italy so there may be a basis for this belief. However, it appears to be due to growth conditions not simply the fact the peyote was cultivated (Siniscalco, 1983)

Cultivation caveats

The first and foremost caveat with cultivation is that it has to be culturally appropriate and acceptable to the main stakeholders.

The second caveat is that the current legislation makes cultivation, at least in the USA, problematic. But those are not the only obstacles and issues when it comes to cultivation. An obvious one, if we are talking about cultivation to satisfy the supply for the Native American Church, is the sheer scale of greenhouses necessary, and enormous logistical hurdles needed to overcome to grow at least 1,000,000 peyote plants a year of a slow-growing cactus that can take up to ten years to mature (Trout, 2021). Then, going back to the first point about culturally acceptable cultivation, how would these greenhouses operate in practice? Would it be acceptable to use grafting, artificial lighting, selections to increase alkaloid profile, or to employ the use of fertilisers, soil amendments, pesticides, or fungicides? Of course, it is unrealistic

to expect such centralised production of peyote. A more viable solution is for each NAC chapter to cultivate their own peyote locally and chart their own course on how to answer these questions. It is important also to consider funding necessary to set up and operate a cactus greenhouse, with all the associated infrastructure.

What about genetic diversity? If some of the plants from the greenhouses are to be used for repopulation efforts, care should be taken that plants that are replanted back are of the similar genetic lineage, i.e. from the same geographic locality as they are being replanted. When reintroducing plants, using appropriate genetics is very important for success. Plants of the same species which were adapted to another locality may have different levels of tolerance for cold or for wet or for drought. With peyote there is another consideration in that plants from plants of Mexico are different genetically and have been shown to be self-sterile and requiring cross pollination (Terry, 2008). The plants in Texas are known to be self-fertile and can pollinate themselves if necessary. If stock from parts of Mexico is among what is replanted in Texas, this could lead to reduced fertility (or even worse if there is not an appropriate pollinator in South Texas). An additional concern is that re-locating plants and transplanting them to the wild could potentially introduce pests or pathogens and this risk should be taken into account when moving plants (Garbelotto & Pautasso, 2012). There are very clear guidelines for plant reintroductions (IUCN, 2013; Maschinski & Albrecht, 2017) that are important to follow for these efforts to be successful.

Conclusion, recommendations, and conservation implications

Various sets of recommendations have been compiled regarding peyote conservation, including the establishment of systems for species inventorying and status monitoring, and the need for coordinated conservation practices based on both *in situ* and *ex situ* strategies (Ermakova & Terry, 2021), both of which are hampered by current federal and Texas state legislation (Terry & Trout, 2017a). Cultivation is particularly important for protection of those overexploited and endangered plants with slow growth and low abundance, which is exactly the case with peyote.

Although wild-harvested medicinal plants are considered by some people to be more efficacious than those that are cultivated (and there are some very strong cultural beliefs about this too), cultivation is a widely used and generally

accepted practice (Gepts, 2006) that, in our belief, could make a difference between not only survival of peyote in the wild, but also ensure continuing flourishing of traditional practices dependent on it for generations to come. A lot of time, research, resources and experience are needed to set up cultivation projects, but we believe, in the end, that it will prove to be the only viable option to ensure survival of peyote in the wild.

References

- ANDERSON, E.F. (1996) *Peyote: the divine cactus*. Second edition. Tucson, The University of Arizona Press.
- ANDERSON, E.F. (2001) *The cactus family*. Portland, Timber Press.
- BENALLY, S., IRON ROPE, S., LIGHTFOOT, A., TSO, A. & DAVIS, D.D. (2020) Native American Statement Regarding Decriminalization of Peyote. <https://cdn.chacrana.net/wp-content/uploads/2020/03/DecrimStatementNCIPCIOD.pdf>. Accessed 3 January 2022.
- BIRNBAUM, S.J., J.M.POOLE & P.S.WILLIAMSON (2011) Reintroduction of star cactus *Astrophytum asterias* by seed sowing and seedling transplanting, Las Estrellas Preserve, Texas, USA. *Conservation Evidence*, **8**, 43–52.
- BONI, A., GARIBAY, C. & MCCALL, M.K. (2015) Sustainable mining, indigenous rights and conservation: conflict and discourse in Wirikuta/Catorce, San Luis Potosi, Mexico. *GeoJournal*, **80**, 759–780.
- CELS, F. (1842) Echinocacte de Williams. *Annales de flore et de pomone ou journal des jardins et des champs* **10**: 354.
- CELS, F. (1845) Echinocactus williamsii Lem. *Extrait du Catalogue des cultures des Frères Cels, horticulteurs, pépiniéristes, membres de plusieurs sociétés d'horticulture françaises et étrangères, collaborateurs des Annales de Flore et de Pomone, etc.*, Paris, France: **28**. https://books.google.co.uk/books/about/1845_Extrait_du_Catalogue_des_cultures_d.html?id=3qppbFTvWjAC&redir_esc=y. Accessed 2 February 2022.
- CHEN, S.-L., YU, H., LUO, H.-M., WU, Q., LI, C.-F. & STEINMETZ, A. (2016) Conservation and sustainable use of medicinal plants: problems, progress, and prospects. *Chinese Medicine* **11**: 37.
- CONGRESS, U.S.A. (1970) The Controlled Substances Act. <https://www.dea.gov/drug-information/csa>. Accessed 3 January 2022.
- CORTÉS-OLMOS, C., GURREA-YSASI, G., PROHENS, J., RODRÍGUEZ-BURRUEZO, A. & FITA, A. (2018) In

- vitro germination and growth protocols of the ornamental *Lophophora williamsii* (Lem.) Coult. as a tool for protecting endangered wild populations. *Scientia Horticulturae* **237**: 120–127.
- DECKER, D., SMITH, C., FORSTCHEN, A., HARE, D., POMERANZ, E., DOYLE, CAPITMAN, C., ET AL. (2016) Governance principles for wildlife conservation in the 21st century. *Conservation Letters* **9**: 290–295.
- ERMAKOVA, A.O. & TERRY, M.K. (2021) A word in edgewise about the sustainability of Peyote. In B.C. Labate & C. Cavnar (eds.) *Psychedelic Justice: Toward a Diverse and Equitable Psychedelic Culture*. Santa Fe, Synergetic Press: 181–187.
- ERMAKOVA, A.O., WHITING, C.V., TROUT, K., CLUBBE, C., TERRY, M.K. & FOWLER, N. (2021) Densities, plant sizes, and spatial distributions of six wild populations of *Lophophora williamsii* (Cactaceae) in Texas, U.S.A. *Journal of the Botanical Research Institute of Texas* **15**: 149–160.
- EUROPEAN MONITORING CENTRE FOR DRUGS AND DRUG ADDICTION (2021) European Drug Report 2021: Trends and developments. <https://www.emcdda.europa.eu/system/files/publications/13838/TDAT21001ENN.pdf>. Accessed 3 January 2022.
- GARBELOTTO, M. & PAUTASSO, M. (2012) Impacts of exotic forest pathogens on Mediterranean ecosystems: four case studies. *European Journal of Plant Pathology* **133**: 101–116.
- GARIBALDI, A. & TURNER, N. (2004) Ecology and Society: Cultural Keystone Species: Implications for ecological conservation and restoration. *Ecology and society* **9**(3):1. <http://www.ecologyandsociety.org/vol9/iss3/art1/>. Accessed 3 January 2022.
- GEPTS, P. (2006) Plant genetic resources conservation and utilization: The Accomplishments and future of a societal insurance policy. *Crop Science* **46**: 2278–2292.
- GOETTSCH, B., HILTON-TAYLOR, C., CRUZ-PIÑÓN, G., DUFFY, J.P., FRANCES, A., HERNÁNDEZ, H.M., ET AL. (2015) High proportion of cactus species threatened with extinction. *Nature Plants* **1**: 15142.
- GROUPS, T.F. OF THE R. AND I.S.S. (2013) Guidelines for reintroductions and other conservation translocations. International Union for Conservation of Nature.
- HAAGE, F.A. (1927) *Lophophora coulter. Kakteen=Preizeverzeic* **5**.
- HAMILTON, A.C. (2004) Medicinal plants, conservation and livelihoods. *Biodiversity and Conservation* **13**: 1477–1517.
- HAVENS, K., VITT, P., MAUNDER, M., GUERRANT, E.O. & DIXON, K. (2006) Ex Situ Plant Conservation and Beyond. *BioScience* **56**: 525–531.
- HOLLANDER, K. (2017) Battle in the Mexican desert: silver mining against peyote and indigenous spirituality. *Ecologist*. <https://theecologist.org/2017/may/30/battle-mexican-desert-silver-mining-against-peyote-and-indigenous-spirituality>. Accessed 2 February 2022.
- INDIGENOUS PEYOTE CONSERVATION INITIATIVE (2022). <https://www.ipci.life/>. Accessed 2 January 2022.
- JAHANDIEZ, A. & JAHANDIEZ, E. (1934) *Echinocactus williamsii*. *Culture Spéciales Cactées Plantes Grasses*: 5–18. CARQUEIRANNE FRANCE
- KÖHRES, G. (2021) *Lophophora* Koehres-Kakteen Online Shop. https://www.kaktus-koehres.de/shop/Cactus-seeds/Lophophora-1_364-3.html. Accessed 3 January 2022.
- LAMBERT, J., SRIVASTAVA, J. & VIETMEYER, N. (1997) *Medicinal plants: rescuing a global heritage*. Washington, World Bank Publications.
- LARSEN, H.O. & OLSEN, C.S. (2007) Unsustainable collection and unfair trade? Uncovering and assessing assumptions regarding Central Himalayan medicinal plant conservation. *Biodiversity and Conservation* **16**: 1679–1697.
- LEBLANC, R., SILVA, S.D. & TERRY, M. (2021) Analysis of over-the-counter analgesics purported to contain mescaline from the peyote cactus (*Lophophora williamsii*: Cactaceae). *Journal of the Botanical Research Institute of Texas* **15**: 125–137.
- LEMAIRE, C.A. (1845) *Echinocactus williamsii*. *Allgemeine Gartenzeitung* **13**: 385–386.
- MANDUJANO, M.C., NARANJO, A.G., ROJAS-ARÉCHIGA, M. & GOLUBOV, J. (2020) Conservation Status, Germination, and Establishment of the Divine Cactus, *Lophophora williamsii* (Lem. ex Salm-Dyck) J.M.Coult., at Cuatro Ciénegas. In M.C. Mandujano, I. Pisanty & L.E. Eguiarte (eds.) *Plant Diversity and Ecology in the Chihuahuan Desert, Emphasis on the Cuatro Ciénegas Basin*: 227–240.
- MAROUKIS, T.C. (2012) *The Peyote road: Religious freedom and the Native American Church*. Norman, University of Oklahoma Press.
- MASCHINSKI, J. & ALBRECHT, M.A. (2017) Center for Plant Conservation's best practice guidelines for the reintroduction of rare plants. *Plant Diversity* **39**: 390–395.
- MCGRAW, J.B., LUBBERS, A.E., VOORT, M.V. DER, MOONEY, E.H., FUREDI, M.A., SOUTHER, S., ET AL. (2013) Ecology and conservation of ginseng (*Panax quinquefolius*) in a changing world. *Annals of the New York Academy of Sciences* **1286**: 62–91.

- MUNETÁ, J.D. (2020) Peyote crisis confronting modern indigenous peoples: the declining peyote population and a demand for conservation. *American Indian Law Journal* **9**(1) Article 6: 134–181.
- NATURESERVE EXPLORER. (2020) *Lophophora williamsii* https://explorer.natureserve.org/Taxon/ELEMENT_GLOBAL.2.139920/Lophophora_williamsii. Accessed 2 January 2022.
- NEGRÍN, D. (2021) Water and power in Wirikuta. *Wixárika Research Center*. <https://www.wixarika.org/water-and-power-wirikuta>. Accessed 2 January 2022.
- NEWELL, B.R., McDONALD, R.I., BREWER, M. & HAYES, B.K. (2014) The psychology of environmental decisions. *Annual Review of Environment and Resources* **39**: 443–467.
- NISBET, M.C. & SCHEUFELE, D.A. (2009) What's next for science communication? Promising directions and lingering distractions. *American Journal of Botany* **96**: 1767–1778.
- OLDFIELD, S. (1997) *Cactus and succulent plants*. Gland, International Union for Conservation of Nature.
- ORTEGA-BAES, P. & GODÍNEZ-ALVAREZ, H. (2006) Global Diversity and Conservation Priorities in the Cactaceae. *Biodiversity and Conservation* **15**: 817–827.
- OSTROM, E. (2015) *Governing the Commons: The evolution of institutions for collective action*. Cambridge, Cambridge University Press.
- OWENS, S. (2012) Experts and the Environment—The UK Royal Commission on environmental pollution 1970–2011. *Journal of Environmental Law* **24**: 1–22.
- PACHECO, C.M., DALEY, S.M., BROWN, T., FILIPPI, M., GREINER, K.A. & DALEY, C.M. (2013) Moving forward: Breaking the cycle of mistrust between American Indians and researchers. *American Journal of Public Health* **103**: 2152–2159.
- PIELKE, R.A. (2007) *The honest broker making sense of science in policy and politics*. Cambridge, Cambridge University Press.
- POLLAN, M. (2021) *This is your mind on plants*. London, Penguin Press.
- PRUE, B. (2016) Protecting the Peyote for Future Generations: Building on a Legacy of Perseverance. In B.C. Labate & C. Cavnar (eds.) *Peyote: History, tradition, politics, and conservation*. Westport, Praeger: 129–151.
- PULIDO, M.T. & CUEVAS-CARDONA, C. (2013) Cactus Nurseries and Conservation in a Biosphere Reserve in Mexico. *Ethnobiology Letters* **4**: 96–104.
- QUEZADA, P.N. (2018) Análisis ecológico de las poblaciones de peyote en el Centro Sur del Desierto Chihuahuense, México – Plantas Sagradas en las Américas.
- ROBBINS, C.S. & LUNA, R.T.B. (2003) *Prickly trade: Trade and conservation of Chihuahuan Desert cacti*. TRAFFIC North America, World Wildlife Fund.
- ROJAS-ARÉCHIGA, M. & FLORES, J. (2016) An overview of cacti and the controversial peyote. In B.C. Labate & C. Cavnar (eds.) *Peyote: history, tradition, politics, and conservation*. Westport, Praeger: 21–43.
- SAHAGÚN, L. (2020) Why are some Native Americans fighting efforts to decriminalize peyote? *Los Angeles Times* 29 March 2020. <https://www.latimes.com/environment/story/2020-03-29/native-americans-want-mind-bending-peyote-cactus-removed-from-efforts-to-decriminalize-psychedelic-plants>. Accessed 3 January 2022.
- SAJEVA, M., AUGUGLIARO, C., SMITH, M.J. & ODDO, E. (2013) Regulating Internet trade in CITES species. *Conservation Biology* **27**: 429–430.
- SANTORE, J. (2019) (#158) Star cactus, Mall security guards, and the plant that did time in police lock-up. <https://youtu.be/y4yHbM9w4BI>. Accessed 3 January 2022.
- SANTORE, J. (2020) Cactus conservation in South Texas. <https://youtu.be/0wC5TJ67mSo>. Accessed 3 January 2022.
- SANTOS-DÍAZ, M.S., PÉREZ-MOLPHE, E., RAMÍREZ-MALAGÓN, R., NÚÑEZ-PALENIUS, H.G. & OCHOA-ALEJO, N. (2010) Mexican threatened cacti: Current status and strategies for their conservation. In G.H. Tepper *Species diversity and extinction*. Nova Science Publishers: 1–60.
- SCHIPPMANN, U., LEAMAN, D.J., CUNNINGHAM, A.B. & WALTER, S. (2003) Impact of cultivation and collection on the conservation of medicinal plants: global trends and issues. In ISHS Acta Horticulturae 676: III WOCMAP Congress on Medicinal and Aromatic Plants **2**: 31–44.
- SCHIPPMANN, U., LEAMAN, D.J. & CUNNINGHAM, A.B. (2002) Impact of cultivation and gathering of medicinal plants on biodiversity: Global trends and issues. Rome, FAO.
- SHIREY, P.D., KUNYCKY, B.N., CHALONER, D.T., BRUESEKE, M.A. & LAMBERTI, G.A. (2013) Commercial trade of federally listed threatened and endangered plants in the United States. *Conservation Letters* **6**: 300–316.
- SINISCALCO, G. (1983) La mescaline in *Lophophora* Coult. in altre Cactaceae. *Bolletino Chimico Farmaceutico* **122**: 499–504.
- ŠNICHÉ, J., BOHATA, J. & MYSÁK, V. (2009) The littlest *Lophophora*. *Cactus and Succulent Journal* **81**: 294–300.
- SODHI, N.S. & EHRLICH, P.R. (2010) *Conservation*

- biology for all*. Oxford, Oxford Scholarship Online.
- STEWART, O.C. (1987) *Peyote religion: A history*. Norman, University of Oklahoma Press.
- SUTHERLAND, W.J., PULLIN, A.S., DOLMAN, P.M. & KNIGHT, T.M. (2004) The need for evidence-based conservation. *Trends in Ecology and Evolution* **19**: 305–308.
- TERRY, M. (2017) *Lophophora williamsii* (amended version of 2013 assessment). The IUCN Red List of threatened species 2017: e.T151962A121515326. <https://www.iucnredlist.org/species/151962/121515326>. Accessed 2 January 2022.
- TERRY, M. & MAUSETH, J.D. (2006) Root-shoot anatomy and post-harvest vegetative clonal development in *Lophophora williamsii* (Cactaceae: Cactaceae): implications for conservation. *SIDA, Contributions to Botany* **22**: 565–592.
- TERRY, M. & TROUT, K. (2017) Regulation of peyote (*Lophophora williamsii*: Cactaceae) in the U.S.A: A historical victory of religion and politics over science and medicine. *Journal of the Botanical Research Institute of Texas* **11**: 147–156.
- TERRY, M.K. (2008) Stalking the wild *Lophophora*. *Cactus and Succulent Journal*, **80**., 222–228.
- TERRY, M.K. & TROUT, K. (2017) Regulation of peyote (*Lophophora williamsii*: Cactaceae) in the U.S.A.: A historical victory of religion and politics over science and medicine. *Journal of the Botanical Research Institute of Texas* **11**: 147–156.
- TOOMEY, A.H., KNIGHT, A.T. & BARLOW, J. (2017) Navigating the Space between research and implementation in conservation. *Conservation Letters* **10**: 619–625.
- TROUT, K. (2014) *The cultivation and propagation of cacti*. Austin, Better Days Publishing.
- TROUT, K. (2021) Number of greenhouses required to grow a million peyote. *Cactus Conservation Institute*. <https://cactusconservation.org/2021/03/26/number-of-greenhouses-required-to-grow-a-million-peyote/>. Accessed 3 January 2022.
- TROUT, K. & TERRY, M. (2016) Decline of the genus *Lophophora* in Texas. In B.C. Labate & C. Cavnar (eds.) *Peyote: history, tradition, politics, and conservation*: Westport, Praeger: 1–21.
- UTHAUG, M.V., DAVIS, A.K., HAAS, T.F., DAVIS, D., DOLAN, S.B., LANCELOTTA, R., ET AL. (2021) The epidemiology of mescaline use: Pattern of use, motivations for consumption, and perceived consequences, benefits, and acute and enduring subjective effects. *Journal of Psychopharmacology*, 026988112110135.
- VALENTE, F. (2008) Propagation of *Lophophora*. *MagiCactus.com*. <https://www.magicactus.com/propagation.html>. Accessed 3 January 2022.
- WYNBERG, R. & CHENNELLS, R. (2009) Green diamonds of the South: An overview of the San-Hoodia case. In *Indigenous Peoples, Consent and Benefit Sharing* Heidelberg, Springer: 89–124.

24th NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT Fourth Year 2022

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #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

Sponsored by: Honorable Eugenia Charles-Newton

Has had it under consideration and reports the same that the legislation **WAS REFERRED TO A NAABIK'ÍYÁTI' COMMITTEE WORK SESSION.**

Respectfully Submitted,



*Honorable Seth Damon, Chairman
NAABIK'ÍYÁTI' COMMITTEE*

13 October 2022

REFERRAL MOTION

Motion to Refer Legislation 0149-22 to a Naabik'íyáti' Committee Work Session, to be held within 30 days.

Motioned by: Honorable Paul Begay, Jr.

Seconded by: Honorable Vince R. James

Vote: 19 In Favor, 00 Opposed (Speaker Damon Not Voting)

AMENDMENT #1

1. Page 1, lines 13 and 14 delete and insert language as follows
OPPOSING STATES' THE DECRIMINALIZATION OF THE USE OF PEYOTE AND Mescaline AT THE STATES, LOCAL GOVERNMENTS, AND UNITED STATES TERRITORIES
2. Page 2, line 5, insert a new Paragraph E as follows and re-letter remaining paragraphs.
E. The Navajo Nation has a government-to-government relationship with the United States of America. Treaty of 1868, signed June 1, 1868, proclaimed August 12, 1868, 15 Stat. 667. The Navajo Nation is a federally recognized tribe.
3. Page 3, line 8 insert new Paragraph M as follows:

- M. The Navajo Nation understands the American Indian Religious Freedom Act of 1978 protects the rights of Native Americans to exercise their traditional religions by ensuring access to sites, use, and possession of sacred objects, and the freedom to worship through ceremonies and traditional rites. 42 U.S.C 1996, P.L. 95-341.
4. Page 3, line 8 insert new Paragraph N as follows:
N. The Navajo Nation understands Navajo people, including other American Indians, were historically persecuted and prosecuted for their ceremonial use of peyote for more than a century and had to fight numerous legal and political battles at the tribal, state, and federal levels to achieve the right to use peyote within their respected traditional ceremonial and cultural practices.
5. Page 3, line 8 insert new Paragraph O as follows:
O. In 1967, the Navajo Nation government legalized peyote by passing Resolution No. CO-65-67 that amended to the Navajo Bill of Rights, Declaring the Freedom of Religion as a Basic Human Right, which made an exception to the Navajo criminal code to allow Azeé' (Peyote) to be used for religious purposes in the Navajo Nation.
6. Page 3, line 8 insert Paragraph P as follows:
P. In 2005, the Navajo Nation government amended the Navajo Nation Criminal Code, 17 N.N.C. § 394(C), Possession or Sale of Controlled Substances. It states:
"The listing of peyote (more commonly known as Azeé') in Subsection A does not apply to the use of Azeé' by an enrolled member of an Indian tribe for bona fide ceremonial purposes in connection with Nahaghá. Individuals who use, possess, or transport Azeé' for use in Nahaghá are exempt from this prohibition. Azeé' is lawful on the Navajo Nation."
This recognized the use of Azeé' (peyote) to be strictly used in a bona fide traditional ceremonial purpose or in connection with the practice of a traditional Indian religion within the jurisdiction of the Navajo Nation, as in accordance with the American Indian Religious Freedom Act Amendments of 1994, 42 U.S.C 1996a, P.L. 103-344.
7. Page 2, lines 5 and 6 delete ~~the Native American Church members~~ and insert Indigenous tribes
8. Page 2, line 12 amend as follows: Tribal members whom are bona fide members of the ~~Native American Church~~ Azeé' Bee Nahagha consume
9. Page 2, line 14 insert after the word "ceremonies" insert and for cultural purposes.
10. Page 2, line 16 delete ~~In the Southwest United States, including Texas, and in Mexico~~ and insert: In the southwest part of Texas and parts of Mexico
11. Page 2, line 18 delete ~~recreational use and.~~
12. Page 2, lines 24 and 25 delete ~~by bonafide members of the Native American Church~~ and replace with for bona fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion as is stated in the
13. Page 2, line 27 delete language as follows: ~~Diné Native American Church traditional practitioners~~ Diné Azeé' yee Nahalaha (Diné peyote practitioners)
14. Page 2, line 30 after the word "peyote" insert and mescaline.
15. Page 2, line 31 delete language, ~~Federal Controlled Substance Act~~ and replace with Federal Public Law 91-513 Comprehensive Drug Abuse Prevention and Control Act of 1970
16. Page 3, line 6 delete ~~authorization for bonafide members of the Native American Church to legally use peyote for religious purposes only~~ and replace with: P.L. 103-344 provided that "the use, possession, or transportation of peyote by an Indian for bona fide traditional ceremonial purposes in connection with the practice of

a traditional Indian religion is lawful and shall not be prohibited by the United States or any State."

17. Page 3 line 16 insert a new Paragraph A and a new Paragraph B as follows:

A. The Navajo Nation hereby affirms its position to protect and preserve our sacred Azee' (peyote) by strongly opposing the decriminalization of peyote and mescaline in the United States of America.

B. ~~The Navajo Nation firmly opposes any state within the United States decriminalizing the use of peyote and hereby urges all states, local governments, and territories in the United States to respectfully adhere 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.~~

18. Renumber or re-letter succeeding paragraphs, sections and/or exhibits accordingly, if necessary; and this amendment shall supersede inconsistent language contained in any other committee amendment, which shall be conformed to the intent or language of this amendment. The Office of Legislative Services is hereby authorized to make necessary grammatical changes.

19. Conform the Navajo language spelling to Young, Morgan, The Navajo Language: A Grammar and Colloquial Dictionary.

Motioned by: Honorable Thomas Walker, Jr.

Seconded by: Honorable Otto Tso

Vote: VOTE PENDING

MAIN MOTION

Motioned by: Honorable Kee Allen Begay, Jr.

Seconded by: Honorable Pernell Halona

Vote: VOTE PENDING