

TESTOMONY OF JON BRADY
ARIKARA MHA NATION
PRESIDENT NATIVE AMERICAN CHURCH NORTH AMERICA
UNITED STATES HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
FY 2024 BUDGET REQUEST
March 9, 2023

Request: We request \$5 million for Peyote Habitat Conservation Initiative Demonstration Projects. To be housed at Department of Interior Office of Assistant Secretary Indian Affairs.

Introduction

Chairman Simpson, Ranking Member Pingree, Members of the Committee. My name is Jon Brady, President of Native American Church North America (NACNA) I am honored to submit this written testimony to the subcommittee to provide the views of NACNA on the importance of preserving Peyote (*Lophophora Williamsii*) habitat and the need for the establishment of a program to coordinate this proposed initiative. Peyote is a domestically sourced medicine, a sacred medicine that is only produced by private landowners who voluntarily choose to maintain its natural habitat. Tribal member access to traditional medicines in particular those that exists on private land requires creative partnerships, incentives, investments and a new framework for shared stewardship.

Proposed Peyote Habitat Demonstration Project

To counteract the rapidly fading Peyote habitat NACNA with support of the National Congress of American Indians and numerous Peyote tribes are requesting a Demonstration Peyote Habitat Project funded in the amount of \$5 million. This demonstration project would invest in private landowners for maintaining the Peyote habitat they own, for converting land into Peyote habitat and would fund activities that focus on conservation and managed harvest of Peyote that ensures perpetual yield. Tribal nations have engaged in the management and stewardship of the Peyote Gardens for thousands of years and bring a wealth of traditional knowledge to a private, public, tribal partnership. Interior must develop a new framework and alternative funding arrangements in the context of supporting the policy mandates contained within AIRFA. Peyote producers who voluntarily engage in the proposed Peyote Habitat Demonstration Pilot become surrogates in helping the federal government's trust obligations to AIRFA. Currently there is 0% in federal funding dedicated to Peyote habitat conservation, despite billions of dollars in appropriations for conservation efforts. Tribal parity, Peyote Tribes parity and parity for the Peyote plant are fundamental human right.

Why It Matters To Indian Country, How It Could Work

The proposed Peyote Habitat Demonstration Project offers a partial fulfilment of a promissory note that the federal government signed when it enacted the 1978 American Indian Religious Freedom Act (AIRFA). AIRFA addressed as a policy declaration equality of opportunity, extending it to the American Indian for the first time in our nation's history.

To implement the proposed Peyote Habitat Demonstration Project we recommend that the Demonstration project be guided by a steering committee that would have representation from

federally recognized tribes, tribal religious leaders and organizations such as NACNA and Native American Church of Oklahoma, State and federal agencies that administer conservation programs, federal agencies with jurisdiction over Peyote, and farming and ranching associations that represent the interest of relevant private landowners. The committee will work collaboratively to create and implement a regional Peyote conservation plan for the managed revitalization and managed harvest of Peyote. The committee will also guide the investments made by the grant program to maximize long-term Peyote habitat protection through land use contracts, conservation easements, and restoration cost-share agreements.

Continued Challenges to American Indian Religious Freedom

Congress in the form of a joint resolution ushered in significant policy mandates through passage of the American Indian Religious Freedom Act (AIRFA) of 1978, Congress declared: *That henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of American Indian, Eskimo, Aleut, and Native Hawaiians including but not limited to access to sites, use and possession of sacred objects, and freedom to worship through ceremonials and traditional rites.* Since its passage each subsequent Administration has oscillated in fully exercising this policy mandate, yet in 2023 it remains the policy of the United States to protect all facets of American Indian Religious Freedom. Peyote and the Native American Church fall under the protection of this United States policy.

In 1994 Congress passed amendments to AIRFA specifically addressing legal protection for members of Federally Recognized Indian Tribes of Peyote use, acquisition, and transportation. Congress however has yet to protect or incentivize the protection of the Peyote cacti *Lophophora Williamsii* and its habitat. Peyote only grows naturally in one geographic region of America (southwestern Texas along the border and Rio Grand River).

All Peyote habitat is within the nexus of private land, meaning access to Peyote, the harvesting of Peyote and preservation of Peyote habitat is contingent on volunteer partnerships between private landowners and stakeholders. All Peyote habitat is known to Native American Church Members as the Peyote Gardens it is also acknowledged by all participating tribes as a “sacred place”. For the 300,000 members of the Native American Church this reality makes the fullest expression of our religious freedom and the ceremonial protocols that go along with it nearly impossible. If Peyote habitat cannot be protected and preserved Peyote will no longer be accessible to the Native American Church, without Peyote as a sacrament the religious Peyote ceremony cannot exist, nor can full unequivocal protection of American Indian Religious Freedom.

Trust Overview, Measurable Trust Standards

Improving outcomes for cultural, language, sacred sites, historic preservation, and religious rights of American Indians is a high priority of Indian country, this Subcommittee, and the Biden Administration. The extent that the federal government is fulfilling its trust responsibility to the protection of American Indian Religious Freedom is demonstrated in studies and reports that document the rapid decline of Peyote habitat. This subcommittee has a broad reaching trust corpus and shares measurable Trust Standards with the Administration because it provides both resources and oversight through the appropriations process. Fiduciary duties owed to the trust beneficiary must be administered within the context of the unique character and nature of the trust responsibility of the United States to Federally recognized Indian tribes. The trust corpus surrounding American Indian Religious Freedom and Peyote / Native American Church can be summarized as: Protect American Indian access to sacred lands that

encompass the Peyote Gardens, protect against degradation of Peyote habitat through public / private partnerships and ensure that there will be a perpetual supply of Peyote for American Indian members of the Native American Church used only for bona fide peyote ceremonies.

To further the Federal Government's commitment to improving maximum American Indian participation in their religious freedom a comprehensive **Peyote Habitat Initiative** is needed to:

- 1) Coordinate federal conservation programs in a targeted program that is accessible, identifiable, and funded at a level to ensure that private landowners will view conservation investments as commensurate incentives to preserve their Peyote habitat.
- 2) Help tribal governments meet the unique ceremonial and religious needs of their Native American Church members from the youngest to the oldest by partnering with private landowners to preserve their Peyote habitat.
- 3) Protect Peyote habitat from the promulgation of adverse rules, regulations from federal agencies that are incongruent with the American Indian Religious Freedom Act, particularly federal subsidies that incentivize the plowing of Peyote habitat under the purview of soil enhancement, range improvement, and grazing development.
- 4) Promote intergovernmental (tribal/federal) collaboration in coordination with public -private partners

Peyote Habitat Conservation Barriers

Destruction of Peyote habitat at its current rate will leave wild Peyote in its natural state unsustainable in one generation. Challenges to Peyote habitat such as development, urban sprawl, road construction, wind farms, oil pads, agricultural practices, require creative solutions, that strike a balance between private landowners, their economic pursuits, and American Indian religious concerns.

An emerging concern to NACNA is the root plowing of thousands of acres of Peyote habitat. A myriad of federal programs in various government agencies unwittingly invest in the destruction of Peyote habitat through programs that invest in grazing improvements, rural development improvements, soil conservation, and soil improvement. USDA is a primary funder through its Natural Resources Conservation Services agency.

NACNA believes Congress and the Administration can honor both private landowner rights and Native American Church members rights with equal zeal. It all starts with the removal of barriers to habitat conservation.

Additional threats have emerged from pharmaceutical companies and the psychedelic renaissance community. Vast efforts throughout the country are gaining momentum through state legislatures and initiative processes funded by special interest to legalize psychedelics including mescaline derived from Peyote for therapy.

The tribal stewardship of the Peyote gardens which dates thousands of years is being undermined by upstart non -profit /non-governmental organizations that have allied with wealthy donors and pharmaceutical companies to advance an agenda that will mainstream traditional medicines including Peyote and heritage molecules such as mescaline.

These entities and corporations are not interested in consulting with the historical representative bodies of the Native American Church or federally recognized Indian tribes. They wish to exploit a resource that is a sacred medicine to us.

The growing interest in Peyote and mescaline can only add to existing challenges to Peyote habitat such as escalation of land prices, range war with leases, access for ceremonial harvest, price of medicine and an acceleration of illegal Peyote harvest and illegal distribution.

As challenges mount, we remain steadfast in our tribal commitment to a ceremonial way of life and our values to not profit, exploit, use for self-gain, or sell our traditional heritage knowledge or the heritage molecules extracted from a medicine that we have had stewardship of for thousands of years. The disingenuous efforts of rogue non representative nonprofits, corporate interests, pharmaceutical companies, and psychedelic zealots have nothing to do nor any true knowledge of our religious practices and our core values as fellow Americans.

Conclusion

The American Indian Religious Freedom Act remains among the most significant pieces of Indian legislation ever enacted. In a bi partisan spirit Congressional leaders reaffirmed Congresses plenary power over Indian Affairs and Tribes. They used this power as a tool or instrument for good in preserving ceremonial religious integrity. AIRFA is a valid and constitutionally sound exercise of the “plenary authority” over Indian Affairs that Congress has exercised since the founding of this country. AIRFA was enacted pursuant to Congress’s responsibility for the protection and preservation of Indian Tribes and their resources and the United States direct interest, as a trustee, in protecting American Indian and Alaska Native religions for the benefit of members of a federally recognized Indian tribe. Myself and the 300,000 plus members of the Native American Church are the beneficiaries of both the traditional knowledge our ancestors gifted us and the federal trust responsibility that this subcommittee is exercising in these hearings and their daily work.

We are articulating a crisis, we are providing a partial solution to this profound crisis and we are extending our hand in partnership so that we can meet this great challenge together.