



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SAC-21-038

TITLE: Calling on Federal, State, and Local Governments to Protect and Respect Peyote (*Lophophora williamsii*) and its Byproducts

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the Peyote plant is sacred to many American Indian and Alaska Native (AI/AN) Peoples; and

WHEREAS, certain lands in Texas, the American Southwest, and Mexico are places of spiritual importance and are the only place on Mother Earth where the sacred Peyote plant still grows wild; and

WHEREAS, in the American Indian Religious Freedom Act (AIRFA) as amended, 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

WHEREAS, 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

WHEREAS, Peyote has been consumed by the Indigenous Peoples of present-day North and South America for religious, cultural, and ceremonial purposes since time immemorial; and

WHEREAS, the number of Peyote plants has decreased drastically in recent years, threatening the long-term sustainability of the current wild populations, and depleting the number of plants that could be available for future generations; and

WHEREAS, Peyote is a slow-growing plant, and it can take more than a decade to reach maturity; and

WHEREAS, the current Peyote population has suffered from habitat destruction, harmful ranching practices, illegal poaching, and non-holistic harvesting approaches; and

WHEREAS, Peyote, like all living things, is affected by climate change and faces threats to its very existence; and

WHEREAS, the International Union for Conservation of Nature has already categorized Peyote as a vulnerable species; and

WHEREAS, widescale personal and corporate cultivation of the Peyote plant threatens the historical and cultural biological integrity of the plant by potentially exposing the population to hybridization, genetic modification, and sterilization, all of which is in violation of federal law regarding restrictions on Peyote use; and

WHEREAS, the legalization and decriminalization of Peyote consumption beyond the already hundreds of thousands of members of the Native American Church will create a demand and market for Peyote that further threatens the existing wild population; and

WHEREAS, 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 in this area.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) opposes the legalization and decriminalization of Peyote at the federal, state, and local government levels except for use “by an Indian for bona fide traditional ceremonial purposes”, and further opposes the extraction of mescaline from the Peyote plant for any reason other than these ceremonial purposes; and

BE IT FURTHER RESOLVED, that the NCAI calls upon the federal government to exercise its prerogatives under the doctrine of federal preemption to block state and local governments efforts to legalize and decriminalize Peyote use, in violation of AIRFA; and

BE IT FURTHER RESOLVED, that the NCAI calls upon the White House Council on Native American Affairs, in coordination with the Department of the Interior, the Department of Agriculture, the Department of Homeland Security, the Drug Enforcement Agency, U.S. Customs and Border Protection, the Environmental Protection Agency, and any additional federal departments and agencies with relevant responsibilities, to: (1) convene and conduct a review of federal programs to determine a culturally-sensitive approach to facilitating the protection of Peyote habitats and the restoration of Peyote populations in the wild; (2) identify funding to address the threats to the long-term viability of the Peyote plant; and (3) to address other impediments to the legitimate use of Peyote, such as cross-border restrictions; and

BE IT FURTHER RESOLVED, that the NCAI opposes efforts by states and local governments to legalize, decriminalize, or otherwise authorize any and all uses of Peyote and its byproducts by non-American Indian and Alaska Native (AI/ANs) Peoples as it endangers AI/AN religious, cultural, and ceremonial practices; and

BE IT FURTHER RESOLVED, that NCAI calls upon state and local governments to accord the principles of respect and recognition to federal and tribal laws regarding the religious, cultural, and ceremonial significance of the Peyote plant to AI/AN Peoples, to respect the documented decline of the Peyote habitat and current efforts underway to protect Peyote from further decline, and to respect the clearly articulated congressional intent to protect the sacred plant as found in the American Indian Religious Freedom Act as amended; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2021 Annual Conference of the National Congress of American Indians, held October 11-14, 2021, with a quorum present.



Fawn Sharp, President

ATTEST:



Aaron A. Payment, Recording Secretary