

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'íyáti' Committees; Opposing States' Decriminalization of the Use of Peyote

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

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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

Resources & Development Committee

Website Posting Time/Date: _____

Thence

Posting End Date: 08-09-22

Health Education & Human Services Committee

Thence

Eligible for Action: 08-10-22

Law & Order Committee

Thence

1 PROPOSED STANDING COMMITTEE RESOLUTION

2 24th NAVAJO NATION COUNCIL – Fourth Year, 2022

3 INTRODUCED BY

Naabik'iyáti' Committee

4
5 

6 (Prime Sponsor)

7
8 TRACKING NO. 0149-22

9
10 AN ACTION

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

15
16 WHEREAS,

17 A. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council
18 empowered to assist and coordinate all requests for information, appearances and
19 testimony relating to proposed county, state and federal legislation impacting the Navajo
20 Nation. 2 N.N.C. §§ 700(A), 701(A)(6).

21 B. The Resources and Development Committee is a standing committee of the Navajo
22 Nation Council empowered to represent the Navajo Nation at local, state, and federal
23 levels, in cooperation and coordination with the President of the Navajo Nation and the
24 appropriate committee of the Navajo Nation Council on proposed resolutions or actions
25 affecting natural resources. . . 2 N.N.C. §§ 500(A), 501(B)(5)

26 C. The Health, Education and Human Services Committee is a standing committee of the
27 Navajo Nation Council empowered to represent the Navajo Nation at local, state and
28 federal levels, in coordination with the President of the Navajo Nation and the
29 Naabik'iyáti' Committee on proposed legislation, funding and other actions affecting
30 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.