

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0141-24\_

SPONSOR: Eugenia Charles-Newton

**TITLE: Opposing Decriminalizing the use of Peyote and Urging all States to Abide by the American Indian Religious Freedom Act Amendments of 1994**

*Date posted:* July 02, 2024 at 9:03AM

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**LEGISLATIVE SUMMARY SHEET**

**Tracking No.** 0141-24

**DATE:** June 24, 2024

**TITLE OF RESOLUTION:** PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES DECRIMINALIZING THE USE OF PEYOTE AND URGING ALL STATES TO ABIDE BY THE AMERICAN INDIAN RELIGIOUS FREEDOM ACT AMENDMENTS OF 1994

**PURPOSE:** The purpose of the resolution is to oppose states decriminalizing the use of peyote and urges all states to abide by the American Indian Religious Freedom Act Amendments of 1994.

**Final Authority:** Naabik'íyáti' Committee

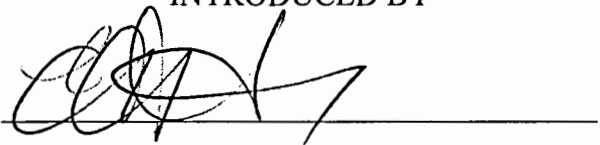
**Vote Required:** Simple Majority

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

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PROPOSED STANDING COMMITTEE RESOLUTION  
25<sup>th</sup> NAVAJO NATION COUNCIL – Second Year, 2024

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0141-24

**AN ACTION**  
**RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; OPPOSING**  
**DECRIMINALIZING THE USE OF PEYOTE AND URGING ALL STATES TO**  
**ABIDE BY THE AMERICAN INDIAN RELIGIOUS FREEDOM ACT**  
**AMENDMENTS OF 1994**

**WHEREAS,**

- A. The Naabik'iyáti' 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 use of peyote for ceremonial and cultural purposes by the Native American Church members is one of the oldest religious traditions in the Western Hemisphere; a recent carbon dating of peyote at an archeological site in Texas revealed that the peyote dated back to 4,220 B.C. (approximately 6,000 years ago). James D. Muneta, *Peyote Crisis Confronting Modern Indigenous Peoples: The Declining Peyote Population and a Demand for Conservation*, Amer. Ind. Law Journal: Vol. 9 : Iss. 1, Article 6., (2020). <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1228&context=ailj>
- C. Tribal members whom are bona fide members of the Native American Church consume the sacred cactus plant (*Lophophora williamsii*) known as peyote which contains the hallucinogenic drug “mescaline” during ceremonies. The hallucinogenic effect of mescaline is naturally found in the peyote cactuses (*Lophophora williamsii*).

- 1 D. In the Southwest United States, including Texas, and Mexico, peyote is drastically  
2 declining due to land development, ranching, agriculture, poaching, psychedelic tourism,  
3 incorrect harvesting, and other factors such as recreational use and climate change.
- 4 E. Peyoté is a slow-growing cactus that takes approximately ten or more years to grow from  
5 a seed to a mature plant to be consumed.
- 6 F. The Azeé Bee Nahaghá of Diné Nation, Inc., passed a resolution, dated April 13, 2024  
7 attached as **Exhibit A**, requesting the Navajo Nation to oppose decriminalization of  
8 peyote by all states across the United States. The Azeé Bee Nahaghá of Diné Nation,  
9 Inc., further recognized through their resolution that the American Indian Religious  
10 Freedom Act Amendments of 1994, 42 U.S.C 1996a, P.L. 103-344, should be preserved  
11 and protected.
- 12 G. The Azeé Bee Nahaghá of Diné Nation, Inc., passed a resolution, dated April 13, 2024  
13 attached as **Exhibit B**, passed a resolution, dated December 9, 2017 supporting the  
14 initiatives to develop the Peyote Conservation Project in Texas.
- 15 H. Azeé means medicine in Diné language. Diné Native American Church traditional  
16 practitioners identify Azeé to also mean peyote and is believed to spiritually heal a person  
17 through songs, prayers, and consumption of the Azeé (Peyote).
- 18 I. The Navajo Nation understands that peyote is classified as a Schedule I controlled  
19 substance under the Federal Controlled Substance Act. However, the Navajo Nation  
20 government has allowed the ceremonial, cultural, and religious use of peyote since 1967  
21 within the Navajo Nation through Resolution No. CO-65-67. Resolution No. CO-65-67  
22 is hereby incorporated by reference only.
- 23 J. The Navajo Nation further understands that federal law, the American Indian Religious  
24 Freedom Act Amendments of 1994, 42 U.S.C. § 1996a, P.L. 103-344 provided  
25 authorization for bona fide members of the Native American Church to legally use peyote  
26 for religious purposes only.
- 27 K. It is in the best interest of the Navajo Nation to oppose decriminalizing the use of peyote  
28 as it is a cactus that could be excessively harvested and will endanger the plant (peyote)  
29 and will also substantially affect the religious, ceremonial and cultural practices of  
30 Indigenous People across the Western Hemisphere including members of the Navajo

1 Nation who have a sincere religious belief and a strong connection to the use of peyote  
2 for ceremonial and cultural purposes.  
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5 **NOW THEREFORE BE IT RESOLVED THAT,**

6 The Navajo Nation firmly opposes states decriminalizing the use of peyote and urges all  
7 states to abide by the American Indian Religious Freedom Act Amendments of 1994, 42  
8 U.S.C § 1996a, P.L. 103-344.  
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