



2022 Mid-Year Convention Ferndale, Washington

RESOLUTION #2022 – 11

Calling for the Exclusion of Peyote in the Movement to Decriminalize Psychedelic Substances (Entheogens) by State, Regional, and Local Governments in the United States

PREAMBLE

We, the members of the Affiliated Tribes of Northwest 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 rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives (AI/AN) and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the ATNI; and

WHEREAS, after decades of advocacy work, the use of peyote under the passing of the 1994 Amendments to the American Indian Religious Freedom Act, federal law, 42 U.S.C. 1996a, understanding that Native Americans in the United States were persecuted and prosecuted for

their ceremonial practices and use of peyote for more than a century and had to fight numerous legal and political battles to achieve the current protected status, and any enactment of entheogen decriminalization does not intend to undermine explicitly or implicitly that status; and

WHEREAS, Peyote—Meaning all parts of the plant presently classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant, and every compound, manufacture, salts, derivative, mixture, or preparation of the plant, its seeds or extracts; and

WHEREAS, the biocultural reality of Peyote as a vulnerable species has a distinct and particular legal and cultural history in the United States, and as such, it requires specific protections, and the United States has a historical trust responsibility, legal obligation, and debt to protect the existing rights and sovereignty of Indigenous Native American peoples of North America; and

WHEREAS, the National Council of Native American Churches (NCNAC) and the Board of Directors of the Indigenous Peyote Conservation Initiative (IPCI), a subgroup of NCNAC, recognize that Indigenous peoples have utilized entheogenic plants for their health and wellbeing for millennia, and respectfully request that current efforts to decriminalize these relationships should consider the complexities of each plant medicine; and

WHEREAS, the NCNAC is made up of the Presidents of the four largest and oldest umbrella Native American Churches which represent the vast majority of Native American Churches: Native American Church of North America, Native American Church of Oklahoma, Native American Church of South Dakota and Azee Bee Nagaha of Dine Nation, with each of these Churches having multiple chapters; and

WHEREAS, it is appropriate that the NCNAC and the indigenous people who have historical and cultural ties to this medicine be responsible for charting the legal pathways by which its future and sustainability are assured and given appropriate consideration of the next steps to spiritually, ecologically and legally maintain the sacredness of this medicine of this continent; and

WHEREAS, proponents of including Peyote in the decriminalization of entheogens have argued that Peyote is an endangered species and should be cultivated by non-Native Americans to avoid that plant becoming extinct, which directly contradicts the positions of the National Council of Native American Churches and the Indigenous Peyote Conservation Initiative that protective efforts should be reserved solely for those who can cultivate, harvest, and use peyote under federal law; and

WHEREAS, both the federal law and Texas state law permit only Native people who are members of federally recognized tribes to legally cultivate, acquire, possess, use, and transport Peyote; and

WHEREAS, any local governmental resolution that gives non-Indigenous people who are not affiliated with federally recognized tribes the impression that they now have rights to acquire,

possess, use, or transport Peyote in or from Texas would be misleading and may lead to their prosecution; and

WHEREAS, to the extent that entheogens decriminalization sends a message to local citizens that Peyote is “legal,” the collateral and unintended effect could be to increase interest in non-native persons either going to Texas to purchase Peyote, buy it from local dealers who have acquired it illegally and unsustainably in Texas, or poaching on private property; and

WHEREAS, jurisdictions in the United States, including the cities of Oakland and Santa Cruz, California; Denver, Colorado; Ann Arbor, Michigan; Somerville and Cambridge, Massachusetts, Washington, D.C.; Seattle, Washington; and the State of Oregon and the State of California, have decriminalized some or all entheogens, a bill to decriminalize entheogens has passed in the California Senate; now

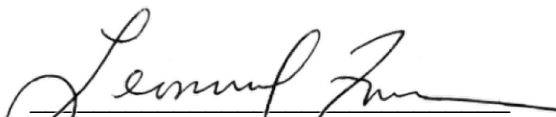
THEREFORE BE IT RESOLVED, that ATNI directs local, regional, and state governments to specifically exclude Peyote from the list of substances to be decriminalized, and any cultivation, harvest, extraction, tincture or other product manufactured or derived therefrom, because of the nearly endangered status of the peyote plant and the special significance peyote holds in Native American spirituality; and

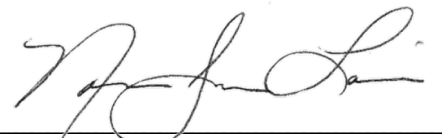
BE IT FURTHER RESOLVED, peyote, also known as *Lophophora Williamsii*, should not be included in the definition of entheogens adopted by local or state government intended to decriminalize entheogen-related activities (medical and/or recreational); and

BE IT FINALLY RESOLVED, that this resolution be forwarded to the National Congress of American Indians.

CERTIFICATION

The foregoing resolution was adopted at the 2022 Mid-Year Virtual Convention of the Affiliated Tribes of Northwest Indians, held at the Silver Reef Casino Resort, Ferndale, Washington, on May 16-19, 2022, with a quorum present.


Leonard Forsman, President


Norma Jean Louie, Secretary