

Congressional and Biden Administration Briefing of American Indian Religious Freedom Act and Peyote
Habitat Preservation
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STATEMENT OF TERRY DAYISH
On Behalf of Native American Church of North America

Thank you for allowing me to speak with you today. My name is Terry Dayish from Farmington, New Mexico. I am a member of the Navajo Nation. I serve as the Delegate-at-Large for the State of New Mexico for Native American Church of North America.

To start, I want to thank New Mexico Congresswoman Teresa Leger Fernandez from the 3rd Congressional District, her leadership in chairing the House Natural Resources Sub Committee for Indigenous Peoples of The United States has been remarkable. Her faithful effort to include cultural rights into the legislative agenda is appreciated.

I want to thank New Mexico Senator Ben Ray Lujan as well for his leadership on the United States Senate Committee on Indian Affairs.

Finally, I want to recognize New Mexico Senator Martin Heinrich. His commitment to cultural preservation and land conservation provides hope that Congress will partner with the Native American Church and enable a continuous supply of our holy medicine so that we may truly enjoy the promise of the American Indian Religious Freedom Act.

I am here today to speak with you about several issues that is making it impossible for the Native American Church community to fully express their religious freedom.

- 1) Lack of access to private land. The only place in the United States that Peyote grows wild is in the sacred lands of southern Texas, known as the "Peyote Gardens," which sits on privately owned land. Because it sits on private land access to Peyote harvesting, and Peyote preservation efforts are hindered. Access is contingent upon voluntary partnerships with private landowners.
- 2) Lack of protection for Peyote and Peyote habitat. When Congress amended the American Indian Religious Freedom Act (AIRFA) in 1994 to legalize Peyote use it neglected to protect the Peyote or its natural habitat. The peyote habitat could be wiped out if private landowners choose to do so.
- 3) Habit destruction. Land development and root-plowing is depleting the number of Peyote plants that could be available for future generations. Federal programs that invest in root plowing of Peyote is contributing to the habitat destruction.
- 4) State initiatives to legalize Peyote. Decriminalization of Peyote creates mainstream access to Peyote outside of the sacred Native American Church ceremony. This is wrong. Access to Peyote outside the Native American Church ceremony threatens the sanctity of peyote. Indian tribes recognize the Peyote to be a sacred and significant part of the religious, cultural, and ceremonial use.

Without intervention of peyote habitat destruction there is an imminent threat to the entire Native American Church. Research conducted in 2015 by Walker Research Group found the decline and risk to the Peyote itself, habitat, and native access. Quality and numbers have drastically decreased. The International Union for Conservation of Nature has already classified Peyote as vulnerable.

Congress and the Administration have a sacred Trust responsibility to protect American Indian religions and ceremonies. Congress led policy mandates through passage of the AIRFA. The AIRFA remains the policy of the United States and guarantees protection for all parts of the American Indian religious freedom.

To combat further Peyote habitat destruction, Congress must authorize the Interior Appropriations Request of 5 million that the Native American Church of North America has made for a "Peyote Habitat Preservation" Demonstration Project. The project is intended to engage private landowners in Peyote Habitat Conservation Easements.

I appreciate the opportunity to express these viewpoints. Peyote habitat destruction amounts to destruction of the Native American Church religion. Without Peyote as a sacrament, the Peyote ceremony will not exist, and the explicit protection of American Indian Religious Freedom will become a distant memory. Peyote is central to the Native American Church; thus, the religion cannot exist without access to Peyote. Simply stated, if there is no Peyote, there is no ceremony. The time has come for the Administration and Congress to protect the Peyote plant, Peyote habitat, only then can the Peyote religion be protected for future generations. Thank you for the opportunity to speak.