



NATIVE AMERICAN CHURCH

STATE of NEW MEXICO

Shiprock, New Mexico 87420

The purpose of the corporation is to provide a church for religious purposes of those believing in the use of peyote as a sacrament and for religious and curing ceremonies.

22nd Session of the United Nations Permanent Forum on Indigenous Issues UN Headquarters, New York April 27, 2023

Intervention of the Native American Church of North America – State of New Mexico, Inc., Leo Dayish (Navajo), President

Ya'at'teeh. Good afternoon. Thank you, Permanent Forum Member and moderator, Keith Harper, for recognizing the Native American Church-State of New Mexico to enter remarks today.

We appreciate and support the aim of the regional dialogue to discuss issues of relevance in the US and to sharpen the focus and impact of the Permanent Forum's analysis and recommendations regarding issues and concerns of indigenous communities, including the concerns of the Native American Church-State of New Mexico.

We acknowledge the U.S. for responding to our requests last year for additional engagement including discussion leading up to PFII. Finally, we appreciate the United States support for its commitment to International Decade of Indigenous Languages, announced by Secretary Haaland.

My name is Linda Benally and I am here today to speak with you about the infringement on the religious freedom of the Native American Church. I am a U.S. citizen and a tribally enrolled citizen of the Navajo Nation from Shiprock, New Mexico, I serve as pro bono general counsel to the Native American Church of North America – State of New Mexico. The NAC-SNM has been incorporated since 1981 and its mission is to support the protection of American Indian religious, ceremonial, spiritual and traditional practices held sacred since time immemorial.

Support requested of the Forum to recommend to the U.S.

Native nations and individuals have the right to traditional medicines and plants, cultural, religious, and spiritual practices, as recognized in Articles 12, 24, 25, and 31 of the UN Declaration on the Rights of Indigenous Peoples (Declaration).

In the United States, the Native American Church has achieved some recognition of its formal right to practice the Peyote religion under amendments to the American Indian Religious Freedom Act.

However, as a practical matter, the Native American Church's human right to religion cannot be sustained because the Peyote plant is being threatened. It is contradictory for the federal government to grant NAC members the right to use Peyote religiously while simultaneously failing to provide any lands designated as protected Peyote habitat for future generations. Destructive land practices have severely affected Peyote populations in its natural habitat—four counties in southern Texas. The Peyote plant is in jeopardy. As a duty-bearer under the Declaration, the U.S. has the responsibility to prevent infringement of the fundamental human right to religion.

NAC-SNM appeals to the Permanent Forum on Indigenous Issues to urge the United States government to initiate, support, and fund Peyote Habitat conservation program where Peyote cactus plants grow naturally in the United States -- the desert region of Southern Texas.