

A Real Commitment

Written by Omer C. Stewart

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Peyotism today echoes the long-standing problem of its opposition by the dominant population—the Spanish in Mexico and other Americans in the United States, government officials, Christian missionaries, educators, and U.S. senators and representatives. Legally, peyotists today have won their fight for religious freedom in the United States. Since 1978, with the passage of the American Indian Religious Freedom Act (42 USC 1996, P.L./ 95-341), the practice of peyotism by American Indians is protected by law. This act orders all federal agencies to be aware of American Indian sacred sites, objects, plants, materials, etc., and to protect them from destruction, if possible, and to make their use available to Indians. Peyotism is one of the several American Indian religions named as needing protection. But there is still the possibility of harassment of peyotists under the Drug Abuse Control Act of 1965, which includes peyote among prohibited narcotics, and many state laws which have similar restrictions. While a test in court will clear anyone of arrest for possession of peyote if it is shown that the peyote is for use in a ceremony of the NAC and that the possessor is a member of the NAC, the arrest and detainment can be discouraging. NAC members are learning to be careful not to carry peyote around with them, to carry identification of membership in some NAC congregation, and to know the law. While the efforts to enforce the Drug Control Act where it involves peyote may be an annoyance, most Peyotists are willing to conform to the law.

An unusual case of harassment under the Drug Control Act took place in Grand Forks, North Dakota, in October, 1984, when a white couple, Mr. and Mrs. John D. Warner, were arrested by the FBI for possessing peyote, a controlled drug. The two were members of the NAC of Tokio, North Dakota, and had been for a number of years, and Mrs. Warner was custodian of the supply of peyote for the Tokio congregation. The FBI had learned of the possession of peyote by the Warners from the president of the NAC of NA, Emerson Jackson (Navajo), so it was he who brought them to trial. Jackson said that they were not bona fide members of the NAC because they were not Indians. He maintained that in 1982 a motion had been passed by the NAC of NA to the effect that membership in that organization be limited to persons with one-quarter Indian blood, thereby excluding this white couple. A jury trial in Grand Forks Federal Court found the defendants innocent of breaking the law, since they were able to prove that although they were not Indians, nevertheless they were members in good standing of the local congregation of peyotists. The charges were dismissed.

This case not only illustrates harassment under the Drug Control Act, but it also brings up the legality of non-Indians as bona fide members of the NAC. From the beginning, attendance of non-Indians to peyote meetings has been a somewhat personal or tribal matter. For instance, very early in Oklahoma some Caddo refused to allow non-Indians to attend any of their meetings. But others, such as the Kiowa and Comanche, welcomed non-Indians, black or white, as long as they were seriously interested. With the formation of the NAC, the same attitude has

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generally prevailed, and the presence of non-Indians has been no problem. It was in the sixties when the hippie generation became interested in peyote and became a nuisance in the peyote gardens of Texas, bringing about the Texas law which forbids possession of peyote by persons not having one-quarter Indian blood and proof of membership in the NAC, that race became an issue in membership. Since then, if non-Indians wish to be allowed to possess peyote, they must show that their involvement in the peyote religion is genuine—that it is not just a recreational, frivolous, or passing interest but a real commitment. Then, as the case against the Warners shows, race is not an issue. Still, it is especially important for non-Indians to carry identification of membership in the NAC if they have occasion to carry peyote, and even so, non-Indians possessing peyote violate Texas law.

The ruling of the NAC of NA that only Indians should be enrolled in the Native American Church is new and is not shared by most peyotists. The NAC of NA does not speak for all peyotists, much as it would like to do so. All peyotists consider themselves members of the Native American Church, but most are not affiliated with the NAC of NA. Each congregation makes its own rules, just as each meeting is conducted by its own roadman.

—Omer C. Stewart