

**STATEMENT OF OLIVER LITTLECOOK  
CHAIRMAN PONCA TRIBE OF INDIANS OF OKLAHOMA  
BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEE ON  
INTERIOR, ENVIRONMENTAL, AND RELATED AGENCIES  
ON THE 2024 INTERIOR DEPARTMENT BUDGET  
MARCH 8, 2023**

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***Request.***

We request \$5 million for Peyote Habitat Conservation Initiative Demonstration Projects.

***Introduction.***

Chairman Simpson, Ranking Member Pingree, Members of the Committee, my name is Oliver Littlecook, Chairman Ponca Tribe of Indians of Oklahoma. I am honored to submit this written statement to the subcommittee and testify in person. I am a lifelong member of the Native American Church, a church or way of life that is also described as the Peyote religion/ceremony. As a practitioner of this ceremony and a tribal leader I am compelled to express to this committee that you have a role in the protection and perpetuation of the Native American Church (NAC). The continuance of this religion and fulfillment of the 1978 American Indian Religious Freedom Act (AIRFA) policy declaration Pub. L. 95-341 is contingent on the survival of Peyote (*Lophophora Williamsii*) habitat. Without sufficient Peyote habitat the Peyote plant (our medicine) will no longer exist in the wild. The entire Native American Church ceremony is dependent on Peyote which is used/digested as a sacrament. Today I stand in the symbolic shadow of the late Parrish Williams my tribal member who testified before both the Senate Committee on Indian Affairs and the House Natural Resources Committee securing passage of the 1994 American Indian Religious Freedom Act Amendments Pub. L. 103-344. These amendments codified in the body of federal Indian law the legal right for American Indian and Alaska Native peoples to use, possess, transport, purchase Peyote for bona fide Traditional purposes.

***Current Crisis American Indian Religious Freedom***

In 1994 Congress amended the AIRFA to legalize Peyote use, acquisition, and transportation for members of federally recognized Indian tribes. Congress however has yet to provide protections to the Peyote plant itself. All Peyote habitat in America exist within the nexus of private land located in extreme southern Texas along the Rio Grande River. Peyote is located within Jimm Hogg, Starr, Web and Zapata counties. The ecoregion is characterized as “thorn scrub”. Farmers and ranchers in these counties have allowed Peyote to grow within its natural habitat (to an extent) since the advent of private land in the region. There has been a symbiotic relationship between private landowners, Licensed Peyoteros, harvesters and members of the Native American Church. This relationship has begun to fray within recent decades leading to a

crisis in access to Peyote, price of acquiring Peyote, and the size or quality of Peyote. The scarcity of Peyote is directly linked to rapidly evaporating Peyote habitat. Diminished Peyote habitat is a result of a confluence of issues including but not limited to urban sprawl, development, oil development, wind pads, roads and the advent of super game farms where the region produces record mule deer, white tail deer, elk and exotic game. Changing values of landowners and their heirs along with drought and extreme weather have combined to force many of us into the roles of advocates for enhanced conservation efforts.

For the first time members of the Ponca Tribe of Indians of Oklahoma and the Native American Church of Oklahoma have had discussions concerning the rationing of Peyote. This literally means rationing our ceremonial life and foregoing our customary religious protocols that spiritually sustain us. Some families within our tribe have not had the resources to acquire Peyote. This has delayed our full recovery and return to normalcy after Covid.

Both Congress and the Administration have made inroads in advancing opportunities for Indian tribes to engage in sacred sites on federal lands this is an imperative. This laudable goal and policy must also be extended to private land, where land owners are willing to be voluntary partners with tribal stakeholders and federal partners.

### ***Proposed Peyote Habitat Conservation Initiative Demonstration Project***

To counteract Peyote habitat destruction, we request \$5 million for a Peyote Habitat Initiative to be established as a separately- funded grant program within the U.S. Department of Interior and administered by the Interior Departments Office of the Assistant Secretary -Indian Affairs.

The Peyote Habitat Conservation Demonstration Project would compensate land owners for maintaining their existing Peyote habitat, converting land into Peyote habitat and would fund activities that focus on conservation and managed harvest of Peyote for sustainable yield. This initiative would function much in the same as existing conservation programs in various Interior agencies. However none of these existing programs are suitable, appropriate or inclusive of the needs for Peyote habitat.

Private landowners and their acreage that is voluntarily engaged in this initiative would not be taken out of production. On the contrary it would guarantee continued production as the existing land has done since first man/woman in the area. Peyote is anomalous. It is a crop that grows wild in its natural state, producers gain revenue by leasing harvesting rights, this initiative would further incentivize protection of Peyote habitat. Investments made by this grant program will maximize long-term Peyote habitat protection through land-use contracts, conservation easements, and restoration agreements.

Department of Interior's Office of the Assistant Secretary-Indian Affairs can be directed additionally by report language from this committee to form a steering committee that would have stakeholders and representation from tribal leaders, tribal NAC members, and

organizations such as the Native American Church of North America and Native American Church of Oklahoma. State and federal agencies that administer conservation programs, federal agencies with jurisdiction over Peyote and farming and ranching associations that represent the interests of relevant private landowners. The committee will work collaboratively to create and implement a regional Peyote Conservation Plan for the managed harvest of Peyote.

This proposed Initiative is congruent with the federal governments trust responsibility in executing the policy declaration contained within AIRFA, it is also consistent with the recommendations contained within Interior's Boarding School Initiative which called for a federal policy commitment to cultural revitalization.

### ***Widespread calls for renewed federal commitment to American Indian Religious Freedom Act***

The National Congress of American Indians recently passed resolution 22-009 titled Affirming Support for the American Indian Religious Freedom Act as Amended and Calling for Federal Preemption as it Pertains to the Legalization and or Decriminalization of Peyote (*Lophophora Williamsii*) and its byproducts. This resolution endorsed unanimously by member tribes of NCAI calls on the federal government to exercise its prerogatives under the doctrine of federal preemption to protect AIRFA from incursions. It calls upon the White House Council on Native American Affairs in coordination with the Department of Interior and relevant Departments to (1) convene and conduct a review of federal programs to determine a culturally sensitive approach to facilitating the protection of Peyote habitat and the restoration of Peyote populations in the wild; (2) identify funding to address the threats to the long-term viability of the Peyote plant; and (3) to address other impediments to the legitimate use of Peyote, such as cross border restrictions.

This resolution reflects the sentiment of the more than 300,000 members of the Native American Church representing all corners of Indian country. There is also broad based support throughout Indian country to celebrate the achievements of AIRFA as it reaches its 45<sup>th</sup> birthday this August.

Section 2 of Pub. L. 95-341 (AIRFA) Provided that the President direct the various Federal departments, agencies, and other instrumentalities responsible for administering relevant laws to "evaluate" their policies and procedures in consultation with Native Traditional religious leaders to determine changes necessary to preserve Native American religious cultural rights and practices and report to the Congress 12 months after August 11<sup>th</sup>, 1978.

Now in his twilight days, I believe our longest living President Jimmy Carter would be astonished to know that not since his historic signing of the American Indian Religious Freedom Act and its initial report has there been an official review of AIRFA by any Administration or Congress. It is time again to take the needed steps to assure a proper and respectful review and evaluation in consultation with tribal leaders and traditional practitioners.

This Subcommittee can and should use its jurisdiction to include report language that requires the Department of Interior to engage, lead a administration wide review and evaluation of Federal policies and activities in relation to the American Indian Religious Freedom Act.

### ***Conclusion***

A 100 years before President Carter's signing of AIRFA the Ponca tribe was removed from our ancestral homelands to Indian Territory. This removal nearly destroyed our tribe and Ponca cultural spiritual continuity. Exacerbating an already tragic scene our ancestors were inundated by agents and missionaries who were intent on eviscerating traditional dances, ceremonies, protocols and cultural customs. Our ancestors proved resilient and passed down a wealth of knowledge that allowed our tribe to survive, that is the reason there is still a Ponca Tribe of Oklahoma in existence. As evidenced by my presence here today we carry on our cultural, spiritual, and political sovereignty as Ponca. Our government-to-government relationship exists because of our resiliency, we Ponca owe much of this sustained survival to Peyote. As the late Parrish Williams said many years ago to Congress "its good medicine" I say it today on behalf of the 3,500 Ponca Tribe of Indians of Oklahoma Its good medicine. From my tribal government to yours , let's work together to ensure there are Ponca people here hundreds of years from now to say the same.