

WRITTEN TESTIMONY OF FRANK DAYISH
CHAIRMAN OF THE COUNCIL OF PEYOTE WAY OF LIFE COALITION
UNITED STATES HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
MARCH 9, 2023

My name is Frank Dayish, Chairman of the Council of Peyote Way of Life Coalition. I'm also the former Vice President of the Navajo Nation and also a former United States Marine, and former President of the Native American Church of North America. On behalf of the Council, I am here to testify to express my serious concerns to the Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies of the House of Representatives American Indian and Alaskan Native Public Witness Days regarding pharmaceutical companies' interest to appropriate "Heritage Molecules" in particular mescaline derived from peyote and to request funding for federally recognized tribes to protect and conserve land where peyote is grown in its natural habitat. Also, to request funding to implement the American Indian Religious Freedom Act Amendments of 1994.

As a coalition of stakeholders representing the interest of Navajo peyote practitioners and Navajo peyote members, we are extremely alarmed and concerned of pharmaceutical companies' strong interest to appropriate mescaline derived from our sacred peyote medicine. Peyote is a sacred plant for the Navajo people, including many other federally recognized tribes throughout the country. Navajo people, including other American Indians, were historically persecuted, and prosecuted for their ceremonial use of peyote for more than a century. Many tribes fought numerous legal and political battles at the tribal, state, and federal levels to achieve their right to use peyote within their respected traditional ceremonies and cultural ways.

The American Indian Religious Freedom Act of 1978 protects the rights of American Indians to exercise their traditional way of life by ensuring access to sites, use, and possession of sacred objects, and the freedom to worship through ceremonies and traditional rites. Furthermore, P.L. 103-344 the American Indian Religious Freedom Act Amendments of 1994 provided that "the use, possession, or transportation of peyote by an Indian for bona fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion is lawful and shall not be prohibited by the United States or any State." Therefore, the use of peyote is federally protected and should only be used by a federally recognized tribal member.

I am deeply concerned by Journey Colab and other pharmaceutical companies who applied for "patents" and Federal Drug Administration (FDA) approval to synthesize mescaline and offer corresponding proprietary therapy for the treatment of addiction and other mental health disorders. I understand Journey Colab claims to have engaged in a consultation with Indigenous communities and individuals who use peyote. However, they never consulted with the Council of Peyote Way of Life Coalition organization, 5 D Native American Church of Chiltaah of New Mexico, Azeé Bee Nahaghá of Diné Nation, Diné Native American Church of New Mexico, including many Navajo peyote organizations throughout Navajo Nation. Most importantly no consultation was completed with the Navajo Nation where thousands of peyote members reside.

The Council of Peyote Way of Life Coalition strongly opposes any extraction and synthesis of mescaline from peyote, and any cultivation, tincture, or manufacturing for scientific purposes (research), or for any other reasons outside of a traditional bona fide ceremonial setting or purposes. In addition, we oppose the decriminalization of peyote and stress peyote should be used for religious, cultural, and ceremonial purposes by a federally recognized member only, as protected under federal law.

Tribal Nations have a unique relation with the United States based on Indian Treaties, U.S. Congressional Acts, U.S. Supreme Court Decrees, Executive Orders, and memorandums which are considered the supreme law of the United States. Therefore, our focus is to leverage public awareness regarding this serious concern by making sure Tribal Nations' unique government-to-government relationship is upheld with respect and honor. We strongly believe this can be achieved, in part, by support from your committee.

In closing, the Council of Peyote Way of Life Coalition appreciates the Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies of the House of Representatives American Indian and Alaskan Native Public Witness Days for allowing me to express our concerns regarding pharmaceutical companies' interest to appropriate our Peyote Way of Life and to request funding to protect and conserve land where peyote is grown in its natural habitat. Also, to request funding to implement the American Indian Religious Freedom Act Amendments of 1994. Thank you for considering my testimony.

Respectfully,

Frank Dayish

Frank Dayish,
Council of Peyote Way of Life Coalition, Chairman