

Native American Worship With Peyote is Not Drug Abuse

NATIVE AMERICAN WORSHIP WITH PEYOTE IS NOT DRUG ABUSE

STATEMENT OF REUBEN A. SNAKE, JR. (1937 - 1993)

COORDINATOR, NATIVE AMERICAN RELIGIOUS FREEDOM PROJECT

AT A GATHERING OF NATIVE AMERICAN RELIGIOUS LEADERS AT THE U.S. CAPITOL TO
OBTAIN GUARANTEES OF RELIGIOUS LIBERTY

SEPTEMBER 29, 1990

WASHINGTON, D.C.

SENATOR INOUE, CHURCH PRESIDENT EMERSON JACKSON, HONORED GUESTS, AS AN AMERICAN IT IS INSPIRING TO STAND HERE AT THE FOOT OF THE U.S. CAPITOL TO EXERCISE TWO OF OUR BASIC AMERICAN RIGHTS, THE FREEDOM OF SPEECH, AND THE RIGHT TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES.

NATIVE AMERICANS HAVE BEEN ASSOCIATED WITH THE LIBERTY OF THE AMERICAN PEOPLE SINCE THE FOUNDING OF THE NATION. IN 1773, AT THE BOSTON TEA PARTY, THE EARLY PROTESTORS AGAINST BRITISH ROYAL TYRANNY DRESSED AS MOHAWKS BECAUSE INDIANS, IN ENGLAND AND IN EUROPE, WERE A SYMBOL OF AMERICAN LIBERTY. INDIANS, AND OUR WAY OF LIFE, WERE THE VERY SYMBOL OF AMERICAN LIBERTY ADOPTED BY THE EARLIEST AMERICAN REVOLUTIONARIES.

BUT FOUR OR FIVE CENTURIES BEFORE THAT DRAMATIC EVENT, EVEN BEFORE CHRISTOPHER COLUMBUS SAILED FROM SPAIN, THE FIVE NATIONS OF THE IROQUOIS CONFEDERACY FORMED A GOVERNMENT UNDER A CONSTITUTION CALLED THE GREAT LAW OF PEACE. CONSIDER SOME OF THE ENLIGHTENED FEATURES OF THAT GOVERNMENT -- PARLIAMENTARY-TYPE GOVERNMENT, SEPARATION OF POLITICS AND RELIGION, SEPARATION OF CIVIL AND MILITARY GOVERNMENT, THE CONCEPT OF CHECKS AND BALANCES, VETO, REFERENDUM, AND SO FORTH. THOSE GOVERNMENTAL CONCEPTS WERE SO REMARKABLE, BOOKS WERE WRITTEN ABOUT THEM IN THE EUROPEAN LANGUAGES. THESE CONCEPTS BECAME KNOWN TO JOHN LOCKE AND JEAN-JACQUES ROUSSEAU, EUROPEAN POLITICAL PHILOSOPHERS WHOSE WRITINGS ARE CITED IN IDENTIFYING THE SOURCES OF THE U.S. CONSTITUTION. THE FREE EXERCISE OF RELIGION WAS AMONG THE MANY FEATURES OF THAT GREAT NATIVE AMERICAN GOVERNMENT, AND THE FREEDOM OF RELIGION IS ONE WHICH MANY OF US TAKE FOR GRANTED TODAY.

ON SEPTEMBER 15, 1620, ENGLISH SUBJECTS SAILED FROM PLYMOUTH, ENGLAND, TO SEEK REFUGE FROM RELIGIOUS PERSECUTION. THE STORY OF THE PURITAN PILGRIMS LANDING AT PLYMOUTH ROCK IN MASSACHUSETTS TO ACHIEVE RELIGIOUS FREEDOM IS ONE OF THE BEST KNOWN STORIES IN AMERICAN HISTORY.

IT IS TRAGIC TO SAY HOWEVER, THAT WE ARE NOW IN A SITUATION IN THE UNITED STATES OF AMERICA WHERE WE CAN NO LONGER TAKE SUCH A FUNDAMENTAL RIGHT, THE FREE EXERCISE OF RELIGION, FOR GRANTED.

AS VENERABLE AS THE HERITAGE OF RELIGIOUS LIBERTY HAS BEEN IN AMERICA, RELIGIOUS LIBERTY IS NOW IN JEOPARDY FOR ALL MINORITY RELIGIONS. LAST APRIL, IN THE CASE OF OREGON v. SMITH [494 U.S. 872, 110 S. Ct. 1595, 108 L. Ed. 2d 876, 1990 U.S. LEXIS 2021 (1990)], A CASE INVOLVING NATIVE AMERICAN RELIGIOUS LIBERTY, THE U.S. SUPREME COURT THREW OUT ITS LONG STANDING PRECEDENTS AND DECLARED THAT NO LONGER DOES THE GOVERNMENT HAVE TO SHOW THAT LAWS WHICH BURDEN AND RESTRICT RELIGIOUS LIBERTY MUST BE JUSTIFIED BY A COMPELLING GOVERNMENT INTEREST. EVEN VERY LARGE RELIGIOUS ORGANIZATIONS ISSUED PROTESTS AND SOUGHT A REHEARING IN THE COURT. THE BAPTISTS, THE METHODISTS, JEWISH GROUPS, DOZENS OF RELIGIOUS GROUPS, AND OVER 50 OF AMERICA'S MOST DISTINGUISHED CONSTITUTIONAL LAW PROFESSORS SOUGHT A REHEARING OF THE COURT'S DECISION. BUT CONSIDER THE IMPLICATIONS OF THIS CASE FROM OUR PERSPECTIVE. THE U.S. SUPREME COURT REVERSED A LONG LINE OF SETTLED CASES IN ORDER TO RULE THAT THE USE OF THE SACRAMENT OF NATIVE AMERICAN WORSHIP, THE HOLY MEDICINE, PEYOTE, IS NOT PROTECTED UNDER THE FIRST AMENDMENT OF THE CONSTITUTION. THEY SAID, IN OUR CASE, OUR RELIGIOUS EXERCISES, OUR FORM OF WORSHIP, THE USE OF OUR HOLY SACRAMENT, IS NOT PROTECTED BY THE CONSTITUTION. THE COURT SAID THAT NATIVE AMERICANS, WHO HAVE ENJOYED RELIGIOUS LIBERTY ON THIS LAND SINCE BEFORE THE PILGRIMS FLED HERE, ARE NO LONGER ENTITLED TO RELIGIOUS LIBERTY. THIS TRAMPLING OF NATIVE AMERICAN RELIGIOUS LIBERTY IS INTOLERABLE. OUR PEOPLE HAVE BEEN USING THE HOLY MEDICINE, PEYOTE, FOR THOUSANDS OF YEARS, THOUSANDS OF YEARS. FOR THE LAST TWENTY YEARS, THE AMERICAN PEOPLE HAVE BEEN SUFFERING AN EPIDEMIC OF ABUSE OF REFINED CHEMICAL DRUGS LIKE COCAINE, HEROIN, AMPHETAMINES, PCP, AND SO FORTH. AMERICAN CITIES ARE CRAWLING WITH VIOLENCE AND CRIME. THIS IS A TERRIBLE TRAGEDY, AND THIS KIND OF DRUG ABUSE IS ALSO A PROBLEM FOR SOME INDIAN YOUTH. BUT THERE IS NO PEYOTE DRUG ABUSE PROBLEM. I DEFY THE JUSTICES OF THE SUPREME COURT TO FIND NEWSPAPER REPORTS OF DRIVE-BY SHOOTINGS IN CONNECTION WITH THE HOLY MEDICINE. I CHALLENGE ANYONE CONCERNED ABOUT THE PROBLEM OF DRUG ABUSE TO FIND EXAMPLES OF DOPE PEDDLERS SELLING THE HOLY MEDICINE IN AMERICA'S SCHOOL YARDS AND PLAY GROUNDS. THE IDEA IS PREPOSTEROUS. WE DON'T HAVE A PEYOTE ABUSE PROBLEM IN THIS NATION. YET THE WIDESPREAD FEAR, BORDERING ON PANIC, ABOUT THE TRAGEDY OF DRUG ABUSE HAS CLOUDED THE MINDS OF THE JUSTICES. IN THE NAME OF THE WAR ON DRUGS, OUR USE OF OUR HOLY MEDICINE IS RESTRICTED. IN THE NAME OF THE WAR ON DRUGS, OUR GUARANTEE OF FREE EXERCISE OF RELIGION HAS BEEN VIOLATED. IN THE NAME OF THE WAR ON DRUGS, THE RELIGIOUS FREEDOM OF EVERY AMERICAN HAS BEEN PLACED IN JEOPARDY.

THE CONSEQUENCES ARE OUTRAGEOUS. FOR DECADES NATIVE AMERICANS HAVE ENDURED THE HARASSMENT AND PERSECUTION OF LAW ENFORCEMENT AUTHORITIES IGNORANT OF, OR INDIFFERENT TO, OUR ANCIENT WAYS OF WORSHIP. THE LAW REPORTS ARE FILLED WITH TRAGIC CASES OF OUR MEN AND WOMEN DRAGGED FROM WORSHIP, OR FROM THEIR HOMES, TO JAIL CELLS AND TO COURTROOMS, FORCED TO DEFEND THEMSELVES, TO JUSTIFY THEMSELVES TO THE IGNORANT AND THE CALLOUS. BUT IN THOSE DEGRADING CIRCUMSTANCES, WE COULD ALWAYS POINT, CONFIDENTLY, TO THE FIRST AMENDMENT'S GUARANTEES OF FREE EXERCISE OF RELIGION, AND KNOW THAT ULTIMATELY WE WOULD PREVAIL. NOW, UNBELIEVABLY, WE ARE NO LONGER ASSURED THAT WE WILL PREVAIL.

THIS HAS BEEN INTOLERABLE TO US, THIS IS INTOLERABLE TO US, AND IT IS INTOLERABLE TO EVERY AMERICAN WHO TREASURES THEIR RIGHT TO WORSHIP GOD WITHOUT GOVERNMENT INTERFERENCE.

IN THE NATIVE AMERICAN CHURCH EVERY DAY IS A HOLY DAY, BUT TODAY IS SPECIAL. IN THE HEBREW CALENDAR, TODAY IS YOM KIPPUR, THE DAY OF ATONEMENT, THE MOST SOLEMN DAY OF JEWISH WORSHIP. MANY JEWISH FRIENDS OF NATIVE AMERICANS INVITED TO JOIN US THIS MORNING EXPLAINED THAT THEY COULD NOT WORSHIP WITH US HERE, FOR THEY WOULD BE IN THEIR OWN TEMPLES IN PRAYER.

FOR MANY OF THE 5741 YEARS OF THE HEBREW CALENDAR, THE JEWISH PEOPLE HAVE SUFFERED OPPRESSION ON ACCOUNT OF THEIR RELIGION. TODAY, 199 YEARS AFTER THE AMERICAN BILL OF RIGHTS WAS ADOPTED, WE ARE THANKFUL THAT THE JEWISH PEOPLE FEEL FREE TO WORSHIP WITHOUT FEARING GOVERNMENT HARASSMENT.

BUT LADIES AND GENTLEMEN, TODAY THE 250,000 MEMBERS OF THE NATIVE AMERICAN CHURCH ARE NOT FREE TO WORSHIP GOD WITHOUT FEAR OF GOVERNMENT HARASSMENT. CHURCH PRESIDENT EMERSON JACKSON HAS DECLARED TOMORROW A DAY OF PRAYER FOR PEACE. TODAY, HUNDREDS OF OUR PEOPLE ARE PREPARING FOR A NIGHT-LONG NATIVE AMERICAN CHURCH SERVICE AND PRAYER FOR PEACE. BUT MANY OF OUR ELDERS, WHO HAVE TRAVELED THOUSANDS OF MILES TO BE HERE TO WORSHIP IN OUR NATION'S CAPITAL, WHO HAVE EXPERIENCED THE INDIGNITIES OF RELIGIOUS PERSECUTION, EXPRESSED TO THE ORGANIZERS OF THIS WORSHIP SERVICE A GREAT FEAR -- WILL WE BE ARRESTED? WILL WE BE ARRESTED? WE HAVE HAD TO CALL LAW ENFORCEMENT AUTHORITIES -- ATTORNEYS GENERAL, PROSECUTORS, ASSISTANT STATE'S ATTORNEYS, NARCOTICS UNITS -- AROUND THE REGION TO ASSURE OURSELVES THAT OUR WORSHIP WILL PROCEED UNDISTURBED BY THE HIDEOUS SPECTER OF A POLICE RAID.

I ASK MY BROTHERS AND SISTERS WHO ARE CHRISTIANS, MY BROTHERS AND SISTERS WHO ARE MOSLEM, MY BROTHERS AND SISTERS WHO ARE HINDUS, MY BROTHERS AND SISTERS WHO ARE BUDDHISTS, MY BROTHERS AND SISTERS WHO ARE JEWISH, DO ANY OF YOU WORRY THAT YOUR WORSHIP SERVICES WILL BE

RAIDED BY THE POLICE? DO ANY OF YOU FEEL IT NECESSARY TO CALL THE POLICE IN ORDER TO SET UP A WORSHIP SERVICE? DO ANY OF YOU HAVE TO EXPLAIN TO LAW ENFORCEMENT OFFICERS THAT YOU HAVE A RIGHT TO WORSHIP YOUR GOD IN YOUR OWN MANNER?

I ASK MY BROTHERS AND SISTERS WHO ARE CHRISTIANS, DO YOU NEED PERMISSION FROM YOUR STATE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO GIVE SACRAMENTAL WINE TO COMMUNICANTS UNDER THE AGE OF 21? DO YOUR PRIESTS NEED LICENSES FROM THE GOVERNMENT TO PERFORM A MASS? OF COURSE NOT, BUT UNDER THE SMITH DECISION, THAT SHOCKING POSSIBILITY MAY YET COME TO PASS. I ASK MY BROTHERS AND SISTERS, WHEN THEY TELL THEIR CHILDREN ABOUT THEIR RELIGIOUS RITES, DO THEY HAVE TO WARN THEIR LITTLE ONES ABOUT THE POLICE? DO THEY HAVE TO EXPLAIN THAT THEY SHOULD NOT BE ASHAMED BECAUSE OF THE SPECIAL POLICE "INTEREST" IN THEIR WORSHIP?

I ASK THE AMERICAN PEOPLE, DOES THIS SOUND LIKE THE RELIGIOUS LIFE WE EXPECT TO LIVE IN THE UNITED STATES OF AMERICA?

WELL MY BROTHERS AND SISTERS, THIS UNBELIEVABLE CONDITION BURDENS OUR WORSHIP. THIS RELIC OF PREJUDICE BURDENS OUR WORSHIP. THIS GOVERNMENT INVOLVEMENT IN OUR RELIGION BURDENS OUR WORSHIP, AND IT IS INTOLERABLE. TODAY, AT THE HIGHEST POINT IN WASHINGTON, OVERLOOKING OUR LITTLE PRESS CONFERENCE, THE NATIONAL CATHEDRAL IS BEING DEDICATED. TODAY THE LAST STONE IS BEING PLACED IN THAT BEAUTIFUL MONUMENT TO THE CENTRAL IMPORTANCE OF GOD AND PRAYER IN AMERICAN LIFE.

IT IS PROFOUNDLY IRONIC THAT JUST AS THAT GLORIOUS CATHEDRAL IS BEING COMPLETED AND DEDICATED IN OUR NATION'S CAPITAL, THE U.S. SUPREME COURT HAS JEOPARDIZED THE STATUS OF EVERY MINORITY RELIGION, AND IT HAS DONE SO IN A CASE INVOLVING NATIVE AMERICAN CHURCH MEMBERS USING THE HOLY SACRAMENT OF OUR CHURCH.

WE ARE HERE TODAY WITH ONE SIMPLE MESSAGE -- WE DEMAND THAT OUR USE OF OUR SACRAMENT, THE HOLY MEDICINE PEYOTE, BE FULLY PROTECTED BY LAW WITHOUT QUALIFICATION. WE ASK NO MORE, WE EXPECT NO MORE, AND WE ARE ENTITLED TO NOTHING LESS!

WHY MUST WE STAND HERE AND DEFEND OUR RELIGION? WHY MUST WE TELL YOU THAT OUR CHURCH IS A GOOD CHURCH? WHY MUST WE TELL YOU THAT WE DO NOT TOLERATE DRUG ABUSERS OR ALCOHOLICS IN OUR CHURCH?

WE ARE REDUCED TO THIS POSTURE BECAUSE OF LAWS PASSED AND ENFORCED IN AN ATMOSPHERE OF ALMOST TOTAL IGNORANCE ABOUT NATIVE AMERICANS. PERHAPS WE SHOULD NOT BE SURPRISED. LIKE MOST AMERICANS WE LIKE TO GO ABOUT OUR BUSINESS QUIETLY AND WITHOUT DRAWING ATTENTION TO OURSELVES. ONE OF THE CENTRAL TEACHINGS OF OUR CHURCH IS HUMILITY.

WE HAVE NEVER HELD A PRESS CONFERENCE BEFORE. WE HAVE NEVER DRAWN ATTENTION TO OURSELVES BEFORE. WE ARE UNCOMFORTABLE THIS MORNING, BUT

TO PROTECT OURSELVES, WE HAVE A DUTY. WE ARE HERE TODAY TO TELL THE AMERICAN PEOPLE THAT OUR WORSHIP IS SACRED, IT IS LEGITIMATE, IT IS PROFOUND, IT IS GOOD, IT IS WONDERFUL IN THE EYES OF GOD, IT IS WONDERFUL FOR OUR PEOPLE, AND WE MUST, WE MUST PRAY THE WAY GOD HAS TAUGHT US. AMERICANS, YOU HAVE TAKEN MUCH FROM US. YOU HAVE BENEFITED FROM US IN MANY WAYS. YOU HAVE LEFT US LITTLE LAND, YOU HAVE TAKEN AWAY OF TRADITIONAL LIVELIHOODS. DO NOT ALLOW THE GOVERNMENT TO TAKE OUR RELIGIOUS FREEDOM AWAY.

WE URGE YOU TO JOIN US IN SUPPORTING THE "RELIGIOUS FREEDOM RESTORATION ACT OF 1990," H.R. 5377. BUT THIS IS ONLY A FIRST STEP. THE BILL DOES NOT GO FAR ENOUGH. IT DOES NOT SPECIFICALLY PROTECT OUR WORSHIP, THE ONE THAT THE SUPREME COURT CHOSE TO DISREGARD AND DENY PROTECTION. WE URGE THAT THE BILL BE AMENDED TO SPECIFICALLY PROTECT NATIVE AMERICAN RELIGIOUS FREEDOM.

THAT IS NOT TOO MUCH TO ASK. SOON WE WILL BE RETURNING TO OUR HOMES ACROSS AMERICA AND TO OUR CHILDREN AND GRANDCHILDREN. WE WILL SAY WE ENGAGED IN THE POLITICAL PROCESS, WE SPOKE TO THE AMERICAN PEOPLE AND TO THE NATIONAL NEWS MEDIA. WE WENT TO WASHINGTON, AND WE TOLD OUR STORY. CAN WE TELL OUR CHILDREN, "WE SUCCEEDED, YOU ARE NOW SAFE"? CAN WE TELL OUR CHILDREN, "WE HAVE BROUGHT BACK FOR YOU THE SECURITY, THE SAFETY, THE CERTAINTY THAT YOU, OUR CHILDREN, AND YOUR CHILDREN CAN WORSHIP GOD AS WE HAVE BEEN TAUGHT"?

IT IS OUR PRAYER THAT WE CAN!

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Mr. Snake was assisted in the preparation of these remarks by Eric E. Sterling, President of the Criminal Justice Policy Foundation, 8730 Georgia Avenue, Silver Spring, MD 20910, 301-589-6020, esterling@cjpf.org, www.cjpf.org. Please contact him if you would like more information about the occasion on which these remarks were made.

On October 6, 1994, President William J. Clinton signed Public Law 103-344, the "American Indian Religious Freedom Act Amendments of 1994," to protect the traditional use of peyote by Indians for religious purposes throughout the United States. (108 Statutes at Large 3125). The bill passed the U.S. House of Representatives on August 8, 1994, and passed the U.S. Senate on September 26, 1995. (H.R. 4230, 103rd Cong., House Report 103-675). The Native American Rights Fund (NARF) played a major role in enacting this legislation. For information, contact Robert Peregoy, Esq., NARF, 1712 N Street, NW, Washington, DC 20036-2976, Tel. 202-785-4166; or contact Walter Echo Hawk, Esq., at NARF's Boulder, CO office, 303-447-8760.

Mr. Snake collaborated with Prof. Huston Smith on the book, [One Nation Under God, The Triumph of the Native American Church](#) (1996) published by Clear Light Publishers,

823 Don Diego, Santa Fe, NM 87501 (800-253-2747), about the religious use of peyote and the political struggle that this speech was a part of.

Two videos were made in the course of the lobbying for this law, *The Peyote Road and Your Humble Serpent*, by film maker Gary Rhine, Kifaru Productions, 23852 Pacific Coast Highway, Suite 766, Malibu, CA 90265 (800-400-VIDEO), .

The autobiography of Reuben Snake was published in 1996, [Reuben Snake, Your Humble Serpent, Indian Visionary and Activist](#), as told to Jay C. Fikes. It was also published by Clear Light Publishers, 823 Don Diego, Santa Fe, NM 87501 (800-253-2747).

For additional information on obtaining the writings of Reuben Snake, please contact James Botsford, Esq., Wisconsin Judicare, P.O. Box 6100, Wausau, WI 54402. Tel. 715-842-1681, jbotsford@judicare.org.

For information on the Native American Church of North America, contact the Church President for 1998-99, Earl Arkinson, Rural Route 1, Box 1032, Box Elder, Montana 59521 (tel) 877-868-2472 (fax) 406-395-4375, e_arkinson@yahoo.com.

In 1990, a national coalition was created to win enactment of the Religious Freedom Restoration Act referred to by Reuben Snake, the Coalition for the Free Exercise of Religion, 200 Maryland Avenue, NE, Washington, DC 20002, Tel. 202-544-4226. The Coalition consists of over 50 religious and civil liberties organizations including the Native American Church of North America, the Council on Spiritual Practices, and the Criminal Justice Policy Foundation.

The Religious Freedom Restoration Act, reversing *Oregon v. Smith* (494 U.S. 872, 110 S. Ct. 1595, 108 L. Ed. 2d 876, 1990 U.S. LEXIS 2021 (1990)), passed Congress overwhelmingly and was signed on November 16, 1993 by President Clinton (P.L. 103-141). It prohibited any unit of government from substantially burdening a person's exercise of religion unless the government demonstrates that the application of the burden to the person is in the furtherance of a compelling governmental interest and is the least restrictive means of furthering that governmental interest. (The law can be found at 107 Statutes at Large 1488. It was H.R. 1308, 103rd Cong., House Report 103-88, and Senate Report 103-111).

On June 25, 1997, the U.S. Supreme Court held the Religious Freedom Restoration Act unconstitutional as applied to the states. [City of Boerne, Texas v. P.F. Flores, Archbishop of San Antonio](#) (521 U.S. 507, 117 S. Ct. 2157, 138 L. Ed. 2d 624, 1997 U.S. LEXIS 4035, (1997)).