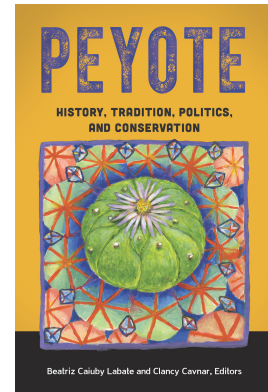


# **Peyote: History, Traditions, Politics, and Conservation**

Co-edited by Beatriz Labate and Clancy Cavnar (ABC-Clio/ Praeger, 2016)

## Summary

This book focuses on peyote (*Lophophora williamsii*), a hallucinogenic cactus containing mescaline, which grows naturally in Mexico and southern Texas. Mescaline is an internationally controlled substance, though exemptions have been made for the religious use of peyote by indigenous groups in Mexico, and by the pan-indigenous Native American Church with chapters in both the United States and Canada. Currently, natural populations of peyote are in decline, due both to improper harvesting techniques (by licensed and non-licensed harvesters) and environmentally damaging economic activities (mining, agriculture, growing cattle, oil developments). In Mexico, peyote is considered a species requiring “special protection” due to environmental concerns; peyote is also protected under the Convention on the International Trade in Endangered Species (CITES) as a species liable to become endangered. This collection addresses the delicate relationship between “the needs of the plant” as a species and “the needs of man” to consume the species for spiritual purposes. The chapters also discuss the history of peyote regulation in the United States and the special “trust responsibility” relationship between the American Indians and the government. Under the argument of “equal protection,” different groups have attempted to obtain an exemption for peyote use. As is the case with conservation, multiple stakeholders’ interests are in conflict. The discussion and comparison of diverse legal cases touch upon concepts such as place, ethnicity, identity, and tradition. The expansion of the peyote traditions is used here as a foundation for examining issues of international human rights law and protections for religious freedom within the current prohibitionist system and global milieu of cultural transnationalism. Collectively, this book offers a unique contribution by presenting a dense anthropological description of peyote use in different contexts, and addressing contemporary conservation and legal issues surrounding peyote and its religious use.



## Chapters

### **1. Decline of the genus *Lophophora* in Texas**

Keeper Trout and Martin Terry

Peyote's past and future are interwoven with the history of humans in Texas but how much do we know about the past and future of peyote as a species? Using a multidisciplinary look at the factors involved in the creation of modern *Lophophora* habitat in Texas, Trout & Terry explore the potential impact of climate change, environmental shifts, dynamic ecosystems, post-glacial flooding, the origin of the Peyote Gardens and recombinant events on creating the present-day view of *Lophophora* in Texas. In doing so we explore the possible past and future of peyote.

## **2. An overview of cacti and the controversial peyote**

**Mariana Rojas-Aréchiga & Joel Flores**

In this chapter, we offer a general view of the family to which peyote belongs and some biological, historical and ethnobotanical information about this unique cactus. Cacti are a group of plants included in the cactus family or Cactaceae, being one of the most diversified plant groups, with approximately 1,450 species. They naturally occur in the New World from Canada to Argentina, including the Caribbean. A number of physiological and anatomical adaptations of the shoot and root system enable most cacti to survive and flourish in water-limited environments. Mexico harbors the greatest richness of cacti in the world, with 660 species. Arid and semi-arid regions of the country, mainly the Chihuahuan Desert, the Sonoran Desert, and the Tehuacán Valley, have the greatest concentration of cacti species and several endemisms. Ethnobotanical studies have documented 118 cacti species utilized by indigenous peoples, and one of these is the peyote, widely adopted for its therapeutic and visionary properties. Used since pre-Hispanic times, this species has always been controversial; to some it was considered the devil's plant, and to others, the gods' plant. Peyote has been the most important hallucinogenic plant used in North America, and has obsessed not only scientists, but also writers and enthusiasts. Unfortunately, due to overgrazing, seizures, and land use change, wild populations of this plant have decreased. This paper charts the ecological studies on the plant, and tries to highlight the need for more ecological studies to assess its current state of conservation.

## **3. Peyote in the Colonial Imagination**

**Alexander Dawson**

In 1620, the Holy Office of the Spanish Inquisition banned peyote. After a century in which Spaniards first expressed curiosity about and wonder at the

power of the cactus, this edict seemed to consolidate the meanings of peyote within the colonial context. Peyote was dangerous, sinful, and illicit; largely because its users had a different kind of relationship to this plant than they did to other medicinal herbs. Peyote could produce visions of the future, knowledge about the past, and encounters with devils. And yet, this edict did relatively little to settle the meanings of peyote within colonial society. As two centuries of Inquisitorial records indicate, peyote continued to circulate among indigenous and non-indigenous populations throughout the colonial period, and was used towards a variety of spiritual and mundane ends. In examining these records, we have an important opportunity to explore the ways in which the colonial state created and policed its notions of indigeneity and Whiteness through this otherworldly plant. We also see the weakness of that state in its inability to fully keep either its indigenous or non-indigenous subjects within the categories it created.

#### **4. Peyote, Christianity, and Constitutional Law: Towards an Anti-Subordination Jurisprudence**

Varun Soni

The history of peyote law in the United States provides a striking example of the centrality of Christianity within the American legislative and judicial branches. This chapter will examine the role of Christianity in the development of American peyote law by focusing on four historical moments: (1) the institutionalization of peyote law by early Christian missionaries; (2) the development of peyote law; (3) the establishment of the Native American Church; and (4) the United States judiciary's response to peyotism. Using a framework pioneered by Critical Race Studies, this chapter will further examine how the judiciary can formulate an anti-subordination approach to the Free Exercise Clause, an approach which recognizes, preserves, and protects religious practices by carving out a constitutionally protected autonomous space for religious minorities.

#### **5. State and Federal Legal Protections for Peyote Use in the United States**

John Forren

Perhaps ironically, legal protections for religious users of peyote have greatly expanded in the United States in the wake of the U.S. Supreme Court's

landmark ruling in *Employment Division v. Smith* (1990). *Smith* itself – in denying First Amendment religious exemptions from criminal prohibitions on peyote – was unquestionably a short-term defeat for the cause of Native American religious freedom. Nonetheless, now two decades later, the more important legacy of that Supreme Court decision is the expansive patchwork of statutory and judicially crafted protections for religious peyote use that the political backlash to *Smith* has helped to create. This chapter traces the development of these post-*Smith* legal protections for peyotism, focusing specifically on how Native American leaders and their political allies mobilized federal and state policymakers to enact new legal safeguards in the wake of the Supreme Court’s 1990 evisceration of constitutional protections. Early assessments of *Smith*, the chapter shows, significantly overestimated the U.S. Supreme Court’s authority as the ‘final’ institutional voice on the scope of religious liberty in America. What’s more, such assessments also vastly underestimated both the depth of Americans’ commitment to core principles of religious autonomy and the ability of religious minorities to secure legal protections through coordinated political action.

## **6. Peyote, Conservation & Indian Rights in the United States**

Kevin Feeney

While protections for religious peyote use in the U.S. currently stand on the strongest legal foundation they ever have, the peyote religions currently face a much greater threat than criminal prohibition. Due to land and economic developments in southern Texas (where peyote is harvested commercially), harvesting pressures, and to the harmful harvesting practices employed by some pickers, concern is mounting that peyote may soon become endangered. This chapter explores the conflict between Native American peyote use, the underlying religious rights protecting this practice, and the Endangered Species Act (ESA). Conflicts between federal protections for eagles and the religious use of eagle feathers are examined in order to illustrate how religious use of peyote might be balanced against conservation should peyote become a protected species. In contemplation of a potential ESA listing for peyote several potential avenues for simultaneously protecting peyote and its religious use are considered, with a particular emphasis on cultivation, in the interest of preventing further government restrictions on peyote.

## **7. Protecting the Medicine for Future Generations: The American Indian Religious Freedom Act Successes, Challenges, and Paths Forward**

Bob Prue

The Native American Church has endured over a century of targeted oppression and, with the successes gained due to the American Indian Religious Freedom Act, has emerged in the 21<sup>st</sup> century as the largest indigenous spiritual movement in North America. Having survived the threats to Euro-American-centric religious ideas and racism, the Native American Church now faces challenges owing to its success. Wild stocks of their sacramental cactus peyote are declining and members see solutions from several sources: establishing environmental protections for peyote and peyote growing regions; creating a mechanism to allow for the legal importation of peyote from areas with more robust stocks in Mexico; and clarification of legal and intra-cultural ambiguity regarding assuring a sustainable supply through horticultural means such as wild-crafting, greenhouse cultivation, or farming. This chapter includes the opinions and recommendations of individuals who are in leadership positions within the Native American Church at chapter, regional, and national levels.

## **8. Peyote and Psychedelics on the Canadian Prairies**

Erika Dyck

Peyote is not native to the Canadian prairies but was introduced to the region in the early 20<sup>th</sup> century as part of the rituals associated with the Native American Church. Its appearance in western Canada coincided with a growing local interest in psychedelic psychoactive substances and their use in psychiatry, alongside changes in governmental attitudes towards indigenous healing and spiritual practices. In this context, advocates, scientists and government officials in the 1950s became locked in a debate over the genuine value of peyote. Our paper relies on a collection of unpublished papers from sympathetic peyote users in the region to explore the Canadian dimension of an international discussion over the spiritual value of peyote for Canadian Aboriginal people. It examines the introduction of the Native American Church in Canada and explores its adaptation of peyotism, its rituals, spiritual interpretations, and religious discourse, as an imported practice.

## **9. From Solid To Foamy: Peyote Uses in the Holy Week Rituals of Coras and Huichols in Northwest Mexico**

Maria Benciolini and Arturo Gutiérrez

The aim of this paper is to comparatively analyze the use of peyote in the Holy Week festivities celebrated by two indigenous people: the Cora (náayeri) and the Huichol (wixaritari). In both cultures, the power of Father Sun is celebrated during Holy Week, and in both, peyote is ritually consumed by the participants; however, the cactus is used in different contexts and in ways that highlight the distinct concerns and interests of each people. If we can observe a prevalence of solar aspects and a bright side in Huichol ritual, in contrast, the Coras show great interest in the transgressive aspect of aquatic forces. The different concerns of both people are also reflected in the different use of peyote. Many researchers have extensively studied the use and role of peyote in Huichol culture; today it is one of the elements that identify Huichol culture both nationally and internationally. Although the use of peyote is especially visible among the Huichol (partly for legal reasons), it is noteworthy that among the Cora, who share important cultural traits with the Huichol, this cactus is also ceremonially consumed, though not as visibly. For this reason, it is important to generate a shared reflection on the use of the cactus between these two groups.

## **10. New Age Tourism in Wirikuta: Conflicts and Rituals**

Vincent Basset

This chapter provides an ethnographic study of contemporary rituals of peyote in Mexico. Taking as an example the study of tourist activities in the Natural and Sacred Wirikuta Reserve, located in the state of San Luis Potosi, Mexico, it is argued that national and international tourists try to approach Amerindian otherness by means of the practice of a modern form of shamanism. This neo-shamanism, based on a re-appropriation of the local shamanic universe by European imagination, reveals an original way to represent and think about our relation to the Indians and their sacred plants. Tourist activities that re-build new shamanic rituals of peyote consumption have generated many conflicts between native Indians (Wixarica), locals, and drug policy agents in this natural reserve. This study will help us understand the differences in the use of peyote between foreigners and natives, and the resulting cultural impact of this new form of shamanism.

## **11. Challenges for Peyote Regulation in Mexico: Drug Conventions and Environmental Laws**

Beatriz Caiuby Labate & Kevin Feeney

This paper analyzes the history of regulation of the peyote cactus (*Lophophora williamsii*) in Mexico. First, it examines the discourse that surrounded the establishment of the international drug conventions, with a particular emphasis on the 1971 UN Convention. In discussions leading up to this Convention, preservation of traditional use of peyote in North America was debated. In the Convention's final form, a mechanism to exempt traditional use of psychoactive plants was included, and Mexico, Canada, and the United States each took advantage of this exemption in order to preserve traditional use of peyote within their respective territories. In 1984, peyote was added to Mexico's national list of controlled substances, and, in 2009, an exemption was introduced to protect traditional indigenous uses of peyote. Independent of criminal law, peyote is also subject to environmental regulations and protections. Here, we examine the national drug laws, environmental legislation, and the mechanisms through which exemptions to indigenous groups are given. We also provide a brief overview of legal cases involving peyote. We conclude by focusing on the overall challenges, paradoxes, and ambiguities present in the current regulatory framework addressing possession and use of peyote.

## **12. Why Should Peyote be Valued as Biocultural National Heritage of Mexico?**

**Mauricio Genet Guzmán Chávez**

This chapter reflects on the contemporary use of peyote (*Lophophora williamsii*) among indigenous and non-indigenous people in Mexico from the heritage point of view. It suggests that the Mexican State should declare peyote as national cultural heritage, in the same way that Peru has done with ayahuasca and the coca leaf. It is argued that the Cactaceae is both emblematic of semi-arid ecosystems in general, and of the Sacred Site of Natural Huiricuta, in particular. Further, the heritage value of the plant lies in its quality as a reservoir and source of knowledge, skills, and practices involving the body, health, and spirituality. The chapter dedicates some attention to the illegal looting of Cactaceae in the Chihuahuense desert and suggests different ways to consider a complete model of conservation and cultural use of the peyote in Mexico.