

LEGISLATIVE SUMMARY SHEET

Tracking No. 0141-24

DATE: June 24, 2024

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES DECRIMINALIZING THE USE OF PEYOTE AND URGING ALL STATES TO ABIDE BY THE AMERICAN INDIAN RELIGIOUS FREEDOM ACT AMENDMENTS OF 1994

PURPOSE: The purpose of the resolution is to oppose states decriminalizing the use of peyote and urges all states to abide by the American Indian Religious Freedom Act Amendments of 1994.

Final Authority: Naabik'íyáti' Committee

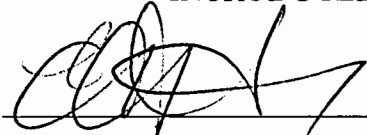
Vote Required: Simple Majority

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD Al M. K. J. J.
Website Posting Time/Date 09:03AM 07/02/24
Posting End Date: 07/06/24
Eligible for Action: 07/07/24

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 25th NAVAJO NATION COUNCIL – Second Year, 2024

3 INTRODUCED BY

4 
5 _____

6 (Prime Sponsor)

7
8 TRACKING NO. 0141-24

9
10 AN ACTION
11 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; OPPOSING
12 DECRIMINALIZING THE USE OF PEYOTE AND URGING ALL STATES TO
13 ABIDE BY THE AMERICAN INDIAN RELIGIOUS FREEDOM ACT
14 AMENDMENTS OF 1994

15 WHEREAS,

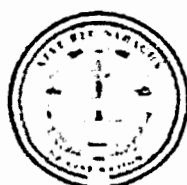
- 16 A. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council
17 empowered to assist and coordinate all requests for information, appearances and
18 testimony relating to proposed county, state and federal legislation impacting the Navajo
19 Nation. 2 N.N.C. §§ 700(A), 701(A)(6).
- 20 B. The use of peyote for ceremonial and cultural purposes by the Native American Church
21 members is one of the oldest religious traditions in the Western Hemisphere; a recent
22 carbon dating of peyote at an archeological site in Texas revealed that the peyote dated
23 back to 4,220 B.C. (approximately 6,000 years ago). James D. Muneta, *Peyote Crisis*
24 *Confronting Modern Indigenous Peoples: The Declining Peyote Population and a*
25 *Demand for Conservation*, Amer. Ind. Law Journal: Vol. 9 : Iss. 1, Article 6., (2020).
26 <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1228&context=ailj>
- 27 C. Tribal members whom are bona fide members of the Native American Church consume
28 the sacred cactus plant (*Lophophora williamsii*) known as peyote which contains the
29 hallucinogenic drug “mescaline” during ceremonies. The hallucinogenic effect of
30 mescaline is naturally found in the peyote cactuses (*Lophophora williamsii*).

- 1 D. In the Southwest United States, including Texas, and Mexico, peyote is drastically
2 declining due to land development, ranching, agriculture, poaching, psychedelic tourism,
3 incorrect harvesting, and other factors such as recreational use and climate change.
- 4 E. Peyoté is a slow-growing cactus that takes approximately ten or more years to grow from
5 a seed to a mature plant to be consumed.
- 6 F. The Azeé Bee Nahaghá of Diné Nation, Inc., passed a resolution, dated April 13, 2024
7 attached as **Exhibit A**, requesting the Navajo Nation to oppose decriminalization of
8 peyote by all states across the United States. The Azeé Bee Nahaghá of Diné Nation,
9 Inc., further recognized through their resolution that the American Indian Religious
10 Freedom Act Amendments of 1994, 42 U.S.C 1996a, P.L. 103-344, should be preserved
11 and protected.
- 12 G. The Azeé Bee Nahaghá of Diné Nation, Inc., passed a resolution, dated April 13, 2024
13 attached as **Exhibit B**, passed a resolution, dated December 9, 2017 supporting the
14 initiatives to develop the Peyote Conservation Project in Texas.
- 15 H. Azeé means medicine in Diné language. Diné Native American Church traditional
16 practitioners identify Azeé to also mean peyote and is believed to spiritually heal a person
17 through songs, prayers, and consumption of the Azeé (Peyote).
- 18 I. The Navajo Nation understands that peyote is classified as a Schedule I controlled
19 substance under the Federal Controlled Substance Act. However, the Navajo Nation
20 government has allowed the ceremonial, cultural, and religious use of peyote since 1967
21 within the Navajo Nation through Resolution No. CO-65-67. Resolution No. CO-65-67
22 is hereby incorporated by reference only.
- 23 J. The Navajo Nation further understands that federal law, the American Indian Religious
24 Freedom Act Amendments of 1994, 42 U.S.C. § 1996a, P.L. 103-344 provided
25 authorization for bona fide members of the Native American Church to legally use peyote
26 for religious purposes only.
- 27 K. It is in the best interest of the Navajo Nation to oppose decriminalizing the use of peyote
28 as it is a cactus that could be excessively harvested and will endanger the plant (peyote)
29 and will also substantially affect the religious, ceremonial and cultural practices of
30 Indigenous People across the Western Hemisphere including members of the Navajo

1 Nation who have a sincere religious belief and a strong connection to the use of peyote
2 for ceremonial and cultural purposes.
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4

5 **NOW THEREFORE BE IT RESOLVED THAT,**

6 The Navajo Nation firmly opposes states decriminalizing the use of peyote and urges all
7 states to abide by the American Indian Religious Freedom Act Amendments of 1994, 42
8 U.S.C § 1996a, P.L. 103-344.
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AZEE' BEE NAHAGHA OF DINE' NATION, Inc.
P.O. Box 1570 Chinle, Arizona 86503

Ruben Jim, Pastamp President
Natalie Toinnijirnic, Secretary

Leo Tondena, Vice President
Victoria Woody, Treasurer

RESOLUTION OF THE AZEE' BEE NAHAGHA OF DINE' NATION, Inc.

Azee Bee Nahagha of Dine' Nation, Inc is Strongly Opposing Decriminalization of Peyote in all Fifty (50) States and any Changes in P.L. 103-344 American Indian Religious Freedom Act, Amendment of 1994

WHEREAS:

1. Azee Bee Nahagha of Dine' Nation, Inc. (ABNDN, Inc.) is governed by Board of Directors as provided in its Articles of Incorporation, Constitution and Bylaws; and
2. The Azee Bee Nahagha of Dine' Nation Inc. formerly known as 'The Native American Church of Navajoland, Inc. was founded on June 11, 1966 as a non-profit religious organization and was initially incorporated under the State of New Mexico on May 15, 1972; and
3. ABNDN, Inc. was moved from New Mexico and incorporated under the Navajo Nation, Arizona on February 5, 2016, and was issued a Certificate of Incorporation to transact official business as a Non-Profit Domestic Corporation. ABNDN is in good standing status with the Navajo Nation; and
4. ABNDN, Inc. is vested with authority to review all matters affecting its existence, operations, and make appropriate decisions to protect, preserve, foster and promote Hinaah Azee (peyote) and to create dialogue with other entities in seeking conservation, i.e. Indigenous Peyote Conservation Initiative (IPCT), Youth Committee; and
5. ABNDN, Inc. acknowledges the three faith based religious practices of the Navajo Nation, the Hinaah Azee (peyote) ceremonies, all the Navajo traditional ceremonies, and faith based churches. These different religions continue to be a Way of Life for the Navajo people; and
6. ABNDN, Inc. is protected by P.L. 103 344 American Indian Religious Freedom Act (AIRFA) of 1994 as amended. Congress declared that "for many Indian people, the traditional ceremonial use of the peyote cactus as a religious sacrament has for centuries been integral to a way of life, and significant in perpetuating Indian tribes and cultures. Congress authorized 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 State or any State"; and
7. The American Indian Religious Freedom Act Amendment of 1994, affirms the use of peyote in bonafide religious ceremonies by federally recognized Indian tribal members as defined. ABNDN, Inc. firmly opposes any amendments to AIRFA Amendments of 1994; and

8. ABNDN, Inc. is aware of the peyote decriminalization movement, at the state and local government levels which will significantly decrease the number of Hinaah Azee (peyote) available for ceremonies. Any states, counties, and cities should consult with affected sovereign indigenous communities.

NOW THEREFORE, BE IT RESOLVED THAT:

1. Azee' Bce Nahagha of Dine' Nation, Inc. is hereby strongly opposing the decriminalization of peyote throughout the fifty (50) states; and

2. The Azee' Bce Nahagha of Dine' Nation, Inc. is hereby requesting an Executive Order from the U.S. President Joseph R. Biden Jr., to preserve and protect P.L. 103-344 American Indian Religious Freedom Act Amendment of 1994, and oppose nationwide peyote decriminalization and psychedelic movements.

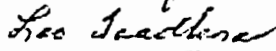
CERTIFICATION

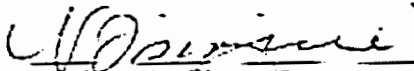
We hereby certify that the foregoing resolution was duly considered by the Azee Bce Nahagha of Dine' Nation, Inc. at a duly called Board of Directors Regular Meeting at Chinle, Navajo Nation, Arizona, at which a quorum was present and that same was passed by a vote of 13 in favor, 01 opposed and 01 abstained, this 13th day of April, 2024.

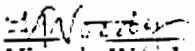
MOTION: Vincent Keyonnic

SECOND: Virginia Tso-Jim


Rueben Jim., Dfo Temp President


Leo Toadlena, Vice President


Natalie Tsinnjinnie, Secretary


Victoria Woody, Treasurer



**Resolution of Azee' Bee Nahagha' of Dine' Nation, Inc.
Board of Directors**

Approving and Supporting NCNAC/ABNDN Peyote Conservation Project

WHEREAS:

1. The Azee' Bee Nahagha' of Dine' Nation, Inc. (ABNDN) is governed by Board of Directors as provided for in its Articles of Incorporation, Constitution and Bylaws; and
2. The Native American Church of Navajoland (NACNL), now known as ABNDN, Inc. was established on June 11, 1965 as a non-profit organization. It incorporated under the laws and jurisdiction of the Navajo Nation as a Domestic Corporation on the Fifth day of February 2016, authorized to transact business within the Navajo Nation; and
3. The Azee' Bee Nahagha' of Dine' Nation, Inc. then known as NACNL, in 1987, atop Lukchukaja, AZ. Mountains, the National Council of Native American Churches was established;
4. The Native American Rights Fund out of Boulder, CO., proposed to do a research on Peyote Supply and Demand five years ago at which ABNDN approved and supported at a general meeting in Lucpp, AZ;
5. The NCNAC/ABNDN in a meeting with the researchers and NARF lawyers in Boulder CO. two years ago identified a need to address the spiritual offering and spiritual harvesting which laid the groundwork in pursuing the possibility of land acquisition;
6. The NCNAC/ABNDN with the assistance of Native American Rights Fund out of Boulder, CO. with the grant provided by River Styx Foundation (Thomas Cody Swift) have acquired 605 acres of land of peyote land, established a Board of Directors and is in the process of getting the proposed entity incorporated in the state of Texas.
7. The Project forms a historic and needed alliance between key native leaders, experienced support organizations and culturally sensitive investors;

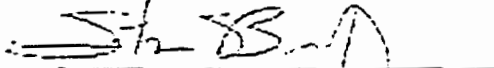
NOW THEREFORE BE IT RESOLVED THAT:

The Azee' Bee Nahagha' of Dine' Nation approves and supports the initiatives of National Council of Native American Churches/ABNDN, Native American Rights Fund and the River Styx Foundation to develop the Peyote Conservation Project in Marindo City, Texas

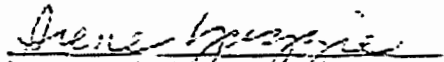
CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the ABNDN at 2nd Quarter General Meeting, a duly called meeting in Kayenta, AZ Arizona, at which a quorum was present and that the same was passed by a vote of 129 in favor, 0 opposed, 1 abstained, this 9th day of December, 2017.

Motion: LARRY BENALLY

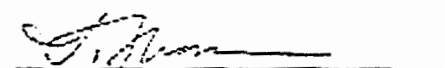


Steven S. Benally, President

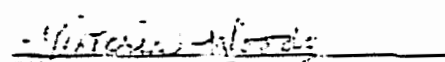


Irene Yazzie, Secretary

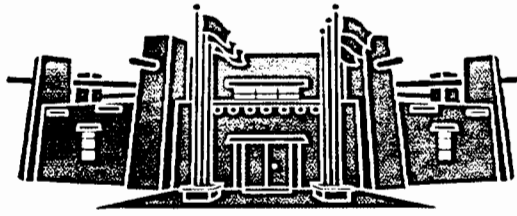
Second: ALVIN CLARK



LeRoy Thomas, Vice President



Victoria Woody, Treasurer



MEMORANDUM

TO: Delegate Eugenia Charles-Newton
Shiprock Chapter

FROM: Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: June 24, 2024

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEES; OPPOSING STATES DECRIMINALIZING THE USE OF PEYOTE AND URGING ALL STATES TO ABIDE BY THE AMERICAN INDIAN RELIGIOUS FREEDOM ACT AMENDMENTS OF 1994

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government, however, it can be subject to review by the courts in the event of proper challenge. Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0141-24_

SPONSOR: Eugenia Charles-Newton

TITLE: Opposing Decriminalizing the use of Peyote and Urging all States to Abide by the American Indian Religious Freedom Act Amendments of 1994

Date posted: July 02, 2024 at 9:03AM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0141-24

SPONSOR: Honorable Eugenia Charles-Newton

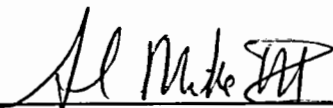
TITLE: An Action Relating to the Naabik'iyáti' Committee; Opposing Decriminalizing the use of Peyote and Urging all States to Abide by the American Indian Religious Freedom Act Amendments of 1994

Posted: July 02, 2024 at 9:03 AM

5 DAY Comment Period Ended: July 06, 2024

Digital Comments received:

Comments Supporting	1. Diana Bedonic 2. Ruby Tallsalt 3. Natalie Tsinnijinnie
Comments Opposing	1. LeAnn Johnson 2. Agnes Dale
Comments/Recommendations	1. David S. Clark



**Legislative Secretary II
Office of Legislative Services**

July 08, 2024; 9:35 AM

Date/Time

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Legislative Tracking No. 0141-24



Diana Bedonie

Fri 7/5, 10:27 AM

comments ▾

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Inbox

July 5, 2024

To: Members of the Navajo Nation Council

Subject: Legislative Tracking No. 0141-24

Azee Bee Nahaghá of Dine Nation, Inc. is incorporated with the Navajo Nation. As a registered member of the Azee Bee Nahaghá of Dine Nation, I'm writing to express my support for the proposed resolution "opposing states decriminalizing the use of peyote and encouraging all states to abide by the American Indian Religious Freedom Act Amendments of 1994".

As for my comments:

1. When I travel to Texas every year, I see more wind farms, and oil and gas developments. Our members are concerned about the decreasing supply of peyotes for their ceremonies due to the declining peyote growth areas. Therefore, ABNDN has supported the Conservation initiative. I experienced the offering and harvesting of peyotes with a group of members from our community. It was an educational and positive learning experience for me. Classes were provided on the subject of peyote and how to harvest. The young children and adults enjoyed the harvest trip, our first trip was in 2022.
2. The use of the term "Azee" is medicine which I agree with. In the ABNDN Constitution and Bylaws, the peyote is referred to as "Hinááh Azee" in Dine language.
3. Last, some of the states have decriminalized "synthetic mescaline", and not mescaline derived from cacti. There are a lot of cacti with mescaline and with different names around the globe. We only use "Peyote". We know the term we use like "church" has been misconstrued and created loopholes for non-Indigenous to use peyote.

Please vote in favor of Legislative 0141-24. We appreciate the work you are doing to protect our traditional ceremonies.

Sincerely,

Diana Bedonie, Treasurer 2012-2024

Hard Rock/Forest Lake/Black Mesa Chapter

Member: Azee Bee Nahaghá of Dine Nation, District 4

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Legislation 0141-24



Ruby Tallsalt

Yesterday, 10:05 PM

comments ▾

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Inbox

Ya'aat'eeh to all

District 1 ABNDN (Tonalea, LeChee, Coppermine) are in support of Legislation 0141-24. As officials, we go out of our way to ensure our Azee is protected for our use in ceremonies. We agree that we support efforts to preserve, protect and foster our Azee. So that our children, grandchildren, great grandchildren will have the Azee for their ceremonies, in the coming years. Thank you for your support.

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Legislation 0141-24 opposing the decriminalization of peyote



Natalie Tsinnijinnie

Yesterday, 11:22 PM

comments ▾

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Inbox

Honorable Delegates,

We kindly ask that you Please pass with your vote (green) legislation 0141-24, opposing the decriminalization of peyote in all states. Our family have been lifetime members of ABNDN. We wholeheartedly support this legislation as our children and grandchildren will need this devine herb to pray with for many years to come. The future of our children are in your hands, therefore we kindly ask that you support us. Our testimony is how Azee helped establish our future & we continue to pray for our people as medicine people.

Sincerely,

Natalie Tsinnijinnie & family

ABNDN members Coppermine Chapter

Sent from my iPhone

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Legislative No. 0141-24



Johnson*L.

Sat 7/6, 6:24 PM

comments 

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Inbox

ABNDN ECN LEG 0141-... 
7 MB

 Show all 1 attachments (7 MB) [Download](#)

Ya'at'eeh shi'nataani,

Greetings, my leaders of the Navajo Nation. Today I am writing regarding **Legislation 0141-24, 'Opposing Decriminalizing The Use Of Peyote And Urging All States To Abide By The American Indian Religious Freedom Act Amendments of 1994.'** I am a current Azee Be'Nahagha of Dine Nation (ABNDN) Official of Tuba City ABNDN. I am a lifelong user of the peyote, Hi'naa Azee. My grandparents first utilized this medicine in the mid-1950s. My family has several distinguished Na'halahi/Robemen.

I oppose this legislation due to how it was rushed through like it is some game of which organization gets to Navajo Nation Council first. Last weekend, at the Azee Be'Nahagha of Dine Nation, Inc., annual convention, this particular legislation was not approved by the ABNDN Board of Directors (BODs), and the ABNDN members are unaware of the Indigenous Peyote Conservation Initiative piece of the legislation to be entertained at the Navajo Nation Council. ABNDN has a strict set of policies and regulations that are in the ABNDN By-Laws and Constitution. According to the ABNDN by-law, any legislation that will affect the whole organization will have to be discussed and approved at the local chapter level with supporting resolutions, then a Board of Directors approval. To date, the current ABNDN Executive Board is not following those set of rules and regulations. ABNDN By-Laws state that anytime a person or the organization is in any legal cases, they should be immediately placed on 'Observance Status.' (*Excerpt from ABNDN By-Law, Exhibit 1*) This clause in the ABNDN by-laws has not been followed by the current ABNDN Executive Board and a handful of the BODs who follow the Executive Board President's directives. ABNDN is currently in a lawsuit 'Navajo Nation Court Chinle District No. CH-CV-21-23 Albur Johnson vs Azee Be'Nahagha Of Dine Nation, Inc. filed June 9, 2023, and served on June 29, 2023.' (*Lawsuit, Exhibit 2*) Since the lawsuit was served, ABNDN has continued to sway and manipulate the ABNDN by-laws to a handful of the Board of Executives and Board of Directors, while leaving the rest of the BODs and the majority of members in the dark about any action items. To date, this is continuing, and now, rushing this legislation by ABNDN and Council Delegate Eugenia Charles Newton. This legislation has a huge bias since it's only a few select members and their families pushing this legislation to support ICPI. ICPI Indian Board Members, Steven Benally, his wife Lucy Benally, and their relative, Andrew Tso, claim it's for peyote conservation, but the funder of the organization is billionaire, Cody Swift who has relationships to the psychedelic and pharmaceutical interests groups to extract mescaline from peyote, which contradicts this legislation by not naming 'mescaline' to be protected. ICPI and its 'sister' organizations, Indigenous Medicine Conservation Fund (IMCF), and Riverstyx Foundation, all have ties to Cody Swift and his big beeso/money, with Mescaline in mind. (*Diagram attached, Exhibit 3*)

In 2017, ICPI also was never given the authorization to use the 'National Council of NAC', including ABNDN to advocate and support California's SB518 Drug Bill. These actions have caused tremendous



initiatives, it should be following the federal trust responsibility with the federal government, not with private interest groups who may be associated with the psychedelic or pharmaceutical interests.

Also attached is the only ever ABNDN resolution passed with unity among all ABNDN Board of Directors, to support 'Respectfully, Approving and Recommending the Navajo Nation Council to Oppose the National Peyote Decriminalization' dated April 16, 2022. This resolution was never rescinded in unison among the ABNDN BODs, and they created many more after this resolution with biased votes & actions without the knowledge of other BODs in attendance.

Please consider our requests to oppose this legislation or table this and do a work session with both legislation sponsor groups. This is not something we, as a Nation, should take lightly. Approving this legislation may cause irreversible harm to peyote organizations in the future.

Thank you/Ahxe'hee',

LeAnn Johnson
Western Agency-Tuba City Voter
ABNDN Tuba City Chapter Official/Member
Lifetime Member

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RESOLUTION # 0141-24



Agnes Dale ·
Yesterday, 9:39 PM
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Inbox

I am kindly asking the leaders of our Navajo Nation to hear I am oppose to the Decriminalization of Peyote in all 50 states and to adhere to the American Freedom of Religion Act 1994 Amendment.

[Yahoo Mail: Search, Organize, Conquer](#)

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Ya'ateeh, 25th Navajo Nation Council,

As a former President and Founder of Azee' Bee Nahagha' of Dine' Nation Inc. (ABNDN), I respectfully share information and recommendations to Legislation 0141-24.

As a lifelong advocate for protecting and preserving our Peyote Way of Life, I believe it's critical for our Navajo Council to stand by the laws that our people fought hard to legalize the use of peyote for our Navajo people, including other federally recognized tribes. The passing of the American Indian Religious Freedom Amendment Acts of 1994 (AIRFA of 1994), the Navajo Bill of Rights, Navajo Code Title 17, the US Controlled Substance Act, and the Navajo Fundamental Laws protects the use of peyote for Navajo people to use in a bonafide ceremonial way. I trust the Navajo Council will uphold its responsibility to stand on the laws that already exist to fully oppose the decriminalization of peyote and its properties of mescaline.

The late Honorable Peterson Zah and the Navajo Council stood strong and firm in supporting the protection of Azee. They lobbied Congress in Washington, D.C., for the passage of the AIRFA of 1994. The late Honorable Senator McCain and the late Honorable Daniel Inouye and Congress respected the Tribal Nations and passed the AIRFA of 1994. Our tribal leaders understood the intent of the AIRFA of 1994 included the protection of peyote and all properties within the peyote medicine, mescaline.

In the past, the "All Race Group" continued to lobby for using Peyote. However, they were told that peyote is exempt for only federally recognized tribes because they use it in a bonafide ceremonial way and for purpose only. Today, the psychedelic movement by pharmaceutical, private interests, and non-Indians who are heavily interested in peyote and its properties of mescaline. The Riverstyx Foundation invested in establishing the Indigenous Peyote Conservation Initiative (IPCI) and Indigenous Medicine Conservation Funds (IMCF) for peyote conservation efforts in southern Texas, also known as Peyote Gardens. Peyote Gardens is a sacred place for many Navajos, including other tribes, and should be protected through the *federal trust responsibility* (DEA/ FDA) for the Navajo Nation, especially regarding peyote conservation initiatives for federally recognized tribes in southern Texas.

Today, Navajo peyote practitioners, members, and organizations have more questions than answers about the intentions of Riverstyx Foundation's involvement with our Peyote Way of Life. In 2017, ABNDN passed a resolution to support the initiatives of the National Council of Native American Churches (NCNAC)/ ABNDN, Native American Rights Funds, and the Riverstyx Foundation to develop the Peyote Conservation Project in Southern Texas, which later became known as IPCI. However, in 2017, the NCNAC/ ABNDN did not exist, causing serious questions among ABNDN and NAC members and leaders on the intentions of peyote leaders and Riverstyx Foundation during that time. Eventually, IPCI began to use the NCNAC, causing many NAC/ ABNDN leaders to question IPCI and Riversytx Foundation's intentions (see **Exhibit A**).

For example, ABNDN and the Native American Church of North America (NACNA) never authorized IPCI to use the NCNAC to advocate and support the California SB519 drug bill (see **Exhibit B & C**). This bill would have legalized mescaline and synthetic mescaline but would exempt peyote. The respected peyote organization members and leaders and Tribal Nations were

never consulted by IPCI's intentions to support California SB519. ABNDN and NAC leaders are aware that the Riverstyx Foundation and their psychedelic and pharmaceutical partners are heavily interested in legalizing mescaline and synthetic versions of mescaline. We are not sure why ABNDN leadership and the proposed Legislation 0141-24 do not want to include opposing mescaline and synthetic mescaline. There is no enforceable law that will protect mescaline if legalized, which ultimately will lead to peyote for non-Indians. In addition, please review the New York Times articles ([The Psychedelic Evangelist - The New York Times \(nytimes.com\)](#) and [Drugs, Sacraments or Medicine? Psychedelic Churches Blur the Line. - The New York Times \(nytimes.com\)](#)) on the Riverstyx Foundation founder Cody Swift, who is involved in psychedelic research. The articles show how Cody is involved with the investment in unethical psychedelic research practices. This is why we do not want our peyote and Navajo Nation to be involved in any way. These types of incidents by Riverstyx Foundation and IPCI have caused division, mistrust, and an unhealthy environment among our peyote organizations throughout Indian Country.

Furthermore, I believe strongly that our Navajo way of life, particularly the peyote way of life, should never be associated with the psychedelic renaissance and pharmaceutical interests. Therefore, it is in the best interest of the Navajo Council to fully investigate the Riverstyx Foundation, IPCI, and IMCF affiliations with the psychedelic and pharmaceutical interest groups (see **Exhibit D**). The Navajo Nation is a sovereign nation, and these non-Navajo entities are infringing on our sovereignty. They need to be held accountable for causing division and mistrust among our Navajo people and Tribal Nations.

In addition, Legislation 0141-24 was never reviewed and approved by the ABNDN Board of Directors, and the ABNDN members and officials are unaware of the attached ABNDN resolutions. Particularly the endorsement of the IPCI and peyote conservation in Texas. According to the ABNDN bylaws, any legislation affecting the whole organization must be discussed and approved at the local ABNDN chapter level with supporting resolutions, then the Board of Directors will approve. To date, the current ABNDN Board is not following the ABNDN bylaws, which has caused confusion among our members.

Furthermore, ABNDN Inc. is in a legal case (see **Exhibit E**) under the Navajo Nation Court. The ABNDN board members should honor the observance status within their bylaws, which states, *"If the complaint is filed in court, the alleged violator will be placed on observance status while the case is pending."* The ABNDN Board, the governing body of ABNDN Inc., has been advised to follow its bylaws. The question for the Navajo Council and main sponsor is whether it is in the best interest of the Council to engage with an organization currently in court order (not in good standing), especially when this legislation will cause further division among ABNDN members.

In addition, Legislation 0141-24 should not include conservation efforts and should focus primely on opposing the decriminalization of peyote and mescaline. If the Navajo Council wishes to endorse peyote conservation initiatives, there should be prior consent and involvement from other Navajo peyote and medicine people. I recommend the Navajo Council to urge the federal government to engage in private and public conservation programs to address and support peyote habitat preservation initiatives in southern Texas. Government to government is key. Also, this legislation was never shared with other NACs and Navajo medicine people.

Furthermore, on April 16, 2022, the ABNDN Board of Directors passed a resolution titled, *Resolution of the ABNDN, Inc. Respectfully Approving and Recommending the Navajo Nation Council to Oppose the National Peyote Decriminalization*. This resolution is a strong resolution that also opposes the *extraction and synthesis of mescaline* and any cultivation, tincture, or manufacturing for scientific purposes (research) or any reasons outside of a traditional bona fide ceremonial setting and purposes. Also, the resolution supports the Navajo Council to protect and preserve the peyote within its natural aboriginal habitat. This resolution is still valid today and approved and supported by ABNDN members (see **Exhibit F**).

In closing, I hope my recommendations to Legislation 0141-24 will encourage the Navajo Council to understand what is at stake regarding the Peyote crises. Our ancestors stood firmly in protecting our Navajo way of life. My generation of leaders fought hard for the laws that are in place to protect and preserve the use of this sacred peyote medicine for generations to come. I have confidence that the 25th Navajo Nation Council and the Navajo Nation President will stand together with our peyote members to protect further and preserve our Navajo Way of Life. Please feel free to contact me for questions at Thank you for your time.

Respectfully,

David S. Clark

David Sam Clark

Former President and Founder of ABNDN Inc.



**Resolution of Aztec Bee Nahagha' of Dine' Nation, Inc.
Board of Directors**

Approving and Supporting NCNAC/ABNDN Peyote Conservation Project

WHEREAS:

1. The Aztec Bee Nahagha' of Dine' Nation, Inc. (ABNDN) is governed by Board of Directors as provided for in its Articles of Incorporation, Constitution and Bylaws; and
2. The Native American Church of Navajoland (NACNL), now known as ABNDN, Inc. was established on June 11, 1965 as a non-profit organization. It incorporated under the laws and jurisdiction of the Navajo Nation as a Domestic Corporation on the fifth day of February 2016, authorized to transact business within the Navajo Nation; and
3. The Aztec Bee Nahagha' of Dine' Nation, Inc. then known as NACNL, in 1987, atop Lukchukajin, AZ. Mountains, the National Council of Native American Churches was established;
4. The Native American Rights Fund out of Boulder, CO., proposed to do a research on Peyote Supply and Demand five years ago at which ABNDN approved and supported at a general meeting in Lucepp, AZ;
5. The NCNAC/ABNDN in a meeting with the researchers and NARF lawyers in Boulder CO. two years ago identified a need to address the spiritual offering and spiritual harvesting which laid the groundwork in pursuing the possibility of land acquisition;
6. The NCNAC/ABNDN with the assistance of Native American Rights Fund out of Boulder, CO. with the grant provided by River Styx Foundation (Thomas Cody Swift) have acquired 605 acres of land of peyote land, established a Board of Directors and is in the process of getting the proposed entity incorporated in the state of Texas.
7. The Project forms a historic and needed alliance between key native leaders, experienced support organizations and culturally sensitive investors;

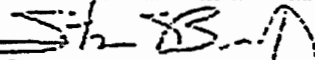
NOW THEREFORE BE IT RESOLVED THAT:

The Aztec Bee Nahagha' of Dine' Nation approves and supports the initiatives of National Council of Native American Churches/ABNDN, Native American Rights Fund and the River Styx Foundation to develop the Peyote Conservation Project in Marindo City, Texas

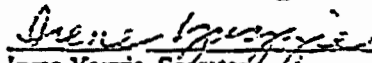
CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the ABNDN at 2nd Quarter General Meeting, a duly called meeting in Kayenta, AZ Arizona, at which a quorum was present and that the same was passed by a vote of 129 in favor, 0 opposed, 1 abstained, this 9th day of December, 2017.

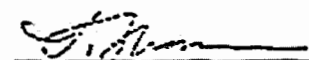
Motion: STEVEN BENALLY



Steven S. Benally, President


Irene Yazzie, Secretary

Second: ALVIN CLARK



LeRoy Thomas, Vice President

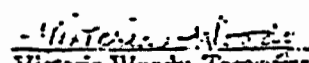

Victoria Woody, Treasurer

Exhibit B:



NATIVE AMERICAN CHURCH OF NORTH AMERICA

P. O. Box 1424
New Town, ND 58763

Executive Officers

President

Jon Brady
MHA Nation

Vice President

Joe Holgate
Dine' Nation

Secretary

Jessica Powless
Oneida Nation

Treasurer

Elroy Watson
Dine' Nation

Editor-In-Chief

Colleen Roan
Dine' Nation

Delegates:

Arizona

C. J. Woodie

Canada

AB - Ronald Lameman
MB - Henry Traverse
SK - Robert Badger

Iowa

Frank White

Nebraska

Ronald Kemp

New Mexico

Terry Dayish

North Dakota

Milton Beston

South Dakota

Adrian Primeaux

Texas

Isaac Cardenas

Utah

Sarah Fannan

Wisconsin

Buddy Powless

Wyoming

William Goggles

VIA email - Angela.Hill@sen.ca.gov

October 5, 2021

Re: SB 519

Dear Senator Scott Wiener,

This email is being sent to you in concern of your recent legislative introduction of Senate Bill 519 which is attempting, among other issues, to legalize the personal possession and social sharing of mescaline, psilocybin mushrooms, LSD, ketamine, MDMA, and ibogaine.

This bill is presented as decriminalization of psychedelics and as an end to the war on drugs, however the war on drugs has capitalized on the mass incarceration of black, Indian, and people of color. SB 519 is about legalization, exploitation, extraction, and commercialization for non-Indian people to legally acquire Indian plant medicines and culturally appropriate Indian practices. This is a continuation of neocolonialism and potential ecocide of slow-growth, sacred medicine plants and cultural genocide. This bill also opens to the door to legalizing synthetic mescaline, psilocybin, iboga, and all done without consent from the traditional Indian plant care takers of these medicines.

This bill could potentially impact hundreds of thousands of American Indian people who rely on these plants as their primary sources of medicine. Additionally, no language in this bill addresses sustainability measures or the needs of these plant medicines from American Indian perspectives. Though the bill includes wording around reciprocity and reparations, these topics cannot be done without considerable involvement with American Indian stakeholders and global American Indian leaders of these traditional medicines.

Mescaline is the active compound in Peyote and cannot be defined as a separate psychedelic compound. To include mescaline in this bill will have a direct detrimental impact to Peyote populations, its habitat, and Native American and Indian cultures who use the plant medicine.

As California Tribal members, Tribal members from across Indian Country, members of Native American Churches, and plant medicine allies we call on you, Senator Wiener, to remove mescaline and synthetic mescaline from Senate Bill 519 and to also mandate that studies on the impacts that this bill will have on the sacred plant medicine Peyote, it's habitat, and the marginalized communities who rely on it be conducted.

Respectfully,

Jon Brady, President

Exhibit C:



**National Council of Native American Churches and
the Board of Directors of the Indigenous Peyote Conservation Initiative**

January 15, 2021

**Comments and Recommendations to Senators Wiener's Office regarding California
Legislation to Decriminalize "Psychedelics"**

We respectfully share our recommendations for language and considerations for the California State Legislative effort to Decriminalize "Psychedelics" as it impacts Peyote (*Lophophora williamsii*).

The National Council of Native American Churches (NCNAC) and the Board of Directors of the Indigenous Peyote Conservation Initiative (IPCI) recognize that Indigenous peoples have utilized entheogenic plants for their health and wellbeing for millennia, and respectfully request that current efforts to decriminalize these relationships should consider the complexities of each plant medicine.

With these recommendations, we ask that Senator Wiener remain cognizant of the various active Native American Treaties and agreements as well as international laws and agreements established under the United Nations Declaration on the Rights of Indigenous Peoples and the Nagoya Protocols relating to biological diversity. The biocultural reality of Peyote as a vulnerable species has a distinct and particular legal and cultural history in the United States. As such, it requires specific protections and the United States has a historical trust responsibility, legal obligation, and debt to protect the existing rights and sovereignty of Indigenous Native American peoples of North America.

The obligation of the United States to protect Native peoples' cultures, customs, and traditions, stems from more than two centuries of Treaties, statutes and policies, and more recently obligations that are beginning to be codified under international law. Whereas past law and policy worked to try and destroy Indigenous lifeways, in the modern era the federal government and the State of California maintain government-to-government relationships that respect and work to foster the full expression of Indigenous sovereignty. The National Council and IPCI endeavor to effectuate cultural and medicinal sovereignty through their Peyote conservation efforts.

Our requests and recommendations below consider the complex relationship of the law, our history, and social/cultural realities to Peyote, within the United States.

- 1. We request that it is clearly stated that this legislation will do nothing to alter, change, or undermine the federal AIRFA Amendments of 1994, the American Indian Religious Freedom Act, 42 U.S.C. 1996a, or California Health & Safety Code 11363.**

Suggested Legislative Language: The State of California fully respects and supports the continued Indigenous peoples' possession and use of Peyote under federal law, 42 U.S.C. 1996a, understanding that Indigenous peoples in the United States were persecuted and prosecuted for these beliefs for more than a century and had to fight numerous legal and political battles to achieve the current protected status, and by the enactment of this Act does not intend to undermine explicitly or implicitly that status.

The legislation should also expressly mention that California Health & Safety Code 11363 is not amended or repealed. Section 11363 makes it a crime in California to cultivate, harvest, dry, or process any plant of the genus *Lophophora*, also known as Peyote. The legislative history of this legislation should expressly mention that Section 11363 does not preempt 42 U.S.C 1996a, as state law cannot preempt federal law. We would appreciate further discussion concerning this recommendation.

- 2. We recommend that all plants/substances considered for decriminalization should be named specifically, this includes other mescaline containing cacti such as San Pedro (*Echinopsis pachanoi*) and Peruvian Torch (*Echinopsis peruviana*), and that Peyote (*Lophophora williamsii*) should be specifically excluded.**

*Suggested Legislative Language: Expressly excluded from the application of this legislation is the cacti Peyote (*Lophophora williamsii*) and any cultivation, harvest, extraction, tincture or other product manufactured or derived therefrom.*

- 3. Place an Indigenous member from the National Council and IPCI Board of Directors on the proposed advisory committees for the next two years.**
- 4. Continue to utilize the Decriminalization/Communications Committee of IPCI to represent the National Council and IPCI Board of Directors as representative of a primary stakeholder group, designated Native American Churches, and the Azeé Bee Nahaagha of Diné, in developing the specific language and implementation of this legislation including the scope of the committees.**

Further Background and Context:

It is extremely important that Peyote be preserved for utilization by and for Indigenous peoples. Broken treaties in this land, the preciousness of Indigenous traditions, ecological threats to the medicine itself, and the importance of spiritual respect in its use makes Peyote a tenuous plant to include explicitly in any decriminalization effort. It is important that non-Indigenous people respect and acknowledge the American Indian Religious Freedom Act Amendments of

1994 and take the lead from Indigenous leaders of the Native American Church/Azcé Bee Nahaagha of Diné Nation (ABNDN) and bona fide Native American Church organizations.

Due to various anthropological and environmental impacts, there is a shortage of Peyote available for Indigenous practitioners of this venerable bona fide religion. The Peyote religious practice is a way of life for generations of Indian people. Many Indigenous people have fought for over a hundred years and will continue to fight for their recognized right to this medicinal sacrament through their inherent respect and responsibility for Peyote's survival and care, as well as the preservation of their traditional way of worship, empirical interaction with it and its environment.

In the United States, Peyote only grows naturally in a small area of southern Texas; its limited natural habitat is a significant factor in the current shortage. The National Council member organizations have for many years been observing the growing crisis in the supply of Peyote in south Texas. Previous studies show unequivocally that Peyote is a threatened species and through IPCI the National Council is working to take the responsibility to restore it to a sustainable status. Peyote does not need further pressures. Indigenous people have already had land, water and other medicines taken away and it is imperative that we maintain the Peyote practice for our children and grandchildren.

In addition, both the federal law and Texas state law permit only Native people who are members of federally recognized tribes to legally cultivate, acquire, possess, use, and transport Peyote. Any local governmental resolution that gives non-Indigenous people who are not affiliated with federally recognized tribes the impression that they now have rights to acquire, possess, use, or transport Peyote in or from Texas would be misleading and may lead to their prosecution.

A concern of the Board of IPCI and particularly its Native American Church/ABNDN leaders is that the message being portrayed within decriminalization resolutions could provide a false sense of legality. Possession, transportation, and use of Peyote by non-natives is illegal under federal and state law. To the extent the "decrim" movement sends a message to local citizens that Peyote is "legal," the collateral and unintended effect could be to increase interest in non-native persons either going to Texas to purchase Peyote, buy it from local dealers who have acquired it illegally and unsustainably in Texas, or poaching on private property.

Due to the complexity of Peyote issues, the Texas ranchers we work with are very concerned about the rampant trespassing and destructive practices of illegal Peyote pickers, which will likely increase with decriminalization efforts. These scenarios, we fear, will further foment the Peyote black market and unsustainable practices in south Texas and compromise the decades long work on the part of Native American Peyote spiritual leaders and allies. The passing of the 1994 Amendments to the American Indian Religious Freedom Act is the result of decades of advocacy to gain legalization for the Peyote practice.

Additionally, one of our IPCI projects is aimed toward improving land management, conservation practices, building relationships with the local ranchers, and to improve growing and harvesting conditions and methods of the habitat.

We strongly encourage non-Indigenous persons to seek alternative medicines so as to not harm the very fragile Peyote population in south Texas or disrespect the spiritual, cultural, and legal norms of our Indigenous peoples.

The opportunity to engage early in the process of developing California legislation is appreciated and we look forward to continued discussions as you move forward.

Respectfully,

Arlen Lightfoot, *President* Native American Church of Oklahoma, IPCI Director

Andrew Tso, *President* Native American Church of North America, IPCI Founding Director

Sandor Iron Rope, *President* Native American Church of South Dakota, IPCI Founding Director

Steven Benally, *President* Azcé Bcc Nahaagha of Diné

The Indigenous Peyote Conservation Initiative Board of Directors

The National Council of Native American Churches and

The IPCI Decriminalization/Communications Committee

Riverstyx Foundation Funding Partners

Psychedelic Research

- Harvard University
- John Hopkins
- Brown University
- Seattle University
- Naropa University
- Heffter Research Institute

Psychedelic Conferences

- Harvard Divinity University
- MAPS Psychodelic Conferences
- Eco Chacruna Institute
- Horizons PBC
- Sheri Eckart Foundation
- International Society for Research on Psychedelics



Decriminalize Policy Reform

- Criminal Justice Reform Giving Project
 - Social Justice Fund
 - Drug Policy Alliance
 - Healing Advocacy Fund
- NOTE: Efforts in Oregon, California, and Colorado

Psychedelic Organizations

- Multidisciplinary Association for Psychedelic Studies (MAPS; Rick Doblin, Founder/CEO)
- American Psychedelic Practitioners Association (APPA)
- Shef/Jewish Psychedelic Support
- Psychedelic Chaplaincy Support
- Alma Institute
- Psychedelics & Pain Association/Cluster Busters
- Psychedelic Health Equity Initiative
- Shef/Jewish Psychedelic Support
- ICEERS (MAPS Fiscal Sponsor)
- Temple of the Way of Light
- Healing Advocacy Fund
- Sunstone Therapeutics

Tribal Organizations

- Indigenous Peyote Conservation Initiative (IPCI)
- Indigenous Medicine Conservation Fund (IMCF)
- Wogohakya Wowakap Otokabe (No longer on grant list)
- Beginning of a Sacred Home
- Native American Rights Fund (NARF)
- Hanchuma Collective
- Transforming Chaplaincy/Psychedelic Care Network
- Red Lodge Transitions Services
- Urban Indigenous Collective (Sutton King)
- Youth Passageways & SJA Commande Eagle & Raptor Center
- Native American Church of South Dakota

NOTE: Riverstyx Foundation (Cody Swift) funded the establishment of IPCI and IMCF as an investment. Today, IMCF funds the IPCI including other conservation of bi-culture Indigenous plant medicines. As you can see by the diagram Cody is heavily invested in the psychedelic movement (e.g., MAPS, APPA, etc.), decriminalization policy reform (at the state level), psychedelic research (review New York Times article), and psychedelic conferences/retreats. In addition, Cody's investment in tribal initiatives has raised serious concerns by many Peyote and Tribal leaders in Indian Country. Many of our Tribal and Navajo people strongly oppose any involvement or association with the Psychedelic Renaissance. This includes Riverstyx Foundation, IPCI, and IMCF. Our peyote and other sacred items should never be part of the Psychedelic Renaissance. (References: Riverstyx Foundation Grant List: website)

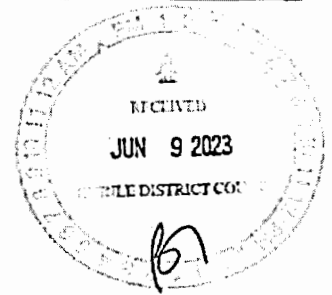
Exhibit E:

David R. Jordan, Esq.
The Law Offices of David R. Jordan, P.C.
1995 State Road 602
P.O. Box 840
Gallup, New Mexico 87305-0840
(505) 863-2205
(866) 604-5709 Fax
Attorney for Plaintiff

THE OFFICE OF
DAVID R. JORDAN

JUN 16 2023

RECEIVED



IN THE DISTRICT COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF CHINLE, ARIZONA

Alburt Johnson,

Plaintiff,

vs.

Azeé Bee Nahaghá Dine Nation, Inc.,

Defendant.

No. MP-CV-21-23

COMPLAINT

Plaintiff alleges:

1. Plaintiff was the vice-president of Defendant Azee Bee Nahagha of the Diné Nation (ABDN), a religious organization of the Native American Church belief. Plaintiff was the chairperson of the peyote task force for ABDN, and he is a peyote practioner.
2. On March 2, 2023, Defendant sent out a notice to Plaintiff informing him that the Board of Directors had removed him, effective February 18, 2023, as vice-president. Plaintiff was also informed that the task force had been dissolved.
3. Defendant is a non-profit corporation. Navajo law has this to say about removal of officers from a non-profit:

Any officer or agent elected or appointed may be removed by the persons authorized to elect or appoint such officer or agent whenever in their judgment the best interests of the non-profit corporation will be served by the removal, but such removal shall be without prejudice to the contract rights, if any, of the person removed. Election or appointment of an officer or agent shall not in itself create contract rights.

5 N.N.C. § 3317.

4. It is axiomatic, however, that a company must follow its own bylaws. Bylaws establish rules for a corporation's internal governance and may contain any provision relating to management of the business that is not inconsistent with law or the articles of incorporation. 5 N.N.C. § 3306. Where corporate matters are governed by statutes, corporate charters, and bylaws, the Navajo Supreme Court has directed the District Courts to apply their mandatory language. *Navajo Nation Oil and Gas Company v. Window Rock District Court*, No. SC-CV-25-14, slip op. (Nav. Sup. Ct. June 20, 2014).
5. The removal of Plaintiff violated Defendant's bylaws.
6. Provision IV of Defendant's bylaws provides as follows:

PROVISION IV. DISCIPLINES

- A. **Breach of Conduct:** Conduct, such as harassment, domestic violence, sexual abuse, mismanagement of ABNDN funds and theft shall be reported to the appropriate tribal, state, and federal authorities for proper handling.
- B. **Minor Violation:** All minor misconduct/violations will be addressed at the local chapter level. A member's complaint/grievance shall be in written form with factual information. The following process shall be followed to resolve the issue(s):
 - First, the local District Board of Directors, the local chapter officials, and the local Azeé Yee Nahaááhí shall appoint themselves to assist the troubled member with counseling and guidance.
 - Second, if the issue is not resolved, then it shall be addressed by the Board of Directors and Executive Officials at a scheduled meeting

to review, mitigate, resolve and make decisions on the complaint(s)/issue(s).

All such proceeding shall be conducted with a spirit of kindness and patience. Every reasonable measure shall be taken to resolve the problem.

- C. Member on Observance Status: If the complaint is filed in court, the alleged violator shall be placed on observance status while in legal process.
 - D. Member Exclusion: If the violator is found guilty of the charges in a Court of Justice, the individual's membership card and Azeé Yee Naha[á]hí certificate shall be suspended or cancelled. If the individual is an official, the official shall be removed from his/her position immediately. Should a serious condition exist (criminal case) which would cause a member to become a liability to the general welfare of the ABNDN; or if it is determined that the welfare of the ABNDN would best be served by an exclusion of a member, the local chapter may take such action by a two-thirds vote of the members present at a meeting. The offender then would be declared to be no longer in the membership. The local community chapter officials shall report any exclusion/cancellation/suspension to ABNDN Executive Officials.
 - E. Incarcerated Individual: Bee Nahaghá[á]hí or "Azeé" shall not be furnished to any individual in prison. Membership cards shall not be issued to incarcerated individuals.
 - F. Membership Reinstatement: A person whose membership has been suspended or terminated for any reason may, upon his/her request, be restored to membership with an affirmation of the local ABNDN chapter's vote of approval.
7. Plaintiff's removal violated the bylaws of the Defendant and was *ultra vires*.

Plaintiff was entitled to due process procedures under the bylaws that were not followed.

8. Plaintiff's bylaws also have an anti-retaliation policy as follows:

It is contrary to the values of ABNDN for anyone to retaliate against any official, board member, member, volunteer or employee who in good faith reports an ethics violation, or a suspected violation of law, such as discrimination, or suspected fraud, or suspected violation of any regulation governing the operations of ABNDN. A person who retaliates against someone who has reported a violation in good faith is subject to discipline.

ABNDN Whistleblower Policy, § C.

9. Plaintiff is in an active dispute with certain members of the Defendant. His removal was directly retaliation against Plaintiff for reporting violations by other members. Again, the removal was *ultra vires*, and was unlawful.
10. The conduct of Defendant gives Plaintiff a right to sue under *Diné Bi Beenahaz'áanii*. Navajo tradition teaches that you do not punish a person needlessly. A person should not be punished without a valid reason. *Navajo Nation v. Platero*, 6 Nav. R. 422 (Nav. Sup. Ct. 1991). The conduct of Defendant violates Plaintiff's rights under *Diné Bi Beenahaz'áanii*.
11. Plaintiff demands reinstatement, plus actual damages, reputational damages and damages for physical and emotional harm.

The Law Offices of David R. Jordan, P.C.

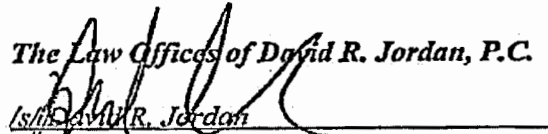
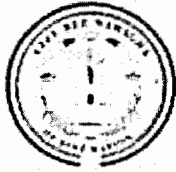

David R. Jordan
Attorney for Plaintiff

Exhibit F:



AZEE' BEE NAHAGHA OF DINE NATION, Inc.
P.O. Box 1570 Chinle, Arizona 86503

Willie Tracey Jr., President
Albert Johnson, Vice President

Victoria Woody, Treasurer
Rivyanne Harvey, Secretary

RESOLUTION OF THE AZEE' BEE NAHAGHA OF DINE NATION, Inc.

**Respectfully Approving and Recommending the Navajo Nation Council to Oppose the
National Peyote Decriminalization**

WHEREAS:

1. Azee Bee Nahagha of Dine Nation, Inc. (ABNDN Inc.) is governed by Board of Directors as provided for in its Articles of Incorporation, Constitution and Bylaws; and
2. The Native American Church of Navajoland, Inc. (NACNL Inc.), now known as ABNDN Inc. was established on June 11, 1966 as a non-profit organization, was incorporated within the State of New Mexico on May 15, 1972 and in December 1989, the Advisory Committee of the Navajo Tribal Council granted a Revocable Land Use Permit (Mission Site) for NACNL comprising of ten (10) acres of Navajo Nation Trust land at Chinle, Arizona; and
3. ABNDN, Inc. is vested with the authority to review all matters affecting it's membership while making appropriate delicate decisions as deem necessary and to make recommendation to various agencies while seeking resources; and
4. ABNDN recognizes the Azeé (Peyote) plant to be sacred among the Navajo people; and
5. ABNDN recognizes Azeé (Peyote) has been consumed by Navajo people for religious, cultural, and ceremonial purposes since time in immemorial; and
6. ABNDN recognizes certain lands in the Southwest part of Texas and in Northern Mexico are cultural places of significant importance where Azeé (Peyote) plant grows in its aboriginal habitat; and
7. ABNDN recognizes the number of Azeé (Peyote) plants has decreased in recent years, threatening the long-term sustainability of the Azeé (Peyote) aboriginal habitats or populations, and depleting the number of Azeé (Peyote) that could be available for future generations; and
8. ABNDN recognizes the personal and corporate cultivation of the Azeé (Peyote) plant threatens the historical, cultural, and biological integrity of the plant by potentially exposing the population to hybridization, genetic modification, and sterilization, all of which is in violation of Public Law 103-344 American Indian Religious Freedom Act of 1994 (AIRFA of 1994); and
9. ABNDN recognizes the movement to decriminalize Azeé (Peyote) use directly threatens the availability of Azeé (Peyote) and integrity of the ceremonial use of Azeé (Peyote) for Navajo people, including other Indigenous peoples, and would be contrary to the doctrine of



federal preemption, whereby federal law supersedes state law in this area (under Public Law 103-344 AIRFA of 1994).

10. ABNDN recognizes the decriminalization of Azeé (Peyote) consumption beyond the already hundreds of thousands of federally recognized tribes and other Indigenous peoples, including Navajo people, will create a demand and market for Azeé (Peyote) that further threatens the existing aboriginal inhabitants.

NOW THEREFORE, BE IT RESOLVED THAT:

1. ABNDN opposes the decriminalization of Azeé (Peyote). Usage should be only "by a federally enrolled tribal citizen who uses Azeé (Peyote) in a bona fide traditional ceremony.
2. ABNDN opposes the extraction and synthesis of mescaline, and any cultivation, tincture, or manufacturing for scientific purposes (research), or for any reasons outside of a traditional bone-fide ceremonial setting and purposes.
3. ABNDN hereby requests to protect and preserve Azeé (Peyote) strictly used for religious, cultural, and ceremonial purposes by the Navajo people, as protected under federal law.
4. ABNDN hereby requests Navajo leadership to protect and preserve the Peyote Way of Life and the lands in which they reside within its natural aboriginal habitant.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the ABNDN, Inc. Executive Officials and Board of Directors at a duly called meeting at Chinle, Navajo Nation, Arizona, at which a quorum was present and that same was passed by a vote of 11 in favor, 00 opposed and 01 abstained, this 16th day of April, 2022.

MOTION: Justin Dale

SECOND: Richard Monroe

Willie Tracey, President

Alburt Johnson, Vice President

Melinda Nakai, Protemp Secretary

Victoria Woolly, Treasurer



**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0141-24

SPONSOR: Honorable Eugenia Charles-Newton

TITLE: An Action Relating to the Naabik'iyáti' Committee; Opposing Decriminalizing the use of Peyote and Urging all States to Abide by the American Indian Religious Freedom Act Amendments of 1994

Posted: July 02, 2024 at 9:03 AM

5 DAY Comment Period Ended: July 06, 2024

Digital Comments received:

Comments Supporting	1. Fenessa Bigwater
Comments Opposing	None
Comments/Recommendations	1. Hershel W. Clark



**Legislative Secretary II
Office of Legislative Services**

July 09, 2024; 4:15 PM

Date/Time

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[EXTERNAL]0141-24



Fenessa Bigwater

Today, 1:20 PM

comments ▾

Inbox

Honorable members of the Navajo Nation Council,

I would like to respectfully request that you support this legislation and vote in agreement to Oppose the Decriminalization of Peyote.

This is important to well being of many Native American Church members. This is our way of life and it shouldn't be manipulated or given away to people of no faith.

This way of life has been around for many generations. My life is being affected many of us who believe are under attack. Just as Dine' were forced into boarding schools and had our livestock taken away.

Today, in this modern age, Native American Church members are being into forced assimilation. This can't be allowed! We are a Strong Nation and I believe in the power of prayer and I believe in our government. That our Tribal Council members act on behalf of us. Please hear our urgent call for help and vote in Agreement to Opposing the Decriminalization of Peyote. May you all continue to be blessed in your endeavors!

Thank you,

Fenessa Bigwater

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Legislation 0141-24: An Action Relating to the Naabik'iyáti' Committee; Opposing Decriminalizing the use of Peyote and Urging all States to Abide by the American Indian Religious Freedom Act Amendments of 1994



Hershel Clark

Yesterday, 6:55 PM
comments

Inbox

California SB519_ Sen...
225 KB

Riverstyx Foundation_ F...
113 KB

Comment to Legislation...
196 KB

Client and attorney prev...
2 MB

ABNDN Timeline from J...
279 KB

ABNDN Court Case_ Le...
6 MB

Sen. Weiner-SB 519-Indi...
128 KB

7 attachments (10 MB) Download all

Good evening,

My name is Hershel W. Clark.

Title: ABNDN Teesto Chapter Secretary

Address:

I am submitting a comment/ recommendation to the proposed legislation "An Action Relating to the Naabik'iyáti' Committee; Opposing Decriminalizing the Use of Peyote and Urging all States to Abide by the American Indian Religious Freedom Act Amendments of 1994. (see **Comment to Legislation 0141-24_ Hershel Clark and other attachments**). Thank you.

Hershel W. Clark,



National Council of Native American Churches and the Board of Directors of the Indigenous Peyote Conservation Initiative

January 15, 2021

Comments and Recommendations to Senators Wiener's Office regarding California Legislation to Decriminalize "Psychedelics"

We respectfully share our recommendations for language and considerations for the California State Legislative effort to Decriminalize "Psychedelics" as it impacts Peyote (*Lophophora williamsii*).

The National Council of Native American Churches (NCNAC) and the Board of Directors of the Indigenous Peyote Conservation Initiative (IPCI) recognize that Indigenous peoples have utilized entheogenic plants for their health and wellbeing for millennia, and respectfully request that current efforts to decriminalize these relationships should consider the complexities of each plant medicine.

With these recommendations, we ask that Senator Wiener remain cognizant of the various active Native American Treaties and agreements as well as international laws and agreements established under the United Nations Declaration on the Rights of Indigenous Peoples and the Nagoya Protocols relating to biological diversity. The biocultural reality of Peyote as a vulnerable species has a distinct and particular legal and cultural history in the United States. As such, it requires specific protections and the United States has a historical trust responsibility, legal obligation, and debt to protect the existing rights and sovereignty of Indigenous Native American peoples of North America.

The obligation of the United States to protect Native peoples' cultures, customs, and traditions, stems from more than two centuries of Treaties, statutes and policies, and more recently obligations that are beginning to be codified under international law. Whereas past law and policy worked to try and destroy Indigenous lifeways, in the modern era the federal government and the State of California maintain government-to-government relationships that respect and work to foster the full expression of Indigenous sovereignty. The National Council and IPCI endeavor to effectuate cultural and medicinal sovereignty through their Peyote conservation efforts.

Our requests and recommendations below consider the complex relationship of the law, our history, and social/cultural realities to Peyote, within the United States.

- 1. We request that it is clearly stated that this legislation will do nothing to alter, change, or undermine the federal AIRFA Amendments of 1994, the American Indian Religious Freedom Act, 42 U.S.C. 1996a, or California Health & Safety Code 11363.**

Suggested Legislative Language: The State of California fully respects and supports the continued Indigenous peoples' possession and use of Peyote under federal law, 42 U.S.C. 1996a, understanding that Indigenous peoples in the United States were persecuted and prosecuted for these beliefs for more than a century and had to fight numerous legal and political battles to achieve the current protected status, and by the enactment of this Act does not intend to undermine explicitly or implicitly that status.

The legislation should also expressly mention that California Health & Safety Code 11363 is not amended or repealed. Section 11363 makes it a crime in California to cultivate, harvest, dry, or process any plant of the genus *Lophophora*, also known as Peyote. The legislative history of this legislation should expressly mention that Section 11363 does not preempt 42 U.S.C 1996a, as state law cannot preempt federal law. We would appreciate further discussion concerning this recommendation.

- 2. We recommend that all plants/substances considered for decriminalization should be named specifically, this includes other mescaline containing cacti such as San Pedro (*Echinopsis pachanoi*) and Peruvian Torch (*Echinopsis peruviana*), and that Peyote (*Lophophora williamsii*) should be specifically excluded.**

*Suggested Legislative Language: Expressly excluded from the application of this legislation is the cacti Peyote (*Lophophora williamsii*) and any cultivation, harvest, extraction, tincture or other product manufactured or derived therefrom.*

- 3. Place an Indigenous member from the National Council and IPCI Board of Directors on the proposed advisory committees for the next two years.**
- 4. Continue to utilize the Decriminalization/Communications Committee of IPCI to represent the National Council and IPCI Board of Directors as representative of a primary stakeholder group, designated Native American Churches, and the Azeé Bee Nahaagha of Diné, in developing the specific language and implementation of this legislation including the scope of the committees.**

Further Background and Context:

It is extremely important that Peyote be preserved for utilization by and for Indigenous peoples. Broken treaties in this land, the preciousness of Indigenous traditions, ecological threats to the medicine itself, and the importance of spiritual respect in its use makes Peyote a tenuous plant to include explicitly in any decriminalization effort. It is important that non-Indigenous people respect and acknowledge the American Indian Religious Freedom Act Amendments of

1994 and take the lead from Indigenous leaders of the Native American Church/Azeé Bee Nahaagha of Diné Nation (ABNDN) and bona fide Native American Church organizations.

Due to various anthropological and environmental impacts, there is a shortage of Peyote available for Indigenous practitioners of this venerable bona fide religion. The Peyote religious practice is a way of life for generations of Indian people. Many Indigenous people have fought for over a hundred years and will continue to fight for their recognized right to this medicinal sacrament through their inherent respect and responsibility for Peyote's survival and care, as well as the preservation of their traditional way of worship, empirical interaction with it and its environment.

In the United States, Peyote only grows naturally in a small area of southern Texas; its limited natural habitat is a significant factor in the current shortage. The National Council member organizations have for many years been observing the growing crisis in the supply of Peyote in south Texas. Previous studies show unequivocally that Peyote is a threatened species and through IPCI the National Council is working to take the responsibility to restore it to a sustainable status. Peyote does not need further pressures. Indigenous people have already had land, water and other medicines taken away and it is imperative that we maintain the Peyote practice for our children and grandchildren.

In addition, both the federal law and Texas state law permit only Native people who are members of federally recognized tribes to legally cultivate, acquire, possess, use, and transport Peyote. Any local governmental resolution that gives non-Indigenous people who are not affiliated with federally recognized tribes the impression that they now have rights to acquire, possess, use, or transport Peyote in or from Texas would be misleading and may lead to their prosecution.

A concern of the Board of IPCI and particularly its Native American Church/ABNDN leaders is that the message being portrayed within decriminalization resolutions could provide a false sense of legality. Possession, transportation, and use of Peyote by non-natives is illegal under federal and state law. To the extent the "decrim" movement sends a message to local citizens that Peyote is "legal," the collateral and unintended effect could be to increase interest in non-native persons either going to Texas to purchase Peyote, buy it from local dealers who have acquired it illegally and unsustainably in Texas, or poaching on private property.

Due to the complexity of Peyote issues, the Texas ranchers we work with are very concerned about the rampant trespassing and destructive practices of illegal Peyote pickers, which will likely increase with decriminalization efforts. These scenarios, we fear, will further foment the Peyote black market and unsustainable practices in south Texas and compromise the decades long work on the part of Native American Peyote spiritual leaders and allies. The passing of the 1994 Amendments to the American Indian Religious Freedom Act is the result of decades of advocacy to gain legalization for the Peyote practice.

Additionally, one of our IPCI projects is aimed toward improving land management, conservation practices, building relationships with the local ranchers, and to improve growing and harvesting conditions and methods of the habitat.

We strongly encourage non-Indigenous persons to seek alternative medicines so as to not harm the very fragile Peyote population in south Texas or disrespect the spiritual, cultural, and legal norms of our Indigenous peoples.

The opportunity to engage early in the process of developing California legislation is appreciated and we look forward to continued discussions as you move forward.

Respectfully,

Arlen Lightfoot, *President* Native American Church of Oklahoma, IPCI Director

Andrew Tso, *President* Native American Church of North America, IPCI Founding Director

Sandor Iron Rope, *President* Native American Church of South Dakota, IPCI Founding Director

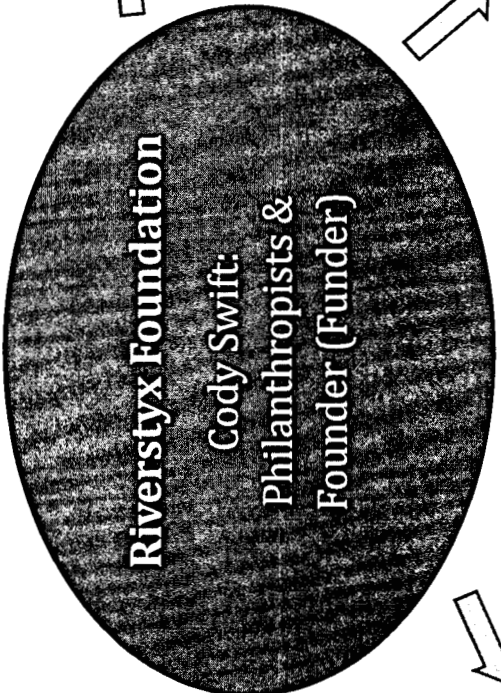
Steven Benally, *President* Azeé Bee Nahaagha of Diné

The Indigenous Peyote Conservation Initiative Board of Directors

The National Council of Native American Churches and

The IPCI Decriminalization/Communications Committee

Riverstyx Foundation Funding Partners



Psychedelic Research

- Harvard University
- John Hopkins
- Brown University
- Seattle University
- Naropa University
- Heffer Research Institute

Psychedelic Conferences

- Harvard Divinity University
- MAPS Psychodelic Conferences
- Eco Chacruna Institute
- Horizons PBC
- Sheri Eckart Foundation
- International Society for Research on Psychedelics

Decriminalize Policy Reform

- Criminal Justice Reform Giving Project
 - Social Justice Fund
 - Drug Policy Alliance
 - Healing Advocacy Fund
- NOTE: Efforts in Oregon, California, and Colorado

Psychedelic Organizations

- Multidisciplinary Association for Psychedelic Studies (MAPS: Rick Doblin, Founder/CEO)
- American Psychedelic Practitioners Association (APPA)
- Shef/Jewish Psychedelic Support
- Psychedelic Chaplaincy Support
- Alma Institute
- Psychedelics & Pain Association/Cluster Busters
- Psychedelic Health Equity Initiative
- Shef/Jewish Psychedelic Support
- ICEERS (MAPS Fiscal Sponsor)
- Temple of the Way of Light
- Healing Advocacy Fund
- Sunstone Therapeutics

Tribal Organizations

- Indigenous Access Center for Medicine (IAC)
- Indigenous Medicine Consortium (IMC)
- Indigenous Medicine Center (IMC)
- Indigenous Medicine Center (IMC)
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NOTE: Riverstyx Foundation (Cody Swift) funded the establishment of IPCI and IMCF as an investment. Today, IMCF funds the IPCI including other conservation of bi-culture Indigenous plant medicines. As you can see by the diagram Cody is heavily invested in the psychedelic movement (e.g., MAPS, APPA, etc.), decriminalization policy reform (at the state level), psychedelic research (review New York Times article), and psychedelic conferences/ retreats. In addition, Cody's investment in tribal initiatives has raised serious concerns by many Peyote and Tribal leaders in Indian Country. Many of our Tribal and Navajo people strongly oppose any involvement or association with the Psychedelic Renaissance. This includes Riverstyx Foundation, IPCI, and IMCF. Our names and other sacred items should never be part of the Psychedelic Renaissance. (References: Riverstyx Foundation Grant List: waheita)

Today, there is a movement to decriminalize control one substance drugs, also known as psychedelic plants, including cannabis (marijuana), tobacco (nicotine), peyote and mescaline, cocaine, mushrooms, MDMA, LCD, and other indigenous plant medicines. The decriminalization of **peyote** and **mescaline** is a serious concern for the Navajo peyote people, including other peyote leaders. Psychedelic, pharmaceutical, and non-Indian interest groups are heavily interested in mescaline and synthetic mescaline. Currently, peyote and mescaline are being debated and discussed at the state and national levels on whether to decriminalize. This has caused serious concerns and division among our Navajo peyote communities, including NAC peyote communities throughout Indian Country.

Peyote and Mescaline

In the passing of the American Indians Religious Freedom Act Amendments of 1994 (AIRFA of 1994), tribal leaders understood that the Congressional intent was to protect all properties of peyote, including mescaline. Currently, there are no legal regulations to regulate or enforce the protection of mescaline that is extracted from peyote and/or any other cactus plants (e.g., San Pedro, Peruvian Torch, Echinopsis Zamnesiae, Bolivian Torch, etc.). Synthetic mescaline is unnatural and human-made (laboratory-made) and may cause adverse health impacts on human consumption. In addition, peyote leaders are concerned with non-Indians developing therapeutic models associated with mescaline, and/or synthetic mescaline that may misappropriate our Navajo cultural practices and ceremonies, including other federally recognized tribal customs. Also, versions of synthetic drugs such as meth and fentanyl continue to be a major concern for tribes and non-Indians. This has raised serious concerns about how the country will address or even regulate synthetic mescaline if legalized by the United States.

In addition, Public Law 91-513 Comprehensive Drug Abuse Prevention and Control Act of 1970 recognizes '*peyote and mescaline*' as a Controlled 1 Substance. Peyote and mescaline cannot be separated; there is no way to identify the plant from which mescaline was extracted. Also, the Navajo Code Title 17 recognizes 'mescaline and peyote' as Controlled 1 Substances. The Navajo Nation should protect the cultural and intellectual property of peyote, which includes mescaline. Furthermore, there has been no tribal consultation by the DEA/ FDA with federally recognized tribes, including the Navajo Nation, on legalizing mescaline for research or other activities. More importantly, the peyote way of life has NO business supporting the exemption of mescaline unless there is a personal interest. Peyote leaders do not want to jeopardize peyote in any way.

Legislation 0141-24 does not include mescaline, which is alarming to many Navajo peyote leaders and members. Therefore, peyote and its mescaline properties will be jeopardized if the Navajo Nation does not include mescaline or other synthetic forms. Peyote leaders and tribal leaders who support including mescaline within opposing the decriminalization of peyote laws would need to be considered by the Navajo Nation Council so that the Navajo Nation is in line with national support and efforts to fully protect peyote.

Peyote Conservation Initiatives for Navajo Nation

Legislation 0141-24 will create a new language within the Navajo Code on peyote conservation initiatives. Peyote conservation efforts will require more discussion among

respected peyote leaders and organizations in the Navajo Nation. The legislation did not timely obtain prior consent from other Navajo peyote and medicine people regarding peyote conservation. It also lacks supporting documents from other Navajo NAC, medicine leadership, and Navajo entities.

In 2017, ABNDN passed a resolution to support the initiatives of the National Council of Native American Churches (NCNAC)/ ABNDN, Native American Rights Funds, and the Riverstyx Foundation to develop the Peyote Conservation Project in Southern Texas, which later became known as the Indigenous Peyote Conservation Initiative (IPCI). However, in 2017, the NCNAC/ ABNDN did not exist, causing serious questions among ABNDN and NAC members and leaders about the intentions of ABNDN, NAC leaders, and Riverstyx Foundation during that time. IPCI leadership began to utilize the NCNAC, causing many NAC/ ABNDN leaders to question IPCI and Riversytx Foundation's intentions.

For example, ABNDN and the Native American Church of North America (NACNA) never authorized IPCI to use the NCNAC to advocate and support the California SB519 drug bill (see attachments). This bill would have legalized mescaline and synthetic mescaline but would exempt peyote. The respected peyote organization members and leaders and Tribal Nations were never consulted by IPCI's intentions/actions to support California SB519. ABNDN and NAC leaders are aware that the Riverstyx Foundation and their psychedelic and pharmaceutical partners are heavily interested in legalizing mescaline and synthetic versions (see attachment). As an ABNDN member and official, I am unsure why the ABNDN Board and the main sponsor of the proposed legislation do not want to include "*opposing mescaline and synthetic mescaline*" language. In addition, review the New York Times articles (The Psychedelic Evangelist - The New York Times (nytimes.com) and Drugs, Sacraments or Medicine? Psychedelic Churches Blur the Line. - The New York Times (nytimes.com)) on the Riverstyx Foundation founder, who is involved in psychedelic research. These types of incidents by Riverstyx Foundation and IPCI have caused division, mistrust, and an unhealthy environment among our peyote organizations throughout Indian Country. Today, IPCI is funded by the Indigenous Medicine Conservation Funds, which was established by Riverstyx Foundation. IMCF now funds IPCI.

If the Navajo Nation were ever to endorse or support peyote conservation initiatives, I strongly recommend that the nation honors the *federal trust responsibility* and supports the government-to-government relationship regarding peyote conservation efforts in Texas. There are too many unknown factors when working with private interest groups or organizations (IPCI/ IMCF) that may be associated with and funded by psychedelic and pharmaceutical interest groups.

ABNDN Inc. Court Status and Division

Legislation 0141-24 agent ABNDN Inc. is currently in the court order and is not currently in good standing (see attachment court case). The "**alleged violators**" in the court case continue to pass ABNDN resolutions that are not fully transparent with their members, which caused division. The alleged violators are not honoring the observance status within the ABNDN bylaws (not all board members are guilty). ABNDN organization has internal issues that must be resolved before acting on serious issues pertaining to the Navajo Nation (See attached ABNDN Timeline). It would be in the best interest if the Navajo Nation

leadership were to honor the organization's court order status. Allow the due process for the organization to get in good standing and allow the court to determine the organization's outcome. The organization is divided and overall not in good standing.

Peyote Conservation Efforts by the Navajo Nation President, ABNDN, and IPCI

On March 9, 2024, at the ABNDN 3rd Quarter General Meeting, President Buu Nygren, personal advisor (a board member of IPCI), reported that the IPCI is looking to purchase land in Texas for peyote conservation with the East Foundation reality company. East Foundation promotes the advancement of land stewardship through ranching, science, and education of over 217,000 acres in South Texas. The foundation works together to address issues important to wildlife management, rangeland health, and ranch productivity and to ensure the conservation of healthy rangelands in South Texas.

On April 13, 2024, the ABNDN Statutory Agent (who is also an IPCI Board member) reported at the ABNDN Board Meeting that President Buu Nygren's special advisor and the IPCI are working with the NN OPVP and the Navajo Land Management Office Director on possibly purchasing land in Texas using the Navajo land acquisition funds.

On April 19, 2024, the Navajo Nation Office of the President's Chief of Staff and staff members visited Texas during the ABNDN 29th Annual Spiritual Pilgrimage in Hebbronville, Texas (the intent of the Chief of Staff visit is unclear).

Furthermore, in 2021, the ABNDN leadership attempted to develop an Attorney-Client Privilege with the Navajo Nations OPVP regarding opposing the decriminalization of peyote (see attachment). Many ABNDN members and officials were unaware of the attorney and client privilege. It is unethical for the Navajo leadership and ABNDN to withhold information when it comes to their religious and cultural use of peyote. The leadership must be transparent on any affairs pertaining to the use of peyote for the Navajo people. Again, I understand IPCI leadership was involved with this initiative, and it should be further investigated. These actions may be currently going on with the current NN OPVP.

Request for an Investigation by the Navajo Nation Council

There needs to be a proper investigation on the Riverstyx Foundation, IPCI, and Indigenous Medicine Conservation Funds, which are heavily associated with psychedelic and pharmaceutical interest groups. Since the Riverstyx Foundation has been involved with our peyote communities throughout Indian Country, there has been nothing but division and mistrust among our respected peyote organizations and leadership. Now, IPCI/ IMCF board members are working directly with our Navajo Nation Government leadership to establish partnerships without meaningful consultation and the proper due process with our respected Navajo peyote leaders, members, and organizations, including our Navajo medicine people, in the Navajo Nation.

In closing, our Navajo way of life should never be associated with the psychedelic renaissance and pharmaceutical interests. Therefore, it is in the best interest of the Navajo Council to fully investigate the Riverstyx Foundation, IPCI, and IMCF and their affiliations with the psychedelic and pharmaceutical interest groups. The Navajo Nation is a sovereign nation, and non-Navajo entities should be held accountable for their actions through

proper investigation on this serious matter. They need to be held accountable for causing division and mistrust among our Navajo people, especially our peyote communities.

Hershel W. Clark

ABNDN Teesto Chapter Secretary



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DOREEN N. MCPAUL
Attorney General

KIMBERLY A. DUTCHER
Deputy Attorney General

ATTORNEY-CLIENT PRIVILEGED and CONFIDENTIAL INFORMATION

MEMORANDUM

TO: Jonathan Nez, President
Myron Lizer, Vice President
Paulson Chaco, Chief of Staff
Davis Filfred, Executive Staff Assistant

FROM: Kimberly A. Dutcher, Deputy Attorney General

DATE: July 20, 2021

SUBJECT: Decriminalization of Peyote

On June 3, 2021, the Office of the President and Vice President (OPVP) staff met with members of the Azcc Bee Nahgha of Dine Nation (ABNDN) and the National Council of Native American Churches (NCNAC) seeking OPVP's support for their efforts to prevent the decriminalization of peyote. OPVP requested a memorandum from the Department of Justice to provide additional information about this issue.

Background

Peyote cactus, or *Lophophora williamsii*, is mainly grown in southern Texas and northern Mexico.¹ The primary ingredient in peyote, mescaline, produces a psychedelic effect on the brain.² Those native to Mexico and others have used the plant for spiritual and medicinal purposes for thousands of years.³ More recent has been the use of peyote among North American tribes.⁴ About 50 years ago, the United States government stopped scientific research on peyote, warning that the use of it may cause permanent brain damage.⁵ Under federal law, peyote is presently illegal to sell, possess, or ingest, and is classified as a Schedule I substance.⁶ Schedule I substances are those that have a high potential for abuse, and there is not any current accepted medical use in treatment, and there is a lack of accepted safety for use under medical

¹ Jon Johnson, *What to Know About Peyote*, MEDICAL NEWS TODAY, (June 24, 2020), <https://www.medicalnewstoday.com/articles/peyote>.

² *Id.*

³ John Horgan, *Tripping on Peyote in Navajo Nation*, SCIENTIFIC AMERICAN, (JULY 5, 2017), [HTTPS://BLOGS.SCIENTIFICAMERICAN.COM/CROSS-CHECK/TRIPPING-ON-PEYOTE-IN-NAVAJO-NATION/II](https://blogs.scientificamerican.com/cross-check/tripping-on-peyote-in-navajo-nation/).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

supervision.⁷ The United States Code has an exemption for use of peyote during religious tribal ceremonies.⁸ Specifically, “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.”⁹

Analysis

Arguments in support of the decriminalization of peyote

Supporters for decriminalizing peyote and other psychedelic drugs point to potential health benefits, the purported lack of a negative impact on health, and parity in the prosecution of various illegal substance related crimes. Mescaline being a Schedule I drug has resulted in difficulties for scientists and healthcare professionals to study the potential medical benefits of mescaline.¹⁰ However, some studies have shown that psychedelics, including mescaline, have the potential to treat post-traumatic stress disorder, anxiety, depression, and substance abuse.¹¹ However, Harvard psychiatrist, John H. Halpern, argues that early studies claiming permanent neurocognitive damage examined far too few subjects and did not adequately screen for pre-existing mental illnesses.¹²

The U.S. government’s “War on Drugs” initiated by President Nixon in the 1960’s, has resulted in a disproportionate number of minorities being incarcerated compared to non-minorities.¹³ Supporters of the decriminalization of mescaline and other substances claim that convictions for illegal drugs has resulted in more stringent sentencing for minorities convicted of crimes involving illegal substances.¹⁴ Arguably, the “War on Drugs” has also resulted in dangerous unregulated use, and decriminalization of substances including mescaline may open the door for individuals to seek proper administration of mescaline and other illegal substances by health care professionals.¹⁵ Decriminalization of these substances presently deemed illegal may shift the focus from criminal prosecution for their possession, use and distribution to proper use to address various health conditions.¹⁶

Arguments against the decriminalization of peyote

⁷ 21 U.S.C.A. § 812 (West).

⁸ 42 U.S.C.A. § 1996a (West).

⁹ *Id.*

¹⁰ Scott Wiener, *California's psychedelic drug decriminalization is long overdue. I wrote the bill to fix that.* NBC NEWS, (May 27, 2021), <https://www.nbcnews.com/think/opinion/california-s-psychedelic-drug-decriminalization-long-overdue-i-wrote-bill-ncna1268577>.

¹¹ Wiener, *supra* note 9; Horgan, *supra* note 3 (studied the effects of peyote among members of the Native American Church on the Navajo Nation).

¹² Horgan, *supra* note 3.

¹³ Wiener, *supra* note 9; Horgan, *supra* note 9.

¹⁴ Wiener, *supra* note 9.

¹⁵ S.B. 519, 2021 Leg., Gen. Assemb., Reg. Sess. (Cal.).

¹⁶ Vivian Ho, *California bill would decriminalize psychedelics, paving the way for medical treatment*, THE GUARDIAN, Feb. 18, 2021, <https://www.theguardian.com/us-news/2021/feb/17/california-bill-decriminalize-psychedelic>.

Despite the potential for health benefits offered by peyote use, some Native Americans are seeking legislation to keep peyote off the list of decriminalized substances.¹⁷ Native Americans have fought vigorously to preserve their cultures and traditions since the first arrival of European settlers.¹⁸ Native Americans successfully passed legislation that decriminalized peyote for its use in traditional religious ceremonies.¹⁹ Due to the scarcity of peyote, some Native Americans fear that legalizing peyote to make its consumption and use available to the general public will result in increased demand and a subsequent shortage in peyote, ultimately resulting in the extinction of the plant.²⁰ Supporters of limiting peyote to religious use by Native Americans argue that mescaline can be found in other plants, such as the San Pedro cactus, which does not have the same spiritual and sacred connections as purer forms of peyote.²¹

The Indigenous Peyote Conservation Initiative (IPCI) has implemented plans to address the shortage of peyote for religious practices.²² These plans vary based on the needs of over 45 Native American tribes whose tribal members use peyote.²³ IPCI fears that decriminalizing peyote will disrupt these plans and ultimately lead to the depletion of peyote.²⁴

Current Legislative Efforts

Oregon was the first state to pass legislation decriminalizing “hard drugs,” including peyote.²⁵ Individuals found in possession of hard drugs face penalties of fines, and health assessments, which may lead to the possibility of addiction counseling.²⁶ The primary reasoning behind Oregon’s initiative is to provide proper healthcare for users of peyote and other hard drugs, rather than a punitive criminal penalties.²⁷ It is anticipated that the impact of the Oregon law may influence other state leadership to follow suit in their efforts to decriminalize peyote and other substances.²⁸ On March 16, 2021, the District of Columbia followed Oregon’s lead by passing D.C. Law 23-268, which decriminalized the possession and use of plant and fungi medicines, including peyote.²⁹ Supporters of this legislation applauded scientific studies on the treatment benefits of plant and fungi medicines.³⁰

¹⁷ Louis Sahagún, *Why are some Native Americans fighting efforts to decriminalize peyote?*, LOS ANGELES TIMES, (Mar. 29, 2020), <https://www.latimes.com/environment/story/2020-03-29/native-americans-want-mind-bending-peyote-cactus-removed-from-efforts-to-decriminalize-psychedelic-plants>.

¹⁸ Statement from Nat’l Council of Native Am. Churches and the Indigenous Peyote Conservation Initiative, *Decriminalization of Sacred Plants Ordinances at the City or other Jurisdictional level, as the pertaining to peyote*.

¹⁹ *Id.*

²⁰ *Id.*, *supra* at note 16.

²¹ *Id.*

²² Open Letter from the Indigenous Peyote Conservation Comm’n Comm., *Regarding Peyote in Pol’y Efforts and How to be an Ally to Indigenous Peoples of North Am.*

²³ *Id.* at 2.

²⁴ *Id.* at 4.

²⁵ Andrew Selsky, *Oregon 1st state to decriminalize possession of hard drugs*, ASSOCIATED PRESS, (Feb. 1, 2021), <https://www.pbs.org/newshour/politics/oregon-1st-state-to-decriminalize-possession-of-hard-drugs>.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ D.C. Code Ann. §48-921.51 (West).

³⁰ *Id.*

Currently, the state of California is attempting to pass Senate Bill 519, which provides for the decriminalization of the use of psychedelics.³¹ California State Senator Scott Wiener, author of the bill, wrote an exception for decriminalization that would keep peyote illegal.³² Some states are reviewing the potential of decriminalizing peyote and other substances based upon the early findings of potential health benefits. The states of Texas and Connecticut have recently permitted research of psilocybin, the active ingredient in “magic mushrooms.”³³ However, despite changes in *state* laws, *federal* law continues to restrict the use of all psychedelic drugs, including peyote.³⁴ There is currently no proposal federal legislation to decriminalize peyote. But, in March 2021, the federal government announced \$15 million to be spent on the research of psychedelic substances.³⁵ This research, which will be conducted in Australia, will study the potential benefits of psilocybin (magic mushrooms), ketamine, and ¾ methylenedioxymethamphetamine (MDMA; cecstasy).³⁶ It is uncertain whether this research will include mescaline (peyote).³⁷

Conclusion

According to Mr. Steve Moore, Staff Attorney with the Native American Rights Fund (NARF), ABNDN IPCI, NARF and representatives of other Native American Church organizations want to meet with the Secretary of the Interior, Debra Haaland and officials from the U.S. Department of Justice, the U.S. Drug Enforcement Agency (DEA) and other federal agencies to inform them about Native Americans’ religious use of peyote. These organizations have had some early success at the state and local levels keeping peyote out of legislative initiatives to decriminalize it and several other psychedelic plants and substances and keeping peyote illegal for possession and use by non-Native Americans. The hope is that these meetings would help representatives of federal agencies to gain an understanding and appreciation for the impact of increased illegal peyote poaching and sales on private farms in southern Texas, the only location where peyote grows naturally in the United States. Anecdotal information from ranchers and law enforcement in southern Texas suggest that trespassing and poaching has increased in recent years, and is expected to increase if peyote is decriminalized. Increased awareness of the issue may encourage federal law enforcement officials to enforce federal laws that make peyote illegal. Enforcement of the law, especially in southern Texas, will protect fragile peyote harvests and its limited habitat.

Peyote should probably remain criminalized except for use by Native American tribal members for religious practices. Usually, governmental action has historically stripped away Native American cultural and religious practices.³⁸ The enactment of the American Indian Religious Rights Act Amendments of 1994 has

³¹ S.B. 519, 2021 Leg., Gen. Assemb., Reg. Sess.

³² *Id.*

³³ Joyce E. Cutler, *Texas the Latest State to Legalize Psychedelic Medical Research*, BLOOMBERG LAW, (June 23, 2021), <https://news.bloomberglaw.com/pharma-and-life-sciences/texas-the-latest-state-to-legalize-psychedelic-medical-research>.

³⁴ Selsky, *supra* note 22.

³⁵ Stephanie Dalzell, *The federal government is funding research into using psychedelics to treat mental illness. So, do they work?*, ABC NEWS, (Mar. 17, 2021), <https://www.abc.net.au/news/2021-03-17/federal-government-research-psychedelics-treat-mental-illness/13256584>.

³⁶ *Id.*

³⁷ *Id.*

³⁸ Ho, *supra* at note 16.

preserved the essential right of allowing Native Americans to use peyote for religious purposes.³⁹ Decriminalization of peyote will reverse the prior work done to preserve these rights, and will likely have a disparate impact on Native American communities.⁴⁰ The current bio-cultural and ecological threats to peyote has already limited the supply of peyote available to Native Americans.⁴¹ Allowing the general public access to peyote will likely lead to serious depletion of the cactus, potentially to extinction.⁴²

Legal peyote use and possession should probably continue to be limited to Native Americans for religious use, despite the potential for medical health benefits. Studies are currently in early stages, and more research is needed to conclusively determine the medicinal benefits of peyote.⁴³ The current benefits of peyote are linked to the main ingredient mescaline, which is not unique to peyote. Those seeking the medicinal benefits of mescaline may seek other plants, like the San Pedro cactus, and reserve peyote for religious use by Native Americans.⁴⁴ Legislative efforts to decriminalize peyote has not been common on a state and federal levels, but a trend toward decriminalization has begun, though slowly. Some supporters of decriminalizing peyote, like State Senator Wiener, and groups such as Decriminalize Nature Oakland, that support decriminalization have been generally willing to respect the wishes of the Native American Church representatives by omitting peyote from their legislative decriminalization efforts.⁴⁵ However, proactively preserving peyote for the sole use by Native Americans may establish standards that will ultimately benefit medical researchers, recreational users, and Native Americans.⁴⁶

³⁹ 42 U.S.C.A. § 1996.

⁴⁰ Ho, *supra* at note 16.

⁴¹ Open Letter from the Indigenous Peyote Conservation Commc'n Comm., Regarding Peyote in Pol'y Efforts and How to be an Ally to Indigenous Peoples of North Am.

⁴² *Id.*

⁴³ Dalzell, *supra* note 35.

⁴⁴ Ho, *supra* note 16.

⁴⁵ S.B. 519, 2021 Leg., Gen. Assemb., Reg. Sess. (Cal.); Ho, *supra* note 16.

⁴⁶ Open Letter from the Indigenous Peyote Conservation Commc'n Comm., Regarding Peyote in Pol'y Efforts and How to be an Ally to Indigenous Peoples of North Am.



ABNDN Timeline: ABNDN Board of Directors and Executive Officials Violation of the ABNDN By-Laws and Constitution

Summary: Azeé Bee Nahahgá of Diné Nation (ABNDN) vision is to foster, protect, promote, and preserve the teachings of Hinááh Azeé and our Diné traditional teachings as passed down by our elders and to preserve further and secure the principles of our faith. The ABNDN organization is governed by the ABNDN Bylaws and Constitution through resolutions. Therefore, the Board of Directors (BODs) and Executive Officials (EO) shall uphold the ABNDN Bylaws and Constitution respectfully and truthfully. The timeline below highlights incidents of events by the ABNDN BODs and EOs from January 2023 to June 2024. The information will help restore honesty, transparency, accountability, and integrity to the ABNDN organization.

January of 2023: ABNDN Executive President released from his job as Ganado Chapter Manager.

February 6, 2023: ABNDN members were notified of ABNDN Executive President's allegations and removal at the Ganado Chapter by an ABNDN District 17 community member.

February 8, 2023: The Ganado Chapter President informed ABNDN members there was an investigation completed by the Ganado Chapter and based on the investigation, there was enough evidence to remove the Ganado Chapter Manager (ABNDN Executive President). ABNDN members reported the incident to ABNDN District 5 BOD. The report is in accordance with the ABNDN Whistle Blower Protection Policy that states, "*B. Reporting: It is the responsibility of all board members, executive and chapter officials, administrative assistants and volunteers to report oral/written concerns about violations of ABNDN's policy in regards to conduct or suspected violations of law or regulations that govern ABNDN operations*" (see ABNDN By-Laws)

February 11, 2023: ABNDN District 5 hosted a district meeting and passed a resolution requesting ABNDN BODs and Executive Officials to immediately address the ABNDN Executive President violation, allegation, and removal as President. The resolution requested a Special Meeting so the BODs could immediately resolve the matter with respect, honesty, and integrity (see ABNDN District 5 Resolution).

February 16, 2023: ABNDN District 5 resolution was forwarded (emailed) to the ABNDN BODs and Executive Officials. BODs were encouraged to immediately address District 5's resolution before the February 18th ABNDN Special Meeting or any ABNDN regular business of operations.

February 17, 2023: ABNDN BOD 12A responded to the email by recommending to the ABNDN BODs and Executive Officials to immediately address ABNDN District 5 resolution. BOD 12A also recommended rescheduling the ABNDN Special Meeting, considering ABNDN District 5's Resolution and most BODs will not be attending/ available for the Special Meeting on February 18th, 2023 (see email by ABNDN BOD 12A to BODs).

February 18, 2023 – ABNDN Board of Directors Special Meeting

ABNDN Executive President, Executive Officials, and a few BODs made the decision to host the February 18th Special Meeting despite recommendations by other BODs regarding District 5's resolution. **NOTE:** The first violation by the ABNDN Executive President, as the President decided to move forward to oversee the ABNDN's Special Meeting. The ABNDN organization is governed by resolutions; therefore, Executive Officials and BODs should have immediately addressed the ABNDN District 5's Resolution before any other ABNDN regular business operations. The Special Meeting should not have allowed the ABNDN Executive President to oversee the Special Meeting.

[Discussion at the Special Board Meeting]

BOD District 9B discredited/ invalidated ABNDN District 5's resolution. ABNDN BOD 9B actions are alleged violation of the ABNDN Whistle Blower Protection Policy under Section D. which states, "ABNDN has an open-door policy and suggests that a member share their questions, concerns, suggestions, or complaints with the Board of Directors" (see **ABNDN Bylaws**). The ABNDN District 5 submitted their concerns, complaints, and suspected violations and allegations in writing (resolution) to the ABNDN BODs and Executive Officials regarding the ABNDN Executive President. ABNDN BOD 9B wrongfully took another ABNDN District resolution and discredited it without ABNDN District 5 BOD/ district members present to speak on the resolution. This action by BOD 9B is subject to violation of ABNDN bylaws (**listen to ABNDN Special Meeting audio recording on February 18, 2023**).

NOTE: There is a recording of the February 18th ABNDN Special Meeting. In the recording ABNDN BOD 9B statement did not correlate with the motion and reasoning to remove ABNDN VP and ABNDN PHA. On March 2, 2023, a removal letter was sent to the ABNDN VP by the former ABNDN Secretary, which states, "You've [ABNDN VP] advocated to rekindle the Task Force from an action by the general membership which was a deem unnecessary" (**See letter sent by former ABNDN Secretary**). The statement does not align with the ABNDN BOD 9B motion to remove ABNDN VP and ABNDN PHA at the February 18th Special Meeting. Instead of adhering to District 5's Resolution, ABNDN BOD 9B motioned to add the removal of ABNDN VP and ABNDN PHA to the ABNDN Special Meeting agenda. This may be subject to violating ABNDN Whistle Blower Protection Policy, which states, "No Retaliation: It is contrary to the values of ABNDN for anyone to retaliate against any official, board member, member, volunteer or employee who is in good faith reports an ethics violation, or a suspected violation of law, such as discrimination, or suspected fraud, or suspected violation of any regulation governing the operations of ABNDN. A person who retaliates against someone who has reported a violation in good faith is subject to discipline" (**see ABNDN Bylaws: Whistle Blowing Policy**). Also, ABNDN BOD 9B presented no supporting resolution from the local ABNDN District and Chapter for the "alleged" misconduct by ABNDN VP and ABNDN PHA as recognized under ABNDN Bylaws Provision IV. Disciplines A. Breach of Conduct and B. Minor Violation (**see ABNDN Bylaws**). The ABNDN organization is governed by resolutions and ABNDN bylaws and constitution; therefore, ABNDN BODs/ Executive Officials should have immediately addressed ABNDN VP and ABNDN PHA actions through local chapter resolutions and follow the proper procedures recognized within ABNDN Bylaws.

ABNDN BODs/ Executive Officials voted to add the removal of ABNDN VP and ABNDN PHA to the ABNDN Special Meeting agenda. BODs and Executive Officials voted to remove ABNDN VP by a vote of 9-1-1 in favor (Not sure why ABNDN PHA was not included in the removal). ABNDN Executive Officials: Secretary, Treasure, and Statuary Agent voted during this meeting. The vote by the Executive Officials is an ongoing concern, and some BODs understand that the Executive

Officials do not have the authority to vote, especially in removing an ABNDN official. The governing body of ABNDN is the BODs, not the Executive Officials. In addition, the ABNDN VP and ABNDN PHA were not present, nor were they notified of their being added to the agenda to be removed during the ABNDN Special Meeting. Also, eight (8) ABNDN BODs were not present and notified of the item to add the removal of the ABNDN VP and ABNDN PHA to the agenda. Removing an ABNDN official should not have been added to the February 18th ABNDN Special Meeting. Prior notification to the entire ABNDN BODs should have been done, and BODs should have followed the Bylaws. **NOTE:** Special Meeting included multiple violations of ABNDN Bylaws.

February 19, 2023: ABNDN BOD 9B (who motioned to remove ABNDN VP/ PHA at the Special Meeting) hosted an ABNDN District 9B meeting and proposed to pass a resolution to remove ABNDN VP and PHA. This incident was witnessed by the two former (2) ABNDN BODs. One former BOD questioned the actions of BOD 9B. BOD 9B behavior/ actions are subject to violation of ABNDN By-Laws.

February 19, 2023 – ABNDN Northern Navajo Chapter and District 12A passed the resolution, *“ABNDN Northern Navajo Chapter (NNC), District 12A to Support ABNDN, District 5 Resolution to immediately terminate Mr. Willie Tracey Jr.’s Role as the President of ABNDN Inc.”.*

February 22, 2023 – ABNDN District 3 passed a resolution, *“ABNDN District 3 (Tuba City, Bodaway Gap, Cameron, and Coalmine) to immediately remove Willie Tracey Jr. as Executive President of ABNDN Inc.”*

February 23, 2023 – ABNDN Executive President, ABNDN Spiritual Advisor, and current elected ABNDN VP were summoned and served by the Navajo Nation District Court Judicial District of Window Rock, Arizona Case Number WR-CV-07-23-25 for serious allegations (**see court case**). **NOTE:** ABNDN Executive President and Spiritual Advisor should have been put on immediate observance status as recognized within the ABNDN Bylaws. ABNDN Executive President was repeatedly advised to honor the observance status by members but continued to oversee the ABNDN Board Meetings, General Meetings, and Special Meetings since February 23, 2023. The ABNDN organization is governed by resolutions and ABNDN bylaws and constitution; therefore, BODs and Executive Officials should have immediately addressed the ABNDN President and ABNDN Spiritual Advisor's court case status through proper protocols references in the ABNDN Bylaws. Therefore, **ALL ACTION ITEMS PASSED BY THE ABNDN BOARD OF DIRECTORS** since this case was filed on February 23rd, 2023, are a direct violation of the ABNDN By-Law. The ABNDN organization will need legal advice and interpretation on how the organization will move forward. **NOTE:** ABNDN Bylaws states, *“C. Member on Observance Status: If the complaint is filed in court, the alleged violator will be placed on observance status while the case is pending.”*

March 2, 2023 – ABNDN VP received a removal letter from the former ABNDN Secretary, which states, *“You’ve [ABNDN VP] advocated to rekindle the Task Force from an action by the general membership which was a deem unnecessary...”* (**See letter sent by former ABNDN Secretary**). ABNDN VP was informed that the BODs removed him, effective February 18, 2023, as ABNDN VP. ABNDN BODs presented no supporting resolutions or documents on his misconduct and due process as recognized under ABNDN Bylaws Provision IV. Disciplines A. Breach of Conduct and B. Minor Violation (**see ABNDN Bylaws**).

March 2, 2023 – ABNDN Nahata Dził Chapter passed resolution, “*Supporting Resolution by the Nahata Dził Chapter to immediately remove Willie Tracey Jr. as Executive President of ABNDN Inc.*”.

March 18, 2023 – ABNDN Districts 3, 5, 7, and 12A passed the joint resolution, “*Joint resolution by the ABNDN District 3, 5, 7, and 12A to Immediately Remove Executive President of ABNDN Inc. Willie Tracey Jr.*”.

March 25, 2023 – Executive Officials /Board of Directors Special Meeting

BOD 9B motioned to nominate a new ABNDN VP despite the nominee being in a current lawsuit. BOD 9B was advised by ABNDN members/ BODs that the nominee candidate is currently in a lawsuit. If voted in, the nominee must honor the observance status recognized in the ABNDN Bylaws. BOD 9B ignored the advice and proceeded to nominate. BODs voted for the new ABNDN VP. **NOTE:** Today, the elected ABNDN VP did not honor the observance status until recently at the ABNDN 3rd General Meeting. The new ABNDN VP has violated the ABNDN Bylaws.

ABNDN Founder and longtime member expressed the importance of their ABNDN Bylaws and Constitution in their decisions for the organization. He also expressed the issue is the decriminalization of this peyote medicine. The organization needs to protect our medicine against the non-Indians. He expressed that’s the issue and what the organization is doing to protect the medicine should be their priority. He supports and expresses unity among ABNDN and other NAC organizations, and ABNDN should be involved in efforts to protect our medicine. He expressed that there are more questions than answers about how this current ABNDN leadership moves the organization forward.

BODs passed the resolution, “*Respectfully Requesting Honorary Buu Nygren, President of the Navajo Nation, to Work Directly with Deb Halaad, US Department of Interior Secretary, to Seek an Executive Order from US President Joe Biden to Sturdily Emphasize all Fifty (50) States to Honor and Preserve P.L. 103-344 American Indian Tribes Using Peyote in a Bonafide Ceremony and Opposing Nationwide Urban Peyote Decriminalization Movement*” (**see resolution**).

April 24, 2023 – ABNDN Spiritual Pilgrimage

The annual Spiritual Convention was hosted in Texas. **NOTE:** The ABNDN Executive President continues to oversee the ABNDN Spiritual Pilgrimage despite being in two court cases – a direct violation of the ABNDN Bylaws.

May 6, 2023 – ABNDN 4th Quarter General Meeting – Bluff, Utah

May of 2023 - Executive Officials /Board of Directors Special Meeting

NOTE: The ABNDN Executive President continues to oversee the ABNDN meetings despite being involved in two court cases—a direct violation of the ABNDN Bylaws.

June 13, 2023 – ABNDN former ABNDN Secretary officially announces resignation (letter) as the ABNDN Secretary starting June 24th, 2023.

June 20, 2023 – ABNDN Inc. was served with a court order from the Chinle District Court of the Navajo Nation Case Number CH-CV-21-23, Alburt Johnson vs. ABNDN Inc., for violating ABNDN VP rights regarding the illegal removal as ABNDN VP by the BOD. This case is currently being

reviewed. **NOTE:** The ABNDN organization is governed by the ABNDN bylaws and constitution; therefore, BODs and Executive Officials should have immediately addressed the court case through proper protocols within ABNDN Bylaws. ABNDN Bylaws states, "*Member on Observance Status: If the complaint is filed in court, the alleged violator will be placed on observance status while the case is pending.*" ABNDN BOD, the governing body of ABNDN Inc., should have followed their Bylaws by honoring the observance status. ABNDN BODs and Executive Officials continued to operate and act on items despite being advised to be on observance status. Therefore, **ALL ACTION ITEMS PASSED BY THE ABNDN BOARD OF DIRECTORS** since June 20, 2023, are subject to direct violation of the ABNDN By-Law. The ABNDN organization will need legal advice and interpretation on how to move forward (**NOTE:** BODs put \$25,000 aside for legal fees but but there still is no legal interpretation on who the "**alleged violators**" are in the court case).

June 24, 2023 – ABNDN 57th Annual Convention – Chinle Spiritual Site

The annual convention focused on youth and young adults. There were limited topics on opposing the decriminalization of peyote/mescaline by the ABNDN leadership. Many members wanted an update on what the organization has done regarding the peyote decriminalization issue. There were no updates on the ABNDN vs. Alburt Johnson court case. ABNDN's former Secretary officially resigned. **NOTE:** The ABNDN Executive President continues to oversee the ABNDN meetings despite being in two court cases—a direct violation of the ABNDN Bylaws.

June 30, 2023 – ABNDN District 18B BOD was forced to resign without prior notification, prior consent, or any reason for removal.

July 8, 2023 - Executive Officials /Board of Directors Special Meeting

[Discussion and Question at the Board Meeting]

ABNDN District 7 BOD asked why ABNDN VP was removed and why the BODs were not given prior notice. He also wants to know who voted, what was voted on, and why this was added to the agenda to remove the ABNDN VP.

ABNDN District 4 BOD stated that this meeting was out of order, that the discussion is now a legal matter involving the courts, and that we can't go back to discuss the BOD question.

The ABNDN Statutory Agent asked if we have an attorney. He stated that ABNDN Inc. is now in legal status. That is all we should be discussing. The ABNDN Statutory Agent made it known that all membership card holders and Nahalahi's are being involved in the lawsuit. It is a serious matter that our holy sacrament is being litigated by the ABNDN VP filing a lawsuit against us. We have to defend our medicine and instruments with our ABNDN Bylaws. We have to have an attorney present to discuss this matter.

ABNDN BOD Proxy stated, "*A question was answered, and she raised her concern for our youths and expressed that all our children are being sued in this legal matter.*" (**See meeting minutes from July BODs Meeting**)

NOTE: A legal interpretation from an attorney on who the "**alleged violators**" are in the court case is important for the ABNDN Board to know. BODs and Executive officials have not provided a report from the ABNDN attorney's response to the question. Many ABNDN BODs, officials, and

members are still asking for clarification on who the “**alleged violators**” are in the court case. **NOTE:** The ABNDN Executive President continues to oversee the ABNDN board meeting despite being in two court cases – a direct violation of the ABNDN Bylaws.

July 16, 2023 – ABNDN Districts 5 and 7 passed the resolution, “*ABNDN District 5 and 7 Opposes any Financial Legal Fees and Payments by the ABNDN Inc. Regarding Case Number CH-CV-21-23, Alburt Johnson vs. ABNDN Inc.*”

July 16, 2023 – ABNDN Districts 5 and 7 passed the resolution, “*ABNDN Districts 5 and 7 to Immediately Place ABNDN Executive Officials and Board of Directors Who Violated the ABNDN By-Laws on Observance Status Until Case Number CH-CV-21-23, Alburt Johnson vs. ABNDN Inc. is Resolved in the Court of Law.*”

July 16, 2023 – ABNDN District 3 passed the resolution, “*ABNDN District 3 Opposes ABNDN Executive Officials and Board of Directors use of ABNDN Funds for any Legal Fee Payments Related to Case Number CH-CV-21-23, Alburt Johnson vs. ABNDN Inc.*”

July 16, 2023 – ABNDN District 3 passed the resolution, “*ABNDN District 3 To Place ABNDN Executive Officials and Board of Directors Who Violated the ABNDN By-Laws on Observance Status Pending Outcome and Resolution of Case Number CH-CV-21-23, Alburt Johnson vs. ABNDN Inc. Per By-Laws*”.

NOTE: Three (3) ABNDN Districts passed resolutions to oppose any funds to be used for legal fees and for the ABNDN BODs to honor the observance status due to the court order. However, the BODs and Executive Officials refuse to entertain/ address the resolutions at the Board and General Meetings (**see District resolutions for more information**). There is no clarification on why they do not want to adhere to the resolutions.

July 24, 2023 – **ABNDN Executive Officials/Board of Directors Special Meeting (Canceled)**

July 27, 2023 – ABNDN District 17 BOD was forced to resign as BOD.

August 20, 2023 – **ABNDN Executive Officials/ Board of Directors Regular Meeting**

[Discussion and Question at the Board Meeting]

ABNDN District 5 BOD stated to the BODs during the beginning of the meeting, “*We have a summon; we are under observance status. In the ABNDN Constitution & By-Laws, we should not be holding meetings. Whatever we approve is illegal, and our votes will not count.*”

ABNDN member also stated, “*He would like his comment to be on the record, that he protests that we are in violation of our Bylaws. This meeting is an unofficial meeting.*”

ABNDN District 4 BOD ignored the comments made by District 5 BOD and ABNDN member and commented that he would like to move on to New Business item C...”

NOTE: (See meeting minutes from August BODs Meeting). Executive Officials and BODs ignored District 5 BOD/ ABNDN members' comments and proceeded with the meeting. This is a serious concern (abuse of power) and a direct violation of our ABNDN Bylaws. **NOTE:** The

ABNDN Executive President continues to oversee the ABNDN board meetings despite being in two court cases—a direct violation of the ABNDN Bylaws.

August 20, 2023 – ABNDN Executive Officials/ Board of Directors Regular Meeting

The ABNDN President, Executive Officials, and some BODs held a board meeting despite the organization being in court order. **NOTE:** BODs still have not identified the alleged violators in the court case and continue to operate the ABNDN business. Any action items passed by the ABNDN BODs are subject to a direct violation of the ABNDN Bylaws. The ABNDN BODs approved the \$5,000 use of the members' money for retainer fees to an attorney. BODs and Executive Officials did not address the proposed resolutions passed by the ABNDN districts 3, 5, and 7 to oppose using ABNDN funds for legal fees and to honor the observance status. Instead, the BODs ignored the ABNDN members' resolutions. **NOTE:** The ABNDN organization is governed by resolutions, and ABNDN bylaws and constitution; therefore, BODs and Executive Officials should immediately address the district resolutions to follow the observance status within the ABNDN Bylaws. The ABNDN Executive President is now involved with two court cases and has five ABNDN District resolutions to have the BODs address the president's serious allegations and violations. The ABNDN BODs and Executive officials are not following their Bylaws despite being in court order and advised by many ABNDN members to follow their bylaws. **NOTE:** ABNDN District 5 BOD informed the BOD and President of the filing of a complaint to the Navajo Business Regulatory Department regarding the BODs and Executive Official's misconduct and violations of their Bylaws. The President responded, *"Good luck on that..."* to ABNDN District 5 BOD. **NOTE:** The ABNDN Executive President continues to oversee the ABNDN board meetings despite being in two court cases—a direct violation of the ABNDN Bylaws.

August 22, 2023 – ABNDN District 5 BOD respectfully filed a complaint to the Navajo Business Regulatory Department regarding the ABNDN BODs and Executive Official's ongoing unethical behavior and abuse of power, which is a direct violation of the ABNDN Bylaws.

September 16, 202 – ABNDN 1st General Meeting – Chinle Spiritual Site

September 17, 2023 – ABNDN Districts 3, 5, and 7 wrote a letter to ABNDN lawyer to inform him that ABNDN BODs never approved or authorized the ABNDN President to sign a client and attorney privilege agreement on behalf of the ABNDN organization; also, the ABNDN BODs never authorized the approval for payment to an attorney since the board has never approved to appoint an attorney to represent the organization. The letter also expressed the importance of the resolutions passed by the districts to not use any funds for legal fees and that the BODs should be on observance status due to the court order. In addition, the letter invited the ABNDN attorney to sit down with the ABNDN BODs to explain, share more information, and ask questions regarding the legal advice on the court case (**see letter sent by District 5 BOD**)

NOTE: Neither the ABNDN Executive President nor the ABNDN Treasure had authorization or approval from the ABNDN Board to make any payments to any attorneys. The ABNDN Board is the governing body of ABNDN Inc. and is the only entity with the authority to make decisions on behalf of the ABNDN organization. The ABNDN BODs have never scheduled a meeting with an attorney to discuss legal advice regarding the court case. A client-attorney privilege should never have been signed between the ABNDN President and the attorney; the agreement should have

been with the BODs who are the governing body of ABNDN. ABNDN Executive President never shared the full information with the ABNDN BODs. No transparency.

October 15, 2023 – ABNDN Executive Officials/Board of Directors Regular Meeting

[Discussion and Question at the Board Meeting]

ABNDN District 7 BOD Proxy stated to the BODs that the April 2022 Decriminalization Resolution passed by the BODs is still valid for the ABNDN organization. It includes opposing mescaline and scientific research. It is the strongest opposing the decriminalization resolution that we have.

ABNDN District 9B BOD stated that the ABNDN BODs passed a new resolution in March 2023 opposing decimalization.

ABNDN Executive President recommends a special meeting to address this issue later.

NOTE: ABNDN BODs still have not resolved this issue as recommended by the ABNDN President. The decriminalization Resolution passed in April 2022 is still valid. The BODs cannot void the resolution because they are in observance status, as recognized by the court order. Today, ABNDN has multiple peyote decriminalization resolutions, which have confused the members. **NOTE:** The ABNDN Executive President continues to oversee the ABNDN board meeting despite being in two court cases – a direct violation of the ABNDN Bylaws.

Executive Session Discussion: ABNDN BODs and Executive Officials went into Executive Session to speak on the letter ABNDN District 3, 5, and 7 sent to the ABNDN attorney. ABNDN District 7 BOD Proxy shared questions and handed out copies of questions (**see questions shared by Proxy**) to BODs regarding the process of how the ABNDN Executive President was able to secure a client-attorney privilege with an attorney and why weren't the BODs informed about the attorney's response to the court case back in August of 2023. BOD Proxy explained to the BODs that the attorney responded on behalf of the ABNDN organization without the BOD's input, consent, or legal advice to the BODs on how to go about the court case (unethical practice).

District 7 BOD Proxy proposed questions to the ABNDN President on why he wasn't transparent and not reporting information to the BODs on what the attorney is deciding for us. Proxy stressed that the BODs are the governing body of the organization and not for the President to act solely on his own. Proxy also inquired about the client and attorney privilege the ABNDN Executive President signed with the attorney and asked if the President was authorized by the BODs to sign a client and attorney privilege. Proxy also asked the BODs if they were informed or knew of the attorney's response to the court case. **NOTE:** Most BODs responded that they did not know the response to the case by the attorney and were not aware of the client and attorney privilege signed between the ABNDN President and the attorney representing ABNDN.

ABNDN District 17 BOD motioned to have the Executive Session closed and postponed. District 17 BOD shared that some BOD and Executive Officials are not here. A recommendation was suggested with "NO PROXY's" during the next Special Session and that it must be the BOD and Executive Officers ONLY when they have an Executive Session. **NOTE:** The ABNDN BODs and Executive cannot deny an appointed Proxy to be excluded from an Executive Session; if so, the BODs must amend the ABNDN Bylaws. ABNDN Bylaws state under PROVISION IV. Board of Directors E. *"The Board of Directors shall appoint an Alternate to represent him/her during his/her*

absence at a scheduled meeting.... The Alternate shall have a full participation in a meeting and voting."
NOTE: The ABNDN Executive President oversaw the ABNDN Executive Session despite being in two court cases. A violation of ABNDN Bylaws.

Note: ABNDN Founder and longtime ABNDN member respectfully stated to the BODs there was never an Executive Session during his time as President. This organization is for the people and by the people, and there shouldn't be anything to hide from the members, especially if it's a legal court matter such as the one we are in now. The members and people have a right to know what is being discussed and done by the ABNDN leadership. Member stayed during Executive Session.

November 4, 2023 – ABNDN General Meeting – Chinle Spiritual Site (Canceled)

December 18, 2023 – Special ABNDN Executive Officials / Board of Directors Meeting

[VIRTUAL ON-LINE ZOOM – **NOTE: No meeting minutes recorded**]

MOTION by ABNDN BOD District 4 to transfer \$20,000 from Savings Account to Legal Fees line-item account, SECOND by ABNDN BOD District 8. VOTE carried 8 in favor, 0 opposed, and 1 abstaining (ABNDN BOD District 7 did not participate in the vote).

NOTE: No notification was provided in a timely manner to the ABNDN BODs and members of the Special Meeting. Four (4) ABNDN members strongly opposed the motion to use the ABNDN funds during the Zoom meeting. A recommendation to move the item to a Special Meeting was requested so more discussion and input could be provided to the BODs on their decision to use \$20,000 of the members' money. BODs ignored their request, muted the members, and voted on the action item. To this day, no meeting minutes on this action item have been recorded or shared by the ABNDN Secretary. There were only 5 BODs present during this meeting. There was no resolution from the ABNDN local chapter, nor were the General members aware of the board's decision. **NOTE:** The organization's funds come from the ABNDN chapter certification fees, roadman certification fees, membership cards, and fundraising by the members. In addition, ABNDN Districts 3, 5, and 7 resolutions to oppose any ABNDN funds used for legal fees for the court were ignored by the BODs during the meeting. **NOTE:** The ABNDN BODs passed a resolution to pay for an attorney to address their own alleged violations of their ABNDN Bylaws. Are the actions of the BODs morally/ethically right? Could this be a WHITE CRIME by our ABNDN BODs? **NOTE:** The ABNDN President oversaw the ABNDN Special Session meeting despite being in two court cases – a direct violation of the ABNDN Bylaws.

January 11, 2024 – The ABNDN Teesto Secretary informed the ABNDN Secretary the discussion shared by ABNDN members was not recorded in the December 18th Special Meeting minutes. The ABNDN members who were present and made a statement included four (4) ABNDN members from District 7 and ABNDN District 7 BOD. ABNDN Teesto Secretary stressed this information is important to record in the meeting minutes as accurately as possible, especially when the ABNDN BOD is requesting the approval of funds in the amount of \$20,000 which comes from the BNDN members. It was strongly recommended to revise the minutes to include the comments, recommendations, and discussion on what was stated in the December 18th Special Meeting to the ABNDN Secretary (**see the email exchanged on January 11, 2023**).

January 13, 2024 – ABNDN Executive Officials/Board of Directors Regular Meeting

There has been no report on the \$20,000 request by the ABNDN BODs to use for legal fees. One ABNDN BOD laughed when asked about the funds and stated, "Money comes and goes..."

ABNDN District 7 BOD requested on behalf of the board for 1) ABNDN Bank Statements, 2) ABNDN Attorney's invoice statements for his services, and 3) ABNDN Attorney's legal report in response to the court case ABNDN Inc. vs. Albur Johnson.

NOTE: The ABNDN President oversaw the ABNDN Special Session meeting despite being involved in two court cases—a direct violation of the ABNDN Bylaws.

March 9, 2024 – ABNDN 3rd Quarter General Meeting

ABNDN President finally honored the observance status by allowing a pro-temp President to oversee the meeting.

There were many members who attended the meeting wanting to know more about opposing the decriminalization of peyote and mescaline topics. However, the ABNDN BODs had no topic on the agenda. A debate on whether to add items to the agenda was discussed, which included 1) 3 District Resolutions to oppose the ABNDN funds to be used toward legal fees regarding the court cases, 2) opposing the decriminalization of peyote and mescaline update, and 3) request for financial bank statements, invoice payment from ABNDN attorney services, and a report from the attorney regarding the court case.

NOTE: Former ABNDN President and Indigenous Peyote Conservation Initiative (IPCI) Board Member provided a report on the IPCI. Specifically, information on plans for IPCI to purchase land for peyote conservation efforts with the East Foundation organization in southern Texas. East Foundation promotes the advancement of land stewardship through ranching, science, and education of over 217,000 acres in South Texas. The foundation works together to address issues important to wildlife management, rangeland health, and ranch productivity and to ensure the conservation of healthy rangelands in South Texas.

March 22, 2024 – The ABNDN Secretary sent a letter on behalf of the ABNDN pro-temp to move the 4th Quarter ABNDN General Meeting from District 7/ 5 back to Chinle Spiritual Site. This course of action was not transparent with the district members, who were planning to host the meeting. These actions continue to cause mistrust and division within our ABNDN organization.

April 13, 2024 – ABNDN Executive Officials/Board of Directors Regular Meeting

ABNDN President resigned. He presented his resignation letter to the BODs and thanked the leadership. The BODs accepted his resignation.

ABNDN BODs passed another resolution, "*ABNDN is strongly opposed to decriminalization of peyote in all 50 states and any change in American Indian Religious Freedom Act Amendments of 1994*" (NOTE: resolution included conservation language and the Indigenous Peyote Conservation Initiative). The BODs were encouraged to include mescaline. Some BODs didn't understand the mescaline discussion. The discussion was led by ABNDN Statutory Agent (IPCI Board Member). The resolution is concerning because 1) when IPCI came to the ABNDN Board in 2022, the outcome concluded that if there were ever to be a partnership with IPCI, they would come to the ABNDN board/ members to discuss the partnership through an MOU or some sort

of an agreement of partnership; 2) ABNDN members/ officials were unaware that the resolution presented included IPCI language (the title on agenda does not reflect conservation efforts); 3) some ABNDN members are concerned in partnering with IPCI because they are funded by the psychedelic evangelists and interests groups such as Riverstyx and the Indigenous Medicine Conservation Funds (IMCF) (their affiliation to psychedelic groups). Members do not know if the IMCF accepts funds from psychedelic interest groups/ pharmaceutical groups (a financial disclosure by IPCI, IMCF, and Riverstyx should be requested by ABNDN); 4) the resolution had more questions than answers, and more clarification was requested on mescaline and IPCI; 5) a request to table the resolution by a board member was denied, and some board members didn't want to discuss or debate the issue ("*Hurry up, motion to vote...* – ABNDN Statutory Agent"); 6) in 2022, ABNDN Board already passed a strong resolution that included mescaline; 7) the current ABNDN Board is in "COURT ORDER"; therefore the BODs should not be taken any action of resolutions while in the court order. **NOTE:** This is the 3rd opposing peyote decriminalization resolution passed by the BODs, which included different languages. This causes confusion among ABNDN members. In addition, the ABNDN BODs approved using \$5,000 for peyote conservation efforts (**listen to the April ABNDN BODs Meeting audio recording for more information**).

NOTE: The ABNDN Statutory Agent should not be discussing or voting on the proposed decriminalization of peyote resolution that includes IPCI language because the ABNDN Statutory Agent is an IPCI Board Member; therefore, is a conflict of interests. The Statutory Agent should have abstained from discussion or voting on the resolution. This behavior continues to occur when IPCI is being discussed at ABNDN BOD meetings. The ABNDN pro-temp President and other BODs continue to allow the ABNDN Statutory Agent to discuss, vote, and make recommendations regarding the IPCI and ABNDN relations (conflict of interest). The Statutory Agent reported that the former ABNDN President and IPCI Board of Directors are working with the Navajo Nation OPVP and the Navajo Land Management Office on possibly purchasing land in Texas (using Navajo land acquisition funds).

NOTE: Today, ABNDN BODs/ pro temp have not released the resignation letter of the ABNDN President. The ABNDN Secretary has stated that the ABNDN Executive President may return pending the outcome of the personal court case (**see the ABNDN Secretary's email**).

April 19 - 21, 2024 - 29th Annual Spiritual Pilgrimage

The Navajo Nation Office of the President Chief of Staff and staff members visited Texas during the ABNDN 29th Annual Spiritual Pilgrimage in Hebbronville, Texas. ABNDN supports securing peyote conservation efforts in South Texas for our Navajo people. However, ABNDN should be cautious in supporting the Navajo Nation collaborating/ partnering (financial endorsements) with the psychedelic interest groups or groups who are associated with them (e.g., Riverstyx Foundation, Multidisciplinary Association for Psychedelic Studies, Indigenous Medicine Conservation Funds, etc.). **NOTE:** Cody Swift (founder: Riverstyx Foundation) funded the establishment of IPCI and IMCF as an investment for peyote conservation. Today, IMCF funds the IPCI including other conservation of bi-culture Indigenous plant medicines. If the Navajo Nation plans to purchase land in Texas, it should be done in a rightful matter with respect and Ke'. Prior consent and consultation with respected Navajo peyote organizations, leaders, and medicine people are important (transparency). No negotiations and decisions should be made in secrecy, behind closed doors (client and attorney privilege), or with one peyote organization only.

ABNDN/ NAC leaders and members seek more information and ask questions regarding land purchases in Texas for peyote conservation efforts by our Navajo leadership.

April 26 – 28, 2024 – 29th Annual Spiritual Pilgrimage (by ABNDN District 7)

ABNDN Districts 7 and 5 voted to honor the annual pilgrimage on the last weekend of every year by continuing the pilgrimage with the original date scheduled.

June 1, 2024 – ABNDN 4th General Meeting – Chinle Spiritual Site

The annual convention focused on youth and young adults. The ABNDN leadership did not discuss topics opposing the decriminalization of peyote/mescaline. BODs did not discuss the previously passed resolution, *“ABNDN is strongly opposed to decriminalization of peyote in all 50 states and any change in American Indian Religious Freedom Act Amendments of 1994”* (NOTE: resolution included conservation language and the Indigenous Peyote Conservation Initiative). BODs have no transparency to the ABNDN officials and members on this resolution.

ABNDN discussed changing the ABNDN Pilgrimage to March to cater to ABNDN youth and teachers during Spring Break. This item was proposed for discussion, but no resolution was presented to the ABNDN General members. Some new ABNDN members may not know the purpose of the Pilgrimage – more education and discussion are needed as reported on the topic.

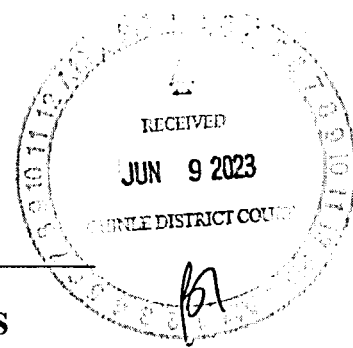
June 20, 2024 – ABNDN Board of Directors Meeting - TBA

June 28 – 30 – ABNDN Annual Convention – Chinle Spiritual Site – TBA

Summary: From January 2023 to June 2024 the ABNDN organization has experienced a series of alleged violations of their bylaws by the BODs and Executive Officials. These incidents have caused serious damage to the organization's integrity, resulting in division among our ABNDN relatives. The organization has experienced two ABNDN Executive Officials' resignations, two BOD resignations (forced), and the alleged illegal removal of the ABNDN VP, and the organization is involved in an ongoing court case. In addition, the ABNDN BODs have not addressed 1) resolutions passed by five districts regarding the ABNDN President allegations/ violations, 2) resolutions passed by three districts to have the BODs honor the observance status, and 3) resolutions passed by three districts to oppose the use of ABNDN funds for lawyer fees. In addition, the BOD's use of \$25,000 (total) for legal fees (ABNDN member's money) is subject to unethical behavior by the BODs and Executive Officials who are the alleged violators in the court case. Furthermore, there still is no report from the attorney on identifying who the **“alleged violators”** are in the court case (Paid attorney about \$15,000 thus far). Also, the ABNDN President and VP have overseen multiple board meetings, and the BODs continue to act and pass resolutions, all while in court order. These incidents overall are alleged violations of the ABNDN Bylaws and will need to be legally advised and interpreted by an attorney before the organization can move forward. This timeline was created to hopefully help restore transparency, honesty, accountability, and integrity back to the ABNDN organization

References: All information is referenced from ABNDN meeting minutes, audio recordings, meeting agendas, ABNDN district resolutions, and official emails (NOTE: More information may be added to the timeline)

IN THE DISTRICT COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF CHINLE, ARIZONA



Alburt Johnson,
Plaintiff,

No. CH-CV-21-23

vs.

30 DAY CIVIL SUMMONS

Azéé Bee Nahaghá Dine Nation, Inc.,
Defendants.

THE OFFICE OF
DAVID R. JORDAN

TO: Azéé Bee Nahaghá Dine Nation, Inc.,

JUN 16 2023

RECEIVED

1. A Complaint has been filed against you in this Court.

A COPY OF THE COMPLAINT IS ATTACHED TO THIS SUMMONS

2. You are given 30 days from the date you receive this complaint to file an objection/claim.
3. If you want to deny the claim and the Court hear your side of the case, you have to file a written answer within thirty (30) days from the time you were served with the Complaint and Summons.
4. You have the option of consulting with legal counsel (attorney or advocate), who can prepare the written answer for you.
5. If you do not respond to the Complaint within thirty (30) days, the Court may give judgment for what the Complaint demands.

Date: June 14, 2023

Valerie Deschery
Court Clerk

RETURN OF SERVICE

Received this Summons and Complaint on this 20 day of June 2023 and served
Azéé Bee Nahaghá Dine Nation, Inc., by personal service at the location
of: Barnside NHA Hoacm on this 29 day of June 2023.
#154-04, Barnside, AZ

DATE: 06/29/23

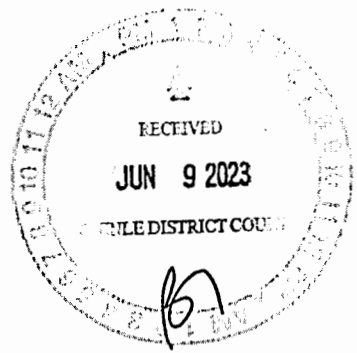
SERVED BY: James Arviso (Print Name)

SIGNATURE: [Signature]

THE OFFICE OF
DAVID R. JORDAN

JUN 16 2023

RECEIVED



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IN THE DISTRICT COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF CHINLE, ARIZONA

Alburt Johnson,

Plaintiff,

vs.

Azeé Bee Nahaghá Dine Nation, Inc.,

Defendant.

No. CP-CV-21-23

COMPLAINT

Plaintiff alleges:

1. Plaintiff was the vice-president of Defendant Azeé Bee Nahagha of the Diné Nation (ABDN); a religious organization of the Native American Church belief. Plaintiff was the chairperson of the peyote task force for ABDN, and he is a peyote practitioner.
2. On March 2, 2023, Defendant sent out a notice to Plaintiff informing him that the Board of Directors had removed him, effective February 18, 2023, as vice-president. Plaintiff was also informed that the task force had been dissolved.
3. Defendant is a non-profit corporation. Navajo law has this to say about removal of officers from a non-profit:

Any officer or agent elected or appointed may be removed by the persons authorized to elect or appoint such officer or agent whenever in their judgment the best interests of the non-profit corporation will be served by the removal, but such removal shall be without prejudice to the contract rights, if any, of the person removed. Election or appointment of an officer or agent shall not in itself create contract rights.

5 N.N.C. § 3317.

4. It is axiomatic, however, that a company must follow its own bylaws. Bylaws establish rules for a corporation's internal governance and may contain any provision relating to management of the business that is not inconsistent with law or the articles of incorporation. 5 N.N.C. § 3306. Where corporate matters are governed by statutes, corporate charters, and bylaws, the Navajo Supreme Court has directed the District Courts to apply their mandatory language. *Navajo Nation Oil and Gas Company v. Window Rock District Court*, No. SC-CV-25-14, slip op. (Nav. Sup. Ct. June 20, 2014).

5. The removal of Plaintiff violated Defendant's bylaws.
6. Provision IV of Defendant's bylaws provides as follows:

PROVISION IV. DISCIPLINES

- A. **Breach of Conduct:** Conduct, such as harassment, domestic violence, sexual abuse, mismanagement of ABNDN funds and theft shall be reported to the appropriate tribal, state, and federal authorities for proper handling.
- B. **Minor Violation:** All minor misconduct/violations will be addressed at the local chapter level. A member's complaint/grievance shall be in written form with factual information. The following process shall be followed to resolve the issue(s):
 - First, the local District Board of Directors, the local chapter officials, and the local Azeé Yee Nahałáhí shall appoint themselves to assist the troubled member with counseling and guidance.
 - Second, if the issue is not resolved, then it shall be addressed by the Board of Directors and Executive Officials at a scheduled meeting

to review, mitigate, resolve and make decisions on the complaint(s)/issue(s).


All such proceeding shall be conducted with a spirit of kindness and patience. Every reasonable measure shall be taken to resolve the problem.

- C. Member on Observance Status: If the complaint is filed in court, the alleged violator shall be placed on observance status while in legal process.
 - D. Member Exclusion: If the violator is found guilty of the charges in a Court of Justice, the individual's membership card and Azeé Yee Naha[áhi certificate shall be suspended or cancelled. If the individual is an official, the official shall be removed from his/her position immediately. Should a serious condition exist (criminal case) which would cause a member to become a liability to the general welfare of the ABNDN; or if it is determined that the welfare of the ABNDN would best be served by an exclusion of a member, the local chapter may take such action by a two-thirds vote of the members present at a meeting. The offender then would be declared to be no longer in the membership. The local community chapter officials shall report any exclusion/cancellation/suspension to ABNDN Executive Officials.
 - E. Incarcerated Individual: Bee Nahagháhi or "Azeé" shall not be furnished to any individual in prison. Membership cards shall not be issued to incarcerated individuals.
 - F. Membership Reinstatement: A person whose membership has been suspended or terminated for any reason may, upon his/her request, be restored to membership with an affirmation of the local ABNDN chapter's vote of approval.
7. Plaintiff's removal violated the bylaws of the Defendant and was *ultra vires*.
Plaintiff was entitled to due process procedures under the bylaws that were not followed.
8. Plaintiff's bylaws also have an anti-retaliation policy as follows:
It is contrary to the values of ABNDN for anyone to retaliate against any official, board member, member, volunteer or employee who in good faith reports an ethics violation, or a suspected violation of law, such as discrimination, or suspected fraud, or suspected violation of any regulation governing the operations of ABNDN. A person who retaliates against someone who has reported a violation in good faith is subject to discipline.

ABNDN Whistleblower Policy, § C.

9. Plaintiff is in an active dispute with certain members of the Defendant. His removal was directly retaliation against Plaintiff for reporting violations by other members. Again, the removal was *ultra vires*, and was unlawful.
10. The conduct of Defendant gives Plaintiff a right to sue under *Diné Bi Beenahaz'áanii*. Navajo tradition teaches that you do not punish a person needlessly. A person should not be punished without a valid reason. *Navajo Nation v. Platero*, 6 Nav. R. 422 (Nav. Sup. Ct. 1991). The conduct of Defendant violates Plaintiff's rights under *Diné Bi Beenahaz'áanii*.
11. Plaintiff demands reinstatement, plus actual damages, reputational damages and damages for physical and emotional harm.

The Law Offices of David R. Jordan, P.C.


/s/ David R. Jordan
Attorney for Plaintiff



NATIVE AMERICAN CHURCH OF NORTH AMERICA

P. O. Box 1424
New Town, ND 58763

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MHA Nation

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Utah

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Wisconsin

Buddy Powless

Wyoming

William Goggles

VIA email - Angela.Hill@sen.ca.gov

October 5, 2021

Dear Senator Scott Wiener,

Re: SB 519

This email is being sent to you in concern of your recent legislative introduction of Senate Bill 519 which is attempting, among other issues, to legalize the personal possession and social sharing of mescaline, psilocybin mushrooms, LSD, ketamine, MDMA, and ibogaine.

This bill is presented as decriminalization of psychedelics and as an end to the war on drugs, however the war on drugs has capitalized on the mass incarceration of black, Indian, and people of color. SB 519 is about legalization, exploitation, extraction, and commercialization for non-Indian people to legally acquire Indian plant medicines and culturally appropriate Indian practices. This is a continuation of neocolonialism and potential ecocide of slow-growth, sacred medicine plants and cultural genocide. This bill also opens to the door to legalizing synthetic mescaline, psilocybin, iboga, and all done without consent from the traditional Indian plant care takers of these medicines.

This bill could potentially impact hundreds of thousands of American Indian people who rely on these plants as their primary sources of medicine. Additionally, no language in this bill addresses sustainability measures or the needs of these plant medicines from American Indian perspectives. Though the bill includes wording around reciprocity and reparations, these topics cannot be done without considerable involvement with American Indian stakeholders and global American Indian leaders of these traditional medicines.

Mescaline is the active compound in Peyote and cannot be defined as a separate psychedelic compound. To include mescaline in this bill will have a direct detrimental impact to Peyote populations, its habitat, and Native American and Indian cultures who use the plant medicine.

As California Tribal members, Tribal members from across Indian Country, members of Native American Churches, and plant medicine allies we call on you, Senator Wiener, to remove mescaline and synthetic mescaline from Senate Bill 519 and to also mandate that studies on the impacts that this bill will have on the sacred plant medicine Peyote, it's habitat, and the marginalized communities who rely on it be conducted.

Respectfully,

Jon Brady, President