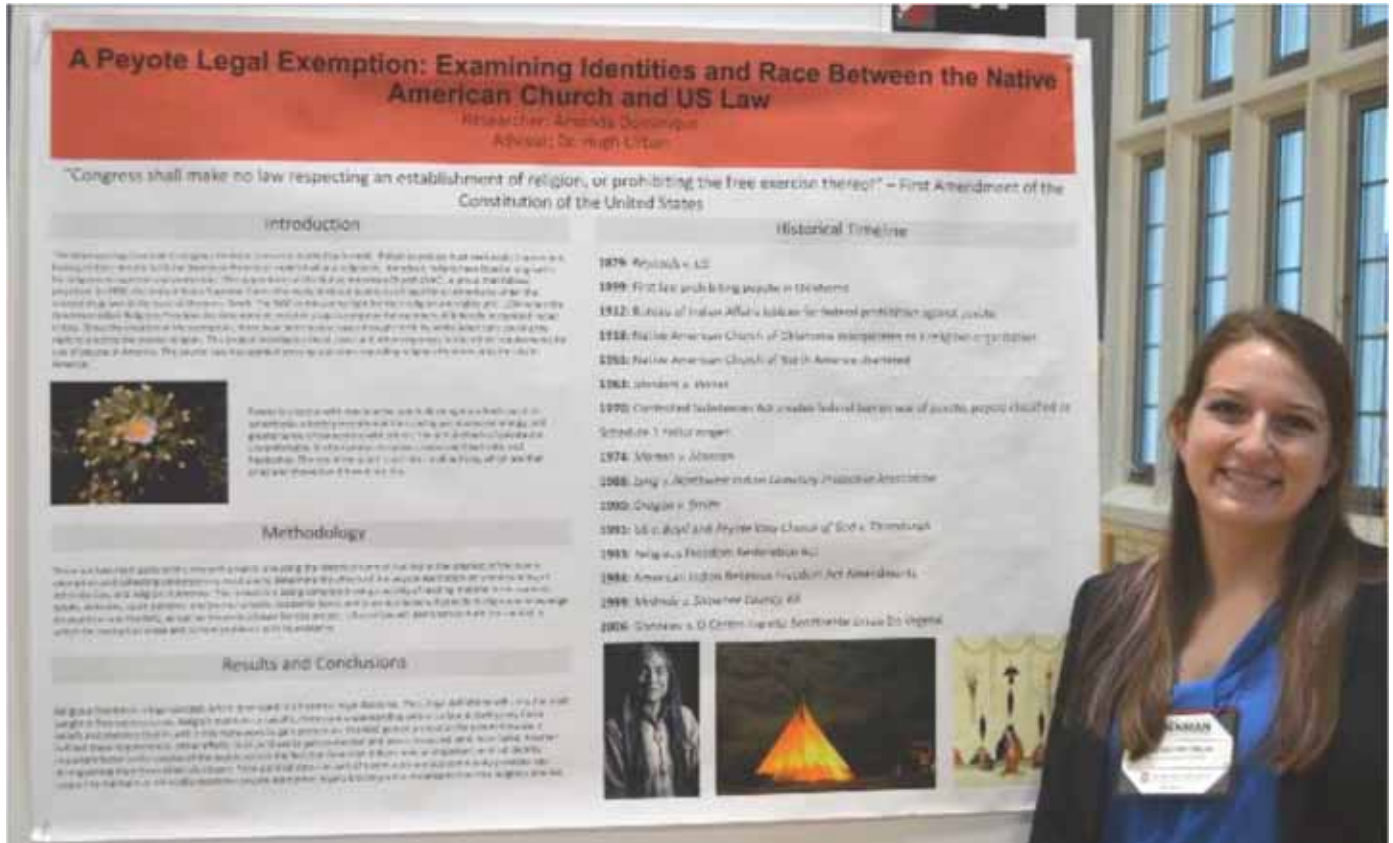


A Peyote Exemption: Examining Identity & Race Between the Native American Church & U.S Law

by Amanda Dominique.



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The American legal context of religious freedom is an area marked by turmoil. Religious groups must seek explicit protection, boxing in their identity to fit the American Protestant mold of what a religion is. American Indians have faced a long battle for religious recognition and protection. This paper looks at the Native American Church (NAC), a group that follows peyotism in a culturally specific context. The NAC restricts membership to people with 25% American

Indian blood, an ethnic requirement United States law seems to support. In 1990, the United States Supreme Court effectively declared peyote use illegal for all Americans under the current drug laws in the case of *Oregon v. Smith*. The NAC continued to fight for their religion and rights until 1994 when the American Indian Religious Freedom Act Amendments created a legal exemption for members of federally recognized Indian tribes. Since the creation of the exemption, there have been several cases brought forth by white Americans seeking the right to practice the peyote religion. This project investigates these cases and other responses to the ethnic requirements for use of peyote in America. There are two main parts to this research project: analyzing the historical context that led to the creation of the peyote exemption and collecting con-

temporary reactions to determine the effects of the peyote exemption on the understanding of ethnicity, law, and religion in America. This research will be completed using a variety of reading materials from academic books, websites, court opinions, and journal articles.

This research also analyzes how the use of different identities, political, ethnic, religious, etc. are used to latch onto greater protections for the NAC. The legal debate surrounding peyote is far from over, yet the exemption remains in US law. Legal frameworks, political identity, and prioritized political rights play the biggest roles in upholding the ethnically restrictive peyote exemption.