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# Peyotism in California

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**P**YOTISM, the religion of the Native American Church (NAC), whose members are nearly all American Indians, was discovered in Mexico soon after the Spaniards arrived, but it did not reach California until 1936. The origin of the Peyote religion and its prehistoric distribution was determined by the range of the natural growth of the small spineless cactus, called *Peyotl* by the Aztecs, known as *Lophophora williamsii* (Lemaire) Coulter, in modern botany. Although first described by Sahagún in 1560, its exact range was not precisely known until set forth by E. F. Anderson (1961). In the United States the natural range of peyote is limited to a few favored spots just north of the Rio Grande in Texas from Presidio nearly 500 miles downstream to McAllen. The only area of abundance is east of Laredo, from Oilton and Mirando City south to Rio Grande City. Supplies of peyote, an essential ingredient in the religious ceremony, were obtained near Oilton in 1936. They were in the dried state and were called buttons. They were taken to the Washo and Northern Paiute Indians of eastern California by a Washo Indian named Ben Lancaster, who had become a convert to Peyotism in Oklahoma during an absence from home of about twenty years.

In January 1937, Alida Bowler, Superintendent of the Bureau of Indian Affairs in Nevada and in charge of the Washo and Northern Paiute of California, reported to the Bureau of Indian Affairs, Washington, D.C., that Lancaster was proselytizing those two tribes. She also expressed a suspicion that Ben was a narcotics peddler who was using the Native American Church as a

cover. Both federal and California authorities kept watch on Lancaster, and his automobile was searched several times as it passed California agricultural inspection stations. Samples of suspicious-looking powders were taken, but they proved to be ground peyote and sage, for use in the ritual of the NAC. Bowler maintained her suspicion and harassed Ben Lancaster until she left her job in the area in December 1939.

In July 1938, in company with S. F. Cook, I had an opportunity to participate in a regular peyote meeting sponsored by Northern Paiute Indians near Mono Lake, California, but directed by a Washo medicine man who had become converted to Peyotism and had himself become a peyote "roadman" or priest. During the time between my return to Berkeley in January 1938 and July of that year I had written an article in which I compared the Ute peyote ritual with the rituals described for other tribes, beginning with the account of James Mooney, who attended a Kiowa ceremony in 1891. Thus, based on my own observations in Utah and Colorado and descriptions from Oklahoma and Nebraska, I had the background to judge whether the Washo ceremony in California was similar or different. Having determined that the Ute ceremony was virtually identical with that of tribes in Oklahoma, I was not surprised to learn that the Washo and Northern Paiute performed the peyote ceremony in the same way.

As I reviewed the historical literature on Peyotism, it became evident that during its entire existence in the United States there had been strong condemnation of this native American religion, and its all-night ceremo-

ny, by people who had not observed the ritual. Peyote was pronounced dangerous and habit-forming, and the ceremony was called an orgy. To the contrary, the Washo peyote meeting I observed at Mono Lake, like those of the Ute, was a very formal, strictly supervised, faith-promoting prayer service during which supplications were addressed to Jesus, God, Mary, and Peyote. Except for being in a canvas-walled enclosure open to the sky in which the worshippers sat on blankets placed on the ground, the atmosphere was as devout as a mass in a cathedral or as a Mormon testimonial meeting. The order of service in California, as elsewhere, specified that a sand crescent altar with the points to the east and a place for a fire on the concave side be prepared before the congregation entered. The ceremonial direction was clockwise. Four officials were in charge: the roadman seated west of the altar, the chief drummer to his right, the cedarman to his left, and the fireman who served as doorman. After a prayer at the entrance, the congregation entered and sat on the blankets around the canvas walls and the fire set in V-shape was lighted. A special fire-stick was east of the fire.

As soon as the worshippers were seated, the roadman placed in front of him on a silk handkerchief his symbols of office--gourd rattle, feather fan, staff, sacks of Bull Durham tobacco, a sack of dried peyote buttons, and often a bucket or bottle of peyote tea. The cedarman sprinkled juniper leaves on the fire and the ritual paraphernalia was incensed. This was followed by the chief drummer passing his already-tied water drum through the smoke. The sacks of Bull Durham were passed and each active participant, not children, rolled a cigarette which was ignited from the special fire-stick. The roadman prayed aloud. The communicants prayed silently while blowing smoke toward

the altar. Peyote was then passed and each person took four buttons, or took sips of the peyote tea. An especially large peyote button was placed on the crescent altar, and the roadman took his fan and staff in his left hand, then kneeling and shaking his rattle with the right hand and, accompanied by the chief drummer, sang the traditional opening hymn. Three more songs followed, after which staff, fan, and rattle were passed clockwise and the cedarman sang four songs to the drum accompaniment of the roadman. Except for a midnight water call and recess, and a special morning ceremony, the night was spent in passing the ritual objects from person to person and having each of the active and experienced participants sing four songs, then drum for four songs. Everyone might sing in unison with the leader of each song cycle.

Although Peyotism became established in California a half-century after it was widely practiced in Oklahoma, from a legal point of view California became the most important state in the union with respect to peyote religion. When the Washo and Northern Paiute Indians living on the eastern slopes of the Sierra Nevada Mountains became converted to Peyotism in 1936, there was no law against peyote in California. That did not mean that the Peyotists were safe from harassment by law enforcement officers because they lived along the border of the state and frequently lived part of the year in Nevada and regularly entered Nevada to visit friends and relatives. The Nevada legislature had passed a law prohibiting possession of peyote in that state in 1917, one of the first of two dozen such state laws. The national campaign by traditional missionary societies, which brought about the Nevada prohibition a couple of decades before the peyote religion reached Nevada, produced an anti-peyote sentiment in Nevada.

This was revived in 1941, and led to the arrest and trial of Ben Lancaster in Reno, Nevada, notwithstanding the fact that he maintained his residence and had built an octagonal wooden church building in Coleville, California. Lancaster was freed because of a legal technicality. The medical doctor and the missionary who had sworn out the complaint in 1941 mounted a national effort to outlaw peyote that continued until 1944. It included a drive to discredit John Collier, Commissioner of Indian Affairs, so that he would be forced to resign because he allowed the peyote religion to continue. Except for a few news items from Reno, that effort to stop Peyotism in California by incarcerating in Nevada the local leader of the Native American Church passed without consequence.

It was not until 1955 that concern for peyote in California came to public attention. An International News Service item from Los Angeles was headlined "California Acts to Halt Import of Texas Peyote." The surprising and unverified assertion was "While possession of [peyote] . . . is illegal in California there is no law against it in Texas." The same year officials of the Native American Church were notified that Ben Lancaster had died in 1953, but that other Washo and Northern Paiute leaders of the NAC in Woodfords, Coleville, Bridgeport, and Lee Vining conducted peyote rituals for about 100 devotees. It was for this membership that NAC President, Frank Takes Gun, came to California from Albuquerque, New Mexico, and stimulated Peyotists from Coleville to go to Sacramento to file articles of incorporation for the Native American Church of California on May 19, 1958.

It has not been possible to discover the legislative history that led in 1959 to the amendment of the California Health and Safety Code that expressly prohibited pos-

session of peyote in California. The law may have been stimulated by the popularity of the book *The Doors of Perception* by Aldous Huxley (1954), written in California after he had "swallowed four-tenths of a gram of mescaline dissolved in half a glass of water," prepared by the young English psychiatrist Humphrey Osmond. Huxley's account of his experience made many people believe mescaline could give them new, exciting, and valuable insights.

In March 1959, the *Los Angeles Times* headline, "Witchery Experiments Held Student Death Key," introduced an article which ended with the sentence: "Mescaline, from the peyote cactus, has been used [to produce visions] . . . for centuries by the Indians. . . ." A review of the so-called "Hippie" interest in peyote is presented below. Although apparently aimed at broadening the control of narcotics among the general California population, the 1959 anti-peyote amendment had its greatest effect on members of the NAC.

At 3:00 a.m., April 28, 1962, detectives of the San Bernardino County Sheriff's office broke into a hogan 27 miles west of Needles during a meeting of the Native American Church and arrested Jack Woody, Dan Dee Nez, and Leon B. Anderson for possession of peyote. Even before that, Navajo Indians in the San Francisco Bay area had become worried about their legal rights and had retained a lawyer to defend their religious freedom.

A further result of the Indians' retaining Attorney Fred F. Cooper was the request in about March 1962 by his law partner and California legislator, Nicholas Petris, for the California Attorney General Stanley Mosk to give an official opinion on the question, "May members of the Native American Church use the drug peyote in their religious ceremonies in view of the legislation

generally restricting the use of the drug?" Mosk's opinion (No. 62-93), published on May 18, 1962, well before the hearing of Woody et al., was as follows:

The California statutes do not, in the absence of authorized medical application, embody any exceptions to the restrictions on the use of peyote, even for religious ceremonies, nor are exceptions for religious use required by the State or Federal Constitution.

The above conclusion was supported by five pages of citations and argumentation. That opinion of the attorney general of the State of California was made available to Judge Carl Hilliard of the Superior Court of San Bernardino County and to Kenneth L. Pike, chief trial deputy district attorney, before Woody, Nez, and Anderson went to trial on November 13, 1962. It was cited at length and agreed to by Judge Hilliard on November 29, 1962, when he convicted Woody, Nez, and Anderson to suspended sentences for terms of two to ten years in state prison and placed them on probation for two years. Attorneys for the Indians immediately filed notice of appeal.

For four or five days the Native American Church and the Superior Court of San Bernardino County made newspaper headlines coast to coast. The San Bernardino *Daily Sun* and *Sun-Telegram* reported fully and published photographs of the Peyotists; their attorneys, Rufus W. Johnson and A. W. Wirin of the Los Angeles chapter of the American Civil Liberties Union; and the expert witnesses, Frank Takes Gun, and me, regarding the peyote ritual and theology, and Dr. Gordon A. Alles, professor of pharmacology at UCLA on the chemistry and effects of peyote. Paul Weeks (1962) of the *Los Angeles Times* and Gladwin Hill (1962) of *The New York Times* filed long and detailed

reports which were published in Los Angeles and were also sent out on Associated Press wires and to other subscribers.

An important event in the history of peyote took place and passed almost without any public notice. It was the presentation of the opinion of the District Court of Appeal, Fourth Appellate District, State of California (4th Crim. No. 1794), rejecting the appeal of Woody et al. Attorney General Stanley Mosk, with two assistants, argued for upholding the Judge Hilliard conviction.

On March 1, 1964, the Supreme Court of the State of California notified attorneys Johnson and Wirin that the Court would review the Woody case and assigned it the number "Crim. 7788." With remarkable speed, for a Supreme Court, on August 24, 1964, the opinion came down which reversed the judgment of Judge Hilliard and freed Woody, Nez, and Anderson. The 21-page opinion was written by Justice J. Tobriner (1964) and concurred in by five of the other six justices.

That important opinion did not receive the national attention generated by the trial in San Bernardino nearly two years earlier, but it was reported in *Time*, on September 11, 1964. The prestige of the Supreme Court of California is so great that the opinion in Woody et al. has been cited in all the courts of the nation where there has been a question of drugs and religion. Most judges have followed Woody et al. and most of the two dozen states that had anti-peyote laws have amended them to allow use of peyote in the Native American Church. The last paragraph of Justice Tobriner's opinion written for the Supreme Court warrants quotation:

We know that some will urge that it is more important to subserve the rigorous enforcement of the narcotics laws than to

carve out of them an exception for a few believers in a strange faith. They will say that the exception may produce problems of enforcement and that the dictate of the state must overcome the beliefs of a minority of Indians. But the problems of enforcement here do not inherently differ from those of other situations which call for the detection of fraud. On the other hand, the right to free religious expression embodies a precious heritage of our history. In a mass society, which presses at every point toward conformity, the protection of a self-expression, however unique, of the individual and the group becomes ever more important. The varying currents of the subcultures that flow into the mainstream of our national life give depth and beauty. We preserve a greater value than an ancient tradition when we protect the rights of the Indians who honestly practiced an old religion in using peyote one night at a meeting in a desert hogan near Needles, California.

Notwithstanding the ruling by the Supreme Court, Section 11500 of the California Health and Safety Code remains unchanged. District attorneys and judges are supposed to make exceptions for those using peyote in a *bona fide* pursuit of a religious faith. The number of telephone calls received from district attorneys in California who wanted help in finding the citations with which to judge claims by Indians for exemption from provisions of the California narcotic law, convince me that the law should be amended. California's legal history regarding peyote continues to grow, as exemplified by the Red Elk case, 2D Crim. 17157, California Court of Appeals, Second District (May 1970).

The last chapter in Peyotism in California of which I am aware was written in Vista, San Diego County, starting on September 6, 1983, when Timothy Redbird, a Kiowa member of the Native American Church, was given a preliminary hearing before Judge

Raymond Hall, for which I served as a defense witness. Judge Hall stated that he believed it was illegal to carry peyote and bound Redbird over for trial, on a felony charge carrying a maximum sentence of up to one year in prison. At the hearing in Superior Court on March 27, 1984, in Vista, Judge Daniel J. Kramer dismissed the case against Redbird, because of judicial foul-up at the preliminary hearing and because he accepted Redbird's claim that the peyote was carried for religious purposes (Gorman 1984).

The next subject to be reviewed has been designated variously "the hippie generation," "the drug culture," "the counter culture," etc., and properly can be traced back to Aldous Huxley (1954). Officials of the NAC became aware of the increased use of peyote in California in 1955 and NAC president Dale obtained from a major "peyotero" of Mirando City, Texas, a list of his California customers and their addresses. That one mail-order supplier shipped peyote to 28 different addresses, but only four were known as Indian members of the NAC. Three of the NAC members were Washo Indians living near Mono Lake. Eleven of the non-Indians lived in San Francisco.

By historic accident, soon after the publicity given peyote by Huxley, several other hallucinogens were popularized. That they should be studied seriously was proposed by Humphrey Osmond (1957) before the New York Academy of Sciences in 1956, in which he proposed the name "psychedelic," and listed the following as proper for public use: "soma, hashish, cohoba, ololuiqui, peyote, the Syrian rue, the cappi vine, the fungus teonanactl, and two Amanitas . . ." Peyote was almost forgotten in 1957 when R. Gordon Wasson and his wife Valentina received notoriety with such articles as "I Ate the Sacred Mushroom," which ran as a Sunday supplement to many newspapers.

But the real explosion came in 1958 when Dr. A. Hofman announced that the chemical structure of the sacred plants from Mexico was similar to the synthetic hallucinogen LSD he had discovered in a laboratory in Zurich, Switzerland.

The final coincidence of the 1950s to prepare the way for the national eruption of the "drug culture" of the 1960s was Timothy Leary who resigned his professorship in psychology at Berkeley in 1958, was hired by Harvard in 1959, and had his first psychedelic experience in Cuernavaca, Mexico, in the summer of 1960 by means of the sacred mushroom. The great expansion in drug use did not break the tie to peyote. Leary (1968:132) wrote:

In 1961 we estimated that 25,000 Americans had turned on to the strong psychedelics--LSD, mescaline peyote . . . This figure did not include the 125,000 American Indians who use peyote as their sacrament and who were there as an inestimable psychic asset when we were ready to use it. . . . By 1967 four million Americans had taken the [psychedelic] trip.

The focus on California and peyote occurred again in July 1964, when William H. McGlothlin of the Rand Corporation produced paper P.2937 entitled *Hallucinogenic Drugs: A Perspective with Special Reference to Peyote and Cannabis*. Of the 149 references, 37 were by anthropologists.

In 1967, the first number of the *Journal of Psychedelic Drugs* was published in San Francisco by the Haight-Ashbury Free Medical Clinic staff. The 153-page issue included papers by David E. Smith, M.D., M.S., editor of the journal, and an article by McGlothlin. Reference to peyote and the Native American Church was in a discussion of "Psychedelic Drugs and the Law" by Richard Alpert, a Californian who collabor-

ated with Leary at Harvard. While responding to a question regarding psychedelic drugs and religion, Alpert (1967:25) said:

We've tried to bring to the courts--we're trying now--through an organization called the League for Spiritual Discovery (or LSD) an attempt to set up a formal religion and the tradition. You see, the Native American Church, the American Indians, are already allowed by the [California] Supreme Court to use Peyote in their religious ceremonies. The League for Spiritual Discovery has been set up for LSD in this sense, and it really requires personal shrines, so designated at headquarters. . . . I think that's . . . a very open question . . . which the Supreme Court may not choose to hear. . . . But if they do hear it, they are forced either to take it away from the Native American Church . . . [or to allow the LSD Church to use psychedelic drugs].

That should be adequate to establish the early and continuing connection between Peyotism and the hippie generation, yet the formation in New York in about 1963 of the Neo-American Church by Arthur J. Kleps, an associate of Leary, should be mentioned.

In 1972, Stewart Brand, owner and publisher of the phenomenally successful *Whole Earth Catalog* in or near San Francisco, was asked to write an article on "Indians and the Counter Culture" for the *Handbook* volume *Indian and White Relations* by its editor Wilcomb Washburn of the Smithsonian Institution. The *Handbook* article was prepublished (Brand 1972:34-37), asking for additional information. After a discussion of the causes of the counterculture and reporting how the members of the counterculture rediscovered the Indians and wished to join them, Brand presented a subsection entitled "The Peyote Vector," which warrants quoting:

There is support for Slotkin's thesis that the swift spread of peyote use among Indians was a response to massive cultural change (*The Peyote Religion*, Free Press 1956). Now another population--young Americans generally--have been subject to overwhelming acceleration of events and have also responded with a proliferation of drug use. The major difference was that the Indians had a shared effective ritual in peyote meeting and the Whites did not.

In February 1962 several young Whites from the "Beat Generation" in the San Francisco area held an informal peyote meeting on Mt. Tamalpais to celebrate a solar eclipse. By summer 1962 they and other White friends were travelling to Woodfords, California, in the Sierras to attend peyote meetings with Paiute, Washoes and Bay Area Navajoes . . .

An echo from the Neo-American Church reached me in 1980 by means of letters and printed essays on psychedelic drugs from Jack Call, leader of the Church of Sunshine in Whittier, California. Jack had been an official of the Neo-American Church in New York State, but had separated himself from both Arthur Kleps and the Neo-American Church. But the Chief Boo Hoo of the Neo-American Church, Arthur J. Kleps, transferred the headquarters of the Church to Redway, California, early in 1980. The major publication of the Church of Sunshine in the summer of 1980 was entitled *The "L" Train and Rivendell Veteran*.

In 1969 a paperback edition appeared of another fictitious account of Peyotism written by a UCLA graduate student in anthropology. It had been rejected by the faculty as a Ph.D. dissertation, but was accepted for publication by the University of California Press. I refer to the infamous novel *The Teachings of Don Juan: A Yaqui Way of Knowledge*, by Carlos Castañeda. Too few readers have given sufficient at-

tention to the first line of the Foreword of the book written by Professor Walter Goldschmidt: "This book is both ethnography and allegory." Information accumulated about Castañeda since 1969 would appear to justify deleting "ethnography" from the paragraph and declaring the book entirely "allegory." I judged the book as false after reading the first fifty pages. Inasmuch as I had eaten peyote about a dozen times and had observed about a hundred Indians and 25 whites who had eaten large quantities of peyote, and since I had recorded from a couple of dozen members of the NAC their visions after eating peyote, the report of Castañeda of his reactions to eating a small amount of peyote lacked any similarity to what I knew of Peyotism. Furthermore, peyote is never designated mescal or mescaline by any Mexicans, Indian or non-Indian, in Mexico, because that name is reserved for the *Agave* and the intoxicating by-products of *Agave*. The Uto-Aztecan word for peyote is *hikuli*, or something similar. Applying the term "mescal" to peyote is a misnomer started by traders in Oklahoma but accepted by Americans and applied to the first peyote shipped to Europe. The principal alkaloid was named mescaline in Germany and has been retained in the chemical, pharmacological, and medical literature.

Two opportunities separated by almost a decade and by the distance between Flagstaff, Arizona and Nespelem, Washington, provided more insight into the interracial peyote situation in southern California. The first occurred in May 1971 when I was in Flagstaff to testify in the Arizona Superior Court on behalf of a young non-Indian couple who had travelled from Los Angeles to Parks, Arizona, to receive an authentic peyote wedding blessing. During the peyote blessing on October 18, 1969, the hogan-



church was raided and the 45 Indians and wedding guests were arrested.

The trial took place in May 1971, during which testimony was presented to the effect that a number of Los Angeles couples travelled to Flagstaff, Arizona, to attend peyote meetings which were organized by a Cherokee trader at Parks, Arizona. Some officials of the NAC of Parks maintained residences in California, but visited Parks, as did several Indians who were neither Navajo nor Cherokee. It was also reported that most of the people from Los Angeles at the Parks NAC service also attended peyote meetings in California.

By strange coincidence one of the founders of the NAC of the Coleville Reservation, Washington (founded in 1977), recounted to me in 1978 his conversion to Peyotism in peyote rituals conducted in an orange grove near Whittier, California about 1967, but that he had also visited meetings in Flagstaff, Arizona, a fact also reported by the Flagstaff leader.

From 1962 to 1980 I have received letters from time to time from Navajo Peyotists in the San Francisco Bay area. In 1978 I was told by a Paiute peyote leader from McDermitt, Nevada, that he was invited every few months to conduct a peyote meeting in a hogan built to serve as a peyote church near Healdsburg, California. I was told also that Washo roadmen are invited to conduct services at Healdsburg.

The future of Peyotism in California is very uncertain even for the Indian peyotists east of Sierra Nevada. Cause for worry for the future of the Native American Church is the possibility that the supply of peyote may disappear from the "peyote gardens" in Texas.

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