

RHETORIC AS RESISTANCE: DISCURSIVE CONTESTATION AND THE 1918
INCORPORATION OF THE NATIVE AMERICAN CHURCH OF OKLAHOMA

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INCORPORATION OF THE NATIVE AMERICAN CHURCH OF OKLAHOMA

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INTRODUCTION

James Mooney, a white ethnologist studying Native American cultures in Indian Territory (later Oklahoma), witnessed a Peyote ceremony of the Kiowa tribe in 1891. In describing the ritual for white readers, he wrote, “It [Peyote] is regarded as the vegetable incarnation of a deity, and the ceremonial eating of the plant has become the great religious rite of all the tribes of the southern plains. . . . It may be said that the Indians regard [Peyote] as a panacea in medicine, a source of inspiration, and the key which opens to them all the glories of another world.”¹ The rapid dissemination of the Peyote ceremony (even the syncretic Christian form) among the reservations produced fear and concern from missionaries and government officials working with the tribes.² Prior to 1890, Peyotism was common throughout Mexico but only a handful of tribes— the Carrizo, the Lipan Apaches, the Mescalero Apaches, the Tonkawa, the Karankawa,

¹ James Mooney, “The Mescal Plant and Ceremony,” *Therapeutic Gazette* 12, no. 1 (January 15, 1896): 7-9. Mooney’s earlier writings contributed to the confusion regarding the botanical classification of Peyote and mescal beans. Peyote is a small, spineless cactus. The stems on the cactus, which grow two to three inches aboveground, have a “button” or top on them. This is the part of the Peyote cactus harvested and used for the religious ritual. The common practice is to dry the buttons for storage and transport. Peyotists consume the dried buttons by chewing or swallowing, turning them into a paste with the addition of water, or making a “tea” to drink.

² Mooney’s observation portrays Peyotism as a monolithic ceremony. However, Peyotism experienced its own version of internal schism in terms of the ceremonial nature of the Peyote meeting. Around 1880 a Caddo named John Wilson experienced revelations concerning a new style of Peyote ceremony that differed from the ceremony promoted by Quanah Parker. Wilson changed the altar from a crescent shape to a horseshoe shape, thus the nomenclatural distinction between Parker’s Half Moon ceremony and the Big Moon ceremony introduced by Wilson. The new altar was also more complex with the traditional elements of a Peyote ceremony arranged to create a cross in the center of the meeting space, leading to the name Cross Fire ceremony as an alternative to Big Moon. Wilson’s Peyote ceremony also included other Christian symbols and elements such as the use of the crucifix and biblical references to Jesus. His new style of ceremony spread to the Delaware, Osage, and Quapaw tribes in Oklahoma. See Thomas C. Maroukis, *The Peyote Road: Religious Freedom and the Native American Church*. (Norman: University of Oklahoma Press, 2010), 29-31 for more details about John Wilson and his alteration of the Peyote ceremony.

and the Caddo— inhabiting lands within the borders of the United States used Peyote.³ Yet, within the next twenty years, over thirty tribes in the United States adopted Peyote rituals as part of their religious practice.⁴ Opposition to Peyote from missionaries and government officials created an increasing climate of hostility for the religious practice from its introduction into the United States in the late nineteenth century. The federal government banned and curtailed many practices and customs in Native American culture misunderstood by the white culture regarding their communal and spiritual significance, as religious historian Tisa Wenger explains:

In 1883, the BIA [at that time called the Office of Indian Affairs] implemented a “Religious Crimes Code” that specifically prohibited the Sun Dance and the giveaway [ceremony], and authorized government agents to use force and imprisonment to stop any Indian religious practices that they believed to be immoral, subversive of government authority, or an impediment to the adoption of white civilization.⁵

Government officials discouraged other spiritual traditions, like the Sweat Lodge ceremonies. Officials attempted to modify or suppress other aspects of traditional Native American culture, such as clothing, hairstyle, dances, and language. Peyotism also became a religious practice targeted for eradication.⁶ By 1918, reports in the press characterized Peyote as the “new agent of the devil.”⁷ Religious leaders and government officials framed the debate over Peyote in

³ The growing region for Peyote is about “two hundred miles of additional country on both sides of the Rio Grande in Mexico and Texas and west of the Pecos River in West Texas.” Omer C. Stewart, *Peyote Religion: A History* (Norman: University of Oklahoma Press, 1987), 9, 45.

⁴ For the historical accounts tracing the diffusion of Peyotism, see see J. S. Slotkin, *The Peyote Religion: A Study in Indian-White Relations* (Glencoe, IL: Free Press, 1956); Weston La Barre, *The Peyote Cult* (Hamden, CT: The Shoe String Press, 1959); David F. Aberle, *The Peyote Religion Among the Navaho* (Chicago: Aldine Publishing Company, 1966); Edward F. Anderson, *Peyote: The Divine Cactus* (Tucson: The University of Arizona Press, 1980); and Omer C. Stewart, *Peyote Religion: A History*. Although there is no English translation, see also Martin Gusinde, *Der Peyote-Kult, Entstehung und Verbreitung* (Wien, Austria: Druck der Missionsdruckerei St. Gabriel, 1939).

⁵ Tisa Wenger, *We Have a Religion: The 1920s Pueblo Indian Dance Controversy and American Religious Freedom* (Chapel Hill: The University of North Carolina Press, 2009), 39.

⁶ *Dallas Morning News*, “Sun Dance Barred; Peyote Use Illegal,” June 28, 1912, 11.

⁷ *El Paso Herald*, “Devil in a New Dress, Our Own Peyote Bean,” February 23, 1918, 12.

apocalyptic terms of “good/evil” and made concentrated efforts to eradicate the practice in order to “save the Indian.”

When government officials first became aware of Peyote in the late nineteenth century, they worked to curtail its use. An order (“for the good of the Indians and for their welfare”) issued in 1888 made the use of Peyote illegal and continued use was subject to criminal prosecution. If convicted for violating this order, the punishment for Native Americans often included a denial of the government’s “annuity goods and rations . . . and in extreme cases the grain money [would] be cut off.”⁸ In 1890, the Office of Indian Affairs (OIA) categorized Peyote as an intoxicant and began a campaign of eradication.⁹ In 1899, Oklahoma Territory officials enacted the first law to suppress the use of Peyote. The Oklahoma legislature repealed the statute in 1908 due, in part, to the organized lobbying efforts of Peyotists. That action did not stop the Office of Indian Affairs in its committed campaign to eliminate Peyote. The office worked to find federal measures that could eliminate the use of Peyote among the Native Americans. In 1910, the OIA attempted to persuade the Treasury Department, through the Bureau of Customs, to prohibit the importation of Peyote to the United States from Mexico. After the passage of the Harrison Narcotic Act in 1914, the OIA argued that Peyote fell within the law’s domain, but the attorney general ruled against this interpretation. A moderately successful attempt to curtail the use of Peyote came in 1915 when the Department of Agriculture issued a regulation to detain supplies of Peyote that entered the country. In 1917, the US Post Office prohibited the mailing of

⁸ Order to Kiowa, Comanche, Wichita Agency, June 6, 1888, Kiowa Agency Records, Box 454, Folder, KA50-5, Item 111, Oklahoma Historical Society Research Division, Oklahoma City.

⁹ There has not been a consistent usage of terminology by the government for the agency in charge of Indian affairs. The government has used Office of Indian Affairs, Indian Service, and Bureau of Indian Affairs, which became the official name in 1947. Maroukis, *Peyote Road*, 4. This study uses the terminology of Office of Indian Affairs that appears frequently on the letterhead and in the correspondence during this particular period.

Peyote shipments. Congress also considered prohibition legislation on Peyote in 1916, 1917, and 1918.¹⁰ The continuous efforts of the federal government to eradicate Peyotism led the adherents to consider ways to protect their religious practice. In August of 1918, Peyotists held an intertribal gathering in El Reno, Oklahoma to discuss strategies to protect their right to use Peyote. Deciding on a legal strategy of incorporation similar to other religious groups, they drafted articles of incorporation and applied for nonprofit status with the state of Oklahoma to create the Native American Church of Oklahoma.¹¹ The state of Oklahoma formally granted legal status to the Native American Church of Oklahoma on October 10, 1918.

In his writing on the history of drugs in American religious history, Robert Fuller wrote, “The story of the emergence and rapid spread of Peyotism among these tribes constitutes a fascinating chapter in the history of American religion.”¹² The historiography of Peyotism and the Native American Church has focused primarily on the diffusion of Peyotism among the various tribes and the reasons for it. Because Peyotism coincided with both the declension of the Ghost Dance movement and the federal policy to relocate Native American tribes to assigned reservations, many scholars have interpreted Peyotism and the concomitant disruption to cultural life as a singular event. Those scholars described Peyotism as a religion of transition and reaction to the reservation system. Various categorizations of social movements, ranging from “nativistic” to “revitalization” to “redemptive,” have become commonplace assumptions in the works about the Native American Church and its use of Peyote. The earliest theory from Ralph

¹⁰ Hazel W. Hertzberg, *The Search for an American Indian Identity: Modern Pan-Indian Movements* (Syracuse: Syracuse University Press, 1971), 254-55.

¹¹ Maroukis, *Peyote Road*, 3-4.

¹² Robert C. Fuller, *Stairways to Heaven: Drugs in American Religious History* (Boulder, CO: Westview Press, 2000), 38.

Linton argued that nativistic movements, including the Ghost Dance and Peyotism, arose from threats to the culture from contact with another culture.¹³ Linton defined the process as “any conscious, organized attempt on the part of a society’s members to revive or perpetuate neglected aspects of the culture.”¹⁴ In 1956, Anthony F. C. Wallace developed his revitalization theory, which has become the prevalent explanatory paradigm for evaluating Native American religious movements such as the Ghost Dance and Peyotism. Wallace defined revitalization movements as any “deliberate, organized, conscious effort by members of a society to construct a more satisfying culture.”¹⁵ His explanation considered revitalization movements to encompass Linton’s nativistic movements as well as others such as cargo cults, religious revivals, utopian communities and sects, and revolutions.¹⁶ David Aberle, in his 1966 study of Peyotism among the Navaho, disagreed with the labels “nativistic” and “revitalization,” and attempted to reclassify Peyotism as a redemptive movement aimed at a “total change in individuals, rather than a totally transformed social order.”¹⁷ Aberle focused his study on the typology of social movements within a discussion of “relative deprivation,” working to identify a core of distress as the impetus for social change. Whether a deprivation in goods (livestock reduction among the Navaho) or in status, Aberle viewed Peyotism as a compensation for a new social position— a “reasonable response to degraded status.”¹⁸

¹³ Slotkin utilized Linton’s “nativistic” terminology in his work on the Peyote religion. He argued that the Peyote religion arose as “an Indian defense against consequences of white domination,” and Peyotism was an example of “accommodation rather than militancy.” Slotkin, *Peyote Religion*, 7.

¹⁴ Ralph Linton, “Nativistic Movements,” *American Anthropologist* 45 (1943): 230-31.

¹⁵ Anthony F.C. Wallace, “Revitalization Movements,” *American Anthropologist*, 58 (1956): 265.

¹⁶ *Ibid.*, 264.

¹⁷ Aberle, *Peyote Religion Among the Navaho*, 317, 334.

¹⁸ *Ibid.*, 15.

These theories emphasize that Peyotism was a reactionary response to white culture based on a perceived or actual relative deprivation. Framing Peyotism as a reactionary “religion of an oppressed people” does not explain the efforts of incorporating the Native American Church or any other efforts by Native Americans to protest the anti-Peyote policies.¹⁹ The historiography lacks an adequate explanation of contested efforts to preserve a Native American cultural identity. There is a need for an alternate paradigm to view the Peyotists as possessing a cultural agency to contest the efforts to prohibit the use of Peyote. An examination of the larger historical context of the period offers insight into a contestation by Native American Peyotists against the dominant culture, ironically with the use of the rhetoric of the dominant culture. In response to the opposition of the Peyote practice and religion from the dominant culture, the incorporation of the Native American Church of Oklahoma exemplified a pan-Indian discursive contestation by adopting rhetoric from the dominant culture, including the terms “Native American,” “church,” and “sacrament,” and using them as a foil of resistance.

Methodology

The conviction, held by white culture, that Peyotism represented a threat to the civilization efforts of the Native American peoples emerged from an assimilationist ideology that sought to define Native peoples by a prescribed standard of thought. The efforts of the dominant culture to direct and produce people in particular ways relied upon boundaries that were also linguistic in nature. Rhetorician Holly Baumgartner elaborates on the linguistic efforts at work in the colonization of Native American peoples.

¹⁹ Historian Morris Foster is critical of attempts to evaluate the diffusion through a religious lens. His approach examines the attraction of Peyotism as it related to the sociological needs of community organization. Morris W. Foster, *Being Comanche: A Social History of an American Indian Community* (Tucson: The University of Arizona Press, 1991), 97-8.

Native Americans have been dominated through an oppressive use of language by the European invaders and settlers. Sometimes whitewashed terms mask the atrocities in order to make them more palatable, for example in the use of terms like “manifest destiny” and “westward expansionism” for the colonization and remapping of Native lands. Sometimes language oppresses by reducing whole groups of peoples into single entities, such as in the name “Indian” used as a blanket term for many distinct cultures of diverse ethnic heritages and histories. Sometimes language was used to turn people into objects or to dehumanize them, as the “noble savage” imagery so often applied to Native peoples or the depiction of Natives as beasts or animals. . . . Ultimately, the control of language was an oppressive tool used either to annihilate or assimilate Native Americans.²⁰

Language is “a place of struggle,” a place where the oppressed work to “resist colonization, to move from object to subject.”²¹ In this linguistic struggle over reality, identity, and history, words are not without meaning. Words are an action— a resistance— known as talking back.²² Writing about Native Americans in the Progressive Era, historian Frederick Hoxie notes how Native Americans began to talk back to American society through such means as new forms of communication and cultural expression, including books, lawsuits, and commentaries. According to Hoxie, “They spoke out at celebrations and nationalistic commemorations. They criticized the actions of the Indian office and its authoritarian bureaucrats. . . . They poked fun at self-righteous preachers, moralistic politicians . . . They began to define ‘Indian culture’ as an alternative to American civilization and to combine the defense of Native cultures with criticism of modern life.”²³ Hoxie wrote that Peyotism and the incorporation of the Native American Church serve as an example of talking back.

²⁰ Holly R. Baumgartner, “De-Assimilation as the Need to Tell: Native American Writers, Bakhtin, and Autobiography,” in *American Indian Rhetorics of Survivance: Word Medicine, Word Magic*, ed. Ernest Stromberg (Pittsburgh: University of Pittsburgh Press, 2006), 131-32.

²¹ bell hooks [Gloria Watkins], *Talking Back: thinking feminist, thinking black* (Boston: South End Press, 1989), 15.

²² *Ibid.*, 28. hooks identifies “back talk” or “talking back” in the world of the southern black community as “speaking as an equal to an authority figure” (5).

²³ Frederick E. Hoxie, *Talking Back to Civilization: Indian Voices from the Progressive Era*, The Bedford Series in History and Culture (Boston: Bedford/St. Martin’s, 2001), 3.

“Back talk” did not reject governmental discourse. Rather, it allowed Native Americans to adapt the discourse of the dominant culture in order to “reveal contradictions and make demands with regard to particular policies.”²⁴ A more precise definition of talking back comes from the work of sociologist Kirsi Juhlia.

Talking back is always a dialogue with culturally dominant categorizations. . . . I define talking back as consisting of *acts, which comment on and resist stigmatized identities related to culturally dominant categorizations and which have the function of presenting the difference between one’s own self or a group and the dominant definition.* Talking back is not characterized so much by the downright denial of the stigmatized identity as by a *subtle negotiation, which calls into question dominant categorizations and evokes the possibilities of alternative identities* [original emphasis].²⁵

The theory of resistive rhetoric provides a precise rhetorical framework for evaluating the claim of Peyotists talking back. In his assessment of the discursive power of Native Americans in the context of removal, communication theorist Jason Black argues, “American Indians appropriated the government’s arguments [to create] rhetorical strategies for enforcing an Indian perspective in contested cultural space.”²⁶ Applying the theory of resistive rhetoric in the examination of the incorporation of the Native American Church requires a more thorough examination of the dominant culture’s discourse than has previously been attempted in the historiography of Peyotism. This work represents an engagement with the discursive appeals of the Peyotists

²⁴ Jason Edward Black, “Native Resistive Rhetoric and the Decolonization of American Indian Removal Discourse,” *Quarterly Journal of Speech* 95, no 1 (February 2009): 68.

²⁵ Kirsi Juhila, “Talking Back to Stigmatized Identities: Negotiations of Culturally Dominant Categorizations in Interviews with Shelter Residents,” *Qualitative Social Work* 3, no. 3 (2004): 263.

²⁶ *Ibid.*, 67. Black demonstrates responses to Indian removal through the appropriation of the government’s discourses of “territoriality, republicanism, paternalism, and godly authority” to expose the hypocrisies of the government’s policies.

through an inquiry into the appropriation of religious rhetoric of ‘church’ and ‘sacrament,’ as well as the cultural and political rhetoric of “Native American.

Caveat on Terminology

Realizing the contentious nature of rhetoric surrounding the acceptable terminology for the indigenous peoples of America, my use of “Native American” is the preferential term for the group categorization. This reflects the historical empowerment of the adherents of the Native American Church to transition from object to subject, with the right to define their own reality, establish their own identity, and name their history.²⁷ There are times throughout this work where the use of the term “Indian” appears, and the application of it is solely as a historical frame of reference. The preservation of quotations from others who use the term “American Indian” is done out of respect for their work.

Scholars in the field of religious studies may object to my use of the term “religion” when speaking about Native American traditions because of the Eurocentric assumptions attached to this term with its ideological support of colonialism. Wenger articulates a convincing argument on this definitional dispute, “The recognition that religion is both a first- and second-order category, and that its cultural referents are constantly changing, gives scholars the humility to acknowledge that any such definition must be contingent, constructed for the purpose of analysis, and cannot pretend to discover any unchanging essence of a cross-culturally identifiable thing called religion.”²⁸ My argument on the appropriation of the dominant discourse by Native Americans of a “church” using a “sacrament” also suggests a cross-cultural historical

²⁷ hooks, *Talking Back*, 42.

²⁸ Wenger, *We Have a Religion*, 14.

understanding of religion. The Native American utilization of the concept and term “religion” comes from the articles of incorporation of the Native American Church of Oklahoma where members of the various tribes made the claim to associate to “form a religious and benevolent association” to ‘foster and promote the religious belief of the several tribes of Indians.’²⁹

²⁹ Articles of Incorporation for the Native American Church of Oklahoma, October 10, 1918, Cheyenne and Arapaho Agency Records: Liquor Traffic and Peyote Use 1/31/1916-12/27/1933, Box 445, Folder Native American Church, Item 226a, Oklahoma Historical Society Research Division, Oklahoma City. See Appendix A for the document in its entirety.

CHAPTER 1 “CHURCH”: DEFENDING AN AMERICAN RELIGION

A key to understanding the interplay between white culture and the practice of the Peyote religion lies in the axiomatic assumption infamously asserted by Carlisle Indian School founder Richard Pratt– “kill the Indian and save the man.” Representations that defined Native Americans in terms of their “lack of White ways” propelled the impulse to transform America’s indigenous peoples.¹ English professor Ernest Stromberg notes the idea of the indigenous peoples’ “lack” amalgamated around the rhetoric of “civilizing” and “assimilating,” where the “primary assumption was the inferiority of Native American cultures, including spiritual beliefs, languages, and material practices.”² The promulgation of a moral obligation for civilized Americans who were also good Christians fueled the assault on Native American culture. Civilization and Christianity were not mutually exclusive goals; rather, the intersectionality of these goals defined Indian policy in a symbiotic relationship with the chief aim of eradicating traditional Native American culture.

Contested Cultural Space: American Religion

The landscape of American religion at the close of the nineteenth century and beginning of the twentieth century reflected the addition of a broad continuum of new religions, new

¹ Robert F. Berkhofer, Jr., *The White Man’s Indian: Images of the American Indian from Columbus to the Present* (New York: Knopf, 1978), 26.

² Ernest Stromberg, “Resistance and Mediation: The Rhetoric of Irony in Indian Boarding School Narratives by Francis La Flesche and Zitkala-Sa,” in *American Indian Rhetorics of Survivance: Word Medicine, Word Magic*, ed. Ernest Stromberg (Pittsburgh: University of Pittsburgh Press, 2006), 97.

denominations, and new sects. In spite of the rich diversity of religious practice, there was a de-legitimizing of the religious and spiritual beliefs and practices of Native Americans in the public sphere. Religious historian Tisa Wenger writes, “A virtual Christian establishment, composed of missionaries and reformers who considered Christian missions and the elimination of ‘paganism’ integral to the goal of ‘civilizing’ and ‘assimilating’ the Indians, had long dominated decision making in Indian affairs.”³

There existed a history of close cooperation between church and state with regard to federal Indian policy, culminating in the short-lived “Peace policy” announced in 1869 by President Ulysses S. Grant, which allowed church officials from various denominations to have extensive official participation in the advisement and administration of Indian policy.⁴ In an assessment of Grant’s policy on reservations, Alvin Josephy, Jr., notes how damaging it was to Native American peoples: “Many reservations had come under the authority of what had amounted to stern missionary dictatorships whose fanatic zealotry had crushed Indian culture and institutions, suppressed religious and other liberties, and punished Indians for the least show of independence.”⁵ In spite of the abandonment of the “Peace Policy” in the 1880s, attempts to suppress Native American religions continued, notably the banishment of the sweat lodge in 1873, the Sun Dance, the Snake Dance, and the utilization of military force in 1890 to suppress the Ghost Dance movement, resulting in the massacre at Wounded Knee. Native American

³ Tisa Wenger, *We Have a Religion*, 4.

⁴ For a detailed account of this action, see Henry E. Fritz, “The Making of Grant’s ‘Peace Policy,’” *The Chronicles of Oklahoma* 37, no. 4 (1959): 411-32.

⁵ Alvin M. Josephy, Jr., *The Indian Heritage of America* (New York: Alfred A. Knopf, Bantam Books, 1968), 340; quoted in Henrietta Mann, “Earth Mother and Prayerful Children: Sacred Sites and Religious Freedom,” in *Native Voices: American Indian Identity and Resistance*. ed. Richard A. Grounds, George E. Tinker, and David E. Wilkins (Lawrence, KS: University Press of Kansas, 2003), 195.

religious historian George Tinker summarizes the church-state relationship in the post-“Peace Policy” era:

Beginning in the 1880s, in the interests of the doctrine of Manifest Destiny, it became U.S. government policy to outlaw specific American Indian ceremonies that were deemed dangerous impediments to the twin projects of civilizing Indian peoples and systematically relieving them of their landholdings. U.S. churches contributed significantly to this cause of colonial expansion by providing on-site policing services (missionaries) to ferret out secret performances of ceremonies, disrupt them, and destroy religious artifacts that were seized in the process. Although these missionaries had no official sanction to perform such civil police services, they were never restrained by civil authorities; rather, their vigilante activities appear to have been greatly appreciated.⁶

A variety of Christian church-state activities to suppress Native American religious expressions coincided with the rise of the Peyote practice among the tribes of the southern Plains during the latter part of the nineteenth century.⁷

Anthropologist J. S. Slotkin estimates that “the fully developed Peyote religion was *invented* about 1885 by Comanche or Kiowa living at the Kiowa, Comanche, and Wichita Agency in what is now Oklahoma. Before that time many tribes, both in the southern Plains and to the north, were slightly acquainted with the Peyote plant, the old Peyote complex, or a religion-like rite [emphasis added].”⁸ An earlier date for the construction of a new American religion among the Native American peoples comes from historian Thomas Maroukis, “The Kiowa-Apaches, Kiowas, and Comanches, along with some of their neighbors, *developed the modern Peyote ceremony* in the late 1870s and 1880s [emphasis added].”⁹ Despite the

⁶ George E. Tinker, “American Indian Religious Traditions, Colonialism, Resistance, and Liberation,” in *Native Voices: American Indian Identity and Resistance*. ed. Richard A. Grounds, George E. Tinker, and David E. Wilkins (Lawrence: University Press of Kansas, 2003), 223-24.

⁷ Several historians, working to trace the spread of the Peyote practice from Mexico to the United States, are unable to place a specific date to its arrival in U.S. territory. However, most acknowledge that the American form of the Peyote religion emerged with the establishment of the reservation system.

⁸ Slotkin, *Peyote Religion*, 34.

⁹ Maroukis, *Peyote Road*, 29.

concomitant rise of new religions within the white culture (the country had already seen the religious landscape change with the Mormons, Millerites, Shakers, Christian Scientists, Spiritualists, Russellites, and a host of other religious communities), the religious creativity produced anxiety among the Protestant elites. Even with the syncretism to Christianity by some factions of Peyotists, the federal government, missionaries, and other “friends of the Indian” did not afford Peyotism the same protection of religious liberty as those originating in the white culture. To the contrary, the opponents of Peyotism mistakenly viewed it as a traditional, heathen practice and worked vehemently to ban the practice among the Native American peoples. A story from a 1918 newspaper highlights the religious tensions surrounding Peyote: “There is now taking place before the Senate committee on Indian affairs a battle against a new temptation for the sons of man. It is comparatively new to the white man, but to the red man as old as his tradition. This new agent of the devil is commonly known as Peyote.”¹⁰

In contrast, there were a handful of others (albeit a minority voice) who believed traditional Native American religious beliefs warranted freedom and protection from the encroachments of white culture. Leading this charge was James Mooney, an ethnologist working within the institutional setting of the Bureau of Ethnology until 1918 when the Office of Indian Affairs banned his research privileges on reservations in Oklahoma. Dubbed the “Indian Man” by a Chicago journalist in 1893, Mooney became the champion defender of the Peyote rite on behalf of the Native American peoples.¹¹ L. G. Moses, in his biography of Mooney, wrote,

¹⁰ *El Paso Herald*, “Devil in a New Dress, Our Own Peyote Bean,” February 23, 1918, 12.

¹¹ While working on the Kiowa-Comanche reservation, Mooney attended his first Peyote ceremony during the summer of 1891. Subsequently, he was one of the first white anthropologists to write about the ceremony. See James Mooney, “The Mescal Plant and Ceremony,” 7-11.

“Mooney’s support of the Peyote religion signified his recognition that culture should never be defined in the singular. Regardless of his own tastes and preferences in the matter, Indian cultures were no less civilized than white cultures, only different.”¹² In a letter written to Mack Haag, a member of the Cheyenne tribe who served as the first president of the Native American Church, Mooney discussed the continued efforts to fight opposition to the Peyote religion even after incorporation of the Native American Church and conveyed his own sentiment regarding religious freedom.

I am sending you some papers from which you can see how many different religions are advertised in Washington every Sunday– and each claims to be the only one right and all the others wrong. But all are allowed liberty under the Constitution. . . . When the whites disagree so among themselves, why should self-respecting educated Indians take their dictation on religious matters when they know from experience what their own religion does for them. . . . I am not of your church, but I believe your own religion is best for you, and that you have a right to it.¹³

Peyote’s entrance into the American religious landscape came at a paradoxical time of expansionism for religious boundaries, except for the Native American peoples still subsumed in a federal Indian policy of assimilation and civilization through Christianization.¹⁴ American religion became the contested cultural space, and the response to it for the Peyotists was the incorporation of their religious practice.

¹² L. G. Moses, *The Indian Man: A Biography of James Mooney* (Urbana and Chicago: University of Illinois Press, 1984), 234.

¹³ James Mooney to Mack Haag, October 25 1920, Joseph Thoburn Collection, Box 31 (Manuscripts: Parker-Ross), Folder 7 (Peyote religion, 1920), Item CH-3, Oklahoma Historical Society Research Division, Oklahoma City.

¹⁴ Notable at this time for expanding religious boundaries was the 1893 World’s Parliament of Religions, held in Chicago, the largest event among many other congresses in the World’s Columbian Exposition. Statistically speaking, the Parliament was dominated by English-speaking Christian representatives. The majority of the speakers were Christians (Protestant, Orthodox, and Catholic) and the Christian bias was obvious through the hymns, prayers, and rhetoric during the Parliament. Still, the opportunity for the leaders from other religious traditions though limited was significant, as speakers represented Judaism, Buddhism, Judaism, Hinduism, Islam, Shintoism, Confucianism, Taoism, and Jainism. However, the Parliament excluded all Native Americans. See Richard Hughes Seager, *The Dawn of Religious Pluralism: Voices from the World’s Parliament of Religions, 1893* (LaSalle, IL: Open Court, 1993).

Peyote's Challenge in the Efforts to "Civilize"

The idea of civilization, and its corollary doctrine of progress, has always been an inherent assumption of the nation's policy toward Native American peoples. However, the introduction of the Peyote religion to the various tribes in America coincided with a "reform fever" that hit during the 1880s, where "friends of the Indian" called for specific policy reforms in response to the reservation system. Reform groups, such as the Indian Rights Association (1882) and the Lake Mohonk Conference of the Friends of the Indian (1883), though advocating for specific policy changes to guarantee fair treatment for Native Americans, still believed civilizing and assimilating into white culture was a necessary condition for Native Americans to cope with the larger society.¹⁵ Historian Hazel Hertzberg writes about the new direction for public policy, "The Indian alone was to be melted and was to come out white, in culture if not in color. The name which the reformers gave to this process, of which the Dawes Act and the allotment policy were both instrument and symbol, was significant. They called it the 'vanishing policy'."¹⁶ Historian David Wallace Adams surmises, "Reformers viewed the Dawes Act as a major victory; in one

¹⁵ The Indian Rights Association would become the dominant reform body in the field, but as David Wallace Adams notes, "Even after its appearance, reformers realized that the network for reform remained incomplete." The solution was the establishment of the Lake Mohonk Conference in 1883 and continuing for over thirty years thereafter. These annual meetings "would be attended faithfully by all those interested in the Indian question." David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence: University Press of Kansas, 1995), 11.

¹⁶ Hazel W. Hertzberg, *Search for an American Indian Identity*, 22. Congress passed the General Allotment Act, more commonly known as the Dawes Act, in 1887 to "smash the tribal connection, force Indians to work the land, and eventually bring an end to the rationing system. . . . The following provisions were initiated in this legislation: 1) the reservation was surveyed and divided up among the Indians, 2) for protection against white encroachments, the actual deed to the allotment remained in the hands of the government for twenty-five years, during which time the land could not be sold or encumbered, 3) citizenship status was conferred upon all allottees whereupon they would become subject to the criminal and civil laws of the state or territory where they resided, and 4) all surplus land might be sold to white settlers with the proceeds of the sales to be held by the government for the tribe's 'education and civilization'." Adams, *Education for Extinction*, 17.

bold stroke, it held out the possibility of smashing the tribal bond and setting Indians on the road to civilization.”¹⁷

The federal government and its Indian agents, as well as the reformers— including the later Society of American Indians, a group established in 1911 by educated, progressive Native Americans— viewed the spread of the Peyote religion as an impediment to civilization. The arguments against the Peyote practice on the grounds of its adverse impact on the process of civilization centered on the notion of progress as demonstrated by a shift from traditional culture into the modern world and a commitment to industrious or productive living (later defined by Max Weber as the “Protestant ethic”).¹⁸ Opponents of Peyotism attempted to link the practice with a demoralizing state that proved deleterious to the Native American peoples as well as demonstrate the paternalistic actions of the federal government needed to stop the use and spread of Peyote. Gertrude and Raymond Bonnin, both Native Americans representing the Society of American Indians, summarized this view in a report to the Committee on Indian Affairs on the House bill to prohibit the use of Peyote.

Since the use of peyote is spreading rapidly and is undermining the uplift work of the churches and our benevolent Government; since it is an American principle to protect helpless, downtrodden people from the ruthless hand of the oppressor, to restrain the unscrupulous greed of those who traffic upon the ignorance and superstition of a people, we do implore all earnest citizens of America for a Federal law to protect us against the traffic in and the indiscriminate use of Peyote.¹⁹

¹⁷ Adams, *Education for Extinction*, 17.

¹⁸ I realize the distinction of modern/traditional is problematic for some because of the binary-oppositional character of the concepts as well as the use of Eurocentric terms that contribute to a prescriptive standard of evaluation. I do not intend for my use of the discourse to be a category of racial concepts nor as an imposition of colonial ideology on a subaltern community. See Michael Hardt and Antonio Negri, *Empire* (Cambridge, MA: Harvard University Press, 2000), 106-9. Rather, I concur with the view advanced by Scott Richard Lyons in his work on treaties and Indian identity within Native American studies, who argues, “The distinction is often useful as a way to understand the various discourses regarding time and change that Indian people advanced.” Scott Richard Lyons, *X-Marks: Native Signatures of Assent* (Minneapolis: University of Minnesota Press, 2010), 10.

¹⁹ House Committee on Indian Affairs, *Prohibition of Use of Peyote Among Indians*, 65th Cong., 2d sess., May 13, 1918, H. Rep. 560, 14.

The position that the traditional use of Peyote in the religious practice of Native Americans contributed to keeping the Native American peoples in an inferior position within the civilization process was widespread.

Viewed as a traditional practice, Peyotism represented to its opponents an adherence to heathen and pagan practices of the past and thus became the antithesis of the advancement and progress required for civilization. According to Omer Stewart, whose accounts of the Peyote religion have become an authoritative source for ethnohistorical study, “When the use of Peyote became apparent to missionaries and Indian agents of the U.S. government, they immediately sought to suppress it. To them, as to the Catholic fathers in Mexico some two hundred years earlier, the plant and the Peyote ceremony seemed the very essence of heathenish Indian practices, a veritable ‘root’ of all evil.”²⁰ Bruce Kinney, the Superintendent of Missions and District Secretary for the American Baptist Home Mission Society, identified the threat of the Peyote practice upon the efforts to civilize the Native American peoples in a 1909 letter sent to Commissioner of Indian Affairs Robert G. Valentine.

As a band of Christian workers among the blanket Indians, we fully realize that our work and the work of the government is the same in purpose: viz, the civilization and elevation of these tribes. We, the Baptist missionaries find ourselves in sympathy with the efforts of your department for these people. Under our united efforts we have seen in many localities, the tepee village pass away, and permanent houses established, many farms being developed, and children educated in the government schools. We respectfully desire, however, to call attention to the fact that there are certain evil practices that hinder the further development of these people. . . . In the last few years there has been a growing tendency on the part of many to return to the old customs and dances. . . . The greatest evil is the eating of mescal or the peyote. This is doing more to undo what the government is accomplishing in the line of education than any other one

²⁰ Stewart, *Peyote Religion*, 128.

thing; for the leaders, in many cases, are young men upon whom the government has spent hundreds of dollars to educate.²¹

Federal agents also noted their concerns about Peyote on the civilizing process as indicated by W. W. Scott, Superintendent of the Cheyenne and Arapaho Agency, who wrote to the Commissioner of Indian Affairs, “The use of Peyote among these Indians continues to grow, especially among the younger men and women . . . [it] debauches them mentally, morally, and physically.”²²

A significant clash of the binary-oppositional nature of the modern/traditional view of culture is also associated with medicinal value of Peyote. The indigenous people classified Peyote as a “medicine” and that appropriation extended even into the American context for its use. However, in its opposition to Peyotism, the federal government depended on the testimony of medical professionals to call into question the medicinal value of Peyote. In certain instances, the cultural rhetoric of modernity versus traditional framed the debate. Dr. Henry Lloyd, physician for the Uintah and Ouray Agency in Utah, contributed testimony for a report to Congress about the refusal of Peyote users to submit to “rational” treatment writing, “Indians who had learned to come to the agency physician and to employ scientific remedies under his instructions are taught by the ‘Peyote chief’ to take no further treatment from physicians. . . . Thus the work of years in teaching the Indian to use the white man’s methods of combating disease is undone.”²³

²¹ Bruce Kinney to Robert G. Valentine, September 29, 1909, Cheyenne and Arapaho Agency Records 5/27/1871-12/17/1915, Box 444, Folder 2, Item 70-71, Oklahoma Historical Society Research Division, Oklahoma City. “Blanket Indian” referred to those Indians holding to tribal culture and traditional customs.

²² W. W. Scott to Cato Sells, March 27, 1918, Cheyenne and Arapaho Agency Records: Liquor Traffic and Peyote Use 1/31/1916-12/27/1933, Box 445, Folder 4, Item 160, Oklahoma Historical Society Research Division, Oklahoma City.

²³ House Committee on Indian Affairs, *Prohibition of Use of Peyote Among Indians*, 65th Cong., 2d sess., May 13, 1918, H. Rep. 560, 12.

Advocates of the civilization motif also advanced arguments attempting to establish Peyote's hindrance to the work ethic of Native American peoples, especially in light of the allotment era following the passage of the Dawes Act. A report on Peyote was included in hearings before the Oklahoma legislature in 1908 to amend a section of the revised statutes on the possession of mescal, and referred to Peyote as "a stuff which destroys their industry, force, and will power. . . . It is claimed that it makes a capable and industrious person worthless."²⁴ A pamphlet, titled "Mescal, a Menace to the Indians," included in the report to Congress in 1918 claimed, "Industrially it [Peyote] is bound to become one of the greatest hindrances to progress. Many are now working their farms, but who will question the ultimate outcome of our industrial hopes for the Indian if this habit continues and increases."²⁵ White reformers were not the only ones concerned about the effects of Peyote on industry and progress. A petition from a group of Kiowa Indians to John Blackmon, an Indian agent, claim that those who use Peyote are "impoverished—having nothing of their own, but living off of, and consuming what other more industrious Indians make."²⁶ Following this logic to an extreme, one author wrote, "The marked secondary effects of peyote, weariness and depression, are felt with only occasional exceptions. These would result in the case of the Indian in a permanent economic degeneration."²⁷ Of particular concern to many with regard to the work ethic of the Peyotists was the actual ceremony and the amount of time involved in the ritual practice that distracted them from their

²⁴ "Peyote," February 29, 1908, Sac and Fox and Shawnee Agency Records (Vices) Liquor Traffic, Peyote, Mescal Use 9/15/1848-8/11/1908, Box 613, Folder SFSA 35-1, Item 40, Oklahoma Historical Society Research Division, Oklahoma City.

²⁵ House Committee on Indian Affairs, *Prohibition of Use of Peyote Among Indians*, 65th Cong., 2d sess., May 13, 1918, H. Rep. 560, 17.

²⁶ Kiowa Indians to John A. Blackmon, January 10, 1907, Kiowa Agency Records, Box 454, Folder, KA50-6, Item 27, Oklahoma Historical Society Research Division, Oklahoma City.

²⁷ Gertrude Seymour, "Peyote Worship: An Indian Cult and a Powerful Drug," *The Survey* 36 (May 13, 1916): 183.

farming obligations. A farmer writing to Major W. L. Walker about a Peyote meeting held by John Wilson in 1898 said of the ceremony, “I believe Saturday and Sunday were the only days they were together this time. More often three or four days and every three weeks. During this time their stock at home must suffer as well as any crops they may have.”²⁸ Dr. E. E. Hart, government physician at the Cantonment Agency in Oklahoma, declared, “The effect on those who attend [Peyote feasts] is that of general depression, followed by idleness and laziness.”²⁹ The pillars of industry and progress as a means to civilizing Native Americans were in jeopardy according to the views of the anti-Peyotists. Both the effects of Peyote and the time allocated to its ceremonial use endangered the goal of civilization for the Native American peoples.

The clash between the aim of civilization and the respect for traditional culture became most apparent, ironically, in a conflict between James Mooney, a white ethnologist, and officials with the Office of Indian Affairs. It was missionaries who first began complaining about Mooney and his work with the Native American peoples. Rev. Bruce Kinney sent a letter to Matthew Sniffen of the American Baptist Mission Society saying, “We were told repeatedly that Mr. Mooney of the Smithsonian Institute at Washington, was working down there among the Indians and distinctly encouraging their old tribal customs, particularly the use of Peyote.”³⁰ Sniffen’s reply included listing tactics for dealing with Mooney.

I know that Mr. Mooney has been a strong supporter of the Peyote habit. . . . It seems to me that you could do more good, under present conditions, by getting some publicity in your church papers, showing how an important branch of the Government service (the Ethnological Bureau) is, through one of its representatives, encouraging a demoralizing

²⁸ J. W. Lyans to Major W. L. Walker, August 29, 1898, Cheyenne and Arapaho Agency Records, Box 444, Folder 1, Item 49-52, Oklahoma Historical Society Research Division, Oklahoma City.

²⁹ Office of Indian Affairs Bulletin 21, *Peyote* (1923), Cheyenne and Arapaho Agency Records, Box 445, Folder 5, Item 268, Oklahoma Historical Society Research Division, Oklahoma City.

³⁰ Bruce Kinney to Matthew Sniffen, August 21, 1918, Peyote Papers, Folder 4, Item 3827.1996b, Gilcrease Museum, Tulsa.

practice among the Indians, notwithstanding the fact that Commissioner Sells and his assistants are doing everything to discourage the evil— to say nothing of the missionary efforts and of all who have the real welfare of the Indian at heart. It may be that Mooney aims to keep the Indians in their most barbaric state and thus make them interesting ethnological specimens for study of scientists! You could point out how, in this instance, science was discouraging civilization, and create such a strong public sentiment in the matter that Mooney would be instructed by his superiors to drop his Peyote propaganda.³¹

The schism between the Bureau of American Ethnology and the Office of Indian Affairs emerged publically at the 1918 hearings on Congressional legislation to ban Peyote. Stewart writes, “Those testifying for the legislation . . . accused the ethnologists of encouraging Indians to maintain old, heathenish, unhealthy, uncivilized customs so the scientists could write books, take pictures, and thus exploit the Indians with cheap publicity while doing nothing to help them become civilized.”³² Shortly after the hearings ended, Mooney returned to his work in Oklahoma when the Department of the Interior requested the director of the Bureau of Ethnology to recall Mooney because of his interference in the work of the Indian Service. Mooney returned to Washington, banned from doing fieldwork in Oklahoma ever again. The Superintendent of the Cheyenne and Arapaho Agency informed the missionaries of the action writing, “Mr. Mooney made quite a lot of trouble here for us as he was openly and avowedly in favor of the use of Peyote by the Indians. His actions were so repugnant to me that I finally secured authority from the Indian office to order him to leave the reservation.”³³ Mooney later wrote in an appeal of his banishment, “I am not alone in my opinion, although I have been singled out for the sacrifice.”³⁴

³¹ Matthew Sniffen to Bruce Kinney, September 9, 1918, Peyote Papers, Folder 5, Item 3827.1999, Gilcrease Museum, Tulsa.

³² Stewart, *Peyote Religion*, 221.

³³ C. V. Stinchecum to Bruce Kinney, November 21, 1918, Peyote Papers, Folder 24, Item 3827.2012, Gilcrease Museum, Tulsa.

³⁴ James Mooney to Joseph B. Thoburn, June 16, 1921, Joseph Thoburn Collection, Box 3 (General Correspondence), Folder 1 (Archeological Mounds, burial grounds, and village sites #4 1915-1921), Item 86.01.276.B, Oklahoma Historical Society Research Division, Oklahoma City.

The road to civilization (as evidenced in this encounter of the clash of civilizations) proceeded through the path of Christianity. In the eyes of missionaries and government officials, the Peyote religion became a threat to the hegemonic status of Christianity.

Peyote's Challenge in the Efforts to "Christianize"

Religious historian Charles Lippy writes of the transition between the nineteenth and twentieth century noting, "Despite the presence of literally hundreds of different Protestant bodies, representatives of every strand of Judaism, a burgeoning Roman Catholicism, a growing Eastern Orthodoxy, and an undercurrent of skepticism, the popular public perception of the United States was that the country was indeed a 'Christian' nation, meaning a land where a broadly evangelical style of Protestantism was both dominant and normative."³⁵ The idea of a Protestant America, inculcated the fabric of the nation since its inception. At a Lake Mohonk Conference, William T. Harris told the audience that Christianity was not merely a religion, but an "ideal of life penetrating the whole social structure."³⁶ Religion, particularly an Anglo-Saxon evangelical Protestantism, permeated the public sphere and influenced public policy throughout the nineteenth century and into the twentieth century. In terms of policy toward the Native Americans, the efforts to convert them to Christianity meant the obliteration of traditional cultural practices.

³⁵ Charles H. Lippy, "Politics," in *Religion in American History*, ed. Amanda Porterfield and John Corrigan (West Sussex, UK: Wiley-Blackwell, 2010), 251.

³⁶ William T. Harris, *Journal of the Proceedings and Addresses of the National Education Association*, 1903, 1048; quoted in David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence, KS: University Press of Kansas, 1995), 23.

The Protestant reformers, missionaries, and government officials who dominated nineteenth-century U.S. Indian policy uniformly derided Indian traditions as “paganism.” Protestant leaders merged Christian traditions of religious comparison with anthropological theory to construct a hierarchy of religions with Protestant Christianity at the top. For them Indian “religion,” if it merited that designation at all, shared the same “degraded” qualities condemned in the Bible and shared by other “pagans” worldwide. True religion cultivated “civilized” standards of conduct and morality, understood in exclusively Anglo-Protestant terms, and made its adherents fit for American citizenship. In this sense, only Christianity— and often only Protestant Christianity— qualified. Indigenous traditions of any kind could be seen only as an impediment to the civilizing process.³⁷

Reformers and religious leaders categorized the Peyote religion as a traditional practice in need of eradication, instead of affording the religion its place within the new American religious landscape.

Opponents of the Peyote religion failed to see Peyote as a “religious adjunct— an aid to special experience” as manifested in other forms (prayer, fasting, trance) in a variety of other religious contexts, including Christianity.³⁸ As reported in *The Washington Times* in 1913, “There [are] a number of letters on file with the Indian commissioner from Indians who say the [Peyote] buttons are a divine revelation that the Great Spirit has denied the white man. Consequently Government authorities and even the agencies is moving slowly about denying the Indian his Peyote.”³⁹ Conversely, opponents denied the validity of Peyotism as a religion. A 1917 editorial demonstrates the anti-religious sentiment surrounding the Native Americans’ use of Peyote.

This [Peyotism] is not religion, that it has no tendency to promote religion, that it has exactly an opposite tendency, since it leads the user to imagine that religion is something else than living a pure, honest, upright, kindly, and reverent life. There is a practically unanimous testimony from all missionaries, and apparently from all those interested in

³⁷ Wenger, *We Have a Religion*, 19-20.

³⁸ Aberle, *Peyote Religion Among the Navaho*, 7, 352.

³⁹ *Washington Times*, “Peyote is Shown as ‘Dry Whiskey,’” June 21, 1913, 7.

the moral and religious welfare of the Indian, that its intoxicating effects seriously interfere with the religion of good morals.⁴⁰

By de-legitimizing the Peyote religion, agents of the government were then free to deny to the Peyotists any Constitutional protections of religious liberty.

The issue, however, extends beyond asking the question of what constitutes a religion. The underlying tension emanated from questions of power and agency and who controlled the balance of power in the right to decide the answers to those questions. Religious historian Kathryn Lofton argues that as the turn from the nineteenth to the twentieth century was the most “fractious and transforming eras in American history,” so it also was with the world of religious belief. She notes that for many historians, “this religious abundance signals the existential crisis of the age”— what Martin E. Marty describes as a “Crisis in the Protestant Empire.”⁴¹ Protestant missionaries and religious leaders on the reservations sought to preserve and maintain their status as the hegemonic religious force. James Mooney alluded to this issue of power when he wrote, “The [Peyote] religion has a membership of hundreds regularly enrolled in the various tribes of Oklahoma. . . . They are opposed, persecuted, and vilified by interested missionaries and officials who fear the development of Indian initiative as a danger to their own monopoly of religious and economic control.”⁴² A quote from a Peyotist appearing in a journal article also frames the argument in terms of an issue over power: “Some pale faces who claim to be our friends are fighting our religion. . . . It’s these missionaries and some government officials who are making

⁴⁰ *Outlook*, “The President, Congress, and the War,” April 11, 1917, 644.

⁴¹ Kathryn Lofton, “Cosmology,” in *Religion in American History*, ed. Amanda Porterfield and John Corrigan (West Sussex, UK: Wiley-Blackwell, 2010), 270-72. See also Martin E. Marty, *Pilgrims in Their Own Land* (Boston: Little, Brown, and Co., 1984).

⁴² James Mooney to Joseph B. Thoburn, October 26, 1920, Joseph Thoburn Collection, Box 31, Folder 7, Item PE1, Oklahoma Historical Society Research Division, Oklahoma City.

this complaint. It's nothing but jealousy that the missionaries have against the Indians, since they can't drive the red people with an iron rod to join their churches."⁴³ Tensions ran high between the religious establishment and the Native American peoples.

The issue of power extended beyond the perception of power as a means of social control; the hierarchical status of evangelical Protestant Christianity was at stake in the conflict over Peyote. Mooney believed Peyotism was a "legitimate substitute for mainstream Christianity" and his influence upon the Native American peoples greatly concerned religious and government officials.⁴⁴ The rise of the peyote religions coincided with the apex of the Ghost Dance movement and even prompted some to question if Peyote contributed to the expansion of the movement.⁴⁵ A great concern for religious officials centered on the possible abandonment and/or rejection of Christianity, or more specifically, mainstream Christianity. F. L. King, a mission worker among the Arapaho Indians, wrote to Bruce Kinney, the Superintendent of Missions and District Secretary for the American Baptist Home Mission Society, to discuss the implications that a Peyote ban in the local Indian churches would have on the Christianization process. He says, "If this method were followed the very object for which we are here as missionaries would be defeated. The object of giving them the Gospel. . . . The Mormon Church is lurking at our doors (They are with the Cheyennes). They encourage the use of Peyota [sic]. They would be only too glad to step in and take over a work and encourage all of these old

⁴³ Seymour, "Peyote Worship: An Indian Cult and a Powerful Drug," 184.

⁴⁴ Moses, *The Indian Man*, 233.

⁴⁵ Seymour writes, "The ghost dance apparently is a ceremonial of pure ecstasy or hypnotism. Springer [leader of the Iowas], like others, finds it easier to lead when his claim has the assistance of a powerful drug [Peyote]." Seymour, "Peyote Worship: An Indian Cult and a Powerful Drug," 184. Peyotists had mixed views about the Ghost Dance. Quanah Parker staunchly opposed the Ghost Dance and prevented its spread among the Comanche, while John Wilson embraced both Peyotism (with Christian elements added to the ceremony) and the Ghost Dance. Hertzberg, *Search for an American Indian Identity*, 242-44.

ways.”⁴⁶ Another fear of religious and government officials was that the presumed deleterious effects of Peyote (such as intoxication, laziness, and irrationality) would spread, not only among the Native American tribes but also into white culture and adversely affect the Anglo-Saxon race. A newspaper account of the efforts to ban Peyote notes, “Indians are not the only victims. Many white men have succumbed to the lure of the gorgeous dreams that live in the little cactus root.”⁴⁷ E. B. Merritt, Assistant Commissioner of the Office of Indian Affairs, identifies the scope of the problem, “The Office . . . understands that its [Peyote] use is on the increase among the Indians and that it is also being taken up among the whites and soldiers.”⁴⁸ The expanding use of Peyote alarmed Christian churches, philanthropic reform organizations, and government officials. They believed that the Peyote religion threatened their attempts to “save the Indian” and they were ready and willing to do battle with this “agent of the devil.”

The contested cultural space of American religion was also a conflation with a national Christian identity focused on the goal of the assimilation of Native Americans to a “civilized” state of existence. This required separating them from their traditional cultural beliefs and practices. The praxis of the Peyote religion represented an attempt to subvert assimilationist efforts directed toward the Native American peoples. As church and state efforts to ban the Peyote religion increased, so did the determination of the Native American peoples to resist.

⁴⁶ F. L. King to Bruce Kinney, September 28, 1918, Peyote Papers, Folder 10, Item 3827.2002.1, Gilcrease Museum, Tulsa. The Mormons—officially known as the Church of Jesus Christ of Latter-day Saints—emerged as an American religion in the nineteenth century but experienced much hostility from other Christian groups who often viewed the religion as un-Christian and un-American.

⁴⁷ *El Paso Herald*, “Devil in a New Dress, Our Own Peyote Bean,” February 23, 1918, 12.

⁴⁸ E. B. Merritt to W. W. Scott, April 13, 1918, Cheyenne and Arapaho Agency Records, Box 445, Folder 4, Item 167, Oklahoma Historical Society Research Division, Oklahoma City.

Rhetoric as Resistance: Talking Back with “Church”

The impetus to seek Constitutional protection for the Peyote religion came in response to a widespread campaign by the federal government to prohibit the possession, sale, and use of Peyote. Hertzberg explains, “As a result of the [1918] hearings, the Peyotists became thoroughly alarmed at the imminent legislative dangers now confronting them. If the use of the Peyote so central to their religion were outlawed, the religion itself would be doomed. Protective measures beyond the kind they had already taken were clearly in order.”⁴⁹ In efforts to preserve their religious practice, the Native American discursive responses to the Peyote conflict appropriated the religious language associated with mainstream Christianity. The practice of talking back utilizing the discourse of the dominant culture began for the Peyotists before the move to incorporate as a church. Discursive strategies of resistance were evident before the creation of the Native American Church.

The performance of talking back was evident with organized lobbying efforts by the Peyotists to proposed state and federal legislation. When the Oklahoma legislature introduced legislation in 1907 to interfere with the Peyote religion, sixteen Peyotists, including Quannah Parker, registered as lobbyists in an effort to defeat the bill.⁵⁰ Traveling to Guthrie, they spoke before the legislature against a bill to amend a section of the revised statutes that would make it a misdemeanor to possess Peyote.⁵¹ Religious officials noticed and expressed concern over the

⁴⁹ Hertzberg, *Search for an American Indian Identity*, 271.

⁵⁰ A. Frank Ross to Charles F. Shell, January 14, 1908, Cheyenne and Arapaho Agency Records, Box 444, Folder 1, Item 255, Oklahoma Historical Society Research Division, Oklahoma City; *The Evening News* (Ada, OK), “Protest By Indians,” January 22, 1908, 1; *Lawton (OK) Constitution-Democrat*, “Quannah Parker to Lobby,” January 23, 1908, 6; and Stewart, *Peyote Religion*, 138.

⁵¹ Memorandum by George Bellamy, “Speeches Made on the Subject of the Mescal Bean or Peoti[sic]”, February 25, 1908, Sac and Fox and Shawnee Agency Records, Box 613, Folder SFSA 35-1, Item 187, Oklahoma Historical Society Research Division, Oklahoma City.

organized efforts of the Peyotists to cross into the political arena. A mission official sent out a memorandum concerning the upcoming legislative hearings, noting, “The mescal [Peyote] users have a strong lobby at Guthrie and it will take heroic work on our part to get the law passed.”⁵² Peyotists also traveled to Washington to protest against the passage of a federal act to prohibit the possession or sale of Peyote.⁵³

Talking back also included using religious discourse as a foil against some of the specific arguments emanating from the white culture. In response to the accusation that the amount of time devoted to the Peyote ritual was a hindrance to the civilizing of Native Americans, Otto Wells indicted the Christian practices of missionaries and the government’s role in his testimony before the Oklahoma legislature.

The agencies of the different tribes say that if the Indian eats Peoti [sic] he is lazy. . . . How is it that the missionaries hold their camp meetings a week at a time? I was employed by the Government. I went to their places and asked where they are. They are over there to Mount Scott holding camp meeting. If I go there they are not there. They are over at another place holding a camp meeting. . . . This Peoti [sic] business does not hold their meetings three or four days at a time. . . . These missionaries has ruined our people. Why they not practice what they preach? . . . Then they say we have got to take up collection, and instead of the missionaries sending money to put up churches, they don’t use it for that . . . they put it on themselves. . . . I pay taxes as much as you do on my personal property. The Government has held up my land and I can’t sell it for the twenty-five years. If we are citizens why don’t you gentlemen give us the liberty we want and our rights? We want a way to worship our Lord. . . . Haven’t I got a right to worship God the way I want to?⁵⁴

⁵² Memorandum by J. B. Rounds, January 7, 1908, Cheyenne and Arapaho Agency Records, Box 444, Folder 1, Item 251, Oklahoma Historical Society Research Division, Oklahoma City.

⁵³ W. W. Scott to Cato Sells, March 27, 1918, Cheyenne and Arapaho Agency Records, Box 445, Folder 4, Item 160, Oklahoma Historical Society Research Division, Oklahoma City; and E. B. Merritt to W. W. Scott, April 13, 1918, Cheyenne and Arapaho Agency Records, Box 445, Folder 4, Item 167, Oklahoma Historical Society Research Division, Oklahoma City.

⁵⁴ Speech by Otto Wells, February 29, 1908, Sac and Fox and Shawnee Agency Records, Box 613, Folder SFSA 35-1, Item 20-21, Oklahoma Historical Society Research Division, Oklahoma City.

In response to specific ritual practices associated with Peyote, one Peyotist talked back identifying a link to practices in Christian rituals of worship: “Our enemies claim we use a tom-tom; that is true, that is the only kind of music the Great Spirit gave the red man. The white people have different kinds of music. The Salvation Army also uses little drums; other churches use pianos, organs, and different kinds of music.”⁵⁵ Another way Native Americans talked back to the white culture about Peyotism was to frame the argument in terms of what constituted religion, and subsequently what merited Constitutional protection. Paul Boynton, a member of the Arapaho tribe, articulated this argument in a speech before the Oklahoma legislature in 1908, before the actual incorporation of the Native American Church:

From what I have seen I think that this Peoti [sic] that they were talking about is one of a certain denomination. It is known that there is a great many denominations, but let us call this one of them. . . . this is the only way that the Great Spirit is talking to us— to the people. Let us try to recognize it as one of the ways that the Great Spirit is talking to the Indians. The Great Spirit is talking to the Indians in certain ways. . . . Common sense will always tell us that any religion that might be existing among the Indians would be constitutional. . . . If my people think they have a religion of their own, give them a right to worship their religion. . . . Let them have a full right to worship Great Spirit. We know this much, that this Peoti [sic] is something that has come into our minds so that we can talk with the Great Spirit.⁵⁶

Though Boynton, and other Peyotists, made some compelling arguments while talking back, the reality of not being an organized religion (according to the white culture’s normative standards) allowed opposition to the Peyote religion to grow in the legislative and political arenas. Sensing the possibility of the elimination of their religious practice, the Peyotists made the decision in

⁵⁵ Seymour, “Peyote Worship: An Indian Cult and a Powerful Drug,” 184.

⁵⁶ Speech by Paul Boynton, February 29, 1908, Sac and Fox and Shawnee Agency Records, Box 613, Folder SFSA 35-1, Item 31-32, Oklahoma Historical Society Research Division, Oklahoma City.

1918 to incorporate as the Native American Church to help “legitimate it as an authentic religion.”⁵⁷

The act of incorporation and identification as a “Church” was an act of resistance in the contested cultural space of American religion. The Peyotists’ legal posture allowed them to simultaneously develop a church organization based upon the white cultural pattern and maintain the practice of their traditional religion. The cultural examples in the diverse Protestant religious landscape that surrounded the Indian reservations offered the Native Americans a number of ways to adapt to the dominant discourse. Interestingly, however, the models most cited by Peyotists include two Christian groups outside of mainstream Protestant Christianity– the Indian Shaker Church and the Mormons (perhaps, because of the embittered history with mainstream evangelical Protestant groups like Baptists, Methodists, and Presbyterians, or perhaps because they could identify more closely to religious groups like the Mormons who were also persecuted because of their religious beliefs that differed from the dominant culture). Slotkin writes about the idea of the Peyotist associations incorporating to obtain official recognition from the government, saying, “It had first been used as a defense by the Indian Shaker Church of the Northwest, on the county level in 1892 and on the state level in 1907.”⁵⁸ Mooney wrote in a letter in 1918, “The Peyote hearing was conducted before a special Committee of Congress . . .

⁵⁷ Wenger, *We Have a Religion*, 139.

⁵⁸ Slotkin, *The Peyote Religion*, 58. Unrelated to the American Shakers (the United Society of Believers), the movement that became the Indian Shaker Church began in 1882. Religious historian Lee Irwin writes, “The tradition established by John Slocum, a Squaxin with strong ties to the Skokomish and other Southern Coast Salish peoples, assimilated many features of Christianity, both Catholic and Protestant, while also retaining indigenous elements central to Northwest Coast Native spirituality.” Similar to prophets associated with the Ghost Dance movement, Slocum experienced a revelation from God where Native Americans could achieve a medicine stronger than the shamans could if they would turn away from drinking, smoking, and gambling. His wife, Mary Slocum, reportedly experienced the “Shake” when she received the promised medicine from God. See Lee Irwin, *Coming Down from Above: Prophecy, Resistance, and Renewal in Native American Religions* (Norman, OK: University of Oklahoma Press, 2008), 267-77, 408-10.

The question which some of the delegates and tribes are debating is the matter of organizing their own religion, like any other church or Society, as American citizens. Some of the northwestern Indians have already done this more than twenty years ago.”⁵⁹ In an affidavit from Harry Rave, a member of the Winnebago Tribe, printed in a journal article in 1916, he is quoted as saying, “I heard an educated Indian and he said in a meeting on Sunday morning: ‘My friends, we must organize a church and have it run like the Mormon church’.”⁶⁰

Peyotists in Indian Territory (later Oklahoma) had previously used the stratagem of incorporation. Jonathan Koshiway incorporated a group of Otoe Peyotists in 1914, forming the First Born Church of Christ in Red Rock, Oklahoma. Unlike the Native American Church, Koshiway’s church did not mention Peyote in its articles of incorporation. Koshiway introduced Christian elements into the Peyote religion, no doubt stemming from his varied religious background. Koshiway had served as an Indian evangelist for the Church of Jesus Christ of Latter-day Saints (Mormons). Another important influence on Koshiway was that of the Russellites, as the followers of Charles Taze Russell, founder of Zion’s Watch Tower Tract Society— later to become the Jehovah’s Witnesses— and Bible Student movement were known. Koshiway became a Bible student while living in northeast Kansas. Influenced by the ethical standards of both the Mormons and the Russellites, Koshiway made changes to the Peyote ritual with a prohibition on smoking and the addition of the Bible as a conspicuous part of the meeting. Despite the syncretism of Christian elements with the Peyote religion, immunity from the government’s efforts to prohibit Peyotism did not come to Koshiway and his followers.

⁵⁹ James Mooney to Julia Bent Prentiss, July 29, 1918, Peyote Papers, Folder 1, Item 3827.1992a, Gilcrease Museum, Tulsa.

⁶⁰ Seymour, “Peyote Worship: An Indian Cult and a Powerful Drug,” 184.

Koshiway went to H. F. Johnson, a lawyer in Perry, Oklahoma to seek legal advice, and on December 8, 1914, the First Born Church of Christ incorporated under the laws of Oklahoma.⁶¹ Maroukis's recent work on the Peyote religion elaborates more on Koshiway's motives for the incorporation.

Koshiway told anthropologist James Slotkin that he incorporated to acquire legal protection, that he had to find a way to defend his religion. He said that he chose a biblical passage for the name of his church from Hebrews 12:23– “One Church of the First-born”– so that they could spread the word of God and the Holy Bible. They purposely focused on the Christian elements in their ceremonies and charter to lessen opposition to their religion.⁶²

Other Peyotists in Oklahoma (even those maintaining the traditional ceremony without the Christian elements) became aware of Koshiway's church. La Barre wrote about an intertribal conference of a group of Otoe, Kiowa, and Arapaho who met in Calumet, Oklahoma to consider defensive measures to protect Peyotism. Koshiway took the charter from his church to the meeting and explained his solution to the problem. Many in the group, while partial to the idea of organization for the Peyote religion, “objected to the element of white religion” implied in the name “First Born Church of Christ.”⁶³ The Peyotists needed rhetoric that reflected the diversity of Peyotism in order to talk back to the dominant religious culture.

Besides Koshiway's church, other factors impacted the decision of Peyotists to organize and incorporate. Evidence suggests that James Mooney, a white ethnologist, also provided influence in the decision to incorporate the Peyote religion as the Native American Church,

⁶¹ La Barre, *Peyote Cult*, 117-18, 167-70; Aberle, *Peyote Religion Among the Navaho*, 19; Hertzberger, *Search for an American Indian Identity*, 250; and Slotkin, *Peyote Religion*, 58.

⁶² Maroukis, *The Peyote Road*, 48.

⁶³ La Barre, *Peyote Cult*, 169; Maroukis, *Peyote Road*, 56.

believing it to be the “only way to ensure constitutional protection.”⁶⁴ Peyotists representing various tribes in Oklahoma met in August 1918 in El Reno, Oklahoma to discuss the options for the organization of the Peyote religion. Maroukis includes the following account of the meeting in his study, “Mooney was at the meeting, and according to Jim Whitewolf (Kiowa-Apache) who was also there, Mooney recommended that the Peyotists there organize, choose officers, and pick a new name. Whitewolf said in a 1949 interview that it was Mooney who recommended the name Native American Church.”⁶⁵ A letter reference to a 1918 telegram to the Commissioner of Indian Affairs relaying the activities of Mooney reads, “Has advised and assisted the Indians in securing on October ten a charter for the organization of a Peyote church.”⁶⁶ Religious and government officials objected to Mooney’s involvement in the process of organizing the Peyote religion. Mooney’s efforts to assist the Native American peoples in talking back cost him; his removal from Oklahoma prevented him from completing his work with the Native Americans. Upon hearing of Mooney’s death in 1921, the Native American Church issued a proclamation highlighting his legacy of work with the Native American peoples.

Whereas . . . his efforts have been directed towards the uplifting of the American Indians; one who best knew and understood the customs and the Indian idea of the Great Spirit; was largely instrumental in the organization and promotion of the Native American Church, and

Whereas, realizing as we do the wonderful benefit he has been to the Indian in general and to our tribes especially, and realizing that his life has been spent with a view of bettering our conditions through the Native American Church organization, and had a

⁶⁴ Maroukis, *Peyote Road*, 56; Slotkin, *Peyote Religion*, 58; La Barre, *Peyote Religion*, 169; Aberle, *Peyote Religion Among the Navaho*, 19; Hertzberger, *Search for an American Indian Identity*, 277; Wenger, *We Have a Religion*, 139; and Moses, *e Indian Man*, 207.

⁶⁵ Jim Whitewolf, *The Life of a Kiowa-Apache Indian*, ed. Charles S. Brant (New York: Dover, 1969), 130; quoted in Maroukis, *The Peyote Road*, 56.

⁶⁶ C. V. Stinchecum to Commissioner of Indian Affairs, February 17, 1919, , Cheyenne and Arapaho Agency Records, Box 445, Folder 5, Item 21, Oklahoma Historical Society Research Division, Oklahoma City.

vision, making us able to become better citizens and to defend our religion as he knew it, and

Whereas, we greatly deplore his untimely death in the midst of his great research and unfinished work of the Peyote Religion of the North American Indian.⁶⁷

Mooney's biographer writes, "He ended his career as he had begun it, convinced of the incapacity of one race to rule over another. He had studied and written for many years to make smaller the chasm in understanding between the dominant culture and those who had once challenged that dominance."⁶⁸

The identification of the adherents of the Peyote religion as a "church," appropriated the language of the American religious culture to allow the discursive power of the "master's" language to speak in order to preserve Native American beliefs. One can interpret the act of incorporating as a church to seek First Amendment protection as a discursive contestation against the fundamental tenets of assimilation, based on the precept of civilization through Christianization. The Native American Church did not conform to the standards of religious worship as connoted by the use of the word "church" in the white culture, yet theoretically, incorporation offered legal protection for the worship ceremony of the Peyotists through the rhetoric of the dominant culture.

⁶⁷ Resolution adopted by the Native American Church on the death of the Hon. James Mooney, 1921, Joseph Thoburn Collection, Box 23 (Manuscripts: General Correspondence), Folder 1 (Native American Church, 1938), Item 86.01.3578, Oklahoma Historical Society Research Division, Oklahoma City.

⁶⁸ Moses, *The Indian Man*, 219.

CHAPTER 2 “SACRAMENT”: PRESERVING THE RIGHT TO USE PEYOTE

The controversy about the use of Peyote as a part of Native American religious ritual coincided with cultural concerns over “intoxicants,” whether in the form of alcohol or other drugs. A renewed assault on drinking emerged during the latter part of the nineteenth century with efforts from social reform organizations like the Woman’s Christian Temperance Union and continued through the Progressive Era with groups like the Anti-Saloon League. Temperance reform became a powerful religio-social movement advocating public remedies. In the minds of reformers, the evil of intemperance threatened the fabric of the social order. Attuned to the threat alcohol posed on the physical and economic well-being of individuals and families, as well as the social and economic costs of drinking, reformers believed that “by banishing drinking the body of society would also purge itself of crime, poverty, and an irresponsible citizenry.”¹ While white culture debated the issue of prohibition before the passage of the Eighteenth Amendment to the Constitution in 1919, prohibition had already been an integral part of Indian policy (though liquor law infractions frequently took place). The shift from the reservation system to the allotment era brought new challenges to the ways to handle the introduction of intoxicants into the Native American culture.

As social reformers began to subsume the Indian question into their policy platforms, quite naturally the issue of liquor arose, especially as it related to the goal of civilization for the Native American peoples. Historian William Unrau writes, “In 1876, posing the question as to why Indians so readily accepted what they themselves called the wicked water, an Indian

¹ Catherine L. Albanese, *America Religions and Religion*, 4th ed. (Belmont, CA: Thomson/Wadsworth, 2007), 262.

superintendent's answer was simply, 'They have not the moral force to resist temptation'.² The perceived lack of moral fortitude on behalf of the Native American prompted religious leaders and government officials to assume a protectionist attitude to assist Native Americans in making "good" moral choices, including what they could purchase and consume. With the rapid diffusion of the Peyote religion among the tribes during the reservation period, it was not long before missionaries and government officials began to view Peyote as an impediment to civilization and Christianization. To eliminate the use of Peyote, officials began to classify it as intoxicant, thereby subjecting it to the prohibition standards already in place in Indian country. When Gertrude Bonnin, secretary of the Society of American Indians, went to Washington to testify on the issue of Peyote, a newspaper story wrote of her mission, "An appropriation for \$150,000 for the purpose of preventing the Indians from drinking whiskey is being considered, and Mrs. Bonnin wants the appropriation to be used in fighting Peyote as well. Even as the pale face women go forth to save the white man from the demon rum, so this modern Indian woman is determined to save the buck from the ravages of Peyote."³

Contested Cultural Space: Prohibition

The temperance movement that surged in the first half of the nineteenth century slowed during the Civil War and the early years of Reconstruction. Changes in the continued drive for prohibition in the post-Civil War years reflected alterations in the American political system

² William E. Unrau, *White Man's Wicked Water: The Alcohol Trade and Prohibition in Indian Country, 1802-1892* (Lawrence: University Press of Kansas, 1996), 115.

³ *El Paso Herald*, "Devil in a New Dress, Our Own Peyote Bean," February 23, 1918, 12.

during a time of both national growth and upheaval. Historian Thomas Pegram explains how the political system became an institutional obstruction in the temperance movement.

The volatility of the liquor issue, revealed by the Maine Law campaigns of the 1850s and their political residue after the war, generated strong resistance to prohibition within the Democratic and Republican parties of the late nineteenth century. Politicians discovered that alcohol created disorder in politics as well as in the lives of troubled drinkers. . . . Prohibition was particularly troubling for Republicans in the late 1860s and early 1870s. Most Americans who were inclined to support anti-liquor laws were Republicans. . . . Yet controversies over temperance laws tended to strengthen Democrats and hurt Republicans. Although many Democrats practiced personal temperance and even supported some regulation of the liquor industry, the party as a whole expressed its commitment to “personal liberty” in the matter of drinking. . . . Already hampered by the difficulties of Reconstruction, the Republican Party began to distance itself from prohibition. . . . Beginning in the early 1870s, cautious politicians returned liquor regulation to local jurisdictions and individual initiative, most commonly by revisions of old license laws.⁴

The reluctance of the major political parties to take an official party position on prohibition left a void in the political movement dedicated to prohibition. It would be up to grass-root efforts to take up the cause during the Gilded Age.

The most significant social movement to advance the cause of temperance in the late nineteenth century was the Woman’s Christian Temperance Union (WCTU). Founded in 1874 as an extension of the Woman’s Crusade, their mantra on temperance reform was “protection of the home.” When Frances Willard became president of the WCTU in 1879, the scope of the organization expanded, reflecting her personal philosophy of “do everything.” For Willard, social reform was interconnected and issues, like alcohol, were symptomatic of a larger social problem. Organizing political means to combat the causes and consequences of social ills was a necessary step in the evolution of the WCTU. Willard successfully worked to forge an alliance with the Prohibition Party, which added an endorsement of woman suffrage to their party

⁴ Thomas R. Pegram, *Battling Demon Rum: The Struggle for a Dry America, 1800-1933* (Chicago: Ivan R. Dee, 1998), 44, 48-50.

platform; the move, however, also created tension within the WCTU between Willard and Republican loyalists. When Willard became a Christian Socialist in the late 1880s and added “pacifism and international arbitration to her reform portfolio,” there was much resistance within the WCTU and “many local Unions simply ignored Willard’s larger programs to concentrate on temperance reform at home.”⁵ The multifaceted agenda of the WCTU during Willard’s leadership was unable to sustain its momentum, and by the time of her death in 1898, the WCTU had moved back to a single-minded focus on temperance.⁶ Conforming more to the political orthodoxy of the time, the WCTU would move into the twentieth century in a secondary assistance role on the issue of prohibition.

A successful campaign to move the issue of prohibition into the twentieth century would require “stripping away divisive companion issues, and bypassing third-party crusades in favor of influencing elected officials and the major parties.”⁷ The Anti-Saloon League (ASL) became the prominent organization advocating this approach for change in political and social policy.⁸ Eschewing the violent antics of individual reformers like Carry Nation and the futile political campaigns of the Prohibition Party, the ASL drew on dominant trends of the Progressive Era to infuse “organization and professionalism into the prohibition movement,” and took the path of

⁵ Pegram, *Battling Demon Rum*, 72-73. See also Ruth Bordin, *Woman and Temperance: The Quest for Power and Liberty, 1873-1900* (Philadelphia: Temple University Press, 1981).

⁶ Susan Hill Lindley, “*You Have Stept Out of Your Place*”: *A History of Women and Religion in America* (Louisville, KY: Westminster John Knox Press, 1996), 106. Lindley also notes that “women were finding other bases for their allegiance and interest, from the General Federation of Women’s Clubs and the Association of Collegiate Alumnae to the National American Woman Suffrage Association and settlement work.”

⁷ Pegram, *Battling Demon Rum*, 74.

⁸ Formed as the American Anti-Saloon League in 1895, it was renamed the Anti-Saloon League of America in 1905. See K. Austin Kerr, *Organized for Prohibition: A New History of the Anti-Saloon League* (New Haven: Yale University Press, 1985).

other Progressive Era reforms, “building from local triumphs to state victories to national success.”⁹

Although temperance reform action traditionally aligned itself with evangelical Protestantism, the ASL took unprecedented steps to identify itself as “the agent of organized Christianity in its battle against saloon lawlessness and immorality.”¹⁰ Pegram reveals the extent of the ASL-church connection, “In 1903 the League cemented its alliance with organized Protestantism by restructuring state leagues into church federations. In the federation scheme, each member denomination elected representatives to the board of trustees of state League affiliates.”¹¹ Religious historian Sydney Ahlstrom identifies the range of church support for the ASL, “Methodism, North and South, gave the League its unanimous institutional support and supplied most of its most militant leadership. The Baptists and Presbyterians, North and South, were not far behind. Support came from everywhere, including at first some important Roman Catholics, but it was basically . . . [a] corporate work in America of legalistic evangelicalism.”¹²

The clash of religious culture became evident in the prohibition movement. Historian Robert Fuller writes, “Total abstinence from alcohol— including wine, the privileged beverage of the Bible and Christian sacraments— was thus a direct consequence of the boundary-setting

⁹ Pegram, *Battling Demon Rum*, 112. Pegram writes of the ASL methodology, “First, it [ASL] knit together a mass constituency opposed to the liquor traffic— the communicants of the major Protestant churches. Through its paid professional staff, the League then directed that mass sentiment toward the passage of specific pieces of legislation. The League maximized its political influence by rigid attention to the single issue of temperance and its willingness to accept incremental gains. Finally, the League broke through the barrier of party loyalty that hamstrung other temperance groups.”

¹⁰ Pegram, *Battling Demon Rum*, 114. The ASL even advertised itself as “the church in action against the saloon.” See Pegram, 115.

¹¹ Pegram, *Battling Demon Rum*, 115.

¹² Sydney E. Ahlstrom, *A Religious History of the American People* (New Haven: Yale University Press, 1972), 871.

behaviors at the turn of the twentieth century.”¹³ In the early part of the temperance movement in the nineteenth century, churches had no other choice but to serve regular wine at communion. The focus of the Christian practice regarding this sacramental element of worship changed in the 1870s when the production of grape juice became technologically feasible. Thomas Welch, a member of Vineland Methodist Church in New Jersey, wanted to give congregations an alternative to wine. He successfully “pasteurized Concord grape juice to make unfermented sacramental wine using a process that French scientist Louis Pasteur had discovered only several years before.”¹⁴ Religious historian Jennifer Woodruff Tait traces the implications the introduction of grape juice had on liturgical practice in American Methodism.

Methodist temperance historians began to recapture Wesley— using only his negative lenses— for the temperance cause. The kind and quality of wine involved in Holy Communion first became an issue in Northern Methodism’s lawmaking body, the General Conference, in 1860. . . . The 1872 Conference recommended “the use of unfermented wine on our sacramental occasions” and reaffirmed in 1876. . . . For the first time, wording to this effect was also placed at the beginning of the liturgy for the Lord’s Supper. . . . In 1880, the Committee on Temperance performed a more thoroughgoing overhaul of the Disciplinary requirements on wine. . . . The sentence at the beginning of the Lord’s Supper was altered to read, “Let none but the pure unfermented juice of the grape be used in administering the Lord’s Supper, whenever practicable. . . . When the entire ritual was revised in 1916, the words “whenever practicable” were deleted from the sentence in the Lord’s Supper liturgy.¹⁵

Other denominations associated with the prohibition movement soon followed and switched to the use of grape juice in their Eucharistic practices.¹⁶ However, some Christian groups considered the use of alcoholic wine to be paramount to their sacramental theology and refused

¹³ Fuller, *Stairways to Heaven*, 104.

¹⁴ Garrett Peck, *The Prohibition Hangover: Alcohol in America from Demon Rum to Cult Cabernet* (New Brunswick, NJ: Rutgers University Press, 2009), 180.

¹⁵ Jennifer L. Woodruff Tait, *The Poisoned Chalice: Eucharistic Grape Juice and Common-Sense Realism in Victorian Methodism* (Tuscaloosa: The University of Alabama Press, 2011), 12-13.

¹⁶ Even Christian groups like the Mormons who had used wine as a sacrament, adopted a total ban on alcoholic beverages in 1900. See Fuller, *Stairways to Heaven*, 108-14.

to make the switch to grape juice. Chief among those religious groups was the Catholic Church, who even after passage of the Eighteenth Amendment establishing prohibition, continued offering sacramental wine, not grape juice.¹⁷ The crux of the matter for Catholics extended beyond being a social reform issue; it was a theological *a priori* issue in the Sacrament of the Eucharist. In talking about the Catholic belief in transubstantiation— that is, the literal transformation of the bread and wine served at the Eucharist into the body and blood of Christ— Peter Cimboric, provost at Bellarmine University, says, “The wine becomes— it is— the actual blood of Christ. This is the most sacred part of mass. So it is incorporated into the sacred ritual of the Church. You have to have it to have a valid sacrament.”¹⁸ In contrast, evangelical Protestants tended to view the bread and wine as symbolic in their sacramental theology, so the substitution of grape juice for wine was not a contentious theological problem. It was easier for evangelical Protestants to alter their theological beliefs to incorporate the new technology (at least on the issue of prohibition).

Catholic and Protestant differences on the issue of prohibition went beyond theological beliefs. Sociological factors contributed to the call for prohibition. Ahlstrom emphasizes the non-theological factors associated with the ASL, “It was rural or small-town; . . . Its deepest antipathies were directed toward city dwellers, foreigners, and Roman Catholics. Bigotry and nativism were often dry.”¹⁹ The issue of prohibition politicized highly sensitive attitudes about the stability of the social order.

¹⁷ There was an abstinence society within the Catholic Church. Organized in 1871 by Father Theobald Mathew of Ireland, it was known as the Catholic Total Abstinence Union. However, it was a short-lived movement. See Peck, *Prohibition Hangover*, 181.

¹⁸ Peck, *Prohibition Hangover*, 181-82.

¹⁹ Ahlstrom, *Religious History of the American People*, 871.

Many of the newly arriving immigrants were poor and ill-educated and lived in the squalor of urban ghettos. The drinking of whiskey, gin, and malted beverages among these immigrants became a symbol of their inability to assimilate into the established WASP cultural order. Religious and ethnic prejudice fueled the fire of evangelical Protestants' moral indignation at the immigrants' lifestyles. The fact that even fellow Anglo-Saxon Protestants also acted this way under the influence of 'demon rum' led to the identification of alcohol as an evil that threatened to pull down the nation's moral integrity.²⁰

Most of the Irish, German, and central European immigrants came with religious beliefs that emphasized the use of wine in the observance of the Eucharist. Temperance reformers focused on the perceived problems that Catholic and immigrant culture represented to the "development of an economically and spiritually responsible Christian character."²¹ The religious and sociological reasons for advocating temperance also contained an ethnocultural dimension to prohibition. This ethnocultural dimension also influenced policy concerning Native Americans and alcohol.

Prohibition in Indian Country

Preventing Native Americans from obtaining alcohol began as a policy during the first Jefferson administration but "through lax enforcement of its own sanctions the government provided still other means whereby Indians obtained alcohol" and the "failure of the courts to provide any significant obstacle to illicit sales thus indicated only lukewarm public support for the government's anti-alcohol policy."²² Drinking among the Native American tribes continued unabated in the late 1850s and early 1860s until a strong temperance movement took hold among the non-Indian population. Unrau explains, "Attitudes regarding drinking by Indians as well as

²⁰ Fuller, *Stairways to Heaven*, 104.

²¹ Tait, *Poisoned Chalice*, 63.

²² Unrau, *White Man's Wicked Water*, 10, 88.

non-Indians came to the fore and insisted that whatever else might be accomplished, bringing Indian drinking under control was a matter of acculturation on the white model.”²³ Given the failure of federal Indian prohibition for more than a quarter of a century, many believed the solution was to reform existing Indian law. An attempt in 1862 to amend the Trade and Intercourse Act of 1834 did little to decrease the supply of alcohol finding its way onto Native American lands. An 1874 revision clearly ‘prohibited all ardent spirits from being ‘introduced’ in Indian country,” but the amorphous nature of “Indian country” sent the law to the courts for further interpretation.²⁴

In 1892, Congress passed a comprehensive prohibition law, one that garnered the support of the Indian Office and organizations such as the Indian Rights Association, which extolled the measure as a moral victory “in which every friend of the red race will rejoice.”²⁵ Eliminating the vague language of “Indian country,” the new law attempted to clarify who and what the prohibition statute covered. The law made it illegal for any person to

sell, give away, dispose of, exchange, or barter any malt, spirituous, vinous liquor, including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any label, or brand, which produces intoxication to any Indian to whom an allotment of land has been made while under charge of any Indian superintendent or agent, or to any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship.²⁶

²³ Ibid., 100.

²⁴ Unrau, *White Man’s Wicked Water*, 109-13.

²⁵ Francis Paul Prucha, *American Indian Policy in Crisis: Christian Reformers and the Indian, 1865-1900* (Norman: University of Oklahoma Press, 1976), 222.

²⁶ US Statutes at Large 27:260; quoted in Unrau, *White Man’s Wicked Water*, 114.

The statute also included penalties for violators, and a revision of the statute in 1897 assured that every person found guilty would spend at least two months in confinement.²⁷ Unrau raises an insight into the Indian prohibition law that set a double standard between Native American culture and white culture: “For Indians to drink legally the test was their ability to satisfy the property requirements of the Dawes Act and/or to convince the federal government that they had reached that rarefied realm of assimilation whereby they no longer were Indians in the legal sense.”²⁸ For those wanting to drink alcohol (and those wanting to sell it), a statute was not deterrence enough. Despite the law, Native Americans continued to obtain alcohol in a bootleg system where excessive prices, intimidation, and violence were the norm.

To combat the use of alcohol among the Native American peoples, the federal government regularly appropriated funds to suppress the liquor traffic. In 1914 (and coinciding with the time that the ASL made the decision to seek a prohibition amendment to the Constitution), Cato Sells, Commissioner of Indian Affairs, sent a memo of a speech given to a group of field supervisors conveying the urgency of addressing the alcohol problem.

I believe that the greatest menace to the American Indian is whiskey: It does more to destroy his constitution and invite the ravages of disease than anything else. . . . Let us save the American Indian from the curse of whiskey. . . . As a matter of good faith to our treaty relationships, to legislative enactments, to the Congress, which appropriates \$100,000 a year for the suppression of the liquor traffic among the Indians, we should do everything reasonably within our power to justify this appropriation and insure the best results obtainable. This accomplished, we have laid a substantial foundation for all of our work in solving the Indian problem, and made a long step forward looking toward their equipment for the responsibilities of citizenship.²⁹

²⁷ US Statutes at Large 29:506; quoted in Unrau, *White Man's Wicked Water*, 114.

²⁸ Unrau, *White Man's Wicked Water*, 114.

²⁹ Cato Sells to All Employees in the Indian Service, March 25, 1914, Kiowa Agency Records, Box 454, Folder KA50-6, Item 56, Oklahoma Historical Society Research Division, Oklahoma City. The opening paragraph concerning the “curse of whiskey” was printed on individual cards and copies sent to four of the Indian schools for distribution. See Kiowa Agency Records, Box 454, Folder KA50-6, Item 57, Oklahoma Historical Society Research Division, Oklahoma City.

Striking in Sells' speech is rhetoric similar to that of the general prohibition movement seeking a sober citizenry. Sobriety was also necessary for Native Americans to become civilized. Congress pursued further legislative "bone-dry" action in 1917 to protect Native Americans from intoxicating liquors with the Post Office Appropriation Act prohibiting the distribution of advertisements or solicitation of orders for liquors.³⁰

The creation of a special task force to combat liquor traffic in Indian country was another government tactic to address the problem of alcohol.³¹ In 1906, President Theodore Roosevelt obtained a special appropriation from Congress to employ detectives to obtain evidence required to prosecute violators of the liquor traffic. Roosevelt named William "Pussyfoot" Johnson as the special officer to enforce the prohibition laws in Indian country, working with a force of about one hundred deputies and helpers. Johnson, known for his zealotry, "arrested whiskey peddlers, confiscated their horses and wagons, smashed kegs and bottles, and burned gambling paraphernalia wherever he found it."³² When Johnson arrived in Indian Territory (later Oklahoma) to enforce the prohibition laws, he became aware of the use of Peyote from Indian agents and missionaries working among the tribes. Together they began an aggressive campaign to suppress Peyote as well as alcohol.

³⁰ Cato Sells to Superintendents, Circular No. 1286 (Bone-Dry Legislation), March 29, 1917, Kiowa Agency Records, Box 454, Folder KA50-6, Item 198, Oklahoma Historical Society Research Division, Oklahoma City.

³¹ Cato Sells to All Employees in the Indian Service, March 25, 1914, Kiowa Agency Records, Box 454, Folder KA50-6, Item 57, Oklahoma Historical Society Research Division, Oklahoma City.

³² Stewart, *Peyote Religion*, 133-34. Johnson was the nominee of the Prohibition Party in 1903. He served as the special officer to the Office of Indian Affairs from 1906-1911, and his work contributed to more than forty-four hundred convictions.

Linking Peyote to Prohibition

To connect Peyote to the prohibition movement, it was necessary to identify Peyote as an intoxicant. Thomas Morgan, Commissioner of Indian Affairs, made one of the first official governmental attempts to connect the two items in 1890.

Reports reach this office that among the Kiowas and Comanches a very dangerous practice is growing up of using the mescal bean [often mistakenly identified for Peyote], a practice which results in mental, moral, and physical ruin to those who indulge in it. . . . The article itself, and those who use it, are to be treated exactly as if it were alcohol or whiskey, or a compound thereof; in fact it may be classified for all practical purposes as an “intoxicating liquor.”³³

Indian agents sent a petition to Congress in 1907 claiming, “The substance referred to [Peyote] is, in our opinion, worse in its effect than alcohol or cocaine, and its use is fast debauching the Indians of these territories.”³⁴ White settlers frequently wrote to Indian agents complaining about the use of Peyote. One woman wrote, “Do you know I’ve lived here twenty years . . . and I never saw an Indian under the influence of alcoholic drinks? I have seen them drunk from Peyote. . . . I can’t help feeling that Peyote is doing more to undermine the health and general prosperity of our Indians than strong drink on this reservation.”³⁵ An editorial in 1916 escalated the case for the prohibition of Peyote writing, “Peyote is a greater enemy to civilization, especially to the Indian race, than whiskey.”³⁶ Opponents of Peyote often characterized it as “the twin brother of

³³ Thomas J. Morgan to S. L. Patrick, July 31, 1890, Sac and Fox and Shawnee Agency Records, Box 613, Folder SFSA 35-1, Item 86, Oklahoma Historical Society Research Division, Oklahoma City.

³⁴ Petition of Indian Agents to Sixtieth Congress of the United States, 1907, Cheyenne and Arapaho Agency Records, Box 444, Folder 1, Item 243, Oklahoma Historical Society Research Division, Oklahoma City.

³⁵ Mary Clouse to C. V. Stinchecum, February 26, 1916, Kiowa Agency Records, Box 454, Folder KA50-6, Item 57, Oklahoma Historical Society Research Division, Oklahoma City.

³⁶ *Red Lake News*, March 15, 1916.

alcohol, and first cousin to habit-forming drugs.”³⁷ In portraying Peyote as an intoxicant, it was then subject to federal prohibition laws governing Indian country.

Special agent, William Johnson, announced his intentions to deal with the Peyote problem as part of the legislation regarding the illicit traffic in intoxicating liquors in 1906.³⁸ Opponents of Peyote used the 1897 prohibition law to enforce their regulatory agenda, adding (without federal authority) the prohibition of Peyote. Officials in the Territory of Oklahoma enacted the first statute law in 1899 but the wording of that statute concerned the regulation of the “mescal bean.” When the state legislature of Oklahoma attempted to amend the law in 1907 to change the language to “Peyote,” the aggressive tactics of lobbyists from the Native American communities worked to defeat the legislation. Undeterred by the failure to procure current legislative authority to act, government officials and reformers continued to “forbid the practice of Peyote and harass adherents of the Peyote religion under the old 1897 law or simply by an order from the Indian agents.”³⁹

Coinciding with the prohibition efforts of groups like the ASL, opponents of Peyote also began to push for federal legislation to prohibit its use. By 1918, the anti-Peyote campaign was strong enough for Congress to consider legislation. Congressman Carl Hayden of Arizona introduced a bill (HR 2614) in 1918 relating to the revision and codification of laws relating to the liquor traffic among Indians, which included Peyote as an “intoxicant.” The bill called for outlawing the use of Peyote by any Indian over whom the Indian Bureau had jurisdiction,

³⁷ House Committee on Indian Affairs, *Prohibition of Use of Peyote Among Indians*, 65th Cong., 2d sess., May 13, 1918, H. Rep. 560, 24.

³⁸ William E. Johnson to Byron E. White, August 17, 1906, Cheyenne and Arapaho Agency Records, Box 444, Folder 1, Item 108, Oklahoma Historical Society Research Division, Oklahoma City.

³⁹ Stewart, *Peyote Religion*, 213.

whether or not considered as a citizen.⁴⁰ A subcommittee of the Committee on Indian Affairs conducted hearings on the Hayden bill in March of 1918, and support for the prohibition of Peyote came from the ASL, the WCTU, the Board of Indian Commissioners, and many religious organizations.⁴¹ Congress failed to pass the Hayden bill, but Peyotists remained concerned about the future of their religious freedom.

Rhetoric as Resistance: Talking Back with “Sacrament”

The blatant disregard of the religious significance of Peyote by federal officials prompted Peyotists to find ways to protect its use in the wake of prohibition fervor. A discursive strategy of talking back was necessary to challenge the prohibition framework that identified Peyote as an intoxicant on equal footing with alcohol and other habit-forming drugs. Misperceptions by the white culture necessitated the need for Native American resistive rhetoric to safeguard their religious practice. As Peyotists appropriated the religious language of “church” from the dominant culture to protect their religious freedom, now they needed to adopt the “master’s” language with reference to the concept of sacramental theology and the Eucharistic practice. Religious resistance came in the form of the mimetic modeling of theological discourse.

As the identification of Peyote as an intoxicant began in the dominant culture, Peyotists attempted to clarify its use as a medicine. When James Mooney first witnessed a Peyote ceremony in 1891 and subsequently wrote about the experience, he described Peyote as a

⁴⁰ Hertzberg, *Search for an American Indian Identity*, 257. An editorial from 1918 commented on Hayden’s bill, “Arizona has rather effectively taken the booze away from its white citizenry and its honored congressman is strictly in line with his former preachment and practices in advocating the abolishment of dope and drunkenness among the Indians.” *Red Lake News*, “Peyote,” November 1, 1918.

⁴¹ Hertzberg, *Search for an American Indian Identity*, 264.

“valuable medicine” and provided anecdotal examples of specific illnesses alleviated through the ingestion of Peyote.⁴² Healing was the most common reason for the gathering and participating in a Peyote ceremony (commonly referred to as a “meeting”). Testimonials of the curative powers of Peyote helped contribute to its rapid diffusion among the various Native American tribes. Historians La Barre and Stewart both record that Quanah Parker, an influential Comanche leader, embraced the Peyote religion after experiencing personally the curative power of Peyote.⁴³ Parker, himself, said, “Peyote is a good medicine; it makes Indians well. . . . When I am sick and take white man’s medicine, I do not get well; but if I take Peyote, I get well immediately.”⁴⁴ Roley McIntosh, a member of the Creek Nation, testified before the Oklahoma legislature in 1908 asking, “If it is true that the Indians on the western side of this state have made a test of this medicine and have found it useful to them as a medicine, what could be more proper— what could be more appropriate than that they may be permitted to continue to use it in order that they may better their physical condition?”⁴⁵ Peyotists continued to resist the prohibition of Peyote by using the English word “medicine” to describe their belief in the sacred quality of the cactus.⁴⁶ Additionally, Peyotists were aware that many of the loopholes in previous prohibition efforts to decrease alcohol in Indian country emanated from the pharmacological use of certain forms of alcohol and narcotics for medicinal purposes.

⁴² James Mooney, “The Mescal Plant and Ceremony,” 7-11.

⁴³ Stewart, *Peyote Religion*, 72; La Barre, *Peyote Cult*, 85.

⁴⁴ *Fort Worth Star-Telegram*, “Will Ask Congress to Spare Peyote,” October 10, 1909, 12.

⁴⁵ Speech by Roley McIntosh, February 29, 1908, Sac and Fox and Shawnee Agency Records, Box 613, Folder SFSA 35-1, Item 12, Oklahoma Historical Society Research Division, Oklahoma City.

⁴⁶ Drug companies such as Parke, Davis and Company sold Peyote until the 1920s because of its alleged therapeutic uses. Maroukis, *Peyote Road*, 45.

Supporters of Peyote from the white culture talked back to government officials against the attempts to label it as an intoxicant. A drug and pharmaceutical supply company sent the following correspondence to an Indian agent concerning the sale of Peyote buttons, “They often ask for them and want to use them for sick Indians. . . . It seems that there would be no harm to sell them as they could not get intoxicated on them without drinking enough to make them sick.”⁴⁷ In an interesting twist of irony, Mooney defended the Peyote religion in the 1918 congressional hearings on temperance grounds. He pointed out that “followers of the Peyote rite say that the peyote does not like whiskey, and no real Peyote user touches whiskey or continues to drink whiskey after he has taken up the Peyote religion.”⁴⁸ Mooney was aware of the Peyotists claims that it was a cure for alcoholism. He also understood the scope of ethical obligations that came with the practice of following the “Peyote road.” Peyotism offered followers a moral code and an ethical way of living, and taught followers “how to live, how to behave, how to treat their family and community, and how to be one with all humanity.”⁴⁹ Hertzberg comments, “The Peyote religion may legitimately be viewed in part as an Indian temperance movement whose anti-alcohol activities were set, as was largely the case in the temperance movement among

⁴⁷ Teeter & Son to Indian Agent, May 14, 1904, Cheyenne and Arapaho Agency Records, Box 444, Folder 1, Item 73, Oklahoma Historical Society Research Division, Oklahoma City.

⁴⁸ James Mooney, US Congress, *Peyote*, 1918, 60-147; quoted in Hertzberg, *Search for an American Indian Identity*, 266. Recent work by Dr. Joseph Calabrese also shows a connection between Peyote use and a decrease in rates of alcoholism among Native American peoples. He claims, “Peyote’s omniscience and omnipresence continues to function outside rituals, helping to keep NAC members from committing moral infringements like consuming alcohol.” Joseph D. Calabrese, “Spiritual Healing and Human Development in the Native American Church: Toward a Cultural Psychiatry of Peyote,” *Psychoanalytic Review* 84, no. 2 (April 1997): 239. See also Joseph D. Calabrese, “The Supreme Court versus Peyote: Consciousness Alteration, Cultural Psychiatry, and the Dilemma of Contemporary Subcultures,” *Anthropology of Consciousness* 12, no. 2 (2001): 4-19.

⁴⁹ Maroukis, *Peyote Road*, 87.

whites, in a religious context.”⁵⁰ The resistive rhetoric did little, however, to abate the fears of prohibitionists who continued to push for the expansion to include Peyote.

Part of the controversy surrounding Peyote as an intoxicant stemmed from a confusion in terminology, as Peyote became confused with the mescal bean in botanical classification. When Mooney first wrote about the Peyote ceremony, he mistakenly referred to Peyote as mescal. Maroukis examines the social implications of this mistake, “Part of the misunderstanding concerning the danger of Peyote was its confusion with the mescal bean. In the late nineteenth century, Peyote tops were referred to as mescal beans. . . . The mescal bean plant produces pods that contain red beans that are highly hallucinogenic and potentially dangerous.”⁵¹ Mooney attempted to correct his previous identification of Peyote in 1908. A newspaper story reported, “[Mooney] is inclined to the view that perhaps the [Peyote] buttons have a worse reputation than they deserve. This bad name comes in part from the incorrect use of the term ‘mescal buttons.’ . . . [Mescal] is a brandy made from the root of an entirely different sort of cactus than that which furnishes the Peyote buttons. And it is no wonder, in the opinion of Mooney, that the misuse of its name has given Peyote a bad reputation.”⁵² Native Americans, of course, knew the difference between Peyote and mescal and attempted to distance Peyote from the harmfulness of mescal use. A quote in 1908 from Quanah Parker shows this attempt at talking back to the dominant culture. Parker stated, “Indians no use mescal. I no eat. No make crazy. Me use Peyote forty years for medicine. It good for red man.”⁵³ Unable to disentangle Peyote from the confusion with

⁵⁰ Hertzberg, *Search for an American Indian Identity*, 241.

⁵¹ Maroukis, *Peyote Road*, 6-7. Ethnobotanist Richard Evans Schultes fully clarified the issue in the 1930s.

⁵² *Bisbee (AZ) Daily Review*, “Mescal Buttons to be Investigated; Causing Red Skins to Get Drunk,” September 1, 1908. 2.

⁵³ *Lawton (OK) Constitution-Democrat*, “Quanah Parker to Lobby in Guthrie and Washington,” January 23, 1908, 6.

mescal (a narcotic substance), Peyotists attempted another method of talking back to the dominant culture's efforts to classify Peyote as an intoxicant.

Native Americans and “friends of the Peyotists” utilized an interesting discursive legal strategy when the Oklahoma legislature failed to amend the 1899 statute that regulated “mescal” to include the word “Peyote.” The arrest and trial of three Native Americans for their use of Peyote became a response of talking back by adapting the dominant discourse in a legal maneuver. The defendants faced charges of violating the territorial statute (1899) prohibiting the use of the “mescal bean,” when in reality, they were in possession of Peyote buttons.⁵⁴ George Bowman, the prosecuting attorney, wrote to a government official about the defense's strategy, “[Their attorney] claims that this bean is not ‘Miscal’ [sic] but ‘Pyota’ [sic] or some such name, and that it is not against the law for Indians to use ‘Pyota’ [sic].”⁵⁵ A Baptist missionary also expressed concern about this legal strategy, “I understand that the defense are expecting to establish that the article they use does not come under the law against mescal beans. It is unfortunate that the word bean is used both in the statute and also in all the reports of agents.”⁵⁶ Just as reform efforts in the Progressive Era (like prohibition) often relied upon the authority of experts and the methods of social investigation, so, too, did the legal system. In this case, the prosecution had to find expert witnesses willing to testify that mescal beans and Peyote were the same thing. As one government official said, “We must prove that the article used by the Indians

⁵⁴ Charles Shell to J. P. Blackmon, July 7, 1907, Kiowa Agency Records, Box 454, Folder KA50-6, Item 60, Oklahoma Historical Society Research Division, Oklahoma City.

⁵⁵ George L. Bowman to Charles E. Shell, February 15, 1907, Cheyenne and Arapaho Agency Records, Box 444, Folder 1, Item 154, Oklahoma Historical Society Research Division, Oklahoma City.

⁵⁶ Robert Hamilton to Charles E. Shell, February 20, 1907, Cheyenne and Arapaho Agency Records, Box 444, Folder 1, Item 161, Oklahoma Historical Society Research Division, Oklahoma City.

is what is covered by the term Mescal Bean in the statute.”⁵⁷ Ultimately, the prosecution was able to gather enough testimony to obtain a conviction. While the imprecision of the language in the Oklahoma statute eventually fueled the efforts of reformers to push for a deliberate and precise federal law banning Peyote, it did allow the Native Americans to talk back and challenge the current state statute.

Unable to convince the dominant culture that Peyote was not an intoxicant that required legal regulation, Peyotists would return to using religious rhetoric to preserve their right to use Peyote. In their articles of incorporation in 1918, Article II specifically mentions Peyote.

The purpose for which this corporation is formed is to foster and promote the religious belief of the several tribes of Indians in the State of Oklahoma, in the Christian religion with the practice of the Peyote Sacrament as commonly understood and used among the adherents of this religion in the several tribes of Indians in the State of Oklahoma, and to teach the Christian religion with morality, sobriety, industry, kindly charity and right living and to cultivate a spirit of self-respect and brotherly union among the members of the Native Race of Indians including therein the various Indian tribes in the State of Oklahoma.⁵⁸

The open acknowledgement of the use of Peyote was a rhetorical strategy meant to advance a Native American perspective in the contested cultural space around prohibition.

The impetus for labeling the use of Peyote as a “sacrament” came from the white culture. Mooney, a Roman Catholic, had first used the terminology in describing the Peyote ceremonies he observed.⁵⁹ Others began using the language of “sacrament” at the time of the hearings in Oklahoma on the 1907 legislation to include Peyote in the prohibition statute. D. K.

⁵⁷ Charles Shell to J. P. Blackmon, July 7, 1907, Kiowa Agency Records, Box 454, Folder KA50-6, Item 60, Oklahoma Historical Society Research Division, Oklahoma City.

⁵⁸ Articles of Incorporation for the Native American Church of Oklahoma, October 10, 1918, Cheyenne and Arapaho Agency Records: Liquor Traffic and Peyote Use 1/31/1916-12/27/1933, Box 445, Folder Native American Church, Item 226a, Oklahoma Historical Society Research Division, Oklahoma City.

⁵⁹ Mooney, “The Mescal Plant and Ceremony.”

Cunningham, the attorney who would later use the statute as a defensive legal strategy, testified before the legislators about the analogous sacramental practice of Peyote with the Christian practice of the Eucharist.

It is true that these Indians have meetings sometimes when they are about to take the Sacrament, and they gather in some place— they have a little drum to beat, and some kind of gourd— they sing praises to God, and ask forgiveness, and then they have a little Peoti [sic] scattered around, one opposite each member, and at the proper time they take it into the mouth, just the same as the Baptists, Presbyterian, Methodists, and other denominations break bread and drink wine.⁶⁰

The connection of the term “sacrament” with Peyote became an argument advancing the cause of religious freedom among the Native American peoples. Gertrude Bonnin of the Society for the American Indian stated, “Some have said that as the Indians claim the Peyote is used as a sacrament it will prevent any legislation on the grounds that such would be interference with religion.”⁶¹ The Peyote religion was publicly talking back to the Christian churches using the language of the churches.

However, the general movement for prohibition, and the tensions between religious groups over the use of wine as part of the Eucharistic sacrament, would enter the debate over Peyote. Chief Joseph Springer of the Iowas specifically connected the Peyote practice with Peyote to the Catholic practice using wine when he spoke before the Oklahoma legislature in 1907, “We are trying to reach Jesus Christ— we worship Him and use this medicine, as the Catholic people use wine as a sacrifice.”⁶² As Peyotists were drawing upon the religious culture

⁶⁰ Speech by D. K. Cunningham, February 29, 1908, Sac and Fox and Shawnee Agency Records, Box 613, Folder SFSA 35-1, Item 22-23, Oklahoma Historical Society Research Division, Oklahoma City.

⁶¹ *Washington Times*, “Indian Woman in Capital to Fight Growing Use of Peyote Drug by Indians,” February 17, 1918, 9.

⁶² Speech by Joseph Springer, February 29, 1908, Sac and Fox and Shawnee Agency Records, Box 613, Folder SFSA 35-1, Item 38, Oklahoma Historical Society Research Division, Oklahoma City.

for rhetoric to protect their practice, they now had to draw upon the legal culture for a tactic. The legal strategy came in 1912, when the Office of Indian Affairs issued a policy change to allow the introduction of wines for sacramental purposes into Indian country.

The Indian appropriation act for the current fiscal year contains the following provision with reference to the introduction of wines for sacramental purposes:

That hereafter it shall not be unlawful to introduce and use wines solely for *sacramental purposes under church authority*, at any place within the Indian country or any Indian reservation, including the Pueblo reservations in New Mexico [emphasis added].⁶³

Just as Catholics and other religious groups that used wine in the sacrament of the Eucharist had to defend their right to do so, the Peyotists faced the same battle over the use of Peyote. The incorporation of the Native American Church of Oklahoma in 1918 legally proclaimed Peyote as a sacrament administered by the authority of a “church,” thus advancing the argument that the Peyote religion was deserving of the protection of religious liberty. Taking a cue from white culture, the Native American Church adapted the dominant discourse to take agency in advancing their agenda. Rather than view the NAC charter as an example of assimilation to white culture, it represents an example of talking back, resisting the efforts to demonize Native American cultural practices.

⁶³ F. Habbott to Superintendents, Circular No. 690 (Introduction of Wines for Sacramental Purposes), September 14, 1912, Cheyenne and Arapaho Agency Records, Box 444, Folder 3, Item 88, Oklahoma Historical Society Research Division, Oklahoma City.

CHAPTER 3 “NATIVE AMERICAN”’: ESTABLISHING A PAN-INDIAN IDENTITY

The conflict over Peyote intersected with several societal paradigm shifts. Modernity’s embracement of scientific investigation as a means for classification, nativist responses to the influx of immigrants to the United States, and significant shifts in federal Indian policy each had an impact on the religious freedom of the Native American people through the intersectionality of race, ethnicity, and citizenship. Richard Pratt, founder of the Carlisle Indian School, articulated the goal of the acculturation of Native Americans, “I suppose the end to be gained, however far away it may be, is the complete civilization of the Indian and his absorption into our national life, with all the rights and privileges guaranteed to every other individual, the Indian to lose his identity as such, to give up his tribal relations and to be made to feel that he is an American citizen.”¹ Native Americans, as well as other marginalized groups in the United States, fell victim to the ethnocentric models of identity perpetuated by assimilationist policies. Civilization, through Christianization, also implied Americanization for the indigenous peoples.

Contested Cultural Space: Identity Construction

Identities come into existence when there are perceived differences among people. As such, identity is a social construction— definitions used to describe people and they are linguistic fabrications by human beings. Lyons states, “Identity is the assemblage of *meanings* that a group

¹ K. Tsianina Lomawaima, *They Called It Prairie Light: The Story of Chilocco Indian School* (Lincoln: University of Nebraska Press, 1994), 5.

holds as important signifiers of identity, and they say something about what that group values.”² The construction of identity is therefore a social process where certain meanings achieve a priority status. The historical production of identities serves particular interests. One can challenge and redefine identity because it is intersubjective, but as Lyons posits, “Things become definitive when there are lots of you, and lots of ‘us,’ weighing in on the matter, because identity is ultimately a communal thing.”³ The dominant culture (American Anglo-Saxon evangelical Protestantism) of the late nineteenth and early twentieth century challenged the Native American constructed identity (as well as the identities of other marginalized groups), and attempted to redefine it according to “their” norms. Factors such as race, ethnicity, and citizenship became part of the contested cultural space of identity construction.

Race

In the latter part of the nineteenth century, as historian Alan Trachtenberg writes, “A set of ideas known as ‘scientific racism’ claimed to offer empirical support for a hierarchy of ‘superior’ and ‘inferior’ peoples, and by 1900 this had become an article of faith among most Euro-Americans.”⁴ Skin color became a sign of innate and immutable capabilities, a constructivist sign of “race,” which attached itself to the social, economic, and political power structure in the United States. Theologian Dwight Hopkins writes on the prevalence of race in American identity, aesthetics, and power relations, “We find that the idea of race has defined and named all

² Lyons, *X-Marks*, 172.

³ *Ibid.*, 37.

⁴ Alan Trachtenberg, *Shades of Hiawatha: Staging Indians, Making Americans, 1880-1930* (New York: Hill and Wang, 2004), xiv.

collective selves and indeed each singular self.”⁵ Concepts of racial difference rendered Native Americans as an “Other,” significantly different from the “white” people of Euro-American origin.⁶ The idea emerged that although Native Americans could not change their skin color, they could progress through the steps on the path to becoming civilized.

Radical changes in the intellectual climate of the United States affected public policy toward Native Americans. According to religious historians John Corrigan and Winthrop Hudson, “Within a decade after the Civil War, practically every important American scientist had been converted to Darwin’s theory of biological evolution, and Herbert Spencer’s ‘social Darwinism’ was equally influential. . . . This new intellectual current penetrated the public consciousness with astonishing rapidity.”⁷ As the field of anthropology was emerging in the nineteenth century as a distinct academic discipline in the field of social science, American scholars endorsed an “evolutionary model of social development, which influenced the design of Indian policy (and immigrant programs and colonial policy in the Pacific).”⁸ It was the publication of Lewis Henry Morgan’s work, *Ancient Society: Or Researches in the Lines of Human Progress from Savagery Through Barbarism to Civilization*, in 1877 that provided a framework for social evolution theory as it applied to the Native American peoples. Morgan

⁵ Dwight N. Hopkins, *Being Human: Race, Culture, and Religion* (Minneapolis: Fortress Press, 2005), 4.

⁶ Historians James Olson and Heather Olson Beal advance the argument that “although no such thing as a ‘white race’ exists genetically, some theorists consider ‘whiteness’ a social construct that has muscled its way into forms of identity.” James S. Olson and Heather Olson Beal, *The Ethnic Dimension in American History*, 4th ed. (Oxford: Wiley-Blackwell, 2010), 10.

⁷ John Corrigan and Winthrop S. Hudson, *Religion in America: An Historical Account of the Development of American Religious Life*, 7th ed. (Upper Saddle River, NJ: Pearson-Prentice Hall, 2004), 278.

⁸ Russel Lawrence Barsh, “Progressive-Era Bureaucrats and the Unity of Twentieth-Century Indian Policy,” *American Indian Quarterly* 15, no. 1 (Winter 1991): 2. See also the section on the conflict between James Mooney and agents for the Office of Indian Affairs regarding attitudes about the civilization of Native Americans in Chapter 1.

described a progression through varying degrees on a scale ranging from states of savagery to barbarism and on to civilization. As Adams explains, “Depending upon the particular tribal group, American Indian societies were classified as being at the level of either upper savagery, lower barbarism, or in a few instances, middle barbarism. In no instance had an Indian people ever achieved civilization.”⁹

Adding to the development of cultural evolution was the “scientific racism” espoused by “Robert Knox, Josiah Clark Nott, Samuel Morton, and others who created elaborate taxonomies of racial differences, ranking the races’ capacities for civilization.”¹⁰ Social differences followed the laws of nature in the new racial science, as anthropologists conflated social inequality with natural inequality. In the January 1895 edition of *Popular Science Monthly*, Daniel Brinton, president of the American Association for the Advancement of Science, wrote, “The black, the brown, and the red races differ anatomically so much from the white . . . that even with equal cerebral capacity they never could rival its results by equal effort.” Three months later, John Wesley Powell, the first director of the Bureau of American Ethnology, followed with his own assessment: “The laws of evolution do not produce kinds of men but grades of men; and human evolution is intellectual, not physical.”¹¹

The modernism of the intellectual climate was not constrained solely to the realm of science. Modernism also worked its way into religious thought, and clergy played as much a role

⁹ Adams, *Education for Extinction*, 14. Interestingly, during Lewis Henry Morgan’s career, he wanted, and actively pursued, an appointment as Commissioner of Indian Affairs. For more about Morgan’s life, see Daniel Noah Moses, *The Promise of Progress: The Life and Work of Lewis Henry Morgan* (Columbia: University of Missouri Press, 2009).

¹⁰ Lyons, *X-Marks*, 80. For an introduction to scientific race theories, especially in the American context, see Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge: Harvard University Press, 1981).

¹¹ Hopkins, *Being Human*, 147. Hopkins took the quotes from Lee D. Baker, *From Savage to Negro: Anthropology and the Construction of Race, 1896 to 1954* (Berkeley: University of California Press, 1998), 27-8.

as scientists in promoting this view. In 1885, Josiah Strong, minister of the Central Congregational Church of Cincinnati and later, general secretary of the Evangelical Alliance, wrote *Our Country: Its Possible Future and Its Present Crisis*, which summoned the churches of America to assume their full responsibility for the Christianization of the world. According to Corrigan and Hudson, Strong believed that “the Anglo-Saxon race in general and the American people in particular were the bearers of two great interrelated ideas— ‘civil liberty’ and ‘spiritual Christianity.’ And but for the ‘salt’ provided by the second, the first would ‘speedily decay’.”¹² For Strong, seven “perils” faced the nation— Catholicism, Mormonism, Socialism, intemperance, wealth, urbanization, and immigration. Strong’s work, though a racist and imperialist diatribe, proved to be an American best-seller, and in Ahlstrom’s view, established him as a spokesperson for the “Protestant Establishment.”¹³ While *Our Country* proclaimed the superiority of the Anglo-Saxon race, it was another of Strong’s works that contributed to the model of cultural evolution. The publication of *The New Era or The Coming Kingdom* in 1893 coincided with the World’s Columbian Exposition in Chicago heralding the progress of science and reason since Columbus landed in the New World. Strong’s work echoed this theme of the Chicago World’s Fair. Martin Marty writes of this publication, “Strong’s proposal was not to lower the level of the civilized but to educate and bring the lesser breeds higher. Anglo-Saxon religious life, he was glad to note, was more vigorous, more spiritual, more Christian than any other race’s.”¹⁴ The religious voices, who had always endorsed the government’s civilization

¹² Corrigan and Hudson, *Religion in America*, 333.

¹³ Ahlstrom, *Religious History of the American People*, 798. Religious historian Martin Marty writes that *Our Country* in 1885 “was said to have been the American best-seller after *Uncle Tom’s Cabin*.” Martin E. Marty, *Modern American Religion*, vol. 1, *The Irony of It All, 1893-1919* (Chicago: The University of Chicago Press, 1997), 23.

¹⁴ Marty, *Irony of It All*, 23.

policy for Native Americans, were now beginning to articulate it with the same rhetoric embracing science and progress and thereby constructing racial identity.

The issue of race emerges in the debate over Peyote. The cultural evolution theory of race (with the superiority of Anglo-Saxonism) is apparent in correspondence between church officials concerning the publication of a tract as a means to combat the problem of Peyote.

Simplify the analysis of Peyote so that the Indians and Missionaries can understand it. Say you name the main drugs in it in common names and tell their effects on the human body. Use simple words— Instead of saying it is a narcotic, say it is a poison. Watch your words all the way. It will surprise you how many words we use and think they are understood that are not common to the Indian vocabulary. The every day [sic] language on the streets is what they know— Anglo Saxon.¹⁵

Evidence of the concern with racial identity as advocated by the theorists of scientific racism comes in the language of Charles Shell, a superintendent and special distribution agent with the United States Indian Service. In a letter concerned with identification of motives of a man buying Peyote, Shell wrote, “I would like to get some more information regarding this man. Is he white, Indian, nigger, or hybrid? What is his reputation, and does he get these Peyotes for his own consumption, or as an article of commerce?”¹⁶ Opponents of Peyote utilized race as an argument in their efforts to eradicate the practice. A newspaper article in 1918 reported, “While bullet and bomb are destroying the white man on the battlefields of the world, the American Indian is called upon to fight an enemy which is rapidly undermining his race, and strange to say, it is a tiny, mystic plant commonly known in the West as Peyote.”¹⁷ Irony emerges from the arguments of the anti-Peyotists when viewed in light of federal Indian policy— why work to preserve a race of

¹⁵ T. J. Davis to Bruce Kinney, April 9, 1919, Peyote Papers, Folder 39, Item 3827.2029, Gilcrease Museum, Tulsa.

¹⁶ Charles E. Shell to W.C. Kohlenberg, September 30, 1909, Cheyenne and Arapaho Agency Records, Box 444, Folder 2, Item 70-71, Oklahoma Historical Society Research Division, Oklahoma City.

¹⁷ *Washington Times*, “Indian Woman in Capital to Fight Growing Use of Peyote Drug by Indians,” February 17, 1918, 9.

people only to insist that they then assimilate into the white race? The real problem rested more with Peyote's connection to religion and the preservation of traditional practices, the cultural identity more than the phenotype. The constructed cultural identities of Native Americans were the barriers to civilization in the opinion of the dominant culture.

Ethnicity

A people's sense of identity finds its roots in their shared culture, including components such as religion, language, family values, and other cultural aspects of community. The construction of ethnic identity comes from culture, and the introduction of differing customs, practices, traditions, beliefs, and patterns of behavior can create tension when differing social groups come into contact. The resulting reaction to "foreign" ethnic identities only reinforced the dominant culture of American imperialism. The perception by white culture of a challenge to the hegemonic status by the "Others" created for the dominant culture a climate of social apprehension and hostility towards differences. A manifestation of this social unease appeared in the United States in the late nineteenth century when a resurgence of nativist sentiment arose in response to an influx of immigrants into the country.

The changing composition of the population in the mid-nineteenth century threatened the conviction many citizens held of a desired homogenized America. Corrigan and Hudson provide the following statistical data:

After 1840, a sharply increasing percentage of the population was of foreign birth. From 1850 to 1860, the number of foreign born had increased 84.4 percent. From 1860 to 1870, in spite of the dislocation of war, there was a further increase of 34.5 percent. The first great influx had come from Ireland and Germany, but before the end of the century, many nations were contributing to the growing number of new Americans. . . . By 1900, out of

a population of 75 million, one-third were either of foreign birth or children of foreign-born parents.¹⁸

A drastic alteration in the composition of the social order occurred in America during these years of increased immigration. Many “native” Americans were fearful of this alien intrusion into American life. Corrigan and Hudson record the factors contributing to this heightened sense of fear: “The various nationality groups tended to cling together in ‘ghettos’ of their own, separating themselves from the rest of the community. Many spoke no English. They were suspected of exalting foreign ties and cherishing foreign ideals.”¹⁹ Although these differences in customs, language, and beliefs contributed to the resurgence of nativist sentiment, that sentiment had religious overtones. The religious differences threatened the Protestant assumptions of a “Christian America.”

The conjunctions of religious and political history in nineteenth century America highlighted the tensions between Protestants and Catholics, particularly with the large populations of immigrants coming from Ireland. There was a Protestant uneasiness concerning changes the massive Catholic immigration might have on the existing social order (as depicted by the ideals and morality of evangelical Protestantism). Many Americans feared that “the tenets and spirit of Roman Catholicism were antithetical to religious and political liberty.”²⁰ The conservative, reactionary stance of the Vatican during the latter half of the nineteenth century also disturbed many Catholic leaders in America, notably Cardinal James Gibbons, Archbishop

¹⁸ Corrigan and Hudson, *Religion in America*, 231.

¹⁹ *Ibid.*, 257.

²⁰ *Ibid.*, 261. Corrigan and Hudson elaborate on specific fears to the social order as expressed by Roman Catholic leadership: “[The American people] were equally disturbed by the condemnations contained in the *Syllabus of Errors* in 1864 and by the decrees of the Vatican Council in 1870. Moreover, in the encyclical letter *Immortale Dei* (The Christian Constitution of States) of 1885, Leo XIII had explicitly affirmed the right of the papacy to judge when the affairs of the civil order must yield to the superior authority of the Roman Church.”

John Ireland, and Bishop John J. Keane. This triumvirate of American Catholic leaders would work to assuage the fears of Protestant America. In 1876, Gibbons wrote *The Faith of Our Fathers*, considered by many to be one of the most successful Catholic apologetics ever written in English, and eliciting a response demonstrating the effectiveness of the tactic of Americanizing the faith.²¹ The leaders of the liberal contingent of the Catholic Church in America advocated changes in church practice that aligned with the American political climate. This acculturation included emphasizing the role of the laity, organizing lay congresses, stressing the necessity for individual initiative in the apostolate of the church, and deemphasizing the contemplative life exalted by most of the religious orders.²² Challenges to the efforts to align the American Catholic Church with the dominant cultural identity came in the late nineteenth century with a new wave of immigrants.

Rather than integrating into Anglo-American culture or embracing a more “modern” and universal form of Catholicism, many Eastern and Southern European immigrants isolated themselves into ethnic parishes and fought to retain distinctive and often profoundly gendered forms of piety that set them apart from both Protestants and their fellow Catholics. . . . Mexican Catholics who were incorporated into the United States through southwestern territorial expansion over the course of the nineteenth century also came into conflict with the Irish Catholic church leaders who advocated assimilation and Americanization.²³

The perceived threat to the cultural identity of a Protestant Christian America did not stem solely from Catholicism. The influx of immigrants multiplied the Jewish communities in the United States. Between 1880 and 1900, more than a half-million Jews entered the country, fleeing the

²¹ Ibid., 267.

²² Ibid., 268. On January 22, 1899, Leo XIII issued a condemnation “Americanism” in the letter “*Testem Benevolentiae*,” which he addressed to Cardinal Gibbons (273).

²³ Heather D. Curtis, “Community,” in *Religion in American History*, ed. Amanda Porterfield and John Corrigan (Oxford: Wiley-Blackwell, 2010), 226.

anti-Semitic pressures directed against them in their homelands.²⁴ When they arrived in America, these Jewish immigrants from Russia and Eastern Europe were “especially alarmed by what they saw as excessive accommodation to American culture on the part of the more assimilated Jews.”²⁵ The earlier emergence of Reform Judaism in Germany in the 1840s entered the United States through immigrant waves in the mid-nineteenth century, but this new Jewish population was markedly different in cultural background and represented a different type of Judaism, one which would not assimilate easily into the cultural identity of America.

Immigrants frequently encountered acrimony from Anglo-American Protestants who saw these ‘foreigners’ as a threat to national cohesiveness and stability. However, it was not just the immigrant population who endangered the cultural identity of America. The Native American peoples also received the designation of being “foreigners,” relegated to being strangers in their native land.²⁶ The assimilation strategy of federal Indian policy intended to divest the Native Americans of their cultural traditions, which included their traditional religious beliefs. The allotment era that began with the Dawes Act of 1887 contained the idea of individualizing Indian land ownership in order to promote civilization.²⁷ President Theodore Roosevelt carried this view into the Progressive Era, noting that allotment was the “great pulverizing engine” to break down the collective economic and social institutions of the Native Americans. Roosevelt’s appointment of Robert Valentine in 1909 as Commissioner for the Office of Indian Affairs solidified the hope for the possibility of planned assimilation, employing the most modern

²⁴ Corrigan and Hudson, *Religion in America*, 276.

²⁵ Curtis, “Community,” in *Religion in American History*, 225.

²⁶ The American Board of Commissioners for Foreign Missions (ABCFM), established in 1810, included Native Americans as targets of their missionary activity.

²⁷ See more on this in Chapter 1.

methods.²⁸ In 1912, the Office of Indian Affairs hired Arthur C. Ludington to prepare an assessment of federal Indian policy, who continued to reiterate maintaining the goal of complete assimilation into the mass of the white population for the Native peoples. Ludington wrote, “The alternative policy of maintaining the separate tribal organizations as semi-independent bodies-politic, keeping them permanently segregated on closed reservations and encouraging them to preserve their inherited institutions, customs and religion, while still theoretically conceivable, has long been practically out of the question.”²⁹ The Office of Indian Affairs worked closely with the churches and missionaries to advance assimilationist policies. Maroukis elaborates on this symbiotic relationship, “[Missionaries] supported the policies to eliminate certain traditional dances, religious ceremonies, clothing, and hairstyles as well as traditional American Indian marriage and divorce. The one policy that enjoyed universal support from church groups was the [OIA’s] campaign to suppress the Peyote faith.”³⁰ An attitude of paternalism infused federal Indian policy in their desire to see the Native American peoples assimilate into a civilized state as defined by the dominant culture. An editorial quoting the “Annual Report of the Commissioner of Indian Affairs” for 1911 offers the paternalistic justification to curtail the use of Peyote.

Even if the physiological effects of this drug [Peyote] were not serious, its use would have to be prohibited for the same sociological reasons as have led the Government strongly but tactfully to modify Indian dances. . . . The time occupied in going to these meetings . . . encroach upon the time that should normally be devoted to work. Furthermore, the effects of the drug in making the Indian contented with his present

²⁸ Barsh, “Progressive-Era Bureaucrats,” 6.

²⁹ Barsh, “Progressive-Era Bureaucrats,” 10.

³⁰ Maroukis, *Peyote Road*, 119. See also the sections on Peyote’s challenge to the efforts of civilizing and Christianizing in Chapter 1.

attainments seriously interfere with his progress by cutting off from him the possibility of healthful aspiration.³¹

The dominant culture viewed Peyote as a hindrance to the progress of civilizing the Native Americans. The Anglo-American culture was not the only source of pressure for Native Americans to assimilate; tensions over ethnic identity also came from other Native Americans.

The Society of American Indians (SAI), formed in 1911 and the first formally chartered Indian organization, espoused an assimilationist (though “non-vanishing”) platform.

Anthropologist Jeffery Hanson writes of the aims of the SAI, “They stressed self-help, self reliance and initiative, and the breakup of the reservation system. They eschewed Indians who went ‘back to the blanket,’ a term referring to backsliding into traditional tribal culture, which they saw as divisive. They also opposed retaining tribal customs not consistent with progress.”³²

The SAI became the most active of the reform groups to oppose Peyotism, with Gertrude Bonnin leading the campaign and serving as a spokesperson for the SAI. Appearing in Washington to testify on legislation to prohibit Peyote, Bonnin said, “My work now is to prevent the destruction of my race by securing legislation forbidding the use of this injurious plant in the same way that alcohol is prohibited.”³³ Bonnin appeared before the congressional subcommittee in 1918 dressed in traditional Native American clothing to testify against the horrors of Peyote.

According to Maroukis, “Bonnin even played the race card, pointing out that James Mooney was white and she was Indian; therefore, she was in a better position to know the truth about

³¹ *Red Lake News*, March 15, 1916, 2.

³² Jeffery R. Hanson, “Ethnicity and the Looking Glass: The Dialectics of National Indian Identity,” *American Indian Quarterly* 21, no. 2 (Spring 1997): 196.

³³ *Washington Times*, “Indian Woman in Capital to Fight Growing Use of Peyote Drug by Indians,” February 17, 1918, 9. Accompanying the article is a picture of Gertrude Bonnin (also known as Zitkala-Sa) wearing traditional Native American dress. The article refers to her as a Carlisle graduate and relative of Sitting Bull.

Peyote.”³⁴ Mooney later wrote to Mack Haag, president of the Native American Church about Bonnin’s activities against Peyote, “You will also notice that the unspeakable Mrs. Bonin [sic] made two talks against the Indian religion, and that then the Indians— as they were told to do— signed a petition asking Congress to pass laws against it. . . . The Sioux Indians are not your enemies. They simply do not know any better, and believe what they are told by those who are your enemies.”³⁵ The contestation of Native American cultural identity, particularly on the religious practice of using Peyote, came from both external and internal sources. For those advocating assimilation to the dominant culture, Peyotism represented primitive beliefs and heathenish practices; Peyotism could not help the Native American peoples civilize. As immigrants to America faced pressure to divest themselves from their ethnic cultures and Americanize, so, too, did Native Americans, who also had to fight for their political identity.

Citizenship

A citizen is a member of a political community. The problem (and challenge) for Native Americans in the late nineteenth century was to obtain a political identity through citizenship status. However, it was through the cultural identity of being an “American” that political identity (associated with the nation) was possible. For Native Americans in the late nineteenth and early twentieth century this meant exchanging their constructed cultural identity to obtain the political identity constructed by the dominant culture. Trachtenberg notes the sense of irony in the logic of the assimilationists.

³⁴ Maroukis, *Peyote Road*, 52-3.

³⁵ James Mooney to Mack Haag, October 25, 1920, Joseph Thoburn Collection, Box 31, Folder 7, Item CH-3, Oklahoma Historical Society Research Division, Oklahoma City.

[They] were unable to see anything odd about their campaign to “Americanize” the original inhabitants of the place they called America. . . . Nor did they recognize that . . . they were going against the grain of liberal democracy by basing citizenship on an acculturation test, raising a cultural norm for what the Constitution deemed an ordinary political act. And by requiring a display of “competence” as proof of eligibility for citizenship, by stressing appearance and self-representation, their policy insinuated a potentially subversive note, suggesting that Americanness might be more a performance, a calculated role, than a set of “common traits.”³⁶

Citizenship status for Native Americans (as for many marginalized groups in America) was often a “dangled carrot” for signs of progress and at other times became a “moving target” to keep cultural groups disenfranchised.

The evolving/devolving definitions of the Native Americans’ citizenship status began with the Dawes Act in 1887, which tied citizenship to allotment. The Act proclaimed “that every Indian born within the territorial limits of the United States who has voluntarily taken up within said limits his residence, separate and apart from any tribe of Indians, and has adopted the habits of civilized life is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens.”³⁷ The Act encompassed more than a particular policy; it was an ideology. Trachtenberg comments on the significance of the Act in terms of political identity, “As freeholders, Indians would learn to think of themselves no longer as tribal Indians but as *national Americans*, individuals whose goal was to ‘rise’ [emphasis added].”³⁸ Citizenship status was the achievement of progress toward a condition that represented real Americanness, the standard set by the dominant culture. Native Americans were only potential citizens until they could prove otherwise. The Burke Act of 1906, altering

³⁶ Trachtenberg, *Shades of Hiawatha*, 42.

³⁷ An Act to Provide for the Allotment of Lands in Severalty to Indians on the Various Reservations, and to Extend the Protection of the Laws of the United States and the Territories over the Indians, and for Other Purposes, *U.S. Statutes at Large* 24 (1887):388-91. §6.

³⁸ Trachtenberg, *Shades of Hiawatha*, 39.

provisions of the Dawes Act, and the Omnibus Act of 1910 both added further burdens of proof for citizenship status. “Competence” in civilized life emerged as a requirement to obtain a fee patent, and the 1910 legislation charged “competency commissions” with the purpose of finding Indians capable of managing their affairs. Those Indians assessed as competent gained their fee patents, which declared them citizens.³⁹ Cato Sells, the Commissioner of Indian Affairs, announced another policy in 1917 by for determining Indian competency, one based on ancestry and the attainment of education. Finally, the twisted maze of citizenship requirements ended when the Curtis Act of 1924 declared all Indians to be citizens of the United States.⁴⁰

The juxtaposition of the words “civilized” and “citizen” in the Dawes Act reflects the fusion of cultural identity with political identity to create a national identity— Americanism, with the underlying assumption of loyalty to the nation (and only that nation). Devoted loyalty to the nation thus made immigrants a suspect class for citizenship, as well as Native Americans. Although tribes, as defined by the federal government, were not nation-states, concern emerged over the Indians dual membership and allegiance. This reasoning provides a sense of irony given the debates and policy changes on the issue of tribal sovereignty that are part of the contentious history surrounding federal Indian policy. The entanglement of national origins with citizenship, long a nativist concern about immigrants, found its way into Indian policy. America could allow for phenotypic diversity, but not the diversity of culture, as cultural identity became equated with Americanism. Theodore Roosevelt reflected the aversion to the idea of “hyphenated Americans.” He told a group of newly naturalized citizens in 1915, “There is no hyphenated American who is also a good American. . . . Our object is not to imitate one of the older racial types, but to

³⁹ Adams, *Education for Extinction*, 146.

⁴⁰ *Ibid.*, 146.

maintain a new American type and then secure loyalty to that type.”⁴¹ Roosevelt emphasized the commitment to cultural assimilation in Progressive Era policy saying, “We are a nation, not a hodge-podge of foreign nationalities. We are a people, and not a polyglot boardinghouse. We must insist on a unified nationality with one flag, one language, one set of national ideals. We must shun as we would shun the plague all efforts to make us separate nationalities. We must all of us be Americans, and nothing but Americans.”⁴² The emergence of a monolithic American cultural identity, with civilization and Christianization as its foundation, created the criteria for citizenship. For Peyotists to be citizens, they had to abandon their religious practice and conform to a new cultural identity. Written testimony on the Gandy bill in 1918 encouraged Congress to pass a law prohibiting Peyote because “the Indian needs his rational mind to meet his fond hope for full citizenship.”⁴³ Peyotists would have to fight to preserve their cultural identity as well as their political identity.

Rhetoric as Resistance: Talking Back with “Native American”

Peyotists always maintained they were American citizens, and argued citizenship status was unrelated to their religious beliefs and practices by adopting the language of the dominant culture regarding Constitutional protections. Supporters of the Peyote religion advanced the claim of citizenship status and equality under the law regarding the practice of religious freedom. Roley

⁴¹ Theodore Roosevelt, “The Duties of American Citizenship (1893),” in *The Writings of Theodore Roosevelt*, ed. William H. Harbaugh (Indianapolis: Bobbs-Merrill, 1967), 16; quoted in Trachtenberg, *Shades of Hiawatha*, 119.

⁴² Theodore Roosevelt, *The Great Adventure* (New York: Charles Scribner’s Sons, 1918), 49-50; quoted in Barsh, “Progressive-Era Bureaucrats,” 4.

⁴³ House Committee on Indian Affairs, *Prohibition of Use of Peyote Among Indians*, 65th Cong., 2d sess., May 13, 1918, H. Rep. 560, 24.

McIntosh, a Creek, testified before the Oklahoma legislature in 1908, “I do not think the Indian need have any apprehension about his rights being preserved. I want to say to you that in the fundamental law of this State— the Constitution— the Indian is put upon an equal footing— and equality, and given the same opportunities that the Anglo Saxon race has given to himself, and he could ask no more.”⁴⁴ D. K. Cunningham, a white lawyer who had represented Peyotists in legal controversies, also testified before the Oklahoma legislature. He made the connection to citizenship status saying, “[The Indians who spoke to you this afternoon] tried to make you believe that they are good American citizens, and I know you know that without them making that statement. If they are on equal footing with you, why should you decide to single out their religion and legislate for or against that, more than you would any other denomination, or any other citizen?”⁴⁵ In attempting to establish the link to citizenship status and Native American cultural identity, McIntosh extended the argument to include the identity of Americanization required by the federal government. Utilizing the dominant culture’s rhetoric of race, cultural values, and patriotism, he said:

I am Indian, and I have read the history of the Indian race in America carefully, and before God I am not ashamed of their history. Patriotic and noble to the extreme, you can find no nobler race than the Indian race of America. . . . Is not that true of every nation that has made its mark in history in the defense of the home and wife and children? And I say that the Indian race has been one of great patriotism. . . . I want to say that I am, myself, part Indian and part white. Thank God, there is not one drop of negro blood in my veins. . . . I have got just as good blood as I need. . . . Give these people what they ask [referring to Peyote] because it will tie them in patriotism.⁴⁶

⁴⁴ Speech by Roley McIntosh, February 29, 1908, Sac and Fox and Shawnee Agency Records, Box 613, Folder SFSA 35-1, Item 13, Oklahoma Historical Society Research Division, Oklahoma City.

⁴⁵Speech by D. K. Cunningham, February 29, 1908, Sac and Fox and Shawnee Agency Records, Box 613, Folder SFSA 35-1, Item 22-23, Oklahoma Historical Society Research Division, Oklahoma City.

⁴⁶ Speech by Roley McIntosh, February 29, 1908, Sac and Fox and Shawnee Agency Records, Box 613, Folder SFSA 35-1, Item 14-15, Oklahoma Historical Society Research Division, Oklahoma City.

Proponents of the Peyote religion reflected an understanding of the legality of citizenship in constitutional terms, not the cultural identity requirements of civilized Americanism attached to the complex reality of this political identity.

The contested cultural space of identity, with its racial, ethnic, and political undertones, led Peyotists to assess their own understanding of Indian identity. Stewart describes how Peyotism “crossed tribal as well as geographical boundaries, bringing an integrating force unique among Indians.”⁴⁷ With its diffusion among the various tribes in America, Peyotism evolved into a pan-Indian movement during the late nineteenth century, similar to the Ghost Dance and Sun Dance as a means to preserve Native American cultural identity. Outsiders even recognized the pan-Indian nature of Peyotism when they described the inter-tribal gatherings to use Peyote. A letter from a missionary worker to the Commissioner of Indians Affairs complained that the Peyote practice was “encouraged by the inter-tribal visitations.”⁴⁸ An Indian agent complained about an upcoming Peyote gathering he heard about from a Native American source, “It is said that Quannah Parker will be there and that the gathering is to be called an ‘Indian Congress’ in order to hide the real character of the meeting.”⁴⁹ The significance of this statement comes from the appropriation of the government’s discourse to describe the often inter-tribal structure of the Peyote gatherings. James Mooney, the ethnologist who studied the Peyote religion and became an outspoken advocate of its preservation, wrote to a Peyotist to encourage him against opposition efforts saying, “Make them understand that you also are trying to help your people—

⁴⁷ Stewart, *Peyote Religion*, 327.

⁴⁸ Bruce Kinney to Robert G. Valentine, September 29, 1909, Cheyenne and Arapaho Agency Records, Box 444, Folder 2, Item 70-71, Oklahoma Historical Society Research Division, Oklahoma City.

⁴⁹ Homer J. Bibb to Charles E. Shell, December 25, 1908, Cheyenne and Arapaho Agency Records, Box 444, Folder 2, Item 329, Oklahoma Historical Society Research Division, Oklahoma City.

not one band or tribe only, but all the Indians together.”⁵⁰ Peyotism provided a sense of community for the practitioners with an informal structure of organization. The expanding opposition to the Peyote religion necessitated the need for institutional organization. In the decision to incorporate as a legal church entity, there was also the need to consider a name for the organization that reflected the pan-Indian cultural identity, which had emerged with the spread of the religious practice.

The choice of “Native American” as an adjectival description of the church was in actuality, an engagement in a discursive appeal to resist US government policies in the contested cultural space of identity construction. Drawing from their experience with federal Indian policy, as well as the experience of other immigrant groups in America, the Peyotists’ selection of “Native American” to describe this pan-Indian religious movement represents a form of talking back to the dominant culture. The selection of the name for the institutional organization reflected a challenge to national identity, of what it meant to be an American. The Peyotists enacted their resistance with the incorporation of the Native American Church, a designation that was twofold in meaning. First, the title defined its adherents as the original inhabitants of the country— they were native born so any further requirements for citizenship were unnecessary (and frivolous). As native citizens, their rights extended to their religious practice, deserving of Constitutional protection. The ritual form of Peyotism as observed by the Native American peoples of America was a cultural construction of an American religion. Secondly, the title represented the Peyote religion as a pan-Indian movement designed to promote unity among the diversity of tribes (as well as the mixed–blood population within the tribes), an ethical communal identity, and the preservation of traditional beliefs and customs.

⁵⁰ James Mooney to Mack Haag, October 25 1920, Joseph Thoburn Collection, Box 31, Folder 7, Item CH-3, Oklahoma Historical Society Research Division, Oklahoma City.

The phrase “Native American” emerged in the white culture in the nineteenth century as a nativist response to the increased immigrant population coming into the United States. A resurgence in nativist sentiment occurred in the 1880s with the increasing influx of immigrants to the United States. Continuing into the twentieth century, and fueled by the new scientific racial and culture evolution theories, newspaper stories were regularly using the phrase to describe the white population. For example, a story highlighting a demographic study of Manhattan juxtaposes the percentage of “native Americans” with those who are foreign-born, and how many have “native American parents.”⁵¹ A headline for a 1917 story reads, “Native American family is shrinking” but the story refers to decreasing birthrates in the white population.⁵² The speech of a Catholic priest at a community celebration in Fort Wayne, Indiana exemplifies the appropriation of the discourse of the dominant culture by those in marginalized groups. Father Noll said, “Why should I, a native American, whose father is a native American . . . speak on this subject? It is only because I love my country.”⁵³ Peyotists and their supporters most certainly observed the way the dominant culture used the rhetoric to refer to the native origins of American citizens in the white populace. In contrast, rarely did stories spear in the newspaper that used the phrase with reference to the Indian peoples of America.⁵⁴ The typical discursive labels for this demographic group were “Indian,” “red man/woman,” and “American Indian.” A

⁵¹ *Washington Post*, “An American City,” December 10, 1911, 36.

⁵² *Boston Globe*, “Native American Family is Shrinking; Posterity’s Outlook Bad, Says Dr. Eliot,” February 27, 1917.

⁵³ *Fort Wayne Journal-Gazette*, “Text of the Speeches Made at Celebration of Lexington Day,” April 20, 1917, 10.

⁵⁴ Historian Hazel Hertzberg writes, “The term ‘Native American’ frequently occurred in general literature about the Indian during this period.” Hertzberg, *Search for an American Indian Identity*, 272. However, Hertzberg offers no warrants to support this claim; there is no footnote reference, nor is there any evidentiary support provided. My own examination of the general literature of this period indicates that “Native American” was not a term frequently used in reference to the Indian tribes and peoples.

few anthropologists in the early twentieth century did refer to the indigenous population as “native Americans,” but their scientific use of the term did little to advance the cause for cultural and political identity.⁵⁵ However, Francis La Flesche, an Omaha and one of the few members of the Society of American Indians to speak in favor of Peyotism, wrote in 1900, “No native American can ever cease to regret that the utterances of his father have been constantly belittled when put into English, that their thoughts have been travestied and their native dignity obscured.”⁵⁶ Religious rhetoric also utilized the phrase “native American” to distinguish the racial and ethnic congregations from the white, American ones. For example, a story that appeared in a religious publication in 1883 noted, “The Congregationalists cannot and would not sustain a German church which excluded native Americans from its worshiping assembly, or a *native American church* which shut out Germans [emphasis added].”⁵⁷ The rhetoric for the title of the Peyotists’ organizational structure in 1918 had already been a part of the vernacular of the dominant culture to describe the geographical and cultural origins of an American-born citizenry. Peyotists, also native born, embraced the use of the term to fit their own purposes.

Equally important in the selection of the name Native American Church is the attempt to establish a pan-Indian identity. Mack Haag, the first president of the Native American Church, explains the importance of the name for cultural identity, “We have started an organization by nearly all the Indian tribes in the state of Oklahoma . . . known as the Native American Church.

⁵⁵ *Washington Post*, “Origin of the American Indian: Attempts Made to Prove Red Man Immigrated to this Country from North Eastern Siberia,” May 25, 1918, 44.

⁵⁶ Francis La Flesche, *The Middle Five: Indian Schoolboys of the Omaha Tribe*, rev. ed. (1900; repr., Lincoln: University of Nebraska Press, 1994), xix; quoted in Stromberg, “Resistance and Meditation,” 95.

⁵⁷ *Church Union*, “That ‘Color Line’,” November 1, 1883, 355.

We are trying to preserve an Indian identity, religion and history, and our customs we have.”⁵⁸ Mooney described the “Native American religion” as one “which can unite all the tribes in an Indian brotherhood and teaches them how to work together under leaders of their own race, instead of each tribe trying to stand alone and helpless under the dictation of strangers to their customs, language, and history.”⁵⁹ The challenge to maintain a cultural identity while struggling for a political identity led the Peyotists to use the “master’s” language as a rhetorical strategy of resistance in their decision to incorporate as the Native American Church of Oklahoma. The choice to construct their cultural identity as Native American countered assumptions of race, ethnicity, and citizenship and empowered Peyotists to refuse to accept the definitions others had of them— to talk back.

⁵⁸ Mack Haag to Joseph B. Thoburn, December 15, 1920, Joseph Thoburn Collection, Box 31, Folder 7, Item CH-6, Oklahoma Historical Society Research Division, Oklahoma City.

⁵⁹ James Mooney to Mack Haag, October 25 1920, Joseph Thoburn Collection, Box 31, Folder 7, Item CH-3, Oklahoma Historical Society Research Division, Oklahoma City.

CONCLUSION

This work in no way represents a complete history of Peyote, the Peyote religion, or the Native American Church subsequent to its incorporation in 1918. My intention was to offer an alternative interpretation to the accommodationist theories, especially Wallace's revitalization movement theory, surrounding Peyotism and the origins of the Native American Church. Peyotists possessed a "satisfying culture" and merely needed a means to protect it from eradication by the dominant white culture. Examining the legal decision to incorporate as a discursive resistance strategy allows for the recognition of cultural agency to the Native American peoples. The appropriation of the discourse of the dominant culture by the Peyotists meant increasing the scope of the study to include issues that the Native Americans drew from in their discursive challenge. This goal of this work is to generate further discussion and historical study into ways the Native Americans talked back to the dominant culture, and allow their words and actions to tell us more about their history. The incorporation of the Native American Church of Oklahoma reminds us that history does not occur in a vacuum. The Peyotists' actions of talking back to the dominant culture using its rhetoric demonstrate the struggle to navigate the complex worldviews of heterogeneous cultures without total acquiescence of one's own cultural identity. The strategy of resistive rhetoric illuminates the complexity (and irony) of federal Indian policy, as well as American religious history.

APPENDIX A
ARTICLES OF INCORPORATION FOR THE
NATIVE AMERICAN CHURCH OF OKLAHOMA

KNOW ALL MEN BY THESE PRESENTS, That we, Mack Haag, and Sidney White Crane of the Cheyenne Tribe of Indians, Charles W. Dailey, George Pipestem and Charles E. Moore, members of the Otto [sic] Tribe of Indians, Frank Eagle of the Ponca Tribe of Indians, Wilbur Peawa and Mam Sookwat, members of the Comanche Tribe of Indians, Kiowa Charley of the Kiowa Tribe of Indians, and Apache Ben of the Apache Tribe of Indians, all residents of the State of Oklahoma, do hereby associate ourselves together to form a religious and benevolent association under the laws of the State of Oklahoma, and do hereby certify:

ARTICLE I.

The name of this corporation shall be and is "NATIVE AMERICAN CHURCH."

ARTICLE II.

The purpose for which this corporation is formed is to foster and promote the religious belief of the several tribes of Indians in the State of Oklahoma, in the Christian religion with the practice of the Peyote Sacrament as commonly understood and used among the adherents of this religion in the several tribes of Indians in the State of Oklahoma, and to teach the Christian religion with morality, sobriety, industry, kindly charity and right living and to cultivate a spirit of self-respect and brotherly union among the members of the Native Race of Indians including therein the various Indian tribes in the State of Oklahoma, with the right to own and hold property for the purpose of conducting its business or services.

ARTICLE III.

It is the purpose of this organization to establish one central church to be known as “Native American Church” with branch churches subject to the jurisdiction of the General Church to be organized in each of the Indian tribes in the State of Oklahoma.

ARTICLE IV.

The principal church with its seat of government and principal place of business is hereby established at El Reno, Canadian County, Oklahoma; each of the subordinate churches to establish by vote of the members the location of the various churches and branch churches in the territory of each of the Indian tribes in the State of Oklahoma, respectively.

ARTICLE V.

The term for which this corporation shall exist is perpetual.

ARTICLE VI.

The principal churches shall be governed by trustees, the same to be called “the General Council of the Church” to consist of two members to be elected by the local Church established in each Indian tribe in the State of Oklahoma that may desire to become affiliated with this church, and for the time being, shall consist of Mack Haag and Sidney White Crane of the Cheyenne Tribe of Indians; Charles W. Dailey and George Pipestem of the Otto [sic] Tribe of Indians; Frank Eagle and Louis McDonald of the Ponca Tribe of Indians; Wilbur Peawa and Mam Sookwat of the Comanche Tribe of Indians; Kiowa Charley and Delos Lone Wolf of the Kiowa Tribe of Indians;

Apache Ben and Tennyson Berry of the Apache Tribe of Indians; and Paul Boynton and Clever Warden of the Arapahoe [sic] Tribe of Indians, being fourteen trustees, which, for the time being, shall constitute the Board of Trustees or General Council of the Main Church. These trustees to hold office as such until the Local Church affiliated with this church of any of the tribes of Indians shall select and name their successors.

ARTICLE VII.

This corporation shall have no capital stock but it is authorized to levy for the purpose of the support of the Main Church of assessments to be determined by the General Council upon the individual members of the church in the various tribes.

ARTICLE VIII.

The General Council composed of the trustees nominated herein shall, within thirty days after receiving Certificate of Incorporation, from the Secretary of the State of the State of Oklahoma, meet in El Reno, Oklahoma, and adopt a Constitution and By-Laws for the government and control of the church.

ARTICLE IX.

At the meeting of the General Council called in pursuance of Article VIII hereof shall, at such meeting elect a President of the General Council, a Vice-President and a Secretary and Treasurer of this organization who shall hold office until their successors are elected under the provisions of the Constitution and By-Laws to be adopted by the General Council.

IN WITNESS WHEREOF WE HAVE hereunto subscribed our names this 10th day of October,
1918.

Mack Haag

Sidney White Crane

Charles W. Dailey

George Pipestem

Charles E. Moore

Frank Eagle

Wilbur Peawa

Mam Sookwat (his X mark)

Kiowa Charley (his X mark)

Apache Ben (his X mark)

STATE OF OKLAHOMA,)

) SS:

OKLAHOMA COUNTY,)

BE IT REMEMBERED That on this 10th day of October, 1918, personally appeared before me the undersigned, a Notary Public within and for said County and State, Mack Haag of Calumet, Okla., and Sidney White Crane of Kingfisher of the Cheyenne Tribe of Indians, Charles W. Dailey of Red Rock and George Pipestem of Red Rock and Charles E. Moore of Red Rock,

members of the Otto [sic] Tribe of Indians, Frank Eagle of Ponca City of the Ponca Tribe of Indians, Wilbur Peawa of Fletcher, and Mam Sookwat of Baird, members of the Comanche Tribe of Indians, Kiowa Charley of Ft. Cobb of the Kiowa Tribe of Indians, and Apache Ben of the Apache Tribe of Indians, to me personally known to be the identical persons who signed the above and foregoing Articles of Incorporation and each severally duly acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF I have hereunto subscribed my name and affixed my Notarial Seal the day and year first above written.

J. K. Wright

Notary Public.

(SEAL)

My commission expires May 3rd, 1921.¹

¹ Articles of Incorporation for the Native American Church of Oklahoma, October 10, 1918, Cheyenne and Arapaho Agency Records: Liquor Traffic and Peyote Use 1/31/1916-12/27/1933, Box 445, Folder: Native American Church, Articles of Incorporation, Item 226a-226e, Oklahoma Historical Society Research Division, Oklahoma City.

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