

DETAILS

A full-page photograph of actor Norman Reedus. He is wearing a long, light grey wool coat over a grey sweater and light-colored trousers. He has long, dark hair and a goatee, and is looking slightly to the left of the camera with a serious expression. He is standing in what appears to be a rustic, wooden structure, possibly a porch or a set, with a wooden post visible to his right. The background is a blurred wooden wall.

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IN TERMS OF MARRIAGE EQUALITY, 11 HOLDOUT NATIVE AMERICAN TRIBES ARE THE PEOPLE THAT PROGRESS LEFT BEHIND—AND THEIR LANDS ARE THE FINAL BATTLEFIELDS IN A WAR THAT EVERYONE THINKS HAS ALREADY BEEN WON.

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BY HAL ESPEN | PHOTOGRAPHS BY KENJI TOMA

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WE'RE ROLLING NORTH, DEEP INTO THE NAVAJO reservation, heading for the annual Native LGBTQ Summer Gathering up near Canyon de Chelly, with the spiritual beauty and darkness of the *Dinétah* unfolding around us. In the sacred landscape of the Navajo Nation, the homeland of the *Diné* (the People), cosmology and geography are indistinguishable, and every element of this place, every mountain and river, has a traditionally male or female identity—even the weather. The dramatic storm front starting to sweep over the Chuska Mountains, for example, seems intent on teaching this lesson by alternately pelting us with *níłtsq biká'* (male rain) and misting *níłtsq bi'áád* (gentle female rain). But

extraordinarily difficult to confront openly. To many Navajo, the *Diné* Marriage Act of 2005, promoted as a means “to preserve and strengthen family values” during George W. Bush’s doomed push for a U.S. constitutional amendment banning gay marriage, seemed to come out of nowhere—no gay Navajo couple had ever sought to marry on the reservation. It was introduced by Tribal Council member Larry Anderson Sr., a Vietnam War combat veteran, and enacted by a conservative council in the midst of a feud with Navajo Nation president Joe Shirley Jr. Opponents of the ban organized a protest movement that inundated tribal leaders with hundreds of e-mails and released a petition that charged that the DMA

the rural expanses of the *Dinétah*, just 365 households were reported as being headed by same-sex couples in the 2010 U.S. census. Most observers believe that was probably an undercount, since in Navajo country, gay men and women, when not closeted, tend to live quietly and discreetly, but it’s also an indication of how deeply traditional family structures are rooted on the reservation.

As Nelson and I approach our turnoff at Sheep Springs, we pass a large assembly of cars, pickup trucks, trailers, and horses beside the highway. Nelson’s eyes lock on the cluster of men, women, and kids in the open field beyond. “They’re having a Healing Way ceremony,” he tells me, smiling at the sight of

“WE BOTH GREW UP TRADITIONAL,” SAYS ALRAY CHALLENGING THE NAVAJO SAME-SEX-MARRIAGE

the Navajo creation stories that define this world, with their divine hermaphrodites and mind-bending gender fluidity, defy any simple binary interpretation.

As does the Navajo Nation’s stubborn ban on same-sex marriage.

Serenely riding shotgun beside me is Alray Nelson, a burly, broad-shouldered 29-year-old gay Navajo who has recently emerged as Native America’s leading warrior for the cause of marriage equality. The U.S. Supreme Court’s landmark *Obergefell v. Hodges* decision in June dismantling state laws banning gay unions holds no sway in much of Indian Country, where 11 sovereign tribes encompassing nearly 1 million members enforce tribal laws that restrict the right of same-sex couples to marry. They include the two largest Native groups, the Cherokee Nation in Oklahoma and the Navajo Nation, with more than 600,000 enrolled members between them. While the hard-won ruling sent throngs swarming the Stonewall Inn in New York City and San Francisco City Hall in celebration, it also rendered those tribes “constitutional outlaws,” as one legal scholar presciently put it in 2006—and it’s made their tribal lands the last battlefields in a war that has already been declared over.

For decades, Navajo country, a vast swath of the southwestern United States nearly twice the size of Switzerland, was a place where homosexuality was almost never publicly discussed and where taboos surrounding not only gay sex but also illness and death made the encroaching HIV/AIDS threat

“violated *Diné* law and the sanctity of life by invoking intolerance and legal discrimination.” Shirley, an LGBTQ-rights supporter, noted that the act did nothing for family values, as it didn’t address rampant “family violence, child abuse, sexual assault [and] gangs” on the reservation, and promptly vetoed it. On June 3, 2005, the council voted to override Shirley’s veto by a four-to-one margin. The DMA has been the law of the land ever since.

“It’s difficult to live in a place where our own government tells us to leave,” Nelson says today. So far, he and his partner, Brennen Yonnie, are the only couple to publicly challenge the tribe’s marriage ban, although they have gradually built a small but vocal coalition of supporters both on and off the reservation. “We both grew up traditional,” Nelson adds. “We want to build a future and build a home here.”

For the overwhelming majority of the 566 tribes within the borders of the United States, marriage equality is a settled issue. Twenty-four tribes, including the Blackfoot, the Cheyenne and Arapaho, and the Oneida, now explicitly recognize same-sex marriage, and among the larger holdouts, the Osage is considering a repeal of its ban. An additional 77 tribes have laws that take no clear position on same-sex unions. Meanwhile, any Native gay couple can bypass a tribal ban by obtaining a marriage license off the reservation.

Some Navajo have done so, but they tend to belong to the 40 percent of the tribe who live beyond the borders of the Navajo Nation. Of the 174,000 Navajo who still reside within

this multiday rite focused on restoring *hózhó* (harmony and balance) that leads the People to, as the Navajo say, “walk in beauty.” Nelson embraces these practices with his whole being, and at the heart of his activism is a refusal to choose between his Navajo heritage and his identity as a gay man—a stance that gives him an authority no off-reservation activist could command. It doesn’t hurt that he’s also worked as an aide, speechwriter, and campaign manager for three Navajo Nation presidents.

After we turn west and begin winding high into the Chuska range, Nelson tells me that he and Yonnie have vowed to stand their ground: not to marry until the *Diné* Marriage Act is repealed and they can secure the benefits of a sanctioned Navajo civil union, which include the right to claim a plot of land, a homestead among their clans in a place where family and kinship are as sacred as the earth itself. Though the pair have encountered little hostility in person, it’s a different story on social media. “Get married off the Rez!” as one Facebook commenter put it—a sentiment that Nelson repeats with a rare flash of anger.

Nelson’s political campaign is in many ways a quixotic one, given the long odds against any change in Navajo law. Even many Navajo LGBTQ allies are reluctant to make marriage equality a priority at a time when poverty, high unemployment, and profound social and environmental ills confront the Nation. Native teens have the highest suicide rate of any population group in the United States, and alcohol-mortality rates

among Indians are more than four times higher than the national average—and are particularly high among the Navajo. Even though the sale of alcohol is illegal on the Navajo reservation, heavy drinking and DWIs are severe blights. Rampant drug abuse, scant information about the risks of sharing needles, and unprotected sex multiply the rate of HIV infection, which has increased nearly 500 percent on the reservation since 1999.

Growing up gay in the Navajo Nation puts kids at increased risk of depression, substance abuse, and bullying. Coming out is a treacherous process. According to the Diné Policy Institute, 40 percent of Navajo LGBTQ kids between 12 and 18 are physically

harassed, and 26 percent said they had been forced to leave home because of conflict over their orientation. Nelson grew up in a tiny settlement called Beshbetoh, near the town of Ganado, out in the boondocks west of Window Rock. His parents divorced shortly after he was born, and his mother left the reservation to get an education when he was 3, and like many other Navajo of his generation, he was raised by his grandparents, off the grid—herding sheep, riding horses, hauling water, doing homework by the light of kerosene lamps, and learning the Navajo language. “The ceremonies and tradition were lived daily,” he says.

At the same time, Nelson’s grandparents brought him up as a Catholic. It can be hard for outsiders to understand why many Navajo persist in practicing the old pantheistic

Ganado High was generally a freak-show that abounded with jock gangs, eccentric Anglo teachers, pot heads, dealers, housing project prostitutes, and the semi-illiterate “jahns” [rez slang for hicks] who lived out at their grandma’s sheep camps. The homosexual students were probably the strangest thing I saw. People still don’t believe me when I explain that drag-queen Navajos regularly freshened their makeup and stuffed their bras at their lockers before parading to class in cheap pumps bought in the Gallup Wal-Mart.

Far from being some exotic import from the white world, a multiplicity of gender iden-

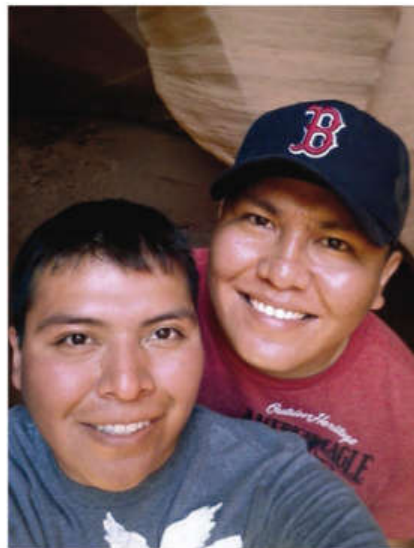
NELSON, WHO, WITH HIS PARTNER, IS PUBLICLY BAN. “WE WANT TO BUILD A FUTURE HERE.”

ties is wholly indigenous to the Navajo creation stories, and Navajo males who embrace feminine identities and/or roles, called *nadleeh*, have been a perennial feature of tribal society. Nelson believes that some of the old acceptance and understanding of difference was lost in the generations of Indian children who were sent away to boarding schools run by Christian missionaries, where kids were forbidden to speak Navajo or practice traditional religion—a system that persisted well into the 1970s and beyond.

Nelson became comfortable with his sexuality only when he went off-rez, he says. “I came out in 2008, after I left to do an internship for Native students in Washington, D.C.” His talent as a skilled political operative had already earned him internships in Window Rock, the Navajo capital, and he was on track to pursue the kind of career that has slowly become available to gifted, openly gay Navajo beyond the reservation.

But by early 2010, when Nelson was finishing his sophomore year at Fort Lewis College in Durango, Colorado (where 20 percent of the student body was Native American), he had lost his bearings. “I forgot all that needs to be strengthened,” he says, “all that needs to be in hand before you can put yourself out there and live a good life off the reservation.” He was outwardly successful and was elected student-body president. “But I turned my back on the traditional ways, and I was angry and scared and self-righteous all the time.”

The fall 2010 semester spiraled into a nightmare. First, anonymous commenters



RAINBOW WARRIORS: Alray Nelson (right) and his partner, Brennen Yonnie, shown here on their second-anniversary trip to Arizona’s Antelope Canyon, are the first same-sex Navajo couple actively seeking to marry on the reservation.

Navajo religion of deities and songs while also following various forms of Christianity—notably Catholicism, Evangelical Baptism, and Mormonism.

And yet the younger generation on the reservation is deceptively diverse: a 21st-century tribal twist on the noisy, all-American postmodern cultural collage. Jim Kristofic, an Anglo who spent his childhood on the rez, went to the high school in Ganado just a few years ahead of Nelson and wrote about it in his gonzo 2011 memoir, *Navajos Wear Nikes*:

on the *Durango Herald's* website attacked Nelson with homophobic and racist slurs and called for his impeachment. Nelson had begun abusing alcohol and marijuana and was feeling lost—"I was alone in the dark." The Fort Lewis community responded to the online attacks with a rally attended by 250 students; the mayor of Durango and the college president offered their support. Then, in the midst of this inner and outer turmoil, Nelson did something stupid and crazy. He told the Durango police that he had received threatening text messages and e-mails and death threats left on his car. He claimed that someone had drugged him by spiking his

drink. The cops took the threats seriously, launching an investigation and assigning officers to provide him protection.

But it was a hoax. Eventually the police discovered that Nelson had fabricated the messages, and he was charged with falsely reporting threats and bias crimes to police. He resigned as student president the same day. He was forced to drop out of Fort Lewis and pleaded guilty, and in February 2011, he was sentenced to one year of unsupervised probation and 200 hours of community service.

Returning to the reservation in disgrace, at the lowest point of his life, Nelson was welcomed back into his family circle, and

he found that his worst fears about coming out and being rejected had not come to pass, even after the terrible mistakes he'd made. He was embraced by the Navajo gay community and even invited to return to the office of the Navajo president.

"I surrounded myself with good people," he says. "They had a lot of truth to tell as well, the truth that I had to redevelop my character. Not only did they tell me I was not a bad person, they told me to be proud of my sexuality."

His grandfather and his mother, who was living back on the reservation herself, urged him to reconnect with Navajo ceremonies and practices. President Ben Shelly met with him, talked through the mistakes he had made, and offered him a job and a chance at a fresh start. "The healing process took me at least three years," he recalls. "It was really the Navajo community that brought me back to being a strong person." He also reconciled with his father, whom he had barely known. "He supports me and my work," Nelson says, "and also accepts Brennen as family."

THE NATIVE LGBTQ SUMMER GATHERING—IT'S

the event's sixth consecutive year—takes place in the heart of the reservation, at a sprawling campground overlooking a spectacular vista of lake and forest with the Chuska Mountains rising in the distance. Over two days, several dozen Navajo, mostly couples in their twenties and thirties, hang out, share stories of overcoming addiction, put on traditional weaving and jewelry-making demonstrations, discuss HIV/AIDS prevention, and prepare a huge feast of mutton stew and fry bread. To my relief, there's no killing and butchering of a sheep, as there had been in years past, but I'm disappointed to learn from Stella Martin, a trans Navajo woman who presides like a benign but sardonic den mother, that there's no Miss Summer Gathering pageant or glitter-strewn, superhero-themed drag show this year. Upon arriving, Nelson is greeted with low-key, oblique affection in the Navajo style. Everyone I spoke with expressed support for his efforts to bring marriage equality to the reservation, but they were circumspect about his chances for success.

As we drive back across the mountains to Tohatchi, the town north of Gallup where Nelson lives with Yonnie, the rain clouds lower again at dusk, and we make our way over Narbona Pass through patches of thick fog and showers. Traditional Navajo tend to avoid venturing far afield at night, when



witches and skinwalkers armed with corpse powder roam, bestowing illness and curses on the unwary. The dramatic gloom seems to awaken in Nelson thoughts of the dark side of the Navajo worldview, of the supernatural forces and evils that necessarily exist in balance with the beauty and the healing dimensions of life among the Diné, and he lets me feel the soft deerskin medicine pouch containing a small precious stone and corn pollen that he carries, along with a second pouch filled with bitter herbs for personal protection. He knows, he tells me, that he and Yonnie have been spiritually targeted by unscrupulous opponents and

young people on the reservation. Internet access is now available in even the most remote villages, and when smartphone service arrived a few years ago, kids finally caught up with Facebook and Twitter mania. Just as it did for Nelson and Yonnie, technology has opened up new possibilities for gay dating and courtship. The nearest gay bar is still 150 miles away, in Albuquerque, but virtual flirtation and digital assignations—and even Grindr—are easing the isolation and loneliness of life deep in the reservation.

There have been other signs of progress, like the emergence of Diné College's Gay-Straight Alliance, which has become a

wedding-basket ceremony—a rite imbued with gender-specific elements and always held in the evening so that the jealous Father Sun will not resent giving away a daughter to her husband. In a traditional Navajo context, this is like suggesting that marriage equality would force Catholic priests to marry gay couples in Saint Patrick's Cathedral. But that is just absurd fear-mongering, Nelson says; a repeal will mean only that same-sex couples will have the same rights that common-law and mixed-race couples have been granted in revisions of the Navajo code and will stop gay marriage from being equated with polygamy and incest as a forbidden practice.

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that only vigilant countermeasures have kept them safe and healthy.

His mood is brighter a few days later when I meet him and Yonnie for dinner at Jerry's Cafe in Gallup. Nelson is ebullient because he's just landed a new job with Teach for America, and he and Yonnie will be able to commute together to Gallup, where Yonnie works for a federal social-welfare agency. Though they say they refrain from public displays of affection in Gallup, the two are relaxed together and clearly adore each other, though Yonnie is as laconic as Nelson is loquacious. "I'm a little reserved about some things," Yonnie tells me. "At first, when Alray was giving interviews, I was like, 'Leave me out.' But the more we talked about it, I said, 'Okay, fine.' Now my coworkers will come over and say, 'Hey, you're on Yahoo, or Al Jazeera,' and it's all cool."

The relationship was another facet of Nelson's return to balance and emotional health. "We met on Facebook in the spring of 2011," Nelson says, "and were chatting back and forth for a few months before our first date." They found they both revered Navajo tradition. They discovered that each had a grandfather who knew and respected the other's grandfather as a traditional elder, and that helped deepen their connection.

The conversation turns to social media, which has belatedly transformed life for

highly visible supporter of young LGBTQ Navajo. According to Tyson Benally, the alliance's founder, the visible activism is translating into greater openness: "Now you can see, 'Oh, that person's transgender,' or 'There's two men holding hands,' and it's not a problem anymore."

It's a long way from there to overturning the Diné Marriage Act, as Nelson explains. He has hopes that Amber Kanazbah Crotty, the only woman on the 24-member Navajo Nation Council and a supporter of marriage equality, will introduce a repeal proposal at the council's winter session in December, but there is little expectation that opponents will allow it to come to a vote. Another possibility is that Nelson and Yonnie could bring a lawsuit against the Navajo government in the tribal justice system and try to appeal their cause up to the Navajo Supreme Court on human-rights grounds.

At the center of the conflict is the meaning of *tradition*, a word that both Nelson and his opponents often wield in the debate. (None of the Tribal Council members who are on record as opposing the repeal of the Diné Marriage Act responded to requests for comment for this article.) According to Nelson, supporters of the DMA often suggest that repeal would open the door to desecration, allowing same-sex couples to marry in the elaborate, traditional, and expressly opposite-sex Navajo

With marriage equality now a reality across most of tribal America, it's difficult to envision that the Navajo Nation and the other hold-outs—primarily the Cherokee, the Chickasaw, the Iowa, the Kickapoo, and the Creek, all clustered in Oklahoma—will remain out of step with post-*Obergefell* America indefinitely. Sovereignty can be a powerful asset, but it can also be an isolating fortress wall blocking economic and cultural exchange between tribes and the rest of the world. By contrast, the new generation of gay Navajo are networking with the national and international Native LGBTQ communities, including members of the "Two Spirits" movement of gay and trans Indians and the defiant young "indigiqueer" activists who are reclaiming pre-Christianity models of identity. Whether those connections help bring about change on the reservation or become one more factor that lures young Navajo away from it, along with many of the tribe's best-educated and brightest citizens, remains to be seen. For now, Alray Nelson and Brennen Yonnie aren't worrying about a gay exodus. Instead, they're hoping their Navajo allies take to the battlefield.

"All Navajo politics is local," Nelson says. "You have to be here on the reservation to make change happen. Navajo Nation sovereignty is the most important thing, and it's going to take the Navajo people to change this law." ■