

Gay Native Americans Find Same-Sex Marriage Loophole on Indian Reservation

Two men of Native American descent in Oklahoma said on Tuesday they plan to take advantage of tribal law to marry, although gay marriages are illegal in the state.

Darren Black Bear and Jason Pickel of Oklahoma City intend to marry on Oct. 31 after they were granted a marriage license last week through the Cheyenne and Arapahoe Tribal Court, which does not specify gender in its law and is not subject to state law.

“People keep saying we found a loophole to get married in Oklahoma. But we’re not getting married in Oklahoma,” said Pickel. “We’re getting married in the sovereign nation of the Cheyenne Arapahoe Tribe.”

In 2004, three-quarters of Oklahoma voters supported an amendment to the state constitution defining marriage as a union between a man and a woman.

Gay marriage is legal in 14 U.S. states, most recently New Jersey, along with the District of Columbia.

“We hope one day a gay couple can walk into any old courthouse and get married,” Pickel said.

When Pickel and Black Bear first asked the tribal courts for a marriage license in 2009, they were denied due to the federal Defense of Marriage Act which limited the definition of marriage as between a man and a woman.

In June, the U.S. Supreme Court delivered a landmark victory for gay rights by forcing the federal government to recognize **same-sex marriages** in states where it is legal.

The ruling, which has led to challenges in federal and state courts to laws that restrict gay marriage, prompted Pickel and Black Bear to reconsider their options.

The couple has been together for eight years.

Cheyenne and Arapahoe Tribes spokeswoman Lisa Liebl said tribal law requires that both spouses be of Native American descent and live within the jurisdiction of the tribe in order to be issued a marriage certificate.

They are the third same-sex couple to be issued a marriage license by the Cheyenne and Arapaho Tribes, she said.

Editing by Brendan O'Brien and Ellen Wulforth

© 2013 Thomson Reuters. All rights reserved.