

7 The Long Journey to Marriage

Same-Sex Marriage, Assimilation,
and Resistance in the Heartland

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In FEBRUARY 2004 I had just embarked on a road trip from California to Oklahoma to undertake an ethnography of the state's initiative to promote heterosexual marriage—a policy that uses welfare money to provide “marriage education” skills to poor single mothers as a means to lift them out of poverty (see Heath 2012)—when the news hit. Back in California a different form of marriage promotion was taking place. San Francisco Mayor Gavin Newsom, asserting authority under the equal protection clause of California's constitution, had released a directive to the city-county clerk to issue marriage licenses to same-sex couples. Soon same-sex couples from Oklahoma would embark on the reverse of the journey I was making to marry in California and then return to their homes in Oklahoma. Others would go to Oregon, and still others went and were planning trips to Massachusetts and Canada. As these couples made their respective pilgrimages to marry legally, the political climate in Oklahoma was heating up to position the “marriage debate” as a central concern of the 2004 election; voters ultimately passed a constitutional amendment to ban same-sex marriage.

The battle over marriage in Oklahoma parallels the broader political and legal contests in the United States over the question of legal recognition of same-sex marriage. Historian George Chauncey remarks that same-sex marriage is the latest phase in an extensive debate over equality for lesbians and gay men. The history of marriage, however,

“has given this debate special significance for all sides because the freedom to marry, including the right to choose one’s partner in marriage, has come to be regarded as a fundamental civil right and a powerful symbol of full equality and citizenship” (2004, 165). Those in opposition—most vocally members of the Religious Right—frequently argue that same-sex marriage is not a civil rights issue because marriage is a universal institution that joins together a man and a woman for the purpose of procreation, whether this purpose is realized or not. It has been at the forefront of a massive grassroots mobilization to successfully pass legislation to ban same-sex marriage. In this political climate, the lesbian and gay movement has been pulled by the Religious Right’s activism to prioritize the fight for marriage equality as a powerful marker of the social and moral worth of lesbians and gay men (Fetner 2008).

Below the surface of this unified mobilization for marriage equality, however, are internal debates within the lesbian, gay, bisexual, transgender, and queer (LGBTQ) community concerning the potential benefits of legalized marriage. A central concern is whether organizing for same-sex marriage is inherently an assimilationist endeavor that will establish the value of same-sex relationships based on the dominant cultural norms of heterosexual marriage, including its historical relation to patriarchy (Ettelbrick 1992; Polikoff 1993; Vaid 1995; Walters 2001). A related concern is whether fighting for same-sex marriage will devalue the diverse formation of relationship and kinship patterns that have occurred in the lesbian and gay community due to the lack of legal marriage, and will further discriminate against the marginalized—both heterosexuals and nonheterosexuals—who are not legally married (Polikoff 2008; Weston 1991).

To examine whether same-sex marriage represents resistance to or an accommodation of the dominant norms of heterosexual marriage, scholars have studied same-sex commitment rituals to analyze their potential political power (Hull 2006; Lewin 1998; Stiers 1999). Sociologist Kathleen Hull (2006) argues that the very act of participating in a public ritual in which family, friends, and clergy act as witnesses amounts to symbolic political resistance because it makes lesbian and gay relationships visible in a social environment where invisibility is the status quo. These acts count as political resistance in the form of

cultural performance. As an act of protest, same-sex commitment rituals are highly personal acts that form an alternative legality outside the boundaries of the law (Hull 2006; Rupp and Taylor 2003; Taylor et al., chapter 6 herein). These rituals hold “promise as well as danger for LGBT families” in potentially protecting them from harm and discrimination, while potentially excluding relationships that do not fit the dominant model of heterosexual marriage (Bernstein and Reimann 2001, 14).

Taylor et al. (2009) build on the literature that studies the relationship between cultural performance and oppositional consciousness in their innovative study of the month-long 2004 same-sex wedding protest in San Francisco. Drawing together theories on contentious politics and social constructionist understandings of social movements, they demonstrate that cultural repertoires—characterized by contestation, intentionality, and collective identity—offer a window into an expanded definition of what counts as protest. Lesbian and gay couples viewed their weddings as intentional contentious public performances that facilitated strategic collective claims about rights and inclusion. Their research on cultural forms of political expression points to how scholars might transcend debates over the extent to which wedding mobilizations are assimilationist or oppositional. Taylor et al., however, do not specifically consider how the concept of assimilation might be challenged or reinforced through such mobilizations.

This chapter addresses the question of how the act of participating in a same-sex marriage in the context of political contestations over its legal status can be assimilationist and/or transgressive. Incorporating a “multi-institutional political framework” for understanding social movements (Armstrong and Bernstein 2008), I analyze the same-sex marriages among Oklahomans who participated in a same-sex marriage outside their state to argue that the symbolic struggles over marriage must be understood in relation to local, state, and cultural ideologies that shape what resistance can mean. The nascent research on same-sex rituals and political mobilizations has concentrated on large metropolitan and urban areas: San Francisco (Taylor et al. 2009), Chicago (Hull 2006), and the Netherlands (Badgett 2009). Given the nature of American federalism, however, states vary considerably in

their laws and regulation of family composition, and more conservative states have some of the most stringent laws. Moreover, the cultural and social context of different states can mean different institutional practices. My study of Oklahoma is the first to examine the impact of a hostile climate on resistance practices within the specific social context of a conservative state. The political climate and laws in Oklahoma were essential to shaping the reasons and responses of same-sex couples to marriage.

Also important to a “multi-institutional political framework” is a consideration of the changing nature of social institutions. While many studies have taken into account the ways queer families create multiple sites of resistance, these have theorized resistance based on commitment rituals with couples who most closely approximate their heterosexual counterparts—in particular monogamous, marriage-like, same-sex relationships. In contrast, research on gay male relationships has revealed a great variety of sexual pathways and innovations toward intimacy and commitment that do not necessarily rely on monogamy (Adam 2006; Dowsett 1996; Green 2010; Ringer 2001; Stacey 2005). My examination of the political nature of same-sex couples’ wedding mobilizations considers the relationship between cultural repertoires and context in the debate over assimilation and resistance.

OKLAHOMA AND THE FUNDAMENTALS OF CHRISTIANITY

On February 29, 2004, two Oklahoma couples made front-page news in the *Tulsa World* with the headline: “Same-Sex Weddings Planned.” The article featured their approaching trip to join the “thousands of gay men and lesbians who are getting married in San Francisco, knowing their controversial unions won’t be recognized when they come home” (Barber 2004). Between April and November 2004, I conducted in-depth interviews, first with these two couples, and then, through snowball sampling, with an additional twelve couples, for a total of twenty-eight participants—four gay male and ten lesbian couples. The greater number of lesbian couples in this sample parallels preliminary data in eight states where a larger percentage of female couples have

entered a legal status than male couples (Badgett and Herman 2011). Hull (2006), in her assessment of why more lesbian couples participate in public rituals, offers three factors that play a role: gender socialization, parenting status, and cultural differences in lesbian and gay communities. I have given pseudonyms to all participants except six who requested that I use their real names. These six said that they viewed participating in this study as part of their activism to educate others and to improve the lives of lesbians and gay men in Oklahoma (see Stein 2010 for a good discussion of the possible benefits of using real names in ethnography). I made contact with these couples after the two who married in San Francisco initiated a listserv of same-sex couples who had traveled out of state to marry. Other contacts were made through lesbian and gay-affirming churches.

Of the fourteen couples, eleven had traveled to another city, state, or country that either had legalized same-sex marriage or was issuing legal marriage licenses to same-sex couples in 2004. One couple obtained a marriage application from the Cherokee Nation and was married in Oklahoma. One had participated in a “holy union” in Arkansas and did not desire to travel out of state to marry. And, finally, one did not see the need to marry. Twelve couples are white, one is African American, and one is interracial—Latino and white. Their ages range from 25 to 65. Most of them are university educated (five have only a high school diploma) and reported earning a yearly combined income in the range of \$40,000 to \$80,000. I also interviewed five prominent lesbian and gay activists who organized against the state constitutional amendment to ban same-sex marriage. The semi-structured interviews lasted between one and three hours, with an average of two hours, and were based on a standardized interview guide to ask about relationship history and reasons for marrying, as well as views on activism. All interviews were audiotaped, transcribed, and coded using the procedures of grounded theory (Strauss and Corbin 1998).

Oklahoma politics have long been involved in conservative causes, and the dominance of conservative Christianity has significantly influenced policy outcomes (Bednar and Hertzke 1995; Morgan and Meier 1980; Satterthwaite 2007). Many Oklahomans dub their state the “buckle of the Bible Belt,” with justification. Almost 60 percent

of registered voters say they attend church regularly, compared to the national average of 40 percent, making Oklahoma the sixth highest in the nation for church attendance. Nearly two-thirds of these identify as born-again or evangelical (Campbell 2002). The largest denomination is Southern Baptist; one in five Oklahomans are affiliated, making the state third in the nation for this denomination. The state accommodates several large conservative Christian ministries, including Oral Roberts University and Rhema Church and Bible Training College. The Oklahoma Family Policy Council, associated with James Dobson's Focus on the Family, puts out an election-year voter's guide that provides candidate responses to election issues of import to those who embrace "family values" (many Democratic candidates do not respond to these surveys). The Baptist General Convention is also a vital religious player in Oklahoma politics, actively supporting or opposing state ballot initiatives and legislation according to their interests.

Oklahoma has a long history of legislating against lesbians and gay men (Satterthwaite 2007). In 1978 the state passed a statute stating that any teacher who is "advocating, soliciting, imposing, encouraging, or promoting public or private homosexual activity" may be "rendered unfit for his [*sic*] position," a measure that was struck down by the U.S. Supreme Court in 1985 (Tugend 1985). Oklahoma legislators worked at the national and state level to pass the federal law to deny recognition of same-sex marriages performed in other states, the Defense of Marriage Act, that was signed into law by President Clinton in 1996. A Republican state senator drafted a state version that was signed into law by former Governor Keating in the same year. One of the state's more draconian laws was passed in 2004: a bill that required birth certificates issued to children adopted by same-sex couples outside the state to carry the name of only one parent. The Lambda Legal Defense and Education Fund, which worked to overturn the law, described it as so extreme that it might have left children adopted by same-sex couples in other states orphans in the eyes of the law when in Oklahoma. Elizabeth Birch, former president of the Human Rights Campaign, said of the political climate when she visited the state: "Oklahoma representatives cost my organization a lot of money, because we have to spend a

lot of money to fight against what they want to do. We need a better atmosphere in this state for gays and lesbians” (Overall 1996).

The debate over same-sex marriage became a call to arms among religious conservatives. Terry Gatewood, cofounder of Cimarron Alliance Foundation—a political action committee with a goal to advance equality for LGBT Oklahomans—explained how back in 1995 he attended a Human Rights Campaign conference in Chicago where the leaders were discussing strategies to fight for legalizing same-sex marriage in Hawaii. He described raising his hand to say:

“I am sure this is well intended, but could you please explain to many of us (in which I would frankly use the term, the rest of us) how we are talking about marriage when we still have sodomy laws; we don’t have job-place protection; we don’t have parental rights.” What I meant by parental rights was the right of a lesbian mother to keep her own child type thing! I wasn’t talking adoption yet. She was like, “Oh well, we need to . . .” I said, “No, you are going to scare the hell out of my”—and I used the term *my*—“fundamentalists back in Oklahoma, and you are going to galvanize them. What are you thinking?” Gosh. I think now, what a prophetic . . . Before this train leaves the station, if you think you are going to pull the rest of us along by getting marriage in Hawaii or whatever, that ain’t going to happen.

Terry expressed frustration as conservative states such as Oklahoma took the brunt of the backlash against efforts to legalize same-sex marriage. In the first few months, Oklahoman legislators introduced ten measures to ban it. One bill brought by Republican State Representative Bill Graves sought to deny recognition of same-sex marriages or civil unions, declaring such relationships “shall be considered repugnant to the public policy of the state.” In a television interview, he told reporters that the legislation “is just showing that that sort of activity is repulsive. I think it is and a lot of other people do, too.” A coalition of government officials, churches, and parachurch organizations joined together to campaign against same-sex marriage, and several rallies

were held at the state Capitol. Finally, in April 2004, conservative legislators were able to put Oklahoma State Question 711 on the November ballot, which ultimately passed with 76 percent of the votes in favor.

This pervasive anti-lesbian and gay climate has meant that many lesbian and gay Oklahomans stay in the closet for fear of losing their jobs or of complete ostracism by family and friends. This is especially true in rural parts of the state. Terry expressed the difficulty of organizing and making progress for lesbian and gay rights:

Sometimes it feels like you are lucky to keep your head above water here in Oklahoma. Sometimes you feel like you've made some progress, and then . . . I'm a very visual person. In my head, I saw myself as a kid in a pool. I'm doing pretty good. I'm moving; I'm going to get there. Then, all of a sudden, hit the deep end, and oh, crap, now what do I do. It feels like, right now, we are in the deep end. I kind of go back and forth as to how glum I think things are.

Terry's description of the difficulty of living as a gay man or lesbian in Oklahoma was echoed throughout my interviews. Yet in these dire circumstances a number of same-sex couples in Oklahoma made decisions to travel to other states to marry.

A SYMBOLIC JOURNEY

Karen Weldin, a fifty-year-old white lesbian, grew up in a Southern Baptist family and attended Oklahoma Baptist University. In our interview, she explained the stages of coming out to herself and others. During college, she had had a couple of sexual experiences with women. She lived with a woman for five years; for the first six months their relationship was sexual, but then Karen panicked and told the woman she was not gay. After that, they lived together as roommates for the next four and a half years. After admitting to herself she was a lesbian, she remained closeted in her next relationship out of fear that she might be fired from her first professional job as a therapist at an alcohol and drug

counseling center. One of her colleagues was fired after he came out as gay. Even though she remained closeted, she was eventually fired for being a lesbian. She brought a lawsuit against the agency and settled out of court. After losing her job, she went into private practice but remained closeted over concern that her business would fail. During this time she met Suzanne.

Suzanne Bain, sixty-three and white, had dated boys in high school and in college had a flirtation with a woman. After their first kiss, Suzanne described never feeling that way before. Both women were dating men but shared a single room in an apartment with two other friends in a second room. After graduating, she moved to Dallas to be near the man she had been dating. She said to herself: “You know, I can’t do this with a woman. That is not what I’m supposed to do. I’m supposed to graduate, work for a little while, then get married and have a family, and that’s what I have to do.” She married and had two sons. After twenty-five years and with an empty nest, the marriage fell apart. At forty-nine, she moved to Oklahoma City and got her own apartment. In 1989, Suzanne began to see Karen as a counselor until they fell in love. She says, “Scared me to death!” It took Suzanne many years to finally come out to her sons, and when she did, the younger one said, “Mom, we knew that!”

After nearly fourteen years together, Suzanne gave Karen a red plastic heart on Valentine’s Day with a piece of paper inside that read, “Will you marry me?” The two had discussed a “holy union” but felt that didn’t really make sense for them. Instead, they considered traveling to Canada or Massachusetts to marry legally. Then Mayor Newsom gave his directive to issue marriage licenses to same-sex couples, and their minister, Leslie Penrose, e-mailed them to ask if they would be interested in going to San Francisco to marry. Leslie, who had resigned from the United Methodist denomination in 1999 after being charged with violating church law for conducting holy unions for same-sex couples, had refused to officiate at civil ceremonies for heterosexuals because she couldn’t do so for lesbians and gay men. Karen and Suzanne agreed that this was the perfect way to honor their relationship.

Karen, who by this time worked for Soulforce—an LGBT civil

rights organization that promotes understanding in the religious community—explained how she came “barreling out of the closet” and that Suzanne had not been in that place. They had many heart-to-heart talks about it. After they decided to marry in San Francisco, Karen called the local newspaper. Suzanne said that this made her a little nervous, but she wasn’t too concerned, because Karen had issued many press releases with Soulforce in Oklahoma that didn’t get much response. She recalled:

So, sure enough, when we got to the airport that day there were two news channels from Tulsa. And of course the newspaper—and I knew it was going to be in the paper. I called both of my kids and my mother and told them. . . . Well, Lord, I never imagined it was going to be on the front page of the *Tulsa World*!

Her mother, who was ninety-one years old, asked, “Why do you need to do this?” Suzanne said that she just “flipped over it” when it came out on the front page of the paper. The public act of marrying took on new meaning as it became newsworthy and challenged family members to come to terms with their own increased public scrutiny as parents or siblings of a lesbian.

While few couples who had participated in commitment rituals viewed their decision in political terms, most of the couples I interviewed who traveled out of state to marry, including Karen and Suzanne, expressed the view that the personal act of marrying had political implications, relating to the feminist notion that the personal is political (Hull 2006). Karen, for example, told a reporter, “It’s significant that we are dissenters of an unjust law, but this is a personal step for us—not a political act” (Barber 2004). The personal was apparent in the vows they wrote to each other and in the rituals of lighting candles and playing special music for each other when their minister married them at City Hall. Yet both of them recognized a political dimension in their willingness to represent their relationship visibly to the outside world. A picture of the couple together with their minister featured prominently on the front page of the Sunday *Tulsa World*. Similar to the findings of Taylor et al. (2009), they saw the act of marrying as an

intentional form of contestation against the injustice of banning them from marriage.

Fernando Este and Don Glass were the second couple that traveled with Karen, Suzanne, and their minister to marry in San Francisco. Fernando had been born and raised in Venezuela in a very religious Catholic family. He knew he was gay from a young age and tried to rid himself of homosexuality, even going through an exorcism. At eighteen, he was involved in missionary work in the church and met a woman whom he came out to right away and who became his closest friend. He went to seminary to become a priest but realized the life of celibacy was not for him. He married this woman when he was twenty-five, and they began to build a life together. A year after their marriage, she died of liver cancer. At this point, Fernando realized that he wanted to be with a man. He began working as a safety engineer for the oil industry in Venezuela, and the company sent him to a seven-week seminar in Norman, Oklahoma. He met an “Okie” and began a relationship with him. This man followed Fernando to Venezuela, and they eventually moved back to Oklahoma, where Fernando received a master’s degree in occupational and environmental health from the University of Oklahoma. After this relationship ended, he had another relationship before meeting Don at a Pride picnic. They began as friends, started dating, and over time Don became his soul mate.

Don was raised in a white Southern Baptist family in Van Buren, Arkansas, where religion was a central component of their lives. He also knew he was gay from a young age but tried to suppress it. He recounted, “Like through high school and early college, I said, ‘I’m gay and I know it, and nobody else is going to know it,’ and I told myself I can never do anything with a guy.” He attended architecture school at the University of Arkansas. During his final semester, Don shared an apartment with a man who made a pass at him, and they eventually began a relationship. After graduating, he went back to Van Buren and tried to break off this relationship. While Don was away on a trip to Washington, D.C., his ex-lover called and outed him to his mother. When Don returned, his dad told him what had happened, and Don denied it, telling his father this man must be crazy. He eventually began a relationship with another man that lasted for six and a half years;

they moved together to Tulsa so Don could become a partner in an architecture firm. When he finally decided to break off the relationship because he felt his partner was too controlling, he feared that he would be outed again and decided to come out to his parents before this could happen. Don said of the experience, “You know how you have the *ooh* feeling in your body like everything slows down and I thought, I can’t do this.” But he did, and his parents—his mother more so than his father—ended up being fairly supportive despite their fundamentalism. When Don met Fernando, he wanted a relationship more quickly, but they began slowly as friends because Fernando was just coming out of a difficult relationship.

Five years later, Fernando at forty-six and Don at thirty-nine had discussed marriage. When Fernando received a call from Karen, whom he knew through Soulforce, to ask if he and Don would like to marry in San Francisco, he was excited. Don, however, needed a day to process the idea. He described feeling scared: “It was just like zero to sixty from marriage as a theoretical thing we might do in a few months . . . and now it’s like let’s get on the Internet and buy tickets!” Don also knew there would be press coverage and that he should tell his parents in Arkansas, but he put it off and decided to tell them when he got back. However, the story was featured in his parents’ local paper, and his mother cut it out before Don’s father could see it. His father had had bypass surgery, and she was afraid it would upset him. She asked Don not to tell him the news.

For both Don and Fernando, getting married in San Francisco was about a personal commitment and taking a stand against discrimination. Don said, “It’s like we’re both interested in politics, and this is an opportunity to be part of something and kind of throw in our lot with this train that’s going. So, I think that’s how we looked at it, you know, [to] be a part of history.” Fernando echoed the sentiment that their journey was a political *and* a personal statement:

You declare your love for each other, you’re changing the universe. I believe in that. And hearing the state of California say, “I declare you spouses for life,” was something that I didn’t think I was going to be able to witness or go through in my life.

To reporters, he expressed his political stance in terms of assimilation: “We got together for the same reasons as any other couple. We have the same interests, the same values, and we both know what we want to accomplish with our lives” (Barber 2004). Yet their very public journey to marry offers a challenge to the “normality” of marriage. Fernando explained to me that he sees an important distinction between church and state:

We wanted to be able to have access to a stable marriage with all the rights and duties that come with marriage and also with our faith community. But we always saw [these two] as separate issues. Religious institutions have the right to celebrate marriage—whatever they want to say, but I think the government cannot—should not keep two people from getting married. That’s not the role of the government.

The interviews reflected the idea that the resistance strategies in marrying as a civil rights strategy are more than purely a means of assimilation. For both couples, marriage meant a public declaration of further “coming out” to challenge state and governmental practices that limit their rights. In addition to the news coverage, a videographer—a friend of Fernando—recorded their story, which became a half-hour documentary about the marriage debate that was shown on public television in Colorado.

The political climate in Oklahoma directly shapes resistance strategies. The stories above, as well as those recounted by other couples I interviewed, reflect the struggles of coming out in a local environment of invisibility and religious censure. The other couples I interviewed similarly viewed their marriages in terms of taking a stand against the injustice in their own state by going out of state to marry. Upon returning to Oklahoma, many of the couples expressed their commitment to continue activism to change the climate for lesbians and gay men in Oklahoma. Karen, for example, told me that, even though living in Oklahoma means a constant battle against discrimination, she “would not want to live any other place right now.” When I asked what it was like being a married lesbian in Oklahoma, she replied: “In a lot of ways

it's fun to me. I always wanted to be a missionary." She joked, "I'm serious," and went on to describe her feeling of fulfillment in her claim to marriage as a means of compelling others "to stretch" their beliefs and values. For couples who married out of state, the act of participating in a legal marriage gave them a new sense of legitimacy and equality that the ban on same-sex marriage in Oklahoma could not eradicate. Despite the hostile political climate, the journey to marriage felt like a courageous act that redefined their relationship to the state.

The couples found ways to publicly declare their marriages when returning, even while politics within the state were seeking to ensure their marriages would never be recognized. The mayor of Tulsa said: "If you are wanting to be married in a gay relationship, you better get on a plane or in your car and drive hundreds of miles to San Francisco, because it's not going to happen in Tulsa. Not with this mayor. Not going to happen" (Barber 2004). The couples incorporated core features of cultural repertoires—contestation, intentionality, and collective identity—in their efforts to declare their marriages publicly and to organize with others who had participated in a same-sex marriage outside the state in order to educate others about the right to marry. As stories of same-sex Oklahoman marriages circulated on websites, blogs, and in the news, conservative activists in the campaign against same-sex marriage drew on them as proof of the need for a constitutional state amendment. Thus, being located in a conservative state was essential to shaping the particular dynamics of these campaigns.

MARRYING UNDER A SOVEREIGN NATION INSIDE A STATE

The California Supreme Court halted same-sex weddings on March 11, 2004. By May, a new wrinkle in the battle over same-sex marriage was taking place in Oklahoma, a novel opportunity for resisting state law. Leslie Penrose, the minister who married the couples in San Francisco, had mobilized with a Cherokee gay activist, Samuel Crittenden, to obtain a license to perform marriages certified by the Cherokee Nation. Samuel had studied tribal sovereignty statutes and found a mandate that Native American marriages be recognized by states. The Cherokee Na-

tion, similar to other Native American tribes, is a federally recognized sovereign nation, and can thus create its own policy around marriage for same-sex couples. Samuel believed that a same-sex couple could conceivably circumvent laws to establish a marriage that was not approved by the state. Kathy Reynolds and Dawn McKinley, both citizens of the Cherokee Nation, went to Tahlequah, Oklahoma—the capital of the Nation—on May 13 to obtain a marriage application. As the clerk handed them the application, she said she had no problem giving it to them but they probably wouldn't be able to find anyone to perform the ceremony, unaware that Leslie Penrose had already obtained a license certified by the Nation. The next day, the Chief Justice of the Cherokee Nation District Court initiated a memorandum preventing any further same-sex couples from obtaining marriage certificates.

On May 18, Dawn and Kathy held their wedding ceremony on Cherokee land at a Tulsa park with Leslie officiating. Samuel began with a native ceremony for blessing the couple. Family and friends attended, as well as several reporters and activists. Leslie performed a service that honored “the traditional Cherokee spirituality.” She said a prayer for the couple to repeat that incorporated earth, fire, wind, and water: “Creator God, We honor all you created as we pledge our hearts and lives together. We honor earth and ask for our marriage to be abundant and grow stronger through the seasons.” They took some of the red earth that Samuel had gathered from the Cherokee land at Mohawk Park and threw it in the wind. “We honor fire and ask that our union be warm and full of passion.” One of the attendees presented a candle for the couple to sweep their hands over. “We honor wind and ask for wisdom as we struggle and grow this marriage together.” Another attendee blew soap bubbles to signify water. “We honor water and ask that our marriage may never thirst for commitment or care.” The water was from a sacred spring that had been flown in from the Cherokee homeland. I later asked Samuel where the homeland was, and he replied it was Blue Springs, Georgia, close to the internment camp where many of their ancestors lost their lives. Leslie finished, “Creator God, We honor all you created as we pledge our hearts and lives together. Amen.” Honoring Cherokee tradition, the ceremony embraced a non-Christian, non-Eurocentric understanding of marriage.

After the ceremony, I drove with the wedding party to Tahlequah to file the application. When we arrived we were told that there was a moratorium on accepting marriage applications. At this point, Justice Stacy Leeds entered to address us: “Justice Dowty, the thirteenth [Chief] Justice [of the Cherokee Nation], has issued a moratorium on all marriages. Heterosexual, same-sex, all marriages, and I understand that there will be some changes coming from the council at some point.” Several of us asked questions about procedure, and Justice Leeds kept reiterating the moratorium. Dawn angrily protested: “The court clerk issued that to us, and now you are going to hold it and stop us from filing it until you change your laws? Then, when you change your law, this is not going to be valid anymore. We had the right before the law changed.” Justice Leeds told us that she would be sitting on the case and could not comment on the law. Leslie requested a letter documenting that Dawn and Kathy had come to file the application and that they were refused. Leslie asked Dawn and Kathy if they had anything to say. Kathy began but ended up in tears, so Dawn spoke up:

We’re good enough to be on your roll, but not good enough to be married in the eyes of the tribe, and where does that leave us? That’s saying that we are not as equal, and that’s not right, because the laws of the tribe are set out to serve everyone. It doesn’t say anywhere in that because you are homosexual you don’t deserve the same rights as the heterosexual people in our tribe. You know, it’s bad enough our state won’t recognize us, but for our own tribe—for our own people to turn against us. We are good enough to be tribal members, and shame on those people who are in office and don’t want us to have any rights. I’ve always been very proud to be a part of the Cherokee people. I am very proud of my heritage. Today, I am very ashamed of it, because of the conduct of the people in office. You know what, shame on them! Shame on them!

Dawn identified her membership within the tribe as a powerful reason for recognition, even though the Nation was unwilling. Her words

commenced their long struggle with the Nation to recognize the application, a battle that would receive international attention.

In June, the Tribal Council unanimously passed a measure to exclude same-sex couples from marrying within their jurisdiction. However, under Cherokee law, the measure is not retroactive and did not impact Kathy and Dawn's marriage application. Other measures needed to be taken to nullify their marriage. On June 16, Todd Hembree, a lawyer for the Cherokee Tribal Council, filed a petition seeking to have Dawn and Kathy's marriage held invalid. In the next months, Kathy and Dawn sought throughout Oklahoma for a lawyer to take their case. Those they contacted either were opposed to the marriage or did not want to alienate the tribe and the lucrative tribal contracts handed out to law firms. Dawn told a reporter: "There were about 35 lawyers on the list of those permitted to argue in tribal court, and one day I went down the whole list and couldn't find anyone willing to take the case. . . . One guy laughed and hung up on me" (Romano 2005). Dawn and Kathy were forced to represent themselves, finally securing the representation of the San Francisco-based National Center for Lesbian Rights after the case had worked its way up to the highest Cherokee court. In September 2005, the Judicial Appeals Tribunal of the Cherokee Nation ruled that Hembree had no standing to sue. Then a group of elected tribal councillors filed a new court challenge that was also found to have no standing because the council members could not prove that they were individually harmed or affected by the marriage. In the same month, the court administrator, who is responsible for recording marriage licenses, filed a third lawsuit challenging the validity of the couple's marriage, which is still pending as of 2012.

During our interview in 2004, Kathy, then twenty-seven, and Dawn, thirty-two, described being pulled into activism with little knowledge of the struggle ahead. They had experienced their share of discrimination as a couple. When Kathy was hospitalized with back problems, the staff did not allow Dawn to visit her because the institution recognized them only as roommates—even though they had been living together for years and were parenting Dawn's eleven-year-old daughter. This was a big part of their reason for seeking to legally marry.

Neither, however, had any idea of the extent of the activism they

would need to embrace. Kathy said: “We were so naïve. We had no idea it would be like this. . . . With the marriage certificate, we just thought we’ve bought some marriage certificate, get married, and it would be done. In our heads it wasn’t going to be a big deal.” Dawn echoed this sentiment, saying that she felt a very rosy picture had been painted about what would happen and they were unaware of the impending fight:

We’re very quiet kind of people. We live in the suburbs, we pretty much mind our own business and it was just like, “What do you mean?” We never even thought about being activists. We sign petitions and do stuff like that but to actually get out and fight for a cause was just never—wasn’t something we did. We kind of stood on the sidelines like most people.

Both had been somewhat apolitical before the marriage. Kathy described how frustrated she felt by people who said they were doing this for political gain. “Honestly, we didn’t. It didn’t start out as that anyway.” She described her evolution in thinking that eventually saw this as an opportunity to help others: “At some point, it occurred to us that we did this so maybe the other couples that are interested they can go ahead and get married too. And then it became a bigger idea to us that that could be a gateway to get it legal in Oklahoma. [But] we kind of had our doubts about that being possible.” This evolution represents the awakening of political consciousness and a broader collective identity.

Kathy and Dawn’s marriage within a sovereign nation in a state that defines marriage as exclusively heterosexual offers a glimpse into the multilayered forms resistance can take. Dawn and Kathy wanted to be like others who are able to live out their married lives in privacy. Yet their political awakening came as they began to recognize the kinds of discrimination they faced as a couple. I asked Kathy about whether she and Dawn had considered moving to another state. She responded: “There’ve absolutely been days when it just sounds so awesome to go be in a place that accepts you for who you are and welcomes you for that, because it’s difficult. I never realized, I don’t think, until all of this how difficult it is, how openly the world rejects our relationship.”

While their case sparked off a debate that led to a consolidation of power in the tribe to define marriage as exclusively heterosexual, Kathy and Dawn's marriage became not only a legal battle but also a symbolic fight for the tribe's recognition of their marriage.

ADDING GAY MEN AND LESBIANS TO THE MARRIAGE STEW

In her assessment of the potential benefits of same-sex marriage, Suzanna Danuta Walters expresses skepticism that it will transform the institution:

It is not at all clear that adding lesbians and gays to the marriage stew will necessarily alter its flavor just as it is not clear that allowing gays to serve in the military would alter the structure of the military. . . . True, no institution is impenetrable or completely inelastic to change. Nevertheless, powerful and hierarchical ones such as the military or marriage are not going to be easily transformed. (2001, 352)

On the one hand, Walters is right about the power of marriage as an institution, but on the other her assessment does not fully take into account the fundamental transformations in family life that have already taken place over the last half-century. Her worry echoes that of Michael Warner concerning assimilation: "Marriage sanctifies some couples at the expense of others. It is selective legitimacy" (2000, 82). From this perspective, incorporating lesbians and gay men into marriage will redraw the lines of discrimination between those who have sex inside marriage and all other sexual "deviants." Are the symbolic practices of resistance that lesbians and gay men perform in marrying better thought of as acquiescence to the heterosexual norm?

This is a fraught question. I believe that the cases above offer some evidence that same-sex marriage has the potential to challenge social environments like the one in Oklahoma where organized efforts are made to quell rights for lesbians and gay men. Simultaneously, one wonders how willingly these men and women would blend in to the

dominant family model if they were given the opportunity. Since legalized same-sex marriage is such a new phenomenon, there is little research to evaluate the transgressive potential of same-sex marriage. Research on same-sex relationships has uncovered their innovative potential as constituting “families of choice” (Weston 1991). In addition to promoting family relationships outside biological or marital ties, other research has examined the practice of nonmonogamy among same-sex couples. Ringer (2001) conducted in-depth interviews with thirty gay male couples to theorize their “relational ideologies” as constituting practices that do not require monogamy. Other studies of gay male couples have also confirmed the importance to many same-sex couples of constructing relationships outside the constraints of monogamy (Adam 2006; Bech 1997; Ringer 2001; Stacey 2005). More recently, one study in Canada has actually examined relationship innovation among married same-sex couples. Green (2010; chapter 11 herein) conducted in-depth interviews with thirty married lesbians and gay men in Ontario to find that half of same-sex spouses (predominantly gay male) reported partaking in a practice of nonmonogamy.

One of the couples I interviewed offered more preliminary evidence that adding gay men to the marriage stew can change the flavor. Similar to the other couples I interviewed, Gary, a thirty-eight-year-old white gay male, and Oscar James-Wright, sixty and white, did not set out to transform marriage. Oscar had grown up in a small town in Oregon and completed his Ph.D. on the East Coast. He took a position at Oklahoma State University in 1981 and is now a professor of history. At age twenty-three, he had had numerous sexual encounters with boys and men, but social pressures led him to marry heterosexually and the couple had two sons. After ten years the marriage disintegrated, and Oscar entered a relationship with a younger man, which lasted for eight years. When they split up, Oscar decided that being a single bachelor had its benefits and that sex would mean no strings attached. Gary, born and raised in Canada, had dated girls platonically in high school and came out in college. He’d had three relationships, which he described as dysfunctional. The two met at a bar in Vancouver, and they became, as each termed it, “soul mates.”

After a year of a very intense relationship, they made a decision to

open their relationship for separate sexual encounters as well as adventures together. Gary had resisted at first but described his change of heart:

I wanted to find my prince charming. I had a very pedestrian notion of what a relationship was, I guess. It was a full year that Oscar and I were together before he broached the topic of having a nonexclusive relationship. I finally just said fuck it, why not? Everything else I had tried didn't work. They all cheated on me or I cheated on them. Let's try it.

Gary's reluctance soon faded. After several years of an open relationship, he said he couldn't imagine it any other way. Oscar described his need for nonexclusivity: "I needed very much to have this. My libido is very high. I like a great deal of sex and I am very sexually active." Gary, on the other hand, didn't have the same drive. He told me: "Oscar is far more sexual than I am. I have my moments. I am quite jealous of that sometimes. I wish I were so comfortable in my skin. He seems to be extremely comfortable and at ease with himself sexually." Surprisingly, Oscar—who had more encounters with other men—was actually the one who became jealous at times. He said:

At first, I was very jealous. It was fine for me to go have sex, but if he did I wasn't sure because I was afraid he was going to leave me. He would find someone he liked to have sex with, that had a bigger cock, or was better in bed. My own insecurities were coming out. I don't feel that way anymore. I'm much calmer about it.

As a couple they maintained complete honesty about their encounters, and Gary described how sexy it was when Oscar recounted his adventures.

In 2003, Gary and Oscar traveled to Canada to marry legally. They made this decision for immigration purposes, because the two were considering moving there. Oscar had tired of the antigay atmosphere that pervaded Oklahoma. According to Oscar, marriage didn't change

anything about their relationship or commitment. However, Gary expressed feeling different afterward:

It makes a huge difference. I am kind of shocked at myself for saying this. I felt very different after having gone through that ceremony and having them pronounce us as married. I didn't feel . . . there was no quantitative increase to my attachment to Oscar but qualitatively it just resonated differently.

Gary was shocked because he was somewhat critical of the institution of marriage. He described his parents' marriage as none too happy, and that he didn't see any reason for gay men to emulate heterosexual unions. However, the symbolic dimensions of publicly announcing his commitment made a difference. The two felt strongly about challenging the heterosexual assumption of marriage, and both changed their last names to a hyphenated combination: James-Wright.

Marriage may have changed the way Gary felt, but it didn't change the agreement the two had to be nonexclusive. Oscar explained:

To make love is one thing, to have sex is another. We make love, and sometimes we have sex too, but the level of intimacy when we are just in bed holding each is much more intimate than anybody I'm having sex with. It's just touching each other. It's hard to explain.

The idea of separating love and sex relates to broader transformations in intimacy where trust is no longer taken for granted but negotiated (Giddens 1992). Gary discussed contemplating such a move as possibly beneficial to their relationship. Living in Oklahoma, however, the couple found that the gay community often condemned their nonmonogamous marriage. Gary said: "I get a lot of shit from people about how dare you proclaim that you are married and have sex with other people. I think that just offends people. You get accused of having a double standard and being a sellout, and all of this stuff." Others, according to Gary, mess around but are not honest about it, and in his view it is this behavior that is hurtful and unethical. Ironically, as noted at the

beginning of this chapter, activists and scholars have leveled a queer critique of “being a sellout” at lesbian and gay couples in long-term monogamous relationships viewed as mirroring heterosexual patterns of marriage and monogamy. In the context of conservative Oklahoma, being a sellout is defined as the opposite practice of nonmonogamy.

Gary and Oscar’s nonmonogamous marriage offers another interesting wrinkle in the debate over resistance and assimilation. Gary describes the expressive elements of being married in terms similar to those of other couples whom I interviewed. However, these two have fashioned a relationship that works for them based on ideas very different from dominant heterosexual norms. This couple may be an anomaly given that their reason for marrying was predicated on possible future emigration. Gay male couples who prefer nonmonogamy may predominantly self-select as the non-marrying type. However, Green’s (2010) research on male same-sex spouses suggests that nonmonogamous couples may represent a more dominant pattern that complicates the simple equation of assimilation and resistance. Thus, while nonmonogamy among same-sex spouses is still an important area for future investigation, there is some evidence that it will, along with activist accounts of reasons for marrying, advance a more nuanced picture of the debate over assimilation.

CONCLUSION

Same-sex couples who traveled to other cities, states, or countries to marry legally returned to a social environment that rejected their marriages in culture and law. State actors and Religious Right activists organized to consolidate the meaning of marriage as exclusively heterosexual to circumvent the kind of challenge that same-sex couples marrying elsewhere might bring. The hostile environment for lesbians and gay men in Oklahoma leads one to wonder why these couples would travel outside the state to marry when these marriages will remain unrecognized in their home state. For these couples, the symbolic act of marriage became an important form of activism. As Taylor et al. (2009) theorize, the symbolic act of marrying consolidates cultural repertoires that transform a private and personal event into a public and political

form of activism. Rather than using marriage as a way to simply assimilate into dominant heterosexual culture, lesbian and gay couples viewed the act of marrying as a form of political testimony to resist the conservative backlash and discrimination that was pervasive in Oklahoma.

The resistance practices of these same-sex couples were often a double-edged sword. Dawn and Kathy, who fought their battle in the interstices between tribal and state authority, were disappointed at how quickly Cherokee leaders consolidated power to give marriage an exclusionary definition. On the one hand, resistance created increased visibility of the issues for same-sex couples like Dawn and Kathy, who face discrimination on an everyday basis. The media coverage of out-of-state and tribal same-sex marriages offered a human face to stories of discrimination and exclusion, in contrast to the negative stereotypes perpetuated by the Religious Right. The complex relationship between heterosexual and queer cultures, same-sex marriage, and practices of nonmonogamy such as those performed by Oscar and Gary points to the ways that same-sex marriages might foster the diversity that is the landmark of transformations of intimacy (Giddens 1992). On the other hand, these practices also point to the ways that resistance strategies can feed into the doxa of the Religious Right, who use out-of-state marriage activism and practices of nonmonogamy to publicize the need to “protect” heterosexual marriage. Thus, the broader political implications for same-sex couples who marry must be conceptualized in connection to the cultural constraints of location and history.

Are same-sex marriage resistance practices nothing more than a road toward assimilation and acceptance by the dominant heterosexual culture? My ethnographic research in Oklahoma challenges the simplistic either/or construction of the question between assimilation and transformation. Oklahoma’s hostile environment shaped resistance practices as the symbolism of out-of-state same-sex marriages represented both personal and political motives, and public marriage took on specific meanings given a social location where being more fully “out” could have severe consequences. Would out-of-state same-sex unions that originated in a state without legal marriage but with domes-

tic partnership rights for same-sex couples have the same implications for debates over assimilation? While this remains an important question for future research, I would venture to speculate that the meanings attributed to assimilation would differ with greater acceptance. Future research should also examine what such resistance practices mean for lesbians and gay men who are even more marginalized by race and class. Most of the couples who participated in out-of-state same-sex marriages were white and middle- to lower-middle-class, leaving open the question of how fighting for same-sex marriage might leave out the needs and interests of more marginalized others. Given the argument of this chapter concerning the importance of social location and historical context in creating the very possibilities of what can count as assimilation or transformation, it will be important to consider other social contexts and marginalized identities. Bernstein (2002) found similar shifting, multidimensional, and complex negotiations taking place in how LGBT movements over time have interacted with essentialist identities, where the meanings and embrace of a lesbian and gay fixed identity varied depending on resources, networks, and political conditions, particularly in connection to the rise of the Religious Right. Contextual and nuanced arguments such as these will offer rich possibilities for theorizing the relationship between social movements and progressive social change.

REFERENCES

- Adam, Barry. 2006. "Relationship Innovation in Male Couples." *Sexualities* 9 (1): 5–26.
- Armstrong, Elizabeth, and Mary Bernstein. 2008. "Culture, Power, and Institutions: A Multi-Institutional Politics Approach to Social Movements." *Sociological Theory* 26 (1): 74–99.
- Badgett, M. V. Lee. 2009. *When Gay People Get Married: What Happens When Societies Legalize Same-Sex Marriage*. New York: New York University Press.
- Badgett, M. V. Lee, and Jody L. Herman. 2011. "Patterns of Relationship Recognition by Same-Sex Couples in the United States." The Williams Institute, UCLA School of Law. <http://williamsinstitute.law.ucla.edu/research/marriage-and-couples-rights/patterns-of-relationship-recognition-by-same-sex-couples-in-the-united-states/>.
- Barber, Brian. 2004. "Same-Sex Weddings Planned." *Tulsa World*, February 29.
- Bech, Henning. 1997. *When Men Meet: Homosexuality and Modernity*. Chicago: University of Chicago Press.
- Bednar, Nancy L., and Allen D. Hertzke. 1995. "Oklahoma: The Christian Right and

- Republican Realignment.” In *God at the Grassroots: The Christian Right in the 1994 Elections*, edited by Mark J. Rozell and Clyde Wilcox, 91–107. Lanham, Md.: Rowman and Littlefield.
- Bernstein, Mary. 2002. “Identities and Politics: Toward a Historical Understanding of the Lesbian and Gay Movement.” *Social Science History* 26 (3): 531–81.
- Bernstein, Mary, and Renate Reimann, eds. 2001. *Queer Families, Queer Politics: Challenging Culture and the State*. New York: Columbia University Press.
- Campbell, Kim. 2002. “Can Marriage Be Taught?” *The Christian Science Monitor*, July 18. <http://www.csmonitor.com/2002/0718/p01s02-ussc.html>.
- Chauncey, George. 2004. *Why Marriage? The History Shaping Today's Debate over Gay Equality*. New York: Basic Books.
- Dowsett, Gary. 1996. *Practicing Desire*. Stanford, Calif.: Stanford University Press.
- Ettelbrick, Paula. 1992. “Since When Is Marriage a Path to Liberation?” In *Lesbian and Gay Marriage: Private Commitments, Public Ceremonies*, edited by Suzanne Sherman, 20–26. Philadelphia: Temple University Press.
- Fetner, Tina. 2008. *How the Religious Right Shaped Lesbian and Gay Activism*. Minneapolis: University of Minnesota Press.
- Giddens, Anthony. 1992. *The Transformation of Intimacy: Sexuality, Love and Eroticism in Modern Societies*. Cambridge: Polity Press.
- Green, Adam Isaiah. 2010. “Queer Unions: Same-Sex Spouses Marrying Tradition and Innovation.” *Canadian Journal of Sociology* 35: 399–436.
- Heath, Melanie. 2012. *One Marriage under God: The Campaign to Promote Marriage in America*. New York: New York University Press.
- Hull, Kathleen E. 2006. *Same-Sex Marriage: The Cultural Politics of Love and Law*. Cambridge: Cambridge University Press.
- Lewin, Ellen. 1998. *Recognizing Ourselves: Ceremonies of Lesbian and Gay Commitment*. New York: Columbia University Press.
- Morgan, David R., and Kenneth J. Meier. 1980. “Politics and Morality: The Effect of Religion on Referenda Voting.” *Social Science Quarterly* 61: 144–48.
- Overall, Michael. 1996. “Rights Activist Addresses Senate Bills Affecting Gays.” *Tulsa World*, September 8.
- Polikoff, Nancy D. 1993. “We Will Get What We Ask For: Why Legalizing Gay and Lesbian Marriage Will Not ‘Dismantle the Legal Structure of Gender in Every Marriage.’” *Virginia Law Review* 79 (7): 1535–50.
- . 2008. *Beyond (Straight and Gay) Marriage: Valuing All Families under the Law*. Boston: Beacon Press.
- Ringer, R. Jeffrey. 2001. “Constituting Nonmonogamies.” In *Queer Families, Queer Politics: Challenging Culture and the State*, edited by Mary Bernstein and Renate Reimann, 137–51. New York: Columbia University Press.
- Romano, Lois. 2005. “Battle over Gay Marriage Plays Out in Indian Country.” *Washington Post*, August 1.
- Rupp, Leila J., and Verta Taylor. 2003. *Drag Queens at the 801 Cabaret*. Chicago: University of Chicago Press.
- Satterthwaite, Shad B. 2007. “Oklahoma: A Battle of Good versus Evil.” In *The Values Campaign? The Christian Right and the 2004 Election*, edited by John C. Green,

- Mark J. Rozell, and Clyde Wilcox, 199–215. Washington, D.C.: Georgetown University Press.
- Stacey, Judith. 2005. “The Families of Man: Gay Male Intimacy and Kinship in a Global Metropolis.” *Signs* 30 (3): 1911–35.
- Stein, Arlene. 2010. “Sex, Truths, and Audiotape: Anonymity and the Ethics of Exposure in Public Ethnography.” *Journal of Contemporary Ethnography* 39 (5): 554–68.
- Stiers, Gretchen A. 1999. *From This Day Forward: Commitment, Marriage, and Family in Lesbian and Gay Relationships*. New York: St. Martin’s Press.
- Strauss, Anselm, and Juliet Corbin. 1998. *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory*. 2nd ed. Thousand Oaks, Calif.: Sage Publications.
- Taylor, Verta, Katrina Kimport, Nella Van Dyke, and Ellen Ann Andersen. 2009. “Culture and Mobilization: Tactical Repertoires, Same-Sex Weddings, and the Impact on Gay Activism.” *American Sociological Review* 74: 865–90. Reprinted herein as chapter 6.
- Tugend, Alina. 1985. “Homosexuality Law Weighed by Court.” *Education Week*, January 23. <http://www.edweek.org/>.
- Vaid, Urvashi. 1995. *Virtual Equality: The Mainstreaming of Gay and Lesbian Liberation*. New York: Anchor.
- Walters, Suzanna Danuta. 2001. “The Marrying Kind? Take My Domestic Partner, Please: Gays and Marriage in the Era of the Visible.” In *Queer Families, Queer Politics: Challenging Culture and the State*, edited by Mary Bernstein and Renate Reimann, 338–57. New York: Columbia University Press.
- Warner, Michael. 2000. *The Trouble with Normal: Sex, Politics, and the Ethics of Queer Life*. Cambridge, Mass.: Harvard University Press.
- Weston, Kath. 1991. *Families We Choose: Lesbians, Gays, Kinship*. New York: Columbia University Press.