

A First of Its Kind

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Traditional Gender Systems

Many tribes embraced multiple gender identities that existed outside of the male-female binary known today.

View gender diversity in terms of the sexual division of labor, subsistence patterns, and social relations (Roscoe, 1988)

Gender variance viewed poorly by early explorers and settlers.

Resurgence efforts currently in place.



Effects of the Boarding Schools

Mechanism to enforce European standards of conduct and conformity.

Cutting long hair

Stripped of traditional clothing

Prohibited cultural practices and speaking their language



Resurgence

- **Literature**
 - Autobiographies
 - Novels
 - poems
- **Conferences/Gatherings**
 - International Two Spirit Gathering
 - 2 Spirits & HIV Conference
 - World Pride
 - Bay Area American Indian Two-Spirits
 - 9th Annual Two-Spirit Powwow
- **Academia and academic disciplines**
 - Indigenous Queer Studies

Two-Spirit

<https://www.youtube.com/watch?v=A4IBibGzUnE>

Same-sex Marriage

- **Logistics:**
 - **Congress has plenary power over tribes and Indian affairs.**
 - U.S. Supreme Court struck down state bans on same-sex marriage making it legal in all 50 states.
 - Since Congress hasn't passed legislation about same-sex marriage, tribes have been able to craft their own laws in favor for same-sex marriages, or against it.
 - Opinions amongst tribal citizens and voting members differ.

South Dakota

- 9 reservations throughout the state.
- On July 8th, 2019, The Oglala Sioux Tribe became the first in the state to pass a same-sex marriage law.
- Muffie Mousseau and Felipa DeLeon helped champion these efforts after trying to get married on the Pine Ridge Reservation.
- The couple championed efforts to enact the hate crime law protecting LGBTQ+ citizens.
 - Modeled after Mathew Shepard and James Byrd Jr. Hate Crimes Protection Act of 2009.

The Hate Crime Law

- Law passed on Sept. 4th, 2019.
 - The Oglala Sioux Tribe are the first tribe in the United States to pass a hate crime law offering protection for their LGBTQ+ citizens.
 - Assault
 - Harassment
 - Discrimination
 - Punishment consists of up to one year in jail, a fine, and/or restitution.
 - Why is this important?
 - Suicide rates
 - Support from tribal government and legal services