The head of an American Indian tribe in Michigan signed a law approving same-sex marriage on Friday, joining at least two other tribes nationwide in doing so, then immediately wed a gay couple who had been together for 30 years but never thought they would see this day come.

Dexter McNamara, chairman of the 4,600-member Little Traverse Bay Bands of Odawa Indians in northern Michigan, and a member of the tribe wed Tim LaCroix, 53, and Gene Barfield, 60, of Boyne City. McNamara read the couple's vows and led the ceremony in English, and the tribe member conducted a traditional tribal ceremony in their language before dozens of wellwishers.

“I’m proud of my tribe for doing this and I love my husband,” LaCroix said. Barfield, who is not a tribe member, chimed in: "How could the world be better? … I’m just ... full of joy and happiness and I love my husband."

A maple sapling, bent into a hoop with cedar, sage, tobacco and sweetgrass tied to it, was used in the tribal ceremony. The sweetgrass was lit, and the hoop was waved up and down over the couple to ward off evil spirits and bring in good spirits.

“To have Tim’s tribal community, which are an ancient people, welcome me into their midst and …that we are welcome as a married couple in a community, I’m just flabbergasted at how good this makes me feel,” Barfield said, chuckling as he later added, “This goes to prove that the great American author Mark Twain was right: all things come to him who waits and doesn’t die in the meantime.”

It was not certain the tribe would recognize same-sex marriage: In 2012, the tribal council voted down a resolution, 5-4, to allow gays and lesbians to wed, but on March 3, the balance shifted and it was approved, 5-4. The resolution, which requires one member of the marrying couples to be a tribe member, then went to the desk of McNamara, who figured that if he vetoed it, the legislation would be unlikely to get the seven votes needed for an override.

While he was mulling his decision, McNamara said LaCroix called and asked him what he was going to do. They and Barfield had once worked together for the tribe.

“I started thinking about it, and that’s when I decided that, you know, we all deserve to be happy,” he said, "and everybody is happy in different ways, they show their love in different ways, and I decided to sign it.”

The newlyweds said that after McNamara signed the legislation, he received a standing ovation.

"I’ve always felt that there’s two ways to do things and look at things … you believe in equal rights or you want to discriminate," McNamara said Thursday, noting he'd received mainly positive feedback in response to the decision.

Two other tribes -- the Coquille in Oregon and the Suquamish in Washington state -- have in recent years approved same-sex marriage. Other tribes -- perhaps from five to 10, though there could be more -- have open ordinances that don't define marriage as between a man and a woman, said Matthew Fletcher, a law professor at Michigan State University College of Law and director of the Indigenous Law and Policy Center.

"It's pretty remarkable," Fletcher, a member of the Grand Traverse Band of Ottawa and Chippewa Indians, said of the tribe's action. "I mean Indian Country is mostly rural and insular and pretty conservative, so it's unusual for a rural community like this to sort of stick their necks out like this, but it gives you a sense of where I think we are as a nation in terms of being much more open toward same-sex marriage in a fairly short period of time."

However, large tribes, such as the Cherokee Nation and Navajo Nation, ban same-sex marriage. The Cherokee Nation took action when a lesbian couple sought the right to marry in tribal court. The pair was ultimately successful in 2006 though the ban was imposed, scholars said.
In smaller tribes, such as the Coquille and Suquamish, people know one another and so legally excluding same-sex couples has a more significant impact socially and politically rather than with a large tribe like the Cherokee, who have a big bureaucracy and are aiming to behave more like a nation-state, said Brian Joseph Gilley, a professor of anthropology and head of the First Nations Educational and Cultural Center at Indiana University, Bloomington.

The impact of the Little Traverse Bay decision was unclear, though Fletcher said he thought it would carry weight with other tribes. Little Traverse Bay was an influential, average-sized tribe that has been, along with some other Michigan tribes, "very much in the forefront of some good progressive tribal governance measures in the last couple decades."

"I do think it’s going to be influential," he said of the decision, "and it’s sort of a groundswell building in Indian Country that’s a little bit slower than the rest of the country, but it’s definitely building."

McNamara, who said it was an "historic" day for the tribe, agreed, saying he thought other tribes in the state might take their lead.

“We’ve been a role model, I think, for the federally recognized tribes of Michigan and it seems like we’re out in front -- and not taking anything away from the other federally recognized tribes -- but, you know, it seems like we kind of opened the door for other tribes and I think other tribes will follow," he said.

Nine states plus the District of Columbia allow same-sex marriage, while more than 30 ban it, including Michigan -- where that law will apply outside the reservation. The Supreme Court in less than two weeks will hear cases challenging California’s same-sex marriage ban, known as Proposition 8, and the federal law (Defense of Marriage Act or DOMA) barring recognition of same-sex couples.

The federal law applies to tribes, too, said Melissa Tatum, director of the Indigenous Peoples Law & Policy Program at the University of Arizona. It is up to each tribe -- there are nearly 570 -- to decide where they fall on this issue, she said.

"Some tribes have a culture and a history of accepting same-sex relationships and they don’t view it as anything unusual or different and some tribes have, like many states … they don’t have a culture of accepting it," she said. "Just like within the state populations you’re going to get the whole spectrum of attitudes in favor and against it in tribal governments."

Whether a tribal government accepted such marriages was "not just based on changing social opinions but based on tribal culture," she added. "Tribes who take control of their own laws, who make culturally appropriate decisions about what their government policies are going to be, have far and away more successful, more stable tribal government."

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