LGBTQ+ HISTORY
In New Mexico

new mexico
out & allied
business alliance

New Mexico's LGBTQ+ history stretches back well before statehood, and includes periods of both repression and early progress compared to much of the country.

Long before New Mexico existed as a political entity, many of the Pueblo, Navajo, and other Indigenous nations of the region held traditions of gender variance that had no equivalent framework of shame or punishment attached to them. Among Navajo, the concept of nádleehi describes a person of a fluid or transforming nature, and traditional Navajo cosmology recognized four gender roles rather than two. Many tribes in the region had traditions of cross-dressing and gender variance, with no legal or social punishment for engaging in same-sex activity. This context matters because it means the repression that followed came from outside forces, not from the land's original cultures.

The picture changed once New Mexico came under United States territorial control. The territorial legislature adopted common law for criminal cases in 1851, which made sodomy a capital offense, and the territory's first specific sodomy law followed in 1876 with a minimum penalty of a year in prison or a large fine, applied without regard to consent. The law shifted over the twentieth century rather than disappearing. In 1953 the state Supreme Court ruled that fellatio was not covered by the sodomy statute, and two years later the legislature rewrote the law specifically to include it, raising the penalty to ten years. Through this period, gay and lesbian life in New Mexico existed mostly out of public view. A dissertation researched at the University of New Mexico, later expanded into a planned book, documents this underground history in Albuquerque and Santa Fe from the 1920s through the 1980s, including the private lives of figures such as the well known New Mexican artist R.C. Gorman.

In 1975, state repealed its sodomy law that year, nearly three decades before the United States Supreme Court struck down remaining sodomy laws nationwide in Lawrence v. Texas. The following year, in 1976, a group of roughly twenty five people held what became Albuquerque's first Pride march, a small event that later organizers trace directly to the large annual festivals the city holds today.

Throughout 1980s - 1990s, formal advocacy organizations began to take shape across the state. The Santa Fe Human Rights Alliance was founded in 1993 and has organized that city's Pride events for over three decades since. This period also included the hardships of the AIDS crisis, which affected New Mexico's LGBTQ+ communities as it did those elsewhere in the country, and pushed local organizing toward health services and mutual support alongside celebration and visibility.

New Mexico moved early on legal protections as well. In 2003, New Mexico banned discrimination based on sexual orientation or gender identity in the private sector.

The marriage equality fight in New Mexico moved fast once it began & started at the county level rather than the legislature or courts. On August 21, 2013, Doña Ana County, home to Las Cruces, became the first county in New Mexico to issue marriage licenses to same-sex couples. Statewide resolution followed quickly. The ACLU of New Mexico filed Griego v. Oliver that same year on behalf of five same-sex couples, asking the courts to confirm that the state constitution did not bar same-sex marriage. In December 2013, the New Mexico Supreme Court ruled in favor of the plaintiffs, making New Mexico the seventeenth state in the country with full marriage equality.

Today New Mexico has a full set of statewide protections in place. Discrimination based on sexual orientation and gender identity is banned statewide across employment, housing, and public accommodations, transgender residents may update their legal gender, and conversion therapy on minors is prohibited. Researchers studying the state's demographics have also found that New Mexico ranks first in the nation for the concentration of Latinx same-sex couples and sits among the top ten states overall for same-sex couples, a pattern researchers attribute in part to the sense of belonging many LGBTQ+ residents describe finding in the state's high desert communities.