

CRIME

Echoes of a Murder in Wyoming

Matthew Shepard—a slight, unassuming young homosexual—is killed in the night, prompting a fierce new debate over hate and tolerance

BY HOWARD FINEMAN

FROM HIS FIRST BREATH, LIFE WAS A struggle for Matthew Shepard. He was a preemie at birth—a tiny slip of a kid who would grow up to be barely five feet tall. He was shy and gentle in a place where it wasn't common for a young man to be either: in Casper, a rough-and-tumble oil town, in Wyoming, a state that features a bronco buster on its license plate. When his family moved to Saudia Arabia for business, they plunked Matthew down at the American School in Lugano, Switzerland. He learned Italian and German and to accept the truth about himself: he was gay. After graduation, he wandered in search of a life. He followed a boyfriend to North Carolina, but they split up. He worked in Denver, but sometimes felt harassed there. He moved back to Casper, and dabbled in theater and junior-college courses. This fall, at the age of 21, he finally found his way. He moved to Laramie and enrolled at the University of Wyoming—his father's alma mater. He'd chosen to study international politics, he told his friends, and to fight for human rights.

But Shepard's last sad struggle has now ended—in death. It began two weeks ago in an off-campus bar called the Fireside Lounge. There, according to a theory police are said to be pursuing, he met two young toughs who pretended to be gay so they could lure the fastidiously dressed young man into their pickup truck. Hungry for cash, perhaps riled by Shepard's trusting admission that he was gay, they drove to the edge of town, police say, pistol-whipped him until his skull collapsed, and then left him tied like a fallen scarecrow—or a savior—to the bottom of a cross-hatched fence.

By the time Shepard died in a Colorado hospital, his suffering had been transformed into a passion play of sexual politics, touching off a vicious new debate: on one side, civil-rights crusaders who say that federal law can help protect gays from hateful violence; on the other, evangelical Christians who believe that Jesus Christ can save gays from themselves. At his funeral in Casper, 700 mourners heard him eulogized as a martyr to the cause of tolerance. Outside, however, a dozen TV trucks uplinked video of protesters with signs that said "No Fags in Heaven" and "No Tears for Queers."

Both sides, for their own purposes, stereotyped Matthew Shepard. The facts, however, were more complicated. He was not the flamboyant, desperately needy caricature of anti-gay agitprop. Though he never denied his sexual orientation—he joined the



End of the road: According to police, Shepard was lured out of the Fireside Lounge in Laramie, Wyo., and was then robbed, pistol-whipped and left propped like a scarecrow along the rails of this fence

gay and lesbian university group upon his arrival—he never sported the movement regalia of liberation T shirts and the rainbow-hued “freedom rings.” “He wasn’t out there saying ‘I am a gay man, look at me,’” says Meesha Fenimore, secretary of the university’s gay and lesbian group. “He was just mellow.” He’d asked gays friends to accompany him to the Fireside. When he ended up going alone, he kept to himself, nursing his drinks—a Heineken, a cocktail, a Corona—alone for two hours. The Fireside’s bartender, Matt Galloway, told NEWSWEEK it was the attackers who sidled up to Shepard—not the other way around.

And yet Shepard was capable of miscalculation. On vacation near Yellowstone Park last summer, he struck up a conversation in the Silver Dollar bar in Cody. A waitress invited him to join her and two male friends after work for a nighttime drive to Newton Lakes. Once there, according to the waitress, Leslie Surber, Shepard came on to one of the men, a bartender. “He kept asking [the bartender] to take a walk around the lake,” Surber told NEWSWEEK, recalling

that Shepard tugged on the bartender’s arm until the man lost patience. The bartender punched Shepard twice in the face, knocking him unconscious briefly. Shepard later told police he’d been raped. Hospital tests proved negative. No charges were filed.

Nor are the motives of his alleged assailants—two 21-year-old high-school dropouts from Laramie—as clear as gay-rights activists assume. It seems doubtful, investigators believe, that Aaron McKinney and Russell Henderson plotted to attack Shepard solely because he was gay. Rather, police reportedly theorize, they saw the slightly built, well-groomed young man as an easy mark for a highway robbery. Strapped for cash, the two had entered the bar with only enough change for one pitcher of beer between them. Even that motive is murky. McKinney shouldn’t have needed to rob anyone at all. NEWSWEEK has learned he has received nearly \$100,000 since 1995 thanks to the settlement of a claim stemming from his mother’s 1993 death in a hospital. In any case, gay-bashing may well have become a motive once the two men lured

Shepard into their truck, according to McKinney’s girlfriend, Kristin Price. “They just wanted to beat him up bad enough to teach him a lesson,” she said later. Price and Henderson’s girlfriend, Chasity Pasley, face accessory charges—and the men are charged with first-degree murder, which carries a possible death sentence.

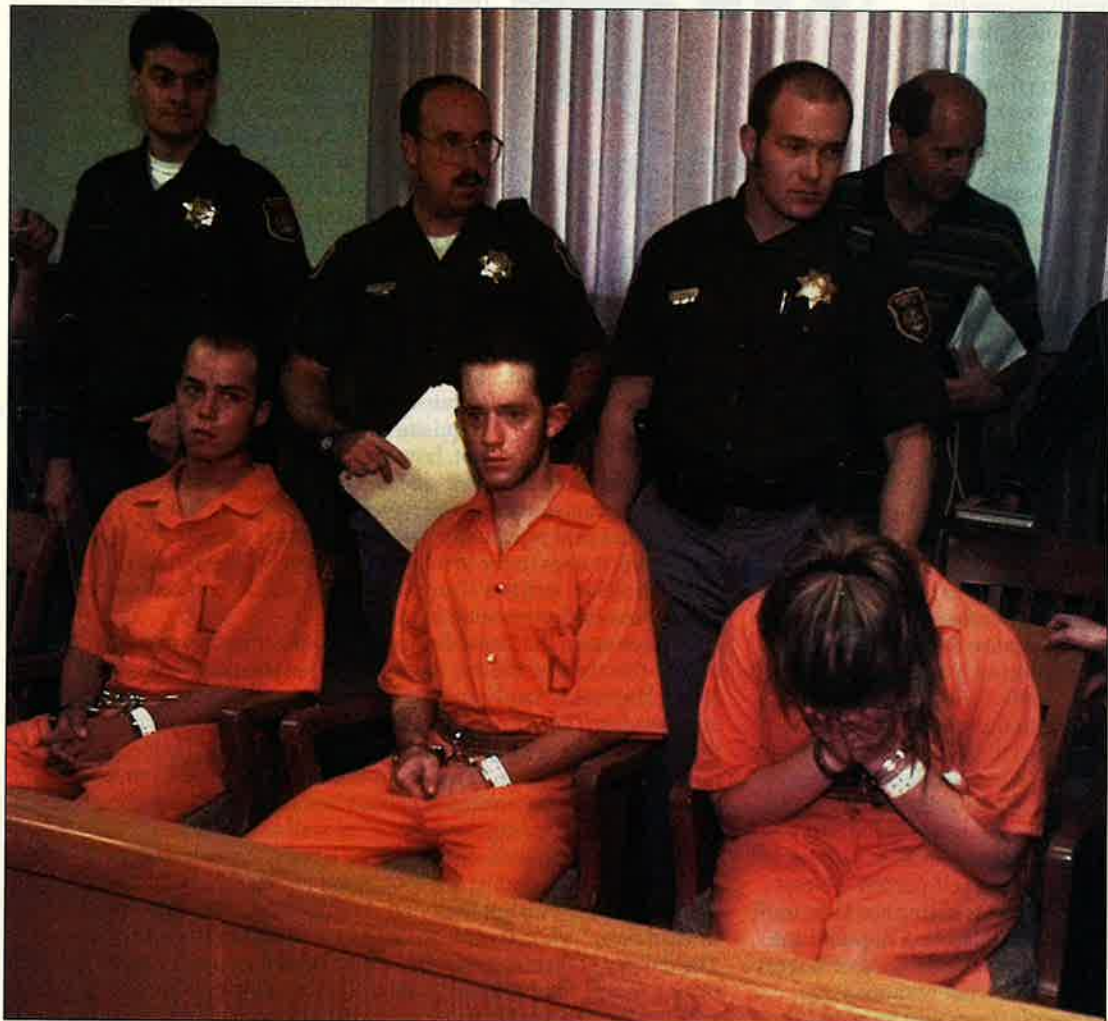
Shepard’s death fueled a new discussion about federal “hate crime” laws. Under federal law and most state statutes, there are special, stiff penalties for those who physically intimidate or attack someone because of their race, religious beliefs or ethnic background. But neither federal law nor most states include gays and lesbians among those who can be victims of “hate crimes.” Wyoming is one of 10 states with no hate-crimes law at all. A bill to expand the federal law to include gays had been languishing in Congress, all but invisible until Shepard’s story broke. But it seems doubtful that, had the law been on the books, it would have deterred the men who allegedly attacked and killed Matthew Shepard. And is there any group of people who *can’t* be a victim of

hate? For now, it’s academic: even gay-rights lobbyists say there isn’t enough time at the end of the session.

No matter. “It’s the only way to send a message,” said Winnie Stachelberg of the Human Rights Campaign. “And that message is: as a society, we won’t stand for this.” President Clinton certainly agrees. With close ties to the gay community, he strongly urged Congress to act on the bill in its waning days. He may repeat the message this week as he campaigns in L.A. and San Francisco.

There was no campaigning inside the St. Mark’s Episcopal Church in Casper late last week. Instead, Matthew Shepard was remembered as a meek young man who had not died in vain. His cousin, an Episcopal priest named Anne Kitch, said that his life—and death—was a lesson as clear as the Sermon on the Mount. “I believe Matt has shown us the way out,” she said, “the way out of the abyss—away from violence, hate and despair.” But as the first winter snow descended on Wyoming, it was far too soon to know if she was right.

With MARK MILLER and ANDREW MURR in Wyoming



In custody: Russell Henderson, 21, and Aaron McKinney, 21 (seated, left to right) are charged in Shepard’s assault and murder; Henderson’s girlfriend, Chasity Pasley (right), faces accessory charges

TRICKLE-DOWN HATE

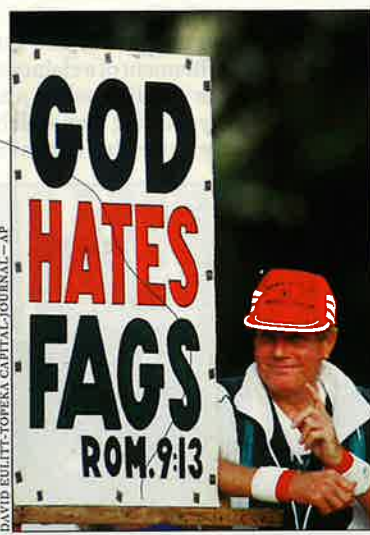
Conservatives have to take care that their condemnation of 'sin' doesn't turn ugly

BY JONATHAN ALTER

AFTER MATTHEW SHEPARD WAS MURDERED for being gay, many conservatives were quick to call for the death penalty for his assailants—so quick that they sounded a trifle defensive. And what might they have to be defensive about? Plenty. Conservatives are in a pickle. They like to say that ideas have consequences. Well, the consequences of condemnation can turn out to be death. While this wasn't exactly a *fatwa*, it's hard to argue that there's absolutely *no* connection between gay-bashing in Washington and gays actually getting their heads bashed in. Of course liberals shouldn't get complacent about their own views of morality and the public square. When they grow too intolerant of intolerance, they lose the free-speech high ground. Those whose faith rejects homosexuality have rights, too. The challenge is to keep the moral appeals moral. In other words, uplifting and above the fray—not mean and political. Easier said than done.

At first glance, it seems unfair to link the anti-gay remarks of political leaders to a heinous crime they don't condone. Senate Majority Leader Trent Lott, who recently compared homosexuality to kleptomania, obviously bears no direct responsibility for a couple of killers in Wyoming. Nor do the GOP candidates bragging about how they held the line on gay rights. But just as white racists created a climate for lynching blacks, just as hate radio created a climate for militias, so the constant degrading of homosexuals is exacting a toll in blood. According to the Southern Poverty Law Center, 21 people were killed in 1996 because they were gay or lesbian. That compares to 20 blacks reported lynched in 1935, and fewer than 10 a year in the 1950s and 1960s. Whatever the real numbers—and they are believed to be underreported—violence against gays is a fact of life and a national disgrace.

Anyone who still thinks it's wrong to blame leaders just because their ideas fall into violent hands should recall where this line of analysis originated. A constant theme in conservative literature is that the values of the 1960s are to blame for the problems of the 1990s. This idea sometimes takes the form of self-parody—Newt Gingrich blamed liberalism for Susan Smith's killing her kids, until she turned out to be from a family of South Carolina Republicans. But it's a major intellectual support beam in the thinking of Robert Bork and many other conservatives, and it's not without some merit. Wealthy '60s liberals could handle drugs and free love; the poor could not. That's the conservative cultural trickle-down



Extremist energy: Anti-gay groups like Fred Phelps's are helping create a dangerous climate

argument. Now change the subject to homosexuality. Discerning clergymen and moralists can hate the sin and love the sinner; but by the time the homophobic message reaches the angry guys sitting in the bar, that distinction has been lost.

The whole subject has been complicated by the rise of so-called theo-conservatives—GOP activists who want a more moral dimension to public life. The Starr Report, argues Andrew Sullivan in an important article in *The New York Times Magazine*, “was the creation of a conservatism become puritanism, a conservatism that has lost sight of the principles of privacy and restraint, modesty and constitutionalism, which used to be its hallmarks.” Sullivan, himself a gay conservative, has identified a huge schism on the right that won't close any time soon. Bridging the gap between the libertarian and Christian Coalition wings of the party will just get tougher, especially with Democrats now less dogmatic and thus less juicy as a target.

The Democrats started holding their own in the values debate when they saw that do-your-own-thing relativism no longer worked with the public. “We violate no one's rights by putting public authority in the service of what's right,” William Galston, soon to be an influential aide to President Clinton, wrote in 1991. What followed were a series of moral appeals on issues like violence on TV and teen pregnancy. The White House fudged on gays in the military and did nothing to stop the Defense of Marriage Act, which stigmatizes gay marriage.

Obviously, Clinton's behavior in the Lewinsky scandal has crippled his ability to raise moral issues (though he has the requisite chutzpah to do so anyway). It has not, however, changed the long-term

political equation. In recent weeks, Democrats have been careful to avoid moral relativism; everyone in the party, including Clinton, has said repeatedly that the affair was “wrong.” They just don't think it rises to the level of impeachment. The public gets this distinction, and few if any Democrats will lose in November on an immoral-by-association rap.

So once again the Republicans are in danger of overplaying their hand—this time on the gay issue. In the Senate, they're blocking James Hormel, a San Francisco businessman, from becoming an ambassador. The only reason Hormel has not been confirmed is that he happens to be gay. (The charge that he funded gay pornography is untrue.) This is old-fashioned bigotry. Even for those senators whose religions abhor homosexuality, rejecting Hormel is about hating the “sinner” as well as the “sin.”

The Party of Lincoln should follow Honest Abe's lead, by projecting moral conduct without moral fervor. Lincoln was uncomfortable with impassioned abolitionism, and urged “malice toward none” when it came to dealing with immoral Southerners. The danger of theo-conservatives is not that they are trying to bring a moral compass into politics. It's that they are doing so without the generosity of spirit that has always been essential for any navigation of public life.