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Shepard trial near, town on the defensive**News Home**

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By Lynda Gorov, Globe Staff, 04/05/99

LARAMIE, Wyo. - Residents say this wind-swept college town is Anywhere, USA.

From the part-time mayor to university students, they say it with an edge of defensiveness. One after another they point out that a young gay man could have been killed in any city in America for no other reason than his sexuality. But that doesn't alter the fact that Matthew Shepard died here.

Events

A sense of shame runs through Laramie these days. So does a sense of siege. As this Western prairie town prepares for the trial of one of two men accused of beating the 21-year-old college freshman and leaving him lashed to a fence to die last fall, townspeople understand that their way of life is on trial, too. As a sign that appeared on bumper stickers and in store windows early on explained, "Violence is not a Laramie value."

"It was a horrendous crime, no doubt about that; it made us sick," said Mayor Dave Williams. "But now that the trial is here, we're trying to paint a more-positive picture. Laramie has clean air and blue skies. It's a good place to raise a family. The town is a hardworking town."

It is also a town of 29,000, including almost 10,000 students at the University of Wyoming, where many residents say they never have met a gay person, and where the safest place for gays and lesbians to meet in public is at the Friday night "coffee house" at the Unitarian Universalist Fellowship. Despite the outrage that followed Shepard's killing, Wyoming failed for the fifth time to pass a bias crimes bill - a failure that state Representative Mike Massie, a cosponsor, traces to its inclusion of sexual orientation.

Yet even Jim Osborn, coadviser of the Gay, Lesbian, Bisexual, Transgendered Student Association on campus, insisted that small-town stereotypes of Laramie abound. It is not an easy place to be gay, he says, but name somewhere that it is? He said he was heartened by the outcry in Laramie after Shepard's gruesome death - by the candlelight vigils, the protest marches, and the feeling that sensibilities began to shift after the killing.

"Laramie definitely got stereotyped as a backwater community, a gun-toting redneck place," said Osborn, who was a friend of Shepard's. "These attacks happen all over the nation. This is not just a Laramie problem. It just happened to happen here."

The ugliness of what happened in the early hours of Oct. 7 will be revisited day after day in

a trial expected to start Wednesday and last up to three weeks.

In preparation for the onslaught of attention - and the possibility that antigay activists from Kansas who picketed Shepard's funeral with signs reading "No Tears for Queers" may return - the simple stone courthouse has been fortified with barricades. Uniformed guards will patrol the grounds. Cameras have been banned in the third-floor courtroom of District Judge Jeffrey Donnell. The 12 jurors and three alternates chosen last week will be sequestered.

First up in Albany County District Court is Russell Henderson, 21, a roof repairman who is charged with first-degree murder, kidnapping, and aggravated robbery. Police allege he and Aaron McKinney pretended to be homosexuals, lured Shepard from the Fireside Lounge, and took him to a remote area east of Laramie, where they bludgeoned him with the butt of a .357 Magnum pistol, robbed him and left him for dead.

McKinney, 22 and also a roofer, is slated to go on trial Aug. 9. Each of their girlfriends is charged with being an accessory after the fact. One has pleaded guilty, the other not guilty.

During jury selection, Henderson's defense lawyer appeared concerned that the suspects already have been convicted in the mind of the nation and of the town, considered one of the most liberal in conservative Wyoming because of the university.

"We've got to begin by disregarding the guilt thing, that we have to punish somebody to show the nation we're not some dusty old cow town," Wyatt Skaggs, Henderson's lawyer, told potential jurors last week.

Both defendants could face the death penalty. Since 1967, six people have been sentenced to death in Wyoming; only one has been executed.

Skaggs is expected to argue that Henderson was a bystander to Shepard's death, that McKinney was the killer in what has also been described as a robbery gone awry. Both of Shepard's shoes and his wallet were taken. But McKinney also allegedly told Shepard, a slightly built political science major, that he was about to be beaten because it was Gay Awareness Week on the Laramie campus.

"This kind of violence doesn't just happen in small towns; this was not an isolated instance," said Cathy Renna, who was "pleasantly surprised" to be embraced by Laramie when, as community relations director for the Gay and Lesbian Alliance Against Discrimination, she arrived here after the killing. "It isn't Laramie's fault."

But advocates for gay rights fear the defendants' lawyers will try to use the so-called homosexual panic defense, arguing that Shepard made a pass at the pair of high school dropouts and that they overreacted in fear and revulsion.

The panic defense was used in the case of the man who shot and killed a "secret crush" he was introduced to on the "Jenny Jones" tabloid TV program. He was convicted of second-degree murder, but a new trial has been granted. He is now suing the TV show.

A similar defense was unveiled recently in the case of one of two men charged with killing Billy Jack Gaither, a gay man in Alabama who was beaten and then set afire.

"Homosexual panic is not a recognized psychological disorder; it's a defense obviously manufactured to sway juries toward some level of sympathy for the defendant," said Jeffrey

Montgomery, executive director of the Triangle Foundation, a Detroit-based gay and lesbian antiviolence project.

But the morality play unfolding in Laramie appears to have left little room for ambiguity about the murderers and the motive. The defendants have been demonized from the start. Shepard has been cast as a martyr.

"I can't imagine an unbiased jury because everyone I know thinks they're guilty, and it seems like they're just debating the degree of guilt," said Brian Elliott, who is in the university's graduate botany program. "The lines are pretty clearly drawn. They've been demonized and rightly so."

Expected to cost at least \$150,000 apiece, the two trials, together with the police investigation, are a burden for Albany County, which has an annual budget of about \$6 million.

For some, the belt-tightening is worth what the Gem City of the Plains has learned about itself in the six months since Shepard died.

As the Rev. Stephen Johnson, minister of the Unitarian Universalist Fellowship, said: "I know some in the community just want things to get back to normal, whatever normal is, but we've started a conversation here that isn't going to stop. Laramie is never going to be the same again."

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