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# THE POLITICS OF NEGOTIATING PUBLIC TRAGEDY: MEDIA FRAMING OF THE MATTHEW SHEPARD MURDER

BRIAN L. OTT AND ERIC AOKI

*This essay undertakes a detailed frame analysis of print media coverage of the Matthew Shepard murder in three nationally influential newspapers as well as Time magazine and The Advocate. We contend that the media's tragic framing of the event, with an emphasis on the scapegoat process, functioned rhetorically to alleviate the public's guilt concerning anti-gay hate crimes and to excuse the public of any social culpability. It also functioned ideologically to reaffirm a dominant set of discourses that socially stigmatizes gay, lesbian, bisexual, and transgendered persons and to hamper efforts to create and enact a social policy that would prevent this type of violence in the future. A concluding section considers Burke's notion of the "comic frame" as a potential corrective for the media's coverage of public tragedies.*

Even before Matt died, he underwent a strange, American transubstantiation, seized, filtered, and fixed as an icon by the national news media dedicated to swift and consumable tragedy and by a national politics convulsed by gay rights.

—Beth Loffreda, *Losing Matt Shepard*<sup>1</sup>

**I**n the blustery evening hours of Tuesday, October 6, 1998, Aaron McKinney and Russell Henderson lured 21-year-old Matthew Shepard from the Fireside Bar in Laramie, Wyoming, to a desolate field on the edge of town. There the two high school dropouts bound the frail, youthful Shepard to a split-rail fence, viciously bludgeoned him 18 times with the butt of a .357 magnum, stole his shoes and wallet, and left him to die in the darkness and near-freezing temperatures. It was not until the evening of the next day that Aaron Kreifel, a passing mountain biker, discovered Shepard—his face so horribly disfigured that Kreifel told police he thought

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at first it was a scarecrow. The only portions of his face not covered in blood were those that had been streaked clean by his tears. Unconscious, hypothermic, and suffering from severe brain trauma, Shepard was astonishingly still alive. He was rushed to Poudre Valley Hospital in Fort Collins, Colorado, where he would die five days later without ever having regained consciousness. McKinney and Henderson had been apprehended prior to his death, and as the gruesome details of that night began to unfold, it became clear that Matthew Shepard was brutally murdered for being gay. In the weeks that followed, Shepard became a symbol of the deep prejudice, hatred, and violence directed at homosexuals. Indeed, news of the event spawned vigils across the country and a nationwide debate about hate-crimes legislation. Shortly more than a year later, Henderson pled guilty and McKinney was convicted of murder. Both men are currently serving life sentences in the Wyoming State Penitentiary.

The basic contours of this story remain vividly etched in our memories—memories that have permanently altered our personal and public lives. Perhaps this event so profoundly affected both of us because, as educators in Colorado, we were less than five miles from the hospital where Matthew Shepard clung to life for five days in October 1998. Perhaps the memory still burns brightly for us because several students at our university mocked the event with a scarecrow and anti-gay epithets on a homecoming float even as Shepard lay comatose in the hospital across town. Perhaps the memory serves as a survival instinct, reminding us that being “out” in the community drastically alters the relation of our bodies to the landscape, and that cultural politics, discourse, and violence are intricately intertwined. Or perhaps, just perhaps, we fear the consequences of forgetting. We cling to the memory of Matthew Shepard because we sense that the nation has already forgotten, or worse, reconciled these events.<sup>2</sup> How has an event that sparked so much interest, concern, and public discussion seeped from the collective consciousness of a nation and its citizenry? Why is hate-crimes legislation no longer a “hot” political issue? The answers to these questions we believe reside, at least in large part, in the manner in which the news media told this story.

We also believe that the underlying form of the Matthew Shepard story may have resonance with the news media’s framing of other public traumas, from the shootings at Columbine High School to the terrorist attacks in New York and Washington, D.C., on September 11, 2001. Our aim in this essay, then, is to identify the underlying symbolic process and to analyze how it functions to construct and position citizens relative to the political process, and how it assists them in confronting and resolving public trauma. With regard to the Matthew Shepard murder, we contend that the news media’s tragic framing of that event works rhetorically and ideologically to relieve the public of its social complicity and culpability; to reaffirm a dominant set of discourses that socially stigmatizes gay, lesbian, bisexual, and transgendered (GLBT) persons; and to hamper efforts to create and enact a

progressive GLBT social policy. To advance this argument, we begin by examining the literature on media framing.

### SYMBOLIC ACTION, FRAME ANALYSIS, AND THE NEWS MEDIA

In *The Philosophy of Literary Form*, Kenneth Burke argues that art forms function as equipments for living, by which he means that discursive forms such as comedy, tragedy, satire, and epic furnish individuals and collectives with the symbolic resources and strategies for addressing and resolving the given historical and personal problems they face.<sup>3</sup> When there is a traumatic event such as the Matthew Shepard murder, then, discourse—and especially the public discourse of the news media—aids people in “coming to terms” with the event. For Burke, different discursive forms equip persons to confront and resolve problems in different ways. “[E]ach of the great poetic forms,” he contends, “stresses its own peculiar way of building the mental equipment (meanings, attitudes, character) by which one handles the significant factors of his time.”<sup>4</sup> That different discursive forms offer different mental equipments is significant because it frames what constitutes acceptable political and social action. Identifying prevailing discursive forms is a never-ending critical task, as symbolic forming is linked to the environment in which it occurs and new discursive forms are continually emerging. In Burke’s words, “the conventional forms demanded by one age are as resolutely shunned by another.”<sup>5</sup> Thus, to understand how the public made sense of and responded to the Shepard murder, one must attend to the underlying symbolic form of the discourse surrounding it.

One approach to analyzing discursive forms and the attendant attitudes (incipient actions) they foster toward a situation is by examining what Burke has called “terministic screens”<sup>6</sup> and media critics—drawing on a sociological perspective—have called “frame analysis.”<sup>7</sup> Frame analysis looks to see how a situation or event is named/defined, and how that naming shapes public opinion. It accomplishes this analysis by highlighting the inherent biases in all storytelling, namely *selectivity* (what is included and excluded in the story?), *partiality* (what is emphasized and downplayed in the story?), and *structure* (how does the story formally play out?). One example of framing in the news media is the distinction between “episodic” stories and “thematic” stories. “The episodic frame,” according to Shanto Iyengar and Adam Simon, “depicts public issues in terms of concrete instances or public events . . . [and] makes for ‘good pictures.’ The thematic news frame, by contrast, places public issues in some general or abstract context . . . [and] takes the form of a ‘takeout’ or ‘backgrounder’ report directed at general outcomes.”<sup>8</sup> Though few news reports are exclusively episodic or thematic, the dominance of episodic frames in the news has been established in multiple studies.<sup>9</sup> How a story is framed in the news affects both how the public assigns responsibility for a traumatic event and “how people following the debate think about policy

options and preferred outcomes.”<sup>10</sup> To appreciate fully the political and ideological implications of framing, however, the critic must do more than simply classify a news story as episodic or thematic.

The subtle ebb and flow of symbolic forms is crucial to how they interpellate subjects and do the work of ideology. To get after these subtleties, we undertook a detailed frame analysis of the news coverage of the Matthew Shepard murder in the *Washington Post*, the *New York Times*, and the *Los Angeles Times*—three “large, nationally influential newspapers.”<sup>11</sup> Since we were curious about how this story has been framed over time, we examined the news coverage from October 10, 1998 (when the story was first reported nationally), to December 2001 (roughly two years after McKinney was convicted). This approach generated a sample containing 71 news articles. Wanting to see if the coverage varied in publications with notably different politics, we also analyzed the news coverage in *Time* magazine and *The Advocate* over the same period. These magazines allowed us to compare and contrast the coverage of the event in a mainstream weekly with the coverage in an alternative news source specifically committed to issues affecting the GLBT community. Based on an analysis of these five news outlets, we identified four phases in the print media’s framing of the Matthew Shepard story: naming the event, making a political symbol, expunging the evil within, and restoring the social order. In the following section, we describe each of these phases and the symbolic processes they entail.

### THE MATTHEW SHEPARD STORY

All stories have *form*, which is to say they are temporally structured—creating and fulfilling appetites as they unfold.<sup>12</sup> As C. Allen Carter notes:

When the narrative strategy is working as intended, the culmination of each episode sets the stage for the next . . . The story relieves its audience of the burden of having to ‘choose between’ different phases of its unfolding and, simply by taking them through one phase, prepares them for the next. Each successive step of the plot leads into the next, whether or not it leads its audience astray.<sup>13</sup>

#### *Naming the Event*

Given the formal characteristics of narrative, how a story begins is crucial to how a story develops. In this section, we examine how the Matthew Shepard story is framed in initial news reports and analyze how that framing functions rhetorically. To fully appreciate *how* this story begins, however, we must first look at *when* it begins. The *Washington Post*, *New York Times*, and *Los Angeles Times* did not run feature articles on Matthew Shepard until October 10, 1998, three days after he was discovered. The reason for the media’s delay in treating the story as a national news

item likely has to do with how the news is *made*. An event is selected to become a major news story based on its potential for drama. As W. Lance Bennett notes, "It is no secret that reporters and editors search for events with dramatic properties and then emphasize those properties in their reporting."<sup>14</sup> Prior to October 8, little was known about the details of the attack outside the Albany County sheriff's department. During a local press conference on that day, Sheriff Gary Puls told reporters that, "[Matthew] may have been beaten because he was gay . . . [and that he] was found by a mountain biker, tied to a fence like a scarecrow."<sup>15</sup> Local reporters covering the story immediately seized on the anti-gay aspect of the crime and the crucifix symbolism of the scarecrow image—two dramatic elements that quickly drew the attention of the national press.<sup>16</sup>

Matthew Shepard was officially "good melodrama" and the reports in the mainstream media that followed focused almost exclusively on two elements, the deplorable motives of Henderson and McKinney and the gruesome character of the scene. Indeed, these aspects of the story are evident in the initial headlines from all three papers we analyzed: "Gay Man Beaten and Left For Dead; 2 Are Charged,"<sup>17</sup> "Gay Student Brutally Beaten; 4 Arrested,"<sup>18</sup> and "Gay Man Near Death After Beating, Burning; Three Held in Wyoming Attack Near Campus; Hate Crimes Suspected."<sup>19</sup> The qualifier "gay" that begins each headline constructs the victim's sexuality as the focal point of the story, despite Laramie Police Commander O'Dalley's public claim at the time that "robbery was the chief motive."<sup>20</sup>

The news media's devotion to drama virtually insured that sensationalistic descriptions of Matthew Shepard's body would lead every story. In its first feature article, the *Washington Post* emphasized the savage and dehumanizing aspects of the crime, reporting that "Matthew Shepard, slight of stature, gentle of demeanor . . . was tied to a fence like a dead coyote . . . [with] his head badly battered and burn marks on his body."<sup>21</sup> Likewise, the *New York Times* began, "At first, the passing bicyclist thought the crumpled form lashed to a ranch fence was a scarecrow. But when he stopped, he found the burned, battered and nearly lifeless body of Matthew Shepard, an openly gay college student."<sup>22</sup> The "scarecrow" image was also referenced in the *Los Angeles Times*, which began, "A gay University of Wyoming student was brutally beaten, burned and left tied to a wooden fence like a scarecrow, with grave injuries including a smashed skull."<sup>23</sup> The graphic and gruesome images of violence visited upon Shepard's body were shocking and traumatic, and they begged the question, "How could something like this happen?" As unthinkable and unimaginable as the act seemed, the basic outline of the story already portrayed an answer—hatred fueled by homophobia. The naming of the attack as a "vicious . . . anti-gay hate crime"<sup>24</sup> would prove pivotal in the heated political discussion to ensue.

Key details, terms, and structures were already setting the stage for how the story *must* unfold. For instance, the near exclusive focus in early press reports on

the brutality done to Matthew Shepard's body functioned in two interrelated ways. First, it personalized the event, making Shepard the *center* of the story. This was not, and never would become, a story about hate crimes in which Matthew Shepard was simply an example. It was a story about Shepard, in which hate was the motive for violence. One consequence of personalized news, according to Bennett, "[is that it] gives preference to the individual actors and human-interest angles in events while downplaying institutional and political considerations that establish the social context for those events."<sup>25</sup> In the Matthew Shepard story, hatred and homophobia—as we will demonstrate shortly—would come to be framed primarily as character flaws of the chief antagonists, rather than as wide-scale social prejudices that routinely result in violence toward gays and lesbians. Second, the repeated emphasis on the hideousness of the crime in both its barbarity and motivation profoundly disrupted the moral and social order. The images and descriptions were not only traumatic, they were traumatizing; they functioned to unsettle and even undermine the public's faith in basic civility and humanity. So great was the disruption to the social order that even at this early stage it fostered a desire for resolution.<sup>26</sup> For this story, for Matthew Shepard's story, to end (as all news stories must), *responsibility* had to be assigned and order had to be restored. Since this story centered on Shepard, responsibility had a face, or rather two faces, Russell Henderson and Aaron McKinney. But before they would come into focus, Shepard would be transformed into a national political symbol.

### *Making a Political Symbol*

Even before his death, Shepard had become "a national symbol for the campaign against hate crimes and anti-gay violence."<sup>27</sup> A website created by Poudre Valley Hospital to provide updates on his condition "drew over 815,000 hits from around the world."<sup>28</sup> On Saturday, October 10, students, faculty, and community members from Laramie gathered for the University of Wyoming's homecoming parade, where "amid the usual hoopla . . . hundreds of people donned yellow arm bands and marched in tribute to Shepard and the belief that intolerance has no place in the Equality State."<sup>29</sup> Throughout the weekend, candlelight vigils for Shepard would be held across the country, with a Los Angeles memorial attracting an estimated 5,000 concerned citizens. Then, in the early morning hours of Monday, October 12, 1998, one day after National Coming Out Day, Matthew Shepard passed away with his parents at his bedside.

With the news of Shepard's death, a nation already stricken with grief was plunged even deeper into emotional turmoil. As Reverend Anne Kitch asked in her homily at Shepard's funeral, "How can we not let our hearts be deeply, deeply troubled? How can we not be immersed in despair, how can we not cry out against this? This is not the way it is supposed to be. A son has died, a brother has been lost, a

child has been broken, torn, abandoned.”<sup>30</sup> The Matthew Shepard story had struck a chord. It had “electrified gay America,”<sup>31</sup> and it had done much more. As *Post* reporters Justin Gillis and Patrice Gaines noted:

For the first time, in cities across the United States and Canada, straight people . . . marched by the thousands to protest anti-gay violence. More than 60 marches and vigils have taken place since his death, and others are scheduled for today. People rallied in New York, Atlanta and Miami—and in West Lafayette, Ind., Fort Collins, Colo., and Corner Brook, Newfoundland. Under an indigo sky, on the steps of the Capitol, a crowd of several thousand gathered last week to hold candles aloft, celebrate Shepard’s life and demand that Congress pass legislation to battle hate crimes. “Now!” they cried.<sup>32</sup>

Among the thousands at the candlelight vigil on the Capitol steps in Washington were actresses Ellen DeGeneres and Kristen Johnson, and numerous congressional representatives, who not only condemned the beating death of Shepard but also urged immediate passage of a federal hate crimes bill.<sup>33</sup> Earlier in the week, President Clinton had also pushed “Congress to pass the Hate Crimes Prevention Act . . . [which] would broaden the definition of hate crimes to include assaults on gays as well as women and the disabled.”<sup>34</sup> As *The Advocate* would report a year later, there was little doubt that “Matthew Shepard’s murder turned equal rights and protections for gays and lesbians into topics of nationwide debate.”<sup>35</sup>

But how had Shepard been transformed into a martyr—“the most recognizable symbol of antigay violence in America”<sup>36</sup>—and what did that transformation mean for the political debate taking place? The previous year had seen “at least 27 gay people murdered in apparent hate crimes. . . . And the murders are only the extreme end of the spectrum of anti-gay attacks. A coalition that monitors anti-gay violence and harassment documented 2,445 episodes last year in American cities.”<sup>37</sup> Though the motive for Shepard’s murder was hardly an isolated incident, two aspects of this story made it unique and especially well suited for seizing the public’s imagination. The first factor, of course, was the figure at its center. As Brian Levin, director of the Center on Hate and Extremism at Richard Stockton College in Pomona, New Jersey, told the *Washington Post*, “You can’t get a more sympathetic person to face such a brutal attack than Matt Shepard. He looked like an all-American nice kid next door who’d look after your grandmother if you went out of town. He looked like a sweet kid and he was.”<sup>38</sup> Shepard was “white and middle-class,” “barely on the threshold of adulthood,” and “frail [in] appearance.”<sup>39</sup> Because of his slight stature, a mere 5’2”, and “cherubic face” even those uncomfortable with homosexuality saw him as an *innocent* (that is, sexually nonthreatening) victim. The public identified with Shepard, viewing him as friend and son.

The second factor that contributed to the emerging mythology was the dramatic structure of the narrative. Jack Levin, professor of sociology and criminology at



Northeastern University, speculates that, "If Matthew had died instantly of a gunshot wound to the head, his death may not have gotten as much publicity."<sup>40</sup> That Shepard lay comatose in a hospital for several days while people around the country prayed and stood vigil for him functioned to heighten the public's investment in the story. Moreover, it was during those days of vigil that the "heinous" and "morose" details of the crime were repeated over and over again in the news media. The juxtaposition of Shepard's ability to evoke identification with the crime's incomprehensibility shattered society's "'vener of congeniality,' and prompted a collective self-examination."<sup>41</sup> In other words, the public's inability to quickly and easily reconcile Matthew Shepard's innocence (unlike most gay men, he didn't have this coming to him) with his "lynching" was a significant source of shame for the country and created wide-scale public guilt. As Steve Lopez wrote in *Time* magazine, "Shepard has ignited a national town hall meeting on the enduring hatred that *shames* this country" (emphasis added).<sup>42</sup> But guilt demands redemption, for as Burke reminds, "who would not be cleansed!" and redemption needs a redeemer, "which is to say, a Victim!"<sup>43</sup> Though guilt can be resolved symbolically in a variety of ways, ranging from transcendence to mortification, the tragic framing of the Matthew Shepard story foretold that purification would be achieved through victimage and the scapegoat process.

### *Expunging the Evil Within*

In *A Grammar of Motives*, Burke contends that, "Criminals either actual or imaginary may . . . serve as [curative] scapegoats in a society that 'purifies itself' by 'moral indignation' in condemning them."<sup>44</sup> This is not to suggest, however, that those seeking to "ritualistically cleanse themselves" of guilt can simply blame a chosen party. The "scapegoat mechanism" is a complex process that entails three distinctive stages: "(1) an original state of merger, in that the iniquities are shared by both the iniquitous and their chosen vessel; (2) a principle of division, in that elements shared in common are being ritualistically alienated; (3) a new principle of merger, this time in the unification of those whose purified identity is defined in dialectical opposition to the sacrificial offering."<sup>45</sup> For a "sacrificial vessel" to perform the role of "vicarious atonement," it must be, *at first*, "profoundly consubstantial with . . . those who would be cured by attacking it."<sup>46</sup> It must represent *their* iniquities, because symbolic forms that manage guilt can only be "successful if the audience is guilty of the sins portrayed in the discourse."<sup>47</sup> Though the very earliest news reports about the hatred and violence directed at Shepard had identified Aaron McKinney and Russell Henderson as the main perpetrators, those same news reports cast the two as representative of both their local and national communities.

As McKinney and Henderson were being arraigned, a significant amount of discourse was being generated about the state of Wyoming and the "cowboy culture"

that had nurtured them.<sup>48</sup> It was widely reported, for instance, that Wyoming was one of only nine U.S. states to “have no hate-crime laws.”<sup>49</sup> Another report noted that, “Although Wyoming often bills itself as the ‘equality state,’ the state Legislature has repeatedly voted down hate crime legislation”; the article subsequently quotes Marv Johnson, executive director of the Wyoming chapter of the American Civil Liberties Union, as saying, “Wyoming is not really gay friendly. . . . The best way to characterize that is by a comment a legislator made a few years back, when he likened homosexuals to gay bulls as worthless and should be sent to the packing plant.”<sup>50</sup> Similarly, Susanna Goodin, the University of Wyoming’s Ethics Center director, told the *Washington Post*, “the beating [would] . . . prompt Wyoming *residents* to ponder the price of intolerance and indifference” (emphasis added).<sup>51</sup> In routinely referencing the “homophobia in the Wyoming legislature”<sup>52</sup> and noting that, in light of the attack, Laramie, Wyoming, “wrestled with *its* attitudes toward gay men” (emphasis added),<sup>53</sup> the news media initially framed the community’s attitudes as consistent with the perpetrators’ attitudes. In fact, when jury selection began for the trial of Henderson in March 1999, his defense attorney, Wyatt Skaggs, was rather reflective about this association and told potential jurors, “[The media] . . . has literally injected into our community a feeling of guilt. The press wants us to think that we are somehow responsible for what went on October 6. Are any of you here going to judge this case because you feel guilty and want to make a statement to the nation?”<sup>54</sup>

Nor was Wyoming alone in being identified with the perpetrators’ attitudes and motives. As Lopez observed in *Time* magazine, “The cowboy state has its rednecks and yahoos, for sure, but there are no more bigots per capita in Wyoming than in New York, Florida or California.”<sup>55</sup> In the first few days after the attack, the public was forced, if only temporarily, to confess the prevalence of homophobic attitudes around the country. First was the incident involving the scarecrow on a homecoming float at Colorado State University, which was reportedly painted with anti-gay epithets.<sup>56</sup> “While the papers were reluctant to report the full range of insults,” Loffreda notes, “I heard that the signs read ‘I’m Gay’ and ‘Up My Ass.’”<sup>57</sup> This incident prompted a number of reports about the prevalence of homophobic attitudes in schools around the country.<sup>58</sup> Additionally, there were widely circulated news stories about the protestors at Shepard’s funeral. Shortly before he was eulogized, Tom Kenworthy writes, “a dozen anti-gay protestors from Texas and Kansas staged a demonstration across from St. Mark’s, carrying signs saying ‘No Fags in Heaven’ and ‘No Tears for Queers.’ . . . [including] a young girl carrying a sign that read ‘Fag=Anal Sex.’”<sup>59</sup> In light of these stories, it was hardly surprising that a *Time/CNN* poll found that “68 percent [of respondents] said attacks like the one against Shepard could happen in *their* community” (emphasis added).<sup>60</sup> For a few weeks following the attack, the message in the media was that McKinney and Henderson shared much in common with the country. But all of that was about to change.

“At one moment the chosen [party] is *a part of* the clan, being one of their number,” explains Carter; “a moment later it symbolizes something *apart from* them, being the curse they wish to lift from themselves.”<sup>61</sup> Division or the “casting out” of the vessel of unwanted evils is accomplished through vilification and through a redrawing of boundaries that excludes the scapegoat. Slowly, almost unnoticeably, discourse in the news media was shifting from the country’s homophobia to that of the perpetrators, where it was being recoded as a character flaw rather than a wide-scale institutional prejudice. In a statement demarcating the new communal boundaries, Wyoming governor Jim Geringer told the *Washington Post*, “Wyoming people are discouraged that all of us could be unfairly stereotyped by the actions of two very sick and twisted people.”<sup>62</sup> Accounts were also now suggesting that the two perpetrators were *uniquely* ignorant. *Time* magazine noted that the two men were “high school dropouts,” adding that, “In addition to being an unspeakably gruesome crime, it was a profoundly dumb one.”<sup>63</sup> After all, McKinney and Henderson had drawn undue attention to themselves by getting into a fistfight with two other men after beating Shepard. Reports such as this one functioned not only to cast the men as especially dull-witted, but also to highlight a *pattern* of violence and criminality—one that would be further reinforced in subsequent reports about their previous run-ins with the law, including convictions for felony burglary and drunk driving. Additionally, there was the matter of deception, premeditation, and merciless cruelty. The news media were now reporting that, according to law enforcement, the two men had pretended to be gay to lure Shepard out of the bar and into their pickup truck, and that they had continued to beat him as he begged for his life.<sup>64</sup>

As time passed, Shepard’s attackers became ever more alienated from the public. They were uneducated, drug addicted, career criminals, who had maliciously sought out their victim because he was gay, and they now “found themselves called ‘subhuman’ and ‘monsters.’”<sup>65</sup> In an uncharacteristic moment of reflective journalism, a *Los Angeles Times* staff writer comments on Henderson and McKinney’s vilification:

In the six months since Shepard’s gruesome death, the protagonists have become dehumanized . . . transmuted by the American compulsion for fashioning moral lessons out of tragedy. This morality play staged in a Western prairie town has demanded simplistic roles: Shepard, the earnest college student who was targeted because he was gay and gave his life to advance a social cause. Henderson and McKinney, the high school dropouts accused of beating Shepard to death, have been cast as remorseless killers.<sup>66</sup>

The symbolic distance between the public and McKinney and Henderson grew even wider during McKinney’s trial in October 1999, where gruesome new details from the night of the beating were revealed. The news media seized on one detail in

particular, in which McKinney stopped beating Shepard to ask if he could read the license plate on his truck. When Shepard replied, “yes” and recited the plate’s numbers, McKinney resumed the attack despite Shepard’s repeated pleas for mercy. The story embodied the view that McKinney was not quite human, and prosecuting attorney Cal Rerucha retold it in his closing arguments, calling McKinney a “savage and a ‘wolf’ who preyed on the lamb-like Shepard.”<sup>67</sup> As if to further distinguish McKinney from the public, following his conviction the news media widely reported that various national, leading gay rights groups had, along with the Shepard family, publicly condemned the death penalty in this case. As Matthew Shepard’s father, Dennis Shepard, would tell the court in a written statement following the trial, “this is a time to begin the healing process. To show mercy to someone who refused to show any mercy.”<sup>68</sup> Mr. Shepard’s statement captured the essence of how the media was naming the difference between the public and the perpetrators, one human and the other not quite.

### *Restoring the Social Order*

With the surrogate of evil driven from the community, all that remains for creating symbolic closure is the punishment of evil and the reaffirmation of the social and moral order. “Tragedy,” explains Barry Brummett, “subjects the erring [figure] to trial, finds him or her to be criminal, and demands condemnation and penance.”<sup>69</sup> In March 1999, Russell Henderson pled guilty, leaving only McKinney to stand trial. The significance of the trial to the outcome of the story was evident before it even began. “The trial will,” wrote Kenworthy in the *Washington Post*, “close the book on an ugly crime that grabbed the nation by the shoulders and forced it to confront the price of hate and intolerance—and then served as a rallying point . . . for gay rights” (emphasis added).<sup>70</sup> During the case, McKinney’s lawyers attempted to advance a “gay panic defense,” which claimed the victim’s sexual advances triggered panic and led to the beating. But Judge Barton Voigt ruled it “inadmissible . . . based on Wyoming law,” and on November 3, 1999—shortly more than a year after Matthew Shepard’s death—Aaron McKinney was convicted of murder and sentenced to two consecutive life terms with no chance of parole. “The trial,” observed Phil Curtis in *The Advocate*, “delivered an emotionally satisfying vindication for Shepard’s death and brought *closure* to the Shepard family and *to the public*, who had followed the grim case for the past year” (emphasis added).<sup>71</sup> As odd, perhaps even unbelievable, as it seems, the verdict did deliver both symbolic satisfaction and closure for some. Explains Robert Heath, “As a dynamic progression of an idea, each work [that is, story] leads toward some resolution. If it is achieved, reader and author experience a release, the sheer pleasure of having gone through the process.”<sup>72</sup> To the extent that the story began with the brutal beating of Matthew Shepard, the conviction and punishment of *his* assailants signals its close.

But the conviction of McKinney had an additional and important side effect. In performing a cathartic function for the public (that is, purging them of their guilt through victimage) and bringing closure to the story, it also brought a sense of resolution to the debate about gay rights and hate-crimes legislation that Shepard's death had initiated. Since these issues had been framed *in relation to* the story about Matthew Shepard's murder, the story's conclusion functioned to bring closure to them as well. The national public debate over hate crimes and gay politics dissipated almost as quickly as it had emerged. Two weeks following Shepard's death in October 1998, a *Time/CNN* poll asked respondents, "Federal law mandates increased penalties for people who commit hate crimes against racial minorities. Do you favor or oppose the same treatment for people who commit hate crimes against homosexuals?"<sup>73</sup> At that time, 76 percent of the public favored hate-crimes legislation that protected homosexuals and 19 percent opposed it.<sup>74</sup> In the months following his death, legislation to increase the penalty for hate crimes against gays and lesbians was introduced in 26 states. By the time these bills came up for vote, however, the Matthew Shepard story was winding toward narrative conclusion, and only one state, Missouri, passed new legislation.<sup>75</sup> Perhaps even more telling, *The Advocate* reports that, "After McKinney's conviction Judy and Dennis Shepard . . . traveled to Washington, D.C., to lobby for federal hate-crimes legislation. Their effort failed. A hate-crimes measure was removed from a budget bill in congressional committee just weeks after the trial."<sup>76</sup> In fostering symbolic resolution through narrative closure, the news media's coverage of the story re-imposed order and eliminated the self-reflective space that might serve as the basis for social and political change.

### FRAMING AND REFRAMING

Having described the news media's framing of the Matthew Shepard story and having analyzed how those frames functioned rhetorically to absolve the public of its guilt associated with the motives of the murder, we will now take a step back and pose the question, "What difference do the frames make for the larger world?"<sup>77</sup> That is, how does the news media's framing of that event also function ideologically? How does it invite the public to view the world, social relations, and GLBT identities? How does it affirm, challenge, and negotiate centers, margins, and relationships of power? To get after these questions, we propose to look at the way in which the story works to naturalize particular sets of social relations at both the level of language (microscopic) and the level of symbolic form (macroscopic).<sup>78</sup> With regard to the linguistic level, we are specifically interested in the consequences of the media's "naming" of the victim's body and the perpetrators' motives.

Prejudice and discrimination against GLBT persons have historically been connected to the stigmatization of the body as *different* or *abnormal*.<sup>79</sup> In fact, Erving

Goffman notes that, "The Greeks, who were apparently strong on visual aids, originated the term stigma to refer to bodily signs designed to expose something unusual and bad about the moral status of the signifier."<sup>80</sup> The homosexual body has traditionally been stigmatized or marked as abnormal in a wide variety of ways; it has variously been coded as dirty and unclean, effeminate and queer, and threatening and predatory to suit the needs of those in power.<sup>81</sup> One way the bodies of gay men have been stigmatized as threatening and predatory, for instance, is "with the allegation that they are disproportionately responsible for child sexual abuse."<sup>82</sup> The obvious ridiculousness of this claim has not stopped the media from perpetuating it, and a 1998 study of *Newsweek* found that 60 percent of stories about child molestation involved homosexuals.<sup>83</sup> This pattern of naming in the media raises an important question about the Matthew Shepard story: "Would Shepard have received the attention he did had his body not so easily been coded as *unthreatening*?"

Though there is no way to answer this question with certainty, one thing that is clear is that Shepard's body *was* coded as unthreatening and *his* story captured national headlines. Writing in *The Progressive*, JoAnn Wypijewski speculated that one reason people uncomfortable with homosexuality may have sympathized with this case is because for them, "Shepard is the perfect queer: young, pretty, and dead."<sup>84</sup> Indeed, it is difficult not to wonder how this story might have been told differently, if at all, had the victim been a minority, especially when the murder of Fred Martinez, a 16-year-old transgendered Navajo in Colorado hardly raised an eyebrow,<sup>85</sup> as did the murder of Arthur Warren, a gay black man, in rural West Virginia,<sup>86</sup> and the murder of five black gay men in Washington "by someone authorities believe to be an antigay serial killer."<sup>87</sup> The media's double standard here would seem to suggest that an anti-gay murder is tragic so long as the victim is not too gay, which is to say, too different. The issue of Shepard's small, non-threatening stature raises still more questions about the intersection of stigmatization and the gay male body.

In McKinney's trial, the defense attempted to shift responsibility for the beating back to the victim by claiming that Shepard's homosexuality had evoked fear and panic. Though Judge Voight ruled this line of argument and testimony "inadmissible," he cautiously reminded the media that his ruling was "not intended to send a social or political commentary, [and rather] was based on Wyoming law."<sup>88</sup> In other anti-gay hate crimes where the victim was not as outwardly *innocent* (that is, frail, youthful, white, middle-class) as Matthew Shepard, the "gay panic" defense has been allowed.<sup>89</sup> The use of such a defense is not all that surprising, however, when one considers its ideological consistency with the term used to name the *motive* in such cases, "homophobia." According to Byrne Fone, "The term 'homophobia' is now popularly construed to mean fear and dislike of homosexuality and of those who practice it" or an "extreme rage and fear reaction to homosexuals."<sup>90</sup> Both definitions "place the onus on the oppressed rather than on the agents of oppression,"<sup>91</sup>

effectively revictimizing the victim by making the oppressed the source, the instigator, of fear and disruption. The popularity of the term “homophobia” to describe anti-gay attitudes is just one example of how public discourse regarding GLBT persons continues to construct homosexuality as abnormal (in this case, “fear-producing”). In the Matt Shepard story, homosexuality was further marked as different and hence deviant by the media’s consistent and ubiquitous references to Shepard’s “gay” sexuality. There were no headlines that reported, “Man Killed by Straight Attackers,” and no articles that named Henderson or McKinney’s sexuality. In treating heterosexuality as invisible, the media both privilege it as the norm and as *normal*. At the level of language, then, the media’s telling of the Matthew Shepard story functions to reproduce a hegemonic set of sociocultural categories in which homosexuality is marginal and Other. Until the unspoken assumptions that frame the dominant discourses about GLBT persons are questioned and interrogated, hatred and the violence it begets are likely to remain prominent features of our cultural landscape.

Like the linguistic particularities, we believe that the underlying symbolic form of the story matters ideologically, and so we turn now to the “big picture,” to, as Burke explains, the various typical ways that the most basic of attitudes (that is, yes, no, maybe) are “grandly symbolized.”<sup>92</sup> Symbolic forms can be, according to Burke, loosely grouped into “frames of acceptance” and “frames of rejection” based on the general orientation they adopt in “the face of anguish, injustice, disease, and death.”<sup>93</sup> Literary forms such as epic, tragedy, and comedy are frames of acceptance because they equip persons to “come to terms” with an event and their place in the world. Precisely *how* they “come to terms” varies according to the symbolic form (that is, epic, tragedy, comedy, and so forth) at work, and influences, in turn, where they and the world can go with those terms. In shaping attitudes, symbolic forms serve as a basis for programmatic action. Our analysis of the Matthew Shepard story suggests that it was framed primarily in tragic terms, in which the public, through the scapegoat mechanism, cleansed itself of the guilt associated with prejudice, hatred, violence, and their intersection. The shortcoming of tragic framing is that it brings about symbolic resolution without turning the event into a lesson for those involved. By projecting its iniquity upon McKinney and Henderson and attacking them, the public achieves resolution *in this instance*, but does not substantively alter its character as to insure that future instances are less likely. On the contrary, this mode aggressively perpetuates the status quo, cloaking but not erasing the public’s homophobia (and we do mean the politically loaded term “homophobia”) so that it can return another day.

So what are the alternatives? The media could adopt frames of rejection such as those found in the literary forms of elegy, satire, burlesque, and the grotesque.<sup>94</sup> The difficulty here is that “frames stressing the ingredient of *rejection* tend to lack the well-rounded quality of a *complete* here-and-now philosophy. They make for

fanaticism, the singling-out of one factor above others in the charting of human relationships.”<sup>95</sup> By “coming to terms” with an event primarily by saying “no,” frames of rejection are unable to equip individuals and groups to take programmatic action. A discourse that is wholly debunking is, at least in isolation, ill suited for bringing about social change.<sup>96</sup>

A second and preferable alternative, according to Burke, is adopting a “comic frame,” which is “neither wholly euphemistic [as is tragedy], nor wholly debunking.”<sup>97</sup> As numerous scholars have noted, the comic frame is not about seeing humor in everything;<sup>98</sup> it is about maximum consciousness—“self-awareness and social responsibility at the same time.”<sup>99</sup> The comic frame is one of “ambivalence,” a flexible, adaptive, charitable frame that enables “people to be *observers of themselves, while acting*.”<sup>100</sup> In shifting the emphasis “from crime to stupidity,” Brummett maintains that the comic frame provides motives that “teach the fool—and vicariously the audience—about error so that it may be *corrected* rather than *punished*” (emphasis added).<sup>101</sup> “The progress of humane enlightenment,” explains Burke, “can go no further than in picturing people not as *vicious*, but as *mistaken*.”<sup>102</sup> When social injustices such as the anti-gay beating of Matthew Shepard are framed in tragic terms, naming McKinney and Henderson as vicious, the public finds expiation externally in the punishment of those identified as responsible. Framed in comic terms, however, one can identify with the mistaken, become a student of her/himself, “‘transcend’ himself by noting his own foibles,” and learn from the experience.<sup>103</sup> The comic frame “promotes integrative, socializing knowledge”<sup>104</sup> by emphasizing *humility* (the recognition that we are all sometimes wrong) over *humiliation* (the desire to victimize others).

### CRITICAL REFLECTIONS

A frame analysis of the print media’s coverage of the Matthew Shepard murder reinforces a number of previous findings about how the news is made. The manner in which this story, for instance, gained national prominence testifies to the link between the dramatic qualities of an event and its perceived newsworthiness.<sup>105</sup> Since drama increases ratings and “[n]ews content is influenced by the fact that . . . media corporations have a profit orientation,”<sup>106</sup> news outlets both seek out stories with dramatic properties and emphasize those properties in their reporting. The profit-driven focus on a story’s dramatic elements accounts, at least partially, for the striking consistency among news reports in the Matthew Shepard case. All three of the national newspapers we analyzed named the event as a vicious anti-gay hate crime, constructed Shepard as a political symbol of gay rights, and transferred the public’s guilt onto McKinney and Henderson. Even *Time* and *The Advocate*, publications with varied political perspectives, framed the story in comparable ways. Though *The Advocate* offered more extensive coverage, particularly with regard to



Matthew Shepard and his family, the basic contours of the story remained the same. Consistency among news reports is also a product of traditional journalistic routines and practices. Both the *New York Times* and the *Washington Post* assigned a primary reporter to the story, while the *Los Angeles Times* pulled the vast majority of its stories from the Associated Press. The homogeneity of the reports, then, reflects fewer voices gathering data from the same experts and highlighting the same dramatic properties.<sup>107</sup>

In addition to these broad findings, our analysis points to some specific conclusions about how the news media report on public traumas and the attendant social consequences of such reporting. The news media's fascination with personalities and drama over institutional and social problems contributes to the "tragic framing" of public disasters and events. Since tragic frames ultimately alleviate the social guilt associated with a disaster through victimage, they tend to bring both closure *and* resolution to the larger social issues they raise. As such, tragic frames do not serve the public well as a basis for social and political action. Though media research on agenda setting has clearly established that the news media influence which political issues are on the public's mind,<sup>108</sup> few studies have looked at how changes in the public agenda may be linked to the piggybacking of social issues onto specific dramatic stories. Future research on agenda setting should attend carefully to the connection between symbolic forms such as the tragic frame and shifts in the public agenda. Our analysis of news coverage of the Matthew Shepard murder found that hate-crimes legislation and gay rights were central public concerns until Shepard's story came to a close. In light of this finding, it would be worth examining how declining coverage of the Columbine shootings may have contributed similarly to the dissipation of national public discourse on youth violence. The implications of our analysis extend beyond the matter of the media's role in establishing a public agenda. Since "frames are fundamental aspects of human consciousness and shape our attitudes toward the world and each other,"<sup>109</sup> media frames function ideologically. In Matthew Shepard's case, we believe that news media reproduced a discursive system of prejudice that contributed to Shepard's death. We can, however, learn from this event and the media's coverage of it. To introduce this essay, we attempted to provide an outline of the Matthew Shepard story that accurately captured the news media's tragic framing of that event. To conclude, we return to that story and adopt an alternative, more comic frame.

Despite commitments to both diversity and equality, the nation continued its painful struggle with tolerance today, as Laramie, Wyoming, became the most recent in a long list of U.S. towns and cities to witness, experience, and participate in violence motivated by culturally constructed notions of difference. In an all-too-familiar scene, two young men, Aaron McKinney and Russell Henderson, foolishly allowed their actions to be guided by social ignorance. Goaded, like a vast majority of people, by a deep desire to feel accepted and acceptable, Aaron and Russell

assaulted Matthew Shepard, a University of Wyoming student, for what they perceived to be an intolerable difference, homosexuality. The assault, which resulted in Matthew's death, highlights a pattern of behavior in which individuals seek communal identification and the comfort and security that accompanies it through the expulsion of difference. Such an impulse is, of course, profoundly misguided as it reduces community to sameness, while ignoring the fact that difference is always a matter of perspective and depends upon who is naming it. Aaron and Russell's actions serve as a powerful reminder that if we truly hope to build healthy and humane communities, then we must aim to bridge the very differences we create. When we cast out others, the attitude is one of superiority and humiliation, and the act is one of violence. For us to curb violence like that seen most recently in Wyoming, we must all begin to erase the "battle lines" that are drawn again and again when we exalt ourselves over others.

## NOTES

1. Beth Loffreda, *Losing Matt Shepard: Life and Politics in the Aftermath of Anti-Gay Murder* (New York: Columbia University Press, 2000), x.
2. We are using "memory" in a somewhat more general sense than rhetorical and media scholars who study "public memory." Our concern is not with how the news media construct invitations to a shared sense of the past or with the politics of commemoration, but with how the "life" of a political issue—its birth, growth, and death—is related to its framing in the news media. For an overview of the literature on public memory in rhetorical studies, see Stephen H. Browne, "Reading, Rhetoric, and the Texture of Public Memory," *Quarterly Journal of Speech* 81 (1995): 237–65. For variations on this theme, see also Carole Blair, Marsha S. Jeppeson, and Enrico Pucci, Jr., "Public Memorializing in Postmodernity: The Vietnam Veterans Memorial as Prototype," *Quarterly Journal of Speech* 77 (1991): 263–88; John Bodnar, *Remaking America: Public Memory, Commemoration, and Patriotism in the Twentieth Century* (Princeton, N.J.: Princeton University Press, 1992); James E. Young, *The Texture of Memory: Holocaust Memorials and Meaning* (New Haven: Yale University Press, 1993). For an overview of the literature on public memory in media studies, see Barbie Zelizer, "Reading the Past Against the Grain: The Shape of Memory Studies," *Critical Studies in Mass Communication* 12 (1995): 214–39. For variations on this theme, see also Martin J. Medhurst, "The Rhetorical Structure of Oliver Stone's *JFK*," *Critical Studies in Mass Communication* 10 (1993): 128–43; Thomas W. Benson, "Thinking through Film: Hollywood Remembers the Blacklist," in *Rhetoric and Community: Studies in Unity and Fragmentation*, ed. J. Michael Hogan (Columbia: University of South Carolina Press, 1988), 217–55.
3. Kenneth Burke, *The Philosophy of Literary Form: Studies in Symbolic Action* (Louisiana State University Press, 1941), 302–4.
4. Kenneth Burke, *Attitudes Toward History*, 3d ed. (Berkeley: University of California Press, 1984), 34.
5. Kenneth Burke, *Counter-Statement*, 2d ed. (Los Altos, Calif.: Hermes Publications, 1953), 139.

6. Kenneth Burke, *Language as Symbolic Action: Essays on Life, Literature, and Method* (Berkeley: University of California Press, 1968), 44–45.
7. In media studies, “frames analysis” derives from the work of Erving Goffman, *Frame Analysis: An Essay on the Organization of Experience* (Cambridge: Harvard University Press, 1974). See W. Lance Bennett, *News: The Politics of Illusion*, 2d ed. (New York: Longman, 1988); W. Lance Bennett, “The News about Foreign Policy,” in *Taken by Storm: The Media, Public Opinion, and U.S. Foreign Policy in the Gulf War*, ed. W. Lance Bennett and David L. Paletz (Chicago: University of Chicago Press, 1994), 12–40; Todd Gitlin, “The Whole World is Watching,” in *Transmission: Toward a Post-Television Culture*, 2d ed., ed. Peter d’Agostine and David Tafler (Thousand Oaks, Calif.: Sage Publications, 1995), 91–103; Shanto Iyengar, *Is Anyone Responsible? How Television Frames Political Issues* (Chicago: University of Chicago Press, 1991); and Shanto Iyengar and Adam Simon, “News Coverage of the Gulf Crisis and Public Opinion: A Study of Agenda-Setting, Priming, and Framing,” in *Taken by Storm*, 167–85.
8. Iyengar and Simon, “News Coverage,” 171.
9. Iyengar, *Is Anyone Responsible?*, 14.
10. Bennett, “News about Foreign Policy,” 31.
11. Everette Dennis et al., *Covering the Presidential Primaries* (New York: The Freedom Forum Media Studies Center, 1992), 59.
12. Burke, *Counter-Statement*, 31, 124.
13. C. Allen Carter, *Kenneth Burke and the Scapegoat Process* (Norman: University of Oklahoma Press, 1996), 40.
14. Bennett, *News*, 35.
15. Quoted in Loffreda, *Losing Matt Shepard*, 5.
16. Though the “scarecrow” image would appear in news reports repeatedly and even in poetry long after the event, “Matt hadn’t actually been tied like a scarecrow; when he was approached first by the mountain biker, Aaron Kreifels, and then by Reggie Fluty, the sheriff’s deputy who answered Kreifels’s emergency call, Matt lay on his back, head propped against the fence, legs outstretched. His hands were lashed behind him and tied barely four inches off the ground to a fencepost” (Loffreda, *Losing Matt Shepard*, 5).
17. James Brooke, “Gay Man Beaten and Left For Dead; 2 Are Charged,” *New York Times*, October 10, 1998, sec. A09.
18. “Gay Student Brutally Beaten; 4 Arrested,” *Los Angeles Times*, October 10, 1998, 16.
19. Tom Kenworthy, “Gay Man Near Death after Beating, Burning; Three Held in Wyoming Attack Near Campus; Hate Crimes Suspected,” *Washington Post*, October 10, 1998, sec. A01.
20. “Gay Student Brutally Beaten,” 16.
21. Kenworthy, “Gay Man Near Death,” sec. A01.
22. Brooke, “Gay Man Beaten,” sec. A09.
23. “Gay Student Brutally Beaten,” 16.
24. Tom Kenworthy, “In Wyoming, Homecoming Infused with Hard Lesson on Intolerance,” *Washington Post*, October 11, 1998, sec. A02.
25. Bennett, *News*, 26.
26. As Wyoming governor Jim Geringer told the *Washington Post* shortly after Shepard’s death, “[we all] feel a sense of tragedy and disbelief that a human life could be taken in such a brutal way. We must now find closure.” (Tom Kenworthy, “Gay Wyoming Student Succumbs to Injuries,” *Washington Post*, October 13, 1998, sec. A07).

27. Tom Kenworthy, "Hundreds Gather to Remember Slain Man as 'Light to the World'; Anti-Gay Forces Incite Shouting Match at Wyoming Funeral," *Washington Post*, October 17, 1998, sec. A03.
28. Loffreda, *Losing Matt Shepard*, 13.
29. Kenworthy, "In Wyoming," sec. A02.
30. Kenworthy, "Hundreds Gather," sec. A03.
31. Justin Gillis and Patrice Gaines, "Pattern of Hate Emerges on a Fence in Laramie; Gay Victims' Killers Say They Saw an Easy Crime Target," *Washington Post*, October 18, 1998, sec. A01.
32. Gillis and Gaines, "Pattern of Hate," sec. A01.
33. Allan Lengel, "Thousands Mourn Student's Death; Beating in Wyoming Sparks New Push for Hate-Crimes Laws," *Washington Post*, October 15, 1998, sec. A07.
34. Richard Lacayo, "The New Gay Struggle," *Time*, October 26, 1998, 34. President Clinton continued to use the Matthew Shepard murder as a rallying cry for the passage of a federal hate-crimes bill over the course of the next year. See "Clinton Urges Expanding Federal Hate Crimes Law," *Los Angeles Times*, April 7, 1999, home edition, 4; "White House to Host Meeting on Tougher U.S. Hate Crime Law," *Los Angeles Times*, July 10, 1999, valley edition, 13B; Charles Babington, "Clinton Urges Congress to Toughen Laws on Hate Crimes, Guns," *Washington Post*, October 16, 1999, sec. A11.
35. Lisa Neff, "The Best Defense: Activists Plan Demonstrations in 50 States to Fight for Basic Human Rights," *The Advocate*, March 16, 1999, 40. Shepard's centrality to the national debate surrounding gay rights and hate-crimes legislation is evident in press reports from the time of his death until the conviction of McKinney. "Shepard's brutal murder put a spotlight on hate crimes" ("Nation in Brief/Wyoming," *Los Angeles Times*, May 22, 1999, home edition, 12). "The crime galvanized the gay and lesbian community and became a rallying point in the push for hate crime laws" (John L. Mitchell, "Vigil Marks Anniversary of Slaying of Gay Student," *Los Angeles Times*, October 13, 1999, home edition, 3). "The death of Shepard focused public attention on violence against homosexuals and stimulated at-times feverish debate about hate crimes legislation" (Julie Cart, "Defense Says Homosexual Advance Triggered Slaying," *Los Angeles Times*, October 26, 1999, home edition, 20). "[Matt Shepard's] death galvanized those seeking to expand the nation's hate-crime laws" ("Attack on Gay Was Planned, Witness Says," *Los Angeles Times*, October 29, 1999, valley edition, 23A). "The death of the college student [Matt Shepard] ignited national debate over hate crimes and violence against homosexuals" (Julie Cart, "Man Guilty in Shepard Slaying, Could Get Death," *Los Angeles Times*, November 4, 1999, home edition, 37). "The brutal murder of the wholesome-looking Shepard struck a chord across America. It spurred calls for the enactment of hate crime legislation" (Julie Cart, "Killer of Gay Student Is Spared Death Penalty," *Los Angeles Times*, November 5, 1999, home edition, 1). "The murder [of Matt Shepard] last October gained nationwide publicity and spurred calls by gay and lesbian activists for enactment of tough anti-hate crime legislation nationally" (Tom Kenworthy, "2nd Man is Convicted of Killing Gay Student," *Washington Post*, November 4, 1999, sec. A1). "The case [of Matt Shepard] became a rallying cry for states and the Federal Government to pass and expand hate-crime measures" (Michael Janofsky, "A Defense to Avoid Execution," *New York Times*, October 26, 1999, sec. A18). See also Carl Ingram, "California and the West," *Los Angeles Times*, October 3, 1999, home edition, 24; "Families of Hate Crime Victims Unite at Rally," *Los Angeles Times*, October 10, 1999, home edition, 12; Tom Kenworthy, "'Gay Panic' Defense Stirs Wyo. Trial," *Washington Post*, October 26, 1999,

- sec. A2; Tom Kenworthy, "Wyo. Jury to Weigh Motives in Gay Killing," *Washington Post*, November 3, 1999, sec. A3; Bill Carter, "Shepard's Parents," *New York Times*, February 3, 1999, sec. E7.
36. Bruce Shenitz, "Laramie's Legacy," *Out*, October 2001, 76, 110.
  37. Gillis and Gaines, "Pattern of Hate," sec. A01; A second article reported that "in 1996, 21 men and women were killed in the United States because of their sexual orientation, according to the Southern Poverty Law Center, an Alabama group that tracks violence against minorities. According to the Federal Bureau of Investigation, sexual orientation was a factor in 11.6 percent of the 8,759 hate crimes recorded in 1996." (James Brooke, "Gay Man Dies from Attack, Fanning Outrage and Debate," *New York Times*, October 13, 1998, sec. A17). Sexual orientation ranks third behind race and religion as the motive for (reported) hate crimes. See "2000 FBI Hate Crime Statistics," *Human Rights Campaign*, retrieved April 20, 2002, from <[http://www.hrc.org/issues/hate\\_crimes/background/stats/stats2000.asp](http://www.hrc.org/issues/hate_crimes/background/stats/stats2000.asp)>.
  38. Gillis and Gaines, "Pattern of Hate," sec. A01.
  39. Shenitz, "Laramie's Legacy," 76, 110.
  40. Quoted in Shenitz, "Laramie's Legacy," 77.
  41. Kenworthy, "In Wyoming," sec. A02.
  42. Steve Lopez, "To Be Young and Gay in Wyoming," *Time*, October 26, 1998, 38.
  43. Kenneth Burke, *The Rhetoric of Religion: Studies in Logology* (Boston: Beacon Press, 1961), 5.
  44. Kenneth Burke, *A Grammar of Motives* (New York: Prentice Hall, 1945), 406.
  45. Burke, *A Grammar of Motives*, 406.
  46. Burke, *A Grammar of Motives*, 406.
  47. Barry Brummett, "Burkean Comedy and Tragedy, Illustrated in Reactions to the Arrest of John Delorean," *Central States Speech Journal* 35 (1984): 218.
  48. Lopez, "To Be Young," 38.
  49. Brooke, "Gay Man Dies," sec. A17. See also "2 Suspects in Gay's Killing to Face Death," *Los Angeles Times*, December 29, 1998, home edition, 14; "Death Penalty Asked in Gay Man's Murder," *Washington Post*, December 29, 1998; sec. A6; "Wyo. Governor Backs Bill on Hate Crimes," *Washington Post*, January 19, 1999, sec. A9.
  50. Brooke, "Gay Man Beaten," sec. A09.
  51. Kenworthy, "In Wyoming," sec. A02.
  52. Lopez, "To Be Young," 39.
  53. James Brooke, "After Beating of Gay Man, Town Looks at Its Attitudes," *New York Times*, October 12, 1998, sec. A12.
  54. "Jury Selection Starts in Wyoming Hate-Crime Trial," *Washington Post*, March 25, 1999, sec. A15. "Laramie, Wyo.—This small city on the high plains of southeast Wyoming has looked upon itself as a peaceful, law-abiding community ever since 1868. . . . Those images became blurred last fall with the brutal beating death of Matthew Shepard, a gay university student: To the outside world, Laramie suddenly became the place where a vicious hate crime took place, where below the patina of tolerance lurked a deep streak of cowboy intolerance" (Tom Kenworthy, "After Slaying, Community Takes a Punishing Look at Itself," *Washington Post*, April 5, 1999, sec. A3). See also James Brooke, "Wyoming City Braces for Gay Murder Trial," *New York Times*, April 4, 1999, sec. 14.
  55. Lopez, "To Be Young," 38.

56. In one of our classrooms, a year after the murder, a student connected to individuals held accountable for the dehumanizing event in the Colorado State University parade would confirm, under the promise of anonymity, the use of the anti-gay epithets "I'm Gay" and "Up My Ass."
57. Loffreda, *Losing Matt Shepard*, 10.
58. James Brooke, "Homophobia often Found in Schools, Data Show," *New York Times*, October 14, 1998, sec. A19.
59. Kenworthy, "Hundreds Gather," sec. A03.
60. Gillis and Gaines, "Pattern of Hate," sec. A01.
61. Carter, *Kenneth Burke*, 18.
62. The Wyoming governor went on to say, "[We] feel a sense of tragedy and disbelief that a human life could be taken in such a way. We must now find closure" (Kenworthy, "Gay Wyoming Student Succumbs," sec. A07).
63. Lopez, "To Be Young," 39.
64. "Brutal Beating of Gay Student is Condemned," *Los Angeles Times*, October 11, 1998, 16. News reports repeatedly emphasized that Matt Shepard was deceived into going with his attackers—that Henderson and McKinney "posed as homosexuals and lured Shepard from the bar" (Tom Kenworthy, "I'm Going to Grant You Life," *Washington Post*, February 5, 1999, sec. A2). See also Julie Cart, "Gay's Slaying Spawns Morality Play," *Los Angeles Times*, March 24, 1999, home edition, 11; Julie Cart, "Plea Averts 1st Trial in Slaying of Gay Student," *Los Angeles Times*, April 6, 1999, home edition, 1; "Attack on Gay," 23A; Tom Kenworthy, "Gay Student's Attacker Pleads Guilty, Gets Two Life Terms," *Washington Post*, April 6, 1999, sec. A2; "Wyoming Judge Bars 'Gay Panic' Defense," *Washington Post*, November 2, 1999, sec. A7; Kenworthy, "2nd Man Is Convicted," sec. A1; James Brooke, "Gay Murder Trial Ends with Guilty Plea," *New York Times*, April 6, 1999, sec. A20.
65. Chris Bull, "A Matter of Life and Death," *The Advocate*, March 16, 1999, 38.
66. Cart, "Gay's Slaying Spawns," 11.
67. Kenworthy, "'Gay Panic' Defense," sec. A2; Cart, "Man Guilty," 37.
68. Phil Curtis, "Hate Crimes: More than a Verdict," *The Advocate*, January 18, 2000, 36. See also Cart, "Killer of Gay Student," 1; Michael Janofsky, "Parents of Gay Obtain Mercy for His Killer," *New York Times*, November 5, 1999, sec. A1.
69. Brummett, "Burkean Comedy," 219.
70. Tom Kenworthy, "Slain Gay Man's Mother Tries to Show Hate's 'Real' Cost," *Washington Post*, October 10, 1999, sec. A2.
71. Curtis, "Hate Crimes," 34–35. The notion that McKinney's conviction signaled the end for more than just the trial was evident in other news reports as well. "For the citizens of Wyoming, who often felt that their state's Western philosophies were on trial, the end of the yearlong ordeal was welcome" (Cart, "Killer of Gay Student," 1). "The verdict, which came after 10 hours of deliberations over two days, brought a swift end to a case that has been watched closely because of the brutality of the crime and the sexual orientation of the victim" (Michael Janofsky, "Man is Convicted of Killing of Gay Student," *New York Times*, November 4, 1999, sec. A14).
72. Robert L. Heath, *Realism and Relativism: A Perspective on Kenneth Burke* (Macon, Ga.: Mercer University Press, 1986), 246.
73. In Lopez, "To Be Young," 38.

74. What is significant about this poll is not the distribution, which was likely a product of how the questions were asked, but that the poll was published in a news report at all. The inclusion of the poll contributes to the perception that this issue is significant. After McKinney's conviction, polls like this one disappeared from the public eye.
75. Curtis, "Hate Crimes," 38. Since January 2000, four states have passed hate-crimes legislation, including Texas, which approved a hate-crimes bill in 2001. A similar bill, however, was suppressed two years earlier in Texas because it specifically included protection for gays. See Ross E. Milloy, "Texas Senate Passes Hate Crimes Bill that Bush's Allies Killed," *New York Times*, May 8, 2001, sec. A16. The five states, as of April 16, 2002, that still have no hate-crimes laws are Arkansas, Indiana, New Mexico, South Carolina, and Wyoming. Of the 45 states with hate-crimes laws, 18 states have laws that do not explicitly include sexual orientation. See "Does Your State's Hate Crimes Law Include Sexual Orientation and Gender Identity?" *Human Rights Campaign*, retrieved April 16, 2002, from <[http://www.hrc.org/issues/hate\\_crimes/background/statelaws.asp](http://www.hrc.org/issues/hate_crimes/background/statelaws.asp)>.
76. Curtis, "Hate Crimes," 38.
77. Gitlin, "The Whole World," 96.
78. We are suggesting that there are multiple layers of framing. A picture frame, for instance, shapes how viewers perceive a picture, but so too does the picture's presence in a larger structure such as the frame of a building. Indeed, individuals respond very differently to pictures hanging in a private home than to those hanging in a museum.
79. See George Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890–1940* (New York: Basic Books, 1994), 13.
80. Erving Goffman, *Stigma: Notes on the Management of Spoiled Identity* (Englewood Cliffs, N.J.: Prentice-Hall, 1963), 1.
81. Byrne Fone, *Homophobia: A History* (New York: Picador USA, 2000), 5.
82. Gerhard Falk, *Stigma: How We Treat Outsiders* (New York: Prometheus Books, 2001), 74.
83. See Falk, *Stigma*, 73–74.
84. Quoted in Shenitz, "Laramie's Legacy," 110.
85. See Shenitz, "Laramie's Legacy," 111.
86. Tracey A. Reeves, "A Town Searches its Soul: After Gay Black Man is Slain, W. VA. Residents Ask Why," *Washington Post*, July 20, 2000, sec. A01.
87. Fone, *Homophobia*, 413.
88. Curtis, "Hate Crimes," 35.
89. One of many cases where the "gay panic defense" was allowed is that of Michael Auker, who was stomped and beaten by Todd Clinger, 18, and Troy Clinger, 20, in Pennsylvania. "After rendering Auker unconscious, the two allegedly transported him to his home where he was found comatose two days later" (Barbara Dozetos, "Brothers Claim 'Gay Panic' after Beating that Left Man in Coma," *The Gay.com Network*, retrieved December 13, 2001, from <[http://content.gay.com/channels/news/heads/010328\\_penn\\_gaypanic.html](http://content.gay.com/channels/news/heads/010328_penn_gaypanic.html)>). We found this example especially intriguing because of how closely the crime mirrored the Matthew Shepard beating.
90. Fone, *Homophobia*, 5.
91. Warren J. Blumenfeld, introduction to *Homophobia: How We All Pay the Price*, ed. Warren J. Blumenfeld (Boston: Beacon Press, 1992), 15.
92. Burke, *Attitudes*, introduction.

93. Burke, *Attitudes*, 3.
94. "'Rejection' is a by-product of 'acceptance' . . . It is the heretical aspect of an orthodoxy—and as such, it has much in common with the 'frame of acceptance' that it rejects" (Burke, *Attitudes*, 21). Burke also posits, "Could we not say that *all* symbolic structures are designed to produce such 'acceptance' in one form or another?" (emphasis added, *Attitudes*, 19–20).
95. Burke, *Attitudes*, 28–29.
96. Burke, *Attitudes*, 92; see also William H. Rueckert, *Encounters with Kenneth Burke* (Urbana: University of Illinois Press, 1994), 118.
97. Burke, *Attitudes*, 166.
98. Stanley Edgar Hyman, "Kenneth Burke and the Criticism of Symbolic Action," in *Landmark Essays on Kenneth Burke*, ed. Barry Brummett (Davis, Calif.: Hermagoras Press, 1993), 29; Timothy N. Thompson and Anthony J. Palmeri, "Attitudes toward Counternature (with Notes on Nurturing a Poetic Psychosis)," in *Extensions of the Burkean System*, ed. James W. Chesebro (Tuscaloosa: University of Alabama Press, 1993), 276.
99. Rueckert, *Encounters*, 121.
100. Burke, *Attitudes*, 171.
101. Brummett, "Burkean Comedy," 219.
102. Burke, *Attitudes*, 41.
103. Burke, *Attitudes*, 171.
104. Rueckert, *Encounters*, 117–18.
105. For extended discussion, see Bennett, *News*; Herbert J. Gans, *Deciding What's News: A Study of CBS Evening News, NBC Nightly News, Newsweek and Time* (New York: Pantheon, 1979).
106. David Croteau and William Hoynes, *Media/Society: Industries, Images, and Audiences*, 2d ed. (Thousand Oaks, Calif.: Pine Forge Press, 2000), 241.
107. Gans, *Deciding What's News*, 138–42.
108. See Croteau and Hoynes, *Media/Society*, 239–41.
109. Mark Lawrence McPhail, "Coherence as Representative Anecdote in the Rhetorics of Kenneth Burke and Ernesto Grassi," in *Kenneth Burke and Contemporary European Thought: Rhetoric in Transition*, ed. Bernard L. Brock (Tuscaloosa: University of Alabama Press), 85.