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## Bashing death sparks outcry

by Dan Van Mourik  
Q-Notes Staff

LARAMIE, WY—On the night of October 6, Matthew Shepard, 21, a University of Wyoming student, was savagely beaten, burned and left to die tied to a wooden fence outside Laramie, 30 miles northwest of Cheyenne. Shepard, a political science major, was openly gay.

Aaron Kreifels, 18, discovered Shepard's body about 18 hours after the attack. He said he originally mistook Shepard for "a scarecrow or a dummy set there for Halloween jokes." When he walked closer, Kreifels discovered the unconscious student who had been left to die. Kreifels, a high school track standout, then ran about a half mile to the nearest house to call for help. A member of the university's cycling club, Kreifels was mountain biking on a rugged path when a rock sent him to the ground about 10 feet from where Shepard was tied up. "I wouldn't have noticed him had I not hit that rock and wiped out," Kreifels said.

Due to the severity of his injuries, Shepard was taken to Poudre Valley Hospital in Fort Collins, CO where he remained in critical condition until his death shortly before 1:00am Monday, October 12.

When he was found, Shepard was unconscious and his skull had been smashed with a handgun. He also appeared to have suffered burns, possibly from cigarettes, on his body and cuts on his head and face. The temperature had dropped into the low 30s during the time Shepard was left outside.

The following medical information was released by Rulon Stacy of Poudre Valley Hospital. "Matthew's major injuries upon arrival consisted of hypothermia and a fracture from behind his head to just in front of the right ear. This has caused bleeding in the brain, as well as pressure on the brain. There were also approximately a dozen small lacerations around his head, face and neck. Matthew has a massive brain stem injury. The brain stem controls vital signs, such as heart beat, body temperature and other involuntary functions. Hospital actions have included the surgeon inserting an intraventricular drain into his brain to relieve pressure by draining spinal fluid."

"He's a small person with a big heart, mind and soul that someone tried to beat out of him," said his uncle, R.W. Eaton, following the attack. "Right now, he's in God's hands."

Police began investigating whether the brutal beating was motivated by Shepard's sexual orientation. He had twice been beaten recently, one incident leaving him with a broken jaw, and attributed those attacks to his open homosexuality, friends said. Albany County Sheriff Gary Puls initially characterized the attack as a "hate crime," but when asked later if it was an anti-gay attack, said, "At the present time we are not confirming that." Police later identified the major motive in this case as a robbery.

Police quickly arrested two men and two women in connection with the attack. Police Cmdr. Dave O'Malley reiterated that robbery was the chief motive but added that the victim was chosen in part because he is gay and that

the defendants made anti-gay remarks after leaving the crime scene.

### The suspects

Russell Arthur Henderson, 21, and Aaron James McKinney, 22, were first charged with attempted first-degree murder, kidnapping and aggravated robbery. Chastity Vera Pasley, 20, a student, and Kristen Leann Price, 18, were charged as accessories. After Shepard's death, the charges against the two men were upgraded to first-degree murder with the potential of the death penalty.

Police accused the two men of luring the victim from the Fireside bar, a campus hangout, by telling him they were gay. O'Malley said the three drove off in McKinney's truck late Tuesday or early Wednesday. He said the two men beat Shepard in the truck, then beat him some more after tying him to the fence. They took his wallet and black patent leather shoes, officials said.

Officials said Shepard was pistol-whipped with a .357 Magnum which was later recovered in the bed of McKinney's truck along with a pair of shoes and one of Shepard's credit cards in the truck's cab.

After the attack, the two young women helped the men dump their bloody clothing, O'Malley said. He said the two men made anti-gay remarks to the two women, who told police about the crime.

"During the incident, the victim was begging for his life," said Albany County Judge Robert A. Castor, reading an arrest affidavit.

The suspects targeted Shepard because he flirted with one of them at a bar, said the father and girlfriend of McKinney. McKinney was embarrassed that Shepard made two passes at him in front of his friends at the bar, said Bill McKinney and Kristen Price. To get back at Shepard for the apparent humiliation, McKinney and Henderson lured him

outside to rob him, they said. Bill McKinney said there's no excuse for what his son and his friend are accused of doing, but there isn't really a good reason for the nationwide media attention over the case, either, he claimed.

"The news has already taken this up and blew it totally out of proportion, because it involved a homosexual," the elder McKinney said. "Had this been a heterosexual these two boys decided to take out and rob, this never would have made the national news. Now my son is guilty before he's even had a trial."

### The law

Efforts to pass hate-crime legislation in Wyoming have failed repeatedly because critics have said it would give homosexuals special rights. In the past three years, Wyoming lawmakers also have unsuccessfully tried to pass legislation banning same-sex marriages.

Denise de Percin, a former Wyoming resident, said it's hard to keep track of hate crimes in Wyoming. "Wyoming has not been enthusiastic about complying with the federal Hate Crimes Statistics Act. In fact, they've been reticent," she said.

The attack on Shepard could be the first

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Approximately 400 turned out in Charlotte to honor slaying victim

Photo: Jim Yarbrough

## Hundreds gather to remember Matthew Shepard's life, death

by Wanda Pico  
Special to Q-Notes

CHARLOTTE—As dusk fell on October 18 and the day's heat withdrew into a crisp autumn evening, nearly 400 people gathered in uptown Charlotte's Marshall Park to honor Matthew Shepard, a young gay man they never knew, and to send a message that the time of meeting anti-GLBT violence with silence was over.

The candlelight vigil, one of scores held in the days following Shepard's gay-bashing death in Wyoming, was organized in three days by Noel Green, David Lari and David Stout and featured support from a number of community organizations.

One unexpected accomplice was the city's Parks Department who waived all fees for the use of Marshall Park and expedited the application. One city employee reportedly said, "God will get me if I do anything to stop this."

As attendees streamed into the park for the service, they were given candles and programs and directed to sit on the terraced hill facing the fountain.

Rev. Debbie Warren, executive director of the Regional AIDS Interfaith Network (RAIN), opened the program. She lit a single candle positioned by the speaker's podium and offered an opening prayer. She called on a higher power to turn hate into love, intolerance into accep-

ance and violence into peace. She then recognized the organizers of the vigil and introduced the next speaker, attorney Connie Vetter.

Vetter maintains the Southern Center for Law and Justice which specializes in civil and individual rights cases. She provided sobering statistics on gay-biased hate crimes and explained the status of laws targeting such attacks. She stated that neither the federal nor the NC government identifies sexual orientation as a protected class under their hate crimes measures.

Her remarks set the stage for the next speaker to deliver a chilling message on his first-hand experience with anti-gay hate.

Brian Ballard, a 17-year-old Time Out Youth board member and participant, recalled when he was threatened with death after arriving at his high school one morning. "As I was getting out of my car, three men told me to leave and never come back again or they would kill me. I got into my car and drove home and cried."

Although Ballard subsequently returned to school — with the support of his mother, guidance counselor and principal — without incident, his encounter highlighted the potential for violence that shadows gays and lesbians.

Next, as the opening strains of Gloria Estefan's hit "Coming Out of the Dark" echoed through the park, Green, Lari and Stout lit

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## Supreme Court lets Issue 3 stand

by Peg Byron  
Special to Q-Notes

WASHINGTON, DC—Lambda Legal Defense and Education Fund, the nation's largest and oldest legal organization serving gays and people with AIDS, said October 13 that the US Supreme Court's refusal to review Cincinnati's Issue 3, enacted in 1993 to deny "protected status" to lesbians and gay men, leaves Cincinnati to battle further over the reach of the controversial measure, but has no implications beyond that case.

Lambda stressed that the High Court did not change its landmark *Romer v. Evans* ruling which affirmed the Constitution's guarantee of equal protection for lesbians and gay men and rejected a Colorado measure that would have blocked anti-gay discrimination protections.

"If the Court wanted to change *Romer*, it would have taken the case," said managing attorney Patricia M. Logue of Lambda's Midwest Regional Office in Chicago. "The justices do not usually second-guess federal appeals courts when they construe local laws. But we're still

disappointed that the High Court did not depart from this normal practice and put Issue 3 to rest once and for all."

Kerry Lobel, executive director of the National Gay and Lesbian Task Force, expressed a stronger feeling. "It is unconscionable that the court would allow this ruling to stand and refuse to act on behalf of all Americans."

In denying Lambda's petition to review *Equality Foundation v. City of Cincinnati*, a 1997 appeals court decision upholding Issue 3, three justices also took the unusual step of issuing an opinion explaining the action.

Justice John J. Stevens, joined by Justices David Souter and Ruth Bader Ginsburg, wrote in an opinion respecting the denial of Lambda's petition, "The Court's action today should not be interpreted...as an expression of its views about the underlying issues that the parties have debated at length."

Staff attorney Suzanne B. Goldberg, who also worked on Lambda's case, said, "The tragedy in Wyoming warns us that there can be a

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Brian Ballard, 17, speaks out at a candlelight vigil in Charlotte

Photo: Jim Yarbrough