



UNIVERSITY
OF WOLLONGONG
AUSTRALIA

1-1-2009

Gay-hate, journalism and compassionate questioning: journalism's response to the Matthew Shepard case

Marcus O'Donnell

University of Wollongong, marcuso@uow.edu.au

Recommended Citation

O'Donnell, Marcus, Gay-hate, journalism and compassionate questioning: journalism's response to the Matthew Shepard case, *Asia Pacific Media Educator*, 19, 2009, 112-125.

Available at:<http://ro.uow.edu.au/apme/vol1/iss19/11>

Gay-hate, journalism and compassionate questioning: journalism's response to the Matthew Shepard case

Marcus O'Donnell

University of Wollongong, Australia

Abstract

The longevity of the media's interest in the 1998 murder of gay Wyoming college student Matthew Shepard and the diverse ways in which the story has been approached and appropriated provides a unique window into some of the dynamics of the media coverage of both gay people and gay and lesbian hate crimes. In this article I will analyse two extended pieces of journalism, both of which attempt to go beyond the standard Shepard story. I will suggest that the literary style of layered juxtaposition and compassionate questioning adopted by JoAnn Wypijewski's 1999 *Harper's* feature is a more appropriate response to a complex, sensitive situation than Elizabeth Vargas' investigative toughness in her 2004 *20/20* report.

Shortly after midnight on 7 October 1998 Matthew Shepard, a 21-year-old, gay, University of Wyoming student, was taken to a deserted rural location outside of Laramie by Aaron McKinney and Russell Henderson, two locals he had met in a bar. McKinney proceeded to kick, taunt and beat him unconscious with a three pound pistol and left Shepard tied to a fence where, eighteen hours later, he was found by a passing cyclist, who at first thought the slight, limp, figure was a scarecrow. Shepard died five days later in a hospital in Fort Collins, Colorado, where he had been rushed with a fractured skull and severe brain stem damage.

Everything about the story of Matt Shepard set it up to be more than a simple crime story. Small framed and boyishly good looking, Shepard seemed to draw people to himself as an image of innocence. The brutality of the attack, the fact that he was left without shoes, tied to a fence in the middle of America's cowboy heartland, all served to further juxtapose the innocent victim against the attacker's gratuitous violence. That he was gay, white and from a well-off family and that his attackers were quickly pigeonholed as troubled local "trailer-trash" upped the ante on the brewing drama. The symbolic marking of the tragedy perhaps reached its apogee when Cal Rerucha, the prosecutor in the ensuing murder trial, called McKinney "a savage" and "wolf" who preyed on the "lamb-like Shepard" (Cart 1999).

As he lay dying, Shepard had become a symbol of the need for gay hate crimes legislation. President Clinton and numerous celebrities had condemned the attack and candlelight vigils and rallies had been held across the United States and in the major cities of the world. Over a decade after his death Shepard is still a potent media figure with national US hate crimes legislation bearing his name recently finally passing through the US House of Representatives, sponsored by the indefatigable Ted Kennedy. His life and murder has been the focus of a number of television documentaries and movies and the focus of an internationally acclaimed play – *The Laramie Project* – which is still in production in numerous international cities at any given time.

The longevity of the media's interest in the Matthew Shepard story, and the diverse ways in which the story has been approached and appropriated, provides a unique window into some of the dynamics of the media coverage of both gay people and gay and lesbian hate crimes. In this article I will analyse two extended pieces of journalism, both of which attempt to go beyond the standard Shepard story.

JoAnn Wypijewski's "A Boy's Life," a *Harper's* cover story which appeared in September 1999, is a long meditative article arising from Wypijewski's trip to Laramie and her interviews with many of the key figures in the Shepard drama. But it does much more than simply reconstruct the story, it is a piece that might best be described as "intimate journalism" (Harrington 1997): journalism rooted in the lives of ordinary people as they try to come to terms with extraordinary events. It is notable for its compassionate voice and its refusal to cast either Shepard as saint and martyr or his attackers as corresponding devilish monsters.

In contrast, Elizabeth Vargas' November 2004 *20/20* re-examination of the Shepard murder for ABC is a standard piece of television magazine-style investigative reporting. It is offered as a hard-hitting examination of the case and claims to present new evidence – including McKinney and Henderson's first detailed post-conviction interviews – that Shepard's murder was a meth-fuelled drug crime not a gay hate

crime. It includes other salacious elements such as the claim that McKinney was in fact bisexual (a claim that he denies) and that Shepard was HIV positive and was himself a regular meth user already known to McKinney, another claim denied by McKinney.

The two reports use some of the same sources and it was Wypijewski's story which first raised the possibility that meth use had fuelled the viciousness of the crime. Wypijewski, like Vargas, also raises the question of the attackers' sexuality but, as I will demonstrate, in a far more nuanced way than the *20/20* report. The *Harper's* story won a gay and lesbian human rights press award and the *20/20* report was condemned by gay activists as an attempt to "degay" the Shepard murder (Wypijewski 2004). Strangely Wypijewski herself was one of the few reviewers to come to Vargas' defence, claiming: "scrapping over the nature of Shepard's victimhood is the wrong debate" and that "ABC's interviews assert a public claim against the Shepards' effort to turn the story into their sole property" (Wypijewski 2004).

I will argue that juxtaposing these two pieces highlights two significantly different approaches that tell us something about the competing impulses at the heart of contemporary journalism. I will also argue that such a discussion extends the debate about journalism's ethical obligations when reporting on vulnerable minorities such as gay and lesbian people.

The reporting of homosexuality

In spite of the twin advance of queer studies and media studies over the last few decades, there have been surprisingly few detailed scholarly attempts to chart gay and lesbian representation in the news media. In the highly regarded *Lesbian and Gay Studies Reader* (Abelove, Barale, Halperin 1993) which documented the emerging field, although the issue of gay and lesbian *cultural* representation is omnipresent, in the hefty 670 page book the only two articles that provide a concerted media analysis is a general theoretical piece by Stuart Hall on the media and deviance and one by Philip Brian Harper which explores the nexus of race, AIDS and homosexuality in the media's reports of a pioneering black anchorman's death from AIDS.

A search of key journalism studies journals¹ revealed the scant attention given to gay and lesbian issues by journalism scholars. *Journalism Studies* has published one article which uses gay marriage as one of three unrelated case studies on op-ed coverage of controversial issues (Day and Golan 2005) and one article is forthcoming on the emergence of the lesbian commercial press (Turner 2009). *Journalism* has published one article on the coverage of gay communities by US national public radio during election campaigns (Barnhurst 2003). *Journalism and Mass Communication Quarterly* has published three substantial articles (the last in 1999) and nine book reviews on gay and lesbian topics. The first of these articles looks at the origins of the gay press (Streitmatter 1995), the second focuses on the effect of reader's attitudes to homosexuality on their attention to news about AIDS (Kennamer & Honnold 1995) and the final piece looks at definitions of defamation and accusations of homosexuality. A search of the *Australian Journalism Review* revealed no articles. A search of the premier gay and lesbian/queer studies journal *GLQ2* also failed to show any articles with a focused attention on news media analysis.

Other studies have produced analysis of specific gay and lesbian media issues such as the gay gene controversy (Miller 1995; Conrad & Markens 2001), the fight over gay issues in the churches (Sollis 2000), gays in the military (Steele 1997), gay marriage/gay families (Landau 2009; Hester & Gibson 2007) and indeed hate crime and the Matthew Shepard case (see below).

Book length studies are also scant and vary from general texts on gay and lesbian “visibility” and representation that include some analysis of news media (Barnhurst 2007; Gross 2001; Walters 2001) to other texts which more specifically focus on news media (Castañeda & Campbell 2006; Alwood 1996). It is indicative of the paucity of contemporary scholarship that in a recent round up review (Brewer 2007) on gay and lesbian media texts the author in *Political Communication* focused on the works of Gross, Walters and Alwood: texts which at the time were 6-11 years old.

While it is true that there has not been detailed or sustained scholarship in this area, taken together, these various works do convey a troubling picture of gay and lesbian media representation. Broadly they suggest that until recently the media has either ignored homosexuality or represented gays and lesbians negatively. This has a range of particular implications for gay and lesbian lives. For example Barnhurst writes:

Media representations are especially important to sexual minorities (Fejes and Petrich, 1993). Without kith or kin who have the same or similar identities and community ties, queer folk often begin by discovering like-minded individuals and groups represented in the media... Unlike queer targeted publications, mainstream media represent not the community to itself but the community in relation to those dominant in the culture. Marginalized groups see themselves infrequently in these media (Gross, 1998), but even negative portrayals provide a point of reference (2003:7).

Various activist groups such as Gay and Lesbian Activists Against Discrimination (GLAAD) have produced media guides (GLAAD 2007) which seek to guide journalists on a “fair, accurate and inclusive” approach to gay and lesbian issues. While calling for a multiperspectival approach which goes beyond “predictable pro-gay/anti-gay dualisms”, they none-the-less caution:

There continues to be a need for journalists to distinguish between opposing viewpoints on LGBT [Lesbian, Gay, Bisexual and Transgender] issues and the defamatory rhetoric that fuels prejudice and discrimination. While defamatory comments may be newsworthy, they should no longer be used simply to provide “balance” in a news story. Unfortunately, anti-gay organizations and institutions continue to see their incendiary rhetoric and inaccurate, sensationalistic distortions of gay and lesbian lives legitimized through stories, features and profiles. Such inclusion, despite the best efforts of reporters striving for fair and accurate coverage, devalues the quality of journalism. (GLAAD 2007:2).

As well as providing specific contextual advice on hot-button gay issues such as marriage rights and hate crime legislation, the GLAAD guide provides a glossary and style guide which seeks to encourage the use of neutral, non-discriminatory language. Such an approach is a familiar one in media activism and similar guides on other controversial issues such as race and mental illness abound.

The Matthew Shepard case

Published scholarship on the Matthew Shepard case differs from most of the scholarship cited above in the sense that it adopts a ritual perspective on journalism and the media (Carey 1989) rather than an information processing approach. In other words rather than focusing on issues of fairness, accuracy and inclusion or simple notions of stereotypes their concern is with how the retelling of the Matthew Shepard story in various contexts produces a variety of meanings for a variety of audiences.

Several studies (Wilcox 2001; Ott & Aoki 2002; Grace 2003; Casey 2006; Lynch 2007) have pointed out the way both news media stories and the ensuing cultural productions responding to the Shepard case have acted to ritually delineate and heal a set of cultural “ruptures” caused by the murder and its attendant publicity. However, according to Ott and Aoki (2002) the media’s tendency to use a personalised tragic frame in their reporting has two effects:

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.... 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 (Ott & Aoki 2002: 497-8).

Wilcox goes further and points past a single notion of symbolic rupture and a grand scape-goating process to a series of specific ruptures in a series of communities affected by Shepard’s death:

Matthew Shepard’s murder unmade the world for many people, but which specific parts of the world were dismantled depended on where in the world one stood. For Christians undecided or negative about homosexuals, the incident challenged the ostensibly non-violent world of ‘love the sinner, hate the sin’; despite the lack of ties between Shepard’s murderers and conservative Christianity, the event put conservatives abruptly on the defensive. For many heterosexual Americans, the incident threatened a central national myth. It shattered the picture of ‘America’ as a place of enlightened rationality and equality, and it destroyed the world of safety wherein the vulnerable and innocent could walk the streets of a small town without fear. For LGBT people, Shepard’s murder devastated the world they thought they had built: not a perfect world, true, but a world that was getting better.... (2001:170).

Wilcox argues that these various audience positions led to a range of symbolic responses. In casting the good Matthew Shepard against the evil McKinney and Henderson, some Christian audiences shifted any attention – and perhaps complicity – from the churches’ attitudes to homosexuality. Others used the drama to distinguish “their Christianity” from other more disturbing visions. Casting McKinney and Henderson as fringe dwellers “served to shore up the crumbling battlements of the national image. In each case, mythic reinterpretations of the murder allowed for its assimilation into threatened symbolic worlds” (Wilcox 2001: 171).

In such a rhetorically charged environment the journalist's responsibility becomes more than a mere obligation to accuracy and fairness. The two pieces of journalism on the Shepard murder by Wypijewski and Vargas both in their own way attempt to respond to the complex mythical demands of the case, however the pose of tough investigation by Vargas' television report and the pose of compassionate questioning adopted by Wypijewski produce markedly different outcomes.

Tough investigation

Investigative reporting has often styled itself as "speaking truth to power" or "bearing witness" (di Giovanni 2006). The archetypal Watergate moment has inspired generations of journalists to uncover hidden stories and to report on them without fear of who they may offend. As such, this tradition of reporting has been critical to the support of vulnerable groups and the tendency of investigative reporters to take on unpopular issues. This has led to what Buzz Merritt and Jay Rosen have called an "ethic of toughness" (Rosen 1999:156) which can on occasion be self serving and self generating: the story becomes journalism's scoop rather than the issue at hand.

Vargas sets up her *20/20* investigation into the Shepard case as a scoop. A report that promises revelatory new evidence that will force a reinterpretation of the commonly accepted facts of the case, she promises a report that will go beyond the myth. She says that *20/20* wants to "set the record straight on a story that has been dramatically oversimplified". However I will argue she replaces one commonly held – and perhaps simple – explanation with a different, but equally singular, explanation.

The program sets out to reconstruct what happened the night Matthew Shepard was murdered; it sets up two seemingly irreconcilable possibilities: (1) Shepard died because he was gay and the victim of a hate crime; or (2) McKinney and Henderson set out to rob a defenseless college student but took it too far because they were strung out on meth. At no point does Vargas seem to entertain that the two are not in fact exclusive options. But even at the most simple level of analysis, as she allows Matt's mother, Judy Shepard, to say in rejoinder: "There was a lot of things going on that night and hate was certainly one of them."

The program centres around prison interviews with McKinney and Henderson and allows them to recast their narrative of the murder as a robbery gone wrong – rage exacerbated by a week on meth. Both maintain they have nothing against gays. This is the central premise of the show, but it is accompanied by other revelations.

In attempting to verify McKinney's claims Vargas talks with various Laramie residents, including former members of the drug underground, who make several surprising claims.

Both a close friend of Matthew Shepard and other Laramie drug aficionados testify that Shepard was also a meth user. The program paints Shepard as a troubled boy unsettled by his recent HIV positive diagnosis who was a regular with the Laramie drug crowd. In spite of the breathless TV presentation, neither Shepard's HIV status nor his drug use is new information or had been reported before (Wypijewski 1999). One informant even claims to have partied in the back of a limousine with both Shepard and McKinney. Interestingly, although the Limo driver (Doc O'Conner who

portrays himself as a friend of Shepard) is interviewed on other matters, he is not asked to confirm this. McKinney denies that he had met Shepard before the night of the murder.

The other surprising claim to emerge is that McKinney is bisexual. Doc O'Connor says he had a threesome with McKinney, and McKinney's ex girlfriend says in retrospect this would not surprise her as her former beau was always trying to get her to agree to threesomes. Again McKinney denies this. The assertion of bisexuality is left hanging, but the implication within the overall narrative thrust of the program seems to be that if McKinney was bisexual he is therefore less likely to be uncomfortable with gays and therefore less likely to be the perpetrator of a hate crime. However, even the most basic exploration of the psychological dynamics of homophobia would have to entertain the possibility that repressed, closeted or poorly integrated bisexuality could lead to confusion and even self hatred that might be projected in rage onto gay people.

The program was roundly condemned by gay and lesbian activists as an attempt to "degay" the Shepard murder and a smear on his memory and various critics have issued point-by-point rejoinders to its assertions. Key police investigators have also publicly disagreed with the program's theory of the murder and say their comments were selectively edited (Wypijewski 2004; Matthew Shepard Foundation 2004; Letellier 2004).

However, what interests me here is the report's overall journalistic posture rather than its point-by-point accuracy, although the two are undoubtedly related.

Jeffrey Schneider, the openly gay vice president of media relations for ABC News, spoke to the gay and lesbian magazine *The Advocate* shortly after the program's release. Schneider defended the show in terms of journalism's obligation to bring "new" information into the public sphere. He states that in spite of his position as a gay man who was affected by the murder at the time, his "professional reaction is that you have to go where the truth leads you". The journalist suggested to Schneider that the program had taken an either/or position and asked: "Isn't it possible, even with crystal meth in the picture, that homophobia still played a role?" Schneider's reply is instructive:

I take exception to your characterization of how we reported the story. We did get into many of the nuances. We were very mindful to talk about how destructive homophobia can be. At the same time, our report was about the myths versus the facts of the Matthew Shepard case. Some of the myths lead to important discussions and changes in attitudes. But it's our job to look at the facts (Letellier 2004).

Although Schneider is correct in asserting that problems of homophobia were not entirely ignored, Letellier, the *Advocate* journalist, is also correct in his assertion that the issue of homophobia and drug use as concomitant causes of the night's events is not explored. Although Schneider claims the program got "into many of the nuances", the punchline format of the show – our scoop proves that – in effect does not allow for an extended entertainment of nuanced possibilities. And indeed journalists are taught to present clear, compelling arguments that are largely stripped of nuance and ambiguity. This is even more important in cases where the presenter or writer structures their

presentation as an investigative scoop which claims to bring new information to light. The last thing that this type of journalism needs is “nuance” that muddies the alarm bell clarity of the scoop.

Letellier also raised a more troubling and complex issue. How will the evidence in this show be used by others? How will it be used in the broader discussion of hate crimes and gay/lesbian rights? What ethical obligations does the reporter have in this regard? At the time of the *Advocate* interview, shortly after the report had aired, there was already evidence that right wing groups would use the conclusions of the program to downgrade the need for hate crimes legislation. In the ensuing years this has proved correct. As recently as May 2009 Republican Rep Virginia Foxx cited the *20/20* report in her arguments against a House debate on the Matthew Shepard Hate Crimes Act, claiming the Matthew Shepard story beloved of gay activists was a “hoax” (MSNBC 2009). In 2004 Schneider defended the show, maintaining a distinction between the journalistic pursuit of truth and how the results of such truthful reporting were used by others.

We set out to get at the truth of something and do our best to present that truth. We do not have an agenda. That others may pick up on our reporting and use it – and in some cases abuse it – is beyond our control (Letellier 2004).

Journalism’s primary ethical obligation is to truthful reporting. Accuracy is a central tenet of all ethics’ codes, however I would argue that the ethical obligation does not finish with truth, accuracy, or even fairness. In dealing with minority communities and controversial topics, journalists have additional obligations to ensure that they present their reports in a complex, nuanced form that matches the seriousness of the situation and matches the heightened sensitivities of the debate.

Schneider’s claim that the report does not have “an agenda” is somewhat guileless given the narrative trajectory of the piece and Vargas’ on air statements that she wanted to “set the record straight”. I will argue that although it dealt with a range of similar topics, the style and approach of Wypijewski’s *Harper’s* feature allowed her to present a much more complex, ethical and enlightening account than the *20/20* report. I will also argue that her literary style allowed her to step outside journalism’s traditional “agendaless” pose and adopt a voice that is both critical and compassionate.

Compassionate Questioning

Wypijewski’s report is no less an investigative piece than the *20/20* broadcast. It shows the tell-tale signs of lots of reportorial shoe leather: numerous named and unnamed sources, a scouring of court records, historic surveys of Laramie and its environs, observations of her visits to local institutions as diverse as the local sex shop and a nearby fundamentalist church, and a deep knowledge of the tomes of previous media reports.

But she tells her story primarily through the accumulation of anecdotes – a unique collage of voices that create a kind of choral effect. Like a choral arrangement this multi-voiced effect is about more than simple juxtaposition – or in traditional journalism terms balance – it is a carefully crafted composition where the totality of the layered effect is about more than the sum of its parts.

She not only tells the story of Shepard and his attackers, she charts the emotional geography of Laramie. She lays out the “facts” of the case early on but acknowledges that this is not a story primarily about facts:

“The story” passed into myth even before the trials had been set, and at this point facts, rumour, politics, protective cover, and jailhouse braggadocio are so entangled that the truth may be elusive even to the protagonists (61).

Wypijewski, just like Vargas, has an argument to prove and she marshals her material to that end, but unlike her television colleague her method is not about “gotcha” revelations or exclusive scoops. Her argument is not one that gives way to either/or definitions, it is couched in careful “maybes”, none-the-less powerful and insightful for their caution. Ironically, it is Wypijewski that “scoops” Vargas on most of her big claims – she raises the drug angle and quotes similar drug sources who claim this was a “meth crime”, she notes in passing Shepard’s HIV status and explores his recreational drug taking. While she makes no claims for McKinney’s bisexuality, the attacker’s sexuality is central to her thesis and the article in large part is a meditation on what it means to grow up in a culture where boys are allowed no “interior life”, no expression of emotion, a culture where letting your guard down makes you a wuss or even worse a fag. As she puts it:

It’s just possible that Matthew Shepard didn’t die because he was gay; he died because Aaron McKinney and Russell Henderson were straight (62).

She certainly questions whether “hate” is too simple an explanation for the events of October 7 1998 but she also questions what “tolerance” means in that context. In the key middle section of the article Wypijewski meditates on hate, tolerance and love. She begins, as she begins each of her six sections, with a long italicised quote from one of her informants, this time a gay Wyoming resident who sums up the ‘live and let live’ myth of the region: “In my mind it boils down to one sentence: If I don’t tell you I’m a fag you won’t beat the crap out of me” (65).

It is indicative of her method that this section moves skilfully from a historic account of Laramie’s origins “founded on sex and the railroad in that order” (65), to a poetic evocation of the landscape “the power is all in the wind, which has shaped the plains like a pair of enormous hands playing in a sandbox of soft soil and red clay” (66), to a visit to the local sex shop, just outside of town. She clocks the residents’ irritation at their sudden national notoriety: “Henderson and McKinney, it’s said, “are not Laramie”. But she goes on to note: “Before his death, Shepard was surely “not Laramie” either, if only because he took risks other gay men in town might not have” (66). From here she circles back to the “live and let live” ethos of the town:

Laramie, it’s said, is not censorious about sex, homo or hetero – *We’re just tight lipped. We don’t go there. We believe “live and let live”* – and it’s certainly not hateful, just as most of the country is not, just as, perhaps even McKinney and Henderson are not. If they all were then everything would be much simpler. (65).

From here she makes another rhetorical move that links a number of her themes: “Hatred like pornography – hard to define, but you know it when you see it”. From there she lets us in on a scene she “saw” the morning of Henderson’s trial: the Reverend Fred Phelps and his “God hates fags” crew protesting outside the

courthouse. This, in turn, leads into a report of discussions of Phelps by University students who insist on “tolerance” as an overarching value. This leads Wypijewski to a lengthy meditation about what this might mean. She begins by noting that tolerance “used to be something one had for a bad job” (67) and goes on to juxtapose the many contradictions in the local manifestations of this virtue such as the University’s idea for a Matthew Shepard Chair in Civil liberties while it has no anti-discrimination policy for homosexuals or the local mother who tells her lesbian daughter: “Let’s just pretend I don’t know OK?” The long list Wypijewski gathers here represents one of her typical “choral” moments and she ends with a striking anecdote:

In a graduate class discussion just after Shepard was found, the high-minded talk was all of tolerance as the students challenged a woman who had said that she abhorred violence but still...homosexuality, it’s immoral. Amid the chatter, a cowboy who’d been silent said plainly, “The issue isn’t tolerance. We don’t need to learn tolerance; we need to learn love” (67).

While Wypijewski looks briefly at who Matthew Shepard was, in many senses she is much more concerned with who McKinney and Henderson are. In long sections she explores their families, their childhoods – both deeply troubled – their friendships and their town. Their world is one where “tolerance” is not a foreign value but certainly its evocation is marked by ambiguity and relativity. She looks not just at that one night which led to a brutal murder, but to a larger cycle of violence. Her collage method allows her to show that the concerns of Laramie’s gays and lesbians, for whom “the simplest show of affection is a decision about safety” (67), and the concerns of its young men, who are taught that emotions are unsafe and for whom “wussitude haunts...every move” (63), are in effect both powerful pulls toward a closeted identity of different sorts.

What marks Wypijewski’s work is that she is able to respond compassionately to all the characters in her story while still maintaining a strong moral voice throughout. Unlike some of her informants, who want to both condemn and excuse McKinney and Henderson, Wypijewski is clear that there are no excuses but there *are* multiple explanations.

Conclusions

Over twenty years ago James Carey (1986) challenged journalists to pay more careful attention to the “why” of journalism’s defining “5 Ws” – who, when, what, where, why. But he cautioned that ascribing motive to an individual is often an easy way of avoiding a more complex analytic investigation of “why”. In fact Carey goes on to warn: “The over reliance on motive explanations is one of the pervasive weaknesses of American journalism” (Carey 1986:180).

In any murder investigation motive is obviously key and in exploring a possible hate crime, motivation becomes even more crucial. Both Vargas and Wypijewski attempt to investigate the motives behind the murder of Matthew Shepard, however Vargas’ investment in journalism’s ability to find definitive, if not obvious, answers mars her attempt to uncover new dimensions on the killing. Wypijewski’s wide ranging investigation of both the personal and cultural back-stories of the killers and their victim, as well as the aftermath of the murder, leads to a nuanced, open-ended report

that I have characterised as a choral collage where juxtaposition and layering lead to a set of unexpected harmonies and dissonances that are ultimately more interesting than the tonality of the individual parts.

This complex approach is particularly important in dealing with minority communities and sensitive and controversial issues because it allows journalists to avoid the problems associated with the “tragic frame” pointed out by Ott and Aoki (2002) in their study of the Shepard case. As I have already noted, their work indicates that a focus on “victimage”, no matter how compassionate, can tend to downplay the larger social issues and does “not serve the public well as a basis for social and political action” (Ott & Aoki 2002: 498).

While the central importance of investigative journalism to the profession’s mission as the “fourth estate” (Shultz 2003) cannot be underestimated, the associated “ethic of toughness” can certainly be questioned. In many cases investigative reports will play a crucial role in seeking justice for minority communities. However, what this study argues is that a singular dedication to proving a point, which at times can be a key benefit in difficult cases that require dogged determination, often needs to be tempered with an understanding of broader, much more ambiguous issues.

The “intimate journalism” or literary journalism style deployed by Wypijewski is a style praised for its scene-setting capacities and its evocative qualities (Woolfe 1975). What I have argued here is that it is also uniquely capable of producing the layered, multiperspectival journalism required in complex and sensitive situations where minority communities require the journalist to adopt a compassionate rather than a supposedly agenda-less “truth”.

While literary journalism has been studied for its style, I believe this brief analysis suggests that future research ought also consider its unique capacity to produce an ethically rich vein of journalism that responds to the particular needs of minority communities.

Marcus O’Donnell is a lecturer in journalism in the Faculty of Creative Arts, University of Wollongong and the former editor of the *Sydney Star Observer* Australia’s oldest gay and lesbian weekly newspaper. marcus@uow.edu.au

References

- Abelove H., Barale M.A., Halperin D.M., (1993). *Lesbian and Gay Studies Reader*, New York: Routledge.
- Alwood, Edward, (1996). *Straight News: Gays, Lesbians, and the News Media*, New York: Columbia University Press.
- Barnhurst, Kevin (ed). (2007). *Media/Queered: Visibility and Its Discontents*, New York: Peter Lang.
- Barnhurst, Kevin G. (2003) ‘Queer political news: Election-year coverage of the lesbian and gay communities on National Public Radio, 1992-2000’ *Journalism*, 4: 5-28.
- Brewer, Paul R. (2007). ‘Up from Invisibility: Lesbians, Gay Men, and the Media in America, by Larry Gross Straight News: Gays, Lesbians, and the News Media, by Edward Alwood All the age: The Story of Gay Visibility in America, by Suzanna Danuta Walters’, *Political Communication*, 24(4): 462-464

- Carey, James W. (1989). 'The dark continent of American journalism' in Robert Karl Manoff and Michael Schudson, (eds.), *Reading the news: a Pantheon guide to popular culture*, New York: Pantheon Books.
- Carey, James W. (1989). *Communication as culture: essays on media and society*, Boston: Unwin Hyman.
- Cart, Julie. (1999). 'Man Guilty in Shepard Slaying, Could Get Death Penalty,' *Los Angeles Times*, November 04, accessed online 01/06/09 <<http://articles.latimes.com/1999/nov/04/news/mn-29878>>
- Casey, Charles. (2006). 'Panic In The Project: Critical Queer Studies And The Matthew Shepard Murder,' *Law And Literature*, 18(2): 225-252
- Castañeda, Laura and Shannon Campbell. (2006). *News and Sexuality: Media Portraits of Diversity*, Thousand Oaks, CA: Sage Publications
- Conrad, Peter and Markens, Susan. (2001). 'Constructing the 'Gay Gene' in the News: Optimism and Skepticism in the US and British Press,' *Health*, 5: 373 - 400.
- Day, Anita G. & Golan, Guy. (2005). 'Source and content diversity in Op-Ed Pages: assessing editorial strategies in *The New York Times* and the *Washington Post*', *Journalism Studies*, 6(1): 61-71.
- Di Giovanni, Janine. 'When Bearing Witness Overrides a Reporter's Fear,' Nieman Reports Summer, accessed online 01/06/09 < <http://www.nieman.harvard.edu/reportsitem.aspx?id=100413>>
- Fejes, F and K. Petrich. (1993). 'Invisibility, Homophobia, and Heterosexism: Lesbians, Gays, and the Media', *Critical Studies in Mass Communication* 10(4): 396-422.
- Grace, Andrew Beck. (2003). *Matthew Shepard and Billy Jack Gaither: The Politics of Victimhood*, GLAAD Center for the Study of Media & Society.
- GLAAD. (2007). *GLAAD Media Reference Guide, Gay and Lesbian Activists Against Discrimination*.
- Andrew Beck Grace. (2003). *Matthew Shepard and Billy Jack Gaither: The Politics of Victimhood*, New York: GLAAD Center for the Study of Media & Society
- Gross, L. (1998). 'Minorities, Majorities, and the Media', in T. Liebes and J. Curran (eds) *Media, Ritual and Identity*, New York: Routledge, pp. 87-102.
- Gross, Larry. (2001). *Up from Invisibility: Lesbians, Gay Men, and the Media in America*, New York: Columbia University Press,
- Harrington, W. (Ed). (1997). *Intimate Journalism, The Art & Craft of Reporting Everyday Life*, Sage, Thousand Oaks California.
- Hester, J. B and Gibson, R. (2007). 'The Agenda-Setting Function of National Versus Local Media: A Time-Series Analysis for the Issue of Same-Sex Marriage.' *Mass Communication and Society* 10(3): 299-317.
- Kennamer, J David, Honnold, Julie A. (1995). 'Attitude toward homosexuality and attention to news about AIDS', *Journalism and Mass Communication Quarterly* 72(2): 322-336.
- Kiersky, Sandra M. (2005). 'Revenge and Forgiveness in Psychoanalysis: Commentary on Stephen Wanh's "Revenge and Forgiveness in Laramie, Wyoming"', *Psychoanalytic Dialogues*, 15(5): 771-778
- Koehler, Elizabeth M. (1999). 'The variable nature of defamation: Social mores and accusations of homosexuality.' *Journalism and Mass Communication Quarterly* 76:2, 217-228.
- Landau, J. (2009). 'Straightening Out (the Politics of) Same-Sex Parenting: Representing Gay Families in US Print News Stories and Photographs.' *Critical Studies in Media Communication* 26(1): 80-100.
- Letellier, Patrick. (2004). 'Rehashing Matthew Shepard,' Advocate.com, December 30, 2004, accessed online 01/06/09 < http://www.advocate.com/exclusive_detail_ektid14916.asp>

- Lynch, John. (2007). 'Memory in Television Movies Memory and Matthew Shepard: Opposing Expressions of Public,' *Journal of Communication Inquiry*, 31(3): 222-238
- Matthew Shepard Foundation. (2004). 'Statement From Judy And Dennis Shepard Concerning 20/20 Upcoming Report On The Murder Of Matthew Shepard,' accessed online 01/06/09 < http://www.matthewshepard.org/site/PageServer?pagename=Press_Media_PR_2020_STATEMENT_112404>
- Miller, David. (1995). 'Introducing the 'gay gene': media and scientific representations', *Public Understanding of Science*, 4: 269-284.
- MSNBC Staff. (2009). 'Judy Shepard rejects Rep. Foxx's apology,' MSNBC.com 1 May, accessed online 01/06/09 <<http://www.msnbc.msn.com/id/30505428/>>
- Ott, Brian L. and Aoki, Eric. (2002). 'The Politics of Negotiating Public Tragedy: Media Framing of the Matthew Shepard Murder.' *Rhetoric & Public Affairs*, 5(3): 483-505.
- Rosen, Jay. (1999). *What are journalists For?*, New Haven: Yale University Press.
- Schultz, Julianne. (2003). *Reviving The Fourth Estate: Democracy, Accountability And The Media*, London: Cambridge University Press.
- Sollis, David. (2000). 'Bearing False Witness: The Media and the Gay Debate,' *Theology and Sexuality*, 6(March): 101-119.
- Steele, Janet. (1997). 'Don't Ask, Don't Tell, Don't Explain: Unofficial Sources and Television Coverage of the Dispute over Gays in the Military', *Political Communication*, 14:83-96.
- Streitmatter, Rodger. (1995). 'Creating a venue for the "love that dare not speaks its name": Origins of the gay and lesbian press.' *Journalism and Mass Communication Quarterly* 72(2): 436-448
- Turner, Georgina. (2009). 'Catching The Wave: Britain's lesbian publishing goes commercial' *Journalism Studies* (in press).
- Vargas, Elizabeth. (2004). 'New details emerge in Matthew Shepard Murder,' *20/20*, 26 November.
- Walters, Suzanna Danuta. (2001). *All the Rage: The Story of Gay Visibility in America*, Chicago: University of Chicago Press.
- Wilcox, Melissa M. (2001). 'Murderers and martyrs: Violence, discourse, and the (re)construction of meaning,' *Culture and Religion: An Interdisciplinary Journal*, 2(2): 155-178.
- Waugh, Stephen. (2005). 'Revenge and Forgiveness in Laramie, Wyoming', *Psychoanalytic Dialogues*, 15(1): 1-16
- Woolfe, Tom. (1975). *The new journalism*, New York: Pan.
- Wypijewski, JoAnn. (1999). 'A Boy's Life,' *Harper's*, September, 61-74.
- Wypijewski, JoAnn. (2004). "Justice Shouldn't Be Tilted by 'Hate Crimes'" *Los Angeles Times*, November 26. Available on line: <http://articles.latimes.com/2004/nov/26/opinion/oe-wypijewski26?pg=1> accessed 1/06/09.

(Endnotes)

- 1 Search terms were gay or lesbian or homosexuality in abstracts or titles.
- 2 Search terms were for "journalism" "news" or "media" in titles (no abstract search available) which yielded no results, this was expanded to full text which yielded results but upon further analysis the references represented only passing concerns.