

Getting off the fence: The Iconic Image of Gay Issues in the United States

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It has been a little more than a decade since Audra sat at her first meeting of the University of Wyoming LGBTQA (Lesbian Gay Bisexual Transgendered Association) to observe the group—gathering data for her master’s project. She knows it has been a little more than a decade because she knows that Matt Shepard was sitting at that first meeting, but he just blended in with the dozen or so folks that she assumed she would be getting to know. And it has been a little more than a decade since she got a phone call very early on a Saturday morning in October saying that things had changed. We wish we could say what happened to Shepard was something unusual, which would be the reason his name is familiar across the United States and why President Barack Obama, in his 2009 address to the Human Rights Campaign, said:

And there's no more poignant or painful reminder of how important it is that we [pass a new hate-crimes law] than the loss experienced by Dennis and Judy Shepard, whose son Matthew was stolen in a terrible act of violence 11 years ago. In May, I met with Judy...in the Oval Office, and I promised her that we were going to pass an inclusive hate-crimes bill—a bill named for her son².

And, in fact, that hate-crimes bill bearing Matthew Shepard’s name did pass³. But why did the President mention Shepard’s name and not one of the 20 plus people murdered each year in the United States because they are homosexual?⁴ Why did he not mention someone like 25-year-old Ryan Skipper, who was found with 20 stab wounds and his throat slit, and whose attackers had driven his blood-soaked car around bragging about killing the “faggot”⁵?

This paper will argue the President’s choice was made because the media have, for the past decade, consistently used a single image in referring to Shepard’s death. This image has made him, in death, an icon that captures the most frightening parts of the pervasive violence against LGBT people. In the vein of this edition of *Images That Injure*, we argue that if we understand the construction and decade-long use of the image of Matthew Shepard’s death and its implications on the Gay Rights movement, then we will better understand how media images function to shape our perceptions of the world we live in. To accomplish this, this essay will first analyze the critical image by interrogating the potential of visual images to convey messages that go beyond the photographs or video. Second, this essay will discuss the image’s implications in constructing Shepard as an icon. Finally, this chapter discuss the implications of what Matt Shepard really means today.

Constructing the Image that Injures

Before Matt Shepard was murdered, as anyone who lived there can tell you, Laramie, Wyoming, was a very quiet town, and our guess is that it still is. However, from the time that Matt was found dead and the story broke through the end of the trials and subsequent convictions of the two men responsible, no one in the small town could escape the visibility of media. Yet, despite the inundation of diverse

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² Barack Obama. *Address to the Human Rights Campaign's 13th Annual National Dinner* (2009); from *The Huffington Post*, http://www.huffingtonpost.com/2009/10/11/obamas-speech-text-transc_n_316844.html (accessed October 19, 2009).

³ James Oliphant. 'Bill Making Violence against Gays a Hate Crime Passes Congress'. *Los Angeles Times*, October 23 2009, A20.

⁴ Tad Stahnke et al. *Violence Based on Sexual Orientation and Gender Identity Bias* (Human Rights First, 2008); from *2008 Hate Crimes Survey*, <http://www.humanrightsfirst.org/pdf/fd/08/fd-080924-lgbt-web2.pdf> (accessed October 19, 2009).

⁵ *Ibid.*

media, the single description of Shepard beaten, tied to a fence and looking like a scarecrow⁶ was communicated over and over, as though the media had a single script it was following. Look up Matthew Shepard in the *Urban Dictionary* and the entry reads:

[A] young man who was murdered in Wyoming for being gay. On October 8, 1998, Matthew accepted a ride home from a bar. The two men pistol whipped him and tied him to a fence in freezing temperatures. He was found the next day by someone who originally thought he was a scarecrow because of his positioning on the fence⁷.

Or read an article from 2000 emphasizing LGBT activism in the digital age and you find, “On October 7, 1998, a mountain biker in the sagebrush hills east of Laramie, Wyoming, spotted what he thought was a scarecrow lashed to a buck-rail fence.”⁸ Or even a discussion of hate-crimes legislation in 2009 reads, “In 1998, Matthew Shepard, a 21-year-old University of Wyoming student, who was singled out by his attackers because he was gay, was tied to a fence, tortured and left in a coma to die.”⁹ Even though the scarecrow description has largely been dropped in recent years, the repeated media use of the image of Shepard’s body beaten and tied to a fence has been consistent.

Getting behind the Fence—What is Seen and What is Not

What follows is not a typical discussion of an image that injures because there is no photograph or film clip of Matt’s body left on the fence. However, this is an essay about a very strong image that injures because the demarcation between the verbal and visual is often artificial at best, and if we are to understand all of the images that injure, we must also examine verbal-visual messages¹⁰. In fact, the power of the image of Matt’s discovery is likely attributable to the image we paint in our own minds. Charles Hill’s¹¹ analysis on visual rhetoric will help us to understand the power and perseverance of the fence imagery—why this image has stayed with us for more than a decade.

The fence’s rhetorical presence

Rhetorical presence, or the ability of a rhetor* to focus an audience’s attention on specific elements that s/he feels will most benefit the point¹², is necessary if an image is to have an impact. The single sentence—with a few minor variations—‘Shepard, a 21-year-old, gay student was beaten, tied to a fence and left in the cold to die’ may not be the most elegant of prose, but the media’s repeated use of this single image of Shepard has come to represent both the act of violence on Shepard and to galvanize the image as iconic of violence toward LGBT people.

What is powerful about the image is that its rhetorical presence is derived both from the surrounding conversation about Matt’s death *and* its representation of what it means to suffer from a ‘hate crime.’ This cognitive association means that the “real” visual referent (i.e., the fence or a photo of Shepard from the crime scene) does not actually need to be seen for the rhetor to have power. Instead, as Hill suggests:

In many rhetorical situations, displaying the actual object, person, or event under discussion—or a representational image of it—is not practical. When direct visual

⁶ ‘Brutal Bigotry’. *The Christian Century*, November 4, 1998, 1011.

⁷ Urban Dictionary, ‘1. Matthew Shepard’,

<http://www.urbandictionary.com/define.php?term=Matthew%20Shepard> (accessed October 19, 2009).

⁸ Douglas Black. ‘Straw Men’. *The American Scholar* 2000, 93.

⁹ ‘Matthew Shepard Act’. *The New York Times*, May 6, 2009,

<http://www.nytimes.com/2009/05/06/opinion/06wed3.html> (accessed September 6, 2009).

¹⁰ Marguerite Helmers and Charles A. Hill, ‘Introduction’, in *Defining Visual Rhetorics*, eds. Charles A. Hill and Marguerite Helmers (Mahwah, NJ: Lawrence Erlbaum Associates, 2004), 20.

¹¹ Charles A. Hill, ‘The Psychology of Rhetorical Images’, in *Defining Visual Rhetorics*, eds. Charles A. Hill and Marguerite Helmers (Mahwah, NJ: Lawrence Erlbaum Associates, 2004), 26.

¹² Hill, 28.

perception of the desired element is not feasible, then using concrete language to help the reader or listener construct a mental image can be quite effective for enhancing the presence of the favorable rhetorical element¹³.

As a result of our ability to convert concrete language into powerful mental pictures, images that injure or heal, themselves, do not necessarily need to rely on a specific visual referent. In the case of Matthew Shepard's death, the absence of an actual visual artifact makes the visual message more powerful because the language of the description is vivid and clear, and it allows each receiver to create a powerful, personal picture.

The emergence of the icon

According to Hill¹⁴, the reason that images—verbal or visual—are compelling is because they evoke emotion and enable audiences to feel involved with the subject matter in a way that is substantially more poignant than without the image. Yet, emotion alone does not explain the image's impact because without the media's pervasive use of the image, Shepard's death would not have become iconic. To understand how and why it did, we begin by analyzing the implications of the image and then address how the image emerged as iconic.

Why Matthew Shepard's death is More Memorable.

Notwithstanding the clearly visual nature of Matt's death, why has his story become iconic—why have many stories or other stories not been central to contemporary talk about hate crimes directed toward LGBT people in this country? The simplest part of the answer, we argue, is the image of the fence itself; the image is simple and visual, which means that, with a single word, people can access a picture of the object to which the young man is tied. The parsimony of this communication meets a fundamental criterion for iconicity typically reserved for actual photographs¹⁵. As a consequence, we are likely to process this efficient description in the same part of the brain that we process pictures and, because our brains process visual information much more quickly and effectively, we tend to 'prefer' visual communication¹⁶. Very simply, why Matt? Why not Ryan Skipper who was stabbed and his throat slit? One answer is that although Skipper's—and most victims of violent crimes'—“crime scene may be more gruesome, these 'death scenes' do not evoke such a clear and quick image in people's minds.

Lucaites and Hariman's¹⁷ analysis of iconic photographs helps us to understand how powerful images can become iconic. First, they are easily recognizable and accessible within public culture. Second, the image is widely recognized as a representation of a historically significant event. Third, the image represents a subject or an object capable of evoking a strong emotional response. And finally, the image is reproduced repeatedly across a range of media, genres and topics. A decade ago, the media's pervasive invocation of the image of Matthew Shepard tied to an old wooden fence looking like a scarecrow meets each of these criteria typically applied to iconic photographs, clearly setting the stage for Shepard's death to emerge as the central icon of hate-based violence. This is one of the reasons why Shepard's death, when compared to others, is the exemplar of an image that injures (and not just an injuring act that we read about) because it is genuinely visual in nature.

Another reason that Shepard's death is particularly memorable is because visual rhetoric helps to simplify and cut through emotionally and culturally complex situations by appealing to core cultural values¹⁸. Beth Loffreda,¹⁹ one of the faculty advisers for the LGBTA at the University of Wyoming at the

¹³ Hill, 30

¹⁴ Hill, 30-33

¹⁵ John L. Lucaites and Robert Hariman, 'Visual rhetoric, photojournalism, and democratic public culture', *Rhetoric Review*, 20, 37.

¹⁶ Hill, 31

¹⁷ Lucaites and Hariman, 37.

¹⁸ Hill, 34-5

time of Shepard's murder, correctly argues that one of the functions of the repeatedly evoked combination of the fence, the scarecrow and Matt's 'innocence' is to help obscure the more socially challenging components of his death—the fact that he was a young, gay man; the fact that other young men felt no prior social obstacle to his murder. The empathy that Shepard's tragic death and his iconic role evoke makes it more difficult to focus on the socially controversial fact that he was gay in a society that remains very uncomfortable with and continues to stigmatize gay, lesbian, bisexual and transgendered people. As Hill argues, the association between an image and a value—the fence and senseless death—prompts the image itself to become a symbol for the abstract value, a short-hand heuristic* to trigger an emotional response²⁰.

Moving from a tragic event to an icon

The repetition of the fence image for the last decade becomes most relevant in converting Matt's story into an icon and separating it from the story of almost every other person killed because of the irrational and baseless fear or hatred of LGBT people who has had his or her story told—at least locally. This is the key difference between narratives supported by the power of a visual image that injures and narratives without the visual image. The deaths of these other people—who are equally important as fellow human beings and of course as important to their friends and families—evoked emotion, certainly, but, without a symbol to transfer that emotion to, it tended to be short lived²¹. In contrast, Shepard's story has become the dominant narrative in understanding violence against LGBT people because of the image of the fence itself and because the use of such images that resonate with people—either verbally or pictorially—tends to trigger an automatic, unthinking response—what some call “affect transfer”—and these emotional responses evolve and become much more effective over time^{22, 23}. The passage of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act also made clear how much his story has become the dominant narrative in understanding hate-based violence against all people.

The psychology behind the effectiveness of visual rhetoric directly translates into the emergence of a news icon because icons emerge as journalists use news narratives to symbolically recount stories of larger issues²⁴. In fact, in their analysis of news icons and mainstreaming social change, Bennett and Lawrence argue that news icons often begin as vivid visual images that are sustained through the symbolic meaning that journalists, their sources and even audiences project onto them²⁵. Yet, more importantly, icons are born out of 'decisive moments'—those moments that “either celebrate or challenge cultural scripts, bringing societal tensions and contradictions into sharper focus.”^{26, 27} In 1998, the timing was ripe for an icon against hate crimes to emerge since that year both James Byrd, Jr.—the young African American man who had been dragged to death behind a truck by white supremacists—and Matthew Shepard were murdered. Shepard's murder occurred just months after Byrd's death,²⁸ and the image of Shepard's discovery—while powerful—was more simple (i.e., more effective because it is an image and not an account) and much less gruesome than that of Byrd, whose head and arm were severed

¹⁹ Loffreda, 26-8

²⁰ Hill, 35

²¹ Hill, 36

²² Hill, 37

²³ Lucaites and Hariman, 40

²⁴ W. Lance Bennett and Regina G. Lawrence, 'News Icons and the Mainstreaming of Social Change', *Journal of Communication* 45, no. 3 (1995): 25.

²⁵ Bennett and Lawrence, 23

²⁶ Bennett and Lawrence, 24

²⁷ Lucaites and Hariman, 37. See also Ross, Susan Dente & Bantimaroudis, Philemon. (2006). Frame shifts and catastrophic events: The attack of Sept. 11, 2001, and *New York Times's* portrayals of Arafat and Sharon. *Mass Communication & Society* 9 (1) 85–101.

²⁸ James Byrd Jr. was murdered on June 7, 1998.

by a culvert as his body dragged for miles behind the truck²⁹. All of this meant that journalists were better able to use Shepard to focus the story as the emblematic representation of hate crimes, in general, without the need to deal with the more complex and historic issues of lynching and racism, the identity of the perpetrators, or pre-existing advocates for African Americans in the U.S. And, as we have previously indicated, use the image they have.

Implications of the news icon

In 2009, as the debate about federal hate-crimes legislation was heating up, Shepard's iconic status once again became a primary source of debate regarding the appropriateness of hate-crimes legislation as N.C. Republican Representative Virginia Foxx stated on the floor of the U.S. House:

The hate-crimes bill that's called the Matthew Shepard bill is named after a very unfortunate incident that happened where a young man was killed, but we know that that young man was killed in the commitment of robbery. It wasn't because he was gay. This—the bill—was named for him, the hate-crimes bill was named for him, but it's really a hoax that that continues to be used as an excuse for passing these bills.³⁰

Representative Foxx, like others before her, was trying to attack the need for hate-crimes legislation by attacking its icon—clearly demonstrating Shepard's status as an icon.

This case demonstrates that news icons become symbolic tools for potentially shaping public policy³¹. Certainly, Judy Shepard's activism and the creation of the Matthew Shepard Foundation³² helped to influence the ultimate passage of the federal hate-crimes bill, but their efficacy was fueled by the powerful association between Matt's murder and the image of the fence. Indeed, the image of the young man on a fence is far too rich in associative imagery to really be successfully branded with the ideological bias of either the proponents of change or opponents to change. Because the image has been so commonly used and accessible to the public and journalists, it is repeated without need for attribution³³, indicating that provides a symbolic shorthand for reference to all hate-crimes in the United States. Ultimately, we argue it is the power of this image that explains why Matthew Shepard and this image that injures has been able to affect real public policy change—that in the image of his death, Shepard has become an icon for hate-based violence and its consequences. Yet, with the sustained support of social and political organizing, the iconic value of this image that injures was able to propel positive public policy change. Very simply, the emergence of the icon afforded the opportunity for shaping policy change, but had it not been for sustained advocacy the icon likely would not have translated into the hate-crimes legislation³⁴. In many ways, this image that so deeply injured is also an image that may be helping us to heal.

What does Matthew Shepard's Death mean Today?

Now that the federal hate-crimes legislation has passed, the question is what does Matthew Shepard's death mean? In the last couple of years alone, Shepard's death has been connected with benefits for same-sex partners and the Defense of Marriage Act (DOMA)^{35, 36}; cultural, legal and political

²⁹ As reported on by CNN on February 22, 1999, Byrd had been beaten, stripped naked, his body dragged for three miles—alive for much of it.

³⁰ Ernest Luning, 'Republican Calls Matthew Shepard Murder 'a Hoax' in Hate-Crimes Debate', *The Colorado Independent* (April 29, 2009) <http://coloradoindependent.com/27864/republican-calls-matthew-shepard-murder-a-hoax-in-hate-crimes-debate> (accessed October 19, 2009).

³¹ Bennett and Lawrence, 26

³² <http://www.matthewshepard.org/site/PageServer> (accessed on November 12, 2009).

³³ Bennett and Lawrence, 26

³⁴ Bennett and Lawrence, 37

³⁵ Moises Kaufman et al. 'Has Anything Changed?'. *Newsweek*, October 9, 2008, <http://www.newsweek.com/id/163027> (accessed October 19, 2009).

³⁶ Matthew Rothschild. 'Movement Liberal'. *The Progressive* 2002, 3, (accessed September 12, 2009)

change³⁷; as well as the Equality and Youth First Initiatives³⁸. Clearly, these connections support our argument that Shepard's death is iconic with lasting implications; however, the implications may not be entirely positive. In many ways, the strength of his iconic death means that Matthew Shepard has become *the* face for Lesbian, Gay, Bisexual and Transgendered issues,³⁹ and that role carries substantial risks to the public perception of the broader importance of civil rights issues and response to various forms of harassment. Now that the iconic issue of hate crimes has been legally addressed, the question is whether the LGBT rights movement has been unintentionally hijacked by the icon—as potentially evidenced in the wake of the widely publicized voter repeals of same-sex marriage rights in California and Maine as well as the states that have passed legislation specifically defining marriage as a heterosexual union. For example, in his autobiography the late Sen. Paul Wellstone wrote:

What troubles me is that I may not have cast the right vote on DOMA.... When Sheila and I attended a Minnesota memorial service for Matthew Shepard, I thought to myself, 'Have I taken a position that contributed to a climate of hatred?' ... I still wonder if I did the right thing⁴⁰.

Connecting the violence of Shepard's death with issues like DOMA may very well conflate the distinct issues of human rights and issues of violence, ultimately undermining the real nature and implications of both⁴¹, ⁴².

In many ways, it has taken a decade for our society to officially recognize that violence—based on identity—is unique and egregious. We believe it is important, also, to make sense of the role Shepard's death played in that struggle. We are not positing the role that Shepard may have in the next 10 years as the struggle for LGBT rights continues. However, we are arguing that understanding the implications of the singular image of his death and its use across a decade of advocacy is complex. That the image itself is both one that injures and one that heals, and it does both in a number of ways. To understand this, we leave you with a criticism of the iconic role that Matthew Shepard has taken on as a way to frame a new understanding of images that injure and heal:

In an objective sense, the 'meaning' of Matthew is not to be found in the passage of legislation, candlelight vigils, or passion plays. The real tragedy of Matthew Shepard's death is that it was senseless: He did not die for hate-crimes legislation or to become a martyr. The public can craft a narrative in which trauma finds redemption in politics, but ultimately the meaning we find in Shepard's death says more about society and the gay-rights movement than it does about Judy Shepard's son⁴³.

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³⁷ Rashad Robinson, 'The Matthew Shepard Murder, 10 Years Later', October 10, 2008, <http://glaadblog.org/2008/10/10/the-matthew-shepard-murder-10-years-later/> (accessed October 19, 2009).

³⁸ <http://www.matthewshepard.org/site/PageServer> (accessed on November 12, 2009).

³⁹ Gabriel Arana, 'The Deification of Matthew Shepard', http://prospect.org/cs/articles?article=the_deification_of_matthew_shepard (accessed October 19, 2009).

⁴⁰ Jeff Weinstein. 'The Legacy of Matthew Shepard'. *Obit*, October 9, 2008 <http://www.obit-mag.com/articles/the-legacy-of-matthew-shepard> (accessed October 19, 2009).

⁴¹ Ibid

⁴² Weinstein

⁴³ Arana

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