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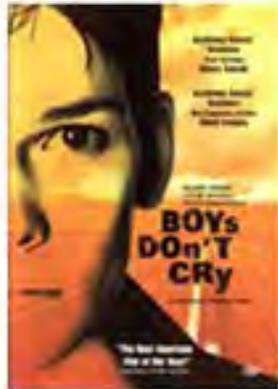
**“Fags Doom Nations”
and Other Parables of Hate:
Representations of
“Hate Crime”
and Constructions of U.S.
National Identity**

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Between 1993 and 2002, four high-profile killings in four states grabbed national headlines, inspired six movies, created fodder for several books, and continue to give rise to anniversary marches, memorials, and public debate. All of these cases are routinely described as hate crimes, though only one was prosecuted as such. The deaths of Brandon Teena, James Byrd, Jr., Matthew Shepard, and Gwen Araujo have each, in their moment, been made to stand for all that is wrong with America, and all that is right with it. Their cases have been used and used in visual and popular culture, in mainstream and radical politics, and, of course, in the media over and over again. What is the significance of the massive, if in one case belated, attention given these deaths? What purpose does the extensive media coverage, memorializing, and political posturing at grave sites, funerals, trials, serve for the nation? Is it possible that as an audience—a public—people in the United States are so taken with the details of these cases, and increasingly insist on the “strongest punishment” for the accused, because each case obscures the very social and political realities that contribute to their violence? What can we make of the myriad reactions to these incidents? How do they reveal what is at stake in “hate crime?”



In a 2004 interview for ABC's 20/20, Russell Henderson, one of the two men convicted of killing Matthew Shepard, took the opportunity on national television to apologize—first to the Shepards, then to the nation. He said, “I’m sorry to the Shepard family. They’ve had the hardest of all this. I’m sorry to the nation as a whole because this affected a lot of people and I wish every day I could change or fix it.”

In the period stretching from the years just before Brandon Teena’s death in 1993 through late-2002 when Gwen Araujo was killed, the idea of “hate crime” solidified in public media and legal discourses and took on national meanings and implications for a United States that is constructed, through narratives of progress and growth, as “anti-hate” in the post-Civil Rights era. This article is drawn from a larger project that addresses the role of news and entertainment media representations of specific instances of racist, homophobic, and transphobic violence as “hate crimes” —where the term “hate” nullifies and renders unseen or unanalyzed the specificities of racial, sexual, and gender domination and violence. This is one part of the process through which incidents of such violence are made, in their representations and effects, into nation- and citizen-building tools.

Six years after Matthew Shepard died, Russell Henderson, through his caged and exclusive representation on

20/20, surmised that it was not only Shepard’s family to whom he owed apologies, but the nation itself—a people he had “affected” through this beating and death. In 2004, 20/20 had an average viewership of 8.6 million people per show. “Hate crime” is certainly an issue defined on the national stage, for a national audience. And while Henderson’s apology may mean many things, it absolutely demonstrates the relevance of the idea of “hate,” specifically, to an imagined national identity.

The Construction of “Hate Crime” and the State

While hate crime as a legal category was created by the federal government shortly after the assassination of Martin Luther King, Jr., the expansion of hate crimes legislation and the ubiquitous call for inclusion in hate crime sentencing enhancement laws by organizations representing people of color, lesbians and gay men, transgendered people, people with disabilities, and people of faith has seen an explosion since the early 1980s. Massachusetts was the first state to pass a hate crimes law in 1979. That law provided both civil and criminal penalties for bias-motivated violence based on race, ethnicity and religion. It also set a precedent for providing funding for training of police and for data collection. In 1981, the Anti-Defamation League created a model hate crimes legislation package, the first to include criminal

penalty enhancements for activities already classified as criminal acts, and therefore subject to prosecution. This model became a template for the majority of state hate crimes legislation in the 1980s, as some states added other “protected categories,” such as gender, physical and/or mental disability, and sexual orientation. In 1990, U.S. Congress passed the Hate Crimes Statistics Act, funneling funding to the federal government to begin collecting data on hate crimes nationally. In 1994, federal hate crimes law was expanded with the passage of the Violent Crime Control and Law Enforcement Act, which incorporated the Violence Against Women Act and the Hate Crimes Sentencing Enhancement Act, bringing the method of sentence increases for cases tried as hate crimes to the federal courts.¹

In her study of the consolidation and actualization of hate crimes discourse as a “sociolegal category,” AnnJanette Rosga highlights this moment of legislative debate over and buildup toward hate crimes laws as a “watershed” in the establishment of that category as socially and politically relevant. Beginning in 1990, the term had increasing relevance as a category for research and the organization of information. For example, the 1990 Library of Congress initiation of “hate crime” as a new subject heading term affected the categorization of U.S. libraries and bookstores. Rosga argues that this had “profound conceptual

ramifications for the organization of knowledge about a whole range of violences not formerly grouped as a single category.”²

The shaping of the term “hate crime” was mediated in many decisive ways through the establishment of a show of legal and moral force against “hate” as significant for state and federal government. The debates and discussions surrounding the codification of “hate crime” in this era reflect both the effort to understand or define what would make an act already determined to be criminal a “hate crime” and what or who qualified as “hate” targets. The salience of “hate” as a category can be seen in the decision by government figures, in particular, to use anti-hate posturing as a means for demonstrating support for “minority” groups and a willingness to punish, or at least count, disunifying violence (violence that marked an interruption of the post-hate, anti-hate nation).

These discussions and moments of defining take on particular significance in light of the role of reporting—asserting numbers—in the establishment of “hate crime” as a socially and legally relevant category. Because the legislation in question sought specifically to count the occurrence of “hate crime” in the US, the need to define what was to be counted was debated along with the idea of counting it, or defining a sub-grouping of violent or damaging acts at all. And as Rosga’s analysis of the Congressional hearings shows,

the Representatives’ and Senators’ own ideas of what could be read as “hate crime” and why relied heavily on “common sense” notions of prejudice and historical signs used to mark difference through violence and power. She notes,

...the terms in which contestation occurs in these sites—that is, the nuts and bolts of discussion—circulate in the form of paradigmatic hate crime narratives symbolized by swastika-paintings, cross-burnings, and nativist-immigrant conflict. These symbols and their assumed historical narratives are not mere component parts. They condition the possibilities for the articulation of other hate crime narratives, most crucially for the inclusion and exclusion of different victim and perpetrator categories, and for the flurry of public and legal debates over the definition of hate crime.³

As such, the work of both Congressional members and “group” advocates and lobbyists to define “hate” for the purposes of tracking “hate crime” for the purpose of marking it as a social problem, came to rely on a despecification of specific modes and histories of power exertion and domination in favor of a unified idea of the category “hate,” imagined for these debates and laws to be made “real” in violence (to people or things signifying people) perpetrated by individuals who do not or will not

adhere to social and legal ideals of “tolerance.”

These messages are everywhere in the proliferation of calls by government for increased “hate crime” protection and reporting. In 1990, the US Senate stated that “the very effort by the legislative branch to require the Justice Department to collect this information would send an additional important signal to victimized groups everywhere that the U.S. government is concerned about this kind of violence.”⁴ In 1991, New York State Governor Mario Cuomo implored that state’s legislature to pass his Bias Related Violence and Intimidation Act, “...and make it clear to people of this state that behavior based on bias will not be ignored or tolerated.”⁵ In the debates over the Hate Crimes Statistics Act itself, one representative argued that “...the systematic gathering of information about such crimes would symbolize society’s commitment to eradicate bigotry, racism, and its violent byproducts.”⁶ Thus, the creation of, and support for, hate crimes legislation can come to have a meaning of its own, regardless of its impact or projected impact on actual violence. This is one pervasive meaning attached to the idea “hate crime” and the laws that codify it.

What is particularly interesting here is the meaning attributed to the state’s enacting of its punitive powers, specifically those of police and prison systems, against “hate,” especially given the legacy of those same

powers’ enforcement of institutional and social raced-based violence and discrimination. As politicians argued that passing anti-hate crimes laws or hate-crime information-collection bills would signal the state’s stand against “this kind of violence,” the use of one of the state’s greatest shows of force—the containment and control of the law—was brought to bear on defining the state itself as anti-hate. In order to appreciate fully the implications of such a mobilization of the state “against hate,” it is necessary to contextualize the state’s own investments in categories of race and difference for the organization of power, both historically and in the present day.

And while national rhetorics of sexuality and gender are, of course, quite different from the rhetorics of race and racism, there are overlaps in the ways in which each is discussed in relationship to national progress and in the collapsing of categories for the purposes of defining “hate crime” both in legal and in media contexts. Despite the assertions of anti-racist, or at least non-racist, ideology by the state itself—in contrast to explicitly anti-queer state positions and public statements—this rhetoric ignores or covers over the lived circumstances of people of color as they are certainly still subject to the violence or daily realities of domination and uneven distribution along lines of race.

In their influential work, *Racial Formation in the United States*,

Michael Omi and Howard Winant note that, “The state from its very inception has been concerned with the politics of race. For most of U.S. history, the state’s main objective in its racial policy was repression and exclusion.”⁷ Constructions of race and racialization are, and have been, central to the organization of both ideas of “rights” and to the identity of the nation itself. This investment in race was marked in the clearest possible way by the very construction of the U.S. citizen as white. The “first attempt to define” U.S. citizenship by Congress in 1790 granted such status only to “free ‘white’ immigrants.” In immigration policies and practices from the nineteenth through the twentieth centuries, both admittance to the United States and access to citizenship were restricted and regulated through conceptions of “whiteness” and ability to assimilate to a specified European-based ideal—Japanese-born people living in the U.S., for example, were prevented from naturalizing until 1952, when the McCarran-Walter Act passed.⁸

In her seminal essay “Whiteness as Property,” Cheryl Harris shows that during and after American slavery, whiteness, especially as defined in opposition to blackness, came to represent an actual property interest codified and maintained by U.S. courts through the merging of “racial identity...with stratified social and legal status,” in which there was an “ideological and rhetorical move

from ‘slave’ and ‘free’ to ‘Black’ and ‘white.’” She explains,

The law’s construction of whiteness defined and affirmed critical aspects of identity (who is white); of privilege (what benefits accrue to the status); and, of property (what legal entitlements arise from that status). Whiteness at various times signifies and is deployed as identity, status, and property, sometimes singularly, sometimes in tandem.

Harris continues, showing the U.S. court history of establishing whiteness through the assignation of “non-whiteness” to people of color, initially black and Native American people, then, as Omi and Winant show, Chinese, Japanese, and Latino people, as well.⁹ The role of “lynch law” to maintain white supremacy and power through the massive and popular campaign of black torture and death after Reconstruction—always with the consent and participation of a significant sector of white communities, and often with that of law enforcement, as well—is one primary example of the coupling of violence and law toward maintaining white interests and state-determined and supported expressions of white power in the United States after slavery.¹⁰ The decimation of Native American populations and spaces, the restriction of Chinese immigration except for male labor forces, the World War II-era detention and imprisonment of

Japanese Americans, and the forced sterilization of Puerto Rican women with resources from U.S. government agencies all serve as other examples of racialized power asserted by the state and for the purposes of defining state interests.

It is not simply sufficient to imagine that the U.S. state has a racialized history—this is to a limited extent accepted as a part of the dominant discourse on race in the country already. It is also necessary to understand that the conditions of race, and truly other bases for domination, as well, remain central to the articulation of power in the United States, even if the language or appearance through which it is articulated has shifted. Harris, for example, turns the gaze of her analysis on Supreme Court decisions overturning affirmative action programs in the late 1970s and the 1980s. Specifically, she argues that the Supreme Court maintained the property interest in whiteness through the assertion of a “colorblind” norm assigning the “right” to be “free” of race and racialized decision-making where those decisions were intended to address the historically-determined discrimination against people of color.

In the Reagan era, this notion of “colorblind” thinking—the assertion that the means to address racism was to no longer “see” color—was on the rise in political, social, and media discourses. Under the rule of

“colorblind” political thinking, white supremacy was not the problem, the problem was thinking about race at all. In this formulation (and in this moment), the idea of race and racism also became almost wholly individualized, so that the idea of racism in particular became invested in an understanding of individual race prejudice as constitutive of “racism,” and not the structural power relationships resulting from racialization and the concentration of power in white hands. These ideas of the nation as having progressed beyond racism, even beyond race, are intrinsic to the construction of “hate crime” as both incomprehensible and a source of national outrage.

This discourse of progress that animates the particular kind of dismay articulated so often in response to “hate crime” denies the centrality of racism to constructions of ongoing national identity. Instead, “racism” is allowed to exist only as a placeholder of the past, of what is over. National and individual investments in such a trajectory of progress reflect the simultaneous desires of people living in the United States who oppose the idea of racism and seek, even inadvertently, to maintain the structural privileges of whiteness. This is a phenomenon identified as liberal racism. Liberal racism is defined by Avery Gordon and Christopher Newfield as “an antiracist attitude that coexists with support for racist outcomes.”¹¹ For example, liberal racism might

manifest in the simultaneous repudiation of discrimination based on race and the denial of any structural element to such discrimination, leading to a resistance to change institutional structures to reflect the ongoing effects of white privilege. The notion that the Civil Rights Era produced, in the very long term, a post-race era through legislating integration and anti-discrimination and helping to “change attitudes,” makes space for the idea that white supremacy, or white structural privilege, no longer exists or is exemplified only in the bodies and organizations of self-identified White Supremacists, like the KKK or Aryan Nation.¹² Said another way, the use of so-called “anti-racist” discourse to build national allegiance or unity marks the nation itself (albeit falsely) as necessarily “anti-racist.”

The individualization of race and racism is especially characteristic of a post-civil rights era discourse that takes the state and institutions—not to mention white privilege and self-interest—out of the picture, except regarding enforcement, having imagined purely individualized remedies for race discrimination (despite other manifestations of racism). Locating the cause of “hate crime” in the aberrant individual takes the onus off not only the nation—which arguably creates conditions that lead to such acts of violence—but also contributes to a

construction of a national identity as opposed to “hate.”

However, one need not look much further than the rise of the use of prisons, policing, and social control through these means to find the explicitly dominating aspects of contemporary governmental white supremacy—the disciplining reach of the racial state—during the same period when “colorblindness” as rhetorical strategy took hold.

During the height of US-based and international movements for radical social and political change and people of color movements for self-determination in the 1960s and ‘70s, national politicians began finding new ways to describe and contain their efforts, successes, and impacts. In her important assessment of this moment, and of the build-up of the prison industrial complex¹³ that followed, Ruth Wilson Gilmore explains that the strategy of enforcement and punishment likely grew out of multiple political and social conditions, including a state reaction to this political organizing and activism in an era of economic crisis and shifting U.S. and global politics.¹⁴ Gilmore notes that the moral panic about “crime,” central to the law and order platform Nixon and other Republicans used to define their campaigns, was, in fact, rooted in an idea of disorder, personified in images of youth and people of color, deemed “criminal,” often acting in opposition to state practices.

The “criminal” in question, some 15 years hence, became the corporeal backbone of a bursting prison system, assisted by an ever-expanding police force throughout the nation’s cities and border regions. By the time prison expansion was on the rise, crime rates were declining (as they have continued to decline overall since the mid-1970s), but the utility of the ever-increasing network of cages to the state, both economically and politically, was just beginning. At the time of Gilmore’s writing, she explained that “The statistical inversion, by race, of those arrested (70 per cent white) to those put in cages (70 percent persons of color) quantitatively indicates that the system punishes different kinds of people differently.”¹⁵ Thus, what has come to be the largest prison system in the world, locking up over 2 million people nation-wide, the majority of whom are people of color—for 2003, white people made up 33 percent of state and federal prisoners, black people accounted for 44 percent, Hispanics [sic] 19 percent, and “other,” 2 percent—has its origins and justifications in crises of the racial and capitalist state. As David Theo Goldberg puts it, “While prisons have served as modern institutions of social control in wider ways, they have been integral administrative apparatuses of racial definition and reproduction, racial conception and control, racial privilege and value—explicit and extended, assertive and implicative.”¹⁶ Couched now in the rhetoric of

“public safety,” the contemporary PIC is a manifestation not only of racist policies and practices in the current moment, but an outgrowth of the techniques of racial management intrinsic to the U.S. racial state from the outset.

In the past five to ten years, some academic and activist critiques of the PIC, often originating in the work of direct service agencies and social justice organizations based in communities of color and radical queer communities, include simultaneous critiques of hate crime discourse, in particular. Such critiques problematize the use of systems of policing and imprisonment to address violence motivated by racial, sexual, gender, ethnic, or religious domination.¹⁷ In an editorial published first in the New York newspaper *Newsday* and reprinted on the website of INCITE! Women of Color Against Violence, a national organization of “radical feminists of color advancing a movement to end violence against women of color and their communities,” a board member of a prominent queer people of color organization in New York City discusses her “mixed emotions” upon the 2000 passage of a New York State hate crimes bill. Eleven years in the making, the bill stopped short of passage each year on the state Senate floor because it included “sexual orientation” as a “protected” category. The author, Carolina Cordero Dyer, explains:

As a Latina lesbian working for an organization that provides services to people who have been arrested and incarcerated, I am very aware and deeply concerned about this escalating violence against our community. Lesbian, gay, bisexual, and transgender (LGBT) people of color are doubly vulnerable to hate crimes...It is important to examine this issue in the context of broad social justice issues in this country, including issues of racial justice as well as criminal justice. The cornerstone of both the Senate and the Assembly legislation is enhanced criminal penalties for hate crimes...I urge us to question this strategy considering the following:

She continues, in part:

Enhanced criminal penalties rely on a criminal justice system that is racist and increasingly punitive and there is no assurance that this legislation would not be used against traditionally marginalized groups...There is no evidence that enhanced penalties will prevent hate crime...Supporting enhanced criminalization of hate crime allies the LGBT movement with tough-on-crime advocates and drives a wedge between LGBT activists and social justice/prison reform movements. Our movement is divided and weakened by adopting tough-on-crime strategies...¹⁸

Dyer raises key problems for the LGBT (and LGBT of color) movement in aligning itself with the punishment-oriented, PIC-invested modality of hate crimes legislation, rooting her critique in the very histories and contemporary dynamics of the racial state discussed above. Despite some burgeoning arguments against hate crimes legislation as a strategy for creating safety or increased political power, many especially mainstream organizations are still calling for broadening the list of groups included in local and federal hate crimes laws, as some hold this goal central to their political projects, usually framed in terms of “rights” and “equality.”

Nowhere are the stakes of the debate and the relevance of the racial and heteronormative state clearer than in two final examples of the legal context and construction of “hate crime” in the United States. First, before U.S. Congress would pass the 1990 Hate Crimes Statistics Act into law inclusive of “sexual orientation,” Utah Senator Orrin Hatch made sure to add one caveat in case anyone took the inclusion of lesbians, gay men, and bisexual people in the Act to mean too much.¹⁹ It reads:

Sec. 2 (a) Congress finds that—

- (1) the American family life is the foundation of American Society,
- (2) Federal policy should encourage the well-being,

financial security, and health of the American family,

(3) schools should not de-emphasize the critical value of American family life.

(4) Nothing in this act shall be construed, nor shall any funds be appropriated to carry out the purpose of the Act be used, to promote or encourage homosexuality.²⁰

Second, in June 1993, the U.S. Supreme Court issued a ruling for the first time with respect to hate crime sentencing enhancement laws. The Court unanimously found the Wisconsin statute, with a “provision [that] enhances the maximum penalty for an offense whenever the defendant ‘[i]ntentionally selects the person against whom the crime . . . is committed . . . because of the race, religion, color, disability, sexual orientation, national origin or ancestry of that person . . .’ § 939.645(1)(b),” to be constitutional, and not in violation of the First Amendment.²¹ In his opinion for the Court, Chief Justice Rehnquist noted that they agreed to consider the case in order to address the conflicting rulings across multiple courts in states with similar legislation. *Wisconsin v. Mitchell* originated in Kenosha, Wisconsin in October 1989. According to the Court,

...a group of young black men and boys, including Mitchell, gathered at an apartment

complex in Kenosha, Wisconsin. Several members of the group discussed a scene from the motion picture “Mississippi Burning,” in which a white man beat a young black boy who was praying. The group moved outside and Mitchell asked them: “Do you all feel hyped up to move on some white people?”... Shortly thereafter, a young white boy approached the group on the opposite side of the street where they were standing. As the boy walked by, Mitchell said: “You all want to fuck somebody up? There goes a white boy; go get him.” Mitchell counted to three and pointed in the boy’s direction. The group ran towards the boy, beat him severely, and stole his tennis shoes. The boy was rendered unconscious and remained in a coma for four days.²²

In the summer of 1993, the year Brandon Teena was killed, the Supreme Court, in a perfectly articulated moment of “colorblind” jurisprudence, upheld hate crimes sentencing enhancements purportedly in place to “protect” “victimized groups” and send a “signal” against racism, through the case of a young black man convicted of beating a young white boy after thinking through racial subordination and the violence of white supremacy in the U.S. South, as seen in a Hollywood film.

While the idea of “hate crime” is in



A certain comfort: *Coming together in Jasper*



Verdict: Relief in Jasper was visible after the sentencing (see NATION)

many ways established, codified, and negotiated in a legal and legislative context, its meanings, and the discourses through which those meanings are maintained, are also constructed in and through the media accounts and reconstructions of specific incidents of violence.

The Killings of James Byrd, Jr. and Matthew Shepard: Media Discourse and Spectacle

In the summer and fall of 1998, when James Byrd, Jr. and Matthew Shepard were killed, and in the months after, during the trials of the men accused of killing them, literally hundreds of accounts

appeared in local and national media, from newspapers to television, to the popular weekly newsmagazines Newsweek and Time, which that year had readerships of over 3 million and 4 million respectively in the United States alone.²³ By 2002, two films about Jasper, Texas and James Byrd, Jr. were released, while three films sought to tell the story of Laramie, Wyoming and Matthew Shepard's death. There was such a race to represent that when NBC and MTV scheduled premieres of their networks' films about Matthew Shepard (*The Matthew Shepard Story* and *The Laramie Project*) for the same night and time, MTV accused NBC of trying to "piggyback" on its publicity for *The Laramie Project*, a star-studded film version of a play by

the same name. There was such an investment in these representations, that the double-booking caused the entertainment media director of the Gay and Lesbian Alliance Against Defamation (GLAAD), a mainstream watchdog group that evaluates and monitors images of LGBT people in the media, to express disappointment, saying, "If they're competing against each other, no one wins."²⁴

In the coverage of both Byrd and Shepard's deaths and their aftermaths the media consistently represented each as a "hate crime," though neither was ultimately tried as such. In so doing, these media representations drew upon and further reified the terms of the hate

crimes debate and discussion in the United States. Rather than engaging in a discussion of the assessment that these incidents were what gets called "hate crime," as it is clear that assertions of power and dominance attributed to the accused by virtue of their white, heterosexual maleness was a major factor motivating the killings, I am here concerned with how the idea of "hate" and of "hate crime" are represented and constructed in the media coverage of these incidents; how they become "hate crimes" through descriptions after the fact. This media discourse is both informed by and helps to shape and make salient the social and political idea of the United States as "progressing" beyond a specific notion of a racist and "intolerant"

past and of the national identity as “post-hate.”

In news and entertainment media, the visual and textual messages of discourse are not ever entirely separate from each other, nor are they constitutive simply of “reports”—some untouched accounting of facts. Instead, both news and entertainment media (though the distinctions are fast fading) bring an audience to an understanding of the day’s or week’s or story’s events through a familiar discourse. In *Mythologies*, Roland Barthes cites the news media in particular as an example of the vastness of discursive tools to which we respond and through which we make meaning. He writes, “...the press undertakes everyday to demonstrate that the store of mythical signifiers is inexhaustible.”²⁵ The parade of images, texts, soundtrack, even the format of a news show or the trope of a romance movie, for example, carries a part of the message, a tool for understanding how to take in what we are seeing, reading, and hearing. Of course, there are finer distinctions to be made between the discourses of news media versus television shows versus film, but they share in the broadest sense some aspects of media discourse.

The terms and tools of the media discourse on hate crime (in the form of images, keywords, and other discursive formulas) encompass some of the legal discourse and much of the dominant social and political

discourses on the idea of hate crime and on actual incidents of violence in which racism, homophobia, transphobia, sexism, xenophobia, disability, religious bias, classism, etc., are a motivating or decisive factor, but it also commands a different audience and means of expression. Thus, most development of the concept and social and political condition of “hate crime” outside the fields of law and sociology in the past three decades might be said to have taken place largely in the media and through such media discourse. It is in this arena that the public debate took shape and its relevance to the nation, to national identity, was constructed. As such, the media discourse around hate crime is, in fact, relevant to larger discourses of nation-building, citizen-building, and a post-hate national identity.

Barthes offers the idea of myth as a means of interpreting and understanding assertions of “naturalness” for images, statements, and events that, in fact, have historical underpinnings. Myth is the historical emptied out, made into a symbol, and filled again with new, representative meaning.²⁶ In this process it is both made general, an image or concept that has no specific context—such as a photograph of a group of people of different races, ages, genders, and apparent backgrounds—and can be turned into something specific, a concept that represents a set of ideas, assumptions, or beliefs—such as an

articulation of a pluralistic national identity. In this way media discourse in general, and its discourse on “hate crime” in particular, shapes and responds to contemporary American society’s ideas and representations of itself by rendering certain ideas and images “common sense.”

Stuart Hall addresses this idea of common sense in his assertion that meanings are not only attributed to, and through, the visual and aural media at the site of production (e.g., the television news show), but that they must take or have social effect—resonate with and be “translated... into social practices.” He argues that this translation happens through a process of decoding, where the viewing public engages with the messages it receives. “If no ‘meaning’ is taken,” Hall writes, “there can be no ‘consumption.’”²⁷ As such,

the processes of “encoding” and “decoding” make the “‘raw’ historical event” into a news story that will have social effects.

Newsweek and *Time*, which together had a circulation of over 7 million per week in the United States in 1998, ran a total of ten stories about the killings of James Byrd, Jr. and Matthew Shepard between June 1998 and March 1999, beginning immediately after Byrd’s death in June, through Shepard’s death in October, and culminating in major coverage of the first trials in each case. Images and statements that shape the media discourse on hate crime, recur again and again in these articles, despite their origins in two different magazines and over the period of nearly a year. In these treatments, ideas of extremity, morality, constructions of racism (but rarely race), sexuality, gender and homophobia in the United States and in U.S. history, contemporary national identity, healing, and progress are central to both the reporting of the “facts” of the cases and to the social and political commentary sometimes accompanying those facts and often following weeks or months later. For example, the five stories covering the killing of James Byrd, Jr. all contain the same essential elements, a detailed accounting of his violent death, a nod to the Southern-ness of Jasper, Texas, a discussion of Klan or other White Supremacist organizations either as “old-style” racism or a frightening “new” trend,



the excoriation of “hate” (sometimes as antithetical to the nation, or to the contemporary nation), and some hope for the future—sometimes in spite of, but most often because of the killing.²⁸

Through this repetition of themes, lifted from existing notions of race, racism, hate, and nation and created through the media discourse, the terms of popular conceptions of “hate crime” are set, even and especially as they rely on specific ideological and discursive ideas of the contemporary United States as having progressed beyond “hate,” and being invested instead in “healing.” In this process, the mythic position of both the United States and of the meaning of “hate” to the nation is constructed. The death of a specific black man, James Byrd, Jr., is hollowed to make space for the meaning then made of it.

In a striking example of myth-making imagery, I offer two photographs of almost exactly the same image, taken by two different photographers after John “Bill” King was sentenced to death, a moment which *Time* and *Newsweek* describe in their texts as a “satisfying resolution,” and “a first step toward putting King and his ugly legacy in the past.”²⁹ The image is of two unidentified people, one a white man in a police uniform, the other a black woman in a plaid shirt and denim dress. They are standing next to each other on the lawn outside the courthouse in Jasper. And though this is not immediately apparent, in

the context of the article, it becomes clear that they are both “celebrating” after the verdict and sentencing. In one photo, they are embracing, in another holding hands.

In this image they are celebrating together the punishment of John “Bill” King for the death of James Byrd, Jr. But they are also celebrating, along with the magazine and the imagined viewer, the state’s willingness (perhaps drive?) to put an obviously racist white man to death for killing a black man. In the media in question, the white man, King, is constructed as both “extreme” in his whiteness—as he projects it through an explicit white supremacy—and therefore separated from the (white) viewing public. The black man, James Byrd, is rarely even humanized or made specific, rarely made more than a representation of a generic violated blackness, made concrete only as a rupture in the U.S. trajectory of progress.

These photographs of this image ran on the same day in *Time* and *Newsweek* accompanying articles—the longest yet about James Byrd, Jr.’s death for either magazine—about King’s sentence and the future of organized White Supremacy in the United States.³⁰ Each magazine, and each news photographer, relied on the same image of not only an interracial pairing, but a black civilian with a white policeman—a loaded image in the United States where the legacy of white police violence against black people and communities

runs deep—to convey the sentiments of “relief” and “hope” after a white man was sentenced to die for killing a black man in 1998.

It is through this media discourse that the spectacle of hate crime in the United States is produced. In *Society of the Spectacle*, Guy Debord defines spectacle as not simply a “collection of images,” but a “social relationship between people that is mediated by images.”³¹ The spectacle of hate crime is presented in a parade of repetition: repeated themes, repeated phrasing, repeated description, and repeated imagery. These repetitions serve not only to hammer home a number of points, though conflicting or contradictory at times, but to construct the message and the spectator in relationship to the possibilities and/or necessities for what I will call representation and recognition. The use of repetition, evident for example in the twin photographs of the black woman/white cop pairing outside the Jasper courthouse, establishes both the terms of the discourse and is generative of one aspect of the spectacle, namely the overwhelming visual evidence that this is how things are. As Debord puts it in his 1988 follow up to *Society of the Spectacle*:

The spectacle proves its arguments simply by going round in circles: by coming back to the start, by repetition, by constant reaffirmation in the only space left where anything can be publicly affirmed, and believed,



precisely because that is the only thing to which everyone is witness.³²

Through the repetition of themes and images, especially as they are paired—the image of the black woman and white cop embracing stands in for the interracial relief brought by the death sentence for Bill King, and for “extremist racism”—not only is meaning made, but the viewer is given the opportunity to relate to that meaning, to recognize it, to, as Hall would put it, decode it.

The spectacle of hate crime includes the use of images, and specifically of the ideas or beliefs those images are representing, both to mediate relationships within a national socio-political context and to elicit responses and meaning for a broad public, especially a public that is constructed in relationship to the idea or circumstance the image is meant to describe or show. In addition, the notion of the spectacle raises the possibility for the spectator—and the role of spectatorship—in making meaning of “hate crime.” As media discourse produces a spectacle of hate crime, so does it produce the spectator through prescribing, proposing, or making possible roles for the nation and individuals to take up in relationship to the concerns and issues raised by specific incidents of violence and the attendant political and social concerns of race, racism, sexuality, homophobia, geography, etc. Thus, the spectator, or the viewer, is engaged in a process

through which it is consistently proposed that one can take the “lesson” offered by “hate” and work for “transformation” or “hope.” The media spectacle proposes a rhetoric of education and transformation toward a notion of citizen-building; the spectator, through education and bearing witness, becomes a better citizen, and the United States a better nation.

“A little more free”: “Martyrdom” and Exchange in Representations of Racist and Homophobic Violence

The fury and condemnation surrounding both the idea of hate crime and individual incidents characterized as hate crime reflect a characterization of American history that rests on the presumption of movement—of a necessary and inevitable push to become “better.” Despite the very real need to make sense of these kinds of deaths, or to find ways to address them and their causes, the turn taken by Time and Newsweek and in The Laramie Project and Jasper, Texas—two feature-length films produced about the killings of Mathew Shepard and James Byrd, Jr., respectively—toward asserting increased hope because of their deaths warrants examination in terms of the spectacle made of not only the accused and the communities in which the killings



took place,³³ but of the dead themselves.

In the weeks immediately after Shepard died, both *Time* and *Newsweek* began to imply a role for him in his death: *Newsweek* compared him, as he was tied to the fence, to a “fallen scarecrow—or a savior,”³⁴ and *Time* asserted “...as he lay near death, Matthew Shepard, through no choice of his own, had found martyrdom.”³⁵ As their coverage quickly expanded to discuss what *Time* called at one point the “war over gays” in the US, their hailing of Shepard as martyr or savior implied his sacrifice for a greater good, possibly for progress, or, as *Newsweek* noted in describing the eulogies at Shepard’s funeral for “the cause of tolerance.”³⁶

Along similar, but even more striking lines, perhaps due to the differences in how race and sexuality are conceived socially and politically in the terms of the post-civil rights era nation, each magazine builds a significant narrative of hope and transformation from the killing of James Byrd, Jr. These, however, came much later in the trajectory of that case, not until “Bill” King’s trial nine months after Byrd’s death, making space for reflection on Jasper’s situation since June 1998. In this instance, both magazines attribute changes in Jasper directly to Byrd’s death. In one story, a resident insisted that people in Jasper had changed since Byrd was killed and suggested that “Jasper is going to be much

better because of this.” The author of the article proposed that King’s “violent act made [Jasper] a little more free.”³⁷ In the same article, Byrd’s killing is itself compared to the civil rights movement: “Jasper has progressed a great deal since pre-civil rights days, and Byrd’s killing has moved things along even further. Shortly before jury selection [in King’s trial], 75 blacks and whites met at the cemetery to cut down the wrought iron fence that separated the two races even in death.”³⁸

This focus in the media on the deaths of Shepard and Byrd as open doors or moments of revelation bring the viewer and the nation closer to resolution while distancing the viewer carefully from the specific instance of violence and the distancing the national identity from the possibility that the impetus for “hate” violence is, in fact, imbedded in the nation or state itself. The new beginnings offered up by, for example, the successful prosecution of the accused by the state, or by the loving memories of friends, family, and local community, or national resolutions to “protect” groups targeted for such violence, bring us closer still to the idea of reasonable resolutions thorough practices of “tolerance.”³⁹

The notion of Shepard as a martyr and Byrd’s death as an impetus for racial “healing” and change are precisely rendered in *The Laramie Project* and *Jasper, Texas*. While the entirety of each film arguably functions to bring the viewer into

proximity with the hopeful or desirable outcomes of “hate crime,” I will focus here on one moment from each in which the idea of a hope for the future, brought about through the violent deaths of Byrd and Shepard, crystallizes.

I focus below on specific examples from the films in question—in *The Laramie Project*, people walking in Shepard’s honor at the University of Wyoming Homecoming Parade; and in *Jasper, Texas*, the removal of the fence separating the black and white sections of the local cemetery.

In *Jasper, Texas* (and in *Jasper, Texas*), an old iron fence, rusted and half-broken, partially covered up with weeds and overgrowth, ran down the middle of the cemetery where James Byrd, Jr. was buried. Black people lay on one side, white people on the other. In the film, the viewer first sees the fence at Byrd’s funeral, as one of the film’s protagonists, Jasper’s black mayor, R.C. Horn, stands quiet and still, glancing over his right shoulder, past the fence coming into focus at a white family attending a funeral on the other side. Several scenes later, when the Byrd family visits James, Jr.’s grave, his brother walks to the fence, a white family again on the other side, and grabs hold of it and pushes it roughly away from him. A voice, James Byrd, Sr., comes in as voice over, “Even in death we separated.” The scene shifts to Byrd, Jr.’s parents meeting with Mayor Horn, and Byrd’s father continues, “R.C., if any good could come from

Son’s death, we think that old fence should go.” Horn explains that it’s just “a matter of time,” to which Byrd’s mother replies, “It’s like the old days still ain’t changed. And after what them men did to Son, it’d be saying something.”

As the fence becomes a sign both for segregation and for the “old days,” the film transforms it into an encompassing metaphor for change in the face of James Byrd, Jr.’s death. Horn, with a white priest and another white man, approaches three white members of the board that controls the cemetery in a dark, smoky room, asking for the fence to come down. One of the white men with Horn notes that it both looks bad and is bad for Jasper, while the priest explains that it is “still keeping the two sides apart.”

The film’s story returns to the fence immediately following the guilty verdict and death sentence in Bill King’s trial. The scene from the courthouse—one proposed space of resolution—is cut through by the sound of an acetylene torch being lit, and in a close-up, its flame burns through rough iron in the middle of the screen and the fence falls. As the camera pulls back, the other protagonist of the film, Jasper’s white Sheriff, Billy Rowles and Mayor Horn pull up the first section and walk it to the trash truck. As the scene continues, characters from the trial, community meetings, and street interactions—major and minor, black and white—help carry the fence away,

laughing and celebratory. Flash bulbs go off as the media record the event and upbeat gospel music plays on the soundtrack.

The cemetery fence in Jasper both came to represent, and was made to represent, separation as a symbol for racism and the concentration of power in white hands in Jasper. In the film, the fact of Byrd's violent death made it possible for this symbol of racism to be removed, and for a grouping of black and white people to come together to literally take it down and throw it away. While there is no doubt that symbolism can have powerful and real ramifications, the investment in Jasper, Texas in the removal of the cemetery fence also points to the troubling construction of this moment as evidence of slow, progressive change. The removal of the fence is offered as a positive outcome of Byrd's death—a symbol of change in exchange for an actual life.

This idea of exchange is made even more concrete in *The Laramie Project*, as a 52-year-old white gay man, Harry Woods, who has lived in Laramie “for many years,” recounts the story of the University of Wyoming homecoming parade. In the film, Moisés Kaufman goes to the Woods' apartment for the interview, and as they sit and talk, Wood's face lights up as he tells Kaufman about that day and the addition at the end of the parade of a group of people marching for Matthew, who at the

time was still in critical condition, one day from his death. Woods explains:

On the day of the parade I had a cast on my leg, from a fall. And I was very disappointed because I'd heard that some students were going to be walking for Matthew Shepard and I wanted to join them, but I couldn't so I watched from that window...I was very moved when I saw the tag at the end of the homecoming parade. It was just a group of people walking behind a banner for Matthew Shepard. But the parade went down to the end of the block, made a U-turn around the block and I came to the other side of my apartment to watch for it to come south down this street. Maybe ten minutes went by.

As Woods tells the story, the image shifts from the moment of the interview to the day of the parade, and the viewer watches with him as he describes seeing the marchers for the first time. A handful of people holding a sign with Shepard's name walk toward the camera, solemn and quiet, townspeople looking on from the sidewalk. Woods continues:

Then I saw the most incredible thing. As the parade came down the street the number of people marching for Matthew Shepard had grown like five times. Can you imagine? The tag at the end was bigger than the entire parade.

Plaintive violins build in the background and the camera focuses on the marchers, larger in number, familiar faces among them. People begin to peel away from their perches on the sidelines and join the group. As it continues down the street, the shot moves back to the present and Wood's face as he concludes: “I thought to myself, ‘Thank God I got to see this in my lifetime.’ And my second thought was, ‘Thank you, Matthew.’”

In these moments as they are reproduced for the films, both *The Laramie Project* and *Jasper, Texas* offer symbols of change in exchange for the actual lives of Matthew Shepard and James Byrd, Jr. through an overwhelmingly simple association: the tragedy of Shepard's and Byrd's deaths make progress both possible and visible. The belief in such an exchange demonstrates an incredible limit on the meaning to be made of these incidents. This limitation rests in a presumption that “hate” is somehow separate from the nation—it is an outside force that will someday back down in the face of legal and moral challenges. But neither *Jasper, Texas* nor *The Laramie Project* stop to consider that each of these deaths did not stop the one that followed, and the most recent will not stop the next to come.

In the aftermath of James Byrd, Jr. and Matthew Shepard's deaths, popular visual recreations of these incidents, including *Jasper, Texas* and *The Laramie Project*, helped to

turn the killings into nation-building tools. Through the distancing of place and motive, and the embrace of parables of cooperation and progress, representations of these violent deaths and the responses to them reified and reinforced the construction of the post-Civil Rights Era United States as both post-hate and anti-hate.

“What are the words you do not yet have?”: Confronting the Crisis of Vision

For all the seeing that goes on in the presentations of these violences and their aftermaths—in the attempts to represent, render through photographs and stories, give context, and, finally, to respond somehow—what has been made manifest in this proliferation of images and meanings is, for those most at risk for this violence, a crisis of vision. Why do we, so many of us, regard the intrinsic agreement to punish someone more strictly, to acknowledge the role of what gets called “hate” in a violent act, as a nod to our humanity? As an indication that we are, in fact, understood to be human? Why only, and to begin with, in violence and death? What does this tell us about our expectations, our desires, our reliance on what we know or what is offered to us, rather than what we might imagine or take for ourselves?

This crisis of vision is, in fact, a crisis precipitated by our failing to see broadly, by both producing and allowing for the limitation of imagined remedies for the violence of domination that first dismiss the idea of domination in favor of “hate” and therefore trade structures and institutions of power for individual “intolerance,” and then turn to the state itself for both acknowledgement of and punishment for violence rooted in that domination. It is a crisis of representation insofar as so many of us, or those who speak for us whether we like it or not, have come to rely on mainstream representation as a humanizing and legitimizing force. It is a crisis of vision insofar as we are, and will remain, limited by what we allow ourselves to see. If we imagine no better or more resounding way to make significant and powerful the lives of those Audre Lorde described as “never meant to survive...in america,” than to remember them through the state’s punishment system, we use those lives to uphold and make better-than-ever the systems of domination through which they are subjected to social death in the first place, and violent death in the end.⁴⁰ Furthermore, with all this focus on the dead, we forego the lives and struggles of the living. What of those lives? What of those lives where the people living them would choose not to be made meaningful through assimilation, commodification, normalization, or identification with the powers

of certain racial, gendered, and sexualized privileges? How are we constituted, how might we be seen in this moment of crisis?

The use of death as possibility in the visual texts discussed above, and the marking of death as a means of making meaning for a more generalized public, is hauntingly familiar. I turn briefly, in conclusion, to Douglas Crimp’s 1991 discussion of the Names Project quilt, a massive collection of panels made in memoriam to people who have died of causes related to AIDS. The panels of the quilt are usually made by people close to someone who has died, and this aspect of the quilt’s function Crimp describes as the “private mourning ritual” of those who make each panel. The second function, he writes, “...is what we might call the spectacle of mourning, the vast public relations effort to humanize and dignify our losses for those who have not shared them.”⁴¹ In this sense, Crimp refers to the specific use of an image or set of images to convey meaning through the sheer magnitude of power and attention given those images—the intentional use of an image to make meaning, and in this case to make meaning specifically of death.

The “spectacle of mourning,” embodied in and put in motion through the Names Project quilt, becomes spectacle as it is made to represent the deaths of people with AIDS, many of them gay men, in a media that has largely ignored the

crisis, and to a so-called “general public” that has scorned the dying and often devalued their lives entirely. He writes:

My ambivalence [about the quilt] hinges on this second, spectacular aspect of the quilt: Does a visit to the quilt, or the media’s approving attention to it, assuage the guilt of those who have otherwise been so callous, whether that callousness takes the form of denial or outright disgust? Does it provide a form of catharsis, an easing of conscience for those who have cared and done so little about this great tragedy?⁴²

In this instance, bearing witness, Crimp proposes, has the effect of relieving the conscience, of bringing viewers into a more pleasing or comfortable relationship to the violence before them. In the spectacle of hate crime the use of repetition and meaning making to create both relationships to the dead and distance from the circumstances of the death, particularly those accused of acting out the violence, acts as a similar mode of representation toward bearing witness, toward recognition. The very act of “witnessing” or recognizing is, in turn, activated to ameliorate everything from moral and political confusion and pain (how could someone do this violent, racist, or homophobic act?) to cognitive dissonance in relationship to time and place (how could this happen here or now?). Thus, the

spectacle of hate crime, the constant repetition of images and themes, especially those of the distanced and reviled “hate” and the proximal and desired “healing,” constructs a mode of relating to specific incidents of violence, and to the idea of hate crime generally. The relationship built between the spectacle and the spectator is mutually reassuring—so long as we bear witness through these themes, so long as we represent and recognize the violence and its perpetrators and victims—we have done what we must do to address the incident, condemn the violence, and commit to building (nation, citizenship, morality) anew.

Crimp raises a possibility for addressing this spectacle another way—by problematizing its function and its use by the mainstream media and even, or especially, by mainstream organizations seeking some kind of visual cross-over appeal, or, said differently, a form of recognition for their own. In his reading, the supposed seamlessness of this function of the quilt is interrupted by his concerns about what that use allows on the part of a national public that was and is largely neglectful or contemptuous of people with AIDS.

Similarly, the seamlessness of the spectacle of hate crime, with its repetitions toward mythic constructions of the dead, the living, and the national identity, can be called into question through efforts to treat its representations as a problem.

In recognition of this problem, we might seek and create other kinds of, and means for, representation and imagining that recall and give primacy to institutional critiques and solutions rather than to spectacle and punishment. Looking for ambiguity in the meanings produced about “hate crime” through the media, and acknowledging the ambivalence possible in our own viewings of the images used to represent racist, homophobic, and transphobic violence, along with other violence of domination, could serve ultimately to complicate and challenge a seamless meaning-making process and provide the greatest space for resisting the use of the violence of domination as a nation-building tool.

Endnotes

¹ Katherine Whitlock, *In a Time of Broken Bones*. Philadelphia: American Friends Service Committee, 2001., 6-7.

² *ibid.*, 59-62. fn. 56.

³ *ibid.*, 92.

⁴ Quoted in James B. Jacobs, “The Emergence and Implications of American Hate Crime Jurisprudence,” in *Hate and Bias Crime: A Reader*. Ed. Barbara Perry. New York: Routledge, 2003., 423.

⁵ *ibid.*, 422-3.

⁶ Quoted in Rosga, “Policing the State,” 116.

⁷ Michael Omi and Howard Winant, *Racial Formation in the United States*. New York: Routledge, 1994., 81.

⁸ *ibid.*, Ronald Takaki, *Iron Cages*. New York: Oxford University Press, 1990., Daniel Kevles, *In the Name of Eugenics*. Cambridge: Harvard University Press.

⁹ Omi and Winant, 82.

¹⁰ Goldberg, 147-8.

¹¹ Avery Gordon and Christopher Newfield, “Critical Response I: White Philosophy,” *Critical Inquiry* 20, no. 4 (Summer 1994): 737.

¹² I rely here on the definition from the CR Abolition Organizing Handbook, “The term white supremacy describes a system of power that has its historical roots in the European effort for socio-political and geographical dominance. This system of power is also central to how the U.S. was and is organized to systematically benefit white people and enact violence on people of color. This violence is not limited to personal hatred or ill-will, but includes structures of society that restrict the choices, opportunities, and physical/emotional safety and well-being of people of color. White supremacy concentrates resources, power and wealth in white communities and intentionally denies

those things to communities of color.” 65

¹³ Prison Industrial Complex is a term used in political and social activism as well as academic and policy research to describe the burgeoning prisons and punishment system. While details of the definition and uses vary, I employ the following understanding of the PIC from the Critical Resistance Abolition Organizing Toolkit: “Prison industrial complex (PIC) is a term we use to describe the overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to economic, social, and political problems.” Shana Agid, Brooks Berndt, Rachel Herzing, Ari Wohlfeiler, *The CR Abolition Organizing Toolkit*. 2004 p. 59.

¹⁴ Ruth Wilson Gilmore, “From Military Keynesianism to Post-Keynesian Militarism.” *Race and Class*, 40, 2/3 (1998), 171, 175.

¹⁵ *ibid.*, 174.

¹⁶ Goldberg, 158.

¹⁷ See, for instance, Wendy Brown, *States of Injury* and Katherine Whitlock, *In a Time of Broken Bones*

¹⁸ Carolina Cordero Dyer. “The Passage of Hate Crimes Legislation – No Cause to Celebrate.” *INCITE! Women of Color Against Violence*. March 2001 <<http://www.incite->

national.org/news/march01/editorial.html>.

¹⁹ This was also the era of the still-raging AIDS pandemic, and of congressional censures and censorship of queer and AIDS-related art, the bared teeth of Jesse Helms’ as he picked apart the NEA and NEA-funded artworks, and the assertions of heterosexist privilege and righteousness re-mixed for AIDS, alternately read as gay plague and genocide depending on which side of the political and sexual spectrum one fell. For more on this aspect of Congress’ dealings with what they refer to as “homosexuality” in this moment, see Richard Meyer, *Outlaw Representation: Censorship and Homosexuality in Twentieth-Century American Art*.

²⁰ Public Law 275, 28 USC 534, also cited in Rosga, *Policing the State*, 129.

²¹ *Wisconsin v. Mitchell*, 508 U.S. 47 (1993).

²² *ibid.*

²³ Magazine Publishers of America. “Average Circulation for Top 100 ABC Magazines, 1998” *Circulation Trend and Magazine Handbook*. February 2005 <http://www.magazine.org/Circulation/circulation_trends_and_magazine_handbook/1355.cfm>.

²⁴ *Gay.com*, “HBO, NBC Spar Over Shepard Films,” *Gay.com/PlanetOut*.

com Network. 1 February 2002. <
[http://www.gay.com/news/article.
html?2002/02/01/1](http://www.gay.com/news/article.html?2002/02/01/1)>.

²⁵ Roland Barthes, *Mythologies*,
selected and trans., Annette Lavers,
17th printing, New York: Hill and Wang,
1985., 127.

²⁶ *ibid.*, 129.

²⁷ *ibid.*, 91.

²⁸ As further example of these themes
in the hate crimes media discourse,
the articles' headlines and subtitles
are as follows, in chronological order:
"A Fatal Ride in the Night: A Texas
man is dragged to death behind
a pickup," "Beneath the Surface:
A 'New South' town is haunted by
'Deep South' ghosts—and a fresh,
ugly murder," "A Time for Healing:
Jasper, Texas confronts an ugly hate
crime," "A Life for A Life: As America
watches, a Texas town searches for
racial healing after a grim murder
trial," and "Evil to the End: A racist is
sentenced for a gruesome murder.
But the hateful fringe he represents
will certainly outlive him."

²⁹ Matt Bai and Vern Smith, "Evil to
the End." *Newsweek* 8 March 1999:
22-4.

³⁰ Interestingly, each of these long
features also included sidebar articles
asserting the continued existence of
forms of racism other than organized
(or disorganized) White Supremacist
groupings. One was subtitled: "The

most insidious racism is among those
who think they don't harbor any,"
and the other: "It's reassuring to
condemn monsters like John William
King and a lot tougher to confront
the real problems of race." While
this complicates a simple read of the
Time and Newsweek coverage and
the constructed meaning of the death
sentence, the social and political
claims of each sidebar continue to
treat racism as individual prejudice,
and propose individual, rather than
structural change as essential to
combating racism and its effects.

³¹ Guy Debord. *Society of the
Spectacle*. Trans. Donald Nicholson-
Smith. New York: Zone Books, 1995.,
12.

³² Guy Debord. *Comments on the
Society of the Spectacle*. Trans:
Malcom Imrie. Sheffield: Pirate Press,
1991., 5.

³³ In the full version of this project,
I examine in equal detail the
constructions in these two films
and in the Newsweek and Time
coverage of geography and rural
"otherness," notions of "extremist"
racism and homophobia embodied
in the KKK, the New Black Panther
Party, Reverend Fred Phelps, and the
accused, and ideas of "tolerance"
embodied in the police, state officials,
and certain forms of protest.

³⁴ Fineman, 42.

³⁵ Chua-Eoan. "That's Not a
Scarecrow," 72.

³⁶ Fineman, 42.

³⁷ Cohen, 35.

³⁸ *ibid.*

³⁹ Jasper, Texas and The Laramie
Project reproduce both the national
attention each incident received
from politicians, celebrities, and
other prominent figures—often using
these voices to express the fear,
concern, and hope of the nation—and
the celebratory reactions of local
residents upon the conviction and
sentencing of the accused. These
moments take on a particular
significance for meaning-making
in each film, as they cut to the
discourses of punishment and
national identity through which relief
from hate is so frequently framed
and notions of hope are most often
formulated.

⁴⁰ Audre Lorde. "The Transformation
of Silence into Language and Action."
Sister Outsider. Freedom: The
Crossing Press, 1984., 42. (the title
of this section is also from this essay,
41.)

⁴¹ Douglas Crimp, "The Spectacle of
Mourning," *Melancholia and Moralism*
Cambridge: MIT Press, 2002.,198.

⁴² Crimp, 198.