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NATIONAL news

GAY GALLOWS

Wyoming prosecutors' approach to Matthew Shepard murder case ignites death penalty debate within queer community by Bob Roehr

Putting anyone to death for the murder of Matthew Shepard is just as barbaric as tying the victim to a fence and leaving him to die in subzero temperatures," says activist Michael Petrelis of Queer Watch.

The group has called upon national gay and lesbian organizations to condemn the death penalty in general and in particular its application in the Matthew Shepard case. Queer Watch argues the punishment fails to deter crime and is applied unfairly against racial, economic and social minorities.

Prosecutors in Wyoming are seeking the death penalty against Russell Henderson and Aaron McKinney, both 21, who are charged with first-degree murder, kidnapping and aggravated robbery in connection with Shepard's death.

The two are accused of beating and robbing Shepard on Oct. 7 and tying him to a fence outside Laramie. Shepard, 21, died five days after the attack.

Testimony at a November hearing indicated Shepard may have been targeted because he was gay.

"Putting someone to death really doesn't solve the problem," says Tracy Conaty, spokeswoman for the National Gay and Lesbian Task Force, a queer group based in Washington, D.C.

She echoes the sentiment that the death penalty "is applied disproportionately against poor people and people of color in this country."

Conaty adds NGLTF is in the process of establishing opposition to the death penalty in a formal policy statement, and says the organization does not condone the call for the death penalty in the Shepard case.

At the other end of debate is Log Cabin Republicans, a national gay and lesbian GOP group.

Executive Director Rich Tafel believes the death penalty does have a deterrent effect, though he concedes "there are good arguments on both sides."

Tafel argues that, if convicted, Shepard's attackers should be prosecuted to the full extent of the law.

He says, "To do anything less would send the message that gays don't deserve the fullest protection of the law."

David Smith, spokesman for the Human Rights Campaign, says his organization does not have a position on the death penalty because it is not central to HRC's purpose.

HRC is calling for "the people who committed this crime to receive equal justice."

The victim's sexual orientation should "not be factored into whatever punishment is meted out," says Smith adding, "It would be a horrible miscarriage of justice if the punishment was somewhat lesser because the victim was gay, or black, or a woman or Hispanic."

Beatrice Dohrn, legal director of the Lambda Legal Defense and Education Fund, says the death penalty hasn't come up much for Lambda attorneys, but adds that, in light of the Shepard case, senior staff is considering

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—*activist Michael Petrelis of Queer Watch*

whether the group should formulate a position on the issue.

Dohrn notes Lambda works closely with other civil rights groups that are opposed to the death penalty.

"But it isn't at the core of our work," she says.

Longtime gay activist Vic Basile is personally opposed to the death penalty, but the former HRC executive director says: "It is stupid to take positions on issues that are not directly related to the gay community. It takes them off focus, it loses people on either side of the issue."

He adds, "If you look at any constituency group that has been successful, they don't go all over the map on taking positions on things. They only have so much political capital to spend, and you spend it where you think it can make a difference. Frankly, I don't think it makes any difference whether HRC comes out against the death penalty; it isn't going to change anything."

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