

Hindsight is 20/20

ACT I – LOOKING BACK FROM ONSTAGE

Greg: *Andy! Did you see the paper this morning? You're not going to believe the editorial!*

Can we start again . . . so I can say the line right? [Laughing] . . .

Narration: This is Greg Pierotti. He's rehearsing a scene from the play *The Laramie Project: Ten Years Later* . . . with actress Mercedes Herrero.

Greg: *Andy! Did you see the paper this morning? You're not going to believe it. You've gotta read the editorial. It's called "Our View: Laramie as a Community, not a Project."*

Mercedes: *Our View: Laramie as a [Fade down at this point] Community, not a Project. Direct observation . . .*

Narration: In the fall of 1998, the small college community in Laramie, Wyoming was thrust into the national spotlight, when Matthew Shepard was found *beaten* and tied to a fence on the east side of town.

The attack on the 21-year-old university student was being called a hate crime . . . because Matthew Shepard was gay.

Five weeks after Matthew died, playwright Moises Kaufman led Greg and other members of the New York-based Tectonic Theater Project to Laramie - where they would spend more than 18 months interviewing local residents. They met with ranchers, criminal investigators, teachers from the University of Wyoming, and several of Matthew's friends.

The killing had sparked a national dialogue on homosexuality, violence, and hate crimes, and Kaufman and the theater company wanted to learn more about why Shepard was murdered.

Using over 200 interview transcripts, court documents, and media stories, the company wrote *The Laramie Project*, a docudrama they say chronicles a community struggling with hate, homophobia, and murder, as Mercedes reveals in this next part of the scene.

Mercedes: *Direct observation and discussion with a wide range of local residents tells us that Laramie is like most communities only more tolerant than most. That doesn't mean there aren't prejudiced or bigoted people here. There are. But those people don't define Laramie. And it is infuriating for those of us who consider this our home to be labeled because of the actions of a few questionable characters.*

Laughing . . .

Mercedes: *That label . . . you can edit that, right?*

That label is particularly . . . [Fade down at this point] . . . galling in this case because the crime in question has been labeled . . . has been portrayed . . .

Narration: In 2008, during the 10-year observance of Matthew's murder, Greg, and a few of the Tectonic actors returned to Laramie. I asked Greg if there had been a shift in attitudes about hate crimes in American culture that prompted their journey.

Greg: *I don't really know that it was so much a question of what we were picking up in the culture as it was that we knew that we wanted to do something to mark this observance . . . we were discussing what that might be:*

And Moises actually said: "Why don't we go out and just take a look at how Laramie has changed in the aftermath of Matthew's murder and write an epilogue, a short epilogue." I mean, our intention was to write a 10-, 15-minute piece to tack onto the end of The Laramie Project.

But as soon as we got there, it became very apparent that what was happening in Laramie was very reflective of what is happening in our culture today, which is this sort of distinction between the performance of empathy and actual empathy being manifested in the established structures that exist in our culture that protect people and take care of people, and actually are on-the-ground real things that take care of citizens.

And that there was a lot of this kind of initial response to the Matthew Shepard story, like the parade in part one of The Laramie Project. I mean, it's a beautiful thing where you see a community gathering together in an emotional response to a very terrible crime, and they all feel bad, you know . . . and then it turns out that ten years later they haven't passed a single piece of legislation that protects gay people in their town, or in their state.

It was just too fascinating a story to write a 10-minute epilogue about.

Narration: When the company arrived in Laramie, they began interviewing many of the same people they had met ten years earlier. But as they gathered material for what would become their second full-length play, another problem began to surface . . . the rural community was still deeply divided about one aspect of the crime . . . and that was what had motivated Aaron McKinney and Russell Henderson to kill Matthew Shepard.

Here . . . listen to Greg and Mercedes in the rest of the scene from the Epilogue play.

Mercedes: *That label is particularly galling in this case because the crime in question has been portrayed in the national media as a homophobic attack and as a hate crime because Matthew Shepard was a homosexual. But no one can know that motivation except for the two people that committed the crime.*

Greg: *Andy. They had a trial, and it was determined as a hate crime. That's why they had a trial. That's what a trial is for, so we can learn these things.*

Mercedes: *Police records certainly seem to indicate that this was a robbery that went very bad.*

Greg: *What police records are they referring to? A robbery? I tie you up and I smash your head in because I want to rob you? I mean, it's absurd. And this is Laramie's main newspaper.*

Mercedes: *But those who wanted to label Laramie as a bigoted town in the Wild West didn't let the facts get in the way of their stories. So who then is guilty of intolerance and perpetuating stereotypes?*

Greg: *A robbery that went bad over drugs. I mean . . . what? That's just crazy! And that's denial. That is some kind of massive denial. It makes me so furious, and so insane. I just want to leave Laramie!*

Narration: Sharp divides about the motive had always existed, not just in Laramie, but around the country. *That divide would grow even deeper - when, in 2004, a popular prime-time newsmagazine showed up in Laramie. They claimed that new information in the case had emerged that would set the record straight about what fueled the crime. But for some people in Laramie, it would soon become clear that the show's producers had no intentions of letting the facts get in the way of their story either*

ACT 2 – 20/20 REWRITES HISTORY

Narration: Dave O'Malley was the lead investigator at the time of the Shepard murder. Working with the Sheriff Department and local law enforcement, Dave quickly pulled the facts in the case together. And that made him a person of interest to the ABC producers who had just rolled into town.

I sat down and talked with Dave about the interview and their story after the show had already aired.

Stephen: *I'd like you to talk about the 20/20 interview . . .*

Dave: *They didn't tell the rest of the story.*

What happened was their producer . . . [fade down]

Narration: What happened was a producer from 20/20 wanted Dave O'Malley to appear on an upcoming special called *Matthew Shepard: Secrets of a Murder*. Dave had talked with a lot of media in the past and he had questions about how they *planned* to approach the interview.

Dave: *I asked on more than one occasion, I said, "Are you coming at this at any particular angle, so that if you are, I have an opportunity to think about it, and so I can give an intelligent response."*

And, they said "No. No, we're doing an objective 7-years-after type of a production and you don't have to worry about anything like that. We're just trying to catch up on time."

Narration: Dave finally *agreed* to the interview. But, on the night the show's host, Elizabeth Vargas, and its producer, Glenn Silber, arrived, he began to feel a *bit* uneasy.

Dave: *And, I just had a weird feeling . . . and they showed up in my house, and of course, Elizabeth Vargas is back changing her clothes in our bathroom and they're setting up their camera crew in here.*

So we got into the interview and, all of a sudden, it's launched into the methamphetamine binge issue.

Dave: *You know these guys sat in my living room and lied to me and made me extremely angry. A production that I'd watched for years, and respected, hung all of their information out on the statements of Doc O'Connor, two meth-heads from the Buckhorn bar, and McKinney and Henderson, who are convicted murderers and known liars, and I'm going "My God," you know, "they need the rest of the story!"*

Narration: The rest of *that* story consists of interviews conducted by the Laramie police department, and criminal evidence, court documents, and testimony submitted during the murder trials. Although Dave says the meth binge angle *20/20* was putting forward was irresponsible journalism, he was angrier about the details they left out.

Dave: *What they didn't tell you was that the night that McKinney and Henderson were seen by our officers, and Henderson was arrested; McKinney was able to escape on foot.*

The arresting officer had been trained, through our division of criminal investigation - had been a narcotics officer, highly skilled in symptomology and identification.

He said, "Henderson had a slight odor of alcohol on him, was not under the influence of any other drugs."

Kristen Price, who was McKinney's girlfriend and the mother of their baby, was the first to start talking to us, divulging information.

She said, that night they went out, they had no money. They came home, they scrounged nickels and dimes; we were able to verify and confirm they bought two pitchers of beer in two different locations – paid in dimes, nickels and quarters. Two pitchers of beer - they didn't finish either one of those; it would be consistent with the officer saying he had a slight odor of alcohol.

All of these things are corroborated through investigation.

Narration: Kristen Price also appeared in the *20/20* episode. During the interview, Price tells Vargas that she and McKinney had been doing methamphetamine every day up until the night of the murder. But Dave says Price's claims contradict her original statements to police.

Dave: *The last thing she said was they had no methamphetamine and they hadn't taken any for several days cause they didn't have any money; again consistent with paying for your pitchers of beer with dimes, nickels and quarters.*

Going from beyond that is . . . I don't know if you've ever been around anyone who was in the middle of a methamphetamine binge to see the symptomology associated with, or symptomology associated with them withdrawing from a binge on meth-amphetamines . When they were arrested they were placed on suicide watch, they never displayed any withdrawal symptoms, whatsoever.

Narration: In addition to a lack of withdrawal symptoms, law enforcement ran blood tests on McKinney and Henderson the night of their arrest, and neither of the killers tested positive for drugs.

It was also Kristen Price who testified to the jury that McKinney and Henderson had devised a plan to pretend to be gay as a way to gain Matthew's trust. Dave tells me about another disturbing detail Price confessed.

Dave: *I did do a subsequent re-interview on Kristen Price, you know, and . . . her statement was "when Aaron came through the window that night the first thing he said was 'I just killed a fag!'"*

You know, the fact is, is McKinney and Henderson never showed any remorse. They're high-fiving and shaking hands, and signing-off at autographs in the jail, and you know, they played it to the hilt.

ACT 3 - REACTIONS

Greg and Mercedes

Narration: Dave O'Malley wasn't the *only* one shocked and angered by the 20/20 episode. Mercedes Herrero, who plays Elizabeth Vargas in the epilogue version of The Laramie Project, and Greg Pierotti, also in the play, had similar reactions.

Mercedes: *Well . . . I watched the 20/20 episode. I don't know. It just made me sick to my stomach, the whole thing . . . the whole thing!*

Greg: *The 20/20 program was just an outright lie. It's not like a question of ethics at this point; it's a question of just lying.*

I mean, I know it's unethical to lie as a journalist, [All laughing] but I mean - it's beyond like ethical nuance.

Mercedes: *It's how can we change this Matthew Shepard story? How can we make everybody feel better?*

Let's just say it's a methamphetamine trip, you know, and it had nothing to do with him being gay.

Narration: At one point in the episode, Vargas asks Aaron McKinney *why* he continued to beat Matthew after he robbed him. McKinney blames it on the rage he experienced while coming off of a week-long crystal meth binge.

In another segment, when Vargas asks him what he would tell people who believed the attack was a hate crime, he says he “only wanted to beat [Matt] up and rob him.” Greg remembers being stunned by how Vargas questioned McKinney.

Greg: *When he told Elizabeth Vargas it was because he was strung out on drugs; she led him into that answer. She said, you know, “You were strung out on drugs; you were exhausted, you know, you were in a bad situation.” He was like, “Yes, that’s right, that’s right.”*

Narration: Greg was *also* troubled by the reactions from people in *Laramie*, who often had negative opinions about how they were portrayed through the media lens. So he was confused by how quickly many of them bought into the lies *20/20* was dishing out.

Greg: *Everyone in the Laramie was saying “The eastern media painted us this way and the media is making us into these hicks and these terrible people, which is not what we are!”*

So, they have this big problem with the media, [laughs] . . . and then, all of a sudden, they’re pointing to the media and saying: “See, 20/20 said that this was a robbery and a drug deal, so what’s your problem? We have proof!” And it’s like; you can’t really have it both ways. So, yes, the media was inappropriate, but Laramie loves that story.

ACT – 4 INCRIMINATING EVIDENC

Putting 20/20 On Stage

Narration: The members of the Tectonic Theater were appalled by *20/20*’s tabloid-style of journalism - for scrubbing the hate crime motive out of their story; a motive, they feel *their* work in *The Laramie Project* proved.

And they weren’t about to let the allegations go unchallenged. So the group of playwrights did what they do best; they put Elizabeth Vargas and producer Glenn Silber on hundreds of stages across America. They did *that* by writing key parts of the *20/20* episode into the Epilogue version of their play.

One scene captures the interview between Dave O’Malley and Elizabeth Vargas; the same one you heard at the beginning of this story. But the most shocking moment *doesn’t* take place *during* the interview; it comes *after* Vargas and the camera crew leave Dave O’Malley’s house.

On stage, an actor playing O’Malley holds up a piece of paper. He tells the audience that producer Glenn Silber left a hardcopy of an email to Elizabeth Vargas on his dining room table.

The incriminating message is one Greg has read countless times in the play.

Greg: *The email says “Although Dave is a very skilled investigator and was central in cracking this case and convicting the two killers, he fell into the hate-crimes story early on and our story will ultimately discredit that flawed theory.”*

So the point being . . . that they went into this whole situation with an agenda, not to report the news, but with an agenda about what the news would be.

So that was the evidence that was left behind, that Dave O’Malley found.

Narration: Dave O’Malley knew he had been set up by the show’s producers. But what angered him more was the fact that 20/20’s reporting had washed all the hate and homophobia out of his investigation . . .

And unlike Dave, 20/20 *hadn’t* been to the crime scene.

Evidence at the end of a dusty dirt road - on the outskirts of Laramie painted a gruesome picture. And Dave knew they were dealing with much more than a robbery. What investigators found was a battle ground where Matthew Shepard had fought for his life.

Blood spatter covered more than twenty yards of gravel, sage brush, and dirt; and Matthew’s watch was found nearly 30 feet from where he was discovered, tied to the base of a buck-rail fence. Investigators also found drag marks etched into the desert floor showing that at *some* point in the attack, Matthew had tried to escape his killers.

For Dave, what he witnessed left *no* doubt about what motivated the crime.

Dave: *When I play back what happened to Matt . . . there are groups of people who want to make that anything other than a hate crime.*

Well it was a hate crime pure and simple in my estimation . . . but, you know, one of the aspects was that this was a robbery gone wrong.

And McKinney’s own statement was that he only had to hit Matt one time to get his wallet. Well Matt was 105 pounds, stood 5-foot-2, I mean just a little, tiny young man. They wouldn’t have had to do that at all.

Well at the point that the wallet comes out the robbery motive stops.

Why do you continue to drive through town, east of Laramie, drag this young man out of a pickup truck, tie him to a buck fence and hit him 19 to 21 times in the head and face with the butt-end of a gun that is literally this . . . this long; you know, an eight-inch barrel plus a cylinder, and everything else; that’s hatred, I mean that’s pure and simple hatred. I mean it’s a concentrated attempt to destroy this kid, and that’s exactly what they did.

Narration: Dave hadn’t always believed in hate crimes; like many of his colleagues, he felt every crime was a hate crime. But he says all that changed in the fall of 1998.

Dave: *It wasn’t just the murder; it was the impact of what occurred during and throughout the investigation.*

When I became involved in the investigation, I was forced to become involved and interact with the gay community in Laramie.

Narration: The tragic death of Matthew Shepard would also have a more deep and personal impact on Dave's life.

Dave: *I was very mean-spirited when I came to the gay community. I mean, I didn't ever physically assault anyone, or anything like that. I didn't go out looking for gay people or anything, but, you know, I did play into all the stereotypes, to all of the myths about the gay community. I mean, "Faggot" came off my tongue as easy as "I love you" did to my children.*

Pause

Dave: *I can't give you a day, or a time, or a reason, but during this process of losing my ignorance, and beginning to forge friendships beyond the professional side, made me realize that I'd spent 45 years of my life precluding a huge group of people from being friends . . . and it hit me like a ton of bricks.*

Narration: Not *only* had Matthew's murder caused Dave to reflect on his own homophobia, what he witnessed in the aftermath of the crime opened his eyes to the wider realities of antigay violence.

Dave: *When Matt was killed you could see . . . I mean the fear and terror in the gay community . . . that fear spread throughout this country. I remember looking at the candlelight vigils, I remember sitting here, you know, and watching . . . and it was just like a kick in the stomach when you finally realize that the hatred involved from McKinney and Henderson toward somebody just simply for who he was could have that kind of impact on that large a group, or person . . . it defined hate crime to me.*

Musical Pause

Mercedes: *You cannot have seen what happened to him and think it was about a robbery.*

And I think people don't want to see what happened to him.

People don't want to . . . you know, to me . . . the most, ah . . . one of the most [Mercedes starts crying] . . .

Sorry, I'm getting a little emotional . . . but . . . when Father Roger says, "Aaron McKinney is more like me than unlike me."

Narration: That *last* part is a little hard to hear. What Mercedes is saying is, "Father Roger says, 'Aaron McKinney is more like me than unlike me.'"

Father Roger Schmit was the parish priest in Laramie the year Matthew was killed. As a central figure in the community, he led candlelight vigils and provided emotional and spiritual guidance

for students and residents. As the prison chaplain, he had counseled McKinney during the death penalty trials. Mercedes says that what Father Roger is saying reflects the ways we try to rationalize the violent sides of human nature.

Here, listen to Mercedes again

Mercedes: *When Father Roger says, “Aaron McKinney is more like me than unlike me;” nobody wants to look at the Aaron McKinney inside of them!*

And nobody wants to do that in our society because it is so difficult to change and to accept the kind of, ah, negative parts of ourselves and really look at ourselves hard. You know, you can put someone in jail for getting on drugs, or you can understand how someone who is not themselves could do this to another human being.

But to think that somebody naked and, and sober can do something like this; it’s so horrifying to people. And that that someone is in their community, going to their schools, and that that someone is them in some way . . . they don’t want accept that. They don’t want to look at it.

ACT 5 – THE CONFESSION

Father Roger

Narration: But Greg *did* want to look at it. As part of the interviewing process for the epilogue play, Greg had asked Father Roger if he should interview McKinney. Father Roger said “Yes,” and offered Greg some advice.

Greg: *He told me, fully confident, that Aaron experienced remorse for what he had done, and I trust Father Roger’s judgment, so you know, he said to me “Ask Aaron about remorse. Aaron needs to talk about remorse for his own journey.”*

Narration: Greg met with McKinney on *three* separate occasions at the Virginia State Penitentiary. Over the course of nine hours, Greg got to know McKinney, asking him about life in prison, what he remembered from the night of the murder, and . . . about remorse.

McKinney tells Greg that the night he killed Matt he had hatred for homosexuals. And while McKinney says he had remorse for his Dad, and for ending up in prison, even for the Shepard family, as far as Matt was concerned, he didn’t have any remorse.

Given Father Roger’s direction, Greg was surprised by McKinney’s response.

Greg: *I certainly wasn’t expecting to hear such a lack of remorse expressed in such a violent way, in such an aggressive way.*

Narration: For Greg, the violence and aggression was reflected in McKinney’s cool and matter-of-fact response that made it feel like all the air went out of the room. After hearing such a cold statement, Greg began to question McKinney’s psychological profile.

Greg: *I'm not a psychiatrist or a psychologist, but he seems like a sociopath to me; somebody who's not capable of experiencing empathy for another person's suffering and so, it's incredibly complex, and the complexity of the problem of homophobia was really what I saw as I was sitting across from Aaron. You know, there's no easy answer.*

Narration: Greg pressed on. He wanted to know what role Matthew's sexual orientation played in the killing.

Greg: *I asked him why he did it.*

And he said, "Well, he was overly friendly and he was obviously gay. That played a part."

It was a very important moment because he's never said on the record anywhere before that one of the reasons that he picked Matthew was because he was gay.

Musical Pause to Epilogue

EPILOGUE – 20/20's FLAWED THEORY

Stories

Narration: One of the goals of *The Tectonic Theater Project* is to explore how people construct stories; to show how our personal narratives and the narratives of our communities are created. That's why Greg and the cast decided to write *The Laramie Project*, to capture history as it was happening in Laramie, Wyoming.

The *20/20* episode, in its repackaging of the Shepard story, set out to prove that homophobia had nothing to do with Matthew's murder.

But, before *ABC* could even air its special, gay rights organizations were speaking out against the documentary, stating the so-called secrets *20/20* hoped to reveal were built on nothing more than distorted facts and quotes taken out of context.

Perhaps the biggest flaw in *20/20's* theory was how they failed to put forward *any* evidence to prove that the only reason McKinney and Henderson killed Matthew Shepard was because of drugs and money.

In the end, Greg says Matthew Shepard's murder is all about the tensions between what *really* happened at the buck-rail fence . . . and the *stories* people want tell about it.

Greg: *People are constructing this narrative with such certainty. You know, it's important to close the play by saying "Yeah, there's this thing and then there's this event, there's this personal, intimate relationship we have with this man, which can reflect homophobia, you know, reflect tolerance and justice and awareness, so what do we want to do? Do we want to tell one story or the other?"*

END
