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## Public sexuality: a contemporary history of gay images and identity

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**PUBLIC SEXUALITY:  
A CONTEMPORARY HISTORY OF GAY IMAGES AND IDENTITY**

A Dissertation

Submitted to the Graduate Faculty of the  
Louisiana State University and  
Agricultural and Mechanical College  
in partial fulfillment of the  
requirements for the degree of  
Doctor of Philosophy

in

The Department of Theatre

by

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Dedicated to  
my parents

Dr. Edith R. Sewell

and

Dr. William R. Sewell & Mrs. Patricia E. Sewell

who inspired me  
loved me and  
supported me

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## **ABSTRACT**

This study is an examination of the public imaging of gay men and lesbians during the latter part of the twentieth and early part of the twenty-first centuries. The study looks at public imaging as it is performed in the service of the political aims of gay people, with an eye towards the kinds of tensions and erasures that occur when one monolithic identity is promoted. Through these examinations, I create a kind of contemporary history of the gay political rights movement.

In the study, I examine theoretical approaches to identity from several postmodern theorists and then use these approaches to support my work in the three chapters. In each chapter I focus on one site of gay identity performances: Southern Decadence in New Orleans, the murder of Matthew Shepard, and the decriminalization of sodomy. At each site, I examine the event, the various identities presented, and the tensions and erasures that result from the specific identity performances. In conclusion, I envision a political movement which is inclusive of multiple identities - not just those which fit a predetermined conservative public presentation.



## PROLOGUE

### **PUBLIC SEXUALITY: GAY IDENTITIES IN AMERICA**

The notion of the melting pot into which the specific cultures of immigrant citizens are thrown is a powerful mythic image in this country. While the romanticized version of the immigrant who has divested foreign influences in order to forge a new American identity is certainly compelling, cultural critics have found such a monolithic identity to be problematic, at best. In becoming American, individuals and groups may find their cultures being erased. Becoming American almost seems a metaphor for accepting the majority's view and the majority's culture. In the acceptance of that view, however, an ethnic or social minority group finds that their political power is lost - consumed by the *political will* of the majority.

Since the dawn of the American history, groups of people have united around an identity for the purposes of achieving public political gains. In this study, I explore gay group identity and its role in the public sphere. I examine three sites at and around which gay people have promoted an identity and the political aims that are related to each of the sites. Specifically, I examine gay public relations as manifest in attempts to self-fashion a group image for political ends. Using Southern Decadence in New Orleans, the murder of Matthew

Shephard, and the decriminalization of sodomy, my examination has two axes: 1) the fashioning of an image to be presented to the mainstream, and 2) the in-group tensions and self-policing that occur as a result of the public imaging. At these three sites, it is possible to uncover and examine differing conceptions of gay identity, different political strategies, and different images of gay people.

Recently, cultural studies scholars have questioned the use of monolithic identities as poles around which to activate groups for political purposes. For instance, Judith Butler writes,

[ . . . ] identity categories tend to be instruments of regulatory regimes, whether as the normalizing categories of oppressive structures or as the rallying points for a liberatory contestation of that very oppression.

("Imitation" 13)

Butler recognizes the "normalizing" nature of identity groupings. Popular understanding of gay people, for instance, suggests that they all are socially liberal; however, some members of the Log Cabin Republicans<sup>1</sup> are social conservatives on issues they see as unrelated to gay rights. Butler seems to also see the political (contestatory) potential of identity groupings (even though the "rallying points" are also written off as "regulatory regimes"). In the politics of our "actually-

existing democracy",<sup>2</sup> all kinds of identity groups have found that coming together for the purpose of political activism is an effective strategy.

The advancements in gay rights in the last part of the twentieth and first part of the twenty-first centuries prove this point. Having begun as part of the political left, gay activism took a dramatically different turn near the end of the AIDS crisis.<sup>3</sup> After coming out of the closet and taking to the streets to demand recognition of gay people, political consciousness increased as did attention to public self-fashioning - that is to say, fashioning images of gays for mainstream consumption. Within the community, self-fashioning for public consumption created tensions surrounding proper images for presentation, as well as concern about the erasures caused by the presentation of these images. This project aims to create a contemporary history of the gay political movement through examining three sites of such self-fashioning to uncover the political strategies behind the self-fashioning as well as the tensions and erasures resulting from public imaging.

### ***E Pluribus Unum*: The Deconstructive Project and Identity Performance in the Public Sphere**

Banding together in a group for the purposes of political action seems to be antithetical to one of the country's most common mottoes: *E Pluribus Unum*.<sup>4</sup> The phrase is variously

translated as "One Unity Composed of Many Parts" (Murray, par. 8), "One Out of Many," or "Out of the Many-One" ("FAQs," question 7). Reading the various translations of this phrase reveals two competing mythic images of America: the myth of the melting pot and the myth of a pluralist society.

The translation provided by the U.S. Treasury on its website ("One Out of Many") is most indicative of the American myth of the melting pot. According to government documents, especially one written by the Department of State in 2003, the motto represents the fact that many states are combined to form one union ("The Great Seal," 15). We should probably be surprised that Congress required the motto be printed on our currency - given the anti-federalist stances of many of the country's founders. The official translation suggests that the governments of the many states are subsumed by the federal government. The Great Seal is quite clear in its federalist intents - these thirteen states are part of one central federal government, ruled by a chief. In considering the motto as it might apply to the citizenry of the United States, I find it essentially idealistic, suggesting that many voices can, in fact, merge, somehow becoming one voice speaking the will of the people - the majoritarian melting pot, if you will.

The second translation, "One Unity Composed of Many Parts" (Murray, par. 8), suggests a different reading: a pluralist

notion of America. One Unity Composed of Many Parts, as a pluralist statement, reads almost as if it were meant to support current proponents of multi-culturalism. Their argument is that, despite the also prominent myth of the melting pot, groups of people (immigrants, African-Americans, gays), in fact, have histories and cultures all their own. Each of these cultures forms one part of the American cultural landscape. Rather than an American fondue, if you will, all of these cultures mix to make a stew - the vegetables retaining their color, their shape, and their individuality. In his book on the incorporation of ethnic immigrants into American society, *The American Kaleidoscope: Race, Ethnicity and Civic Culture*, Lawrence Fuchs describes current America as a society "in which individuals are free to express their ethnic interests within a framework of civic culture" so that ethnic diversity becomes a source of civic unity (xviii).

The two readings inform, I think, the battle over "identity politics" within the American public sphere.<sup>5</sup> In a democratic melting pot, the majority rules, and minority voices are subsumed - the identity of the majority becomes the American identity. The particular political desires of the minority are not addressed. In a pluralistic democracy, on the other hand, groups maintain their identities (or cultures) as points around which to group together and achieve their political aims.

However, the danger in identity groupings so adequately pointed out by Judith Butler is the erasure of individual identities in service of those normalizing regimes. Moreover, tensions are engendered over the "proper" public image to put forward in order to achieve the particular political aim.

In an article which, in part, discusses scholarship of the Black diaspora, Cornel West argues against the essentializing nature of the identity category "Black," as if the term itself can somehow encompass the identities of all of the people within the category. He writes,

Any notions of "the real Black community" and "positive images" are value-laden, socially-loaded and ideologically-charged. To pursue this discussion is to call into question the possibility of such an uncontested consensus regarding them. (73)

Similarly, the identity category "American" is also a category in which non-majority political voices are lost. The major contribution, I think, of postmodern theory is to call into question the nature of identity categories. To continue with West's line of reasoning, such categories are politically and culturally constructed.

The essentializing nature of identity categories is true, of course for gay identities as well. For instance, some bisexuals have been vocal in their opposition to being included

in a group that, by its very name, erases their identities. A recent article in *The Advocate* (a nationally distributed gay and lesbian magazine) reported that universities are now seeing the emergence of new bisexual student groups because, as one student at Dallas's Southern Methodist University related, "There's no room for the grayness of bisexuality when gays try to fit into the black-and-white world of the straight mainstream" (36).

Many gay and lesbian groups have, therefore, worked to be more inclusive of bisexual and transgendered people. For example, the Lesbian and Gay Theatre Focus Group of the Association for Theatre in Higher Education recently changed its name to the Lesbian, Gay, Bisexual, and Transgendered Focus Group of the association (interestingly, dropping the reference to theatre altogether). This change in name expressed a need for the community of people interested in the theatre of alternative sexualities to be more inclusive and to begin to address the sometimes non-inclusive history of the "gay and lesbian" movement. The move to become more inclusive, to address inequity along political, economic, racial, or gendered lines, is what Alan Sinfield heralds as the beginning of the Post-Gay movement - a name which somehow also collapses distinctions into "one" (6-13).

Granting there is no essential gay identity problematizes forming a collective identity for political action. Although

deconstruction has directly questioned essential identities, Cornel West notes that its inquiries are problematic for people engaged in political struggle: "The major shortcoming of Derrida's deconstructive project is that [ . . . ] it tends to preclude analyses that guide action with purpose" (75). Judith Butler, on the other hand, sees a kind of liberation when one is freed from using an exclusionary identity as a basis for political action ("Feminism" 155).

Political activism, I think, almost requires an essential identity. Certainly, no one identity can serve to categorize every gay citizen in America. Many individual gays do not agree, for instance, with the goals advanced by national gay and lesbian political organizations. Yet, at some level, all gay citizens stand to benefit from the passage of hate crimes legislation or the decriminalization of sodomy. Still, an essential identity - one that is promoted in mainstream culture - creates inter-group tensions and threatens the erasure of some of the group members' individual identities. These erasures must be subject to critique; in a pluralist society, multiple identities should flourish while still allowing for coalitional political gestures.

Despite the tension between the deconstructive project, which questions human agency, and the essentializing nature of an activist political stance, I use deconstruction's tenets to



examine modes of identity-performance used by gays in achieving certain political goals. Thus, I alleviate some of the tension between theory and activism. Jill Dolan, in her book

*Geographies of Learning*, accurately characterizes this divide:

In lesbian/gay/queer studies, the theory/practice split opens a divide between academics and activists [ . . . ] activists more and more dismiss the pursuit of theoretical insight as elitist and irrelevant to the direct action they engage around [ . . . ] social issues. (3)

Dolan attempts to map the terrain between the theory/practice divide in gay and lesbian studies/activism and in theatre studies. Ultimately, Dolan's aim is to theorize how the practice of theatre might lead to a fuller understanding of gay and lesbian issues. Like Dolan, I want to bridge the divide between academics and activists through an examination of identities as performances.

In a blending of theory and practice, Butler seems to want to use the "deconstructive project" to help inform the political movements of minority groups. These political movements are often classified under the rubric, "identity politics."

However, that term is all too often used to castigate political movements that seek some form of redress from the government.

One such slam comes from Wendy McElroy, a regular FoxNews contributor who identifies herself as an individualist feminist.

In an article titled "Identity Politics Dismisses Shared Humanity," McElroy defines identity politics as "the approach that views group identity as the foundation of political analysis and action" and names it a "politics of exclusion and group separation" whose movements have "wrought [something] upon society" (McElroy, par. 1). Where McElroy's tone is antagonistic, Butler sees political emancipatory potential in groups of people who have banded together around a common identification and coins the defining term "coalitional politics." With this term, Butler hopes to suggest that coalitions of people may form around identities and issues while refuting the notion that a singular gay/lesbian category can describe "the constituency for which" the gay/lesbian political movement speaks ("Feminism" 166).

Examining a political movement based on an identity grouping requires an extensive examination of the ideas advocated in Judith Butler's work. Her discussions of performance and the performative are central to the processes undertaken by gay people and the gay political movement. Announcing one's gayness is a public, declarative, and thus performative, act, beginning one process by which gay people reclaim their identities. Through use of the performative, gay people undertake the process of resignification, or reinterpreting the monolithic identity imposed upon them by the

mainstream culture. This reinterpretation is central to the advancement of the gay political agenda.

Butler addresses this process of resignification, and she suggests that we cannot determine the original meaning of the sign, for there are a range of "signifying possibilities that exceed those to which the term has been previously bound" (*Psychic Life* 94). The debate around the use of the word "queer" as a descriptive term for the gay community is on point here. Prior to the reclamation of the term by gay and lesbian theorists and gay political activists, queer was used as an epithet hurled at gay and lesbian individuals to mark them as outsiders, not part of mainstream culture. By taking on that sign, gay theorists and political activists found uses for the term that exceeded the signifying possibilities inherent in it prior to its reclamation.

One of the problems with the use of the term "queer" as it relates to both activism and theory is its essentializing nature. "Queer" threatens to collapse the distinctions identified by the "and" in gay and lesbian. Gay male identities and lesbian identities must be seen, I think, as separate, in order to avoid creating the kind of monolith that this study argues against. The reader will note that, outside of the present discussion of the term "queer" and some references to political organizations such as the National Gay and Lesbian

Task Force and the Human Rights Campaign, I have taken great pains to avoid using the descriptor "gay and lesbian" primarily because I focus on gay male identity.

Certainly, some political goals such as the passage of hate crimes legislation, state-sanctioned gay marriage, and the decriminalization of sodomy are common to both gay men and lesbians. Thhe joining together of gays and lesbians in the public sphere around these goals is politically advantageous. On the other hand, there are some points where gay and lesbian political goals may be divergent. For instance, gay men's political interests are served when national organizations lobby the government for AIDS research funding. Incidence of AIDS in lesbian populations is much lower than that of breast cancer. Lesbians' political interests may be better served by lobbying for more breast cancer research funding. The use of the term "queer" to describe these sometimes divergent identities threatens to collapse distinctions into one, something this study wants to argue against.

My discussion of "queer" and its erasure of specific identities points to other erasures common in gay political discourse. While clearly beholden to the African-American civil rights and women's rights movements for a political roadmap, current cultural constructions of gay identities often erase gender, race, and class from gay political discussions. For

instance, participation of African-Americans in Southern Decadence is relatively limited. Cultural images of gay male African-Americans are limited to the gay best friend or the feminized gay male. The choice of Matthew Shepard as a surrogate for hate crimes victims erases black and non-middle class people, while the reliance upon him as a surrogate also erases more gendered surrogates such as Brandon Teena (the transgendered man who was killed because of his relationship with a woman). These erasures must be critiqued as part of any discussion of gay male identities. In references to women or African-Americans, I call on the similarities between the subaltern counter-publics, but I do not want to suggest that the political struggles are necessarily the same.

Butler's work on the performative, especially as it relates to minority groups like women and gays, is central to the study. In a process similar to Butler's resignification, the political project of the gay community has been to reinterpret or reimagine the series of codes and norms which attach to individuals who make the performative statement, "I am gay." This study finds that a subject (or a group of subjects" can in fact recreate the series of codes and norms that attach to them when they make a performative utterance. In fact, I would argue that nearly the entire gay political movement has been, in part, about this process of resignification.

Butler wants to distinguish performativity from performance; the act of coming out, however, is also inherently theatrical. Whereas performance almost certainly requires an audience of some sort, the performative act can happen when no audience is attending to that act. In *Bodies That Matter*, Butler references the biblical rendition of the performative - "Let there be light!" According to her example, God brings light into being. Thus, "by virtue of the power of a *subject* or *its will* [ . . . ] a phenomenon [in this case, light] is named into being" (*Bodies* 13 emphasis added). At its heart, the performative act is declarative.

When a subject calls something into being through declaration, he is, in fact, "[reiterating] a norm or a set of norms" (*Bodies* 12). In other words, when one announces, "I am gay," that announcement calls upon an entire, pre-existing set of codes, citations, or norms that inform the listener's definition of the term ("gay"). This announcement, I suggest, most often happens in front of audience. This particular declaration also, therefore, falls within the basic definition of performance - an act with an intended message executed for an audience.

Other performative acts may or may not fall so easily with the definition of the theatrical. According to Butler,

[The performative] is not primarily theatrical; indeed its apparent theatricality is produced to the extent that its historicity remains dissimulated (and, conversely, its theatricality gains a certain inevitability given the impossibility of a full disclosure of its historicity).

(*Bodies* 12-13)

Butler's use of the word, "theatricality," crystallizes my point. Two connotations of the word theatrical are at play. While I am using the connotation tied to performance (theatrical is "of the theatre), Butler's use of the word connotes the hysteric nature of the performative acts, which she also calls "authoritative speech [acts]" (*Bodies* 225); the performative is only dramatic because we cannot define its history. For Butler, we must historicize performative, declarative acts (related to gender and sexuality), but uncovering the history behind such an act is difficult, at best. The performative becomes theatrical (or dramatic) because of the inability to clearly historicize the act. The declarative, "I am gay," can most certainly be seen as theatrical in both senses. As I later show, the declarative is often performed for an audience, and the term "gay" carries various meanings throughout history.

In making the declaration, a gay person is violating a taboo. Butler's examination of the Freudian incest taboo points to the cultural proscription against homosexuality, which has

ultimately led to its privatization within the public sphere. In Butler's reading of Freud, the taboo against incest prompts two prohibitions: the heterosexual prohibition against the boy's choice of the mother as love object and the homosexual prohibition against the boy's choice of the father (*Gender Trouble* 58-9). Freud's writings seem to hold that the bisexuality of human beings at birth means that the homosexuality taboo takes place prior to the incest taboo. Butler interprets Freud:

In effect, it is not primarily the heterosexual lust for the mother that must be punished and sublimated, but the homosexual cathexis that must be subordinated to a culturally sanctioned heterosexuality. (59)

Granting Butler's interpretation of Freud means that the homosexual taboo is inscribed in the process of gender identification from the beginning of a human's psychic life; coming out, in public, questions the system of gender identification on which so many cultural notions are built.

Given all of Butler's contributions, however, I still find her conception of the performative lacking a full understanding of the public sphere. What I will call the declarative "I am" happens *in public*. To be clear, the performative comprises the declarative statement, but this particular performative, the declarative "I am gay," happens in front of audience. The



actor-audience dynamic is, of course, central to the idea of performance. Recalling Butler's biblical performative, one cannot imagine an audience (other than perhaps the ether or the angels, other heavenly bodies both) listening to the voice of God as he spoke. While one might imagine a gay man or lesbian coming out, silently, to themselves, there is really no danger or political force in doing so. Thus, the gay performative is performance, because the speaker of the "I am" is speaking to *someone*.

Eve Sedgwick's *Epistemology of the Closet* clarifies my position. In the introduction to her text, she compares two binary separations: public/private and closet/coming out. In the closet, one keeps one's identity a secret, thus keeping it within a culturally imagined private zone (72). When one comes out, one exposes his or her own identity, making what had been construed as private suddenly part of public discussion. I want to use Sedgwick's critique of this binary separation to further suggest that the gay political movement has hinged on the ability to straddle the boundary between public and private - moving an identity, previously construed as private into the public sphere. In short, I want to argue that the performance of identity in the public sphere is necessarily political.

Throughout this study, the term political is used with various connotations. Above, for instance, performing

identities in the public sphere is political because it happens *in public*. Performing a specifically gay identity in the public sphere may be doubly political; that is to say that the performance is political because it is public, but it is also political (in an agitational sense) because cultural dialogue - prior to the gay rights movement - has worked to exclude these performances. Conversely, a heterosexual identity and the concurrent assumption of the naturalness of heterosexuality suggest that the performance of that identity is only political when used in opposition to the performance of gay identities. For instance, in the current political debate over gay marriage, the naturalness of heterosexual marriage is performed in opposition to the somehow unnatural union of two men or two women.

Butler seems to address the public nature of the performative act, writing that the performative act is citational; she writes of the judge who "cites the law that he applies" and notes that it is this citation which provides the power to the judge's statement. Accordingly, it is the citation which forms the subject, for "recognition is not conferred on a subject, but forms that subject" (*Bodies* 226).

Herein resides my divergence from Butler's argument. Butler's reliance on citation or recognition denies the existence of a pre-determined subject, one who - from the

beginning - acts on the world around them. Yet, in publicly performing the declarative, gay people work to re-code themselves either within or against the promoted monolithic gay identity. I argue that within the public sphere and through resignification, identity groups work to achieve their own political aims through citing themselves as subjects worthy of consideration by the larger mainstream public.

Some critics have argued that the only basis for gay political agitation is the performance of their sexualized identities in the public sphere. In their essay, "Sex in Public" Lauren Berlant and Michael Warner suggest that the goal of the queer<sup>6</sup> political movement is and has always been to change attitudes about non-heteronormative sexualities. They are thus placing political performances of gay identities squarely within the public sphere. Berlant and Warner propose that

[ . . . ] the heteronormativity of US culture is not something that can be easily rezoned or disavowed by *individual* acts of will [or] by a subversiveness imagined only as personal rather than as the basis of *public-formation* [ . . . ] (367 emphasis added)

As I suggested above, the mainstream culture's heteronormativity is not challenged when a single *individual* identifies as gay or lesbian. Subverting that heteronormativity might certainly be a personal goal, but Berlant and Warner see such subversion as the

basis of creating a public - that is to say a group of people who are working towards the achievement of public, political goals.

In this argument, I am supported by Nancy Fraser's reformulation of Habermas's public sphere in light of "actually existing democracy" ("Rethinking" 518). By allowing only certain groups of people access to public debate, the public sphere as conceived by Habermas serves as an instrument of control. Because other groups are denied access to the "theatre [of] political participation" (the public sphere), those groups cannot achieve their political aims. Fraser terms these other groups (like gays, feminists, African-Americans) subaltern counter-publics. According to Fraser, the real goal of any subaltern counter-public, as part of the larger "indeterminate, empirically counterfactual body" ("Rethinking" 528) she calls the "public at large," is to disseminate (and through that dissemination to work to control) the discourse about one's own counter-public within the public sphere.

In the current debate over allowing gays to participate in state-sanctioned marriage contracts, for instance, gay men and lesbians have worked to publicize the large number of benefits such marriage contracts grant to heterosexual couples: rights of financial survivorship and tax advantages and health insurance assistance. Less tangible non-economic rights include

the right of a surviving partner to care for a couple's children when one partner dies and the right of a partner to visit his or her significant other in the hospital. The success of Vermont's civil union legislation is, I think, indicative of gays and lesbians wresting public control of the discourse about the issue in a struggle for what Fraser terms "participatory parity" ("Rethinking" 524) in the public sphere. Access to the public debate becomes possible as the gay subaltern counter-public finds a "space of withdrawal and regroupment" and a "training ground for agitational activities directed toward wider publics" ("Rethinking" 528). In other words, in gay communities, the debate emerges as one through which to publicize an image conducive to efficacious political gain. For instance, while many gay men and lesbians are not coupled with significant others, the image that is put forward to advance the larger culture's debate over gay marriage is that of long-term committed couples. By creating a space in which these things can be debated internally before (or during) their presentation to the larger (mainstream) public, the gay political movement is able to gain participatory parity in the public sphere.

This contemporary moment in the gay political movement, then, is tied to a conception of gay identities which parallel the theories of Fraser and Butler. In Butler's performative act, I see a first step in the formation of gay identities, both

individually and communally. I mean to suggest that the announcement of one's identity (or difference) begins the process by which he or she can begin to reinterpret the codes and norms that form the larger public's understanding of that identity. Communally, as larger numbers of people participate in the performative announcement of difference, Fraser's subaltern counter-public is formed around that difference and serves as a space for debate amongst members of the group - debate that ultimately provides an advantage in the public sphere. The process of redefining gay identities in the public sphere is, then, a political process - one with the ultimate goal of ensuring the equality of gay citizens. Through this process, gay people have found the means to achieve the promise inherent in the translation of *E Pluribus Unum* that reads "One Unity Composed of Many Parts." I find in this translation the ultimate goal of all subaltern counter-publics: the goal of achieving full citizenship while maintaining different cultural identities.

### **Three Sites of Gay Identity Performances**

An examination of Southern Decadence (an annual gay street party in the French Quarter), the public memory of Matthew Shepard (the victim of a hate crime whose murder spawned national media attention), and the United States Supreme Court

(as a "creator" of gay and lesbian identities through its written decisions) reveals:

- (1) the images that were (and are) put forward for mainstream viewers and the political messages which those images supported and
- (2) the inter-group debates over the meaning of those messages for the gay and lesbian community, itself.

The process of reinterpretation of gay identities is an historical process, and one that is fraught with inter-group contestation over the "proper images" to put forward in the public sphere. With each of the three sites as focal points, I use articles written in both the mainstream press and in the popular gay press to explore the public imaging of gay people in the mainstream and the internal debates that such imaging causes. I also examine culturally specific documents. For instance, at Southern Decadence, I found a flyer revealing internal tensions over "proper" public images. In the case of the public memory of Matthew Shepard, I examine *The Laramie Project* as one strategic utterance used by the gay community in the promotion of Matthew Shepard as a surrogate for victims of hate crimes. In the final chapter, court documents and legal scholarship informs my argument about the attempt - within the public sphere of the court - to resignify gay identities.

Briefly, Southern Decadence is a party that began in the early 1970s in the French Quarter of New Orleans. In its earliest days, it was characterized as shocking; more than that, though, the party clearly served as a space for the performance of gay male identities in a public space. While not particularly activist, the very presence of these larger than life gay identities in the public space (at the beginning of a political movement) is metaphorically similar to the confrontational political stance of the gay community during this early phase.

The French Quarter during Southern Decadence most easily fits my conception of a "site." Chapter one, "Taking it Public," will explore how the party has changed and how the various performances of identities have changed - or not. As a result of the broad exposure to both a larger gay community and to the mainstream, this event has prompted internal debate about whether or not appropriate images are being presented and performed at Decadence.

I also examine the French Quarter as a sex zone, a metropolitan area in which sexualized identities are more easily explored. The movement toward cities was a result, according to John D'Emilio, of the rise of capitalism (and the individual) over the family-based agrarian economic system of the mid- to late-nineteenth century. In short, D'Emilio argues that the



individual was able to separate him- or herself from the family. This separation created the condition in which a gay identity could flourish. Cities served as a place to explore these identities away from the strictures of family life. These spaces within the city served as safe spaces, if you will, for the expression of gayness ("Capitalism" 470-1).

The second site I examine is not a physical site. Instead, it is most easily defined as the site of public memory. Chapter two, "Standing in for . . .," focuses on the death of Matthew Shepard and the creation of an effigy that served, in surrogation, as a symbol for gay men across the country. Moreover, Shepard - the symbol - has remained a site of contestation with various groups working to promote Shepard as a "stand in." I examine the historical shift that likely occurred around the time of Shepard's death, a shift in focus from the kinds of gay visibility provided by street demonstrations to a more calculated creation of images for public consumption. Some cultural critics have argued that this shift, which included the creation of an effigy, actually served to damage the political goal of the passage of hate crimes legislation. I also examine the work by other subaltern counter-publics to reformulate Matthew Shepard's image in effigy - an effigy which ensures Shepard stands in only for the "degenerate nature" of homosexual people.

In chapter three, "Criminal Queers," I examine two of the sodomy-related court cases heard by the justices of the Supreme Court. Through an examination of the legal strategies used by those arguing for the abolition of laws criminalizing sodomy (the only sexual option available to gay and lesbian people), I uncover a different kind of normalizing regime. The written opinions of the Supreme Court are one normalizing force in our democracy. For instance, the Supreme Court's binding opinion in the well-known *Roe v. Wade* case decriminalized abortion - thus, it normalized (in this case, made non-criminal) doctors who performed the surgical procedure. The pursuit of decriminalization, then, is the pursuit of normalization.

I use Nancy Fraser's work in this chapter to suggest the process by which subaltern counter-publics achieve notice of their politicized (i.e.: publicized) needs. Once a need (or a political goal) of a counter-public is recognized, the counter-public can begin to seek the fulfillment of that need (or reinterpretation of that need) in the halls of government - the arbiter of the public sphere. This seeking of recognition is also a seeking of normalization on a cultural scale. I look at the various legal strategies used in the two sodomy law cases to come before the Supreme Court of the United States - *Bowers v. Hardwick* in 1986 and *Lawrence and Garner v. Texas* in 2003. The two cases had decidedly different outcomes, and the cases hinged

upon the very construction (or not) of a sexualized identity. I theorize as to the possible gains and losses of this move towards normalization.

At various points in this study, I refer to a gay identity as a sexualized identity. The gay male identity is invariably tied, I think, to the earliest constructions of the homosexual male as a man who has sex with other males, which is part of the abnormalization of the homosexual. To address the cultural proscription against homosexuality, then, the initial phase of the gay rights movement was simply about saying that gay men exist and that gay men's sexual choices are normal. The promotion of an identity based on sexual acts was relatively common. A person's identity seemingly revolved around who that person chose as a sexual partner. However, over the past thirty years of resignification of gay identities, multiple codes have attached to the word "gay." In other words, choosing to self-identify as a gay male has become more than publicly indicating one's sexual object choice; being gay is about being "who I am" versus about being "what I do" sexually.

I have chosen these three sites for exploration because they each seem to be tied to political goals. At the beginning of Southern Decadence, for instance, the goal seemed to be simple visibility. The national gay and lesbian political movement had, by the time of Matthew Shepard's death, identified

the passage of legislation that provided for stiffer sentencing for hate crimes as a political goal. Finally, at least since 1986, the decriminalization of sodomy (and thus the resignification of gay and lesbian people as non-criminal) has been the goal of at least one national gay and lesbian legal/political organization.

In the context of this contemporary history, cultural documents (i.e., newspapers, magazines, websites, plays, court documents) are indicative of the debates that go on within the public sphere around the sites I define. A site is, according to Joseph Roach, a behavioral vortex, which he explains is

[ . . . ] a center of cultural self-invention through the restoration of behavior [ . . . ] a zone or district for transgression, for things that couldn't happen otherwise or elsewhere. (28)

Roach's definition of a behavioral vortex is tied, I think, to the notion of a space for a subaltern counter public. For instance, one vortex he identifies is Congo Square in New Orleans, a site where the everyday practice of slaves and free African people was "legitimated, 'brought out into the open,' reinforced, celebrated, or intensified" (28). We can see the sites of cultural performances of all subaltern counter-publics (including the gay subaltern counter-public) as behavioral vortices.

Most of Roach's behavioral vortices are located in physical places. My expansion of the concept includes other spaces where all sorts of cultural performances happen. Roach argues, "Vortices of behavior tend to occupy liminal ground" (64). Thus, the ground, the site, and what happens in it become open to interpretation either by official discourse or by the subaltern counter-public that performs in the liminal space. For instance, the drag queen is simultaneously a shocking and abnormal image to mainstream audiences and a fun and campy image to those within the community. The debates over image are really debates over the proper interpretation of events that happen within behavioral vortices.

In each of these sites, I have also located a specific political goal around which the debates seem to coalesce. The goals seem to follow a trajectory of the gay and lesbian political movement - one which begins with the political goal of simple visibility (Southern Decadence) continuing through the other political goals I have identified. This trajectory is somewhat chronological, though uneasily so. For instance, Southern Decadence began two years following the "birth" of the gay and lesbian civil rights movement (commonly assumed to be the riots at New York's Stonewall Inn in 1969) but it continues to this day. The nature of Southern Decadence has changed as the political landscape has changed. Likewise, the public

memory of Matthew Shepard (October 1997) continues to be a hotly debated topic, both within and without the gay community.<sup>7</sup> In the final example, while the decision by the U.S. Supreme Court to overturn a Texas sodomy law was issued in 2003, the gay and lesbian community has pursued decriminalization of sodomy at least since 1986.

As we see, locating these sites along a chronological history is difficult at best. Still, we can see a shift within the political movement from an overtly activist phase to a more assimilationist approach as the history of the gay rights movement progresses. In truth, even locating the beginning of a gay and lesbian civil rights movement is difficult. Although commonly thought to begin with Stonewall, the political movement named "the gay rights movement" actually has roots in organization of homosexual men and women as early as the beginning of the twentieth century. John D'Emilio, in an afterword to the 1998 printing of his groundbreaking study, *Sexual Politics, Sexual Communities: The Making of a Homosexual Minority in the United States, 1940-1970*, notes that one of his major points of emphasis in writing the text was that "gay and lesbian life [as commonly assumed] didn't start with Stonewall" (250). Rather, there was already a rich and varied culture in place that may have contributed to the riot at the Stonewall Inn,<sup>8</sup> but did not begin there.

## **Gay Identities in the Public Sphere**

Exploring three different sites at which public imaging of gay people and identities occurs uncovers a kind of chronology of the gay rights movement from an initial goal of simple visibility through the later political goals of the passage of hate crimes legislation and decriminalization of sodomy. As the tactics of the movement shifted, certain public images of gay people were put forth in service of these tactics. These normalizing images created internal debates about the erasures of certain types of people they caused as well as about the political goal they advanced. In the end, the gay rights movement has, I argue, been about working towards full citizenship for gay people in terms of achieving certain political rights granted to heterosexuals.

Obviously, this work is situated squarely alongside other postmodern theoretical approaches to understanding culture and politics. I am unaware of other studies which have focused on the specific strategies for the presentation of gay public images and the kinds of inter-group contestation that those images cause. In each chapter, I have used the intellectual models provided by these postmodern thinkers to elucidate the gay political movement. My attempt is to bridge the theory/practice divide between liberally identified thinkers such as Sedgwick, Butler, and Fraser and gay and lesbian

political activists. Furthermore, in the examination of the specific strategies as a sort of road map for political activity, I hope that multiple publics can use this study as a tool for the achievement of their political goals. In the final analysis, however, I think this study ultimately argues for the multiple nature of gay identities - identities not so easily classified under one large rubric.

## Notes

<sup>1</sup> The Log Cabin Republicans are self-identified gay people in the Republican Party.

<sup>2</sup> I borrow the phrase "actually existing democracy" from Nancy Fraser ("Rethinking" 528).

<sup>3</sup> In the cultural imaginary, the AIDS "crisis" is construed to have ended with the development of AIDS drugs which changed the disease from one which resulted in death to one which could be managed through the continued, regular use of pharmaceutical interventions.

<sup>4</sup> The phrase was first required on U.S. Coins by the Coinage Act of 1873, but had been used on coins since 1795 - a mere 19 years following the signing of the Declaration of Independence. Even following the passage of the law, the phrase did not appear on all coins. Apparently, the mint did not initially read the 1873 law as mandatory. John Adams, Benjamin Franklin, and Thomas Jefferson initially proposed the phrase as a motto for the United States on August 10, 1776 (<http://www.atheists.org>) and it became part of the seal of the United States in 1782.

<sup>5</sup> While the public sphere as characterized by Habermas has its merits, I do not mean to call on his concept in total, as will become clear.

<sup>6</sup> Berlant and Warner are recognized as two of the first in the field now recognized as queer theory - a field that attempts to



use critical theory in an engagement with queer identities. The use of the word "queer" is meant, I think, to suggest multiple identities which do not fall within heteronormative relationship categories.

<sup>7</sup> In a 20/20 episode, Elizabeth Vargas argued Shepard's murder was not a hate crime (Graham par. 8).

<sup>8</sup> The Stonewall Inn is the name of a bar in New York where a group of gays and lesbians fought against police who raided the bar in 1969.

## CHAPTER ONE

### TAKING IT PUBLIC: PERFORMING GAY IDENTITIES IN NEW ORLEANS

In order to achieve political gain, the first step for an identity group must be the publicization and politicization of their needs. In the case of the gay community, that politicization required another sort of step - coming out - making public their identities as people who desired others of the same sex. During the earliest phase of the rights movement, the mass publicization of these identities was, I think we can safely assume, a shock to the mainstream culture.

Southern Decadence represents a kind of coming out for the gay male community in South Louisiana. Lesbians, by and large, do not participate in Southern Decadence. During my most recent participation, I only witnessed six to ten women there without groups of gay men. Although lesbian bars present events which might draw a crowd that weekend, many participants with whom I conversed indicated that lesbians shied away from the event. For instance, an ad for Rubyfruit Jungle, a now-defunct lesbian bar in the Quarter but outside of the gay section, indicates bar owners gave away a Cannondale bike through a raffle on the Sunday night before Labor Day in 1997. Southern Decadence is predominantly a gay male phenomenon.

Occurring every Labor Day weekend, the Southern Decadence parade, reveals a kind of coming out, a kind of publicization of a gay identity. Roberts Batson, known colloquially as New Orleans' gay historian (both because he is a historian who is gay and because his project is uncovering the history of gay people's participation in the life of the French Quarter), identifies the beginning of Southern Decadence as the year 1972 (very early in the gay rights movement, commonly assumed to have begun just two years earlier.<sup>1</sup>) In New Orleans as in other urban areas, however, gays had lived in the French Quarter prior to the Stonewall riots; the website, [gaymardigras.com](http://gaymardigras.com), indicates that the first gay Mardi Gras krewe began in 1958 ("Brief History," par. 25). Still, Southern Decadence, in its earliest phases, served as a public presentation of contemporary gay identities.

In the thirty-two years since, Southern Decadence has grown into an annual party similar to gay pride parades in other parts of the country. In this chapter, I examine the phenomenon of Southern Decadence with a particular eye towards the public images of gay men presented during the weekend-long festivities. These public images serve as spaces for dialogue between the mainstream (heterosexual) community and the gay community. I also examine the inter-group tensions that are caused by the public images presented. In the final analysis, I want to

suggest that Southern Decadence, although it has been interpreted as an insular phenomenon, has a political impact on a broader scale and provides an inclusive space for a broad range of gay identities.

The 1972 party was, most decidedly, not intended to serve a political purpose. Initially a private party, it was invitation only and meant for friends of Michael Evers, a young man who was soon leaving town to return to his home in Michigan. Party-goers were encouraged to dress as their favorite Southern Decadent - à la Tennessee Williams, Carson McCullers, or Truman Capote, and perhaps one or two Southern belles (Figure 1A). A group of friends who lived together in a house in the Treme district (at 2110 Barracks St.) threw the party, and the unofficial inauguration of the parade occurred when all at the party left the house and paraded through the streets to Café Lafitte's, then known as Matassa's. The revelers had such a good time at the party that they had another two weeks later and again the next year. This time, they began the party at the bar and marched back to the house, aptly named Belle Reve, after the plantation Stella and Blanche lost in *A Streetcar Named Desire*. In 1973, the first Grand Marshal was selected, and that position remains to this day the only formal kind of organization the event can boast. Now, the phenomenon of Southern Decadence

spans the entire Labor Day weekend and is attended by large numbers of gay men from all over the country.

As this brief history suggests, Batson does not uncover any specific desire on the part of the initial revelers to advance a political statement. That no such desire is revealed in the history raises one of the central questions of this chapter: Is Southern Decadence truly a political gesture? Even from the beginning, stepping into the streets as these revelers did was indeed a political act. John D'Emilio reports the perception promoted by early gay activists that "A vast silence surrounded the topic of homosexuality, perpetuating both invisibility and isolation" (*Sexual Politics* 1). Coming out - stepping into the streets as a gay person - was and remains a political act because of this invisibility across the cultural spectrum in media and public discourse. In this vein, Southern Decadence can be regarded as a microcosm of the gay political movement. That movement began, first, with the political statement of "existence." Today, the movement is a larger, more inclusive movement that further demands the recognition of the rights of gay citizens. Today, Southern Decadence likewise serves as a site for the performance of multiple gay identities and is one reason the New Orleans gay community is recognized for its contribution, at least economically, to the city.

Some want to label Southern Decadence as specifically apolitical and not tied to a gay rights agenda. Some gay political leaders argue that the party is only that - and should not be interpreted as representative of gay political struggles. However, a reading of gay history similar to that of John D'Emilio's, in his essay "Capitalism and Gay Identity," suggests that these early public gatherings helped to create a public environment that made it easier for more gay people to come out.<sup>2</sup> Nancy Fraser talks of the importance for subaltern counter-publics politicizing their "needs." Fraser references welfare clients (*Unruly* 177-9), but politicizing one's "needs" can be broadly interpreted to include the movement towards what I have called full citizenship. The movement towards full citizenship is the political achievement of civil rights for gays. The first step of this trajectory towards full citizenship is the act of coming out, which forces the larger public to recognize the other within its midst. Metaphorically, Southern Decadence is that first step.

The two readings of Southern Decadence - 1) as a political gesture and 2) as only a party - seem to have some basis in the history of the event. Even if there were no political aspirations on the part of the first revelers, the party no doubt served the initial purpose of politicizing the existence of a gay community. That such a community was not commonly

thought to exist can be read by the earliest media references to the phenomenon from the mid-1980s in which one can read a kind of mainstream panic over the gay men parading through their streets.

This tension - over whether or not the phenomenon itself is representative of the gay community - indicates the in-group tension about which identities were the proper ones for presentation to the mainstream (in the public sphere). By the late 1990s, media coverage of the event occurred with some regularity, and the broad popularization of the event engendered a kind of crisis of public image. The mainstream, forced to recognize the other within its midst, has responded alternatively with loathing or acceptance. The argument of at least one Southern Decadence participant is that the images are unacceptable presentations to a mainstream community looking for an excuse to deny gay people full citizenship. An opposing argument is that the images presented at Southern Decadence are acceptable because they form a part of the gay community, however desirous some might be to erase them from public view.

In the rest of the chapter, I intend to explore the in-group tensions surrounding proper public images as well as the dialogue the gay community has with the mainstream community as a result of these images. Before doing so, however, I want to

locate the phenomenon of Southern Decadence within the kind of behavioral vortex I discussed in the prologue.

### **The Road to Visibility: The Safe Space of the French Quarter**

In the early history of the gay rights movement, cities provided safe spaces (such as the French Quarter) for public performances of identity. These gay enclaves, or sex zones, were moderately protective environments in which to initiate public display. The development of gay enclaves is well documented, and these enclaves were the sites of the earliest public exploration of the identities gay men. In *Gay New York*, George Chauncey locates gay people and communities in New York as early as the 1920s (1-29). Gay enclaves developed within the cities, creating behavioral vortices. These behavioral vortices might also be labeled "safe spaces" for the gay rights movement. Even though the notion of safe space must be interrogated, almost at every turn, I want to note that subaltern communities create safe spaces in order to support their functionality as a group by allowing a group a relatively protected staging area for public display.

I take the notion of safe space from Farah Jasmine Griffin's *"Who Set You Flowin'?: The African-American Migration Narrative."* In Griffin's understanding, safe spaces are



At their most progressive [ . . . ] spaces of retreat, healing and resistance; at their most reactionary [ . . . ] potentially provincial spaces which do not encourage resistance but instead help create complacent subjects whose only aim is to exist within the confines of the power that oppresses them. (9)

Griffin is of course correct to question the value of safe space. Safe spaces can be both progressive spaces of healing and resistance which allow subaltern counter-publics staging areas for public display and places in which individuals of those counter-publics may find others like them. On the other hand, provincial spaces (like tenement houses or ghettos) are created to keep subaltern groups within their particular place in a power structure. For the gay community, such spaces - gay bars, gay pride parades, public parks, parties like Southern Decadence, and communities of gays like Castro Street in San Francisco, Boystown in Chicago, Chelsea in New York, and the French Quarter in New Orleans - can indeed be both progressive (healing) and provincial (oppressive).

Provincial, oppressive spaces are created when the space becomes a place which is marked as the site of the Other. Ghettoization is that marking off, in geographic, spatial and also cultural terms within a city, of an area defined as a ghetto. In the recent cultural imagination of America, the word

has been used also to refer to mass public housing projects in which African-Americans lived. In common parlance, one often hears reference to the Castro district in San Francisco, for instance, as a gay ghetto. The gay ghetto becomes marked as the site of the Other and a gay man becomes ghettoized as he moves to live within that space; he marks himself as gay and lives a life fully within that ghetto, limiting his interaction with mainstream heterosexist culture.

The French Quarter is a safe space, although it too might be interpreted as a ghettoized, provincial space. Certainly, by the beginning of the Southern Decadence phenomenon the French Quarter in New Orleans had come to serve as a sex zone, to use Pat Califia's label. Not unlike Roach's behavioral vortices, sex zones serve as staging areas for the public performances of sexualized identities. In *Public Sex: The Culture of Radical Sex*, she groups red-light districts (the zone of sex workers), combat zones (the zones in which mainstream culture intersects with sexualized culture), and gay ghettos together under the rubric - sex zone. Califia argues, "The city is a map of the hierarchy of desire, from the valorized to the stigmatized. It is divided into zones dictated by the way its citizens value or denigrate their needs" (216). Compare, for instance, the valorized business district to the stigmatized red-light district or even to the gay ghetto.

Calling gay enclaves sex zones may be problematic, but Califia's main goal is to encourage more open attitudes towards all sexual minorities (in which categorization she includes gay, sex workers, and sadomasochists), even within the gay male community itself. She argues that "gay ghettos operate differently from other types of sex zones" primarily because they also provide living space for gay men, noting further, "Gay men comprise the only sexual minority to have established its own enclave [their] the modern city" (219).

Califia's sex zones serve as safe spaces for the expression, contestation, formulation, performance, and reformulation of multiple identities. Califia argues that sex zones come to serve as these kinds of sites because of the visibility these sites provide:

[ . . . ] without the support of a well-organized, powerful (or at least visible) subculture, most sexual deviants are unwilling to identify openly with their sexual preference [ . . . ] Isolation begets invisibility, which perpetuates isolation [. . .]. (224)

Califia's essay reads almost like an invitation for other sexual minorities to join with gay people in the enclave of the gay ghetto. Still, her argument points to the liminality of sex zones, generally, and more specifically, the behavioral vortex

that is the sex zone of the French Quarter and its role as a staging area, a site of public visibility for gay people.

Not unlike the gay ghettos of Castro Street in San Francisco or Boystown in Chicago, the French Quarter in New Orleans has a long history of functioning as the kind of sex zone discussed in Pat Califia's essay. Wesley Shrum marks the French Quarter as a behavioral vortex for the performance of sexualized identities. Shrum's sociological study of the tradition of bead exchange at Mardi Gras also highlights the French Quarter as the home of gay people and its status as a sex zone (even prior to the Stonewall Riots). He writes, "The area was traditionally associated with expressions of overt sexuality" (428). He mentions the history of Storyville and marks the 1950s as the period when "burlesque clubs [ . . . ] proliferated." According to Shrum,

In the 1960s, the quarter began to develop a second identity, serving as residence and cultural center for a large number of Southern gays in an atmosphere of permissiveness and relative acceptance. Public nudity was not uncommon in the commercialized context of bars and other businesses catering to the gay community. (429)

The French Quarter today remains a home for gay people. Although now less common, public nudity can still be seen in the French Quarter; gays still claim it as a residence; there

continues to be an atmosphere of relative acceptance; there are still bars and other businesses catering to the gay community. Quite obviously, the licentious atmosphere of the French Quarter prompted the initial party's participants to "parade" down its streets. Historically, then, the French Quarter can be related to other safe spaces for gay people in other metropolitan areas. These safe spaces - these sex zones - served as relatively permissive environments in which gay men could begin to perform their identities and to function as public citizens of a community. These spaces served as staging areas for the public imaging that started gay people on the road to visibility

Safe spaces such as the Quarter provided increased opportunities for gays to perform their identities in the public sphere. The performances were limited to the available range of images of gay people. From the earliest days of the gay rights movement, the most shocking images - the drag queen and the leatherman - were the only available images of the gay community for viewing by the mainstream. Just like media coverage of pride parades in other cities, the first article in the mainstream press (in the *New Orleans Times-Picayune*) about Southern Decadence focused almost exclusively on the image of the drag queen. That focus, in this article and on a broader scale, ensured that the drag queen formed one "signification" or

definition of the gay male which would have then attached to anyone who publicly self-identified as gay.

In the article which appeared in the paper on Labor Day, 1988, writer Christopher Rose labels Southern Decadence "the largest drag queen parade in the South" (B1). In a short piece introducing the article at the beginning of the paper, the editorial staff writes: "[Southern Decadence] celebrates the end of summer" (A2). They quote the article, which points out that the male participants in the parade had spent "most of the morning and early afternoon primping and drinking in bars" (A2).

The image of the drag queen was publicly presented at the parade (one part of Southern Decadence) and viewed by the writer, who I argue is representative of the mainstream if only because he writes for a mainstream paper. As we will see, this initial image was read as "shocking," even though parade participants may not have been intending to shock. Because of this limited spectrum of public images for gay people, the shock factor continued to be a source of concern within the gay community about the kinds of images presented to the mainstream. For instance, the mainstream culture was unlikely to be ready to accept the thought of men (in 1988) "primping" to be ready for the afternoon parade.

Despite Rose's characterization, Southern Decadence was not simply a drag queen parade. Drag attire was, however, the

costume choice of many parade participants. Because the image of the drag queen was the predominant image presented at the parade, the presentation of that image in the public sphere effected the abnormalization of *all* gay males. As an outsider, with only his eyes to see, Rose interpreted the available images for his readers. That outsider's perspective collapsed distinctions recognized within the gay community. Rose's description of Southern Decadence, the happening, bears some recitation here:

Southern Decadence began twenty years ago as an end of summer party among Quarter neighbors and friends, both straight and gay. Over the years, the party outgrew the indoors and fell out of favor with straight people. It then moved into the streets, evolving into a wandering shock parade. (B2)

In actuality, the party "outgrew the indoors" at its very beginning and the "shock parade" was simply young men and women in costume walking through the French Quarter. Moreover, we can identify the party's beginning as 1972 - 17 years before the article's appearance. I do not read an intent "to shock" from the descriptions I have gathered about the original party participants. As well, the nature of the French Quarter in the early 1970s (as defined by Wesley Shrum) may very well have limited any shock potential - especially since the party, in its

early days, was relatively insular. Still, one must point out that seeing gay men in this fashion at all could very well have been shocking (Rose interviewed "two stunned visitors from Chicago" [B2]).

Viewing this particular parade would not have shocked a gay man or a lesbian. Moreover, it is unlikely that a gay man would have assumed this was the only possible gay male identity available to him. Within the gay community there are various types of drag performance, and even in the late 1980s, drag performance was mostly confined to bars.

Much of the drag costuming in the parade falls within a phenomenon called "camp drag." Camp drag - unlike much of the drag that could be seen in gay bars in the late 1980s and unlike that drag reported by Esther Newton in *Mother Camp* - is a truly exaggerated expression of female hair, make-up and clothing. Camp drag is drag of the type seen in the film, *Priscilla, Queen of the Desert*: over the top drag with huge wigs, wild make-up, and brightly colored clothing. Camp drag calls attention to the constructed nature of gender because, oftentimes, men in camp drag will remain unshaven. Contrastingly, in what might be called "true drag," the drag queen attempts to fully put on the costume of woman, shaving face, chest, legs and arms.





Figure 1B: Camp drag at Southern Decadence  
(from the author's personal collection).

Rose cannot be faulted for much of this collapse of identities. The image of the drag queen was one of the few publicly performed gay identities. Still, the collapse of relatively distinct identities is dangerous and is the cause of a kind of anxiety experienced by gay men as they view the available public imaging of their own identities.

In some way, gay men who make the choice of performing their sexual identities publicly understand Judith Butler's definition of the performative. When one announces, publicly, the declarative statement, "I am gay," significations attach to that person. In this particular case, we see that the signification that attaches to gay males is that of drag queen or cross-dresser. As there are no other public images available, this signification is coerced, in that a gay man is automatically coded as a drag queen. The identity of drag queen, perhaps only put on for the afternoon parade, becomes by the very public nature of this newspaper article, the identity of *all* parade participants, and, perhaps, of *all* gay men,

generally. The political project then is, perhaps, to expand the range of available public images that attach to those gay men who publicly self-identify as gay.

### **Dialogue with the Mainstream: From Shock to Conciliation**

By 1996, the gay political movement had moved away from its earlier type of political activism, when many gay public images were intended to shock the mainstream into recognition of the existence of gay people. Sometime following the end of the AIDS crisis (with the development of anti-AIDS drugs), the gay political movement adopted a different strategy - conciliation and assimilation. The move was towards beginning a dialogue between the mainstream and the gay community to find common political ground.

This shift was heralded by several political successes. In the United States, as a whole, there was a broader movement towards recognition of the gay male other within its midst. According to the editor of *The Advocate*, 1997 saw Ellen DeGeneres publicly self-identify as a lesbian (Weider, par. 2), President Clinton publicly urge "gay men and lesbians to come out" (Weider, par. 3), and "sex responsibilities" became the subject of national media coverage (Weider, par. 1). In New Orleans in 1997, then Mayor Marc Morial signed an executive

order extending benefits to the domestic partners of gay and lesbian city employees ("New Orleans," par. 1).

Gay scholars and writers have also marked this shift. Edmund White, a self-identified gay author, discussed this shift in a recent interview on the National Public Radio program, *Fresh Air* (10 Nov. 2004). White suggested that this shift was a result of the incorporation of non-leftist gay people into the gay rights movement following the AIDS crisis. According to White, leftists "were the only people who were really willing to come out." He continues, "the whole movement got taken over by the right and dragged towards assimilation." By and large, the end of the crisis is tied to the development of AIDS drugs that changed the cultural perception of the disease from a death sentence to a manageable disease akin to diabetes.

A 1996 writer of a letter to the editor of the *Times-Picayune* seemed to herald this shift of the gay political aims relative to Southern Decadence. Specifically, the letter calls upon the media and the government to recognize the event's contribution to the tourist economy of the city, noting that:

[ . . . ] It is odd that the local media don't respond to the increased tourists and their money being spent in the city. While actual attendance numbers are not available, the impact on the city's coffers and local merchants' income could and should be calculated. [ . . . ] Why was

this overlooked once again? Is it because it is a gay-inspired holiday? Is it because it is not condoned by the city? Where else in this city is there a parade with thousands of participants and onlookers where no portable toilets can be found? Where else in this city is there a noticeable lack of police and police barricades to protect marchers and re-route traffic for a parade? (Carter B6)

An assumption about the writer's sexual identity (is he gay?) might be dangerous; however, his call for attention is different from previous entries into the public sphere. The writer here suggests that Southern Decadence, despite its status as a "gay-inspired holiday not condoned by the city," should be recognized and supported by city officials and the media - if only for its contributions to the "city's coffers." In short, the writer contends that despite its status as a gay event it deserves the same kinds of attention from the city as any other event that draws large numbers of people.

The letter is indicative of the desire, at least on the part of the letter writer, for the phenomenon to be recognized for its benefits to the city's tourism industry. However, prior to this letter's appearance, Decadence as a phenomenon had remained relatively insular. No central organizing committee existed to monitor Decadence or to work with city officials to ensure appropriate police coverage. Events related to Southern

Decadence are planned at multiple locations by various presenters throughout the Labor Day weekend (at bars and clubs, in the street, and in people's homes). Even through Decadence in 2001, the Grand Marshal had several official events but no responsibility to serve as an organizer or political representative. The parade route, determined by the Grand Marshal, was not announced prior to the parade itself.

In 1997, the Louisiana Lesbian and Gay Political Action Committee worked to improve the recognition of the event as part of the local economy. They researched the economic impact of the event. By 2001, police were invited to participate as partners in planning the event according to an article in "Downtown Picayune," a special delivery section of *The Times-Picayune* (LeGardeur 1). A full-length, feature article appeared in the *Times-Picayune* in 1997, and broadcast media also covered the parade. Clearly, these moves to perform different identities in the public sphere were not, necessarily, the result of this singular letter to the editor, but were rather indicative of the larger shift towards dialogue with the mainstream about gay events.

The full-length *Times-Picayune* article (sans pictures) appeared in the Metro section of the newspaper - a rather prominent section, given that the entire paper is sometimes only four sections, including classified advertising.<sup>3</sup> The article's

author (one of the paper's business writers) references the activities various bars were planning including a lesbian bar's raffle for a mountain bike, the annual High Hair contest, and a theme night - "One Night in Heaven" - at one of the major gay dance clubs in the French Quarter (Yerton 1).

The article includes a nod to the economic impact of the event, quoting the only estimates available - 50,000 tourists and a \$25 million economic impact; the source was an unscientific survey done by the Lesbian and Gay Political Action Committee, which uses the acronym LAGPAC (Yerton 2). LAGPAC's survey, obviously, found that each participant spent \$500 during the weekend. Although unscientific if one does not include either hotel or air travel expense, it is not difficult to spend \$500 in the French Quarter during this weekend.<sup>4</sup>

This article reveals, I think, one way in which gay people began to demand notice from the power structure - through an appeal to the principles of a capitalist economy ("We make and spend money just like you"). One of the downsides to such an approach, of course, is that it plays into a perception, within the mainstream, that all gay people form part of the economic middle class and/or the cultural elite, and have more disposable income. The article points up one of the major erasures of some gay people by the phenomenon of Southern Decadence. This party, clearly, by 1996, was not a party for all gay people in the

United States. Lower income gays would not, of course, have been able to attend. Does a middle class (and predominantly white) performance of gay identities constrain the identities of others, threatening, if you will, a white-washing, a blending of the multiple gay identities available? Certainly, in this particular case, we must argue that the available performances - the available identities - at this particular event are constrained to, at the least, a middle-class gay male identity. Nevertheless, it is clear that the phenomenon was, in 1997, recognized as an integral part of the city's tourism industry.

This recognition comes with at least one danger for the gay political movement - the danger that the mainstream culture will, because of its relative acceptance of the other within its midst, congratulate itself on that liberality while simultaneously dismissing the political aims of the movement. If we can accept, for the moment, that erasures of individuals in society are dangerous, then we might begin to question the relative safety of Southern Decadence as a space in which the promotion of a specifically gay identity and political strategy occurs.

Within a metropolis, a majority of people may possess a level of tolerance which allows gay people to live and work within their midst, even as openly gay people. This tolerance should not, however, be equated to blanket endorsement of gay

political issues. I mean to suggest that because Southern Decadence is a party - defined by geographical boundaries which do not expand to the rest of the city - that non-gay people can look upon it in a self-congratulatory manner. My logic follows that of Peter Stallybrass and Allon White, who argue that carnival, over a three-hundred year period, was reconstructed as "the culture of the Other" (387). The middle class, in emergence during part of this period from the seventeenth to the early twentieth century, came to disavow carnival as an important part of their everyday life. At the end of this disavowal, carnival was dispersed - into literature, into other facets of everyday life. Stallybrass and White write, "Carnival was too disgusting for bourgeois life to endure except as a sentimental spectacle" (388).

Metaphorically, Southern Decadence might also be a party which allows the heterosexist mainstream to see the event as "sentimental spectacle," dismissing the real political needs of gay people. The tolerance for Southern Decadence mirrors "sentimental spectacle." Heterosexist individuals can look, approvingly, at themselves when Southern Decadence is in town and say, "Look how accepting we are of this other." This kind of tolerance - this kind of view of Southern Decadence - does not allow for the event's political potential, nor for a true



kind of acceptance of the people who visit the French Quarter during the party.

A letter to the editor printed in the *Times-Picayune* later in 1997 illustrates my point about the *relative* acceptance/non-acceptance of gay men's participation in Southern Decadence on by mainstream, heterosexual culture. The letter comes from a woman in Metairie. Metairie is generally seen as a more conservative suburb of New Orleans, located near the airport, but still south and east of Lake Ponchartrain. The writer suggests that events like Southern Decadence and Halloween in New Orleans (which in error she calls "Circus Eroticus," which was the theme of only one year's Halloween in New Orleans celebration) should not be promoted by either the city or tourism officials. The very names of the events, she writes, "indicate their immoral nature;" she continues, "[ . . . ]when good people allow immoral behavior to be promoted and say nothing, they bear a part of the guilt" (Guidry B6). The vitriolic nature of the writer's letter is suggestive of the larger geo- and socio-political climate in which gay people in New Orleans find themselves, questioning the relative "safety" of these sites.

While the site of Southern Decadence and the Quarter can be seen as safe spaces, they sit within a largely morally conservative area. Areas of New Orleans like the Marigny, the

French Quarter, and the Bywater are often seen as highly liberal and generally infused with the laissez-faire attitude, "live and let live." According to an online encyclopedia of Cajun culture, the Cajun saying *Laissez les bon temps rouler* (translated, "Let the Good Times Roll") is indicative of the "[joy of living attitude] that pervades South Louisiana" ("*Laissez les,*" par. 1). Given this principle, such a vitriolic attack from a New Orleans suburb might seem off kilter.

This letter to the editor reveals the danger inherent in the public performance of gay identities. By this I mean to say, that because gay identities are sexualized identities, their public performance is subject to this kind of conservative attack. Sexualized identities are always already immoral identities in a conservative system of logic. Any public performance is thus branded immoral. The assumption made, although not explicit, by the participant in the instant messaging conversation later in this chapter, would have gay people hide the most "outrageous" aspects of our collective identities in order to avoid this kind of criticism.

In an odd statement, the chair of the Lesbian and Gay Political Action Committee, Christopher Daigle, takes great pains to similarly suggest that Southern Decadence (as the phenomenon existed in 1997) is not representative of the gay community. The identities performed at Southern Decadence are

still too extreme for acceptance of the phenomenon under the larger rubric of the gay political movement. He opines, "It's camp. The spirit of it is spontaneity;" and he moves to distance the event from "*serious political and public health issues facing the gay community*" (emphasis added). This 1997 statement from a leader of the gay rights movement in Louisiana heralds the general move away from confrontation and towards a conciliatory style of politics - or acclimation, as Edmund White calls it (*Fresh Air* 10 Nov. 2004). Southern Decadence is a public performance of gay identities that broaches a dialogue between the subaltern counter-public - gay men - and the mainstream public at-large. However, inter-group policing of identities has resulted from the move towards a more conciliatory style of political action.

### **Public Sexuality: "Those" People Don't Represent Me**

The desire of those who are members of subaltern counter-publics for recognition and the civil rights that come along with that recognition is informed by a humanistic ideal of acceptance of all types of people. But when members of the counter-public initiate the process of demanding that recognition by performing their identities in the public sphere, conflicts emerge. The particular representations being performed are challenged, even from within, as possibly

inappropriate representations for the purposes of political gain. Challenged representations include what some read as the most extreme gay male images, which nevertheless are part of the "community," such as the drag queen and the leatherman. A battle ensues over the appropriate public imagery.

During my early research on this project I encountered a very telling and revealing example of in-group contention, reflecting the challenges that ensue as a result of these public identity performances. At the outset of my research, I formulated an online survey which was e-mailed to members of America Online who requested the survey after reading a profile I created under the online moniker GayResearchLA. The aim of the survey was to gather individual gay males' opinions about the kinds of representations they witnessed at Southern Decadence in the hopes of exploring these battles over public imaging.

While my survey participants were limited in number, the responses to the questions I posed were extremely illuminating as regards these in-group contestations.<sup>5</sup> One survey was answered by a couple and two by single people. All respondents indicated their income as between \$30,000 and \$50,000. Despite the narrowness of the range, the data gathered highlighted key issues. Respondents were asked to rate their relative agreement or disagreement with a series of statements using a scale of one

to five, one being "strongly agree" and five being "strongly disagree." The results demonstrated clear attitudes and strident opinions about the public imaging of gay males and provided one angle of entry into my study of this question. The data showed that (1) participants recognized that the event could impact the community's public image, (2) participants in Southern Decadence did not self-identify as a-political, and (3) participants believed the most appropriate gay male image to present was "the masculine man."

The results demonstrated that individual members of the gay community were aware that the community's public image was at stake. While articles in the national gay press criticizing circuit parties<sup>6</sup> for contributing to drug abuse and the rise of HIV infection regularly appeared around the time these surveys were taken, none of the three agreed with the statement, "Mass gay parties (like Southern Decadence) encourage unsafe sexual practices." One did, however, agree with the statement, "Mass gay parties give the gay community a bad reputation" (one was neutral on this statement). The recognition that these mass gay parties could give the community as a whole a bad reputation seems to suggest that this respondent was mindful of the significations which attach to a community when it performs its identity in the public sphere.

Even though the executive director of LAGPAC implies that Southern Decadence was non-political, the participants I surveyed, at the least, were politically aware. None believed that "There is already enough tolerance for gay people," and all three were aware of the current legal battles for gay rights (marriage, sodomy laws, and adoption rights). Thus, the respondents understood the nature of the public images of gay men and what kinds of responses those images were likely to cause in members of the larger mainstream culture.

Survey results also revealed varying attitudes towards types of images available for public view. Two were neutral and one strongly disagreed with the statement, "I dislike non-masculine men." Still, none suggested that "Leathermen and Drag Queens give the community a bad name."<sup>7</sup> Moreover, all three respondents characterized themselves as masculine. I had been prompted to ask this question by Michelangelo Signorile who, in *Life Outside - The Signorile Report on Gay Men: Sex, Drugs, Muscles and the Passages of Life*, likened the pursuit of masculinity to the pursuit of muscularity and suggested that such a pursuit was facile, at best (xv-xxx). Self-identified masculine men expressed dislike for those who had an effeminate personality (like drag queens or "queeny" men). This part of survey data reveals, I think, a general trend towards the

presentation of a normalized image - that of the masculine gay man (read: regular, just like straight).

Near the end of this survey research, I had an instant messaging conversation with a man who I'll simply refer to as Blond.<sup>8</sup> In our exchange, the tensions surrounding public performances of gay identities that occur within members of the gay community as they put their own individual experiences up against a publicly proclaimed and formed identity were revealed:

*GayResearchLA:* What do you think Southern Decadence says, if anything, about the gay community?

*Blond:* I as a Louisiana gay man have always thought of Southern Dec as our Gay Pride event. But as a masculine man, I still wish it wasn't quite so queeny.

*GayResearchLA:* Explain "queeny."

*Blond:* nellie, flamboyant, drag queens. We have all seen the gay pride parades on TV and it seems that every picture that is shown is of some bearded man in drag.

*GayResearchLA:* True . . . but there is a lot of leather as well.<sup>9</sup>

*Blond:* yes, but usually extreme leather . . . very stereotypical images.

*GayResearchLA:* Well, this goes to one of the questions in the survey. Should politically minded gay people be worried about those images?

*Blond:* I think so, I have been involved with politics for a number of years.

*Gay Research LA:* Why should those images worry us?

*Blond:* because those seem to be the only images that many people get exposed to. Those of us who appear "normal" are seldom seen. Even those who work on our behalf seem stereotypical.

*GayResearchLA:* Do all mass gay events like Southern Decadence run the risk of being "stereotypical?" [There was no response to this question during the remainder of the conversation.]

*Blond:* [Giving an example of those who work on our behalf who seem stereotypical] Take Newt's sister, if almost anyone sees her they immediately think "dyke."

*Blond:* I did like the guy who used to work for national review, he made a good impression I thought.

*GayResearchLA:* Andrew Holleran?

*Blond:* Yes, I think that was his name . . . sounds right.

*GayResearchLA:* Where did he make a good impression?

*Blond:* I saw him on TV several times, *Crossfire* and such. He didn't come across as a radical as so many seem to.

*Blond:* of course NAMBLA hasn't helped us much either.

[NAMBLA is an acronym for North American Man/Boy Love Association.]



*GayResearchLA:* Let me ask you something . . . The gay community is supposedly founded on a humanistic ideal of acceptance of all types (somewhere in our ideology). Doesn't that mean that we must accept groups like NAMBLA, leathermen, and drag queens, as well as transgendered and bisexuals?

*Blond:* I agree that we must accept that not all people are the same. NAMBLA however is a different situation.

*GayResearchLA:* How so?

*Blond:* We are not talking chicken hawks here [a reference to older gay men who seek to date younger men, generally those between 18 and 30, but Blond makes a distinction here that is not often made in the gay community]. We are talking about legally adult men who wish to have a sexual relationship with legally underage boys. That is not right.

This exchange exposes how an in-group tension manifests when identities are publicly asserted. These tensions (in no particular order) revolve around proper behavior of individuals in the public sphere, the relative inclusivity (or non-inclusivity) of the gay male community, the limits that should (or should not) be placed on available, representative images, and the use of the event as a representative event similar to gay pride.

For instance, while clearly wanting to espouse an open-minded approach ("we must accept that not all people are the same") Blond does not believe that acceptance applies to "legally adult men" who are desirous of "legally underage boys." How far towards inclusion must a gay/lesbian event go? What are the underrepresented images at Southern Decadence? For instance, in my redirection - "Doesn't that mean that we must accept groups like NAMBLA, leathermen, and drag queens, as well as transgendered and bisexuals?" - I specifically mentioned gay male identities that have faced exclusion from the "gay mainstream." Blond does not respond to this redirection; he continues his focus on NAMBLA.

Blond seems uncomfortable with some of the representations of queerness available at Southern Decadence - specifically leathermen and drag queens. In the common queer imaginary, leathermen and drag queens have represented the gay political movement since its inception - for their part in the riots against police brutality at the Stonewall Inn.<sup>10</sup> For the speaker, Southern Decadence is indeed a representative type of event: he equates it to gay pride festivities in other parts of the country ("our Gay Pride Event").<sup>11</sup> In total, the speaker seems to desire a more conservative approach to public performances of identities - one which would not prompt speculation in the mainstream that paints all gay people as

abnormal ("very extreme leather," "stereotypical," "dyke," "he didn't come across as radical").<sup>12</sup> Blond's desire for the community to present a more mainstream image echoes Butler's normalizing regime. When an identity is presented in public, it becomes that kind of totalizing identity - attaching itself to all gay men.

In the remainder of this chapter, I will focus on three aspects of public performances at Southern Decadence that seem most antithetical to this goal of mainstreaming the gay male community's image. One aspect that deserves focus is public sexual behavior at Southern Decadence, and the policing of that behavior from within the community. The two other aspects are really publicly performed identities: the circuit boy and the leatherman.

For a moment, I want to return to Lauren Berlant and Michael Warner's essay "Sex in Public." The essay details two of the authors' experiences with "sex practices;" in the relevant experience, the authors witnessed a "sex performance event" in which certain sexual practices were displayed. Such public display of nonheteronormative sexuality, according to the authors, lead to "the production of nonheteronormative bodily contexts" (367). Their language is dense, but they are pointing to a safe space for all kinds of alternative sexualities that opens up when differing (nonheteronormative) sexualities are

performed in the public sphere. The point, generally, is that the gay rights movement should take, as its aim, the expansion of liberal attitudes towards all kinds of sexualities. Clearly, the move towards conciliatory politics is antithetical to that aim. The move towards conciliatory politics moves away from exaggerated displays of sexuality in public spaces (or from exaggerated identities put on display).

The spectre of the public performance of actual sex practices haunts the edges of Southern Decadence as a phenomenon. It is this spectre that subjects the event to protests. For example, one pastor placed an advertisement in the *Times-Picayune* urging "the banishment of the festival" ("Pastor Takes," par. 1). Public sexual activity is common at Southern Decadence. The notion of Decadence, it seems, almost includes the idea of public sex. Perhaps, despite the sheer numbers of people who now attend Southern Decadence, the insular nature of the event creates an atmosphere of permissiveness. The most striking part of these displays of public sexuality is their performance in often clear view of non-homosexual people in the French Quarter. The radical, shocking nature of these public displays of sexual acts are indeed antithetical to the goal of assimilating the party into the larger tourist-oriented economy of the city. During the first night of the festivities in 1998 (my second year of participation), an associate of mine

and I were standing on the corner of one of the streets in the Fruit Loop<sup>13</sup> and watched the outrageous, often fearful expressions of heterosexuals as they passed through. We laughed between ourselves and said, "You're in the wrong part of the French Quarter this weekend, honey."

In September 1997, a full page ad was taken out in the Decadence issue of *AmbushMag*. The ad welcomes readers to the French Quarter and asks them to "RESPECT our neighborhood," further urging them not to urinate or have sex in the streets. The ad was sponsored by nearly all of the local bars and some retail stores. At the bottom, the ad reads, "FOR YOUR PROTECTION/Louisiana is a sodomy statute state (minimum sentence 5 years in Angola Prison)" (Figure 1C). The very exhibitionistic sexual activity that occurs obviously creates a sort of tension between visitors to Decadence and residents of the French Quarter. The hope of the ad is that the Decadence participants will feel a kind of tension limiting their participation in public sexual activity. The advertisement, I think, is also indicative of the move towards assimilation. In urging visitors to respect the neighborhood and in noting the status of sodomy laws in the state, the creators of the ad were working to keep displays of public sexuality to a minimum.



Figure 1C: Advertisement placed in *AmbushMag* 2000.

During my time studying Decadence, I have often shared the subject of my research interest with colleagues. One colleague shared a story of his participation in Decadence. The colleague attended Decadence with little foreknowledge of the event, its history, or the public sex that often takes place. Straight-identified but not homophobic, the colleague was walking down the street when he happened upon the gay section of the quarter. In the middle of the very large crowd, a man in a wheelchair was performing oral sex on two different men. Such expressions of sexuality are not uncommon. During my own participation in Decadence, I have witnessed orgiastic affairs on the top of a podium in the middle of a dance floor in the middle of the day and many other sexual acts (Figure 1D).



Figure 1D: Men dancing on the top of a podium in the middle of Oz nightclub, a gay bar in the French Quarter (from the author's personal collection).

The claiming of this space by homosexual people for the weekend is clear - even if only by virtue of the large numbers of gay people present. Still, the mere fact of such a large number of participants does not necessarily make this space a safe one for gay people or for such public (or semi-private) sexual acts. In fact, one writer suggests that the inability of the police to stop public displays of sexual acts during the festivities encouraged them to raid gay bars prior to the event. In a 1999 article in the now-defunct *Impact* newsmagazine, Melinda Shelton reports on a raid that took place on Friday, August 27 (the week prior to the beginning of Decadence festivities). The raid, on local bar Rawhide 2010, resulted in the arrest of 11 men who were ultimately charged with violating the state's obscenity law (5). The supposed result of an anonymous complaint, gay activists roundly criticized the police department for the timing and selection of the bar as a target. The department had previously raided the Phoenix on Elysian

Fields during an advertised "underwear night." The Phoenix and Rawhide 2010 are the bars that are most patronized by leathermen. During the Rawhide raid, 13 men were arrested on obscenity charges.

Interestingly, I have not heard, recently, of any sorts of arrests either in bars or in public places for sexual activity. Apparently, in 2003, there was a concerted effort to provide security, to work with police and city officials, and to stop public sex. According to *Ambush*, the campaign worked,

Of 47 arrests made, there were no arrests for public sex over the weekend. This made the religious protests moot since this was their whole objective to stop Southern Decadence. Interestingly, the majority of the arrests took place between the 100 and 700 blocks of Bourbon, not in the GLBT business area of Bourbon between St. Ann and Dumaine. Two arrests were made in the GLBT area. [ . . . People were] exposing themselves below the waist in order to obtain beads. (Naquin-Delain, par. 1)

Those of the "organizers" who worked with the police to address the issue of public sex at Southern Decadence were not worried that the character of the event as a celebration of gay identities would be damaged by their efforts. This move, towards conciliation and away from the desire to "shock" the sensibilities of those who might view these public performances



of identities is most evident through this attempt to rid Decadence of public sexual activity.


Another public identity which is performed at Southern Decadence is the circuit boy. The circuit boy is a phenomenon tied to circuit parties - events which happen over three-to-four day weekends with all-night parties each night and a wrap-up party on Sundays.<sup>14</sup>

The types of criticism leveled against self-identified circuit boys or alternatively, circuit queens, within the gay community are clearly expressed in a flyer, titled "Bitter Fruit," which I came across in the French Quarter during Southern Decadence in 1999. The author of the flyer, identified as Michael Congdon, had apparently written several "issues" of this newsletter prior to this one. In the flyer, Congdon compares participants of Mardi Gras to participants of Southern Decadence. He writes, "This is essential reading material for those of you who are visiting our seeping cesspool [ . . . ] I mean, Fair City!" (A scan of the flyer is in Figure 1E).

Congdon clearly dislikes the after-effects of both Southern Decadence and Mardi Gras; most importantly for our purposes, he clearly marks the position many participants of the circuit occupy in the gay male community by his references to drug and alcohol death (and comas) and cracked out circuit queens. By referencing "drunk, pretentious bitchy fags from Miami who don't

# Bitter Fruit

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**INTRODUCTION**

I'm sure I was missed... summer of the French Quarter—shining joyous beams upon you as you all lay out in nefarious bathhouse. Hear-ut the last 3 issues, I knew: to start up this broad sheet last spring and summer and burner for the time being), an a week before Southern will include a Top Ten List, a few other odds and ends. appear in the next issue! I of this issue, but I wanted to d prior to Decadence... e usual length (besides, with n of you, *my readers*, I joy this more by not making w how hard it can be to carry l7 piece of paper). Remem-ffort. As long as you do lots have sex with lots of random ally, crass and tacky, I will about! A Bucket of Hugs,  
Michael Congdon

hin23@aol.com

## TOP TEN LIST

Those of us who are familiar with Southern Decadence and Mardi Gras understand that both of these *major* holidays grew from two very similar histories— private parties; nevertheless, we at *BitterFruit* decided to put together a little list of differences so that you can see into what both of these holidays have grown. This is essential reading material for those of you who are visiting our seeping cesspool... er... I mean Fair City!

Mardi Gras	Southern Decadence
1) February	1) September
2) Drunk straight Frat Boys from Dallas who don't understand the term <i>diversity</i>	2) Drunk, pretentious, bitchy fags from Miami who don't understand the term <i>community</i>
3) Drunk women exposing their silicon injected breasts	3) Drunk queens exposing their pierced nipples and shaved chests
4) Drunk straight men trying to expose their dicks, but only showing pubes (no one taught them the phrase, 'shave that shit!')	4) Cracked out Circuit Queens sucking on any and every exposed dick they come across (although the guy must look 'fierce')
5) The rich locals leave town laughing	5) The rich locals leave town screaming
6) The poor locals work	6) The poor locals <i>work it</i>
7) Drag	7) Bad Drag and Village People costumes
8) Circuit and B-List Fags flood our city for 2-3 days	8) Circuit and A-List Fags flood our city for 4-5 days
9) Rampant colds and flues spread through the Quarter from sick tourists	9) Rampant spread of STD's throughout the Quarter from barebacking tourists
10) Tourists piss on sidewalk and gutter.	10) Tourists piss on each other in the gutter
11) Disgruntled employees are sick of beads	11) Disgruntled employees are reading beads
12) Drug and alcohol abuse	12) Drug and alcohol death
13) Bourbon St. littered with passed out tourists who couldn't make it home fast enough	13) Bourbon St. littered with tourists in comas from combining GHB and Alcohol

Figure 1E: "Bitter Fruit" - a flyer found in a bar in New Orleans in September of 1999 (from the author's personal collection).

understand the term community," Congdon is also marking "circuit queens" who tend towards exclusivity based on body type or image. Aside from his general dislike of tourists to the French Quarter, I interpret Congdon as directly attacking the "circuit queen" or circuit boy. Nowhere in the flyer does he mention the self-identified bears (generally hirsute men whose bodies might

best be described as average; i.e.: non-muscular and usually heavy) or leathermen, for example. This attack, I think, is indicative of the anxiety gay males feel as a result of the exclusionary practices of the circuit.

One source of Congdon's anxiety over the presence of circuit boys and the circuit and its participants is that it tends to be an exclusive club, antithetical to the more inclusive aims of the larger gay movement. Participants in the circuit not only seek those who are masculine (as defined by the very specific body image) but, they also seek those who are most like them (also in terms of body image). Thus, the parties on the circuit tend to exclude, if only on the basis of mass inclusion of only certain types. The circuit is then a public performance of a body image which excludes other identity performances. Conversely, because of its particular history, Southern Decadence tends to be much more inclusive of multiple identity performances (even "circuit queens").

Circuit parties, generally, tend to promote an idealized body type, and while anyone could purchase a ticket to a circuit event, a bear or a leatherman might feel out of place at such an event. One of Michelangelo Signorile's interviewees makes his definition of this idealized, exclusionary body image quite clear:

Big, built, strong. I definitely like very masculine guys;  
I don't want to use the politically incorrect term  
'straight-acting' and I don't think it applies anyway,  
since who is to say that 'masculine' means 'straight' but  
anyway, you get the idea of the kind of guys I like. (18)

Despite the speaker's statements to the contrary, I would argue that for him "Big, built, strong" is akin to "masculine" which is akin to "straight-acting." His discussion of these three separate terms within the same utterance belies the speaker's words. By and large, Southern Decadence's history has not been about the promotion of identities which could be interpreted as straight-acting (circuit boys are not, necessarily, interpreted by the larger gay male culture as straight-acting, either). Still, the circuit boy is one gay male identity staged during the weekend of Southern Decadence. It is one gay male identity that, clearly, causes an internal contestation of the "proper" identity to put forward in the public sphere. Moreover, I think the presence of the circuit (and its attendees) is contested because Southern Decadence initially developed as a party where multiple gay images could flourish and the exclusionary nature of the circuit seems to question that status.

The exact opposites of the muscular, hairless circuit boy - leathermen and bears participate in Southern Decadence in large numbers. The "leatherman" is another publicly performed

identity at Southern Decadence and rather than the muscular hairless body of the circuit boy, leathermen and bears have average and hairy bodies. In the leatherman, there is a kind of hyper-masculinity (not related to muscularity). The sadomasochistic sexual choices of the leatherman are seen as too "extreme" (IM conversation) to fit within the rubric of a gay and lesbian (there are leather-women, too) identity created for consumption by the mainstream.

The leatherman and his costuming became specifically identified with sadomasochistic sexual and lifestyle/relationship choices. Many men still hold to a very strict dress code - a code which identifies the man's choice of sexual position and fetishes. The dress code can be so strict as to provide pre-determined types of clothing (for instance, handkerchiefs in particular pockets) depending on a person's chosen sexual position.

"Extreme" leathermen seem to be out of vogue in the gay community.<sup>15</sup> By "extreme," I mean to suggest that leathermen who still identify publicly as such and publicly announce their sadomasochistic sexual choices are few. Tony Mills, International Mr. Leather 1998, revealed in an interview the separation of the leatherman from his sexual choices. Mills is quoted references his title, "[International Mr. Leather is] the gay male equivalent of Miss America, except they don't give

roses.” (The title is most decidedly not the equivalent of Miss America; there are drag queen pageants that might more appropriately equate to that pageant.) The writer goes on, “Within the context of guys whose apparel choice is black leather and denim, the title represents a mix of sex symbol, role model and fantasy figure.” His analogy distinctly separates the nature of leather from sexual choice; being a leatherman is about a choice of clothing and not on one’s preference for sadomasochism.

Although Mills later acknowledges a multi-dimensionality in leathermen, that multi-dimensionality is based on costume and not on sexual choices; “I have Saville Row suites in my closet, and I have my leather wear.” A doctor, Mills clearly attempts, I think, to distance himself from publicizing the sexuality that automatically attaches to the figure of the leatherman – a sexuality with which many in the gay community are uncomfortable.

Politically, although leathermen are commonly thought to have been shepherds of the gay movement from its beginnings, leathermen are increasingly seen as “too extreme” for the mainstream public’s imaginary. The gay male identity seems to exclude a specifically sexual being such as this figure. The current normalizing regime of gay male identity, then, is forcing the leatherman back into the closet. Mills’ refusal to

acknowledge his sexual identity in the mainstream press is indicative of this trend.

### **Southern Decadence: A Microcosm of Gay Identities, In Public**

In this chapter, I have explored the phenomenon of Southern Decadence as a microcosm of the history of the gay movement's struggles from its early days to the recent past. I've examined the kinds of stereotyped images that are available for viewing at Southern Decadence. These images cause, within an individual gay man who compares himself to them, a kind of questioning, a contestation of those identities as "not like me."

The history Southern Decadence demonstrates the movement's early step towards full citizenship by simply "going public," making a gay male identity (construed for years as a "private" identity) a public identity - "coming out" en masse. Moreover, I have traced the movement from that beginning desire to simply the early twenty-first century desire to achieve political aims through conciliation. The various identities performed at Southern Decadence - the drag queen, the leatherman, the circuit boy and the public sex participant - spark as conciliation is embraced by some yet rejected by others. In the final analysis, a full range of identities are presented at Southern Decadence, despite attempts to control the public imaging of the gay man. Southern Decadence remains a space, intriguingly, which can work

both towards conciliation and still allow for this panoply of identities to exist.

## Notes

<sup>1</sup> The gay and lesbian political movement is commonly assumed to have begun following the Stonewall Riots, riots which occurred at the Stonewall Inn bar in New York after police raided the establishment.

<sup>2</sup> D'Emilio points out that his argument is somewhat dangerous to political activists, who had been (at the time of his writing) suggesting a "grand historical" narrative of the existence of gay and lesbian people - that gays and lesbians had indeed existed for all time and would continue to exist.

<sup>3</sup> Although I had known at least since 1990, of the existence of Southern Decadence (a local gay bar in Memphis often displayed video taken on the streets of New Orleans during the weekend's festivities), the article served as my entry point for the festivities. The next year was my first year in attendance.

<sup>4</sup> Rooms alone can range between \$99 and \$300 for one night - depending on the hotel's location in relationship to the French Quarter or special deals that may be offered. I have spent upwards of \$750, not including airfare, at times during my participation in the weekend long event.

<sup>5</sup> Each of the surveys was gathered online. All participants were informed that this survey would be used in a study on gay identity. Although an attempt at ethnographic exploration, these surveys clearly are not scientific in nature; rather, they are used here as examples of contestation.

<sup>6</sup> Circuit parties are parties that are attended by large numbers of predominantly gay men. Generally, they last an entire weekend with events (primarily dances) each night often lasting all night long.

<sup>7</sup> Leathermen, in common gay male parlance, are men who dress in particular leather costuming and often participate in sadomasochistic sexual practices. They are often highly self-identified as almost hyper-masculine.



<sup>8</sup> The privacy of my research subject, in this instance was guaranteed, so I am not referring to him by his online moniker.

<sup>9</sup> Blond refers to himself as masculine - and not queeny.

<sup>10</sup> As Martin Duberman's *Stonewall* suggests, this interpretation of the Stonewall Riots has the character of a mythology. I cannot dedicate space to historicizing this myth here. However, Duberman writes, "We have, since 1969, been trading the same few tales about the riots from the same few accounts - trading them for so long that they have transmogrified into simplistic myth" (xv).

<sup>11</sup> In truth, Southern Decadence is not the gay pride event in New Orleans. New Orleans' gay pride festivities occur in October on National Coming Out Day. However, his suggestion may have some validity as Southern Decadence does have a much longer history - a history not unlike that of gay pride marches and parades.

<sup>12</sup> For much of the work in this chapter, I am indebted to the methodology of constructing performance genealogies proposed by Roach, which includes ethnographic work as a "participant-observer." This method of observation comes from Michel de Certeau's influential essay in cultural studies, "Walking in the City." In recent years, a strict anthropological participant-observer mode of knowledge gathering has been complicated. Dwight Conquergood (an ethnographer and performance studies scholar at Northwestern University), following Johanness Fabian, calls for an "ethnography of the ears and heart the reimagines participant-observation as coperformative witnessing" (149). He also identifies three characteristics of knowledge: (1) "it is located" (at a particular time and place); (2) "it must be engaged" (versus presented as abstracted information); and, (3) "it is forged from solidarity with, not separation from, the people." A coperformative witnessing requires participation *in solidarity with* the people who are subjects of the study. This mode of knowing is most certainly the mode of knowing with which I have approached the subject of gay and lesbian identities.

<sup>13</sup> If one walks down Bourbon towards the Bywater district from Canal St, the gay and lesbian section of the Quarter begins, roughly, at the corner of Bourbon and St. Ann streets. It is one corner of an L-shaped route identified, in the spirit of camp, as "The Fruit Loop" (fruit being a reference to gay people).

<sup>14</sup> Southern Decadence has been likened to a circuit party (predominantly in the gay and lesbian press). These parties are usually marketed nationally and raise funds for local community service organizations (generally, AIDS service organizations). There are clear differences between Decadence and circuit parties; Decadence is not organized by a central committee and no funds are raised. Over the years, the fundraising effectiveness of these parties has been called into question. Party promoters, without any particular attachment to a community organization, have organized and thrown these parties with little of the profits going to aid these organizations.

<sup>15</sup> The reader will remember that the IM speaker in the conversation referenced "extreme" leathermen.

## CHAPTER TWO

### STANDING IN FOR . . . : BATTLES OVER THE PUBLIC MEMORY AND DEATH OF MATTHEW SHEPARD

In its first feature article on the beating of Matthew Shepard, the *Washington Post* reported, "Matthew Shepard, slight of stature, gentle of demeanor [ . . . ] was tied to a fence like a dead coyote [ . . . with] his head badly battered and burn marks on his body" (qtd. in Ott and Aoki 487). Through their creation of this tragic narrative, the *Post* and other media outlets began the process of configuring the public memory of Matthew Shepard. This *Washington Post* article, representative of the media coverage surrounding the death of Matthew Shepard, a gay student brutally tortured and murdered at the hands of homophobic assailants, shows how the battles over the public memory of this young man began even before his death. (Following the beating, Shepard died after being in a coma for four days.)

Thrust onto the national stage by the media's almost instantaneous coverage, Matthew Shepard came to stand in for - to symbolize - the gay rights movement and one of its political goals, the advancement of hate crimes legislation. The death of Matthew Shepard spawned immediate responses in the media and communal gathering places. For example, gay and lesbian people

across the country took to the streets in memorial vigils for Shepard. Almost as instantaneously, he was memorialized on web sites. (An internet search for his name prompted some 20,000 plus results.)

The battles over the public memory of Matthew Shepard and his proper role as a surrogate continue today, throughout the United States. His death and place in the culture's collective memory are the focus of one play, *The Laramie Project*,<sup>1</sup> and two television movies: one on NBC and the other - a movie version of the play - on HBO. Shepard's family launched a foundation in his honor, with the goal of educating the public about hate crimes and the need for hate crimes legislation. The meaning of his death for the political aims of gay people, for the lives of individual gay men, and for the socially conservative religious right conservatives continues to be debated within the public sphere.

This chapter examines the debates over Matthew Shepard's role as a surrogate in the collective public memory. As it became clear, in the days and weeks following his death, that the story of Matthew Shepard would get national attention, leaders in the gay community moved to characterize Shepard as an example of the many gay men killed in hate crimes. They used the death as a launching point from which to advance hate crimes legislation.<sup>2</sup> Other groups argued against this surrogation. At

his funeral, religious extremists protested the gay community's use of Shepard; even within the gay community itself - as evidenced in the gay press - many speculated about the particular reasons why the use of Shepard might do detriment to some broader aims of the gay rights movement.

In the introduction, I suggest that performances of gay identities are always sited. "Site-ing" - or the marking down of a place where these performances happen - is much more definitive in the first chapter, since Southern Decadence occurs at an actual physical location - the French Quarter and its streets and bars - and in temporal space - Labor Day weekends (from circa 1972 to the present). In this case, however, "site-ing" is not so straightforward.

Performances of Shepard's identity in the public sphere were an attempt to create and control public memory. In an article that recounts three public commemorations of Sojourner Truth, Roseann Mandziuk poses the problems inherent in the process of creating public memory:

Inevitably, public memory is an ideological process, one that will privilege some meanings over others and functions to exclude and forget as much as it includes and remembers [ . . . ] the rhetorical limits of the "monument" allow little room for complexity, reflection or challenge. (289)

Mandziuk accurately summarizes the problem with "site-ing" public memory. The creation of public memory is a process that spans years of debate. For instance, Mandziuk's article focuses on the creation of memorials to Sojourner Truth. Additionally, a singular figure (like Shepard as symbol or a monument) is unable to embody the complexities inherent in events and people. In this chapter, I examine the ideological processes that informed the creation of Matthew Shepard as surrogate within the site of public memory. I also examine, the complexities and challenges that various constructions of Matthew Shepard (by various groups) created.<sup>3</sup>

### **Historical, Sited Matthew Shepard**

The media, en masse, is one area of public discourse within which public memory is created. The media packaged Matthew Shepard - in print, on television, and on the stage - for cultural consumption as an angelic figure, worthy of protection. The media's treatment of the Shepard story did highlight the political goal of passing hate crimes legislation. However, the media packaged the Matthew Shepard story in a specific way to achieve its goal of telling a dramatic story. While many gays were pleased with the media's retelling, others have suggested that this instance of public imaging of gay people may have had

negative consequences. What has been the eventual result of the media's dramatic packaging of Shepard as angelic, pure victim?

Because of the media's nearly instantaneous repackaging of Shepard's story, the debate over the public memory of Matthew Shepard continues to the present day. I examine two parts of this debate - each of which can be said to inhabit their own cultural spaces. One cultural space is that inhabited by religious extremists and one is inhabited by gay people. Religious extremists from the conservative political spectrum criticized the media and the gay community for capitalizing on Shepard's death; some extremists staged a protest at his funeral. Friends of Shepard's responded with their own brand of political speech; while within the gay community, the debate centered on why Shepard should serve as a surrogate when so many others had died in a similar fashion.

The media's creation of Shepard as a "pure" victim of a hate crime fit well with gay political goals in the late 1990s. As noted in the first chapter, Shepard's death came at a time of major advances for the gay rights movement. The year before Shepard's death (October 12, 1998) was the year when the movement saw a number of advances on a national scale. Within the uses of Matthew Shepard as surrogate, we can see the ways in which the movement - nationally - had moved from a confrontational to a conciliatory style of politics.

The movement was able to suggest that Shepard should have been safe in his community, in this bar where he met his killers. Shepard came to stand in for the fears of gay people. The movement was urging the public to examine this event as indicative of similar situations gay men faced every day. By arguing that Shepard - the angelic, pale boy - could be killed only because he was gay, the movement affirmed the media's portrayal of Shepard as a victim and played on the public's fears of victimization. The gay community, I suggest, was arguing, "We are like you, and we are deserving of the same protections from hate as you are." The story of Matthew Shepard has proven to be powerful, for he continues to serve in this role as a surrogate for all gay victims of hate crimes, almost seven years after his death.

Matthew Shepard was not the first to die at the hands of assailants because he was gay nor was he the last. Press descriptions of Shepard recall his "slight [ . . . ] stature," his "gentle [ . . . ] demeanor" (Ott and Aoki 487), his whiteness, his youth, and his intelligence. Matthew Shepard - as a result of the intense media coverage - came to stand in for and embody a whole host of anxieties and uncertainties within gay politics and within the mainstream as well. In the gay community, Shepard came to represent gay individuals' fears of being murdered as a result of their orientation. In the minds



of religious extremists, Shepard came to stand in as a symbol of the moral decline of the country (due to its positive treatment of gay people).

The process of surrogation begins at the time of death; a metaphorical space (in need of filling) is left in the public consciousness. When someone dies (for instance, Matthew Shepard, a King, or the actor, Thomas Betterton, to use Joseph Roach's example from the book *Cities of the Dead*), a kind of cultural anxiety surrounds the death. Individuals in the culture attempt to wrest control of the image of the individual who died in order to fill the physical/cultural space left by the body of that individual. Thus, through the process of surrogation, an individual figure comes to serve as a symbol - embodying, after death, what he seemed to embody in life.

In his writing on surrogation, Joseph Roach references the death and funeral spectacles of kings. A space is held open for the ultimate kingly successor,

But in the place that is being held open there also exists an invisible network [ . . . constituting] the imagined community. In that place also is a breeding ground of anxieties and uncertainties about what the community *should* be. (39 *emphasis* added)

The space that is held open, then, forms the place for idealistic debates about the nature of the community - about

what it can become and what changes can happen in its character as a result of the kingly death. In later chapters of Roach's book, he expands the notion of surrogation to argue that Thomas Betterton, upon his death, came to stand in for a particular nationalist British identity, not unlike how Shepard came to stand in on the one hand, for hate crimes, and on the other, the country's moral decline.

Roach's work suggests that the process of surrogation occurs after the death of someone who in life had been in the public's consciousness, like a king or an actor. With the advent of the twenty-four hour news cycle, broadcast and print media have come to play an ever more increasing role in publicizing a death so that even an unknown like Shepard can become a national symbol. This transformation is not unlike that which happened following the death of Princess Diana, who became an international symbol. Diana Taylor suggests that only particular kinds of individuals come to serve as surrogates for multiple publics en-masse (67). Other individuals serve only as surrogates for smaller counter-publics within the public at-large. For instance, while Diana seemed to serve as a surrogate within multiple publics across national and cultural borders, Latina singer Selena did not.

Contrasting the death and "theatre of mourning" which resulted from the death of Latina songstress Selena with that

which resulted from the death of Princess Diana, Taylor finds that Selena's death did not provoke the same kind of worldwide reaction and media coverage that Diana's did. This difference prompts Taylor to ask "How, then, do some ghosts dance over cultural boundaries [into public memory] while others are stopped, strip-searched, and denied entry" (68)? Taylor suggests that culturally-defined beauty is the trope by which certain individuals come to serve as surrogates. She quotes Elizabeth Bronfen,

Over [a beautiful woman's] dead body, cultural norms are reconfigured or secured, whether because the sacrifice of the virtuous, innocent woman serves a social critique and transformation or because a sacrifice of the dangerous woman reestablishes an order that was momentarily suspended due to her presence. (67)

A dead person (particularly a beautiful dead person) comes to serve a role in societal reengineering: the death of a dangerous individual restores social order; the death of an innocent becomes the means to achieve a societal transformation.

Certainly, Selena was a beautiful woman, but she was stopped at the border of the American Latino culture because, Taylor asserts, of her ethnicity. Diana, in her innocent whiteness, served the role of the virtuous woman killed before her time and

as an indictment on the royal culture (and the paparazzi) that drove her to her death.

Like Princess Diana and like Bronfen's beautiful woman, the white and innocent Matthew Shepard came to symbolize the figure of the innocent, worthy of protection from violence.

Understanding the "politics of cultural transmission" (Taylor 67), the gay community did little to dispel the media's characterization. However, the characterization of Shepard as innocent resulted in counter-imaging from religious extremists and prompted further debate within the gay community as to the proper role (or not) of Shepard as a representative of gay men.

Not unlike the death of Princess Diana, Shepard's death served as a kind of flashpoint around which cultural anxieties about his death were played out. In the introduction to the published version of *The Laramie Project* Moises Kaufman, (the founder and leader of the Tectonic Theatre Project) defines such flashpoints as

[ . . . ] moments in history when a particular event brings the various ideologies and beliefs prevailing in a culture into sharp focus. At these junctures, the event becomes a lightning rod of sorts, attracting and distilling the essence of these philosophies and convictions. By paying careful attention in moments like this to people's words, one is able to hear the way these prevailing ideas affect

not only individual lives but also the culture at large.

(v)

Generally, Kaufman's definition serves this project well. Suddenly, lawmakers were urging the passage of hate crimes legislation, arguing that all citizens of the United States - including gay citizens - had the right of free association without fear of violence.

The packaging of Matthew Shepard began the moment his beating was reported to the media. I define packaging as the way in which the media (especially broadcast) take the facts of an event and package them into a dramatic story. Clearly, the media reports on this event were packaged. In my study of Shepard, though, I have often wondered how the media were first alerted to the beating. In fact, two men who knew Shepard (but may not have been close to him) initially contacted a reporter from a nearby community's newspaper. In *Out* magazine, Elise Harris reports that Walt Boulden, a social worker who had known Matt for about six years, and Alex Trout, a "dramatic, angry young man" who had "spoken a lot to the press [ . . . ] called a friend at the *Casper Star-Tribune*. The reporter drove to Laramie and took on the case;" they were "afraid that the crime would be covered up" (63).

Boulden and Trout were later denied access to Shepard's funeral by his mother; the implication, according to Harris, was

that Boulden and Trout were to be blamed for the unprecedented media attention and may even have been complicit in the packaging of Matthew Shepard (63). These two witnesses were politically savvy, and their desire to expose the beating of Matthew Shepard seems driven by the political goal of ensuring the crime would be interpreted, en masse, as a hate crime.

Harris continues, "By October 9, the Associated Press was calling Shepard a 'gay student' and the assault a hate crime. It was a slow news week, halfway between the Clinton-Lewinsky scandal and the midterm elections, and the story blew up" (63). The media, then, according to Harris, picked up on and dramatized the story for its dramatic character. Brian Ott and Eric Aoki point to the dramatic nature of the coverage, as well. Both within mainstream media and gay-identified media, they write, the coverage served only "to excuse the public of any social culpability" by labeling the criminals the guilty parties instead of labeling the public's homophobia as the true initiator of the murder:

All three of the national newspapers we analyzed [1] named the event as a vicious anti-gay hate crime, [2] constructed Shepard as a political symbol of gay rights, and [3] transferred the public's guilt onto [Aaron] McKinney and [Russell] Henderson [Shepard's killers]. (497)

Because the media victimized Shepard and criminalized McKinney and Henderson, it ensured the public would not examine any societal causes of the crime. Ott and Aoki further argue that the media actually damaged progress towards the political goal of passage of hate crimes legislation. They only use recent history as evidence for that argument (that hate crimes legislation is stalled in the United States House of Representatives, for instance). Still, Ott and Aoki's criticisms are not far from those that come from within the gay community, as we will see later in the chapter. Significantly, Ott and Aoki expose the media's easily recognizable narratives into which they feed the various stories they cover. For instance, one of the communal narratives that the media used in its coverage of the Shepard story was the narrative of rural, western America.

Jean Baudrillard criticizes the role of the media in its use and exposition of communal narratives. Through its packaging and retelling of stories, the media participates only in "farcical resurrection" and

[ . . . ] parodic evocation of that which is already no more - of that which is 'consumed' in the original sense of the word (consummated and terminated). (qtd. in Kellner 63)

Hence, the media works to repackage things that have already happened in a way that the culture, at large, can appropriately

consume them. The media, then, is one of the primary agents of surrogation through its creation of viable narratives for public consumption.

By and large the popular perception of rural America is that it is predominantly conservative and that rural citizens are closed-minded people. In its encapsulation of the scene of Shepard's murder, the media uses this construct. While the media does clearly place the blame on the perpetrators, it also suggests that the rural nature of the very town in which the murder occurred shared some of the blame:

Laramie, Wyoming - often called the Gem City of the Plains - is now at the eye of the storm. The cowboy state has its rednecks and yahoos for sure, but there are no more bigots per capita in Wyoming than there are in [other states]. The difference is that in Wyoming there are fewer places to blend in [ . . . ] Aaron McKinney and his friend Russell Henderson came from the poor side of town. Both were from broken homes and as teenagers they had run-ins with the law. They lived in trailer parks [ . . . ] As a gay college student lay hospitalized in critical condition after a severe beating [ . . . ] this small city, which bills itself as Wyoming's Hometown, wrestled with its attitudes towards gay men. [ . . . ] It's a tough business, as Matt



Shepard knew, and as his friends all know, to be gay in cowboy country. (*The Laramie Project* 46-8)

Thus, the play builds on the media's early packaging of the event as a specifically rural beating (it couldn't happen in cities) perpetrated by adults who'd been raised improperly and who had run-ins with the law (victim-perpetrators) on a victim who knew how hard it was to be gay in a rural area. Matthew Shepard, in the play and in the media's coverage, seemingly comes to stand in for all gay men who live in rural areas. The packaging created a distancing effect, whereby residents of urban areas could deny that they could be victims of this kind of crime.

In that *The Laramie Project* also seems to follow a kind of pre-determined narrative, the play may be interpreted as another form of media product. In an article in *Modern Drama*, Amy Tigner suggests that *The Laramie Project* incorporates elements of pastoral drama and the western - a truly "American" story. She clearly points to the broader message of the play: "The Laramie Project's discussion of gay life in Laramie is really a discussion of gay life in America" (152). She further argues that, as the hero of "an elegiac pastoral Western," "Matthew Shepard's absence can begin to stand in for all the unnamed hate-crimes victims" (154). In working through the community's responses to his death, Tigner sees a possibility of individual

and corporal change coming as a result of the play; "As the pastoral works to critique and change society, *The Laramie Project* [ . . . ] may have had a real effect on social change" (153).

Still other academics find little possibility of communal change in media representations of the Shepard incident. Ryan Quist and Douglas Weigand analyzed the political motivations behind the media coverage. They found that media outlets which were generally seen as more conservative attributed Shepard's murder directly to the perpetrators, whereas media outlets seen as generally more liberal attributed it to the larger social problem of homophobia and hate violence (93). Irrespective of this motivational bias, the gay community was, on some level, ready to accept and use the media's characterizations to advance its political goals. For example, Shepard is continually memorialized by national gay rights organizations and pointed to as an example of a gay man killed in a hate crime.

### **We're Everywhere: A New, Rural Identity for Queers**

In truth, some change in communal understanding did result from Shepard's death. Shepard came to stand in for a Western, rural queer. In fact, the rural queer has emerged as one of the most prominent themes during the six or so years of media coverage. We must question the value of such coverage, of

course. In the media's packaging of the West, we are reminded of a relatively conservative notion of the West as the "pure" America, inhabited only by "tough" gay people (and presumably "tough" ones that keep their identities secret). An out gay man in the West is dangerous and subjected to violence, because gay westerners challenge the cultural notion of the West and rural America as a bastion of conservatism.

Clearly, "tough" or not, gay people live all over the country - in both rural and urban areas. John D'Emilio's argument that, as the space is created for gays to safely expose their sexuality, more will do so, is important here. Although D'Emilio's argument focuses on cities as the place where individuals are freed from the restrictions of family, his argument can extend to rural spaces. As more gay people openly self-identify in small-town America, more will see that lifestyle as a possible option for them. These open self-identifications as rural queers suggests a new social moment. Obviously, Matthew Shepard felt some level of comfort being openly gay in the small town. He had lived in major metropolitan areas, but had chosen to return home. On campus, a group of gay people met regularly. Defining how comfortable Shepard was being openly gay in Laramie is difficult. Nevertheless, Matthew Shepard came to serve as a surrogate for the expansion of gay visibility in new places.

Most obvious in media readings of Shepard and in *The Laramie Project* is that danger comes with the choices of gay people to live in rural areas. Clearly, in some cases, a rural homosexual male or female *may not* openly identify as a gay man or lesbian woman without being subjected to violence. Open identification as a gay man or lesbian woman, so the story would have it, results in murder. Living as a transgendered person, like Brandon Teena in Lincoln, Nebraska, also subjects one to violence. Interestingly, like many other victims of hate violence, Teena (who's birth name was Teena Brandon) has not become a surrogate promoted by gay political organizations in the same way as Shepard. In comparison, Teena was neither middle-class like Shepard nor so easily packaged as a victim; she crossed gender lines to live as a man and dated a Lincoln woman. Seemingly, any challenge to the sex-gender system as it is understood in conventional conservativist rural America subjects an individual to danger. However, not all those subjected to this violence come to serve as surrogates.

For instance, parts of the transcript of Aaron McKinney's trial - at which his confession to Rob DeBree, a sergeant in the local Sheriff's office, is read into the record - are reprinted in *The Laramie Project*. Even before Shepard spoke, he was a target of McKinney and Henderson's homophobic attitudes. McKinney refers to Shepard as "some kid who wanted a ride home."

When prompted to describe Shepard's looks, McKinney replies, "Mmm, like such a queer. Such a queer dude. [ . . .]like a fag, you know?" DeBree asks, "When did you and Russ talk about jacking him up?" and McKinney replied that they "kinda talked about it at the bar" (89-90). Thus, the ground was already laid for Shepard to be beaten when he, according to McKinney, started "grabbing my leg and grabbing my genitals." (McKinney argues that happened after Shepard was in the truck with the two). McKinney is representative, then, of the assumed, standard homophobia of the rural West.

In another exchange in *The Laramie Project*, Doc O'Connor - the limousine driver who drove Matthew Shepard to Fort Collins, Colorado gay bars - clearly identifies the difference between acting gay and being gay in a rural area:

Let me tell you something else here. There's more gay people in Wyoming than meets the eye. [ . . . ] They're not particularly, ah, the whattayou call them, the queens, the gay people, the queens, you know runaround faggot-type people. [ . . . ] I always say, Don't fuck with a Wyoming queer, 'cause they will kick you in your fucking ass.

[ . . . ] I know a lot of gay people in Wyoming. (21)

The "lot" of gay people O'Connor knows in Wyoming is not comprised, significantly, by "queenly" gay people. That is to say that these gay people do not by their existence question the

traditional sex-gender system in rural America. These are cowboy queers who will "kick-ass." I am reminded of the masculine gay male with which my IM converser, Blond, so identified in Chapter One. A masculine gay male - like these rural queers - has set his identity in opposition to the feminized gay male represented in the figure of Shepard.

Gay men who lived in rural areas thirty years ago (and even some today) certainly did not openly identify as such. Queers do, however, live in rural areas. A recent search of online chat rooms identified with the M4M tag (Men for Men) such as the Wyoming Men for Men chat room on the website [www.gay.com](http://www.gay.com) evidences this fact. Some forty people are frequenting the Gay.com chat area at any one time; some identified as gay and some as bisexual. Other rural "chat" areas like the Springfield, Missouri chat room have a similar number of participants. (In contrast, urban areas like Houston or Las Vegas on this site often have over 100 people.) These limited searches do indicate that self-identified (if not publicly identified) gay men do indeed live in rural areas. That a gay man would or could live even modestly openly in a rural area would have been unthinkable just a half-century ago

Gay men who live in rural assume a level of fear that contradicts the move of other gays toward visibility. Some rural queers denounce it. There are two very clear examples of

this fear in *The Laramie Project*. In the play, Laramie is characterized as perhaps the most liberal of the small towns in the state because of the presence of the University of Wyoming. Still, Cathy Connolly (a member of the faculty) recounted for the writers a story about a woman calling her at her office because the woman (who remains unidentified) wanted to reach out to another lesbian. Connolly says, "...she was - a kind of lesbian who knew I was coming and she wanted to come over and meet me immediately." The woman also told her that there were other lesbians in Laramie who refused to be seen with her, that "just to be seen with me could be a problem" (22).

Similarly, Jonas Slonaker reported that he would often travel to gay bars in Denver and that he would meet other gay men from Laramie there. Many would say, "I had to get out." Some would, on the other hand, say "I mean I really love it there, that's where I want to live." Slonaker's unspoken retort was "If that's where you want to live, do it." He corrected himself for the interviewer: "But it's easier said than done, of course" (22-23). As a gay man, Slonaker made a choice to live in the rural Wyoming town. Yet, he understands the dangers inherent in that choice. Such a choice is, indeed, "easier said" than made. Slonaker seems to recognize that the choice is one fraught with danger, but understands that the choice breaks

new ground - gay men should be able to live anywhere they want to if they are to be full citizens.

Still, while many gay men have made the choice to live in rural areas, many others have not. As a gay man, for instance, I have chosen - specifically - to remain in urban areas. The death of Matthew Shepard did not instantly affect me, as an openly gay man living in a mid-sized city who has never been beaten for identifying as gay. Conversely, my mother lives in a rural town of around 13,000 people. While visiting, I often go to a local supermarket. Once while on my way into the store and once while exiting I was called "fag" by strangers, who then continued in the opposite direction. The utterance of that word caused me to quicken my pace to my vehicle, immediately aware of the fact that I was now in a rural setting - one very similar to Laramie, Wyoming. I do not consider myself overly feminine in demeanor; I never uttered a word and yet was labeled, "Fag," which - following the death of Matthew Shepard - I translated into "Fag: Okay to Attack." However, since those experiences, I have met more gay men that live in the small town. My experience with these men who have made the choice of a rural life seems to indicate D'Emilio was correct: as more gay men choose to live in rural areas, more gay men will see that choice as a valid and appropriate one for them.



The media's (including *The Laramie Project*) fascination with the Shepard incident revolved not only around the brutal nature of the crimes or Matthew Shepard's image, but also around the shifting viewpoint in this communal narrative. After Shepard's death and with the increased visibility of rural gay people, the myth of the American West as a purely conservative place *sans* alternative sexualities was challenged. Even the residents of Laramie seemed to work to reclassify its place in this narrative. As we have seen, the media descended on the town - characterizing it as the home of "rednecks" and "yahoos." Even Doc O'Connor, the limo driver I quoted above, seems to recognize a place for "gay people in Wyoming." The detective of the Laramie police department whom Tectonic interviewed makes an even clearer point about his department's response to Shepard's death. He called the coverage sensationalism, pointing out: "Wait a minute. We had the guys in jail in less than a day. I think that's pretty damn good" (49). The undercurrent, of course, is that the detective doubts that a metropolitan police department could have done any better. Even in this representative of the mainstream, then, we see a desire to recognize gay people as equals under the law. So, the political goal of visibility is having its intended effect - to create safe spaces for gay people anywhere in the country.

The shifting American landscape evidenced by this detective's desire to treat gay people equally, even in the West, created a kind of panicked response from proponents of the image of a morally pure rural America. The most vehement contestations of this reinterpreted identity and of making Matthew Shepard into a symbol came from religious extremists, politically identified with the far right. From this quarter, the gay community was roundly criticized for capitalizing on Shepard's death. For instance, in a letter to *The Baton Rouge Advocate* Frank Black wrote that "Homosexual lobbyists have claimed that this act of violence can be attributed to recent newspaper ads that offer ministry to those who want to leave the homosexual lifestyle. As a result, homosexuals will now feel free to blame Christianity any time a crime is committed against a homosexual" (10B). Gay political activists did claim that a culture of violence has been created in part by the idea that God wants gay men to turn from sinful lifestyles.

An editor for the *Memphis Commercial Appeal* wrote on this issue seemingly suggesting some middle ground between the positions of gay political activists and those on the religious right:

It isn't fair to say, as some militant commentators have suggested, that everyone who opposes homosexuality is complicit in Shepard's death [ . . . ] Surely, though, the

most extreme expression of these attitudes do contribute to a climate of hate that may encourage such atrocities.

Would you trust the spiritual guidance of the so-called minister whose followers showed up at Shepard's funeral brandishing signs that read "God Hates Fags" and "AIDS cures fags"? (Kushma, Editorial page)

Kushma is pointing to the cultural trend of violence against gay people (as evidenced by Phelps' protests) and arguing that the virulent hate-mongering created a permissive environment for the murder of Shepard. This editor clearly places Phelps at odds with those who simply oppose homosexuality. Phelps is not, I think, indicative of those who identify with conservative religious principles. Many, like Frank Black, are members of "Christian organizations that are being targeted abhor such violence. Never have they condoned such activity, and they condemn it without qualification" (10B).

Reverend Fred Phelps, long before Matthew Shepard's death, made it his life's work and the mission of his Westboro Baptist Church (in Topeka, KS) to fight against what he saw as a homosexual agenda. Phelps worked, and continues to work, very diligently at making Matthew a surrogate for what he interprets as God's hatred of gay men. Phelps' group even argued, post 9-11, that America's positive treatment of homosexual people brought divine retribution in the form of these terrorist acts

(Westboro Baptist Church). His group protested at Shepard's funeral, and Phelps' words on that day found their way into *The Laramie Project*:

But this murder is different, because the fags are bringing us out here trying to make Matthew Shepard into a poster boy for the gay lifestyle. And we're going to answer it [ . . . ] God's hatred is pure. It's a determination that he's going to send some people to hell [ . . . ] If God doesn't hate fags, why does he put 'em in hell? You see the barrenness and sterility of your silly arguments [ . . . ] Barren and sterile. Like your lifestyle. Your silly arguments. (79)

The virulent nature of Phelps' words is clear; eternal judgment and damnation will fall upon gay people and the violent beating of Matthew Shepard is the mark of that judgment.

Shepard's death and the events surrounding it became a cause for Phelps and the Westboro Baptist Church. The group has organized regular, ongoing pickets of various events. From news releases which can be found on their website, I obtained the notices of two of their pickets. The group picketed the City of Casper, Wyoming. The news release reads, in part:

WBC to picket the sodomite whorehouse masquerading as the City of Casper, Wyoming - in Celebration of the "5<sup>th</sup> Anniversary of Matt Shepard's entry into Hell" - [ . . . ]

in religious protest/warning: 'God is not mocked!' God  
Hates Fags! & Fag Enablers! (3 Oct. 2003, par. 1)

The release goes on to blame Shepard for his own death:

Matt Shepard is no hero. He's an idiot. Trolling for fag  
sex in a cowboy bar at midnight is not the stuff of  
heroism. It's the stuff of idiocy. (3 Oct. 2003, par. 2)

It also criticizes Judy Shepard:

Matt's goofy mother now charges \$5,000+ to spread the lie  
"It's OK to be gay." Having raised her own son for the  
devil and Hell, she now - for lucre, like the opportunistic  
pig she is - seeks to influence other people's sons and  
daughters to doom. (3 Oct. 2003, par. 2)

Also openly available on the website are photos of some of the  
group's protests. In one photo, group members are standing on  
the grave of an openly gay man who died in Hallsville, MO. Some  
of their signs read, "No Fags in Heaven," and "Gold [the man who  
died] in hell" (Friendship Church) - signs similar to those they  
carried at the Shepard funeral.<sup>4</sup>

*The Laramie Project* itself continues to be the subject of  
criticism by the far extreme religious right as personified in  
Phelps and his organization. The play is now being produced by  
high schools across the country. Every time Phelps' group  
learns of such a production, they protest. The church issued a

news release announcing its protest of the Las Vegas Academy production:

WBC to picket the sodomite whorehouse masquerading as Las Vegas Academy and the Pied Piper from Hell Principal Stephen Clark [ . . . ] God hates Las Vegas Academy, the school board and all responsible for leading the kids to lives of sin, shame, misery, disease, death and Hell by inculcating in them the Satanic lie that It's OK to be gay! They made impressionistic kids produce a cheap fag propaganda play - *The Laramie Project*. (News Release 4 May 2004, par. 1-2)

Interestingly, the protest came after the close of the play at the high school, and there were no protests by local parents or other constituencies. According to a television news story, less than twelve people protested (among them Phelps' daughter) and more than 300 were at the school in counter protest ("The Laramie Project").

Phelps is an outrageous example and is not a representative one. Other self-identified Christians expressed less judgmental understandings of Shepard's death. In face, some even compared Shepard's role as surrogate to that of another surrogate who was murdered in the Columbine school shootings. In the latter case, a young woman became a symbol of Christian martyrdom (as many have accused gay politicians for making a martyr out of Matthew).

A young woman was supposedly asked by one of the shooters if she loved God. After some hesitation, she replied "yes" and was immediately shot. In a discussion list on the web, the following exchange took place:

#1: This tragedy is absolutely disgusting. I for one place a certain amount of blame on the stupid gun laws in the USA, and on lack of education and compassion.

#2: I agree.

#1: It disgusts me to see religions taking advantage of this.

#2: I think you will find that Christians will "take advantage" of this tragedy in just about exactly the same way that the gay lobby has "taken advantage" of the tragic death of Matthew Shepard. And for much the same reasons.

(DejaNews Discussion List)

The tenor of party #2's response might be read as anti-gay. However, it is clear that the second party recognizes that those who have died in tragic circumstances often come to fill the role of surrogate - to stand-in as representative of a need for some kind of social change.

Both political coalitions seem to be creating surrogates for representation within the public sphere (as speaker #2 indicates), but the common ground between religious self-identification and gay self-identification remains elusive. In

short, if someone is murdered because of their religious self-identification, the perpetrator can, under federal sentencing laws, be given a harsher sentence. According to the Human Rights Campaign, "Current federal hate crime law, passed by Congress in 1968, allows federal investigation and prosecution of hate crimes based on race, religion, and national origin" ("Local Law Enforcement Enhancement Act" par. 3). Gay men are, then, asking for protections already provided ethnicities and religious people. The political desire, then, is for equal protections - to be like other citizens of America.

That Matthew Shepard should have come to serve as a surrogate was obviously problematic, in the least, to more conservative receivers of the media's message. Religious extremists were not the only conservatives who found problems with the surrogation. For instance, in *The Laramie Project*, one very striking interview is conducted with the wife of a highway patrolman who expressed her dismay over Shepard's death. She clearly questions the value of Shepard as surrogate. Upset by the fact that so much attention had been paid to Shepard's death while very little attention was paid to the death of another highway patrolman, she remarks to the interviewer, "[ . . . ] here's one of ours, and it was just a little piece in the paper." She continues, "I don't think [Matt Shepard] was that pure [ . . . ] He was, he was just a barfly, you know. And I



think he pushed himself around... Why they exemplified him I don't' know" (64). We are not, clearly, given any clues as to the speaker's religious beliefs, but she calls Matthew's purity into question, suggesting that he was not as exemplary as his role as surrogate might suggest. However, she points to the cleansing of Matthew Shepard in preparation for his role as a national symbol for victims of hate crimes.

Other examples from *The Laramie Project* point to the tendency of conservative thinkers to be against hate crimes legislation. This same Laramie resident declares, "What's the difference if you're gay? A hate crime is a hate crime. If you murder somebody you hate 'em. It has nothing to do with if you're gay or a prostitute or whatever" (65). The play also reports the political response of Wyoming's governor. When the governor's position on hate crimes is questioned by a reporter, he retorts, "I would like to urge the people of Wyoming against overreacting in a way that gives one group 'special rights over others'" (48). Indeed, the Wyoming Republican party maintains this exact position. *The Casper Star-Tribune* reported on May 9, 2004 that one plank of the state party platform was blocking hate crimes legislation from passage (par. 1).

The judgmental attitude of Fred Phelps towards gay people and even the responses from the Laramie resident and Wyoming's (then-) Governor are indicative of the desire to reinterpret

Matthew Shepard's status as a surrogate. Following Shepard's death, a symbolism had begun to surround him, symbolism that called for gay people to receive the same kinds of protection that other groups had already received. However, these conservatives are pointing towards other parts of Shepard's image that may serve to disqualify him (and by proxy, gay people) from what they term "special" protection.

### **The Murder of Matthew Shepard: A Continuing Struggle over Image**

The battle over the public memory of Matthew Shepard and his place as a surrogate for the political aim of the passage of hate crimes legislation resonates within the gay community even now. As recently as August of 2004, the Matthew Shepard story had resonance within the gay community. In an ad calling for "'tolerance' from the GOP on gay issues," the Log Cabin Republicans used the image of Phelps' protest at Shepard's funeral to encourage members of the Republican Party to avoid "the politics of intolerance and fear that lead only to hate" (Memmott, par. 9). The resonance of Matthew Shepard's image as a young, white, gay male in need of protection from hate-motivated violence is clear.

Interestingly, gay people seemed to accept and imitate the media's image of Shepard as surrogate. The community responded politically to Shepard's death with street-theatre type activism

calling for the passage of hate crimes legislation and battering homophobic attitudes. In its responses to the death and to the media's portrayal of Shepard, the community also created its own surrogate and further questioned the use value of Shepard as a political symbol.

The community's reaction to Shepard's death was widespread and immediate. I find in the "political" funerals an attempt, not unlike the media's to create meaning surrounding Shepard's death. This process of the creation of meaning is the process of surrogation. "Peter," an actor in New York, wrote on a Gay Theatre listserv:

I have always felt a responsibility to support the gay community and last October with the killing of Matthew Shepard this feeling became intensified. I wanted to give my community all the support I could since those who oppose us do for their side, so much so that in the mind of two young men killing a queer was an act of pious righteousness. I also experienced the disrespect accorded our people when marching in Matthew's memory we were taunted and cops stood ready to bash our heads in if we looked at them sideways. (Gay Theatre Listserv, 4/26/99)

Peter is referencing the "political funeral" (Harris 63) in New York in which 200 people gathered outside the Plaza Hotel for what was initially planned as a candlelight vigil. The group

eventually swelled above 5,000, and police intervened after the crowd blocked cars on the Avenue of the Americas. The vigil became a political funeral because "some demonstrators carried a coffin to represent Shepard's body, some had drums and whistles, others carried signs reading 'Where is Your Rage' and 'Matthew Shepard - Killed by Homophobia'" (Harris 65). Officers are said to have charged the crowd with horses. With these reactions, we see the process of surrogation at work. Shepard became more than the embodied individual bearing that name. Instead, the name came to be synonymous with violence perpetrated against gay people.

*The Laramie Project* can be read, I think, as a gay response to Shepard's death - as a way to ensure that Shepard's death stands in for something. Kaufman's first play, *Gross Indecency: The Three Trials of Oscar Wilde*, dealt with England's sodomy law and Wilde's arrest and conviction under it. Within the text of *The Laramie Project* we discover that two of the company members doing the interviews are gay. However, even though Kaufman seems to suggest that the play does not put forward a message (choosing only to examine the event and the results), I argue otherwise. Ultimately, *The Laramie Project* does more than simply document the experience of the residents of Laramie and the other interviewees. The play comes to serve as a political indictment of a culture that allowed this tragedy to occur.

Kaufman insists that his play is anti-realist, pointing out that "the theater has too often remained entrenched in the nineteenth-century traditions of realism and naturalism" (vi). Of course, Kaufman is discussing the realistic staging of plays evidenced in the late-nineteenth century theatre of America and Europe. He quotes Brecht in an attempt, I think, to distance the work from the media's "Aristotelian" packaging of the Matthew Shepard story - packaging which transforms the story into a kind of drama in which we expunge "the evil within" and restore "the social order" (Ott and Aoki 486).

He argues directly against the use of traditional dramatic structure, preferring to present the story in moments:

A moment does not mean a change of locale or an entrance or exit of actors or characters. It is simply a unit of theatrical time that is then juxtaposed with other units to convey meaning. (xiv)

Kaufman's use of moments creates meaning, since the authorial hand appears in the juxtaposition of the moments. Overall, then, the process of creating these moments served as another kind of packaging, albeit one that served a different rhetorical purpose and was delivered to a different audience.

Kaufman takes an empathetic position toward subjects identified with the position of the gay community. For instance, within the text of the play, only one moment can be

interpreted as critical of the gay community's response to the event. Tectonic members interviewed the president of the University of Wyoming, Philip Dubois. Dubois read them an e-mail he received following the incident. The e-mail writer also virulently attacks Dubois, likening him and the faculty of the University to the Third Reich. The e-mail continues,

You have taught your straight children to hate their gay and lesbian brothers and sisters. Unless and until you acknowledge that Matt Shepard's beating is not just a random occurrence, not just the work of a couple of crazies, you have Matthew's blood on your hands. (56)

Dubois' response was, "And uh, well, I just can't begin to tell you what that does to you" (56). Dubois obviously felt attacked unjustly. This moment seems critical of the over-dramatic, virulent response of the e-mail writer.

Kaufman's attempt to distance his play from the politically and economically driven dramatization of the media reveals a specific rhetorical strategy. The distancing maneuver fails. That the play serves to support the gay movement's political goal of passage of hate crimes legislation cannot be denied. The movement uses Shepard as a surrogate for a political end. In the final moment of the play, Jonas Slonaker - a Laramie resident - notes,

Those two boys got what they deserve, and we look good now.  
Justice has been served [ . . . ] we don't need to talk  
about it anymore [ . . . ] it's been a year [ . . . ] and  
they haven't passed shit in Wyoming [ . . . ] nobody has  
passed anything anywhere. (99)

By this point, Slonaker has been identified as one of the openly gay characters in the piece. That his statement was chosen as the final moment in the play indicates both Tectonic's and similarly the gay movement's desire to achieve that political goal, a desire heightened by Shepard's death. So, Kaufman and Tectonic created a piece of non-realistic theatre (if one defines non-realism as unconventional dramatic structure) in which they advance the surrogation of Matthew Shepard for a political aim.

While the gay community has battled the extreme religious right over the public memory of Matthew Shepard, his surrogacy within the gay community is also a source of conflict. The community struggles over whether or not Shepard should define the public image of gay men and challenges the erasures caused by the media and *The Laramie Project*. For example, Dan Savage, in an opinion piece written for *The Advocate* in March of 1999 (five months after the murder), discusses the sexual risks many gay men take and suggests that Shepard took similar risks. He asserts, that Shepard's actions on the night of his murder used

to be called 'rough trade' - the dangerous, centuries-old practice of gay men picking up grimy, testosterone packed straight or semi-straight toughs" (62). We cannot possibly know Shepard's motives when he left the bar that night, but he was certainly was committing to a dangerous situation. By all accounts, Shepard was intelligent. Savage argues he "assessed the risks and decided they were worth it" (62). If we are to believe the words of Aaron McKinney in his confession, then an assumption that Shepard was hoping for a sexual encounter with the two men is not invalid. However, the point of Savage's argument is that Shepard's sexuality - his sexual exploration - was very specifically excluded from the coverage of his death in the media. For mainstream viewers, Shepard became a slaughtered lamb. For Shepard to become a symbol, his martyrdom was necessary.

In the debate over the appropriate public image for the mainstream, Savage seems to suggest that cleansing Shepard's image was an error. He asserts, "More disturbing [than this cleansing] is our inability to allow Matthew Shepard and other risk takers their desire without punishing them for it" (64). Savage states the very specific reason why "sex was erased from the Shepard story" (64). He continues,

One of the reasons Shepard's murder received slaughtered lamb treatment from the mainstream media was because



everyone denied the murdered student his sexuality. Gay and lesbian activists declared his motives off-limits for a reason. Of the 20 or more gay men murdered every year in the United States in antigay attacks, most are victims of pickup crimes or violent bashings outside sex spaces or gay bars, and their faces don't grace the cover of *Time*. (64)

Savage implicates gay activists in Shepard's cleansing and notes that cleansing was in the service of a political aim.

Savage directly highlights, then, the tension in the gay community over the public imaging of Matthew Shepard. I have found no direct evidence supporting his suggestion that the larger gay political movement whitewashed Shepard's image. In truth, the cleansing of Shepard's image was executed by the media. Rather than the whole of the movement, two gay men chose to direct the media's attention to Shepard as a victim of a hate crime. Irrespective of this contradiction, Savage's point still stands. Whether or not a murder happens as the result of a pickup (or when a man is outside a sex club or gay bar) is irrelevant. The murder happened and occurred because of the perceived queerness (and possibly perceived homosexual activity) of the victim.

Savage goes on to point out that "the culture — gay and straight — subconsciously believes that if a gay man, out looking for sex, gets killed, he has no one to blame but

himself" (64). In sum, Savage's argument is that we must address societal attitudes towards sex. Whether or not Shepard was or was not looking for sex is irrelevant. The choice to ignore Shepard's possible sexual activity further dehumanized Shepard. Societal attitudes towards gay men are not changed by ignoring the fact that they are men who have sex with other men. Ignoring this reality desexualizes and thus dehumanizes gay people. Savage finally argues that gay political activists did a disservice to their cause by not making the case that Shepard's sexual behavior was irrelevant. Public performance of gay male identities, whether inclusive of a sexual component or not, should not subject gay people to violence.

Another gay cultural critic, the conservative commentator Andrew Sullivan, bemoans the continued attention to Shepard. He holds that Shepard's surrogation is completed to the detriment of other murders of gay people. Then editor of *The New Republic*, Sullivan wrote in 1999, "[ . . . ]the Shepard case is about political and cultural symbolism." Made into a martyr and stripped of "any maturity, any manhood, any adult sexuality" (6), Shepard's image as representative actually has a negative effect on one aim of the gay political movement - the desire for the individual gay man or lesbian to "be left alone" or, in my reading of his work, to be able to be recognized as sexual, desiring people.

In this article, Sullivan opposes hate-crimes legislation, but his argument is poignant. He recounts the murders of Billy Jack Gaither and Army Private Barry Winchell; his suggestion is that because these two were "men, not boys," weren't "upper-middle-class [ . . . ] well-educated [ . . . ] waifs," they do not support the cultural notion of what it is to be a male homosexual. Shepard fit the stereotype and thus, according to Sullivan, can continue to serve the role of the martyr because he does not, like these men, "threaten the weak, effeminate stereotype" of gay men (6). Shepard serves to maintain, then, a damaging stereotype of gay men; the battle over Shepard's use as a surrogate is a battle over appropriate gay public imaging.

In another, more chilling, indictment of national gay political organizations, Sullivan (in a 2001 article) decried the fact that these organizations ignored the murder of a young, possibly gay man by a "couple" in Arkansas. The men violently raped and murdered the 13-year-old. Directly mentioning the Human Rights Campaign, Sullivan suggests the political motives behind the symbolization of Matthew Shepard as he writes,

[ . . . ] The Human Rights Campaign [ . . . ] has said nothing whatsoever about the Dirkhising case. For the HRC [ . . . ] it is "off-message." Worse, there's a touch of embarrassment among some gays [ . . . ] as if the actions of this depraved couple had some connection to the rest of

gay America [ . . . ] by helping to hush this up, they seem to confirm homophobic suspicions that this murder actually *is* typical of gays. (8)

Sullivan is participating in his own brand of rhetorical strategy here, but his point is valid. By ensuring that Shepard continues to stand in for other gay men who have been murdered, political organizations may be aiding the continuation of grossly over-generalized gay stereotypes.

Ultimately, Sullivan argues against any kind of enhanced hate crimes legislation thereby challenging the political structure of the gay counter-public. The battle continues as one over public visibility and appropriate images and practices put forward for mainstream consumption. Shepard serves as a symbol because he is now divorced from a sexualized gay male identity. He serves as a symbol because he was white, middle-class, effete, in ways that other victims of hate crimes have not been (homeless gay people, transvestites, men in the military - rough trade). The process of surrogation, it seems, requires certain cultural proscriptions to be in place - before a ghost is allowed to cross the borders of cultural identity.

Shepard crossed the borders of cultural identity into the mainstream's public memory because, I think, of the initial whitewashing of his image - the refusal by mainstream media to focus on his sexuality and the immediate characterization of

Shepard as the victim of an anti-gay hate crime. The media could not resist such a dramatic story during a "slow news week." Shepard's whiteness and his status as a relatively effete male also aided his crossing. Shepard was not threatening to the mainstream's understanding of homosexual people because he was frail and thin and unable to protect himself. Interestingly, the mainstream ignored the anti-gay prejudice of the religious right, and Shepard stands today as a surrogate for hate crime victims. By and large, the gay political apparatus supports this surrogation. Others, however, question the use value of Shepard in that role.

The battles over the body of Matthew Shepard and what role his death should serve in the larger spectrum of the gay political movement are not over. By forcing Shepard into an angelic mold and stripping him of his sexuality, by pointing up his status as victim, the gay political apparatus - as evidenced by the actions of the Human Rights Campaign - may be damaging what might be characterized as one of the long term goals of the movement: the expansion of attitudes towards different sexualities of all kinds. Clearly, Shepard, as a symbol, serves well in the role of surrogate - he does cross the borders of cultural identity; it's easy for gay men to identify with him and it's easy for many to feel the fear he must have felt while being tied to the fencepost and beaten. What his status as a

surrogate means for the identities of gay men, however, remains unclear.

In this chapter, I have used the battles over Shepard's image to underline the very unstable and ongoing process of surrogation. For the gay political apparatus as a whole, Shepard came to stand in as a symbol for all of the gays who had been murdered because of their identity. For other gay cultural critics, Shepard is emblematic of problems within the mainstream's cultural construction of gay people as people seeking "special rights" because they are in need of protection. For radical right-wing conservatives, Shepard is emblematic of the danger homosexuals pose to the country at-large. For the media, Shepard may have been, simply, the most dramatic story they could find in a "slow news week." The media's construction of Shepard also represents, in part, the public imaging of gay identities that are tolerated within the mainstream. For each of these groups, then, Shepard stands for something different - something determined from within the group itself and then promoted within the public sphere.

## Notes

<sup>1</sup> *The Laramie Project* was written by the Tectonic Theatre Project, led by Moises Kaufman. The play opened in Denver (only around two hours drive from Laramie, Wyoming where Shepard was killed), moved to New York, and then was performed in Laramie around two years after Shepard's death.

<sup>2</sup> Legislation which affords federal judges and prosecutors the option of enhancing indictments or sentences when they find that a crime is motivated by hate of a religion, race, sex, or national origin currently exists.

<sup>3</sup> Mandziuk's article recounts the process, in three cities, of the creation of public monuments to Sojourner Truth. Her quotes around the word, "monument," suggest to me, however, that public memory is about simplicity - and not complexity - in any creation of public memory.

<sup>4</sup> The religious leaders in Laramie, several of whom were interviewed for *The Laramie Project*, were not, generally, antagonistic and condemning. The Baptist minister told a Tectonic member, "Now I think they [meaning Henderson and McKinney] deserve the death penalty," and "I hope that Matthew Shepard as he was tied to that fence, that he had time to reflect on a moment when someone had spoken the word of the Lord to him." (68-9)

## CHAPTER THREE

### CRIMINAL QUEERS: THE PUBLIC/PRIVATE DIVIDE AND SODOMY LAW

Eve Sedgwick, in her work *Epistemology of the Closet*, speaks to the cultural space in which the gay rights movement found itself in the late twentieth century. The United States Supreme Court construed the act of coming out as private; then, the following year the same court construed the sexual activity of gay people as public - subject to governmental regulation. Sedgwick recounts the 1985 decision of the United States Supreme Court to "let stand" the decision of a lower court concerning a gay rights case; in this instance, a bisexual guidance counselor was fired for "coming out" before her colleagues. The lower court found that the guidance counselor's admission to her colleagues was not protected by the First Amendment because "the act of coming out . . . does not constitute speech on a matter 'of public concern'" (70). In between these two decisions, queer identities straddled the public/private binary.

The following summer, the Supreme Court ruled on the appeal of *Bowers v. Hardwick*, reversing a lower court's ruling and upholding Georgia's prohibition of sodomy:

[ . . . ] the court ruled, in response to Michael Hardwick's contention that it's nobody's business if he do, that it ain't: if homosexuality is not, however densely



adjudicated, to be considered a matter of *public* concern, neither in the Supreme Court's binding opinion does it subsist under the mantle of the *private*. (70)

Hardwick had contended that he should be able to pursue sexual intimacy without interference; the Supreme Court, however, declared "it ain't so." The sexual choices of gay people had been considered criminal activities for many years; the court affirmed the state's right to interfere.

Such cases, concerning private choices about individual identities, highlight the dilemma posed to people in the United States. In taking identities public, in working to shape and promote their own public images, gay people find even their right to participation questioned. Even as we participate as citizens, we are aware that in private, the only sexual choices available to us are criminalized. When one declares, "I am gay," one declares one's desire for others of the same sex (this desire is one of Butler's significations attaching itself to the individual); in this declaration, then, the announcement is one of already criminalized sexual.

The spectre of criminality, therefore, has haunted the boundaries of gay public identity performances. In this chapter, I examine the gay rights movement's goal of the decriminalization of sodomy. I examine three cases related to sodomy laws to uncover the public images of gay people presented

both by gay advocates and by those opposing the decriminalization of sodomy laws. The United States Supreme Court, in particular, is the ultimate site of identity creation and performance. The court's function of interpreting the laws written by the legislature makes the court the final arbiter of identity presentations in the public sphere. In the act of decriminalizing sodomy, the Court initiated a new era for gay activists - one in which gay people would no longer be classified as criminals in order to deny them access to full citizenship. In order to reach this goal, gay advocates performed gay "identities" before the Court, making the case that gay people had identities that went beyond the sexual act of sodomy - which, in the end, helped the court to apply privacy protections that other publics had achieved to the class of people who self-identify as homosexual.

Sodomy laws paint broadly each and every gay or lesbian person with the brush of the criminal. Therefore, overturning sodomy laws across the United States has been the primary goal of gay legal activism, at least since the *Bowers* ruling in 1986. In large part, these gay legal activists represent the broader political movement as well. This activism has most notably been pursued by one national organization - the Lambda Legal Defense and Education Fund. Individual gay legal scholars like William N. Eskridge also aided the ultimate end of sodomy regulation

through their scholarship. Eskridge was quoted in the majority opinion in *Lawrence and Garner v. Texas* (2003), the case that effectively overturned all of the remaining sodomy laws in the United States. Significantly, gay men had to come out into the public sphere to argue for the same kinds of privacy rights that had been recognized by the court for other classes of people. Moreover, the very act of having these cases heard by the court indicated a level of visibility for gay citizens; they were able to perform their own identities before the court rather than having those identities constructed for them by the will of the majority.

### **Arguing for the Private in the Public Sphere: Politicizing Needs**

In Habermas's work, the public sphere is "a theatre in modern societies in which political participation is enacted through the medium of talk" (Fraser "Rethinking" 519). Nancy Fraser's reference to theatre underscores the nature of the public sphere as a gathering place of the public. In the Habermasian sense, people gather in the theatre of the public sphere and discuss the political issues of the day. In a space in which everyone is equal, proponents of various positions debate the issues. The most persuasive argument succeeds; civilized, bourgeois society works through problems in this manner, ultimately allowing for the best results.

Fraser seeks, however, to complicate the Habermasian conception. Specifically, she recognizes various sites within the public sphere in which differences between unequal discourse groups are resolved. These other sites are sites where subaltern counter-publics can achieve recognition of their needs. I call these sites "other" for a couple of reasons: 1) these sites are not part of the gathering place about which Habermas wrote, and 2) there is an emancipatory potential residing within the functioning of these sites (like the courts, for instance).

Fraser writes:

[ . . . ] when social movements succeed in politicizing previously depoliticized needs, they enter the terrain of the social, where two other kinds of struggles await them. First they have to contest powerful organized interests bent on shaping need interpretations to their own ends. Second, they encounter expert needs discourses in and around the social state. These encounters define two additional axes of needs struggle in late capitalist societies. They are highly complex struggles, since social movements typically seek state provision of their runaway needs even while they tend to oppose administrative and therapeutic need interpretations. Thus, these axes, too, involve conflicts among rival interpretations of social identity. (*Unruly* 175)

Imagine, for a moment, gay people prior to the beginning of the gay rights movement. Generally, gay people kept their identities secret. Any needs that a gay person might have had were depoliticized in that case because those needs were outside of the terrain of the social, excluded from the process of discourse. In politicizing their needs (the need for freedom from discrimination in employment on the basis of sexual identity, for instance), the subaltern counter-public is looking to the state to ensure the provision of those needs (a law banning employment discrimination).

Fraser's model indicates the way in which minority groups' rights are advanced through action in the public sphere. I read Fraser's runaway/politicized needs as rights that are opposed by the will of the majority. For instance, in one of the first cases related to the civil rights movement, the Supreme Court desegregated schools, forcing states to create equal educational opportunities. The "powerful organized interests" to which Fraser refers are those that desire to maintain a system, where the needs of a minority social group were not politicized and not part of the public discussion. By going public, by politicizing needs subaltern groups make social advancement. In short, these groups must force recognition by the public at-large. For gay political activism, this has meant "coming out," or taking what had been construed as private identities into the

public sphere. In working towards recognition, gay politics has also learned how to manipulate public imaging of gay identities and worked to obtain provision of its rights-needs within the courts.

Generally, in politicizing needs, a subaltern group not only seeks recognition of that need but usually some state intervention for the provision of that need. According to Fraser's model, judicial, administrative, and therapeutic interpretations of those needs must be made before state intervention (providing for the need) can occur. These expert interpretations come from "legal discourses generated in judicial institutions and their satellite schools, journals, and professional associations; administrative discourses circulated in various agencies of the social state; and therapeutic discourses circulated in public and private medical and social service agencies" (173-4). Fraser warns that these discourses have a tendency to depoliticize needs, moving them again out of the realm of public discussion. The charge for subaltern groups is to continually monitor the public images available for interpretation within these expert discourses and to work towards interpretations that aid the advancement of their political goals.

Fraser's model can be seen as emblematic of the larger movement towards recognition of the rights of gay citizens. At

times throughout its history, the gay rights movement has been at odds with administrative and therapeutic expert discourses. For instance, the classification of homosexuality as a mental illness by psychological and psychiatric associations was a cause of concern (Marcus 173). The rights movement is no longer at odds with therapeutic discourse, because that discourse was changed in 1973 as a result, in part, of the movement's activism. Eric Marcus writes:

[ . . . ] after many years of discussion and internal debate - and three years of protests and pressure from gay activists - the American Psychiatric Association's Board of Trustees voted to remove homosexuality as a mental disorder from the *Diagnostic and Statistical Manual of Mental Disorders*. Gay men and women no longer had to live with the burden of the abhorrent official "sickness" label.

(173)

Marcus dramatically underscores the interplay between gay public images and identity. This agency, an administrative and therapeutic one, classified gay men as mentally diseased; the removal of that burden was one step towards full citizenship. Having entered the public sphere, thus politicizing its rights-needs, the gay community has worked for positive administrative and judicial interpretation of those needs - and for intervention when required.

Full citizenship includes, according to gay rights activists, public recognition of same-sex relationships in the form of state-sanctioned marriages, the ability to pursue intimate sexual association with members of the same sex without fear of prosecution, and protection from discrimination on the job. The regulation of sodomy prohibits these goals from being achieved. Sodomy laws permit those wishing to discriminate against gays people because they can argue that, rather than discriminating against a class of people, they are simply "regulating [ . . . ] conduct" (Eskridge 172).

For the most part, current gay activists have chosen to pursue re-interpretation of their socialized needs in the judicial arena. Besides asking the courts to revoke sodomy statutes, gays are asking for the provision of job protection, adoption rights, and marriage rights. Fraser did not, of course, imply that the judicial interpreters of needs would actually provide those needs. However, because of the constitution's guarantee of certain rights, judicial interpreters can indeed find themselves providing for the needs of social groups.

Gay people enter the "theatre" of the court and perform their identities on its stage, both to be recognized and to obtain the goal of re-interpretation of their politicized needs. In large part, the court has become a site for the recognition



of minority groups and the expansions of their civil rights. More than that, the court is a site where public images of (in this case) gay people are performed by advocates for a particular need (right) before arbiters who ultimately have the power to provide (or not) recognition and advancement of the gay political agenda.

### **Historical, Sited Court Decisions: The Rule of Law**

Two decisions of the Supreme Court of the United States expose the advancement of gay identity and political goals in the late-twentieth and early twenty-first centuries. Clearly, the Supreme Court's pronouncements have the effect of providing a snapshot of the society for which they are written. In the case of the protections of privacy that the Court has provided (a politicized need), the Court created a zone of protection from governmental interference. The Court has ordered, time and again, that the government cannot interfere in or regulate the private space in which an individual is said to form his or her identity through decisions relating to their experiences in the private sphere. Interestingly, following years of performance of sexualized identities in the public sphere, the Court came to recognize those identities as the core of individual gay lives.

In the recent contention over gay marriage, President George W. Bush proposed a constitutional amendment that would

ban it. He asserted that "activist" judges would invalidate state and federal laws which have defined marriage as a relationship that can exist only between a man and a woman. The President seems to suggest that laws - written by the legislature - are not final. In the Supreme Court's cases related to privacy (in which abortion rights advocates and gay legal advocates obtained judicial interpretation of their needs), arguments have been made before the court that the legislature functions by the rule of the majority (which should be akin to the rule of law). The legislature operating as the voice of the majority determines what rights are available to all citizens. The Court has ruled this argument invalid. The rule of law is not so stable, then, as it is popularly imagined.

In his article, "'Masculinity,' 'The Rule of Law,' and Other Legal Fictions," Kendall Thomas characterizes the cultural perception of the rule of law as static and masculinist - like the law of the Father, in Lacanian terms. He writes, "the law would have us believe [lawlessness] is its enemy and determinate negation" (223). Quite the opposite is true. According to Thomas, the "rule of law" incorporates lawlessness into itself. Jacques Lacan asserts:

The Father must be the author of the law, yet he cannot vouch for it anymore than anyone else can, because he, too,

must submit to the bar, which makes him, insofar as he is the real father, a castrated father (qtd. in Thomas 235). In this reading, the father cannot himself be sure of the stability of the law. That, for Lacan and for Thomas, is because the law uses language, the symbolic, and always already within the law is the language that can be used to overturn the law; Thomas asserts, "there is an undecidability which inhabits the very house of the rule of law" (232). That undecidability is a lawlessness that threatens the rule of law, a lawlessness that precedes and becomes a part of that law. That undecidability is the very language on which the law is based. That undecidability is what allows justice for subaltern counter publics.

In layman's terms, if the laws written by the legislatures were not subject to judicial interpretation, there would be no final arbiter through which minority groups could seek judicial intervention which most often comes in the form of protection of minority groups' rights. In a space which comes very close to Habermas's initial formulation of the public sphere (at least in spirit) minority groups can argue their case before judges in the hopes of overturning the will of the majority, which is most often designed to empower the majority while disenfranchising minority groups. The courtroom is similar to the Habermasian

conception of the public sphere because it is, presumably, a space in which all parties begin as equal.

A very specific court doctrine - *stare decisis*, which is unique to the American justice system (Squires) - allows judicial bodies to interpret laws for the benefit of minority groups (and thus, gay citizens). The doctrine requires judges to support their opinions through citing precedents, a practice that seemingly renders the court's opinions more stable. However, because the law is based in language, the precedents used by those arguing before the Supreme Court can have multiple interpretations; the Justices choose one of those interpretations (or their own) in the creation of their opinions. It is through these interpretations of precedent that the most important advances in privacy (and other) protections have been made in the last half century or so.

The Court, then, becomes a site where various constructions of gay identities are discussed and debated. Historically, the two cases that I will examine in this chapter came 17 years apart and represent very different eras of the gay rights movement. The mid-1980s, for instance, was an uncertain time in the movement for gay rights, as the community was struggling to deal with the AIDS crisis, and conversely, the 2003 sodomy decision followed a period of relative advancement in the public imaging of gay people (in the late 1990s). One might speculate

whether or not the Court simply waited until its decision might prove more popularly palatable or until society as a whole was more tolerant. So, rather than decriminalizing sodomy in 1986, the Justices waited until the gay movement had succeeded in politicizing its needs through the promotion of gay people as deserving of equal protections. Whatever the case, the Court is a site of identity formation and public imaging of gay people, where public images and identities do battle, are promoted, and perhaps legitimized. At the site of the Court, then, gay people advocate for greater visibility and work towards the goal of full citizenship through equal rights.

In this process of achieving rights, a subaltern counter-public politicizes its needs. Then, it seeks Court intervention for the recognition of those needs (the assumption being that the majority does not recognize those needs). In order for the Supreme Court to act, a majority of the justices must believe that the law being challenged threatens a *fundamental* right or that it discriminates against a suspect *class* of people. If that determination is made in the affirmative, the strict scrutiny standard of review is applied. Under this standard of review, the government must demonstrate a compelling interest in threatening that right. If there is a compelling state interest, the law must be written in the least-restrictive means possible. For instance, in a case of violation of the right to

privacy, the state must demonstrate that it has a compelling reason to violate the privacy of the individual and that its means of violating that privacy are the least-restrictive means possible. The strict scrutiny standard is the most stringent standard of review (Squires). In these cases, gay legal advocates claimed the right of intimate association (performed the humanity of gay individuals, if you will), but were unsuccessful until after a decision in which the Court recognized gay people as a class of individuals deserving of protection.

The standard of review most deferential to any argument the state offers for the constitutionality of a law is the rational basis standard. The court applies this standard when it determines that no fundamental right is being violated. When this standard is applied, the state's law must only be rationally related to the ends it achieves. A state could, for instance, argue that it is protecting the public health by enforcing sodomy laws (in the hope of stopping the spread of AIDS). When the rational basis standard is applied, almost any law can be interpreted as constitutional. So, in these two cases, the gay community worked to characterize sodomy laws as infringements upon the zone of privacy in which gay people should be able to pursue sexual intimacy free from governmental intrusion. The basic goal was to characterize sexual intimacy

as a personal choice, one central to the formation of identity (Squires).

***Bowers v. Hardwick: Fundamental Homosexual Sodomy***

Michael Hardwick was in his bedroom in Atlanta, Georgia, enjoying sexual intimacy with his then-boyfriend when a police officer entered his room and placed him under arrest. Hardwick knew the officer. Several weeks before, the officer issued Hardwick a citation for drinking in public, in front of a gay bar where Hardwick worked. In good faith, Hardwick went to the courthouse, paid for the citation, and thought his obligations were fulfilled. When the officer arrested Hardwick, he informed Hardwick that there was an outstanding warrant related to the citation for drinking in public.

Despite Hardwick's protests that no warrant could have been issued, since the fines had been paid, the officer arrested him. The arrest was upheld because the officer entered Hardwick's bedroom "on good faith." Hardwick, represented in court by the American Civil Liberties Union, appealed the Georgia sodomy law, which criminalizes anal or oral sex between same-sex or opposite-sex partners.

Significantly, Hardwick was not initially inclined to appeal the law, rather "[ . . . ] an ACLU attorney eager to challenge Georgia's sodomy law contacted" him (Murdoch and Price

279).<sup>1</sup> The Court agreed to hear the case. Michael Hobbs, the Senior Assistant Attorney General of Georgia, opened his argument with his definition of the central question of the case: "whether or not there is a fundamental right under the Constitution of the United States to engage in *consensual private homosexual sodomy*" (*Bowers v. Hardwick*, 478 U.S. 186, oral argument emphasis added). He went on to argue that no such right existed and that Georgia should not be required to show a compelling interest in prohibition of sodomy. He suggested the court should look to history to determine whether or not such rights were fundamental. He called on majoritarian morality as justification for sodomy laws and argues against revising the definition of family to include the families of gay people. He specifically argued that the privacy protections the Court established in prior decisions only extend to decisions about marriage, family, procreation, and living with a relative. He also quite specifically used a slippery slope argument, suggesting that a decision overturning the sodomy law would undermine "the legitimacy of statutes which prohibit polygamy, . . . same-sex marriage, . . . prostitution, fornication, adultery" (*Bowers* oral argument). Obviously, Hobbs is attempting to perform a gay identity that metaphorically links queerness to other sexual crimes. He moved, in effect, to make the case about sex and not about people's choices.



Laurence Tribe, who would later represent Al Gore in *Bush v. Gore* before the Court, argued, conversely, that the proper question to be considered was the limits of governmental power. He continued:

The power invoked here, and I think we must be clear about it, is the power to dictate in the most intimate and, indeed, I must say, embarrassing detail, how every adult, married or unmarried, in every bedroom in Georgia will behave in the closest and most intimate association with another adult. (*Bowers* oral argument).

Most likely because the Georgia law criminalized sodomy between same-sex and different-sex adults, Tribe did not argue, at least initially, a specifically gay identity.

Tribe argued against the use of majoritarian morality as support for the law and for a standard of review somewhere between strict scrutiny and rational basis - heightened scrutiny. Justice William Rehnquist pointed out that it would perhaps be best for the Court to wait until the public's disposition toward sodomy laws was "reflected in the majority rule where . . . states have repealed these statutes" (*Bowers* oral argument). Tribe instantly argued that the Court had never avoided providing "judicial protection" just because "persons might be able to obtain political redress" (*Bowers* oral argument).

Tribe's final argument was that Georgia refused to provide, any reason other than morality why the law should stand. He dismissed arguments that the statute was not being enforced by arguing that Hardwick's arrest and potential prosecution was sufficient to indicate the state's "undisputed resolve to enforce the law." In response to a question about communicable disease, Tribe referenced a brief from the American Public Health Association which suggested sodomy laws would be counterproductive to such an aim. He ended by a return to his point about limiting government to the public sphere - outside the bedroom. In truth, Tribe was not arguing for a particular gay identity at all; rather, he was arguing the proper limits of the state's power.

In the majority opinion that overturned the Court of Appeals' ruling that the Georgia sodomy law was indeed unconstitutional, Justice Byron White wrote of the majority's

[ . . . ]disagreement with the Court of Appeals and with respondent that the Court's prior cases have construed the Constitution to confer a right of privacy that extends to homosexual sodomy and for all intents and purposes have decided this case. (*Bowers v. Hardwick*, 478 U.S. 186)

Quite obviously, the argument that held the most sway, at least when reading the opinion, was the Georgia argument that this case was about a right to participate in homosexual sodomy

versus the right to private intimate associations.

Significantly, White never references homosexual men as men who are members of a particular class; references were always to homosexuals or homosexual sodomy, perhaps indicating the majority of justices refused to treat gays as a minority group deserving of the Court's protections. In other words, White denies the very existence of gay identities.

In the dissent, Justice Blackmun argued against White's specificity. In *Roe V. Wade* and *Griswold V. Connecticut*, according to Blackmun, the court was protecting the right to make personal decisions about family and intimate association with others:

We protect those rights not because they contribute, in some direct and material way, to the general public welfare, but because they form so central a part of an individual's life. (*Bowers v. Hardwick*, 478 U.S. 186)

Moreover, according to Blackmun,

the court [has, in previous cases,] recognized [ . . . ] that the ability independently to define one's identity that is central to any concept of liberty cannot truly be exercised in a vacuum; we all depend on the "emotional enrichment from close ties with others." (*Bowers v. Hardwick*, 478 U.S. 186)

Intimate association with others should be protected, according to Blackmun, from governmental interference. Blackmun, as opposed to White, was clearly humanizing the "homosexual," believing that homosexual people should receive the privacy protections of the Court. Neither did Blackmun, however, reference a class of persons called gays; he instead references individuals' rights.

Thus, gay people in 1986 were not considered *persons* deserving of the protections provided other classes of people. A specifically gay/lesbian identity was not directly recognized by the court in its opinion. Instead, a kind of "anti-identity" was proposed by the court: gay sexual intimacy does not lead to "family relationships" and "the fact that homosexual conduct occurs in the privacy of the home does not affect the result." (*Bowers v. Hardwick*, 478 U.S. 186)

In this case, gays were construed simply as representatives of their sexual acts; intimate associations of gay people were not deserving of privacy protections. So, at this major site, the image of the sexually charged homosexual (defined only by his sexual acts) gained prominence. The decision in *Bowers* was seen as a damaging blow to the work of gay legal advocacy. It prompted an almost immediate change in strategy from attempting to have these cases heard in the U.S. Supreme Court to working

in state courts, where state constitutions more directly indicated a specific right to privacy (Eskridge 168).

As this change in strategy suggests, the decision became the subject of scholarly discussion almost instantaneously (Sedgwick's book was published just four years later). Gay legal scholars also examined the decision. In his book, *Gaylaw: Challenging the Apartheid of the Closet*, William Eskridge suggests that the Court's decision was greatly influenced by the homophobia of three of the elder Justices - Byron White, Warren Burger, and Lewis Powell. Homophobia is, of course, a fear of homosexuals as a group. More than that, though, this particular fear was directed at the specter of homosexual sex.

Steeped in secrecy, the Supreme Court's deliberations are confidential and done in private. The reasoning behind the decisions often remains unknown until the death of the Justice or until a clerk involved in a decision leaves a Justice's employment. Justice Lewis Powell left the court in 1987, and he publicly proclaimed that the *Bowers* decision was the one "he most regretted" (Eskridge 150). Powell's decision was, by two accounts, changed as a result of "hysterical lobbying" by the Chief Justice Warren Burger.

Interestingly, although Powell saw homosexuals as a group of people, he saw the group as one to be feared. Eskridge uncovered evidence that Powell

considered same-sex intimacy repulsive and was wary that any constitutional protection for 'homosexual sodomy' would empower homosexuals to seek other rights. (166)

Powell absolved his conscience through reliance on the fact that Hardwick had not been prosecuted. Eskridge reports:

It was comforting to Powell that the state could send a symbolic antigay message without sending Hardwick to prison. This would have been a humane policy in the 1950s, but not after Stonewall and Eisenstadt. The Supreme Court's privacy jurisprudence assures all of us of sexual breathing room - to be disgusting in our bedroom without being penalized for it in the courtroom. Hardwick denied that dignity to lesbians, bisexuals, and gay men. This discrimination is defensible only if its objects are closeted. (167)

Eskridge makes a very valid point. Gay people who are closeted have made the decision not to publicly declare their identities. The anti-gay decision of the Supreme Court justices would have little effect on them. By sending a "symbolic antigay message," however, Justice Powell legitimated the homophobic attitudes of the mainstream culture. Made public by its criminalization, the sexual choice of sodomy (the only choice available to gays) created a kind of hyper-panic in the Justices of the Supreme Court. They rushed to rethink their privacy jurisprudence in a

way that limited the right of gay people to pursue their sexual choices free from governmental intrusion. After this decision, the mainstream could still use the image of the gay man as criminal to discriminate against him or her. Gay men's public performances of identities were always already questionable.

In my research on this decision, I uncovered an exemplary case of a single individual who straddled the divide between the public and private in the performance of his identity for others - a closeted clerk for Justice Powell. One of the most interesting speculations in Sedgwick's work on the *Bowers* decision was that of the closeted clerk:

The question kept coming up, in different tones, of what it could have felt like to be a closeted gay court assistant, or clerk, or justice, who might have had some degree, even a very high one, of instrumentality in conceiving or formulating or "refining" or logistically facilitating this ruling, these ignominious majority opinions, the assaultive sentences in which they are framed. (74-5)

In *Courting Justice: Gay Men and Lesbians vs. the Supreme Court*, journalists Joyce Murdoch and Deb Price delineated the process by which Powell made his decision. In interviewing Powell's clerks, they met the young man who fits Sedgwick's speculation.

The clerk's name was Cabell Chinnis, and he lived with a partner while he clerked for Justice Powell. Chinnis was

certain, prior to Burger's panicked lobbying, that Powell would have voted to overturn the law. He told Murdoch and Price:

I was prepared to take the most aggressive measures that I could have taken, including, to put it colloquially, pleading on bended knee on the floor. I was prepared to say, "You're hurting me personally. You're hurting people I care about. You need to understand there's a human face to all of this." I doubt that would have had any effect. He was just not swayed in his job by emotional appeals. But I don't care. Because if I had known that he was on the fence [ . . . ] (306)

Chinnis had, perhaps, determined that his sexuality was not, prior to this decision, pertinent to his employ as a clerk. Significantly, Chinnis's confession to Murdoch and Price suggests the level to which gay people will secret their identities, only to be revealed at a time of crisis - when the effect of the crisis would cause harm to the individual. The decision to "take it public" or to "keep it private" continues to affect the gay individual - and by extension, the community as a whole. As one individual makes the decision to keep their identity private, fewer people within the mainstream are exposed to gay images. To call on John D'Emilio, fewer spaces are created for the exploration of gay identities.



Relatively, the ways in which sodomy laws operated in Tennessee delineated a class of people and marked them as criminals. Eskridge makes this function of the law clear; "Criminal laws operate both negatively and positively. They act negatively by stigmatizing certain conduct; they act positively by normalizing the conduct prohibited" (161). The available mainstream image of the gay person as a criminal actor stigmatized gay citizens across the country. The Justices of the Tennessee Supreme Court recognized the stigmatization.

In *Campbell v. Sundquist*, the plaintiffs admitted they violated Tennessee's Homosexual Practices Act and declared they would continue to do so. In other words, these plaintiffs, in effect, came out - as criminals in a very public site, the court. In doing so, these gay people made public their stigmatization by the workings of the legislature. After *Bowers*, every gay person who came out was identified not only as homosexual, but also as a criminal. Murdoch and Price make clear the equation: Sodomy = homosexuality / homosexuality = criminality (334).

The responses of the "appellees" (who I referenced above referred to as the plaintiffs) to the state's arguments expose the strategies of gay legal advocates. As in *Bowers*, the American Public Health Association submitted a brief that forwards "a compelling argument that the statute is actually

counterproductive to public health goals" (*Campbell v. Sundquist*, 926 S.W.2d 250). The appellees also introduced evidence to suggest that people did not seek medical treatment and/or did not obtain testing for sexually transmitted diseases due to fear of exposure as a criminal under the statute. Here is the first, I think, direct evidence of a clear danger to the individual as a result of an anti-gay law. This danger applies, across the board, to anyone affected by the law. Every gay or lesbian individual would, presumably, think twice about self-reporting a disease if it meant that they would be arrested. The law, thus, functions to inhibit public identity performances - keeping them outside of the realm of the public sphere and away from the place where they might seek appropriate redress. The decision by the Tennessee Appellate Court, in effect, overturned Tennessee's sodomy law; the Tennessee Supreme Court refused to hear the case.

### ***Lawrence and Garner v. Texas: A Protected Class***

In the Texas case, gay legal advocates were able to successfully perform the *identities of gay people*. This case turned on the recognition of gay people as a class of individuals who were responsible for the formation of their identities. The facts of this case are strikingly similar to those in *Bowers*. A "reported weapons disturbance" brought

Harris County (Houston) police officers to the apartment of John Lawrence; they entered and found Lawrence engaged in a sexual act with Garner. Both were arrested, "held in custody overnight and charged and convicted before a Justice of the Peace" (*Lawrence and Garner v. Texas*, 539 U.S. 558). The Texas law is specific to homosexual sex. It reads,

A person commits an offense if he engages in deviate sexual intercourse with another individual of the same sex. The statute defined "deviate sexual intercourse" as follows: (A) any contact between any part of the genitals of one person and the mouth or anus of another person; or (B) the penetration of the genitals or the anus of another person with an object. (*Lawrence decision*)

The majority of the Supreme Court decided that the law should be overturned, ruling against the appeals court. Interestingly, one justice determined that the law should be overturned on the grounds of violation of the Fourteenth Amendment's guarantee of equal protection versus the "interests of liberty and privacy protected by the Due Process Clause" of the same amendment (*Lawrence decision*). The Justices followed one of their more recent decisions about a case involving gays and suggested with this decision that gay people do constitute a minority group and that this group needed the intervention of the Court to ensure they received equal rights.

Gay legal advocates had worked to overturn state sodomy statutes throughout the country for years prior to this case. They had tested arguments. Paul Smith's opening statement (a lawyer for Lambda Legal Defense and Education Fund) positioned the Texas law as one which uses majoritarian morality as its only support *and*, significantly, as one that "is directed not just at conduct but at a particular group of people," arguing that the law violates

[ . . . ] the fundamental right [ . . . ] of all adult couples, whether same-sex or not, to be free from unwarranted state intrusion into their personal decisions about their preferred forms of sexual expression. (*Lawrence oral arguments*)

He also argues that the state cannot justify the law's application solely to same-sex couples. Comparatively, Smith defined the issue immediately as being about privacy issues, whereas Laurence Tribe argued a more general principle of limited government. In terms of gay people's public image and advocacy strategies, the prior decision indicating protected class status caused a change.

He suggests that the court's past decisions look "at the function that a particular claimed freedom plays in the lives of real people" and clearly stakes out a "realm of personal liberty" in which individuals are free to construct their own

identities. Further, he argues, "[the state's] mere disapproval, however historically based" is not a sufficient basis for the law. We see this change in direction most clearly here. Having read the legal scholars, Smith chose to construct the issue for the court as one about identities and the part the sexual choice plays in the formation of those identities.

Interestingly, Smith also points to the nature of the Court as a barometer of public opinion. He suggests to the Court that it should reconsider *Bowers*, because while *Bowers* has been on the books, the mood of the American public has changed to the point where the right to one's own choice of intimate associations is "taken for granted for everyone" (*Lawrence* decision).

Oddly, the attorney who argued the case for Harris County, Texas suggested the two gentlemen involved in the case might not be homosexuals. "They're not homosexuals if they commit one act." He makes this point to suggest that a self-identified heterosexual could be charged under this law if he or she were caught in an "act of deviate sexual intercourse with another of the same sex." He further suggests that the class of people affected by the law is only "people who violate the act, not classes of individuals based on sexual orientation" (*Lawrence* oral arguments). The hope, of course, was that he could redefine the issue for the court in such a way that the Justices

would not have to use the precedent they set in the prior decision to overturn the law.

In its *Lawrence* decision, the five justices who determined that the case should be decided on the grounds that the law violates the Due Process Clause laid out the history of the privacy cases that came before. In its earliest cases, the court protected the spatial freedom offered by "the marital bedroom" (i.e.: the marital relationship). In *Roe v. Wade*, the famous case which made anti-abortion laws illegal, "The Court cited cases that protect spatial freedom and cases that go well beyond it" (*Lawrence*).

The most significant argument the justices make in their opinion though is their recognition of the effects of sodomy laws on the lives of individuals. In a response to the *Bowers* court's argument that the case was about the protection of homosexual sodomy, the justices in this case argued that such a position demeans the individual. They write, that although these statutes "purport to do no more than prohibit a sexual act [ . . . ] Their penalties and purposes have more far-reaching consequences, touching upon the most private human conduct, sexual behavior, and in the most private of places, the home" (*Lawrence*). The court makes a very key point - that law has the power to classify individuals as criminals which has effects on

the functioning of their daily lives as citizens in this country.

The justices enumerated the kinds of consequences that gay people charged and convicted under such laws might face. "The stigma this criminal statute imposes, moreover, is not trivial," they write. Among the consequences the justices enumerate are the criminal record even a misdemeanor conviction produces - a record that attaches to the citizen; the labeling of the one convicted as a sex offender, requiring registration as such in at least four states; and, what they term "collateral" consequences, including notations on job applications. In its very strongly worded conclusion to the opinion, the majority of the court wrote:

The State cannot demean [the petitioners'] existence or control their destiny by making their private sexual conduct a crime. Their right to liberty under the Due Process Clause gives them the full right to engage in their conduct without the intervention of the government. It is a promise of the Constitution that there is a realm of personal liberty which the government may not enter.

*(Lawrence)*

Despite arguments to the contrary by the dissenting justices, the Court voted six to three to reverse the Court of Appeals and

overturn the Texas law, effectively making unconstitutional the remaining sodomy laws in the United States.

For gay people, the Court created a space in which it became possible to declare oneself gay without fear of intervention by the police state. Oddly, gay identities had to be expressed - had to become public, sexualized identities - in order for gays activists to demand that they no longer be criminalized for activity that takes place in private. In other words, we had to say that we were criminals - that we engaged in homosexual sex - in order to become free of criminal restrictions on the expressions of our identities - our most personal choices.

Through the history of challenging sodomy laws in the courts, gay legal advocates have continued to return to this public sphere to gain visibility, and by doing so, to gain the protection of the Court which has been provided to other minority groups. Often rebuffed, they went to state courts and state legislatures and returned to the Supreme Court, in which their argument was finally heard.

### **The Road Ahead: The Impact of Decriminalization**

William Eskridge identifies a number of changes in the codification of identities that could result from the Court's decision in *Lawrence and Garner v. Texas* (due to the fact that



the decision reversed the Court's prior ruling in *Bowers v. Hardwick*). Public policies relying on *Hardwick* were implemented. For instance, the military uses its prohibitions against sodomy to buttress its argument that gay people should not serve in the military. Many arrests for sex in public are based on sodomy laws; police departments will likely have to rethink arrests for "soliciting decoy cops for private sex" (170).

The decision may also help feminists and gay legal theorists advance the notion that "sex is good and normal when participants welcome it, when the sex is truly a joint enterprise meeting the needs of the partners" (171). *Hardwick* questioned the validity of this notion. Furthermore, to return to the public health issue, overturning *Hardwick* might encourage more people to be tested for HIV (172). Most significantly, the decision may have an adverse impact on discrimination against gay people. Eskridge argues that as long as sodomy laws were on the books, employers and others in power (like landlords) could cloak their discrimination in a focus on the act. They were regulating conduct versus discriminating against a group of people. Since the conduct is no longer criminal, it is no longer subject to regulation. Gay people can go public in a new way, without fear of criminal prosecution, but more

interestingly, gay men can be secure in their private intimate relations.

This chapter chronicled the change in gay strategies within the legal, public sphere in the United States - a change in strategies tied to the performance of gays *as persons*. A longer term view does indeed seem to suggest that gay people are more successful in legal challenges to antigay laws when a majority of the public approves of the challenge. Still, immediately after the Bowers decision, the American public in overwhelming majority believed that states should not have the right to regulate sexual practices conducted in private between consenting adult homosexuals (Murdoch and Price 332). If we take Paul Smith's arguments before the court in the Texas case as true, the public's general opinion did not change over some 17 years.

Irrespective of whether the indeterminate public at-large agreed with the Court's decision or not, the work of gay legal activists since (at least) 1986 is indicative, I think, of Nancy Fraser's theory of the subaltern counter-public. The need to be free of restrictions on individual personal liberties, liberties defined by the Court, was the politicized need. Gay legal activists interpreted and re-interpreted this need in the legal, public sphere of the Supreme Court of the United States of America. As has happened in so many other instances related to

subaltern counter-publics like women and African-Americans, the Supreme Court became the arbiter - between the need of the subaltern counter-public and the desire of the state (in spite of counterfactual evidence) to regulate based on majoritarian morality.

In truth, other needs may be met by this one decision. Non-gay people see a different future as a result of the decision. I already referenced the President's panicked call for a constitutional amendment to ban gay marriage in fear of the "activist" judges (who, he argues, are writing new law - not interpreting existing law). Justice Antonin Scalia sees another future. In his dissenting opinion, he writes:

State laws against bigamy, same-sex marriage, adult incest, prostitution, masturbation, adultery, fornication, bestiality, and obscenity are likewise sustainable only in light of *Bowers*' validation of laws based on moral choices. Every single one of these laws is called into question by today's decision. (*Lawrence*)

In Scalia's dissenting opinion, it becomes clear that he does not recognize homosexuals as a class subject to discrimination in the Texas Law.

Justice Scalia may have been correct in warning of the slippery slope. Legal challenges to marriage laws have already begun across the country. Interestingly, however, many gay

people aren't quite sure that's the best course of action. The totalizing regime of the gay movement, at least since the goal became assimilation into the mainstream, tends to dismiss opinions of those who don't agree with that overall goal. On the other hand, perhaps totalizing is too strong a word. The movement, since the beginning of gay activism, has been towards, I have argued, full citizenship. Truly, the option to marry the person of one's choice - even if one chooses not to - is something granted to the citizens of this country.

Emboldened by its success in the Texas sodomy law case, the Lambda Legal Defense and Education Fund has identified a series of goals for its next steps in the public, legal sphere. The goals fall along the lines of parenting, marriage and relationship recognition, employment, and other areas of life (including youth, law enforcement, and community education). Among the goals are defending "gay parents who are told that they have to choose between living with their partners and living with their children;" challenging "government bans on providing protections and benefits to gay and lesbian partners;" pursuing "equal benefits for workers' partners and families, both from government and private employers;" and fighting "for the right of LGBT students to be safe and out at school" ("Forging," multiple pages). Whether most gay people agree with the new direction of the movement or not, these issues are

issues around which the national gay and lesbian coalition has decided to organize.

## **Notes**

<sup>1</sup> Not unlike its support of abortion rights advocacy, the American Civil Liberties Union has been a pro-gay advocate for the deregulation of sodomy. On its website, the ACLU lists five instances where it has intervened to protect gays and lesbians from discrimination via the use of sodomy laws ("Sodomy," full article).

## **EPILOGUE**

### **HISTORICIZING CONTEMPORARY GAY PUBLIC IMAGING**

In this project, I critically examined the public imaging of gay people as part of the ultimate goal of the gay rights movement - full citizenship for gays. This project represents what I will call the "process" of theory - that is, finding the use value of theory as a tool for social and cultural critique. A monolithic characterization of the needs of gay people spawns in-group contestation. By critical examination (through the use of theoretical approaches) of the monolith and the in-group contestation it incites, gay academics can contribute to a further understanding and even, perhaps, a reconfiguration of public images (and messages) that may be more inclusive of multiple identities.

The in-group dissension and debate about the gay monolith and the postmodern work of dismantling categorical structures like identity prompts the proposal of a new theory of coalitional politics. As individuals view their own identities in light of the monolithic image promoted by the larger group, they find elements that do not fit within their conception of their own identity. Gay identities are not, then, fixed, stable images for public viewing; rather, they are as multiple as the individuals that form the membership of the gay community. Gay political organizations can allow for this concept of multiple

identities while still agitating for political gain within the courts and the halls of the legislature. In fact, the promotion of a multi-dimensional image of the gay male might encourage more participation from within the group.

The problem with postmodern approaches to identity - that postmodern understanding of identity leads to political inaction - is truly not a problem at all. Groupings of people within subaltern counter-publics remain viable forces for political action, despite the fact that one group's promoted identity may not effectively incorporate all of its members. Groups form to protect the rights of individuals; the group - as a political union - does not seek rights for itself. In legal language, rights are held by individuals; the group's purpose is to ensure those rights are granted within our actually existing democracy.

Moreover, members of the group need not necessarily conform to its publicly performed image/identity in order to be benefited by the rights the group achieves. For example, bisexuals like the ones mentioned in the introduction need not agree with the political aim of gay marriage or even with the mainstreaming of gay culture in order to be free from governmental interference in their bedroom. Similarly, although transgendered people are not widely represented within the community, national political organizations do argue for their inclusion within hate crimes protections ("Local Law Enforcement

Enhancement Act" par. 1). To conclude my work, I will examine some problems with the monolithic identity currently being promoted within the public sphere, discuss the problem with creating contemporary histories, and end with some questions for the future.

### **Gay People Are Not All Male, White, and Middle-Class**

This subhead reads as a statement of fact. In truth, however, the available public imaging of gay men encourages the mainstream culture to assume the opposite. For example, take Will Truman - the character on the television series, *Will and Grace*. Truman is an attorney who lives in an apartment in Manhattan, so he is clearly middle-class (and quite probably upper-class). His education in law suggests his middle-class status, further setting him apart from gay men of other classes. With his quips (directed at his foil, Jack) one might interpret him as being relatively feminine. He is white, and perhaps significantly, he is single - but clearly desires a long-term relationship. In comparison to Will, Jack is effeminate, and although he is unemployed, he is not represented as being from a different economic class as Will.

I chose to briefly examine the Will Truman character because that image - presented every week - is indicative of the public imaging of gay men, generally. Gay men are seen as



white, middle-class, highly-educated, moderately effeminate men. This monolithic image erases those of a lower class (as does the focus on Shepard), those who are African-American or have another race or ethnicity, and those who want to characterize themselves as masculine. The examination of identity performances (in the form of public imaging) is not, of course, as simple as this examination of one character would suggest. There are places in popular culture, for instance, where African-American gay males are depicted, but they are most often confined to the role of the "gay best friend" or the overly effeminate man. The depiction of gay men from lower economic classes is almost insignificant.<sup>1</sup>

### **The Problem with "Contemporary Histories"**

In this study, I have worked to create a "contemporary" history of the strategies and tactics used in the creation/performance of the public image of the gay community. Gay public imaging has changed since the shocking drag queen image seen at Southern Decadence in 1972. The death of Matthew Shepard occurred in the beginning of the most recent phase of gay political activism, a phase in which gay political leaders seek to highlight the similarities of the gay community to the mainstream public. The continuing legal strategy of the community is one that, at some point, will result in gay men and

lesbians having the right to marry one another. In historicizing each of these three events, I examined the cultural factors that helped form gay image making.

In my work on this study, I have discovered one major difficulty with contemporary histories. The history of the public image of gay people and its attendant political consequences is still being written. While I worked on this project, the Supreme Court refused to entertain a case from Massachusetts contesting the ruling of that state's Supreme Court which effectively legalized gay marriage for Massachusetts' citizens. ABC News journalist Elizabeth Vargas reported a story in which she claimed there was new evidence to suggest "Shepard knew McKinney well before the murder, that McKinney was bisexual, and that Shepard was a 'party boy' addicted to meth" (Graham, par. 8). I saw a rerun of a *Law & Order: Special Victims Unit* episode in which the assistant district attorney references the gay panic defense used at the Matthew Shepard murder trial and her boss references the *Lawrence* decision ("Abomination"). In the episode, a young man's religious father attempted to use the defense in order to justify his killing of the young man's lover. Southern Decadence continues each Labor Day weekend, and each year brings a new twist to the festivities.

Perhaps the ongoing, continuing dialogue between gay people and the mainstream will continue for the foreseeable future and more public images of gay people will be performed - exploding the monolith. While there must be progress towards that goal, I am reminded of the relative silence of pre-Stonewall gay men and lesbians; yes, they existed, but their lives were hidden from public view. Now, gay people live openly and actively work to promote their rights as citizens of the United States.

### **The Future of Gay Identities: Some Questions**

The work continues, but I am reminded of the difficult issues examination of public imaging raises. Does citizenship really require that we forget about the leatherman, for instance, and his more open attitudes towards sexuality? Can we incorporate the leatherman's (or -woman's) desire for sadomasochistic sexual activities into the normalized regime of gay and lesbian sexualities? What does citizenship mean for our safe spaces - the cities that served as birthing places for our entire movement? Do they simply become tourist destinations - where suburban and rural queers come to explore a fetishized queerness? What does citizenship mean for the kinds of shocking performance identified in the very earliest parts of our movement? Must we change the entire character of the movement

in order to promote the more conservative (assimilationist) social agenda?

The project of marking down the contemporary history of the gay political movement, with all its attendant contradictions, continues. Finally, I think the inability to conclude such a history is the contribution of the poststructuralists to the question of identities. No, there is no ONE gay identity in which we can all find ourselves. Rather, our identities are as many as the members of the community. We organize around political aims - not around a singular vision of what it means to be gay.

## **Notes**

<sup>1</sup> I should also point out that my focus in this project has been almost exclusive on the public identity performances of gay men; lesbians are publicly imaged, but I have not researched those images.

## WORKS CITED

- "Ambush Paparazzi." Ambush, Inc. 2004. 30 Nov. 2004.  
<<http://www.ambushmag.com/is1904>>.
- Batson, Roberts. Personal Interview. 31 Aug. 2002.
- Batson, Roberts. "Southern Decadence: How a Little Going-Away Party One Hot Afternoon in New Orleans Grew into a World-Famous Spectacle." *Impact* 28 Aug. 1998: 16-17.
- Berlant, Lauren and Michael Warner. "Sex in Public." *The Cultural Studies Reader*. 2<sup>nd</sup> ed. Ed. Simon Durning. London: Routledge, 1999. 354-367.
- Bitter Fruit*. New Orleans: Michael Congdon, 1999.
- Black, Frank. Letter. *Baton Rouge Advocate* 18 Oct. 1998: 10B.
- Blond. Instant Messaging Conversation with Author. 13 Sept. 2000. America Online. (Anonymity of conversation participant guaranteed by author. Author possesses a transcript of the conversation.)
- "Brief History of Gay Mardi Gras." Ambush, Inc. 1996-2002. 29 Nov. 2004. <<http://www.gaymardigras.com/history.htm>>.
- Butler, Judith. "Imitation and Gender Insubordination." *Inside/Out: Lesbian Theories, Gay Theories*. Ed. Diana Fuss. New York: Routledge, 1991. 13-29
- \_\_\_\_\_. "Contingent Foundations: Feminism and the Question of 'Postmodernism'." *The Postmodern Turn: New Perspectives on Social Theory*. Ed. Steven Seidman. Cambridge: Cambridge University Press, 1994. 153-70.
- \_\_\_\_\_. *Bodies that Matter: On the Discursive Limits of "Sex."* New York: Routledge, 1993.
- \_\_\_\_\_. *The Psychic Life of Power: Theories in Subjection*. Stanford, CA: Stanford University Press, 1997.
- Califia, Pat. *Public Sex: The Culture of Radical Sex*. 2<sup>nd</sup> ed. San Francisco: Cleis Press, 2000.
- Carter, Robert M. Letter. *New Orleans Times-Picayune* 10 Sept. 1996, 3<sup>rd</sup> ed., sec. B: 6.

Chauncey, George. *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890-1940*. New York: Basic Books-HarperCollins Publishers, 1994.

DejaNews Discussion List. 10 May 1999. <<http://x16.dejanews.com>>.

D'Emilio, John. "Capitalism and Gay Identity." *The Lesbian and Gay Studies Reader*. Ed. Henry Abelove, Michèle Aina Barale, and David M. Halperin. New York: Routledge, 1993. 467-76.

\_\_\_\_\_. *Sexual Politics, Sexual Communities: The Making of a Homosexual Minority in the United States, 1940-1970*. 2<sup>nd</sup> Ed. Chicago: University of Chicago Press, 1998.

Dolan, Jill. *Geographies of Learning: Theory and Practice, Activism and Performance*. Middleton, CT: Wesleyan University Press, 2001.

Duberman, Martin. *Stonewall*. New York: Dutton-Penguin, 1993.

"Edmund White's 'Arts and Letters.'" *Fresh Air*. Narr. Terry Gross. Natl. Public Radio. WHYY, Philadelphia. 10 Nov. 2004.

Eskridge, William N., Jr. *Gaylaw: Challenging the Apartheid of the Closet*. Cambridge, MA: Harvard University Press, 1999.

"FAQs: Portraits & Designs of Coins." U.S. Department of the Treasury. 29 Nov. 2004. <<http://www.treas.gov/education/faq/coins/portraits.shtml>>

Fraser, Nancy. "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy." *The Cultural Studies Reader*. 2<sup>nd</sup> ed. Ed. Simon Durning. London: Routledge, 1999. 518-36.

\_\_\_\_\_. *Unruly Practices: Power, Discourse, and Gender in Contemporary Social Theory*. Minneapolis, MN: University of Minnesota Press, 1989.

Friendship Church. 12 May 2004. <<http://godhatesfags.com/photos/gold.jpg>>.

- Fuchs, Lawrence. *The American Kaleidoscope: Race, Ethnicity, and Civic Culture*. Hanover, NH: University Press of New England, 1990.
- "GOP Platform Planks." *Casper Star-Tribune* 9 May 2004. 1 Dec. 2004 <<http://www.casperstartribune.net>>.
- Graham, Chad. "The Truth About Matthew?" 24 Nov. 2004. 1 Dec. 2004. <[http://www.advocate.com/html/stories/928/928\\_shepard.asp](http://www.advocate.com/html/stories/928/928_shepard.asp)>.
- "The Great Seal of the United States." U.S. Department of State, Bureau of Public Affairs. July 2003. 29 Nov. 2004. <<http://www.state.gov/documents/organization/27807.pdf>>.
- Griffin, Farah Jasmine. *"Who Set You Flowin'?: The African-American Migration Narrative"*. New York: Oxford University Press, 1995.
- Guidry, Melanie. Letter. *New Orleans Times-Picayune* 7 Nov. 1997, 3<sup>rd</sup> ed., sec. B: 6.
- Harris, Elise. "Writing the Book of Matthew." *Out* Mar. 1999: 63+.
- Kaufman, Moisés and the Members of the Tectonic Theatre Project. *The Laramie Project*. New York: Random House-Vintage Books, 2001.
- Kellner, Douglas. *Jean Baudrillard: From Marxism to Postmodernism and Beyond*. Stanford, CA: Stanford University Press, 1989.
- Kushma, David. "'Agenda' Seeks Only the Basic Rights Heterosexual Americans Take for Granted." *Memphis Commercial Appeal* 8 Nov. 1998: Editorial Page.
- "*Laissez les bon temps rouler!*" 14 Feb. 1999. 30 Nov. 2004. <<http://www.cajunculture.com/Other/laissez.htm>>.
- "The Laramie Project." *Channel 3 Morning News*. Anchor Mitch Truswell. Reporter Jeff Jaeger. KVBC, Las Vegas. 13 May 2004.
- "Abomination." *Law & Order: SVU*. 1 Dec. 2004. <[http://www.nbc.com/Law\\_&\\_Order:\\_Special\\_Victims\\_Unit/episode\\_guide/99.html](http://www.nbc.com/Law_&_Order:_Special_Victims_Unit/episode_guide/99.html)>.

Legal sources such as Supreme Court decisions are referenced in the text.

LeGardeur, Lili. "Quarter is Planning for Some Spontaneity; Bagneris is Working on Decadence Plans." *New Orleans Times-Picayune* 30 Aug. 2001, "Downtown Picayune:" 1.

"Local Law Enforcement Enhancement Act (LLEEA) S. 996." 1 Dec. 2004. <[http://www.hrc.org/Template.cfm?Section=Local\\_Law\\_Enforcement\\_Enhancement\\_Act](http://www.hrc.org/Template.cfm?Section=Local_Law_Enforcement_Enhancement_Act)>.

M4M Chat Room Lists. 1 Dec. 2004 <<http://www.gay.com>>.

Mandziuk, Roseann M. "Commemorating Sojourner Truth: Negotiating the Politics of Race and Gender in the Spaces of Public Memory." *Western Journal of Communication* 67.3 (2003): 271-91.

Marcus, Eric. *Making History: The Struggle for Gay and Lesbian Equal Rights, 1945-1990*. New York: HarperPerennial-HarperCollins, 1992.

McElroy, Wendy. "Identity Politics Dismisses Shared Humanity." 5 Mar. 2002. 29 Nov. 2004. <<http://www.ifeminists.net/introduction/editorials/2002/0305.html>>.

Memmott, Mark. "Gay GOP Group Criticizes Rejection of Ad." *USAToday* 1 Sept. 2004. 1 Dec. 2004. <[http://www.usatoday.com/news/politicselections/nation/president/2004-08-31-log-cabin-gop\\_x.htm](http://www.usatoday.com/news/politicselections/nation/president/2004-08-31-log-cabin-gop_x.htm)>.

Morgan, Richard C. "Campus Byways." *The Advocate* 12/9/2003: 32+.

Murdoch, Joyce and Deb Price. *Courting Justice: Gay Men and Lesbians v. the Supreme Court*. New York: Basic Books-Perseus Books Group, 2001.

Murray, Jon G. "God on Our Coins." 14 Sept. 1988. 29 Nov. 2004. <[http://www.atheists.org/public\\_square/coins.html](http://www.atheists.org/public_square/coins.html)>.

Naquin-Delain, Rip & Marsha. "What's Hot?" 9-22 Sept. 2003. 29 Nov. 2004. <<http://www.ambushmag.com/is1803/>>.



- News Release. Westboro Baptist Church. 3 Oct. 2003. 1 Dec. 2004.  
<[http://www.godhatesamerica.com/ghfmir/fliers/oct2003/Casper\\_10-3-2003.pdf](http://www.godhatesamerica.com/ghfmir/fliers/oct2003/Casper_10-3-2003.pdf)>.
- News Release. Westboro Baptist Church. 4 May 2004. 1 Dec. 2004.  
< [http://www.godhatesamerica.com/ghfmir/fliers/may2004/Vegas\\_Acadamy\\_5-4-2004.pdf](http://www.godhatesamerica.com/ghfmir/fliers/may2004/Vegas_Acadamy_5-4-2004.pdf)>.
- Newton, Esther. *Mother Camp: Female Impersonators in America*. Englewood Cliffs, NJ: Prentice-Hall, 1972.
- "New Orleans to Grant DP Benefits." 22 Sept. 2001. 30. Nov. 2004. <[http://www.advocate.com/new\\_news.asp?id=777&sd=09/22/01-09/24/01](http://www.advocate.com/new_news.asp?id=777&sd=09/22/01-09/24/01)>.
- Ott, Brian L. and Eric Aoki. "The Politics of Negotiating Public Tragedy: Media Framing of the Matthew Shepard Murder." *Rhetoric & Public Affairs* 5 (2002): 483-505.
- Peter. Gay Theatre Listserv. 26 Apr. 1999.
- "Pastor Takes on Southern Decadence." 12 Oct. 2002. 30 Nov. 2004. <[http://www.advocate.com/new\\_news.asp?ID=6609&sd=10/12/02-10/14/02](http://www.advocate.com/new_news.asp?ID=6609&sd=10/12/02-10/14/02)>.
- Quist, Ryan M. and Douglas M. Wiegand. "Attributions of Hate: The Media's Causal Attributions of a Homophobic Murder." *American Behavioral Scientist* 46.1 (2002): 93-107.
- Roach, Joseph. *Cities of the Dead: Circum-Atlantic Performance*. New York: Columbia University Press, 1996.
- Rose, Christopher. "Kind of a Drag: Parade Salutes Decadent Spirit." *New Orleans Times-Picayune* 5 Sept. 1988, sec. A: 2 and sec. B: 1-2.
- Savage, Dan. "The Thrill of Living Dangerously." *Out* Mar. 1999: 63+.
- Sedgwick, Eve Kosofsky. *Epistemology of the Closet*. Berkeley, CA: University of California Press, 1990.
- Shelton, Melinda. "Pre-Southern Decadence Raid Nets 11 Arrests." *Impact* 10 Sept. 1999: 5.
- Shrum, Wesley. "Ritual Disrobement at Mardi Gras: Ceremonial Exchange and Moral Order." *Social Forces* 75 (1996): 423-458.

- Signorile, Michelangelo. *Life Outside - The Signorile Report on Gay Men: Sex, Drugs, Muscles and the Passages of Life*. New York: HarperPerennial-HarperCollins Publishers, 1998.
- Squires, William. Personal Interview. 1999.
- Sinfield, Alan. *Gay and After*. London: Serpent's Tail, 1998.
- Sullivan, Andrew. "TRB from Washington: Afterlife." *The New Republic* 22 Nov. 1999: 6.
- \_\_\_\_\_. "TRB from Washington: Us and Them." *The New Republic* 2 Apr. 2001: 8.
- Taylor, Diana. "Dancing with Diana: A Study in Hauntology." *The Drama Review* 43.1 (1999): 59-78.
- Thomas, Kendall. "'Masculinity,' 'The Rule of Law,' and Other Legal Fictions." *Constructing Masculinity*. Ed. Maurice Berger, Brian Wallis, and Simon Watson. New York: Routledge, 1995.
- "Examples of Sodomy Laws Used to Discriminate against Gay and Lesbian People." 22 Aug. 2001. 1 Dec. 2004.  
<<http://www.aclu.org/LesbianGayRights/LesbianGayRights.cfm?ID=5030&c=41>>.
- Stallybrass, Peter and Allon White. "Bourgeois Hysteria and the Carnavalesque." *The Cultural Studies Reader*. 2<sup>nd</sup> ed. Ed. Simon Durning. London: Routledge, 1999. 382-8.
- Tigner, Amy L. "The Laramie Project: Western Pastoral." *Modern Drama* 45.1 (2002): 138-56.
- Weider, Judy. "Three Years before the Millenium." 1997. 30 Nov. 2004. <<http://www.advocate.com/html/stories/editor.asp>>.
- Welcome to the French Quarter. Advertisement. *AmbushMag2000* 29 Aug. - 18 Sept. 1997: 20.
- West, Cornel. "The New Cultural Politics of Difference." *The Postmodern Turn: New Perspectives on Social Theory*. Ed. Steven Seidman. Cambridge: Cambridge University Press, 1994. 65-81.

Westboro Baptist Church. 1 Dec. 2004 <<http://godhatesamerica.com>>.

Yerton, Stewart. "Dog Days Give Way to Drag Days: Decadence Festival All about Camp." *New Orleans Times-Picayune* 21 Aug. 1997, sec. B: 1-2.

## **VITA**

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