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What "The Laramie Project" Says About Free Speech and Equality

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The opening this weekend of "[The Laramie Project: 10 Years Later](#)" at [Emerson College](#) is an important opportunity to consider both equal rights and freedom of speech, and what often appears as tension between the two.

"The Laramie Project" is the acclaimed 2000 drama about the murder of Matthew Shepard, who was killed in Laramie, Wyoming in 1998 because he was gay. Based on interviews with residents of Laramie, the original play revealed the all-too-common bigotry that led to the brutal murder of a young man simply because of who he was. Since it first premiered in 1999, "The Laramie Project" has become one of the most often produced plays at high schools, colleges, and professional theaters across the nation.

"The Laramie Project: 10 Years Later," is a sequel to the first play, based on interviews with Laramie residents a decade later. It shows how some local residents -- and a "20/20" report on ABC news -- tried to rewrite history by suggesting that the murder was something other than a hate crime. The sequel includes an interview with one of the two confessed killers that puts to bed that myth, when he admits that he hates homosexuals and adds, "Matt Shepard needed killing." Hate

reared its ugly head further when protesters showed up at a New York premier of the "10 Years Later" project with signs reading, "Hell is Real: Ask Matt."

So, why is one lesson of the Laramie Project that mere speech (in contrast to illegal conduct motivated by hate) -- even odious and hurtful speech -- ought not to be a crime?

The problem with criminalizing hate speech is that the same laws that can silence hate speech also can be used to silence speech that we need to hear. Case in point: schools that refuse to let students put on productions of "The Laramie Project" itself.

More often than not, limits on speech are used to silence those with minority or dissenting views, such as defenders of LGBT rights or racial equality. In the early 1990s, for example, the ACLU of Massachusetts defended the right of LGBT equality groups, along with the Reproductive Rights Network, to hold a meeting at U.Mass-Boston after school officials shut them down because they didn't like the content of the meeting or views of the organizers.

Similarly, Harvard University [Professor Henry Louis "Skip" Gates, Jr.](#), makes a persuasive argument that restrictions on speech have more often been used to silence people of color than to protect them.

Hate speech, however, is not the same as hate crimes, which is what happened to Matthew Shepard: he was selected as a victim for discriminatory reasons. As such, laws that include enhanced penalties for hate crimes, notably the [Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act](#), do not violate the

principle of free speech.

Where, as in the murders of both Matthew Shepard and [James Byrd, Jr.](#), criminals select a victim for discriminatory reasons, it is no more protected by the Constitution than the act of intentionally refusing to rent to a person or dismissing an employee for discriminatory reasons. Such laws, if properly drawn, do not punish protected speech or association. Rather, they reflect the heightened seriousness with which our society treats criminal acts that also constitute invidious discrimination and thus deprive people of the right to fully participation in their community's political or social life simply because of their group characteristics.

The good news is that free speech can be used to open our minds and our hearts, particularly when deployed through the transformational medium of theater.

Our nation has made great strides in the last decade in the fight for full LGBT equality, both in places like Massachusetts and even in places like Wyoming and [Florida \(the latter is where a judge ruled this week that a gay foster family could adopt two children who had been living with them for years\)](#).

"The Laramie Project: 10 Years Later" shows us not only how far we've come, but how far we have still to go in the fight for true equality. It also illustrates the important role that freedom of speech plays in helping us to get there.