

Your honor, members of the Jury, Mr. Rerucha:

I would like to begin my statement by addressing the jury. Ladies and gentlemen, a terrible crime was committed in Laramie thirteen months ago. Because of that crime, the reputation of the city of Laramie, the University of Wyoming, and the State of Wyoming became synonymous with gay bashing, hate crimes, and brutality. While some of this reputation may be deserved, it was blown out of proportion by our friends in the media. Yesterday you, the jury, showed the world that Wyoming and the city of Laramie will not tolerate hate crimes. Yes, this was a hate crime, pure and simple, with the added ingredient of robbery. My son Matthew paid a terrible price to open the eyes of all of us who live in Wyoming, the United States, and the world to the unjust and unnecessary fears, discrimination, and intolerance that members of the gay community face every day. Yesterday's decision by you showed true courage and made a statement. That statement is that Wyoming is the Equality State; that Wyoming will not tolerate discrimination based on sexual orientation; that violence is not the solution. Ladies and gentlemen, you have the respect and admiration of Matthew's family and friends and of countless strangers around the world. Be proud of what you have accomplished. You may have prevented another family from losing a son or daughter.

Your honor, I would also like to thank you for the dignity and grace with which this trial was conducted. Repeated attempts to distract the court from the true purpose of this trial failed because of your attentiveness, knowledge, and willingness to take a stand and make new law in the area of sexual orientation and the "Gay Panic" defense. By doing so you have emphasized that Matthew was a human being with all the rights and responsibilities and protections of any citizen of Wyoming.

Mr. Rerucha took the oath of office as prosecuting attorney to protect the rights of the citizens of Albany County as mandated by the laws of the state of Wyoming, regardless of his personal feelings and beliefs. At no time did Mr. Rerucha make any decision on the outcome of this case without the permission of Judy and me. It was our decision to take this case to trial, just as it was our decision to accept the plea bargain today and the earlier plea bargain of Mr. Henderson. A trial was necessary to show that this was a hate crime and not just a robbery gone bad. If we had sought a plea bargain earlier, the facts of this case would not have been known and the question would always be present that we had something to hide. In addition, this trial was necessary to help provide some closure to the citizens of Laramie, Albany County, and the state. I find it intolerable that the priests of the Catholic Church and the Newman Center would attempt to influence the jury, the prosecution, and the outcome of this trial by their castigation and persecution of Mr. Rerucha and his family in his private life, by their newspaper advertisements, and by their presence in the courtroom. I find it difficult to believe that they speak for all Catholics. If the leaders of churches want to comment as private citizens, that is one thing. If they say that they represent the beliefs of their church, that is another. This country was founded on separation of church and state. The Catholic Church has stepped over the line and has become a political group with its own agenda. If that be the case, treat them as a political group and eliminate their privileges as a religious organization.

My son Matthew did not look like a winner. After all, he was small for his age—weighing, at the most, 110 pounds, and standing only 5'2" tall. He was rather uncoordinated and wore braces from the age of 13 until the day he died. However, in his all too brief life, he proved that he was a winner. My son—a gentle, caring soul—proved that he was as tough as, if not

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tougher than, anyone I have ever heard of or known. On October 6, 1998, my son tried to show the world that he could win again. On October 12, 1998, my first-born son—and my hero—lost. On October 12, my first-born son—and my hero— died 50 days before his 22nd birthday. He died quietly, surrounded by family and friends, with his mother and brother holding his hand. All that I have left now are the memories.

50 It's hard to put into words how much Matt meant to family and friends and how much they meant to him. Everyone wanted him to succeed because he tried so hard. The spark that he provided to people had to be experienced. He simply made everyone feel better about themselves. Family and friends were his focus. He knew that he always had their support for anything that he wanted to try.

60 Matt's gift was people. He loved being with people, helping people, and making others feel good. The hope of a better world free of harassment and discrimination because a person was different kept him motivated. All his life he felt the stabs of discrimination. Because of that he was sensitive to other people's feelings. He was naive to the extent that, regardless of the wrongs people did to him, he still had faith that they would change and become "nice." Matt trusted people, perhaps too much. Violence was not a part of his life until his senior year in high school. He would walk into a fight and try to break it up. He was the perfect negotiator. He could get two people talking to each other again as no one else could.

Matt loved people and he trusted them. He could never understand how one person could hurt another, physically or verbally. They would hurt him, and he would give them another chance. This quality of seeing only good gave him friends around the world. He didn't see size, race, intelligence, sex, religion, or the hundred other things that people use to make choices about people. All he saw was the person. All he wanted was to make another person his friend. All he wanted was to make another person feel good. All he wanted was to be accepted as an equal.

70 What did Matt's friends think of him? Fifteen of his friends from high school in Switzerland, as well as his high school adviser, joined hundreds of others at his memorial services. They left college, fought a blizzard, and came together one more time to say good-bye to Matt. Men and women coming from different countries, cultures, and religions thought enough of my son to drop everything and come to Wyoming—most of them for the first time. That's why this Wyoming country boy wanted to major in foreign relations and languages. He wanted to continue making friends and at the same time help others. He wanted to make a difference. Did he? You tell me.

80 I loved my son and, as can be seen throughout this statement, was proud of him. He was not my gay son. He was my son who happened to be gay. He was a good-looking, intelligent, caring person. There were the usual arguments, and at times he was a real pain in the butt. I felt the regrets of a father when he realizes that his son is not a star athlete. But it was replaced with a greater pride when I saw him on the stage. The hours that he spent learning his parts, working behind the scenes, and helping others made me realize that he was actually an excellent athlete—in a more dynamic way—because of the different types of physical and mental conditioning required by actors. To this day I have never figured out how he was able to spend all those hours at the theater, during the school year, and still have good grades.

90 Because my job involved lots of travel, I never had the same give-and-take with Matt that Judy had. Our relationship at times was strained. But, whenever he had problems we talked. For example, he was unsure about revealing to me that he was gay. He was afraid that I would reject him immediately, so it took him a while to tell me. By that time, his mother and brother had

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already been told. One day he said that he had something to say. I could see that he was nervous, so I asked him if everything was all right. Matt took a deep breath and told me that he was gay. Then he waited for my reaction. I still remember his surprise when I said, "Yeah? OK, but what's the point of this conversation?" Then everything was OK. We went back to a father and son who loved each other and respected the beliefs of the other. We were father and son, but we were also friends.

100 How do I talk about the loss that I feel every time I think about Matt? How can I describe the empty pit in my heart and mind when I think about all the problems that were put in Matt's way that he overcame? No one can understand the sense of pride and accomplishment that I felt every time he reached the mountain top of another obstacle. No one, including myself, will ever know the frustration and agony that others put him through because he was different. How many people could be given the problems that Matt was presented with and still succeed as he did? How many would continue to smile—at least on the outside—while crying on the inside to keep other people from feeling bad?

110 I now feel very fortunate that I was able to spend some private time with Matt last summer during my vacation from Saudi Arabia. We sat and talked. I told Matt that he was my hero and that he was the toughest man that I had ever known. When I said that, I bowed down to him out of respect for his ability to continue to smile and keep a positive attitude during all the trials and tribulations that he had gone through. He just laughed. I also told him how proud I was because of what he had accomplished and what he was trying to accomplish. The last thing I said to Matt was that I loved him, and he said he loved me. That was the last private conversation that I ever had with him.

Impact on my life? My life will never be the same. I miss Matt terribly. I think about him all the time—at odd moments when some little thing reminds me of him; when I walk by the refrigerator and see the pictures of him and his brother that we've always kept on the door; at special times of the year, like the first day of classes at UW or opening day of sage chicken hunting. I keep wondering almost the same thing that I did when I first saw him in the hospital. What would we have become? How would he have changed his piece of the world to make it better?

120 Impact on my life? I feel a tremendous sense of guilt. Why wasn't I there when he needed me most? Why didn't I spend more time with him? Why didn't I try to find another type of profession so that I could have been available to spend more time with him as he grew up? What could I have done to be a better father and friend? How do I get an answer to those questions now? The only one who can answer them is Matt. These questions will be with me for the rest of my life. What makes it worse for me is knowing that his mother and brother will have similar unanswered questions.

130 Impact on my life? In addition to losing my son, I lost my father on November 4, 1998. The stress of the entire affair was too much for him. Dad watched Matt grow up. He taught him how to hunt, fish, camp, ride horses, and love the state of Wyoming. Matt, Logan, dad, and I would spend two to three weeks camping in the mountains at different times of the year—to hunt, to fish, and to goof off. Matt learned to cook over an open fire, tell fishing stories about the one that got away, and to drive a truck from my father.

Three weeks before Matt went to the Fireside Bar for the last time, my parents saw Matt in Laramie. In addition, my father tried calling Matt the night that he was beaten but received no answer. He never got over the guilt of not trying earlier. The additional strain of the hospital vigil, being in the hospital room with Matt when he died, the funeral services with all the media

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140 attention and the protesters, [and] helping Judy and me clean out Matt's apartment in Laramie a few days later was too much. Three weeks after Matt's death, dad died. Dad told me after the funeral that he never expected to outlive Matt. The stress and the grief were just too much for him.

Impact on my life? How can my life ever be the same again?

When Matt was little, I used to take showers with him, just to teach him not to be scared of the water. Later, Matt helped me do the same thing with Logan. Anyway, Matt and I would be in the shower spitting mouthfuls of water at each other or at his mother, if he could convince her to come into the bathroom. Then he would laugh and laugh. We would also sing in the showers. I taught him the songs "Row, Row, Row Your Boat"; both "Brother John" and its French version, "Frère Jacques"; and "Twinkle, Twinkle, Little Star." Matt would sing loud and clear. Now, that voice is silent, the boat has sunk, Jacques is no longer frère, and the little star no longer twinkles.

150 Matt officially died at 12:53 a.m. on Monday, October 12, 1998, in a hospital in Fort Collins, Colorado. He actually died on the outskirts of Laramie tied to a fence that Wednesday before, when you beat him. You, Mr. McKinney, with your friend Mr. Henderson, killed my son.

By the end of the beating, his body was just trying to survive. You left him out there by himself, but he wasn't alone. There were his lifelong friends with him—friends that he had grown up with. You're probably wondering who these friends were. First, he had the beautiful night sky with the same stars and moon that we used to look at through a telescope. Then, he had the daylight and the sun to shine on him one more time—one more cool, wonderful autumn day in Wyoming. His last day alive in Wyoming. His last day alive in the state that he always proudly called home. And through it all he was breathing in for the last time the smell of Wyoming sagebrush and the scent of pine trees from the snowy range. He heard the wind—the ever-present Wyoming wind—for the last time. He had one more friend with him. One he grew to know through his time in Sunday school and as an acolyte at St. Mark's in Casper as well as through his visits to St. Matthew's in Laramie. He had God.

160 I feel better knowing he wasn't alone.

Matt became a symbol—some say a martyr, putting a boy-next-door face on hate crimes. That's fine with me. Matt would be thrilled if his death would help others. On the other hand, your agreement to life without parole has taken yourself out of the spotlight and out of the public eye. It means no drawn-out appeals process, [no] chance of walking away free due to a technicality, and no chance of lighter sentence due to a "merciful" jury. Best of all, you won't be a symbol. No years of publicity, no chance of communication, no nothing—just a miserable future and a more miserable end. It works for me.

170 My son was taught to look at all sides of an issue before making a decision or taking a stand. He learned this early when he helped campaign for various political candidates while in grade school and junior high. When he did take a stand, it was based on his best judgment. Such a stand cost him his life when he quietly let it be known that he was gay. He didn't advertise it, but he didn't back away from the issue either. For that I'll always be proud of him. He showed me that he was a lot more courageous than most people, including myself. Matt knew that there were dangers to being gay, but he accepted that and wanted to just get on with his life and his ambition of helping others.

180 Matt's beating, hospitalization, and funeral focused worldwide attention on hate. Good is coming out of evil. People have said "Enough is enough." You screwed up, Mr. McKinney. You made the world realize that a person's lifestyle is not a reason for discrimination, intolerance, persecution, and violence. This is not the 1920s, 30s, and 40s of Nazi Germany. My son died

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because of your ignorance and intolerance. I can't bring him back. But I can do my best to see that this never, ever happens to another person or another family again. As I mentioned earlier, my son has become a symbol—a symbol against hate and people like you; a symbol for encouraging respect for individuality; for appreciating that someone is different; for tolerance. I miss my son, but I'm proud to be able to say that he is my son.

190 Mr. McKinney, one final comment before I sit, and this is the reason that I stand before you now. At no time since Matt was found at the fence and taken to the hospital have Judy and I made any statements about our beliefs concerning the death penalty. We felt that that would be an undue influence on any prospective juror. Judy has been quoted by some right-wing groups as being against the death penalty. It has been stated that Matt was against the death penalty. Both of these statements are wrong. We have held family discussions and talked about the death penalty. Matt believed that there were incidents and crimes that justified the death penalty. For example, he and I discussed the horrible death of James Byrd, Jr. in Jasper, Texas. It was his opinion that the death penalty should be sought and that no expense should be spared to bring those responsible for this murder to justice. Little did we know that the same response would come about involving Matt. I, too, believe in the death penalty. I would like nothing better than to see you die, Mr. McKinney. However, this is the time to begin the healing process. To show
200 mercy to someone who refused to show any mercy. To use this as the first step in my own closure about losing Matt. Mr. McKinney, I am not doing this because of your family. I am definitely not doing this because of the crass and unwarranted pressures put on by the religious community. If anything, that hardens my resolve to see you die. Mr. McKinney, I'm going to grant you life, as hard as that is for me to do, because of Matthew. Every time you celebrate Christmas, a birthday, or the Fourth of July, remember that Matt isn't. Every time that you wake up in that prison cell, remember that you had the opportunity and the ability to stop your actions that night. Every time that you see your cell mate, remember that you had a choice, and now you are living that choice. You robbed me of something very precious, and I will never forgive you for that. Mr. McKinney, I give you life in the memory of one who no longer lives. May you have
210 a long life, and may you thank Matthew every day for it.

Your honor, members of the jury, Mr. Rerucha, thank you.