

Girl, full stop

Jane Armstrong

***Globe and Mail* - 27 March 2004**

Gwen Araujo started life as a boy, began wearing dresses as a teen and died in a slaying so brutal police describe it as 'overkill.' As the trial gears up, transgender activists say the murder was a hate crime. Others aren't so sure.

In her casket at the mortuary, Gwen Araujo wore black, fingerless gloves, revealing her perfectly manicured nails. At her funeral the next day, hundreds of mourners crammed St. Edward's Catholic Church in Newark, Calif., while others stood outside to pay their respects to the slain 17-year-old high-school dropout.

Police were on hand to control the crowd, but were also on the lookout for Fred Phelps, a fundamentalist Kansas preacher who, the night before, had confronted Gwen's mother outside her house, warning that her child had gone straight to hell.

Gwen Araujo was born Edward Araujo Jr., but from the age of 14, the diminutive, black-haired boy dressed and identified as a girl. She adopted the name Gwen, after her favourite singer, Gwen Stefani, of the pop group No Doubt. She wore makeup and plucked her eyebrows and dreamed of being a Hollywood makeup artist.

Gwen's mother, Sylvia Guerrero, told the gay magazine *The Advocate* that Gwen had always considered herself a girl. "She said, 'You know, I'm different. I don't feel like a boy.'

"She said, 'I'm not gay.' I don't think at that age she knew what she was, but she knew she didn't identify with her body."

Her family was initially confused by her desire to live as a girl, but said they supported her. Outside the house, life wasn't so easy in Newark, a bedroom community of just over 40,000, about 60 kilometres southeast of San Francisco. At school, she was taunted for her effeminate behaviour and she eventually dropped out.

Three years later, on Oct. 3, 2002, she was savagely beaten and strangled at a house party after a girl followed her to the bathroom, reached under her skirt and discovered her male genitalia.

"She's got a penis," the girl yelled to the young men now on trial for murder. Two of the four accused -- who are all in their early 20s -- had prior sexual relations with Gwen and been suspicious of her gender.

At first, the news that she had male anatomy brought laughter and derision, but the mood soon soured. For the next two hours, it's alleged that the men beat Gwen so savagely that police described her eventual death as "overkill."

Police said one young man hit her in the head with a soup can, then a skillet. She sank to the floor and was kicked so hard in the head she dented the wall when she hit it. The men allegedly wrapped her in a blanket to prevent blood from staining the couch and floor. Prosecutors said she was dragged to the garage, where they strangled her, then tossed her in the back of a pickup. Another man hit her in the head with a shovel to ensure that she was dead.

The four then drove 180 kilometres to a wooded area near Lake Tahoe and buried Gwen in a shallow grave. The partygoers kept the killing a secret while family members searched frantically for her. After two weeks, one of the men, Jaron Nabors, confessed to police and led investigators to Gwen's body. He has pleaded guilty to manslaughter and received a 10-year sentence in return for his testimony against his friends.

The three other accused, Jose Merel, 24, Michael Magidson, 23, and Jason Cazares, 24, are charged with first-degree murder and face 25 years in prison, plus four more if prosecutors argue successfully that Gwen's murder was a hate crime. Opening arguments were scheduled to begin next week in a courthouse in nearby Hayward, Calif.

The case made national headlines and, in the 17 months since her death, Gwen Araujo has become a household name, at least in northern California and the San Francisco Bay area. Like Matthew Shepard, the 21-year-old who became an icon for the gay community after being beaten to death in Wyoming in 1998, Gwen Araujo has become a martyred symbol for the transgendered community -- an umbrella term for people who identify with a sex that's different from the sex of their birth.

Her killing sparked scores of vigils, marches and tributes to her memory and shone the spotlight on discrimination against transgendered people. Some activists say transphobia is among the most powerful of hatreds -- outstripping homophobia and racism in terms of the degree of disgust and violence it evokes.

The case has brought comparisons to the killing of Brandon Teena, who was born as Teena Brandon but lived as a male and was killed after her peers learned she was biologically female. Potential jurors in the Gwen Araujo case were dismissed from duty if they had seen the film version of the Nebraska teen's life story, the Oscar-winning movie *Boys Don't Cry*.

But Gwen's killing has also sparked an intense debate over legal definitions of hate, with some experts arguing that her death was the result of bruised feelings -- not hatred against a transsexual.

Jack Levin, a criminologist at Northeastern University in Boston and the author of several books on hate crime, said the case is brutal and disturbing, but he is not convinced the alleged attackers were motivated by hatred toward transgendered people.

Most hate crimes are committed by strangers and the victims are interchangeable, Mr. Levin said in an interview. "That is, one gay person is as good as another when it comes to attacking and bashing and harassing and intimidating, and actually one group is probably just as good as another. If you can't find somebody gay, you'll take a cross-dresser. If you can't find a cross-dresser, you'll target someone who is black or Jewish or Muslim."

Mr. Levin thinks Gwen Araujo's killing was prompted by intense feelings of betrayal -- not hatred against transsexuals. The men accused of killing Gwen had known her for a couple of weeks and two had been sexually intimate with her. He compared her slaying to a man who kills his wife after learning she has been unfaithful.

"He feels betrayed and he kills her," Mr. Levin said. "Gender is involved -- she's a woman -- but gender is not the motivation. I think people feel betrayed for lots of personal reasons and this is just one of many."

Defining all murders of transgendered people as hate crimes is dangerous, Mr. Levin said, because it trivializes real crimes of hate. "I get a little concerned when we go out of our way to look at a case that just doesn't seem to fit, and I want us to use the hate-crime label, but use it appropriately. I'm not sure this one is."

Gwen's killing came during a particularly violent stretch for transgendered people. In 2002, activists say 25 were slain in the United States, making it the deadliest year on record.

Like Gwen's killing, the other slayings had the telltale indicator of overkill, suggesting that hate might have been the motivation. In August, 2002, two transgendered teens were sprayed with more than 10 bullets each while they sat in a car in a tough south Washington neighbourhood. The killings weren't solved.

Mr. Levin said those slayings sound far more like hate crimes -- if the killers were indeed strangers.

Activists worry that crimes against transgendered people are on the upswing because more are emerging from the closet, the way gays and lesbians began doing 25 to 30 years ago.

"What animates homophobia and what animates transphobia is the same thing, which is a kind of gender panic," said Vancouver lawyer Barbara Findlay, who has argued human-rights cases for transgendered clients. This so-called gender panic is still used as a defence in criminal cases if a heterosexual is charged with attacking a gay man. The argument goes that if a gay man makes a pass at a heterosexual man, the straight man has the right to attack.

Lawyers for two of the accused men have suggested that the killing was a crime of passion. The lawyer for Mr. Magidson, one of the men who had sexual contact with Gwen, has argued that his client should not be tried for anything more than manslaughter because he was pushed beyond reason by the discovery that he had unwittingly had sex with a man.

But transgender activists says the killing bears the signs of a hate crime, especially in its brutality. Tina D'Elia, of the San Francisco-based Community United Against Violence, disagreed that hate crimes are often the work of a stranger. Crimes against gay and transgendered people routinely involve people who pretend to befriend the victim to gain their trust, but whose goal all along is to attack the victim, she said.

Indeed, according to testimony from the preliminary hearing, the men accused of killing Gwen plotted the attack as much as a week in advance, after they heard rumours she was biologically male. Friends said some of the accused warned of a "Tony Soprano-like" killing if Gwen turned out to be male.

By all accounts, Gwen's relationship with the accused men -- who had never known her as a boy -- represented an opportunity to finally pass as someone who had been born female. Other friends and acquaintances had known her as Eddie, the boy who wanted to be known as Gwen, and the transition had been bumpy.

After "coming out," Gwen had been the butt of taunts and threats at school. She switched to an alternative school, but didn't last long. She drank heavily, used drugs and was promiscuous, trading sex for marijuana and beer. The week before her death, she was found drunk and unconscious in front of the Catholic church where her funeral was eventually held.

Gwen planned to have a sex-change operation once she saved enough money, but her mother said she was deeply worried about the teen's safety.

The men she hooked up with attended the same high school Gwen once did, but did not know her past as a male. On the night of the fatal party, all four confronted her about her gender, before sending a girl into the bathroom to find out.

With her death, Gwen's family has been thrust into the spotlight, becoming spokespeople for an issue they barely understood. In interviews after the killing, Ms. Guerrero referred to Gwen as Eddie and used the pronoun "he." More recently, she has used "she" and called her Gwen.

In a parting gift, Ms. Guerrero dressed Gwen in a black dress and gloves for her funeral.

"I didn't know what transgender meant," she said in the Advocate interview. "Gwen never used that word. But she knew who she was and we were on the same page about that. We discussed the sex change she wanted, her name, all of it. But I never realized the suffering that goes with being transgendered."

While activists have rallied to their support, there has been hate mail, and Gwen's younger brother has left California because he was harassed at school.

Gwen's uncle, David Guerrero, has said in interviews he hopes that the trial will bring justice for Gwen's death, but it won't end the family's grief. "There's a lot of good that's going to come out of this, hopefully, but for our family, it's tragedy."

Jane Armstrong is a member of The Globe and Mail's British Columbia bureau.

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