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Mass Media and the Death Penalty: Social Construction of Three Nebraska Executions

By Jeremy H. Lipschultz and Michael L. Hilt

Abstract: This research analyzes local TV news coverage of three Nebraska executions in the 1990s, the first in the state since 1959. The three Nebraska executions allow us to see mass media coverage of the death penalty from four perspectives: 1) media organization routines, journalistic beliefs, and how source selection affected the content; 2) justice was portrayed through a consonant set of social symbols; 3) the public support for the death penalty in this country may have led journalists to avoid tough questioning of public officials; 4) the resulting coverage was a social construction of reality that might influence future public opinion. TV news reports emphasized the carnival-like atmosphere at the state penitentiary during two of the three executions.

On Friday, September 2, 1994, Harold Lamont "Walkin' Willie" Otey died in Nebraska's electric chair. Otey was one of 31 death row inmates nationwide to be executed in 1994. At 12:40 a.m. the Associated Press sent this bulletin to its Nebraska broadcast affiliates: "Harold Lamont Otey died in the electric chair early Friday for the rape and murder of a woman 17 years ago. It was the first Nebraska execution in 35 years." [1] In the urgent that followed seconds later, the state newswire added that Otey was the first to die in Nebraska's electric chair since Charles Starkweather was executed in 1959.

On Wednesday, July 17, 1996, the death penalty was enforced upon John Joubert. At 12:29 a.m. the Associated Press sent to its Nebraska broadcast affiliates: "John Joubert was put to death in Nebraska's electric chair for butchering two boys in an Omaha suburb 13 years ago" (Howard, 1996).

On Tuesday, December 2, 1997, Robert E. Williams died in the electric chair. Long before the execution, he had confessed to murdering three women during a three-day crime spree in 1977. Associated Press reporter Robynn Tysver wrote: "His execution was the first daytime execution and the first to be witnessed by a victim's relative in Nebraska since the state resumed carrying out the death penalty in 1994 (Tysver, 1997)."

This study analyzes the coverage of the executions of Otey, Joubert, and Williams by four Omaha, Nebraska television stations -- three of which covered the scenes live outside the Nebraska State Penitentiary during the scheduled time of execution. The purpose of this examination of the videotaped coverage of these executions -- for source selection and news organization routines, consonance of coverage, use of symbols as cultural meanings -- is to better understand the role of local TV news in influencing public opinion.

We propose that local television coverage of an execution scene is a social construction of reality, shaped by the social conflict of symbols, actors, and meanings, and influenced by journalistic-decision making that tends to create a consonant view among mass media.

The death penalty in general, and execution by electric chair in particular, produces a difficult set of circumstances for local television news reporters. On the one hand, media are called upon to cover and even to treat as normal death penalty procedures of the state. On the other, electric chair executions are viewed by many as inhumane and painful death (Freedburg, 1997). Invented 100 years ago, the electric chair was originally seen "as a quick and painless execution method after witnesses were shocked by hangings that went awry" (Freedburg, 1997, A1). However, a botched electric chair execution in Florida in 1997 added to the debate over whether the chair in states where it is mandated should be replaced by lethal injection (Clary, 1997).

This study comes at an important time in the nation's history. The Williams execution in 1997 was one of 74 across the country, more than in any of the past 42 years (Carelli, 1997), and the most since the age of television.

Gitlin (1980) pointed out almost two decades ago that television is a magnifying glass for American society. On live television, "visual simultaneity provides a dimension of experience that is like being transported to the scene" (Lang & Lang, 1984, p. 26). From the perspective of social construction of reality, the three Nebraska executions may have been assumed to be better than "being there" (Lang & Lang, 1984).

These three executions provide a particularly clear window into the nature of local television news. On the nights Otey and Joubert were executed, Omaha, Nebraska television stations portrayed the social conflict between supporters and opponents of capital punishment and emphasized the death penalty as appropriate justice. While much has been written about the justice and injustice of capital punishment, little has been written about the role that news organizations play in public perception of the death penalty. The case of Harold Otey provided an opportunity to examine the role of local television in a state where 35 years had elapsed between executions; the case of John Joubert provided an opportunity to study a second modern-day execution; the case of Robert Williams was an opportunity to further study the content of live television broadcasts. Studies of media and crime, even the most recent research, mention the death penalty in passing, if at all (Bailey & Hale, 1998). Before discussing media coverage, a brief description will be provided of Omaha, Nebraska television station coverage of the Starkweather case in the late 1950s.

Crime and Punishment

Shortly after midnight on June 25, 1959, Charles Starkweather died in Nebraska's electric chair. He had been convicted of the murder of a teenager, and accused of ten other homicides. Most of those homicides occurred within a 72 hour period in January 1958 in and around Lincoln, Nebraska. Starkweather was the 20th person executed in Nebraska since the state took over these duties from the counties in 1901. Eight of the 20 were hanged, until the electric chair was chosen as the method of execution in 1913.

Local television stations in Omaha had covered the Starkweather story from the beginning (Hilt, 1990). By the time Starkweather was arrested in Wyoming and brought to the state penitentiary in Lincoln, Nebraska, local and network television crews were waiting for him. Intense television coverage continued through the Starkweather execution. "The public in the late 1950s watched television news with a fascination that it does not have today, and because the medium itself was still new, the television audience easily could be swept up in the program, whether it was entertainment or news (Hilt, 1996, p. 3)." The highly dramatic nature of the crime story led it to be among the first to receive nationwide television exposure. In the years following the Starkweather execution, the case spawned books, movies, documentaries, plays, and a song by Bruce Springsteen. No academic research has been published of the

television coverage of the execution. What we know from journalists at the scene is that there appeared to be no public opposition to the imposition of the death penalty on Starkweather (Hilt, 1990).

In contrast to mass media coverage of the Starkweather crime spree, the crime of which Otey was convicted did not attract nationwide news coverage. Otey was sentenced to death in 1978 for the rape and murder of 26-year-old Jane McManus in 1977. While the crime itself was an Omaha, Nebraska story, his numerous last-minute death penalty appeals attracted the attention of the CBS news magazine "48 Hours." The Otey case came to symbolize public frustration with a justice system that took 16 years to execute a condemned killer. An analysis of local television newscasts will show the Joubert case attracted some national attention. Joubert was sentenced to death for killing 13-year-old Danny Jo Eberle and 12-year-old Christopher Walden in 1983. This case combined elements of the Starkweather and Otey crimes: a manhunt for the killer, heightened public fears, and ultimately public frustration with the justice system. The Williams case differed from the other three cases in that the news media did not portray it as dramatically as they had the other crimes. Williams was a confessed killer who did not resist or challenge the death penalty sentence.

Mass Media and the Death Penalty

Research on the sociology of news work, as it relates to local television, has emphasized two generalizations: (1) local news tends to rely on "routine" sources, including government officials and law enforcement personnel (Reese & Buckalew, 1995); and (2) competitive and corporate interests appear to "help homogenize the news rather than diversify it (Ehrlich, 1995, p. 205)." In the case of local TV news coverage of executions, it is predicted that selection of the same sources will lead to consonance in coverage. Given the dramatic nature of the conflict between proponents and opponents of capital punishment, the stations were faced with a difficult choice. Either they could report live from the prison showing scenes of conflict between demonstrators, or they could cover the story using in-studio experts for analysis and avoid the location where the news was taking place.

The literature on local television news has been limited in addressing how local television covers an execution. Although political scientist Doris Graber devotes a chapter in one of her books to news coverage of the justice system, she does not discuss media coverage of executions. Crime news, by one estimate, accounts for about 14 percent of local news coverage, and the lion's share of that coverage focuses on sensational events (Graber, 1993). Graber argues that the public, despite public complaints, has a hunger for exciting crime news: "The local television news, with its heavy crime component, has eclipsed national news, which carries more serious political stories and less crime, in the battle for high audience ratings" (p. 332).

Graber writes that organizational factors are important in determining news making and reporting routines.

Colleagues and settings strongly influence newspeople. Every news organization has its own internal power structure that develops from the interaction of owners, journalists, news sources, audiences, advertisers, and government authorities. In most news organizations today, the internal power structure is slightly left of middle America, yet predominantly supportive of the basic tenets of the current political and social system (p. 108).

Detweiler (1987) explored journalists' views on executions. He found strong agreement among journalists that, "Those who use the site of an execution to raise the public consciousness for or against the issue of capital punishment are an important part of the story (p. 456)." These journalists also agreed that official state sources were only half the story of an execution. The journalists disagreed with the statement that,

"[r]eporters should not cover demonstrations at the site of executions which are obviously staged to attract the media (p. 456)."

Capital punishment demonstrators may create newsworthy events that "stress emotion and drama (Kaniss, 1991, p. 109)." An execution fits models of local newsworthiness by focusing on the actions of government and the issue of crime. The focus on tragedies of victims and personalities of the condemned killers help local TV news bring a human angle to the execution story. The death penalty "represents stories that society tells about itself, stories that tend to reflect key ideological beliefs of society (Berkowitz, 1997, p. 499)." At the same time, sensationalized coverage of an execution scene fits the market-driven "local television news formula" of the 1990s (Underwood, 1998, p. 171).

There is extensive research on the death penalty, but very little research connecting it to the mass media. By the late 1960s, about one in ten convicted murderers was sentenced to death (Stevens, 1978). This was a change from the perception of justice in 1791, when the Eighth Amendment was adopted. At that time "a death sentence was imposed without question on every person convicted of a capital offense (p. 10)." From 1930 to 1967, an average of more than 100 U.S. executions were carried out each year (Catelli, 1997). A brief Supreme Court moratorium in the early 1970s followed.

The reinstatement of the death penalty in 1976 saw only six executions through 1982 (Boellstorff, 1996). During the late 1970s and 1980s the U.S. Supreme Court defined capital defendants' rights and encouraged "expeditious executions" (White, 1991, p. 5). The number of executions in the United States since 1982 has risen steadily from five in 1983 to 74 in 1997 -- the most since 1955 (Carelli, 1997).

By the early 1990s, significant changes in the capital punishment system led scholars to predict that the number of executions would increase in all regions of the country (White, 1991). There seems to be agreement among death penalty scholars that public opinion polls reflect consistent support for capital punishment. In a 1977 survey, for example, forty percent of respondents supported mandatory capital punishment in all first-degree murder cases. Another forty-four percent said it depends on the circumstances. Only thirteen percent rejected the death penalty (Vidmar & Ellsworth, 1982, p. 89). Support for the death penalty climbed during the 1980s, and is at its highest point since the beginning of modern polling in 1952 (Costanzo & Costanzo, 1994, p. 249). Although support for the death penalty has climbed over the years between 1974 and 1994, there has been a consistent "gender gap" with men more likely than women to support executions (Andersen, 1997, p. 28). Public attitudes toward capital punishment are seen as "expressions of intense anger toward violent criminals (Costanzo & Costanzo, 1994, p. 252)."

The mass media seem to be a major source of information for developing views about such social issues as the death penalty. "In this way, the media have played an indirect but significant long-term role in shaping people's thoughts and actions (DeFleur & Dennis, 1996, p. 595)." Where media messages are consonant, it is possible that the content will have the effect of influencing people (Noelle-Neumann 1995).

It has been argued that the mass media are willing participants in creating social myths:

The social construction of myths of crime and criminal justice seems to follow a series of recurrent patterns. These patterns allow for an unprecedented amount of social attention to be focused upon a few isolated criminal events or issues. This attention is promoted by intense, but often brief, mass media coverage of a select problem (Kappeler, Blumberg, & Potter, 1993, pp. 4-5).

This idea is related to the view that mass media portrayals construct social reality for individuals and groups. Surette (1992) argued that our collective view of prisons and prisoners is shaped by entertainment portrayals, and news coverage appeals to "voyeuristic instincts (pp. 41, 74)." Ultimately, such a portrait supports law-and-order policies and becomes "the accepted version of social reality (p.76)."

Social Construction of Reality

Social construction of reality began with the philosophical view that "all symbolic universes and all legitimations are human products; their existence has its base in the lives of concrete individuals, and has no empirical status apart from these lives (Berger & Luckmann, 1966, p. 128)." The theory, in more recent times, has been linked to research on television. Lang and Lang (1984) generalize the following:

1. television emphasizes close-up views creating a sense of familiarity with distant people and places;
2. live event coverage gives viewers a sense of participation in public affairs;
3. television pictures seem authentic to viewers; and,
4. television coverage may provide a more complete picture of the event than any other media (p. 26).

In general, "the act of making news is the act of constructing reality itself rather than a picture of reality (Tuchman, 1978, p. 12)."

In the case of local television coverage of the Otey and Joubert executions, broadcasters were faced with reporting an intense social conflict between proponents and opponents of the death penalty. Without the visual story of protesters at the state penitentiary, as was the case in the Williams execution, the "incompatible goals" of each side would not be as dramatic (Cohen, Adoni, & Bantz, 1990, p. 25): "...symbolic reality as it appears in television news distorts, at least to some extent, the 'real' reality -- it tends to present conflicts as less complex, more intense and more solvable than they really are (p. 35)."

The scene outside the Nebraska State Penitentiary on September 1 and 2, 1994, July 16 and 17, 1996, and December 2, 1997, are examined through the images of four Omaha, Nebraska commercial television stations.

Method

The qualitative and descriptive analysis was designed to compare and contrast social constructions in the coverage of the Otey, Joubert, and Williams executions by four Omaha, Nebraska commercial television stations -- KPTM (FOX), KETV (ABC), WOWT (NBC), KMTV (CBS). Qualitative communication research of visual media affords the opportunity for focusing on subtle, theoretical issues (Lindlof, 1995; Bogdan & Biklen, 1992). Bogdan and Biklen (1992) define the type of qualitative research utilized in this study as describing processes in the inductive search for meaning. Additionally, the present research employs the cultural studies approach in searching for "the intersection of social structure and human agency (p. 41)." The present study looks at local television news content as symbolic cultural messages that create "meanings" (McQuail, 1994, p. 94). Constructed meanings are powerful and subjective social realities grounded in the language of human culture (DeFleur & Ball-Rokeach, 1989). As such, local television news is defined as the product of "dramatic actors," with the actors being the newsmakers, the news sources, and the news deliverers (Bennett, 1996, pp. 5253). This qualitative analysis will search the content of the four stations for symbols, actors and meanings.

Off-air recordings were made of each of the station's late newscasts, beginning with the FOX affiliate's 9 p.m. broadcast. In addition, recordings were made of the special coverage aired by three of the four

stations as the execution time approached. The tapes were transcribed for further analysis, and notes made of the visual images.

The study responded to the following questions:

RQ₁: How did the four stations cover each event? To what extent did they use routine sources? How similar was their coverage?

RQ₂: How did each of the stations portray the intense social conflict between proponents and opponents of the death penalty?

RQ₃: To what extent were constructions of social conflict portrayed as less complex, more intense, and more solvable than they really are?

Results

Otey Execution

The four Omaha, Nebraska television stations began their late evening newscasts on September 1, 1994 with the latest information on the upcoming execution of Harold Lamont Otey. Official state sources and people gathered at the penitentiary dominated the live coverage of the execution. Of the four Omaha television stations, CBS affiliate KMTV was most dramatic in its 10 p.m. lead: "This is a live picture of the Nebraska State Penitentiary. A cool, overcast night that condemned killer Harold Otey wishes would never end."

KPTM (9 p.m.) --The FOX affiliate aired two reporter packages, one from the prison and one from a gathering of death penalty opponents. Reporter Will Jamison interviewed death penalty opponent DeKoursey Spiker at an all-day vigil at the Nebraska Governor's mansion in Lincoln. Spiker said, "I feel a frenzy of desire for an execution, and the pain that people who oppose the execution have had to go through and the family and friends of the person, and it has not made our state a better place."

KETV (10 p.m.) -- The ABC affiliate reported that the crowd gathered well before the scheduled execution time. The station featured an interview with John Breslow, state auditor and official observer. Breslow said, "Just as I happened to walk in, he (Otey) walked out of the visitor's room, and he looked at me and says 'Breslow, what's going on, or what's happening or something like that' and I said 'Nothing, have you heard anything?' and he said 'Yeah, 6-2' and then put his thumb down and that was it. And then they started doing his last will." Reporter John Croman was live with demonstrators outside the penitentiary. He estimated that there were about 100 people on each side of the issue. The video showed anti-death penalty teenagers with signs that read, "Give him life not death!!! He too has the right to live." Croman followed with the comment, "We get anything from 'Fry Willie' to peace signs back to us."

WOWT (10 p.m.) -- The NBC affiliate began with anchor Gary Kerr live at the prison. This station aired the same soundbite of John Breslow selected by KETV. The station invited legal expert James Martin Davis to their newsroom: "That's probably the longest clemency appeal in a death row case that I think has ever been perpetrated in the history of the country." Investigative reporter Mike McKnight was also one of five media witnesses (there were ten in all) for the execution. Anchor Pat Persaud reported live from the home of the family of the victim, Jane McManus. This report included a soundbite with the victim's mother: "To have Jane's picture out there so that other people in their minds, they can see Jane too, and know that she was a vibrant young girl that was slaughtered."

KMTV (10 p.m.)--Anchors Loretta Carroll and John Mason reported live from the prison. This station also used the soundbite with John Breslow aired on KETV and WOWT. Reporter Mary Williams was live

at the McManus house. Reporter Deb Ward was live at the prison with opponents of the death penalty. She included a shouting match between people on both sides of the death penalty issue:

Opponent: "None of you are about productivity. You're all about killing others. You think killing is going to solve everything. You kill Otey: crime goes down. Well it doesn't."

Proponent: "Why don't you sit on his lap?"

Opponent: "Why? You want me dead too. That's wonderful. This gentleman over here wants me to die for saying something. That's absolutely wonderful. And these young men right here think this is a barbecue. They're cannibals."

According to Ward one of the largest signs read, "Welcome to the Nebraska State Pen's First Annual Barbecue."

The organizational newsgathering routines of all the stations were similar in that they relied most upon the same sources, and reported most from the same places.

The anchors and reporters for all four stations engaged in interpretation of the events going on around them. What follows is a sampling of the broadcast journalists' construction of the "reality" outside the Nebraska State Penitentiary.

John Croman, KETV: "Prison officials have a system here. They're going to keep the anti-death penalty people in this pen over here, and they've got the pro-death penalty, people set to go here in this pen, and in the middle, right here, you have sort of a demilitarized zone to try to keep the two sides apart. And you could see the need for that separation when members of the Lincoln Prayer Circle encountered a large group of Lincoln East High School football players." (shouting between the two groups).

Gary Johnson, WOWN: "Many feel their convictions so strongly that they've come out here tonight to make a stand. And while there are many law enforcement personnel out here tonight to make sure everything goes right, and I haven't seen any violence, but already the shouting matches have begun. ... Lincoln tonight is a city of extremes. Earlier I drove by a residence where they were having a party in favor of the death penalty complete with banners for decorations and a mock electric chair. Just to my left where those protesting the death penalty are, they're lighting candles. Several people are already weeping, and they're waving to Harold Otey, who's looking out of the penitentiary at his onlookers tonight."

Deb Ward, KMTV: "The screaming is expected to continue through the night, off and on. Right now it's quiet. A lot of the people out here, however, are kids. It's kind of like Dodge Street at the height of cruising. And businesses right across the street from the prison are now trying to profit off the execution."

Three of the four Omaha, Nebraska television stations aired special reports following ten o'clock newscasts. KETV went live to the penitentiary, referring to the "carnival atmosphere" as demonstrators from both sides of the issue shouted at each other across a "demilitarized zone." The station highlighted the interplay between the demonstrators, and showed that the two groups were separated by two snow fences, a few feet apart. They showed this at about the time of the scheduled execution (12:01 a.m.), as the crowd chanted "Joubert's next, Joubert's next." The crowd also chanted "Hey, Hey, goodbye."

WOWN showed Otey waving from a prison hospital window. The station chose not to focus on the crowd by not showing video of the gathering. However, the crowd could be heard in the background. KMTV described the scene as having a "carnival atmosphere" and called the demonstrators "boisterous protesters." In-studio guest and former Otey attorney, Douglas County public defender Tom Riley, called the scene outside the prison "disturbing and terrible":

Look what's going on out there. We're supposed to be a civilized society. We got people standing out there with nonsensical signs, screaming back and forth at each other. This is what people want as justice? This is absurd.

The station attempted to connect the Otey execution with the Starkweather execution by interviewing former television reporter Ninette Beaver: "I don't think anybody really opposed the execution of Charlie Starkweather, or very few. We didn't have seventeen years of appeals; he was executed within seventeen months..." In general, "television's portrayal of the execution of Harold Otey shied away from the complexities of the death penalty issue by emphasizing the most dramatic aspects of the evening (Lipschultz & Hilt, 1998, p. 29)."

Joubert Execution

It was nearly two years before Omaha television stations again covered an execution. In July of 1996, John Joubert received the death penalty for killing two Sarpy County boys thirteen years earlier. The state of Nebraska made three obvious adjustments in the wake of the Otey execution: (1) the gap was widened between demonstrators; (2) law enforcement increased its presence outside the prison; and (3) Governor Ben Nelson urged citizens to stay away. Despite these measures, the crowd for the Joubert execution appeared to be as large and boisterous (particularly the pro-death penalty side) as the crowd for the Otey execution.

Television stations were faced with a similar crowd scene as the backdrop for live coverage beginning with their late newscasts. On this particular evening, severe weather coverage and a major redevelopment plan voted on by the county commission competed for air time.

KPTM (9 p.m.) -- The station chose to lead with a tornado warning issued for counties in the northern part of the viewing area, and then went to the Joubert execution story. The story began with each anchor reading a sentence. Anchor Byron Wood: "As it stands now, the state of Nebraska will carry out its next execution in about three hours." Co-anchor Lisa Volenec: "Condemned child killer John Joubert is scheduled to die in Nebraska's electric chair just after midnight for the 1983 murders of two Sarpy County boys." The station then went to a phone report from reporter Jackie Madara, who summarized the situation in Lincoln (see Table 1).

KETV (10 p.m.) -- Spot weather news led this newscast. The station then began its coverage of the Joubert execution with co-anchor Carol Schrader saying "He's confessed to killing two Sarpy County boys." The station then aired an audiotape of Joubert: "When I pulled out the knife, he said, 'please don't kill me!'" Schrader continued, "Tonight John Joubert is just hours away from his execution." This was followed by reporter Julie Cornell explaining the changes at the penitentiary following the Otey execution: "You'll remember the Governor and many Nebraskans were appalled by the behavior of the folks out here at the Otey execution. Tonight the Governor asked folks to respect each other if they come out here, and keep their cool." The story included a soundbite from Governor Ben Nelson: "This is neither the time nor the place for an inappropriate atmosphere as we experienced nearly two years ago." Cornell's story continued by showing the penitentiary, where blinds covered the windows of the infirmary. Prison officials did not want Joubert to be seen by the demonstrators or the media, as happened when Otey waved to the crowd.

The station discussed crowd control at the prison. Security was seen as tighter, and law enforcement personnel did not allow demonstrators on the property until after 10:30 p.m. The anchors and reporters compared the crowd at the Joubert execution to that at the Otey execution. The widened gap between demonstrators was not large enough to prevent the proponents and opponents of the death penalty from

hearing each other and yelling responses. Death penalty proponents displayed signs similar to those at the Otey execution, such as: "Wire the chair to a dimmer switch and roll it SLOWLY!" "Thank God for electricity." The crowd played to the television cameras when lights went on, and KETV did not resist showing the intensity of the moment.

WOWT (10 p.m.) -- The newscast began with the Joubert execution story. Co-anchor Don Hudson opened the newscast by saying, "Nothing appears to be standing in the way for John Joubert's execution." Co-anchor Pat Persaud added, "And here is the up-to-the-minute update. All of Joubert's appeals have been exhausted." The station then went to reporter Amy Adams, who was in the crowd: "It is becoming a circus atmosphere." The station reported that events outside the penitentiary were not working as state officials had hoped. However, compared with the coverage on KETV, WOWT described -- rather than showed -- the "raucous activity."

KMTV (10 p.m.) -- This station also led with the Joubert execution story. Co-anchor Michael Scott began the newscast by saying, "In a little more than two hours, John Joubert will pay for his crimes with his life. This time, no court will step in and save him." The station then ran a story contrasting the Otey execution. This station also used a soundbite from Governor Nelson: "I would prefer that there be no crowds there, but recognizing that there are likely to be crowds, I hope that they would respect one another and that decorum will be the order of the evening." Reporter Deb Ward was amid the crowd outside the penitentiary: "The buffer zone does appear to be helping. While there is still yelling -- in fact there was a smoke bomb thrown just seconds ago -- it is somewhat quieter than when Harold Lamont Otey was executed." Mark Pettit, former KMTV anchor and author of a book on the Joubert case (1990) was at the prison as the crowd become more unruly: "It's an argument not to have, I guess, this kind of build-up around an execution. You want to make it as public as possible, I think, to make people understand how the system works, but as you see what happened here, it has built into a little bit of a frenzy."

The live coverage for KETV, WOWT, and KMTV followed the late night newscasts. The stations followed the structure of the Otey live coverage and the content of the Joubert 10 p.m. reports.

Williams Execution

Eighteen months later the state executed Robert Williams for the murder of three women in 1977. Once again, Nebraska officials made dramatic changes in the execution procedure: (1) the execution was scheduled for 10 a.m., the first daytime execution in the state; (2) the gap between opponents and proponents of the death penalty was further widened to the point that the two groups could not hear one another; and, (3) Governor Ben Nelson again urged citizens to stay away from the penitentiary. The changes worked: the crowd was significantly smaller and less boisterous than before. Television coverage followed the lead of the state, and played down the execution. While the execution was still a lead story, it no longer dominated the broadcasts.

The live coverage of the Williams execution occurred between 10 and 11 in the morning (see Table 1). The most extensive coverage came from KETV, which began at 10 a.m. and lasted for more than one hour. Anchor Rob McCartney then highlighted how the scene outside the prison was calmer than the previous two: "Right now it is very quiet and very calm, unlike the executions that have taken place in the last three years with Harold Otey and John Joubert, where as we all know, the situation got a little out of hand, a little out of control. Things right now at the penitentiary are pretty calm." At the same time he was saying this, the station showed a lone death penalty proponent who quietly stood, displaying a sign that read, "Uphold the law! Fry the BASTARD." Later in the live report, after word that the execution had been carried out, KETV played a story pointing out the differences between the Otey, Joubert, and Williams executions by showing footage of the conflict during the Joubert execution. A death penalty

opponent was shown saying that the state was trying to "normalize" capital punishment by moving the execution to daylight hours. Reporter Pamela Jones was asked whether she saw any problems between opponents and proponents waiting outside the penitentiary: "There weren't any problems that we could recognize. There were only people who were trying to disperse some of the supporters after everything was over with."

By comparison, the other stations had limited live coverage. In the case of the FOX affiliate KPTM, there was no live coverage. WOWT began its live coverage at 10 a.m. Anchor Gary Kerr was live outside the penitentiary. He pointed out that there were more newsmen present than demonstrators. Kerr said there was none of the "hoopla" present at the earlier executions. Their coverage focused on live telephone reports from inside the prison, a package summarizing Williams' crimes, another package discussing the lethal injection versus electrocution issue, and videotape of the witnesses' news conference. WOWT interrupted programming to deliver the news concerning the Williams execution, but did not provide continuous coverage. Their two updates each ran about ten minutes. KMTV had two brief live reports from their anchors outside the penitentiary. The first report included a soundbite from a victim's husband. The second report included a debriefing with their reporter who had been inside the penitentiary.

KPTM (9 p.m.) -- The station emphasized how different was the scene outside the penitentiary, compared with the scenes during the Otey and Joubert executions. The station included soundbites with opponents and proponents of the death penalty. The tone of the comments reinforced their assertion that this was a "kinder, gentler" group. "Don't believe in the antics of the people in the past at night where they were drunk and yelling obscenities at people against the death penalty. That's not right. Everyone is entitled to their opinion," said one proponent of the death penalty.

KETV (10 p.m.) -- Nearly 12 hours after the execution, Robert Williams' final statement and reporter Brad Stephens' eyewitness account were the new elements during KETV's late newscast. A major theme of the coverage was that Williams was ready to die. Witness Bill Hord said, "It was a very polite atmosphere, and I agree that Mr. Williams helped to set that tone. And if he was looking for the grace to get through this, I would say he found it." KETV reporter Brad Stephens was one of ten witnesses to the execution. He reported on Williams' final statement: "I just appreciate livin' long enough to be blessed by so many people that God has let into my life, and my last statement would be that I hope this incident will inspire other people to find another way...I'm on my way home. Thank you."

The station estimated that there were about 100 demonstrators, but that the scene was much calmer than previous executions. Although KETV was live from the prison scene in the morning, by the late-night newscast the only live coverage was the in-studio interview with the reporter who witnessed the execution.

WOWT (10 p.m.) -- This station led its late-night newscast with a package concerning a drug sniffing dog demonstration. The Williams story ran second. The brief story, read by anchor Pat Persaud from the set, included soundbites from the condemned killer and the husband of one of the victims.

KMTV (10 p.m.) -- The station led with the Williams execution. Their coverage summarized the event, reported Williams' last words and the reaction of the victims' family members to the execution. Unlike the other stations, KMTV aired a soundbite from Williams' spiritual advisor. It is obvious from the video that the other Omaha television stations recorded the comments; however, KMTV was the only station that aired them at 10 p.m. As can be seen from the following quote, this divergent soundbite did not support the idea that all local TV content is consonant: "I just now witnessed the birth into Heaven of the most good and beautiful man I have ever known. And it was at the hands of the state, an act of violence and

just despicability of the state of Nebraska. I am ashamed to be a Nebraskan." The station followed this soundbite with a comparison of the scene outside the prison during the Otey and Joubert executions.

Implications

The research responds to three questions. (1) Were the coverage by the four Omaha television stations, in terms of routine source selection and overall portrayal, similar within each execution? (2) Did all four television stations cover proponents and opponents of the death penalty? In the Otey and Joubert executions, the three stations with ten o'clock newscasts and special reports portrayed the intense conflict by showing the two sides interacting across a small separation in the penitentiary parking lot. The timing of the Williams execution dramatically altered coverage at 10 p.m., because it took place much earlier in the day. The earlier live coverage reflected the use of the same sources which turned out to be less dramatic and less intense. (3) By emphasizing opponents' silent candlelight vigil, and proponents' signs and "carnival-like atmosphere," the social conflict of the Otey and Joubert executions was portrayed as less complex, more intense, but perhaps not more solvable (Cohen, Adoni, & Bantz, 1990). Interestingly, when events were subdued, as they were in the case of the Williams execution, it was more complex, less intense, and not more solvable. Complexity and intensity seemed to be the product of social conditions at the events portrayed.

The three Nebraska executions allow us to see mass media coverage of the death penalty from four perspectives: (1) media organization routines, journalistic beliefs, and source selection as they affected the content; (2) justice as portrayed through a consonant set of social symbols; (3) overwhelming public support for the death penalty in this country has led journalists to avoid tough questioning of public officials; (4) the resulting coverage as a social construction of reality that, in turn, may influence future public opinion.

The organizational routines of the Omaha television stations led the Otey and Joubert executions to be major stories that warranted extended live coverage. By the time of the Williams execution, the story had become less important to news organizations for a variety of reasons: the daytime execution, the third in four years, the small number of protesters, a killer showing remorse, and the less dramatic portrayal of the crime for Omaha viewers. Nevertheless, organizational routines led all of the stations to cover the three executions in similar ways.

The emphasis on what state officials and demonstrators were saying supports Detweiler's (1987) previous research, which found that journalists believe they should not ignore death penalty demonstrations, even when staged to attract media attention. That emphasis was obvious in the media coverage of the Otey and Joubert executions. In the Williams execution, however, the formula led television stations to train their cameras on a nearly empty parking lot, searching for demonstrators.

There were differences in the way stations covered the three executions. With the Otey execution story, the soundbites from key state officials and others close to the story were emphasized. The Joubert execution was covered less extensively. The Williams execution did not lead in even one newscast, and focused primarily on the two new elements -- a daytime execution and that the husband of one of the victims witnessed the electrocution. Beyond this, KMTV aired a soundbite from Williams' spiritual advisor that was openly critical of the state execution.

The evidence showed that live coverage intensified as the event was occurring at the time of the late night newscast for the three stations with live capability. The decision to broadcast live is an important one, because it elevates the importance of the story. More station personnel and resources are committed to the story. This leads to a larger news hole for the story. With more time to fill, reporters and anchors look to

prison demonstrators, government officials, witnesses, relatives of all involved in the case, and legal experts. Selection of sources at the scene is limited by events, and stations opting for live coverage make similar decisions. This is how the "consonant" message of local news is constructed.

In this case television provided consonance as Noelle-Neumann (1986) described: "The question of the likeness of news programs is important, as consonance of reporting tends to restrict selective perception, thus narrowing the formation of public opinion on issues (Carroll, Tuggle, McCollum, Mitrook, Arlington, & Hoerner, 1997, p. 133)." In other words, Omaha television stations provided a uniform portrayal of the events at the state penitentiary. For the average person in Nebraska, the media coverage of the three executions was the main source of information. These executions were also front-page news for the Omaha World-Herald and fodder for local talk radio.

As Surette (1992) observed:

Over time people tend to perceive things the way the media portray them. The media thus play not only a reporting role but a defining role, establishing their audiences' sense of reality; prescribing society's accepted norms, behaviors, and boundaries; and forwarding the proper means of dealing with injustice (p. 76).

Local television coverage in the executions portrayed powerful symbols (signs, candlelight vigil, heightened security, prison as a backdrop, etc.), actors (state officials, demonstrators, television anchors and reporters), and meanings (the legitimization of capital punishment, polarizing public debate, etc.). The communication of such meanings is an "essential attribute of culture" (McQuail, 1994, p. 95). In the case of coverage of the Otey and Joubert executions, the negative portrayal of the proponents of the death penalty may have served to promote public cynicism and apathy (Bennett, 1996).

Television coverage of the three executions did not attempt to bridge the gap between proponents and opponents of the death penalty. Even in-studio experts focused on events at the prison scene, rather than the larger social issue of capital punishment. The coverage emphasized the state's role in carrying out the law. As such, the executions of Otey, Joubert, and Williams "solved" the short-term issue, but the long-term social conflict over capital punishment in Nebraska remained. By shifting to a daytime execution and eliminating the partylike atmosphere, the state effectively diminished the power of the chair as a symbol for hundreds of demonstrators rallying outside the prison gates.

What the cameras have shown in these three Nebraska executions is a segment of the public that is sharply divided on the capital punishment issue. The supporters and opponents of the death penalty who demonstrated at the penitentiary during the Otey and Joubert executions created a highly unusual event that forced reporters to evaluate their own news values (Tunstall, 1971; Detweiler, 1987). Such death penalty rallies are viewed as newsworthy, and this allowed the opponents of the death penalty at the prison, through their singing and candlelight vigil, to successfully portray themselves in the media as more civil than the boisterous proponents. KETV anchor Carol Schrader seemed to sense this during the Joubert execution as cameras panned the large crowd:

The three Omaha television stations are standing basically in the same perspective you are seeing us. You are seeing the penitentiary behind them. There is an out-of-town station that is parked right in front of the crowd, the pro-execution crowd, and the lights they have shining on them and the live shots they are doing are kind of inciting the crowd a little bit. I'm not passing judgment or anything...I'm just saying we make an obvious choice in standing where we do.

Television helps construct a social reality about the death penalty and public attitudes toward it, but the state has the power to manipulate events. Given the nature of source selection, and local television news routines, the dramatic coverage of the three executions may seem unavoidable. Neither the coverage from the prison parking lot, nor analysis by in-studio experts, served to provide viewers with meaningful insight into the capital punishment issue.

It is unfortunate that capital punishment makes news only when there is a heinous crime, during a capital trial, or at the time of execution. It would be better if local television stations could bring themselves to analyze complex social issues outside the heat of an event. Beyond this, lacking a new news angle, coverage of an execution becomes less important to local television stations.

Future research should study how television images of capital punishment demonstrations provide meaning to viewers and influence public opinion. If coverage legitimizes the state action of capital punishment, how? What role will media coverage play in future executions as well as the evolution of capital punishment in the country? How does the consonant television view of executions fit with print and radio coverage?

Selection of language and graphics can help "normalize" a state execution. Otey was said to be "keeping his appointment" on a "cool, overcast night" in which everyone was "watching the clock." In the Joubert case, the governor was said to be asking people to "keep their cool." And a witness saw "a very polite atmosphere" for the Williams execution. Selection of everyday, routine language ultimately helped distance viewers from the execution.

Whether the electric chair will continue to be used in six states is not clear, but it is evident that so long as it is in operation, it will be a powerful symbol manipulated by state officials, exploited by demonstrators, propagated by media, and interpreted by the public. Symbols, actors, and meanings in television coverage are of the utmost importance in understanding public interest in and construction of capital punishment.

Notes:

1 Associated Press wire stories are maintained, free of charge, at their Internet World Wide Web site for two weeks. Copies of the news coverage of the three executions are available on the Lexis-Nexis database (Library: News; File: Wires) or from the authors' files.

Table 1
Organizational Newsgathering Routines in the Late Night
Newscast Coverage of the three Nebraska Executions,
and the Late Morning Live Coverage of the Williams Execution**

	<i>KPTM</i>	<i>KETV</i>	<i>WOWT</i>	<i>KMTV</i>
Anchor(s) at prison		A,B,D	A,B,D	A,B,D
Reporter(s) at prison with demonstrators	A,C	A,B,D	A,B,D	A,B,C
Live at prison		A,B,D	A,B,D	A,B,D
Reporter(s) with governor	A	B,D		B
Reporter(s) at state capitol		A,B		A
Reporter(s) at attorney general's office	B	A	B	B
Reporter(s) with victim's family	C	C,D	A,B,C,D	A,C,D
Reporter inside prison (telephone)	B,C	B,D	A,B,D	B
Pre-recorded interview with condemned man		B,C	A,C	A,B,C
Interview with state observer		A	A	A
Interview with prison officials		A,B,C,D	B,D	A
Interview with execution witnesses	C	A,B,C,D	A,B,D	B,C
Interview with defense attorneys	A,B	A,D	A,B	
On-set interview with legal experts		B,D	A,D	B
Person on the street		B,D		
Interview with others (ethicist, boyfriend of victim)	B	A,B,D	B,D	A,B

**A denotes Otey execution coverage; B denotes Joubert execution coverage; C denotes Williams execution coverage; D denotes live coverage of Williams execution

References

- Andersen, K. (1997). Gender and public opinion. In B. Norrander & C. Wilcox (Eds.), *Understanding public opinion*. Washington, DC: CQ Press.
- Bailey, F. Y., & Hale, D. C. (1998). *Popular culture, crime, and justice*. Belmont, CA: West/Wadsworth.
- Bennett, W. L. (1996). *News, The politics of illusion*. White Plains, NY: Longman.
- Berger, P. L., & Luckmann, T. (1966). *The social construction of reality*. Garden City, NY: Anchor Books.
- Berkowitz, D. (1997). *Social meanings of news, a text-reader*. Thousand Oaks, CA: Sage.
- Boellstorff, L. (1996, June 27). Pace of executions quickens nationwide. *Omaha World-Herald*.
- Bogdan, R. C., & Biklen, S. K. (1992). *Qualitative research for education*. Needham Heights, MA: Allyn and Bacon.
- Carelli, R. (1997, December 28). 1997 saw most executions since 1955. *The Associated Press*.
- Carroll, R. L., Tuggle, C.A., McCollum, J. F., Mitrook, M. A., Arlington, K. J., & Hoerner, Jr., J. M. (1997). Consonance in local television news program content: an examination of intermarket diversity. *Journal of Broadcasting & Electronic Media*, 41(1), 132-144.
- Clary, M. (1997, March 26). Flames erupt in electric chair's death jolt. *Los Angeles Times*, p. A-1.
- Cohen, A. A., Adoni, H., & Bantz, C. R. (1990). *Social conflict and television news*. Newbury Park, CA: Sage.
- Costanzo, M., & Costanzo, S. (1994). The death penalty: public opinions, legal decisions, and juror perspectives. In M. Costanzo & S. Oskamp (Eds.), *Violence and the law*. Thousand Oaks, CA: Sage.
- DeFleur M. L., & Ball-Rokeach, S. (1989). *Theories of mass communication*, (5th ed.). White Plains, NY: Longman.
- DeFleur, M. L., & Dennis, E. E. (1996). *Understanding mass communication*. Boston: Houghton Mifflin.
- Detweiler, J. S. (1987). Three newsgathering perspectives for covering an execution. *Journalism Quarterly*, 64(2-3), 454-462.
- Ehrlich, M. C. (1995). The competitive ethos in television newswork. *Critical Studies in Mass Communication*, 12(2), 196-212.
- Freedburg, S. P. (1997, July 8). *Is chair itself doomed?* The Florida Times-Union, p. A-1.
- Gitlin, T. (1980). *The whole world is watching: media in the making and unmaking of the new left*. Berkeley, CA: University of California Press.
- Graber, D. (1993). *Mass media and American politics*, (4th ed.). Washington, D.C.: CQ Press.
- Hilt, M. L. (1990, October). Television coverage of the Starkweather homicides. Paper presented at the Ike's America conference, Lawrence, Kansas.
- Howard, E. (July 17, 1996). Man executed in Nebraska's electric chair for killing boys. *The Associated Press*, Lexis-Nexis search, Library: News; File: Wires.

- Kaniss, P (1991). *Making local news*. Chicago: University of Chicago Press.
- Kappeler, V. E., Blumberg, M., & Potter, G. W. (1993). *The mythology of crime and criminal justice*. Prospect Heights, IL: Waveland Press, Inc.
- Lang, G. E., & Lang, K. (1984). *Politics and television re-viewed*. Beverly Hills, CA: Sage.
- Lindlof, T. R. (1995). *Qualitative communication research methods*. Thousand Oaks, CA: Sage.
- Lipschultz, J. H., & Hilt, M. L. (1998). Local TV news and the death penalty: social construction of a Nebraska execution. *Feedback*, 39(1), 21-30.
- McQuail, D. (1994). *Mass communication theory, an introduction*, (3rd ed.). London: Sage.
- Noelle-Neumann, E. (1986). *The spiral of silence, public opinion -- our social skin*. Chicago: University of Chicago Press.
- Pettit, M. (1990). *A need to kill, final justice*. New York: Ivy Books.
- Reese, S D., & Buckalew, B. (1995). The militarism of local television: the routine framing of the Persian Gulf war. *Critical Studies in Mass Communication*, 12(1), 40-59
- Stevens, L. A. (1978). *Death penalty, the case of life vs. death in the United States*. New York: Coward, McCann & Geoghegan, Inc.
- Surette, R. (1992). *Media, crime & criminal justice, images and realities*. Pacific Grove, CA: Brooks/Cole Publishing Company.
- Tuchman, G. (1978). *Making news*. New York: The Free Press.
- Tunstall, J. (1971). *Journalists at work*. London: Constable.
- Tysver, R. (December 2, 1997). Man who killed 3 executed in Neb. AP Online, Lexis-Nexis search, Library: News; File: Wires.
- Underwood, D. (1998). Market research and the audience for political news. In D. Graber, D. McQuail, & P. Norris (Eds.). *The politics of news, the news of politics*. Washington, DC: CQ Press.
- Vidmar, N., & Ellsworth, P.C. (1982). Research on attitudes toward capital punishment. In H.A. Bedau (Ed.) *The death penalty in America*, (3rd ed.). New York: Oxford University Press.
- White, W. S. (1991). *The death penalty in the nineties, an examination of the modern system of capital punishment*. Ann Arbor, MI: The University of Michigan Press.