Local TV News and the Death Penalty: Social Construction of a Nebraska Execution

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Local TV News and the Death Penalty:
Social Construction of a Nebraska Execution

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This paper focused on the September 2, 1994 execution of Harold Lamont "Walkin' Willie" Otey. Coverage of the execution by the four Omaha, Nebraska television stations was examined. The Otey execution is seen from a social construction of reality perspective. The television portrayal of a confrontation on the night of the execution between supporters and opponents of capital punishment is seen as a mediated view of what happened that night. The public image of the death penalty as appropriate justice is seen as influenced by media coverage.

This paper found that the coverage by the four Omaha television stations, in terms of source selection, organizational routines, and overall portrayal, were very similar. In addition, all four television stations covered proponents and opponents of the death penalty, and the three stations with ten o'clock newscasts and special reports portrayed the intense conflict by showing the two sides interacting in the penitentiary parking lot. Further, by emphasizing the opponents' silent candlelight vigil, and the proponents' signs and "carnival-like atmosphere," the social conflict was portrayed as less complex, more intense, but perhaps not more solvable, as Cohen, Adoni, and Bantz (1990) would predict.

While much has been written about the justice and injustice of capital punishment, little has been written about the role news organizations play in the public's perception of the death penalty. The case of Harold Otey provides an opportunity to examine the role of local television news in a state where 35 years elapsed between 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." 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.

This study focuses on the portrayal of the execution of Otey by four Omaha, Nebraska television stations -- three of which covered the scene outside the Nebraska State Penitentiary live during the scheduled time of the execution. As Gitlin (1980) pointed out more than 15 years ago, television is the magnifying glass for American society. By examining what is shown on live television, "visual simultaneity provides a dimension of experience that is like being transported to the scene" (Lang & Lang, 1984, p. 26). In this sense, the Otey execution will be seen from a social construction of reality perspective because the full coverage of television is sometimes assumed to be better than "being there" (Lang & Lang, 1984, p. 26). The television portrayal of the social conflict on the night of the execution between supporters and opponents of capital punishment is seen as a mediated view of what happened that night. The public image of the death penalty as appropriate justice is seen as influenced by media coverage.

While much has been written about the justice and injustice of capital punishment, little has been written about the role news organizations play in the public's perception of the death penalty. The case of Harold Otey provides an opportunity to examine the role of local television in a state where 35 years elapsed between executions. Before discussing media coverage of the Otey execution, it would be of interest to take a brief look at how local television covered the Starkweather case in the late 1950s.
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 it is at its highest point since the beginning of modern polling in 1952 (Costanzo & Costanzo, 1994, p. 249). It should be noted that the first recorded death penalty opinion poll was conducted in 1936 (Bohm, 1991). Although support for the death penalty has climbed over the years, between 1974 and 1994 there was 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 people use to develop 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). 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 crimes or events. This attention is promoted by intense, but often brief, mass media coverage of a selects 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) argues that our collective view of prisons and prisoners is shaped by entertainment portrayals, and news coverage appeals to "voyeuristic instincts" (p. 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 begins with the philosophical view that "all symbolic universes and all legimitations 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: television emphasis on close-up views creating a sense of familiarity with distant people and places; live event coverage gives viewers a sense of participation in public affairs; television pictures seem authentic to viewers; and, television coverage may provide a more complete picture of the event than any media (p. 26).

In the case of local television coverage of the Otey execution, 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, 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).

**METHODOLOGY**

The scene outside the Nebraska State Penitentiary on September 1st and 2nd, 1994, will be examined through the images shown on four Omaha, Nebraska commercial television stations. The qualitative and descriptive analysis performed in this study was designed to compare and
contrast the social constructions in the coverage of the Otey execution by four Omaha, Nebraska commercial television stations -- KPTM (FOX), KETV (ABC), WOWT (NBC), and KMTV (CBS). Qualitative communication research of visual media affords the opportunity for focusing on subtle, theoretical issues (Lindlof, 1995, p. 48-49, 92-93, 213-215; Bogdan & Biklen, 1992, p. 140).

The late newscasts from each of the four television stations were selected because the event was unfolding at that hour. The special reports were also examined because they represented continuing coverage of the event by the stations. All stories having to do with the Otey execution were examined. The use of language by the television anchors and the thematic focus of stories by reporters were studied. Reporter interviews were noted. Additionally, the content itself was reviewed for the portrayal of the death penalty as a social conflict.

Taped 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 were taken concerning the visual images.

**The Study Posed the Following Research Questions:**
1. How did each of the stations cover the event?
2. How did each of the stations portray the social conflict between proponents and opponents of the death penalty?
3. To what extent were the constructions of social conflict, as defined by Cohen, Adoni, and Bantz, portrayed as less complex, more intense, or more solvable than they really are?

**FINDINGS**

The four Omaha, Nebraska television stations began their late newscasts with the latest information on the upcoming execution of Otey. The life-blood of their live coverage of the execution were the official state sources, as well as those people who gathered at the penitentiary.

**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 Erin Maguire first interviewed Otey attorney Vincent Powers. 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 interviewed Chuck Hohenstein, the warden's assistant. The newscast began with a live report from anchor Carol Schrader. It also included an interview with John Breslow, state auditor and official observer. Breslow said, "Just as I approached in walk in, (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 Mike Jones' package with defense attorney Powers aired next. Jones included information on Howard's Day, a legal holiday for inmates. Powers expressed dismay that the Supreme Court would not prevent the state from executing an inmate on the holiday. The station next showed soundbites from Nebraska Governor Ben Nelson and state assistant attorney general Kirk Brown. Reporter John Croman was live with demonstrators outside the penitentiary. He estimated that there were about one hundred 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 with John Breslow that KETV utilized. This was followed by reporter Amy Adams who was with Otey defense attorneys. This station had a legal expert in their newsroom. James Martin Davis responded to the question about the three-year delay in the execution brought about by legal appeals: "That's probably the longest clemency appeal in a death row case that I think has ever been perpetuated in the history of the country." It was this unusual appeal that led to CBS program "48 Hours" becoming interested in the case. Reporter Jim Fagen was next with a live telephone report. Investigate reporter Mike McKnight was also one of the five media witnesses (there were ten in all) for the execution. McKnight described the series of events leading up to the execution. He said that Otey's last statement will be recorded, and reporters will be allowed to ask questions. The station next aired excerpts from a KLIN radio interview conducted with Otey. Otey said he was a victim of racial inequality: "How many black judges are there in the state of Nebraska?" Anchor Pat Penraad reported live from the home of the family of the victim, Jane McManus. This report included soundbites 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." Reporter Gary Johnson followed with a live report from the prison.

**KMTV (10 p.m.)** -- Anchors Loretta Carroll and John Mason reported live from the prison. This station also used the soundbite with John Breslow that aired on KETV and WOWT. The station followed this with a soundbite from Chuck Hohenstein, the warden's assistance. Political reporter Joe Jordan joined the anchors to comment on the execution process. The station utilized full screen chyrons graphics to give a minute-by-minute breakdown of "The Schedule." A second graphic gave a breakdown of the time leading up to "The Execution." Reporter Mary Williams was live at the McManus house. Anchor John Mason reported on an interview he conducted with Tucker Brown, the boyfriend of Otey's victim. He wrote a song about her, and it was played in the story. The station followed the pattern of the other ten o'clock newscasts by showing Governor Nelson. KMTV also aired an excerpt from the KLIN radio interview: "But, I do have problems with somebody when you get a Don Steinberg (Nebraska Attorney General) on there...who does not care about the law and who uhh...pushes his own agenda to uhh...whatever he thinks is popular...will get him votes or re-elected." Reporter Deb Ward was live at the prison with opponents of the death penalty issue. She included a shouting match between people on both sides of the death penalty issue:

"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."

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

"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 said "Welcome to the Nebraska State Pen's First Annual Barbecue."
The organizational newsgathering routines of all the stations were similar in that they relied upon most of the same sources, and reported from most of the same places. In general, reporters were stationed either at the prison, at state government offices, or at the homes or offices of those people close to the case. As Table 1 also shows, coverage by the three longtime network affiliates (KETV, WOWT, KMTV) was more extensive and followed more traditional reporting norms than the FOX affiliate (KPTM).

<table>
<thead>
<tr>
<th>Table 1: Organizational Newsgathering Routines in the Newscast Coverage of the Otey Execution</th>
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<td><strong>Anchor(s) at prison</strong></td>
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<td><strong>Live at prison</strong></td>
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<td><strong>Reporter(s) at governor’s mansion</strong></td>
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<td><strong>Reporter(s) at state supreme court office</strong></td>
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<td><strong>Reporter inside prison (telephone)</strong></td>
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<td><strong>Interview with Breaslow</strong></td>
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<td><strong>On-set interview with legal experts</strong></td>
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<tr>
<td><strong>Interview with others (medical ethicist, boyfriend of victim, etc.)</strong></td>
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The anchors and reporters for all four stations engaged in a level of 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)

- Carol Schrader, KETV: "They are conducting themselves very, very well. They want to show respect for the victim of the crime committed by Harold Otey and the family, and so we’re not having any kind of histrionics or anything, and for that ladies and gentlemen, I am truly appreciative."

- Gary Johnson, WOWT: "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. 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 their ten o’clock newscasts.

KETV (Special Report) -- This station began the special report with footage from the last execution in Nebraska, Charles Starkweather in 1959. The station repeated Otey footage used in its ten o’clock newscast, and then went live to the prison, where demonstrators were shouting in the background. They began with a long shot of Otey and his final visitors, described as “very emotional for him” by anchor Carol Schrader. Reporter John Croman was with pro-death penalty people. He called it a “carnival atmosphere” as demonstrators from both sides of the issue shouted at each other across a “demilitarized zone.” Anchor Daniel Plante described the scene as a “zoo atmosphere.” 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." John Joubert was awaiting execution for the murder of two Omaha-area boys in 1983. The crowd also chanted "Hey, Hey, goodbye." Plante described the pro-death penalty side as having a “lynch mob atmosphere.” Croman reported on a disturbance between the two groups which sparked state troopers to don riot gear to break it up. Croman said the police were “ready to rumble.” At 12:40 a.m. Alex Fears reported from inside the prison that “the deed has been carried out.”

WOWT (Special Report) -- The station's first special report followed the ten o'clock newscast, and lasted until eleven. The second report began at 11:55 p.m. It began by showing Otey waving from a prison hospital window. This station also used old footage of Otey for background information. 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. At about 12:40 a.m. reporter Gary Johnson announced that the execution witnesses were coming into the prison conference room. Witness Mike McKnight, a WOWT reporter, nods to Johnson to acknowledge that the execution has taken place. In contrast to KETV, the reliance on an in-studio guest, Omaha attorney James Martin Davis, and the absence of demonstrator video gave WOWT a sterile, legal, less passionate view of the execution.

KMTV (Special Report) -- The station began its special report with a highly produced introduction that incorporated “48 Hours” video. Anchor Loretta Carroll described the scene as having a "carnival atmosphere." Anchor John Mason called the demonstrators "boisterous protesters." Reporter Deborah Ward was with the anti-death penalty group. She said there was a five-foot area between the two groups. Ward reported that the anti-death penalty demonstrators say justice is not being served. Loretta Carroll added that some demonstrators did not come because they sensed the scene would be out of control. Mason described it as "mayhem." In-studio guest, 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." At the prison, Mason described the seconds after the scheduled time of execution as "a very eerie moment." Ward reported on riot-gear-wearing police
assuming positions along the fence. She says a "spitting incident" prompted the appearance of the riot police. Former television reporter Ninette Beaver compared the Starkweather and Otey executions: "I don't think anybody really opposed the execution of Charlie Starkweather, or very few. We didn't have seven-teen years of appeals; he was executed within seventeen months."

**DISCUSSION**

In answer to the three research questions: (1) The coverage by the four Omaha television stations, in terms of source selection, organizational routines, and overall portrayal, were very similar, (2) All four television stations covered proponents and opponents of the death penalty. 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. And, (3) By emphasizing the opponent's silent candlelight vigil, and the proponents' signs and "carnival-like atmosphere," the social conflict was portrayed as less complex, more intense, but perhaps not more solvable, as Cohen, Adoni, and Bantz (1990) predicted.

It is clear that in the case of the Otey execution, the organizational routines led all of the stations to cover the story in similar ways. All three television stations with ten o'clock newscasts had anchors and reporters live from the penitentiary. All three used similar, if not the same, soundbites from public officials. Two of the three stations had in-studio guest experts. Two all three stations reported on the victim's family. All three stations with ten o'clock newscasts gave extensive coverage to the demonstrations. 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.

One difference between the coverage of the four Omaha television stations was that WOTV reporter Mike McKnight (1994) described what he saw as Otey was electrocuted:

> A third jolt. A puff of smoke rises from burning flesh below the left knee. I don't turn away. I just keep watching...hard. Why isn't this affecting me like I thought it would? (p. 22)

McKnight appeared to struggle with his objectivity as he described the live interview he did with the station outside the prison:

> I give a play by play of the execution right down to the smoking knee. A dozen or more onlookers gather around the lights like flies. It is unsettling to see faces of teenage gorehounds staring at me while I try to tactfully describe the sights of an execution -- live on the air. (p. 22)

Because all three stations were live at the penitentiary, and because there were delays in the coverage, the coverage tended to be defined by the large group of demonstrators at the prison. Some would ask, did viewers of the television coverage obtain an "accurate" portrayal of the "reality" of Otey's execution? That is a difficult question to answer because every person at the scene would bring their own perceptions and backgrounds to the experience. What television did in this case is provide what Elisabeth Noelle-Neumann would call a "consensus view" that shaped our larger perception of the "reality" of this execution (Severin & Tankard, 1992, p. 252). 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 Otey execution was the main source of information. 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)

Public opinion polls have shown wide-spread support for the death penalty. However, it would be a leap to argue that the television coverage of a few hundred boisterous demonstrators accurately portrayed the feelings of those who support capital punishment.

As a social conflict, television's portrayal of the execution of Harold Otey shifted away from the complexities of the death penalty issue by emphasizing the most dramatic aspects of the evening. Television did not attempt to bridge the gap between vocal proponents and opponents of the death penalty. Instead, the coverage emphasized the state's role in carrying out the law. As such, the execution of Otey "solved" the short-term issue, but not the long-term social conflict over capital punishment in Nebraska.

Other inmates await execution on Nebraska's death row. It is difficult to predict how the scenes outside the prison during the Otey and Joubert executions will affect future demonstrators, the local media, and the public. We do know that as long as the public does not actually see the execution, the scene outside the prison will likely be repeated. Nebraska and nine other states continue to use electrocution, but 32 states have now switched to lethal injection (Pooley, 1997). By its nature, the electric chair is a more dramatic method of capital punishment. Proponents and opponents use the chair as a powerful symbol—one that seems to dominate news coverage. Local television will continue to be faced with a dilemma: When they shine their lights on the crowd, some people play to the camera; but, when they pull back from the crowd, they run the risk of not showing what is happening.

What the cameras have shown in these two 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 created a highly unusual event that forced reporters to evaluate their own news values (Turstall, 1971; Detweiler, 1987). While journalists bring their own perceptions to the coverage of an execution, in the case of the Otey coverage we saw reporters and anchors struggling to maintain objectivity in their selection of words and pictures.

Television functioned in the Otey execution as a magnifying glass for Nebraskans that allowed the audience to experience the scene at the penitentiary. Without access to the actual execution chamber, television coverage of the prison and the scene outside the walls served as a substitute for the previous practice of conducting public executions. In that sense, television coverage will remain an issue because reporters and their norm of objectivity are tested.

**REFERENCES**


