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Project reports

BCM390, “Media, war and peace”

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University of Wollongong

The project report assignment had two parts. For details of the assignment see http://www.bmartin.cc/classes/BCM390_15outline.pdf

Caitlin Osborne prepared an information pack in the form of a website, at <http://caitliniloveboriso.wix.com/allthingsmedia>.

Danielle Merlino prepared an information pack in the form of an infographic, at <https://magic.piktochart.com/output/6315228-sentenced-to-death#> (and also available separately).

Caitlin and Danielle also prepared a joint fictional dialogue on doing the project, which starts on the next page.

- The link to this document is from http://www.bmartin.cc/classes/mwp_tops.html.

BCM 390 Final Assignment Script:

This is the work of 3883073 and 4267369. We each investigated one case study - The Boston Marathon Bombing (3883073) and The West Memphis Three (4267369), and then sought to compare these in relation to the current debates around capital punishment that are being contested in the media.

Sarah Blackwood (journalist from the 'Australian Centre for Media Research and Engagement's website AllThingsMedia.org), Joe Summers (PhD in media and law) are discussing the current debates around capital punishment and the media's specific role within the public sphere, with a member of the general public - Jack Smith.

Jack: Hey, can you believe that the Indonesian government actually executed Chan and Sukumaran last month? I don't understand why they still have the death penalty – it seems totally barbaric!

Joe: Yeah I had been following the story for a while now. When word came through I wasn't surprised but I was still really disappointed that the Indonesian government went through with it. The story has actually inspired me to make an infographic to inform the public about capital punishment. Sarah is also developing a website to generate conversation about this huge issue that affects us all in one way or another. We have been working together to research theories surrounding the death penalty and the role of the media in both covering 'capital punishment stories' and influencing public opinion on the death penalty.

Jack: Oh really? Well that sounds interesting, but I feel like a lot of us know about the death penalty after the events of last month - what have you been looking at?

Sarah: Well like you've just said, unless you were living under a rock, it was pretty difficult to avoid the 'Bali 9' issue because the media coverage was so concentrated on this one particular death penalty case. I guess it isn't surprising given, how parochial Australian news media is. What I found really concerning was how the Australian journalism establishment were so quick to condemn Indonesia by labelling it as 'archaic', yet Australia still engages with the US who also have the death penalty as well. So coverage was really 'orientalist'.

Jack: When you say 'orientalist' what does that mean?

Sarah: So basically media coverage generally had an 'us versus them' tone. We kind of looked down at the Indonesians because we consider them to be from the 'third world' and this was reflected in the media coverage. I don't think there would have been such a strong backlash if say Chan and Sukumaran were executed in the US.

Jack: So you think that it is hypocritical that we deal with other countries like the US and not complain about the fact that they enforce the death penalty, but we are quick to criticise Indonesia.

Sarah: Exactly my point.

Joe: I would have to agree. What I find confusing is that after being so outspoken against Indonesia, the Australian government doesn't seem to be continuing to speak out against the death penalty. According to Amnesty International only half of the countries in the world have abolished the death penalty, and last year alone at least 607 executions were carried out worldwide and that's not including the number of people believed to be executed in China.¹ Amnesty reported that the top 5 executing countries are China, Iran, Saudi Arabia, Iraq and the USA. Yet I have never heard the Australian government speak out against America's policies.

Jack: The US has been executing people for centuries. There have been pretty recent cases of people getting executed right?

Joe: Yeah definitely, as I've been making this infographic I found out that according to that same Amnesty International report, last year the US executed 35 people, and sentenced another 72 to death. As of October 2014, there were 3,035 people under sentence of death in the States.² Actually, just two weeks ago, a 21 year old, Dzhokhar Tsarnaev, was sentenced to death by lethal injection in Massachusetts. Tsarnaev was convicted for his role in the Boston Marathon Bombing which killed 3 people and injured another 260. The event was horrific and he should be punished, however I do wonder whether sentencing him to death is the correct course of action. It seems to just be prolonging a culture of violence.

Sarah: I too heard about Tsarnaev. I also question the decision to execute him. We already live in a world that is inherently violent - civil war, conflict, people dying from disease and starvation. I don't mean to sound morbid but the fact is why do we need state-sanctioned murder for? The last thing we need is to revert back to Medieval Europe standards.

¹ Amnesty International (2015) *Death Sentences and Executions 2014*, 7

² Amnesty International (2015) *Death Sentences and Executions 2014*, 12

Jack: Is the death penalty a good deterrent? Couldn't it prevent something like this from happening again?

Joe: Well one of the key theories behind enforcing the death penalty is that it acts as a deterrent. If potential criminals know that the punishment for committing a particular crime is death, then in theory, they will be less likely to commit it. I read a journal article which said humans fear death more than anything else.³ However, the death penalty has been around for centuries and crime still occurs so it doesn't seem like it works as a deterrent.

Sarah: In the words of Henry Ford; "capital punishment is as fundamentally wrong as a cure for crime as charity is wrong as a cure for poverty". So capital punishment may work in the short term but it isn't capable of preventing or reducing homicide rates in the next 15 to 20 years. It won't stop someone from picking up a gun and shooting someone in the head. That person already decided what they were going to do, they didn't think 'oh maybe I shouldn't do this because if I'm convicted I could be sentenced to death under the state's capital punishment laws'. Speaking of guns, if the US want to reduce homicide, tightening up their gun laws would go a long way. According to the FBI's own data, in 2013 69% of murders across the country were committed using a gun⁴. Clearly, reducing crime is a complex problem. We need to look at a number of factors - demographics, race, gender, socio-economics and education in order to develop the right strategies to deal with crime reduction. Put it simply, capital punishment is not part of the solution.

Jack: Surely the victims of the Boston Marathon Bombings should have the opportunity to see those responsible be put to death? The families deserve justice.

Sarah: Since, developing the allthingsmedia website, I have come across the idea - 'institutionalisation of closure'⁵. Proponents of capital punishment argue that victims' families can achieve 'closure' when the murderer is executed⁶. However, 'closure' is ambiguous. There is no clear cut definition because it means different things to different people. So state-sanctioned murder is not justice; it's revenge. And justice in the form of capital punishment does not guarantee that the families will feel 'closure'. It does nothing for the memory of those who died

³ Ledewitz, 720

⁴ FBI.gov, 'Crime in the United States 2013: Violent Crime', *FBI: Criminal Justice Information Services Division*, viewed 25/05/2015, http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/violent-crime/violent-crime-topic-page/violentcrimemain_final

⁵ Closure is an idea promoted by the criminal justice system, achieved through legal means: Berns, N 2009, 'Contesting the Victim Card: Closure Discourse and Emotion in Death Penalty Rhetoric', *The Sociological Quarterly*, volume 50, issue 3, p383.

⁶ Berns, N 2009, 'Contesting the Victim Card: Closure Discourse and Emotion in Death Penalty Rhetoric', *The Sociological Quarterly*, volume 50, issue 3, p401

in that tragedy. If we kill those responsible, the victims will be forever tied up with ‘those guys who got executed’. All the families have is the memories of their loved ones, we don’t want them to be tarnished by more spilt blood.

Joe: Interestingly, the family of Boston bombing victim, Martin Richard, have indicated they wished the death penalty to be dropped in favour of ‘life in prison without parole’.⁷ They said that by sentencing Tsarnaev to death it is almost guaranteed there will be at least a decade worth of appeals before he is actually killed. In that time, the media will be constantly reporting on Tsarnaev’s crimes and whether he deserves to die. These continuous reminders could make it really hard for the Richard family, and all those affected by the bombing, to move forward.

Jack: That’s a good point, regardless of questions surrounding whether it is morally acceptable to execute a criminal, by sentencing them to death the story will, from there on, focus on the perpetrator, not the victims and their families. Considering that you are both ‘experts’ in media research what is your assessment of the media’s coverage in capital punishment cases?

Sarah: Through establishing this website, I believe the news media’s coverage of capital punishment as a legal and moral issue is to put it bluntly - substandard. News media coverage of death penalty cases are based on the ‘infotainment’ philosophy which values the aesthetic nature of reports rather than its actual contents⁸. Coverage thrives on drama and theatrics culminating in what we media researchers call a ‘media spectacle’⁹. Like war reporting, similar techniques are used in death penalty cases, especially in the US - live reporters’ on scene outside the prison where the execution is about to take place, so-called in-studio experts discussing the technicalities of the execution and arresting graphics¹⁰, all designed to add to the spectacle and awe of the situation.

Jack: With the Bali duo there was a sense of hysteria when the story first broke that they would face the death penalty. Australian news went crazy.

⁷ Richard, B and Richard, D (2015) 'To end the anguish, drop the death penalty' *The Boston Globe*, 16 April, <<http://www.bostonglobe.com/metro/2015/04/16/end-anguish-drop-death-penalty/ocQLeip8H2vesDavItHIEN/story.html>>

⁸ Thussu K.D. 2003, ‘Live TV and Bloodless Deaths: War, Infotainment and 24/7 News’, Chapter 8, in *War and the Media*, eds. D Thussu and D Freedman, Sage, p124.

⁹ Is a culture and media phenomenon which draws the general public into the drama and theatrics of a controversial issue or event and is subject to intense media sensationalism: Kellner, D 2003, ‘Media Spectacle’, *Routledge*, London, p2.

¹⁰ Thussu, K.D. 2003, ‘Live TV and Bloodless Deaths: War, Infotainment and 24/7 News’, Chapter 8, in *War and the Media*, eds. D Thussu and D Freedman, Sage, p124.

Sarah: Yes that's right. Media coverage of the death penalty experiences a 'cycle' so there are three parts to this cycle: 1) as you said before, initial reporting reaches levels of hysteria and this typically occurs when suspect/s have been arrested, during the trial and the verdict 2) then there is a period where there is little to no coverage of the case simply because nothing 'exciting' is happening there maybe the odd report about an appeal by the defendant 3) finally, investigative pieces start to emerge about the trial such as claims of prosecutorial misconduct, witnesses who perjured themselves etc. and suddenly publicity of the case picks up again and the overall media tone is one of sympathy for the defendant¹¹.

Jack: Surely this 'cycle' can't fit with every case of capital punishment?

Sarah: No not necessarily. We see this 'cycle' in capital punishment cases where there are serious doubts about the defendant's innocence. One example that I have looked while creating the allthingsmedia website is the West Memphis Three case. When news first broke that three young boys had been killed in West Memphis Arkansas the media went crazy reporting on rumours and innuendo that the murders were committed by a satanic cult. When three local teens were arrested, the media in general were sure that they were guilty. So the West Memphis case reinforces this perception that media coverage of capital punishment is rarely ever neutral¹². A few years after their conviction, investigative journalism pieces emerged questioning the whole police investigation and suddenly publicity increased and the tone was much more sympathetic because at that stage, people started to believe that the three teens were innocent.

Jack: I remember hearing something about that case, one of them was on death row and the other two received life sentences.

Sarah: That's right, Damien Wayne Echols born Michael Wayne Hutchison was found guilty of three counts of murder and was put on death row. Jason Baldwin also was convicted of three counts of murder and was given a life sentence. Jesse MissKelley was convicted of one count of first degree murder and two counts of second degree murder, and was sentenced to life plus 40 years in prison.

Jack: There was a film series made about the West Memphis Three wasn't there?

¹¹ David Protesst cited in Matthews, G 2011, 'Media coverage of wrongful convictions shows distinct pattern', *Arkansas Times*, <http://www.arktimes.com/arkansas/media-coverage-of-wrongful-convictions-shows-distinct-pattern/Content?oid=1892433>, 31 August, viewed 26/05/15.

¹² Bock, A.M. & Araiza Andres, J 2014, 'Facing the Death Penalty While Facing the Cameras', *Journalism Practice*, volume 9, issue 3, p322.

Sarah: That's correct, there were three documentaries made which scrutinised the whole police investigation¹³. It really poked a number of holes in the prosecutor's case. The first documentary in the Paradise Lost series actually instigated the whole re-evaluation of the case. There was a period of about two years after the three were convicted where there was virtually no media coverage as part of this cycle I referred to earlier. It was as if people didn't care anymore because in their eyes the police and the courts had found the people who were responsible. After, the first documentary had been released the press and the public gradually became reengaged in the West Memphis Three story. In 2002 investigative reporter Mara Leveritt published a book on her findings which suggested that all three were innocent¹⁴, as more and more investigative reports came out there was intense pressure for the case to be reviewed.

Jack: Because of pressure from the media they were finally released then?

Sarah: After 18 years of rotting in a prison cell they were finally released on the 19th of August 2011. I would have to agree that the media did play a role in getting them released. But we also forget that various advocacy groups worked tirelessly for the three men. They were the people raising money, circulating petitions and getting the word out about the injustice that these men suffered. Of course, they weren't exonerated. They were granted an Alford's Plea¹⁵ which kind of meant that they were neither innocent nor guilty. Back to your statement about the media's role, in the end they did their jobs. If they had not participated in the witchhunt in 1993 perhaps the West Memphis Three may have had to endure a much shorter stint in prison.

Jack: But that's the great thing about hindsight.

Sarah: Hindsight is a wonderful thing, but lets not forget the importance of the media as a public watchdog. It is their responsibility to hold the criminal justice system to account. I think in many ways it wasn't just the legal system that failed these men, the media did as well.

Jack: Is reform needed do you think?

Sarah: Definitely. Both in terms of the legal system and the media establishment. This would require the US to completely abolish the death penalty and we are already seeing states do this.

¹³ Three documentaries: Paradise Lost: The Child Murders at Robin Hood Hills (1996), Paradise Lost 2: Revelations (2000), and Paradise Lost 3: Purgatory (2011), directed by Joe Berlinger and Bruce Sinofsky.

¹⁴ Mara Levitt 2002, 'Devil's Knot: The True Story of the West Memphis Three', Simon and Schuster, New York.

¹⁵ Is a formal legal admission of neither guilt nor innocence but recognises that the prosecution had enough evidence to convict them: Legal Information Institute 1992, 'Alford Plea', Cornell University Law School, viewed 20/05/2015, https://www.law.cornell.edu/wex/alford_plea

In terms of the media, it is much more difficult to enforce reform because we are talking about private enterprises. It would require a number of news outlets to take on reform themselves if we are to see real change.

Jack: The fact that they were found innocent after 18 years is really concerning - and further goes to show the dangers of the death penalty. There's always a chance that an innocent person could be executed. Our justice system isn't flawless and capital punishment is so final.

Joe: Actually, while we're talking about media coverage of crime - another interesting aspect that I have found during my research is how it influences the public perception of capital punishment. There are lots of articles looking at how this is really important because citizens play an extremely important role in the administration of capital punishment. Like in America it is citizen-jurors that decide whether a convicted criminal will be sentenced to death.¹⁶ A study was conducted last year which found that media plays a significant role in shaping support for capital punishment.¹⁷ So when both fictional drama and news coverage constantly focus on crime and portray criminals as evil, then the public may develop ideas that crime is more prevalent than what it actually is, become anxious and develop intense fury towards criminals.¹⁸ A theorist, Haney, has argued that the 'lessons' the media teaches the public about crime may "distort the conceptual frameworks" and "shift the norms of punishment" that jurors need to understand in order to give an individualised sentence in capital cases.¹⁹

Sarah: The media definitely shapes public discourse around capital punishment though I'm not convinced by the 'media effects' school of thought, which assumes that there is a cause and effect relationship between mass media and the audience²⁰. For example, if an individual were to read a news report on a murder trial they aren't necessarily going to believe that the accused is guilty. It's a stretch too far to simply assume that the public merely accepts whatever message is sent to them from the mass media. In saying this, journalists still have a responsibility to be neutral in their reporting and many news outlets fail to do this.

Joe: Yeah, fair point. I suppose what I am really concerned about is the public being fully informed on the process of capital punishment. These studies I have read indicate that when citizens are fully informed about the process and realities of the death penalty, fewer people

¹⁶ Haney, C (2009) 'Media Criminology and the Death Penalty' *DePaul Law Review* vol58:689, 690

¹⁷ Britto, S and Noga-Styron, K (2014) 'Media Consumption and support for Capital Punishment' *Criminal Justice Review* vol 39(1), 81-100

¹⁸ Haney, p276

¹⁹ Haney, p734

²⁰ Gauntlett, D 1998, 'Ten Things Wrong With the Media Effects Model', *David Gauntlett.com*, viewed 9/06/2015, <http://www.theory.org.uk/david/effects.htm>

support it as a form of punishment.²¹ I would hate to think that jurors are sentencing people to death without properly understanding what it means.

Sarah: Yes, the public which extends to the jury, need to understand all the implications of the death penalty. It is also imperative that the public at least has a basic understanding of how the legal system works. Especially, in death penalty cases where evidence like DNA and hair samples do not necessarily mean the accused has committed the crime. We know that the advancement of forensic technology has actually exonerated people on death row 10, 15 years later, because the evidence presented at the initial trial was improperly tested. It amazes me how some prosecutors manage to get a guilty verdict purely based on a fingerprint, a hair sample and a questionable witness. So it's important for the public to recognise that the system is far from perfect.

Joe: Exactly, I read that 150 prisoners on death row in America have been exonerated since 1973 - that's crazy. Just shows how imperfect the system is and therefore how risky it is to execute someone. Hey Jack, if you are interested in learning more about capital punishment, we can send you the information packs we have been creating? As I'm sure you can tell, we have been researching a lot of academic journals and opinion pieces about the morality of the death penalty. You could show it to your friends and help us start to create a more informed public.

Jack: Oh really? Yeah that would be great thanks!

²¹ Britto and Noga-Styron, p84

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