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GRUESOME SPECTACLES

Botched Executions and America's Death Penalty

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On October 12, 1906, Joda Hamilton, a twenty-year-old Missouri farm boy, followed Barney Parsons along a dirt road near their neighboring farms. For a long time the two men had not gotten along, having repeatedly fought over money in the past. Their quarrel that day centered on a soured land deal.

The Parsons family, preparing to leave town for their old home in Litchfield, looked on from the side of the road as Hamilton approached. An argument erupted and quickly got out of control. In the heat of the dispute, Hamilton shot and killed Barney Parsons, and then brutally clubbed his wife and three young children to death. After the murders he calmly drove the Parsonses’ wagon back to his nearby home.

Two days later, fishermen discovered the bodies in Piney Creek about a mile downstream from where the murders had occurred. The bodies of two of the Parsons children were lodged in a mill dam. Authorities arrested Hamilton soon after, and it was not long before he confessed. Hamilton was ultimately sentenced to death for his crimes.

The day before his execution, the “boy murderer” was reportedly calm and self-possessed. Accompanied by the sheriff, he was even allowed to examine the scaffold for himself. He asked the sheriff to pad the edges of the trapdoor on the gallows so that his body would not be scraped as it fell.

The next day, December 22, 1906, the town of Houston, Missouri, filled with curious visitors, had a “holiday appearance” about it. Hamilton’s hanging was to be the first legal execution ever carried out in the county. Vendors sold pictures of the community streets. Everything, it seemed, was in full swing.

In this case, however, something went wrong. The hanging had to be hung twice on that Saturday morning. The first hanging was aptly described as an unmistakably “horrifying” event. The hanging rope broke, and the crowds were horrified to see Hamilton alive yet close to death, on the ground partially conscious, he was lifted and carried over the gallows by a three to four A.M., the rope was again tied around his neck, and Hamilton was pronounced dead.

All over the country, newspapers—Dubuque Telegraph-Herald and the San Francisco Call among others—announced that Hamilton’s execution. Headlines announced “Hang Boy Twice Before He Dies,” “Bungle at Houston Hanging,” and “Hamilton Bungle.” In most cases, newspapers focused on the horror at the failure of the first hanging. Dubuque Telegraph-Herald wrote that “spectators saw Hamilton lie there writhing” as the rope was mended. San Francisco Call subtitled its article “At the first attempt Hamilton shot and hung,” and the spectators were horrified to see “Youth Writhes on the Ground in Agony.” Los Angeles Herald headlined its article “Youth Writhe.”

Hamilton’s execution was universally condemned as some “horrible” affair. The Yellowstone News called it a “horrifying” event. Yet newspapers followed up their account with careful disclaimers. The attending physician expressed the belief that “the attending physician expressed the belief that Hamilton was injured by the first fall and died before the second hanging.” Even the Yellowstone News, in a segment...
county. Vendors sold pictures of the condemned and his victims in the streets. Everything, it seemed, was in full readiness for the execution.

In this case, however, something went very wrong. Jada Hamilton had to be hung twice on that Saturday morning, and his execution was aptly described as an unmistakably “horrible affair.” In the midst of the hanging the rope broke, and the crowds watched as Hamilton struggled, alive yet close to death, on the ground beneath the gallows. Still partially conscious, he was lifted and carried back to the scaffold. At 11:10 A.M., the rope was again tied around his neck. The trapdoor was sprung, and Hamilton was pronounced dead.

All over the country, newspapers—from the *Boston Globe* to the *Dubuque Telegraph-Herald* and the *San Francisco Call*—reported Hamilton’s execution. Headlines announced, “Hamilton Hangs Twice,” “Hang Boy Twice Before He Dies,” “Strung Up a Second Time,” “Bungle at Houston Hanging,” and “Hanging of Youth a Gruesome Bungle.” In most cases, newspapers focused particularly on spectators’ horror at the failure of the first hanging. Reading, Pennsylvania’s, *Reading Eagle* wrote that “spectators saw Hamilton drop to the ground and lie there writhing” as the rope was mended by supervising officials. The *San Francisco Call* subtitled its article “Agony Racks Body” and reported that “At the first attempt Hamilton shot through the trap with a jerk and the spectators were horrified to see the rope part.” Similarly, the *Los Angeles Herald* headlined its article “Rope Parts at First Drop and Youth Writhes on the Ground in Agony While the Break Is Repaired.”

Hamilton’s execution was universally treated as an “unusually gruesome” affair. The *Yellowstone News* called the hanging “badly bungled.” Yet newspapers followed up their sensationalistic accounts of the execution scene with careful disclaimers, treating Hamilton’s execution as an aberration, an uncharacteristically brutal death on the scaffold. Moreover, their reports minimized his pain and offered reassurance: “The attending physician expressed the belief that Hamilton was fatally injured by the first fall and died before he dropped the second time.”

Even the *Yellowstone News*, in a segment running only two sentences,
reported that "Hamilton was probably fatally hurt by the fall." The Lawrence Daily World noted that Hamilton's already "Lifeless Body" was dropped a second time. Despite the unquestionable botching of his execution, newspapers made it appear as if Hamilton had suffered little as a result. The second drop was presented as an almost inconsequential detail.

Some papers went so far as to blame the problems in the execution on Hamilton himself. The Lawrence Daily World said that "Hamilton's weight broke the rope." The state, in this instance, was given no agency for its failure to efficiently discharge its power to kill.

The World's account is merely a particularly vivid example of a more general pattern. Newspaper reports of Hamilton's death did not treat his botched execution as the failure of the state or the failure of the institution of capital punishment. America's death penalty system remained safely intact and entirely unchallenged. Only one short commentary alluded to the potential shortcomings of hanging as a method of execution, proclaiming offhandedly, "Electrocute, if kill we must!" By and large, newspapers offered Hamilton's botched execution as little more than sensationalized entertainment for their readers: a voyeuristic pleasure without consequence or injured conscience.

As noted in Chapter 1, botched executions seem to reveal the pain, violence, and inhumanity of capital punishment hidden behind today's meticulous execution protocols and modern technology. They can turn organized, state-controlled ritual into torture, solemn spectacles of sovereign power into spectacles of horror. Executions like Hamilton's and the others discussed in this book might have posed a direct challenge to the state's desired presentation of its own killing. This chapter returns to a question with which the book began; namely, what role have botched executions in fact played in the struggle to end capital punishment in the United States?

The answer to this question depends less on abstract, theoretical speculation or the normative commitments articulated by courts than it does on the "cultural reception" of botched executions. The power of botched executions to expose the brutality and therefore their impact on its continued practice is how they are received, constructed, and read by witnesses. This chapter returns to a question with which the book began; namely, what role have botched executions in fact played in the struggle to end capital punishment in the United States?

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The remainder of the chapter thus investigates newspaper accounts of botched executions from 1890 to 2010 in order to understand both how the meanings attributed to those events evolved over the course of the twentieth century as well as the consequences of those attributions in the struggle to end capital punishment in the United States.

Media accounts of otherwise silent, virtually invisible executions hold "up a magnifying looking glass to a precarious ritual that the authorities [take pains] to conceal from the general public." We rely on the press to show us what we cannot see. And with regard to botched executions, the press has allowed us to see relatively little.

Like the judicial opinions discussed in Chapter 1, newspapers also assume the legibility of pain and their capacity to represent it accurately. Although at times botched executions have occasioned challenges to particular execution methods, throughout the course of the twentieth century they have contributed little to the effort to end capital punishment itself. The question is why this has been the case.

As the newspaper coverage of Hamilton's execution suggests, part of the answer lies in cultural reception. The failure of newspapers to heighten the abolitionist potential of botched executions is a recurrent trend in their coverage throughout the twentieth century. Newspaper accounts have served as a source of "cultural reinforcement" for capital punishment in the face of the brutality which botched executions expose.

According to political theorist Judith Shklar, injury can only become injustice when we recognize it as such. The definition of injustice, then, turns on reception—on how particular injuries are received and read by witnesses. "Injustices" are, by Shklar's account, socially constructed. During the course of the twentieth century, newspapers generally treated botched executions as "misfortunes" rather than injustices and, in so doing, helped neutralize the abolitionist potential of
the botched executions they reported. This result is as much a function of journalistic conventions as political convictions. As journalistic style evolved, so did the ways in which newspaper coverage defused the violence and disorder of botched executions.

Sensationalism and Recuperation in Early-Twentieth-Century Coverage of Botched Executions

On May 9, 1883, Joseph Pulitzer purchased the failing *New York World* for a mere $346,000. His onslaught of the dull New York dailies began almost immediately when on May 11 the World shocked New York with sensational coverage of a hanging in Pittsburgh, a riot in Haiti, and a devastating storm in New Jersey. Pulitzer was by no means the first publisher to use sensationalism as a business strategy, but he embraced it more fully than any who had come before. “At a time when many newspapers labored under Victorian codes of propriety,” Chris Daly explains, “Pulitzer waded into the sordid, the squalid, and the shocking.” His writers reported the news in a uniquely narrative style and used vivid, highly suggestive language.

In this context, consider the World’s coverage of the botched 1890 electrocution of William Kemmler, whose case was discussed in Chapter 3. The World’s report described the reaction of onlookers to Kemmler’s surviving the first fifteen-second electrical shock:

Warden, physicians, everybody lost their wits. There was a startled cry for the current to be turned on again. Signals, only half understood, were given to those in the next room at the switchboard. When they knew what had happened, they were prompt to act, and the switch-handle could be heard as it was pulled back and forth, breaking the deadly current into jets. The rigor of death came on the instant. An odor of burning flesh and singed hair filled the room. For a moment a blue flame played about the base of the victim’s spine. One of the witnesses nearly fell to the floor. Another lost control of his stomach. Cold perspiration beaded every face. This time the electricity flowed for four minutes. Kemmler was dead. Part of his brain had been baked hard.

Some of the blood in his head had been at the small of his back was black with wounds.” To represent Kemmler’s pain, the reporter sought to bring the sights, sounds, and smells of the chamber to the masses.

Here the newspaper mobilizes the “sights, sounds, and smells” to represent Kemmler’s pain. Sensation worked. In its first year under Pulitzer’s ownership, the World quadrupled its circulation. Such successors—most notoriously William Randolph Hearst’s *New York Journal*. By the turn of the twentieth century, sensation worked. The late nineteenth and early twentieth centuries emerged as a distinctive and increasingly yellow American newspaper business. Furthermore, yellowest paper was the circulation leader. While yellow journalism arguably reached its peak during the Spanish-American War, around the turn of the twentieth century, yellow journalism continued to exert influence well into the new century. As late as 1901, when Thomas Tarpy’s botched electrocution, and that “five times the current leaped through his body and was entirely driven out. ‘My God!’ what a man!” The World capitalized the execution spectacle. The various hues and aromas, helping the storyteller sell tales of villains.

Nevertheless, the scandalous and bloody pages of daily newspapers belied an entirely different story of American life: an increasingly squeamish middle class that sought to entirely rule the day. As noted in Chapter
Some of the blood in his head had been turned into charcoal. The flesh at the small of his back was black with fire.35

Here the newspaper mobilizes the language of “weapons and wounds” to represent Kemrawler’s pain. And in its coverage, the World made no effort to lend dignity to the performance; on the contrary, the reporter sought to bring the sights, sounds, and smells of the death chamber to the masses.

The ultimate goal of sensationalizing the news was, of course, to sell newspapers. The late nineteenth and early twentieth centuries was an era of intense competition for readership, as “the financial stability of the new metropolitan dailies always depended on winning more and more readers in order to attract larger advertising revenues.”26 And sensation worked. In its first year under Pulitzer’s leadership, the World quadrupled its circulation.27 Such success inevitably spawned imitators—most notoriously William Randolph Hearst and his New York Journal. By the turn of the twentieth century, “yellow journalism” had emerged as a distinctive and increasingly dominant branch of the American newspaper business.28 Furthermore, “in almost every big city, the yellowest paper was the circulation leader.”29

While yellow journalism arguably reached its high-water mark during the Spanish-American War, around 1900, it retained significant influence well into the new century. As late as 1915, in its description of Thomas Tarpy’s botched electrocution, the New York Tribune reported that “five times the current leaped through his mighty body before life was entirely driven out. ‘My God!’ whispered one of the guards as they carried him away. ‘What a man!’”30 This account deliberately dramatized the execution spectacle. The various participants become caricatures, helping the storyteller sell tales of blood, violence, heroes, and villains.

Nevertheless, the scandalous and bloody stories that thrived on the pages of daily newspapers belied an entirely different trend in American life: an increasingly squeamish middle class. Sensationalism did not entirely rule the day. As noted in Chapter 2, by the turn of the century, “a
newly sensitized middle-class wanted to shield itself from the brutalities of violence, whether private or public."

The heyday of sensationalized yellow journalism came just as the American middle classes were beginning to develop the cultural sensibilities that would demand the distancing of state killing from bodily pain and uncontrolled violence. As the nineteenth century progressed, the more affluent members of society increasingly sought to distinguish themselves as refined and polite in contrast to the "boorish" masses. The execution event, as a scene not just of death but of killing, clearly offended such sensibilities.

The "death house" became the site of a new cultural taboo, at once alluring and grotesque. "The new sentiments," Linders writes, "were directed not only at the unpleasantness of the execution itself but also at the uncivilized manner in which the lower-class crowd conducted itself during the public spectacle." The emergent middle classes desired order, especially when it came to the execution spectacle. They disdained and feared uncontrolled mob violence. Disorder was especially inexcusable when the state took a life.

Thus sensational violence might still have had a place in the pages of newspapers, but it no longer belonged in the public square. These two trends pulled newspaper coverage of botched executions in opposite directions.

This tension is evident in the coverage of Washington, D.C.'s, execution of Benjamin Snell on June 29, 1900, in what the Atlanta Constitution described as "a spectacle that was most revolting." Snell had been convicted of murdering Lizzie Weisenberger, a thirteen-year-old girl with whom he was infatuated. Around noon on the day of the execution, jail officials marched Snell to the scaffold as he "mumbled incoherent words" at the ground. At 12:07, the warden gave the signal, and the trapdoor opened. The Constitution described what followed:

The affair was almost a decapitation. The heavy rope cut through the neck of the murderer and severed the windpipe and blood vessels, and practically pulverized the bones of the neck. The tough muscles at the back of the neck saved the total severance. Blood gushed from the severed arteries and coursed down the white linen shirt and collar, and then trickled to the shoes.

In this account, the reporter is, at one place, particularly eloquent about the apparent causes of death—Snell's severe pulverized bones—and arfult in his description. In the end, he confidently assumes the leap to accept public reports and offers readers the violent image of a man hanging entirely from his collar to his shoes.

Other newspapers carried equally graphic accounts. The Washington Post reported that "When the rope fell Snell was almost decapitated. It was an unprecedented exhibition." Quotations like these exercised a powerful and "exhibitionist" narrative.

If judges like Burton and Reed in the cases of those whose executions are botched, newspaper reports of botched executions play the body of the condemned, highlighting blood, flesh, and slow death. All the same, sensationally make any normative claims about the particular botched execution they describe, ages of blood and gore did not denote unnecessary suffering on the part of the condemned.

In addition, the newspaper coverage contained a second, entirely different narrative. The Constitution's account once more. From the executioner's point of view, several important details: the rope, the neck of the murderer. Snell was, after all, he who had been made to pay the price. A tissue severed in Snell's neck; however,
back of the neck saved the total severance of the head from the body. Blood gushed from the severed arteries almost instantly, and dyed the white linen shirt and collar, and then flowed down the clothing, extending to the shoes.

In this account, the reporter is, at once, painfully precise about the apparent causes of death—Snell's severed windpipe, blood vessels, and pulverized bones—and artful in his description of the scene as a whole. In the end, he confidently assumes the legibility of the body in pain and offers readers the violent image of a man bathed in blood from his shirt collar to his shoes.

Other newspapers carried equally gruesome accounts. The *Washington Times* meticulously listed the severed tissues in Snell's neck. The *Washington Post* reported that “When the rope tightened as the drop fell Snell was almost decapitated. It was probably as gruesome a sight as any beheld at the District Jail.” Snell's death was, in short, a “horrible exhibition.” Quotations like these exemplify what we term the “sensationalist” narrative.

If judges like Burton and Reed in the *Francis* case elide the suffering of those whose executions are botched, early-twentieth-century newspaper reports of botched executions played up their grisly effects on the body of the condemned, highlighting blood-soaked garments, burned flesh, and slow death. All the same, sensationalist narratives did not typically make any normative claims about the death penalty or even about the particular botched execution they described. For the most part, images of blood and gore did not denote unjustifiable violence—or even unnecessary suffering on the part of the condemned.

In addition, the newspaper coverage of Snell's botched hanging contained a second, entirely different narrative strain. Let's consider the *Constitution*'s account once more. From the very first lines, we encounter several important details: the rope, we are told, “cut through the neck of the murderer.” Snell was, after all, a pedophile and child killer who had been made to pay the price. And yes, the *Times* did list every tissue severed in Snell's neck; however, all this was cited from a medi-
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cal examination, which was offered to prove that his death had been instantaneous.

The Post called the execution scene "gruesome" and "horrible," but first wrote that "As the crime was horrible, so was the execution of the big murderer almost equally ghastly." Snell's death might have been a hard one, but then again, he probably deserved it. Just a few lines after describing Snell's execution as "as gruesome a sight as any beheld at the district jail," the Post, like the Times, tempered its account: "It was an unfortunate circumstance, for which only Snell's great weight was responsible. . . . As it was, though somewhat revolting, death was instantaneous. There was not even the twitching of a muscle." In the context of botched executions, revulsion does not automatically signal injustice.

Other newspapers similarly underlined the lack of suffering on the part of the condemned. "Snell met death quickly," the Washington Times reported. Occasionally they provided explicit justifications for the execution. The Boston Globe, for example, titled its article on Snell's execution "Paid 'the Wages of Sin.'" And even more importantly, every report stressed the atypical nature of Snell's execution. His was the "Execution of a Giant." Benjamin Snell stood six and a half feet and weighed somewhere on the order of 240 pounds. He was "the largest man ever executed" at the District jail. If there was any injustice in the execution of Benjamin Snell, it had nothing to do with capital punishment as a system.

Still, Snell's case was not unique on all counts; attenuating claims like those we have just described feature prominently in early-twentieth-century coverage of botched executions. Taken together, they constitute a "recuperative" narrative: a storyline that offers justifications and reasoned explanations for the gruesome spectacles it meticulously describes. If botched executions threaten the legitimacy of state killing by unmasking the violence inherent in its practice, the recuperative narrative aims to mitigate this potential damage. It treats them not as systemic injustices but as misfortunes and reassures readers that capital punishment is both humane and just.

In the early twentieth century, sensatives coexisted precariously. The first sought to downplay. In this sense, their narratives coexisted not entirely contradictory.

Beyond maintaining the appearance of justice purportedly ensures that the condemned neither be put to death. As argued in earlier chapters, technologies of execution has been rationalized in offering "painless" killing. Like the 1872 Committee that recommended the replacement of hanging with gas, the new technology has promised "a fast, painless death . . . more humane for the condemned and spectators." As we have seen, however, its "painless" promise was not always realized. And when a bun of a gas or a lingering death resulted, it—and then helped repair the damage done.

After it took five shocks and eight minutes to kill Antonio Ferraro in the chair at Sing Sing, the Tribune noted that "it is not believed, however, that he was alive after the first charge." The Tribune's comical: "Ferraro was of a brutish nature at Sing Sing that men of that stamp offered no resistance, and a more recent than those of more delicate com were more likely to resist. The Tribune plainly classifies his botched execution as a hallmark of the recuperative narrative. It treated it—and then helped repair the damage done.

Three years later, Frank White, writing for the Tacoma Times, noted what the Tacoma Times called a thorough "parking. The Tribune's article was headlined "
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punishment is both humane and just. In so doing, it veils again the fleetingly exposed brutality of a botched execution.

In the early twentieth century, sensationalist and recuperative narratives coexisted precariously. The first amplified the violence that the second sought to downplay. In this sense, they were always in tension, if not entirely contradictory.

Beyond maintaining the appearance of order, modern execution ritual purportedly ensures that the condemned does not unduly suffer as he is put to death. As argued in earlier chapters, the deployment of new technologies of execution has been rationalized in terms of their success in offering "painless" killing. Like the 1888 New York state commission that recommended the replacement of hanging with electrocution, each new technology has promised "a fast, painless, certain, and clean execution . . . more humane for the condemned person and less troubling for spectators."

As we have seen, however, no technology has completely realized this aspiration. And when a bungled job resulted in smoke, fire, appalling smells, and a lingering death, newspapers eagerly reported it—and then helped repair the damage of doing so.

After it took five shocks and eight minutes for the state of New York to kill Antonio Ferraro in the chair at Sing Sing, the New York Times noted that "it is not believed, however, that he retained consciousness after the first charge." The Tribune's reassurances bordered on the comical: "Ferraro was of a brutish nature, and it has been the experience at Sing Sing that men of that stamp offer more resistance to the electric current than those of more delicate composition." In emphasizing the deviant quality of Ferraro in the context of his execution, the Tribune plainly classifies his botched execution as a misfortune—an important hallmark of the recuperative narrative. Misfortunes simply cannot be helped; brutes will inevitably have a different experience in the electric chair than others.

Three years later, Frank White was put to death at Sing Sing in what the Tacoma Times called a thoroughly "Frightful Execution." The Washington Post's article was headlined "Six Contacts Used to Kill" and
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In its short piece, "Six Shocks Necessary to Kill Negro," the Washington Times remarked that although White "did not make any demonstration," there was "an unusual happening in the death chamber." The Atlanta Constitution headlined its article with true sensationalistic flair: "Buckled in Death Chair, Negro Defied Lightning."

Newspapers described the execution scene in dramatic detail. The San Francisco Call reported that:

Six contacts, each of 1,740 volts 7 1/2 amperes, were applied before White was pronounced dead. After the fourth contact a strange gurgling in his throat made the physicians step back and horrified spectators. The contact was quickly repeated, but still the stethoscope recorded cardiac action, and two more contacts were given. During the second contact the head of the electrode flashed brilliantly and there was an odor of burning hair.

Nearly every other account included similar details. The Tacoma Times noted that at one point the electrode "emitted sparks." Other papers reported that "Just as the sixth shock was being given," Dr. Stein, an attending physician from Buffalo, fainted and "pitched forward from his chair almost into the electric box."

Still newspapers made determined attempts to soothe any anxieties their sensationalistic reporting might have produced. After noting that the "electrode flashed brilliantly and there was an odor of burning hair," the San Francisco Call explained that "The executioner said it was the sponge beneath the electrode" and that he "adjusted it more tightly before the next shock."

Robert Blecker summarizes the moment when, around 1900, "we banish pain from our sight; we profit by infliction in private settings. Pain, and came an abstraction; its intentional avoidance, a source of shame." Joseph Pulitzer, defending his newspaper, wrote a very different portrait of American society: "The complaint of the 'low moral tone of unjust. A newspaper relates the events startled by it blame the people who are mirror, which only reflects their features.

Read side by side, these two pictures peculiar contradiction that characterizes the executions in this period. Just as spectator and carnage, states sought to concentrate state killing. Newspapers tried to satisfy inclinations and the emerging sense of ship. The press unabashedly sold grisly d but then reassured readers of capital pun In the end, the recuperative narrative the actionist impact of even the most brutal b
saying that he held his breath for a few moments after the first contact and it was simply air escaping from his lungs. He declared that White was practically dead after the first contact.\textsuperscript{56}

The gurgling sound, then, was not a sign of pain but "simply" a sort of abnormal exhalation. White could not have suffered any pain after the first shock anyway, for the young man was "practically dead" from the very beginning. The \textit{San Francisco Call} titled its report "Negro Suffers Death Penalty." And as newspapers would have had their readers believe, there was little more to it than that. The pairing of sensationalist and recuperative narratives soothed the anxieties of society's fledgling humanitarians by allowing them to enjoy the scandal and then quickly forget the reality.

Robert Blecker summarizes the modern attitude toward pain that began to solidify in the early twentieth century: "At every opportunity we banish pain from our sight; we professionalize and bureaucratize its infliction in private settings. Pain, and with it punishment itself, became an abstraction; its intentional infliction is a sight and act to be avoided, a source of shame."\textsuperscript{57}

Joseph Pulitzer, defending his newspapers' sensationalism, offered a very different portrait of American society at the turn of the century: "The complaint of the 'low moral tone of the press' is common but very unjust. A newspaper relates the events of the day... Let those who are startled by it blame the people who are before the mirror, and not the mirror, which only reflects their features and actions."\textsuperscript{58}

Read side by side, these two pictures of American life capture the peculiar contradiction that characterizes the cultural reception of botched executions in this period. Just as newspapermen built empires on scandal and carnage, states sought to conceal and control the violence of state killing. Newspapers tried to satisfy both the continuing voyeuristic inclinations and the emerging sense of public decency of their readership. The press unabashedly sold grisly details of executions gone wrong but then reassured readers of capital punishment's continued legitimacy. In the end, the recuperative narrative they offered neutered the abolitionist impact of even the most brutal botched execution.
The Emergence of Journalistic Professionalism and the Cultural Reception of Botched Executions

By 1920 the era of yellow journalism was drawing to a close. Joseph Pulitzer died in 1911, and his brand of journalism did not long outlive him. The University of Missouri had founded the world’s first school of journalism in 1908, and in 1912 Columbia University launched its own school with a generous endowment from Pulitzer himself. Walter Williams, the first dean of the Missouri school, published a treatise called “The Journalist’s Creed,” in which he argued that “the journalist should answer to no one and nothing but the truth and should be absolutely independent—independent from the government, independent from partisan loyalties, independent from the advertisers and even the paper’s own business office.” The truly professional journalist, therefore, would not write sensationalist stories merely to sell newspapers.

By 1924 there were about sixty journalism schools and programs nationwide. With their influence over the profession quickly growing, sensationalism gradually lost its place as metropolitan dailies “toned down from vivid yellows to pastels.” In this context, graphic descriptions of botched executions all but disappeared, first from the major urban papers and not long after from the small-town press.

To take one example, on September 15, 1922, the state of Iowa executed Eugene Weeks, who had murdered a grocer in Des Moines. The rope used for the hanging, wet from the morning’s rain, stretched so much after the drop that Weeks’s feet hit the ground beneath the scaffold. The sheriff was obliged to physically hoist the condemned man up, wrap slack from the rope around a post, and wait while Weeks slowly strangled to death. Though the metropolitan dailies gave fairly detailed accounts of the execution, none emphasized its horror in particularly vivid language.

The Washington Post reported, “Sheriff Robb conducted the execution unflinchingly, and when an unfortunate adjustment of the rope permitted Weeks’s feet to touch the ground beneath the scaffold, the former army chaplain performed his duty without a flinch and tightened it with a piece of timber.” The Chicago Tribune similarly focused on the valiant efforts of the executioner, causing a stretching of the rope with which his feet to drag on the ground after he was trapped. The preacher-sheriff and prison warden worked to prevent it. He became the hero, careful “suffering would not be prolonged,” in the mishap.

Just as in the Post article, the reports focused on the valor of the well-practiced executioner’s actions, then, allegedly saved Weeks from enduring the execution ritual. Both reports went wrong at the execution, but neither emphasized its violence that ensued. They exemplify the newspaper that became dominant as the era of yellow journalism was winding down. Without sensationalist descriptions of the execution, it became barely visible at all. The thought of any violent execution went right out of mind.

Now consider the version published in the small town of Dubuque, Iowa: “The rope and Weeks’s toes touched the ground. The preacher-sheriff and prison warden wrap it around a post so that Weeks’s suffering would not be prolonged on the violence of Weeks’s death, the executioner cum executioner was portrayed as almost noble. Robb had helped make the pain stop: forget the mishap. He became the hero, careful “suffering would not be prolonged,” in the mishap.

The Chicago Tribune similarly focused on the execution on the valiant efforts of the executioner that became dominant as the era of yellow journalism was winding down. Without sensationalist descriptions of the botched execution, it was virtually no interruption in the execution ritual. Both reports went wrong at the execution, but neither emphasized its violence that ensued. They exemplify the reports that became dominant as the era of yellow journalism was winding down.
so that Weeks's suffering would not be prolonged." Instead of focusing on the violence of Weeks's death, the Post praised the quick thinking of a well-practiced executioner cum former preacher, whose actions were portrayed as almost noble. Robb's errors went unreported. He had helped make the pain stop: forget the fact that he had neglected to prevent it. He became the hero, carefully ensuring that the murderer's "suffering would not be prolonged," in an unfortunate, unforeseeable mishap.

The Chicago Tribune similarly focused its report of Weeks's botched execution on the valiant efforts of the minister-sheriff: "A heavy rain caused a stretching of the rope with which Weeks was hanged, allowing his feet to drag on the ground after he had been dropped through the trap. The preacher-sheriff and Warden T. P. Hollowell caught the rope and tightened it with a piece of timber, permitting Weeks's body to hang free." Just as in the Post article, the reporter here is methodical in his description of the botched execution—so methodical, in fact, that there appears to be virtually no interruption in the intended procedure. Sheriff Robb "performed his duty without a moment of hesitation." Robb's actions, then, allegedly saved Weeks from prolonged suffering and rescued the execution ritual. Both reports do not conceal that something went wrong at the execution, but neither do they highlight the violence that ensued. They exemplify the more subdued style of reporting that became dominant as the era of yellow journalism came to an end. Without sensationalist descriptions of the scene, Weeks's "misfortune" is barely visible at all. The thought of any systemic injustice is never called to mind.

Now consider the version published by the Telegraph-Herald in the small town of Dubuque, Iowa: "The rain this morning had stretched the rope and Weeks's toes touched the ground. His body twisted and writhed convulsively as he fought for air. Warden Hollowell and Sheriff Robb, on the platform of the scaffold, caught the rope with Weeks's body at the end and twisted it about a large timber to keep Weeks's full weight on the rope." The second sentence of this quotation commu-
nicates vividly the pain that Weeks endured at the hands of the state, in contrast to the more sanitized accounts of the Post and the Tribune. This example is part of a larger phenomenon: sensationalist coverage persisted in small-town newspapers for at least a decade after it disappeared from the big cities, a difference which gradually eroded as the century progressed.

The demise of sensationalism had important implications for the cultural meanings assigned to botched executions. No longer would gruesome descriptive accounts invite citizens to contemplate the exposed violence of the killing act. Increasingly, newspapers did not signal the significance of botched executions in any way. Previously the press allowed the public to learn of the violence of botched executions through vivid description—albeit without any abolitionist motivation. Though sensationalism on its own does not imply any assertion of injustice, it does put the damaging effects of a botch on display by laying bare the resulting pain and suffering. During the earlier period, the sensationalist narrative muddied an otherwise straightforward recuperative tale of misfortune when executions went wrong. Free of this complication, newspapers after 1920 more clearly treated botched executions as inevitable misfortunes.

For the most part, newspapers in this period wrote nothing that might have undermined the legitimacy of state killing. Frequently, an article would describe a botched execution without even labeling it as such. Consider, for instance, the portrayal of Donald Frohner’s 1948 execution in the Meriden Daily Journal from the small town of Meriden, Connecticut:

Suddenly the electrode attached to Frohner’s bare right ankle began to smoke violently. It burst into a bright red and purple flame that shot inches away and missed setting fire to the top of Frohner’s black sock only by a quarter inch. The current was turned off. Slowly the smoke and flame subsided. The current whined again. In an instant, the electrode flamed anew until at last the current clipped off and he was pronounced dead.

Although this article describes the detail, nowhere does it explicitly recognize the botched. Nowhere does it mention the electrode began to “smoke violently.” Though much more than Frohner, “whined.” Images of associated directly with images of burning being invited to imagine the burning of.

In the absence of any commentary to assume that the broken performance—nor even consequential. By repeating news report effectively obscures any accessibility of injustice: “the current was turned off ... the current clipped off and held out sensationalistic descriptions, gruesomely apparent order of the well-practiced execution.

To take another example, the New of the 1923 execution of F. G. Bullen at Rock, “Dead’ Convict Moves After Dead follows, however, exemplifies the disparaging professionalized press:

After a heavy charge of electricity had he had remained strapped in the chair was made that F. G. Bullen, 50 years old at the Arkansas penitentiary today, application of the current was necessary. When the undertaker began to not detect any significant movement and notified. A second “execution” was carried out.

The Times gives more attention to the successfully” executed in a single day than the sent to the chair more than once. The
Although this article describes the execution in meticulous detail, nowhere does it explicitly recognize that Frohner's execution was botched. Nowhere does it mention the possibility of pain or suffering. The mishap is entirely separated from the body of the condemned. The electrode began to "smoke violently." The current, somehow more human than Frohner, "whined." Images of smoke and flame are not once associated directly with images of burning flesh. It is as if readers were being invited to imagine the burning of an empty electric chair.

In the absence of any commentary to the contrary, readers are left to assume that the broken performance was neither typical nor preventable—not even consequential. By repeatedly using the passive voice, the news report effectively obscures any acting agent and the attendant possibility of injustice: "the current was turned off... the current whined again... the current clipped off and he was pronounced dead." Without sensationalistic descriptions, gruesome spectacles maintain all the apparent order of the well-practiced execution ritual. Nothing is upset.

To take another example, the New York Times headlined its report of the 1923 execution of F. G. Bullen at the state penitentiary in Little Rock, "'Dead' Convict Moves After Death Shock." The description that follows, however, exemplifies the dispassionate accounts of an increasingly professionalized press:

After a heavy charge of electricity had been sent through his body and he had remained strapped in the chair for five minutes, the discovery was made that F. G. Bullen, 50 years old, one of the four men executed at the Arkansas penitentiary today, still showed signs of life. Another application of the current was necessary before he was pronounced dead. When the undertaker began to prepare Bullen's body for burial he detected a slight movement and notified the death chamber attendants. A second "execution" was carried out.

The Times gives more attention to the fact that four men were "successfully" executed in a single day than to the fact that one of them was sent to the chair more than once. The article reads like a summary of
the official procedure for "executing a man twice." While the headline signals abnormality, the remainder of the article portrays the undoubtedly strange execution scene as controlled and rather uninteresting.

The *Chicago Daily Tribune* ran a very similar three-paragraph article in which Bullen was reportedly "placed into a wooden box and preparations started for burial," until physicians "found he was still alive." The report continues almost nonchalantly: "He was then taken from the coffin and again placed in the electric chair. He was pronounced dead three minutes later." It concludes by briefly listing the names and crimes of the other three men killed that same day.

The sensationalist writers of an earlier era would have pounced on a story as thoroughly extraordinary as this. Bullen would have been the man "buried alive," his half-lifeless body dragged from its coffin, haphazardly slumped over the armrests, and reshocked in the chair. Instead, he was simply represented as one of four men routinely put to death, barely noteworthy on the pages of the midcentury press.

Even as grisly accounts of botches vanished, recuperative elements continued to appear in coverage of botched executions well into the middle of the century. Alongside articles that downplayed the damage of botched executions were reports that, as before, insistently stressed the aberrational, unfortunate nature of the botch, and which tended to blame anyone but the state for executions gone wrong. Thus, Chester Novack, like Hamilton and Snell earlier in the century, somehow caused his own botched execution. And Novack, like Bullen, paid with a "double penalty." The *St. Joseph News-Press* in Missouri reported without the slightest sensationalist intonation: "After the typical three charges of electricity were administered Novack was removed from the death chair. An examination by the jail physician revealed signs of life, and again he was strapped in the chair. Two more charges were shot through his body and at 12:12 a.m. he was formally pronounced dead." The coverage of Novack's botched execution was both objective and highly recuperative. The *News-Press* went on to say that before his execution Novack had boasted he was "the toughest guy that ever got the hot seat." The article reassured readers that the powerful electric current was Connecticut's The Day similarly "toughness, had said "he could take it." Toman said it was his opinion that the continuous drinki heart action." If not the state, blame.

Now consider the 1939 double execution. Walter St. Sauveuer. For this occasion oblied to call in a substitute executioner; a veteran New Englander, had fallen ill. report "Novice Drags Out Deaths of and it took three shocks to kill St. Sauveuer Green to death.

Newspapers provided readers with execution. First, they pointed to Green's heart was unusually strong, implies, they blamed the inexperience of the executioner: "[the substitute] took 42 n one would have done in 15." At first glance, this claim seems to a injustice; there is a culpable actor will. But keeping the institution of capital punishment is portrayed mostly a result of a last-minute substitution of Green endured was entirely the fault of the politician. In telling this story, the article exempt the politicians, and ultimately the practice.

The *Victoria Advocate* in Texas further example of the recuperative narrative's con- of its two-sentence article on the Green reads as follows: "Two youthful Massachusets electric chair today as a s
hot seat." The article reassured readers that "Officials said his resistance to the powerful electric current was extremely unusual."\textsuperscript{73} New London, Connecticut's The Day similarly wrote that Novack, known for his toughness, had said "he could take it." And then, The Day states, "Sheriff Toman said it was his opinion that Novack . . . probably resisted the current because the continuous drinking of coffee had stimulated his heart action."\textsuperscript{74} If not the state, blame it on the coffee habit.

Now consider the 1939 double execution of Wallace Green and Walter St. Sauveuer. For this occasion, the state of Massachusetts was obliged to call in a substitute executioner because Robert Elliott, the veteran New Englander, had fallen ill. The Pittsburgh Post titled its report "Novice Drags Out Deaths of Killers to 42 Minutes."\textsuperscript{75} Indeed, it took three shocks to kill St. Sauveuer and five shocks to finally put Green to death.

Newspapers provided readers with two explanatory accounts of this execution. First, they pointed to Green's sturdy constitution: "doctors said Green's heart was unusually strong."\textsuperscript{76} Second, as the Post headline implies, they blamed the inexperience of the electrician who acted as the executioner: "[the substitute] took 42 minutes to do the job the regular one would have done in 15."\textsuperscript{77}

At first glance, this claim seems to mark the botched execution as an injustice; there is a culpable actor who caused the victims' suffering. But keeping the institution of capital punishment as a whole in mind, Green's suffering is portrayed mostly as a misfortune, as the unlucky result of a last-minute substitution of executioners. The torture that Green endured was entirely the fault of one man: the novice executioner. In telling this story, the article exonerates the jailers, the judges, the politicians, and ultimately the practice of state killing itself.

The Victoria Advocate in Texas furnishes an even more extreme example of the recuperative narrative's continued presence. The first sentence of its two-sentence article on the botched execution of Wallace Green reads as follows: "Two youthful convicted murderers died in the Massachusetts electric chair today as a substitute executioner performed
a precise, workmanlike job in place of Robert Elliott, official death's handy-man now ailing at his Long Island home."

In this account, the recuperative impulse culminated in actual misreporting. Having received from its wire service the story of a mishap, the *Victoria Advocate* told the story of a flawless execution.

From the 1940s to the early 1970s, the death penalty was in decline in the United States. The number of executions reached an all-time high in 1935, when 197 Americans were put to death. Thereafter, the figure began a slow but steady decline. During the 1940s, state governments executed an average of just under 130 people a year. In the 1950s that figure declined to a little over seventy, with only fifty executions taking place in 1958. Only twenty people a year on average were killed during the 1960s, with no executions in either 1968 or 1969.

As the number of executions dropped precipitously, botched executions of course became less frequent. There were only seven botches between 1955 and the start of the de facto moratorium in 1967: four electrocutions and three lethal gassings. In a departure from past trends, however, newspaper reports of these incidents did not offer assurances of painless death in the rhetoric of misfortune.

On May 12, 1960, the state of New York executed Pablo Vargas, a man apparently intent on living. Upon entering the execution chamber at Sing Sing, he cried out, "Please don't," and tried to escape the guards escorting him. His fight did not last long; eight guards quickly subdued him and strapped him into the chair. Though not typical, executions in which the condemned fights back also disrupt the carefully constructed serenity of the execution ceremony. There is no dignified way to forcibly restrain a man before he is killed. Prison guards must resort to naked force in order to carry out the execution. Even after the condemned is successfully bound to the chair or gurney, the preceding battle gives the lie to what follows, reminding the audience that force and state killing are inextricable.

The newspapers covering Vargas's execution, however, did not include any such commentary in their stories. All limited themselves to a straightforward recounting of the events: "He fought with eight guards until they overpowered him." *"[A]d the last moment to prevent his execution, the presence of student picketers outside that "One of the signs they carried said: "One of the signs they carried" It made no effort to misrepresent the facts."*

Such accounts belie the great controversy surrounding the death penalty during this period. Botched executions, particularly charged moments in a quick succession, did not receive the attention they deserved. In the past, the press did not treat ongoing arguments about capital punishment as newsworthy because they exposed the System; in fact, it seems they were barely assigned to cover executions, so they were not treated as news. An execution, it was thought, was just another execution.

By the late 1960s, the American public had become even more attached to "the belief in facts from values." As Schudson explains, "Facts, in this view, are assertions about the world that are independent of the individual's personal preferences. Values, conscious or unconscious preferences, are seen as ultimately subjective, dependent on other people. The belief in facts from values, in Schudson's view, few journalists were trained in objective reporting before 1920. By the
until they overpowered him." 80 "[A] doomed man physically fought at the last moment to prevent his execution." The New York Times noted the presence of student picketers outside the prison gates, even reporting that "One of the signs they carried said, 'They Shall Not Kill.'" Nonetheless, the article did not connect this protest to the grisly details of Vargas's execution. Although the Times did note that "it was the first time in Sing Sing's history that a condemned prisoner had put up such desperate resistance," it made no effort to explain or excuse the violent aberration. 82

Such accounts belie the great contention that embroiled the death penalty during this period. Botched executions might have represented particularly charged moments in a questioning America. Nonetheless, as in the past, the press did not treat them as particularly important in ongoing arguments about capital punishment. These executions were not newsworthy because they exposed the flaws in a controversial system; in fact, it seems they were barely newsworthy at all. Journalists were assigned to cover executions, so they did. Some men simply went harder than others. An execution, it seems, was somehow always just another execution.

By the late 1960s, the American press was changing again in important ways. Detached, disinterested reporting became even more the norm and set the highest standard of journalistic quality. Journalism became even more attached to "the belief that one can and should separate facts from values." As Schudson explains:

Facts, in this view, are assertions about the world open to independent validation. They stand beyond the distorting influences of any individual's personal preferences. Values, in this view, are an individual's conscious or unconscious preferences for what the world should be; they are seen as ultimately subjective and so without legitimate claim on other people. The belief in objectivity is a faith in "facts," a distrust of "values," and a commitment to their segregation. 83

In Schudson's view, few journalists gave any thought to the idea of objective reporting before 1920. By the mid-1930s, the "term 'objec-
Botched Executions and the Struggle to End Capital Punishment

The years leading up to the national moratorium were a time of transition and uncertainty. Botched executions, however, remained. In the 1970s, when Vargas and Pierce were put to death, capital punishment seemed to be slowly dying. By the early 1980s, when Gregg v. Georgia reinstated America’s capital punishment system, concern over botches seemed to be disappearing from the front pages of the news.

Botched Executions from Gregg v. Georgia

Balanced Reporting in an Age of Debates

As is well known, in the 1970s the death penalty experienced an unprecedented and unparalleled comeback. The Supreme Court’s decision in Gregg v. Georgia reinstated America’s most important affirmation that capital punishment served mostly to emphasize the controversially underlined electrocution’s controversial and public attention served mostly to emphasize the controversial methods of execution nonetheless were hardly as effective as those used in the Western world in recent times. Methods of execution nonetheless were history to stop the death penalty. Electrocution, rarely used in the moratorium, became, as we saw in the execution of Gary Beeman, almost immediately after the death penalty was reinstated, botches inevitably began to take notice.

Though softened by certain conventions, newspaper accounts of botched electrocutions in the postmoratorium era were no longer posed by gruesome mishaps to a public that had grown accustomed to botches. The nearly decade-long moratorium on electrocutions accelerated, botches inevitably began to take notice.

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Botched Executions and the Struggle to End Capital Punishment

The years leading up to the national moratorium in the late 1960s were a time of transition and uncertainty for America’s death penalty. Botched executions, however, remained in the background. Given the increasingly professional and objective American press, botched executions were made out to be unfortunate errors. In the late 1950s and 1960s, when Vargas and Pierce were put to death, capital punishment itself seemed to be slowly dying. By this time, there was little left of capital punishment to recuperate—little left to explain or justify. Death seemed to be disappearing from the front lines of punishment and its cultural life in the United States.

Botched Executions from Gregg v. Georgia to 2010: Balanced Reporting in an Age of Debate

As is well known, in the 1970s the death penalty staged an unprecedented and unparalleled comeback. The Supreme Court’s 1976 decision in *Gregg v. Georgia* reinstated America’s death penalty, and on January 17, 1977, the state of Utah executed Gary Gilmore by firing squad, ending the nearly decade-long moratorium on state killing. As the pace of executions accelerated, botches inevitably followed. Newspapers once again began to take notice.

Though softened by certain conventions of modern journalism, accounts of botched electrocutions in this period acknowledged the threat posed by gruesome mishaps to a particular method of execution. In the 1970s and 1980s news reports of botched electrocutions increasingly underlined electrocution’s controversial status. In the end, this attention served mostly to emphasize the comparative “humanity” of lethal injection.

While David Garland describes the *Gregg* decision as “the single most important affirmation that capital punishment had received anywhere in the Western world in recent times,” in the post-*Gregg* period methods of execution nonetheless were highly contested, perhaps more so than ever before. Electrocutio, rarely a subject of contention before the moratorium, became, as we saw in Chapter 3, quite controversial almost immediately after the death penalty was reinstated. The news-
paper coverage of John Evans's botched execution in 1983 reflects—and participates in—this controversy.

On April 22, 1983, sparks and fire attended the electrocution of Evans in Alabama. The electrode attached to Evans's leg burst into flame and broke free from its strap. With Evans still alive, technicians had to replace the electrode and administer two more shocks, which were accompanied by more smoke and charred flesh.

After Evans's execution, the headline in the Washington Post read "Attorney Charges Evans Was Tortured by Alabama in Botched Electrocution." The piece described the repeated shocks, the flames, and the attorney's horrified reaction. It noted, "Authorities had insisted [the first charge] would kill Evans instantly." This remark seems to assign blame, not to a specific executioner but to a general set of "authorities" who failed to carry out a humane, dignified procedure. The Philadelphia Inquirer reported that "Prison officials could not explain yesterday why it took 10 minutes and three jolts of electricity to execute murderer John Louis Evans in what his attorney called 'a barbaric ritual.'" Newspaper accounts of botched executions from the first half of the century rarely used such accusatory language.

In 1989, again in Alabama, technicians misconnected the cables to the electric chair so that the first surge of electricity failed to kill Horace Dunkins. The Gadsden Times described the incident as "the third [botched execution in Alabama] since 1983." Dunkins's execution was thus treated as part of a troubling pattern of electrocutions gone wrong. The article went on to note how, during the procedure, one prison guard spoke up and told the other, "I believe you've got the jacks on wrong." The Rome-News Tribune in Georgia headlined its article on Dunkins's botched execution "Crossed Wires Bungle Killer's Electrocution." The first line read, "The electric chair rigged wrong," and the report called Dunkins's execution a "19-minute ordeal" and, citing his lawyer, "a grisly scene." Instead of offering reassurance in the last lines, the Rome-News Tribune article highlighted the possibility that Dunkins had suffered. The police chief is quoted as saying, "He is conscious and didn't suffer." Looking at the witnesses, "They're torturing him." No botched execution highlighted more grief, though not with capital punishment.

Still this new willingness to talk about executions as part of a larger story about a problem by another new aspect of journalistic convention of quoting two opposing views in a series of quotations from prison officials asserted, and death carried out Wednesday's execution by the practice is," said the Rev. Currie Butler. "It should horrify any decent and sensitive people.

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Botched Executions and the Struggle to End Capital Punishment
had suffered. The police chief is quoted as saying, “I just hope he wasn’t conscious and didn’t suffer.” Looking on, his attorney told other official witnesses, “They’re torturing him.” Newspaper coverage of Dunkins’s botched execution highlighted more general problems with electrocution, though not with capital punishment itself.

Still this new willingness to talk about particular botched executions as part of a larger story about a problematic technology was tempered by another new aspect of journalistic style. “Balanced” reporting, the convention of quoting two opposing sources side by side, was fast becoming the trademark of quality journalism. One consequence of this new development was the effort to suppress the journalist’s voice. As we have seen in the coverage of Evans’s and Dunkins’s executions, instead of framing reports in terms of their own individual witnessing, writers began to use a series of quotations from opposing sides to tell the story.

In 1984, the state of Georgia took nineteen minutes to kill Alpha Otis Stephens in the electric chair. After the first two-minute surge, executioners waited eight minutes before administering a second shock as Stephens gasped for breath and rolled his head from side to side. The *Miami Herald* reported:

> Officials said he was “brain dead” after the first surge, although he was still breathing. “Everything was right down the line,” said prison spokesman John Siler. “He [Stephens] was just not a conductor [of electricity]. It's apparent that he did not have the conductivity in his system that the other two [recently executed prisoners] did.” . . .

The fact that it took two jolts of electricity eight minutes apart to carry out Wednesday’s execution brought an outcry from opponents of capital punishment. “It’s just another example of how barbaric this practice is,” said the Rev. Currie Burris of Amnesty International. “It should horrify any decent and sensitive human being.”

Prison officials asserted, and death penalty opponents countered. In the 1980s, this framing became the new normal in reports of botched executions.
The coverage of William Vandiver's execution furnishes another case in point. On October 16, 1985, the state of Indiana took seventeen minutes and four jolts of electricity to kill Vandiver. The attending physician conceded that the execution "did not go according to plan." The *Times-Union* of Warsaw, Indiana, led its article with the following two sentences: "A defense attorney who witnessed the execution of William E. Vandiver says the state could choose a more humane method of execution. A prison official, meanwhile, defended procedures used to test the electric chair that took five jolts of voltage and 17 minutes to complete the execution."  

David Mindich, a professor of journalism, describes this style as the "seesaw" model of objectivity. "The idea here," he explains, "is that journalists can find truth by offering two competing truth claims." When covering a controversial subject like botched executions, the journalist is obliged to gather quotations from two sides of the issue to satisfy the demand of objectivity.

In constructing the seesaw, reporters must include the position of the state, which almost always portrays the botch as a regrettable misfortune. Thus by the 1980s, the recuperative narrative made its return in the form of quotations from prison and government officials, politicians, and other state authority figures. Examples are not difficult to find. In 1988 the state of Texas executed Raymond Landry by lethal injection. Unfortunately, the catheter popped out of the vein during the procedure and had to be reinserted. The *Houston Chronicle* passed on the statement of a corrections officer that "it was the first time such an incident occurred since Texas pioneered the use of lethal injections for executions in 1982."  

The coverage of Landry's botched lethal injection, however, differed from the coverage of Vandiver's electrocution. Accounts of botched lethal injections in the 1980s were markedly less disparaging than analogous reports of botched electrocutions. At the 1985 execution of Stephen Morin in Texas, technicians took forty-five minutes in repeated attempts before they were able to place a needle in Morin's arm. The *New York Times* did not report the mishap at all. The *Dallas Morning News* mentioned the incident but in an article that prefaced it by noting that "After initial attempts to place the needle officials examined his legs to determine prison officials said. The veins in his legs were acceptable, and the needle was finally placed. The reporter prefaced this brief description with the statement that "Meanwhile, Rep. Chester F. Dobis said: "He said he (Morin) dealt drugs in the past." This claim—that past drug use had made it difficult to find a vein—once again shifts blame for the botches to the condemned. The drug abuse explanation helped facilitate newspaper coverage of similarly botched execution of Randy Woolls was said to have "prominent veins in his arms had collapsed." Elliot Rod Johnson spent an hour on the gurney while drug abuse made it difficult to get the veins. Billy Wayne White was obliged to help his injection because of a "long history of imprisonment." The omnipresence of drug abuse made it difficult to find the veins and generally favorable reception that lethal injection was given.

Accounts of botched electrocutions were frequent. The *Dallas Morning News* mentioned the incident but in an article that prefaced it by noting that "Meanwhile, Rep. Chester F. Dobis said: "He said he (Morin) dealt drugs in the past." As in this case, the drug abuse explanation helped facilitate newspaper coverage of similarly botched executions.  

The coverage of Landry's botched lethal injection, however, differed from the coverage of Vandiver's electrocution. Accounts of botched lethal injections in the 1980s were markedly less disparaging than analogous reports of botched electrocutions. At the 1985 execution of Stephen Morin in Texas, technicians took forty-five minutes in repeated attempts before they were able to place a needle in Morin's arm. The *New York Times* did not report the mishap at all. The *Dallas Morning News* mentioned the incident but in an article that prefaced it by noting that "Meanwhile, Rep. Chester F. Dobis said: "He said he (Morin) dealt drugs in the past."
ing News mentioned the incident but in a decidedly subdued manner: “After initial attempts to place the needle in both Morin’s arms failed, officials examined his legs to determine if veins there could be used, prison officials said. The veins in his legs were determined to be unacceptable, and the needle was finally placed in Morin’s right arm.”

The reporter prefaced this brief description with an explanation from a prison spokesman: “He said he (Morin) had been a heavy drug user and dealt drugs in the past.”

This claim—that past drug use hindered technicians’ efforts to find a vein—once again shifts blame for the botch from the state to the condemned. The drug abuse explanation soon became a cliché in newspaper coverage of similarly botched lethal injections. Thus the 1986 execution of Randy Woolls was said to be botched due to the fact that “prominent veins in his arms had collapsed long ago from drug use.”

Elliot Rod Johnson spent an hour on the gurney in 1987 because “years of drug abuse made it difficult to get the lethal injection into a vein.”

Billy Wayne White was obliged to help executioners find a suitable vein for his injection because of a “long history of drug abuse before his imprisonment.” The omnipresence of this explanation tallies with the generally favorable reception that lethal injection received in the press.

Accounts of botched electrocutions were paired in news reports with discussions of the ongoing transition to lethal injection. The Times-Union closed its story on William Vandiver’s electrocution by commenting that “Meanwhile, Rep. Chester F. Dobis, D-Merrillville, said he and Rep. John W. Donaldson, R-Lebanon, would introduce the first day of the 1986 session a bill allowing death row inmates to choose lethal injection. ‘From everything I’ve read on the subject, it is an absolutely painless way,’ Dobis said.” As in this case, botched electrocutions most often served only to build support for lethal injection as an allegedly more humane method of state killing. As long as electrocution persisted in some jurisdictions, lethal injection largely escaped critique in the mainstream press.

As noted in Chapter 3, the mounting controversy surrounding electrocution came to a head in the late 1990s in Florida with the execu-
tions of Jesse Joseph Tafero in 1990, Pedro Medina in 1997, and Allen Lee Davis in 1999. Once again, newspaper coverage of these executions offered up opposing opinions from prison officials and death penalty opponents and referenced lethal injection as an alternative method. The *Tampa Tribune* highlighted lax upkeep of the electric chair before the Medina incident: “Prison workers interviewed after Medina’s electrocution could not say how old the [copper wire] screen was and did not remember it being replaced or cleaned between executions. Sponges were not always replaced, either.” Meanwhile, Governor Lawton Chiles insisted that “there was no suffering at all by Mr. Medina.” “That’s just so clear,’ he said.”

In response to the Davis execution, his defense attorney was paraphrased in the *St. Petersburg Times* as claiming, “Corrections officials had once again botched an execution by failing to deliver enough voltage needed to kill a prisoner, especially one of Davis’s large size, quickly and painlessly.” State officials unequivocally denied the allegation: “DOC spokesman Morris, while declining to specify exact voltage levels, said corrections officers followed their electrocution procedures ‘to the letter.’” As to the question of changing methods, after Medina’s botch Governor Chiles, while saying that “he [would] not push for the state to offer lethal injection as an alternative this legislative session,’’ did say that “he would like to study the matter further.”

Newspapers treated the Davis execution as yet another chapter in the problematic history of Florida’s electric chair. Beyond that, they raised no questions about the legitimacy of capital punishment. In his own analysis of the coverage of Davis’s botched execution, Greer similarly concludes: “Thus, whilst most expressed horror at the barbarity of the spectacle, and many called for a suspension of all further executions by electric chair, the vast majority of responses were reported in a manner which criticized the technological administration of state killing, but remained silent about its wider practice.”

By the time of Medina’s execution in 1997, Florida was a holdout in retaining electrocution as its primary method of execution. Today, as we noted previously, no state uses electrocution as its sole method of execution. The national prominence of both has played a significant role in the transition to lethal injection. Though difficulties with lethal injection began to attribute more significance to botched electrocution, the national attention in 2006. On May 2 it took twenty-two minutes to find a vein minutes after the flow of lethal drugs began, and the vein minutes later. His vein had just been minutes of searching for a usable site, and he heard groaning from behind the curtain.

Clark’s execution bears a striking resemblance to the lethal injection of Stephen Morin in 1985. Had it not been for the botch Governor Chiles in the *New York Times* to execute Joseph L. Clark in an Ohio prison, the death penalty said was the latest in nationwide.” The *Times* quoted law professor that “today’s botched execution made generation of drug protocols needs to be a subject of genuine controversy rather than a replacement for electrocution.

Seven months later, the botched execution provoked a big controversy. Florida’s lethal injection Morin had received in the *Daily Times* for the execution in the *New York Times* led to execute Joseph L. Clark in an Ohio prison, the death penalty said was the latest in nationwide.” The *Times* quoted law professor that “today’s botched execution made generation of drug protocols needs to be a subject of genuine controversy rather than a replacement for electrocution.

Unsurprisingly, the reporter juxtaposed comments from a prison spokeswoman, who veins might have been damaged by drug injection. He promised that “we are going to review or vein. Still, despite the typical back-and-forth, lethal injection is subject of genuine controversy rather than a replacement for electrocution.

Seven months later, the botched execution provoked an even bigger controversy. Florida’s lethal injection replaced the catheter so that the drugs were
execution. The national prominence of botched electrocutions played a significant role in the transition to lethal injection.\textsuperscript{110}

With electrocution all but eliminated, lethal injection quickly lost its position in news reports as the "more humane" method of state killing. Though difficulties with lethal injections were not new, reporters began to attribute more significance to botches, two of which garnered national attention in 2006. On May 2 in Ohio, technicians struggled for twenty-two minutes to find a vein in Joseph Clark's arm. A few minutes after the flow of lethal drugs began, Clark raised his head and proclaimed, "It don't work." His vein had collapsed. After thirty more minutes of searching for a usable site, during which time witnesses heard groaning from behind the curtain, the sentence was carried out.

Clark's execution bears a striking resemblance to the botched lethal injection of Stephen Morin in 1985. However, coming almost twenty years later, Clark's execution provoked a backlash that dwarfed the brief mention Morin had received in the \textit{Dallas Morning News}. The report of the execution in the \textit{New York Times} led: "It took almost 90 minutes to execute Joseph L. Clark in an Ohio prison yesterday, in what critics of the death penalty said was the latest in a series of botched executions nationwide." The \textit{Times} quoted law professor Eric Freedman, who asserted that "today's botched execution makes perfectly clear that the first generation of drug protocols needs to be succeeded by a second generation, just as the electric chair became technologically obsolete and therefore vanished."\textsuperscript{iii}

Unsurprisingly, the reporter juxtaposed these arguments with statements from a prison spokeswoman, who "speculated that Mr. Clark's veins might have been damaged by drug abuse." The spokeswoman also promised that "we are going to review our policies and our protocol." Still, despite the typical back-and-forth, lethal injection was treated as a subject of genuine controversy rather than the largely accepted, humane replacement for electrocution.

Seven months later, the botched execution of Angel Diaz sparked an even bigger controversy. Florida's lethal injection team mistakenly placed the catheter so that the drugs were injected into the soft tissue
of Diaz’s arm rather than into a vein. According to official witnesses, Diaz continued to move for nearly twenty-five minutes after the flow of drugs began, grimacing, blinking, and attempting to mouth words. He died only after a second dosage of drugs was administered, thirty-four minutes after the start of the execution.

Critics of lethal injection saw the Diaz botch as added evidence of problems in the standard three-drug protocol that most states still use. The Press-Register of Mobile, Alabama, opened its coverage of Diaz’s botched execution by presenting readers with an alarming possibility: “Death penalty foes have warned for years of the possibility that an inmate being executed by lethal injection could remain conscious, experiencing severe pain as he slowly dies. That day may have arrived.”

The article went on to blame the execution team for incorrectly inserting the shunt into Diaz’s arm. It quoted an anesthesiologist as saying that “someone should have realized what was happening.” The Tampa Tribune went even further, quoting a death penalty opponent who remarked, “these chemicals are prohibited to put down animals with, yet we use them on human beings.”

In the last part of the twentieth century, newspapers focused on controversies concerning methods of execution, first electrocution and then lethal injection. Even as the intensity of their coverage drew attention to problems with those methods, their balanced approach to reporting muted the reach of the critiques that their reports offered. Readers were invited to focus on problems in the technologies of state killing, but the implications of botched executions for the continuing practice of capital punishment were left unexplored or left for the opinion page.

The Legacy of America’s Botched Executions

Botched executions, from Joda Hamilton’s double hanging to Romell Broom’s failed lethal injection, are extraordinary events. They reveal the violence and disorder of capital punishment. Throughout the twentieth century, however, the cultural reception of these events in newspapers downplayed or excused even the most glaring failures. Reporters witnessed these events and filtered them for the public’s con-

sumption, most often drawing attention for the continuing legitimacy of capital punishment.

Today, in the wake of any mishap in the execution process, perspectives vie for preeminence on the continuing legitimacy of capital punishment. Opponents are given a voice, whereas reassurances offered by state officials are staged—but a resolution is not offered. Botched executions are failures that are staged, but a resolution is not offered. The result is that the gruesome spectacles that are played out in our name-

ments have not played a substantial role in the debate over capital punishment itself. Sometimes they have fueled the debate, but unlike issues of administration of the death penalty or advance notice which have fueled the innocence movement, they have not moved sentiment, or galvanized the debate. However, as long as state killing continues to time go awry and cause “something more than just the moment of life.” In those moments, we are reminded that capital punishment is a flawed system that needs to be reformed.
sumption, most often drawing attention away from their implications for the continuing legitimacy of capital punishment.

Today, in the wake of any mishap in the death chamber, different perspectives vie for preeminence on the pages of newspapers. Death penalty opponents are given a voice, which is almost always counteracted with reassurances offered by state actors. In most cases, a debate is staged—but a resolution is not offered. Botched executions remain newsworthy events, but not events whose meanings newspapers trace back to the practice of state killing itself.

Botched executions are failures that demand explanation and justification. In the past, newspaper accounts have helped maintain America's death penalty by repairing the damage done: by simultaneously telling two different stories about the execution scene, by subduing the violence entirely through objective reporting, and by impartially presenting readers with an undecided, perhaps undecidable, debate. Newspapers have read and construed botched executions as unavoidable misfortunes rather than as symptoms of injustice crying out for rectification. Recuperation has meant identifying scapegoats, strange circumstances, and even alternative methods of execution when all else fails. Newspapers have not offered readers a "deeper 'witnessing'” of the execution scene and, in turn, of capital punishment itself.

The result is that the gruesome spectacles described in this book have not played a substantial role in the struggle to end capital punishment itself. Sometimes they have fueled movement from one method of state killing to another, but unlike issues of racial justice in the administration of the death penalty or advancements in the science of DNA which have fueled the innocence movement, botched executions have not moved sentiment, or galvanized opposition, to state killing itself. However, as long as state killing continues, executions will from time to time go awry and cause "something more than the mere extinguishment of life.” In those moments, we are all implicated in the gruesome spectacles that are played out in our name.
209. Phil Luciano, "A Poorly Executed Execution?" *Journal Star* (Peoria, IL) (May 13, 1995), B1. Foster's botched execution came almost exactly a year after the lethal injection of serial killer John Wayne Gacy in Illinois. As in Foster's case, the drugs suddenly stopped flowing into Gacy's blood stream midway through the process. Prison officials quickly replaced a clogged IV tube so that the execution could continue. In total, Gacy's execution took eighteen minutes.


212. Ibid.

213. Ibid.

214. Ibid.

215. Ibid.

216. Terry Ganey, "Inmates Sue over Method of Execution," *St. Louis Post-Dispatch* (June 15, 1995), 1A.


218. O'Neil, "Too-Tight Strap Hampered Execution," 1B.


221. O'Neil, "Too-Tight Strap Hampered Execution," 1B.


224. O'Neil, "Too-Tight Strap Hampered Execution," 1B.


228. "Execution Denounced," *St. Louis Post-Dispatch* (May 7, 1995), 6C.


Chapter 6


2. Ibid.


9. Ibid.
14. Ibid.
15. Ibid.
17. Ibid.
20. Chris Greer, in a smaller study than our own, asserts that the coverage of botched executions "positioned the news reader in a way that constrained a deeper 'witnessing' of the violence involved in state killing, and did much to ensure that the integrity of the institution, if not the method, remained intact." Chris Greer, "Delivering Death: Capital Punishment, Botched Executions and the American News Media," in Captured by the Media: Prison Discourse in Popular Culture, ed. Paul Mason (Portland OR: Willan, 2006), 98.
21. Ibid., 99.
27. Ibid., 259.
28. Ibid., 295.
29. Stevens, Sensationalism, 100.
32. Linders, "Execution Spectacle," 611.
36. Ibid.
37. Ibid.
39. Ibid. Emphasis added.
42. "Execution of a Giant," Los Angeles Express (December 22, 1906).
43. Ibid.
44. Ibid., 180.
47. "Frightful Execution," Tacoma Times (December 23, 1903).
50. "Buckled in Death Chair, Negro Dies," St. Louis Review (December 30, 1903).
52. "Frightful Execution," Tacoma Times (December 30, 1903).
53. Ibid.
55. Ibid.
56. Ibid.
58. Stevens, Sensationalism, 78.
59. Daly, Covering America, 154. Emphasis added.
28. Ibid., 295.
29. Stevens, Sensationalism, 100.
32. Linders, "Execution Spectacle," 611.
33. "Murderer Snell Dies on Gallows," Atlanta Constitution (June 30, 1900).
34. "Benjamin Snell Executed," St. Louis Republic (June 30, 1900).
36. Ibid.
37. Ibid.
39. Ibid. Emphasis added.
40. "Benjamin Snell Hanged."
42. "Execution of a Giant," Los Angeles Times (June 30, 1900), 17.
43. Ibid.
44. Ibid., 180.
47. "Frightful Execution," Tacoma Times (December 29, 1903), 1.
50. "Buckled in Death Chair, Negro Defied Lightning," Atlanta Constitution (December 30, 1903), 1.
52. "Frightful Execution," Tacoma Times (December 29, 1903), 1.
53. Ibid.
55. Ibid.
56. Ibid.
58. Stevens, Sensationalism, 78.
59. Daly, Covering America, 154. Emphasis in original.
60. Ibid., 154.
61. Ibid., 100.
63. "Iowa Preacher, a Sheriff, Pulls Trap at Hanging," Chicago Tribune (September 16, 1922), 8.
64. Ibid.
66. In the period from 1920 to 1940, fewer than 20 percent of articles on botched executions from cities having a population greater than 250,000 were written in a sensationalist style. In contrast, well over half of such articles from small towns over the same period employed sensational language.
67. By 1935, less than a tenth of the coverage of botched executions, regardless of geography, displayed any sensationalist bent.
70. "Taken from His Coffin, Killer Is Executed Again," Chicago Tribune (February 3, 1923), 2.
72. Ibid.
73. Ibid.
76. Ibid.
77. Ibid.
79. As controversy grew in the 1960s, execution vigils became commonplace. Though a few high-profile cases—Sacco and Vanzetti, Julius and Ethel Rosenberg—had stirred up public outcry before, in the years leading up to the moratorium, protests became frequent occurrences at the executions of even relatively unknown convicts. Death penalty opponents staged vigils at the executions of, to name a few, Pablo Vargas, Aaron Mitchell, and Caryl Chessman. Indeed, public support for the death penalty was reaching an all-time low in the 1950s and 1960s. Early Gallup polls measuring death penalty attitudes found that about twice as many people were in favor as opposed in 1936, 1937, and 1938. By 1957, these numbers had shifted such that while 34 percent expressed opposition, with the practice of capital punishment. In 1966, opposition for the first—and so far the last—time in American history.
84. Ibid., 156.
85. Ibid., 9.
87. Ibid.
89. Garland, Peculiar Institution, 261.
95. "2,300 Volts Help Quench Lust For Re
1953. By 1957, these numbers had shifted substantially: 47 percent supported while 34 percent expressed opposition, with the balance undecided about the practice of capital punishment. In 1966, opponents outnumbered supporters for the first—and so far the last—time in American history. Stuart Banner, *The Death Penalty: An American History* (Cambridge, MA: Harvard University Press, 2002), 240.

80. "5 Murderers Are Executed," *Washington Post* (May 14, 1960), A3. Yet this decline in public support did not directly cause the decrease in the number of executions carried out. A reduction in capital sentencing, led primarily by Northern juries, played some role, but Banner argues that the steady decline in executions starting around 1950 resulted largely from judicial intervention. He describes a "procedural revolution" between 1951 and 1965, which allowed more convicted murderers to appeal their sentences. Even though few appeals resulted in ultimate success, the delay between a conviction and an execution stretched longer and longer: "the death row population doubled between 1955 and 1961 and doubled again between 1961 and 1969." Ibid., 246-47. By 1970, then, the death penalty was both less popular than ever before and threatened by an increasingly confident legal challenge.

84. Ibid., 156.
85. Ibid., 9.
87. Ibid.
95. "2,300 Volts Help Quench Lust For Revenge," *Orlando Sentinel* (Octo-
ber 20, 1985), H3.
97. David T.Z. Mindich, Just the Facts: How "Objectivity" Came to Define American Journalism (New York: New York University Press, 1998), 7. Chris Daly criticizes the seesaw model harshly: "In practice, this view holds that journalism is neither the pursuit of ultimate truth nor an outlet for the journalist's own personal expression. Instead, the proper role of journalism is to find out what other people are doing and saying. In this framing of the role, the journalist is not obligated to get to the bottom of things. It is enough to gather tidbits." Daly, Covering America, 297, emphasis in original.
100. Mary Bounds, "10 on Texas' Death Row Want Sentences Carried Out," Dallas Morning News (March 14, 1985), 444.
104. "Use of Electric Chair Under Fire."
106. Ibid.
107. Sydney Freedberg, "Bloody Execution Leads to Stay for 2nd Inmate," St. Petersburg Times (July 9, 1999), 1A.
108. "Medina Dead."
110. In its decision declaring electrocution unconstitutional under its state constitution, the State Supreme Court of Nebraska cited stories of horrifically "botched" electrocutions as motivating states to change their execution methods. It acknowledged its own reliance on newspaper accounts in some instances to determine whether electrocution had effectively served its purpose or if electrocutions were botched and the prisoner remained alive after initial execution attempts. See State v. Mata, 275 Neb. 1, 44 (2008).
112. The three-drug protocol employs an anesthetic, a paralytic, and finally potassium chloride, which stops the heart. The most controversial part of this formula is the second drug, the paralytic, usually other two drugs would kill the condemned and not necessary to bring about death. The paralytic, moreover, would effectively prevent a suffocation, anything had gone wrong. It is, after all, designed to kill.
formula is the second drug, the paralytic, usually pancuronium bromide. The other two drugs would kill the condemned on their own, so the paralytic is not necessary to bring about death. The paralytic would, however, cause severe pain to the condemned were the anesthetic not entirely effective. Total paralysis, moreover, would effectively prevent a suffering inmate from signaling that anything had gone wrong. It is, after all, designed to mask the violence of the killing act.
