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ATTITUDES TOWARD EXECUTION:
THE TRAGIC AND GROTESQUE FRAMING OF CAPITAL PUNISHMENT IN THE NEWS

By

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The Tragic and Grotesque Framing of Capital Punishment in the News

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This essay undertakes a detailed frame analysis of print and electronic media coverage of three nationally publicized death penalty cases between the years of 2014 and 2015. Drawing specifically from the work of Kenneth Burke (1984), this research argues that tragically framed death penalty cases reify victim/perpetrator discourses and cause the actual act of execution to be a fitting resolution within a narrative. Burke's (1984) grotesque-mystical frame and Bakhtin's (1984) theory of the grotesque body are used to argue that the media's portrayal of botched executions help highlight the incongruities with the system of capital punishment, and cause audiences to feel more complicit in the act of execution. However, the grotesque frame may be too mystifying and gruesome for most audiences to feel consubstantiality with characters in the narrative, or to promote engagement with the abolition movement. Ultimately, this essay suggests potential uses for both the grotesque frame as well as the comic frame within the US death penalty abolition movement. Specifically, the comic frame may help abolitionists humanize condemned prisoners and the grotesque frame may help mitigate the complacency that national audiences might feel toward capital punishment.

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Chapter 1: Analyzing the National Media's Framing of Capital Punishment

On the morning of April 29, 2014, the Oklahoma Department of Corrections (DOC) began making preparations for its first double execution since 1937 (Brewer, 2014). Clayton Derrell Lockett and Charles Frederick Warner were convicted of murder for unrelated crimes, but were scheduled to die on the same day due to a series of stays on their individual execution dates. The double execution drew the attention of the national media, and the DOC was forced to draw names to decide which journalists could attend (Stern, 2015). Lockett was first on the DOC's roster. When prison personnel entered his cell on the day of the execution, Lockett hid under the covers and refused to get up. Prison personnel eventually used a Taser gun to force him out of his cell and prep him for his execution (Oklahoma Department of Public Safety, 2014). During his mandatory physical examination, Lockett was found to have several self-inflicted lacerations on his arm from a disposable shaving razor—a last-ditch suicide attempt (Oklahoma Department of Public Safety, 2014). He was aware that one of the drugs in the lethal injection cocktail had caused another Oklahoma death row inmate, Michael Lee Wilson, to suffer (Stern, 2015). During his execution earlier that year, Wilson exclaimed, “I feel my whole body burning” (Stern, 2015).

From the very beginning, Lockett's execution did not go as planned. It took the paramedic nearly an hour to find a vein, which collapsed during the execution and prevented the drugs from properly entering his system (Oklahoma Department of Public Safety, 2014). As a result, Lockett appeared to gain consciousness during the execution. Witnesses observed him thrashing against his restraints, making noise, and trying to raise his head. It took Lockett 43 minutes to die after the first of the three drugs, midazolam, was administered (Oklahoma Department of Public Safety, 2014). After Lockett's botched execution, the Oklahoma attorney

general's office halted all future executions for six months, including Warner's, so that the Department of Public Safety could perform an investigation (Victor, 2014).

Lockett's execution occurred at a time when public support for capital punishment was already on the decline. The majority of Americans (56%) still favors the death penalty for those convicted of murder, but support is currently at its lowest in 40 years (Pew Research Center, 2015). At a peak in 1994, 80% of Americans were reportedly in favor of the penalty (Gallup, 2015). Not surprisingly, this was a time when the American public consistently named crime as the "most important problem" facing the United States (Gallup, 2015). Public support has not fallen below 50% since 1966 (Pew Research Center, 2007), when the death penalty was widely challenged both philosophically and legally (Gallup, 2013). Legal opinions regarding capital punishment have also oscillated in the past half-century. In the landmark Supreme Court case, *Furman v. Georgia* (1972), the death penalty was declared unconstitutional, as it violated the Eighth Amendment's ban on cruel and unusual punishment (U.S. Const. amend VIII). However, only four years later, a second Supreme Court case reinstated the penalty (*Gregg v. Georgia*, 1976).

Because the general public no longer has access to execution, the news media have become a major source of information about the practice. The press plays "an indirect but significant long-term role in shaping people's thoughts and actions" (DeFleur & Dennis, 1996, p. 595), and the media's use of specific discursive forms can inform the meaning that the public extracts from an event, the attitude they feel toward it, and the way in which they view the actors involved. Scholars have identified that media coverage of serious crimes—particularly those with sympathetic victims—can influence the creation of criminal justice policies (e.g. Garland, 2010; Gruenewald, Pizarro, & Chermak, 2009; Lin & Phillips, 2014; Sorenson, Manz, & Berk,

1998; Tonry, 2004). Haney and Green (2004) also argue that the presentation of news stories even has the potential to influence voters and potential jurors in death penalty cases. Because the media's framing of events shapes public opinion (Goffman, 1974), it may also play a pivotal role in the abolishment of capital punishment. Thus, what the national news chooses to highlight or obscure, and how journalists name and define death row inmates can help uncover how U.S. citizens are currently positioned within the death penalty debate, and what "constitutes acceptable political or social action" (Ott & Aoki, 2002, p. 485).

Communication scholarship about the death penalty has often focused on public discourse surrounding the topic (e.g., Dardis, Baumgartner, Boydston, De Boef, & Shen, 2008; Flanagan, 2010; Hartnett, 2010; Hartnett & Larson, 2006; McCann, 2007; McCann, 2013; McCann, 2014; Moore, 2006; Wood, 2005) and this project shares a similar focus. However, Communication scholars have rarely focused on the dramatization of capital punishment in the news media, particularly in the years following 2006. While Dardis et al. (2008) study the shifts in how the *New York Times* framed the death penalty from 1960 to 2003, that study is broadly focused on trends in mass media over time, and does not look specifically at the way in which prisoners are symbolically named, how gender and race interact with the frame, or how the act of execution is described by journalists. Moore (2006) and McCann (2007) analyze the discourse of Governor George Ryan when he commuted the death penalty in Illinois, and in a later work, McCann (2014) examines the discourses of a death row inmate, Stanley "Tookie" Williams, but these scholars do not use the national news media as artifacts. In sum, relatively few critical/cultural scholars have chosen to focus on the death penalty, and no scholarship has performed a detailed frame analysis of the discursive practices employed by the news media about the death penalty in recent years.

By examining national media sources, I am primarily concerned with the ideological consequences of the media's portrayal of the death penalty, keeping in mind that these consequences may include the creation of policies that counteract the death penalty abolition movement. Assessing these consequences requires a close analysis of the media's framing of execution (presented in Chapters Two, Three, and Four), which I use to draw conclusions about how each framework supports or hinders the justification of execution by power structures. I look closely at the attributes and labels selected by the news media when describing execution and death row prisoners. The symbolic forms selected by the media provide clues about how the death penalty has survived in the American system of punishment, as well how specific concepts and ideographs are rearticulated through the media's portrayal of the penalty.

Grossberg (1993) argues that the critical project "needs to move beyond models of oppression... and toward a model of articulation" (p. 8). "Articulation is a means to understanding the struggle to fix meaning and define reality temporarily" (DeLuca, 1999, p. 334). Thus, I have also chosen to investigate how broader concepts related to capital punishment, such as the oxymoronic "humane execution," are used and rearticulated by news sources. In the analysis that follows this chapter, I pay close attention to how the meanings of these terms are fixed and defined at this moment in history, and investigate the subsequent implications of those rearticulated meanings.

To answer these concerns, I examine the media's framing of three recent death penalty cases that have circulated in the public sphere. Before I present this analysis, however, I offer an examination of the history of capital punishment in the United States, making note of the consequential shift to private lethal injections and the important role of the American news media in presenting the death penalty to the public. I next provide an overview of pro-death

penalty and abolitionist arguments, a review of past communication-related scholarship concerning capital punishment and the news media, and a theoretical background of Kenneth Burke's (1984) frames of acceptance and rejection. I finish by introducing my case studies and providing an overview of my next four chapters.

A Brief History of the American Death Penalty

The practice of execution has always served an important social function in the U.S., as it is a way for the American public to identify enemies (e.g. criminals), form allegiances with particular groups (e.g. victims), and symbolically contain violence. It is likely that the Founding Fathers accepted capital punishment as a legitimate penalty, as indicated by the equivocal language regarding execution in the U.S. Constitution (Martinez, Richardson, & Hornsby, 2002). Legal scholars agree that the Fifth and Eighth Amendments do not clearly outlaw the death penalty. The Fifth Amendment states that citizens cannot be deprived of life, liberty or property without "due process of law" (U.S. Const. amend. V). Thus, the clause implies that citizens *may* be deprived of life if they are given a fair trial. On the other hand, the Eighth Amendment bars "cruel and unusual punishment," which results in frequent and recurring debates over the specific meaning of "cruelty" and "unusualness" (U.S. Const. amend VIII).

Even though the term "cruel" has become more prevalent in recent legal arguments against the death penalty (e.g. *Glossip v. Gross*, 2015), painful and gruesome public executions were regularly practiced in the United States up until the late 17th century. For example, the public act of dismemberment, disembowelment, and burning was carried out in the American territories "for those believed to pose the greatest threat to public order—people found to have committed treason" (Banner, 2002, p. 75). Kammen (1975) reports on the 1691 sentencing of

Jacob Leisler and Jacob Milborne of New York, who were both accused of betraying their country. After the men were hanged, they were condemned to be cut down and tortured:

being Alive their bodys be Cutt downe to the Earth and their Bowells be taken out and they being Alive, burnt before their faces; that their heads shall be struck off and their Bodys Cutt in four parts (p. 126).

The practice of dismemberment and public torture eventually dwindled in the 18th century, but the public execution remained in many U.S. states until the early 20th century (Banner, 2002).

Brewin (2012) uses Girard's (1977) theory of public sacrifice to argue that the public execution provided a form of "legitimated violence which, if not controlled in some manner, would have spread throughout their society" (p. 181). While Girard (1977) comments on the centrality of violent sacrifice in European countries, the fear-induced application of public executions in America for the purposes of containing violence can be seen in the way race played into the death penalty in many Southern states after the Civil War. During this time, public lynching became the unofficial form of capital punishment, and its victims were usually African American (Banner, 2002). The widespread panic toward Black men raping White women, for example, led to countless public executions of African American men for rape, regardless of their proven guilt or innocence. Especially after the civil war, unofficial public lynching became much more popular than official capital punishment in many Southern states (Banner, 2002). For instance, in the 1870's, lynchings in Kentucky outnumbered executions 82 to 6 (Wright, 1990). The public hanging was a "vehicle for a collective condemnation of crime" (Banner, 2002, p. 283), and a way to show allegiance with one's community against a criminal. However, after the last public execution in 1936 (Banner, 2002, p. 156), the death penalty was no longer quite as able to function as a vehicle for public denunciation.

Particularly in the last three decades of the twentieth century, capital punishment became a more abstract policy as fewer executions actually took place, but grew in importance as a way for politicians and leaders to show that they were “tough on crime” (Banner, 2002). Discursively linking “toughness on crime” with executions allowed the public to side with an ideological concept without having to confront the material implications of state-sponsored murder. As the twentieth century came to a close, the death penalty was “less a method of punishing criminals than a terrain of cultural argument, within which one could declare one’s allegiance either with the criminal or with the law-abiding majority” (Banner, 2002, p. 284).

Mulvey-Roberts (2007) asserts that the “imposition of the death penalty is determined by place, race, and money and is the product of a collective fear reinforced by ethnic divisions, media competitors, and political ambitions” (p. 3). While capital punishment is now reserved almost exclusively for crimes involving murder (Death Penalty Information Center, 2015a), its symbolic purposes have not changed. Thus, the social function of the death penalty can be witnessed again and again throughout the history of the American system of punishment. The penalty continues to operate as a way for American citizens to identify “enemies” (e.g. African Americans in the post-Civil War South) and demonstrate their allegiance toward particular groups (e.g. sympathetic victims) (Banner, 2002; McCann, 2013).

The method that a country uses to punish its citizens also reveals something important about its nature (Ferguson, 2014). As McCann (2013) argues, the death penalty is “one of many ways America came to know itself—albeit a highly contingent sense of self” (p. 191). Thus, the symbolic practice of capital punishment in the United States is a crucial area for research, as it betrays the social anxieties of a particular time in history, as well as the current collective understandings and articulations of humanity, revenge, and cruelty. In this research, I use articles

from national media sources in order to analyze current social anxieties and articulations of concepts related to the modern practice of capital punishment.

The Shift to Private Lethal Injection

Even though the courts have maintained that the death penalty has retained its constitutionality in the United States, public executions are now considered barbaric. The general public no longer has access to executions, meaning that the media's representation of each execution is crucial to the American public's perception and involvement with capital punishment. All three of the case studies I selected for this research are lethal injections performed in private. Only members of the victim's family or select few journalists were allowed to attend, which reflects the tendency of American prison systems to conceal the punishment from the public.

In his canonical work, *Discipline & Punish: The Birth of the Prison*, Foucault (1977) argues that the absence of capital punishment as a public spectacle in Western nations in the 20th century was a benefit to state governments. When executions were open to the public, there was a risk that the audience would sympathize with the condemned because they could witness their suffering. By making executions private and removing them from direct public view, it became easier for states to continue practicing capital punishment (Foucault, 1977). Thus, the public's *access* to execution may also influence the state's practice of it, which necessitates a detailed analysis of how the media present execution to the public.

Of course, some forms of execution are more gruesome to witness than others, which inspired modern developments in capital punishment methods. By the late seventies, gassing and electrocution fell out of favor due to their tendency to nauseate spectators and cause discernable pain to prisoners. The lethal injection protocol was thought to be more sanitary, less painful, and

easier on execution witnesses. The method was also cheaper than gas or the electric chair because it required no specialized equipment. In 1977, Oklahoma became the first state to authorize the use of lethal injection as an alternative to the electric chair or gas chamber (Sarat, 2014). Never before had a method of execution swept the country so rapidly (Banner, 2002). In 1982, Charlie Brooks of Texas became the first person executed with this new method. By 1999, 94 of the 98 prisoners executed in the United States were killed via lethal injection (Banner, 2002, p.296).

Once the lethal injection method was adopted, the American Medical Association barred physicians from performing executions, leaving the job to prison employees. The only role that physicians usually play is to provide a sedative before the execution and to perform an autopsy on the body afterward (Banner, 2002). Still, the practice has come to simulate a medical procedure, and execution chambers have been constructed to resemble hospital rooms (Denno, 2009). Lethal injections are performed in sterile settings behind prison walls, and the act of death is supposedly more peaceful and painless than it was with electrocution or hanging.

Despite this, the understanding that lethal injection is more “humane” is a subject of constant debate. Some death penalty opponents argue that the method was developed in an attempt to quell public squeamishness rather than to help prisoners die painlessly (Ferguson, 2014; Amnesty International, 2015a). As a case in point, the second of the three drugs used in the lethal injection cocktail is a neuromuscular blocker, which only serves to paralyze the prisoner (Curfman, Morrissey, & Drazen, 2008). This particular drug causes witnesses to feel better about the execution because it limits the prisoner’s physical movement, but it may also cause prisoners to suffer in silence. While torture and more violent, intentionally painful executions are considered unacceptable by the American public, “the ugly presence of pain in punishment—and

how much of it counts—continues to provoke the same feelings of conflict expressed across history” (Ferguson, 2014, p. 82). Ultimately, looking closely at the American history of execution reveals that capital punishment has continually been used as a form of social control by dominant powers, and that the specific form of execution has been repeatedly adapted to appease the nauseated American public.

Modern Execution and the American Media

As of 2015, the United States was fifth in the world for the number of citizens executed, outnumbered only by China, Iran, Saudi Arabia, and Iraq (Death Penalty Information Center, 2015b). Sixteen women and 1,415 men have been executed in the United States since 1977 (Death Penalty Information Center, 2016a). Three thousand people are currently sitting on death row and 40% of these people are Black (NAACP, 2015). As of 2015, 31 American states legally uphold the death penalty, but seven have abolished it since 2007, Nebraska being the most recent (Death Penalty Information Center, 2015c). Although this national trend suggests that the death penalty may soon lose national support, recent, widely publicized capital punishment cases indicate that the death penalty is still a salient part of the United States penal system.

In reference to cases such as the Boston marathon bomber, Dzhokhar Tsarnaev, Winter and Vallano (2015) argue, “At minimum, these trials are high-profile reminders that capital punishment is still alive, especially in cases that attract media attention and public outrage” (p. 32). Even if the death penalty is outlawed, abolitionists may still face serious threats of its reinstatement. In the United Kingdom, where the death penalty was outlawed in 1965, there since have been recurring demands by certain conservative political groups to bring it back. These demands appear to reach a crescendo when there is a particularly brutal killing or act of terrorism (Flanagan, 2010). The way the media present these dramatic events plays a key role in

how the public reacts to punishment, and may influence whether or not the American public allows the practice to persist in the United States.

Banner (2002) writes that when executions became private, the growth of the press allowed the public to retain its cognitive involvement with execution cases. The crowd of witnesses transformed “from an actual crowd into a collection of readers and writers, a crowd that never physically assembled” (Banner, 2002, p. 162). Today, journalists often attend executions when there is widespread interest in the crime, the criminal, or the drugs used in the execution. The news media give the public a look (albeit through written record) into the execution chamber, and stories circulate rapidly when the execution is botched. A little over 7% of lethal injections have been botched since their introduction in the United States (Sarat, 2014). Thus, the death penalty can function paradoxically in the public sphere: Execution is meant to resolve public trauma (e.g. the sentencing of Dzhokhar Tsarnaev) but can also, at times, create it (e.g. Clayton Lockett’s publicized botched execution). Because the national media serve as a conduit through which the public receives information about capital punishment, journalists currently play a key role in how public trauma is resolved or created. While journalists are taught to be objective, the narrative structure of how the death penalty is framed to the public influences how the public receives it, which may help or hinder abolitionist goals.

Foundations of Abolitionist and Pro-Death Penalty Arguments

The Abolitionists

Martinez et al. (2002) write that the “debate over capital punishment is as old as the concept of government itself” (p. xiii). The death penalty has always been faced with dissenters in the United States, but the earliest American argument for complete abolition of capital punishment may have been an editorial published in the *Pennsylvania Evening Herald* in 1785

(Banner, 2002, p. 100). What ultimately created the most forceful movement toward abolition in the United States was the advent of larger prison systems as well as the Enlightenment's focus on sympathy and utility (Banner, 2002). The conjunction of the newly celebrated values of humanity and reason created the foundations of the abolition movement that still exist today. As Banner (2002) writes, "Humanity was what allowed reformers to understand the causes of crime; Reason was what enabled them to calculate how best to prevent it" (p. 111). As a result of adoption of Enlightenment values, early death penalty abolitionists began to see the penalty as barbaric, and believed that "misery of all kinds was not part of the human condition but might be eliminated" (p. 108).

The Enlightenment values of sympathy and humanity can be witnessed in modern abolitionist arguments as well. However, the modern age offers new rhetorical constraints. One of the constraints currently faced by the abolishment movement is that the death penalty has a direct effect on so few members of society. As a result, there is very little reason for people to pay attention to the issue—unlike more inclusive public matters such as climate change or marriage equality. Abolitionists often find it difficult to bridge the gap between the guttural aversions they feel toward the concept of a state killing its own civilians, and how the public feels (Jones, 2010, p. 64). Furthermore, the death penalty is an uncomfortable, even a taboo issue, and certain members of the public do not feel a need to pay attention to the suffering of people that have already committed heinous crimes. As a result, current abolitionist arguments often revolve around more broadly accepted issues such as race, class, innocence, psychological harm to prison workers, and cost (American Civil Liberties Union, 2015; Amnesty International, 2015b; National Coalition to Abolish the Death Penalty, 2015). Abolitionists have tended to

focus on one or several of these issues to respond to pro-death penalty views, and have framed their arguments (more or less successfully) in order to address current American social concerns.

Pro-death Penalty Views

Although Enlightenment values influenced the earliest abolition movement, more conservative religious values still dominated the American public consciousness in the early nineteenth century. Christianity played a key role in the arguments of the early advocates of the death penalty. The retributive function of capital punishment was considered legitimate, and the supporters of the death penalty felt confident that God was on their side (Banner, 2002). Because murder was considered an offense against God, the death penalty was then justified under law. Early advocates also believed that criminals feared death above all else, so the death penalty was considered an appropriate strategy for crime deterrence (Banner, 2002). Some of these sentiments still exist today. Modern pro-death penalty arguments revolve around issues of deterrence, closure for victim families, and the need for “justice.” Still, U.S. retentionist¹ scholarship and advocacy is more difficult to find. Pro-death penalty activism in the United States has tended to be “sporadic, scarcely visible, and only very loosely organized” (Lynch, 2002, p. 214). Because a majority of U.S. citizens have consistently supported the death penalty, there has been little need for any sort of retentionist grassroots counter movement (Lynch, 2002).

Websites devoted to pro-death penalty news and advocacy are also scarce. The most widely known retentionist website, Pro-Death Penalty (2015) was created in 1998 and appears to be kept active by a single individual. The website keeps tabs on all current executions in the United States, and attempts to provide counterarguments to those brought forth by abolitionists.

¹ The term “retentionist” is often attributed to American states that have continued to retain the practice of capital punishment (e.g. Texas is a “retentionist state”). At times, abolitionists will also use the term to describe death-penalty advocates, but it is not a label that these “retentionists” have necessarily assigned to themselves.

Retentionists emerge in the national news when certain political events occur that challenge the legitimacy of the punishment. For example, when the Nebraska Legislature approved a bill that abolished the death penalty in 2015, the conservative governor, Pete Ricketts, immediately organized a coalition seeking a referendum to place the death penalty back on the ballot (Nebraskans for the Death Penalty, 2015). Pro-death penalty websites also pop up when changes to the death penalty are proposed in state legislatures. For example, waitingforjustice.net (Waiting for Justice, 2013) was created when Proposition 34 (an initiative that would abolish the penalty) appeared on the ballot in California. Thus, organization is only necessitated when challenges to death penalty arise; there has not yet been a need for a more organized or nationwide pro-death penalty counter-movement.

Noting the ideological foundations of both sides of the death penalty debate helps to inform my analysis of how the media present the penalty to the public. While reports of executions are meant to be unbiased and objective, the choice to focus on “humaneness” (i.e. abolitionists concerns) or “justice” and “closure” (i.e. retentionist concerns) reveals a journalist’s underlying motivations, and how their focus might influence an audience’s perception of the penalty. As a result, the analysis I present in the next three chapters pays close attention to what the national media emphasize and what it downplays, and how these rhetorical choices help or hinder the abolition movement.

Review of Literature

The following literature review is grouped into two general categories of scholarship. First, I address Communication scholarship regarding the death penalty debate, and then I attend to scholarship regarding capital punishment and the news media. Reviewing the rhetorical strategies historically and presently employed by abolitionists and death penalty advocates helps

shed light on the types of arguments and strategies selected or passed over by the news media. Likewise, examining scholarship regarding news accounts of the death penalty clarifies how contemporary media reports about the death penalty are similar to or different from those of the past.

Communication Strategies and the Death Penalty Debate

In order to make sense of the two sides of the death penalty debate, Communication scholars Hartnett and Larson (2006) map out three master tropes of contemporary arguments for and against capital punishment: The Rhetorics of Closure vs. Reconciliation, The Rhetorics of Horrible Acts, and The Rhetorics of Systemic Error. Each of these master tropes represents dueling conceptions of how the death penalty functions in society. First, The Rhetorics of Closure vs. Reconciliation amount to “dueling philosophies of time” (p. 273) between abolitionists and retentionists. Pro-death penalty advocates see capital punishment as a way of ending experience (i.e. closure) for victims’ families, and understand time as static and closed. On the other hand, abolitionists acknowledge that pain does not disappear with the death of another human, argue for reconciliatory practices, and see time as dialectical and open.

Second, The Rhetorics of Horrible Acts amount to dueling versions of causality. Pro-death penalty advocates see certain crimes as so horrible that they can only be avenged by execution. Execution is a logical and “necessary after-effect *caused by horrible acts*” (p. 277). For abolitionists, however, “the desire to seek execution produces damaged families and a criminal justice system marked by wrongful arrests, sloppy trials, and the use of torture—*the death penalty causes horrible acts*” (p. 280). Finally, The Rhetorics of Systemic Error amounts to dueling theories of process. Here abolitionists understand that the criminal justice system is ineffectual at determining guilt or innocence and that the death penalty can be imposed

arbitrarily. Pro-death penalty advocates believe the system too often spares the guilty, citing “police inefficiency, crippling legal loopholes, and defendant-friendly courtroom technicalities” (p. 281). Hartnett and Larson (2006) argue that employing the Rhetorics of Systemic Error has particular potential to invite cross-class alliances, as it allows social agents from different places (e.g. religions, races) to “form common cause around the notion of fairness and due process” (p. 282). Moreover, it allows abolitionist to appear less like radicals and more like “patriots asking the nation to fulfill its promise of justice for all” (p. 282). The implications of this study help to inform my own conclusions about how abolitionists might frame arguments in response to the national news’s presentation of each death penalty case. In particular, I consider which frameworks have the most potential to help unite abolitionist and retentionist states under the notion of “justice for all.”

Certain Communication scholars are also active abolitionists, and have written about communication strategies used amongst members of the abolition movement. In their analysis of their own participation in the “Save Kenneth Foster” Campaign, Asenas, McCann, Feyh, and Cloud (2012) found that “solidarity amongst Kenneth’s supporters was forged through an ethical and strategic position of speaking *with* rather than speaking *for* others” (p. 265). This ethical and strategic position allowed activists to communicate across differences in political orientation, strategy, and identity. The scholars rightly point out that “most communication scholarship on capital punishment... analyzes public discourse surrounding the topic... with only a few scholars intervening to change that discourse” (Asenas, et al., 2012, p. 265). Still, one of the major lessons arising from this work is that when prisoners and their families are given the opportunity to engage in communication activism, they can be “more effective in persuading others and shifting narratives of victimhood, humanity, worth, and justice than can scholar-activists or

activists, speaking in their stead” (p. 282). Scholars and activists cannot have the same *ethos* possessed by prisoners and their families. However, in a predominately victim-oriented society, American prisoners and families may not always be given opportunity to speak. Because the only interaction most U.S. citizens have with the death penalty is through the news media, exactly *who* the news media allows to speak may have a major impact on how the public is persuaded in one way or another about the issue.

Victimhood rhetoric has long been a constraint on abolitionist goals, and critical-cultural scholar Bryan McCann analyzes two important renderings of the <victim> ideograph in discourse surrounding the topic. In his analysis, McCann (2007) performs a historical materialist critique of <victim>hood following Governor George Ryan’s decision to commute all death sentences in the state of Illinois in 2003. A historical materialist perspective “argues that economic conditions and ideological discourses are interactive and mutually conditioning” (McCann, 2007, p. 383). It also “locates issues of social power within the broader context of a capitalist society” (p. 383), meaning that a materialist critique helps illuminate how the death penalty can be challenged as “one instrument interwoven with others of capitalist hegemony” (p. 384). Governor Ryan was a longtime supporter of the death penalty and the criminal justice system that imposed it, so his decision to commute these sentences was both surprising and controversial. McCann demonstrates that those opposed to Governor Ryan’s move typically used a therapeutic and personalized rendering of <victim>hood, which avoided the social and political implications of the death penalty. In contrast, Ryan and his supporters were able to employ a material rendering of the <victim>hood ideograph grounded in historical, economic, and political contextualization. McCann’s historical materialist critique shows the effectiveness of a strategic and materially grounded use of <victim> in abolitionist rhetoric.

Moore (2006) also analyzes Governor George Ryan's 2003 decision to commute all death sentences, but uses a different theoretical lens. Through his analysis of several of Governor Ryan's statements and announcements regarding his death penalty moratorium, Moore contends that Ryan engaged in a unique combination of both factional scapegoating (when blame is divided, and thus not placed upon *all* individuals) and mortification, or the attempt to atone one's guilt through use of self-sacrifice in order to receive forgiveness (Burke, 1984). To do this, Ryan rejected the practice of capital punishment in the justice system by first negating the practice of it himself. In other words, "after slaying the appetite for capital punishment within himself, he then pointed the finger of guilt at the justice system for not doing the same" (Moore, 2006, p. 313). This analysis furthers theoretical and critical understandings of victimage by demonstrating how this rare combination of factional scapegoating and mortification can be used in a program of action to abolish the death penalty.

In their separate analyses of Governor Ryan's discourse, McCann (2007) and Moore (2006) demonstrate different strategies by which victimhood can be rendered (or by which symbolic victimage can be utilized) by abolitionists in order to help the abolition movement. Objective news sources may not utilize the <victim>hood ideograph or engage in victimage in exactly the same way as abolitionists. However, my own research endeavor takes particular note of how victim narratives and symbolic victimage are utilized within news frames, and how these frames may function to create complacency toward the death penalty.

Like McCann (2007) and Moore (2006), Berns (2009) analyzes victimhood discourse, but focuses solely on closure rhetoric in the arguments of death penalty advocates. Building on past sociological scholarship on the role of emotion in social problems, Berns coins the term, "emotion-domain expansion" to elucidate the ways in which death penalty advocates expand

their emotional appeal and create support by employing the concept of “closure.” However, she notes that abolitionists also embraced the term “closure” to counter the arguments of advocates and show how alternative options may be preferable for victim’s families. In doing this, they create new “feeling rules”—or standards that determine what is rightly owed to the currency of feeling, (Hochschild, 1983)—which reject a need for the death penalty. This research suggests that the news (or other mediums of communication) can create “feeling rules” about the death penalty, which could then function to shift public opinion or position citizens within the debate.

Another way in which certain death penalty opponents have successfully countered advocate arguments is by creating dialectical disorientation, or a particular response to the tensions created by the interaction of irreconcilable perspectives (Rasmussen & Downey, 1989). To demonstrate this, Dionisopoulos (2010) analyzes the structure of the 1996 film, *Dead Man Walking*, and contends that the persuasive communities portrayed within the film’s narrative caused a dialectical disorientation for the film’s viewers. Instead of simply arguing for the immorality of the death penalty, the film creates a tension between several irreconcilable views of execution, which ultimately serves to disturb preconceived notions concerning capital punishment. Utilizing this strategy also serves to spark public discussion concerning the taboo and oft-ignored topic, which was critical for death penalty abolitionists at the time *Dead Man Walking* was released. This study reveals that the persuasive voices the news media chooses to highlight or negate may play a role in how U.S. citizens engage with or ignore the taboo topic. Furthermore, current schisms in public opinion regarding the death penalty suggest that the occurrence of “dialectical disorientation” could be higher now than it was 20 years ago (when 80% of the public supported the death penalty). Dionisopoulos (2010) contributes to the

understanding of dialectical disorientation as a potentially productive rhetorical tool for news sources, abolitionists, or retentionists.

While most Communication scholarship focuses on productive rhetorical strategies used by either side of the debate, McCann (2013) illuminates how recent persuasive arguments adopted by abolitionists may be counterproductive to prison reform in the long run. In his article, “A Fate Worse than Death’: Reform, Abolition, and Life Without Parole in Anti-death Penalty Discourse,” McCann illuminates the consequences of adopting the “life without parole” (LWOP) argument within abolitionist rhetoric. He argues that this particular strategy shifts the debate’s focus to the differences between the death penalty and incarceration, which “comes at the expense of critiquing the prison-industrial complex in its totality” (McCann, 2013, p 200). Instead of “seeking to replace one form of punishment with another” (p. 200), he argues that abolitionists can partake in a *critical telos* (Ono & Sloop, 1992), which envisions a society that no longer depends on the “War on Crime” narrative “to manage social anxieties about instability” (McCann, 2013, p. 200). In order to do this, McCann contends that abolitionists must first find ways to humanize the incarcerated and condemned while also employing rhetorical strategies that question the efficacy of modern penal policies. While abolition advocates may be a part of the solution, the news media still has a strong influence on the public’s perception of the death penalty. Recognizing the ways in which the LWOP debate is utilized by news sources may reveal current conceptions of what constitutes the “humane” treatment of prisoners.

McCann’s (2014) even more recent work focuses on neoliberal and radical iterations of redemption during the saga of Stanley “Tookie” Williams’s execution. In a neoliberal imagination, renderings of redemption appeal to individualistic values such as upward mobility and personal responsibility. Governor Schwarzenegger, for example, was working within a

neoliberal imagination when he took a political stance against Williams's refusal to apologize for the four murders of which he was accused. Despite taking responsibility for his role in escalating Los Angeles gang wars, Williams resisted this neoliberal rendering of redemption. In its place, Williams adapted a radical iteration of redemption, which resists the logics of White supremacy "that help sustain the criminalization and incarceration of Black bodies" (McCann, 2014, p. 93). In the end, Williams was executed in 2005 despite Williams's successful resistance of the logic of White supremacy and individualism. McCann's analysis of the saga of Williams's execution helps reveal how stakeholders control the political and rhetorical meaning of what counts as symbolic redemption. This analysis also helps inform the sorts of renderings of "redemption" that the current news media might help promote or resist.

This review of Communication scholarship regarding the death penalty reveals some gaps in the field. In particular, little attention has been paid to the specific attributes of death row prisoners selected by news sources, or how the news media has recently articulated themes of redemption, victimhood, and cruelty through the frames they select to present the death penalty. As revealed previously, *who* the country decides to execute might be contingent on specific stakeholders' chosen renderings of "redemption," and how these renderings are portrayed in the news media. Who the United States finds appropriate to execute may also be contingent on particular renderings of "victimhood." Imperative to this project is the manner by which news sources fix and define concepts such as "cruelty" or "humaneness" to the American public, and how these particular articulations influence political and social action.

Capital Punishment and the News Media

In late 19th and early 20th century America, executions began to move behind prison walls. It was during this time that the press inevitably began to have a major impact on the

public's reception of capital punishment. In order to investigate the effect of this shift, Sarat et al. (2012) analyze the press's coverage of botched executions between the years of 1890 and 1920. The authors argue that as newspapers began to compete for readership, executions became more and more sensationalized. They also contend that during this period, American newspapers offered two different narratives of botched executions. The first sensationalized death by highlighting the gruesome and horrific nature of the botched execution. The second was a recuperative narrative that differentiated the law's violence from crime and lynching, and attempted to present capital punishment as a legitimate penalty. These competing narratives, juxtaposed next to one another, "revealed the anxiety that inevitably surrounds moments when law exercises dominion over life" (Sarat et al., 2012, p. 6).

Scholars have also analyzed how the media's presentation of capital punishment impacts and influences contemporary audiences. In a large-scale quantitative study performed by Dardis et al. (2008), the researchers observed shifts in the media's framing of capital punishment cases by analyzing 3,692 abstracts in the *New York Times* from 1960 to 2003. The study reveals that the most common theme presented by the *Times* in this 43-year period was the "constitutionality" of the capital punishment. The popularity of this theme reached a peak when the death penalty was temporarily abolished in the 1970's and then again in the early 21st century, when the constitutionality of the death penalty for the mentally handicapped and juveniles was called into question. This study also reveals the emergence of the "innocence frame" as an anti-death penalty argument after the year 2000.

In the second portion of the study, researchers showed 184 subjects newspaper stories containing arguments for or against the death penalty using either morality or innocence-based frames. Amongst individuals who already favored the death penalty, the innocence frame had

more influence on their thoughts than the traditional morality-based frame. In other words, the pro-death penalty subjects displayed less resistance and less cognitive dissonance when they were shown news stories that portrayed the death penalty as something that could kill innocent prisoners, suggesting the persuasive power that the “system-is-broken” argument may have on general public opinion. Not surprisingly, national abolitionist groups such as ACLU and Amnesty International have embraced innocence-based arguments in recent years. This rhetorical move reinforces Hartnett and Larson’s (2006) argument for critiquing the justice system from the basis of “systemic error,” which provides an effective and unifying rhetorical technique for abolitionists. As previously articulated, how the American public defines cruelty and humaneness is of central importance to this project, and Dardis et al.’s (2008) findings point to the importance of looking qualitatively at the implications of the news media’s current framing of capital punishment.

Other Communication scholars have focused on case studies as opposed to large-scale analyses of the media’s involvement in the death penalty debate. In their 1995 article, “Mass Media and the Death Penalty: Social Constructions of Three Nebraska Executions,” for example, Lipschultz and Hilt (1999) analyze the local television news coverage of the executions of three Nebraska men. In their comparison of the three executions, Lipschultz and Hilt found that none of the local television coverage attempted to bridge the gaps between proponents and opponents of the executions. In two of the executions, television reports emphasized the “carnival-like” atmosphere created by the two sides of the debate, which did not help address larger questions about the death penalty or help solve the debate. They also argue that the local news media’s selection of language and graphics can help “normalize” a state execution and ultimately distance viewers from it. In one of the executions, the media emphasized the polite atmosphere

outside of the prison and mentioned the governor's plea for people to "keep their cool." The authors contend, "television helps construct a social reality about the death penalty and public attitudes toward it, but the state has the power to manipulate events" (p. 250). Thus, the language and content that the news media selects or passes over can either shed light on or obscure how underlying power structures are able to keep the death penalty in place.

The reporting on capital punishment trials and the defendants involved may also have a major impact on the public's perception of the penalty. Haney and Green (2004) analyze the newspaper coverage of the defendants in 26 capital punishment trials in California. They found bias in the sources used in the stories, as the newspapers primarily cited law enforcement and prosecutorial sources. Haney and Green also found that newspapers tended to focus on aspects of the crime as opposed to the social contextual factors in crime causation in general. Because of the lack of contextual or historical frameworks presented by the media, Haney and Green argue that readership would be less able to grasp any mitigating factors in the case. Finally, the authors contend that media bias has material implications for the condemned, as the presentation of news stories could influence voters or even potential jurors in death penalty cases.

In a 2007 article by members of Prison Communication, Activism, Research, and Education (PCARE), the Communication scholars and activists point out the news media's tendency to pass over stories about women in their coverage of incarceration in the United States. In part, this is due to the fact that it is difficult to "transform poor women into a threatening or enticing population" (PCARE, 2007, P. 406). Because of this difficulty, the media tend to deemphasize stories about these women, "as well as the effects of incarceration on women's families and their communities" (p. 406). The impacts of the news media's coverage of incarceration and the death penalty in the United States also extend to minority men. The

members of PCARE contend that the public “grows accustomed to seeing poor young blacks and Latinos as Dangerous Others” and thus become habituated to “accepting the consequences of the prison-industrial complex as a legitimate, even necessary, response to the supposedly rampaging young criminals” (PCARE, 2007, p. 406). The language the news media uses and the prisoners they choose to highlight may then influence the public’s acceptance of the death penalty, at least in its application toward specific members of the population. PCARE’s analysis informs the way in which gender and race interact with how the news media might choose to frame who “should” or “should not” be executed, as well as who should be viewed as a “Dangerous Other.”

Execution acts as a quick fix in theory, and may create the feeling that justice was served. However, McCann (2007) argues, “executing prisoners scapegoated for social ills displaces public anxieties about crime away from demands for social services that might prevent crime in the first place” (p. 383). This practice eliminates the much more difficult job of investigating the problems with the penal system or the social and psychological issues that lead certain people to commit violent crimes. Moreover, the death penalty affects the entirety of the criminal justice system. Hartnett and Larson (2006) argue that it “plays a toxic role, pushing police, prosecutors, and other judicial figures to compromise the integrity of their work” (p. 268). While public support for capital punishment seems to be waning, Foucault (1977) contends that the *form* of punishment is not as paramount as the ways in which the structures of power justify different types of punishment discursively. Therefore, the death penalty and life imprisonment are both “invested in producing docile bodies and rationalizing prevailing systems of social control” (McCann, 2013, p. 189). In the next component of this chapter, I present a theoretical lens that helps me assess how the death penalty continues to be the most macabre way in which prevailing systems of social control attempt to produce “docile bodies” in the United States.

Theoretical Lens

Poetic frames

In *The Philosophy of Literary Form*, Kenneth Burke (1941) argues that certain discursive art forms, such as tragedy, comedy, grotesque, and burlesque should be “treated as *equipments for living*” (p. 304). These forms “size up situations in various ways” and come with “corresponding various attitudes” (p. 304). Each form “stresses its own particular way of building the mental equipment (meanings, attitudes, character) by which one handles the significant factors of his time” (Burke, 1984, p. 34). The specific form that the media chooses when it frames death penalty cases to audiences can thus determine how the audience feels about the penalty. For this analysis of the news media’s presentation of capital punishment, I draw closely upon Burke’s (1984) poetic frames in order to understand how American audiences are positioned within the debate, as well as how abolitionists might respond to these frames in order to gain interest and support.

Two of the frames that Burke (1984) identifies in *Attitudes Toward History* include the comic and tragic frames. In literature, a classic tragedy would separate characters into villains, heroes, or victims. The tragic frame is used frequently in media stories and creates the feeling of “guilt,” which is the “secular equivalent of original sin, an offense that cannot be avoided or a condition in which all people share” (Foss, Foss, & Trapp, 2002, p. 209). This guilt then necessitates “redemption,” which entails the rebirth of the self through a certain method of catharsis (i.e. symbolic purification, purgation, or cleansing). The comedic frame, on the other hand, is the “dramatization of quirks and foibles” (Burke, 1984, p. 42). This frame creates a “fool” that reveals that the characters do not act viciously, but are simply foolish or mistaken (p. 41). In other words, the frame’s “emphasis shifts from *crime to stupidity*” (Burke, 1984, p. 41).

Thus, while the tragic frame functions to purge one's guilt, the comedic frame encourages the audience to identify with the fool and undergo self-reflection about their own humanness. As Burke (1984) writes, "comedy deals with the *man in society*, tragedy with the *cosmic man*" (p. 42).

One of Burke's (1984) less examined frames is the "grotesque-mystical" frame. Burke (1984) writes that the grotesque predominates discursive practices during periods "marked by great confusion of the cultural frame, requiring a radical shift in people's allegiance to symbols of authority" (Burke, 1984, p. 57-8). The frame can either act as a frame of rejection or a frame of acceptance depending on its use by the rhetor. As such, the frame may keep its focus on either favorable or unfavorable aspects of a cultural or social situation. An important component of the frame is that it points out contradictions in the world, but avoids laughing or minimizing them (Burke, 1984). To do this, the frame often uses the oxymoron, juxtaposing two incongruous elements in order to shock audiences into new ways of thinking. I go into further detail about the grotesque frame in Chapters Four and Five.

In the current context of the death penalty, the symbolic forms used by the media are revealed in several ways. The process of "naming" the characters, the situation, or any other element of the story, for example, can influence the audience's perception of capital punishment. Naming affects the audience's perception of the events by creating frames of acceptance, which are "organized systems of meanings by which a thinking man gauges the historical situation and adopts a role with relation to it" (Burke, 1984, p. 5). Burke proposes that names (or "labels"), "prepare us *for* some functions and *against* the persons representing those functions. The names go further: they suggest *how* you shall be for or against" (Burke, 1984, p. 4). Specific word choices and names create an attitude and orientation, "shaping individuals' views of reality and

thus generating different motives for their actions” (Foss, Foss, & Trapp, 2002, p. 199). How a news source names a criminal (e.g. a “baby rapist” or “troubled teen”) will have an impact on the public’s perception of the criminal. These names can ensure that the criminals are indeed villains in the story—villains who the public cannot relate to or feel any need to sympathize with—or they can present the criminals as foolish and mistaken. Therefore, naming creates an attitude that the audience will adopt regarding each particular death penalty case.

The study of attitudes (the precursor to action) is the study of what Burke calls *terministic screens* (Burke, 1966). *Terministic screens*, or frameworks for seeing, function to direct one’s attention to certain parts of reality (Burke, 1966). Drawing from a sociological perspective, media critics have labeled the examination of *terministic screens*, “frame analysis” (Goffman, 1974). Burke and media critics recognize that “thoughts and ideas are never free from the language that is used to frame them” (Foss et al., 2002, p. 199). Ott and Aoki (2002) explain that frame analysis “looks to see how a situation or event is named/defined and how that naming shapes public opinion” (p. 485). The media will have an inherent bias within the stories they present to the public, and these biases can be observed by looking at the *selectivity*, *partiality*, and *structure* of the story (Ott & Aoki, 2002). When looking at the framing of the death penalty in the news media, one would take note of what was specifically included or excluded in the story, what was emphasized or downplayed, and what form the resultant story took on (Ott & Aoki, 2002).

Frame Analysis and the News Media

Media scholars have also identified several “frames” in media reporting. Iyengar and Simon (1993) assert that the “episodic frame” employed by networks presents an issue to the public in concrete terms. Here the media highlights a specific instance that represents a larger

issue (e.g. a story about a specific homeless person in order to highlight homelessness).

“Visually, episodic reports make for ‘good pictures,’” (Iyengar & Simon, 1993, p. 369). Networks also use the “thematic frame,” but less frequently, as they place “public issues in some general or abstract context” (p. 369). An example of a thematic frame would be a report that focuses on the legality or morality of the death penalty as opposed to an episodic report about a specific prisoner on death row. Understanding these episodic and thematic frames in the media’s reporting of death penalty cases helps further my understanding of the resultant ideology expressed by the media. Of course, these two media frames are different from Burke’s (1984) theoretical conception of the discursive art forms that I use as the primary lens in my analysis. However, an understanding of how these separate theoretical frames interact creates a more nuanced analysis. For example, I might identify whether an episodic (Iyengar & Simon, 1993) and tragic frame (Burke, 1984) appear in the same case study. Doing this would help me draw conclusions about whether the episodic frame supports a tragic view of the world, with clear villains, heroes, or victims.

Media and Public Affairs scholar, Robert Entman (1993), writes that “to frame is to select some aspects of a perceived reality and make them more salient in communicating text” (p. 52). This method of selection then promotes a “particular problem, definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described” (p. 52). Frames thus define problems, diagnose causes, create moral judgments, and suggest remedies (Entman, 1993). Furthermore, the framing and prioritizing of certain stories in the news media has been shown to have a direct cognitive effect on audiences. Iyengar and Kinder (1987) found that even small exposure to news about certain issues created a shift in audience beliefs about the issue’s

relative importance. Communication scholars have since utilized frame analysis to identify and analyze the symbolic processes occurring in the media's presentation of certain events.

Notably, Communication scholars Ott and Aoki (2002) analyze the national media's framing of the 1998 murder of Matthew Shepard. They contend that the media adopted a "tragic" frame in their presentation of the murder, which allowed the public to expunge all guilt about the crime. Through their analysis, they demonstrate that the tragic frame can have political consequences, because it "brings about symbolic resolution without turning the event into a lesson for those involved" (Ott & Aoki, 2002, p. 496). In the case of Shepard's murder, the two men who committed the crime were portrayed as evil villains and scapegoated. When the men were placed in jail, the public tragedy was symbolically resolved, and no further public deliberation about hate-crime legislation occurred. The authors argue that a comic frame might have been more productive politically and socially, as it would have created a greater sense of public responsibility.

While Ott and Aoki (2002) look at how framing positions the public relative to the political process, Chyi and McCombs (2004) analyze the media's coverage of the Columbine school shootings to demonstrate the dynamic process by which the media builds up a topic's salience. To do this, the scholars observed 170 stories published in the *New York Times* in order to show how the newspaper repeatedly reframed the school shooting by emphasizing different attributes of the story. They use the term "frame-changing" to show how the story was repeatedly reframed to reflect larger societal issues (i.e. gun control), more personal issues (i.e. the life history of the gunmen), or more communal issues (i.e. the town of Littleton where the shooting took place). Chyi and McCombs (2004) demonstrate that the overarching trend was for news stories to first address individual aspects of the story and then to later move on to more general

issues involving society as a whole. Doing this allowed the topic to keep its “salience” over time. In the next three chapters, I make note of how long each death penalty case is able to retain its salience, as well as how the media’s framework and focus influenced the case’s salience.

While Ott and Aoki (2002) and Chyi and McCombs (2004) look solely at the national news media’s framing of public tragedies, other scholars analyze the differences between how the local and national news portray stories. Holt and Major (2010), for example, look at the disparities between the news media’s framing of the 2006 “Jena Six” controversy in Jena, Louisiana. In this case, the national papers tended to frame the issue as a moral wrong, while local papers tended to place a human face on the event. The researchers were also interested in whether the local or national news sources broke from the traditional “episodic” coverage in the framing of stories. They found that both local and national sources used more thematic coverage that addressed underlying racial issues in society. The authors conclude that, in certain circumstances, racial issues are so striking and hard to ignore that the news media feels a need to focus more on larger societal issues as opposed to localized and personal issues surrounding the crime itself. In relation to the media’s framing of the death penalty, understanding how the media builds and maintains a topic’s “salience,” as well as how issues such as race contribute to the framing of a particular case helps illuminate how the death penalty continues to persist in the United States in the 21st century.

Main Arguments

As I have demonstrated, the American national media holds an important role in the abolishment or retention of the death penalty. By performing a frame analysis of three nationally-circulated execution cases, I demonstrate how the discursive forms presented by the news media help or hinder the cause of death penalty abolition. In Chapters Two and Three, I

demonstrate how the national news media has tended to employ a predominantly tragic frame (Burke, 1984) when executions are not botched, and particularly engages in redemptive narratives that help the act of execution become an appropriate ending to the story. I argue that the tragic frame, used in this context, allows American audiences to accept the practice of capital punishment and quickly move on to other news events. Moreover, the frame functions to normalize the concept of execution, encourages complacency amongst national audiences toward the death penalty, and does not further the abolitionist agenda.

On the other hand, through my analysis of Clayton Lockett's botched execution in Chapter Four, I demonstrate that a mystical-grotesque frame (Burke, 1984) emerges when an execution does not go according to plan. I argue that the grotesque frame helps to highlight the incongruities with the system of capital punishment and has more potential to help audiences feel complicit in the execution. However, the grotesque framing of Lockett's execution may be too mystifying and gruesome for most audiences to feel consubstantiality with characters in the narrative, or to promote engagement with the abolition movement. Regardless of this "mystification," the grotesque frame's potential to shock audiences into new ways of seeing could be useful for the movement, and I call on other critical-cultural scholars to further investigate its rhetorical uses.

Keeping in mind that the larger *telos* of the abolition movement should be to humanize the condemned, in Chapter Five I suggest that death penalty abolitionists adopt a comic frame when describing death row prisoners, as this frame tends to help audiences identify with the "fool" in the frame. However, I also recognize that abolitionists are faced by serious rhetorical constraints that may necessitate more than just an adoption of a comic frame. Two of these constraints include both the lack of personal connection national audiences feel toward capital

punishment, and also that prisons and punishment are intensely ingrained in the cultural consciousness of the American public (Davis, 2003). Because these constraints exist, a frame that can adjust an audience's "trained incapacities" may be more useful for abolitionists in their endeavor to shock audiences out of complacency. Therefore, I suggest that the grotesque frame could be a useful tool for abolitionists, as it may help draw public interest to abolition and shock audiences into seeing other ways of handling those who have committed heinous crimes.

Summary of the Artifacts

Each of the three case studies I analyze in the following three chapters give this research contextual variety with regard to race, gender, geographic location, as well as the type of crime committed. It was also crucial to this analysis that the innocence of each of these executed people was never questioned. Due to the rise in the use of DNA evidence, innocence has become an important argument for abolitionist groups in the 21st century (see American Civil Liberties Union, 2015; National Coalition to Abolish the Death Penalty, 2015). However, when innocence is brought into the death penalty debate, it tends to subsume arguments on either side. Most people agree that a country should avoid killing innocent civilians. I find that the most interesting ideological contentions are brought forth when the state deliberates executing the definitively guilty. The specific news sources that I have selected for the frame analysis were all published nationally, as I am most interested in how media frames might influence the national public's perception of the death penalty. In order to examine how the death penalty is portrayed to broader audiences in the United States, I selected and analyzed newspaper articles published by the Associated Press, *The New York Times*, *The Washington Post*, and *The Wall Street Journal*.

In Chapter Two, I examine the execution of Daniel Lee Lopez, a 27-year-old Latino man from Texas. In 2010, Lopez was convicted and sentenced to death for the capital murder of an

on-duty peace officer, Lieutenant Stuart Alexander, during a high-speed car chase (Texas Attorney General, 2015). David Dow, Lopez's attorney, argued that Lopez was mentally ill and had no intention to kill Alexander (Associated Press, 2015b). After five years on death row, Lopez expressed his desire to be executed and was given court approval to drop his appeals. After his execution was carried out on August 12, 2015, many newspaper sources reported that he "got his wish" (see Associated Press, 2015b; "News of the Day," 2015; "Texas inmate," 2015).

Chapter Three focuses on Kelly Renee Gissendaner, a 47-year-old White woman from Georgia. Gissendaner became the 16th woman executed in the United States since 1977 and the second woman executed in Georgia since 1945. In 1997, Gissendaner was convicted of orchestrating the murder of her husband, Douglass Gissendaner. Gregory Owen, a man with whom Kelly Gissendaner was having an affair, committed the physical act of murder by stabbing Douglas Gissendaner eight to ten times in the neck and head (Georgia Attorney General, 2015). During Kelly Gissendaner's incarceration, she "achieved some renown for her spiritual development" (Blinder, 2015b). Kelly Gissendaner was executed on September 30, 2015 despite pleas for her life from Pope Francis (Blinder, 2015b). Owen is currently serving out a life sentence for his role in the murder (Sayers & McLaughlin, 2015).

In Chapter Four, I analyze the execution of Clayton Darrell Lockett, a Black man from Oklahoma whose botched execution is described at the beginning of this chapter. On June 3, 1999, 23-year-old Lockett and two accomplices attempted to rob the house of Bobby Lee Bornt, who owed Lockett money. Lockett tied up Bornt and beat him while Bornt's nine-month-old son was still in the home. When two young women unexpectedly showed up to Bornt's house, Lockett raped and beat the first of the two. The second woman, 19-year-old Stephanie Michelle

Neiman, refused to agree not to go to the police, so Lockett shot her twice with a sawed off shotgun, then buried her alive (McNutt, 1999). Lockett was sentenced to death after being found guilty of “conspiracy, first-degree burglary, three counts of assault with a dangerous weapon, three counts of forcible oral sodomy, four counts of first-degree rape, four counts of kidnapping and two counts of robbery” (“Man Convicted,” 2000). Lockett was executed 15 years later by the Oklahoma Department of Corrections. He was 38 years old at the time of his death.

I devote the fifth and final chapter of this research to providing a summary of each case study and examining the implications of the media’s choice of death penalty frames. I also offer suggestions for future Communication research about the death penalty and Burke’s (1984) poetic frames within the abolition and prison reform movements. In particular, I suggest potential uses for of both the grotesque and comic frames within the abolition movement in order to shock audiences out of complacency, humanize the condemned, or counteract the execution narratives presented by the national media.

Chapter 2: The Scapegoating and Mortification of Daniel Lee Lopez

Shortly after midnight on March 11, 2009, 22-year-old Daniel Lee Lopez made a series of grave decisions that led him to death row. After being stopped in his SUV for a traffic violation in Corpus Christi, Texas, Lopez engaged in an argument with the officer who pulled him over and sped away (Associated Press, 2015b). A high-speed chase ensued. In the midst of the pursuit, Lopez struck 47-year-old Corpus Christi Police Lieutenant, Stuart Alexander, with his vehicle. Lt. Alexander was laying spikes on the road to flatten Lopez's tires before he was catapulted 175 feet in the air to his death (Herskovitz, 2015a). After fatally hitting Lt. Alexander, Lopez continued his escape by driving his vehicle into several patrol cars that were blocking his way. Finally, two officers shot Lopez in order to force him to surrender (Cavazos, 2009). Lopez stated later that he fled because he believed there was a warrant out for his arrest for parole violation (Herskovitz, 2015a). There was no question about Lopez's guilt in the March 11 incident.

A photograph taken of Lopez in prison shows that he is bald with the outline of a single teardrop tattooed below his left eye (Graczyk, 2015a)—a symbol that signifies that the wearer has killed someone (Smith, 2008). It could be said that he “looks the part” of a criminal, and indeed, his record is peppered with serious offenses. Apart from the 2009 event, Lopez had also been indicted on assault of a public servant, evading arrest, six counts of attempted capital murder, and possession with intent to deliver a controlled substance (Cavazos, 2009). While his 2009 incident garnered some attention from local news sources such as the *Corpus Christi Caller-Times*, there were few elements of the crime that would make it national news. A high-speed chase resulting in a police officer's death in Texas is certainly tragic, but not necessarily unusual or dramatic enough for distribution in national newspapers.

National news sources only took interest in Lopez's story once he chose to waive his right to appeal his own execution, which helped push his execution date forward (Herskovitz, 2015b). In a sense, Lopez was asking the state to kill him. Ott and Aoki (2002) note that an "event is selected to become a major news story based on its potential for drama" (p. 487). Because of the steep drop in executions in the United States since 1999, each new execution becomes more dramatic. The fact that Lopez also possessed a "desire to die," (Associated Press, 2015b; Associated Press, 2015c; Associated Press, 2015d; Graczyk, 2015b; Halperin, 2015) added additional dramatic potential to the story.

On the one hand, Lopez's apparent "suicide" made the story newsworthy. On the other hand, the execution occurred in a state that has executed four times more inmates as any other (Death Penalty Information Center, 2016b). Since capital punishment was reinstated in 1976, Texas has executed 535 people (Death Penalty Information Center, 2016a). With regard to race, the state has executed 100 Latino Americans since 1976 (Death Penalty Information Center, 2016b) and 68 of its 249 death row inmates (27.3%) are currently of Hispanic descent (Texas Department of Criminal Justice, 2016a). In 2015, Texas had already executed nine death row inmates prior to Lopez. Thus, the circumstance surrounding Lopez's case was dramatic enough to make national news, but it only kept the nation's attention for approximately two days.

While it may seem logical that news sources would drop an execution story after the sentence is carried out, the coverage nevertheless follows certain narrative patterns and thus contributes to the ideological assumptions surrounding the death penalty in the United States. The following analysis investigates an account of an execution with a relatively short lifespan in the national news—one that was quickly forgotten. By looking specifically at how Lopez was named and described, then generally at how the entire story was framed in the news, I will

demonstrate how the news media's framing of death events functions ideologically, also noting the consequences of how the particular frame is used to tell the story. To investigate these issues, my analysis examines nine nationally published articles regarding the Lopez case. Major newspapers such as the *New York Times* and *Washington Post* did not assign a reporter to the case, but instead chose to publish articles written by the Associated Press or Reuters. Thus, these two news agencies serve as the basis of my analysis.

In this chapter, I first provide a brief theoretical overview of Burke's (1941) "rhetoric of rebirth" and specifically the concepts of *guilt*, *victimage* and *mortification*, and how these concepts relate to a tragic frame of acceptance (Burke, 1984). I will then describe how Lopez and his crime are named and described in national news sources, which include the portrayal of Lopez as a scapegoat. Thereafter, I will demonstrate how the guilt resulting from Lopez's actual execution is purified through Lopez's own act of mortification. By first placing and describing Lopez as the scapegoat in order to justify execution itself and then by describing Lopez's own act of mortification, I argue that the national news sources' tragic framing of Lopez's case allowed the public to accept his original death sentence and positioned his actual execution as a symbolic resolution to the drama.

The Rhetoric of Rebirth

In *Attitudes Toward History*, Burke (1984) writes, "In the face of anguish, injustice, disease, and death one adopts policies. One constructs his notion of the universe or history, and shapes attitudes in keeping" (p. 3). These "policies" are created in order to help people comprehend different human situations, and ultimately to decide whether they want to "accept the universe" or "protest against it" (p. 3). News stories provide a framework for viewing the world, and can influence how an audience should react to execution as well as how to view the

characters involved (Ott & Aoki, 2002; Chyi & McCombs, 2004; Holt & Major, 2010). In order to understand how Lopez's execution story also functions ideologically, it is helpful to adopt Burke's conceptions of *guilt*, *victimage*, and *mortification* (Burke, 1941; Burke, 1961). These concepts are components of the "rhetoric of rebirth," which includes the cycle of pollution, purification, and redemption.

Understanding Burke's "rhetoric of rebirth" in particular requires a more general understanding of rhetorical rituals. Hoban (1980) describes rhetorical rituals as "recurring acts of formalized language and gesture that are both instrumental and consummatory with neither motive seemingly dominant" (p. 276). In other words, the rhetorical ritual is dialectical, joining instrumental and consummatory symbolism, subjective experience and objective display, and the public and private spheres (Hoban, 1980). There are several purposes for rhetorical rituals, and three of these main purposes include:

- (1) to maintain the equilibrium between individuation, with its dominating subjectivity, and involvement, with its dominating objectivity;
- (2) to restore that balance after a momentary disruption; or,
- (3) to help to destroy the existing equilibrium in anticipation of a radically new one (Hoban, 1980, p. 279).

Put in simpler terms, the rhetoric of rebirth may maintain social stability (i.e. equilibrium), and allow a society to continue functioning as it was. At other times, this rhetorical ritual might produce a revolutionary new order (Hoban, 1980).

Changes in the life of an individual or society do not simply require practical and pragmatic adaptations, but these events also "call for symbolic responses—often in the form of rhetorical rituals of rebirth" (Hoban, 1980, p. 281). Thus, the "rhetoric of rebirth" occurs during transitional periods that make the "dysfunctional functional" (Hoban, 1980, p. 281), such as

changes in political leadership or the beginning of war. At the time of Lopez's execution, the United States was already in the transitional process in the capital punishment debate. Lopez's execution occurred on the tail of a widely publicized botched execution in 2014 (described in Chapter 4), and when public support for the death penalty was at its lowest in 40 years (Pew Research Center, 2015).

To understand the result of the rhetoric of rebirth it is important to look closely at its narrative structure, as the "effect of a rhetorical ritual depends mainly on its form" (Hoban, 1980, p. 282). Form is familiar because of its repetitive qualities, but "brings the *surprise* of recognition" (Erikson, 1966, p. 339). In newspaper accounts of Lopez's execution, the underlying form produced by the national news is a tragic frame of acceptance. In this frame, equilibrium is restored by way of Lopez's physical execution after the temporary disruption created by Lopez's original crime. In other words, I contend that the resultant form of these published stories does not create a new moral disposition amongst audiences toward the practice of capital punishment in the United States.

As mentioned previously, Burke's three-part rhetoric of rebirth includes the cycle pollution, purification, and redemption. Pollution is the "original state of guilt, an unclean condition of sins and burdens" (Foss, Foss, & Trapp, 2002, p. 209). When Burke employs the concept of *guilt*, he is not speaking of guilt in the legal sense of the term. Instead, he is working from a distinctly dramaturgical perspective, which uses the concept guilt as the result of the human tendency to create order: "Order leads to Guilt/ (for who can keep commandments!)" (Burke, 1961, p. 4) In other words, "Those 'Up' are guilty of not being 'Down,' those 'Down' are certainly guilty of not being 'Up.'" (Burke, 1966, p. 15). Guilt is part of the human condition and is "intrinsic in the... hierarchy produced by language" (Foss et al., 2002, p. 210). Language

also gives us a cultural matrix “within which hierarchies are embedded, and hierarchy results in guilt” (Bobbitt, 2004, p. 90). For example, a cultural matrix establishes shared ideas about who a criminal is and how he or she should behave, and therefore the label of “criminal” inherently creates social tension (i.e. guilt). In order to fix this social tension, guilt is purged through language used in relation to the criminal.

Two means for relieving guilt using symbolic action are victimage and mortification (Burke, 1941). These two processes are part of the “purification” stage of the rhetoric of rebirth, which is the step of “cleansing or catharsis, where the guilt is sloughed off” (Foss et al., 2002, p. 209). Foss et al. (2002) describe Burke’s (1941) concept of victimage as “the process by which guilt is transferred to a vessel or vessels outside of the rhetor” (p. 211). Execution by the state is one illustration of victimage (perhaps at its most literal), as it is the killing of criminals as scapegoats, purging *guilt* from the rest of society.

A scapegoat is a victim who is “selected to be the representative of unwanted evils and is loaded with the guilt of the victimizer” (Foss et al., 2002, p. 211). Understanding the scapegoating process through the lens of the criminal, Burke (1945) contends that “Criminals either actual or imaginary may... serve as scapegoats in a society that ‘purifies itself’ by ‘moral indignation’ in condemning them” (p. 406). Thus, society (here the “victimizer”) takes the criminal scapegoat—a foe that victimizers can all unite in shunning (Burke, 1941)—to move past the original pollution of their crime (which disrupts the social order) and purify itself. As a character in the symbolic drama, Lopez acts as a reminder of the “pollution” that already exists in society. This pollution includes the increasingly tense racial relations between police and non-white and low-income men, as well as the pollution created by civilian murder of police officers (symbolic protectors of the innocent). In order to keep Order, society might strive to keep this

pollution in check, and one way to do this is through casting out Lopez, thus eliminating the reminder of this pollution and purifying societal guilt. Moreover, because Daniel Lopez killed a police officer, it was easy for news sources to use Lopez as a scapegoat and employ a tragic frame in order to deal with the crime.

Importantly, Lopez's case does not only include the use of Lopez as a scapegoat by news sources, but also involves his own act of *mortification*. In contrast to victimage, "mortification is the process by which individuals make themselves suffer for their guilt or sins" (Foss et al., 2002, p. 211). Described in terms of death, victimage is "homicidal" while mortification is "suicidal" (Burke, 1961). Particularly in the cases of criminals who have committed what society deems a "heinous" crime, mortification is an important part of the process expected of these criminals by society. Any death row inmates who do not appear to suffer for their crimes may not be acceptable to audiences (such as parole boards). If mortification or victimage occurs, however, the rhetoric of rebirth may continue and society may move on to the last stage in the cycle: "redemption." Redemption is "a temporary rest or stasis that represents symbolic rebirth" (Foss et al., 2002, p. 211). In news stories about Lopez, the execution itself acted as a sort of redemption. The pollution resulting from his original crime was thereby purified, and news sources immediately chose to lay the story to rest. Peace was restored and the public moved on.

Analysis of a Tragic Execution

In the national news, the reporting of Lopez's execution begins in the midst of the pollution-purification-redemption process. Most articles were published either the day prior to when Lopez's death sentence was carried out, or directly after his execution on August 12, 2015. A short summary of the original crime (or "pollution," in this case) is usually described in each article, and most headlines specifically mention that Lopez was executed for killing a police

officer. For example, one Reuters article is titled, “Texas executes man convicted of killing veteran police officer” (Herskovitz, 2015a). Similarly, an Associated Press (2015b) article published in the *New York Times* is titled, “Man is Executed for Killing Officer.” These and other titles immediately place Lopez in opposition to the police force. Furthermore, regardless of whether the article was published the day before the execution or directly after it, each article describes *who* the character of Lopez is in specific ways. In other words, the names and descriptions given to Lopez suggest *how* readers should be for or against Lopez in the plot (Burke, 1984).

Polluting Daniel Lopez’s Character

While killing a police officer is an obvious form of *pollution* that inspires *guilt* within the rhetoric of rebirth, there is also more specific evidence of pollution in the articles written about Lopez directly prior to and after his execution. The first evidence of pollution in the Lopez case involves Burke’s (1966) concept of the “fecal motive,” which describes how rhetors use images and metaphors of excretion (consciously or unconsciously) in order to symbolically engage in purification. These connotations of physical excretion are prevalent because individuals can only remain “psychologically or spiritually healthy only by getting rid of the guilt or pollution of some aspect of the self” (Foss et al., 2002, p. 210). Images in rhetoric that indicate the presence of the fecal motive include the “fecal, sexual, and urinal orifices of the body; their products; anything resembling them in size, shape, or color; and the acts themselves” (Foss et al., 2002, p. 210).

In articles published about Lopez, many authors focus on Lopez’s past sexual offenses. Several writers, such as Graczyk (2015c), emphasize the fact that Lopez “was a registered sex offender.” Even more detailed is an Associated Press (2015d) piece that reads, “Records show

Lopez was on probation at the time after pleading guilty to indecency with a child.” In the same article, the writer states, “Testimony at his trial showed he had at least five children by three women, and a sixth was born while he was jailed for Alexander’s death.” They also write that “Court records show he had sex with girls as young as 14” (Associated Press, 2015d). While these offenses may be true, they do not relate to the death of the police officer in *Corpus Christi*, and indicate a motivation amongst news sources to pollute Lopez’s character. Sexual offenses against children and having multiple children through multiple women all indicate the presence of the fecal motive in the Lopez case.

Furthermore, the simple repetition of the word “desire” throughout almost every article published about Lopez helps emphasize Lopez’s lustful nature. There were several objects of Lopez’s “desire” found in these news sources. Writers indicate that he had a “desire to die” (Associated Press, 2015b; Associated Press, 2015c; Associated Press, 2015d; Graczyk, 2015b; Halperin, 2015), a “desire to use the legal system for suicide” (Halperin, 2015), a “desire to drop appeals” (Associate Press, 2015c; Graczyk, 2015c), and that he was “using the state to carry out long-standing desires to commit suicide” (Graczyk, 2015c). This simple word—inadvertently connoting sex drive or lust—also functions to pollute Lopez’s character in the story, and helps the audience move on to the second stage in the rhetoric of rebirth: “purification.”

A Goat on the Run

Two elements in descriptions of Lopez’s original crime make him an especially easy character to scapegoat, an individual against which the readers can define themselves. First is the coincidental, yet significant fact that the crime was committed in Corpus Christi, Texas—a name that is Latin for “body of Christ.” In a *New York Times* story, the deceased police officer is

described as “Lt. Stuart Alexander of the Corpus Christi police” (Associated Press, 2015b), which emphasizes Alexander’s inherent connection with the city.

Lopez, on the other hand, is not associated with the city in news articles. Because Lopez is logically placed in opposition to the town and the police officers protecting it, he is also placed in opposition to “Corpus Christi” in the symbolic drama. Graczyk (2015c) of the Associated Press writes, “Lopez is facing lethal injection for the 2009 death of Corpus Christi Lt. Stuart Alexander.” Being placed in opposition to the officer linked with the “body of Christ” is perhaps a minor detail, but one that does the character of Lopez no good. In order for a character to become a scapegoat, that character is first “included in the group, then assumes the group’s sins, and is finally expelled” (Foss et al., 2002, p. 211). Burke (1950) calls this original state of merger, *consubstantiality*. Lopez was once a member of the community of Corpus Christi, but then betrayed the protectors of that community and is therefore necessarily banished. Like Judas, Lopez betrays the “Christ” figure in the story, which ultimately helps him become an excellent scapegoat in the drama.

The second descriptive element that helps Lopez become an easy scapegoat is the way in which news writers describe Lopez in the car chase that led to Lt. Alexander’s death. Lopez is given very few human characteristics in each description, and is instead portrayed as either a wild animal that needs to be captured, or is described with weapon metaphors. For example, one Associated Press (2015d) author writes, “Mr. Lopez tried ramming his S.U.V. to escape and did not stop until he was shot.” In the same article, the author states that Lopez was “cornered by police cars” (Associated Press, 2015d). The words “ramming” and “cornered” are often used to describe the capturing of a rabid or brutish animal, yet are here employed to describe Lopez’s actions on the day of the crime. Furthermore, the phrase “did not stop until he was shot”

indicates that Lopez was so wildly out of control that he needed the equivalent of a tranquilizer in order for police to apprehend him.

Another Associated Press author, Graczyk (2015c), takes a similar approach when describing Lopez's crime: "When finally cornered by patrol cars, Lopez used his SUV as a battering ram trying to escape and wasn't brought under control until he was shot" (Graczyk, 2015c). Here, the metaphor of a "battering ram," actually elicits an image of both a male sheep and an ancient siege engine, and further emphasized the fact that Lopez is animalistic, inhuman, and dangerous. He needs to be "cornered," "brought under control," and then shot in order to force him to surrender. The same author writes that Lopez, "rammed several patrol cars, drove at a high speed with his lights off and hit Alexander like 'a bullet and a target'" (Graczyk, 2015c). The gun metaphor is damaging in that it links him with a destructive, lethal weapon.

Adding to the scapegoating of Lopez are the quotes of County District Attorney Mark Skurka about Lopez's character. In court he stated that Lopez was "amoral" and that he had "no moral scruples, no nothing. It was always about Daniel Lopez, and it's still about Daniel Lopez. He's a bad, bad guy" (Associate Press, 2015c). These statements paint Lopez as a selfish, unprincipled, and even evil human being. Particularly damning is the report of the portion of Skurka's argument when he argued that "Lopez showed 'no regard for human life'" (Associated Press, 2015b; Associated Press, 2015c; Associated Press, 2015d). Having no regard for human life also makes Lopez seem something *other than* human. Statements such as these prevent audiences from achieving *identification* with Lopez (Burke, 1950), as national news sources tend to extinguish his "humanness." In order for two parties—such as Lopez and the news-reading public—to achieve identification with one another, they must be "united in substance through common ideas, attitudes, material possessions, or other properties" (Foss et al., 2002, p. 192).

News sources present very few elements that might help the public achieve identification with Lopez.

Even descriptions from the defense do not seem to help Lopez's case in the tragedy. Lopez's attorney, David Dow, is quoted in several articles, stating that Lopez had a "well-documented history of irrational behavior and suicidal tendencies" (Associated Press, 2015c; Associated Press, 2015d; Halperin, 2015). While this statement may have been a tactical move in a legal setting, when circulated in newspapers, it only emphasizes Lopez's unacceptable or undesirable human qualities. The scapegoat in the frame is one who must be banished in order to restore moral order (Burke, 1941). Through descriptions of the dramatic crime, Lopez easily takes on this role. He is brutal, irrational, and dangerous—a "ram" that should be captured. The scapegoating of Lopez helps separate, or purify the audience from the original *guilt*, which includes both the killing of a police officer and Lopez's sexual sins. Ultimately, having no connection with Lopez helps the audience accept his execution, which leads to the next component of the Lopez tragedy: Lopez's own symbolic and actual act of mortification.

The Mortification of Daniel Lopez

Little is written in the nine articles about the process of Lopez's lethal injection. Only one article describes the actual act of death: "As the drugs took effect, he took two deep breaths, then two shallower breaths. Then all movement stopped" (Associated Press, 2015c). Instead, the focus of each piece is on the fact that Lopez dropped his appeals in order to speed up his own execution. Lopez's own mortification is by far the most significant aspect of the story in every nationally published article, and perhaps the singular reason that the media chose to focus its attention on his execution (albeit for only a few days). Mortification is self-sacrifice (Burke, 1961) and is "designed to slay characteristics, impulses, or aspects of the self" (Foss et al., 2002,

p. 211). Here Lopez is not simply slaying an aspect of himself, but is confessing his sins, sacrificing his body, and asking the state to actually slay him.

The fact that Lopez wanted to speed up his own execution indicates that he is committing mortification in the most literal sense. Graczyk (2015c) writes, “Lopez, who also wrote letters to a federal judge and pleaded for his execution to move forward, said a Supreme Court reprieve would be ‘disappointing.’” Another article states, “Lopez fought for years to speed up the date of his execution and to drop appeals for a stay of execution” (Reuters, 2015). Here, Lopez clearly would be “disappointed” if the state did not choose to execute him quickly. Associated Press articles are usually written in an “inverted pyramid” style that places the most newsworthy items at the beginning of the article (Rabe, 2008, p. 223). News stories about Lopez usually mention some aspect of his choice to drop his appeals and ask for state execution in the first line, which indicates the relative importance of this aspect of the story.

While many headlines also highlight the fact that Lopez killed a police officer, the focus of the story in each article is always Lopez’s desire to die. Part of what gives the story a dramatic resolution, is the fact that Lopez chose to take full responsibility and express guilt for his crime. In April of 2015, Lopez gave a statement to a local newspaper that was then published elsewhere: “It wasn’t on purpose... I killed a police officer because I tried escaping. And it was never intentional but I feel responsible” (Halperin, 2015). Lopez states that regardless of his intentions, he still takes on responsibility for the crime, which is the first step in the mortification process. He first feels responsible and then sacrifices himself in order to restore moral order.

Another Associated Press story stresses the fact that Lopez expressed that he should be killed for his sins: “He has said he did not intend to kill the officer but felt that he deserved to die for the crime” (Herskovitz, 2015a). Moreover, several articles quote a portion of the statement

Lopez made directly prior to his lethal injection: “I hope this execution helps my family and also the victim’s family” (Associated Press, 2015b; Associated Press, 2015c; Herskovitz, 2015a). He also makes a final apology to the people that he hurt: “I am sorry for putting y’all through this. I am sorry, I love you. I am ready” (Herskovitz, 2015a; Associated Press, 2015c). Lopez takes on guilt for his crime, with full recognition that his own death corrects the symbolic wrong that affects both the lieutenant’s family and his own. News sources emphasize the fact that he feels he “deserves” the punishment and that his execution will actually “help” people move on. Lopez apologizes, and even says, “I’ve accepted my fate” (Associated Press, 2015c). Thus, Lopez’s story was framed as a tragedy with a clear resolution. Lopez kills a police officer, takes on responsibility and guilt by refusing to appeal his execution and essentially chooses to die for the rest of society. Lopez commits *mortification* in both the actual and symbolic sense of the term. In the symbolic drama, execution by the state was Lopez’s “fate.” In other words, Lopez’s execution was the only fitting resolution and the pollution-purification-redemption cycle is complete.

Mortification as a Form of Victimage

While both victimage (scapegoating) and mortification exist in the Lopez case, mortification is the dominant frame, as this is the component of the symbolic drama that provides its dramatic potential. The fact that *both* victimage and mortification exist in the tragic frame is rhetorically significant. Rueckert (1982) observed that, “victimage of the self and others is often a means of mortification” (p. 150). This sort of relationship between mortification and scapegoating presents itself in the Lopez case, but I argue that it can be witnessed in reverse order. News sources present Lopez as a scapegoat, after which Lopez chooses to commit mortification (or scapegoating of the self). His mortification then removes the societal guilt

created by his original crime, just as victimage would do. However, mortification's existence as the dominant frame also allows for audiences to be resolved of guilt that might be caused by his actual execution.

Lopez claims that he killed the police officer by accident and would not feel the need to cleanse his own personal guilt. Nevertheless, he commits mortification, which means that his self-sacrifice involves more than just simple personal cleaning. Rueckert (1982) contends that "mortification and victimage [scapegoating] merge in so far as consciously willed self-sacrifice becomes a form of mortification" (p. 150). Lopez's own mortification merges with the victimage created and revealed by news sources. Importantly, mortification becomes more than simple *personal* cleansing—it become a way that Lopez (as a character) resolves *societal* guilt. The merger of mortification and victimage creates an ideal form of purification for news sources. Scapegoating alone is a more obviously vindictive way that a news source may shun a death row prisoner. However Lopez's mortification allows news sources to not only relieve societal guilt, but also to avoid the guilt created by the state's killing of a death row prisoner (the ultimate act of scapegoating). Ultimately, when this guilt is resolved through Lopez's mortification, there is no impetus for news sources to reflect on his case further.

A Wish Fulfilled

National coverage of Lopez's execution came to a halt two days after his execution on August 14, 2016. No national debate about the use of capital punishment for inmate "suicide" occurred as a result of his execution. The story reached stasis in the symbolic cycle, which allowed the audience to move on from the drama without inspiring debate. Certain articles mention that Lopez may have been suffering from depression or mental illness, but his illness is *his alone*: "attorneys argued Lopez's mental illness was responsible for him trying to use the

legal system for suicide” (Associated Press, 2015d). In other words, there is no mention of the fact that solitary confinement (in which Lopez was held after receiving his death sentence in 2010) can lead to “severe and chronic depression” and “confused thought processes” (American Civil Liberties Union, 2013, p. 7). Lopez is a tragic character—disconnected from the rest of society due to the victimage process in which Lopez is the scapegoat, and later solidified through his own act of mortification.

Lopez’s symbolic isolation from the rest of society is clarified through the specific wording used to describe his execution. Several news stories use the phrase “got his wish” (Associated Press, 2015b; Associated Press, 2015c; Graczyk, 2015c) *in conjunction* with the word execution, which functions to subdue the fact that Texas executed Lopez, and invites the audience to feel slightly disappointed that Lopez got what he wanted in the end. For example, the *New York Times* published a piece that begins, “Daniel Lee Lopez got his wish on Wednesday and was executed for striking and killing a police lieutenant” (Associated Press, 2015b). Lopez got his wish *and* was executed, but the executioner (the state of Texas) is never explicitly identified. Lopez used “the state to commit suicide” (Herskovitz, 2015a), so the state is no longer responsible for his death. In other words, Lopez is an agent—he commits the act (dropping his own appeals) that leads to his death. Within the context of these news stories, the criminal justice system had little or no agency in the process.

Moreover, Lopez is portrayed as a dangerous criminal with “no regard for human life.” Therefore, in the majority of the articles written about his execution, wish fulfillment becomes a sort of injustice in the end. At the same time, however, the phrase acts as a fitting ending to the tragic plot, as his own mortification alleviates societal guilt created by his crime. The audience created by the text is not happy that a criminal like Lopez “got his wish,” but still accepts that

this was his ultimate fate and their guilt is purified. Moreover, the phrase “got his wish” directs attention away from the fact that capital punishment is considered by many as murder by the state, and transforms it into a wish fulfilled in a tragic plot. The audience is ultimately able to move on.

Implications

Lopez was executed by the state of Texas three days before his 28th birthday (Texas Department of Criminal Justice, 2016b). He is survived by six children and it is still unclear whether the original crime was an accident or a spur-of-the-moment decision made under intense stress. “It’s a horrible dream,” Lopez said from death row. ‘I’ve replayed it in my mind many times” (Graczyk, 2015c). Before Lopez was executed, he sent 36 letters to several entities (including the governor’s office) attempting to persuade them that death row prisoners should be able to donate their organs so that they could save lives. He wrote a letter to the *Corpus Christi Caller-Times* stating, “I’ve sat here for five years thinking of all the mistakes I’ve done and how I could do my part and give back to others” (Torralva, 2015). Thus, Lopez may indeed feel the need to purify himself through his execution. Still, the main focus of Lopez’s execution in the national news was his desire to die—a desire that merges societal scapegoating with his own mortification and helps resolve societal guilt about his crime and his resultant execution.

Investigating a case such as Daniel Lee Lopez’s helps shed light on how the news media’s framing of an execution also functions ideologically. Specifically, through their telling of an execution story, the national media helps the public negotiate the centers, margins, and relationships of power. Lopez is the main character in the plot but the overarching power structures (i.e. the state of Texas and the United States criminal justice system) are constantly vying for Lopez’s body. Still, Lopez is portrayed as a character that has some agency in the

scene. He wants to die so his tragic ending is death. One reporter writes, “He was assigned to a psychologist, who reported that Lopez held an ‘increasingly firm’ opinion that he’d rather a death sentence than live the rest of his life in prison” (Halperin, 2015). Lopez’s “firm” opinion to be killed invites the audience to understand that Lopez has some power in his own death, even though a death sentence was bestowed on him by the state.

The execution story is also focused solely on Lopez as the main character. The scene, or the larger historical context within which “voluntary executions” occur, is not addressed by news sources. Instead, Lopez’s own wish fulfillment and “desire to die” is the focus of the plot. He is made to look like a unique case, even though over ten percent of executions since 1976 were of death row inmates who dropped their appeals and chose execution (American Civil Liberties Union, 2013). In the drama played out in the news, the relationship between Lopez and the state is ultimately one where Lopez was given the power to control his own fate, regardless of the relative powerlessness he had in the situation. This component of the drama is significant, because it aids in the resolution of societal guilt for his execution, as blame shifts from society to Lopez as a character.

Furthermore, the specific descriptions used to illustrate Lopez help the audience decide *how* they should be for or against him. By first isolating death row inmates then scapegoating them for their crimes, I argue that tragically framed execution stories ultimately function to reproduce a discursive system of prejudice against criminals that naturalizes the eventual death event. The Lopez case is only one demonstration of this naturalization. The verbs used to describe Lopez are ones generally associated with animals (ram, corner, escape), and writers often chose weapon metaphors to portray Lopez’s actions on the day of the original crime. When an audience feels that it is undesirable for a dangerous and uncontrollable cop-killer to get what

they want, the writer can “cash in” (Burke, 1984, p. 93) on this belief. The phrases “desire to die” and “getting his wish” are phrases that act as blanket terms to help negotiate the problem that audiences experience about his execution: Lopez should not get what he wants, but since he wants to die anyway, execution makes sense and everything can return to normal. In other words, Lopez’s act of mortification, as the dominant frame in the symbolic drama, invites audiences to forget that he is in fact a scapegoat that is killed in order to purify societal guilt. Lopez’s death becomes natural, even necessary for the drama.

Conclusion

In the tragic frame, the scapegoating and mortification of Lopez suggests that death is the most logical and appropriate ending to the pollution-purification-redemption process played out in the news. While blaming the news media for the recurrence of capital punishment would be unfair, cases like Lopez’s show how the news can reproduce a discursive system of prejudice against criminals that naturalizes the idea of the death penalty. Lopez is the primary agent in the human-interest execution story, and there is no mention of the devastating effects of solitary confinement or problems with the practice of capital punishment in general.

Indeed, Bennett (1988) writes that one consequence of personalized news is that it “gives preference to the individual actors and human-interest angles in events while downplaying institutional and political considerations that establish the social context for those events” (p. 26). Yet again, Texas intentionally killed one of its civilians, but this is not the focus of Lopez’s story in the national news. Instead, a death row inmate simply received the punishment that he “desired.” The combination of the use of mortification as the dominant frame in the Lopez case reveals the logic behind capital punishment’s support in the United States. Death row inmates serve as reminders of our societal pollution. Mortification provides a marvelous way for

audiences to purify themselves of societal guilt created by crime, racial tension, and even the practice capital punishment itself.

Chapter 3: Kelly Renee Gissendaner and the Guilt of Bad Motherhood

The relationship that Kelly Renee Gissendaner had with her husband, Doug Gissendaner, was complicated. The couple had one child together but the relationship was on-again, off-again from 1989 to 1997. At one point they even chose to get divorced and remarried (*Gissendaner v. State*, 2000). Kelly had two additional children by other men, one from an alleged date rape (Estep, 2015). In the mid-1990s, Kelly and Doug were going through a period of separation, and Kelly began dating a man named Gregory Owen. Kelly declared to her friends that she was in love with Owen, and the two began to conspire to murder Doug so that Kelly could receive the insurance money. On the evening of February 7, 1997, Kelly and Owen drove to the Gissendaner household where Owen hid inside waiting for Doug with a candlestick and a knife. Kelly then met up with her friends and went out dancing at a nightclub. When Doug got home, Owen accosted Doug and led him out into the woods with the knife at his throat. Owen then committed the murder by hitting Doug in the head with the candlestick and stabbing him multiple times in the neck. In order to make the murder look like a robbery, Owen took Doug's watch and his wedding ring. Kelly returned home around the time the murder was taking place, after which Owen burned Doug's automobile with kerosene provided by Kelly (*Gissendaner v. State*, 2000).

DNA evidence immediately proved Owen's guilt, but Kelly initially denied her relationship with him (*Gissendaner v. State*, 2000). Testimonies from Owen and a witness as well as incriminating phone records eventually led to Kelly's arrest (*Gissendaner v. State*, 2000). Both Owen and Kelly were offered plea deals (Cook, 2015), and Owen took the deal and agreed to confess and testify against Kelly in exchange for a life sentence with possibility of parole after 25 years. Kelly (hereafter referred to as Gissendaner), on the other hand, rejected the plea deal and was subsequently sentenced to death by a jury in Georgia. Her attorney regretted her

decision, later stating that “he didn’t think she would get the death penalty because she didn’t actually kill her husband and because ‘she was a woman’” (Bever, 2015).

Indeed, there is some merit to her lawyer’s brief statement. The United States has executed only 16 women (including Gissendaner) since the death penalty was reinstated in 1976, which contrasts sharply with the 1411 men executed in the U.S. since that time (Death Penalty Information Center, 2016a). Fourteen of these 16 executed women were convicted of murdering (or conspiring) to murder men. Adding to the dramatic nature of Gissendaner’s execution was the fact that she was the first woman executed in Georgia since World War II (Berman, 2015a). In 1945, a Black maid named Lena Baker was electrocuted by the state of Georgia after shooting a White man in self-defense. She was found guilty by a jury of twelve White men, and in 2005 was posthumously pardoned by the Georgia parole board (Berman, 2015d). As of 2016, seventy-two inmates are currently awaiting their death sentence in Georgia, all of whom are men (Georgia Department of Corrections, 2016).

While the media’s attention to the Gissendaner execution was, in part, due to the controversy fostered by the sporadic execution of women, other factors also played into the story’s circulation in the public sphere. One *Washington Post* article claimed, “Gissendaner’s case had attracted increased attention due in part to her religious efforts inside of prison, as theologians and religious leaders called on the state to call off the execution” (Berman, 2015b). Gissendaner’s “religious efforts” as well as her demonstration of mothering qualities toward other inmates also helped the story gain dramatic prominence in the months leading up to her execution. I believe that the underlying form of the Gissendaner case is redolent of the media’s framing of other executions of women, such as the electrocution of Lena Baker in 1954 or the lethal injection of Aileen Wuornos in 2002. Thus, my aim in this chapter is to show how the

female execution story functions to reaffirm the dominant set of discourses that frequently utilize maternal appeals when describing women. While these appeals can be used to both benefit and impede incarcerated women (Buchanan, 2013), the rhetorics of motherhood are a “slippery rhetorical terrain” (Buchanan, 2013, p. xvii) that should be further investigated in the context of the execution of women.

One striking aspect of the reporting of Gissendaner’s execution is the journalists’ use of what Weaver (1953) describes as *god* and *devil terms*. Weaver (1953) defines a *god term* as an “expression about which all expressions are ranked as subordinate and [that serves] dominations and powers” (p. 212). In other words, they “establish the scale of comparison and thus diminish the force of other terms” (Buchanan, 2013, p. 8). *Devil terms* are the counterpart to *god terms*: “If god terms attract, then devil terms repulse; if god terms invite approval, then their opposites merit reproach” (Buchanan, 2013, p. 8). Buchanan (2013) argues that the “Mother” operates as a god term within public discourse, and that “Woman”—the antithesis of Mother—operates as the corresponding devil term. The media’s emphasis on Gissendaner’s transformation from the evil Woman into the spiritual Mother prior to her execution indicates that motherhood is a persuasive appeal that rhetors can utilize when debating the fate of a female death row inmate. Moreover, it suggests that the Woman can be killed, but the Mother should be spared. For example, the execution of childless female inmates, or simply inmates who do not express Mother-like qualities may be easier for the public to accept.

The presence of these terms also reveals the ideological consequences of symbolic naming. In this chapter, I argue that the use of god and devil terms in news articles about Gissendaner’s execution functions in two ways. First, I contend that descriptions of her execution function as a symbolic catharsis resulting from the guilt of bad motherhood—a

catharsis that is achieved through the purgation of the Woman. Moreover, this tragic frame, which includes Gissendaner's transformation from Woman to a Mother before her death, ultimately shuts down deliberation about her execution.

In this chapter, I first provide an overview of Buchanan's (2013) *Rhetorics of Motherhood*, which draws upon the work of Burke (1984) and Weaver (1953). I then offer an analysis of 18 national news articles published in the eight months preceding Gissendaner's execution on September 30, 2015. These articles were published in the *New York Times*, *The Wall Street Journal*, and *The Washington Post*. Unlike Daniel Lee Lopez, newspapers assigned a reporter or two to the Gissendaner case, so the majority of the articles I cite did not originate from the Associated Press or Reuters. I finish the chapter with a brief overview of the ideological implications of the tragic framing of Gissendaner's case, and the consequences of the media's use of maternal appeals in the context of the criminal justice system.

Rhetorics of Motherhood

Buchanan (2013) argues that the rhetorics of motherhood both benefit women by giving them authority and credibility, but also impede them by, "always/already positioning them disadvantageously within the gendered status quo" (p. 5). To examine the rhetoric of the Mother in public discourse, Buchanan (2013) explains motherhood as a cultural code that can be used by rhetors for the purposes of persuasion. In particular, the Mother "invites—perhaps even commands—prescribed emotional responses such as respect, obedience, and love" (Buchanan, 2013, p. 7). Importantly, the Mother both encourages identification but also discourages critical distance, "in effect shutting down analysis, discussion, deliberation, reflection, and nuance" (Buchanan, 2013, p. 7).

Mother and Woman

To understand the code of motherhood in rhetorical terms, Buchanan (2013) builds on Weaver's (1953) notion of god and devil terms, and explains them in relation to "Mother" and "Woman." Buchanan (2013) argues that the god term, Mother, "connotes a myriad of positive associations, including children, love, protection, home, nourishment, altruism, morality, religion, self-sacrifice, strength, the reproductive body, the private sphere, and the nation" (p. 8). Its corresponding devil term, "Woman," invokes negative attributes, such as "childlessness, self-centeredness, work, materialism, hysteria, irrationality, the sensual/sexual body, and the public sphere" (p. 8). Buchanan (2015) contends that when women—especially mothers—fail to manifest the characteristics of the "Mother," they "stir negative emotions and garner distrust, thereby running serious risk of ethical diminishment and social rejection" (p. 19).

Moreover, the Mother and Woman afford rhetors "means for exalting or denigrating women, as does the terrain that falls between the extremes" (Buchanan, 2015, p. 9). In other words, women are constantly positioned along the Woman/Mother continuum, and their placement dictates their cultural and social acceptance. For example, if a woman is childless yet exhibits motherly traits, she is often portrayed positively (e.g. Mother Teresa). However, "inching a mother toward the Woman end of the continuum is a sure way to demean her" (Buchanan, 2013, p. 10). Thus, the Woman/Mother continuum and corresponding god and devil terms shed light on both the positive and negative aspects of motherhood's cultural constructions and its rhetorical implications (Buchanan, 2013).

Weaver's (1953) conception of god and devil terms relates closely to Burke's (1984) understanding of symbolic naming, as these terms are labels through which the audience may judge each woman. Burke proposes that names, "prepare us *for* some functions and *against* the

persons representing those functions. The names go further: they suggest *how* you shall be for or against” (Burke, 1984, p. 4). The term “Mother” would affect the audience’s perception of events by creating “frames of acceptance,” which are “organized systems of meanings by which a thinking man gauges the historical situation and adopts a role with relation to it” (Burke, 1984, p. 5). Specific word choices and names create an attitude and orientation, “shaping individuals’ views of reality and thus generating different motives for their actions” (Foss, Foss, & Trapp, 2002, p. 199). How a news source names a convicted woman (e.g. a “obsessive mother” or “remorseful grandmother”) will have an impact on the public’s perception of each woman. These names can ensure that the woman is a tragic hero or a sympathetic fool (Burke, 1984). Therefore, naming creates an attitude that the audience is encouraged to adopt regarding each particular death penalty case.

Purging the Woman

Understanding the rhetoric of rebirth, which can include *victimage* or *mortification* (Burke, 1941) through the lens of motherhood, Buchanan (2013) writes, “Woman is the antithesis of Mother—the dark to its light, the failure to its success—and a necessary scapegoat” (p. 8). Thus, when a woman does not demonstrate qualities of the Mother, she may be assigned qualities of the Woman by news sources or the prosecution, which makes her easier to “kill” both symbolically and physically. While a language system (e.g. one that includes the god term Mother) creates guilt, it is also “the means through which that guilt is purged” (Foss et al., 2002, p. 210). Thus, newspaper reports of the execution of women are one way to observe and assess the process of purging the symbolic guilt of the Woman (i.e. bad Mother).

When a female death row inmate does not show remorse for her sins, she is particularly prone to scapegoating and victimage—because showing any lack of love, empathy, or morality

works directly against social constructions of the Mother. If, however, a female inmate commits mortification, *and* successfully expresses Mother qualities, she may have a more positive symbolic outcome. In other words, the woman may still be physically executed, but she may become a tragic mother figure that the public can “root for” prior to her execution. However, in order to create positive outcomes, the Woman in the frame must be purged, which may produce a dilemma for certain female inmates. Thus, looking closely at the news media’s use of god and devil terms, as well as the presence of victimage or mortification in the Gissendaner case, reveals how maternal appeals are used in state executions of women.

Analysis of Gissendaner’s Symbolic Transformation

In news stories in the months leading up to Gissendaner’s execution, her spiritual transformation in prison becomes a key point of emphasis. While these news articles focus on her spirituality and gender for dramatic emphasis, most give a brief overview of the offenses that led her to death row in the first place. Not surprisingly, her ultimate spiritual transformation is made more evident because of Gissendaner’s negative portrayal in the descriptions of her original crime. Analyzing the language used in these descriptions sheds light on the way in which Gissendaner’s Woman qualities are purged to make way for her eventual metamorphosis into the spiritual Mother.

The Polluted Woman

Recall that Woman and its corresponding devil terms invoke the negative attributes of characters in a symbolic drama (Buchanan, 2013). In the descriptions of Gissendaner’s original crime published in national newspapers, her self-centeredness, materialism, irrationality, and sexuality are highlighted as primary motives for the murder. Moreover, these stories place emphasis on her ability to convince Owen to commit a murder, as if he had no part in it:

“[Gissendaner] was sentenced to death for persuading her boyfriend to murder her husband” (Oppenheimer, 2015; Blinder, 2015a). Another article states, “Ms. Gissendaner has admitted to persuading a man with whom she was involved to kill her husband” (McWhirter, 2015a). These descriptions are significant, as they create the sense that Gissendaner has committed not one, but two crimes against the men in her life. First she coerces her boyfriend into murder, which then causes the death of her husband. In other words, while Owen was a part of the plot to kill Gissendaner’s husband, newspapers tend to assign Gissendaner the primary responsibility. For example, “courts found that Ms. Gissendaner plotted the stabbing death of her husband by her boyfriend, Gregory Owen” (Associated Press, 2015a). Here, “Ms. Gissendaner” is the primary agent in the scene. She plots the stabbing death of her husband, and her boyfriend becomes a more passive character.

Furthermore, her actions are depicted as driven by Woman qualities such as irrationality and self-centeredness. These two characteristics are both exemplified in an article published in *The Wall Street Journal*: “Rather than divorcing her husband again, she pushed Mr. Owen to kill him. Acting on her instructions, Mr. Owen ambushed her husband while she went out dancing with friends” (Associated Press, 2015a). First, the article implies that asking for another divorce was the more rational choice that Gissendaner rejected. (Of course divorce is the more rational choice, but in the story it functions to highlight Gissendaner’s irrational nature.) Second, the article states that Gissendaner “pushed” Owen to kill her husband, and that Owen was acting only on “her instructions.” Gissendaner also goes “dancing with friends” while the murder is taking place, which also invokes the selfish pursuit of pleasure: Gissendaner essentially pushes Owen to do her dirty work while she enjoys herself. Thus, Gissendaner (as the Woman character) becomes a scapegoat.

Another Woman characteristic demonstrated in news articles about Gissendaner in descriptions of her original crime is her sexuality. This sexual nature is elevated by the fact that she was dating Owen while she was married to her husband: “She was a 28-year-old mother of three children. And she had an on-again, off-again lover in Mr. Owen” (Associated Press, 2015a). Gissendaner has a “lover” on the side, which highlights the inappropriateness of this relationship and her own evident sexuality. Another article states: “Gissendaner had a complicated on-again, off-again relationship with her husband, Douglas Gissendaner” (Bever, 2015). The contrast between her motherhood and her “on-again, off-again” love affair creates a sense that Gissendaner was a bad wife and mother. The symbolic Mother is altruistic, and would sacrifice everything for her family, while Gissendaner is clearly self-centered and concerned with her own illegitimate love affair with her boyfriend.

In one of the more theatrical portrayals of Gissendaner’s crime, Bever (2015) of the *Washington Post* begins an article with the following: “She was in her late 20s and caught in a love triangle with her husband and her boyfriend when, one chilly night in February 1997, she persuaded one to kill the other.” Along with her choice to go dancing with friends, the “love triangle” metaphor also invokes Gissendaner’s sexuality, which further moves her toward the Woman end of the Mother/Woman continuum (Buchanan, 2013). The writer’s use of the term “one chilly night” paints an eerie scene also generates an image of Gissendaner as an evil temptress in the symbolic drama.

Apart from her sexuality, irrationality, and self-centeredness, Gissendaner’s materialistic qualities are also highlighted in national news stories. For example, newspapers tend to emphasize the fact that one motivation behind her husband’s murder was the subsequent insurance money she would receive: “Ms. Gissendaner... was convicted in 1998 of colluding

with her then lover, Greg Owen, to murder her husband, partly for insurance money” (McWhirter, 2015d). Similarly, an Associated Press (2015a) article published in the *New York Times* states that Georgia’s Supreme Court “voted 5-2 on Monday to deny her motion, citing Mr. Owen’s testimony that she pushed for murder rather than divorce so that she could get her husband’s insurance money” (Associated Press, 2015a). Thus, news articles create the idea that Gissendaner not only convinced another man to commit murder, but was also a materialistic, selfish, and unreasonable Woman.

Prior to her execution, Gissendaner herself symbolically expunges her past Woman characteristics and attempts to demonstrate that she has transformed: “I am fully responsible for my role in my husband’s murder... I had become so self-centered and bitter about my life and who I had become, that I lost all judgment” (Bever, 2015). Here she expresses her responsibility and recognizes her own “self-centeredness,” “bitterness,” and irrational judgment, and acknowledges the need to purge these qualities in herself prior to her own execution. While these are undesirable human qualities in any case, they are typical devil terms associated with the Woman. Moreover, Gissendaner’s expression of responsibility becomes a form of *mortification*, but a less obvious or complete form than was presented in news stories about Daniel Lopez. Gissendaner accepts responsibility (a form of suffering for one’s sins), yet attributes guilt to the person she *was*, not the person that she *is*. She actively separates herself from herself as the Woman, so she does not fully commit mortification because she is no longer the guilty Woman. Ultimately, the devil terms used in portrayals of Gissendaner set her up for the second stage in the pollution-purification-redemption cycle: the purgation of the Woman and subsequent creation of the purified Mother.

The Purified Mother

While Gissendaner is portrayed as a Woman character in descriptions of her original crime, national news articles bestow qualities of the Mother upon her directly before her execution. Particular emphasis is placed on her religious metamorphosis, the love and compassion she showed toward other inmates, her altruism, and her actual children who begged for her life to be spared. Another way of understanding Gissendaner's "spiritual transformation" in prison (Berman, 2015a; Berman, 2015c; Berman, 2015d; Bever, 2015; Blinder, 2015b; McWhirter, 2015b) is through the *victimage* process whereby Gissendaner as the "Woman" is scapegoated, purged, and eventually transformed into the "Mother." In other words, the Woman Gissendaner used to be becomes a scapegoat in the media's presentation of her, and the national audience may be more likely to identify with her because she defines herself in opposition to the evil Woman.

There are numerous ways in which an audience might achieve *identification* with Gissendaner, and one of these "features the operation of antithesis and involves the creation of identification among opposing entities on the basis of a common enemy" (Foss et al., 2002, p. 192). Gissendaner (as portrayed by the national news) uses her past Woman qualities as an antithesis, and thus unifies with the larger public that possesses the same common enemy or scapegoat: the Woman. Burke (1950) writes, "At the stage of blunt antithesis, each class would deny, suppress, exorcise the elements it shares with other classes. This attempt leads to the scapegoat" (p. 141-2). Looking closely at how Gissendaner's Mother qualities are described in the news illuminates how the public could achieve identification with her before her death. The *consubstantiality* between audiences and Gissendaner is bolstered by the sharing of a common enemy (Woman) and through the sharing of common interests or "substance" (religion,

motherhood, and love). However, as I will demonstrate later, despite this consubstantiality audiences might feel for Gissendaner, the narrative structure of the execution still causes her execution to be a fitting resolution to the tragic drama.

Establishing religious ethos. Buchanan (2013) argues that the Mother is associated with religion and morality. That being said, it is not uncommon to hear about religious transformations for male and female prisoners alike. “Finding God” has become so commonplace that inmates now need to prove that their conversion is genuine to parole boards. In articles published in the eight months leading up to her execution, writers verified Gissendaner’s spirituality by placing her on the same level as theologians and other religious figures. One *New York Times* story is titled, “A Death Row Inmate Finds Common Ground With Theologians” (Oppenheimer, 2015). The same article states that she “became pen pals with one of the world’s most prominent theologians, [Jürgen Moltmann]” and that “during her year of study, she became a passionate student of Christian thinkers” (Oppenheimer, 2015). McWhirter (2015a) of the *Wall Street Journal* also writes, “While in prison, Ms. Gissendaner has studied theology, earning a degree and corresponding with religious thinkers.” The “common ground” Gissendaner shares with her “pen pal” theologians, as well as her newfound passion for Christianity elevates her moral status and gives her religious *ethos*. These effects ultimately function to help purge her past Woman qualities and move her toward the status of Mother.

Several news stories even associate Gissendaner with Pope Francis, who urged the United States to abolish the death penalty a week before Gissendaner’s execution (Berman, 2015c; Berman, 2015d; Blinder, 2015b). One title reads, “Georgia Executes Woman on Death Row Despite Clemency Bid and Pope’s Plea” (Blinder, 2015b). The title places Gissendaner in opposition to the state of Georgia, with the pope on her side of the matter. The same article

states, “Ms. Gissendaner later achieved some renown for her spiritual development during her incarceration, and the pope tried to intervene on Tuesday” (Blinder, 2015b). Not only is Gissendaner in correspondence with theologians and defended by the pope, but she gains “renown” in prison for her development. Descriptions of her spiritual progress and ultimate transformation promote identification with Gissendaner and help change the audience’s unfavorable attitude toward her. In other words, Gissendaner becomes a trustworthy Christian Mother, which helps her move beyond her past crimes as a Woman.

Gissendaner’s metamorphosis is described in several different ways throughout news stories. Bever (2015) labels it a “religious conversion,” while Berman (2015a) writes about her “profound spiritual transformation” during her “18 years behind bars.” Gissendaner reportedly earned “a theology certificate from a program run in part by Emory University’s school of theology, where her supporters have been holding prayer services” (McWhirter, 2015b). Her theology certificate and presence of pious supporters also aids Gissendaner’s association with the spiritual Mother. While Gissendaner as the Woman was poorly behaved and selfish, writers emphasize her good behavior in prison, even calling her a “model inmate” (Bever, 2015; McWhirter, 2015b). Gissendaner thus achieves a form of perfection as a female death row inmate.

In their commentary about Burke’s (1966) concept of *perfection*, Foss et al. (2002) write that the principal operates “regardless of the ends that individuals conceive as ultimate, and these ends may be positive or negative, beneficial or destructive” (p. 207). Moreover, “A man may strive to be the perfect criminal... just as he may seek to become the perfect teacher” (Foss et al, 2002, p. 207). Gissendaner’s new role as a spiritual Mother on death row helps audiences

identify and sympathize with her prior to her execution, since she has achieved a form of *perfection* within the hierarchy of the prison system.

Other sources go into detail about Gissendaner's spiritual practices. One reported, "She's asking really hard questions about God... She'd lose an appeal, and ask, 'Where is God in this? Or, 'I'm mad, I'm having trouble praying'" (Oppenheimer, 2015). Revealing the struggles that Gissendaner has with her own faith further shapes the audience's ability to identify with her. One witness to Gissendaner's execution stated that before she was executed, she "apologized for what she had done" (Berman, 2015d). The witness also states that when the execution began, "Gissendaner began to sing 'Amazing Grace' and 'sang it all the way through'" (Berman, 2015d). In particular, the description of Gissendaner singing a common spiritual hymn (often sung at funerals) creates a powerful association that audiences can recognize and relate to. In news stories, Gissendaner achieves a true symbolic transformation from the evil temptress into a God-loving woman who regrets her past mistakes. On the surface, this spiritual transformation may appear to work in Gissendaner's favor, but I later argue that this transformation story ultimately functions to distract audiences from larger problems with the criminal justice system.

The mother of three. In conjunction with the emphasis on Gissendaner's spiritual transformation, is the presence of Gissendaner's actual children in news stories prior to her execution. Unlike the Lopez case—where his five children by three women only serve to pollute his character—Gissendaner's three children (by three men) function to purify her character in stories published prior to her execution. One article states, "Ms. Gissendaner's daughter and two sons—who want their mother to be spared—sat silently in the meeting room, patting each other's backs for support and trying to avoid photographers" (McWhirter, 2015d). While Gissendaner's children are adults at the time of her passing, their age is not specified, and the image of their

suffering becomes the pathos of the story (instead of Gissendaner's execution itself). Tragically, her children are forced to hide from photographers and comfort each other as their mother's life is on the line.

Gissendaner's children also play an active role in trying to save their mother's life. One article states, "Some posted videos on social media, showing two of her children's pleas for their mother to be spared" (McWhirter, 2015b). Another article reads, "[her children] wrote letters to the parole board emphasizing that their mother had changed and become, as [daughter] Kayla put it, 'a woman full of love and compassion'" (Berman, 2015a). Gissendaner's children attempt to save their mother's life, but also symbolically provide news sources with a way to establish an emotional connection with Gissendaner as the Mother character. Her children emphasize her "change" into a loving and compassionate person, which purges her past Woman characteristics. Gissendaner's motherhood then extends beyond her status as a mother to her actual children, and is associated with Mother qualities such as love and selflessness.

The loving Mother. In a photograph of taken outside of the Georgia prison published in *The Wall Street Journal*, protestors hold up a poster saying, "KELLY IS LOVED" (Mcwhirter, 2015a). Buchanan contends that altruism, love, and nourishment are all components of the Mother. These three qualities play a strong role in descriptions of Gissendaner prior to her execution. For example, "[Gissendaner's] supporters argue her religious study behind bars and compassionate counseling of other prisoners have earned her clemency" (Mcwhirter, 2015b). She is thus more than an actual mother of children, but she also acts as a symbolic Mother to fellow prisoners. Two newspapers quote Gissendaner's religious advisor, Jürgen Moltmann, as saying, "I have found her very sensitive, and not a monster, as the newspapers depicted her" (Bever, 2015; Oppenheimer, 2015). Moltmann actually acknowledges the monstrous scapegoat

that Gissendaner became in media portrayals, and replaces this depiction with the motherly quality of “sensitivity.” The purgation of Gissendaner’s earlier evil characteristics and transformation into the sensitive and compassionate Mother are an important part of her eventual purification.

Gissendaner is also praised for the mothering qualities that she demonstrates to fellow female prisoners. News sources report that these women credited Gissendaner “with their spiritual growth in prison” (McWhirter, 2015b). In another article, McWhirter (2015c) writes, “Several ex-prisoners have come forward to say Ms. Gissendaner, the only woman on Georgia’s death row, helped them spiritually in prison” (McWhirter, 2015c). Moreover, “one guard discussed her calming effect on women who were suicidal or had mental illnesses” (Oppenheimer, 2015). Here, Gissendaner’s naturally “calming” and nurturing demeanor is used as a persuasive tool. While she once was an evil temptress (or scapegoat), she now expresses Mother qualities and should not be executed.

The following argument, published in the *Washington Post*, demonstrates this persuasive nature of Gissendaner’s motherhood in detail:

In her clemency request, Gissendaner’s attorneys argued that her spiritual changes and outreach in prison have been “life changing” for other inmates. The request included statements from other inmates discussing the work she has done to help them, including comments from those who say they would not have made it out of prison without her (Berman, 2015d).

While Gissendaner’s motherhood is already expressed through her religious conversion, her “outreach” in prison, and ability to change the lives of other inmates shapes her Mother persona

even further. Inmates comment on the “work she has done to help them,” and that without Gissendaner, they would have never made it out of prison.

Gissendaner is not only given credit for her spiritual outreach, but is also said to have helped suicidal inmates avoid their own death: “A former guard called her a comfort to women in the prison who were suicidal or mentally challenged” (Bever, 2015). In a personal and vivid description, Bever (2015) writes about the experience of one inmate in particular: “Nikki Roberts, 40, said in an interview that Ms. Gissendaner counseled her through an air vent from an adjoining cell after she attempted suicide” (Mcwhirter, 2015b). The vivid descriptions used in this anecdote create a strong emotional appeal. Gissendaner could “talk to those ladies and offer them some sort of hope and peace” (Bever, 2015). Thus, Gissendaner, through her nurturing and loving qualities, was a comfort, a lifesaver, and a selfless Mother. Ultimately the presence of her own religious transformation, her own children, and her nurturing qualities help purge the evilness created through the original descriptions of her as a Woman. Gissendaner is symbolically purified, which includes transforming into the Mother, and ultimately takes on its positive associations.

Redemption in the Private Sphere

Buchanan (2013) argues that the Woman is associated with the public sphere, while the Mother is associated with the private sphere. In the news stories published in the months leading up to Gissendaner’s execution, Gissendaner’s symbolic placement in the private sphere becomes more apparent. Specifically amongst writers for *The New York Times*, a symbolic battle occurs between these two spheres in relation to her execution. State officials, prosecutors, and the prison system become Gissendaner’s opponents, and this battle ultimately leads Gissendaner to the last stage of the rhetoric of rebirth cycle: Redemption.

Redemption is a stage that involves “a temporary rest or stasis that represents symbolic rebirth” (Foss et al., 2002, p. 211). In news articles, the opposition between the public and private sphere is first established before Gissendaner’s redemption occurs. For example, one reporter writes, “Ms. Gissendaner’s lawyers argued that bumbling state officials had essentially forced Ms. Gissendaner to face ‘hours of unconstitutional torment and uncertainty’” (Blinder, 2015b). Here, the “bumbling” and incompetent state officials force Gissendaner (now the Mother), to face hours of torment. Moreover, Oppenheimer (2015) writes, “halfway through her yearlong program, a new prison administration would not let [Gissendaner] out of her cell for coursework” (Oppenheimer, 2015). Gissendaner is portrayed as a prisoner who wants only to study, with the “new prison administration” capturing her in her cell.

However, the prison administration is not her only enemy in the public sphere: “Ms. Gissendaner was put to death after the federal courts refused to intercede and the state panel turned down an application for clemency that drew the support of Pope Francis” (Blinder, 2015b). Highlighting the courts and state agencies indicates a clear public (Woman) versus private (spiritual Mother) distinction. This clemency denial is also described negatively here: “Professor McBride saw Ms. Gissendaner moments after the petition for clemency had been denied... [This denial] was pure evil wrapped up in this respectability and law” (Oppenheimer, 2015). The prison administration and federal courts representing “pure evil,” are all working against the transformed Mother.

Importantly, Gissendaner’s new status as the spiritual Mother in the private sphere leads her to a symbolic ending that works to redeem her despite her actual execution by the state. Redemption includes the feeling of “*moving forward, toward a goal*” (Burke, 1941, p. 203). This last stage in the cycle may include a change of identity, adapting a new perspective, or moving

toward a better life in general (Foss et al., 2002, p. 211). Gissendaner's spiritual advisor, Jürgen Moltmann is quoted as saying, "If the State of Georgia has no mercy... she has received already the mercy of Heaven" (Oppenheimer, 2015). This goal allows Gissendaner to have a happy ending despite her actual execution by the state. Likewise, Oppenheimer (2015) gives Gissendaner another sort of symbolic happy ending: "Whatever comes Monday, Ms. Gissendaner will live on, in literature. Professor McBride plans to quote Ms. Gissendaner's writing in her forthcoming theological treatise about working in women's prisons" (Oppenheimer, 2015). It is suggested here that Gissendaner will become an actual character in a piece of literature. While poetic, I argue that this comment only functions to distract audiences from Gissendaner's actual execution.

While audiences might normally experience horror and disgust at the thought of murder, the portrayals of Gissendaner's death are almost positive. Gissendaner achieves redemption in the end, as she "received already the mercy of Heaven" and will "live on in literature." In other words, the symbolic drama is able to reach a fitting and satisfying conclusion. Because the pollution-purification-redemption cycle is complete, the audience may move on: "Once rebirth is achieved, the cycle begins anew as the rhetor experiences pollution yet again either on the same hierarchy or on others" (Foss et al., 2002, p. 211). Indeed, Gissendaner's story was quickly dropped by the news media directly after her execution.

Implications

God terms, such as Mother, serve dominations and powers, reduce the force of other sorts of terms, and create a sense of scale in the world of symbols (Weaver, 1953). Gissendaner's case demonstrates that the presence of god and devil terms in news media reports of executions can give insight into the American public's conception of the female death row inmate. The accounts

of Gissendaner's original crime were dominated by terms associated with the Woman, such as irrationality, sexuality, and self-centeredness (Buchanan, 2013). Her "persuasive" role in the murder is even more polluting to her character. She becomes a temptress figure who has the agency to ruin both her husband and her male lover's lives. Gissendaner's eventual purgation of the Woman she once was and transformation (i.e. purification) into the spiritual Mother is seemingly positive. However, her upward movement in the hierarchy and ultimate redemption distracts audiences from the material consequences of the death penalty.

Instead of describing Gissendaner's actual execution (e.g. the gurney, the drugs entering her system), witnesses report that Gissendaner sang "Amazing Grace." Instead of feeling horror, audiences are encouraged to understand and accept Gissendaner's fate. She is able to achieve *perfection* through her time on death row, and is expected to "live on in literature" and "receive the mercy of heaven," according to news reports. Burke (1966) writes that form fulfills desires "in so far as one part of it leads a reader to anticipate another part, to be gratified by the sequence" (p. 124). In other words, form satisfies an audience's appetite and allows them to feel as if they are "not merely receiving, but were itself creatively participating in the poet's or speaker's assertion" (Burke, 1950, p. 58). The audience becomes a participant, whether consciously or unconsciously, because formal patterns "can readily awaken an attitude of collaborative expectancy" (Burke, 1950, p. 58). The tragic framing of the Gissendaner case naturalizes the idea of capital punishment, as it creates a satisfying narrative that can shield audiences from the material practice of execution of citizens by the state.

The emphasis placed on Gissendaner's motherhood directly prior to her execution also reveals that female inmates are expected to take on "Mother" qualities if they are to achieve redemption, for "motherhood" is the supposed end goal of being a woman. Buchanan (2015)

argues that when women fail to manifest Mother characteristics, they may garner distrust and are more likely to be rejected socially. Likewise, society may be more likely to immediately distrust and reject female inmates for failing to manifest these qualities (Buchanan, 2015). Even more, parole boards may be more likely to execute inmates who they feel lack “Mother” qualities. Thus, national news stories about Gissendaner’s execution function to reaffirm dominant discourses that use motherhood in order to both incriminate women as well as gain public trust and acceptance of them.

Prior to Gissendaner’s execution, the audience is able to identify with her as “the Mother” (Buchanan, 2013), but after her execution, little deliberation or discussion about her case occurred. The Georgia parole board refused to pardon Gissendaner from her death sentence despite the fact that Owen committed the actual murder, and will soon be eligible for parole. Also, like Daniel Lopez’s case, most national news stories ceased the day after her execution. Seven other death row inmates were executed after Gissendaner in 2015 alone (Death Penalty Information Center, 2016a), and two of these inmates were also from Georgia. The tragic framing of Gissendaner’s case shows that even seemingly “positive” uses of maternal appeals in the news media may actual serve larger power structures (such as the criminal justice system) in problematic ways.

Conclusion

The aim of the analysis of Kelly Gissendaner’s execution is not to reprimand the news media, but is instead to expose some of the consequences of the symbolic naming and tragic framing of this death penalty case. Because Gissendaner was a woman and mother of three, observing the news media’s framing of her case also reveals cultural assumptions about how female inmates should and should not act. Over one million women are currently sitting behind

bars in the United States and over two-thirds of women in state prisons are mothers (American Civil Liberties Union, 2015). The media's portrayal of the incarceration and execution of women is a useful lens through which critical-cultural scholars can view the consequences of the rhetorics of motherhood. While men have always constituted the majority of the national prison population, it seems that female prisoners are constrained by two sets of bars—the first made of metal, the second made up of cultural constructions of the Mother.

Chapter 4: The Grotesque Execution of Clayton Lockett

When Clayton Derrell Lockett was three years old, his birth mother put him on a bus from Oklahoma to Southern California to live with his father. He arrived on the doorstep of his father and stepmother teary-eyed and soaked in urine (Stern, 2015). After moving in with the couple, his life did not get any easier. His father, John Sr., often beat Lockett with a belt, taught him to steal, and punished him when he got caught. Lockett's stepmother, LaDonna Hollins, recalled that John Sr. liked to blow marijuana smoke up Lockett's nose and forced him to watch pornography as a young child (Stern, 2015). Hollins and his father moved him back to Oklahoma when Lockett was in middle school. Unfortunately, by the time Lockett was 16, he was already having problems with the law. After being sentenced as an adult for burglary and intimidating a witness, Lockett was sent to the Oklahoma State Penitentiary. Three inmates raped him immediately after arriving at the jail (Stern, 2015). Lockett was released from prison at 20, but it did not take long for him to commit another crime that eventually led him to death row.

On June 3, 1999, 19-year-old Stephanie Neiman drove her friend to the home of Bobby Bornt—a man who owed a small debt to Lockett. Neiman was labeled “intellectually challenged” by educators (Stern, 2015), but graduated with her diploma from Perry High School (Clark, 2014). When Neiman and her female friend arrived at the house, Lockett and two accomplices were already attacking Bornt. When Neiman refused to hand over the keys to her Chevy pickup truck, they raped Neiman's friend, and bound all three victims (Stern, 2015). Lockett and his two accomplices then used Neiman's truck to drive all three victims to the border of Oklahoma and Kansas. Neiman—who had been taught by her parents not to lie—refused to tell the men that she would not go to the police. Because she would not comply with their requests, Lockett shot her twice with a sawed-off shotgun. She was still alive when one of

Lockett's accomplices buried her in a shallow grave. Lockett was arrested three days after the murder, and was said to have shown no remorse as he confessed (Stern, 2015).

While Lockett's crime was brutal, he gained national notoriety only postmortem, when his execution was botched on April 29, 2014. Lockett's horrific, 43-minute bungled lethal injection (described at the beginning of Chapter 1) became a source of public outrage. Death Penalty abolitionist groups latched onto his story, while conservative retentionists urged the nation to remember his heinous crimes and consider that he actually "got off easy" (Goldberg, 2014) compared to his victim, Stephanie Neiman. Other journalists called Lockett a "martyr" and the unlikely "poster child for death-penalty abolition" (Mencimer, 2014). For those on either side of the debate, Lockett's case gave the nation a gruesome reminder of what a botched execution actually looks like in practice.

Unless an execution is botched, the news media has not tended to describe the process in detail, and the national media's framing of an execution story naturally changes when it does not go as planned. It is difficult to chastise a man—even a murderer—who has suffered intense physical pain, and the media often turns its blame to the institutions that inflict it. Thus, the story of Lockett's execution is fraught with complexities as national audiences attempted to comprehend the grim death of a remorseless killer. In comparison to the executions of Lopez and Gissendaner, I find stark differences with how Lockett is named and described by the media. Lopez's case was presented tragically, with Lopez as the scapegoat who commits mortification before his death. Likewise, Gissendaner's case was tragic, and she reached redemption in the end through her execution. While most national reporters stopped writing about Lopez and Gissendaner after their actual executions, Lockett's case reached its peak in circulation only *after*

he was dead. The focus of Lockett's story became his botched execution and the legal and political implications of it, rather than his original crime.

In the tragic frame—described before in the descriptions of Lopez and Gissendaner's cases—main characters tend to symbolically get what is coming to them. However, according to the national media, Lockett was generally undeserving of his painful execution. American audiences were encouraged to feel pity and disgust toward Lockett and his death, but Lockett was not necessarily used as a scapegoat. Much emphasis was put on his physical body, the gruesome lethal injection act, and the moral contradictions brought forth by a bungled execution. “Elite publications” such as the *New York Times* (Blakely, 2003, p. 887) tend to preserve the ideology of the political elite and dominant social system (Chesebro & McMahan, 2006). A botched execution rests outside of the realm of acceptable human behavior espoused by national news sources, and does not align with the established norms of the dominant social system. Even though 63% of the US population supported the death penalty for those convicted of murder in 2014 (Gallup, 2014), Lockett's difficult execution created a new wrinkle in the debate. The national press treated Lockett's execution less decisively, and tended to reject botched lethal injections while, at the same time, not fully renouncing the practice of capital punishment. Faced with the decision to reject the status quo (i.e. the practice of capital punishment in the United States), or the decision to support the botched execution of a heinous killer, news sources momentarily existed in a moral limbo.

In cases where a rhetor wishes to reject a system but is somehow unable to let go, Burke (1984) describes “transitional frames” such as the grotesque and the didactic. The grotesque frame “focuses in mysticism” and “belongs to periods marked by great confusion of the cultural frame, requiring a radical shift in people's allegiance to symbols of authority” (Burke, 1984, p.

57-8). While other poetic frames use humor to ridicule or laugh at characters in the plot, the grotesque “is the cult of incongruity *without* the laughter” (Burke, 1984, p. 58). News sources describe Lockett’s execution without any sense of humor, or as Burke (1984) would say—in “deadly earnest” (p. 58). In Lockett’s case, both the nearly equal divide in the U.S. over the morality of the death penalty (Pew Research Center, 2015) and the moral discordances created by the painful death of a “bad” person, contribute to “confusion of the cultural frame.”

Rhetors using the transitional, grotesque frame utilize specific symbolic elements that can be illuminated through close textual analysis. Burke applies the unfunny surrealist paintings of melting “soft clocks” to demonstrate the shock incited through grotesque symbolism (Nicotra, 2013). These clocks are uncomfortable and shift an audience’s perception of the function of time (Nicotra, 2013). Burke (1984) also uses Nietzsche’s philosophy as an example of the grotesque-mystical, calling it a philosophy that acts as a “flash of lightning that flares up for an instance in the night, revealing an unseen landscape” (Burke, 1984, p. 59). Like these examples, it would appear that newspaper reports of botched executions act as “lightning strikes” that reveal the grotesque landscape of lethal injection procedures.

While the media often allows audiences to forget the material aspects of the death penalty, newspaper descriptions of botched executions like Lockett’s are uncomfortable and demand attention. Through the detailed newspaper descriptions of his death, in which “one hears silence, people’s loneliness, feels distance, and sees in the dark” (Burke, 1984, p. 59), audiences can no longer ignore human suffering. Using Lockett’s execution as an exemplar, I argue that by placing emphasis on the grotesque body and the reality of the oxymoronic “humane execution,” national news stories about botched executions function ideologically to force audiences into complicity with regard to the practice of lethal injection. At the same time, the grotesque

symbolism used in Lockett's execution inspires pity and disgust, which prevents *consubstantiality* between Lockett and national audiences. In this way, botched executions force audiences to participate in the materiality of execution, but prevent *identification* with death row prisoners. The transitional grotesque frame therefore allows news sources to specifically reject lethal injection, while still accepting larger punishment systems that are "invested in producing docile bodies and rationalizing prevailing systems of social control" (McCann, 2013, p. 189).

In this chapter, I analyze 19 articles published in national newspapers regarding Lockett's execution. I begin with an overview of the grotesque (or "grotesque-mystical") frame (Burke, 1984), a summary of Mikhail Bakhtin's (1984) writings about the grotesque body, and a brief analysis of how the grotesque body relates to Burke's (1950) notion of *identification*. I then offer an analysis of articles published in *The New York Times*, *The Wall Street Journal*, and *The Washington Post* from March 2014 to December 2015. All but five of the 19 articles appeared within a month after Lockett's botched execution. I end the chapter with a discussion of the potential benefits and consequences of the national media's grotesque framing of botched executions.

The Grotesque-Mystical

Burke and the Grotesque

In the preceding two chapters, I focused on the news media's use of a tragic frame of acceptance (Burke, 1984) within two executions that were *not* botched. Frames of acceptance consist of "responses that understand moments of social unrest as the sign of a problem needing correction so the current system might resume its functioning, bettered by the experience" (Buerkle, 2011, p. 192). However, "rejection frames exploit a moment of discord in a system to justify denouncing the current order" (Buerkle, 2011, p. 193). Somewhere in between acceptance

and rejection exists what Burke (1984) labels the “transitional” frame. The “grotesque-mystical” frame, in particular, points out contradictions in the world, but avoids laughing or minimizing them (Burke, 1984).

In *Attitudes Toward History*, Burke (1984) observes that the grotesque “comes to the fore when confusion in the forensic pattern gives more prominence to the subjective elements of imagery than to the objective, or public, elements” (p. 59-60). In order to describe the grotesque’s focus on “subjective elements of imagery” rather than public elements, Burke uses the example of the “electrician” and his symbolic reasoning for choosing his profession. Burke (1984) writes that the electrician may have originally been drawn to working with electricity because of a childhood fascination with lightning. Choosing to work as an electrician then allows him to symbolically “triumph over his awe” (Burke, 1984, p. 60). Of course, in the process of developing his trade, the electrician would naturally come to focus on practical and non-symbolic techniques and tricks of the trade. However, if the electrician is confronted with a bad economic system that frustrates him, he may once again focus on his *symbolic* motives for choosing to work with electricity (his childhood obsession with lightning). These symbolic elements may then become “hypertrophied” (p. 60). In this way “confusions of the superstructural, or objective, lead to the stressing of symbolic ingredients in human acts” (p. 60).

Burke’s electrician metaphor illustrates how Lockett’s execution is indeed presented as grotesque by the American national press. Execution in human culture was, at first, a highly symbolic response to bad social behavior—it gave humans a way to triumph over evil. When persons committed murder, their bodies were also sacrificed as punishment (i.e. an eye for an eye, a tooth for a tooth). However, when capital punishment became more ingrained in U.S. institutions, execution became more routinized and mundane, and the public was less directly

exposed to or concerned with its original symbolic use. Recently, the decline in support for the death penalty and uncertainty about its future in the United States may represent “confusions of the superstructural.” Botched executions, which create new moral complexities surrounding the notion of “humane killing,” have been met with hypertrophied symbolism in the news media. The grotesque symbolic imagery used to describe Lockett’s execution reveals a new impetus to recall and focus on the original inspiration for the penalty of death (a body lost requires a body taken).

Of course, it should be noted that the gruesome imagery in the Lockett case is not what makes the frame “grotesque.” The grotesque frame is more than simply “images of ugliness or terrifying psychological projections; it is the combination of incongruous characteristics in a singular object, idea or terministic hierarchy that produces discomfort and repugnance” (Rhodes, 2014, p. 336). These incongruities, or “oxymorons,” are what make the frame uncomfortable and “grotesque.” Burke (1984) specifically writes, “the incongruity of the grotesque-mystical comes to a focus in the oxymoron” (Burke, 1984, p. 59) and gives clues on how to assess these grotesque elements:

We might...note fixed clusters or amalgams that amount in the end to oxymorons, as you find that the poet had fused, by interacting associations, symbols logically at odds: life, death, eternity, mother, sexual desire, castration, health, disease, art, forests or the sea, all linked indiscriminately together, so that he can only talk of one by talking of others, and when he centers upon one, the others flicker about the edges of his imagery (p. 64).

The oxymorons present in the grotesque frame make audiences uncomfortable, and are “the basis of [the grotesque frame’s] revolutionary potential” (Nicotra, 2013, p. 165). In other words, by leaving these clashing elements unresolved, the grotesque can “invoke a discord that might shake

people out of habituated reactions; and in this way it is the creative tool of mysticism” (Nicotra, 2013, p. 165). The incongruous elements present in the Lockett execution amount in the end to oxymoronic “humane execution” (Jones, 2014; Bravin, 2015).

Shaking people out of “habituated” responses to execution may be an important function of news reports of botched executions, and one of the reasons for the news articles’ persuasive power. Rhodes (2014) observes that, “the goal of grotesque rejection is not to be on the mark at all. Rather, it is to adjust what, in its opinion, are the audience’s trained incapacities” (p. 338). U.S. audiences have become used to hearing about capital punishment, and the national press often provides clear resolutions to the execution cases that they highlight (as I demonstrate in the cases of Lopez and Gissendaner). Botched executions may adjust an audience’s “trained incapacities” in this regard. However, Burke (1984) writes that, “too thorough a cult of the mystical-grotesque makes for passivity in the frame of acceptance” (Burke, 1984, p. 75). In other words, “the ineffability associated with mysticism can also serve to *mystify*—to persuade those beholden to a system to acquiesce without protest” (Nicotra, 2013, p. 161). Thus, part of this analysis will involve assessing how thoroughly news sources engage in a mystical-grotesque frame: Does the frame shock audiences into new ways of seeing; is its imagery *too* mystifying for audiences, inspiring passivity and silent dismissal; or does it function to do both of these things in separate ways?

Bakhtin and the Grotesque Body

In her book *Moving Bodies*, Hawhee (2009) notes that Burke’s use of mysticism “grew out of his regard for things bodily” (p. 29). Part of the incongruity created in Lockett’s execution is the symbolic juxtaposition of life and death, as well as sexuality and castration, within descriptions of Lockett’s physical body. I argue that his bodily elements are exaggerated, or

“hypertrophied,” much like the grotesque realism used by writers of the Renaissance. In his canonical work, *Rabelais and His World*, Mikhail Bakhtin (1984) reflects on Renaissance writer, François Rabelais’ concept of the “material bodily principle,” which includes “images of the human body with its food, drink, defecation, and sexual life” (p. 18). The material bodily principle is presented in grotesque realism not as something private or “severed from other spheres of life, but as something universal, representing all the people” (Bakhtin, 1984, p. 19).

Grotesque imagery is often crude, and “involves the parts of being a human that everyone experiences but that are not discussed in polite society” (Bonnstetter, 2011, p. 23). Bakhtin (1984) provides further elaboration about the expansive and all-encompassing nature of the grotesque body:

Contrary to modern canons, the grotesque body is not separated from the rest of the world. It is not a closed, completed unit; it is unfinished, outgrows itself, transgresses its own limits. The stress is laid on those parts of the body that are open to the outside world... The open mouth, the genital organs, the breasts, the phallus, the potbelly, the nose. The body discloses its essence as a principle of growth which exceeds its own limits only in copulation, pregnancy, childbirth, the throes of death, eating, drinking, or defecation. This is the ever unfinished, ever creating body (p. 26).

As I will demonstrate, reports of Lockett’s execution reveal a focus on Lockett’s grotesque features—his mouth, his groin, and leaking and collapsing veins. As Bakhtin contends, the grotesque body “outgrows itself” in the “throes of death” and is not separate from the rest of the world, and in this way, Lockett’s grotesque and dying body does not simply signify his own suffering body. Bakhtin (1984) argues that the “historic, progressing body of mankind... stands at the center” of grotesque imagery (p. 367). However, through the lens of Burke’s (1984)

grotesque frame, I argue that Lockett's body is also gruesome and frightening, which *mystifies* rather than helps audiences see the "historical, progressing body of mankind" in his death.

Burke and Bakhtin were contemporary scholars and engaged in some level of correspondence with one another (Nicotra, 2013), but they use the notion of the "grotesque" differently. For one, Bakhtin's (1984) writings about the grotesque occur in relation to and within the context of his positive theoretical conception of the *carnavalesque*. Bakhtin (1984) writes that the medieval carnival "celebrated temporary liberation from the prevailing truth and from the established order" and "marked the suspension of all hierarchical rank, privileges, norms, and prohibitions" (Bakhtin, 1984, p. 10). The carnival—which is epitomized by Rabelaisian medieval culture—functioned to flatten hierarchies and directed laughter at *all* of its participants (Bonnstetter, 2011). Thus, the *carnavalesque* exists outside of "coercive socioeconomic and political organization" (Bakhtin, 1984, p. 255) and through its focus on human-as-animal sensuality, "emphasizes the grotesque body as a deeply positive element" (Olbrys, 2006, p. 243).

It should be noted that national news sources emphasize Lockett's grotesque body, but his physical representations do not occur in an environment "marked by suspension of all hierarchical rank," such as the *carnavalesque* spectacle. Instead, Lockett's botched execution occurs within the context of the deeply structured and oppressive American system of capital punishment, and his grotesque representation should be analyzed with the knowledge of the symbolic and material context in which it occurs. Burke's (1984) more negative assessment of the grotesque frame helps me to assess the ideologically effects of representations of Lockett's body within this specific context.

Burke (1984) approaches the concept of the grotesque more tentatively. As I have noted, Burke warns against too thorough an emphasis on the grotesque's fantastical imagery, as it may lead to a form of passivity or paralysis in the frame of acceptance. Olbrys (2006) writes that the fantastical imagery in the grotesque frame may also trivialize the concerns that it attempts to illuminate, "so that the ill-omened is quickly converted to the good-omened at the expense of productive but rigorous social reorganization" (p. 246). In the same way that gruesome details of Lockett's botched execution make audiences complicit in the act of execution, the grotesque could potentially function to call audiences to action. However, the frame also "occupies a demanding position that is most easily dealt with through silent dismissal" (Olbrys, 2006, p. 247). Thus, Burke's (1984) understanding of the "grotesque" is more negative and less socially productive than Bakhtin's (1984) assessment.

Again I should note that the two theorists wrote about the "grotesque" within different theoretical and artistic contexts. Burke (1984) uses illustrations from the late-nineteenth and early-twentieth century to describe the grotesque frame, such as Surrealist art, Nietzsche's philosophy, Blake's poetry, and Joyce's novels. On the other hand, the turn of the twentieth century was a period that "Bakhtin signaled a nearly total absence of appreciation for the Rabelaisian grotesque and festive laughter" (Olbrys, 2006, p. 247). While Bakhtin's (1984) descriptions of the grotesque are helpful to my specific analysis of Lockett's *body*, I use Burke's (1984) tentativeness regarding the grotesque framework to inform my analysis of the effects of the overall presentation of Lockett's execution to the American public.

Bakhtin (1984) and Burke's (1984) conceptions of the grotesque can also be differentiated through their notions of the function of grotesque humor. Bakhtin's (1984) understanding of *carnavalesque* humor spurs from the fact that "laughter comes not by pointing

out the fool in the performer, but through the audience's shared foolishness with the performer" (Singer, 2011, p. 137). The humor (or lack thereof) present in Burke's (1984) grotesque frame serves a separate purpose. He notes that "humor specializes in incongruities" (p. 58), but that the grotesque frame is founded upon incongruities that do not promote laughter: "The grotesque is not funny unless you are out of sympathy with it (whereby it serves as unintentional burlesque)" (Burke, 1984, p. 58). Singer (2011) observes that Burke and Bakhtin both recognize "the possible seriousness of grotesque laughter for those who accept it as true to experience and sympathize with its purposes" (p. 137). For example, the oxymoronic "humane execution" is perhaps humorous, but only in a profoundly bleak sense. While audiences could potentially laugh at this oxymoron, the laughter would most likely emerge out of sarcasm (a type of humor present in the burlesque frame)—and not one motivated by a sense of "shared foolishness."

Ultimately, Lockett's grotesque physical body and act of death in the news is "infused with a meaning beyond death's physical characteristics and physical function" (Chesebro & McMahan, 2006, p. 410-11). Death is "transformed into a symbolic act—meanings and connotations are attributed to death beyond its physical dimensions" (Chesebro & McMahan, 2006, p. 411). Bakhtin (1984) observes that "one of the fundamental tendencies of the grotesque image of the body is to show two bodies as one: one giving birth and dying, the other conceived, generated, and born" (p. 26). The juxtaposition of life and death within the descriptions of Lockett's own body both indicates that the national press adopts both Burke's (1984) grotesque frame (which highlights incongruities) as well as Bakhtin's (1984) understanding of grotesque realism to describe this botched execution. Thus, I use both theorists to help comprehend the ideological effects of Clayton Lockett's botched execution.

Grotesque Identification

The adoption of a grotesque frame—as opposed to the more commonly utilized tragic frame—indicates that Lockett’s execution should produce different ideological effects for audiences than would a more tragic framework. In news stories about Lockett’s execution, the first of these effects includes the audience’s inability to ignore certain material implications of lethal injection. The second is the prevention of opportunities for *identification* with Lockett. Individuals form their identities or selves through various components of life, which include “such things as physical objects, occupations, friends, activities, beliefs, and values” (Foss et al., 2002, p. 192). Moreover, as individuals align themselves with these properties, they “share substance with whatever or whomever they associate and simultaneously define themselves against or separate themselves from others with whom they choose not to identify” (Foss et al., 2002, p. 192). This sharing of substance is what Burke (1950) calls *consubstantiality*, which is a term he uses synonymously with *identification*. Burke’s understanding of *consubstantiality* and *identification* is important to rhetorical criticism, as persuasion is said to be the result of identification. In other words, “You persuade a man only insofar as you can talk his language by speech, gesture, tonality, order, image, attitude, idea, *identifying* your ways with his” (Burke, 1950, p. 55). In fact, people communicate in order to eliminate “division,” that is, the way in which humans are “divided from one another as the result of their separate physical bodies” (Foss et al., 2002, p. 193).

In the case of Lockett, I argue that the representation of his grotesque body in the grotesque frame does not promote *consubstantiality*. Instead, this representation simply functions to inspire pity and disgust, which actually promotes division. His body is clearly a separate, grotesque element, and is therefore separate from the audience’s own individual bodies.

Audiences may be shocked by the botched execution, but they are nevertheless unable to see themselves as having the same substance as Lockett. In other words, the grotesque frame acts as a “flash of lightning,” yet ultimately serves to *mystify*.

Analysis of a Grotesque Execution

National articles about the execution of Clayton Lockett occurred in three stages, starting during the month prior to his execution and ending shortly after the anniversary of his death. I grouped articles regarding Lockett’s execution into three main themes, which also represent their temporal order: *Confusion and state secrecy*, *the grotesque execution*, and *the “humane execution” as an oxymoron*. In the grotesque frame, “the public frame is thrown into confusion [and] the symbolic or subjective elements of the grotesque come to the fore” (Nicotra, 2013, p. 165). Thus, the original *confusion* and emphasis on *state secrecy* over execution is the first thematic component that helps enhance the grotesque symbolic elements of the second stage, the *grotesque body*. While there are more minor incongruous elements present within descriptions of the *grotesque execution*, in the end, the *“humane execution”* is the dominant oxymoron in the frame across all three national news sources.

Confusion and State Secrecy

Of the three national newspapers that I have selected for this analysis, *The New York Times* was the only newspaper that published multiple articles about Lockett *prior* to his execution. The *Times* chose to focus on the case because both Charles Warner and Clayton Lockett were scheduled to be executed on the same day, and the two men brought forth a lawsuit against the state of Oklahoma because of their concern over the drugs that were to be used in their executions. The concern over Oklahoma’s “secrecy” with regards to lethal injection drugs

created a sense of chaos and surreptitiousness with regard to Lockett's case, which later contributed to the drama of his eventual botched execution.

The secretive state. Throughout news articles published prior to Lockett's execution, the term "secrecy" was used repeatedly to describe the state of Oklahoma's execution procedures. For example, "the two men are suing the state over what they called a 'veil of secrecy' surrounding its execution protocol" (Associated Press, 2014). Another *Times* writer states, "The case is part of a growing legal battle nationally over secrecy in methods of execution (Eckholm, 2014b). This focus on state surreptitiousness functions to inspire distrust toward the state among national audiences.

Moreover, *Times* writers tend to show how Oklahoma and other states are actively concealing where they obtain execution drugs: "States including Georgia and Tennessee have, like Oklahoma, recently passed laws to conceal the identity of suppliers" (Eckholm, 2014a). Here, audiences see that the state even passed a law allowing them to engage in secretive behavior. The following *Times* quote elucidates the reasoning for this suspicious behavior: "Oklahoma officials say they must offer secrecy because potential manufacturers fear reprisals for involvement with the death penalty" (Eckholm, 2014b). Regardless of the brief explanation given (the state is protecting manufacturers), the state of Oklahoma is ultimately portrayed negatively with regard to lethal injection. Eckholm (2014c) writes: "The state...refused to divulge the sources of the three drugs, in a new combination, it intends to use to execute the men" (Eckholm, 2014c). This refusal to divulge information about execution is damning. In the symbolic drama, Oklahoma and other states are ultimately presented as secretive, uncooperative, and suspicious with regard to lethal injections.

One use of the term “secrecy” is particularly critical with regard to the state of Oklahoma. Eckholm (2014c) writes, that the federal public defender, Madeline Cohen, stated, “What is at issue in this case is whether a state should be allowed to conduct one of its weightiest functions—taking a human life—in a climate of extreme secrecy.” This “climate of extreme secrecy” is an important part of the confusion over the correct ways to conduct lethal injection in a humane way. While there is no mention of the state in the Lopez execution, and the state is only briefly portrayed as “bumbling” and foolish in the Gissendaner case, the portrayal of the state in Lockett’s execution borders on negative rejection. Oklahoma wants to take a human life, but engages in “concealment” and “secrecy” in the process, and thus receives a negative assessment by *Times* writers.

Confusion in the cultural frame. State secrecy ultimately leads to confusion with regard to Lockett’s lethal injection prior to his execution. Eckholm (2014b) states, “The legal wrangling in Oklahoma over the planned executions of two convicted murderers reached a new level of confusion on Tuesday” (Eckholm, 2014b). Thus, writers imply that the “climate of secrecy” results in confusion, and that “the number of unknowns is only increasing” (Eckholm, 2014a). More specifically, Eckholm (2014b) explains that the national public still does not know “where [state officials] are getting these drugs” and that there is no assurance that the drugs “are from F.D.A.-approved manufacturers.” Not only this, but “some of the newly adopted combinations are unproved” (Eckholm, 2014a). Thus, the “number of unknowns” creates a chaotic view of the public frame about which national audiences are invited to feel distrust toward state officials in Oklahoma and beyond. While this confusion and secrecy exists in the public sphere, these elements are next demonstrated through concrete symbolic imagery created during Lockett’s actual bungled execution.

Drawing the blinds. The confusion over Oklahoma's supplier-secrecy law and the "veil of secrecy" used throughout lethal injection procedures prior to Lockett's execution amplifies the spectacle of his actual botched execution. While state secrecy was presented more abstractly (e.g. "climate of extreme secrecy") and figuratively (e.g. "veil of secrecy") in articles published prior to Lockett's execution, "secrecy" becomes vividly material and concrete through Lockett's execution. Several articles mention how state officials "drew the blinds" when the execution started to go poorly: "Lockett's physical reaction to the failed lethal injection was so sickening that prison officials closed the blinds so those in a viewing chamber would no longer bear witness to the grim scene" (Tharoor, 2014). Berman (2014c) also writes, "This is when the blinds were lowered, blocking witnesses from seeing what happened next." The grotesque frame now becomes the dominant frame, "when confusion in the forensic pattern gives more prominence to the subjective elements of imagery than to the objective, or public, elements" (p. 59-60). Here, the "blinds" that are drawn during Lockett's actual execution act as subjective elements of imagery, creating a concrete and specific image through which audiences can comprehend the confusions and secrecy over the lethal injection process. The prominence of these "subjective elements of imagery" is clearly displayed through the spectacle of Lockett's botched lethal injection.

The Grotesque Execution

The national public is often shielded from the practice of execution. States allow only a limited number of journalists to enter the observation chamber as witnesses, and many lethal injections supposedly go according to plan. Koppel (2014) of *The Wall Street Journal* explains how executions normally occur: "Typically, executions take a much shorter time and inmates quickly lose consciousness after drugs are administered." Lockett's botched lethal injection was

unlike other executions that the national public was used to hearing about, and the national press re-circulated the story for nearly a month after it occurred. Many journalists published statements from Lockett's attorneys, who called the execution a "horrible spectacle" (Koppel, 2014), indicated that it was "difficult to watch," and said that "it looked like torture" (Eckholm, 2014d). Other witnesses called the execution "an agonizing scene" (Eckholm, 2014d).

These are all general descriptions of the botched execution, but the grotesque and "hypertrophied" realism comes to the fore once journalists begin to focus on Lockett's actual body. Bakhtin (1984) indicates that the grotesque body includes elements that are "open to the world" (p. 26), such as the open mouth, the genital organs, the phallus, and the potbelly. I categorize descriptions of Lockett's suffering body into three main grotesque elements: Lockett's mouth and eyes, his leaking veins (exposed to the public), and his groin. These are all elements that national newspapers specifically amplified and exaggerated, inviting shock, pity, and disgust among their readers. Moreover, while Bakhtin (1984) specifically indicates that grotesque bodily imagery is growing and "transgressing its own limits" (p. 26), the images used to describe Lockett began to close up and diminish at the end of his execution. In other words, his mouth and eyes begin to close and become clenched, his leaking veins "collapse," and a "sheet" ultimately hides his groin. Bakhtin (1984) contends that "one of the fundamental tendencies of the grotesque image of the body is to show two bodies as one" (p. 26). Thus, the grotesque imagery of Lockett's execution simultaneously indicates both life and death (e.g. his open mouth versus his clenched teeth) as well as the combination of sexuality and castration (e.g. his exposed groin versus his covered and invisible groin).

Gasping mouth and blinking eyes. Reports paid particular attention to Lockett's mouth and eyes throughout his execution. For example, Berman (2014a) included a series of tweets by

Associated Press writer, Bailey Elise McBride (2014) in his *Washington Post* article: “[Lockett] was conscious and blinking, licking his lips even after the process began. He then began to seize.” The fact that Lockett was blinking and licking his lips during the execution indicates actual consciousness and symbolic “openness” to the outside world. Bever (2014) also writes, “There was convulsing, his body kept lifting up off the gurney like he was trying to sit up. His eyes opened at one point, he started mumbling more.” Once again, his eyes are open, and Lockett begins to use his mouth to “mumble.” Moreover, Lockett raises up off of the gurney and tries to sit up, indicating a lifelike body.

News writers also place emphasis on Lockett’s opening and closing his mouth. Eckholm (2014d) writes, “Clayton D. Lockett, began to writhe and gasp after he had already been declared unconscious and called out ‘oh man,’ according to witnesses.” Lockett’s ability to “gasp” and call out “oh man” both create an image of a moving and open mouth, and thus indicate a grotesque feature, open to the world. Similarly, “Witnesses say he writhed and groaned before he eventually died about 45 minutes after the drugs were administered” (Gershman, 2014). In an even more dramatic and specific moment of the botched execution, Berman (2014b) indicates that “after Lockett was deemed unconscious, he began grimacing, clenching his teeth and trying to lift his head” (Berman, 2014b). The “clenched” teeth and outward “grimace” on Lockett’s face are both mouth-focused images that actual begin to separate from the outside world as the execution continues. While Lockett’s body is grotesque, it does not totally “outgrow itself” (Bakhtin, 1984, p. 26) but begins to retreats inward. In other words, his mouth and eyes are at first a symbol of life, but then become a symbol of death within the same series of images.

Leaky veins. While Bakhtin (1984) does not specifically indicate “veins” as a symbolic component of the grotesque body, I argue that the focus on Lockett’s veins creates a grotesque

image for audiences because they are open, leaking, exaggerated, and exposed to the outside world. At first, the officials performing the lethal injection have problems inserting an IV into Lockett's veins. After several unsuccessful attempts to insert the IV, "including on his left arm, his right arm, his left jugular vein and two locations on Lockett's foot—the paramedic and physician believed the vein was properly inserted into Lockett's femoral vein" (Berman, 2014c). The repetition of the word "vein" calls the audiences attention to this component of Lockett's body. Then "the physician... realized that the IV had leaked, with clear liquid and blood visible" (Berman, 2014c). Lockett's veins leak blood and clear liquid, which expose them to the outside world and create a gruesome and difficult image for audiences to grasp.

Eckholm and Schwartz (2014) also indicate that "the doctor 'checked the IV and reported that the blood vein had collapsed, and the drugs had either absorbed into the tissue, leaked or both.'" While Lockett's body is still leaky and grotesque, his blood vein "collapses, which indicates a closure to the outside world. Berman (2014b) also notes this: "A doctor examined the IV and found that 'the blood vein had collapsed.'" Like Lockett's originally grotesque eyes and mouth, descriptions of Lockett's veins first protrude and leak but are then collapsed and closed off. Flowing veins indicate life while collapsing veins indicate death.

The grotesque groin. National news sources focus on Lockett's groin area more than other grotesque elements of his execution. Bakhtin (1984) emphasizes that the genital area and phallus are important components of the grotesque body, and through emphasis on Lockett's groin, news writers call attention to Lockett's sexuality. Berman (2014b) writes, "The technician looked at Lockett's arms, legs, feet and neck before placing the IV in his groin area." The placement of an IV "in his groin area" calls to mind sexual procreation and the phallus, both common in grotesque realism. Eckholm and Schwartz (2014) also write, "A medical technician

searched both of his arms, both of his legs and both of his feet for a vein into which to insert the needle... A catheter was inserted into Mr. Lockett's groin." This "insertion" of devices into Lockett's groin also mimics a grotesque procreation. Even descriptions of Lockett's autopsy utilize sexual language. The autopsy report "found skin punctures that suggested repeated attempts at placing a needle on Lockett's extremities and on his groin" (Berman, 2014b).

However, Lockett's groin is eventually covered and hid from view by a sheet. Berman (2014c) reports that, "the physician looked under the sheet and realized that the IV had leaked, with clear liquid and blood visible on Lockett's skin near his groin." The presence of the sheet is significant in the symbolic drama, as it suggests a need to keep Lockett's dignity, even though the state is killing him. For example, the warden of the prison "covered Lockett's body with a sheet when it was believed that the IV was inserted because of a desire 'to maintain Lockett's dignity and keep his genital area covered'" (Berman, 2014c). The warden "desires" to keep Lockett's genitals covered. This, in its most symbolic sense, indicates the loss of sexuality, sexual modesty, and even castration. Thus, it is not simply life and death, but also sexuality and castration that become competing symbolic elements illuminated through Lockett's grotesque body. These competing symbolic images correspond with Burke's (1984) assessment of the grotesque-mystical frame, which focuses on the incongruous symbolic elements such as these.

The "Humane Execution" as an Oxymoron

The hypertrophied symbolism and "subjective elements of imagery" that are prominent in national news reports of Lockett's execution ultimately contribute to a larger oxymoronic element: the desire for a "humane execution." After Lockett's botched execution, journalists for each major national newspaper focus explicitly on this oxymoron. For example, Jones (2014) of the *Wall Street Journal* writes, "A spokeswoman said the Florida Department of Corrections

‘remains committed to doing everything it can to ensure a humane and dignified lethal injection process.’ The idea of a “humane and dignified” execution process is an odd and incongruous idea, as it would be difficult to respectfully murder someone against his or her will. Bravin (2015), also of the *Wall Street Journal*, writes, “It remained the state’s job to provide a humane execution method... Oklahoma has since authorized the use of nitrogen gas if the injection-drug protocol was found unconstitutional.” Bravin indicates that since it is the “state’s job” to come up with some method of execution that is humane, Oklahoma recycled nitrogen gas chambers. Once again, upon closer inspection, this statement seems absurd and oxymoronic.

New York Times writer, Eckholm (2014d) also explicitly mentions the idea of a humane execution: “Information on the drug that is intended to act as the anesthetic is crucial to ensure that the execution will be humane” (Eckholm, 2014d). In a more openly critical piece, Tharoor (2014) of the *Washington Post* titles his article, “4 horrible forms of capital punishment more humane than Oklahoma’s botched execution.” In it, he writes, “Tuesday’s botched execution in Oklahoma... has reignited a debate in the United States over capital punishment and the supposedly humane methods by which it is administered” (Tharoor, 2014). This piece exposes the oxymoron as it is, by stating that it is only “supposedly humane,” and sarcastically listing other forms of execution—including beheading and firing squads—that appear to be more kind than the lethal injection that Lockett was punished with.

Finally, in another *Washington Post* article, Berman (2014a) quotes Richard Dieter, the executive director of the Death Penalty Information Center: “The public does not like [botched executions]. It supports the death penalty, but it has to be massaged or covered...with some veil of humaneness” (Berman, 2014a). Dieter points out the way in which reports of botched executions do tend to make the public uncomfortable. Moreover, he recognizes that the majority

of the American public is in support of the death penalty, but only if it is “veiled with humaneness.” Thus, the state is not only operating under a “veil of secrecy” with regard to execution practices, but also tries to provide the public with a “veil of humaneness” within the lethal injection debate. However, this second veil is what inspires the oxymoronic “humane execution.” It is seemingly impossible to execute an inmate (whether against their will or willingly) in a humane and compassionate way. In the grotesque frame (Burke, 1984), confusion in the cultural frame about this oxymoron contributes to the grotesque and incongruous imagery present in Lockett’s gruesomely botched execution.

Implications

After Clayton Lockett’s execution, the national media used openly critical language when describing the lethal injection process in the United States. This type of critical language could reveal a motivation to symbolically reject the practice of lethal injection. For example, Eckholm and Schwartz (2014) link problems with Lockett’s execution to larger issues with lethal injection in the United States:

The disorderly execution... [has] drawn international attention to problems with lethal injections. Accidents have become more common experts say, as states facing shortages in critical drugs, are trying new drugs and combinations from secret sources.

These *New York Times* writers recognize that problems with lethal injection occur across the country, inviting their readers to become more suspicious of the practice. Likewise, Gershman (2014) specifically provides criticism about a specific aspect of lethal injection: “The problems have intensified scrutiny around lethal injection and the protocols adopted by death-penalty states, which have struggled to obtain supplies of drugs for the procedure.” Here, Gershman points specifically to protocols and procedures that make lethal injection a suspicious practice.

Many members of the public would agree that a human—even a criminal—should not be subjected to a painful, 43-minute execution. As a result of Lockett’s gruesome execution, some policy change did occur in Oklahoma. Gershman (2014) writes that Oklahoma Governor, Mary Fallin, “temporarily halted executions in the state and called for a review of its lethal-injection procedures.” However, he also indicates that “the state is scheduled to carry out two executions in November and one in December.” Charles Warner, the man who filed a lawsuit against Oklahoma in 2014 with Lockett, was indeed executed by the state in 2015. Unfortunately for death penalty abolitionists, the Oklahoma legislature next passed a bill in 2015 that allows the use of nitrogen gas asphyxiation if the drugs used in the lethal injection procedure were deemed unconstitutional. Also in response to Lockett’s execution, the Oklahoma commissioner of public safety, Michael Thompson, produced a report that recommended keeping injection sites visible at all times, along with improvements in the training of prison officials (Eckholm, 2014e). In the media, Thompson said that he was “not assigning blame to any officials and that he believed the state’s Department of Corrections would act to make the recommended changes before resuming executions.” Moreover, “he insisted that... Oklahoma’s execution system was fundamentally sound” (Eckholm, 2014e).

Identification and Execution

Oklahoma’s somewhat timid response to Lockett’s execution begs for further investigation of the ideological effects of the grotesque frame. Yes, articles about Lockett’s execution remind audiences of the material implications of lethal injection, but they are also disturbing and bloody—not an easy read. Audiences may feel pity for the murderer, but it is difficult to find *consubstantiality* with his moaning, writhing, and bloody body. To explain his concept of *consubstantiality*, Burke (1950) writes that, “A is not identical with his colleague, B.

But insofar as their interests are joined, A is *identified* with B” (p. 20). If humans were not apart from one another “there would be no need for the rhetorician to proclaim their unity” (Burke, 1950, p. 22). Thus, “[A] may *identify himself* with B even when their interests are not joined, if he assumes that they are, or is persuaded to believe so” (p. 20). As audiences read about Lockett’s botched execution, they experience themselves (A) and Lockett (B) as two separate physical bodies. Perhaps audiences might identify with Lockett’s suffering, as both parties have blood, veins, and the ability to feel pain. However, because the descriptions of Lockett’s physical body are also gruesome and difficult to read, audiences are more likely to feel repulsion than *identification*, disgust rather than empathy, and division rather than unity. In other words, the physical and conceptual separation created between Lockett and the audience is enhanced, rather than eliminated, by his grotesque physical body.

Burke (1950) observes that, “we need never deny the presence of strife, enmity, faction as a characteristic motive of rhetorical expression” (p. 20). In fact, it the presence of strife, enmity, and faction that create the very situations that motivate rhetorical expression: “Rhetoric is an attempt to bridge the conditions of estrangement that are natural and inevitable” (Foss et al., 2002, p. 193). These botched execution stories have the opportunity to persuade audiences to believe that their interests are in some way aligned with Lockett’s interests, and to bridge the deep factions between death row inmates and the free public. However, by simply describing a bloody execution, rhetors do not inspire identification.

In national news stories about Lockett, very little is written about Lockett as a criminal or as a person. One or two sentence descriptions of his crime are usually included in articles about his death—e.g. “Mr. Lockett was convicted of shooting a 19-year-old woman in 1999 and burying her alive” (Eckholm, 2014d)—but little more. In the long term, advocacy for criminal

justice reform requires investigating the economic, psychological, and sociological factors that might motivate a person to commit a heinous crime. In doing so, these factors may help abolitionists and retentionists see how their “interests are aligned.” Instead of a focus on this aspect of capital punishment, audiences are exposed to and distracted by Lockett’s grotesque body. Being witness to Lockett’s grotesque body, and becoming symbolically involved in Lockett’s murder, promotes public rejection of botched lethal injections. At the same time, however, the transitional grotesque frame allows for passive acceptance of prison systems that are invested in producing docile bodies. Thus, Lockett’s widely publicized grotesque execution did not actively contribute to the larger goals of prisoner justice, or serve to criticize the prison-industrial complex.

Effects of the Grotesque Frame

Earlier in this chapter I ask three questions to help further explore and scrutinize ideological effects of the grotesque framing of Clayton Lockett’s execution: Does the frame shock audiences into new ways of seeing; is its imagery *too* mystifying for audiences, inspiring passivity and silent dismissal; or does it function to do both of these things in separate ways? I will answer each questions in order, although they have a tendency to overlap and collapse into one another.

I argue that the grotesque framing of Lockett’s execution indeed shocks audiences, although it is worth investigating what *sorts* of “new ways of seeing” the frame actually advances. It is easy for audiences reading national news stories about execution to forget that the state is inserting needles into prisoners for the purposes of killing them, and that the prisoners sometimes (or perhaps, often) undergo physical and emotional suffering as a result. Through detailed descriptions of Lockett’s botched execution, audiences are asked to participate in his

death, which is uncomfortable and difficult. Thus, the frame may help audiences remember these negative and material aspects of the death penalty. The grotesque-mystical frame also exposes incongruous elements of society, and this apparent discord may even shake audiences out of habituated reactions to execution. The word “execution” does not normally occur next to the word “humane.” This oxymoron—made clearer through the *inhumane* execution of Lockett—also helps shake audiences out of complacency. Presenting execution with a more tragic framework—which presents clear villains, heroes, and provides definitive resolutions—may not inspire shock toward capital punishment at all. Thus, the particular shock resulting from the oxymoronic grotesque frame could potentially serve death penalty abolition causes.

However, the “new ways of seeing” inspired by the grotesque framing of execution are limited. Lockett’s grotesque execution does not exist within the *carnavalesque* spectacle—where grotesque bodies allow audiences to laugh at their shared foolishness—but within the oppressive American incarceration system. While the grotesque imagery of Lockett’s execution is shocking, it only serves to reveal an overwhelming and mystifying system that arbitrarily kills some and spares others. The secretive actions of the state and confusion over Lockett’s execution only further this mystification. Audiences see anew, but the vision is complicated, bloody, and ultimately too confusing to inspire complete rejection of capital punishment itself. Instead, audiences are allowed to passively dismiss the botched execution as an outlier in a complicated system, and as something too difficult and complex to deal with.

In sum, Lockett’s execution is horrific, and the power structures that cause the execution are secretive, confused, and mystifying. When framed grotesquely, audiences are briefly shocked into seeing the material aspects of a mystifying and confusing prison system. However, the repulsion toward Lockett’s gruesome execution and grotesque body ultimately serves to distance

audiences and inspire passivity, rather than inspiring total rejection toward the practice of capital punishment in the United States.

Conclusion

Several days after Lockett's botched execution, Charles Blow (2014) of *The New York Times* wrote in the Opinion pages:

How do we not, as a culture, descend to the same depravity of the person who takes a life—or multiple lives—when, as citizens of a state or country, we, in turn, take the murderer's life? Do our haphazard attempts to rid the world of evil imbue us with it?

Blow's words directly reject the capital punishment system, but his framing was an outlier in the articles written about Lockett. In other articles, the botched execution exemplified the grotesque rejection of botched executions but very little more. Articles about Lockett serve as "flashes of lightning" that expose the grotesque landscape of the lethal injection process, but they do not engage in total rejection of capital punishment. More importantly, they do not help bridge the deep symbolic (and physical) divide between death row inmates and the unshackled public. Thus, the mystical-grotesque frame may "promote new ways of seeing," but only a very narrow sense. We are disgusted, repulsed, and perhaps even concerned, but when the sheet is eventually placed over Lockett's lifeless body, we are simply *mystified*.

I began this chapter with an overview of Lockett's life—one of hardship, physical abuse, and emotional turmoil. I present Lockett as a child brought into a world that was not kind to him, and then as a foolish teen haunted by this difficult childhood. Burke's (1984) comic frame of acceptance involves identifying with the "fool" in the frame, and undergoing self-reflection about one's own humanness. In this way, the frame functions similarly to Bakhtin's (1984) concept of the *carnavalesque*, where hierarchies are flattened and laughter is directed toward all

participants—a communal sharing of foolishness. A more comic understanding of Lockett's childhood might help audiences view him as a foolish character in the drama, rather than as a villain or bloody corpse. After all, seeing oneself in the crying, pee-soaked three year old is easier than seeing oneself in the dying body of a murderer. While the grotesque framing of execution presented by the national news acts as a lightening strike that helps the audience “see in the dark,” the result of the frame is not *always* helpful for death penalty abolitionists. While news sources cannot be expected to persuade audiences to see their consubstantiality with a death row inmate, it is worth noting how the symbolic elements utilized by news sources make this endeavor less possible. In order for death penalty abolition in the United States to progress, rhetors must find ways to help align the interests of death row inmates with the interests of the general public. This is a tricky rhetorical situation indeed, but one worth fighting to the death for.

Chapter 5: Frameworks for the Abolition Movement

Ott and Aoki (2002) indicate that the “symbolic form of a story matters ideologically” and serves as a “basis for programmatic action” (p. 496). Indeed, all three case studies I highlight in this research demonstrate that the symbolic forms chosen to represent the death penalty have important consequences for the system of capital punishment. The abolition movement is relatively small, but active in the United States, and is surely (but very slowly) succeeding in abolishing the death penalty. Regardless of the relative success, the underlying motivations for many abolitionists are the notions that vengeance does not fix social problems, and that the death penalty makes murderers of us all. Thus, how the narrative structure of execution presented by the media helps or hinders the national acceptance of this ideology, and how much of this ideology abolitionists must sacrifice in order to make pragmatic arguments, are further questions to address in this research.

As I note in Chapter One, the modern system of capital punishment has become a weedy “terrain of cultural argument” (Banner, 2002, p. 284). A death row inmate whose guilt is unquestioned is exceptionally easy for rhetors to use consciously or unconsciously as a societal scapegoat, and by reviling this condemned person, the unshackled public engages in guilt purification. Not surprisingly, death row inmates are often presented as villains (e.g. Daniel Lopez as “cop killer” or Kelly Gissendaner as luring “Woman”) in the drama that plays out in the national news. Some abolitionist scholars, such as Bryan McCann (2013), have noted the presence of this simplified storyline: “the crude narrative that posits the state as the rightful protector of a class of victims against fearsome villains continues, carrying with it a litany of... structural inequalities” (p. 200). In the preceding chapters, I endeavor to further trace and analyze this more or less “crude narrative” as it is reflected in the rhetorical practices of the

national news media. Moreover, I demonstrate how these narratives might propel ideological assumptions that naturalize the idea of the death penalty, instead of revealing the practice's structural inequalities.

The news media utilize a predominantly tragic frame when describing the executions of Daniel Lopez and Kelly Gissendaner. Used in the context of the death penalty, this frame provides audiences with clear villains and heroes, and the act of execution is a fitting end within the cyclical rhetoric of rebirth (Burke, 1941). However, a grotesque-mystical frame—rife with oxymoronic textual elements—emerges in Clayton Lockett's botched execution, which complicates the resulting narrative. I argue that the grotesque frame has more potential to reveal structural inequalities and shock audiences out of complacency, but (at least for the case of Lockett) the frame becomes too mystifying and gruesome to inspire interest or engagement with the abolition movement. More importantly, I argue that neither frame assists audiences in experiencing significant consubstantiality with Lopez, Gissendaner, or Lockett.

While Gissendaner as “Mother” may be the easiest of these three death row inmates with whom audiences can identify, this sort of identification is inherently problematic, as it is founded upon cultural assumptions and prejudices about what constitutes a “good” or “bad” woman. Moreover, the media dropped Gissendaner's story only days after her execution, which indicates that the tragically framed narrative structure superseded the potential it posed for identification with the condemned woman. Put more simply, on the small scale, Gissendaner is a character in the drama with whom audiences can identify. However, in the larger scheme of her narrative, her execution becomes fitting and inevitable in the cycle of pollution, purification, and redemption.

So, the broader question I endeavor to answer in this final chapter is: *How* should abolitionists counter the crude and divisive narratives that appear to prevent identification with

incarcerated individuals? Moreover, *why* is it important to promote consubstantiality with inmates who have committed heinous crimes? To answer these questions, I suggest potential uses for both comic and grotesque counter-narratives within the abolition movement. But first, I look back at the three case studies presented in Chapters Two, Three, and Four in order to support my final conclusions about the future of the rhetorics of death penalty abolition.

Review of Chapters Two through Four

I find that each case study contributes its own nuance to my analysis of the symbolism of the national media's presentation of execution to the public. I present the case studies in order of their relative level of circulation, with Daniel Lopez's less widely circulated execution first. In the media's tragic presentation of the execution of Lopez, his story is dropped within days. By looking closely at narrative elements, I contend that Lopez is used as a scapegoat due to his enactment of a moral wrong—killing “Corpus Christi Lt. Stuart Alexander” (Graczyk, 2015c). Lopez's actions are described as animalistic and out-of-control, which dehumanizes him and symbolically distances his erratic behavior from the decent behavior of the police and the general public. Moreover, the media's decision to focus on Lopez's alleged sexual offenses indicates the presence of a fecal motive (Burke, 1966), or desire to purge the Guilt created by his original crime. However, mortification becomes the dominant frame in the tragedy, as news sources mainly focus on Daniel Lopez's “desire to die.”

I argue that this act of mortification allows audiences to easily recover from the act of execution, as even Lopez seems to feel that capital punishment is the correct solution for his situation. Lopez's act of mortification (urging the state to kill him) may have been a last ditch attempt to control his own fate, but the act is kindled by his total powerlessness in the situation. In an interview with a fellow death row inmate and blogger, Travis Runnels, Lopez states:

I could never help support my parents when they get old, like I am supposed to. What good am I now? Now I will be a burden to the state. Wasting [sic] the tax payers [sic] money (Runnels, 2014).

The Lopez case indicates how a death row inmate's own act of mortification may help audiences symbolically move past the execution story more easily, as it allows audiences to feel less complicit in the execution process. Moreover, the case demonstrates how more typical execution stories (with clear villains and heroes) play out in the news.

The case of Kelly Gissendaner received relatively more national circulation than Lopez's due to the unique features of her case. Gissendaner is first framed in the media as a "Woman" character, and reflects many of the qualities associated with the devil term (Buchanan, 2013; Weaver, 1953), such as lust, sexuality, and selfishness. However, Gissendaner next undergoes a symbolic transformation, in which she is represented by journalists as deeply pious and with mourning children that she would leave behind after her execution. Gissendaner demonstrates the ways that a female execution story can reaffirm dominant discourses that utilize maternal persuasive appeals. Because the "Mother" possesses positive associations (Buchanan, 2013), such as love, religion, and children, it is easier to find consubstantiality with Gissendaner as this pious mother.

While finding consubstantiality with death row inmates may benefit abolition, it is still worth noting how national discourses continue to reify the guilt of "bad" motherhood in their presentation of the condemned woman. As Buchanan (2013) notes, the Mother does encourage identification, yet discourages critical distance, which might shut down "analysis, discussion, deliberation, reflection, and nuance" (p. 7), which are all greatly needed in the case of prison reform and death penalty abolition. Because the act of execution becomes an important part of

Gissedaner's "redemption" in the narrative, audiences are satisfied by the conclusion and there is no further need to discuss the issues with the execution of a "transformed" woman. Because of this outcome, I argue that the consequences of the symbolic form then supplant some of the potentially positive effects of the identification that audiences might feel with Gissedaner. Due to the enactment of the rhetoric of rebirth in articles about Gissedaner (where she is polluted, purified, and finally redeemed), the tragic frame helps her execution become a fitting end to the symbolic drama.

My final and most widely media-circulated case study analyzes the botched execution of Clayton Lockett. Articles about Lockett demonstrate certain elements of the grotesque frame (Burke, 1984), such as the shocking oxymoron. Few critical-cultural scholars have noted the presence of the grotesque frame in national discourses (See Chesebro & McMahan, 2006; Nicotra, 2013; Olbrys, 2006; Singer, 2011), and the absence of scholarship necessitates further discussion about the possibilities and effects of its use as a framework for seeing (Burke, 1966). In the case of Lockett, I argue that its transitional grotesque frame acts as a "flash of lightning" that reveals a grotesque landscape of the lethal injection process. Descriptive elements of the execution—such as Lockett's own grotesque body (Bakhtin, 1984)—wake audiences up to the inhumanity of the practice. They also appear to inspire increased media circulation about his execution, as they are gruesomely perplexing and force audiences out of complacency. While this aspect of the grotesque frame suggests its potential for death penalty abolitionists, I say this with caution. In my analysis I stress that the grotesque symbolism ultimately results in negative feelings such as disgust, which might function to create distance and prevent consubstantiality between Lockett and national audiences. This negative result suggests that abolitionists should use the grotesque frame conscientiously, especially when executions are botched.

The Potential of Comic and Grotesque Frames for Abolition

The “Charitable” Comic Frame

In *Attitudes Toward History*, Kenneth Burke (1984) argues that “contemporary exasperations make us prefer the tragic (sometimes melodramatic) names of ‘villain’ and ‘hero’ to the comic names of ‘tricked’ and ‘intelligent’” (Burke, 1984, p. 4-5). National journalists naturally make both Lopez and Gissendaner (as “Woman”) villains in the narrative. Meiners (2007) contends that “victim” and “perpetrator” discourses rationalize mass incarceration, and thus, abolitionists should adopt a new frame to counteract this divisive rhetoric. I believe that both the comic frame as well as the grotesque frame, used strategically, could help counteract these victim/perpetrator discourses.

With regard to the ideological effects of a comic frame, Burke (1984) writes that it is neither wholly euphemistic nor wholly debunking. Furthermore, it “provides the *charitable* attitude towards people that is required for purposes of persuasion and co-operation, but at the same time maintains our shrewdness concerning the simplicities of ‘cashing in” (p. 166). This may be true, but Schwarze (2006) notes that Communication scholars who praise Burke’s comic frame operate under the assumption that social unification should be the singular *telos* of rhetoric. I agree that scholars should certainly avoid blind celebration of the comic frame for its unifying purposes, but I argue that the comic frame is useful, perhaps even necessary, when engaging in abolition and decarceration discourses.

In the case of execution, the “charitable attitude” and social unification propelled by the comic frame may help rectify the divisiveness of the “victim” and “perpetrator” narratives that so commonly arise in death penalty cases (Meiners, 2007). Moreover, the comic frame—by bestowing blame on the main character’s foolish actions—helps the audience identify with the

perpetrators' flaws as ones that many humans share. Certain recently published works by abolitionist authors have begun to adopt a more comic frame when describing definitively guilty death row prisoners (see Dow, 2010; Marazzita, 2015; Stevenson, 2014). However, it seems that there is a strong likelihood that the audience for these texts are those citizens already sympathetic to the abolitionist cause. This suggests that while comic frame may be "charitable," it may not always function to draw new audiences to accept death penalty abolition.

Grotesque Oxymorons

Many abolitionists recognize that one of the most significant concerns of the abolition movement is the complacency the general public tends to feel toward the death penalty. For example, neither incarceration nor the death penalty are listed as "important problems" facing the United States in a 2016 Gallup poll (Gallup, 2016). Moreover, 67% of Americans feel that the death penalty is imposed either the "right amount" or "not enough" (Gallup, 2015). The National Coalition to Abolish the Death Penalty has attempted to overcome the rhetorical constraint of complacency by creating its "90 Million Strong" campaign, which uses a bandwagon approach to persuasion (NCADP, 2016). On the NCADP website, they state that, "those of use who oppose capital punishment are increasing. We are now 90 million strong and ready to find our collective voice" (NCADP, 2016).

While this persuasive strategy may be useful for the NCADP, it is difficult to say whether the campaign itself has actually drawn more abolitionists, or found its "collective voice." As Jones (2010) points out, abolitionists find it difficult to bridge the gap between the guttural aversion they feel toward execution, and how the public feels (p. 64). I suggest that the grotesque frame may provide a useful mechanism through which abolitionists might shock the public into

seeing the death penalty and punishment in a new light, which may then inspire an increased level of exigency with regard to abolishment.

However, the cognitive barriers with regard to death penalty and prison reform are certainly numerous. Angela Davis (2003) argues in her book, *Are Prisons Obsolete?* that to understand “the social meaning of the prison today within the context of a developing prison industrial complex means that punishment has to be conceptually severed from its seemingly indissoluble link with crime” (p. 85). In addition, I believe that the death penalty needs to be conceptually severed from its link with heinous crimes, but adopting these new ways of seeing may be perplexing (and even maddening) for audiences. As Burke (1984) writes, the grotesque frame “belongs to periods marked by great confusion of the cultural frame, requiring a radical shift in people’s allegiance to symbols of authority” (p. 57-8). The United States currently exists in such a transitional state, where state governments are either choosing to eliminate the death penalty in favor of more humanitarian approaches, or are finding other ways to continue administering the death penalty. For example, in response to recent legal controversies with regard to lethal injection, several retentionist states have proposed reinstating the use of firing squads, the electric chair, or the gas chamber (Connor, 2015). These state governments demonstrate a strong and symbolic impulse to cling to antiquated ways of handling heinous crimes.

When social conditions are changing, our individual devotions may not always support these new conditions (Burke, 1935), and the transitional grotesque frame may help audiences better understand the options in front of them. Wolin (2001) explains that during these transitional states, “the best course is to promote a perspective of our pieties by juxtaposing them with other perspectives. The more different the juxtaposed perspectives, the more we learn about

our pieties” (Wolin, 2001, p. 104). Moreover, by being exposed to other perspectives, “we may see that there are better ways—hence, perspective by incongruity” (p. 104). The grotesque, names a “symbolizing of parallels, ‘correspondences,’ whereby simple notions of identity become confused, as *one thing* is seen in terms of *something else*” (Burke, 1984, p. 62). If the effect of the frame is not total mystification, the grotesque frame has potential to act a “lightning strike” that can change perspectives.

In the case of execution, the juxtaposition of such concepts as the electric chair with more humane and restorative processes within the prison system may help wake audiences up to the inhumanity of the entire system of capital punishment. Because these two options represent two entirely divergent perspectives, audiences might come to understand that their own “pieties” do not promote the best solution within the current social conditions. For example, the devotion that many members of society feel toward “victims” is compassionate and understandable, but the material result of this devotion is more murder, and the creation of more victims (e.g. a death row inmate’s family or the executioner paid by the state to kill). The grotesque frame may then promote “perspective by incongruity” (Wolin, 2001, p. 104).

Because the physically enclosed prison system has naturally allowed the general public to ignore the process of capital punishment, the grotesque frame may become a useful rhetorical tool that abolitionists can use to shock audiences into adopting new perspectives. Through the employment of oxymoronic narrative elements, abolitionists and scholars should explore the grotesque frame for its potential to highlight the unfairness and injustice within the entire system of capital punishment. For the time being, however, future death penalty and critical cultural scholarship should investigate these and other solutions.

A Radical Abolitionist Imagination

While the United States is trending toward abolition, certain states have continued to grip tightly to the gallows. In their effort to persuade retentionist states to eliminate the penalty, abolitionists have adapted specific rhetorical strategies to argue that incarcerated individuals should be spared. Two of the more pragmatic arguments utilized by abolitionists focus on “innocence” and “cost” (American Civil Liberties Union, 2015; Amnesty International, 2015b; NCADP, 2015). However, no social movement can exist on pragmatism alone, and Bryan McCann (2013) challenges abolitionists to “partake in a kind of radical imagination that fuses the death penalty with other expressions of the prison-industrial complex and works toward nothing less than a society without prisons” (p. 199). However, he also contends that orienting the public toward the radical idea of a prison-less society “will first require efforts to humanize the incarcerated and condemned, as well as rhetorical strategies that call the efficacy of modern penal policies into question” (McCann, 2013, p. 201).

Within this argument, McCann (2013) is responding to the new abolitionist strategy to use “life without parole” as a viable alternative to the death penalty, which does not remedy or address larger issues with the prison-industrial complex as a whole. He argues that the result of this rhetorical emphasis simply shifts the form of punishment within a system that is already invested in “producing docile bodies and rationalizing prevailing systems of social control” (McCann, 2013, p. 189). I agree that the central organizational posture of the abolitionist cause should include, “understanding capital punishment as only the most macabre expression of a colossal and broken prison-industrial complex” (McCann, 2013, p. 188). The death penalty is certainly the most grisly and violent articulation of the colossal and broken prison system, but abolitionists should understand that it is only one of its many expressions. US citizens are

currently divided in their support for capital punishment, and death penalty abolitionists are making steady progress at total abolition. During this transitional state in American history, the grotesque frame may help abolitionists present differing and incongruous perspectives to the public in order to help them make decisions about which penal practices are indeed “humane.”

While the goal that McCann (2013) suggests is far broader than my own critical project, my own analysis proposes new ways for abolitionists to humanize the condemned and shock audiences out of complacency. Davis (2003) writes that “the prison is considered an inevitable and permanent feature of our social lives” (p. 9). Indeed, the prison system has become so ingrained in the cultural consciousness of American citizens that audiences may need to be shocked into new ways of seeing the death penalty in particular, and the entire criminal justice system in general. I specifically propose that future scholars investigate the potential for the grotesque frame to awaken audiences to these causes.

I also make repeated efforts to argue that audiences should find consubstantiality with incarcerated individuals, but I am aware that this notion needs foundation. One might ask if it is ethical or necessary to engage in consubstantiality with guilty prisoners in order for humane prison reform policies to take shape in our country? If the answer is yes, some might argue that this is an oxymoron in itself. Why should abolitionists ask the American public to identify with “murderers”? However, it should be noted that even the title of “murderer” or “criminal” is a symbolic name placed on humans who are more than likely deeply troubled, often in need of the most help, and who are worthy of understanding better. As Burke (1984) writes:

To act wisely, in concert, we must use many words. If we use the wrong words, words that divide up the field inadequately, we obey false cues. We must name the friendly or unfriendly functions and relationships in such a way that we are able to do something

about them. In naming them, we form our characters, since the names embody attitudes; and implicit in the attitudes there are the cues of behavior” (p. 4).

In other words, to act wisely, with sound judgment and consciousness of the effect of these words, we must choose our names very wisely.

When social institutions name death row prisoners “rapists” and “murders,” these incarcerated people are tainted by these words. The name murderer then inspires a negative attitude that then helps justify their execution by state governments. Like the prison system, these labels are deeply ingrained in the American vocabulary. A more humanitarian approach would not select the word “murderers” or “rapists” to describe these people. A more comic approach (Burke, 1984) would label death row prisoners “troubled humans who made horrific choices for myriad reasons.” Many abolitionists already make these careful rhetorical choices, but getting the general public to also adopt them would take a persuasive campaign of its own.

To end, I quote a famous statement made by one of the earliest published death penalty abolitionists, Cesare Beccaria. In his book, *An Essay on Crimes and Punishments*, he writes:

[The punishment of death] is... a war of a whole nation against a citizen, whose destruction they consider as necessary or useful to the general good. But if I can further demonstrate that it is neither necessary nor useful, I shall have gained the cause of humanity (Beccaria, 1819, p. 98).

It is my hope that abolitionists of the present and future will continue to find new ways of framing the death penalty that will help all Americans see the problems with the current system of incarceration, beginning with its most useless and macabre expression.

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