

Making the Movies Real: The Death Penalty & Local TV News

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Abstract

Media organizations, particularly the broadcast media, have become extremely important actors on the public stage over the last three decades. As a result, what the media chose to cover and how they chose to cover it is an important question. That is magnified when the media turn their attention to a public policy issue like the death penalty that already possesses profound social significance. In no other area of public policy can the state impose its will so completely and finally on an individual citizen. Therefore, the public should understand the issues that surround capital punishment. That understanding is virtually always communicated through media organizations because very few of us have first-hand knowledge of the death penalty. In this paper, I explore how television broadcast organizations cover the imposition of the death penalty. How did they carry it out? What themes did they convey? What did the public learn?

An Eye for an Eye

They were preparing to hang Richard Hickock. Perry Smith was waiting next. They had killed four members of the Clutter family six years earlier because they thought that Mr. Clutter had a safe on his property containing \$10,000. They were wrong; they got only forty-three dollars. Now, they would forfeit their lives. It was before dawn on Wednesday, April 14, 1965 at the Kansas State Penitentiary.

The scene was described in Truman Capote's classic book *In Cold Blood*. It was now captured in the movie by the same name. But, Capote added something to it: a lesson. As the executions approached, the American ambivalence about the death penalty was represented by the tension between two characters, a veteran reporter and his younger colleague. The veteran harbored serious misgivings about the morality of the death penalty. On the other hand, the younger man was absolutely convinced that it was necessary and further, it was righteous.

Now they were present at the executions. They were to bear witness and to report to their public. The death penalty was now not an abstraction; men were going to die at appointed times and in an appointed way. But something strange happened. The younger reporter turned his enmity for the killers toward the hangman, standing in the background, his black hat obscuring his identity, waiting to hang Richard Hickock. A glance at the hangman is followed by a question that is spit out with loathing. "What does he get paid?", he asks. "Three hundred dollars a man", replies the veteran. The younger man takes a long look at the hangman trying to contain his disgust that someone would actually apply for and get paid to hang other men. His final question seethes from his lips, the words so clipped with moral superiority that they almost etch themselves on the screen. "What is his name?", he asks. The reply devastates him: **"WE THE PEOPLE"**.

The executions of Richard Hickock and Perry Smith were described by Capote in such detail only because their crime had captured his imagination. He wanted to understand how they could kill four people without blinking an eye; how they could simply kill "in cold blood". His book is the result of that examination. However, absent Capote's interest, only two aspects of the story may have made the news, both of them violent, one representing the beginning, the murder of the Clutter family, and one representing the end, the executions of Richard Hickock and Perry Smith.

It has been three decades since those executions took place in Kansas. In that time, the United States has gone through a suspension of capital punishment, only to have it re-instated with the execution of Gary Gilmore by a Utah firing squad in January 1977. Today over thirty-one hundred persons sit on death row in the United States and it is likely that many of the sentences will be carried out. Also, in those three decades, the broadcast media have increased their power and influence in society as technological advances and the thirst for information in the "information age" have made broadcasting organizations crucial actors on the societal stage. As a result, what the broadcast media choose to cover and how they choose to cover it is an important question. That is magnified when the media turn their attention to a public policy issue like the death penalty that already possesses profound social significance. In this paper, I explore the connections between the death penalty and the media, particularly broadcast news.

Crime and the News

In 1963 Reuven Frank was the executive producer of the NBC Evening News. In order to give structure to the newscasts he offered the following prescription.

Every news story should, without sacrifice of probity or responsibility, display the attributes of fiction, drama. It should have structure and conflict, problem and denouement, rising action and falling action, a beginning, a middle and an end. These are not only the essentials of drama; they are the essentials of narrative.¹

The narrative and dramatic logic explicit in Frank's concept of television news directs news producers to select stories which are melodramatic in plot and story line. Further, given the nature of television news, the drama must be visual, for above all else, television is pictures; and there are no more dramatic pictures in local television than those of crime.

Crime has been a prominent part of local newscasts for a significant period of time. In 1975, researchers conducted a content analysis of the three network affiliated flagship stations (WNBC, WABC, and WCBS) in New York City.² They found that stories about *violence* (a subset of crime stories) accounted for about twenty percent of the broadcasts' time for two of the stations and about ten percent for the third station. Further, the stories about violence were prominently placed in the hour-long newscasts. For WABC and WCBS just under fifty percent of the violent stories were broadcast in the first 15-minute segment and

over eighty percent of the stories about violence were broadcast by the end of the second 15-minute segment.

Atwater examined local newscasts to determine the extent to which stations presented *unique* stories, i.e., stories not found on the other two newscasts on the same day.³ Crime/court stories were the second most prominent type of *unique* stories (behind human interest/features) accounting for over twenty percent. Atwater also found that crime/court stories accounted for between twenty and thirty percent of *duplicated* news stories, coming in second behind stories of government/politics.⁴ In short, crime was the most consistently covered subject regardless of the *unique* or *duplicated* nature of the stories.

Graber, in a seminal study of the reporting of crime across media types, also found that crime stories occupied about twenty percent of local network affiliates' newscasts. She concludes that: "Crime news receives ample coverage and display compared to other types of news. By certain social significance criteria, it is excessive".⁵

The prominence of crime news is not limited to local news as network news programs have increased their crime coverage dramatically in the past four years. According to research conducted by the Center for Media and Public Affairs, the coverage of crime on network news shows quadrupled between 1991 and 1995.⁶

While there has been significant research regarding crime and the news, a study of the actual coverage of the death penalty by local television news organizations has not been conducted. Bailey, however, examined the relationship between execution publicity on television network news and homicide rates from 1976 to 1987.⁷ Using abstracts of the news programs of ABC, CBS and NBC, Bailey characterized content as: (1) the inclusion of an artist's drawing of the execution/executed person; (2) whether there was a witness account of the execution; (3) if the executed person's last words were aired; (4) whether the executed person was seen as "deserving" or "undeserving"; and (5) whether there was coverage of anti-death penalty demonstrations.

There have also been discussions of the issues surrounding the reporting of an execution. The question was confronted directly when KQED, the public broadcasting television station in San Francisco, sued the warden of the prison at San Quentin, Daniel Vasquez, in the Spring of 1991 for the right to bring a camera into the witness area to film the execution of Robert Alton Harris. In writing about the case, Lesser extracted the elemental

components by recognizing that the case of *KQED v. Vasquez* was so compelling because it addressed explicit and implicit issues.

Explicitly it was about the First Amendment, and whether and to what extent the public---in the form of the press, and through reporting by the press---has the right of access to a public event like an execution. But implicitly it drew in all our feelings about the death penalty itself, our feelings about the state's right to kill one of its own citizens. It asked us to examine how we feel about the presentation of violence---on television, in newspapers, through books and films and photographs---and posed the question of how we differentiate between real and fictional violence, real and fictional death.⁸

Lesser further characterized the case as a series of contrasts that reveal our uneasiness about the death penalty.

It set our concerns about individual dignity and privacy, even for an individual who had been convicted of murder, against the public's right to know. It posited spectacle versus procedure, excess versus restraint, bloodthirsty revenge versus bureaucratic enforcement of justice, sleaze versus highmindedness.⁹

In the end, the judge ruled that KQED could not videotape the execution of Harris. He was finally executed in San Quentin's gas chamber in the Spring of 1992, the first person so punished by the state in thirty years. Ironically, his execution *was* videotaped by the state of California by order of a Federal District Court judge for use in any future cases involving the constitutionality of a gas chamber execution.¹⁰

While Lesser raises the dilemmas that surround the media's access to an execution, John Bessler suffers no qualms about the proper role of television in such an event. Had he been the judge in the case of *KQED v. Vasquez*, there would have been two videotapes of Harris' execution, the court's **and** KQED's. He argues that executions in the United States should be televised on the grounds that only an informed public and Supreme Court can determine whether such punishment is considered cruel and unusual under the Eighth Amendment. Public executions, Bessler tells us, were originally banned as a response to the growing debate in opposition to capital punishment. He reasons that restrictions on television coverage of executions violate the First Amendment right to free speech by inhibiting the ability of the public to conduct informed debate. He concludes, therefore, that television should be given specific access as the most effective means of distributing such information.¹¹

The essential character of the thrust for more public access to executions centers on an attribute of news that is unique to television--moving pictures. However, the rules that govern television's coverage of executions specifically prohibit the use of pictures, its fundamental tool. In no other crime story are television's pictures expressly constrained in *every* case by a force outside of the media organization. The prohibition to cameras in the courtroom only applies to *some* cameras in *some* courtrooms. In contrast, television stations have never been able to videotape an execution. They cannot record or show the essential act of the story. Television news must then construct its story without the advantage inherent in the pictures. The question is how does television news report the imposition of the death penalty.

In this paper I offer an analysis of the coverage of an execution by local television stations in the fourth largest market in the United States. How did they do it? What themes did they convey? What did the public learn?

The Ultimate Drama

Crime, as we have seen, is a prominent subject for broadcast news, but the subject of execution accentuates the dramatic character of crime more than any other story. With execution as the subject, Reuven Frank's imperative for drama in a news story creates a symbiosis between news and the death penalty. It has all of the attributes that Frank requires. First, it is real; a real life and death struggle that has the most serious consequences. Lesser even posits that an execution is murder.

For my purposes, execution shares enough of the characteristics of murder to be counted as part of the general category: it includes a victim who does not want to die, and an agent that nonetheless kills him. And execution has special characteristics--in particular, that it can be watched and *is* watched--which makes it more accessible than other kinds of murder (author's emphasis).¹²

Second, it has many conflicts that are borne out of the crude discriminations of a yes-no, guilty-or-innocent, this-versus-that perspective of an adversarial justice system. Lesser goes on to suggest that this either/or structure affects all of our considerations about murder.

There is something adversarial in the very way we think about this crime and its effects: the murderer *versus* the victim, sympathy *versus* condemnation, or (what is not at all the same thing) innocence *versus* guilt; objective reporting

versus subjective description; television *versus* print, art *versus* news, or news *versus* entertainment; the right to watch killing *versus* the right to die privately; the beneficial effects of witnessing even ugly reality *versus* the destructive effects of becoming inured to violence (author's emphases).¹³

Third, a story about an execution has the rising action and falling action that surround the legal maneuvering between the prosecutors for the state and the lawyers who represent the condemned person as they engage in strategies to either carry out the sentence or to win a stay of execution. In the case of the execution of Robert Alton Harris by the state of California in April 1992, that action rose and fell to absurd levels. In the six hours between the scheduled time for and his actual execution, four separate stays were granted and then overturned. Harris was strapped into the chair in the gas chamber only to be removed minutes before the cyanide pellets fell.

Fourth, in its last stages it has "the watch"; the time just before the sentence is to be carried out when desperate legal tactics are attempted to win a reprieve that is not going to come. It is the face of the "big clock", as Lesser calls it, that moves inexorably, impersonally, to its terminal moment.

Lastly, the execution represents the end of a saga that began with the crime itself; a crime that, in most cases, occurred so far in the past from the execution date as to render it almost removed from the event. The death penalty is final; there is no going back. Its finality has almost a visceral effect on persons on both sides of the capital punishment dispute. It is the release of that tension that always attends an execution. In the Harris case, opponents to the execution remarked "what's done is done" after Harris was killed. The families of the victims simply wanted to put the case behind them. But for opponents and proponents alike, "the execution would let us off the hook. It would enable us to stop taunting ourselves with the question, 'Will he die?' because the question would be answered, finally and completely, by his death".¹⁴

Apart from its dramatic theme, a death penalty story is also important to media organizations due to its production characteristics. From a production standpoint, death penalty stories are relatively easy to cover. Little investigation is required; the facts have been established over the course of the case and they are easily recovered, probably from the media organization's own archives. That is, the media organization will almost certainly have reported on the case as it moved from the crime through the judicial process. Further, for the execution story itself, there are only few prescribed places to send the news crews to cover the

story: the prison, where the execution will be carried out; the offices of the prosecution and the defense, where legal maneuvers are being mounted; and the court, where motions regarding stays of execution are being decided. In short, a death penalty story is predictable in the sense that the media organization knows where to deploy its resources to acquire the necessary raw material (the information) to produce a product (the news story).

For the media the death penalty represents the ultimate drama. It is the movies made real rather than the other way around. All of the symbols that the movies use to convey the drama of an execution are no longer abstractions. An execution story is populated by real people in a real situation with very real consequences. Most news stories, even those about crime, do not have a life-and-death immediacy to them. Often, production techniques are employed to create such tension. But a story about the death penalty is a story *precisely* because it hinges on life-and-death. Its very essence is its own tension, conflict, and resolution.

The dramatic theme and production attributes of death penalty stories offer media organizations a highly desirable reporting opportunity. That is understandable. The imposition of capital punishment is an important story that deserves coverage. The question is how is that coverage carried out. In order to examine that question, we consider the broadcast television coverage of the story of the execution of Andres Deputy by the state of Delaware on June 23, 1994.

Delaware, Andres Deputy and Capital Punishment

On February 9, 1979 Andres Deputy and his friend William Flamer were in the middle of a twenty-four hour drinking binge. They had run out of money and they had run out of booze. Flamer suggested that they go to the home of his uncle and aunt, Byard and Alberta Smith, to secure more money. It was a tragic mistake. The Smiths refused to give the pair anything. As a result, they died from over 140 stab wounds inflicted by a bayonet and a knife. Deputy claimed throughout his trial and imprisonment that he did not participate in the murders. He acknowledged being at the scene, but he said that Flamer was the murderer; that he (Deputy) stood by. That defense was not successful and Flamer and Deputy were convicted of first degree murder and sentenced to death in 1980. At the time, Delaware used the gallows as the method of execution. Offenders were later given the choice between hanging and lethal injection.

Two weeks before his scheduled execution Andres Deputy held an extraordinary news conference in the prison chapel that was attended by representatives from almost every news outlet in the region. He seemed nervous at first, unsettled by the attention. But as the session progressed he became more relaxed and answered reporters questions for about an hour. He continued to claim that he did not kill the Smiths. He said that shortly after being incarcerated he had found God and therefore was not afraid to die. The news conference ended with Deputy singing a song of his own composition about his faith. He then left the room smiling at his audience.

Andres Deputy exhausted every appeal that was available to him during the fourteen years of his incarceration. He won several stays of execution, but ultimately his lawyers did not prevail. At thirty-five minutes past midnight on the morning of June 23, 1994 Andres Deputy was strapped to a gurney in a specially designed trailer on the grounds of the Delaware Correctional Center and was executed by lethal injection. He offered no last words.

Deputy was the fourth person executed by the state of Delaware after the death penalty had been reinstated in the United States and the executions had occurred in a relatively short time. Stephen Pennell, executed in March 1992, was the first person to suffer the death penalty in Delaware in over forty years. However, in just over two years the state would execute three others, Deputy among them. By late January 1996, the state had executed six men including Deputy's accomplice, William Flamer.

What Viewers Were Shown

In order to examine the media coverage of the execution of Andres Deputy, I focused on the local television news broadcasts of three stations in the Philadelphia/Wilmington market. How did they cover the story? What themes were represented? Were there differences in that coverage? What did we learn as a public about the death penalty?

The Television Stations & the Newscasts

Examining the local television news coverage of the Andres Deputy execution required the videotaping of the early evening broadcasts of the stations covering the story. For this analysis we taped the newscasts of Channel 2 (TCI¹⁵ Cablevision), Channel 6 (WPVI), and Channel 12 (WHYY). These stations were chosen for the following reasons: (1) Channel 2 (TCI) is the local cable channel in Delaware's most populous county, New Castle County.

It produces a local news broadcast every day that covers state issues. As such, its market is Delaware and it would include the Deputy story as a natural part of its coverage of state issues; (2) Channel 12 (WHYY) is the local affiliate for the Public Broadcasting System covering Wilmington and Philadelphia. Although its main offices are in Philadelphia, it produces a daily local news program in Wilmington that focuses on the state of Delaware. As such, then, its coverage of the Deputy story fits into its market; (3) Channel 6 (WPVI) is the local ABC affiliate based in Philadelphia, but it is the only one of the three Philadelphia-based network affiliate stations to have a Wilmington bureau for coverage of Delaware. Therefore, Channel 6's interest in the Delaware market is more visible and concrete than the interest of its competitors. These stations represent those channels that identify Delaware as either the primary (Channels 2 and 12) or an important segment (Channel 6) of the market for their newscasts.

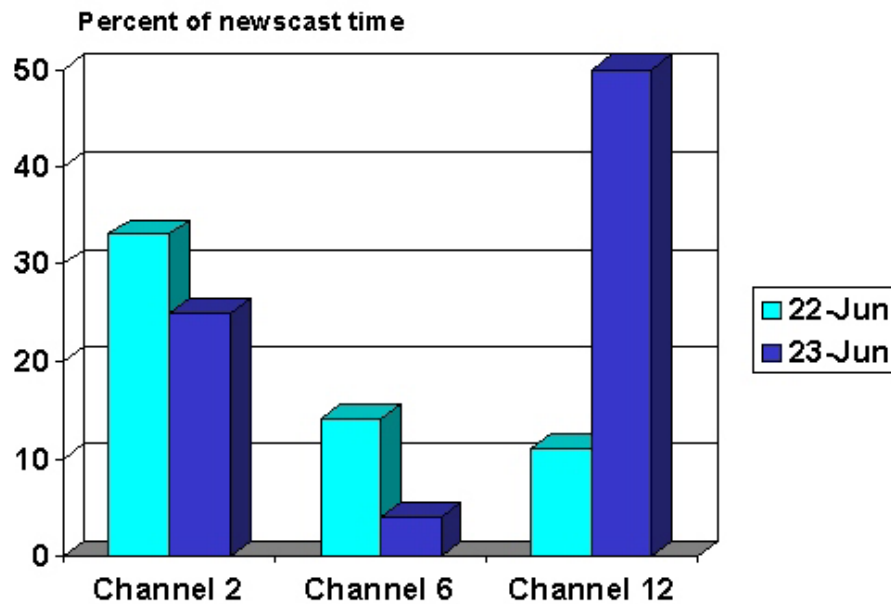
The stations are very different in the size of audience that their newscasts capture. Channel 6, the Philadelphia ABC affiliate, operates in the fourth largest media market in the nation. It is the flagship station owned by Capitol Communications, the parent company of the ABC network at the time,¹⁶ and it has been the ratings leader in local newscasts for over a decade. In fact, its ratings lead over the NBC (Channel 3, KYW) and CBS (Channel 10, WCAU) local affiliates¹⁷ is such that on a regular basis, Channel 6's ratings for the daily 6:00 PM newscast exceed the *combined* ratings of its network affiliate competitors, plus Channels 12 and 2.¹⁸

The Production Factors

The examination of the coverage of Andres Deputy's execution was conducted along two dimensions, production factors and story content. Production factors focused on the amount of time devoted to the story, the placement of the story in the lineup of the newscast and the reporting technique, i.e., the use of videotape, a live report, narration by the anchorperson, etc. The content of the story was analyzed as a separate issue. First, I offer the findings regarding the production factors. The amount of time devoted to the story (as defined by the percentage of the time of the newscast) varied greatly across the channels and within the channels across both days. On June 22nd, the day before the execution, Channel 2 devoted one-third of its broadcast to the Deputy case (Figure 1). Channel 6 and Channel 12, on the other hand, both spent less than fifteen percent of their broadcast time for that day on the story. That percentage changed dramatically for the next day, June 23rd, the day of the execution. While Channel 2 still utilized a substantial portion (25 percent) of its broadcast to cover Deputy, Channel 12 increased its coverage almost five fold to fifty percent of the broadcast. Channel 6's coverage was reduced to about four percent of the newscast for June

23rd. In short, the stations in Delaware devoted substantially more time to the story than Channel 6 in Philadelphia. We might expect that outcome. The differences in coverage, however, are also evident in the content of the stories, as we will see later in this paper.

Figure 1: Time devoted to the Deputy story, by channel



The one production factor that was consistent across the channels on both days was the prominent placement of the Deputy story within the lineup of the newscasts. For channels 2 and 12, the Deputy story was first in the newscast. Channel 6 placed it as the second story on both days.

The production techniques of videotape, live reports, and anchors reporting the story were used across all three channels on both days. The production technique was guided by the message that the newscast wanted to convey for each story. We will consider those techniques more closely as we discuss the content of the individual stories.

Story Topics

To convey the findings about story content, each of them is discussed separately as they appeared on each channel for each day. Before doing so, however, we can make some general statements about them. First, their numbers. On June 22nd, the day before the execution, the three channels included six stories about Deputy, three of them on Channel 2, two of the stories on Channel 12 and one story on Channel 6. For June 23rd, Channels 2 and 12 each had two stories on the execution, while Channel 6 broadcast one story. In summary, there were eleven stories about the execution of Andres Deputy that were prepared by the stations (Table 1).

Table 1: Story descriptions re: Deputy execution, June 22 & 23, 1994, by channel

Day	Ch. 2	Time	Ch. 12	Time	Ch. 6	Time
6/22/94	Summary of preparations for execution	50	Summary of preparations for execution	63	Live report from Wilm re: legal motions	131
	Prayer mtg. of group opposed to death penalty	33	Prayer mtg. of group opposed to death penalty	63		
6/23/94	Rebroadcast of part of Deputy news conference	164			Deputy executed	32
	Deputy executed	189	Deputy executed	165		
	Program note re: death penalty as topic	18	Interview w/ prof. re: death penalty as sanction	455		

Time is reported in number of seconds.

A second general attribute of the stories is that they expressed a variety of themes. That occurred across the channels and across both days of coverage. Specifically, Channels 2 and 12 devoted time to providing some context for the execution through discussions of the death penalty as a sanction. Channel 6, on the other hand, concerned itself strictly with the execution and offered no larger context from which to view the story. This being said, let us consider the story content for each channel for each day of coverage.

Coverage Before the Execution

Channel 2: Local Cable News: On the day before the execution, the first three stories of Channel 2's newscast addressed the Deputy story. The first story, lasting just under one minute, was reported by the anchor person. The story had two themes, one much more prominent than the other. The first theme focused on the legal activity that surrounded the execution. Although an appeal was still pending before the U.S. Supreme Court claiming that lethal injection constituted cruel and unusual punishment, the U.S. Third Circuit Court of Appeals had denied a stay of execution earlier in the afternoon.¹⁹ The second theme indicated what preparations were being made for the execution by the Department of Correction. The story was not sensationalized. There was no suggestion that the legal motions for a stay of execution had much chance of success. Rather, the case seemed to be moving toward an inevitable conclusion. The report simply conveyed information on the present status of the case.

The second story began with the anchor's voice-over of a videotape of the prayer meeting of a group opposed to the death penalty. This story ran for just over thirty seconds. The theme of the story gave coverage to an opposing view of the death penalty and the reasons for such opposition.

Channel 2's third story was thematically the most interesting of the newscast. The over-riding theme of the story was a presentation of Andres Deputy as a person. It was based on a rebroadcast of portions of Deputy's news conference that took place two weeks earlier. At a length of two minutes and forty-four seconds, it was significantly the longest of the three stories that dealt with the pending execution. At the top of the story the videotape of the news conference was accompanied by the voice-over by the reporter who recapitulated the crime and updated the case with events that occurred since the news conference was held. After that, various portions of the new conference were rebroadcast that gave Deputy the opportunity to restate his claim of innocence and, more importantly, to offer a version of the crime that called into question the prosecution's theory of the case.²⁰

Deputy asserted that he did not believe in the death penalty and he offered startling evidence to support that position. He claimed that he had seen his mother killed in front of him, that he knew the man who committed the crime and that he would not want the death penalty for him either. That version of Deputy's past was not challenged by the reporter. Was his mother killed in that fashion? Was her killer ever tried? What happened in the case?

There was no information from the reporter that put Deputy's claims about his past into any context. Absent that challenge, or at least an explanation, Deputy was given an extraordinary opportunity to potentially evoke some degree of sympathy from the audience.

The end of the news conference was punctuated with a song of Deputy's own composition. The reporter indicated that, "at the request of the media" he sang a "heartfelt" song, entitled "Sinner Man". The videotape of the news conference then ended with Deputy leaving the auditorium smiling as his singing provided the music over the tape.

Through the rebroadcast Deputy was able to reiterate his version of the crime in which he claimed that he killed no one, to point out his rebirth in God saying that his faith prepared him to be unafraid of death, and to sing again the song he composed that spoke of forgiveness that ended the news conference. The effect of the story was to put a human face on the execution. In short, the news conference presented a portrait of Andres Deputy that was far removed from the image of one of the drunken killers of the Smiths. By deciding to rebroadcast the news conference, Channel 2 assisted, whether consciously or not, in the advancement of that picture.

Channel 12: Local News on PBS: Channel 12's coverage of the situation regarding the pending execution on the day before it was scheduled was much like that of Channel 2, with the important difference that it did not offer a piece like the rebroadcast of the Deputy news conference. The coverage focused on two lead stories, each lasting for just over one minute.

The first story was a summary of the Deputy situation including information about the crime, the logistics for the execution, and the status of any appeal. Its general theme focused on the preparations for an execution that was very probably going to occur, particularly when it indicated that the Governor said he would make sure that Deputy had exhausted all appeals and would not intervene. It was reported by the anchor in a manner that was not sensational.

The second story focused on the prayer meeting of a group opposed to the death penalty. It included a videotape of the meeting and included short interviews with some members of the group. The theme of the story was a presentation of an alternative view of capital punishment.

Channel 6: "Action News": Channel 6 is the ABC affiliate in Philadelphia that identifies itself as "Action News". As a result, the coverage of the pending Deputy execution was steeped in that approach to local news reporting. Channel 6 presented only one story (which ran for over two minutes) on the Deputy case. It was the second story of the broadcast, following a lead story on the O.J. Simpson preliminary hearing. The presentation of the Deputy story was dictated by the requirements of the Action News format and its commitment to the Reuven Frank prescription of news as drama. The theme of a desperate immediacy concerning the fight to save Deputy's life was apparent from the very beginning. The story was introduced by the anchor with a graphic over his shoulder that read "Date with Death". The anchor then switched to a live segment by a Channel 6 reporter who was in Wilmington. The reporter, picking up the theme of desperation, began by saying that "just minutes ago the appeal of Andres Deputy for a stay of execution was denied". That language served to communicate attributes of the situation that were not quite valid. First, the denial had come a full hour before the live report and so it was not breaking news. Secondly, the denial was a foregone conclusion and it surprised no one. The grounds upon which Deputy's lawyers had made the appeal had been denied previously and there was no indication that the court would reverse itself. Indeed, Deputy had been granted several stays of execution and his fate had finally come down to this situation precisely because all of the grounds for appeal had been denied at various judicial levels. The story implied that there was at least some minimal basis to think that the decision regarding a possible stay of execution would be otherwise. There was none.

The theme of a struggle for life was continued as the live reporter in Wilmington provided voice-over to a videotaped picture of a room in the Delaware Attorney General's offices. The room was to serve as the command center during the execution proceedings. The empty room was dominated by a table on which there were telephones identified with name cards indicating their direct link to actors in the drama who could affect the outcome, i.e., the Governor, the Supreme Court, etc. Again, the implication was unmistakable; the drama of struggle for life would continue to the last possible moment. While the struggle did continue, the theme and the language of the Channel 6 story gave the impression that there was some reasonable possibility that Deputy's life would be spared. For all practical purposes, that possibility was virtually gone, as events bore out.

Coverage After the Execution

Channel 2: Local Cable News: Channel 2 began its broadcast on the day of Deputy's execution with a relatively long (over three minutes) and detailed telling of the story. It had an advantage over its television competitors because the Channel 2 reporter served as one of the press witnesses (chosen randomly) to the execution. As a result, she was able to offer first-hand information about the execution, e.g., Deputy's demeanor, the reactions of other witnesses, the steps taken by prison officials to carry out the sentence, etc. Her report included a recounting of the crime for which Deputy was executed.

The reporter then tried to introduce a sense of irony into the story as she included a videotaped interview with the Deputy Attorney General who represented the state in its successful effort to execute Deputy. She asked him about his "pained look" during the execution. He replied that it was the result of his thoughts of Deputy and the families of his victims. Further, he said that it was a very serious matter when the state imposed its "ultimate sanction".

The report also included interviews with death penalty opponents who kept a candlelight vigil outside the prison during the execution. In that way, Channel 2 continued the theme that it presented the day before in which it gave coverage to the arguments against the death penalty.

The first story ended in a fashion that painted Deputy in human terms. It was another rebroadcast of the portion of the videotape of his news conference in which he said he felt sorry for the victims' family, that he had found God, and that he was not afraid to die. And just as Channel 2 had done the day before, the videotape ended with Deputy smiling and leaving the auditorium. The theme of this segment of the story was unmistakable--Deputy was not an abstraction, but a very real person.

Channel 2's second story regarding the execution of Deputy was very short (eighteen seconds). It was essentially a program note in which the anchor advised the audience that a half-hour show focusing on the death penalty would immediately follow the newscast. That show was not part of the primary newscast and therefore it was not included in this analysis. However, it did indicate that Channel 2 broadened its coverage of the execution of Deputy to delve into the larger issues that surround capital punishment.

Channel 12: Local News on PBS : The first story (just under three minutes long) focused on the carrying out of the execution. The newscast began with videotape of the scene outside the prison, the bus of witnesses moving toward the execution trailer, and then comments from the press conference the witnesses held after the execution took place. The videotape also included remarks by the chairperson of the Delaware Human Relations Commission in opposition to capital punishment.

Channel 12's second story reflected its recently adopted news magazine approach to local news. It consisted of a very long (over seven and one-half minutes) interview with a professor from the University of Delaware who is an expert on the death penalty. The interview was constructed to provide a context for the imposition of the death penalty; how it is applied, the steps in the appeal process, and the potential grounds for appeal.

The interview was noteworthy for its over-riding theme that the death penalty is a complicated and procedurally bound process that is in serious need of repair. For example, the professor stated that appeals of the death sentence have almost nothing to do with guilt or innocence; they are procedural matters. In fact, the U.S. Supreme Court had issued a ruling in 1993 that made it "virtually impossible" (according to the professor) for an inmate to appeal on the grounds of innocence. The professor concluded that "innocence has become almost irrelevant". Further, he added that, even after all the time, money and agony of death penalty cases, "typically the people saved are guilty and the people not saved may not be guilty; it is an horrendous process".

Regarding the Deputy case specifically, the professor indicated that Deputy, who was African-American, was unfortunate in that his conviction occurred in 1982 and his first round of appeals was completed before 1986. That was significant because in 1986 the U.S. Supreme Court ruled that pre-emptory challenges to jurors solely on the basis of race was unconstitutional. Further, the principle of retroactivity was not to apply. That is, actions taken prior to the ruling, even if they were now ruled unconstitutional, could not be the basis for subsequent appeals. Therefore, Deputy could not base any further appeal on possible actions by the prosecutors during his trial that were subsequently ruled unconstitutional. The professor then leveled his indictment: "That's why this is a game, a crap-shoot more than it is anything involving a fair process".

During the interview, the professor had made some provocative claims that were never examined by the reporter. There were obvious questions. What evidence could the professor offer to show that typically guilty people are saved and non-guilty people may be executed?

What might be done to make the process fair? During Deputy's trial did the prosecution use pre-emptory challenges against jurors based solely on race? But the questions were never asked. Consequently, there was the clear implication, intended or not, that Deputy may have been as much of a victim in this affair as he was a victimizer.

Channel 6: *Deja Vu Again:* Channel 6's coverage of Deputy's execution of was short and to the point. It was the second story of the newscast and lasted just over thirty seconds. For this story there was no live report from Delaware. There was just a voice-over by the anchor of videotape of the scene outside the prison as he relayed the facts: Deputy had been executed; he was executed for a murder in which 140 stab wounds were inflicted on the victims; his "last moments" were without comment. For Channel 6, the "action" necessary in a story for inclusion in the newscast had already been spent in the Deputy saga the day before when it reported the struggle to save his life. Now, however, with Deputy's execution, there was no more action to take place. From that perspective, the Deputy story was "old news". Deputy had killed two people and the state executed him for it. Justice had prevailed; the circle was closed.

Examining the Deputy story in isolation on Channel 6 that day misses a very important aspect of the newscast--context. Channel 6 broadcasted fifteen stories in the first segment (opening of the broadcast to the first commercial break) of the newscast on June 23rd, the second of which was the Deputy execution. All of the stories in that segment, except the last one, focused on human peril.

The first story reported the interception of a trawler that was smuggling Chinese people into the United States and the squalid conditions in which they made the voyage. Deputy was second. The third and fourth stories focused on the release of the 911 tapes of the O.J. Simpson case. In fact, the third story (lasting well over two minutes) was based on an extensive playing of the 911 tape in which Nicole Simpson's distress was evident.

The next ten stories were presented using a production technique called a "wipe" in which the image of one story is replaced by the image of another as the screen is "wiped" from image to image. The effect of such a technique was to make the stories into a montage in which they seemed to be part of the same overall condition. Indeed, that was the case; they focused on human peril. Lasting on an average of twenty-three seconds, the topics of the ten stories were as follows: (1) murder suspect arrested...*wipe*; (2) murder investigation...*wipe*; (3) life sentence imposed on convicted murderer...*wipe*; (4) juvenile accused of murder will be tried as an adult...*wipe*; (5) murder/arson suspect pleads guilty...*wipe*; (6) vandals set fire

to gas station...*wipe*; (7) fire at roofing company...*wipe*; (8) fire at house with juveniles seen running from the area...*wipe*; (9) fire destroys well-known suburban restaurant...*wipe*; (10) fire investigators suspect arson as cause of a fire that gutted a popular city restaurant.

The last story of the segment reported the Philadelphia City Council's approval of a tax on drinks. The placement of that story was set with production issues in mind. That is, after the human peril that was presented in the stories immediately preceding the drink tax story, the newscast had to end the segment on a less depressing note because it was going into a commercial break and it did not want to deliver depressed viewers to its advertisers during the break.

What Viewers Saw

The coverage of the execution of Andres Deputy across Channels 2, 6, and 12 differed greatly. In fact, the real dichotomy occurred between the coverage of Channels 2 and 12 on the one hand, and the reporting of Channel 6 on the other. The stations based in Delaware (2 and 12) provided a rather balanced coverage of the particular case and, importantly, they offered a larger discussion of the death penalty as a sanction. Channel 6's coverage seemed to be governed by its commitment to the Action News format.

The difference in the coverage of the preparations for the Deputy execution between Channels 2 and 12 and Channel 6 was evident immediately on June 22nd. Both Delaware stations covered the story first with an informative statement of the present status of the execution situation. That was followed by a report on opponents to the death penalty. In effect, the stations provided some context, however cursory, for the audience regarding the larger issues surrounding the execution of Deputy.

Channel 6's coverage on June 22nd could be described as "breathless". The production techniques, the language, and the theme were all driven by the action requirements of the Action News format even when there was little action to report. The effect was to focus on a struggle that had essentially already been lost and it must be seen in the context of the rest of the stories in the first segment (the opening of the broadcast to the first commercial break) on Channel 6 that day. Of the nine stories that were presented in that segment, the first four (including Deputy) dealt with murder, the next four dealt with explosions or fires, and the last one focused on the return of a police officer who was injured in the line of duty.

The difference in coverage between the Delaware stations and Channel 6 was even more pronounced on June 23rd, the day Deputy was executed. After reporting the fact of Deputy's execution, both Delaware stations attempted to put the imposition of the death penalty into a larger context. Channel 2 presented a half-hour program immediately following the newscast that focused on the arguments for and against capital punishment. Channel 12 used over seven and one-half minutes of its newscast to interview an expert on the death penalty in order to discuss the execution of Andres Deputy in larger legal terms. It is also important to note that, for both newscasts, no other crime stories were presented in the programs.

Channel 6 was again influenced by the demands of Action News. The reporting of Deputy's execution was cursory; the action of the story was gone. It was time to move on to other stories that promised action and fourteen out of fifteen times during the first segment of the newscast Channel 6 selected stories of human peril for its audience. In neither of its newscasts, on the day before or the day of the Deputy execution, did Channel 6 broach the subject of opposition to the death penalty. Nor did the station offer information about capital punishment in a larger context. Its coverage of the death penalty was driven by the pending execution of Andres Deputy and the potential action and drama in such a story. As a result, the consumers of Channel 6's newscasts on both days learned relatively little about capital punishment and the issues that surround its imposition. All they knew is that Deputy killed two people and society made him pay for it with his life. Further, it seems that the montage of stories about human peril, particularly the other murders, that followed the Deputy report also produced a subtle cumulative message. Even though Deputy forfeited his life for his murderous actions, there were others in our midst who still threaten our security and sense of well-being.

The coverage of Andres Deputy's execution was treated quite differently among the stations that were examined. As a result, their audiences received qualitatively different views regarding capital punishment. The viewers of Channels 2 and 12, at the very least, learned that there was organized opposition to Deputy's execution. They also learned how the death penalty fits into a larger legal framework. The consumers of Channel 6's newscasts received no such information. As far as Channel 6 was concerned, the story had a singular topic, Deputy's execution. The potential for other approaches to the story was either not explored or not selected by the producers of the newscast. We must also remember that Channel 6's audience was over *twenty* times larger than the audiences of Channels 2 and 12 combined.

When asked about these kinds of choices, many newscasters, including those at Channel 6, would argue that their newscasts function only as a headline service of sorts; that consumers should seek other news sources for more in-depth coverage of the day's events. However, many local news programs produce their own promotional spots that regale their viewers with the notion that the local news team provides all the coverage that they would ever need, from important current events, to the weather, to consumer news. To answer criticism, then, with the defense that the function of local newscasts is simply to whet viewers' appetites for other information flies in the face of the claims they make for their newscasts when they seek to expand their audiences. But, whatever calculus was used by Channel 6 to design its coverage of Deputy's execution, its reporting lacked crucial aspects, such as context, that any responsible story about capital punishment would include.

What might this mean for public discourse or policy?

Mark White was the Democratic governor of Texas from 1982 to 1986 but he was defeated in his bid for a second term. In 1990, after four years out of office, White decided to run for the governorship again and entered the Democratic primary against a group of candidates that included Ann Richards, the eventual winner of the governor's chair. For this paper what was important about White's campaign were his television advertisements. One of the most prominent commercials featured White in a studio walking toward the camera and speaking about the disintegration of law and order in Texas. His message was that it was time to take back the streets from that segment of society that was terrorizing the majority of law-abiding citizens. As he moved toward the camera he passed a series of life-size portraits of approximately ten men. Initially, his comments offered no connection with them. However, the connection became clear when he stopped moving and looked earnestly into the camera at the end of the ad. He said that the men pictured in these portraits were those for whom he had signed death warrants. He said that if elected governor, he would do it again.

The implication was clear: the policy of the imposition of capital punishment was essential to the preservation of law and order. White had calculated that an emphasis on law and order and the imposition of the death penalty as part of the answer to its protection would resonate among the voters of Texas. White concluded that the death penalty issue would be sufficiently salient to offer it as a basic ingredient to his campaign. The obvious question is

why. The answer to that question reveals how the media, particularly news, can affect policy. The media provide the cognitive map within which the public understands its environment--which issues are important, which issues are not, and which issues require a collective or policy response.

Walter Lippmann observed that we run our lives according to the pictures in our heads.²¹ But where do the pictures derive? Increasingly, they are the product of media organizations who construct a reality for a public that receives the vast majority of its information about events from these institutions.²² Those pictures are a secondhand reality for the public and they represent a small sample of the real world. However, that secondhand reality of that fraction of the world has a fundamental influence on what citizens know about public affairs because the media do not reflect reality as a mirror. Rather, the media act as a searchlight exposing those areas of the human condition that it chooses. The public learns to attach importance to what the media decide to cover.

There is a fundamental logic in the proposition that the public attaches importance to the issues that the media cover. It is based on the nature of the news as a credence "good" that is consumed by the audience. McManus²³ distinguishes among three different types of goods that exist in the marketplace: (1) search or inspection goods are those whose quality is evident merely by inspection. Kicking the tires of a car is an example; (2) experience goods are those whose quality can only be assessed after using them for a period of time. Patronizing a restaurant on several occasions may be required reach a judgement about its quality; (3) credence goods are products that must be consumed on faith. In such cases it is difficult for the consumer to assess the quality of the product even after having experienced it. Medical treatment is an example. News, McManus posits, is a credence good. That is, unless the consumer was present at the event being described, he/she has no easy way to determine the accuracy or the quality of a news story. Further, the consumer does not know what was *not* covered by the news organization. In that sense, the media to a considerable degree determine the important public issues and therefore set the public agenda. This impact of the mass media--the ability to affect cognitive change among individuals, to structure their thinking--has been labeled the agenda-setting function of mass communication. Indeed, this ability to mentally order and organize our world may be the most important effect of mass communication. "In short, the mass media may not be successful in telling us what to think, but they are stunningly successful in telling us what to think *about*".²⁴

Setting the agenda, as important as it is, only portrays the effect of the mass media in a passive fashion, from the transmitter (in this case a local television station) via a medium

(a local newscast) to a receiver (the audience). More recent communications theories are based on the concept of semiotics in which the messages that are transmitted are ultimately given context and meaning by the cultural values of the consumer. Lippmann recognized this concept when he asserted that the audience “must participate in the news, much as it participates in the drama, by personal identification”. He went on to say that the personal identification for the reader is achieved through a specific mechanism: “In order that he shall enter he must find a familiar foothold, and this is supplied to him by the use of stereotypes”.²⁵

The participation that Lippmann articulated has been characterized for print journalism as a process in which “the reader helps to create the meaning of the text by bringing to it his or her experience, attitudes, and emotions”.²⁶ A study of television news revealed that the viewers functioned as active participants by adding context to the content of a news story. The authors concluded that the process of contextualization was both social and dynamic; participants made use of “prior knowledge, sharing information (with others), and shifting positions” in order to generate personal interpretations of news events.²⁷ The result of this semiotic process is a recognition that skillful media production involves the audience as *source* and also as *target*. “In the first instance, messages are presented that are presumed to be familiar, credible, and therefore meaningful to an audience; in the second instance, these messages are presented in a way that will be understood by an audience”.²⁸

The stereotypes to which Lippmann refers provide the bases for a symbolic interaction. Stereotypes, whether accurate or not, are commonly understood representations of reality that can be quickly and easily communicated. A crime story, especially one focusing on the death penalty, abounds in them: the most important of which is the clear demarcation between the symbols of order (the application of the law) and deviance (the condemned man). Further, these symbols insure that the reader/viewer will enter into the drama. Who among us can not understand, whether consciously or not, the threat to our own safety that a convicted criminal represents; that the execution of that criminal is a collective act carried out by an institution that represents the public will; that the execution represents a reassurance that order will prevail? These fundamental questions make the story a perfect allegory for the struggle between right and wrong and elevate its salience as a public policy issue.

It has been argued that “to a considerable degree the art of politics in a democracy is the art of determining which issue dimensions are of major interest to the public or can be made salient in order to win public support”.²⁹ Mark White understood that axiom perfectly. He appealed to a cognitive map of the public in which the deterioration of law and order was

regarded as a major public issue and he offered a continuation of a public policy (the signing of more death warrants) as a remedy. That cognitive map was constructed, in large measure, by media institutions. White's commercial ironically closes the circle. The media tell us through many symbols in its extensive coverage of crime (focus on violent crime, threats to the public order, seeming randomness of the crime, etc.) that we are vulnerable both as a public and as individuals. White used the same symbols to tell us that he will fix it.

Conclusion: Why is it so?

Having examined the treatment of the imposition of the death penalty on these local television broadcasts, an obvious question is why it looks the way it does. I suggest that much of the answer lies at the juncture of two complimentary concepts: the nature of "crime" news and the increasing tendency of news to be driven by the demands of the market.

Crime is news because consumers use it as a symbolic referent to make sense of the world around them.³⁰ It is reported by local television in a manner that achieves for the viewers an understanding of the world with which they can cope. In short, crime news is consumed by the public in an active way in order to work out "sensibilities routinely made problematic in everyday modern urban life".³¹ Whether consciously or not, local television newscasts that significantly focus on crime help to provide the symbolic referent against which the viewing public can measure human behavior and morality.

The mass media assume a very active role in crime and justice and, as such, assist the law in constructing the realities of crime, justice, and social order. In that context, crime news indicates the nature of those realities. Crime is presented as a personal, not a political dysfunction and, therefore, the threat that it represents to the community is not an assault on the community's *definition* of social order. Rather, the community's definition of social order is confirmed and it is that referent against which the community will judge the behavior of its citizens. In that sense, it is the ultimate guarantor of the public's safety.

The imposition of the death penalty is an intensely personal matter and it is a stark, real-life allegory that expresses the axiom that the wages of sin is death. The state has identified one of its citizens whose individual actions have threatened the social order, and for those actions he (almost all death-row inmates are males) has forfeited his life. The lethal drugs have been introduced into the vein and the social order has exacted an extreme price in

order to re-balance the scales of justice. The circle is closed. The importance of the imposition of the death penalty is understood by media organizations. The allegory that is inherent in the story makes it an appropriate and natural candidate for coverage.

The second concept that influences the face of local television news is the fact that it is market-driven.³² News producers construct the newscasts not so much to inform an audience as to deliver that audience to a set of advertisers. McManus characterizes this type of journalism as “replacing the journalist with the consumer as the ‘gatekeeper’ of what becomes news and replacing the standards of journalism with the rigors of the market” (McManus 1994: xii).³³ The result of this approach is a blurring of the line between information and entertainment and a characterization of the news as *info-tainment*. But, McManus points out that “stations do not add entertainment to information...so much as they displaced and often distorted information in favor of whatever they believed would attract attention at the least production cost”.³⁴ Crime news can provide stations with some of the most cost-effective and attention-gathering stories that a newscast can assemble. That is particularly the case for a story concerning the imposition of the death penalty. From a production standpoint, as mentioned earlier, death penalty stories are relatively easy to cover. Little new investigation is required; the facts of the case have been established, most probably by the media organization’s previous coverage of the case as it moved from the crime event through the judicial process. In addition, the coverage of the execution itself is a relatively cost-efficient enterprise as there are only a few predictable places (the prison, the court, the offices of the prosecution and the defense) where the news director must deploy the station’s resources (news crews) in order to acquire the information necessary to produce the story.

A story that focuses on the imposition of the death penalty is perfectly positioned at the juncture of crime news as a symbolic referent for the public and the market-driven attributes of news.

This examination of the death penalty and the media illustrates that the coverage among the stations differed in very important ways. Discussions of factors such as opposition to the death penalty and the context in which it is imposed are significant attributes of stories about capital punishment that should be included if a news organization is functioning in the public interest. That is particularly important in the United States because we have had a long-standing ambivalence toward the death penalty. Otherwise, we are left with stories that simply chronicle our application of "an eye for an eye". In the final analysis, that is neither good journalism nor is it in the public interest.

Endnotes

1. In Edward Jay Epstein, *News from Nowhere: Television and the News*. (New York: Random House, 1973): 4-5.
2. Joseph R. Dominick, Alan Wurtzel, and Guy Lometti, "Television Journalism vs. Show Business", *Journalism Quarterly*, 1975 (52), 213-218.
3. Tony Atwater, "Product Differentiation in Local TV News", *Journalism Quarterly*, 1984 (64), 757-762.
4. Tony Atwater, "Consonance in Local Television News", *Journal of Broadcasting and Electronic Media*, 1986 (30), 467-472.
5. Doris Graber, *Crime News and the Public* (Chicago: Praeger, 1980).
6. Center for Media and Public Affairs, *Media Monitor*, January/February 1996 (X): 1.
7. William C. Bailey, "Murder, Capital Punishment, and Television: Execution Publicity and Homicide Rates," *American Sociological Review* October 1990 (55), 628-633.
8. Wendy Lesser, *Pictures at an Execution* (Cambridge, Massachusetts: Harvard University Press. 1993): 25.
9. Wendy Lesser, *Pictures at an Execution: 25*.
10. The videotape of the execution of Robert Alton Harris was made with Harris' permission. The videotape was ordered by a Federal judge in San Francisco on the request of the American Civil Liberties Union. The ACLU was seeking evidence for its suit contending that the use of the gas chamber violated the Eighth Amendment's ban on cruel and unusual punishment. It was the only videotape ever produced of an American execution. At the judge's direction, however, the videotape was destroyed in January 1994 by the clerk of the court after lawyers for the state agreed not to introduce new testimony from witnesses to executions in gas chambers. See, *The News Media & the Law* 34 (spring 1994).
11. John D. Bessler, "Televised Executions and the Constitution: Recognizing a First Amendment Right of Access to State Executions", *Federal Communications Law Journal*, 1993 (45): 355-435. Implicit in Bessler's call for television being given "specific" access to the execution as a means of communicating the nature of executions is a faith in the seeming neutrality of the camera. That very issue was raised by both the plaintiff and the defense in the *KQED v. Vasquez* case and it was clear from the testimony that the notion of the camera acting as a "neutral witness" was much easier to

advance in the abstract than in concrete terms. For a discussion of this issue, see Lesser, *Pictures at an Execution*, 156-187.

12. Wendy Lesser, *Pictures at an Execution*: 5.
13. Wendy Lesser, *Pictures at an Execution*: 23.
14. Wendy Lesser, *Pictures at an Execution*: 258.
15. At the time of the broadcasts that were included in this analysis, TCI owned Channel 2. On February 13, 1996, TCI Cablevision sold its cable company to Suburban Cable.
16. Capital Communications was sold to the Disney Company in 1995.
17. In September 1995, Channel 3 (KYW) and Channel 10 (WCAU) switched network affiliation. KYW became a CBS affiliate and WCAU went to the NBC network.
18. Audience size is indicated by two units of measurement: a *rating*, the percentage of all households in the market with a television that are tuned to the program; a *share*, the percentage of all households in the market with a television **in use** that are tuned to the program. The Philadelphia market consists of 2.6 million households with televisions, therefore one ratings point, or one percent of the total, represents 26,000 households. For this analysis, the early evening newscasts of channels 2 and 6 (both at 6:00 p.m.), and 12 (at 5:30 p.m.) were videotaped on June 22 and June 23, 1994, the day before and the day of the execution of Andres Deputy. In order to offer some indication of the sizes of the audiences that these stations reached, the ratings for June 22nd and 23rd are indicated here as an average for both days because there was almost no difference over the period within the channels.

Channel 6 captured a huge portion of the audience with a rating of about 20 on both days, representing 520,000 households. That rating translated into a share of 40, meaning that forty percent of the households with televisions *in use* in the Philadelphia market during the 6:00-6:30 p.m. time period were tuned to Channel 6. In stark contrast, Channel 12 garnered a rating of about .4 representing 10,400 households during the 5:30-6:00 p.m. time slot. Source: A.C Nielsen ratings for the Philadelphia market or Area of Dominant Influence (ADI) for June 22 and 23, 1994.

Channel 2's ratings are somewhat difficult to discern because the A.C. Nielsen ratings service folds their ratings into the combined ratings for all cable programs for any time slot. Further, we must remember that Channel 2 is operated by TCI Cablevision and is available only to its 135,000 subscribers in New Castle County, Delaware, the largest and northern-most county in the state. TCI Cablevision, however, has conducted its own surveys to determine the size of its audience

for the 6:00 p.m. newscast and the Manager of Programming Operations estimates that, on average, the Channel 2 newscast is seen daily in 15,000 households. Source: Author's discussion with TCI's Manager of Programming Operations, January 4, 1995. These data indicate the vast difference in the size of the audiences that each of the newscasts in this study reaches.

19. Interestingly, Channel 6 reported at precisely the same hour (6:00 pm) that the U.S. Supreme Court had rejected a request for a stay of execution by a vote of 6 to 3. It was unclear from Channel 2's broadcast whether they were aware of that decision.

20. Deputy claimed that he and Flamer went to the Smiths to borrow money, not to rob them of their Social Security check. He said that if he wanted to rob the Smiths of that check, he would not have gone to their home on the seventh day of the month (the day of the crime), but rather on the first day of the month when they received the check. Deputy was apparently making the case that the Social Security money would have already been spent by the seventh day of the month given the Smith's fixed income. Of course, that logic begs the question regarding exactly what money Deputy wanted to borrow if he assumed the Smiths had spent their income.

21. Walter Lippman, *Public Opinion*, (New York: Macmillan Publishing Company, 1922).

22. See, for example: David L Altheide, *Media Power*, (Beverly Hills: Sage, 1985); Simon Cottle, *TV News, Urban Conflict and the Inner City*, (Leicester University Press: London, 1994); Edward Jay Epstein, *News from Nowhere: Television and the News*, (New York: Random House, 1973); Herbert Gans, *Deciding What's News: A Study of CBS Evening News, NBC Evening News, Newsweek and Time*, (New York: Vintage Books, 1979); Todd Gitlin, *The Whole World is Watching: Mass Media in the Making and the Unmaking of the New Left*, (Berkeley: University of California Press, 1980); Doris A. Graber (ed.), *Media Power in Politics*, (Washington, D.C.: Congressional Quarterly Press, 1980); E.S. Herman and Norman Chomsky, *Manufacturing Consent: The Political Economy of the Mass Media*, (New York: Pantheon, 1988); Michael Parenti, *Inventing Reality: The Politics of the Mass Media*, (New York: St. Martin's Press, 1986); Gaye Tuchman, *Making News: A Study in the Construction of Reality*, (New York: Simon and Schuster, 1982).

23. John H. McManus, *Market-Driven Journalism: Let the Citizen Beware*, (Thousand Oaks: Sage, 1994): 65.

24. Maxwell E. McCombs and Donald L. Shaw, "The Agenda-Setting Function of the Press", in *Media Power in Politics*, edited by Doris Graber, (Washington, D.C.: Congressional Quarterly Press, 1980): 66.

25. Walter Lippman, "Newspapers", in *Media Power and Politics*, edited by Doris Graber, (Washington, D.C.: Congressional Quarterly Press, 1984): 76.

26. John Fiske, *Media Matters: Everyday Culture and Political Change*, (Minneapolis: University of Minneapolis Press, 1990): 40.
27. Jane Roscoe, Harriette Marshall and Kate Gleeson, "The Television Audience", *European Journal of Communication*, 1995 (10): 87-108.
28. David Altheide, *Media Power*, (Beverly Hills: Sage, 1985): 45.
29. Maxwell E. McCombs and Donald L. Shaw, "The Agenda-Setting Function of the Press", in *Media Power in Politics*, edited by Doris Graber, (Washington, D.C.: Congressional Quarterly Press, 1984): 71.
30. See, for example, Peter Dalhgren, "Crime News: The Fascination of the Mundane", *European Journal of Communication*, 1988 (3): 189-206; Richard V. Ericson, "Mass Media, Crime, Law and Justice: An Institutional Approach", *British Journal of Criminology*, 1991 (31): 317-334.
31. Jack Katz, "What Makes Crime News?", *Media, Culture and Society*, 1987, (9): 48.
32. See, for example, Ken Auletta, *Three Blind Mice: How the TV Networks Lost Their Way*, (New York: Random House, 1991); Ben Bagdikian, *The Media Monopoly*, 4th Edition, (Boston: Beacon Press, 1992); Ronald Berman, *How Television Sees Its Audience*, (Beverly Hills: Sage, 1987); Robert G. Picard, *Media Economics: Concepts and Issues*, (Beverly Hills, Sage, 1989); Av Westin, *Newswatch: How TV Decides the News*, (New York: Simon and Schuster, 1982).
33. John H. McManus, *Market-Driven Journalism: Let the Citizen Beware*: xvi.
34. John H. McManus, *Market-Driven Journalism: Let the Citizen Beware*: 187.