



Online citation: Mowen, Thomas J. and Ryan D. Schroeder. 2011. "Not In My Name: An Investigation of Victims' Family Clemency Movements and Court Appointed Closure." *Western Criminology Review* 12(1):65-81. (<http://wcr.sonoma.edu/v12n1/Mowen.pdf>).

Not In My Name: An Investigation of Victims' Family Clemency Movements and Court Appointed Closure

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Abstract: *Purpose: The goals of this project are 1) to document the patterns of opposition to the death penalty promoted by victims' families following the ascendancy of the retribution and closure arguments in support of capital punishment, and 2) to assess the scope and primacy of newspaper coverage of death penalty cases with anti-capital punishment covictims. Methods: Content analysis of nationwide newspaper reports on capital offense trials from 1992-2009 is used to assess patterns of victim resistance to the death penalty over time, the reasons given for support or resistance to the death penalty, and the scope and primacy of the newspaper coverage of the capital case. Results: The analysis reveals a significant increase in covictim clemency movements across the study time period. Further, articles representing pro-death penalty covictims received both significantly higher primacy of media coverage in section and page number and word count than did their anti-death penalty counterparts. Lastly, a qualitative assessment of covictims' statements reveals several reasons for co-victim support or resistance to the death penalty. Conclusions: Covictim opposition to the death penalty in reaction to the ascendancy of retribution and closure justifications for capital punishment must be integrated into ongoing debates about the death penalty.*

Keywords: covictims, death penalty, clemency, closure

INTRODUCTION

Criminologists have documented that the traditional justifications for capital punishment are not verified by research (Bailey and Peterson 1997; Christie 1977; Ehrlich 1975; Radelet and Akers 1996; Radelet and Borg 2000), and the public is becoming increasingly aware that there is little deterrent, incapacitative, or cost savings impact with the death penalty (Gallup 2009; Gross 1998; Jones 2006; Sandys and McGarrell, 1994). Rather than abandoning support for capital punishment, however, the public has shifted the reasons for support away from the traditional justifications to retribution and victim closure. As Bandes (2008) points out, with this shift in justification in support of capital punishment, emotional catharsis for the covictims has become the goal of the criminal justice system (Bandes 2008). The onus of capital punishment, therefore, is increasingly placed on the victims' family. The primary aim of the current study is to document the reactions of covictims in response to the shifting public

sentiments shown through newspaper coverage of death penalty cases. The second goal of the current study is to investigate the scope and primacy of media coverage of death penalty cases in which the covictims express opposition to capital punishment. Lastly, the third goal is to examine the contextual factors governing covictim attitudes and opinions.

Public Perception and Media

Public opinion is defined as "a collection of views regarding an issue that affect many" (Hoffman et al. 2007:292), and the process by which the media and public opinion interact is multifaceted and reciprocal (Kudlac 2007). Research has found that the way in which the media influences individual opinion is a multi-level and universally constant process (Crespi 1997; Hoffman et al. 2007; Price and Roberts 1987). Succinctly put, information disseminated through media outlets (i.e. newspapers) becomes integrated with old information as public

sentiment evolves. At the individual level, new information which coincides with the individuals' established opinion becomes incorporated with older cognitions (Price and Roberts 1987). This process illustrates that the individual controls which new information to incorporate into their views and which information to reject.

To examine this process further, Crespi (1997, as cited by Hoffman et al. 2007) found public opinion occurs through "interactions among predispositions and perceptions on the external world at the intrapersonal level... the collective opinions that emerge from communicating these individual opinions through discussion and the media...and the legitimization, or enactment, of these opinions" (4). Hoffman et al. (2007) found that with the early stages of this process, opinion development, individuals typically lack issue-specific knowledge. Therefore, individuals will rely on predispositions which relate to the topic at hand. Although one single person may not regard a particular issue as being particularly important, that person may see it as important to other people. This perception of others creates a collective issue. Hoffman et al. (2007) found that media coverage does not necessarily serve to change the opinion of individuals, but it may serve to cause the individual to reassess their views. Following these lines, individuals who pay greater attention to publicized information are more likely to have more highly developed opinions on the issue.

While newspaper articles often represent trends in the public opinion, they are certainly not without a certain level of bias (Schiff 1997). Schiff (1997) found that less than 2 percent of cities in the United States have competing newspapers. This lack of competition can give an undue amount of power to the publisher. The researcher also found that media outlets (including newspapers) tend to serve as social gatekeepers by focusing on specific social-policy issues while disseminating common messages that reflect the beliefs of the publisher. Schiff (1997) concluded that the owners of media outlets tend to influence newspaper content with both upper-class interest and dominant ideologies. This bias affects the current study as it highlights the natural proclivity newspapers may have to represent popular opinion, in this case the pro-death penalty covictims. Newspaper articles expose the interpersonal intricacies of the death penalty process while outlining long-term patterns of reporting. Changes in the content and representation of these articles can be documented and interpreted for a more complete understanding of capital punishment, as newspaper articles reflect trends in the public perception of the death penalty system in the United States (Gallup and Newport 1991).

There are, however, some limitations concerned with relying on newspapers for framing public opinion. Newspapers have seen a decline over the last twenty years in readership (Shin 2005). This is due, in part, to access to

online newspapers and twenty-four hour newscasts on television and other media outlets (Shin 2005). Even with this decline in popularity, research has found that physical newspapers are still more effective than other forms of media outlets in increasing public awareness on political issues and gauging public opinion (de Waal and Schoenbach 2008).

Media Coverage of the Death Penalty and Media Bias

Kudlac (2007) found that in relation to death penalty cases, media coverage gauges public opinion because media stories inherently evolve with public opinion. This relationship is reciprocal. The media influences public perception, and public opinion also influences media. Newspapers determine what death penalty cases are deemed worthy only through public sentiment. Indeed, death penalty cases are only covered when they are considered to be of public interest. However, the understanding of public interest can be problematic. Kudlac (2007) found that in the past, explanations for the coverage of particular death penalty cases over others was relegated to four primary reasons: novelty of executions after reinstatement; claims of innocence by the defendants; flaws in the execution, and the position of power in society. However, these claims have proven to be ineffective in explaining why media coverage persists over some cases and not others. These "traditional" ideas leave much to be desired as they simply do not explain the patterns of media coverage in most death penalty cases (Kudlac 2007).

According to Kudlac (2007), the notion of novelty after reinstatement of the death penalty after 1976 is simply much too dated to be used to explain any patterns of coverage. Additionally, many defendants make claims of innocence and receive no media attention. In stark contrast, many individuals who profess guilt do receive media attention. No research has successfully shown a link between professed innocence and media coverage of capital punishment cases (Kudlac 2007). The idea that flaws in the execution may explain media coverage neglects the fact that most cases receive higher levels of coverage prior to the execution. The final traditional justification, that of social power, is incongruous with the capital punishment system in the United States. Individuals with high levels of social power (i.e. politicians, the extremely wealthy, celebrities) are rarely pursued under capital indictment. Just how can media coverage of some death penalty cases over others be considered and explained? Overall, coverage is determined by either a) traditional media criteria, b) acknowledged gender, race and class factors, and c) public sentiment, which is completely dynamic (Kudlac 2007:30).

In a similar vein, Rosen (2003) asserts that prosecutors spend more time in both preparation and trying of capital punishment cases. This can be attributed to the

belief that “murders...are not treated...as run of the mill cases” (Rosen 2003:84). This finding suggests death penalty eligible cases are somewhat unique as they are not nearly as common as other forms of court cases, which deal with lesser crimes such as robbery, and therefore garner more attention (Rosen 2003). When combined with Kudlac’s (2007) finding, it becomes apparent that death penalty eligible cases which present one of the three primary draws of coverage (traditional media criteria, gender/race/class factors, or public sentiment) and prosecutors who recognize the increase in public attention to the case will find coverage in the media. Through these explanations of coverage, it becomes understandable that only those death penalty cases which present public interest are covered by the media while other capital punishment trials are completely overlooked.

Justifications for the Death Penalty

Most Americans support capital punishment for the most heinous crimes. Recent national polls indicated that between 63 and 65 percent of the American population currently support the use of the death penalty (Newport 2009; Langer 2010). These findings were consistent with other national polls conducted from 1999-2009 that showed American support for capital punishment held constant between 63 and 70 percent every year within the last decade (Newport 2009). Following a significant increase in support for capital punishment from the 1950s, when approximately half of the American public supported capital punishment, to the 1980s, when approximately 75 percent of the public was in favor of the death penalty (Ellsworth and Gross 1994), public support for capital punishment has remained high and steady (Saad 2008; Newport 2009; Radelet and Borg 2000). Recent trends in death penalty abolishment in New Jersey (New Jersey Death Penalty Study Commission 2007) and New Mexico (Chasey 2009), however, may indicate that public support for the death penalty is, at some level, decreasing. Although, the majority of Americans continue to support the use of capital punishment (Newport 2009; Langer 2010).

Arguments in support of the death penalty have evolved in the United States following the reintroduction of capital punishment in 1976 (Radelet and Borg 2000). The general public continues to support the death penalty even though the population is largely aware that the traditional justifications of deterrence, incapacitation, reduction of bias, safeguards against innocence, and cost savings for capital punishment do not hold true; rather, they support the death penalty on the grounds of promoting victim closure (Bandes 2008). Emerging research finds this is due to the value-expressive nature of death penalty support (Vollum and Buffington-Vollum 2010). Vollum and Buffington-Vollum (2010) found that when support for the death penalty is based on value-expressive ideas, as

opposed to instrumental justifications, then support is much less likely to decline regardless of empirical facts about the flaws of the capital punishment system.

BACKGROUND

Trends in Public Opinion and Knowledge of Capital Punishment

The general public’s belief that the death penalty has served as a deterrent to crime was a notion that gained prevalence in the early 1970s (Ehrlich 1975). Decades of research, however, has shown that the death penalty is no more effective in deterring crime than long-term imprisonment (Bailey and Peterson 1997; Radelet and Akers 1996). The public also appears to support this sentiment as shown in a Gallup poll conducted in 2006; only 34 percent of Americans polled believed that the death penalty deterred crime (Gross 1998). This is a 12 percent drop from a similar poll done in 1997, a 19 percent drop from one done in 1991, and a 37 percent drop from polling performed in 1985 (Gross 1998; Gallup and Newport 1991).

Additionally, many studies have found that support for the death penalty drops dramatically when the general public is given information about alternative sentencing options, primarily the option of life in prison without the opportunity for parole (Sandys and McGarrell 1994). To further outline this sentiment, Gross (1998) reported that a national poll conducted in 1991 revealed that only 19 percent of people who supported the death penalty believed that incapacitation was the best reason to continue its use, and by 2003, only 2 percent of respondents in a similar poll reported that they supported the death penalty because it would guarantee that the offender would not have the opportunity to commit a crime again (Jones 2006).

Most Americans also realize the death penalty is applied unfairly according to race and class and that innocent people will occasionally receive the death penalty (Gallup 2009). The public has also become aware that a system which employs the death penalty typically costs much more than a system that offers life in prison without parole as an alternative (Radelet and Borg 2000). Overall, public polling research has clearly established that the public is aware the traditional justifications for the use of the death penalty are no longer applicable. Rather than abandoning support for the death penalty, however, the American public has shifted their arguments in favor of capital punishment away from the traditional justifications of public safety and cost savings and toward a more victim-oriented set of arguments in favor of capital punishment. Contemporary public support for capital punishment currently relies on the notions of retribution, justice, and closure.

Retribution, Justice, and Closure.

The notion that justice requires the use of the death penalty is the most pervasive argument in favor of capital punishment in society today. In a 2003 national poll, 51 percent of respondents cited retribution in the form of "justice" or "eye for an eye" as the main reason they support the death penalty (Jones 2006). Furthermore, supporters of the death penalty are likely to cite execution as the ultimate justice. The ideology driving retribution arguments is that the most heinous murderers should be executed because they deserve it (van den Haag 1997). If families are *owed* retribution by the courts, justice then takes the form of closure. Supporting this logic, a 2010 national poll found that 60 percent of respondents who indicated that they supported the death penalty cited the belief that it gives satisfaction and closure to the victims' family as the primary reason for support (Langer 2010).

Victims' family members, referred to as covictims, believe they should experience closure, and the prosecution within the court systems believe they can produce it through capital punishment (Kanwar 2002; Bandes 2008). The term "covictim" outlines the precarious position that victims' family members occupy in the criminal justice system. Literally, they are the "co" victim of the case, as the outcome of the case will greatly influence their emotional well-being. Closure, within the legal system, is used to refer to an emotional catharsis, or an "...emotional state of peace, relief, a sense of justice, or the ability to move on" (Bandes 2008:4). With this definition, it can be deduced that closure is reached by individuals through different means. Depending on how closure is understood to operate, Bandes (2008) stated that, "...[closure] might require a chance to give public testimony, an opportunity to meet with the accused, a more expeditious trial, a sentence of death, or an execution" (1). This list is hardly exhaustive, even though closure has become an outcome that victims' families now expect to receive and a state of being that the new paradigm of thought behind the justice system believes it can provide (Bandes 2008). There appears to be a contradiction inherent in court-generated closure, as court systems rely on rational, detached, uniform, and unemotional sentencing practices and are thus ill-equipped to provide emotional satisfaction that is highly contextual and individualized. Court-sanctioned closure, therefore, appears to contradict the rational stance that forms the basis for the contemporary legal system.

An additional problem with the term closure within the legal discourse is that closure has traditionally been used without drawing the distinction between the "therapeutic, spiritual or family contexts and the legal context, or between the private realm and the public realm" (Bandes 2008:12). While the courts define closure as an emotional catharsis, covictims tend to view closure as "the moving on with one's life in the wake of the

tragedy one has experienced at the hands of the murderer" (Vollum and Longmire 2007:614). Vollum and Longmire (2007) outlined the disjuncture between how the courts perceive closure and how the covictims perceive closure, but this does not imply that covictims believe closure can be "given" as a result of a court case or a death penalty; rather, it shows that covictims do not associate an emotional catharsis with a court trial. In fact, most covictims do not believe that an execution provides true emotional satisfaction (Vollum and Longmire 2007:615).

In contemporary society, the terms "closure" and "emotional satisfaction" are often used interchangeably. The conceptual blurring of closure and emotional catharsis has manifested itself in the contemporary public opinions regarding closure and to the current disjunction outlined by Bandes (2008). The leaders of the court system recognize closure as an emotional status of well-being that it can provide through the capital punishment system, but this is not the reality for most covictims (Kanwar 2002). Christie (1977) concluded that covictim's voices are obscured by death penalty process and covictims are often victimized through the capital punishment trials and proceedings. However, death penalty supporters continue to support capital punishment as a presumed path to closure through retribution, even though this path can actually serve to halt the grieving process and inhibit healing in many instances as supported by current research (Kanwar 2002; Vollum and Longmire 2007; Bandes 2008).

An additional complication to covictim closure promoted through capital punishment is that death sentences only comprise approximately 1 percent of all sentences for homicides (Bedau 1992). This fact also can be interpreted to mean that for approximately 99 percent of all homicides, death is not considered appropriate justice from the standpoint of the law. If the death penalty is popularly touted as the ultimate justice under the idea of retribution and the jury does not recommend a death sentence, this could signify to the victim's family that the death of their family member did not warrant use of the ultimate justice. The courts may use the words "justice" and "closure" for the victim's family as a means of justifying the continued use of capital punishment, but in practice only a small fraction of covictims are granted the opportunity to benefit from the notion of court-appointed closure.

Wood (2003) found that the shift to the victim-centered goals of closure is also harmful to defendants. The author asserts that by focusing on closure and healing for the victim, the basic assumption that the defendant is innocent until proven guilty is contradicted. Moreover, Wood (2003) concluded that this therapeutic goal also imbues the idea that the defendant's worth as a human being is neglected when their execution is viewed as a vessel of therapeutic healing for the covictim.

Contemporary Research on Covictim Closure

In a recent content analysis on covictims, Vollum and Longmire (2007) found that only 2.5 percent of covictims stated that the execution of the offender actually gave them true closure.¹ In their 2008 annual report, the Murder Victims' Families for Human Rights organization stated that, "More and more victims' families are challenging the common assumption that the death penalty offers closure" (1). Furthermore, the Death Penalty Information Center (2008) stated, "Victims' families are increasingly dissatisfied with what the death penalty offers them" (6). Indeed, the idea that executing an individual would end the suffering caused by the death of another individual can be a contradiction for some families. To believe that an execution is the only way to bring closure overlooks the nature of the debate surrounding the death penalty. If the family of the murdered victim stands firmly against the death penalty, then executing the offender would most assuredly not bring any peaceful closure to the family. Sheffer and Cushing (2006) concluded that the process of the death penalty often overlooks the victims' families, which results in the victim's family becoming the victim of the court. This can also apply to covictims who may ideologically support the death penalty but do not want to be put through the lengthy appeals processes and would prefer the finality of a life term sentence.

In an essay on crime and victimization, Wood (2005) reported that the legal discourse in America concerned with crime and punishment invariably deals strict punishment because of what the state "owes" to particular victims. The ideology behind the punishment essentially authorizes a particular sentence from the state to be issued in the name of the covictims. The current death penalty system that operates under the ideology of retribution and closure can take the responsibility of the outcome off the state and places it onto the covictims in some cases. Wood (2006) concluded that this discourse "winds up punishing too many victims in the process" (15).

The New Jersey Death Penalty Study Commission (2007) stated in their findings that "the non-finality of death penalty appeals hurts victims, drains resources and creates a false sense of justice. Replacing the death penalty with life without parole would be a certain punishment, not subject to the lengthy delays of capital cases; it would incapacitate the offenders; and it would provide finality for victims' families" (67). Concluding that the death penalty is a painful, unnecessarily drawn out process that adversely affects the victims' family without a positive societal effect on crime, New Jersey abolished the death penalty in 2007. The New Jersey Death Penalty Study Commissions' findings show that the notion of retribution and closure for the victim's family is not the actual result in some cases. The court proceedings, testimonials, impact statements, and numerous appeals can serve to keep the painful memories of a lost loved one in the forefront of the family

members' minds and can make closure elusive.

Gail Chasey (2009), a state representative who worked toward the abolishment of the death penalty in New Mexico, mirrored similar findings based upon the research conducted by the New Mexico capital punishment inquest committee.

Families devastated by the murder of their own loved ones described the cruel impact of the death penalty on them. Far from providing closure or comfort, death penalty trials and constitutionally guaranteed appeals re-open the wounds for many families. Their hearts simply break again and again when all attention focuses on the defendants and their fate, rather than on honoring the memory of those they lost (Chasey 2009:1)

With these findings in mind, New Mexico abolished the death penalty on July 1, 2009. Representative Chasey outlined nearly identical findings to the New Jersey Death Penalty Commission. Murder victims' families cannot achieve closure through the "constitutionally guaranteed appeals..." and instead can become victimized by the legal proceedings of the courts.

In cases like these, the courts put the psychological burden of the death sentence onto the victim's family without regard to the family's stance on the death penalty. If the family does not wish for the death sentence to be sought and the courts pursue it regardless, this can create extreme turmoil in the life of the family members.² This problem is clearly illustrated by Kerry Kennedy, whose father was murdered in 1968, in a foreword to Gray and Stanley's (1989) report on the role of victims' families in the death penalty process :

I was eight years old when my father was murdered. It is almost impossible to describe the pain of losing a parent to a senseless murder... But even as a child one thing was clear to me: I didn't want the killer, in turn, to be killed. I remember lying in bed and praying, 'Please, God. Please don't take his life, too.' I saw nothing that could be accomplished in the loss of one life being answered with the loss of another. And I knew, far too vividly, the anguish that would spread through another family—another set of parents, children, brothers, and sisters thrown into grief (1).

When a state believes the legal system is carrying out a death sentence on behalf of the victim, while ignoring the wishes of the victim's family, the sentence is not being carried out for them. Instead, the state may be transferring the responsibility for executing the offender onto the victim's family. In addition to the added stress, feelings of powerlessness, and internal moral struggle the families may experience, sentencing offenders to death inevitably prolongs the proceedings. The average inmate is on death

row 12.75 years before execution (Florida Department of Corrections 2009), during which time the inmate can continue to protest the sentence both publicly and politically, which for some obscures the ability of the family members of murdered loved-ones to obtain closure.

THE CURRENT STUDY

Susan Bandes (2008) stated that the term closure, while completely fluid with an ever-changing interpretational definition relative to the user, "...has changed the way we talk about the rationale for capital punishment, has changed the shape of the legal system..." (2). The current research was conducted to explore the trends in victims' family clemency movements following the general public's embracement of the notion that the death penalty provides closure for victims' families.³ Given the public's continued support of capital punishment on the grounds of retribution, justice, and closure (Jones 2006) and the corresponding shift in onus of responsibility for the death of an offender from the state to covictim (Kanwar 2002; Bandes 2008), an increase in covictim opposition to execution of their offender is expected to be shown in newspaper reports of capital trials. Also, reflecting the dominant ideology that the death penalty should be maintained at all costs, it is expected that capital cases which include covictim opposition will receive less prominent media coverage than cases which include covictim support.

METHODS

Data Collection

To assess trends in covictim opposition to capital punishment and the scope and primacy of media coverage of capital cases, data were drawn from newspaper articles in the United States from 1992 to 2009 that covered death penalty cases. Newspaper articles were collected through the Lexis-Nexis Academic Universe search engine.⁴ Key words were used to search within the time frame of 1992-2009. This time period was used because the term "closure" is a recent concept used by the court system. Articles prior to 1992 did not operationally use closure as justification for the death penalty. As discussed by Susan Bandes (2008), closure was relatively unknown and hardly ever used within the justice system prior to the 1990s. Frank Zimring (2003) found that the word closure was never used in conjunction with the death penalty at all until 1989. Furthermore, the terms "closure" and the "death penalty" were only used once together in 1989. The year 1992 marked the first available newspaper article that met the conceptual criterion for this research.

The sample was drawn by searching for the terms "closure, murder victims' family," "victims' family," "family," "closure," "capital punishment," and "death penalty" in varying combinations within capital crime articles within the United States. All editorials and opinion pieces (i.e. those articles not referencing a particular case)

Table 1. Search Criterion

Search Terms and Keywords	Article Yield
murder victims' family/death penalty/closure	91
capital punishment/victim's family	150
murder victims' family/capital punishment	87
death penalty/murder victims' family	92
capital punishment /family /closure	58

were excluded. Lastly, all duplicate articles were removed. The final sample included one hundred and nineteen articles. This resulting sample represents news articles published between 1992 and 2009, written on a specific death penalty-eligible court case, that include statements by, or on the behalf of, victims' family members in regards to their view on the death penalty.

With 3,891 total death penalty cases between 1992 and 2009, a sample size of 119 may not appear to be representative. Table 2 shows the number of articles collected per year. Current research on the death penalty

and media coverage, however, has found that the vast majority of cases are never covered (Kudlac 2007). Additionally, newspapers have a tendency to report on issues that are of public interest (Schiff 1997) and therefore only cover some stories (Hoffman et al. 2007). Death penalty cases may receive coverage only when the story presents a position that appeals to a particular audience. Thus, the sample may only include the more popular death penalty cases that received some level of national attention, namely serial killers, mass murderers/terrorists, and racialized or gender-specific

Table 2. Death Penalty Articles by Year

Year	Articles	Year	Articles
2009	11	2000	14
2008	8	1999	12
2007	7	1998	3
2006	4	1997	3
2005	4	1996	9
2004	5	1995	2
2003	7	1994	5
2002	8	1993	6
2001	5	1992	5

murders (Kudlac 2007). Furthermore, the main criteria for this study, the position of the victim’s family on the idea of closure, appears to be lacking in most news coverage on the death penalty, which the results of the search certainly appear to support.

The components under consideration in the current study were the victim's family stance on the death penalty, closure being used as justification for the death penalty by the courts or legal advice to the family, the year in which the trial occurred, and the outcome of the trial and appeals. These variables were combined to draw a more complete picture of the discourse on capital punishment and to document patterns of victims' family clemency movements in the United States, as well as the scope and primacy of media coverage of such cases.

The consideration of the death penalty in each case was important for the research to maintain conceptual coherency. Each crime committed was a capital offense that made the accused offender death penalty-eligible. In addition, each offender had received a conviction of guilty or was in the process of appealing a guilty verdict, thus maintaining the death penalty-eligible status. If a case was found where the offender was not eligible for a death sentence, the article was not used.

Closure was operationally defined as the term "closure" being used to express finality in regards to the victim’s family. The family's stance on the death penalty was determined by their statements, or the statement of their legal counsel, concerning their beliefs in the death penalty against the offender of the crime. If an execution date or outcome of a trial was not included within the article, the convicted criminal's name was referenced

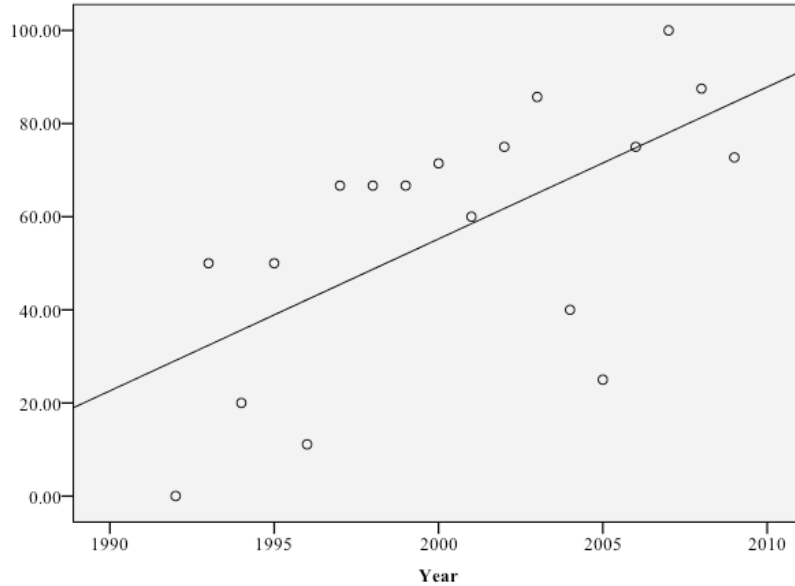
within a national database of United States' long term imprisonment, death row, or executed criminals (Death Penalty Information 2009a). The word count, section, and page number of each article were also recorded for analysis.

FINDINGS

Shifting Covictim Sentiments

The current assessment of covictim resistance to capital punishment begins by examining the trend in news articles presenting the anti-death penalty views as a percentage of total death penalty articles that present any covictim perspectives between 1992 and 2009. As shown in Figure 1, the percentage of death penalty articles expressing covictim resistance varies substantially from year to year. To account for this variation and establish the linear trend in covictim resistance to capital punishment over this time period, a linear interpolation line was added to the scatterplot. The regression line clearly shows that covictim resistance to the death penalty expressed in news articles has steadily increased from 1992 to 2009. The slope of the line from the simple linear regression predicting the degree of covictim opposition to the death penalty, shown in Table 3, suggests that covictim opposition expressed through newspaper outlets has increased an average of 3.262 percent on average each year following the ascendancy of retribution and closure as popular justifications for capital punishment in the U.S.

Figure 1: Percentage of News Articles with Anti-Death Penalty Covictims, 1992-2009



Although it is clear that the proportion of newspaper articles containing reference to covictim opposition to the death penalty has increased over the past two decades, the patterns of closure are not as clear. In only 6.7 percent of the news reports during the time period investigated do the covictims state that the death penalty had brought, or would bring, closure. Given the small percentage of cases in which covictims report closure, firm conclusions as to the patterns of covictim closure cannot be made, but the data shown in Table 3 indicate a decline in this sentiment, albeit a small and statistically insignificant decline. Interestingly, however, 24.5 percent of all cases collected contained the term closure used by the court system or court actors as a means to justify the use of the death

penalty. Again, the percentage of news reports referencing the term closure from the court system showed a slight, non-significant, decline over the study period. Overall, newspaper data assessing coverage of death penalty cases revealed a significant rise in covictim opposition to the execution of their specific offenders and a corresponding low percentage and slightly decreasing pattern of covictim beliefs that the death penalty brings closure. The newspaper data also shows that the court systems have continued to use closure as a means of justifying capital punishment at a much higher rate than covictims verify and without recognizing the increase in covictims who oppose the death penalty.

Table 3. Simple Linear Regressions Predicting Co-Victim and Court Outcomes (Dependent Variables) by Year (Independent Variable)

	Co-Victim Opposition		Co-Victim Mention of Closure		Court Mention of Closure	
	B	Std. Error	B	Std. Error	B	Std. Error
Year	3.262*	1.014	-0.271	0.443	-0.622	1.035
F =	10.343*		0.373		0.361	
R ² =	0.393		0.023		0.022	

Note: Dependent variables measured as percentage of articles per year in whole numbers.
*p < .05.

Media Coverage of Covictim Clemency Movements

Reflecting the predominant ideology in support of the death penalty among the American public, it is possible that the degree and scope of newspaper coverage varies by the covictims' stance on the execution of their offender. First, the scope of media coverage on death penalty cases is assessed. The data reveals that the average word count of the articles where the victim's family was identified as anti-death penalty was 634 words. On the contrary, the average word count for articles where the victim's family was identified as pro-death penalty was 813 words. An independent sample t-test revealed that the word count difference was statistically significant, suggesting that death penalty cases with pro-death penalty covictims received significantly more words per article than cases in which the covictims express opposition to the death penalty. This difference in average word count between pro-death penalty covictims and anti-death penalty covictims may also be significant because the size of the article may convey importance to readers; articles which take up more space because they are longer may be indicative of a more important story.

Next, the primacy of newspaper coverage associated with the covictims' perspectives on capital punishment was investigated. Of the articles collected, 98 articles contained a page number. As shown in Table 4, of the 98 articles that included a page number, 36 percent featured pro-death penalty covictims, and 61 percent featured anti-death penalty covictims. Of the total number of articles collected with covictims identified as pro-death penalty, 61 percent were featured in section A, with a large percentage (40 percent) of all articles identified as pro-death penalty featured on page A1. Comparatively, only 31 percent of all articles collected with covictims identified as anti-death penalty were featured in section A, with a significantly smaller percent (19 percent) of all articles featuring anti-death penalty covictims listed on page A1. A similar pattern is evidenced in subsequent newspaper sections, with less primacy given to death penalty cases with anti-capital punishment covictims. The degree of independence in the primacy of newspaper coverage of capital cases in which the covictims expressed views on capital punishment is assessed using a chi-squared test. The results show a significant degree of dependence between

Table 4. Primacy of Newspaper Coverage by Death Penalty Sentiment

	Section A	Section B	Section C or Other	Totals
Pro-death penalty covictims	22	4	10	36
Anti-death penalty covictims	19	20	22	61
Totals	41	24	32	97
Note: $\chi^2 = 9.59$ (2 df), $p < .05$				

the views expressed by covictims and the section in which the article is published, suggesting that cases with anti-capital punishment covictims receive significantly less newspaper exposure than would be expected from the sample proportions alone.

Taken together, the data reveal that covictim opposition to capital punishment has increased following the rise of retribution and closure justification for the death penalty, while media coverage of this covictim opposition to capital punishment has been significantly lower in both scope and primacy during the same period. Although no firm conclusions can be drawn from the current data, given the bias inherent in media portrayals, the implications highlight the general public's belief that murder victims' family members require retribution in order to obtain closure coincide with, and may contribute to, media coverage of death penalty cases.

Contextual Factors Associated with Death Penalty Support or Opposition Among Covictims

The trend of the media coverage on the death penalty as reflected by the newspaper reports, however, is only part of the research story. For a more complete assessment of complexities involved in covictim perspectives on capital punishment, the content of the articles in the sample were also analyzed. A grounded theory approach was used to categorize the patterns of pro-death and anti-death penalty covictim perspectives (Corbin and Strauss 1990). This approach led to the creation of five distinct categorical covictim positions presented in the newspaper articles, allowing for a more complete picture of covictim sentiments to be explored and analyzed.

Interestingly, the investigation of the data reveals that opposition to the death penalty does not depend on the personal opinions on the death penalty among covictims.

Many covictims who were identified as pro-death penalty did not associate closure with a death sentence. While topically this may appear to be a contradiction, to ideologically support capital punishment and not associate closure with an execution, many covictim death penalty supporters actually attempt to avoid the death penalty process completely. The number of victims' families who believe the death penalty does bring closure represents the extreme minority of opinion, as this stance on capital punishment has seemingly lost its appeal since the early 1990s (Chasey 2009). The five ideological positions revealed through the grounded theory assessment of the articles are as follows:

1. The victim's family does not support state-endorsed executions and does not believe a "circle of killing" will bring closure.
2. The victim's family is against using the death penalty for personal or religious reasons and therefore does not believe closure can be obtained by capital punishment.
3. The victim's family is pro capital punishment but does not want to go through numerous years of trials and appeals and therefore requests a plea bargain.
4. The victim's family is for the death penalty but does not believe it brings closure.
5. The victim's family is for the death penalty and believes it brings closure.

These categories were developed as a result of examining trends of covictim belief associated with the notion of closure through capital punishment cases. Consistent with most classification schemes of human behavior, emotions, and cognition, it is important to note that these categories are not mutually exclusive. Emotions and closure associated with capital punishment are very subjective, and therefore it is possible for one case to fit multiple contextual categories. For example, a covictim that identifies religion as the main reason they resist the death penalty is also likely to discredit the notion that an execution brings closure (Burbach 1999). As highlighted in the cases below, what is clear is that overwhelmingly the newspaper reflects that the death penalty is not what most covictims desire. Rather, many court systems, judges, lawyers, and juries insist that the death penalty is what the victim's family *should* want.

Does not support state-endorsed executions and does not believe it brings closure. When asked about the sentencing for her husband's murderer, Ginger Masters stated, "I've been told [by the prosecuting attorney] that since I don't want the death penalty, that I don't love my husband enough." Additionally, when she initially met the prosecuting attorney, he told her, "I don't represent your family, or David [her husband]. I represent the state of Missouri" (Kaplan 2009). This exchange illustrates the problem that covictims experience when the courts hold a

uniform standard when issuing sentences. Because individuals have different opinions on the death penalty due to a myriad of reasons including political, personal, or religious beliefs, the courts' uniform stance is unable to address the subjective nature of emotions and supply the proper response. In line with arguments made by Kanwar (2002), a prosecuting attorney must represent the victim's family at least as much as they represent the state. When they do not, as in the Masters case, prosecutors create a disjunction between the state's interests and what the victim's family believes is necessary to obtain closure.

If the paradigm of thought within the legal system takes the stance that it owes closure in the form of the death penalty to victims, regardless of the subjective nature of closure and the grieving process, they may be victimizing the family members at the expense of their emotional well-being. Other covictim's statements also illustrate this problem. Andrea Virgil stated that,

Our system tries to tell murder victims' family members that once they get to the courtroom or the execution chamber that they will experience closure and that everything will be OK. But this is not necessarily true. It certainly wasn't for me....My kids learned that another killing, even if it is by the state, doesn't help and that it does not bring my husband, Carlos...back (Terrell 2005).

These two cases illustrate the contradiction that is presented by the court system that operates under the ideology that executing offenders will end the suffering caused by the death of the victim and the consistent findings that state-sanctioned death does not, in most cases, bring closure to individuals who have lost relatives to homicide (Vollum and Longmire 2007). There is nothing automatic about closure; instead, closure must occur within the process of healing. This process is an extremely individualized procedure which cannot be held to uniform standards within the court system as outlined by Bandes (2008). Virgil certainly illustrates this idea by her statement that closure does not necessarily come from the courts and that closure did not result from the court process for her. What works for one family may not work in the same way for the next.

Further examinations of the statements by covictims also illustrate the problem in believing that the state-sanctioned execution of the convicted offender will necessarily make amends for the death of a family member, if not true closure. Illustrating this, Leslie Mosher stated "I never got the chance to say this at the trial, but when he murdered my father, he took away something that we can never get back...I believed in [capital punishment] before my father was murdered" (Poole 2000). Through this, it becomes evident that many individuals may support the use of the death penalty until they are confronted with it. The belief in court-given closure may only be

comforting to citizens who have not had to face the murder of a family member. While the unfortunate killing of an individual is a terrible experience for victims' families, the state-sanctioned killing of the offender does not inherently create justice, retribution, or give closure.

Ruth Classen Andrews, who lost her mother, stated that, "When you execute somebody, they're gone, they don't suffer anymore. The ones who suffer are their family members. I think we really are punishing the wrong people" (Mumford 2003). In this case, not only did the death penalty fail to bring true closure to victims' family members, but it also served to victimize the family of the offender. If the convicted is executed, the justice system will effectively create another set of covictims on the side of the offender. Each family, on both sides of the law, will lose a member.

Another example of this contradiction between the goals of the courts and wishes of the covictims is clearly illustrated by the case against Rick Langley. The covictim, Lorilei Guillory, wanted to testify against the death penalty in order to ask for leniency for the convicted murderer. However, the Assistant District Attorney's office filed an injunction against allowing her testimony, stating that allowing Guillory to testify would be in violation of a higher court ruling that prohibits family members from asking for mercy for the defendants. The judge in this case, Al Gray, who is also opposed to the death penalty and stated that, "It is inconceivable to me that it [her statement] not be allowed." He added, "I never thought of it [victim's mercy statement] being prohibited. She just happens to have a different view than the state. You can bet if she said she wanted the death penalty, the state would be all over it and would allow her to testify" (Lupo 2003). Clearly, this shows the juxtaposition that victims' families often face when their beliefs are not in accord with the beliefs of the court. Perhaps more importantly, this shows that even within the legal system, there are individuals who recognize the disparities created by the unequal structure of the capital punishment system.

Fortunately, some court cases recognized the precarious position in which many families found themselves and applied sentencing in conjunction with the beliefs of the family members. In one example, the district attorney stated of one case, "It was a cause that certainly warranted the death penalty, but the family of the victim showed incredible compassion and asked us not to pursue it." He also stated, "They wanted some closure and the death penalty route may have taken years and years...it was their generosity [which led to a plea bargain avoiding a death sentence]" (Hunt 2002). Through this, we see that the courts systems have the ability to recognize the fact that the death penalty process inhibits the ability for closure to be obtained due to an unnecessarily drawn out process involving lengthy appeals.

In some cases, the victim's family was undecided about the use of the death penalty but expressed feelings of

doubt over the implications of state-sanctioned killing. One covictim stated that it would leave the defendant's two sons fatherless in a similar fashion that her own children had been left fatherless by the offender (Hunt 2002). She recognized that executions often create victims in multiple families. Leslie Armstrong, whose daughter was murdered, stated that, "Seeing him [the offender] die would not bring Joie back. This is the right thing to do." The plea agreement, which sentenced Cary Stayner to five consecutive life terms, was endorsed by Mrs. Armstrong because it would spare her and her son the emotional stress and lengthy trial process. In terms of closure, Brady Schwartz, the victim's brother, stated, "There will never be closure to the pain we feel." Leslie Armstrong stated this concerning the death penalty process, "As I learned more and more about the justice system in this country, and about the appeal process, I realized that the death sentence is only the beginning of a lengthy process, one that would only serve to re-open wounds" (May 2000).

Against death sentencing due to religion. Religion can also be a motivating factor in clemency movements. Wilmer Tjossem, a practicing Quaker, testified against the death penalty for the murderer of her father. In a statement, she said,

"Quaker teaching calls for members to strive toward a nonviolent world. Following that principle, most Quakers have opposed war and any other violent solution to social problems. It follows then, doesn't it, that the deliberate taking of a human life should be wrong. For the state, the government, to deliberately take a human life gives sanction to killing people...It just has us terribly upset. We don't know where to turn. We do not want Randy to be killed on our behalf, or in Janet's name. That will not bring us any comfort at all. If Randy is executed, it will spread a whole lot of misery amongst some very innocent people – Randy's family, Janet's family, Vicky's family" (Burbach 1999).

Another article outlined similar sentiments when a covictim who had lost their daughter to homicide stated, "It [the death penalty] goes against God, and God said 'though shalt not kill'" (Sayre 2002). A different covictim, who had also lost her daughter, fought against the imposition of the death penalty for similar religious reasons. She stated, "I just wish that God would save his [the murderer's] soul...I don't want him down there in hell" (Bates 1999).

It is becoming increasingly evident that more people in the United States are becoming aware of the problems within the capital punishment system, and these can conflict with religious beliefs. The murder of a family member, followed by the state-sanctioned killing of the offender can have a rippling effect that will change the quality of life for many people. To simply consider the death sentence as an end-all form of closure overlooks the

multidimensional nature of the familial system and religious foundations for many in contemporary American society.

Pro capital punishment but against the death penalty.

Some death penalty clemency requests by covictims are made not because the covictims are ideologically opposed to capital punishment but because they are against the lengthy trials and appeals processes. Within this research framework, there were a number of these cases in which the victim's family believed that the offender deserved to die, but were against the use of death penalty for these reasons, thereby encouraging a plea bargain in order to avoid going through the inordinate amount of time that death sentencing trials often bring. Although the average is 12.75 years between sentencing and execution, the process can continue for more than 30 years (Death Penalty Information Center 2009a). In many cases, the victims' family members preferred the finality of a long term prison sentence to the death penalty even though they wanted the offender to die (Darby 1993).

On behalf of the Ohler family, Assistant District Attorney Charles Ballay of Plaquemimes Parish stated that, "The issue of accepting a plea for life rather than having a trial for death was discussed with the victim's family and they decided life in prison would be acceptable and appropriate. It gives some closure to the family now, rather than much later...if Scholz had been convicted at trial and received a death sentence, an appeals process would have taken years" (Cannizaro 2000). This recognition that the death penalty process can be a cruel way in which to deny family members the ability to grieve by re-opening healing wounds because of the appeals process shows that the current legal system has the ability to victimize family members when pushing for a death sentence without regard to the family's opinion. Fortunately, in this case, the courts listened to the family's request. Interestingly, the term closure is used here as a means in which to justify a life sentence as opposed to the death penalty. Also important to note is that the district attorney insinuates that closure is still obtainable through the death penalty even though it is a lengthy process.

There were other cases in which the court systems decided not to seek the death penalty because of the covictim's wishes on the sentencing. In a case against Kendall Francois, the District Attorney William Grady announced that he would seek the death penalty because "the case warranted it." However, after meeting with the victim's family, Grady decided to forgo the death penalty because the "...victims' families...wanted closure and a guarantee that Francois would die in prison" (Associated Press 2000). In another case, the Swain family agreed to a plea bargain for life sentencing instead of the death penalty, "...to ensure they didn't have to go through another trial in appeals court and to give closure to a case that haunted them for years," stated their lawyer, Mr. Johnson. This statement illustrates the idea that the death penalty process

very well may be designed in a way that does not allow true closure to be obtained (Jackson 2003). Again, the use of the term closure has the implied connotation that closure can be obtained through a death penalty but that a sentence of life in prison would bring closure more quickly. If closure can be obtained from life in prison, then one must wonder why the United States employs the use of the death penalty at all.

In a case against Anthony Brown, members of the victim's family asked the courts to pursue a life sentence instead of a death penalty. Although the courts were preparing for a capital trial, they agreed on behalf of the family. Keith D'Anna, a son of one of the victims, stated that it was better to take the certainty of a life sentence than to deal with the ongoing appeals process and uncertainty of the death penalty. He stated, "We want him to die, because the ultimate justice would be his death." But he cited the many years of painful appeals as a reason to forgo the death sentencing (Darby 1993).

Want death penalty, unsure if closure can be obtained.

Some covictims identified themselves as favorable to the use of the death penalty but expressed doubts about their ability to receive closure. A man who lost his son stated, "I don't know if there is going to be closure because the loss of my son is still going to be there...It has to end, and it has to end somewhere...[but] it wouldn't bring my son back" (Jones 1996). In a separate case, one covictim expressed similar feelings when she stated, "We're hoping for closure on this but how can you forget it? It's been very painful..." (Kataoka and Churchill 1995). Another covictim stated that while he would never receive closure, he supported the death penalty because it may make the world a little safer (Gutowski 2001). Although these covictims supported the use of the death penalty, they did not believe that the use of capital punishment inherently allowed for closure to be given to them through a court sentence.

Other covictims expressed their anger with the death penalty process, outlining the juxtaposition between supporting the death penalty and their uneasiness and doubt in not receiving closure or peace. A mother who had lost her son stated, "Seventeen years is way too long to wait for justice. And without justice there is no closure" (Tisch 2008). Similar to the other findings, justice is believed to be received through the death penalty, but the time it would take for "justice" to be served inhibited the ability for closure to be obtained. In another case, a covictim was asked if the execution would bring closure to them, to which the covictim replied that he was unsure if it would: "It ends it all, but it doesn't bring back the dads we loved" (Jennings 2000).

Want the death penalty, believe it brings closure. The small minority of opinion was found in victims' families that believed the death penalty brought closure. Important to note is that within these cases, closure was not always cited as the end all state of emotional well-being. In other

words, although a small percent of covictims believed they received closure, they did not consistently believe closure necessarily represented a definitive end or an emotional catharsis to their loss.

To illustrate, in the case against Eric Oxley, the victims' son stated, "This is not going to be over for us for a very, very, long time...we'll never recover from this. This brings some closure, but it does not bring back my mom..." (Associated Press 1999). "Never" being able to recover from the murder of a family member would seem to imply that true closure could not be received from an execution, although the covictim stated that a certain degree of [some] closure was obtained. In addition to revealing the contextual nature of closure, this passage also outlines the subjective nature in which closure can be obtained.

In a small amount of cases, covictims believed the execution (or a death sentence) actually brought both relief and closure. After the execution of Darrell Keith Rich, the brother of a victim stated that, "My family can finally gain closure...and my sister can finally rest in peace" (Jones 2000). In this instance, closure appears to take the form of peace. In the case against Ralph LeRoy Menzies, the victims' son stated that he could "have no closure...until this man [Menzies] is dead" (Broughton 2004). In this instance, closure is believed to be received as the result of death. These cases essentially encapsulate the entirety of the cases in which the covictims wanted the death penalty and believed it brought closure. Indeed, the predominate number of cases in which the covictim was for the death penalty and believed it brought closure also contained statements that contradict the notion of closure as a definitive end to a difficult time as illustrated by the article described above.

DISCUSSION AND CONCLUSIONS

Criminologists have shown that former justifications and support for the continued use of capital punishment are not supported by research (Bailey and Peterson, 1997; Christie 1977; Ehrlich 1975; Radelet and Akers 1996; Radelet and Borg 2000), and the public is aware of this (Gallup 2009; Gross 1998; Jones 2006; Sandys and McGarrell 1994). Replacing the traditional justifications for the continued use of the death penalty are the ideas of retribution and victim closure. As Bandes (2008) outlines, with this change in justification, emotional catharsis for the victims' family members has become the goal of the capital punishment system. This has resulted in the onus of capital punishment being placed on the victim's family.

While newspaper coverage certainly shows trends in public opinion and sentiment, concrete conclusions cannot be drawn from the current study due to the tendency of media outlets to represent upper-class interests and dominant ideologies (Schiff 1997). Newspaper stories may only cover capital punishment cases when the most

popular opinion is represented or when the story is of particular public interest. As Kudlac (2007) outlines, stories of public interest are usually concerned with terrorists, serial killers, mass murderers, or racial and gender-issued cases (Kudlac 2007). The true nature of public opinion is hard to separate from the nature of media outlets because they work reciprocally (Hoffman et al. 2007), but changes in the content and representation of these articles can aid in the interpretation of trends in public opinion, because newspaper articles reflect trends in public sentiment (Gallup and Newport 1991; Hoffman et al. 2007).

The results show a significant increase in covictim opposition to capital punishment in the nearly two decades following the ascendancy of retribution and closure as the primary justification offered for the death penalty. The growing covictim opposition to the execution of the offenders in their individual cases highlights the resistance of victims' families to accepting the responsibility for the state-sanctioned death of the offenders, specifically, and to the notion that the court can provide closure, more generally. The second main finding in the current study is that newspaper representations of capital cases in which the covictims support the execution of the offender receive significantly more words per article as well as significantly greater exposure within the newspapers than cases in which the covictims are against the execution. The broader scope and primacy of newspaper coverage given to the minority of cases in which the victims' families argue publicly in favor of execution suggests that the news media is reflecting and/or promoting the pro-capital punishment public sentiment still pervasive in society today. As stated above, firm conclusions cannot be drawn from the current study given the imprecise and often subjective nature of the newspaper data analyzed, but the findings do signal that covictims are increasingly opposed to capital punishment and do not believe the imposition of death brings closure.

The victim clemency movement elucidates many of the underlying problems with the current framework of capital sentencing. Of particular importance is that the uniform legal system is ill-equipped to manage the subjective experiences covictims have within capital punishment cases. Closure is a dynamic and subjective concept, and the covictim statements in the news data assessed in the current study clearly express reservations about the criminal justice system's ability to provide closure. Even more distressing is the fact that covictims are occasionally removed entirely from the court processes because of their opposition to capital punishment. Without considering the victim's family members, the courts cannot issue a sentence *in their name*. Instead, a sentence in the form of the death penalty, when applied uniformly, serves only to victimize the family. While some research does find that victim impact statements have the potential to sway the minds of the jurors and judges (Platania and

Berman 2006), most research concludes that victim impact statements have no discernable effect on sentence outcomes (Davis and Smith 1994a; Douglas, Laster, and Inglis 1994; Erez and Roeger 1995). Other research concludes that victim impact statements have little effect on sentencing outcomes and only provide the victim's family member with a feeling that they may be involved in the process and that this only causes the victim to become effectively silenced (Erez and Roeger 1995). The court system displays only the facade of victim inclusion (Erez and Roeger 1995).

There is nothing automatic about receiving "closure" from a capital offense and losing a family member. Capital offense trials can add to this tribulation. They continue for many years and can have a seemingly endless number of appeals, which causes many family members to associate the death penalty with an uncertainty in the ultimate outcome (Kanwar 2002; May 2000; Murder Victims' Families for Human Rights 2009). Because of this, even individuals who are "pro-death" are willing to accept a plea bargain in order to escape the unnecessarily drawn out court and legal processes that a death sentencing brings (Darby 2003; Cannizaro 2000; Jackson 2003).

The contemporary system that employs the death sentence is one that uses dated and broken logic. The current research showed a clearly defined trend of continued increases in clemency requests by covictims, but the media has obscured these clemency movements, possibly as a means of protecting the notion that closure is obtainable through a death sentence. However, research has clearly shown that most families do not receive closure through the imposition of the death penalty (Bandes 2008; Vollum and Longmire 2007; Kanwar 2002). Although the reasons for clemency requests are highly individualized, the outcome remains the same; the newspaper coverage highlights that more covictims are seeking alternatives to the lengthy death penalty process and more covictims are realizing that closure is not received as a result of the death penalty.

While many of the quotes featured in this research outlined the subjective and illusive nature of closure, Dianna Hoyt, who lost her child to murder, perhaps outlines this best when she stated, "You miss your children. To think of how she died, and how she suffered, there's no closure to that" (Wallsten 1996). While this passage does not imply whether Dianna is for or against the death penalty, what is clear is that closure cannot be simply handed to her by the court system at the conclusion of a sentencing.

Ultimately, the current research suggests that the experiences and perspectives offered by covictims in capital cases must be acknowledged in the ongoing contemporary discourse on capital punishment among the public, policy makers and criminal justice professionals. The American public continues to support capital punishment for the most atrocious crimes, mainly on the

basis of promoting closure to victims' families through retribution, but the evolving victim clemency movements and the prior research on covictim closure through capital punishment both suggest that the contemporary justifications for the death penalty do not accord with the lived experiences of covictims. Future research should further investigate the rise of the victim clemency movements with more detailed data that is independent of the subjective and often biased news media. Further, as the criminal justice system operates as a separate entity, detached from human emotion, future research should also investigate the feasibility of better including family members of murder victims in the court processes. This inclusion may better allow for covictims to determine the extent to which they believe they should be included in the court proceedings. As Arrigo and Williams (2003) outline, victim impact statements given during the sentencing phase of capital trials, the only court process in which covictims have the opportunity to participate (with the exception of witnesses in some situations), are an essential first step in integrating victims' families into court decisions (Long 1995) but do not sufficiently liberate covictims from anger, bitterness, and resentment (see also Erez and Roeger 1995b). The contemporary criminal justice system must be updated to transform victims' families from noncontributing outsiders (Davis and Smith 1994b) to active participants within the current capital punishment paradigm. As long as the legal system is structured in a way that overlooks the needs of the family, then true closure will continue to be elusive, and innocent people will be victimized at the hands of "justice."

Endnotes

¹ Vollum and Longmire (2007) also found that in 72.3 percent of the cases sampled, closure and healing were themes in victims' family member statements at the time of the execution. Additionally, 40.9 percent of the respondents indicated that the execution provided some form of healing; however, the researchers only found four cases (2.5 percent of the sample) in which the victims' family believed the execution brought "actual closure" (Vollum and Longmire 2007:606).

² There does exist some research on victim impact statements and the influence on jurors and sentencing; however, conclusions are mixed and incomplete. Platania and Berman (2006) found that jurors can be influenced by victim impact statements, but it is a complicated interaction. In their study, Platania and Berman (2006) found that victims who displayed hostile statements often left jurors with an anti-defendant bias. After the victim impact statement in these cases, jurors were more likely to become insensitive to trial evidence in favor of the defendant and were more likely to call for punitive punishment. Conversely, victim impact statements which

were sad in nature often lead to pro-defendant sentiment among the jurors and decreased punitiveness.

Other research concludes that victim impact statements have little effect on sentencing outcomes and only provide the victim's family member with a feeling that they may be involved in the process, and this only causes the victim to become effectively silenced (Erez and Roeger 1995). The court system has displayed only the facade of victim inclusion (Erez and Roeger 1995).

³ The authors would like to address the use of the term "movement." In the case of this article, the word "movement" refers to both a social movement concerned with the use of the death penalty and notions of victims' family members experience of closure, while also referring to a movement of perspective outlining that the paradigm of justification for the death penalty which currently rests on the basis of closure is changing.

⁴ Unfortunately, the search engine utilized did not allow for an assessment of newspaper venue or circuit decisions. Future research should address those components in order to provide a more comprehensive understanding of newspaper circulation and public opinion concerning the use of the term "closure."

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