MEDIA REPRESENTATIONS OF FEMALE PERPETRATORS

IN DEATH PENALTY-ELIGIBLE CASES

By

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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABSTRACT</td>
<td>iii</td>
</tr>
<tr>
<td>1. INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>2. LITERATURE REVIEW</td>
<td>8</td>
</tr>
<tr>
<td>2.1 Capital Punishment in the United States</td>
<td>8</td>
</tr>
<tr>
<td>Racial Discrimination</td>
<td>15</td>
</tr>
<tr>
<td>Geographical Arbitrariness</td>
<td>22</td>
</tr>
<tr>
<td>Discrimination against Sexual Minorities</td>
<td>26</td>
</tr>
<tr>
<td>Gender Biases</td>
<td>33</td>
</tr>
<tr>
<td>Final Thoughts on the Death Penalty</td>
<td>47</td>
</tr>
<tr>
<td>2.2 Media Influences on Behavior and Beliefs</td>
<td>49</td>
</tr>
<tr>
<td>Framing</td>
<td>50</td>
</tr>
<tr>
<td>Social Learning Theory</td>
<td>54</td>
</tr>
<tr>
<td>Socialization</td>
<td>55</td>
</tr>
<tr>
<td>2.3 Media Representations of Crime</td>
<td>61</td>
</tr>
<tr>
<td>Bad Women vs. Mad Women</td>
<td>62</td>
</tr>
<tr>
<td>Media Representations of Capital Punishment</td>
<td>64</td>
</tr>
<tr>
<td>3. METHODS</td>
<td>67</td>
</tr>
<tr>
<td>3.1 Selecting a Sample</td>
<td>68</td>
</tr>
<tr>
<td>3.2 Procedures</td>
<td>71</td>
</tr>
<tr>
<td>3.3 Analysis</td>
<td>72</td>
</tr>
<tr>
<td>4. RESULTS AND DISCUSSION</td>
<td>74</td>
</tr>
<tr>
<td>4.1 General Findings</td>
<td>76</td>
</tr>
<tr>
<td>Amount of Coverage</td>
<td>76</td>
</tr>
<tr>
<td>Overall Discussions of Crime</td>
<td>80</td>
</tr>
<tr>
<td>Characterizations of Female Perpetrators</td>
<td>86</td>
</tr>
<tr>
<td>4.2 Women Who Murder For Insurance Money</td>
<td>96</td>
</tr>
<tr>
<td>4.3 Women Who Kill Children</td>
<td>111</td>
</tr>
<tr>
<td>4.4 Robbery-Murders</td>
<td>123</td>
</tr>
<tr>
<td>5. LIMITATIONS AND FURTHER DIRECTIONS</td>
<td>129</td>
</tr>
<tr>
<td>6. CONCLUSIONS</td>
<td>131</td>
</tr>
<tr>
<td>-------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>7. REFERENCES</td>
<td>134</td>
</tr>
<tr>
<td>8. APPENDIX A</td>
<td>144</td>
</tr>
<tr>
<td>9. APPENDIX B</td>
<td>146</td>
</tr>
<tr>
<td>10. APPENDIX C</td>
<td>149</td>
</tr>
<tr>
<td>11. APPENDIX D</td>
<td>151</td>
</tr>
<tr>
<td>12. APPENDIX E</td>
<td>153</td>
</tr>
</tbody>
</table>
ABSTRACT

In the United States, it is highly uncommon for a woman to receive the death penalty and even rarer for one to be put to death. Since the moratorium on capital punishment was lifted in 1976, 1313 men have been executed, while only 12 women have suffered this same fate, as of March 31, 2013 (Death Penalty Information Center, 2013). It appears as though paternalistic ideals are still very much alive in our criminal justice system and we are still unwilling to fully condemn most women for their legal offenses. Nevertheless, as few as they may be, there are certain women who transcend this reluctance and receive the death sentence. Some are even ultimately executed. What sets these women and their crimes apart from other female criminals? Newspapers have always served as a source of socialization and information for the general public. Thus, by examining media depictions of these female defendants, we may gain a deeper understanding of the kind of woman society deems as worthy of this punishment. Glaser and Strauss’ Grounded Theory was employed to compare newspaper articles written about 25 women on death row and 25 women who have escaped this penalty. Results reveal that the media often scrutinizes the woman’s behavior and personality in a negative light, almost as a way to defeminize and dehumanize her to justify a possible execution.
1. INTRODUCTION

In 1941, Ethel Juanita Spinelli became the first woman in the state of California to die in the gas chamber (Shipman, 2002). Spinelli was not only a member but also the leader of a group of hardened gangsters who affectionately referred to her as “The Duchess” and were constantly on hand, willing and eager to do her bidding. She had ordered the murder of 19-year-old Robert Sherrard, who had been a member of this gang. However, Ethel insisted that he needed to be eliminated because she believed that he would betray them and confess to the police the gang’s involvement in a previous murder. Three other men rose to the task and followed through on her commands; Sherrard was given a solution to render him unconscious, “then bludgeoned to death and dumped in a river.” (O’Shea, 1999, p. 69) One of the perpetrators, Albert Ives, became a star witness for the prosecution during the trial and was spared the death penalty. The three other defendants, Spinelli, along with her common-law husband and one other accomplice, were all convicted of the slaying and sentenced to die by lethal gas.

Despite the fact that this case occurred over 70 years ago, many of the details surrounding the Ethel Spinelli story are still entirely pertinent in describing the issue of gender and capital punishment in the United States today. First, we must look broadly at the problem of gender biases in the application of the death penalty. It seems that for as long as death has been an option as a punishment, the number of men executed has always severely outnumbered the number of women executed. During the earliest colonial times to today, the total number of people executed is
estimated to be around 18,000 to 20,000 but only 400 of these are women (Death Penalty Information Center, 2013). From 1930 to 1988, the federal government reports that 3,963 executions have occurred but women only account for 33 of these. In the current death penalty era, which began in 1973, 12 women have been executed, while 1313 men have suffered that same fate (as of March 31, 2013). Furthermore, women make up only 1.8% of all persons presently on death row across the country (Death Penalty Information Center, 2013). In fact, at every stage of the legal process from sentencing to execution, women never comprise of more than 3% of all death row inmates. These gaps cannot be explained by pointing to gender differences in criminal behavior, as women account for 10% of murder arrests annually.

While judgments of who should receive the death penalty may seem to be completely arbitrary, one thing that is certain even in today’s day and age is society’s reluctance to execute a woman. Ethel Spinelli’s case captures the existence of this gender gap perfectly because while she was unquestionably guilty of her depraved acts, there was still an overall unwillingness to take away her life because of her gender. Some citizens in California were firm in their conviction that her execution would ruin the state’s image: “the execution of a woman would hurt California in the eyes of the world…California’s proud record of never having executed a woman should not be spoiled.” (Rapaport, 1990, p.1) Many were convinced that the execution would never even take place. Spinelli’s case was heavily publicized and she was granted three different stays of execution, a complete rarity in the 1940s. Clinton T. Duffy, the warden of San Quentin at the time, was quoted as saying “She
was receiving special consideration because of her sex; if she were a man, she would have died on schedule” (O’Shea, 1999, p. 69). Since she was a woman, however, Warden Duffy and the general public were utterly confident that her sentence would eventually be commuted to life in prison for no other reason than her gender. This firm belief did not waver even after an execution date had been set, because the spectators of this very public case maintained the view that “some judge in some court would find a loophole, or, perhaps, Governor Olson would take steps to stop her execution” (Miller, 2004, p. 392). In the end, none of their suspicions proved true and Spinelli was sent to the gas chamber but her case and others like it raise important issues regarding female crime. There is clearly something about being a woman that is very untouchable and sacred. A woman is offered a certain level of salvation, regardless of her actions, while men never seem to be given this sort of protective veil. Despite this protection, some women are sent to death row and some are even executed. Who are they and what have they done to deserve the ultimate punishment?

Spinelli may have been the first woman to be executed in California, but she was not the first to be executed in history, nor will she be the last. However, this case of society’s struggle with female crimes illustrates not only the existence of a gender gap but also explains how gender plays a role in executions. Some people simply could not accept that she was capable of such a crime, reasoning “that no woman in her right mind could commit the crime charged to her” (Rapaport, 1990, p.1). Others did not deny her actions but believed that it was wholly barbaric and repulsive for any established and sophisticated state to execute a woman (Carroll, 1997). Some argued
that women must be protected because of their status as mothers (Rapaport, 2000). The woman, a soft, nurturing presence responsible for bearing life, should be spared under any and all circumstances, despite her actions. To be sure, even Spinelli’s position as a mother of three was cited as an explanation as to why she should be granted special consideration. At her execution, the L.A. Times cited Ethel’s tender-hearted side by revealing that she had recently become a grandmother and taped pictures of her children and grandchildren on her heart before entering the gas chamber (O’Shea, 1999). The mere reminder that a defendant is a mother seems to offer her a degree of forgiveness and protection. Unfortunately, this benefit is not extended to all parents, since we see that men who are fathers are not similarly privileged (Daly, 1989). This might result from the belief that women should be guarded not only because they are maternal figures, but also because they are biologically the ‘weaker sex’ (Franklin & Fearn, 2008).

This staunch belief in chivalry is highly prominent in Ethel Spinelli’s case, almost to an absurd degree. The first time an execution date was set for Spinelli, the New York Times reported that 300 San Quentin inmates volunteered to take her place (Rapaport, 1990). As the case dragged on and the outrage over the possible execution of a woman continued to spread, more measures were taken by the prisoners to protect Ethel. Threats of hunger strikes and riots loomed within San Quentin and a petition was even written to the governor of California and signed by thirty inmates. These hardened criminals had such respect for the fairer sex that they were willing to draw straws for the opportunity to go to the gas chamber and take her place if her
sentence was not commuted and if she was not granted clemency. In the event that her sentence was reduced to that of life imprisonment, these men were even willing to serve out the rest of her life term sentence (Miller, 2004). These examples highlight the shame associated with the pending execution of a woman and the selfless lengths to which some will go in order to protect women and their innate “purity”. Of course, the general opinion regarding executions of women today is not as extreme and there is much less shame linked to the act. In fact, in our current death penalty era, 12 women have already been executed and as far as we know, there have not been any reports of men fighting for the opportunity to take these women’s places. However, there still seems to be a slight bit of paternalism at work in our society. Some would claim that in legal cases involving women, justice is second after chivalry. Judges, jurors, attorneys, and the general public may all still harbor paternalistic beliefs and feel a need to protect women. Many still feel disgusted at the idea of putting any woman to death, regardless of any cold-hearted acts she may have participated in. Thus, the case of Ethel Spinelli, despite it being over 70 years old, still serves as a fine example of not only 1) the inequalities in the application of the death penalty, but 2) the reasons behind it as well.

Thirdly, close examination of media representations of the Spinelli trial also reveals that not much has changed since then with regards to how popular media depicts female perpetrators. In many cases, the media will vilify violent women and sensationalize their unique cases. While the public was overly sympathetic to
Spinelli’s cause and inmates were even willing to take her place, media coverage on her case was largely negative.

Then, as now, we find that the media feels the need to defeminize and dehumanize female perpetrators in order to sentence them to death (Keitner, 2002). There seems to be an unconscious need to strip these women of their femininity. By doing so, when these criminals lose their perceived “female-ness”, they also lose the shield of protection offered to them and any chivalrous feelings that other men may feel for them (Streib, 1995). One tactic in defeminizing female defendants is to criticize them on their physical appearances. For example, Spinelli was described as “homely, scrawny, nearsighted, a sharp-featured scarecrow, with thin lips, beady eyes, and scraggly black hair flecked with gray” (O’Shea, 1999, p.69). These are certainly not the features of a desirable woman that men would be expected to lust after.

Moreover, these ideas were emphasized by descriptions stating that she was a cold, hard character who was “utterly lacking in feminine appeal” (Miller, 2004, p. 391). Even Governor Olson described her as “horrible to look at, impossible to like” (Miller, 2004, p. 392). It is worth noting that most of the things he mentioned had little to do with the crime and with this example, we can truly gain a deep understanding of how much femininity plays a role in deciding who lives and who dies.

Her callous nature was also a constant theme in how the media chose to portray her. She was described as a tiny woman who was somehow capable of being a “merciless gang leader” and had the power to control her devotees. This sort of sex
stereotyping is not atypical and continues even today. When female murderers in death-penalty eligible cases are depicted in the media, their looks, emotions, and overall feminine attributes (or lack thereof) are thoroughly analyzed and interpreted for the general public. In this way, the media seems to be announcing and justifying to the public who should live and who should die.

One particularly important point to make is that the shocking case of Ethel Spinelli does not serve as a prime example of gender discrepancy in capital punishment in and of itself. It is true that women are rarely given the death penalty. Jurors are incredibly reluctant to hand a female defendant the death sentence for a variety of reasons. Moreover, women who do receive the death sentence are more likely than men to have this punishment commuted or reversed (Rapaport, 2000). No matter what a woman does, she is at least guarded in some part due to her gender. However, after all is said and done, some women are put to death and Ms. Spinelli was one of them. Thus, her case was an anomaly because while it did illustrate society’s extreme unwillingness to execute women, it also showed us that some women transcend this reluctance. In this thesis, I will attempt to compare the narratives of women such as Ethel who were not filtered out during the death penalty process with those who were. How do certain women defy our norms and lose society’s protection? What types of crime did they commit and were there extralegal extenuating factors? By analyzing them and their crimes, perhaps we can gain a deeper understanding of our implicit societal beliefs, gender stereotypes, and our legal system.
2. LITERATURE REVIEW

2.1 Capital Punishment in the United States

To fully understand our current use of the death penalty, it is imperative that we examine the historical underpinnings of this legal tool. The first established set of capital punishment laws is dated at around the Eighteenth Century B.C. with the advent of the Code of King Hammurabi of Babylon, which outlined 25 crimes which were punishable by death (Death Penalty Information Center, 2013). Further use of death as a form of punishment is seen in the Hittite Code in the Fourteenth Century B.C. and the Draconian Code of Greece in the Seventh Century B.C. By the Tenth Century A.D., Britain had developed a preference for this legal instrument and hanging became the customary form of execution. By the 1700s, there were 222 crimes which were punishable by death in Britain, some of which are petty by today’s standards, such as stealing and the cutting down of a tree (Death Penalty Information Center, 2013). As a result, many juries refused to convict a defendant whose crime was not serious and thus, during the first half of the Nineteenth Century, death was eliminated as a sentencing option for over 100 of the crimes.

Britain’s use of the death penalty heavily influenced its establishment and existence in the New World. Capital punishment was brought over to America by settlers from England and the first known executions in the colonies occurred in 1608, where Captain George Kendall in the Jamestown Colony of Virginia was killed for spying on behalf of Spain (Kudlac, 2007). Furthermore, the Divine, Moral, and
Martial Laws were enacted by Virginia Governor Sir Thomas Dale in 1612. These statutes suggested use of the death penalty “for even minor offenses such as stealing grapes, killing chickens, and trading with Indians” (Death Penalty Information Center, 2013). Much like how death penalty laws vary from state to state today, rules guiding the use of capital punishment differed from colony to colony in the Seventeenth Century.

Continued use of the death penalty waxed and waned throughout the 1800s, but by the Early to Mid-Nineteenth Century, it had become clear that this form of social control was quickly falling out of favor. In fact, many states had even completely abolished this option. Unfortunately, this trend did not continue and by the Early Twentieth Century, death penalty laws were revived as a result of the changing social climate. The Great Depression, the Russian Revolution and the United States’ involvement in World War I all evoked feelings of chaos and panic among the general public. As a result, many considered it as a necessary social measure and consequently, we saw the highest number of executions during this time than in previous decades (Kudlac, 2007). In the 1930s, for example, there was an average of 167 executions every year (Death Penalty Information Center, 2013). The influence of social climate and historical circumstances dictating popular opinion on the death penalty is seen again in the 1960s and 1970s. This time, however, we see a decline in the general public’s approval, possibly as a response towards the Vietnam War, Civil Rights Movement, and issues with the draft. During this period, citizens
became very conservative, placed greater value on human life, and scorned government-led violence (Kudlac, 2007).

In 1972, three separate cases calling attention to the arbitrariness of the death penalty were brought to the United States Supreme Court: Furman v. Georgia, Jackson v. Georgia, and Branch v. Texas. These three cases are collectively known as Furman v. Georgia and in this landmark trial, several Justices argued that haphazard sentencing is possible in the application of the death penalty. Among other reasons, they cited the lack of standards, the prejudicial nature of the death penalty, and the broad discretion given to judges and jurors as the basis of their argument. Thus, by a vote of 5 to 4, the Supreme Court established that the death penalty violated the “cruel and unusual punishment” prohibition of the 8th amendment. By doing so, a moratorium began, voiding 40 death penalty statutes and commuting the death sentences of 629 inmates (Death Penalty Information Center, 2013).

The decision, however, did not seem to completely condemn all forms of capital punishment. It appeared as though the Supreme Court was open to reviving this debate if states drafted precautionary measures against arbitrariness, which they did. Florida paved the way by rewriting its death penalty statute just five months after the Furman decision and 34 other states soon followed suit. In 1976, the decision in Gregg v. Georgia effectively lifted the ban on capital punishment. The Justices expressed the view that the death penalty was not always cruel and unusual and accepted Georgia’s proposal of several measures designed to guard against the
capriciousness of this tool. *Gregg* introduced guidelines and suggested that the judge and jury consider aggravating and mitigating factors during sentencing. Additionally, automatic appeals were offered as well as a “proportionality review”, which allowed appellate courts to compare a case’s sentence to the outcomes of other cases. Lastly, trials became bifurcated, which meant that the determination of guilt and the handing of a sentence became separate trials (Unah, 2009). Other states also incorporated variations of the *Gregg* reforms and thus, several death penalty statutes were re-instated. The moratorium on the death penalty officially ended on January 17, 1977 with the execution of Gary Gilmore in Utah.

In the 1980s and 1990s, there were increases in the number of executions and the number of offenses covered by death penalty statutes. The United States’ obsession with capital punishment, however, is not universal or common. In fact, it appears as though much of the Western World sees death sentencing as a thing of the past (Garland, 2010). In April 1999, the United Nations even encouraged multiple countries to pass the *Resolution Supporting Worldwide Moratorium on Executions* but the United States voted against this measure. Although popular support in the United States for capital punishment may be high, our use of this legal instrument remains imperfect and the reasoning behind its acceptance is still heavily flawed.

Even today, it has been demonstrated that the United States’ use of capital punishment is highly erratic and perhaps even illogical, despite the reforms introduced in *Gregg v. Georgia* (Haney, 2009). There is still discrimination along
many lines (e.g. racial, geographical, and gender), a major issue which will be
scrutinized in the following chapters (Unah, 2009; Shortnacy, 2001; Dieter, 1998).
Furthermore, the possible execution of innocents is still an undeniable problem
(Kudlac, 2007). In 2000, for example, college students in Illinois managed to prove
the innocence of a man on death row and as a result, Governor Ryan issued an
indefinite moratorium on this legal tool. Even setting these considerable
complications aside and assuming that the death penalty is “fairly” applied,
justifications for its use are often illogical and ill-informed.

Research regarding people’s approval for the death penalty has uncovered a
number of fairly common beliefs. Economic rationalizations are often used as
justification for extending capital punishment laws. Many believe that capital
punishment saves the state money, since the swift execution of inmates may appear to
cost less than having to care for them for a lifetime if they were serving a sentence of
life imprisonment. However, a recent cost study conducted by Judge Arthur L.
Alarcon (2011) in California reveals just the contrary. With conservative estimates,
the cost of their current death penalty system hovers at around $137 million while a
system with a maximum penalty of life incarceration would only cost $11.5 million
(Alarcon & Mitchell, 2011). Moreover, Maryland has estimated that the cost for 5
executions is a whopping $186 million, a figure which takes into account the cost of
investigations, incarcerations, trials, and appeals. A Duke University study on North
Carolina’s capital cases has found that a death-penalty case is more costly than a non-
death penalty one at every stage of the process, even from the voir dire (Rupp, 1992).
Around the country, countless studies have replicated these findings and not a single state has found that the death-penalty is cost-effective. As a result, some researchers argue that taxpayers are contributing hundreds of millions of dollars to a system which is discriminatory, ineffective, and wasteful, since many sentences are ultimately overturned (Death Penalty Information Center, 2013).

A second justification involves the use of capital punishment for its deterrent effects. The logic of this reasoning is that if the state sends a message of extreme disapproval (the death penalty being that extreme) of unlawful behavior, others may be discouraged from participating in it. However, multiple studies have repeatedly demonstrated that this is simply not the case. Roughly 88% of criminologists agree that this punishment does not at all prevent crime (Death Penalty Information Center, 2013). Ironically, many researchers have even determined that the effect runs in the opposite direction. That is, the death penalty may actually increase the number of homicides; states with death penalty statutes often exhibit higher murder rates than those without (Donohue & Wolfers, 2006).

Lastly, supporters of capital punishment often rely on a third argument, which is the idea of retributive justice. A person who has committed a heinous crime must be punished to the fullest extent of the law. Many people subscribe to this “eye-for-an-eye” model of justice, perhaps to defend the honor of the victims (Haney, 1997). Indeed, anecdotal evidence points to this idea of symbolic revenge in our use of the death penalty. In 2005, one Californian death row inmate suffered a heart attack and
he specifically requested beforehand that he be allowed to die if he went into cardiac arrest before his execution date (Salinas, 2006). The prison refused this request and resuscitated him, only to execute him later on. Unsurprisingly, research indicates that many people share the belief that vengeance must be exacted upon those who have wronged them. Unlike the arguments surrounding cost or deterrence, this is generally a matter of personal beliefs which cannot be argued either way by data or statistics. However, Steven and Naomi Shatz (2012) argue that in California, executions are so rare that even if the death penalty had a deterrent or retributive effect, it would be an incredibly miniscule one. Moreover, the worst criminals are often not the ones who are executed and thus, revenge is not distributed equally.

It is clear that there are flaws in our justifications for the use of capital punishment but in addition, there are serious issues with biases. Relevant legal factors like aggravating circumstances do contribute to the probability of a death sentence (Spohn & Welch, 1987). Jurors are specifically instructed to consider aggravating circumstances, such as a killing with substantial premeditation or the murder of a young child (Death Penalty Information Center, 2013). Other practical concerns such as the defendant’s prior criminal history are also taken into account. In most cases, the more serious the offense, the more severe the sentence will be (Franklin & Fearn, 2008). Nevertheless, extralegal conditions such as race, gender, and sexual orientation also appear to play a role in who is sentenced to death.
Before delving into the matter, there is one point that I would like to make clear. By bringing to light these various forms of discrimination, my intention is not to suggest that we execute a greater number of those in the currently privileged group to simply even out the numbers. I am not aiming for pure statistical equity. For example, women are the ones who benefit from the gender bias, but my aim in exposing and analyzing this discrepancy is not to advocate for the execution of more women. Similarly, executing more prisoners of a certain race to achieve a numerical balance is neither moral nor the proper solution to this problem. Rather, I am hoping we can collectively gain a deeper understanding of our implicit societal beliefs in order to re-examine the effectiveness and fairness of this tool and truly evaluate the necessity for it.

**Racial Discrimination**

Discretionary measures were placed post-Gregg to guard against the arbitrary use of the death penalty but today, multiple statistical studies still support the idea that a defendant’s race plays a significant role in who receives this punishment. We can start by looking at the racial distribution of defendants who have been executed since 1976 and those who are currently on death row. Blacks, or African Americans, make up about 10-15% of the population of the United States but constitute 41.93% of all people on death row (Death Penalty Information Center, 2013). Moreover, 35% of the defendants who have been executed since 1976 have been Black.

This disparity is also highly consistent across multiple states. For instance, in 2005, California’s population was 6.7% African-American but this racial group
constituted 36% of their death row (Goodman, 2007). Texas, a national leader in executions, reported a population that was 83.2% White and 11.7% Black in 2007. However, their Department of Criminal Justice reported that Black males accounted for 41.2% of those on death row. Delaware reports that Blacks make up 53% of their death row but only 21% of their general population. Additionally, the last 8 defendants who have been sentenced to death in 2012 in Delaware have all been Black (Johnson, Blume, Eisenberg, Hans, & Wells, 2012). In Philadelphia, it was found that “being Black” was a factor that increased a defendant’s likelihood of getting the death penalty by 38% (Death Penalty Information Center, 2013).

Interestingly, researchers compared this “aggravating circumstance” against legitimate aggravating factors which juries are asked to consider during a trial such as murder during the course of a felony or murder with torture. It was found that “being Black” had a greater effect on death sentencing than murder with another felony, murder with multiple stab wounds, or a murder which caused great harm, fear, or pain. However, it had less of an effect than a murder with torture or a murder with grave risk of death to others (Dieter, 1998).

The influence of one’s race/ethnicity on sentencing becomes greater if the individual is a person society deems as dangerous, burdensome, or problematic. For instance, extralegal factors such as income, education, gender or employment have all been proven to greatly amplify racial biases in trial sanctions (Franklin & Fearn, 2008). These findings already demonstrate one source of racial bias which exists in our system by showing how the race of the defendant can severely impact the trial. In
fact, race has the ability to “infect the system at almost every stage: arrest, prosecution, jury selection, conviction, sentencing, appellate review, and clemency” (Goodman, 2007, p. 3). The data also seems to reveal that these discrepancies are increasing rather than decreasing over time (Dieter, 1998). However, a stronger case for racial discrimination can be made after analyzing not only the race of the defendants, but also the race of the victims.

From 1976 to August 16, 2007, 1090 people were executed in the United States and Blacks accounted for roughly a third of these executions (Goodman, 2007). However, the most shocking statistic arises from the fact that 80% of these perpetrators had victims who were White, even though Whites and Blacks are murder victims in roughly equal numbers (Goodman, 2007). One of the first United States Supreme Court cases to deal with this discrepancy in the current death penalty era was McCleskey v. Kemp in 1987.

Warren McCleskey was a Black man who was sentenced to death for murdering a White police officer. His appeal was based on the grounds that capital punishment was not only cruel and unusual, but it also violated his Equal Protection rights as guaranteed by the Fourteenth Amendment. McCleskey presented data from a study conducted by David Baldus, Charles Pulaska, and George Woodworth (1983), which analyzed murder cases in Georgia from 1973 to 1978. Even after controlling for 230 potentially relevant non-racial variables, the study concluded that a case with
a White victim was 4.3 times more likely to result in a death sentence than a similarly situated case with a Black victim.

While the Supreme Court did recognize the statistical validity of this finding, it still rejected McCleskey’s claims. The justices argued that the aggregate data may indicate a pattern of racially disproportionate sentencing, but it does not specifically prove intentional discrimination in Georgia’s criminal justice system\(^1\). Moreover, they declared that McCleskey failed to prove any sort of prejudice in his own case (Unah, 2009). By raising the standard of proof to such a high level, it then becomes virtually impossible to demonstrate racial biases. This is because proving purposeful discrimination in one’s case would involve forcing jurors and judges to admit that they were prejudiced. The majority also asserted that “there can be no perfect procedure for deciding in which cases governmental authority should be used to impose death” (McCleskey v. Kemp, 1987). In this way, the court seemed to suggest that since it is impossible to devise a ‘perfect procedure’, necessary evils such as racial inequalities must be tolerated in order to preserve capital punishment (Clary, 1987).

The Baldus findings, now nearly 20 years old, are still applicable today. In Delaware, for every 1000 homicides, approximately 186.7 of them which involved a

\(^1\) Justice Powell, writing for the 5-4 majority, was willing to “assume the [Baldus] study is valid statistically”, but this acknowledgment “does not include the assumption that the study shows that racial considerations actually enter into sentencing decisions in Georgia…Even Professor Baldus does not contend that his statistics prove that race enters into any capital sentencing decisions. At most, they may show only a likelihood.” (McCleskey v. Kemp 1987:291 n.7)
Black perpetrator and a White victim resulted in a death sentence from 1977 to 2011. By comparison, a White defendant’s death sentencing rate was only 49 out of every 1000 homicides, regardless of whether the victim was Black or White. Lastly, a Black defendant whose victim was also Black only had a death sentencing rate of 26.1 per 1000 cases (Johnson et al., 2012). There is a serious problem in a system where the likelihood of receiving the death penalty for murdering a White person is increased by more than 3 times simply because the perpetrator’s skin color was Black rather than White. Clearly, the charge that the death penalty is applied unevenly based on race is still a viable one.

An analysis of North Carolina’s death row exposed that Durham county prosecutors were 43% more likely to pursue a death sentence for a Black defendant who murdered a White person rather than a Black person (Unah, 2009). Of the cases in Durham involving a White victim, the death penalty was sought in 23.5% of them. However, within this group, a further disparity emerges in that it was sought in 33.3% of the cases with a Black perpetrator but only 8.3% of the cases with a White perpetrator. Another study found that in Georgia, Florida, and Illinois, the presence of a White victim increased the likelihood of a death sentence by 7.2, 4.8, and 4.0 times, respectively. This result was statistically significant at the 0.001 level (Unah, 2009).

Ultimately, death penalty race data collected on 28 states revealed that the Black perpetrator/White victim bias existed in 26 of them. This conclusion was

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2 This discrepancy was not noted in Tennessee and Florida (Death Penalty Information Center, 2013).
consistent even though the studies were conducted had different data collection methods and varied in analytic technique (Dieter, 1998). Other researchers have noted that it is not only Blacks but non-Whites in general who all face harsher sentencing. Some have hypothesized that perhaps the crimes of non-Whites were more aggravated and that White victims suffered more at the hands of these ruthless perpetrators. However, many of these studies controlled for these legal factors and found that race/victim dyad was still influential in conviction and sentencing.

It appears as though there is a higher premium placed on the lives of Whites while the lives of Black victims are consistently discounted. There are a number of theories as to why this racial disparity continues to exist- even thrive- in our current society. Some argue that this is explained by conflict theory (Franklin & Fearn, 2008), which argues that the social group with power will interpret and enforce laws with the aim of maintaining the status quo, at the expense of the subordinates. Thus, Blacks who strike out against White victims are punished more severely because their actions are interpreted as a sign of social uprising (Holcomb, Williams, & Demuth, 2004). On the other hand, since Black victims are not nearly as valued, those who wrong them are treated more leniently. Last, Whites are protected regardless of the characteristics of their victims because the law protects those of the dominant group (Franklin & Fearn, 2008).

This is certainly a possibility, as the decision-making power lies mostly within the hands of White individuals. The characteristics of a judge may strongly influence
the leniency or severity of a sentence and since most judges are educated and White, they may represent the interests of the status quo. Furthermore, while there may be discrimination at every stage of the trial, it has been noted that the greatest disparity was found in prosecutorial charging decisions (Unah, 2009). The majority of prosecutors are White and if they have unfettered discretion when it comes to charging defendants with capital murder, implicit biases may manifest themselves. Also, it has been noted that 20% of Blacks on death row were convicted by all-White juries (Death Penalty Information Center, 2013).

Psychological principles provide a second explanation for this disparity. People who work within the judicial system (e.g. judges, jurors, and prosecutors) tend to be White and thus, they may harbor in-group biases and feel more sympathetic towards White victims. Many psychological studies on in-group biases have demonstrated that people more readily empathize and identify with members of the same racial group (Unah, 2009). Thus, to a White prosecutor, a crime with a White victim will seem far more terrible than a crime with a non-White victim.

However, there are also more practical considerations that may contribute to the unequal prosecution and execution of defendants of color. Prosecutors are constantly seeking re-election and may be pressured to act in a certain way to gain support. If a victim belonged to a prominent and high-ranking family, the attorney may visit and consult with the family regarding prosecutorial decisions. This simple gesture often guarantees votes as well as monetary donations (Dieter, 1998). They
may also select cases that have a higher chance of winning. If they are aware of racial biases discussed in this section, they may, for instance, choose cases with White victims and Black defendants because these types of cases are more likely to secure victories. By doing so, they will only perpetuate this cycle of injustice.

Regardless of the reason, racial discrimination remains as a problem in the United States’ use of the death penalty. Several states such as Kentucky and New Jersey have realized this issue and have attempted to resolve the problem through Racial Justice Acts and proportionality reviews (Goodman, 2007). Unfortunately, there is no clear and effective solution for this dilemma in sight and racial discrimination remains as a point of contention in the death penalty debate.

Geographical Arbitrariness

A second argument that capital punishment is applied capriciously and unpredictably lies in the finding that states use this tool quite differently. First, not every state has the death penalty in effect, since many states never adopted it and others have abolished it throughout the years. At the end of 2012, 33 out of the 50 states had death penalty statutes (Death Penalty Information Center, 2013)\(^3\). This sanction can also be employed by the United States Federal Government or the United States Military. In addition to the fact that states vary in terms of which states have capital punishment as a legal option, states with the death penalty differ according to how frequently they actually resort to using this legal instrument. Since

\(^3\) Delaware and Maryland repealed the death penalty in March 2013.
Since 1976, over 82% of executions have taken place in the South (Death Penalty Information Center, 2013). States such as Texas and Virginia consistently utilize this sanction, while some states hand out the death sentence without ever completing an execution. Furthermore, another difference is that crimes that are subject to this punishment also vary according to jurisdiction. A crime such as treason, for example, may be labeled as a capital offense in one state but not in another. Therefore, because of these interstate differences in death penalty usage and statutes, a perpetrator’s sentence can range greatly depending upon where in the country a crime was committed.

However, there is evidence of geographical arbitrariness even if we set aside the differences that arise as a result of state laws, populations, and crime rates. While there may be variations between jurisdictions because of state statutes, we should expect uniformity within a state if the system is just. Many statistical reports analyzing capital charges within a single state have suggested that this is not so. Around the country, we often see that comparisons between a county’s population, murder rate, and death sentencing rate are highly disproportionate.

Philadelphia, for example, constitutes just 14% of Pennsylvania’s population.

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4 Since 1976, Texas and Virginia have executed 495 and 110 people, respectively (Death Penalty Information Center, 2013).
5 Kansas and New Hampshire have death penalty statutes but haven’t executed a single person since 1976. Colorado, Connecticut, and Wyoming have each executed one person (Death Penalty Information Center, 2013).
6 Even though nobody is on death row for this crime, treason is a capital offense in Arkansas, California, Colorado, Georgia, Illinois, Louisiana, Mississippi, Missouri, and Washington (Death Penalty Information Center, 2013).
but makes up over half of its death row (Dieter, 1998). In Ohio, one-fourth of the
death row inmates come from Hamilton County, but only 9% of the state’s murders
occur in this region. Upstate counties in New York report 19% of the state’s
homicides but 61% of the capital prosecutions. In Connecticut, a defendant who
committed a death-eligible crime is seven times more likely to be sentenced to death
if the act occurred in Waterbury than in the rest of the state. Maryland’s Baltimore
County experiences one-tenth as many murders as Baltimore City, but puts nine times
as many people on death row (Death Penalty Information Center, 2013).

Many see this as yet another result of racial discrimination. Minorities may
tend to live in urban areas, for example, and thus, these counties may see a greater
number of capital charges due to racially discriminatory practices rather than regional
biases. In essence, some believe that geographic gaps in death sentencing may
actually be explained by racial demographic distributions. However, researchers have
refuted this idea by bringing to light another variable: county funding.

The amount of funding that a county has to handle capital cases can
considerably impact prosecutorial charging decisions. As previously mentioned, death
cases are a significant drain on resources and can even cause as much damage locally
as a natural disaster. On average, a capital case has been estimated to be 2.16 million
dollars more expensive than a non-capital case (Cook & Slawson, 1993). Therefore, it
is easy to see how funding may affect a prosecutor’s decision on whether or not to
pursue a capital charge in the first place. Poor counties may be more reluctant to go
through with a death-eligible case due to inadequate funds. A region that cannot deal with the economic backlash which may ensue as a result of these trials may forgo these charges altogether. Meanwhile, a more affluent county may continue to pursue the case. This was in fact the conclusion that was drawn from two studies conducted in Maryland and California.

As previously stated, many of Maryland’s death row inmates came from Baltimore County. However, these crimes were not any more heinous and this region’s prosecutors were probably not more vengeful. Instead, this county simply had the means to go through with the prosecution. In California, Ashley Rupp (2003) compared the number of death sentences of two counties with very similar homicide rates. The average homicide clearance rate in Riverside County was 62.8, and the average rate in Ventura County was 61.83. However, Riverside County had a “significantly higher budget for criminal prosecution and defense” (Rupp, 2003, p. 2765). As a result, from 1995 to 2001, it was found that Riverside County sentenced 29 defendants to death, while Ventura County only sentenced 5 (Rupp, 2003).

These results would certainly indicate arbitrariness in our application of the death penalty. If capital punishment is to be applied fairly, a defendant’s sentence should not be influenced by a county’s budget. As Rupp (2003) notes, we cannot have two separate systems of justice- one for impoverished counties and one for affluent ones. The inconsistencies of these capital-charges certainly seem cruel and unusual and also violate the Equal Protection Clause of the Fourteenth Amendment.
Geographic arbitrariness is often closely tied to racial discrimination, but these studies show that it is another source of bias altogether, one that we must incorporate into the death penalty discussion.

**Discrimination against Sexual Minorities**

In the past few decades, homosexuals have become increasingly visible in our society, particularly in our forms of popular media. The social climate regarding homosexuality has certainly taken a turn since the 1990s, a time when “out of a total of the four lesbians appearing on series television last season, two were portrayed as murderers, and one as a murder victim in which the other lesbians are under suspicion for the murder” (Rhue, 1991, p. 3). The quality of the portrayals of gays and lesbians has certainly improved in the past 20 years (Robson, 2004). Sexual minorities are now more often featured in television programming, music, movies, etc. leading normal lives and they are no longer as marginalized as before. In fact, many of these fictional characters have garnered the admiration, support, and praise of a wide range of audiences, heterosexuals and homosexuals alike. However, while evidence of overt discrimination may have largely disappeared, evidence of biases against sexual minorities still lingers, particularly in the criminal justice system.

To consider the issue broadly, there is first a serious concern with how homosexuality is perceived and dealt with by the court community as a whole. The courtroom atmosphere towards sexual minorities is described by many as hostile and yet, this type of discrimination is still largely unrecognized. Biases against sexual
minorities should be considered as on par with racial or gender inequalities but in fact, these biases almost seem to serve as one of the last remaining forms of socially acceptable discrimination. Only a handful of major states have recognized and taken measures to expose this legal issue. Among them are the state court systems of Arizona and California, which have conducted studies to analyze and uncover these prejudices, with overwhelming results.

The Arizona Study, conducted in 1999, surveyed court-users at many different levels, from attorneys, to law students, to regular citizens, to discern the existence of anti-gay biases. The results were striking: it was found that “Arizona courtrooms were hostile places for gay and lesbian litigants, court users, attorneys, judges and employees” (Shortnacy, 2001, p. 327). Apparently, it is deeply ingrained in court culture to be anti-gay and consequently, disparaging remarks can often be heard around courtrooms. The study indicated that 77% of the judges and attorneys surveyed reported hearing negative remarks about sexual minorities and of that group, 47% of them reported hearing them in a public space of the courthouse (Arizona, 1999). Various other employees also reported hearing inappropriate remarks and others have even seen negative treatment by judges toward those perceived to be gay or lesbian.

The California Study, conducted in 2001 by the Sexual Orientation Fairness Subcommittee of the Access and Fairness Advisory Committee of the Judicial

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7 The Arizona Study did not define or elaborate upon what constituted as ‘negative treatment’ or ‘negative remarks’.
Council of California, serves as the most comprehensive study that has been undertaken on biases against sexual minorities. In this survey, feedback from court employees and gay and lesbian court users were collected and analyzed. The findings uncovered that homosexual court users of all levels face a tremendous amount of hostility and bias (California Study, 2001).

About 22% of court users felt threatened in a courtroom because of their sexual orientation. One example is the person who felt intimidated because he “didn’t want them [two clerks and a police officer observed by respondent while in line] to talk about me the way they were talking about other gays- [i] kept my mouth shut” (California Study, 2001, p. 30). Over 50% of those surveyed have observed or even experienced ‘a negative comment of action’ towards gays and lesbians. About 20% of court employees “heard derogatory terms, ridicule, snickering, or jokes about gay men or lesbians in open court, with the comments being made most frequently by judges, lawyers, or court employees” (California Study, 2001, p. 41). Furthermore, a sexual minority’s sexual identity is often revealed without his or her consent and many believe that being revealed as homosexual is harmful to an attorney’s career.

Worse still is the finding from both the California and Arizona studies that roughly 50% of the witnesses to this discriminatory behavior do not react in any way, while those who do report that their actions did little or nothing at all. Most judicial actors are unaware of the various laws, judicial canons, statutes, and ethical rules in

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8 The study did not make clear what constituted as a ‘negative comment or action’.
place to guard against these remarks (Shortnacy, 2001). 63% of judges in Arizona were not familiar with laws prohibiting against employment discrimination on the basis of sexual orientation (Arizona Study, 1999). Even more shocking was the finding that only 6% of all attorneys who were surveyed reported an awareness of case law prohibiting biases against sexual minorities (Arizona, 1999). The overwhelming results of both findings indicate that there are rampant biases against gays and lesbians in courtrooms. Moreover, it is concluded that as it stands, these spaces are generally hostile and unsafe for these members of our community.

To further emphasize these ideas, a study was conducted by Brower (2011) to evaluate the interaction and involvement of gays and lesbians in the jury process. The research was undertaken to not only get a better sense of how sexual minorities are treated, but also to understand how they perceive the quality of justice in our legal system. It was found that their sexual orientation, or at least the revelation of their sexual orientation, greatly colored their experiences. For the most part, the more involved a sexual minority was in jury service, the more likely he or she was to have a negative experience. They found that gay and lesbian court users believed that they were treated with disrespect, and that their sexuality was used to call into question their credibility. Potential jurors were also frustrated by the voir dire selection process, which often assumes heterosexuality and brings upon questions of marital status.

Those who did not disclose their orientation, either because they chose not to or because they were eliminated early on and were not given the opportunity to, had a far more positive experience than those who did. However, one should certainly not
see this as a positive aspect. Court workers at all levels may feel the need to conceal their sexual identity in an effort to avoid emotional disturbance and negative consequences, but this sort of “forced invisibility” should be recognized as a type of discrimination nonetheless.

As it stands, the legal system is sending sexual minorities the message that regardless of their education, personal attributes, etc., they will continue to be judged by their sexuality and that they are unwelcome in the court system. By alienating these members of our society, they may be more reluctant to participate in legal proceedings and they may be less likely to resolve disputes using our justice system. This lack of faith and loss of recognized legitimacy of our system is a step in the wrong direction. The cycle of mistrust only perpetuates the problem, as laws won’t have the opportunity to evolve to settle their disputes. Brower (2011) has noted that the situation has gotten better and they may continue to improve, particularly with our younger generation, since laws promoting gay marriage have passed in several states and many are now more sensitive to these topics.

Seeing as how unfairly a homosexual attorney or a juror may be treated, it shouldn’t be too hard to imagine the level of discrimination faced by criminals who are sexual minorities, especially those in death-eligible cases. Of course, it ought to be noted that these defendants are perpetrators of heinous crimes and should hardly serve as poster children in the fight for gay rights. Despite this, one cannot deny that it is simply wrong and unjust to convict a person or present them with a harsher sentence because of their sexual orientation. Nevertheless, we often see
discrimination against sexual minorities. For example, Clemens (2005) found that around one-fifth of jurors surveyed in one particular study admitted that they cannot be impartial to homosexuals. Robson (2004) concluded that jurors were three times more likely to be biased against lesbian, gay, bisexual, and transgender (LGBT) members than against other types of minorities, such as racial minorities. Moreover, we increasingly see sexual orientation being referenced in cases and stereotypes being evoked in an effort to dehumanize and delegitimize the defendant.

In many cases, the defendant’s sexual orientation may not even be entirely relevant to the case. However, the prosecution often strategically introduces this information to belittle the individual, which may subtly influence how the jury interprets the mind and actions of the person. In one case, the prosecution is quoted as saying:

“If I could ask each of you to disregard Jay Neill and take him out of the person but consider things in a generic way. I want you to think briefly about the man you’re setting [sic] in judgment on… I’d like to go through some things that to me depict the true person, what kind of person he is. He is a homosexual. The person you’re setting in judgment on- disregard Jay Neill. You’re deciding life or death on a person that’s a vowed [sic] homosexual…” (Shortnacy, 2005, p. 233)

Lawyers also use subtle tactics to invoke and appeal to hidden juror prejudices (Shortnacy, 2001). Being a lesbian may not be an aggravating circumstance in considering the death penalty in and of itself, but prosecutors use gender stereotypes
to sway jurors and convince them that a defendant possesses other attributes which are aggravating factors. For example, in Bernina Mata’s case, reinforcing Ms. Mata’s homosexuality helped the prosecution paint a picture of a man-hating and depraved woman. They explained that she “acted in a cold, calculated, and premeditated manner, the only permissible and possible aggravating factor which the jury found in this case” (Robson, 2004, p. 184). One of the very few empirical studies ever conducted on the subject found that lesbians were more likely to be convicted than heterosexual women (Leger, 1987). In Ms. Mata’s case, irrelevant information was also introduced during the trial, almost as a way to emphasize and remind the jury once again of the defendant’s sexual orientation. The prosecution revealed information about the titles on Bernina Mata’s bookshelf, such as *Call Me Lesbian* and *Lesbian Reading*. They even went as far as to say that she is not “a normal heterosexual person”, an inflammatory comment only meant to further dehumanize her.

It appears as though our society still struggles with aspects of gender and sexual orientation, and as will be discussed later, socialization informs people on how they ought to behave. People should know how they are expected to act depending upon what race, gender, and class they are, and any violations to these norms may harm us significantly (Howarth, 2002). In fact, one study has found that most women on death row are described as not sufficiently “women”, either due to their race, a violent history, economic status, or mental illness (Streib, 2002). This is an important point which will be elaborated upon in the next section.
Sexual orientation biases in capital punishment cases are a leading issue in problems with the application of the death penalty. There have even been cases where a defendant’s own legal counsel seemed to be working against them by accepting homophobic jurors during a voir dire (Shortnacy, 2005). Gays and lesbians are often not treated equally during conviction and during sentencing. Many seek appeals on the basis of this discrimination but time and time again, appellate courts will admit to the discriminatory comments but will claim that they are not enough to warrant retrials and they do not constitute as reversible errors (Shortnacy, 2001). Since judges consider each trial as a whole, isolated inflammatory statements become diluted and their effects become less harmful than they actually are. In other words, these defendants are discriminated against during their trials and this injustice is unlikely to be rectified afterwards, since the courts are unwilling to review their cases.

**Gender Biases**

Gender discrimination is yet another source of discrimination in the United States’ application of the death penalty. Historically, men have been executed for a variety of offenses, including crimes as seemingly minor as petty theft. Meanwhile, women were only sentenced to death for serious crimes such homicide or witchcraft (Salvucci, 2011). This disparity, however, was not only realized but also accepted by most in society as a consequence of gender power differences. In the 1940s, for example, both the law and the culture viewed the execution of a woman as an unwanted step towards gender equality (Miller, 2004). If women became eligible to
receive the ultimate punishment from the state, they would also have to be granted certain privileges such as civil and political rights. Thus, this gender bias was permitted so long as men remained as the sole group in power.

It is evident that there is still a clear gender gap in our use of capital punishment. Some scholars have argued that women should not expect preferential treatment if they seek full equality before the law and that exemption of women from this punishment undermines their status in society (Miller, 2004). However, a simple cursory review of the statistics of the current death penalty era will reveal that such biases still permeate our system.

Since its re-implementation in 1976, the death sentence has ended the lives of 1313 men but only 12 women as of March 31, 2013 (Death Penalty Information Center, 2013). Upon first glance, one may be tempted to defend this statistic and insist that this is the result of men’s greater participation in crime. It is true that women generally commit fewer crimes than men. After all, women account for only 10.0% of murder arrests each year (Streib, 2012). However, this figure is disproportionate to the number of women that remains after each subsequent stage of the death penalty process. For instance, at the end of 2011, women made up of only 2.1% of death sentences handed out at the trial level and 1.8% of all people on death row (Streib, 2012). Finally, they constitute of less than 1.0% of all criminals executed since 1976. It appears as though at every step of the way, more women than men are filtered out and spared. The majority of those who have conducted research on this question all seem to agree that there is a disparity between how different genders are
being treated under the law (Heberle, 1999; Argys & Mocan, 2004; Kopec, 2003; Streib, 1995; Shapiro, 2000; Streib, 2002; Carroll, 1997).

Despite these statistics, a few scholars are of the view that there is no gender discrimination in the application of the death penalty. Elizabeth Rapaport, for example, is one of the leading proponents of this dissenting idea and she insists that women are simply not executed because they are less likely to take part in the crimes that merit this sentence. The types of homicides committed by women are not those that would trigger trials that use of the death penalty (Rapaport, 1991, Rapaport & Streib, 2009). Capital trials generally involve predatory crimes against an acquaintance or a stranger. On the other hand, women tend to murder a family member or other intimate partner, such as a spouse. Texas is one of the nation’s leaders in convicting and sentencing women to death and even this state has an unbalanced number of men and women on death row. Jessica Salvucci (2011) makes the claim that this is because “many of the aggravating factors in capital punishment statutes apply disproportionately to men, and many of the mitigating circumstances apply disproportionately to women” (413). Using the aggravating factors of North Carolina as a guide, Rapaport arrives at that same conclusion and notes that most aggravating factors can rarely be applied to cases involving women. They include excessive violence, murder of a state authority, excessive violence, and rape or robbery during the course of murder.

Some researchers and philosophers question whether this is truly gender bias, arguing that it may not be because these women simply did not commit the specific
crimes that warrant the death penalty. However, one can also make the case that
deeming certain crimes worthy and others not worthy of this punishment is an
indirect form of discrimination since women are more likely to commit certain types
of offenses (Heberle, 1999).

Elizabeth Marie Reza (2005) argues against Rapaport’s ideas altogether by
using real cases to demonstrate that regardless of gender differences in types of
offenses, women are still treated more leniently by the system. By comparing the
cries of the 4 women and a sample of 6 men on North Carolina’s death row side by
side, she finds that society is more reluctant to execute a woman even when the
crimes are similar. For instance, in the cases of murder for pecuniary gain, juries
seemed to have only considered this an aggravating factor when the women have
stood to gain a huge sum from the murder. Patricia W. Jennings, for example,
acquired over $170,000 in assets from her husband before murdering him. The other
three women in the sample also would have received thousands of dollars. The men
on North Carolina’s death row, however, were convicted for much lesser gains. One
criminal was convicted for a gain of $300 while another was sentenced to death for
$100 and a Cadillac. While their crimes are certainly not excusable in any context, it
is worth making the case that the aggravating factor of murder for economic gain is
applied more harshly towards men than women. In consideration of a murder
committed during the course of a felony, men are often sentenced to death solely for
this factor but this is never seen in a woman’s case (Reza, 2005). This pattern is also
reflected in a third aggravating factor, murder committed during a crime spree. In
each case, it can be established that a woman has to truly violate several laws and norms before she is even considered for this punishment.

There has also been an observed racial difference in the application of capital punishment for women. Greenlee (2008) notes that the “percentage of every race receiving death sentences is less than their percentage in the female population, except for African American and Native American women” (323), where this number is more than double. However, while women of color may represent over a third of the population on death row, it has been found that they are better at “escaping” execution (Greenlee, 2008; Rapaport & Streib 2009). Black and Native American women are more likely to see their sentences commuted or reversed, while Hispanics simply remain on death row awaiting an execution that will probably never occur. In the end, White women represent the greatest proportion of females who are executed. Of the 12 female offenders executed since 1976, 2 have been Black while the remaining 10 were White.

It has now been established that the effect of the death penalty is not only different between genders but also within a gender, since certain women are more likely to be put to death, based upon race, region, etc. The results of Argys and Mocan’s (2004) study on death row have revealed that in a significant number of cases, personal, not criminal, characteristics of the criminal decide who goes on death row (Argys & Mocan, 2004). Jurors may hold inherent beliefs about which types of women deserve to be condemned. These views often have no relation to the crime itself and can exist even before the outset of the case since they are biases towards
specific women. What theories explain the disparities in gender that have been empirically documented?

**Chivalry Theory/Paternalism**

The concept of chivalry was first seen during the High Middle Ages, and it outlined a code of conduct which virtuous knights had to abide by in order to achieve honor in the world. Chivalry came about as a way to control the violence and lawlessness which were rampant during a time that lacked a proper state authority (Shatz, 2012). Men were expected to remain honorable, display gallantry, protect women, and earn glory through physical or martial prowess. The virtues of chivalry were only meant to be sought after by men; these were not values to be achieved by a woman, as a woman’s place was solely in the home. Moreover, women were considered to be weak and passive and required the protection of men (Shapiro, 2000; Reza, 2005; Salvucci, 2011).

Progress has been made to eliminate paternalism in our government, but these ideas still continually arise in subtle and sometimes not so subtle ways. For example, it was scientifically proven that the Plan B emergency contraception was safe and effective for over-the-counter use (Buchanan, 2007). Despite this, the Food and Drug Administration (FDA) delayed approving it for this purpose for over two years. It was finally passed in 2006 with an age requirement; women had to be 16 years of age or older in order to obtain Plan B without a prescription. It was later revealed that part of the reason behind the delay was that lawmakers believed “availability of the morning-after-pill might lead to promiscuity among young women” (Buchanan, 2007, p. 1264).
When it comes to young men, however, the government seems to adopt a boys-will-be-boys approach, as there are no similar concerns and efforts to regulate their sexual activities. For instance, there is no such age limit for the purchasing of condoms.

Moreover, the recent Supreme Court ruling in *Gonzales v. Carhart* (2007) seems to illustrate once again that a woman cannot be fully trusted to make decisions regarding her own body. The Supreme Court banned a form of abortion which many physicians considered to be much safer than other alternatives because it argued that abortion caused mental problems for women. Furthermore, “the Court also implied that women’s true or most important identity role was that of a mother” (Shatz, 2012, p. 9). Thus, the majority ruling in this case seems to suggest that women cannot make rational decisions on their own and thus, men (under the guise of the state) must make the right choices for them. Furthermore, the simplification of a woman’s role to that of a caretaker or a nurturer still indicates that chivalric values are at play in lawmaking.

Paternalism can be seen at work in these lawmaking examples, where the women are simply ordinary citizens who must be coddled by men. It is also evident in cases in which women are the victims of some sort of wrongdoing. Following the tenets of chivalry, if a woman has been harmed, it is the man’s duty to defend her honor. Therefore, we often see that there is a greater punishment for a crime against a woman than a similar crime against a man. Moreover, three empirical studies have noted that the likelihood of a defendant receiving a death charge or a death sentence significantly increases if the victim had been a woman rather than a man (Hindson, S.,
Potter, H., & Radelet, M. L., 2006; Radelet, M. L. & Pierce, G. L., 1991; Songer, M. J. & Unah, I., 2006). This further perpetuates the notion that women are innocent, helpless, and require the assistance of others.

Other aspects of archaic chivalrousness also seem to mirror the outcomes of contemporary legal cases. For example, chivalrous knights were expected to display gallantry, and be courageous and highly respectful towards both men and women. However, this respect and gentleness did not always apply to a knight’s wife because we see that “the honorable knight, as ruler of his home, was permitted to, in fact, expected to, physically punish his wife if she misbehaved” (Shatz, 2012, p. 4). In a close examination of California’s use of the death penalty, it was found that domestic violence murders seldom incur in the use of capital punishment. In fact, judges may even be guilty of sympathizing with the defendant in such cases and grant them leniency. In one case in 1995, a man was arrested a total of four times for domestic violence against an ex-wife but was only sentenced to a single eight-hour program designed to re-socialize domestic violence offenders. The day after completing this program, he killed his ex-wife. When the judge was questioned as to his rationale and why he didn’t appear to take this case seriously, he simply replied that as someone who has also gone through a divorce, he could understand the defendant’s rage (Schafran, 1995).
Chivalry When Guilty

It is when women are guilty of crimes that this concept of chivalry becomes more complicated and interesting. The chivalry hypothesis suggests that at all stages of the judicial process, women are protected regardless of their crimes. This review has established that a level of leniency is always offered to a woman and that they are often convicted of lesser crimes and given lighter sentences than men in strikingly similar situations (Shatz, 2012; Franklin & Fearn, 2008). One study conducted in the 1980s examining the issue concluded that “a review of the post-1975 literature suggests that the chivalry hypothesis is now wholly accepted” (Nagel & Hagen, 1983, p. 113) and that these ideals affect the rulings in our court cases.

Women are protected because they are stereotyped as weaker and passive, both physically and emotionally. For this reason, incarcerating a woman is sometimes seen as more degrading than incarcerating a man (Shapiro, 2000). A female defendant’s weakness is especially highlighted when she presents life histories, such as a history of abuse. Her fragile emotional state may also be taken into consideration and women are more likely to be seen as disturbed and easily dominated, perhaps by an accomplice (Streib, 2006). In a typical trial where a man and a woman were co-conspirators, “it is often presumed that…the male is found to be the dominant actor in the relationship” (Reza, 2005, p. 186) and he will receive a harsher sentence. In one such case, People v. Carasi, Carasi and his girlfriend were both charged with stabbing both Carasi’s mother and former girlfriend to death. Both were found guilty but Carasi was sentenced to death while his female co-defendant was given life
imprisonment without the possibility of parole (Shatz, 2012).

In short, criminally guilty women are often seen as irrational and incapable of making their own decisions (Grabe, 2006). Society often equates them to juveniles who lack a clear understanding of the consequences of their actions. The U.S. criminal justice system is reluctant to execute most criminals who do not demonstrate full mental capacity, such as the young or mentally disabled (Kopec, 2003). It makes sense then, that this system would hesitate to execute women as well. George W. Bush, who oversaw more than 120 executions during his time as Governor of Texas, believed that “the execution of a woman would make him and the State of Texas appear inhumane and bloodthirsty” (Rapaport, 2000, p. 585). Researchers have asserted that the execution of women would constitute as cruel and unusual punishment, which violates the Eighth Amendment (Shapiro, 2000). On the other hand, the persistence of this view violates the Equal Protection clause of the Fourteenth Amendment, adding to the overall arbitrariness in the current U.S. system of capital punishment.

Moreover, jurors often aim to protect the children of defendants as well because the mental burden of leaving behind motherless children is much greater than leaving behind fatherless children (Kopec, 2003). In an interesting twist, the argument has often been made that paternalism is applied not for the sake of the women, but for the sake of their children and families (O’Neil, 1999). One researcher interviewed 23 judges from 2 state criminal courts and found that many judges viewed caregiving as “more important than wage earning for the maintenance of families” (Daly, 1989, p.
9). Therefore, the reasoning goes that the women may be spared as part of a greater effort to secure the stability of the family as a whole.

Lastly, consideration of future actions tends to work in a guilty woman’s favor as well. First, the possibility of rehabilitation is generally believed to be higher for women than for men and this might result in a lesser sentence for the former group (Streib, 1990; O’Neil, 1999; Kopec, 2003). Also, “future dangerousness” is often assessed as a possible aggravating factor during a death ruling (Carroll, 1997). Since women are seen as helpless and weak most of the time, it should not be hard to assume that this criterion will, more likely than not, guard them against a possible execution. Additionally, since women often commit crimes against acquaintances or intimate partners, potential danger would rarely be assumed from a stranger’s (the juror’s) point of view (Shatz, 2012).

Evil Woman Theory

If chivalric ideals are still deeply ingrained in our society and in effect in our judicial system, then what accounts for the use of capital punishment against certain women? One explanation is that this protection only extends to those who fit the feminine model but if a guilty woman lacks this type of femininity, this protection is forfeited. This is an idea which is explained through a complementary theory, the Evil Woman Theory. Certain females are simply not counted as true “women” by our judicial system, either because of their background or because of their actions. Based on previous research, it appears as though the phrase “evil woman” can be interpreted in one of two ways, depending upon the woman’s background (Shapiro, 2000;
In one sense, a woman’s innate characteristics can cause her to be labeled as “evil” regardless of her actions. Sexual minorities such as lesbians, for example, are considered to be lacking in femininity and are instead viewed as manly, dominating or butch (Farr, 2000). Additionally, racial minorities such as Blacks and Hispanics do not fit the stereotype of a lady (Shapiro, 2000). Goff (2008) has found that being Black is strongly associated with being masculine and thus, even Black women are often thought of as masculine. Furthermore, it was also found that a woman’s attractiveness is inversely correlated with perceived masculinity. Therefore, Black women are frequently rated as less attractive than other women (Goff, 2008). Other extralegal factors such as employment and education sometimes interact with race and ethnicity so that minorities deemed to be “problematic” are punished more severely (Franklin & Fearn, 2008). Ethnic minorities who are on welfare, uneducated, or unemployed are given greater sanctions because they are seen as irresponsible and more likely to engage in deviant behavior (Franklin & Fearn, 2008).

These marginalized women who stand outside the boundaries of traditional femininity are invisible and “evil”. It seems as though even today, society has a very narrow and strict definition for what it means to be a true woman— that is, a White woman of middle or upper class status (Howarth, 1993). Researchers have argued that the “State still seeks to defend the honor of white women, not all women” (Crocker, 2001, p. 921). By not fitting into this perfect mold, these women are no longer offered immunity. Previous research has indeed shown that Black women and lesbians have
been convicted and condemned to death at disproportionately high rates. In fact, prosecutors have often portrayed some female defendants as lesbians knowing that this might result in a more serious conviction (Streib, 1995).

In another sense of the word, the defendant may be seen as a woman given her background, but she used her femininity in evil ways. Thus, she is an “evil woman”. She overstepped the traditional role of a woman as a demure, nurturing, and motherly figure. This includes mothers who have killed their children or wives who have plotted the murders of their husbands. These women are typically White but they have transgressed gender norms in a different way and they often used their position to help them achieve their aims. There are certain duties and expectations which come along with the role of a mother, or a nurse, and these women exploited these traditionally feminine roles. By doing so, they also become at risk for masculine penalties (Kopec, 2003).

For example, it has been shown that many women who are on death row for crimes against their spouses or children, and sometimes the deceased were killed using poison. An example of this can be seen in the case against Judy Buenoano, who was put to death in 1998. She poisoned her husband, then her boyfriend, and then attempted to murder her fiancé, all in an attempt to collect multiple life insurance policies taken out on them (Death Penalty Information Center, 2013). Murdering the “master of the house”, of course, is entirely intolerable and what exacerbates the case is that it was a stealth killing. Another case supporting this idea is the one of Christina Riggs, a registered nurse who was executed in 2000 for the murder of her two
children. She brought home a set of antidepressants, sleeping aids, and poison and injected her children with them, before finally smothering them with a pillow (Streib, 2011). By overstepping their roles as a nurse, a mother, and a wife, these women have used their femininity for evil purposes, thereby justifying society’s use of the death penalty against them.

One researcher has reported that the evil woman theory does indeed explain which types of women we kill and why we are not as reluctant to sentence them to death. She says that “nine out of the ten women who were executed were acting in the capacity of a traditional female role, endowed with a certain amount of expectation and trust from society at large” (Kopec, 2003, p. 358) An important point to make is that these women are not necessarily those who have committed the most heinous crimes but rather, they do not embody the feminine gender identity. Femininity appears to include a very narrow ledge of acceptable behavior. If a woman is not feminine enough due to her innate characteristics, she is potentially executable. If a woman is feminine but uses her femininity in a twisted way, she is also potentially executable. The irony of the situation is that in able to be given full protection from the law, women have to continue subjecting themselves over the power of men and retain their roles in the domestic sphere. If she disrupts the hierarchy of power, she banishes herself from the group of true feminine women and puts herself under the severe scrutiny of the law (Heberle, 1999; Shapiro 2000; Kopec 2003).
Final Thoughts on the Death Penalty

A myriad of statistical studies exist regarding the various types of discrepancies in our application of the death penalty. One fairly consistent finding was that our use of capital punishment is generally fair and consistent when we consider the severity of a perpetrator’s crime. A criminal is 26% more likely to face the death sentence if there were aggravated factors in his crime (Unah, 2009). At the end of the day, a person like Ted Bundy or Aileen Wuornos (both White) will receive the death penalty, regardless of racial or gender characteristics. Similarly, committing a minor offense will not put one on death row. Where the most discrepancies are found, however, are not in the severe or the obvious cases, but in the cases that are less spectacular. Mid-range cases provide a gray area, which affords prosecutors the greatest amount of discretion. In fact, it has been found that in the mid-range cases, “being black” made one 5 times more likely to receive the death sentence (Dieter, 1998). This is the area where discrimination is most rampant, where prejudices against sexual minorities may manifest themselves and arbitrariness between regions can become most visible. Time and time again, we find that women who are marginalized and those who overstep their feminine roles are given the sentence of death. And we do see- again and again- that women who are eventually executed are White.

The death penalty demonstrates the ultimate control society can have over its citizens and thus, decisions regarding death cannot be arbitrary. The evidence
indicates that the current U. S. system of capital punishment is a remaining example of institutionalized racism and sexism (Miller, 2004). Furthermore, the standard of proof required to demonstrate these biases has been raised so high that defendants seem out of luck during their trials and in subsequent appeals (Shortnacy, 2001). There are numerous insurmountable problems in our use of capital punishment and remedying these biases will not prove to be an easy task. However, by bringing these issues to light, I am hoping to encourage further analysis of the effectiveness and necessity of this legal instrument.
2.2 Media Influences On Behavior and Beliefs

Since its inception, the mass media has often served as a source of socialization and information for the general public (McQuail, 2005). Events such as wars, natural disasters, and crimes are often so physically distant from us that we have no choice but to rely solely upon news reports. This is especially true in death penalty cases. Very rarely will a person be in direct contact with those involved in a capital case and thus, information on these cases must be gathered from media reports. Therefore, a discussion on capital punishment would not be complete without considering media influences. Since the media plays such a strong role in what we learn about a certain case, it is worth analyzing what the media chooses to present and how it may have an effect on us.

Media reports have often been called “social constructions of reality”, because they may not reflect accurate representations of the world (Gamson, Croteau, Hoynes, & Sasson, 1992; Bandura, 2001). In the following sections, I will attempt to provide a theoretical framework for my study by discussing how media enterprises construct a second-hand reality through the use of frames. After defining Frame Theory, I will analyze the importance of the content within the frames and how they may influence the audience. For decades, psychologists, sociologists, and journalists have all attempted to examine the scientific effects of the media on not only the individual, but also the public at large. Many have deduced that constant interactions with the media may not always generate positive results.
Framing

Despite the varied criticisms of mass media, people still get most of their information from this source but as we shall see, the way in which news is depicted and “framed” is not without bias and can thoroughly affect our judgments of reality. A number of researchers in the field of sociology, psychology, and communications have studied frames from both theoretical and empirical perspectives (Reese, 2001; McCombs & Ghanem, 2001; Pan & Kosicki, 2001; Green, Strange, & Brock 2002). Framing is still a relatively new field, without a clear definition of “framing” that is universally agreed upon by all scholars. Many researchers have proposed their own ideas of what a frame is and what it means to frame, with some definitions more modest than others. The definition provided by Tankard, Hendrickson, Silberman, Bliss, and Ghanem (1991) presents a fairly clear view of framing: “A frame is a central organizing idea for news content that supplies a context and suggests what the issue is through the use of selection, emphasis, exclusion, and elaboration.” This definition suggests that framing is both a noun and a verb, as framing is both an active process and the result (Reese, 2001).

In thinking about framing, we must scrutinize what is presented to us. The idea of framing was first introduced by Irving Goffman (1974) and the metaphor has its origins in photography and cinematography, where minute changes to variables such as camera angles, perspectives, and blurriness can completely change the overall picture (McCombs & Ghanem, 2001). In much the same way, framing an issue involves making certain attributes more salient, while leaving others out of the frame.
altogether. How an issue is presented, or framed, has serious consequences for how it is interpreted by the audience. By omitting some aspects of an issue while making others more publicly visible, the framer can gently– or not so gently- push readers towards considering an issue in one way rather than another. Thus, it is often said that frames have the capability to define the boundaries of discourse surrounding an issue. The way an event or situation is initially discussed seems to then pave the road for subsequent contributions towards that matter (Reese, 2001). When journalists frame an issue, they are then setting the stage for what comes next and subsequent information will then be deemed either relevant or irrelevant, depending upon the original frame. Perhaps this is why it is said “that media structure, if not dictate, the way the public thinks about its second-hand reality” (Reese, 2001, p. 9). Thus, we can then see how framing has the capability to influence mass opinion.

So then, how do journalists decide how to frame their stories? A journalist may not have hidden agendas or ideas to promote, but he or she is not always completely autonomous in deciding what to write and how to write it. What’s included in a newspaper is often preceded by a struggle or a contest by various actors. Journalists then organize information after their interactions with sources promoting various perspectives and interests. Each journalist differs in his or her access to resources, knowledge, and strategic alliances (Pan & Kosicki, 2001). In today’s world, the newspaper has become a significant business enterprise, making it greatly susceptible to fiscal burdens and highly vulnerable to economic pressures (Spence, Alexandra, Quinn, & Dunn, 2011). As a result, market forces can have a great impact
on the content of newspapers, affecting the way stories are framed. Entrepreneurs often have the ability to manipulate the content of the media and spin and weave issues towards their favor.

One example of just how much of an influence a frame can have on our view of the world is the media depiction of motorcycle outlaws in the past 50 years (Fuglsang, 2001). The most commonly-held imagery of a typical motorcyclist is that of a big, burly, and dangerous man with a bad attitude who wears a leather jacket and denim. Upon closer analysis, however, it becomes more and more clear that members of motorcycle clubs such as Hell’s Angels are not as evil and deviant as the media initially painted them out to be. Fulgsang described certain “moral entrepreneurs” in our society, such as parents, police, and the media, who represent the status quo and constantly fight to uphold the norms of civility and social order. The bikers, unfortunately, seemed to represent everything these agents were against. Everything about them, from their mannerisms, to their appearance, to their behavior indicated that they simply did not fit in with the ideals espoused by the leading moral entrepreneurs of society. As a result, the public image of the motorcycle outlaw as promoted by these actors was greatly exaggerated. Bikers were considered less than citizens, and were warned for their extreme sexual behaviors, their belligerence, and hooligan activities. In reality, however, this extreme characterization of the outlaw only applied to a handful of individuals and the actions of most bikers could only be considered distasteful, not illegal. However, this depiction has lingered in the minds of most media consumers and serves as a prime example of the extent of media’s
framing power.

What is presented, or framed, in a legal case is extremely important because it’s possible for the media to cover the wrong type of information altogether. The sensationalism surrounding the case of Susan Smith certainly drew in media attention and affected viewers’ understanding of this case (Zoch, 2001). Susan Smith was a young mother from South Carolina who murdered her two toddlers by strapping them into the backseat of a car and rolling this car into a lake, thereby drowning her two boys. The uniqueness of this case attracted wide broadcast media attention but at some point, reporters stopped discussing the case and started focusing on the media itself. Coverage of the Susan Smith trial often resulted in media covering the media and reporters described the trial to a “media circus”, which of course, included the actions of other competing stations but not those of the speaker’s home station. Suddenly, visual images provided of the trial no longer depicted Susan Smith or the trial, but rather, the sea of journalists, cameras, and trucks waiting outside the courthouse. The content of the reports also focused on the “war zone” in the small town of Union and the satellite dishes lining the streets. The media framed themselves as an integral part of the story, a process which may have affected the verdict. It is possible that Susan Smith was spared the death penalty because everyone’s focus more on the media and less on the seriousness of her crime.

Thoroughly understanding framing can help us understand how we make sense of our public issues. By examining what is neatly framed and presented to us, we can comprehend an event and gain insight as to the direction that a framer was
trying to point us in. I intend to incorporate Frame Theory into my analysis of media depictions of women in capital cases. By evaluating what journalists emphasize and de-emphasize, we can gain a better understanding of how society thinks we should examine an issue. After considering what is inside a frame, there is a need to dig deeper and evaluate how the content inside the frame influences us.

**Social Learning Theory**

Social learning theory may help us understand how we are influenced by what is presented in the media. The basic principle of social learning theory as proposed by Albert Bandura is that learning occurs when people observe the behavior of others and the resulting outcome of these behaviors (Bandura, 1977). Furthermore, social learning theory also points to the role of cognition in learning and theorizes that expectations of future rewards or punishments play a role in guiding one’s behavior. Therefore, by following media accounts of the crimes of the women on death row, we can observe their behavior, understand the resulting outcome or sanction, and then learn what “incorrect” behavior for women consists of.

Witnessing the outcomes of an actor’s behavior can have serious consequences for the possibility of our own engagement in the behavior. While viewers may learn something by watching the actions of others, reinforcement and punishment also play a role in the process of learning. These two factors may not solely dictate what is learned, but rather, they heavily influence the likelihood of a certain behavior being adopted. For example, if a child mimics an action and this is met with highly positive results, the child will likely continue to engage in this action.
Reinforcement, or strengthening, of an action can be either positive or negative and can be an extrinsic or intrinsic motivation (Bandura, 1977). For example, feeling internal happiness after completing an action would describe an intrinsic motivation while garnering the approval of classmates would indicate external forces. However, it’s also possible for these reinforcements to not have any sort of impact on an individual if it does not match his or her needs (Bandura, 1962).

The basis of social learning theory can better help us understand media’s effects upon an audience. The process of taking into account what happens to another while deciding whether or not to partake in a certain action was referred to by Bandura as vicarious reinforcement. The media can influence both behavioral and affective outcomes, but can also serve a socialization function, which points us in the direction of how we should act.

**Socialization**

The mass media may teach us our place in the world through socialization. Socialization is a term often used by sociologists to describe how people acquire culture. People are born without culture, and socialization is a broad term to describe the process of inheriting cultural knowledge such as ideologies, values, norms, expectations, and traditions (Jamieson, 2008).

In most societies, children are socialized through a variety of different sources, from their parents to law enforcement officials to teachers to even their community (Arnett, 1995). With the rise of the mass media, however, a new source of socialization has emerged. In the early 20th century, media was only limited to print.
media such as books, magazines, and newspapers. In today’s world, we are flooded with a vast array of electronic media - television, internet, radio, etc. As people of all age groups become immersed in media, it becomes obvious that these outlets have the potential to shape the beliefs of its subscribers, especially those who are at a very flexible stage of their life, such as adolescents. Following the tenets of social learning theory, people learn when they observe the behaviors of others and the outcomes of these actions. Thus, those who are exposed to the media are highly likely to be influenced by what they see. Ideas and depictions of society which are promoted and espoused by the media may have far-reaching consequences for its viewers, which may not always be positive.

For example, many researchers have looked at the ways in which the media portrays masculine and feminine gender roles and the effects those representations have (or may have) on a viewing public. This idea is very crucial to my research because societal beliefs on gender roles and nonconformity to these ideals may play a role in sentencing a woman to death. During adolescence, one encounters immense emotional, biological, and social changes. Adolescence may even mark a “transition point during which gendered behaviors may be enacted, questioned, changed, or solidified.” (Galambos, 2004, p. 240) During this time, there may be a strong pressure to conform to traditional gender stereotypes. While these stereotypes may not be inherently negative in and of themselves, they may cause a great deal of stress if one feels a discrepancy between how they want to act and how they are told they should act, think, and feel (Jamieson, 2008). It is clear that adolescents learn a great deal
about gender norms and behaviors through the media, so it is imperative to scrutinize what exactly it is that they are learning.

Content-analysis studies on the portrayal of adolescents across different types of media almost always conclude that there is a gender bias in the way male and female youths are depicted. An examination of different types of media reveals that there are subtle differences in the level of bias within each medium but there always is a discrepancy between how boys and girls are shown in mass media. In television, which is the most researched format and most prominent medium among adolescents, there is an underrepresentation of female youths. This finding holds true regardless of the time period and it was found that in the aggregate data from 1969 to 1985, for every 3 males, there were only 2 females (Signorielli, 1989).

Aside from studies focusing on the discrepancy in the quantity of representation between the two genders, other researchers have examined the actual content of the representations. A number of studies analyzing themes in popular teenage shows of the past 30 years have had relatively similar findings. For example, early on, Sternglanz and Serbin (1974) showed that children’s programming from 1971-1972 presented male characters as more aggressive and accomplished while females were more deferential. A decade later, another content-analysis study was conducted on shows of the late 1980s and it was found that males were still shown as aggressive, active, and rational. Moreover, there appeared to be a difference between predominantly “female” and “male” activities. Females played with dolls, stayed in the kitchen, and spoke on the phone while males played sports outdoors and behaved
mischievously (Pierce, 1989). This study on gender stereotyping was again repeated for shows of the 1990s by Signorielli (1997), who found that men were often seen on the job while women groomed and engaged in chores. Girls also spent a great deal of time whining, discussing dating and talking about their love-lives. Additionally, girls were shown more often wearing lingerie and sleepwear, whereas boys were more likely to be wearing professional attire and uniforms (Signorelli, 1997). Barner (1999) also concluded that boys in television shows were more likely to be aggressive, dominant, and engage in activity while girls were passive, dependent and nurturing.

These findings are in line with studies conducted on depiction of all women and men in television. In traditional American television programming, men are depicted as strong, intelligent, skillful and simply dominant. They are rarely defined in relation to someone else, standing tall by themselves. For women, however, the emphasis is on their attractiveness and desirability. Women are given the traditional gentle qualities; they are “sensitive, romantic, attractive, happy, sociable, fair, submissive, and timid” (Witt, 2000, p. 323). Moreover, women are typically defined in relation to a love interest of spouse, as one study found that only 11% of females on television stood alone, with no established relation to anyone else. These findings held true even for prime-time television shows airing on major broadcast networks during the 2005-2006 season. Lauzen, Dozier, and Horan (2008) found that even in the early 21st century, women on television filled in interpersonal roles while male characters had work-related roles.

While a woman’s primary domain was in the home, some television shows
did depict women who maintained their participation in the workforce despite having children. Upon close examination of these characters, however, we see that “women’s roles in the workplace...were undercut with by a sense of nostalgic yearning for the love and family life that they were seen to have displaced.” (Press, 2009) Women who leave their children to work, such as Lynette on Desperate Housewives, are often shown wavering in their “choice” between work and home. Television teaches us that even those women who have escaped the role of the traditional housewife are often portrayed as longing for that type of lifestyle. Ironically, these issues are framed as a “choice” presented to the character, who has complete autonomy over the decision of whether to work or continue on as a stay-at-home mother. Feminists, on the other hand, have bitterly argued that women who work and have children are stuck between the two roles and may not have much of a choice. They go on to condemn society for a lack of better alternatives presented to women who attempt to fit both the role of a worker and a mother (Press, 2009).

By taking in and acquiring what is presented to them on television, researchers suggest that children will develop a certain idea of gender roles and what it means to be a man or a woman. This especially holds true if they look up to any of the fictional characters as role models (Witt, 2000), a phenomenon which is actually quite common among adolescents. The standards of gender roles are often reinforced by other sources of socialization such as parents. However, these severe gender biases can prove to be detrimental. Girls, for example, may grow up with the view that they will always be subservient to men and may then passively assume the role of a
dependent object to be lusted over (Witt, 2000). They may be socialized to believe that a woman should assume the traditional role of a wife and a mother. Meanwhile, men are always expected to be clueless in the area of parenting. The general picture we begin to see is that women are generally less depicted, less active in society, and have fewer roles. Critics of the socialization theory of media influence have argued that the media is simply entertainment which cannot possibly bring about such deleterious effects. However, some studies have provided evidence for the idea that children who are not as exposed to television possess less stereotyped beliefs regarding gender roles (Kimball, 1986).

My research is closely related to the idea of gender roles. Again and again, we are socialized by the media to believe that a woman’s place is in the home and if she is anywhere else, she will feel discontent. Her most important roles in life are that of a housewife and a mother. Women are also taught that their physical appearances are part of their identity and that they are supposed to act demure and passive. I will attempt to take these ideas and apply them to the lives and crimes of women in death penalty-eligible cases. All of these women have committed heinous offenses, but perhaps some doubly damned for their failure to adhere to gender norms as well.
2.3 Media Representations of Crime

It is clear why there is a need to examine the death penalty issue through the lens of the media. The Newspaper Association of America has reported that roughly 69% of U.S. adults read newspaper media content in a typical week (NAA, 2013). Members of the public rarely have other sources of information to this topic specifically, so death penalty news that has been gleaned from the media has the potential to heavily influence us. What we are exposed to can have a considerable impact on our behaviors and our perceptions of the world. Whether we are truly aware of it or not, prolonged exposure to news reports can greatly sway our decision-making processes as jurors and citizens in general. Being socialized to a particular culture might compel us to impose greater sanctions against those who have broken not only the law, but societal norms as well.

Furthermore, issues, public figures, and other events may be framed in a certain way to encourage the audience to develop one point of view rather than another. Women who commit crimes, for example, may be described in such a way that they lose their perceived femininity and consequently, the sympathy of the general public. Studies on media representations of death penalty trials and its effects, particularly those involving female defendants, are not abundant. Therefore, I will attempt to highlight some of the recent findings in how female crime is described as a whole, followed by an analysis on media representations of capital trials.
Bad Women vs. Mad Women

When a woman commits a crime, the media often employs a bad/mad dichotomy to describe her actions. I will illustrate this idea through the use of two common types of female crimes: spousal homicide and maternal filicide. Researchers have noticed that when the media tries to decipher a woman’s criminal actions, they will often use explanations that are more easily understood. In trying to figure out why a battered wife might kill her husband, it has been found that media portrayals will either depict her as a bad woman or a mad woman (Noh, Lee, & Feltey, 2010).

When a female defendant claims that she murdered her husband as a result of long-term abuse, a large percentage of articles will believe and support her claim of suffering from the “battered woman syndrome” (BWS). However, using this defense becomes problematic because she is seen as “temporarily insane” when the act took place (Noh, Lee, & Feltey, 2010). In other words, her ‘real’ self is removed from the act and she is responsible, but ultimately blameless because she was ‘mad’ and irrational when it happened. By oversimplifying these circumstances, certain women are no longer able to use this defense. In order to successfully use BWS, the woman must be passive and make the jury believe that she lost control (Keitner, 2002). Thus, an empowered woman who was defending herself will most likely fail at convincing others that she had this syndrome.

Other articles will thoroughly condemn her actions and argue that when she killed, she was not in imminent danger (Noh, Lee, & Feltey, 2010). Journalists may
frame the argument in a way that asserts she is merely using the battered woman syndrome as an excuse for her actions. Therefore, she should be viewed as a ‘bad’ woman who is deserving of punishment. Very few articles will argue that an abused woman’s actions were reasonable or justified, given her circumstances. By clinging onto these oversimplified reasons, most articles avoid the complex discussions which may arise. The crime is rarely ever contextualized and there are hardly any examinations of social issues or the culture at large.

Similarly, a mad/bad framework is also seen in the cases of women who kill their children (Huckerby, 2003). When maternal filicide is discussed in the media, the narrative generally takes on one of two basic forms. First, the mother could be described as a perfect caretaker who did too much for those around her and was pushed over her limit. Again, the heinous act of killing is viewed as a momentary lapse in judgment due to ‘temporary insanity’ (Barnett, 2006). Therefore, these women deserve leniency for their hardships and their prior commitment at being good mothers. The second narrative that usually arises is that of a ‘bad’ mother. She was an inferior and selfish nurturer who cared too little all along and therefore deserves punishment. Motherhood seems to be romanticized by the media and all women are assumed to possess an innate maternal instinct (Barnett, 2006). Mad mothers followed cultural scripts but simply lost control while bad mothers willingly neglected their young. Once again, there are no stimulating discussions involving more profound reasons why the crime might have occurred. Perhaps it is worth
examining societal pressures on women and how we may provide support to underappreciated mothers.

It seems as though female law-breakers are constantly described as either bad or mad, but never reasonable. These women should be punished, and they should realize that what they did was wrong. However, journalists also have a duty to not always assign the blame to one source, as it might also be a societal issue. Keeping this framework in mind, I will also analyze whether women in capital cases are also portrayed as bad or mad.

**Media Representations of Capital Punishment**

Kudlac (2007) has found that despite the heavy debate surrounding capital punishment, most death penalty cases receive very little media coverage. In fact, it appears as though most of what we know about this system has come from the most sensationalized cases. Journalists cover stories that are “newsworthy” and generally, the more abnormal a case is, the greater the likelihood of it being covered on the news.

When a trial is included in the news, it has been established that pre-trial news coverage has an overall negative impact on the defendant (Taslitz, 2011). Since news companies are simply businesses concerned with making a profit, specific tactics are employed by journalists to achieve this goal. News stories are often sensationalized in order to grab the attention of the consumers. For instance, the details of a heinous crime may be emphasized for pure shock value and thus, a defendant may not garner much compassion from the general public. Moreover, there is the possibility that
inadmissible evidence printed in a newspaper may reach jurors. Greene (1990) has found that the media often includes information that is “irrelevant, unreliable, or illegally obtained”. Moreover, this information may create a lasting impression on the jurors, minimizing the influence of what they hear in the courtroom. Judges and attorneys are often optimistic and believe that direct jury instructions and careful voir dire processes may tip the scales back to neutral, but perhaps potential jurors don’t even recognize their own unconscious biases. Lastly, extensive media coverage of a particular crime may fan the flames of hatred towards a perpetrator. As a result, jurors may receive death threats from the public, thereby affecting their ability to make an unbiased decision.

Scholarly reports comparing media representations of female perpetrators on death row are severely scarce. Kathryn Ann Farr is one of the leading researchers in this small field and her findings have indicated that there are two types of “female evil” worthy of the ultimate sanction. In her short report, Farr (2001) has deduced that death-sentenced women were characterized as evil in either a feminine or masculine way. Some women were portrayed as Black Widows - cunning, poisonous, and seductive, but females nonetheless. Others, such as drug addicts and lesbians, were feminized and completely stripped of any traits associated with femaleness. Farr found that 32 of the 35 women on death row at the end of 1993 fit into this dichotomous model.
In another report, Edwards (1984) has elaborated on the idea of lesbians on death row. She explains that in our society, it seems as though “women defendants are on trial for their legal infractions and for their defiance of appropriate femininity and gender roles” (Edwards, p. 216, 1984). Some have estimated that half or a third of the women on death row are lesbians. By handing these sexual minorities such harsh penalties, many have suspected that the system is attempting to not only punish these defendants, but also eradicate homosexuality. Interestingly, the view of lesbianism differs according to race. If a minority woman is a lesbian, this is seen as a true part of her identity. However, if a White woman displays homosexual tendencies while in prison, she is not seen as a “true lesbian” and her sexual preferences are only seen as a phase (Farr, 2000). As previously mentioned, the research on media representations in capital cases is scant and not as comprehensive as the data on other issues concerning the death penalty. Therefore, my research will be an attempt at filling in a gap in the current literature.
3. Methods

Glaser and Strauss’ (1967) Grounded theory was employed in my analysis of media representations of female perpetrators in death penalty-eligible cases. This method is typically employed by social scientists who aim to discover theory through data and is particularly useful for media studies. Research under the scientific method requires an already established framework and a hypothesis. Instead, the initial step in Grounded theory is to collect empirical data. After analyzing the data, key ideas are extracted from the sources and grouped into similar themes. These themes and categories then help to establish a theory.

I wanted to study and compare media representations of women who had committed death penalty-eligible crimes. These women were divided into two sub-samples: those who actually received the death sentence, and those who did not. The first step in my study was to collect and examine a number of articles on women from each sub-sample. Next, I identified common points which had arisen from this data. For instance, articles often discussed a woman’s demeanor during her trial, the heinous details of her crime, and her relationships with her children. Then, a coding protocol was developed to better organize and analyze these patterns. Altogether, these steps helped me better evaluate the data and answer my research questions. They include, but are not limited to: Did the perpetrator adhere to a feminine role in her daily life? Did sexuality play a role in the case? Was she emotional throughout the legal process and did this affect sentencing? Which types of women receive the
greatest amount of media coverage? How does the public truly feel about executing a woman? Qualitative methods were then used to help me interpret the data derived from my coding protocol.

3.1 Selecting a Sample

First, I compiled information on the women of death row and women who have escaped the death sentence. According to Victor Streib’s report released on January 24, 2012, there were 58 women sentenced to death as of December 31, 2011 (Streib, 2012). These 58 perpetrators, plus the 12 women who have been executed since 1976, constituted my initial group of 70 death-sentenced females. It should be noted that this is quite a “fluid” sample, since any of those 58 women could be taken off death row at any time. This was exactly the problem I encountered when I reviewed this sample in 2013 using Streib’s revised report (Streib, 2013). By then, several women had had their sentences commuted while others were introduced to death row. My final count was 73 women, and includes the 12 who have been executed, as well as the 61 who are on death row as of February 20, 2013 (see Appendix A for a complete list of these 73 women). Nonetheless, this sample is still “fluid” and this research should be part of an ongoing study of females on death row.

Next, I attempted to gather the names of women who committed and were convicted of capital crimes but were not sentenced to death. They were all placed into one group, regardless of why they were spared. Women who were on death row but then had their sentences overturned were included in this group. Their names were
collected from the Streib (2013) report. While this report helped me identify women who have been on death row, it was more difficult to find other women for this grouping. This includes cases where the prosecutor declined to seek this penalty or made a plea bargain with the defendant. There are also instances where a jury decided against sentencing a woman to death. There is, of course, no such database that captures the idea of all women who committed capital crimes but were not given the death sentence. Instead, I used the search engine Google and inputted keywords such as “woman spared death penalty” and “woman avoids death penalty”. The results yielded many cases of women who fit my criteria. Altogether, I was able to identify 94 cases (see Appendix B for a complete list of these women). I do not claim that this is the entire population of women who have escaped the death penalty since 1976, but it is as many as I have managed to find after sifting through multiple sources.

I conducted a preliminary analysis to understand the types of crimes these 167 women committed. After doing so, I decided to take a sub-sample of 25 women from each group. In this way, I would be able to pay greater attention to each individual woman’s narrative and still gain an understanding of the overall patterns of these news reports. I selected cases which I felt best embodied the themes and codes from my preliminary analysis. Although it was not a simple random sample, I did attempt to maintain proportionality, in terms of geography, race, and crime. In other words, I tried to select cases from a number of different states and also wanted to accurately reflect the racial distribution and the type of crimes which were being committed.
I used LexisNexis to search for newspaper articles written about each of these 50 women at various points of their trials. LexisNexis is an electronic database which can be used to find both American and International newspaper articles. This resource includes articles dated as far back as the mid-1980s to present. Because of this, I had to eliminate women whose cases dated back further than 1985 because there simply were not enough articles to get a sense of how they were represented in the media.

To locate articles written about each of the perpetrators, I searched each woman’s name in quotation marks. Also, if they had a middle name, I would perform the search twice. For example, the number of articles I gathered on Robin Lee Row would be the result of a search on “Robin Row” and a second search on “Robin Lee Row”. This was done to ensure that I would collect a majority of the articles written about each woman.

Next, I went through the articles written about each woman, eliminating irrelevant ones, duplicates, and those that were not primarily concerned with her case. For example, when a woman is sentenced to death, newspaper articles written about her had a tendency to also mention the names of women who were already on death row in that state. These articles were counted as “hits” for the primary subject but not for the others as they were mere acknowledgments which were primarily unrelated.

I also eliminated international articles, since these points of view had the potential to skew the data set. Many countries around the world vehemently condemn the use of capital punishment and these articles have generally reprimanded the
United States’ continued use of this tool. Furthermore, it is much less likely that media consumers in the United States’ would be exposed to and influenced by these resources. In the end, every article that was analyzed was from a domestic newspaper. Results from United States wire sources, such as The Associated Press State & Local Wire, were also included. In total, 1861 articles from 74 different sources were examined.

3.2 Procedures

Since Grounded Theory emphasizes the development of codes only after some data has been gathered and analyzed, no coding schema was used at first. Instead, I read through each article meticulously to get a better idea of how women in capital cases were portrayed. I created a coding scheme only after noting the patterns that were emerging in these depictions. I then went back to analyze each collected article again, this time using my new coding scheme.

A slew of factors are taken into consideration in a sentence of death and similarly, my codes have accounted for a wide variety of circumstances. Many of my codes dealt with how the media described the crime itself: what the crime was, who the victim was, how heinous it was, and whether there were accomplice(s). One important code which seemed to dictate how a perpetrator was represented was the relationship between the defendant and the victim. This was coded as: significant other, child, acquaintance, or stranger. Other simplistic codes included characteristics of the defendant such the state they were from and sexual orientation.
Thorough analyses of the data also presented more complex ideas on how journalists chose to portray female defendants. Sometimes, if the victim had been a spouse or a child, the piece would be written in a very dramatic tone to possibly evoke sympathy for the victims and/or hatred towards the perpetrator. Furthermore, journalists also seemed obsessed with analyzing a woman’s emotions (or lack thereof) during a trial. Another important code was whether or not the perpetrator was defeminized or dehumanized in some way. The words evil, callous, and heinous were used frequently in these articles, possibly as a way to strip these women of their humanness. I also noted attempts to describe the motives of the perpetrator and comments on her background. For instance, many women experienced troubled childhoods or abused drugs and alcohol. Were these mitigating factors taken seriously or were they discredited by the author?

3.3 Analysis

After each of the 1861 articles had been coded, qualitative methods were used to analyze the data. It soon became clear that media portrayals of female perpetrators on death row differed depending upon the type of crime that was committed. Crimes against one’s husband or children were framed in a much different way than crimes against strangers. As a result, I created 3 different groups, depending upon the circumstances of their crime. These 3 groups accounted for 39 of the 50 women. The crimes of the remaining 11 women were so drastically different that they could not be categorized in any way. In the following section, I will describe overall findings.
which applied to the entire population of women on death row. This will be followed by sections on each of the major narratives.
4. RESULTS AND DISCUSSION

Before moving on to a more specific discussion of the ways women could be represented, I would like to present a few general statistics on these two groups of women, starting with the 73 women who are facing/have faced death (see Appendix C for more information on each of these women). It is clear that women who are on death row or have already been executed are predominantly White. The racial breakdown is as follows: 48 Whites (65.8%), 15 Blacks (20.5%), 8 Latinas (11.0%), and 2 Asians (2.7%). Moreover, 10 of the 12 women who have been executed since 1976 have been White. Therefore, when I selected 25 women to make up my sample, I made sure to accurately represent this racial distribution. My sample consisted of 15 Whites (60.0%), 5 Blacks (20.0%), 4 Latinas (16.0%), and 1 Asian (4.0%). Also, within this group, 20 women are currently on death row and 5 have already been executed.

The 73 women in the original “death penalty sample” came from 20 different states. However, 33 of these women were from California and Texas. While these states may have higher population and thus, higher crime rates, it is shocking that 45.2% of female death row cases comes from 2 jurisdictions. Interestingly, California has not executed a woman since 1962 so it is worth considering what a death sentence for a female perpetrator really means in this state. I attempted to represent the geographical distribution of this larger sample. The 25 women I selected were from 10 different states: Alabama, Arizona, Arkansas, California, Florida, Georgia, Idaho,
Oklahoma, Texas, and Virginia. Defendants from Texas and California accounted for 14 of these 25 women (56.0%).

The original non-death penalty group was also largely White. There were 72 Whites (76.6%), 16 Blacks (17.02%), 5 Latinas (5.32%), and 1 Asian (1.06%). In attempting to replicate the racial distribution in my subsample, I selected 18 Whites (72.0%), 5 Blacks (20.0%), and 2 Latinas (8.0%). These women were not given capital punishment for 4 different reasons: they accepted a plea bargain, they initially received a sentence of death but it was later overturned, they were spared by a judge/jury, or the prosecutor declined to seek this sanction. These women represent 29 different states. My sample included women from 15 different states: Arizona, California, Colorado, Florida, Illinois, Maryland, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, Utah, and Virginia (see Appendix D for more information).

There is one thing I would like to note about race. It was interesting to see that 65.8% of death row women were White. At first, I believed that perhaps White women were more likely to be condemned for their wrongdoings and sentenced to death. However, this statistic was compatible with the fact that a similar proportion of White women were spared the death sentence. In fact, the overall racial breakdown between Whites, Blacks, Latinas, and Asians was very similar for the two groups. Therefore, I would insist that there is no large racial gap when it comes to sentencing women to death. However, these statistics do seem to support the conclusion that was
mentioned in the literature review- that minority women may represent a third of those on death row, but they are far better at escaping the actual execution. Only 2 of the 10 women who have been executed have been minorities. Theoretically, this may stem from the racist view that deviance as exhibited by minorities is expected and unsurprising to a certain degree. In fact, is has often been noted that Black women are commonly seen as dangerous and hostile (Farr, 1997; Brennan, 2002). Meanwhile, White women are stereotyped as passive and warm (Landrine, 1985). Therefore, their crimes are especially shocking and incomprehensible. Society becomes angry at their actions and is much more willing to fully condemn and dispose of them. These White women who have shocked our conscience with their actions must be prosecuted to the fullest extent of the law.

4.1 General Findings

Media representations of our society’s most deviant women differed depending upon the type of crime they committed and their relations with their victims. However, there were several findings which were consistent between all 50 women. I will now introduce these results and further elaborate upon them in subsequent sections.

Amount of Coverage

Many would think that when a woman commits a capital crime, it would receive a great deal of press coverage. After all, the heinous crimes committed by these perpetrators should qualify these stories as newsworthy. However, in my
research, it has become obvious that while this topic does deserve a lot of media attention, it simply does not receive it. In total, I analyzed 1861 articles on 50 women, for an average of 37.22 articles on each woman. However, this figure is highly deceptive due to outliers who have over a hundred articles written on them. For example, the women in my sample who have already been put to death have received a considerable amount of attention, probably due to the rarity of a female execution. However, I was only able to find 20 or fewer articles for 29 of the 50 women.

As I will demonstrate in subsequent sections, there was a greater scarcity of articles for certain crimes than for others. For instance, in cases where the victim was a stranger or an acquaintance, there were extremely few articles and also less information within the articles. However, for crimes against family members, there may have been only 10 or so articles, but in many cases, these articles contained more information so that this deficiency did not hinder my research.

Neither group received a tremendous amount of media coverage, but there was a pronounced difference between the number of articles on the women on death row and those who escaped this sentence. This makes sense, since the irrevocable punishment which represents the ultimate power that the state has over an individual does seem to deserve an intense amount of media scrutiny. Moreover, the taking away of a life by the state fulfills the media’s thirst for sensationalist stories. I analyzed 1286 articles on the first group, for an average of 51.44 articles on each defendant. When I eliminated the articles on 4 women who received an extensive
amount of coverage (over 100 articles), this number dropped down to 27.62 articles. By contrast, I analyzed 575 articles on women who were spared the death penalty, for an average of 23.00 articles. After removing the outliers, this number was found to be 14.70 articles. On average, women who were sentenced to death received almost twice as much attention as those who were not ultimately given this sanction. This is partially due to the fact that their cases spanned a longer period of time and typically involved appeals. Therefore, post-trial coverage would add to the number of articles for these women. However, it was clear that there was something unique about these cases because these women received more attention even before the death verdict was handed down.

Furthermore, I expected to find a gap between the amount of coverage given to White perpetrators and minorities. As previously mentioned, most of the defendants had about 10 to 20 articles written about them. However, truly high-profile cases have always involved White women. This is seen in the examples of Darlie Routier, Brenda Andrew, and Andrea Yates. Of the women who had more than 50 articles written about them, 7 out of 8 were White. I hypothesized that since White women are held to a higher standard and regard (Crocker, 2001), there would be more of an emphasis on their crimes. Since this sort of behavior is not expected from them, their heinous crimes become even more baffling. This is especially true if they are attractive. Thus, the unusualness of these instances, as well as the horror of their actions, would stimulate more discussion, greater scrutiny, and a higher number of
articles. Other explanations for why certain women received more media attention and why their articles were more thorough will be theorized upon in further sections.
Overall Discussions of Crime

1. Crime facts

News articles were often terse, frank, and read like police reports. They seemed particularly concerned with informing the readers of the heinous details of a crime, especially brutal ones. Emphasizing the specific injuries rendered by the victim(s) was the important piece of information. In one case, it was found that a woman “brutally bludgeoned, beat, and stomped her toddler with such force that it left a shoe print on her chest” (Court upholds death sentence for Dothan woman in toddler death. *The Associated Press State & Local Wire*, 2005). These facts were repeated, almost word for word, in every one of the articles written about this woman. The media painted the perpetrators as evil people, sometimes even presenting vivid details such as “[the victim was] hung on a hook, put in a box, burned with a hair dryer and curling iron before being held down in 140-degree water…skin and toenails were burned off” (SD torture retrial, *City News Service*, 1997). Journalists were also keen on reporting the use of weapons: “she beat him with a cast iron pot, a steam iron, and a hammer, and used a hammer, paring knife, a butcher knife, and two forks to stab him” (Woman sentenced to die, *The Houston Chronicle*, 1998). In a majority of these cases, heinous details were elaborated upon numerous times, possibly stirring powerful emotions among the audience and strengthening their opinion that the defendant should receive a severe punishment.
I coded each time crime-related details or a description of the crime was included in a news story. By doing so, I was able to discern what the journalist deemed as crucial information. Every one of the 1861 articles mentioned the crime at least once and on average, it was discussed 4.7 times. It seems as though readers are constantly being bombarded with the details of the crime. Moreover, by comparing this figure to other counts, such as how often mitigating factors are mentioned, I was able to get a sense of how reporters framed each narrative. Would mitigation be de-emphasized and thus, the crime would be considered as an individual fault?

2. Mitigation

My second code was mitigating evidence, and what happens to it. I coded any mention of physical or sexual abuse, drug use, mental illness, and parental substance abuse. Newspapers tended to downplay individual circumstances and social history factors which may have explained a person’s criminal behavior. Of these 50 narratives, only 6 did not include some sort of personal life stressor which may have played a role in a woman’s criminal acts. From the articles I have read, 24 of the 50 women claimed that they were physically and/or sexually abused at some point in their lives. They usually suffered this abuse at the hands of a father figure when they were young or by other men when they were growing up. Additionally, 20 women blamed their problems on drug or alcohol use and 14 women were reported as mentally ill or mentally retarded.
“People do not simply fall from the sky. There are biological, environmental, and genetic factors that make us who we are” (Lavin, 1992). 44 of the 50 women in my death row sample possessed serious mitigating factors and social explanations for their crimes. However, unlike their crime, which was discussed in 100% of the articles, their hardships were only included 26.19% of the time. As we will see later on, the media did provide in-depth discussions on mitigating factors for a few of the women, but overall, this information was generally de-emphasized throughout.

Mitigating circumstances may not be as entertaining to write about as the heinous details of a crime, but there are strong consequences for not discussing them. By not highlighting social history factors and how society may have played a role in a person’s actions, reporters have framed the blame squarely on the individual. Mitigating circumstances might focus the attention on social problems such as abuse and bring about debate on how to improve society. By not contextualizing the crime, readers are inclined to believe that society is faultless and thus, the defendant herself is responsible for her actions and fully deserves her punishment.

While many newspapers did report these extenuating life circumstances, they were only mentioned briefly once or twice and not given nearly as much attention as other information such as the barbaric details of the crime. Mitigation for Manling Williams, who murdered her family for insurance money, was described vaguely as “Manling’s difficult upbringing” (Tedford, 2011a). Rosio Alfaro’s multiple mitigating factors were quickly listed and glossed over: “she had no previous
record…and had a troubled childhood that led her to addiction and prostitution” (Horton, 1992c). Even when they were mentioned, these circumstances were often down-played and de-emphasized by the journalists. For instance, in one case, right after introducing a mitigating circumstance, the journalist inserted the following quote from someone who was interviewed: “I know people with terrible childhoods, raised in orphanages, and they’re out working, they’re not running the highways” (Montgomery, 1992). In Lisa Coleman’s case, the prosecutor was quoted as saying: “she was abused, but at some point, you have to take responsibility” (Dennis, 2006). Framing the issue in this context certainly reminds us that these circumstances may influence, but not dictate, our behavior. As a result, we may be more reluctant to sympathize with the perpetrator.

Moreover, reporters often seemed to doubt the authenticity of the women’s reports of abuse. In over half of the abuse cases, the writers shared their doubts by saying “she says she was abused”, “she says her husband threatened her”, or “she claims self-defense”. While there is nothing inherently wrong with describing it in these terms, I believe that these doubtful comments reveal a bias. At the start of a trial, there are many things that are unclear, which includes, most importantly, the issue of guilt. In fact, the purpose of a trial is for the prosecution and defense to each present their versions of events, since the two sides are often in disagreement over what happened. Journalists, however, seem to be ready and eager to pre-emptively condemn these people. Social factors are dismissed while facts regarding the crime are not framed in such doubtful terms and are often held to be truths. This slight
imbalance indicates that journalists tend to err on the side of the prosecution and present stories in this light rather than remaining neutral.

Perhaps the modern-day press has become too biased. By rarely placing the person in the context of mitigating factors, the opinion of the audience regarding a case may become heavily skewed. It is essential that the public gets as much information about a case as they can, which includes social factors that may lighten the punishment. Furthermore, if newspaper readers are not familiar with how mitigation works, they may be ineffective as future jurors. These circumstances are crucial in the process of determining guilt and sentencing. In fact, since the mid-1970s, it has been mandated that the capital jury “have before it all possible information about the individual defendant whose fate it must determine. Full consideration of evidence that mitigates against the death penalty is essential if the jury is to give a ‘reasoned moral response to the defendant’s background, character and crime’” (Haney, 2004, p. 132). The review of this information by the jury is so important that attorneys who do not investigate background information and present it are said to have been “ineffective assistance of counsel.” Therefore, in the interest of neutrality, mass media should also introduce and evaluate all information, including background factors, in an impartial way.

3. Retributive Justice

Through my analyses, I also discovered one important theme on how the United States justifies using capital punishment. As mentioned in the literature review,
a leading argument for the existence of the death penalty is the idea of revenge (Haney, 1997). After reading almost 2000 articles on capital crimes, I have become convinced that revenge is, and will continue to be, used as rationale for this sanction. Victims’ family members were quoted heavily throughout these trials and reporters elaborated upon their anger and suffering. These family members were so torn by the loss of their loved ones and sought justice.

When Aileen Wuornos was sentenced to death, one victim’s daughter said: “this is exactly what we wanted. She’s gonna [sic] get what she deserves” (Ross, 1992). Linda Wallace, whose 9-year-old daughter was stabbed by Rosio Alfaro during a robbery, openly admitted that she “wanted to see her get the death penalty” (Horton, 1992a). The victim’s sister concurred, saying “I just want to see her be put to death…Oh yes, I would watch her die, I would do it myself, if they’d let me” (Welborn, 2007). The sister of Wanda Jean Allen’s victim wished for her to be electrified and asserted that “she needs to pop and jerk a little bit” (Murray, 2002).

It is clear that many family members want those who wronged them to suffer greatly for their actions. A sentence of life imprisonment was often simply not enough to ease their pain. Beth Markman was convicted of murdering Leslie White because she suspected her boyfriend of having an affair with White. Initially, Markman was sentenced to death but this was later overturned. George White, the victim’s father, was frustrated by the new sentence and reasoned that it was unjust because “Beth Markman is going to go to a jail that has air conditioning, that has heat.
She’ll have clean sheets every night and food on the table. She has no care in the world” (Gregg, 2010). These quotes indicate that family members of the deceased are often vengeful and want “an-eye-for-an-eye”. However, Markman’s case illustrates that this type of “justice” is not distributed uniformly and thus, retributive justice should not serve as a robust justification for the death penalty.

**Characterizations of Female Perpetrators**

One defense attorney has previously been quoted as saying “I hate to say this, I really do, but a young, attractive, feminine, demure woman is a cinch to defend” (Farr, 2000). My research does indeed seem to provide support for this statement. Paternalistic protection is available for women who fit a certain model. Those who do not, however, are more readily sanctioned. After analyzing 1861 articles on 50 defendants, I have noticed that the patterns for describing female perpetrators defy almost every one of those adjectives.

4. Physical appearances

Glaser and Strauss’ Grounded Theory (1967) encourages the development of codes and themes through analysis of data. Physical appearance was another code which emerged from my findings. Appearance did not arise as many times as I thought it would, but it was prevalent enough in the articles to justify establishing it as a code. Looks, style of dress, and overall physical appearance was mentioned in 15 of the cases (30%). This certainly is not a majority but what is important in this code is that when looks were mentioned, more often than not, the description defeminized
the defendant. These descriptions typically guided the audience towards considering her as more of a man than a woman.

In 9 of these cases, the sole emphasis was on reminding the audience that the defendant was a dangerous criminal by constantly evoking the image of a jail jumpsuit. For example: “…wearing navy jail pants and a shirt, with her wrists and ankles handcuffed” (Jensen, 2003), “…in a red maximum security jail jumpsuit” (Peninsula, death sentence in peninsula slaying, *The San Francisco Chronicle*, 1994), and “shackled and wearing the red jumpsuit of a high-risk jail inmate…” (Murphy, 2005). By consistently promoting this image, readers become accustomed to the idea that she is no longer a feminine woman, but a dangerous criminal.

In a very small percentage of cases, the defendant was further defeminized. Celeste Carrington was portrayed as more masculine than feminine with her shaved head (Zinko, 1994). Aileen Wuornos was described as “a haggard-looking drinker and heavy smoker…her weathered face has a cold, dead stare that morphs into a wild-eyed laugh” (Woman who killed 6 men faces death herself today, *Palm Beach Post*, 2002). By painting these women in such an unattractive light, they become less “human”, less relatable, and less deserving of our sympathy.

Articles did not blatantly promote the idea that women who were attractive should be given more lenient sentences. However, there were some subtle remarks which suggested this idea. For example, Brenda Andrew is a woman from Oklahoma who convinced her boyfriend to murder her husband in an attempt to collect life
insurance benefits. A local defense attorney was quoted as saying: “(Brenda Andrew) is an attractive lady. A jury of men would be susceptible to give her a break, I think” (Trougakos, 2004a). Moreover, before going in front of the jurors for the first time, Darlie Routier had a hair appointment, because the defense team was “convinced that jurors make up their mind about an individual in the first few seconds (Thomas, 1996). The lawyers of Donna Horwitz, who murdered her estranged husband, fought for her right to apply makeup before trials, because “this case is too important for her to not be presentable” (Defense plans to blame son, Palm Beach Post, 2013). Through these quotes, it becomes apparent that beauty does seem to play a role in a jury’s decision. Furthermore, lawyers are aware of this bias and often attempt to manipulate it by dressing up their clients. While this code was not as strong as I had hypothesized, it is still troubling that extralegal factors are taken into account in capital trials.

5. Emotion

The most important code to emerge from my data was the never-ending analyses of the personal traits of these women. In 43 cases, journalists noted whether or not the defendant showed any emotion throughout the trial, especially during sentencing. The defendant was “completely unemotional”, “showed no reaction”, “stared blankly”, “emotionless”, or some variation thereof in 26 of these cases. These descriptions were often embellished for dramatic effect. Darlie Routier, who was convicted of murdering her sons, was described as “not your normal grieving mother…” because during trial, she “…never needed a Kleenex” (Gonzales, 1997).
When Vicki Hulsey was arrested for the murder of her 10-year-old boy, she “was very calm and showed no emotion” (Woman arrested in death of her adopted son, The Associated Press State & Local Wire, 2006).

Interestingly, when emotion is shown, it is on the faces of everyone but the defendant. Cathy Henderson was a babysitter who was convicted of murdering a little boy by bashing his head against a concrete wall. When she was sentenced to death, she “showed no emotion and listened with no emotion.” This ambivalence was juxtaposed against the “teary-eyed law officers and the victim’s family members” (Banta, 1995). The description was framed as though everyone in the courtroom was human and capable of expressing emotion. The defendant, however, was cold and unfeeling.

Ironically, the public was not necessarily more forgiving towards those who did express their sorrow. Erica Sheppard had cried, but perhaps her tears came too late, since the writer described them as “the first tears seen since her capital murder trial began” (Liebrum, 1996). In this way, even though Sheppard shed her tears, this reaction was downplayed when the reporter cited her lack of a proper response during the duration of the trial.

Attorneys have noticed that a simple human reaction such as tears can affect the outcome of a trial involving a female defendant. This is because weeping serves as a proxy for remorse and one judge was quoted as saying: “It is well settled that a defendant’s remorse or lack thereof is a proper subject for consideration at sentencing”
(Female gang member’s death sentence thrown out, *The State Journal-Register*, 1997). For Angelina Rodriguez, who poisoned her husband for insurance money, the jurors explicitly admitted that they were “influenced by Rodriguez’s lack of remorse for her heinous crimes” (Jury calls for the death penalty against woman, *The Associated Press State & Local Wire*, 2003).

However, another important thing to acknowledge is that even if a defendant does not weep or sob during a trial, perhaps this doesn’t indicate a callous or cold-hearted nature. Reporters never seemed to question the reasons behind the women’s stoic features. Some legal counsel may advise their female clients to appear weak and express remorse, but others have reportedly told their clients to remain calm throughout the proceeding. This possibility is never even considered by any of the writers. Moreover, some women simply chose to appear unaffected. Angelina Rodriguez, who was condemned for her lack of emotion, stated later on that she could not display emotions outside, “but every time I leave here, I go back in there and cry” (McRoberts, 2004).

6. Motherhood

Chivalry does appear to be very much alive in our criminal justice system. Prosecutors who are attempting to secure a death sentence against a female defendant often understand the hurdles that they have to jump through. One prosecutor opined: “I do believe in general people are more reluctant to give women the death penalty than men, and I’ve had jurors express that to me” (Campos, 2004). Another source for
this reluctance stems from the idea that women have a special place in the world due to their ability to mother (Stengle, 2000a). In fact, one code that consistently appeared was that jurors struggled with sentencing a woman to death because they were torn by the suffering that the children would have to endure.

Brenda E. Andrew plotted the death of her husband in an effort to collect insurance. Despite her actions, jurors were wary of sentencing her to death because they considered that “her children would essentially be without any parents in the event of her execution” (Juries less likely to give death sentence to woman, experts say, The Associated Press State & Local Wire, 2004). Marilyn Plantz committed the same type of murder but jurors may have felt averse to sentencing her to death when they heard her daughter say “she’ll always be my mom, and I need a mom” (Graham, 2001). In one case, a female defendant’s maternal status was conspicuously stressed by the defense team when they “asked jurors to consider that her three children, ages 5, 8, and 12, need their mother” (Ippolito, 2000).

However, this argument backfires if a woman is described as incapable of being a good mother. Then, this is seen as further proof that she needs to be punished, even if this detail is irrelevant to the crime. Rosio Alfaro was convicted of murdering her friend’s sister during the course of a robbery. Even though her own children were not at all involved in the crime, her ability (or lack thereof) to mother was cited in several articles. The defense referenced her status as a mother in an effort to lessen her sentence, but this tactic failed when the prosecution described Alfaro as “lacking
maternal instinct”. Furthermore, reporters quoted the victim’s mother, who said “she wasn’t a mother to her kids before she went to jail…I think she deserves the death penalty” (Horton, 1992b).

It is clear from these examples that motherhood is often used as an argument against handing a woman a death sentence. A woman will not be spared the death penalty simply because she is a mother. However, if she possesses a good maternal instinct, jurors may be more lenient towards her. Women’s statuses as mothers may partially explain the gender discrepancy in the application of the death penalty. This is because these same arguments are rarely ever seen in capital cases involving male defendants who are fathers and as a result, no sympathy is evoked towards these perpetrators and their families.

7. Homosexuality

Sexual orientation was only a minor theme which arose in my examination of media depictions of women on death row. Farr (2001) suggested that 40% of women on death row either were or were accused of being lesbians. However, in my investigation I found that there were only 8 reported cases of homosexuality. The women’s sexual orientation was mentioned briefly, and it was often done so using the term “lesbian lovers”, which sounds inflammatory and disparaging. Although there were no blatant homophobic comments within the articles, it was obvious to me that being a lesbian was a factor that worked against a female defendant. Vicki Hulsey, who killed her adopted son, was described as “a bipolar, an addict, and a lesbian”
(Purewal, 2006). By grouping her homosexuality along with a severe mental issue and a substance abuse habit, it becomes apparent that we are meant to view all 3 as deviant, negative behaviors which should be treated.

Moreover, lesbianism is seen as even less acceptable if the defendant was the dominant partner in the relationship. Wanda Jean Allen is one such instance of a woman defying gender norms. Allen was involved in a domestic dispute with her estranged partner, Gloria Jean Leathers. The argument became so heated that Leathers drove to the police station with her mother to file a complaint. Unbeknownst to them, Allen had been following them and shot Leathers in front of the police station (Allen says she has been forgiven and is prepared to die for killing, The Associated Press State & Local Wire, 2000). Her act should be seen as a “crime of passion”, which is generally not the type of offense that warrants the death penalty (Jenkins, 2000). However, her rejection of gender roles may have also condemned her, because the prosecution insisted that she was the dominant “male” counterpart of the homosexual relationship. Labeling her as a domineering woman also carries with it the idea that she was aggressive and capable of committing such a crime. As a result, it was easier for jurors to penalize and shun her. Not only was Allen given the death penalty, but she was also executed for this crime on January 11, 2001 (Death Penalty Information Center, 2013).

This is mirrored in the case of Lisa Coleman, who, along with her partner, beat, bound, neglected, and starved her son until he died. The difference between
Coleman and her partner, however, was that she was the dominant partner. In fact, news articles reported that Coleman was known as “daddy” to the children of her partner (Dennis, 2006). Perhaps this gender role deviation could explain why Coleman received a death sentence while her partner only received 40 years in prison, even though both were equally as guilty of the crime. These examples indicate to me that while there were not any instances of outright homophobic remarks, there is an unmentioned and innate bias against these women.

8. Race

Similarly, there exists a hushed bias against minorities, as well. I coded for any mention of race, and while it only appeared in 5 cases, the findings were quite profound and thought-provoking. Andrea Petrosky was a White housewife who killed her 6 year-old boy by choking him to death. In one article, a criminal justice professor summed up her case as: “she’s a white middle-class woman from a good family. Nobody can be comfortable with a case like this” (Allen, 2005). This quote subtly hints at the idea that people are baffled by the idea that a White female is capable of crime. Perhaps this is why Andrea Petrosky only received a sentence of 42 years in prison, as opposed to the death sentence.

Furthermore, after Celeste Carrington was sentenced to death for a robbery-murder, the foreman was quoted as saying: “the fact that Carrington is Black was not discussed by jurors” (Rae-Eupree, 1994). This statement may appear to be an innocuous one because he is merely trying to reassure everyone that race was not a
factor in the final verdict. However, I would argue that it is problematic and revealing for several reasons. His quote seems to suggest that not discussing her race made for a fairer trial. What follows from this assumption is that if her race had been brought up, it might have condemned her. Put simply, in a very discreet way, he seems to be acknowledging that there is discrimination against racial minorities in our current system of capital punishment. In an unbiased society, jurors would be able to freely discuss a defendant’s race, because it simply wouldn’t have any bearing on their final decision. We see from his quote, however, that this is probably not the current state of affairs in our society. Also, the fact that he volunteered this information without being questioned on the issue means that this factor was salient in his mind throughout the trial proceedings. Therefore, Carrington’s race could have very well been part of the reason why she was, and still is, sentenced to die. General findings regarding race seem to point towards the idea that minorities are given unfair treatment. This hypothesis will be further supported in the following discussions of specific narratives.
4.2 Women Who Murder For Insurance Money

The overarching themes discussed in the previous section describe patterns in how women in capital cases are portrayed. However, distinct narratives of representation appear when we consider the women within various subgroups. It was found that depending upon the crime and motives, different tactics were employed by journalists to depict the case. What resulted was the development of several major narratives, the first of which will be analyzed in this section.

The first subset of women participated in some way in the murder of an intimate other for the sole purpose of financial gain in the form of insurance payouts and possibly assets. I will first describe media representations of women who have been sentenced to death for this specific crime. Of the 73 women on death row, 20 (27.4%) of them were convicted of killing for insurance gains. 17 of these women are White, 2 are Black, and 1 is Latina. Therefore, to ensure proportionality, I chose 7 of these women to be part of my sample of 25 death-sentenced women. They are: Brenda Andrew, Wendi Andriano, Kelly Gissendaner, Teresa Lewis, Marilyn Plantz, Angelina Rodriguez, and Robin Row. Of the 7, 6 are White and 1 is Latina.

Unfortunately, I was not able to collect data on the general prevalence of this crime. Thus, I cannot say with certainty whether or not the racial breakdown is proportional to the overall population of women who actually commit this crime. However, I suspect that there may be a racial divide in who participates in this sort of offense. Future studies may attempt to gather this data and possibly examine why this is.
I analyzed 432 articles on these 7 women and the average word count per article was 518 words. After eliminating the 1 woman who had almost 300 articles written about her, the average number of articles per woman was found to be 24. In every one of the 7 cases, the defendant’s husband was a victim and in 2 cases, the children were targeted as well. These perpetrators stood to gain a substantial amount of money from the killings. The insurance payouts generally ranged from 100 to 500 thousand. One defendant was even expected to receive a payout of $1 million. In 4 of these 7 cases, the women enlisted the help of an accomplice, generally a boyfriend or a hit-man who would be paid for this one-time killing. Through this, it can be seen that these plots were premeditated and very well planned-out. The women would sometimes purchase the weapons ahead of time and take out insurance policies on their victims a few days before the incident.

There are many consistent findings in the narratives. There was less of an emphasis on the details of the crime. Instead, these women were defeminized by their criminal actions as well as their rejection of conventional gender norms. Not only were they unwomanly in their characteristics, but they were also unable to adhere to their prescribed social roles. Mary Atwell, a criminal justice professor at Radford University, was quoted in one article as saying “being an unfaithful wife and a bad mother, although they are not legal aggravating factors, in my mind, they are often emotional aggravating factors” (Hammack, 2010). It seems as though preferential treatment in sentencing is granted to women who fit the traditional feminine model and ideals. However, by targeting their husbands and children, these women
displayed blatant disregards for their statuses as wives and mothers. Crossing this boundary places a woman under the severe scrutiny of the law, and the media. It was found that the media often found it necessary to reveal other information which supports how these women failed as spouses and nurturers, even though this information was sometimes irrelevant.

**Bad Wives and Good Husbands**

In 6 of these cases, the media provided background histories that would suggest that these women were less-than-ideal mates for their husbands. Evidence of cheating and extramarital affairs was brought to light in these cases, but it was only legally relevant in 3 of them. In these 3 cases, the women conspired with their lover to kill their husband and thus, this circumstance was rightfully included in the articles. However, cheating was also mentioned in 3 cases in which it was completely irrelevant, possibly to further stress that these women lacked morals. The prosecutor in Wendi Andriano’s case “took every opportunity to infuse the trial with marginally relevant information about her partying and man-chasing” (Hennigan, 2007). The defense team of her case speculated that jurors may have prejudged her based on this information and that it may have played a role in the verdict. Researchers also frequently cited the number of marriages a defendant has previously had. By stating that the woman has had 4 or 5 marriages, the audience may begin to question what the institution of marriage represents for these individuals.
To further emphasize that these women failed at being good wives, the victims were thoroughly humanized and described as wonderful people who were undeserving of their fate. In comparison to the wickedness of these female crimes, the husbands fit perfectly into the mold society cast for them. They were described as loyal husbands and great fathers. This further heightens the cruelty of the women’s actions. Kelly Gissendaner’s husband was murdered by her boyfriend in an effort to collect two $10,000 insurance policies. The victim was said to have “loved Kelly with all his heart” (Nurse, 1998). Moreover, he was a good man who “didn’t drink alcohol, use drugs, or hang out with troublesome people and had not been depressed or ill…this was a God-fearing, family man” (Good, 1997).

Marilyn Plantz, the 2nd woman executed in Oklahoma, plotted with her boyfriend to murder her husband. James Plantz was beaten with a baseball bat in his living room, and then burned alive in his pickup truck on the side of a highway (Greiner, 1994). He was humanized in numerous articles, characterized as a family man and a hard worker who did everything for his wife and children. Many articles revealed his life and his passions: “he was described as an avid sportsman who enjoyed baseball, fishing and camping and who was devoted to his family” (Graham, 2001). In a very dramatic piece, one writer paints the imagery of Plantz’s daughter questioning her as to why “daddy” was killed (Daughter asks: ‘Why was daddy killed? UPI, 1989). Heart-wrenching pieces such as these were prominent within articles for this subgroup. By highlighting how these women have destroyed the nuclear family, these writers successfully encourage readers to outwardly shun them. These
defendants did not follow the unwritten rules of their gender while others around them did. Therefore, they deserve to be punished to the fullest extent of the law.

**Cold-hearted**

Another code that was developed was that these defendants were often portrayed as cold-blooded killers who showed no human reaction to their crimes. Through this, we see that the women were not only defeminized, but this was taken a step further when they were dehumanized as well. The words ‘cold’ and ‘evil’ were seen repeatedly in articles written about them. Angelina Rodriguez used oleander extract to poison her husband, and then put antifreeze in his Gatorade while pretending to nurse him back to health (McRoberts, 2004). By killing her husband, she hoped to collect $250,000 in insurance benefits. One bystander commented that he had “never seen a colder heart” and that it was “the coldest killing I’ve ever seen” (Keith, 2004). Angelina also discussed her husband’s death in a very nonchalant way. In fact, when the victim’s mother called, Rodriguez casually declared “I’m glad you called, Frank’s dead” (Ochwat, 2001). On the other hand, the victim was portrayed as a Christian man who loved his kids and had a heart as big as his chest (Woman pleads innocent in husband’s poisoning death. City News Service, 2001).

Kelly Gissendaner’s motive was labeled as “greed, pure and simple greed” and her crime was deemed as “outrageously or wantonly vile, horrible or inhuman” (Stanford, 1997). During the trial, the prosecutor pointed at her and declared “that’s what evil looks like” (Hartstein, 1998). Teresa Lewis, who was the most recent
woman to be executed by the United States, was convicted of luring 2 men with sex and cash to murder her husband and his son. Her goal was to inherit $250,000 in insurance money. During her trial, the judge strongly criticized her callous actions, calling it a “coldblooded, pitiless slaying of two men, horrible and inhumane” (Hammack, 2010). The prosecutor agreed, saying “she knew these people loved her, and she used that to set them up...in some ways, it’s worse than a stranger [because] it shows how cold she is” (Glod, 2010). Other articles were even more dramatic. Robin Lee Row was a woman from Idaho who purchased 6 life insurance policies totaling $276,000 just 17 days before setting her house on fire, killing her husband and 2 children. She was depicted as a “cold-blooded, pitiless slayer- a descent into the blackened heart of darkness” (Boone, 2010).

This evilness was highlighted if the woman was the driving force behind the plot. This condition is particularly relevant in the cases of the 4 women who worked alongside a hired killer or a potential love interest to target their significant others in the hopes of obtaining insurance money. In these 4 cases, the women partook in the planning, but were not the actual murderers. Nevertheless, colorful language was used to portray these defendants, including one particular description of Teresa Lewis as “the head of this serpent” (Glod, 2010). It appears to be particularly unforgivable when a woman maintains control over a man to commit the crime. As a result, many articles were found to paint women as cunning, sly, and sneaky plotters. These accomplices often turned on the women during the trials and as a result, the woman received a harsher sentence than the actual triggerman. Kelly Gissendaner, for
example, received the death penalty while the man who actually killed her husband received a life sentence (Warren, 2001). Society cannot tolerate a woman who has the power to have men do her bidding and thus, they must be eliminated.

It is worth noting that several of these women possessed mitigating factors which may have explained why they were so callous and apathetic about their actions. Two of these women, Marilyn Plantz and Wendi Andriano, claimed that their husbands were abusive. However, these two women had a combined total of 52 articles written about them and this abuse was only briefly discussed in 3 articles. For example, the 2 articles on Marilyn Plantz’s abuse contained the same sentence: “the wife had indicated that [the victim] was abusive to her” (Greiner, 1994). Robin Lee Row’s “cold-blooded” actions may have been explained by her childhood sexual abuse and her mental illness. Surprisingly, 1 article explained her hardships in depth, explaining that her brain atrophied and thus, it may have impacted her decision-making capabilities (Boone, 2010). However, the article concluded with a quote from the deputy attorney general representing the state, who asserted that it wouldn’t make a difference to the verdict. In emphasizing certain information and de-emphasizing others, readers can get a sense as to how a journalist is framing a story and how they are meant to evaluate a situation. In the cases of these women, it appears as though readers are supposed to focus solely on their heinous actions while ignoring and dismissing any social explanations. As a result, these women will be considered as inherently evil beings that must be eliminated.
Finally, to combine all of these codes and give a full sense of the narrative of a woman who received the death penalty for this crime, I will outline how the media represented one prominent woman in this group. Brenda E. Andrew of Oklahoma masterminded the murder of her husband for an $800,000 insurance policy. Cases of women on death row do not always generate mass publicity, but Andrew received significant attention, possibly as a result of her looks. In fact, out of my entire sample of 50 women, she received the greatest amount of attention—there were 289 articles written about her. Andrew was described as sometimes wearing “sexy clothes, low-cup tops and short skirts” (Baldwin, 2002a). She also engaged in several extramarital affairs and the hit-man was actually one of the men she cheated with. Detectives were baffled by how oddly calm she was after her husband was shot and admitted that they thought “it would be normal for anyone to show emotion upon learning of this death” (Raymond, 2001b). Moreover, during sentencing she “showed little emotion as she learned her fate: no tears, wide eyes and lips slightly turned down” (Trougakos, 2004b). Her crime was described as “heinous, cruel, and atrocious” (Baldwin, 2002b). In the courtroom and in the media, she was characterized as a cold-blooded, greedy, and heartless woman who was “utterly evil” (Raymond, 2006).

Most importantly, throughout the ordeal, the husband was characterized as a vulnerable and warm man who loved his wife. Friends and colleagues remember Robert Andrew as a “devout, charismatic, loving man who was devoted to his wife despite her apparent disdain for him…he was just really friendly and smiling” (Raymond, 2006). Moreover, his knowledge of her sexual infidelities deeply
distressed him. Quotes from his journal were published after his death and shed light on his inner turmoil. “The adultery I suspect my wife of does not need to include sex. She had relations with other men where she put me down to them. She would rather spend time with them. It hurt” (Raymond, 2001a). By framing the events in this context, we may become even more sympathetic to the victim and more convinced that Brenda Andrew was an evil wife who must be executed.

By showing these women in such a negative light, reporters inject the idea into a reader’s mind that these women are heartless, unfeminine, and inhuman. Not only did they break familial bonds, but they did so for the cold purpose of collecting insurance. After reading such detailed descriptions of their cruel crimes and the poor victims, we may be poised to think of the women as purely cold, calculating, and unchangeably evil. As a result, whatever reluctance we initially felt at executing them slowly deteriorates. Researchers have theorized that juries will hesitate to sentence someone to death if they can relate to them or recognize their humanity (Shorey, 2004). By not only defeminizing but also dehumanizing women who commit this type of crime, the public may become more accepting of the idea of sentencing and executing them to death. I hypothesize that the combination of 1) violating gender roles and 2) killing for monetary gain not only makes it more likely for a woman to get the death penalty, but also increases the likelihood of an execution. This hypothesis is supported by the fact that 6 out of the 12 women who have been executed since 1976 committed this type of offense. Furthermore, this may explain
the racial distribution of the women who have been executed, since it is primarily White women who engage in this type of crime.

**Women who didn’t receive the death penalty for this crime**

Of the 94 women who didn’t receive the death penalty, 23 (24.5%) committed this crime of murdering a significant other for profit. 21 of them were White and 2 were Latina. I selected 8 of these women to be part of my subsample. They are: Rebecca Cleland, Lois Cloud, Guinevere Garcia, Christene Kemmerlin, Virginia Larzelere, Tamara Rhinehart, Katy Telemachos, and Susan Wright. These 6 White women and 2 Latinas came from 7 different states. The defendant’s husband was the sole victim in 7 of these cases. In the last case, Katy Telemachos was convicted of murdering her father.

I was able to collect 166 articles on these 8 women, resulting in an average of 21 articles per woman. The mean number of articles is similar to the mean number of articles of women who were sentenced to death for this crime. However, these articles tended to be shorter, with an average word count of 355 words.

In many ways, the circumstances surrounding these cases are indistinguishable from those in the previous section. These women were all accused of murdering their family members in an effort to collect insurance money and assets. In fact, many of these women stood to gain even more than the women who were sentenced to death for this crime. Virginia Larzelere was expected to collect $2 million dollars in insurance benefits and $1 million in assets (Stapleton, 2008).
Rebecca Cleland expected a payoff of almost $1 million for her husband’s death.

Moreover, there was an accomplice or a hired killer in 6 of these cases. However, a completely different narrative emerged for these women.

**Pitiful Women and Bad Men**

Many of the same codes did arise for these women who didn’t receive the death penalty for this crime. In a few articles, the women were accused of being cold calculators who single-handedly plotted the deaths of their loved ones. Katy Telemachos was a woman from Florida who, along with her boyfriend, ‘masterminded’ the death of her father. She believed she would collect $4.5-5 million dollars from his death. The judge in her case called it “one of the coldest, cruelest, wickedest and most offensive homicides I have ever heard” (Judge wavers, decides against death for liver recipient who killed dad, *Palm Beach Post*, 1991). However, these negative descriptions were counter-balanced by further quotes which completely humanized the defendant. The same judge then went on to forgive her crimes, saying that he “could relate, could understand” her actions. Telemachos was born with an incurable liver disease and the judge sympathized with her because he, too, overcame a life-threatening illness as a child. “Nobody would want to have the kind of life she had”, he added (Judge wavers, decides against death for liver recipient who killed dad, *Palm Beach Post*, 1991). The victim’s worth was also devalued when Telemachos’ mother insisted that George Telemachos was not “the kindly man
described by neighbors…there are a lot of things they don’t know about how he treated me and her” (Grogan, 1991).

The narratives of other women in this group follow the same pattern. There was no emphasis that these women were bad wives or cold-hearted people. All of the women in this entire group were said to be motivated by profit. However, extenuating factors were highlighted for the women who were not ultimately given the death penalty. These women were neither stripped of their femininity nor dehumanized. Instead, the audience came to believe that they were pitiful women who deserved to be exonerated.

Susan Wright of Texas was convicted of the 2003 murder of her husband, Jeffrey Wright. One evening, Susan allegedly seduced him and tied him to their bed. After doing so, she straddled him and stabbed him a total of 193 times (Hays, 2004a). His lifeless body exhibited “wounds to the head, face, neck, chest, abdomen, sexual organs, thighs” (Lozano, 2010). Prosecutors in her case claimed that she was motivated by the $200,000 insurance policy under his name. This piece of information, however, was de-emphasized by the media. Like Marilyn Plantz and Wendi Andriano in the previous section, she testified that she was abused by her husband. However, unlike them, her claims of abuse were given much more weight and emphasized in most of the articles written about her. Jeffrey Wright was characterized as not only a terrible husband, but an overall immoral human being. He was a cocaine and marijuana user who constantly beat and raped his wife. His
criminal record and prior drug offenses were revealed, despite this being irrelevant to the crime (Hays, 2004b). Jeffrey Wright also frequented strip clubs and once assaulted a prostitute (Prosecutors act out their version of stabbing, *The Associated Press State & Local Wire*, 2004).

To some, her actions might be seen as reasonable but interestingly, media accounts portrayed her as a ‘mad’ woman who lost control. She is quoted as saying “momma, it wasn’t me, I snapped” (Babineck, 2003) and “I couldn’t stop stabbing him; I couldn’t stop” (Hays, 2004). By showing Susan Wright as a powerless and victimized woman who was not fully cognizant of her actions, the public was perhaps more forgiving of her actions. As a result, Susan Wright was not given the death penalty and was instead sentenced to 20 years in prison.

Much like the women in the last section, there were also wives who were unfaithful in this sample. However, even their infidelities were cast in a different light. Lois Kay Cloud from Arizona hired a man named Vince Accardo to shoot her husband while he was sitting in the parking lot of a restaurant. She was expected to inherit roughly $2 million in farmlands and assets (Gilbert, 2010). As the story unfolded, it was revealed that the hit-man was someone Cloud was having an affair with. However, instead of labeling her as a bad wife, journalists seemed to be more considerate and compassionate towards her. Cloud was humanized as a heartbroken housewife who mourned her deteriorating marriage (Gilbert, 2010). This loss led her to turn to Accardo since he provided a shoulder to cry on. A relationship developed
between the two and Cloud even gave him money and gifts which totaled over $100,000 throughout the years. She thought that Accardo loved her but in the end, he left Arizona with his girlfriend and it became plainly obvious that he was only interested in swindling her out of her money (Gilbert, 2010). Cloud was guilty of plotting the murder of her husband, but perhaps these extenuating circumstances prompted the jury to pity her and spare her the death penalty. As a result, Lois Kay Cloud was given a sentence of life imprisonment without the possibility of parole.

Summary

There were a total of 15 women who committed the crime of killing an intimate other for monetary gain. Women who were convicted and sentenced to death for this crime were first defeminized and depicted as inadequate wives. Every one of them violated gender norms by participating in the murders of their spouses. Moreover, their victims were humanized, described as upright citizens who respected the institution of marriage and embraced their roles as husbands and fathers. They diligently performed their domestic duties and fit into societal roles, while the women neglected theirs. Furthermore, these women were then dehumanized because they not only murdered their family members, but they did so with a specific evil purpose. It was as if they willfully exchanged the lives of their loved ones for cash. Thus, because they are inherently cold and greedy, jurors may be less reluctant to sentence these women to death and also less squeamish when it comes to executing them.
Women who were not sentenced to death for this crime were portrayed in a much more forgiving light. Interestingly, they committed the same exact crime and the monetary motive was present in all cases. However, other issues were placed at the center of the frame and it was easy to feel sorry for them. Mitigating factors such as abuse and illness were heavily focused and it was also apparent that the victims were not perfect, either. Some were drug-addicted, abusive husbands, while others were simply inadequate mates who emotionally scarred their wives. De-valuing the worth of these victims seemed to make a difference to the verdict. The women participated in murder, but their victims were not law-abiding, model people either. Thus, the crime was seen as less heinous and these women were neither defeminized nor dehumanized. In fact, many of them were humanized and as a result, their sentences were less severe.
4.3 Women Who Kill Children

The second cluster in my sample consists of women who have murdered children. Fifteen of the 50 women in my sample belong in this group. I will begin by analyzing how those who received the death penalty were depicted and then compare these representations with those of the women who did not receive this sentence. Of the 73 women on death row, 18 (24.7%) of them committed this crime. There were 9 Whites, 5 Latinas, 2 Blacks, and 1 Asian in this group. I chose 8 of them to be a part of my death-sentenced women sample (32%) and they are: Ana Cardona, Lisa Coleman, Tierra Gobble, Veronica Gonzales, Cathy Henderson, Christina Riggs, Darlie Routier, and Manling Williams. There are 4 Whites, 2 Latinas, 1 Asian, and 1 Black woman in this sample and they represent 5 different states. In 5 of these cases, the victim was their own biological child. In the other 3 cases, the women had been entrusted to care for the victims. These cases received an extensive amount of media coverage and I analyzed 485 articles on these 8 women. The average word count per article is 486.5 words.

I believe that women in this group received a great deal of attention for one reason: they violated their maternal roles. Society seems to have a very specific idea about what it means to mother, and expects all mothers to conform to this outline. These ideas were often articulated in the articles. One article claimed that “mothers are the protectors of our children” (Lozano, 2001) while another stated “mothers are not supposed to kill their children. Mothers provide life” (Illescas, 2012). Since these
were obligatory duties of a mother, violating these standards is then considered to be a serious offense because it’s unfathomable how a mother could do this to her children: “People wonder how you can kill someone you carried in your body for nine months” (Koehn, 2011). Moreover, the shock of such a crime presents journalists the opportunity to write sensationalistic articles. For example, “this crime is the ultimate betrayal: the ultimate betrayal of a mother to her children” (Easton, 2002).

Ana Cardona from Florida is one such woman who dismissed her duties as a mother and landed on death row for her actions. In 1990, Cardona, along with her “lesbian lover”, intentionally tortured and abused her 3-year-old son until he finally died from the injuries he sustained from the long-term abuse. Newspaper articles highlighted his countless injuries, such as “limbs shortened by constant abuse, front teeth missing from blows and scars possibly caused by a lit cigarette”. Moreover, Lazaro Figuroa’s “left arm was fixed at an obtuse angle from the elbow” because he was beat so often with “shoes, sticks, baseball bats” (Mother beat tot to death, jury decides, St. Petersburg Times, 1992). The media placed strict emphasis on the idea that Cardona was a terrible, neglectful mother who hated Lazaro because he interfered with her life. Articles expressed horror that she could do this “to her own flesh and blood” and even her defense lawyer was quoted as saying “Ana was not a good mother” (Mother beat tot to death, jury decides, St. Petersburg Times, 1992).

Cardona was also described as an ill-tempered and angry woman. When she was sentenced to death, she screamed in the courtroom, yelling “And they call this justice?” (Baby lollipops’ mom sentenced to death, Palm Beach Post, 1992).
This case highlights that women who received the death penalty for this crime were portrayed in an overall negative light by the media. They were depicted as volatile women and bad mothers who did the unthinkable and selfish thing of putting their own needs before their children’s needs. These findings are replicated in the portrayals of several other women, including Darlie Routier of Texas, who was convicted of stabbing her two sons to death. The media painted her as a “self-centered, materialistic woman” (Shannon, 1997). Routier enjoyed the luxuries of life and was incredibly vain. Newspapers even revealed that she had had breast implants, despite the fact that this is not at all relevant to the crime (Moore, 2000). Her children, however, were taking up the limited funds in her family and impacting her extravagant lifestyle. As a result, she became furious over money problems and crumbled under the burdens of motherhood.

In yet another case, Manling Williams of California was convicted of smothering her two young children to death, and then hacking her husband to death with a samurai sword (Tedford, 2011b). Her alleged motive was that she wanted to end her family life to be with her lover. Newspapers decried her actions, with one headline proclaiming “Judge: Manling Williams is ‘selfish’, ‘must suffer the penalty of death’” (Day, 2012). She was portrayed as an enraged woman who put her needs first and therefore, deserved to be condemned for her “narcissistic, selfish, and adolescent” actions (Day, 2012)
In order to further stress the idea that these women failed in assuming the maternal role, the victims in this condition were also greatly humanized. Again, I theorize that this was done to evoke sympathy and remind us just how cruel and unfeminine her actions were. Readers were reminded of the life events that Manling Williams’ children would never be able to experience: “there will be no birthday parties, no graduations, no weddings, and no great-grandchildren” (Giradot, 2011).

Cody Parrish was murdered by his angry mother Tierra Gobble when she banged his head against a bed because he would not stop crying. He sustained multiple injuries, including “a skull fracture, two broken ribs, and two broken wrists” (Judge won’t change Florida woman’s trial date in baby death, *The Associated Press State & Local Wire*, 2005). He was pitied throughout several media reports, described as a precious and innocent boy who “came into the world depending on us for everything and he got nothing”, who lived his days with “no one to love him enough” (The town that wept, *Tampa Tribune*, 2006).

Women are meant to be passive and are supposed to possess an innate sense of how to be a mother. When these women acted in anger and neglected their maternal duties, they lost the image of femininity. Thus, jurors are less likely to see them as true women and less reluctant to sentence them to death. However, I found that while these women were defeminized, they were not dehumanized. They were bad mothers, but in media reports they were never described as inhuman or as evil. Previously, I had hypothesized that the ‘recipe’ for a female execution was the combination of murdering an intimate other and killing for monetary gain. The crimes
that these mothers committed, however, only falls into the first category, not both
categories. Therefore, my conclusion is that the senseless neglect and beating of a
child, while heinous, will render a woman the death sentence but not the ultimate
execution. Jurors, and society as a whole, will be angered by her lack of adherence to
gender expectations and sentence her to death, possibly in an effort to send a message
of extreme disapproval regarding her actions. However, because they didn’t have an
ulterior motive such as financial gain, these women are still thought of as human and
are unlikely to actually be put to death. This idea is supported by the statistic that only
1 of the 12 female executions since 1976 was a case of a woman killing her children
(Christina Riggs). Even so, I suspect that Riggs was only executed because she had
chosen to forgo her appeals and actually pleaded be put to death.

Christina Riggs was a registered nurse who was convicted of killing her two
children. The prosecution framed her as a bad mother who was “self-centered,
manipulative, and regarded her children as a burden” (Stengle, 2000b). They asserted
that her children hindered her social life and she often left them at home while she
competed in karaoke contests (It looks like May execution date for Riggs, The
Associated Press State & Local Wire, 2000). Meanwhile, the defense insisted that she
suffered post-traumatic stress disorder as a result of treating the Oklahoma City
bombing victims (Nurse claims stress made her kill children, Akron Beacon Journal,
1997). She was so mentally ill that she was prepared to kill herself and her two
children because she did not want to leave them behind (Satter, 1997). She injected
her baby boy with potassium chloride, and then smothered him and his sister to death.
Riggs then took 28 antidepressant pills but the medication did not reach her heart. Media reports sensationalized these stories, even going so far to evoke sadness by dramatizing a hypothetical account of how they died. “There are two children there, laughing, sitting on their mother’s bed...they’re excited because they’re going to sleep in their mother’s room, but after drinking the water, they become sleepy and lie down...’no mama, mama!’...she holds a pillow over his face until he quits struggling” (Satter, 1998). Throughout her trial, Riggs maintained that she wanted the death penalty so that she could be reunited with “her babies” (Yellin, 2000). Ironically, even though she wanted to die, others were fighting for her to live and even condemned the United States justice system for complying with her request and essentially taking part in state-assisted suicide (Stengle, 2000b). As her execution date neared, many believed that it would have been incredibly simple for her to escape her fate. “All she has to do is ask for her attorney, request a phone call, raise her little finger, even—and she’s pretty much guaranteed a stay” (Frye, 2000). In the end, Riggs was deemed competent enough to waive her appeals willingly, knowingly, and intelligently and she was executed on May 2\textsuperscript{nd}, 2000 (Death Penalty Information Center, 2013).

A different picture emerges when we consider women who were not sentenced to die for killing their children. Of the 94 women who were spared the death sentence, 27 of them (28.7\%) committed this crime and I chose 7 to be a part of my sample (28\%). They are: China Arnold, Kenisha Berry, Tracy Dupre, Vicki Hulsey, Kelli Lynn Murphy, Andrea Petrosky, and Andrea Yates. Five of these
women are White, 2 are Black, and they represent 6 different states. I collected 304 articles on these 7 women and the average word count was 577 words. Instead of describing them as bad mothers, these women were depicted as supermoms who did too much and were driven to insanity because they were so dedicated.

I will illustrate the dominant narrative that emerged from this sample by describing the case of Andrea Petrosky of Virginia. In many ways, Petrosky seemed to lead an idyllic life. She successfully balanced her maternal duties with a full-time job at a clothing store, and even found the time to work towards a degree in educational technology at an esteemed local university (Allen, 2007). Her devotion and her ability to carry out her countless tasks earned her the admiration of all those around her. Overall, she was known as a “wonderful person who loved her children and loved her husband and worked hard” (Allen, 2005).

However, on the morning of April 15, 2005, this perfect woman suddenly and senselessly choked her 6-year-old son to death, and then drowned him in the family’s bathtub. Instead of labeling her as an angry and bad mother, this act was seen as a moment of temporary insanity. A slew of mitigating factors were revealed in her case and she was said to have been suicidal and suffering from bipolar disorder (Hunter, 2007). Her evil act was distanced from her actual self when she was quoted as saying “I’ve just gone crazy” and “I do not know why I did this” (Allen, 2006). Petrosky expressed deep remorse for her actions and claimed that she loved her son with all her heart. She also insisted that she had always tried to be the best mom she could be.
In the previous section, when a mother was ‘bad’, the community often expressed horror at how a mother could be so cruel as to kill her young. Their actions were seen as incomprehensible and neighbors dismissed the idea that they could ever be guilty of such a heinous crime. In Petrosky’s case, however, the community’s reaction was completely different. Rather than feel baffled by her actions, people noted how great of a person she was and instead wondered “am I capable of this myself?” (Lakin, 2005) Others questioned “could that kind of darkness be in my life, too?” (Allen, 2007) If an invisible and evil force could bring this ideal woman to murder her son, then it is possible for others to succumb to it as well.

Andrea Petrosky was framed as a perfect mother, exceptional wife, and model citizen. Her crime was heinous but she is not evil, since she lost control when it happened. As a result, the public was more sympathetic to this timid woman who merely had a momentary lapse in judgment. Petrosky was sentenced to 50 years as part of a plea agreement but will only serve 42 of those years (Allen, 2006). With the exception of Tracy Dupre, every woman in this sample was described in similar terms. These women were all good people and loving mothers who lost touch with reality.

Perhaps the most famous case of the ‘mad mother’ is Andrea Yates. Yates, a White middle-class housewife from Texas, was convicted of systematically drowning all 5 of her children. The murders happened one morning in June 2001 and after drowning her children, Yates immediately called her husband and told him to come home. The wet bodies of 4 children were found under a white sheet while the 5th child...
was found in the bathtub (Easton, 2001a). The children ranged from 6-months-old to 7-years-old. Yates managed to escape the death sentence even though she killed more people than almost every other woman in my sample, probably as a result of how she was depicted.

Most media accounts neither condemned her actions nor accused her of lacking maternal instincts. Instead, journalists seemed to be supportive and sought to understand what made this suburban housewife suddenly snap. The public fascination at the unusualness of her story is probably why her case received an extensive amount of media attention. One hundred fifty-three articles were found and analyzed on her case. Like Petrosky, Yates was described as an incredibly dedicated and loving mother. Her actions were also separated from her true self: “she obviously wasn’t herself…she is a kind, gentle person. It’s not her” (Easton, 2001b). What, then, caused Yates to murder her children? In a rare move, the media actually delved into her mitigating circumstance- her mental health. Yates was said to be suffering from postpartum depression, which was described as the cruelest mental illness because “it takes the very nature and essence of motherhood- to nurture, to protect and to love – and changes the reality” (Easton, 2002a). Media coverage focused heavily on her illness and quoted people from several different sources. One psychiatrist admitted that Yates “would rank up there with five of the sickest patients I’ve ever seen” (Easton, 2002b). Her facial expressions were scrutinized and served as proof of how sick she truly was. In court, she was described as zombie-like, “a scared animal”, aloof, and incredibly down-trodden (Anderson, 2002).
Blame seemed to be cast on everyone but Yates herself. Some, including her husband, blamed the mental institution for not taking her illness seriously enough. Andrea Yates was admitted to a mental hospital a month before the murders happened but was discharged, even though her medical chart indicated that she was still psychotic. Looking back on the incident, Russell Yates criticized the hospital, saying “I mean there’s not, there’s absolutely no reason she should have been let out of that hospital. It was just incomprehensible” (Russell Yates speaks to media despite gag order, *The Associated Press State & Local Wire*, 2001). Others, however, attacked Russell himself. They claimed that he should not have left her all alone if he knew how seriously ill she was (District Attorney receives e-mails critical of father whose children were drowned, *The Associated Press State & Local Wire*, 2001). By spreading the blame around, Yates was at least partially absolved of her crime.

Again and again, media depictions suggested that Andrea Yates was not meant to be seen as a bad or volatile mother. In each article, she was portrayed as more of a withdrawn and delusional person than an angry person. Moreover, it was believed that she did possess true maternal instincts but her mental illness took over her and caused the crime. Her pitiful appearance and her loss of control helped lessen her punishment. Yates was first sentenced to life in prison. However, this verdict was later overturned and she was found to be not guilty by reason of insanity (A chronology of events concerning Andrea Yates, *The Associated Press State & Local Wire*, 2006). She was then committed by the court to North Texas State Hospital to receive medical treatment.
Summary

It does appear that the media uses a bad vs. mad framework to explain the wrongdoings of women who kill their children. Women who were sentenced to death for this crime were described as truly angry and innately rotten. Their deliberate actions caused the deaths of their children and thus, they deserved to die as well. Rapaport (2000) has said that under the current law, men are punished more harshly for predatory murders of strangers for gain than murders of their family members out of anger. However, I would argue that the reverse is true when it comes to women. When “bad” women murder their family members, they are doubly condemned for not only breaking the law but also for willfully violating gender norms of being nurturing.

Women who were given an alternate sentence for this capital crime were helpless and unstable people. Their facial reactions and body language indicated to the court how delusional they were, and this mental illness made all the difference. They were not bad, but were crazy or sad, and snapped under certain stressors. Therefore, they themselves did not break any gender norms; their actions were separated from their personhood. They were good mothers but an uncontrollable outside influence caused their actions. By solely relying on the bad vs. mad framework, articles never considered these women as rational agents. Journalists never discussed the pressures of motherhood or how society can provide more
resources to help mothers become better parents. Instead, the simplest explanations were offered, which is that these women were bad or mad.
4.4 Robbery Murders

The third narrative consists of criminals who murdered during the course of a robbery. This is the second type of crime which involves financial gain. However, the amount gained by the perpetrators of this crime is much less, often not exceeding $2,000. The victim was typically a stranger or an acquaintance, such as a neighbor or a client. Seventeen of 73 (23.3%) women are on death row for this offense and thus, I selected 6 of them to be in my death-penalty sample of 25 women (24.0%). Similarly, 8 of 94 (8.5%) women did not receive the death sentence for this crime and I chose 3 of them to represent robbery-murderers in the non-death-penalty sample (12.0%). I found that there was no clear difference between how the media portrayed these two groups of women. Therefore, I will combine these narratives and discuss them together. The 9 women came from 5 different states. This group was more racially balanced, with 4 Whites, 4 Blacks, and 1 Latina.

These crimes were not ones in which the female defendant was situated in the role of a mother or wife. Rather, the victims tended to be acquaintances or complete strangers and therefore, it could not be said that the woman was a bad mother or a bad spouse. In the previous sections, there was a certain emphasis on the humanity of the victims. The husbands and children of the women in those crimes were thoroughly humanized and pitied. I hypothesized that victim sympathies were only evoked to further highlight the cruelty of these women’s actions. For robbery-murders, however, these women were not acting in these roles and thus, I suspected that there would not be any focus on the victims. This is exactly what I found.
For these cases, there were no emotionally-charged victim descriptions to make readers mourn the loss of life. Reporters did not pay tribute to these victims and did not humanize them by fondly looking back on their roles in life. Surely, the victims of robbery-murders deserve to be humanized as much as victims who died from other circumstances. Upon reflection, however, it becomes obvious as to why they are not. Cases involving those who die at the hands of someone they trust are easily sensationalized. These women are severely ostracized by society because of their unwillingness to abide by the societal expectations. For the women who committed robbery-murders, however, the evil is only in the crime.

In all of these cases, the writers chose to accent the brutal and savage natures of the crimes. We often see the same exact descriptions repeated again and again, even between articles of different sources. For instance, Kimberly McCarthy was a Black woman from Texas who not only killed and robbed an elderly woman, but did so heinously. McCarthy was let in her neighbor’s house under the pretense of borrowing sugar. Once in, McCarthy immediately started attacking Dorothy Booth. Booth was “stabbed five times with a knife and bludgeoned with a candelabra before her finger was cut off to remove her wedding ring” (Lancaster woman’s sentenced to death for second time, The Associated Press State & Local Wire, 2002). McCarthy also faced charges in the murders of two other women- Maggie Harding, 81, and Jettie Lucas, 85. In those cases, “Ms. Harding was attacked with a meat tenderizer and knives, and Ms. Lucas was beaten with a claw hammer and stabbed with knives” (Dallas County woman sentenced to death for killing elderly woman, The Associated
McCarthy’s motive behind the robberies was to get money to feed her crack cocaine habit. None of the victims were humanized. The only information that was given about Dorothy Booth was that she was a 71-year-old retired psychology professor. McCarthy was given the death penalty for this crime.

Marie Rottiers was another woman involved in a robbery-murder. She lured two men from a bar to a hotel room. Once they were in the room, she and her two male accomplices stripped them and stole their valuables. Panties and other cloth items were stuffed inside the victims’ mouths. Their noses and mouths were covered with tape while their necks and hands were tied with cords. The victims essentially suffocated to death while the defendants took drugs. The judge in her case called the crime “cold, callous, and brutal and particularly cruel” and sentenced her to death (Ex-prostitute sentenced to death for torturing, murdering two men, City News Service, 2010).

Therisa Frasure took part in a bizarre crime where she and her friend robbed and killed their landlady because they wanted money to see their favorite country star, Reba McEntire (Teen-ager sent to prison for killing 86-year-old woman, The Associated Press, 1996). The 86-year-old woman refused to lend them $11, and they retaliated by “battering her head with a clock, and then smothering her with a pillow” (Pulfer, 1997). In the same way, the judge in this case also commented on the cruelty of the crime, saying “It was the most brutal, premeditated, calculated and at the same
time senseless…act I can think of” (Teen to be tried as adult, *The Bryan Times*, 1995). The crime only netted $27, and she was sentenced to 30 years.

Therefore, we see that in these cases, the women were *only* guilty of committing a heinous crime and not of violating a gender role. I realize that the act of aggression is often a violation of gender roles in and of itself. Aggression is often seen as “masculine” in nature (Barner, 1999) and thus, in one sense, every one of the 50 women in this sample is guilty of transgressing gender norms. However, for the purposes of this thesis, I only counted a crime as a violation of gender norms if the woman betrayed a family member in the criminal act itself. The women in this sample are not guilty of this specific offense. Therefore, I suspect that this is why media coverage is not nearly as complete for these cases. Compared to the women who killed their spouses and children, there were far fewer articles on the women who committed this crime. One hundred one articles were analyzed on these 9 women, which averages to 11.2 articles per woman in this category. Moreover, not only were there fewer articles but these pieces tended to be shorter, averaging 327 words. The articles generally contained brief and graphic descriptions of the crime such as those I have provided above. The writers did not offer background information on the victims and there were no attempts at humanizing them.

Journalists seemed much less interested in these cases because the details surrounding the crimes are not family-related and thus, not easily sensationalized. In a way, these crimes are more forgivable and are not viewed as the worst of the worst.
Earlier, I had theorized that in order for a woman to be executed, she had to have violated gender roles and done so for the cold purpose of profiting. These women, however, are only guilty of the latter offense. Therefore, these female defendants may be sentenced to die but rarely are they executed. This is supported by the statistic that since 1976, only one woman was sentenced to die for a robbery-murder.

If these women were all portrayed in similar terms, then what could have separated those who received the death penalty from those who did not? After scrutinizing background information on the lives of these defendants, I suspect that extralegal factors may have played a role in jurors strongly sanctioning certain women over others.

Referring back to the evil woman theory discussed in the literature review, every one of the women who was sentenced to death for this crime possessed at least one factor that put her outside of the realm of a normal female. These 6 were marginalized women who could be deemed as ‘evil’ due to personal characteristics. Her crime may not have been a violation of gender roles, but perhaps her personal attributes went against those that are preferable in a woman. As a result, these factors may have put the final nail in her coffin. Of the six who were sentenced to die, one was a lesbian, two were Black, three were prostitutes, and four killed for drug money. It was clear that none of these women fit the mold of a demure, feminine middle-class White woman. Meanwhile, of the three who were not sentenced to die, two were White and did not possess these marginalizing factors. The third was Black but her IQ
level may have guarded her against her receiving the death penalty. Of course, this sample is too small to draw any strong conclusions from. Therefore, I hope that further research would be able to answer the question of whether inherent attributes such as these may serve as aggravating factors for women in robbery-murder cases.
5. LIMITATIONS AND FURTHER DIRECTIONS

Even though I have analyzed close to 2000 articles on 50 women in death penalty-eligible cases, I know that there is more work to be done on the subject. First, I strongly believe that my sample size was adequate for the purposes of this study. My goal was to scrutinize the narratives which developed for each of these crimes and I was able to successfully pick up on emerging portrayals. Nevertheless, harnessing more information and more stories would provide a fuller picture and a more in-depth investigation on the subject. Therefore, future studies may want to include a larger sample size.

Secondly, I believed that newspapers would be a good medium to study public representations of female perpetrators. However, further work could be conducted on other sources such as tabloids, magazines, online blogs, local television news, and investigative news programs such as 60 Minutes. Analyzing these sources may provide even more sensationalistic accounts of women who commit crimes and may help us get a better sense of other ideas the public is exposed to.

Moreover, there may be some potential flaws because this was a qualitative study. I am very confident of my data-collection procedures, my methodology, and my results. I always tried my best to remain consistent in my standards and codes but there is always the threat that I may have coded and interpreted my results in a biased or subjective way. To guard against this, future studies should incorporate multiple
research assistants to provide checks on codes and themes. Unfortunately, I was not able to do this due to various constraints.

Lastly, I encountered several limitations because I used LexisNexis as my database. The articles on LexisNexis are merely presented in text form, which is a different experience from actually reading a newspaper. As a result, I was not able to analyze how an article was “packaged”. Future studies should not only scrutinize the text of an article, but also any pictures, the location of the article, etc. Also, as previously mentioned, the articles in LexisNexis only date back to the mid-1980s. Therefore, I was forced to eliminate every woman whose crime occurred before this time because otherwise, I would be evaluating an unfair and unbalanced representation. However, by doing this, it removed the possibility of including Karla Faye Tucker in my sample. Tucker’s narrative is an important one to include in the death penalty discussion, because she is perhaps the most famous woman ever executed in the United States. Unfortunately, her story was not included in this study due to LexisNexis’ limitations.
6. CONCLUSION

Research concerning media representations of female perpetrators in death penalty-eligible cases is crucial and informative for several reasons. First, ordinary citizens rarely have direct access to death penalty cases and official legal reports. Thus, public information on these cases must be gathered from media accounts. In many circumstances, what news agents such as journalists put forth regarding a certain case may be all the information the public has on the crime. Secondly, newspapers are considered by many to be true and impartial. Many believe that what is presented in an article is an objective set of facts. What is included is all relevant and meaningful while anything that is left out is simply insignificant or unimportant. However, this view is idealistic and simply untrue. Reporters may appear to be unbiased agents, but articles are often injected with cultural and personal beliefs. Therefore, given these two points, it is clear that when dealing with media reports, it is important to not only understand but also assess what is neatly introduced to us.

By solely relying on these accounts, readers may begin to develop certain beliefs regarding acceptable behavior. To a certain extent, the media dictates what is right and what is wrong. Scrutinizing articles on women who have broken the law provides a socialization factor by revealing societal beliefs regarding proper female behavior. Farr (1997) has argued that capital crimes committed by women are more similar to non-capital crimes committed by women than capital murders committed by men. Clearly then, what we deem to be completely unacceptable behavior for a
man may be different from what we deem to be intolerable for a woman. Furthermore, there must be something extraordinarily wicked about those women who do receive the death sentence. One might think that this wickedness stems from the details of the crime. Perhaps those women who received the death penalty participated in the most heinous crimes. Interestingly, this does not seem to be the case. After analyzing the articles written about 50 women in death penalty-cases, it appears that sentencing a woman to death has more to do with personal feelings than crime facts.

In the cases of these women, journalists shed light on how women should act by publicly condemning those who “misbehaved”. Articles were laced with cultural stereotypes on the responsibilities of good mothers and good wives. How these women aligned with (or defied) gender norms seems to have a direct impact on their sentences. Media representations were very much generalized in the stories of these women and specific caricatures resulted in each of the narratives.

For example, two women can be convicted of the same exact crime of murdering their child. However, they may receive drastically different sentences based on their outward emotions and state of mind. The mother who is in charge of her emotions, who was selfish and neglectful all along is labeled as ‘bad’ and she deserves the ultimate punishment. Meanwhile, the mother who is ‘mad’ deserves our leniency. She is a true woman who knows how to mother but in a way, she was so perfect that she lost herself. Therefore, these media accounts highlight for us the issues that are important when considering a possible death sentence.
It is understandable why a journalist may frame these stories in such uncomplicated and elementary terms. For one, these explanations are easier to write and straight-forward to grasp by the audience. By simply saying that a woman was bad, or that she was mad, there needs not be any further discussion on the matter. Moreover, these articles can easily be sensationalized, which will help sell papers. On the other hand, a story that contextualizes a woman’s crime and labels it as rational due to social pressures may not be as entertaining to read. Thus, the simplest explanation is the one that is usually offered.

I am not absolving these women of their crimes, nor am I saying that these law-breakers should not be condemned. However, I do believe that media reports of women in capital cases should avoid being so black and white. There may have been many factors as to why a woman committed a crime. By ignoring complicated issues and resorting to oversimplified explanations, gender norms and certain societal beliefs are not only revealed but also perpetuated. These articles reveal the types of women that are granted mercy. It appears that in order to be given full protection under the law, women must present themselves as helpless, irrational, and powerless beings. Otherwise, they should be punished to the fullest extent of the law.
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8. Appendix A: Women on Death Row

Women who have already been executed are listed in **BOLD**.

1. Alfaro, Maria del Rosio "Rosie"
2. Allen, Margaret
3. **Allen, Wanda Jean**
4. **Andrew, Brenda E.**
5. Andriano, Wendi
6. **Barfield, Velma**
7. Basso, Suzanne Margaret
8. **Beets, Betty Lou**
9. Blackmon, Patricia
10. **Block, Lynda Lyon**
11. Brookshire, Kelly Renee Gissendaner
12. Brown, Debra Denise
13. Brown, Tina Lasonya
14. **Buenoano, Judy**
15. Buenrostro, Dora Luz
16. Byrom, Michelle
17. Cardona, Ana
18. Cargill, Kimberly
19. Caro, Socorro
20. Carr, Emilia Lily
21. Carrington, Celeste Simone
22. Carty, Linda Anita
23. Caudill, Virginia
24. Chamberlin, Lisa Jo
25. Coffman, Cynthia Lynn
26. Cole, Tiffany Ann
27. Coleman, Lisa
28. Dalton, Kerry Lyn
29. Eubanks, Susan
30. Forde, Shawna
31. Frank, Antoinette
32. Gobble, Tierra Capri
33. Gonzales, Veronica
34. Henderson, Cathy Lynn
35. Holberg, Brittany Marlowe
36. Holmes, Brandy
37. Jennings, Patricia JoAnn
38. Johnson (Richards), Shonda Nicole
39. Lewis, Teresa Wilson
40. Lucio, Melissa Elizabeth
41. Martin, Valerie Dee
42. McAnulty, Angela Darlene
43. McCarthy, Kimberly Lagayle
44. McDermott, Maureen
45. Michaud, Michelle Lyn
46. Milke, Debra Jean
47. Montgomery, Lisa Marie
48. Moore, Blanche Kiser
49. Nelson, Tanya Jaime
50. Newton, Frances
51. Nieves, Sandi Dawn
52. Parker, Carlette Elizabeth
53. Pike, Christa Gail
54. Plantz, Marilyn
55. Riggs, Christina
56. Roberts, Donna Marie
57. Rodriguez, Angelina
58. Rottiers, Brooke Marie
59. Routier, Darlie
60. Row, Robin Lee
61. Samuels, Mary Ellen
62. Sarinana, Cathy Lynn
63. Scott, Christie Michelle
64. Sheppard, Erica Yvonne
65. Smith, Lois Nadean
66. Snyder, Janeen Marie
67. Tharp, Michelle Sue
68. Thompson, Catherine
69. Tucker, Karla Faye
70. Walter, Shonda Dee
71. Walters, Christina S.
72. Williams, Manling Tsang
73. Wuornos, Aileen
9. Appendix B: Women not on Death Row

1. Arnold, China P.
2. Berry, Kenisha
3. Bishop, Amy
4. Carlson, Doris
5. Charbonneau, Linda Lou
6. Cleland, Rebecca
7. Cloud, Lois Kay
8. Cooper, Dawn
9. Coy, Kathy
10. Curry-Demus, Andrea
11. Daniels, Sonya Marie
12. Delancy, Jessica Latrell
13. Demeniuk, Leslie Ormandy
14. Diar, Nicole
15. Dupre, Tracy
16. Edmundson, Kristen Marie
17. Ely, Charlie Kay
18. Fairchild, Deana Marie
19. Ferris, Melissa
20. Flanagan, April
21. Fledderjohann, Diana
22. Frasure, Therisa
23. Fulgham, Kristi Leigh
24. Garcia, Guinevere
25. Garvin, Kara
26. Gaster, Debra Joyce
27. Gilbert, Kristen
28. Glass, Shalinda
29. Golden, Sara
30. Griffin, Janet
31. Heard, Shawn
32. Horwitz, Donna
33. Huckaby, Melissa
34. Hudson, Cynthia
35. Hughes, Carla
36. Hulsey, Vicki
37. Hunt, Deidre
38. Isa, Maria
39. Jackson, Andrea
40. Jessee, Sandra
41. Johnson, Angela Jane
42. Johnson, Latasha
43. Kemmerlin, Christene
44. King, Carolyn Ann
45. Kuhn, Erin
46. Larzelere, Virginia
47. Lemak, Marilyn
48. Loveless, Melinda
49. Markman, Beth Ann
50. Marks, Taylor
51. Mata, Bernina
52. Mayes, Samantha
53. McBride, Judith Ann
54. McGlothen, Heather
55. Mercado, Jennifer
56. Moonda, Donna
57. Moore, Dee Dee
58. Moore, Valerie
59. Mulero, Marilyn
60. Murphy, Kelli Lynn
61. Neeley, Judith Ann
62. Nelson, Leslie
63. Novack, Narcy
64. Owens, Gaile
65. Pace-White, Kim
66. Petrosky, Andrea
67. Porter, Karla Louise
68. Provencio, Karen
69. Puente, Dorothea
70. Rearden, Virginia
71. Reid, Elva E.
72. Rhinehart, Tamara
73. Richardson, Chelsea Lea
74. Rivers, Delores
75. Seilhamer, Marie Louise
76. Sharrow, Christine
77. Shepard, Roxanna Lee
78. Shoeck, Stacey
79. Sifrit, Erika E.
80. Smith, Susan
81. Stark, Patricia Leigh
82. Stenson, Valerie
83. Synhavong, Phiengchai Sisouvanh
84. Taylor, Latonya
85. Telemachos, Katy
86. Tobie, Karen
87. Torrence, Tanya
88. Turner, Lynn
89. Voss, Catherina Rose
90. Watt, Miriam
91. Wines, Dawn
92. Wright, Daphne
93. Wright, Susan
94. Yates, Andrea
## 10. Appendix C: Sample of Death Row Women

<table>
<thead>
<tr>
<th>Name</th>
<th>State</th>
<th>Race</th>
<th>Date of Crime</th>
<th>Date Sentenced</th>
<th>Alone?</th>
<th>Relation</th>
<th>Race of Victim(s)</th>
<th>Articles</th>
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<tbody>
<tr>
<td>Alfaro, Maria del Rosio</td>
<td>CA</td>
<td>Latina</td>
<td>6/15/1990</td>
<td>7/14/1992</td>
<td>Yes</td>
<td>Friend's Sister</td>
<td>White</td>
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<tr>
<td>Andrew, Brenda E.</td>
<td>OK</td>
<td>White</td>
<td>11/20/2001</td>
<td>9/22/2004</td>
<td>No, boyfriend</td>
<td>Husband</td>
<td>White</td>
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<tr>
<td>Coleman, Lisa Ann</td>
<td>TX</td>
<td>Black</td>
<td>7/26/2004</td>
<td>7/7/2006</td>
<td>No, girlfriend</td>
<td>Girlfriend's son</td>
<td>Black</td>
<td>14</td>
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<tr>
<td>Name</td>
<td>State</td>
<td>Race</td>
<td>Date of Crime</td>
<td>Date Sentenced</td>
<td>Alone?</td>
<td>Relation?</td>
<td>Race of victim(s)</td>
<td>Articles</td>
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<td>Michaud, Michelle Lyn</td>
<td>CA</td>
<td>White</td>
<td>12/2/1997</td>
<td>9/25/2002</td>
<td>No, boyfriend</td>
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<td>White</td>
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<td>Rottiers, Brooke Marie</td>
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<td>White</td>
<td>8/28/2006</td>
<td>10/22/2010</td>
<td>No, 2 accomplices</td>
<td>None</td>
<td>Latinos</td>
<td>11</td>
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<tr>
<td>Row, Robin Lee</td>
<td>ID</td>
<td>White</td>
<td>2/10/1992</td>
<td>12/16/1993</td>
<td>Yes</td>
<td>Husband, son, daughter</td>
<td>White</td>
<td>6</td>
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<td>Sheppard, Erica Yvonne</td>
<td>TX</td>
<td>Black</td>
<td>6/30/1993</td>
<td>3/3/1995</td>
<td>No, 1 accomplice</td>
<td>None</td>
<td>White</td>
<td>12</td>
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<td>Snyder, Janeen Marie</td>
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<td>White</td>
<td>4/17/2001</td>
<td>9/7/2006</td>
<td>No, boyfriend</td>
<td>None</td>
<td>White</td>
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<td>Williams, Manling Tsang</td>
<td>CA</td>
<td>Asian</td>
<td>8/7/2008</td>
<td>1/18/2012</td>
<td>Yes</td>
<td>1 Husband, 2 Sons</td>
<td>1 White, 2 Mixed</td>
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11. Appendix D: Sample of Women who were not sentenced to death

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<th>Name</th>
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<th>Date Sentenced</th>
<th>Alone?</th>
<th>Relation?</th>
<th>Race of Victim(s)</th>
<th>Why she didn't receive DP</th>
<th>Articles</th>
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<tr>
<td>Arnold, China</td>
<td>OH</td>
<td>Black</td>
<td>8/30/2005</td>
<td>5/13/2011</td>
<td>Yes</td>
<td>Daughter</td>
<td>Black</td>
<td>Spared by jury</td>
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<td>Berry, Kenisha</td>
<td>TX</td>
<td>Black</td>
<td>11/29/1998</td>
<td>2/19/2004</td>
<td>Yes</td>
<td>Son</td>
<td>Black</td>
<td>Overturned</td>
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<td>Cleland, Rebecca</td>
<td>CA</td>
<td>Latina</td>
<td>7/26/1997</td>
<td>1/26/2007</td>
<td>No, 2 cousins</td>
<td>Husband</td>
<td>White</td>
<td>Prosecutor didn't seek</td>
<td>20</td>
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<td>Cloud, Lois Kay</td>
<td>AZ</td>
<td>White</td>
<td>12/9/1997</td>
<td>8/13/2010</td>
<td>No, hired killer</td>
<td>Husband</td>
<td>White</td>
<td>Spared by jury</td>
<td>40</td>
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<td>Daniels, Sonya Marie</td>
<td>MD</td>
<td>Black</td>
<td>10/19/2002</td>
<td>2/3/2005</td>
<td>Yes</td>
<td>Acquaintance</td>
<td>2 Blacks</td>
<td>Prosecutor didn't seek</td>
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<td>Dupre, Tracy</td>
<td>PA</td>
<td>White</td>
<td>7/11/2001</td>
<td>8/22/2002</td>
<td>Yes</td>
<td>Daughter</td>
<td>White</td>
<td>Spared by jury</td>
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<td>Fairchild, Deana Marie</td>
<td>FL</td>
<td>White</td>
<td>7/21/1996</td>
<td>8/28/1997</td>
<td>No, son</td>
<td>Boyfriend &amp; his parents</td>
<td>White</td>
<td>Spared by jury</td>
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<tr>
<td>Frasure, Therisa</td>
<td>OH</td>
<td>White</td>
<td>7/12/1995</td>
<td>2/12/1997</td>
<td>No, girlfriend</td>
<td>Elderly landlady</td>
<td>White</td>
<td>Spared by jury</td>
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<td>Garcia, Guinevere</td>
<td>IL</td>
<td>Latina</td>
<td>7/24/1991</td>
<td>10/9/1992</td>
<td>Yes</td>
<td>Husband</td>
<td>Latino</td>
<td>Overturned</td>
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<td>Horwitz, Donna</td>
<td>FL</td>
<td>White</td>
<td>9/3/2011</td>
<td>1/17/2013</td>
<td>Yes</td>
<td>Ex-husband</td>
<td>White</td>
<td>Spared by judge</td>
<td>11</td>
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<tr>
<td>Hughes, Carla</td>
<td>MS</td>
<td>Black</td>
<td>11/29/2006</td>
<td>10/14/2009</td>
<td>Yes</td>
<td>Lover's fiance</td>
<td>Black</td>
<td>Spared by jury</td>
<td>12</td>
</tr>
<tr>
<td>Name</td>
<td>State</td>
<td>Race</td>
<td>Date of Crime</td>
<td>Date Sentenced</td>
<td>Alone?</td>
<td>Relation?</td>
<td>Race of Victim(s)</td>
<td>Why she didn't receive DP</td>
<td>Articles</td>
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<td>Kemmerlin, Christene</td>
<td>NC</td>
<td>White</td>
<td>3/24/1999</td>
<td>10/18/2000</td>
<td>No, hired killer</td>
<td>Husband</td>
<td>White</td>
<td>Overturned</td>
<td>8</td>
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<td>Markman, Beth Ann</td>
<td>PA</td>
<td>White</td>
<td>10/4/2000</td>
<td>10/12/2010</td>
<td>No, boyfriend</td>
<td>Boyfriend's ex-girlfriend</td>
<td>White</td>
<td>Overturned</td>
<td>14</td>
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<td>Mulero, Marilyn</td>
<td>IL</td>
<td>Latina</td>
<td>5/12/1992</td>
<td>11/12/1993</td>
<td>No, 2 women</td>
<td>Gang rivalry</td>
<td>Latino</td>
<td>Overturned</td>
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<td>Murphy, Kelli Lynn</td>
<td>CO</td>
<td>White</td>
<td>5/23/2011</td>
<td>11/27/2012</td>
<td>Yes</td>
<td>Children</td>
<td>White</td>
<td>Prosecutor didn't seek</td>
<td>15</td>
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<td>Shepard, Roxanna Lee</td>
<td>MT</td>
<td>White</td>
<td>7/28/2003</td>
<td>9/21/2004</td>
<td>No, 3 accomplices</td>
<td>Acquaintance</td>
<td>White</td>
<td>Plea agreement</td>
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<td>Taylor, LaTonya</td>
<td>TN</td>
<td>Black</td>
<td>7/20/2000</td>
<td>9/28/2004</td>
<td>No, boyfriend</td>
<td>Acquaintance</td>
<td>2 White, 1 Black</td>
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<td>Telemachos, Katy</td>
<td>FL</td>
<td>White</td>
<td>7/22/1990</td>
<td>12/20/1991</td>
<td>No, boyfriend</td>
<td>Father</td>
<td>White</td>
<td>Judge gave her life sentence</td>
<td>6</td>
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</tbody>
</table>
12. APPENDIX E: Newspaper Article Reference List


(1992, April 2). Baby lollipops’ mom sentenced to death. Palm Beach Post, pp. Section A, 1A.


(2000, October 22). Allen says she has been forgiven and is prepared to die for killing. The Associated Press State & Local Wire, pp. State and Regional.


(2013, January 10). Defense plans to blame son; A Jupiter woman is accused of murdering her former husband. *Palm Beach Post*, pp. Local & Business, 1B.


Boone, R. (2010, August 7). Death row inmate appeals sentence: Robin Lee Row is the only woman awaiting execution in Idaho; she was sentence for murdering husband, two kids. *Lewiston Morning Tribune*.


Illescas, C. (2012, November 15). Defense: Suicide plan was original motive. *Denver Post*, pp. A Section, 4A.


