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Online news media and the framing of the executions under the Trump administration

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ABSTRACT

The federal government executed thirteen individuals in the last seven months of the Trump administration. While American media discourse in 2020 was focused largely on other events such as the COVID-19 pandemic and the presidential election, the news media nevertheless served as a key source of information about the executions to the American public. This study examines accounts of the executions from online news sources in order to identify the ways in which news outlets that lean to opposing ends of the political spectrum framed the executions. A thematic content analysis shows that the executions were discussed in the context of major events of the time, including the presidential election, the pandemic, and demonstrations calling for racial justice. News sources that lean to the political left tended to frame the executions as a political move by President Trump, who was backed by a conservative Supreme Court while neglecting more pressing issues like managing the pandemic. Right-leaning sources were more likely to frame the executions as over-due justice that had been unnecessarily delayed by frivolous lawsuits and baseless claims of racial injustice. Implications for public support and the future of capital punishment are discussed.

In July 2020, the United States federal government executed a death-row inmate for the first time in seventeen years. Over the next seven months, the Department of Justice (DOJ) under the direction of the Trump administration executed a total of thirteen inmates. These executions were notable for a number of reasons. Not only was this this the most executions by a single presidential administration in the modern era of the death penalty, it was the most in well over a century. Furthermore, the federal government executed six inmates after Donald Trump lost the election in November 2020, marking the first time that the federal government conducted executions during a presidential transition period since the administration of President Grover Cleveland in the 1890s.

News of these executions was an important part of the American media discourse of the time. The media serve as the chief source of information about the death penalty to most Americans (Haney 2009; Yanich 1996). The 2020 media landscape was unique in that it was dominated by a relatively small number of immensely high-profile phenomena. Notably, the COVID-19 pandemic was a chief concern of the news media, followed by events such as the 2020 presidential election and the murder of George Floyd by a police officer and the resulting demonstrations calling for criminal justice reform. News outlets reported the federal executions alongside these major events.

The executions are also notable because they occurred at a time that the country may be trending toward the abolition of capital punishment. Public opinion polls reveal that although a majority of

Americans supports the death penalty, support has been declining over the last few decades with younger generations showing below-average support for capital punishment (Baumgartner 2021; Jones 2020). When given the choice between capital punishment or life without parole for convicted murderers, support for capital punishment drops substantially. A number of states have abolished the death penalty in recent years, most recently Virginia in March 2021 (Carlisle 2021). The number of states without death penalty statutes is currently at 23 (Death Penalty Information Center 2021), with a number of additional states currently holding moratoria on executions (Tabak 2021).

Why would the federal government go forward with an historical number of executions despite declining support for the death penalty and a pandemic ravaging the nation? To many people, the answer is politics. Donald Trump has consistently lauded himself as the 'law and order' candidate, vowing to get tough on crime (Drakulich et al. 2017). Critics have cited this desire to be tough on crime as Trump's reason for reinstating the federal death penalty, especially in a presidential election year (see Berman and Zapotosky 2020; Kim 2019). Support for the death penalty has historically been politicized, with liberals generally being opposed to the death penalty and conservatives more likely to support it (Bohm 2017; Sarat 2001).

The current study examines news accounts of the thirteen executions conducted under the Trump administration in order to determine how they frame the death penalty and issues surrounding it. The current study is particularly interested in how news sources that lean to different ends of the political spectrum frame the executions and examines online news sources, which may be particularly prone to political bias (Jurkowitz et al. 2020). It also makes a distinction between objective news articles and those that offer commentary on the federal executions. The study draws from theoretical perspectives on collective action framing (see Snow and Benford 1988; Benford and Snow 2000) in order to identify how different types of news sources frame the problems surrounding the recent executions, such as who is blamed for these problems and what is posited as a potential solution. In doing so, this study seeks to shed light on the ways that different sides of the political spectrum understand modern capital punishment.

Theoretical background

The media play an important role in shaping public understandings of crime and the criminal justice system. According to Quinney (1970), the process of mass communication is key to the dissemination of criminal definitions throughout society. Since relatively few people have first-hand experience with crime and crime control, the media serve as the primary source of information about crime to the public (Surette 2015; Pickett et al. 2015). This is potentially troubling, as the media are liable to offer a distorted view of crime and justice to their audiences (Quinney 1970; Graber 1980).

One way that the media distort the reality of crime is through framing. Robert M. Entman describes the process: 'To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation' (1993, 52). Since journalists cannot report on every single detail of a given phenomenon, they must select specific details to include in their reports; in doing so, they highlight a specific slice of the reality of the phenomenon that is disseminated to the public. For instance, on the issue of crime, the media have shown a tendency to frame crime as a violent phenomenon by placing an emphasis on reporting violent crimes and making these incidents seem particularly salient by implying a risk of personal violent victimization to the media audience (Graber 1980; Jewkes 2015).

The messages transmitted to the audience by the media are amalgamations of several discursive elements that change over time. Gamson and Modigliani (1989, 2) use the term 'interpretive packages' to describe the 'metaphors, catchphrases, visual images, moral appeals, and other symbolic devices' that fashion the popular discourse on different topics (see also Gamson 1988). They conceive of media discourse as interpretive packages that have a central frame that suggest what is at issue. Altheide (1997, 648) suggests that American media promote a 'problem frame' that

promotes a 'discourse of fear' and a belief that danger and risk are a common feature of our everyday lives. This is especially evident given the prevalence of crime news and programs in the media. By framing crime phenomena as problems that potentially affect the lives of their audiences, media outlets create a hook that draws in and entertains audiences (see also Altheide 2013).

Benford and Snow's (2000) research on collective action frames further identifies some of the characteristics of effective frames. Rooted in the literature on social movements, their conceptualization of collective action frames refers to the framing of an issue aimed at inspiring a specific communal reaction to the issue. These collective action frames are comprised of interpretive packages similar to the media packages described by Gamson and Modigliani (1989). Organized around a unifying theme, these packages aim to lead an audience to think a certain way about an issue or problem. Benford and Snow (2000; see also Snow and Benford 1988) identify three types of frames, each with a core task within the frame package: attributional frames, prognostic frames, and motivational frames. Attributional or diagnostic frames identify the problem that is at the core of the frame package and identify who or what is to blame for the problem. Prognostic frames offer a solution to the problem. Motivational frames serve as a 'call to arms' aimed at driving an audience to action in taking up the proposed solution to ameliorate the specified problem.

Both Gamson and Modigliani (1989) and Benford and Snow (2000) are clear that there is no frame without a counterframe, or an adversarial framing of the same issue. Just as one interpretive package may push a specific understanding of a problem, an adversarial package may contest that framing and push a different understanding of the same problem. Beckett's (1997) examination of crime issue packages in the media finds that different sources push different – often contesting – interpretive packages. She finds that newspaper articles that rely on state-sponsored sources tend to push a 'respect for authority' package that places the blame for the crime problem on the breakdown of respect for authority and personal accountability in society. Conversely, articles that chiefly use non-state sponsored sources tend to push a 'poverty causes crime' package that cites social problems like poverty and inequality as the cause of crime.

For a politically divisive issue like the death penalty, it is possible that different media sources will offer starkly different framings of the issue. This is particularly true given the political polarization of the modern media. Media audiences on either side of the political spectrum tend to seek out and consume media that most closely aligns with their political viewpoint (see Jurkowitz et al. 2020; Mitchell et al. 2014). This is particularly true of online news source that often times advertise their political slant. For example, the 'About' sections of the *Daily Wire* and *National Review* websites clearly identify themselves as sources of conservative news. Media research groups have sought to identify the degree to which news outlets lean to the political left or right in an effort to educate media consumers of the potential bias inherent in the media they may consume (Ad Fontes Media 2021; AllSides 2021). It is likely that a liberal or conservative news source will frame the death penalty in line with liberal or conservative viewpoints on the death penalty, respectively.

Prior research

Crime is a very important topic in the news media. Multiple studies have revealed that news outlets devote an inordinate amount of attention to crime over other topics (Jewkes 2015; Surette 2015). They place particular focus on crimes that are extraordinary and sensational, as these events are likely to grab the attention of potential audiences (Graber 1980; Potter and Kappeler 1998; Jewkes 2015). Research on reporting patterns has revealed that the media emphasize crimes that are violent and contain an element of risk, such as a murder in which the suspect has yet to be apprehended (Jewkes 2015). News outlets also tend to frame crime incidents episodically, treating crime incidents as discrete events and forgoing any discussion of social or systemic issues that may have led to the crime (Surette 2015). The result is a framing that casts crime as particularly violent, rampant, and random (see Reiner 2002).

It is important to consider the ways in which the media frame the death penalty. Since the administration of the death penalty largely takes place outside of public view, the media is the chief source of information about the death penalty to the American public (Haney 2009; Yanich 1996). The media framing of the death penalty not only has the ability to shape public opinion on the death penalty (Dardis et al. 2008; Domke, Shah, and Wackman 1998; Iyengar 1991; Nelson and Oxley 1999), but it can also shape perceptions of potential jurors (Haney and Greene 2004; Haney 2009) as well as actors in the criminal justice system (Bandes 2004).

Death penalty cases are also particularly newsworthy. Since many capital cases involve heinous crimes, they satisfy the news media's desire to report extraordinary violent crimes (Williams 2007; Haney 2009). Capital cases also have a high degree of drama, as the defendant's life is at stake, giving them shock value (Bandes 2004). Executions may be particularly attractive for reporting, as the drama value is higher since death is imminent. Executions are also generally easier to report, as the facts of the case have already been investigated for previous news reports (Yanich 1996). Despite the inherent news value to capital cases, coverage of them is generally localized and tends to not receive national attention (Jacoby et al. 2008; Williams 2007).

Research has also identified patterns in the ways that the news media report capital cases. A consistent finding is that news reports tend to rely on official sources such as police and prosecutors for information on the case (Bandes 2004; Haney and Greene 2004; Lipschultz and Hilt 1999; Bakhshay and Haney 2018). This is in keeping with general reporting of crime (Beckett 1997; Frost and Phillips 2011) and has the potential to skew the narrative to the viewpoint of agents of the criminal justice system. Coverage of capital cases tends to concentrate on the pretrial phase, especially the initial crime and investigation, and the guilt phase of the trial wherein the guilt/innocence of the defendant hangs in the balance (Haney and Greene 2004). Pretrial coverage of these cases contains overwhelmingly negative depictions of the defendant and has the potential to bias prospective jurors (Bakhshay and Haney 2018). In discussing public opinion on the death penalty, the media tend to overstate public support of capital punishment without reporting support for alternate sentences, like life without parole (Niven 2002).

Researchers have also investigated the ways that the news media frame capital crimes and defendants. Like the reporting of crime in general (Surette 2015), the framing of capital cases is largely episodic and avoids discussions of offender background or social context that may help to explain why the crime occurred (Bandes 2004; Haney and Greene 2004; Lipschultz and Hilt 1999). The media rarely frame capital defendants in a sympathetic manner (Haney and Greene 2004). Journalists tend to place emphasis on the aggravating factors that illustrate the depravity of the crime (Sandys and Chermak 1996) rather than the mitigating factors that may cast the defendant as less worthy of death (Haney 2009). Overall, the news media tend to sensationalize accounts of both the crime and the defendant (Bakhshay and Haney 2018).

There are also themes in the reporting of capital cases that may signal a value orientation towards support or opposition to the death penalty. For example, one such theme focuses on closure. Actors in the process of capital punishment – especially prosecutors – often cite the victims' families' need for closure as the impetus for seeking the death penalty (Bandes 2004; Berns 2009; Zimring 2003). The logic of this theme is based in retribution; only by taking the life of a killer can we guarantee that justice is achieved and allow the families of the victims to move on with their lives. Another important theme that has emerged more recently is an innocence frame that highlights the potential and likelihood for innocent individuals to be sentenced to death and executed (Sarat et al. 2017; Unnever and Cullen 2005). Such a framing of the death penalty has become a powerful tool of death penalty opponents and has been cited as a key reason for declining public support for the death penalty in recent decades (Baumgartner, De Boef, and Boydstun 2009; Dardis et al. 2008).

However, the connection between media consumption and support for the death penalty tends to suggest that heavy consumers of various types of media are *more* likely to support the death penalty. It is likely that the tendency of the media to frame crime as violent, rampant, and random inspires audiences to favor solutions to crime that are particularly punitive (Baranauskas and

Drakulich 2018). Support for the death penalty has been linked to the consumption of television news (Baranauskas and Drakulich 2018; Britto and Noga-Styron 2014; Dardis et al. 2008), crime dramas (Britto and Noga-Styron 2014; Holbert, Shah, and Kwak 2004; Kort-butler and Hartshorn 2011), and reality-based crime programs (Britto and Noga-Styron 2014; Holbert, Shah, and Kwak 2004). Research has also linked media consumption to punitive attitudes more generally (Demker et al. 2008; Grabe and Drew 2007; Kleck and Jackson 2017; Roche, Pickett, and Gertz 2016; Sotirovic 2001).

A small amount of research has examined the potential differential framing of capital punishment by news sources that align with opposite ends of the political spectrum. Kim and Kwon's (2010) examination of the reporting of capital punishment by South Korean newspapers takes the newspapers' political orientation into account. They find that liberal newspapers were more proactive in pushing their views on the death penalty while conservative newspapers were more objective and less likely to take a stance for or against the death penalty. They offer no other discussion of how the newspapers of different orientations frame the death penalty.

There is reason to believe that the framing of the death penalty by left-leaning news sources will differ substantially from the framing of the death penalty by news sources that lean to the political right. Both sides of the political spectrum have pushed views on the death penalty that align with their respective political ideologies. Liberals tend to be opposed to the death penalty (Britt 1998; Bohm 2017; Ogletree and Sarat 2009); their opposition is generally rooted in concerns that the death penalty is inhumane and violates human rights, that there is racial and class-based discrimination inherent in the administration of the death penalty, and that innocent people are wrongly convicted and sentenced to death. On the other hand, conservatives are generally supportive of the death penalty (Bohm 2017; Jacobs and Carmichael 2002; Sarat 2001; Soss, Langbein, and Metelko 2003), citing a desire for retributive justice and a need for tough sanctions in order to deter crime as key reasons to support capital punishment. There is, however, evidence that the attitudes of some conservatives may be shifting towards opposition. Modern conservatives have cited the excessive costs of the death penalty, a dedication to a pro-life stance, and concern for government overreach – particularly in regard to sentencing innocent people to death – as reasons why opposition to the death penalty more closely aligns with conservative values (Radelet 2009).

The current study investigates the ways that the news media frame the death penalty in the context of the thirteen executions conducted by the Trump administration from July 2020 to January 2021. These executions offer a unique opportunity to examine the framing of the death penalty for several reasons. First, these executions represent an anomaly in the administration of the death penalty, as they ended a 17-year hiatus on federal executions and were conducted as a number of states have scaled back on their use of the death penalty. Second, the fact that they were undertaken during the administration of President Donald Trump – one of the more politically polarizing presidents in recent memory – indicates that differences in framing these executions by news sources of different political orientations may be particularly evident. Finally, the social context of these executions is noteworthy. Not only were they conducted during a global pandemic and in the midst of a hotly contested presidential election, but they also occurred in the wake of massive demonstrations for criminal justice reform and racial justice following the murder of George Floyd and killings of Breonna Taylor, Daniel Prude, and other unarmed Black Americans by police. The current study examines the framing of capital punishment by the news in the context of these important events.

The news medium that this study examines is online news. Not only has online news become the chief source of news for many Americans (Research Center 2021), but the political polarization of online news is particularly evident. The internet has allowed for a greater variety of voices to reach a massive audience. This glut of information has led to the emergence of crime narratives that fall along all points of the political spectrum and a tendency for media consumers to choose the sources that most closely confirm their worldview (see Jewkes 2015; Jurkowitz et al. 2020). It is expected that news sources that lean to the political left will contain framings of the death penalty that more

Table 1. Online news sources.

Left-leaning Sources			Right-leaning Sources		
Name	Number of articles reporting any of the executions	Number of articles in sample	Name	Number of articles reporting any of the executions	Number of articles in sample
The Atlantic	2	1	The American Conservative	0	0
CNN	49	15	The American Spectator	0	0
Common Dreams	26	11	The Blaze	0	0
Counter Punch	1	1	Breitbart	8	4
The Daily Beast	3	1	CBN	0	0
The Guardian	19	6	Christianity Today	0	0
Huffington Post	32	8	The Daily Caller	24	7
Jezebel	3	2	The Daily Wire	19	10
Mother Jones	11	4	The Dispatch	0	0
MSNBC	1	0	The Federalist	3	2
The Nation	8	2	Fox News	28	7
NBC	19	6	Judicial Watch	0	0
The New York Times	31	12	MRC Newsbusters	1	0
The Progressive	2	1	National Review	11	4
ProPublica	2	0	New York Post	35	18
Raw Story	3	3	Newsmax	8	3
The Root	7	1	Rasmussen Reports	0	0
Slate	6	3	Real Clear Politics	1	0
Sojourners	4	1	Reason	19	11
The Washington Post	36	15	The Washington Free Beacon	14	9
The Week	12	5	The Washington Times	41	14
Vox	4	2	Washington Examiner	31	11
Total	281	100	Total	243	100

closely align with the liberal perspective described above, while news sources that lean to the political right will more closely align with the conservative perspective.

Methods

Data

A thematic content analysis was conducted in order to explore the framing of the Trump executions by online news sources. I sought to obtain articles from a variety of online news outlets. In order to obtain articles from both right- and left-leaning news sources, I consulted websites that categorize news sources based on their political leanings (Ad Fontes Media 2021; AllSides 2021). Based on these categorizations, an equal number of right- and left-leaning online news sources were selected (see Table 1). All of the news sources are based in the United States.

In order to obtain articles, I used the search function on each news outlet's website to search for the names of each of the thirteen individuals executed by the Trump administration. The articles

were published in a time range starting in June, 2019 when the DOJ announce that it would resume executions until the end of February 2021, over a month after the last execution occurred. The search resulted in 281 articles from the left-leaning sources and 243 articles from the right-leaning sources. From these, I chose a random sample of 100 articles each from the left- and right-leaning sources for a total of 200 articles. I ordered the articles in each group chronologically by date of publication and selected every third article. In each group, additional articles were selected at random to get to 100 articles from each group. By selecting 100 articles from each group, it created a sample that consisted of a substantial portion of the total population that spanned the reporting period without being too cumbersome for the qualitative analysis.

The articles ranged in length from 172 words to 2519 words. The left-leaning articles averaged about 994 words while the right-leaning articles averaged 612 words. The sample also contained a number of articles that were more based in opinion or editorializing than straight reporting of the facts. The sample contained 34 of these commentary articles – 19 from left-leaning sources and 15 from right-leaning sources. The commentary articles contained an average of 1142 words with the left-leaning articles being slightly longer on average.

Coding and analysis

The goals of the coding procedure were to determine themes used by the news articles in discussions of the executions and identify patterns in these themes across news sources of opposing political orientations. In order to do this, multiple rounds of coding were employed. In the first round, I read through the articles and identified general themes. Many of these themes related to important contemporary events, such as the presidential election and the COVID-19 pandemic. Other themes focused on the role of various actors in the administration of the death penalty, such as President Trump and the Supreme Court. Other themes referred to important general issues in the administration of the death penalty, such as racial disparities and for miscarriages of justice.

Once themes were identified, I once again read through the articles in order to classify text from the articles into the various themes. Using NVIVO qualitative data analysis software, I highlighted any text that was relevant to a given theme and classified it into the corresponding theme (or 'node' according to the NVIVO terminology). NVIVO also allowed me to classify the news articles according to their political leaning. I then ran queries that allowed me to examine each theme's text per type of news article (for example, descriptions of race by the left-leaning news sources).

In the final round of coding, I read through the query results in order to identify patterns in each theme. I also compared these thematic patterns across left- and right-leaning articles. For example, after identifying patterns in the ways that the articles discuss race and the death penalty, I compare the patterns the ways that the left-leaning news sources discuss race to the ways that the right-leaning sources discuss race. I also noted when the article contains straight reporting or commentary on the topic.

The identification of thematic patterns was guided by the theoretical framework on collective action frames (see Benford and Snow 2000). I treat the themes that I identified as interpretive packages. For each theme, I sought to determine a problem identification related to the death penalty and the corresponding attributional, prognostic, and motivational frames used by the articles. The analysis includes a comparison of the frames used by the left- and right-leaning sources in order to determine not only how each type of news source framed important issues surrounding the Trump executions, but also how the issues were counterframed by news sources of opposing political orientation.

Results

There are overall many similarities in the vast majority of the information conveyed by both the left- and right-leaning news sources. News articles of all political orientations report the facts of the cases

and the timeline of reinstating the death penalty in a similar manner. They rely on a variety of sources of information, both the prosecutorial side (in this case, the DOJ) and sources on the side of the inmates, including their lawyers and other advocates. There are also similarities in the quotations presented by decision-makers in the process, including Attorney General William Barr and the various judges who made rulings on the cases.

Both left- and right-leaning sources present arguments both for and against the death penalty. They tend to cite both DOJ representatives and anti-death penalty advocates to portray opposing takes on capital punishment. The left-leaning sources, however, tend to present a greater variety of arguments against the death penalty, including instances where the victims' families do not want the death penalty, concerns about the lethal injection protocol, and concerns that the federal government is diverging from state and global trends by reinstating the death penalty (see Baptiste 2019; Claiborne 2019).[1] The right-leaning sources mainly focus on arguments against the death penalty that align with the conservative perspective, including pro-life reasoning based in religious dogma as well as concern about government overreach (see Lopez 2020; Williams 2020; Shackford 2020). The left-leaning sources largely describe public support for the death penalty as declining (see Kim 2019; Williams 2019), indicating a shift in the reporting of public opinion from previous studies (see Niven 2002). The right-leaning sources are more likely to point out that a majority of Americans still support the death penalty despite the decline in support. In discussing then President-elect Joe Biden's stated opposition to the death penalty, one commentary article from *The Washington Free Beacon* notes that '[actions against the death penalty] could see Biden opposing the majority of Americans, who favor capital punishment' (Lehman 2021).

In the analysis of the articles, three major themes emerge that center around major events of 2020: the end of the Trump administration, the COVID-19 pandemic, and public demands for racial justice. The following sections focus on each of these themes, highlighting differences in the ways that the left- and right-leaning news sources frame the federal death penalty in the context of these major events.

Politics as usual: Donald Trump and the courts

The Trump administration plays an important role in narratives presented by all of the news sources. Both left- and right-leaning sources cite Donald Trump's desire to reinstate the federal death penalty as a chief reason for the resumption of executions. They note that conducting executions is likely a move to show that he is tough on crime, especially given the timing of the executions in the lead-up to a presidential election. The news sources also note that Trump has been consistent in his support of the death penalty over time, with a number of the articles noting Trump's calls for New York to reinstate the death penalty in reaction to the rape of a jogger in Central Park in 1989, for which five young men were wrongly convicted (see Kaur 2020; Lehman 2019).

A chief difference in the framing of Trump's role in the executions across the types of news sources is that the left-leaning sources are far more critical of Trump's decision to reinstate the death penalty. A chief source of criticism is the urgency with which the Trump administration sought to carry out the executions and the frequency with which the administration executed a relatively large number of inmates in a short period of time, with multiple articles referring to the executions as an 'execution spree' or 'killing spree' (Baptiste 2020a). One headline from *The Daily Beast* reads, 'Unmoved Trump Allows Inmate Championed by Kim K. to Become Ninth Victim of Pre-Biden "Killing Spree"' (Suebsaeng 2020). Trump is also criticized for continuing with executions in light of other matters that many believe should be a priority over executions, including controlling the COVID pandemic and addressing racial injustice (see below).

The left-leaning sources use Trump as a key attributional frame, blaming him for the hasty resumption of executions. These articles present two potential solutions to Trump's 'killing spree': legal challenges filed by the inmates scheduled to be executed and the incoming Biden administration. The courts are touted as the most evident check on the Trump administration's power to

execute, especially before the November election. A number of the executions were initially stayed by federal courts for a variety of reasons, including concerns about the legality of the lethal injection protocol that was to be used (see Berman & Fynn, 2019; Swoyer 2019).

While the left-leaning sources frame the courts as a solution to the spree, the right-leaning sources frame the courts in an attributional manner, blaming them for acting as a roadblock to carrying out death sentences that had been determined with all due process. One conservative commentary article notes, 'Obama-appointed judges have been conjuring up roadblocks for this lawful Trump-administration initiative – just as they have imperiously done in connection with various other Trump policies' (McCarthy 2020). They attack the legal challenges as frivolous and an affront to the will of the people. Much of their ire is placed on Judge Tanya Chutkan, an Obama-appointed[2] judge who made many of the rulings that stayed the executions (see Lehman 2020a) and is described as 'a thorn in the side of the Trump administration since it began its efforts to restart the federal death penalty' (Lehman 2020b). The conservative solution is to turn to higher courts – notably the Supreme Court – to allow the executions to continue.

The framing of the courts shifts markedly following the input of the Supreme Court. For all cases, the Supreme Court allowed the executions to move forward, often issuing last-minute rulings in the middle of the night that were unsigned (though it is clear that the conservative justices were in the majority on these decisions since the liberal justices consistently issued dissenting opinions). At this point, the left-leaning news sources shift the blame onto the Supreme Court for allowing the executions to occur. They criticize the Court for acting as a puppet for the Trump administration, rubber-stamping the executions without giving the legal challenges fair consideration (see Stern 2020). One commentator from *The Huffington Post writes*, 'At a time when the Supreme Court should have served as a check on the executive branch's zealous pursuit of capital punishment, it instead rubber-stamped the killings, lending a false sense of legitimacy to the process' (Schulberg 2021). In some instances, more criticism is cast toward the Supreme Court for failing to fulfill their duty as a check on executive power than on the president himself. This is particularly evident in a dissent written by Justice Sonia Sotomayor to the Court's decision to let the execution of Dustin Higgs, the last to be executed, to continue. The left-leaning sources highlight Sotomayor's dissent, in which she writes:

> Throughout this expedited spree of executions, this Court has consistently rejected inmates' credible claims for relief . . . [The Court has] repeatedly sidestepped its usual deliberative processes, often at the Government's request, allowing it to push forward with an unprecedented, breakneck timetable of executions
> *(*United States v. Higgs*, 2021; cited in Reyes 2021; Schulberg 2021; Stern 2021).*

The only mention of Sotomayor's dissent by the right-leaning sources was by *Reason*, a news site that subscribes to libertarian views – for instance, that the death penalty represents an abuse of government power – and showed to be largely opposed to the death penalty (Shackford 2021). In this case, the commentary by *Reason* joins the left-leaning sources in criticizing the Supreme Court for not acting as a check on executive power. The more common theme among conservative articles toward the Supreme Court is that it allowed the executions to continue despite dissent from the liberal justices on the Court (see Lehman 2020b; Moore 2020).

The other proposed solution to Trump's 'killing spree' is the incoming Biden administration. Both left- and right-leaning sources note that Biden is publicly against the death penalty, often citing the stated position on his campaign website that he opposes the death penalty due to concerns about wrongful conviction and that as president he would work to abolish the death penalty on the federal level (see Bellware 2020; Best 2020). Both types of sources also note that this is a change from Biden's previous stance on the death penalty, as the Federal Death Penalty Act of 1994 that he sponsored as a senator is the legal basis for many of the current inmates' death sentences (see Baptiste 2020a). As one conservative commentary article points out, 'It wasn't Trump who sponsored that law in 1994; it was Joe Biden' (Harsanyi 2020).

Once Joe Biden won the election in November 2020, the Trump administration continued to schedule and carry out executions. This opened a new avenue for left-leaning sources to criticize Trump, as it is an historical anomaly for a president to carry out executions during the transitional period between administrations (see Carrega 2020a; Berman and Zapotosky 2020). The criticism largely rests on the increasing haste with which the executions were carried out in order to ensure that they were completed before Biden takes office. As stated by an article published by *The Root*, 'The administration is now rushing to try to kill five more people ... during Trump's lame duck period, fully aware that Biden opposes the death penalty' (Branigin 2020). Many note that the final executions were scheduled for and conducted just days before Biden's inauguration. The right-leaning sources were more neutral in reporting the executions that occurred after Biden won the election, noting that more executions are scheduled before Biden – who is currently against the death penalty – takes office (see Best 2020).

After the inauguration, a number of left-leaning news sites published retrospective pieces that lament the executions and criticize both Donald Trump and the Supreme Court for their part in them. One author for *The New York Times* writes, 'Trump showed the power one man can have over life and death even in a democracy' and criticized the Supreme Court for 'midnight reversals, executions carried out beneath a shroud of unfinished litigation, the questions about the cruelty of lethal injections left unresolved' (Bruenig 2021). Others highlight the possibility for change in capital punishment, with some optimistic that President Biden will follow through on his promise to abolish the death penalty. Others emphasize caution with this optimism; as noted by a commentary article in the *Huffington Post*, '[T]he judges who failed to use their tremendous power to save lives may remain in their posts for years to come' (Schulberg 2021).

Executions in the time of COVID-19

All types of news sources are cognizant of the fact that the federal executions under the Trump administration were being conducted during a global pandemic. A number of events in the timeline of executions were directly impacted by COVID. For instance, COVID is cited as a reason for delays of some of the executions, including the first inmate to be executed, Daniel Lewis Lee. The family of his victims filed for a stay of execution until the pandemic subsided so that they could travel to attend the execution without fear of contracting the virus (see de Vogue, Duster, and Shortell 2020; Mack 2020).[3] In another case, the lawyers for Lisa Montgomery successfully received a temporary stay after they contracted the virus while visiting her in a federal prison (see Ortiz 2020b; Quintanar 2020). The news articles also note that a number of individuals involved in these cases tested positive, including some inmates, execution team members, and spiritual advisers (see Fuchs 2020; Soellner 2020). There was even a lawsuit filed by non-death row inmates at the federal correctional facility in Terre Haute, Indiana (where the executions took place) asking that the executions be stopped, as the influx of people into the facility for the executions put all of the inmates at risk for contracting COVID (see Schulberg 2020).

While both left- and right-leaning sources note the risks of undertaking executions during a pandemic, the left-leaning sources frame the risks more broadly. While both mention that inmates are at risk for contracting the virus, the left-leaning articles highlight the risk to other actors, such as prison staff and the community at large. As noted by *Huffington Post*, 'Lawyers, family of the condemned and the victims, members of the media, and demonstrators also travel from out of town to the executions, creating prime superspreader events' (Schulberg 2020). The only mention of the executions as 'superspreader' events by the right-leaning articles is in a piece by *New York Post* published in February 2021, after all of the executions had been conducted (Levine 2021). This pattern is consistent with greater political reactions to COVID, as President Trump famously down-played the risks of the virus (see Viglione 2020).

The left-leaning sources use the pandemic as another avenue to criticize Donald Trump. Blame is placed on Trump and Attorney General Barr for conducting these executions during the pandemic

and increasing the spread of the virus. According to an article by *Common Dreams*, 'That the government is choosing to resume federal executions now – at a time when much of our daily lives have ground to a halt – shows an alarming disregard for the lives of all involved, in addition to the inhumanity and the disturbing lawlessness of the capital punishment system' (Stancil 2020). Other articles criticize Trump for trying to distract the country with the executions rather than focusing on reducing COVID deaths. The headline of one commentary article reads: 'The Deaths Trump Wants You to See and the Deaths He Wants You to Ignore: The administration will proudly execute three men. Even as it covers up the deaths of 130,000' (Baptiste 2020b). Some articles suggest that the government is violating inmates' rights by scheduling their executions during a pandemic, as they have limited access to lawyers, mental health professionals, and religious advisers (see Ortiz 2020a; Jeltsen 2021).

The right-leaning sources are far less critical of the Trump administration for conducting executions during the pandemic. They often blame inmates and their advocates for using the pandemic as an excuse to stall or avoid the execution and the justice that will come with it. In response to the aforementioned efforts by Daniel Lewis Lee's victims' family to delay the execution, one commentator for *National Review* writes, 'The relatives in question oppose the death penalty and were hoping to convert an invitation to the execution into an interminable delay, on the ground that they could not travel safely until the coronavirus pandemic eased' (McCarthy 2020). One article from *Fox News* even suggests that COVID would be a potential source of support for the death penalty 'as certain types of crime have soared in 2020 amid social upheaval and the coronavirus pandemic' (Best 2020).

News sources of different political orientations also disagree about the efficacy of precautions taken to prevent the spread of COVID. The right-leaning sources are more likely to describe the precautions and their effectiveness. A *Newsmax* article lists the precautions: 'Family members of the victims and the inmates will be able to attend but will be required to wear face masks. Prison officials will take temperature checks. The agency will also make personal protective equipment, including masks, gloves, gowns and face shields, available for witnesses' (Mack 2020). The left-leaning sources, however, question the effectiveness of these precautions. Articles note that not only had some execution team members contracted the virus, they describe an incident where execution team members removed their masks during an execution, a potential violation of a judge's orders (Fuchs 2021; Schulberg 2021). The right-leaning articles do not mention this incident.

Racial justice and federal executions

An important factor in the discussion of the death penalty is the disparate impact that the death penalty has on people of color. This factor is particularly salient in the context of the federal executions under the Trump administration, which took place as the country was reacting to the murder of George Floyd and the killings of other Black individuals by police officers. In discussing the disparate racial outcomes of capital punishment, some of the left-leaning news sources note that the Trump administration's resumption of executions goes against these public calls for criminal justice reform and racial justice. According to a commenter from *Mother Jones*, 'The Trump administration has chosen to dole out the harshest punishment the system has to offer, while people are in the streets decrying the very system that has perpetuated these injustices' (Baptiste 2020b).

The left-leaning sources are more likely to cite discrimination and disparate racial outcomes as an argument against the death penalty. These articles point to research showing disparities, highlighting findings of race-of-victim discrimination wherein killers of white victims are more likely to receive the death penalty than killers of Black victims. A number of the articles cite a report by the Death Penalty Information Center (DPIC) released in September 2020 that details the history of the death penalty as a tool of racial oppression and provides statistics showing racial disparities (see Carrega 2020b; Kaur 2020; Scott 2020). The articles also cite examples of potential sources of bias in the current cases, including a lack of diversity on the jury that sentenced Orlando Hall to death (see Baptiste 2020a; Weber 2020). They also criticize the Trump administration for initially scheduling the

execution of Dustin Higgs, a Black man, on the birthday of Dr. Martin Luther King, Jr. (King 2021; Koeppel 2020). This framing places blame on both the system for perpetuating these disparities and on the Trump administration for empowering such a system.

The right-leaning sources discuss race in markedly different ways. Most of them offer no discussion of racial disparities in capital punishment. A number of the articles make the argument that the Trump administration's plan for reinstating the executions shows that Trump is *not* racist. For this, they point to the fact that the first inmate executed by the Trump was a white supremacist who committed his crimes in pursuit of establishing a white utopia (see McCarthy 2020). The headline of one *Daily Wire* article reads, 'Tom Cotton Calls Out 2020 Democrats for Defending "Heinous" White Supremacist Against The Death Penalty' (Prince 2019). Some articles point out the fact that most of the first inmates scheduled to be executed were white (Nieto 2019), while neglecting to mention that most of the final group of inmates executed were Black[4] (as noted by left-leaning articles: i.e., Walters 2020). Most of the mention of racial disparities in the right-leaning articles comes in the form of quotations by Democratic lawmakers, whom the authors often criticize for being hypocrites. For example, an article by *The Federalist* criticizes Democratic Congresswoman Cori Bush for tweeting a list of the individuals executed by the Trump administration with the caption 'Say their names,' a slogan used by Black Lives Matter in remembrance of those killed by police officers. The author writes that the Congresswoman 'urged users on Twitter to pay respect to a white supremacist' listed in the tweet (Davidson 2021).

It is also worth noting that the articles frame the racial nature of the death penalty via the details they omit. For example, there is no mention of the DPIC report on racial disparities in the right-leaning articles, nor do they report that Higgs' execution was initially scheduled for Dr. King's birthday. Conversely, there is no mention of Bush's 'Say their names' tweet by any of the left-leaning sources.

Discussion and conclusion

It is evident that news sources that lean to opposing sides of the political spectrum frame issues related to the executions by the Trump administration in ways that construct specific ways of understanding these issues. The left-leaning sources frame the executions as a political move undertaken by an embattled president who was empowered by conservative courts, all in the midst of a global pandemic and calls for reform and racial justice. The key attributional framing by these sources relates to their framing of the Trump administration, which is to blame for not only resuming executions but for also placing public health at risk by doing so and ignoring calls for criminal justice reform. Their proposed solution to the injustices brought about by the Trump administration is to stop the executions, whether it be by court order (though this proved to be ineffective) or delaying the executions until the Biden administration assumes power. They highlight Trump's 'killing spree,' the tendency of the Supreme Court to 'rubber stamp' Trump's orders, the potential for executions to be 'superspreader' events, and statistics demonstrating racial discrimination in the administration of capital punishment as key motivational frames.

Conversely, the right-leaning sites frame the executions as long-overdue acts of justice that were nearly stalled by a number of roadblocks: frivolous legal challenges backed by liberal judges, a president-elect who has flip-flopped in his stance on capital punishment, a manageable sickness, and baseless claims of racism. Their proposed solution is to carry on with the executions. They turn to the conservative Supreme Court to ensure that this happens. Their motivational frames include decrying the legal challenges as roadblocks and stalling tactics, highlighting the precautions taken to ensure that COVID would not spread, casting Democratic politicians as hypocrites on racial justice, and asserting that the executions led to justice finally being achieved.

Taken a different way, the media sources create different problem frames related to the federal executions that may appeal to audiences on opposite ends of the political spectrum. The left-leaning sources frame the federal executions as a problem of an embattled president and his puppet

Supreme Court facilitating miscarriages of justice. The problem frame for the right-leaning sources is one of activist judges standing in the way of justice by interpreting the Constitution to suit their personal views.

These framings suggest that the death penalty continues to be a source of political polarization. In many ways, the framing of the executions by left- and right-leaning news sources aligns with liberal and conservative perspectives on the death penalty, respectively. The framing of the issues surrounding the executions also align with other issues that are politically polarized, namely liberals' contempt for Donald Trump, conservatives' downplaying of the COVID-19 pandemic, and liberals' concern for criminal justice reform and racial justice.

There is, however, evidence that the traditional political narratives on the death penalty may be changing. This is particularly evident in some of the anti-death penalty arguments presented by the right-leaning sources that align with pro-life religious doctrine and concerns about wrongful conviction. As discussed by Radelet (2009), these issues may help to sway conservatives toward opposition to capital punishment. In the current sample, the articles published by *Reason* serve as key examples. Classified as a right-leaning source (Ad Fontes Media 2021; AllSides 2021), the site touts itself as the country's leading libertarian magazine. The articles sampled from *Reason* were consistently in opposition to the death penalty, citing the potential for wrongful conviction, concerns about government overreach, and unchecked power by the executive branch as reasons for its opposition. Conversely, there are no left-leaning articles in the sample that made an explicit case in support of the death penalty.

This shift in framing may run counter to findings of prior research. While prior work suggests that the framing of capital cases largely overlooks greater social context (Bandes 2004; Haney and Greene 2004; Lipschultz and Hilt 1999), the current findings show that social context in the form of COVID and race concerns is an important part of the news reporting of these executions. It is possible that this could alter perceptions of the death penalty. While research has found that consumption of traditional news media is associated with support for the death penalty (Baranauskas and Drakulich 2018; Britto and Noga-Styron 2014; Dardis et al. 2008), it is possible that the ways that online news sources – especially the left-leaning ones – framed the federal executions will be associated with opposition to the death penalty. The format of the news sources may matter, as consumption of online news has been connected to support for less-punitive crime policies (see Baranauskas 2022), a departure from the research on traditional news formats.

This shift in framing of the death penalty by the media also has real-world implications for the continuance of the death penalty in the United States. A number of states have recently abolished the death penalty, indicating that the country may be trending toward abolition. Notably, Virginia became the first southern state to abolish the death penalty in March 2021. One of the key reasons cited for Virginia's move to abolish capital punishment is concern over the racially discriminatory manner in which the penalty has been conducted (Carlisle 2021) – a concern reflected in the framing of the death penalty by the left-leaning sources. This is unlikely to be a coincidence. While the true direction of causation cannot be determined at present, it is possible that either the framing of the death penalty by mainstream 'liberal' media sources influenced policymakers to move toward abolition, or that the frames seen in the media result from the expressed concerns of policymakers and their constituents.

There are limitations to this study that warrant discussion. It is likely that the findings of the current study are not generalizable to media framing of the death penalty is other contexts. The findings may not even be generalizable to other forms of media. Given the uniqueness of this social phenomenon, the findings of the current study are best interpreted as the ways a particular form of media – online news – framed this historical anomaly in the administration of the death penalty. Given the nature of online news and the glut of articles that are produced by online news sites, it is also difficult to determine how prevalent news articles on the federal execution were compared to other articles reported by online news sources. Given the fact that stories on the federal executions of 2020–2021 were competing with major issues like the COVID pandemic, the 2020 presidential

election, and the murder of George Floyd, it is possible that these stories were not given as much prominence as stories reporting these other issues.

Future research should continue to examine the ways that the media frame the death penalty. It is evident that the narratives presented by the media shift over time, from the emergence of the innocence frame (Sarat et al. 2017; Unnever and Cullen 2005) to the current study's findings that the framing of the death penalty reflects specific contemporary issues. It will be interesting to see how these narratives continue to evolve in the future. Research could also connect these media frames to public opinion on the death penalty to see how and to what degree the media framing of capital punishment reflects real world concerns about the death penalty. Future research should examine the ways that various types of media frame more typical executions, especially those conducted by the states in a post-Trump and post-COVID United States.

The thirteen federal executions conducted in 2020 and 2021 were a truly unique phenomenon in the history of the administration of the death penalty in the U.S. It is important to reflect on these federal executions, regardless of whether or not history shows them to be a true anomaly. They serve as an important part of the legacy of the Trump administration. Whether they are viewed as a positive or negative mark on President Trump's record largely depends on one's political orientation, if accounts in the news media are any indication. They also offer an opportunity to examine the framing of the death penalty by online news sources. Given the rise and popularity of online news sources, it is possible that the patterns in polarized reporting observed in this study will continue in the future. The current findings give insight into how media content aimed at generating clicks and page views frame a unique criminal justice phenomenon. They also serve as an important reminder of the media's ability to shape narratives on the death penalty via the framing process.

Notes

1. A note on citations: due to space constraints, I will not cite every news article in which a given theme is found. The citations serve as examples of the theme under discussion.
2. Both right- and left-leaning sources noted that Judge Chutkan was appointed by President Obama (see Lehman 2020a; Berman and Flynn 2019), possibly allowing their audiences to transfer their own feelings on Obama to the judge and come to their own conclusions about why she would issue such rulings.
3. A federal judge granted the stay, though it was overturned on appeal. The execution was conducted without the victims' family in attendance.
4. The racial breakdown of the thirteen executed by the Trump administration: six white people (including the only woman on federal death row), one Native American man, and six Black men.

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