

## **Media Coverage of Sedgwick County Capital Prosecutions**

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### ***Qualifications***

I currently hold the Richard J. Richardson Distinguished Professorship in Political Science at the University of North Carolina at Chapel Hill. I received my BA, MA, and PhD degrees in political science at the University of Michigan (1980, 1983, 1986). I have been a faculty member since 1986 and have taught at the University of Iowa, Texas A&M University, Penn State University, and UNC-Chapel Hill, where I moved in 2009. I taught at Penn State from 1999 through 2009 and served as Head of the Political Science Department there from 1999 through 2004. I regularly teach courses at all levels and many of those courses involve significant instruction in research methodology.

My research generally involves statistical analyses of public policy problems, often based on originally collected or administrative databases. I have published over a dozen books and more than 80 articles in peer-reviewed journals. I have been fortunate to receive a number of awards for my work, including six book awards, awards for database construction, and so on. I am a fellow of the American Academy of Arts and Sciences, an honorary society dating back to 1780. I am co-author of two books about the death penalty. The first, *The Decline of the Death Penalty and the Discovery of Innocence* (Cambridge University Press, 2008), focused on public opinion toward capital punishment and the impact of the “innocence” argument. My co-authors and I were awarded the Gladys M. Kammerer Award for the best publication in the field of US national policy from the American Political Science Association for this book in 2008. The second book, *Deadly Justice: A Statistical Portrait of the Death Penalty* (Oxford University

Press, 2018), provides a statistical overview of a broad range of questions relating to the “modern” (post-*Furman*) application of the death penalty: demographic characteristics of the offenders and victims, rates of use, comparison to homicide numbers, geographical patterns, eligible crimes in different states, cost, deterrence, and so on. The book derives from, and is the main text in, a course I teach about the death penalty that regularly enrolls over 400 students at UNC-Chapel Hill.

I have also published a number of death penalty-related studies in law reviews and peer reviewed academic journals. Many of these articles relate to race- and gender-based disparities in the application of the death penalty. I am the co-author of another book, *Suspect Citizens: What 20 Million Traffic Stops Tell Us about Policing and Race* (Cambridge University Press, 2018; winner of the C. Herman Pritchett Best Book Award from the Law and Courts Section of the American Political Science Association in 2019). This book, and numerous related articles published in peer review journals, also delves deeply into the analysis of race- and gender-based disparities in criminal justice outcomes.

Finally, many of my research projects and publications have made use of content analysis of public media sources. This includes *Agendas and Instability in American Politics* (1993, winner of the Aaron Wildavsky Award for an enduring contribution to the field of public policy), *The Decline of the Death Penalty* (cited above), *Suspect Citizens*, and many of my published journal articles. I have extensive experience in analyzing criminal justice and other public policy databases, racial and gender-based disparities, and in the use of media content analysis and study of media coverage of public policy issues.

## ***A Large Academic Literature Documents the Distorted Views on Crime Presented in Media Coverage***

Scholars have long noted that media coverage of crime distorts the public vision and understanding of crime. Simply put, the particular crimes that are more commonly portrayed and discussed in the media are far from an accurate or random sample of all crimes. Rather, they reinforce culturally dominant and racially biased views of who perpetrates crime and who is victimized. Minorities are over-represented in the media as offenders, and whites, particularly white females, are more commonly portrayed as victims in the media compared to their actual rates of crime victimization. In sum, crimes that fit a racial stereotype are, for various reasons discussed below, more likely to appear in the news than other crimes. This has a predictable and direct effect on public attitudes.

Eduardo Bonilla-Silva, author of a book tellingly entitled “Racism without Racists”, introduced the term of “color-blind racism.” By this, he means a “new” form of racially hostile attitudes and behaviors that differ from the overt racism of the Jim Crow and pre-Civil Rights eras. This modern racism is more palatable in polite conversation, consistent with modern cultural norms that no longer allow public expressions of overt racism. He brought our collective attention to the issue of “story-lines” or “narratives” that constitute “accepted truths” concerning racial differences (though they may not be true) (see Bonilla-Silva 1997, 2017). Bonilla-Silva, Lewis, and Embrick (2004) point to certain culturally powerful “narratives” and “story-lines” that are widely accepted cultural myths. When these stories are so culturally dominant that they are considered to “make sense” or even correspond to “common sense,” they are easier to accept, and audiences take them at face value. By contrast, stories that do not fit the expected story-line are ignored because they generate cognitive dissonance or confusion for the reader. Many of the most powerful “story-lines” or “narratives” portray the black male as a typical criminal, and the

white female as the crime victim. Stories that fit those stereotypes are more likely to appear in the popular media because they reinforce, rather than challenge, our collective cultural expectations, wrong as these may be. Middle-class white readers find these stories to be interesting, believable, acceptable, and non-threatening to the readers' self-image or understanding of how the world works, according to Bonilla-Silva's research.

These cultural and psychological processes are key to understanding why media outlets play such an important role in constructing public understandings of crime. That is because of their dual role in the system: the media help to generate and amplify these culturally accepted stories on the one hand, and they seek to provide content that their audience will find acceptable and appealing on the other. These dual features of the media create a positive feedback loop that becomes self-perpetuating. By promoting a myth, the myth becomes more widely accepted. By presenting what the audience wants to see or hear, the media perpetuate the most widely held understandings.

Many members of the public have little direct experience with crime, so they gather their understandings of it from the media, television shows, movies, and other sources. Study after study has shown that media sources present a distorted view of common characteristics of crime, particularly with regards to race and gender. Judging from the media coverage of crime, one would reach the conclusion that crime is far more racially distinct than it is in reality; that victims are more commonly white than the statistics actually indicate; and that offenders are more likely to be black than is in fact the case. Kelly Welch (2007) reviews racial stereotyping in the media and summarizes: "Blacks do account for a disproportionate amount of crime arrests and are disproportionately convicted and incarcerated. But *public estimates of Black criminality*

*surpass the reality. The media perpetuate ideas linking race with criminality, which have also been reinforced by political agendas” (286) (emphasis added).*

Robert Entman’s studies (1990, 1992, 1994) correspond well with those of Bonilla-Silva and colleagues; Entman carefully examines the idea of “modern” as opposed to “historical” racism in media portrayals. He notes for example (1992) that black television announcers often provide sympathetic portrayals of issues affecting the black community. On the other hand, television news continues to present crime victims as disproportionately white and offenders disproportionately as black. Further, he notes, going beyond the issue of crime, that political demands by blacks are more often presented as extreme compared to similar demands by whites, and that coverage of racial issues in television news promotes a false view that structural racism is no longer a problem. Entman’s studies matter because they show the complexity of these issues and the continued distortion of crime portrayals, presenting crime as largely an issue affecting white victims and being driven by violent black offenders. Trends are prevalent in the television news content Entman analyzed, but are not borne out in official crime statistics (see Entman, 1990, 1992, 1994).

These results have been replicated by many; media portrayals of crime over-emphasize black males as offenders; white people and white females in particular as victims; violent crime occurring among strangers; crime occurring in urban areas, and they correspondingly under-represent minorities as victims; minority crime victims as complex individuals deserving of compassion; white people as perpetrators; and the high percentage of crimes that occur among family members and acquaintances (for a small sampling of a very large literature see Entman, 1990, 1992, 1994; Liska and Baccaglini 1990; Oliver 1994; Chermak 1995; Gilliam et al. 1996; Rober et al. 1998, 2003; Robinson 2000; Gilliam and Iyengar 2000; Mastro and Robinson 2000;

Gilliam et al. 2002; Dixon et al. 2003; Lundman 2003; Eschholz et al. 2004; Yanich 2004; Britto et al. 2007; Dixon and Azocar 2007; Moriearty 2010; Ghandnoosh 2014; Sonnett et al. 2015; White, Stuart, and Morrissey 2021; White et al. 2021).

Andrew Baranauskas (2020) summarizes the essential role of the mass media in social understandings of crime: “The media is a vital source of information about crime. Most people do not have direct experience with crime; the proportion of people who are victims, offenders, and agents of the criminal justice system is low relative to the population at large. As such, most people rely on the media for crime information” (Baranauskas 2020, 394).

For example, Baranauskas conducted a review of media coverage of crime in four urban areas and reported this: “Findings suggest that newspaper articles reporting crime in disadvantaged black neighborhoods are likely to use intense language to describe the normalcy of crime and the terrible nature of crime in these areas. Reports of crime originating in affluent White neighborhoods are likely to highlight the unusual, shocking nature of the violence” (Baranauskas 2020, 393). Note that Baranauskas’ study was based on four newspapers, including *The Kansas City Star* (see Baranauskas 2020, 400 and *passim*).

Sommers (2016) compares media reports of missing persons with actual occurrences of such situations according to the FBI. Black victims constitute just 13 percent of the news stories, but 36 percent in the FBI statistics, and whites are the victims in 68 percent of the news stories compared to 60 percent of the FBI statistics (Table 6, p. 301). White females are 50 percent of all the news stories, clearly an over-representation of their share in the FBI statistics, though the FBI does not provide a full breakdown by race and gender combined (Table 10, p. 304). Sommers concludes: “On the whole, the results provide striking support for Missing White Woman Syndrome” (p. 309).

Lundman (2003) focused specifically on the race-gender combinations of offender and victim in a study of news coverage and showed that the black male offender – white female victim combination was by far the most likely to generate newspaper coverage.

Valerie Callanan (2012, 95) summarizes racial biases in media coverage of crime:

The ratio of positive or benign crime-related portrayals (such as victim or criminal justice official) to negative depictions (such as suspect) remains significantly higher for whites than people of color (Dixon, Azocar, and Casas 2003; Dixon and Linz 2000; Romer, Jamieson, and DeCoteau 1998). Moreover, how suspects of color are portrayed differs from whites. For example, television news accounts are more likely to show black suspects in a mug shot, handcuffed, or resisting arrest than white suspects (Entman 1990). Latinos are mostly absent in mass media accounts of crime, but when they are depicted, it is more negative than positive (Dixon and Linz 2000). These patterns have also been documented in content analyses of crime reality shows such as *Cops* (Mastro and Robinson 2000; Oliver 1994) and in television crime dramas (Britto, Hughes, Saltzman, and Stroh 2007; Eschholz, Mallard, and Flynn 2004). In contrast, whites, women in particular, are far more likely to be portrayed as victims in crime news than are African Americans or Latinos (Chermak 1995; Dixon and Linz 2000; Romer et al. 1998), and homicides that involve a black perpetrator and a white victim are disproportionately covered in newspapers, especially if a white woman was killed by a black man (Lundman 2003). (Callanan 2012, 95).

The racial bias associated with media coverage of crime extends to the ways in which criminal defendants are portrayed, not only to their relative representation in media coverage. One recent study found that white defendants were more likely to be pictured in a business suit, whereas black defendants appeared more commonly in a police mug-shot or in a prison jumpsuit (GSG, 2021, slide 2). The news stories included pictures of photos of family or friends four times as often in cases with white victims as in cases with black victims (CSG, 2021, slide 3). Sonnett, Johnson, and Dolan (2015) further document the importance of visual cues in media coverage of crime in a study of coverage of the aftermath of Hurricane Katrina. Television news coverage of the event differed dramatically across different networks in the ways in which they portrayed black survivors of the disaster. They all had in common, however, a tendency to “tell stories of desperation and violence with images of black residents even as these story lines

exaggerate the facts of the situation after the disaster” (Sonnett, Johnson, and Dolan 2015, p. 342).

Moriearty (2010) reviews media coverage of the juvenile “super-predator” idea with its associated and inflammatory ideas of “wilding,” the idea that there was “new breed” of young criminal who were devoid of morals, hope, and decency. Bogert and Hancock (2020) explain the great reach and huge impact of the super-predator idea, which they term a “media myth.” Byfield (2014) provides a book-length treatment of the highly racialized and inflammatory media environment surrounding the “Central Park Jogger” case, one which led to the wrongful conviction of five young black men. She suggests that the extensive media attention, and its inflammatory character, was part of the atmosphere surrounding a criminal trial that led to a wrongful conviction.

### ***Distorted Views on Crime Distort Public Attitudes***

These highly consistent studies generate further findings about the impact of these biases in media coverage on public attitudes toward race and crime. Callanan (2012) summarizes: “A large body of research argues that the high amount of violence in mass media elevates the public’s fear of criminal victimization. It is well documented that crime content is a pronounced feature of mass media and distorts the reality of crime...” (2012, 93). Reviewing the literature since the 1960s, she concludes: “In short, television cultivates a view of the world that is more reflective of recurrent media messages than reality” (94). Much of this relates to fear of crime. “Moreover, most networks attempt to reach a large audience so programming typically targets the white middle-class. Consequently, non-whites are more likely to be portrayed in a negative light relative to whites (Entman 1990; 1994)” (Callanan 2012, 94). Colbrun and Melander (2018) show that not only are minorities over-represented in media stories about crime, but their



photographic representations are systematically more inflammatory, leading to a social understanding of crime that portrays members of minority communities as much more frightful and dangerous than is warranted by any analysis of crime. Dixon (2008) shows how individuals with high racial stereotyping respond powerfully to media portrayals with minority or unidentified offenders and white victims. However, those individuals did not respond at all to stories with black victims. So the media focus on black offenders and white victims has a powerful effect by stimulating stereotypical views of crime and perpetuating these social expectations far beyond what a rational analysis of crime statistics would support.

Jon Hurwitz and Mark Peffley have written extensively about white and black Americans' attitudes concerning race and crime. They document conclusively that racial stereotypes, exactly the kind of portrayals so often presented in the media according to the authors reviewed above, affect public opinion and people's beliefs about different racial groups and about crime (see Peffley and Hurwitz 2007, 2010; Hurwitz and Peffley 1997). Dixon and Azocar (2007) provide further evidence about the power of the linkages between media coverage of crime and public attitudes. Quillian and Pager (2010) note that individuals are unable to assess the objective risk that they face for rare events, including crime victimization, and that media stereotypes amplify these perceptions dramatically. This process of "stereotype amplification," they assert, is driven by cultural stereotypes, individual attitudes (motivational biases), and media distortions (see Quillian and Pager 2010, Figure 1, p. 83). They analyzed survey data about the estimated risk of crime victimization with actual victimization data. Black and white participants responded very differently to questions about estimated risk of crime victimization. Although all respondents over-estimated the risks, white respondents were more affected by the racial composition of their neighborhood in how much they over-estimated the risk. As the black

population increased in white respondents' neighborhoods, white fear of crime victimization increased dramatically and disproportionately compared to actual risk. Black respondents showed no such increase in their over-estimates.

### ***Media Coverage of Sedgwick County Capital Prosecutions***

I undertook a study of news coverage of Sedgwick County capital prosecutions to examine whether there was any observed relationship between race and gender of defendants and victims and media coverage of capital cases. Sedgwick County has seen 24 capital prosecutions in the modern period of the death penalty, starting from the reinstatement of the death penalty in Kansas in 1994 through 2019. A capital prosecution can be a highly newsworthy event, and in this study I review news coverage of each of these 24 cases. I first explain the methodology of the study, then lay out the results, and conclude by considering these results in the context of the published literature on media coverage of race and crime.

#### **The study**

I began with a list of capital prosecutions from Sedgwick County from 1994, supplied by an attorney with Kansas Board of Indigents' Defense Service. This list of capitally prosecuted cases is consistent with the list provided by the Sedgwick County District Attorney's Office. Included within the analysis is every case where a death notice had been filed. Information about race of the defendant, race of the victim, sentencing outcome, and whether the case proceeded to trial was provided by Professor Jeffrey Fagan, who is conducting a separate study of capital charging and sentencing practices in Sedgwick County.

I recruited two UNC-Chapel Hill students, Kaylee O'Brien and Kristen Thrower, to perform the media searches under my direct supervision. They used the resources connected with the UNC library system to access the on-line database Newsbank. Newsbank allows the

computerized search of hundreds of newspapers around the world. Kansas newspaper the *Wichita Eagle* is available for search through that database from 1984 to present. The students and I developed a standard procedure for any search based on the name of the defendant and the dates of the crime, verdict, and death sentence. Those can be summarized as follows.

For any defendant, the students used a keyword search based on these parameters:

([Last name of offender] OR [Last name of first victim] OR [last name of second victim...])

AND (murder\* OR homicid\* OR kill\* OR crime)

The Newsbank system allows a date range to be applied. In order to capture media coverage of the entire period of prosecution for each case, we defined the relevant time period as beginning with the date of the crime and ending one month following the date of the verdict. Occasionally, the search terms generated a large number of incorrect or false hits; in these cases, the students were instructed to revise the search terms to attempt to eliminate the false hits while retaining the accurate ones. Often, this involved adding the first name of the offender or the victim, or a nickname if those appeared in the initial results. For example, the victim in one case was named Kevin Easter, and including only the last name generated many hits related to the Easter holidays, clearly unrelated to the topic; in that case we added the first name to the search string and this eliminated the false hits while retaining the accurate ones. When the students were satisfied that the searches were accurate, they finalized the searches and saved all of the results in PDF files that included up to 20 news stories per file. They then read through these individual stories to verify that they were “on-topic” and identified the cases that were inaccurate or included only a passing mention of the event. An example would be a story on a different crime which might note at the end something like: “This is the second homicide in the county this year; the previous one was *x*.” Students were instructed to retain any stories that had any significant

discussion of the case, but to exclude stories that were mostly on other topics and merely had an “incidental” mention of the case with no description of it. They also eliminated duplicate stories; occasionally in the Newsbank database the identical story is listed twice, and those were eliminated from our counts. In sum, the students were instructed to refine their searches based on reviews of initial results, finalize the search and save the documents, read through the documents to identify false hits, incidental mentions, and duplicates, and to calculate the total number of accurate hits, which was defined as the number of hits generated by the search string minus the false hits, incidental mentions, and duplicates.

For the six cases where a death sentence was imposed, the students conducted an additional search identical to the previous one with two changes. First, we added these keywords to the search string: [OR "appeal\*" OR "death sentence" OR "death row"]. Second, we changed the dates to begin the day after the previous search ended (that is, these searches began one month and one day after the trial verdict) and end on December 31, 2021. These searches therefore covered the period after the initial trial and through any appeals or other stories post-conviction. The students followed the same previously-described procedures to eliminate false hits, incidental mentions, and duplicate stories, and they saved their results in the same manner.

I asked one of the students to replicate the work of the other (and vice versa) for several cases and in those cases the results were identical or differed only by one observation. I concluded from this replication check and my own review of their results that their searches produced accurate and useful counts of newspaper coverage of these cases in the *Wichita Eagle*.

## **Results**

Table 1 below lists the cases included in the study, the demographic characteristics of the defendants and victims, the outcome of the prosecution (on-going, plea agreement, non-capital

trial, or capital trial), the dates of the crime, verdict, and (if applicable) the death sentence, and the number of stories published in the *Wichita Eagle*.<sup>1</sup>

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<sup>1</sup> Note: In my report dated February 4, 2022, I relied on reports indicating that the victim listed in Table 1 for defendant Douglas Belt was a white female. In this report, I have revised this based on feedback that the victim in that case was in fact a Hispanic female.

Table 1. *Wichita Eagle* Coverage of Sedgwick County Capital Prosecution Defendants.

Name	Sex	Race	Victims	Outcome	Crime	Verdict	Death Sentence	Newspaper Stories		
								Trial	Appeals	Total
Donesay, Sakone	M	A	1WM	Trial	1/8/1996	12/14/1998		40	0	40
Marsh, Michael	M	W	2WF	Cap Trial	6/17/1996	12/30/1997	4/16/1998	53	33	86
Scott, Gavin	M	W	1WM,1WF	Cap Trial	9/13/1996	8/17/1998	8/12/1999	37	42	79
Elms, Stanley	M	W	1WF	Cap Trial	5/5/1998	11/23/1999	11/19/2004	20	24	44
Noyce, David	M	W	1WM,1WF	Plea	9/14/1998	2/11/1999		9	0	9
Oliver, Cornelius	M	B	2BM,2BF	Trial	12/6/2000	12/31/2001		55	0	55
Bell, Earl	M	B	2BM,2BF	Trial	12/7/2000	2/15/2002		61	0	61
Carr, Reginald	M	B	3WM, 2WF	Cap Trial	12/14/2000	11/4/2002	11/15/2002	173	102	275
Carr, Jonathan	M	B	3WM, 2WF	Cap Trial	12/14/2000	11/3/2002	11/15/2002	171	27	198
Belt, Douglas	M	W	1HF	Cap Trial	6/24/2002	11/1/2004	11/17/2004	52	8	60
Moore, Gregory	M	W	1WM	Cap Trial	4/9/2005	6/28/2006		34	0	34
Gentry, Everett	M	B	1WF	Plea	6/9/2006	7/14/2006		40	0	40
Burnett, Theodore	M	B	1WF	Cap Trial	6/9/2006	5/23/2008		54	0	54
Robinson, Elgin	M	B	1WF	Cap Trial	6/9/2006	10/22/2008		118	0	118
Marshall, Marquis	M	B	1WM,1BM	Cap Trial	11/30/2012	10/2/2013		19	0	19
Bluml, Anthony	M	W	1WM,1WF	Plea	11/15/2013	5/15/2015		26	0	26
Schaberg, Kisha	F	H	1WM,1WF	Plea	11/15/2013	5/15/2015		26	0	26
Smith, Braden	M	W	1WM,1WF	Plea	11/15/2013	9/14/2015		31	0	31
Ellington, Andrew	M	W	1WM,1WF	Plea	11/15/2013	6/23/2015		29	0	29
Nguyen, Vinh	M	A	1AM,2AF	On-going	6/23/2014			12	0	12
Edwards, Steven	M	B	1HM,1HF	Plea	10/16/2014	5/9/2016		12	0	12
McNeal, Cornell	M	B	1BF	On-going	11/14/2014			24	0	24
Alvarado-Meraz, Luis	M	H	2HM	Cap Trial	1/15/2015	10/5/2018		8	0	8
Pepper, John	M	W	1BF	Trial	7/15/2019	10/29/2021		21	0	21

Note: Race: A = Asian or Asian American; B = Black; H = White Hispanic; W = White Non-Hispanic. Sex: M = Male; F = Female. Newspaper stories: Trial = stories appearing from the date of the crime to one month following the date of the verdict. Appeals = stories appearing from one month and one day after the verdict until December 31, 2021. Total = sum of Trial and Appeals values.

Table 1 shows that nine defendants had a single victim, ten had two, one defendant had three victims, two defendants had four victims, and two defendants had five victims. Sixteen had male victims, and 20 of the 24 had at least one female victim, 13 of which had at least one white female victim. In cases with at least one female victim, the average number of news stories was 63, compared to 25 stories for cases with no female victims. The average news coverage of cases with white female victims was 78 stories, more than two-and-a-half times the stories for cases with no white female victim (average 31).

One could expect news coverage to vary depending on whether the case ended in a plea, a non-capital trial, a capital trial, or a death sentence, and indeed the number of stories is highly correlated with these outcomes, as Table 2 shows. The Table shows that these outcomes are also highly associated with the number of female victims, particularly white female victims.

Table 2. News Coverage and Female Victims by Outcome of Capital Prosecution.

Outcome	Number of Cases	Cases with Female Victims	Cases with White Female Victims	News Coverage
On-going	2	2	0	18
Plea Agreement	7	7	6	25
Non-Capital Trial	4	3	0	44
Capital Trial, Life Sentence	5	2	2	47
Capital Trial, Death Sentence	6	6	5	124

Two cases had not yet been resolved at the time of this analysis; neither had a white female victim, and the news coverage in these cases averaged 18 stories. Seven cases ended in a plea agreement, generating just 25 newspaper stories on average; all seven of these cases had female victims, and six of them had a white female victim. Among the four cases going to trial with the state not seeking death, there were 44 news stories on average; 3 of these cases had female victims but none had a white female victim. Among the 5 cases going to capital trial but not ending in a death sentence, 47 articles appeared, on average, and 2 of the cases had white

female victims. Among the six cases leading to a death sentence, 124 news stories appeared on average; all six had at least one female victim, and five of the six had a white female victim.

White female victims were particularly likely in cases leading to death and in cases leading to plea agreements. Among cases going to trial, the state sought death in every case with a white female victim, and death was imposed in five of seven times when a capital trial was held in a case with a white female victim.

News coverage appears to be associated both with the outcome of the case and the presence of white female victims. Cases that do not go to trial (e.g., plea agreements) naturally generate less news coverage as there is less for journalists to write about and fewer public records are made available. Cases going to trial generate more coverage, and cases leading to a death sentence generate the most, as one might expect. However, these decisions cannot be separated out from the issue of white female victims. Whether the tendency to treat cases differently comes from expected or observed increased media attention, different levels of empathy for the victim on the part of the jury, strategic decisions by attorneys to offer or to accept a plea agreement rather than go to trial, or decisions by the state to drop capital charges before proceeding to trial, Table 2 makes clear that these outcomes are correlated with the presence or absence of white female victims. Such victims are over-represented in cases leading to: plea agreements, capital trials, capital trials leading to death. They are under-represented in cases leading to non-capital trials and capital trials leading to an outcome other than death.

It is clear from these statistics that media coverage is highly associated with the presence of female, and particularly white female, victims, and also with the legal process. Because the decisions are so highly correlated, and given the extensive literature both on the media coverage reviewed in this report as well as widespread findings throughout the literature on increased rates



of use of the death penalty in cases with white female victims,<sup>2</sup> this should be no surprise. Institutions throughout our culture promote higher levels of attention and concern in homicide cases with white female victims. This likely applies to media coverage as well as to prosecutorial decision-making, defense strategies about plea agreements, and jury deliberations and sentencing.

### ***Relevance to the State of Kansas***

The studies reviewed in this report reveal a powerful and consistent cultural norm has long affected national media coverage of race and crime. The studies related to entertainment, literature, film, television and news media throughout the United States. There is no reason to think that Kansas would be exempt from the national trends described here. We can also point to two particular elements that clearly show the relevance to the state of Kansas.

One is the fact that one of the studies reviewed here (Baranauskas 2020) explicitly mentions Kansas-focused data sources, as one of the four cities / media outlets in that study was an analysis of the *Kansas City Star*.<sup>3</sup> A second is the prominent and highly public apology that the *Kansas City Star* published on December 22, 2020 (see Fannin 2020). According to this apology, and according to the editor of the paper himself, for much of its history, the *Kansas City Star* “disenfranchised, ignored and scorned generations of Black Kansas Citizens. It reinforced Jim Crow laws and redlining. Decade after early decade it robbed an entire community of

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<sup>2</sup> An extensive literature shows that death-sentences and executions are much more common in cases with white female victims than in other homicides. See these articles and the citations within them: Frank R. Baumgartner et al., *These Lives Matter, Those Ones Don't: Comparing Execution Rates by the Race and Gender of the Victim in the US and in the Top Death Penalty States*. *Albany Law Review* 79, 3 (2016): 797–860; Frank R. Baumgartner et al., *Deadly Justice: A Statistical Analysis of the Death Penalty*, Oxford University Press 2018, chapter 4, pp. 69–86.

<sup>3</sup>Another study included a story from the *Wichita Eagle* as an example of sensationalized, racially biased “superpredator” media reporting in the 1990s (Moriearty, 865 n. 90).

opportunity, dignity, justice and recognition” (Fannin 2020, n.p.). According to the story, their own internal review of the history of news reporting included this:

Reporters were frequently sickened by what they found — decades of coverage that depicted Black Kansas Citians as criminals living in a crime-laden world. They felt shame at what was missing: the achievements, aspirations and milestones of an entire population routinely overlooked, as if Black people were invisible....

In the pages of *The Star*, when Black people were written about, they were cast primarily as the perpetrators or victims of crime, advancing a toxic narrative. Other violence, meantime, was tuned out. *The Star* and *The Times* wrote about military action in Europe but not about Black families whose homes were being bombed just down the street.

Even the Black cultural icons that Kansas City would one day claim with pride were largely overlooked. Native son Charlie “Bird” Parker didn’t get a significant headline in *The Star* until he died, and even then, his name was misspelled and his age was wrong. (Fannin 2020, n.p.).

The public apology from December 2020 included a number of focused articles reviewing different elements of the paper’s coverage. One focused on how it has covered police and crime. Its title: “‘Brutes’ and murderers: Black people overlooked in KC coverage — except for crime.” The subtitle: “Black people were written about mostly as criminals, one-sided negative portrayals with an incalculable effect on generations of Kansas Citians” (see Adler 2020). In other words, the precise elements of biased portrayals of race and crime discussed in this report were explicitly acknowledged in a major regional newspaper.

## **Conclusions**

Media coverage of crime presents a racially distorted view, heavily biased towards white females—and heavily biased against black males. This has been shown in many studies of newspapers and television news, as well as in studies of relevant entertainment such as television crime shows and popular movies. Kansans are not immune to these trends; indeed some of the published work reviewed in this report refers explicitly to Kansas media, and the *Kansas City*

*Star* public apology for its historical record of racially biased reporting over many decades is telling of the racially-biased media presence in Kansas.

My own study of newspaper coverage of capital homicide prosecutions in Kansas shows the powerful media bias that corresponds with imposition of the death penalty. Cases with female victims, particularly those with white female victims, generate more news coverage and different, more severe, prosecutorial outcomes. Five of the six death sentences in Sedgwick County had white female victims. Because death-resulting capital trials are highly newsworthy, it is difficult to precisely identify whether the heightened news coverage was more a result of the white female victim(s) or of the nature of the proceedings. However, the relevant literature makes clear, and my review of the cases not leading to a death sentence demonstrates, that news outlets routinely pay more attention to crimes that fit racially-biased social and cultural stereotypes.

It is clear that these stereotypes prioritize white females and demonize black men. As demonstrated by my study, white female victims are considered far more newsworthy than victims of other races, as are black males accused of a crime. Moreover, the self-perpetuating cycle of biased coverage is highly concerning when considered alongside the media's powerful effect on the social and prosecutorial mindset. While it is difficult to quantify the exact effects of media coverage on police investigations and prosecutors' decisions to seek the death penalty in Kansas, multiple studies have demonstrated that the public's response to a crime—a response often influenced by racially-biased media—can lead to rushed, less thorough investigations and a prosecutorial urge to appear tough on crime by seeking the death penalty. They may also affect jury decision-making. These tendencies further highlight the dangers and problems associated with racially-biased media coverage.

The media cycles promulgating racial stereotypes are, by nature, difficult to break. Biased media coverage affirms these racially-biased and inaccurate narratives in effort to garner interest and readership, then the disproportionate coverage of white female victims and black male criminals further entrenches those stereotypes and results in even higher amounts of biased media coverage. As shown by my study and review of relevant literature, the media plays a significant role in the furthering of harmful and inaccurate racial stereotypes, and that bias is undeniable in the context of capital crimes.

Submitted,

A handwritten signature in black ink, appearing to read 'Frank R. Baumgartner', written in a cursive style.

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Frank R. Baumgartner

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