

Representing Death: Newspaper Coverage of Public Executions and Lynchings at the Turn of the Twentieth Century

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The late nineteenth and early twentieth centuries were a time of drastic change for two American institutions: the death penalty and lynching. As executions moved from the town square into the jail yard and admission to executions became increasingly exclusive, a new, brutal, and highly public practice that scholars refer to as “public torture lynchings” swept the American South. This paper investigates how newspapers across the country covered public executions and public torture lynchings during this time of great change. We analyze newspaper coverage of 328 public executions and fifty-three public torture lynchings from 1883 to 1905. We argue that when covering public executions, local newspapers often followed a strict formula that placed the defendant at the center of the narrative. However, when describing public torture lynchings, newspapers cast the mob, rather than the lynching victim, as the lead. Also, national newspapers portrayed public executions and lynchings differently from their local counterparts. But whether national or local, newspaper accounts of public executions and public torture lynchings ultimately served to legitimize both.

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INTRODUCTION

*“Uneasily rests the head that sleeps in the shadow of the gallows.”*¹

D.L. Spearman spent his last night on Earth, unable to sleep, in a jail cell in Marshall, Texas, knowing he was to be hanged for murder in the morning.² The next morning, as he was taken to the gallows, he led a crowd of 8,000 spectators in singing the hymn, “Nearer My God to Thee.”³ When Spearman heard the Deputy Sheriff read his death warrant, he started to cry.⁴ Finally, with a noose wrapped around his neck, Spearman plunged from the scaffold and hung for twenty-three minutes until “the doctors pronounced him dead, dead, dead.”⁵

Three years before and 500 miles away in Nashville, Tennessee, Eph Grizzard was hanged under dramatically different circumstances.⁶ Instead of being executed after a trial and the issuance of a death warrant, Grizzard faced the wrath of a lynch mob as he was taken from the Nashville city jail, tortured, and ultimately hanged for a rape the crowd thought he committed.⁷ Instead of a lengthy gallows speech, Grizzard’s last words were his pleas for the torture to end.⁸ *The Daily American*—later *The Tennessean*—reported on Grizzard’s last moments:

¹ 2:31 1-2, EVENING MESSENGER (Marshall, Tex.), Oct. 25, 1895, at 1.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Vengeance!*, DAILY AMERICAN (Nashville, Tenn.), May 1, 1892, at 1.

⁷ *Id.*

⁸ *Id.*

The negro received blow after blow from the open palms of enraged citizens. One man followed close at his heels and at intervals stuck a knife into his body. Grizzard begged piteously to have the persecution stopped. "I will go with you," he said, "if you'll quit hitting and cutting me." This was all he ever said.⁹

Spearman and Grizzard's cases, one a public execution and one a public torture lynching, are examples of two different modes of putting people to death that were common from the 1880s to the early 1900s. This was a crucial period in the formation of the modern death penalty and in the effort of the American state to consolidate its "monopoly of the legitimate use of physical force."¹⁰ Both kinds of killing attracted considerable public attention and ghoulish interest, especially as they played out when people were executed in public, whether by the state or lynch mobs.

This Article focuses on that attention and interest as reflected in newspaper coverage of those events. Newspapers, the dominant news media of the time, both reflected and shaped community sentiments as they reported on public executions and public torture lynchings. Analyzing fifty-three public torture lynchings and 328 public executions between 1883 and 1905, this Article finds substantive differences between newspaper narratives of public executions and public torture lynchings. In coverage of public executions, newspapers put the condemned person at the center of their coverage and often suggested they had some level of agency during their own executions; with lynchings, newspapers focused far more on the lynch mob than on the person who was killed. The person lynched was most often portrayed as playing a largely passive role as events unfolded.

I. MAKING SENSE OF PUBLIC EXECUTIONS

From the beginning of the Republic until well into the twentieth century, executions were carried out in public, where anyone could watch the proceedings.¹¹ In colonial America, public execution was the punishment for crimes ranging from counterfeiting and theft to rape and murder.¹² Newspaper coverage, sermons, and town gossip, as well as the

⁹ *Id.*

¹⁰ MAX WEBER, *Politics as a Vocation*, in FROM MAX WEBER: ESSAYS IN SOCIOLOGY 77 (H.H. Gerth & C. Wright Mills eds. & trans., 1946) (emphasis omitted).

¹¹ STUART BANNER, THE DEATH PENALTY: AN AMERICAN HISTORY 10 (2002).

¹² *Id.* at 8.

open and central locations of the executions themselves, helped “broadcast terror [of the execution] as widely as possible.”¹³ Putting people to death for all to see was intended as retribution for past crimes and a deterrent for future crimes.¹⁴

Executions were also viewed as a mechanism for individual and communal repentance. Even though confining criminals before execution was often difficult or inconvenient because there was limited space in the jails of the time, “[t]he condemned person was normally allowed at least a week or two, and often several weeks, to get ready to die.”¹⁵ The community’s repentance was similarly important, as executions were a “backward-looking effort at purging the community of guilt for crimes committed in the past.”¹⁶ Crimes belonged to “the land as well as the criminal,” and executions were “the only way to expiate that collective guilt.”¹⁷

This focus on both the criminal’s and the community’s repentance was especially important in the Protestant-dominated South, where Black religious revivals at execution sites were common. At such sites, it wasn’t unusual for some members of the crowd, frequently Black women, to “scream, or sing, or pray, or call out” to those on the gallows.¹⁸ Executions also became “moments of prayer and even of celebration: a sinner coming home to Christ, leaving this flawed world to find a place in heaven.”¹⁹ The crowd and the religious rituals at execution sites, “fundamentally shaped the nature and experience of these events,” frequently, “in a direction askew from, or even countervailing, the state’s punishment goals.”²⁰ That is why, in the ensuing decades, political elites began to sour on public executions.²¹

¹³ *Id.* at 10.

¹⁴ AMY LOUISE WOOD, *LYNCHING AND SPECTACLE: WITNESSING RACIAL VIOLENCE IN AMERICA, 1890–1940*, at 27 (2009).

¹⁵ BANNER, *supra* note 11, at 17.

¹⁶ BANNER, *supra* note 11, at 10; *see also* Michael Madow, *Forbidden Spectacle: Executions, the Public and the Press in Nineteenth Century New York*, 43 *BUFF. L. REV.* 461 (1995); WOOD, *supra* note 14, at 24.

¹⁷ BANNER, *supra* note 11, at 14.

¹⁸ Michael A. Trotti, *The Scaffold’s Revival: Race and Public Execution in the South*, 45 *J. SOC. HIST.* 195, 196 (2011).

¹⁹ MICHAEL AYERS TROTTI, *THE END OF PUBLIC EXECUTION: RACE, RELIGION, AND PUNISHMENT IN THE AMERICAN SOUTH* 10 (2022).

²⁰ *Id.* at 9.

²¹ *See* EDWARD L. AYERS, *VENGEANCE AND JUSTICE: CRIME AND PUNISHMENT IN THE 19TH-CENTURY AMERICAN SOUTH* 248 (1984) (describing one county’s decision to hang a man

Beginning in the 1830s, support for public executions started to decline in the North. In 1834, Pennsylvania became the first state to conduct executions out of the public eye.²² Many Northern states soon followed, and “[b]y 1845 all the states in New England and the Mid-Atlantic region had eliminated public executions in favor of private hangings.”²³ Privatization in the South occurred over 80 years, from the late 1850s to the 1930s, when the last public execution took place in the United States.²⁴ Michael Trotti argues, however, that the height of the South’s privatization took place near the turn of the century, the period covered by our study.²⁵ “Overall,” he explains, “public execution predominates into the early 1880s, and private execution predominates starting in the early twentieth century.”²⁶

This period saw “a tremendous mixture of trends.”²⁷ Trotti suggests that this mixture occurred because local officials had significant discretion to determine how executions were carried out.²⁸ As he notes, “[m]any localities and sheriffs decided either to ignore private execution laws or to adhere to them in the most perfunctory fashion.”²⁹ For example, some officials treated barriers such as low fences to be compliant with state laws mandating that executions take place in an “enclosure.”³⁰ It wasn’t until states centralized executions in state penitentiaries and/or started using the electric chair that local officials’ power over how and where executions took place began to wane—and with it, the mix of modes Trotti describes.³¹

The centralization of executions was propelled by the introduction of the electric chair as an execution method. As John Bessler explains, the New York legislative commission, chaired by Elbridge T. Gerry in 1888,

made several wide-ranging recommendations, the primary one being that criminals be electrocuted instead of

in private in order to avoid the “morbid and lamentable incidents” that accompany public executions).

²² LOUIS P. MASUR, RITES OF EXECUTION: CAPITAL PUNISHMENT AND THE TRANSFORMATION OF AMERICAN CULTURE, 1776–1865, at 94 (1989).

²³ *Id.*

²⁴ Trotti, *supra* note 18, at 196.

²⁵ *See id.* at 213 n.13.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *See id.* at 202.

²⁹ *Id.*

³⁰ WOOD, *supra* note 14, at 42.

³¹ Trotti, *supra* note 18, at 209.

hanged[,] . . . because electrocutions could be inflicted in a “strictly private” fashion. The commission also proposed that state prison authorities, instead of county sheriffs, conduct executions to effectively bar members of the press from attending them.³²

In the South, as Amy Wood explains, the move toward electrocution was so effective in promoting privatization “[b]ecause the electric chair stood indoors, within prison walls, with room available for only a select number of witnesses[;] there was no possibility of large crowds breaking through or climbing rooftops to see.”³³

In addition, some scholars argue that a newfound emphasis on “civility” was equally important in explaining this shift away from public executions.³⁴ Louis Masur describes this phenomenon as first being manifest in social elites’ exodus from execution crowds: “People from the middle and upper classes were beginning to find public hangings revolting; it was becoming a class imperative not to be associated with such disturbing scenes.”³⁵ As Annulla Linders explains, “the new sentiments were directed not only at the unpleasantness of the execution itself but also at the uncivilized manner in which the lower-class crowd conducted itself during the public spectacle.”³⁶ This shift also was registered in newspaper coverage of late nineteenth and early twentieth century executions.³⁷

Daniel LaChance has analyzed execution coverage in two significant Southern papers, *The Atlanta Constitution* and *The New Orleans (Times-)Picayune*.³⁸ The period he studied, from 1877 to 1936, encompasses the period of Southern privatization, when many executions were held in a public or quasi-public manner.³⁹ LaChance found that, “[a]s

³² JOHN D. BESSLER, *DEATH IN THE DARK: MIDNIGHT EXECUTIONS IN AMERICA* 47 (1997).

³³ WOOD, *supra* note 14, at 29.

³⁴ See MASUR, *supra* note 22, at 96; Annulla Linders, *The Execution Spectacle and State Legitimacy: The Changing Nature of the American Execution Audience, 1833–1937*, at 36 *L. & SOC’Y REV.* 607, 611 (2002); BANNER, *supra* note 11, at 146.

³⁵ MASUR, *supra* note 22, at 96.

³⁶ Linders, *supra* note 34, at 611.

³⁷ See *id.* at 607 (noting that crowds at public executions were often “described as uncivilized, irrational, and ignorant”).

³⁸ Daniel LaChance, *The Death Penalty in Black and White: Execution Coverage in Two Southern Newspapers, 1877–1936*, 48 *L. & SOC. INQUIRY* 999 (2023).

³⁹ See *id.* at 1014–15. Quasi-public here refers to executions where there was some barrier to viewing the execution but a large crowd was still present. See *id.* The barrier might be a low fence forming an enclosure into which only a limited number of spectators were allowed. *Id.* In

radical white supremacy took hold in the 1890s, and the rate at which whites lynched Black men soared, the median length of articles describing the legal executions of Black men plummeted 75 percent, from sixteen paragraphs to four.⁴⁰ LaChance argues that, during this period, “condemned Black men increasingly appeared as faceless, interchangeable public safety hazards the state was neutralizing with little fanfare.”⁴¹

Beyond LaChance’s work, while some scholars have used newspapers as their primary source in investigating public executions, none of them have examined local as well as national newspaper coverage.⁴² Those who have looked at coverage in any newspaper offer several different accounts of why and how newspapers covered the execution crowd. For example, Amy Wood suggests that “news accounts paid as much attention to the comportment and reaction of the crowd as they did to those of the condemned” because they sought to perpetuate the narrative of the “white crowd as a unit, sharing the same outrage at and condemnation of black criminality.”⁴³ She argues that newspapers commonly described the impact of executions on Black members of the crowd since they were intended to serve “as conspicuous warnings to potential black criminals.”⁴⁴ Other scholars suggest that rather than crowds being treated as reinforcing the legitimacy of public executions, newspapers’ characterization of Black crowds’ religious expressions as misbehavior served to undermine that legitimacy.⁴⁵

Similarly contentious is the question of why reporters paid particular attention to women and children in the execution crowds. Wood writes that “[n]ews reports of executions tended to point out that many women and children had attended, presumably because their presence contributed both to the sense of public spectacle and to the social legitimacy of the event.”⁴⁶ On the other hand, Linders notes that newspapers more frequently discussed gender at the end of the nineteenth century during the peak period of reform.⁴⁷ She suggests that newspapers consistently

other cases, the barrier consisted of the walls surrounding the prison yard, where hundreds of individuals with tickets were admitted to view the execution. Trotti, *supra* note 18, at 203.

⁴⁰ LaChance, *supra* note 38, at 1001.

⁴¹ *Id.* at 1020.

⁴² *See generally* Trotti, *supra* note 18; WOOD, *supra* note 14.

⁴³ Wood, *supra* note 14, at 41.

⁴⁴ *Id.* at 34.

⁴⁵ *See* Trotti, *supra* note 18, at 200–01.

⁴⁶ Wood, *supra* note 14, at 33.

⁴⁷ Linders, *supra* note 34, at 623.

criticized the presence of women at execution sites as a way for reporters to question the civility of those proceedings.⁴⁸

In addition, scholars highlight newspapers' tendency to focus on the gruesome details of public executions. As Wood observes, "[n]ewspapers reported faithfully whether the hanging rope broke the condemned[person]'s neck or strangled him to death; how long he suffered and how long it took him to die; whether his body jerked or shook; and whether he cried, fainted, or prayed."⁴⁹ She suggests this was not out of humanitarian concern but rather to please an audience of bloodthirsty readers.⁵⁰

II. LYNCHINGS AND THEIR PUBLICS

Lynchings play a prominent and shameful part in the American story. By the late nineteenth century, they were quite common, and were quickly transforming into "a predominantly southern, racialized phenomenon."⁵¹ Furthermore, Wood argues that "the practice increased dramatically in both frequency and intensity after the Civil War and Reconstruction, peaking from the 1890s through the first decade of the twentieth century."⁵²

But these racialized lynchings took different forms. Scholars have identified four different kinds of lynching, focusing on the crowds that carried them out: terrorist mobs, private mobs, posses, and mass mobs.⁵³ Terrorist and private mobs were typically small, with "fewer than fifty participants."⁵⁴ The Ku Klux Klan also participated in terrorist mob lynchings; they "typically operated with great secrecy" and "were often distinguished by enduring, even elaborate, organization."⁵⁵

Lynchings perpetrated by private mobs were an expression of "vengeance"⁵⁶ in response to crimes that "for reasons that are often

⁴⁸ See *id.* at 622–23.

⁴⁹ Wood, *supra* note 14, at 40.

⁵⁰ See *id.*

⁵¹ *Id.* at 3.

⁵² *Id.* For examples of other studies on lynching, as well as state-specific studies, see generally PHILIP DRAY, *AT THE HANDS OF PERSONS UNKNOWN: THE LYNCHING OF BLACK AMERICA* (2002) and GEORGE C. WRIGHT, *RACIAL VIOLENCE IN KENTUCKY, 1865–1940: LYNCHINGS, MOB RULE, AND "LEGAL LYNCHINGS"* (1990).

⁵³ See, e.g., W. FITZHUGH BRUNDAGE, *LYNCHING IN THE NEW SOUTH: GEORGIA AND VIRGINIA, 1880–1930*, at 18–19 (1993).

⁵⁴ *Id.* at 19.

⁵⁵ *Id.* at 19–20.

⁵⁶ *Id.* at 29.

difficult to discern, had failed to arouse communal passions.”⁵⁷ Poses often set out with the alleged purpose “to capture rather than to lynch criminals,” but they would often “degenerate[] into indiscriminate violence against innocent blacks who found themselves in the[ir] paths.”⁵⁸

The final category of lynchings was “the most spectacular type of mob”—mass mobs.⁵⁹ These lynchings “unfolded in a highly ritualized choreography.”⁶⁰ Some were a “new and more savagely spectacular version” of lynchings—public torture lynchings.⁶¹ These public torture lynchings “took place in front of large crowds and involved a degree of publicity, torture, and ceremony that had not occurred in the past.”⁶² David Garland interprets these public torture lynchings as a way that white southerners attempted to reassert white supremacy in response to growing Black political empowerment following Reconstruction.⁶³ As Wood puts it, “[t]he particular urgency and intensity with which white southerners lashed out at alleged black criminals” was a response to “fears and anxieties that modernization generated.”⁶⁴

With their ritualistic elements, public torture lynchings resembled public executions in some ways, and their number increased as public executions declined. As Wood writes,

[n]ot incidentally, at the same time [as executions were privatized], lynchings were becoming more public, more ritualized, and more spectacular. Just as they resisted when local and state authorities prevented them from attending executions, white southerners resorted to lynching to guarantee their active involvement in and witnessing of criminal punishment, to satisfy their outrage and desire for vengeance⁶⁵

E.M. Beck and Stewart Tolnay find it difficult to verify her claim because they found patterns in Georgia and Mississippi lynching data that “seem inconsistent with the notion that torture lynchings increased after

⁵⁷ *Id.*

⁵⁸ *Id.* at 33, 35.

⁵⁹ BRUNDAGE, *supra* note 53 at 36.

⁶⁰ *Id.* at 39.

⁶¹ David Garland, *Penal Excess and Surplus Meaning: Public Torture Lynchings in Twentieth-Century America*, 39 L. & SOC’Y REV. 793, 804 (2005).

⁶² *Id.* at 802.

⁶³ *Id.* at 811.

⁶⁴ WOOD, *supra* note 14, at 6.

⁶⁵ *Id.* at 23.

legal executions were privatized.”⁶⁶ They concede, however, that in the absence of a comprehensive database identifying public and private executions, it is not possible to empirically verify or refute Wood’s claims.⁶⁷

Whatever the relationship between the movement to privatize executions and the prevalence of public torture lynchings, it seems clear that newspapers played a key role in documenting them and disseminating information about them. As Susan Jean and W. Fitzhugh Brundage report,

[b]y any measure, newspapers were the most important venue for representations of and justifications for lynching in no small part because they compiled virtually the only public record of lynchings. Newspapers had the power to represent lynchings in whatever manner they found expedient and to define the practice as they saw fit. Newspapers also could and sometimes did choose to remain silent about lynchings, thereby wielding the power to erase events from the historical record. Furthermore, editorial pages provided an ideal setting in which white southerners could rebut critics of mob violence and defend southern ‘civilization.’⁶⁸

In addition to simply documenting lynchings, newspapers controlled the narrative of lynching’s most pertinent dimensions: the alleged crime, the accused’s character, and the lynch mob’s behavior.⁶⁹ Richard M. Perloff reminds us that the rise in lynchings occurred at a time “in which news was developing ever more quickly into a commodity and sensational journalism was becoming a major force on the journalistic landscape.”⁷⁰

⁶⁶ E.M. Beck & Stewart E. Tolnay, *Torture and Desecration in the American South, an Exclamation Point on White Supremacy, 1877–1950*, 6 *SOC. CURRENTS* 319, 334 (2019).

⁶⁷ *See id.*

⁶⁸ Susan Jean & W. Fitzhugh Brundage, *Legitimizing ‘Justice’: Lynching and the Boundaries of Informal Justice in the American South*, in *INFORMAL CRIMINAL JUSTICE* 157, 163 (Dermot Feenan ed., 2002).

⁶⁹ *See id.* at 163–65.

⁷⁰ Richard M. Perloff, *The Press and Lynchings of African Americans*, 30 *J. BLACK STUD.* 315, 318 (2000). In the decades leading up to the Civil War, news coverage in the United States was partisan and focused on editorial opinions; however, the war shifted the way Americans viewed the news. HAZEL DICKEN-GARCIA, *JOURNALISTIC STANDARDS IN NINETEENTH-CENTURY AMERICA* 52 (1989). During the war, Americans established the press as part of their daily lives “in a way that was unprecedented.” *Id.* Families seeking information about their loved ones turned to their local papers for the facts. *Id.* “[E]veryone had a stake in the war,” making newspapers “primary reading material” and shifting coverage to focus more heavily on events than opinions. *Id.* Newspapers became “increasingly standardized,” taking a form which

Hazel Dicken-Garcia writes that as the nation moved from agrarianism to industrialism, a transition occurred from the “editor-centered, personal structure” of the pre-War press to “corporatism,” which devalued editorial opinions.⁷¹ The desire for national news and reliance on wire-service coverage created “[a] large body of traveling reporters . . . who saw and understood more of the nation than had any journalists before them.”⁷² However, the Southern and rural press were far slower to make these changes.

Thomas Clark argues that in the 1880s, the Southern country editor remained a fixture of Southern society and was responsive to the objectives of the local region.⁷³ In the late-nineteenth century, “[p]erhaps no other calling offered so much prestige and community honor in so short a time as did editorship.”⁷⁴ A “young man possessing a common-school education, some gumption, imagination, business ability and mechanical sense could establish himself as a solid figure in a remarkably brief time.”⁷⁵ However, the position came with certain expectations about the

emphasized the lead and bylines and “guide[d] readers in finding the most important elements.” *Id.* at 53. The telegraph and illustrations became a part of news gathering technologies. *Id.* at 55. Both the costs and profits of newspapers increased as news was made into a business through the War. DICKEN-GARCIA, *supra*, at 56–57. By the 1880s, “competition for circulation . . . led to manufactured as well as marketed news as editors staged promotional events to report.” *Id.* at 57. With the emergence of the telegraph, newspapers increasingly turned to wire-services for coverage. See Susan R. Brooker-Gross, *News Wire Services in the Nineteenth-Century United States*, 7 J. HIST. GEOGRAPHY 167, 167 (1981). In 1846, the New York State Associated Press (NYAP) became the first official wire news service, “formaliz[ing] the previous co-operative efforts of nineteen upstate New York newspapers.” *Id.* at 168. Over the course of the nineteenth century there were several competing wire-coverage providers. *Id.* at 172. The NYAP’s insistence on requiring local newspapers using their service to publish local New York City news sparked dissent amongst Chicago newspapers, leading to the growth of the Western Associated Press (WAP). *Id.* at 169–70. In 1881, NYAP and WAP created a joint agreement which brought many more newspapers under their collective purview, including local Southern papers that had previously not participated in wire-service coverage. See *id.* at 174. By the mid-1880s, local newspapers across the country were printing national wire coverage alongside local stories. See *id.* WAP reorganized in 1892 into what is now known as the Associated Press (AP); NYAP folded and turned clients over to either the AP or United Press (UP). Brooker-Gross, *supra*, at 175. During the beginning of the twentieth century, it was these two providers who dominated the wire-service market. See *id.* at 175.

⁷¹ Dicken-Garcia, *supra* note 70, at 60.

⁷² *Id.* at 57.

⁷³ See THOMAS D. CLARK, *THE SOUTHERN COUNTRY EDITOR* 35–36 (1948).

⁷⁴ *Id.* at 35.

⁷⁵ *Id.*

content being reported.⁷⁶ As a result, editors often avoided announcing unpleasant news themselves and left it up to the syndicates.⁷⁷

When reporting on lynchings, violating communal expectations to serve as the town “puffer and booster” could come with very serious consequences.⁷⁸ An editor “ran the risk of bodily harm if he was too critical, especially if a sex crime against a female member of a good family had been punished.”⁷⁹ Clark emphasizes that because of this, “[i]t is doubtful that an editor in a community wrought up by a lynching could take an entirely objective view of it.”⁸⁰ However, many also saw covering lynchings as an opportunity to grow readership, as sensational stories were in particular demand around the turn of the century.⁸¹

Research on newspaper coverage of lynchings shows that there was a distinct difference between local and national newspaper coverage. Brundage highlights these differences, saying that larger Southern and Northern daily newspapers “often published reports of lynchings taken from the news wires, many of which were marred by inaccurate details. Sometimes they even published descriptions of lynchings that did not happen or were prevented.”⁸² When national newspapers reported on lynchings, they offered details beyond brief wire coverage.⁸³ This coverage was different from what was provided in local, Southern newspapers.⁸⁴

In describing local newspaper coverage of lynchings, Jean and Brundage note “the penchant of white southern journalists to describe the actions of lynch mobs in scripted, laudatory terms.”⁸⁵ In her book, *Ecologies of Violence*, Megan Eatman references how newspapers focused on stories of a Black man raping a white man, “often describing the alleged crime and subsequent lynching in detail in order to thrill readers.”⁸⁶ As Tolnay and Beck put it, “[f]ew institutions were as effective at

⁷⁶ *Id.* at 36.

⁷⁷ *Id.* at 55.

⁷⁸ *See id.* at 36, 226.

⁷⁹ CLARK, *supra* note 73 at 226.

⁸⁰ *Id.*

⁸¹ *See id.* at 214, 226.

⁸² BRUNDAGE, *supra* note 53, at 294.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ Jean & Brundage, *supra* note 68, at 158.

⁸⁶ MEGAN EATMAN, *ECOLOGIES OF HARM: RHETORICS OF VIOLENCE IN THE UNITED STATES* 35 (2020).

perpetuating the image of black lynchings as popular justice as were southern newspapers, which ran detailed rationalizations of mob activity. This was particularly true if the victim had been accused of a sexual assault on a white woman.”⁸⁷

However, Southern newspapers did not use this rhetoric for every lynching they covered. As Jean and Brundage note,

[i]n the eyes of white southerners, all lynchings were not created equal. A particular kind of lynching dominated the front pages of southern newspapers; it seemed to affirm to southern whites the meaning and the value of the practice, and it remains with us even today as the prevailing image of lynching. This lynching featured key recognizable elements, such as a black man committing a crime against a white woman (or, less frequently, an esteemed white man), communal expression of outrage over the incident, and communal execution of ‘justice’.⁸⁸

In a study of newspaper coverage of lynchings in white Southern newspapers, Jean explains this distinction, defining a difference between “warranted” and “unwarranted” lynchings,⁸⁹ where “‘respectable’ lynchings were executed somberly by men who derived no undue pleasure from them. Local newspapers often reported the absence of whiskey drinking or excessive violence in an attempt to depict these lynchings as sober, earnest affairs.”⁹⁰ “Unwarranted” lynchings contrastingly were for “exceedingly petty crimes” or “out of personal interests.”⁹¹ Jean suggests that mass mob lynchings, a category which includes public torture lynchings, “were often synonymous with ‘warranted’ lynchings because they seemed to express the outrage of the entire white community, and these were the same cases that often flared into attacks on the black community at large.”⁹²

One might expect that national newspapers, especially those based in Northern cities with strong antilynching sentiment, would depart from coverage of lynchings by Southern newspapers. For example, Perloff notes that “The *Chicago Tribune* was a pioneer in the antilynching effort,”

⁸⁷ STEWART E. TOLNAY & E.M. BECK, A FESTIVAL OF VIOLENCE: AN ANALYSIS OF SOUTHERN LYNCHINGS, 1882–1930, at 87 (1995).

⁸⁸ Jean & Brundage, *supra* note 68, at 164.

⁸⁹ Susan Jean, *‘Warranted’ Lynchings: Narratives of Mob Violence in White Southern Newspapers, 1880–1940*, 6 AM. NINETEENTH CENTURY HIST. 351, 364 (2005).

⁹⁰ *Id.* at 357.

⁹¹ *Id.* at 359.

⁹² *Id.* at 372 n.46.

and “*The New York Times* was without question the harshest critic of lynching and provided some of the earliest denunciations.”⁹³ However, even national newspapers could not transcend the temper of the times: the *Chicago Tribune* “follow[ed] the custom of identifying the race of the ‘criminal’ when he was Black” and *The New York Times* “reflected the values of the era in several subtle and not-so-subtle ways.”⁹⁴

Building on existing scholarly debates and seeking to address the gaps in the literature discussed above, this Article compares newspaper coverage of public executions and public torture lynchings in the United States between 1883 and 1905. Unlike others, we analyze and compare newspaper coverage of both public executions and public torture lynchings. In this time of transition in these two ways of carrying out “justice,” we want to understand how newspapers treated them and whether they valorized one or the other. Did they provide different kinds of coverage for each of them? Did they focus the public’s attention in the same way whether they were reporting on a public execution or a public torture lynching?

III. METHODS

Our analysis of newspaper coverage of public executions and public torture lynchings⁹⁵ draws on newspapers.com, the largest online newspaper archive with access to more than 29,300 newspapers.⁹⁶ For each public execution and lynching, we examined the most local coverage in addition to national press coverage. The point-to-point distance between the newspaper location and the place of execution or lynching determined the most local coverage. We searched for national coverage in three newspapers: *The New York Times*, the *Chicago Tribune* and the *San Francisco Chronicle*.

To identify executions, we relied on the ESPY File, which contains the names of every individual executed in the United States from 1608 to 2002.⁹⁷ It also lists the date of the execution, the state the individual was

⁹³ Perloff, *supra* note 70, at 323.

⁹⁴ *Id.*

⁹⁵ As mentioned before, public torture lynchings were immensely impactful, although relatively infrequent, events. In contrast, public executions have traditionally been frequent occurrences in American history. Therefore, there were far fewer public torture lynchings (n=53) than public executions (n=328) in the timespan of this Article.

⁹⁶ NEWSPAPERS.COM, <https://www.newspapers.com> [<https://perma.cc/HKP6-24TP>].

⁹⁷ *Executions in the U.S. 1608–2002: The Espy File Executions by State*, <https://dpic-cdn.org/production/legacy/ESPYstate.pdf> [<https://perma.cc/Q9GT-4Y7V>].

executed in, their crime, gender, and other identifying information.⁹⁸ We defined a public execution as one carried out in a place (outside the jail yard) with no barrier that would restrict viewership.⁹⁹

For lynchings, we used the Tolnay and Beck lynching database, which provides information about mob size and torture methods used on victims.¹⁰⁰ For our purposes, public torture lynchings were those where more than one hundred people were present. The database also includes torture methods such as being dragged, stoned, or burned slowly before the lynching itself.¹⁰¹

We analyzed the name, race, and characterization of the individuals being executed or lynched, as well as the length, in paragraphs, of each

⁹⁸ *Id.*

⁹⁹ Frequently, newspaper articles did not list the exact location. In such cases, if there was no location but also no mention of a barrier that would restrict viewership (e.g., enclosure, jail yard, curtain, wall) and there was a description of a crowd present or the execution is explicitly described as public, then the execution would qualify as a public execution. Private executions frequently took place in the jail yard or had some form of enclosure. *See* MASUR, *supra* note 22, at 94.

When determining if an execution was public or private, we searched the name of each individual in the ESPY File in newspapers.com. We looked for articles published in the week after the execution. If no articles were found or if the articles found were only out of state, we widened the range to one month.

We examined the first several entries with dates of publication closest to the date of execution. If there was strong evidence to indicate the execution was private (e.g., the execution was private and there were five people present, there were twenty people in the jail courtyard) we would examine two to three more articles, if available, to corroborate. If there was no conflicting evidence, we would mark the execution as private. However, if there was conflicting evidence we give particular weight to newspapers in the city of the execution or of the closest proximity. We were overly conservative and gave greater scrutiny to cases described as public before including them in our data set. If we were unable to come to a conclusion about the publicity of the execution, we would mark the execution as “indeterminate.” If there was strong evidence to indicate an execution was public (e.g., described as public, outside the jail yard, or with hundreds of people present and no mention of a barrier) then we would examine four to five more articles, if available, to corroborate. Similarly, we gave particular weight to newspapers with the closest proximity to the execution, and if there were conflicting accounts from newspapers in cities of the same or very similar proximity to the execution (i.e., within 10 miles), we would give greater weight to the newspaper account with the date closest to the execution.

¹⁰⁰ Stewart E. Tolnay & E.M. Beck, *Lynching Data from 1882 to 1930* (1995) (accessed in 2023, on file with author).

¹⁰¹ *Id.* Due to the extralegal nature of lynchings, any lynching database will be incomplete. The Tolnay and Beck database aggregated several previous lynching datasets to create a more comprehensive overall list of lynchings. *Id.* Because one of these datasets was gathered from lynchings reported in the Chicago Tribune, a large number of the lynchings in this dataset were coded as having received national coverage for the purposes of this paper. Additionally, the database only codes for lynchings in the South. *Id.* The strengths of the Tolnay and Beck database, as well as the fact that lynching became a “predominantly southern, racialized phenomenon,” outweighs its geographical bias. Wood, *supra* note 14, at 3.

news article. For lynchings, we also examined whether there had been some judicial process before the lynching occurred and, if so, whether the lynching victim had already been sentenced by a judge.¹⁰²

IV. REPRESENTING TWO MODES OF PUTTING PEOPLE TO DEATH

When covering public executions, local newspapers often followed a strict formula that placed the defendant at the center of the narrative. News reports typically mentioned the lead-up to the execution, detailed the prisoner's gallows speech, briefly described the death, and only then recounted the crime.¹⁰³ A great deal of attention was paid to the physical and spiritual preparation of the defendant.¹⁰⁴ And while local newspapers frequently described the crowd that attended an execution, they most often cast it as a supporting actor in a production that otherwise starred the condemned.¹⁰⁵

That is why they offered details about the defendant's physical and religious preparation and their behavior immediately before their death. Local newspapers often reported on defendants' last meals, how they slept, their grooming, whether they drank or smoked, and their general demeanor. For example, *The Oxford Eagle*, a newspaper in Oxford, Mississippi, offered the following details about the executions of Will Mathis and Orlando Lester, who were hanged together for murder on September 24, 1902, in Oxford.¹⁰⁶ "The condemned men," it said,

passed a quiet night, both sleeping well. When, according to custom, they were asked what they preferred for breakfast, Mathis requested that he be given ham, biscuit and coffee. Lester asked for fried chicken, with plenty of fat gravy, eggs and coffee. Both were given what they requested, and ate heartily. Neither asked for whiskey or stimulants and none were given.

After breakfast, a barber was brought into the jail, and Mathis was shaved and dressed for his burial.¹⁰⁷

¹⁰² The complete set of data collected can be found in *Appendix: Representing Death*, TEX. J. ON C.L. & C.R., <https://sites.utexas.edu/tjelcr/files/2025/12/ReppingDeathTable-1.pdf> [<https://perma.cc/F9V8-EX5H>].

¹⁰³ E.g., *The Drop Broke His Neck*, MACON TEL., June 20, 1891, at 2.

¹⁰⁴ E.g., *Mathis and Lester Hung*, OXFORD EAGLE, Sep. 25, 1902, at 2.

¹⁰⁵ See e.g., *The Drop Broke His Neck*, *supra* note 103 (discussing the crowd only to say that over "5,000 negroes" were in attendance and that "[a]ll passed off in perfect order").

¹⁰⁶ *Mathis and Lester Hung*, *supra* note 104.

¹⁰⁷ *Id.*

The paper also reported that Mathis's "wife and little son visited him in his cell, and remained with him until he was carried out to the wagon to be taken to the gallows."¹⁰⁸ Such details helped humanize the people who were put to death by the state.¹⁰⁹

Additionally, newspapers were eager to describe the defendants' religious preparation and struggle for salvation. 65.8% of articles about public executions in local newspapers mentioned religion at some point, frequently describing the involvement of religious figures before and during the day of the execution. They often also reported whether the defendant had accepted or rejected religion before death. Typical was *The Macon Telegraph's* coverage of Sherman Brookins' 1891 execution in Louisville, Georgia.¹¹⁰ Despite characterizing Brookins as a "cold blooded murderer," the *Telegraph* informed its readers that, "he has been making great preparations for death for weeks past, praying and reading his bible, and has been saying he was ready to go and fully prepared to die."¹¹¹ Local newspapers frequently commented on whether a defendant had been baptized and converted before their execution, whether a spiritual advisor had visited a defendant in jail, and whether that advisor was Black.¹¹²

The condemned person's last words were a topic of particular fascination in news coverage of public executions.¹¹³ More than 60% of the articles on public executions in local newspapers either included direct quotes from, or paraphrased, defendants' gallows speeches. Newspapers frequently characterized the condemned as calm or brave, with the common adage that they "Died Game."¹¹⁴ The *Arkansas Democrat* wrote that Frank Williams, executed in Pine Bluff, Arkansas, in 1884 for the murder of his wife, stood on the scaffold "serene and composed" and had "sure hopes of eternal life."¹¹⁵

¹⁰⁸ *Id.*

¹⁰⁹ See LaChance, *supra* note 38, at 1012 (describing mentions of condemned men's loved ones as "humanizing details").

¹¹⁰ *The Drop Broke His Neck*, *supra* note 103.

¹¹¹ *Id.*

¹¹² *E.g., id.*

¹¹³ In 29.9% (98) of public execution coverage, there was no mention of a gallows speech; 5.8% (19) noted that the defendant declined to give a speech; 36.9% (121) paraphrased the gallows speech; 3.0% (10) mentioned a speech but gave no details; 24.1% (79) directly quoted the speech; and 0.3% (1) remarked that the defendant was prohibited from giving a speech.

¹¹⁴ *E.g., Mathis and Lester Hung*, *supra* note 104; *Hanged*, ARK. DEMOCRAT (Little Rock, Ark.), Aug. 1, 1884, at 1.

¹¹⁵ *Hanged*, *supra* note 114.

In contrast, in their coverage of lynchings, newspapers said little about the people who were hanged.¹¹⁶ They also offered little information about their families and their physical or religious preparation before death.¹¹⁷ Even the last words of most lynching victims went unreported.¹¹⁸ Whether this was because the reporter was not present at the lynching, mobs prevented victims from giving last words, or it was simply not a matter of interest for reporters is unclear.

When local newspapers did detail lynching victims' last words, they paraphrased their confessions—which were clearly given under duress.¹¹⁹ Those confessions played a very different role in newspapers' accounts of lynchings than in their accounts of public executions. Gallows speeches were high points during public executions, and the press portrayed them as pleas for salvation. For example, the *Lawrence Chieftain's* portrayal of Edward Clum's 1887 gallows speech quotes him as saying, "I confessed it to my Maker long ago and asked [H]is forgiveness and felt that He has forgiven me," and "I deserve this and am perfectly willing to pay the penalty of my crime."¹²⁰

Reporting on forced confessions at public torture lynchings had a very different quality, often indirectly affirming the mob's legitimacy by reminding the public that it had lynched a "guilty" person. In the *Fort Worth Daily Gazette's* account of Henry Hillard's lynching, for instance, it notes that "[b]efore he was chained to the scaffold he said that he had raped and killed other women before this."¹²¹ David Garland suggests that confessions serve as a crucial moment in the lynchings as they confirm their penal nature and "the rectitude of the proceedings."¹²² Even in cases where newspapers condemned certain aspects of lynchings, they never questioned the accused person's guilt. For example, reporting on the 1895 lynching of Jefferson Ellis in Braden, Tennessee, the *Bolivar Bulletin* commented, "[t]hat the wretch richly deserved death, there is no question; but the punishment should have been inflicted in a decent manner."¹²³

¹¹⁶ E.g., *Later Details*, ELBA CLIPPER, Aug. 15, 1901, at 1.

¹¹⁷ E.g., *id.*

¹¹⁸ In 82.7% (43) of lynching coverage, there was no mention of the victim's last words; 1.9% (1) declined to give a speech; 7.7% (4) paraphrased.

¹¹⁹ E.g., *Dark Spot*, FORT WORTH DAILY GAZETTE, Nov. 1, 1895, at 3.

¹²⁰ *On the Gallows*, THE LAWRENCE CHIEFTAIN (MOUNT VERNON, MO.), Apr. 21, 1887, at 2.

¹²¹ *Dark Spot*, *supra* note 119.

¹²² Garland, *supra* note 61, at 812.

¹²³ *Local News*, BOLIVAR BULL., Oct. 18, 1895, at 2.

Occasionally, local newspapers highlighted the lynching victim's unwillingness to confess and the mob furor that it evoked. *The Daily Commercial Herald*, for instance, writes that Tom Harris, who was accused of rape and lynched in Vicksburg, Mississippi, in 1888 (the same town where the newspaper is located), "stoutly denied any knowledge of the affair" and was subsequently

taken over to the court house and up to the court room where he was promised his life if he would tell who the other two men were who had abetted him, but he refused to confess. He was next taken down stairs and out into the east side of the court house yard where a rope was thrown over a limb of a tree and he was hauled up. After a minute or two he was let down and asked what he knew of the affair, but he still refused and after the parleying with him for a while longer he was finely strung up and left, a warning to rapists, and a horrible picture of the swift justice which overtook the fiend.¹²⁴

Depictions of lynching victims' last moments portrayed them as terrified subjects left to the mob's mercy. For example, *the Elba Clipper*, based in Elba, Alabama, described the death of John Pennington, who was burned alive in the nearby city of Enterprise:

The terrified negro again pleaded for mercy in the most agonizing tones and prayed to God that those around him might perish. He then called upon the Maker for forgiveness, and as the flames leaped up and encircled his neck an unearthly shriek was heard and the man's eyes bulged out of their sockets.¹²⁵

Local news accounts of public executions sometimes described the condemned as frightened at one moment and brave in another.¹²⁶ One part of the story might be dedicated to the horror of their crime, while another part portrayed the perpetrator as a loving father or husband, and a repentant Christian.¹²⁷ However, newspaper descriptions of lynching victims generally lacked this multidimensional quality.¹²⁸

¹²⁴ *Higher than Haman*, THE DAILY COM. HERALD (Vicksburg, Miss.), May 1, 1888, at 2.

¹²⁵ *Later Details*, *supra* note 116.

¹²⁶ *E.g., Mathis and Lester Hung*, *supra* note 104 (describing Mathis as "being willing to die" in one paragraph and "nervous" in another).

¹²⁷ *E.g., id.; The Drop Broke His Neck*, *supra*, note 103.

¹²⁸ *E.g., Later Details*, *supra* note 116.

Not surprisingly, the crime of rape played an outsized role in news stories about lynching.¹²⁹ The majority of people who were lynched met their fate accused of that crime or both rape and murder. In contrast, the vast majority of those publicly executed were put to death for murder alone.¹³⁰

Reporting on rapes tended to go into less detail than other crime coverage. Local newspapers often said just that the person lynched had committed an “outrage” or “nameless crime” against a woman who was characterized as reputable.¹³¹ Additionally, in lynching coverage, a brief crime description was likely to be followed by some sort of superlative qualifying the nature of the crime.¹³² For instance, when describing the alleged crime of Raymond Bushrod, who was lynched in Hawesville, Kentucky in 1897, *The Breckenridge News* reported that he had “assaulted and out-raged this afternoon Miss Maggie Roberts, aged sixteen years.”¹³³ That description was followed by the statement that “[n]ever before in the history of the county had the people been so aroused as over this black and diabolical crime.”¹³⁴

In their reporting on public executions, newspapers generally included greater detail about the crime. Descriptions of the crime were often several paragraphs long.¹³⁵ They described the victim and perpetrator’s prior relationship, the motivation for the crime, descriptions

¹²⁹ In the accounts we read, 34% (18) of public torture lynching victims were lynched for alleged rape, while 5.8% (19) of public execution defendants were executed for rape. The alleged crimes of the lynching victims we coded for were as follows: 34% (18) of victims were lynched for rape, 28.3% (15) for murder, 20.8% (11) for rape and murder, 5.7% (3) for murder and arson, 1.9% (1) for accessory to murder, 1.9% (1) for murder and robbery, 1.9% (1) for murder and attempted murder, 1.9% (1) for prison break and attempted murder, 1.9% (1) for rape and robbery, and 1.9% (1) for attempted rape.

¹³⁰ 78.7% (258) of public execution defendants were executed for murder, 7.6% (25) for murder and robbery, 5.8% (19) for rape, 3.3% (11) not mentioned, 3.3% (11) other forms of aggravated murder, and 1.2% (4) other crimes.

¹³¹ When describing the 1895 lynching of Neal Smith, *The Atlanta Journal* commented that his alleged victim, the “daughter of Colonel W. A. Henderson” was “a beautiful young lady of nineteen years.” *Tortured and Shot*, ATLANTA J., Oct. 5, 1895, at 1. When reporting Obediah Thompson’s 1886 lynching, the Anderson, South Carolina *Intelligencer* described Thompson’s alleged victim as “Mrs. Lancaster, the wife of a respectable white farmer,” and stated that she was “in a delicate condition at the time.” *Short Shrift and Long Rope.*, ANDERSON INTELLIGENCER, Mar. 4, 1886, at 4.

¹³² None of the accounts of public executions where the defendant was accused of rape alone (0/19) included a superlative to describe their crime. In contrast in 22% (4/18) of lynching accounts where the defendant was accused of rape, there was a superlative to describe the crime.

¹³³ *Judge Lynch*, BRECKENRIDGE NEWS (CLOVERPORT, KY.), Sep. 29, 1897, at 2.

¹³⁴ *Id.*

¹³⁵ E.g., *The Drop Broke His Neck*, *supra* note 103.

of the violence itself, and any attempt the perpetrator made to evade authorities. A short but otherwise paradigmatic crime description is included in *The Macon Telegraph's* report on the 1883 execution of Ambrose West: "Ambrose West, a negro, about the 19th of September last, waylaid and killed James Monroe, a negro, on Col. J. Early Billups's place, in this county, by striking him twice on the head with a maul, killing him instantly."¹³⁶ The newspaper explained that

[t]hey were picking cotton on Colonel Billups's place, when they renewed an old feud. They did not come to blows at the time[.] On the night of the 22d of September he was standing near a gate with a maul in his hand, waiting for Monroe to pass. As he did, West struck him twice on the head, killing him almost instantly.¹³⁷

When they were not describing the crimes for which people were put to death, local newspapers often had something to say about the roles state officials played in carrying out the execution and maintaining crowd control. They would praise them when an execution appeared to be swift and painless, while mostly refraining from criticizing them when death was prolonged and gruesome. For example, the *Dayton, Washington Daily Chronicle's* reporting on the 1883 execution of Ezra Snoderly noted that his death appeared to be painless: "The body hung perfectly still, with the exception of spasmodic breathing and a slightly swinging motion of his lower limbs."¹³⁸ The execution, it said, "was very neatly done and reflects great credit upon Sheriff Hosler. It was entirely free from any revolting slip or accident of any kind."¹³⁹

In an article titled *A Sheriff's Bungle*, *The Macon Telegraph* criticized the state for the botched execution of Ambrose West:

The first attempt at hanging was a horrible failure, the rope breaking. An hour elapsed before another could be procured. . . .

. . . Owing to the failure of the rope to arrive, Sheriff Holton improvised one out of three very small ropes . . . The rope broke near the crossbeam and the prisoner fell to the ground. In fifteen minutes he was resuscitated . . .¹⁴⁰

¹³⁶ *A Sheriff's Bungle*, *MACON TEL. & MESSENGER*, Dec. 1, 1883, at 1.

¹³⁷ *Id.*

¹³⁸ *The Final Leap*, *DAILY CHRON.* (Dayton, Wash.), Aug. 7, 1883, at 2.

¹³⁹ *Id.*

¹⁴⁰ *A Sheriff's Bungle*, *supra* note 136.

Sometimes, local papers took a different track, reporting horrific details of botched executions while simultaneously refraining from drawing connections between the gruesome spectacle and possible incompetence from the state officials. In its reporting on Caroline Shipp's botched execution, for instance, *The Gastonia Gazette* said,

[h]ere a horrible sound of suppressed breathing escapes from the swinging body as it recovers from the sudden shock. Her neck had not been broken! The hooded face is turned upward to the sky, the noose is under her chin, the chest is heaving and struggling in a terrific effort of nature to supply the lungs with air. . . . The scene is sickening beyond endurance and the writer turns away and leaves.¹⁴¹

Notably, however, the *Gazette* did not blame the botched execution on state incompetence.¹⁴²

Because public executions often drew thousands of spectators, state officials were also tasked with crowd control, and local newspapers took note of how well they did. For example, *The Macon Telegraph*'s report on an execution of five individuals—Hyre Brewington, Hiram Jacobs, Lucien Manuel, Purse Strickland, and Weldon Gordon—in 1893 described the event as “one of the largest and most perfect public executions ever made under the laws of Georgia.”¹⁴³

When a lynching occurred, it would seem that state officials must have failed in some way. But newspapers often defended jailers and sheriffs, saying they couldn't resist the lynch mob and describing jailers as being overpowered by mobs. Reporting on the 1901 lynching of Ike Fitzgerald, for instance, Memphis, Tennessee's *Commercial Appeal* said, “[t]he sheriff and his deputies attempted to protect the negro, but it was impossible for them to do so, as the outraged citizens were determined that the brute should suffer for his crime, which was one of the most dastardly that has occurred in this section in a long time.”¹⁴⁴

Noting crowd behavior was common in coverage of both public executions and public torture lynchings. Newspaper coverage made clear that the crowds attending public executions played a different role than did the mobs in public torture lynchings. In public executions, crowds were onlookers who may have participated in the execution's ritualized

¹⁴¹ *Choked to Death by Law!*, GASTONIA GAZETTE, Jan. 28, 1892, at 1.

¹⁴² *See id.*

¹⁴³ *Five Were Hanged*, MACON TEL. Sep. 30, 1893, at 1.

¹⁴⁴ *Hung Jury and Lynching*, COM. APPEAL (Memphis, Tenn.), Mar. 18, 1901, at 1.

proceedings but did not participate in the killing itself.¹⁴⁵ In public torture lynchings, however, the mob was more than a witness—it also assumed the role of judge, jury, and executioner.¹⁴⁶

When reporting on public executions, newspapers tended to fixate on the crowd's decorum or lack thereof.¹⁴⁷ This focus on whether crowds were orderly or disorderly fed the debate that drove privatization of executions.¹⁴⁸ Newspapers occasionally remarked that the town's saloons had been closed to prevent drunk crowds from attending the execution and often used drunkenness as a proxy for the crowd's order and disorder.¹⁴⁹

An article in *The Atlanta Constitution* highlights the focus on the crowds at public executions.¹⁵⁰ Reporting on Elbert Stephenson's execution on June 8, 1883, in which he was hanged for the murder of his aunt, the paper observed that “[i]t was a remarkably well behaved crowd all the while. Though liquor went freely around, little drunkenness was seen and not a single row occurred.”¹⁵¹ Similarly, *The Savannah Morning News* said of crowds at Tony James' 1883 execution that “[n]o accident occurred and there was not a drunken man on the street.”¹⁵²

In contrast, newspaper reports highlighted how disorderly the crowds became when executions were scheduled to be conducted in private. They sometimes tore down fences or cloth designed to hide the proceedings.¹⁵³ Local newspapers often seemed to side with or at least sympathize with the crowd. For example, in its coverage of Robert Laughlin's execution, the Maysville, Kentucky *Evening Bulletin* wrote:

About 8:30 o'clock, the door of the inclosure [sic] was opened to admit the persons who held the tickets of admission. There was a rush and jam that finally overpowered the guards, the whole matter ended in a general riot, all of the enclosure being torn down.

¹⁴⁵ See e.g., *Taylor Bryant's Throat*, ATLANTA CONST., Oct. 20, 1883, at 1 (describing how the crowd joined in the ritualized singing of hymns and reciting of prayers).

¹⁴⁶ See e.g., *Burned at the Stake*, NEWNAN HERALD & ADVERTISER, April 28, 1899, at 2 (remarking that the “outraged community” made the man “pay the penalty for his crime”).

¹⁴⁷ See e.g., *Gwinnett's Gallows*, ATLANTA CONST., June 9, 1883, at 1 (noting that the crowd was “remarkably well behaved”).

¹⁴⁸ See Linders, *supra* note 34, at 619.

¹⁴⁹ E.g., *Paid the Penalty*, EVENING BULL., Jan. 11, 1897, at 2.

¹⁵⁰ See *Gwinnett's Gallows*, *supra* note 147.

¹⁵¹ *Id.*

¹⁵² *Black Friday's Victims*, SAVANNAH MORNING NEWS, June 30, 1883, at 1.

¹⁵³ E.g., *Paid the Penalty*, *supra* note 149.

No one was hurt and it seemed that the only desire of the crowd was to see the hanging.¹⁵⁴

The crowd served as the audience for gallows speeches, and newspapers noted when gallows speeches directly mentioned people in the crowd or when such people shouted at condemned inmates.¹⁵⁵ They made special mention of occasions when the crowd joined the condemned in prayer and singing hymns. *The Atlanta Constitution* detailed such participation at the 1883 execution of Taylor Bryant, hanged for raping Elizabeth Swords, a white woman.¹⁵⁶ Its story noted that “[h]undreds of the crowd joined in the song. . . . At the conclusion of . . . the hymn, the preacher asked all to join in prayer. A thousand heads were uncovered in an instant, and clear above the silent thousands rose a beautiful prayer from the lips of the black minister.”¹⁵⁷

In contrast to the way they portrayed public execution crowds, newspapers most often cast lynch mobs as the central actor in public torture lynchings. Reports on lynchings typically described how the mob apprehended the accused person, either as a posse or by breaking into a jail, and continued narrating the mob’s role in taking their target to the lynching site.¹⁵⁸ In addition, newspapers detailed what the mob did to their victim before they killed them and desecrated their remains.¹⁵⁹

But sometimes newspapers painted the mob in an entirely different light. Reporting on the 1895 Texas lynching of Henry Hillard, *The Fort Worth Daily Gazette* remarked that “[t]he work of burning the negro was not done by any mob of infuriated men, but by the best citizens of East Texas, coolly and deliberately.”¹⁶⁰ Similarly, the *Charleston, Mississippi Democratic Herald’s* article on the lynching of Luther and Anne Holbert stated, “[t]he lynching was accomplished in an orderly manner, if such a term is permissible in this connection, and there was no effort at the terrorization of innocent negroes.”¹⁶¹ It is, however, difficult to imagine

¹⁵⁴ *Id.*

¹⁵⁵ *E.g., Mathis and Lester Hung, supra* note 104 (“Mathis[’s] last words were to a friend.”); *Taylor Bryant’s Throat, supra* note 145 (describing how one onlooker shouted to Bryant that he would “see Jesus”).

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ *E.g., Strung Up and Then Shot, MACON TEL.,* June 2, 1896, at 1.

¹⁵⁹ *E.g., Burned at the Stake, supra* note 146.

¹⁶⁰ *Dark Spot, supra* note 119.

¹⁶¹ *Paid the Penalty, DEMOCRATIC HERALD (Charleston, Miss.),* Feb. 11, 1904, at 2.

that the mob made no effort to terrorize the town's Black residents, since it burned the couple near the town's Black church.¹⁶²

Sometimes newspapers used their description of mobs to absolve public officials of responsibility for failing to intervene in the lynching. For example, *The Macon Telegraph* described one lynch mob as "Orderly but Resistless,"¹⁶³ and the *Newnan Herald's* description of the mob that lynched Sam Holt emphasized the orderly but resistless trope:

There was much suppressed excitement, of course, but no disorder—a sense of supreme gratification at sight of the negro in chains, but no unseemly exultation.

. . . The mob, which had remained quiet and orderly up to this moment, was now in action. To have offered resistance to this delirious, tumultuous mass would have been madness.¹⁶⁴

The *Herald's* reporting seems contradictory. It describes the mob as orderly and yet also "delirious" and "tumultuous."¹⁶⁵ In this way, it was trying to tame the lynch mob and yet offer a sympathetic account of public officials supposedly tasked with the job of stopping the hanging.

V. A WORD ON NATIONAL NEWS COVERAGE

Crimes, public executions, and public torture lynchings that often shocked local communities and were highly publicized throughout the state did not always make headlines in national newspapers. When national newspapers did cover executions and lynchings from distant parts of the country, they played a different role than local newspapers. They were outsiders glimpsing communities in their most violent and ugliest moments.

¹⁶² *Id.*

¹⁶³ *Strung Up and Then Shot*, *supra* note 158.

¹⁶⁴ *Burned at the Stake*, *supra* note 146.

¹⁶⁵ *Id.*

	Total Cases	New York Times	Chicago Tribune	San Francisco Chronicle
Executions	328	64	109	59
Lynchings	53	15	34	18

Table 1. Frequency of national newspaper reporting on public executions and public torture lynchings, 1883–1905.

National coverage of executions and lynchings differed widely.¹⁶⁶ While public executions were relatively frequent occurrences, warranting only a brief mention by national sources, lynchings, when they were covered, were treated as exceptional. For example, in 1893, the *San Francisco Chronicle* covered a public execution in which five defendants were hanged.¹⁶⁷ The *Chronicle*'s account was brief, only one paragraph in length:

At noon five negroes were hanged on the same scaffold at the same time and in public. A thousand people witnessed the execution. All the condemned were from turpentine farms in North Georgia. Hiram Jacobs, Lucien Mannet and Hire Brewington paid the penalty for the murder of Alexander Peterson, a rich merchant, and robbing his safe last July. Gordon killed a five-year-old colored girl and Strickland murdered another negro.¹⁶⁸

The headline of that article is *Five Negroes Hanged* with the subtitle *Black Murderers Suffer the Penalty of the Law in Georgia*.¹⁶⁹ In contrast to this brief, dispassionate national coverage, the *Macon Telegraph*'s twenty-five paragraph article on the same execution promised readers a "Graphic Description of the Executions and a True History of Each of the Crimes."¹⁷⁰

In contrast to national coverage of public executions, national newspaper reporting of public torture lynchings was often sensational, highlighting their brutality. The *San Francisco Chronicle*'s article on the lynching of Lee Walker ran under the headline *Lynched and Burned* with

¹⁶⁶ The average length of public execution coverage in national newspapers was between one and two paragraphs. The average length of lynching coverage in national papers was between five and six paragraphs. These paragraphs also tended to be far more detailed.

¹⁶⁷ *Five Negroes Hanged*, SAN FRANCISCO CHRON., Sep. 30, 1893, at 1.

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ *Five Were Hanged*, *supra* note 143.

the subtitles *Terrible Fate of a Negro Brute, Dragged Naked to the Rude Scaffold*, and *His Ghastly Struggles to Save His Life—His Body Cremated*.¹⁷¹ The coverage itself was detailed, describing how the “mob gathered to wreak vengeance” with “a bar of railway iron used as a battering ram” to enter the jail.¹⁷² The paper describes how the Sheriff was overcome in his attempt to save his prisoner from the mob.¹⁷³

The *Chronicle* portrays in vivid detail the torture the mob inflicted on Walker.¹⁷⁴ It describes how they stripped the man of “powerful build” naked before his body was “lacerated with knives, and his throat was cut before he was hanged.”¹⁷⁵ But, in the end, the article reasserts that Walker’s crimes were “among the blackest in [Northern Mississippi’s] history” and reminds the readers that Walker “made a full confession” and “had just been released from the penitentiary, where he had been serving a sentence for like deeds.”¹⁷⁶

CONCLUSION

The end of the nineteenth and start of the twentieth centuries was a time of great change for America’s death penalties, both those that were carried out by the state and those that were not. Throughout the United States, and the American South in particular, newspapers played a key role in assigning meanings and structuring understandings of those death penalties. Although hundreds and sometimes thousands of witnesses attended these events, newspapers offered accounts to broader and different audiences. What they had to say helped shape the public’s understanding of what it means to take life, whether done by the state or a rampaging crowd. While news accounts of public executions painted the condemned in complex ways, with both human and monstrous attributes, public torture lynching victims were portrayed as stock characters: horrible and cowardly.

However, despite these differences, readers of news accounts might easily blur the boundaries between violence caused by the law and violence done by a crowd taking the law into its own hands. News accounts of lynchings generally served to legitimize the actions of the mob, characterizing its violence as punitive but just. As was the case in

¹⁷¹ *Lynched and Burned*, SAN FRANCISCO CHRON., July 23, 1893, at 11.

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

their coverage of public executions, newspapers did not raise questions about the guilt of the victims. They lent legitimacy to both. And more than a century after the events those accounts described, this country is still trying to chart what the boundaries between executions and lynchings are, and if there is any real difference between them.