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EXECUTING JUSTICE

On Death Row

There are seven convicted murderers on death row in New Jersey.

Not pictured:
Braynard Purnell, 39 — Convicted of a 1978 murder, the Winslow Township resident stabbed Lawrence Talley, 24, to death in 1988 during a price dispute over cocaine.
Phillip Dixon, 24 — The Camden resident drove a railroad spike through the head of Tonya Samuels, 13, as she was walking home from school in 1985.



Marko Bey, 26 — In 1983, the Neptune resident beat, raped and killed two woman — Carol D. Peniston, 46, and Cheryl Alston, 19.



Samuel Erazo, 43 — The East Orange man killed his wife in 1986, less than a year after he was released from prison for murdering the daughter of his first wife.



John Martini, 61 — The Arizona man was convicted of kidnapping and murdering Irving Flax, the manager of a Secaucus warehouse, in 1989.



Robert O. Marshall, 51 — The Toms River insurance salesman was convicted of hiring a hit man to murder his wife, Maria, in 1984.



Richard F. Biegenwald, 50 — While on parole for a 1958 killing, the Asbury Park resident killed four other people in the Monmouth and Ocean counties area during the early 1980s.

So far there's been no televised executions, but stay tuned

By AMES ALEXANDER
PRESS STAFF WRITER

IF SOME television news directors have their way, there may one day be public executions in the global village.

Last month, a judge rejected a San Francisco station's bid to televise the execution of Robert Alton Harris as part of its documentary on the condemned killer. Prison officials had argued the broadcast could incite a riot or endanger guards.

But some media experts say the decision about whether to bring video cameras into the death chamber should be left to television news executives, not prison wardens.

Had public station KQED won its case, millions of Americans would have been able to witness an execution from their living rooms for the first time.

So far, federal judges have rejected all requests to videotape executions. The public doesn't have a right to witness executions, and, by extension, neither does the press, the judges ruled.

> **"It's easier for a warden to tell inmates that the TV's going to be off for five minutes than to tell the entire public they don't have a right to see this."**
>
> **Jane Kirtley**
> REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS

Virtually all states with capital punishment, however, allow a limited number of reporters to witness executions, provided they bring nothing but pens and notebooks. New Jersey's death penalty statute stipulates that executions will be open to eight members of the press — two each from newspapers, wire services, television and radio.

That provision goes far enough to satisfy the public's right to know, proponents of the death penalty say. Filming or videotaping an execution, conversely, is offensive and unnecessary, they contend. And many of capital punishment's detractors agree.

"The only effect that has is to degrade and dehumanize all of us," said Assistant Public Defender Dale Jones, who oversees the defense of death row prisoners in New Jersey. "I hope it's not something to be discussed in New Jersey."

But it is being discussed elsewhere. The Corrections Committee of Florida's House of Representatives is surveying 270 people to learn their views on whether executions should be televised. If support for the practice is strong, the state House of Representatives may consider legislation to allow it.

The last public execution occurred in 1937, when 500 people crowded around a gallows in Galena, Mo., to witness the hanging of Roscoe Jackson.

Since then, executions in the United States have moved inside, from town squares to the prison's death chamber, where they are shielded from public view. That, some observers say, has distanced the public from the morbid process and diluted some of the opposition to it.

Some foes of the death penalty feel the gruesome sight of prisoners burning in an electric chair or drooling in a gas chamber could help galvanize opposition to capital punishment.

For this reason, televising executions might hasten the national movement toward lethal injection as a more humane — and less unsightly — means of capital punishment, says Leigh Dingerson, executive director of the National Coalition to Abolish the Death Penalty.

But even if the execution itself looks clinically clean, the often arbitrary process of deciding who's executed is not, Ms. Dingerson said. Thus, a televised execution would be an unrepresentative snapshot, she said.

"The death penalty is not what happens in the two or three minutes as we put someone to death," she said.

Advocates of capital punishment are also of mixed minds on the issue. Some contend videotaped executions would make criminals think twice about killing. Others, however, say it's not fair to televise an execution unless a reenactment of the crime that led up to it is also aired.

Jane Kirtley, executive director of the Reporters Committee for Freedom of the Press, said she is familiar with only three cases where journalists have waged legal battles to film or videotape executions. One reason more haven't done so, she said, is that legal precedent has made it unlikely that they'd win their cases. Yet some television news directors say they feel it would be inappropriate to put an execution on the air anyway.

"I could see (televising) it up to the point of an execution, but I would not televise an execution," said William Jobes, news director for New Jersey Network. "There's a degree of concern we have for the sensitivity of the viewing audience. Children could see it. Adults who don't want to see it could see it."

But like Jobes, many news directors and media experts believe television stations have a First Amendment right to videotape executions, even if they choose not to exercise it.

"I don't think cameras and mikes should be discriminated against with regard to access to public events," said David Bartlett, president of the Radio-Television News Directors Association in Washington, D.C. "It's probably the ultimate act the state can take on behalf of the people. Therefore, radios and television should be allowed the right of access."

Ms. Kirtley said she doesn't buy the argument that a televised execution could incite a riot.

"It's easier for a warden to tell inmates that the TV's going to be off for five minutes than to tell the entire public they don't have a right to see this," she said.

Though many are offended by the notion of televising executions, there's little question many Americans would tune in to what one observer called "the ultimate snuff film."

Lou Prato, treasurer of the news directors group, says that while he thinks the First Amendment gives television stations the right to air executions, he's not so sure they should.

"I think it would be great ratings," Prato said. "But that doesn't mean it's right."

Explaining why he thinks a televised execution would be widely viewed, Bartlett recalled Harry Houdini's response when asked why his death-defying act was so popular: "Oh it's very simple. No fellow being wants to see another die. But they all want to be there when it happens."

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