

SOUNDING THE LAST MILE:
MUSIC AND CAPITAL PUNISHMENT IN THE UNITED STATES SINCE 1976

BY

MICHAEL SILETTI

DISSERTATION

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Doctoral Committee:

Professor Jeffrey Magee, Chair and Director of Research
Professor Gayle Magee
Professor Donna A. Buchanan
Associate Professor Christina Bashford

ABSTRACT

Since the United States Supreme Court reaffirmed the legality of the death penalty in 1976, capital punishment has drastically waxed and waned in both implementation and popularity throughout much of the country. While studying opinion polls, quantitative data, and legislation can help make sense of this phenomenon, careful attention to the death penalty's embeddedness in cultural, creative, and expressive discourses is needed to more fully understand its unique position in American history and social life. The first known scholarly study to do so, this dissertation examines how music and sound have responded to and helped shape shifting public attitudes toward capital punishment during this time. From a public square in Chicago to a prison in Georgia, many people have used their ears to understand, administer, and debate both actual and fictitious scenarios pertaining to the use of capital punishment in the United States.

Across historical case studies, detailed analyses of depictions of the death penalty in popular music and in film, and acoustemological research centered on recordings of actual executions, this dissertation has two principal objectives. First, it aims to uncover what music and sound can teach us about the past, present, and future of the death penalty. Second, it considers what the death penalty reveals about music, sound, and the extent to which they can serve as vital sources of information, knowledge, and emotion. Ultimately, I hope to inspire further musicological research on this complex and controversial practice in the United States and in other countries.

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While all scholarship is autobiographical to some extent, the acknowledgments section dramatically brings this maxim to the foreground. Untethered from the restraints of conventional academic prose, the acknowledgments section pulls back the curtain on the dissertating process, often revealing clear traces of the triumphs, tribulations, and tears that accompanied the author's creation of the finished document. For the unique insight it offers into this otherwise solitary and esoteric process, the acknowledgments section is typically the first and, admittedly, sometimes only part I turn to when reading dissertations and other scholarly works. Nevertheless, it is with a marked sense of trepidation that I approach my own contribution to the genre. Having incurred significant interpersonal debts over the course of my education thus far, words alone are not sufficient in expressing the immense gratitude I feel toward the many people, institutions, and organizations that have helped me along the way. The following, however, offers a start.

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INTRODUCTION

On October 7, 1998, thirty-seven-year-old Jonathan Nobles was legally executed by lethal injection at the Texas State Penitentiary at Huntsville for the 1986 murders of Mitzi Johnson-Nalley and Kelly Farquhar.¹ Among the witnesses to the execution was Michael Graczyk, a Houston-based correspondent for the Associated Press who holds the unusual distinction of probably having witnessed more executions in the United States than any other person. Although Graczyk admits that he has forgotten some, if not most, of the more than four hundred executions he has covered during his career, the execution of Nobles stands out in his memory for one particular reason: After Nobles was strapped to the gurney and finished his last statement, he began singing the popular Christmas carol “Silent Night” as the lethal drugs took effect. Nobles did not make it past the line “Round yon virgin mother and child,” however, before he gasped and lost consciousness.²

For Graczyk, “Silent Night” has become a powerful index of Nobles’s execution: “I can’t hear that song without thinking about it. That one really stuck with me.”³ In addition, Graczyk has stated in numerous articles and interviews that Christmas has become inextricably linked in his mind with Nobles’s singing of “Silent Night,” even though the execution took place in early October. “Christmas, for me, never has been the same,” Graczyk writes.⁴ “Ever since then, I

¹ Michael Graczyk, “Texas Inmate Executed for Double Slaying in Austin,” Associated Press, October 8, 1998.

² Dave Alsup, “Texas Reporter’s Seen Unrivaled Number of U.S. Executions,” *CNN*, July 20, 2009, <http://www.cnn.com/2009/CRIME/07/20/texas.execution.witness/index.html>; and Tom Dart, “The Reporter Who Has Seen over 400 Executions: ‘The job is to tell the story,’” *Guardian* (US edition), August 5, 2018.

³ Quoted in Richard Pérez-Peña, “One Reporter’s Lonely Beat, Witnessing Executions,” *New York Times*, October 20, 2009.

⁴ Graczyk, “Recollections from Hundreds of Executions in Texas,” Associated Press, June 26, 2013.

think of [Nobles] on Christmas or Christmas Eve when I'm in church. That's the kind of thing that haunts you."⁵ "It's kind of counter to Christmas joy," he said. "Everyone else is partaking, and I'm thinking of a murderer going off to his death."⁶

Also among the witnesses to Nobles's execution was country singer-songwriter, commercial recording artist, and Texas native Steve Earle. After having corresponded as pen pals for nearly ten years, Nobles asked Earle, a longtime activist for the abolishment of the death penalty in the United States, to attend his execution.⁷ Based on his friendship with Nobles and the experience of witnessing his execution, Earle composed and recorded "Over Yonder (Jonathan's Song)" for his 2000 album *Transcendental Blues*. Sung from Nobles's point of view, the song depicts the condemned man as he reflects on his fate and makes final arrangements in the last hours before his scheduled execution. Although a staunch opponent of the death penalty, Earle does not use "Over Yonder (Jonathan's Song)" as a platform from which to preach about the ethics or constitutionality of the death penalty in the United States; rather, the song serves as a compassionate and humanizing portrait of a man about to die. In singing it, Earle attempts to elicit sympathy for Nobles, and perhaps the death penalty abolition movement at large, not through an appeal to reason, but through emotion.

While Graczyk and Earle were inside the prison to witness Nobles's execution, a small group of activists assembled outside the penitentiary walls in protest of the execution and the death penalty at large. While executions of particularly controversial and newsworthy figures (e.g., Ted Bundy, John Wayne Gacy, Timothy McVeigh, Troy Davis) often attract large,

⁵ Quoted in Alsup.

⁶ Quoted in Jon Mark Beilue, "Death Be Not Proud, but It's His Assignment," *Amarillo Globe-News*, March 24, 2010.

⁷ Steve Earle, "A Death in Texas," *Tikkun* (September/October 2000), republished in *Utne Reader* (January/February 2001), accessed June 21, 2013, <http://www.utne.com/GreatWriting/Steve-Earle-A-Death-in-Texas/2001-01-01/Archives.aspx>

spectacle-like displays, nearly all executions carried out in the United States are accompanied by some kind of public demonstration outside penitentiaries, courthouses, governors' residences, and other public spaces. Nobles's execution was not especially controversial or newsworthy at the time, and he had discouraged the presence of protestors during his execution.⁸ Nevertheless, a dedicated group of anti-death penalty activists gathered outside the penitentiary and, following the execution, attended a mass for Nobles at a nearby church in Huntsville.⁹ At such events, people both for and against the death penalty often strategically employ symbolic imagery, chants, music, and other forms of expressive culture as a means of both protesting capital punishment and lamenting the death of another individual at the hands of the state.

Ten years after Nobles's execution, director Clint Eastwood released the film *Changeling*, which, it seems, also drew inspiration from the execution. Based on the true story of the 1928 Wineville Chicken Coop Murders, *Changeling* stars Angelina Jolie as Christine Collins, a single mother who combats conspiracy and systemic corruption within the Los Angeles Police Department while attempting to locate her missing son, Walter. In one of the climatic scenes of the film, Walter's presumed killer, Gordon Stewart Northcott, is legally hanged to death at California's San Quentin State Prison. On the day of the execution, the camera follows Northcott as he is slowly escorted to the gallows, where members of the prison execution team subsequently slip a hood and noose over his head. At this point, Northcott begins singing "Silent Night" with a nervous falsetto. Much like Nobles, Northcott does not make it past the line

⁸ William Murray, "Execution Up Close Underscores the Indignity of Death Penalty," *National Catholic Register*, December 6, 1998.

⁹ "Execution Day: Paula Kurland Is Ending A 12-Year-Old State of Limbo When She Goes and Watches Jonathan Wayne Nobles Executed for The Murder of Her Daughter, Mitzi," *CBS News Transcripts*, June 21, 1999; Pannoni 9, "WCBS 5 & 6 PM NEWS (OCTOBER 8, 1998), YouTube video, 1:07:11, September 27, 2016, <https://www.youtube.com/watch?v=Aa3PNUpHQA4>; and Jay Rayner, "Dead Man Talking," *Sydney Morning Herald* (Australia), August 14, 1999.

“Round yon virgin mother and child” before the trapdoor suddenly springs open, rendering him speechless and, several agonizing moments later, lifeless. In the absence of information suggesting that the real-life Northcott sang “Silent Night”—or any other song for that matter—in the moments before his death, Eastwood and screenwriter J. Michael Straczynski ostensibly drew inspiration from reports of Nobles’s execution in creating the execution scene in *Changeling*. It is unlikely, however, that Eastwood and Straczynski would have expected or wanted audiences to draw connections between Nobles’s and Northcott’s renditions of “Silent Night” before their respective executions; instead, the filmmakers likely adapted Nobles’s singing of “Silent Night” as means of shedding light on an important character’s psyche and thoughts in his dying moments as well as providing a poignant musical manifestation of the film’s focus on the relationship between a mother and her child.

Nobles’s execution and the various responses to his death vividly illuminate the important, varied, yet often overlooked constellation of relationships between music, sound, and capital punishment in the United States. While music can be used as a means of defiance or protest in the face of death, Nobles, having accepted his fate, ostensibly used music as a source of comfort *in* death. A similar sentiment is expressed in Clint Eastwood’s Nobles-inspired depiction of the execution of Gordon Stewart Northcott in the major motion picture *Changeling*. In the case of Michael Graczyk, Nobles’s singing of “Silent Night” demonstrates how music can be representative or indexical *of* death. For activists, music is used to *lament* death while it is also intended to comment on, protest, and transform capital punishment policy both in Texas and throughout the United States. Finally, Steve Earle’s “Over Yonder (Jonathan’s Song)” exemplifies how music can be *about* death while also garnering sympathy for the abolitionist cause.

This dissertation explores intersections between music, sound, and capital punishment in the United States over the past forty years in such locations as prisons, courthouses, churches, public spaces, movie theaters, and recording studios. Music acts as a revealing lens through which to examine the varied ways people have articulated, responded to, and given shape to capital punishment policy in the United States. Indeed, music has much to tell us about the past, present, and future of this complex and controversial practice in the United States. Additionally, I am interested in what capital punishment can tell us about music. Why do people choose to sing and perform music about the death penalty? What are music's communicative powers? Why, in some instances, is music especially adept, in comparison to or in conjunction with other forms of expressive culture, at both responding to and giving shape to beliefs about capital punishment and, more broadly, narratives of death, grief, fear, shame, and anger in the United States? This dissertation explores the answers to these and other questions.

Framework and Methodology

Although capital punishment has existed in the United States since the early seventeenth century, I limit the scope of this dissertation to the period from 1976 to the present day. Before providing my justification for this framework, some historical background is needed. During the 1960s, Americans' attitudes toward capital punishment had, on the whole, shifted. Whereas executions—not to mention lynchings and other extrajudicial killings—were commonplace in the first half of the twentieth century, the pace of legal state executions had slowed considerably by the 1960s due in part to a decline in people's belief in retribution and a change in the legal

community's understanding of constitutional law.¹⁰ Finally, on June 29, 1972, the United States Supreme Court ruled the death penalty unconstitutional on the grounds that it was cruel and unusual punishment in violation of the Eighth Amendment. This group of cases, collectively called *Furman v. Georgia*, ushered in what was essentially a de facto moratorium on executions in the United States.¹¹ The moratorium did not last long, however. On July 2, 1976, in a set of cases that would become known as *Gregg v. Georgia*, the Supreme Court ruled that the death penalty did not, in fact, automatically violate the Eighth and Fourteenth Amendments and was therefore constitutional. Since then, capital punishment has remained legal in the United States and, in this so-called "post-Furman" era, more than 1,400 people have been legally executed nationwide.¹²

There are several reasons why I have chosen to limit the scope of my dissertation to the post-1976 era. First, confining my research to events since 1976 is simply a matter of practicality. Because executions have been taking place in what became the United States since the early seventeenth century, any attempt to provide a detailed overview of music and capital punishment over the last four hundred years in this country is unrealistic and inadvisable. With humility, I admit that even the far more limited post-1976 framework I have adopted is too large to accommodate comprehensiveness. A previously untapped subject of critical inquiry, music, sound, and capital punishment in the United States is a dense, far-reaching topic that is at best only incompletely explorable. Nevertheless, a post-1976 framework does offer the opportunity to

¹⁰ Stuart Banner, *The Death Penalty: An American History* (Cambridge, MA: Harvard University Press, 2002), 208-231.

¹¹ *Ibid.*, 231.

¹² "Executions by Year," Death Penalty Information Center, accessed August 16, 2018, <http://www.deathpenaltyinfo.org/executions-year>.

assess how music and sound have responded to and played a role in shifting public attitudes toward the death penalty.

Capital punishment has drastically waxed and waned in both popularity and use, even since 1976.¹³ After the death penalty was reinstated in 1976, the average number of executions in the United States gradually rose to a peak of ninety-eight executions in 1999, and has since decreased to a low of twenty executions in 2016 (Figure 1).¹⁴

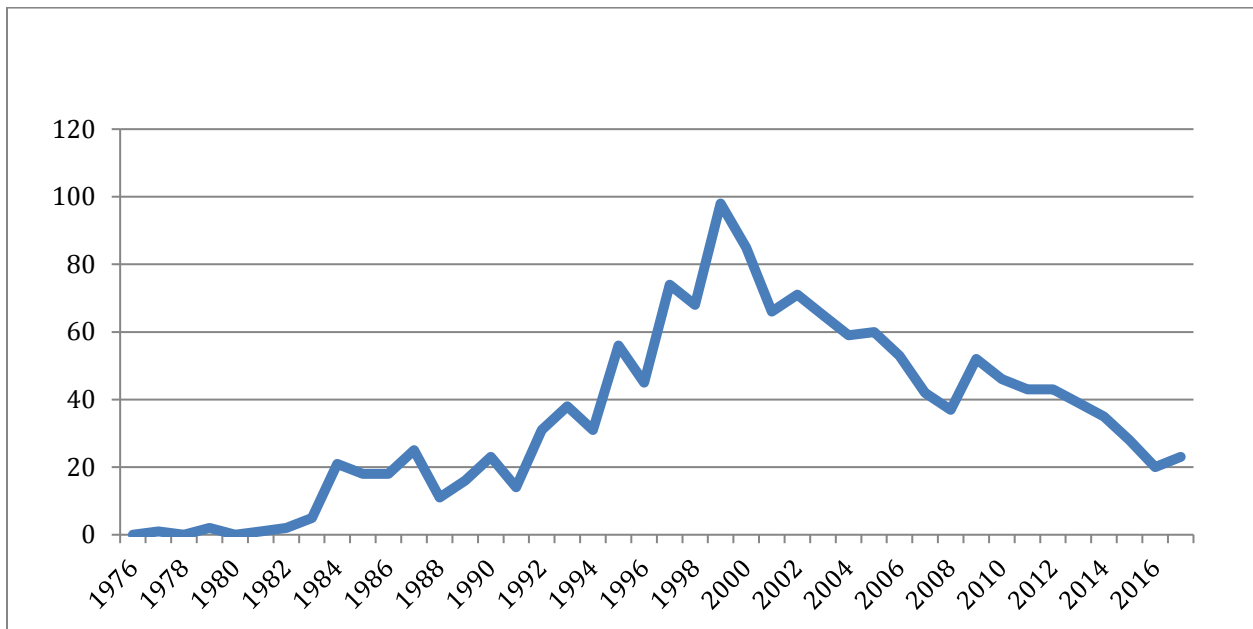


Figure 1: Number of executions each year in the United States since 1976. “Executions by Year,” Death Penalty Information Center, accessed July 1, 2018, <https://deathpenaltyinfo.org/executions-year>.

¹³ See Banner, *The Death Penalty*; Hugo Adam Bedau, ed., *The Death Penalty in America: Current Controversies* (New York and Oxford: Oxford University Press, 1997); Herbert H. Haines, *Against Capital Punishment: The Anti-Death Penalty Movement in America, 1972-1994* (New York and Oxford: Oxford University Press, 1996); Christopher S. Kudlac, *Public Executions: The Death Penalty and the Media* (Westport, CT and London: Praeger Publishers, 2007); Austin Sarat and Christian Boulanger, eds., *The Cultural Lives of Capital Punishment: Comparative Perspectives* (Stanford, CA: Stanford University Press, 2005); Austin Sarat, *When the State Kills: Capital Punishment and the American Condition* (Princeton, NJ and Oxford: Princeton University Press, 2001); and David Von Drehle, *Among the Lowest of the Dead: The Culture of Capital Punishment*, (Ann Arbor: University of Michigan Press, 2006).

¹⁴ “Executions by Year,” Death Penalty Information Center, accessed February 9, 2018, <http://www.deathpenaltyinfo.org/executions-year>.

In dialogue with its waning use, capital punishment has been the source of increased controversy in recent years because of growing concerns about the constitutionality of the practice, difficulties obtaining the drugs necessary for lethal injections, executions of women and foreign nationals, allegations of racial and class biases in imposing death sentences, and the existence of several highly publicized trials of individuals (e.g., Scott Peterson, Casey Anthony, Dzhokhar Tsarnaev, Jodi Arias, Dylann Roof, Sayfullo Saipov) facing the death penalty. Despite its overall decline throughout the United States since the beginning of the twenty-first century, the death penalty persists, which led American writer and legal analyst Jeffrey Toobin to remark in 2016, “The death penalty may keep shrinking, but it will probably never entirely go away.”¹⁵

Accordingly, activism both for and against capital punishment in the United States has taken on increased importance in recent years. My dissertation explores how music has created, responded to, and spurred these changes. In addition, a post-1976 framework allows me to assess how new recording technologies, the internet, social media, and other technological developments have afforded people unparalleled ease of both creating and accessing music surrounding capital punishment.

Finally, my post-1976 framework positions music at the center of a peculiar paradox that has permeated much of contemporary American social life and popular culture. In her 2017 book *The Celebration of Death in Contemporary Culture*, Dina Khapaeva probes the genesis and significance of “the cult of death,” which she defines as “a distinctive way of engaging with death that crystallized in Western culture in the late 1980s and the 1990s.”¹⁶ Khapaeva probes the apparent paradox of why many Americans, despite largely avoiding the subject of death in

¹⁵ Jeffrey Toobin, “The Strange Case of the American Death Penalty,” *The New Yorker*, December 21, 2016.

¹⁶ Dina Khapaeva, *The Celebration of Death in Contemporary Culture* (Ann Arbor: University of Michigan Press, 2017), 1.

social interactions, have developed an immense appetite for monsters, vampires, skeletons, and other representations of death in popular culture. Through case studies in which she investigates phenomena such as the mounting popularity of Halloween, the *Harry Potter* series, and skull-themed fashion, Khapaeva argues that death has “entered the entertainment mainstream” and thus has become “commodified” in contemporary American culture.¹⁷ While Khapaeva explores the many aesthetic manifestations and underpinnings of the culture of death, she says little about music other than a passing observation that “gothic rock, heavy metal, and rap...appear to be specifically focused on death.”¹⁸ Music about capital punishment, I argue, relates to Americans’ mounting demand for death-related entertainment and expression.

Before proceeding to a discussion of my research methodology and pertinent ideas that have influenced the way I approached this project, two disclaimers about the title of my dissertation are necessary. First, I have deliberately avoided including the term *post-Furman* in the title. Although legal scholars frequently use the term, I find it to be too politically charged for my purposes, considering that it is discursively associated with considerations regarding the legality and constitutionality of the practice; therefore, I have opted for the more neutral “since 1976.” Second, the phrase “in the United States” in my title is, admittedly, somewhat misleading. Although there have been three federal executions in the United States since 1976 to date—including, most notably, of Timothy McVeigh in 2001—the death penalty, in most cases, is carried out at the state level.¹⁹ As Judith Randle rightly warns, “The tendency to discuss the American death penalty as a national phenomenon overlooks what is in fact a sundry of state

¹⁷ *Ibid.*, 7

¹⁸ *Ibid.*, 56.

¹⁹ “Number of Executions by State and Region Since 1976,” Death Penalty Information Center, accessed November 3, 2017, <http://www.deathpenaltyinfo.org/number-executions-state-and-region-1976>.

policies and practices.”²⁰ More specifically, it can be argued that the death penalty is not merely a states’ issue, but is concentrated in certain counties within those states. For instance, more than thirty percent of the new death sentences handed down throughout the United States in 2017 came from just three counties: Riverside County, California; Clark County, Nevada; and Maricopa County, Arizona.²¹ Of course, those counties would not have been able to impose death sentences without the death penalty being a legal form of punishment in their respective states, but this data supports the notion that the use of capital punishment in the United States is geographically concentrated. Nevertheless, I argue that through representations in music, art, film, and other forms of expressive culture, capital punishment in the United States has continued to be a widely contested practice for people throughout the country and the world. I do not mean to obscure the fact that capital punishment is fundamentally a states issue, nor do I wish to imply that whatever relationships exist between music and capital punishment in one state are necessarily true in other states or for the entire country. In lieu of a more appropriate title, however, I have adopted the phrase “in the United States” to encompass the various intersections between music and capital punishment in locations throughout the country. Accordingly, this dissertation explores how capital punishment exists as a cultural issue endemic to and, in some instances, emblematic of the United States as a whole.

In doing so, I utilize historical research methods—rather than ethnographic—in exploring the relationships between music and capital punishment in the United States since 1976. I consider music and sound surrounding capital punishment within the framework of contemporaneous understandings of and attitudes toward the death penalty as well as narratives

²⁰ Judith Randle, “The Cultural Lives of Capital Punishment in the United States,” in *The Cultural Lives of Capital Punishment: Comparative Perspectives*, ed. Austin Sarat and Christian Boulanger, (Stanford, CA: Stanford University Press, 2005), 98.

²¹ The Death Penalty Information Center, “The Death Penalty in 2017: Year End Report,” 2.

of grief, fear, shame, and anger. In conjunction with the resources and scholarship outlined in the ensuing literature review, I also engage in the careful examination of newspaper articles, television reports, radio broadcasts, audio recordings, and other primary source materials concerning executions. While I frequently cite the *New York Times*, *Washington Post*, *Chicago Tribune*, *Guardian*, Associated Press, National Public Radio, and reports by other news organizations that, I believe, typically abide by ethical journalistic practices, these sources are by no means immune to biases or inaccuracies; therefore, when possible, I triangulate information against other sources to ensure fairness and accuracy. Careful, detailed, and balanced historical research provides a useful and multipronged framework for interpreting and explaining how and why music and sound have been used to articulate, respond to, and transform attitudes toward the death penalty in locations throughout the United States.

My use of the term *framework* rather than *context* here is deliberate. I agree with Norman Bryson, who has argued that a danger arises when context and text are believed to exist in an antonymic relationship; here, a fallacy emerges when context is assumed to be a stable, reliable, natural, and complete set of social realities, “a series of givens” that serves to explain the text.²² In doing so, Bryson echoes Jonathan Culler’s assertion that context is, in fact, “just more text.”²³ As an alternative, both Culler and Bryson advocate for use of the term *frame*, which, according to Bryson, “has the virtue of reminding one that framing is something we do, not something we find, that it is a process of making—and thereby avoids the positivistic connotations of ‘givenness’ that are inseparable from the context-idea.”²⁴ Similarly, I use the term *framework*

²² Norman Bryson, “Art in Context,” in *Studies in Historical Change*, ed. Ralph Cohen (Charlottesville and London: University Press of Virginia, 1992), 20.

²³ Jonathan Culler, *Framing the Sign: Criticism and Its Institutions* (Norman: University of Oklahoma Press, 1988), xiv.

²⁴ Bryson, 21.

here to reinforce the fact that a deliberate process of selection, demarcation, and presentation led to the inclusion of the perspectives and information contained in this dissertation.

Personal Position, Academia, and L'affaire Polzonetti

In the spirit of transparency and reflexivity, I find it important to clarify my own position—at least as it exists currently—on the death penalty. In short, I am entirely opposed to the death penalty. Nevertheless, I truly respect and sympathize with many of those who support or remain conflicted about the practice. While it would be naïve of me to believe that I can achieve a sense of objectivity, neutrality, and balance in my discussion of what is in reality a highly contentious, divisive, and sensitive issue—especially considering that many of my sources, as I will discuss shortly, have abolitionist agendas which may inadvertently color my scholarship—it is not the goal of this dissertation to provide an intellectual or impassioned emotional plea either for or against the use of capital punishment; instead, I wish to examine how people on multiple sides of the issue—condemned inmates, victims, activists, execution witnesses, executioners, corrections officials, clergy, musicians, artists, curious onlookers, the media, and the general public—have used music and sound to articulate, respond to, understand, and transform a variety of attitudes toward capital punishment in the United States. While I may personally disagree with some of the attitudes about the death penalty expressed here, I aim to treat every viewpoint with the respect, dignity, attention, and critical distance that it merits. As nineteenth-century British philosopher John Stuart Mill writes in his classic *On Liberty*, “He who knows only his own side of the case knows little of that. His reasons may be good, and no one may have been able to refute them. But if he is equally unable to refute the reasons on the opposite side, if he does not so much as know what they are, he has no ground for preferring

either opinion.”²⁵ The privileging of one perspective over another would risk amplifying only select voices in a choir comprised of many able singers, each of whom should be heard so as to create the richest sound possible, despite whatever uncomfortable dissonances may ensue. But while I seek to consider and amplify all viewpoints, I will not do so at the expense of ignoring or downplaying facts and objective truths.

American colleges and universities have made tremendous strides in recent years in recognizing, welcoming, and celebrating a diversity of personal identities, including race, ethnicity, gender, and sexual orientation. Yet, some have argued that institutions of higher learning, in general, have increasingly become what social psychologist Jonathan Haidt calls “political monocultures” in which non-left and non-liberal political viewpoints are met with disinterest, hostility, or ridicule, particularly in the humanities and social sciences.²⁶ According to Haidt, this stems from the fact that faculties at many American colleges and universities have, since the 1990s, become increasingly liberal and left-leaning. One implication for students is that they are not exposed to intellectual diversity and are unable to finely hone critical thinking skills. As a result, orthodox viewpoints do not benefit from productive dialogue and engagement with differing perspectives and thus are weakly supported. According to research by P. J. Henry and Jaime Napier, a college education often makes people more tolerant of demographic diversity, but seems to weaken tolerance of ideological diversity.²⁷ Meanwhile, faculty and scholars may become reluctant to introduce certain ideas and viewpoints in the classroom, academic

²⁵ John Stuart Mill, *On Liberty*, ed. Gertrude Himmelfarb (London: Penguin Books, 1974), 98.

²⁶ Jonathan Haidt, “The Politics of the Professoriat: Political Diversity on Campus,” interview by Paul Kennedy, *Ideas*, CBC Radio, September 8, 2017, audio, 54:00, <http://www.cbc.ca/radio/ideas/the-politics-of-the-professoriat-political-diversity-on-campus-1.4280778>. Also see José L. Duarte et al., “Political Diversity Will Improve Social Psychological Science,” *Behavioral and Brain Sciences* 38 (2015): 1-58.

²⁷ P. J. Henry and Jaime L. Napier, “Education is Related to Greater Ideological Prejudice,” *Public Opinion Quarterly* 81, no. 4 (December 12, 2017): 930-942.

publications, art, or other mediums out of fear of retaliation. In hopes of bringing awareness to the problems of political orthodoxy in academia, Haidt and several others founded the Heterodox Academy, a consortium of university administrators, faculty, and graduate students who argue that “the academic world must have viewpoint diversity if it is to function properly and produce reliable research.”²⁸ The solution, they posit, is not to simply issue a litmus test to potential employees to help ensure the hiring of a politically balanced faculty; rather, academics can take steps to cultivate a culture where multiple viewpoints and political ideologies are welcome so long as respect and civility flows in both directions. As musicologists, we are trained to listen, ideally with both open ears and minds. We can use this training to lend a unique perspective and facilitate ongoing discussions regarding the history of capital punishment and other sensitive, contentious issues in the United States and abroad.

There have been times, however, when musicologists have failed to listen and act with compassion. On February 16, 2016, Pierpaolo Polzonetti posted an essay to *Musicology Now*, an online blog affiliated with the American Musicological Society, about his experiences teaching eighteenth-century opera and oratorio to inmates at two prisons in the United States.²⁹ Shortly after its publication, many alarmed readers took to social media and the blog’s comments section to publicly criticize and, in some instances, castigate Polzonetti for including what they perceived as racism, classism, and microaggressions in the essay, as well as for invoking a salvation narrative in which European classical music may be more adept than other kinds of music at bettering people, including prisoners and, in Polzonetti’s words, other “listeners mostly

²⁸ Jon Haidt, Lee Jussim, and Chris Martin, “The Problem,” Heterodox Academy, accessed September 22, 2017, <https://heterodoxacademy.org/problems/>.

²⁹ Pierpaolo Polzonetti, “Don Giovanni Goes to Prison: Teaching Opera Behind Bars,” *Musicology Now*, February 16, 2016, http://musicologynow.ams-net.org/2016/02/don-giovanni-goes-to-prison-teaching_16.html.

accustomed to the blatant lyrics and pounding beat of rap music.”³⁰ While I do not doubt the sincerity or altruism of Polzonetti’s intentions or his scholarly aptitude, I, too, found parts of his essay troubling. But what I found most concerning was the level of vitriol and hostility directed at Polzonetti by many commentators. To call someone racist, for instance, is a very serious accusation that should not be made casually. In stating this, I do not mean to downplay the much-too significant role that racism has played and, regrettably, continues to play in American society, but being too quick to brand someone racist, especially via the comfort and anonymity provided by online communications, can have negative consequences and possibly jeopardizes our ability to recognize, respond to, and rectify actual racism. From a scholarly standpoint, Polzonetti’s essay certainly leaves much to be desired, but he, in my opinion, did not deserve the public humiliation he received as a result. Regrettably, the discourse surrounding Polzonetti’s essay and the relationships it has apparently adversely affected may represent, according to Phil Ford, “the triumph of intellectual values over human values.”³¹

Aside from the obvious fact that Polzonetti discusses subject matter relevant to this dissertation, I have mentioned his essay and the controversies surrounding its publication for four reasons. First, the reception of Polzonetti’s essay serves as a vivid reminder of how discussions of music and incarceration are inextricably intertwined with discourses of race, class, and gender—issues, according to some critics, Polzonetti unjustly distorted or neglected. I believe it is important to keep in mind, however, that a scholar’s intentions, no matter how noble or altruistic, may not come across clearly in their writing. Although his essay may not have adequately addressed the role that race, class, and gender played in his class behind bars, we

³⁰ Ibid.

³¹ Phil Ford, “Academia Is Not Your Parents,” *Dial ‘M’ For Musicology*, February 26, 2016, <https://dialmformusicology.com/2016/02/26/academia-is-not-your-parents/>.

should not automatically assume that Polzonetti himself is ignorant or dismissive of these issues. Second, the episode has reaffirmed my commitment to treat every viewpoint, including those with which I personally disagree, with respect and compassion. Third, considering the inherently contentious nature of the death penalty and whatever shortcomings and imperfections on my part as a scholar are bound to be in this document, I expect and welcome criticism of my work. I feel that I have only started to scratch the surface of this issue and I look forward to considering other perspectives in the years to come. I sincerely hope, however, that we can engage in a cordial, inclusive, and productive conversation about these matters so that we may best learn from each other. Lastly, the Polzonetti episode invites further consideration of what allows one to be able to produce or comment on scholarship in the first place. In a post on *Musicology Now*, William Cheng cautions that while Polzonetti's article has inspired much commentary and discussion, we should not assume that everyone with a thought or opinion on the matter has made it known to the public. In a call for compassion and interpersonal care (a sentiment he promotes at greater length in his inspiring 2016 monograph *Just Vibrations: The Purpose of Feeling Good*³²), Cheng invites us to "recognize the voices thus far disproportionately missing from this chorus of commentary," including students, adjuncts and non-tenured faculty, scholars of color, the disabled, and others who for various reasons are unwilling or unable to voice their thoughts on the issue.³³ While I have attempted to demonstrate how music and sound have been used to sound and process a wide variety of stances on capital punishment, I am mindful of those whose voices are noticeably absent from the conversation, including victims, executed inmates, the incarcerated, the disenfranchised, and others who are no longer living or not in a position to

³² William Cheng, *Just Vibrations: The Purpose of Sounding Good* (Ann Arbor: University of Michigan Press, 2016).

³³ Cheng, "Musicology, Freedom, and the Uses of Anger," *Musicology Now*, February 21, 2016, <http://musicologynow.ams-net.org/2016/02/musicology-freedom-and-uses-of-anger.html>.

express their thoughts. I do not claim to speak for them and, to the best of my ability, will refrain from speculating as to how they feel.

Literature Review

Although this dissertation constitutes the first known scholarly investigation of music and capital punishment in the United States since 1976, it is not my goal to simply fill a lacuna for the sake of doing so, nor do I wish to invoke the overused trope of unjust neglect; rather, I hope to answer Christian Boulanger and Austin Sarat's call that "in order to understand the death penalty, we need to know more about the 'cultural lives'—past and present—of the state's ultimate sanction."³⁴ Building on work by David Garland,³⁵ Boulanger and Sarat argue that the death penalty and punishment in general are not merely legal realities or the products of cultural processes, but are themselves cultural agents;³⁶ therefore, understanding the "cultural lives" of capital punishment—its "embeddedness in discourses and symbolic practices in specific times and places"—can yield valuable insight into the current state of capital punishment, how it came to be, and how it may develop.³⁷ In other words, capital punishment cannot be adequately assessed or understood only with opinion polls, surveys, or legislation; increased attention to perspectives of capital punishment in music, film, television, radio, literature, and other expressive media is necessary to develop a deeper understanding of people's attitudes toward the death penalty in the United States.

³⁴ Sarat and Boulanger, "Putting Culture into the Picture: Toward a Comparative Analysis of State Killing," in *The Cultural Lives of Capital Punishment*, 1.

³⁵ See David Garland, *Punishment and Modern Society: A Study in Social Theory* (Oxford: Clarendon Press, 1990).

³⁶ Sarat and Boulanger, 11-12.

³⁷ *Ibid.*, 1.

While I echo Boulanger and Sarat's demand for a cultural understanding of capital punishment, their work does not address the importance of music and, more broadly, sound in articulating, responding to, and transforming the nature of capital punishment. This, however, is hardly unusual in capital punishment scholarship. Monographs and edited volumes by Sarat, Stuart Banner, Hugo Bedau, Herbert Haines, and Christopher Kudlac, for example, provide important social and legal histories of capital punishment without addressing music.³⁸ As a musicologist, I build on existing scholarship on capital punishment found in law, political science, and sociology by examining music's unique role in the culture of capital punishment in the United States.

Studies in Music and Sound

Musicologists, including John and Alan Lomax and Benjamin Harbert, have provided valuable contributions to the study of music in prisons,³⁹ while Suzanne Cusick's powerful recent work has examined the use of music as a source of punishment in detention camps.⁴⁰ Few scholars, however, have specifically addressed the relationship between music and capital punishment. For example, Lily Hirsch assesses what she sees as a dialogic relationship between music and law in her book *Music in American Crime Prevention and Punishment*. She writes, "The law and music's interplay in the realm of cultural and social values can in some ways

³⁸ See note 13 above.

³⁹ Benjamin J. Harbert, "Editor's Introduction," *American Music* 30, no. 2 (2013): 127-33; Harbert, "I'll Keep on Living After I Die: Musical Manipulation and Transcendence at Louisiana State Penitentiary," *International Journal of Community Music* 3, no. 1 (March 2010): 65-76; and Harbert, "Only Time: Musical Means to the Personal the Private and the Polis at the Louisiana Correctional Institute for Women," *American Music* 30, no. 2 (2013): 203-40.

⁴⁰ Suzanne G. Cusick, "'You are in a place that is out of the world': Music in the Detention Camps of the 'Global War on Terror,'" *Journal of the Society for American Music* 2, no. 1 (2008): 1-26.

represent a dialogue: Music informs aesthetic values and thus the law, while the law in its participation in culture further informs music, both in practice and valuation.”⁴¹ Hirsch rightly calls attention to the fact that music and law should not necessarily be considered separately; rather, they should be thought of as mirrors of each other, reflecting wider social debates, concerns, values, and cultural beliefs. Materially diverse and far-reaching, Hirsch’s monograph tackles issues ranging from the use of classical music in preventing crime to, in a chapter inspired by Cusick’s recent work, music used as torture in detention centers in the United States and abroad; however, despite her claim that the book examines “music’s involvement in the criminal-legal process in each stage of the U.S. criminal justice system,” a discussion of the relationship between music and capital punishment is notably absent.⁴²

I am also interested in how sound more broadly has been used to engage with the death penalty. To better situate the importance of sound surrounding the capital punishment debate in the United States, I incorporate recent scholarship from the field of sound studies in my dissertation. An intentionally broad and wide-ranging field of inquiry, sound studies, as defined by Jonathan Sterne, “is a name for the interdisciplinary ferment in the human sciences that takes sound as its analytical point of departure or arrival. By analyzing both sonic practices and the discourses and institutions that describe them, it redescribes what sound does in the human world, and what humans do in the sonic world.”⁴³ While the deprivileging of music may appear to be an unintended side effect, sound studies is refreshingly diverse and inclusive, embracing all sounds as having possible importance while also questioning the hegemony of the visual. Additionally, I use the notion of *acoustemology* in examining people’s sonic epistemologies, their ways of

⁴¹ Lily E. Hirsch, *Music in American Crime Prevention and Punishment* (Ann Arbor, The University of Michigan Press, 2012), 7.

⁴² *Ibid.*, 8.

⁴³ Jonathan Sterne, ed., *The Sound Studies Reader* (London and New York: Routledge, 2012), 2.

knowing the world—or in my case, the death penalty—through its sounds. Adding an anthropological and often ethnographic component to the more text-based sound studies, acoustemology, according to Steven Feld, explores the “potential of acoustic knowing, of sounding as a condition of and for knowing, of sonic presence and awareness as potent shaping forces in how people make sense of experiences.”⁴⁴ In addition to Feld’s foundational writings on the subject, I draw inspiration from Tom Rice’s acoustemologies of British hospitals. Combining acoustemology, sound studies, and R. Murray Schafer’s notion of *acoustic ecology*, Rice examines how sound is used to construct spatiality while also demarcate, contest, and transform the fluid borders between private and public experience in hospital wards.⁴⁵ Similarly, for condemned inmates in the panoptic and visually restrictive environments of the prison cell and execution chamber, sound, I argue, is an important means of understanding their surroundings and tenuous holds on life.

Power, Politics, and Performance

Foundational to much modern research on incarceration, Michel Foucault’s classic text *Discipline and Punish: The Birth of the Prison* examines how shifting power relations affected the administration of punishment throughout Western history, eventually leading to the development of the modern penitentiary. Prior to the eighteenth century, Foucault notes that punishment was, by today’s standards, severe. Executions, for instance, were violent spectacles,

⁴⁴ Steven Feld, “Waterfalls of Song: An Acoustemology of Place Resounding in Bosavi, Papua New Guinea,” in *Senses of Place*, ed. Steven Feld and Keith H. Basso (Santa Fe, NM: School of American Research Press, 1996), 97.

⁴⁵ Tom Rice, “Broadcasting the Body: The ‘Private’ Made ‘Public’ in Hospital Soundscapes,” in *Music, Sound and Space: Transformations of Public and Private Experience*, ed. Georgina Born (Cambridge: Cambridge University Press, 2013), 169-185; and Rice, “Soundselves: An Acoustemology of Sound and Self in the Edinburgh Royal Infirmary,” *Anthropology Today* 19, no. 4 (August 2003): 4-9.

accompanied by torture and carried out in public so as to vividly express the state's power and warn future malefactors. By the nineteenth century, criminals were no longer subject to violent, public assaults on their bodies, but were placed in prisons where they could be closely monitored. This shift, according to Foucault, was not necessarily reflective of an enlightened concern for the fairer and more humane treatment of criminals; instead, it represented a way “not to punish less, but to punish better” through discipline.⁴⁶ According to Foucault, disciplinary power—exemplified by Jeremy Bentham's *Panopticon*—is a way of creating “docile bodies” that can be carefully observed, regulated, and controlled. The thorough control of nearly every aspect of an inmate's life represents a better way to punish and a more effective exercise of power than the large-scale, theatrical displays of death that had once prevailed. The repercussions of this shift are also observed in schools, hospitals, factories, military barracks, and other institutions where discipline is paramount. Indeed, we all live, according to Foucault, in a “carceral archipelago.”⁴⁷

Foucault offers keen insight into the nature of power dynamics both leading up to and during executions, but what happens after the condemned person has been executed? A recent complement to Foucault is Katherine Verdery's *The Political Lives of Dead Bodies: Reburial and Postsocialist Change*. According to Verdery, because corpses are silent, ambiguous, and lack agency, people often appropriate them for different purposes and treat them essentially as blank slates on which different meanings and associations can be etched. “A dead body,” writes Verdery, “is meaningful not in itself but through culturally established relations to death and through the way a specific dead person's importance is (variously) constructed.” She continues: “A body's symbolic effectiveness does not depend on its standing for one particular thing,

⁴⁶ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage Books, 1995), 82.

⁴⁷ *Ibid.*, 297.

however, for among the most important properties of bodies, especially dead ones, is their ambiguity, multivocality, or polysemy.”⁴⁸ Although Verdery’s case studies center on Eastern Europe and the former Soviet Union, her ideas about the appropriative and polysemous quality of dead bodies are relevant to my research on capital punishment in the United States. Prisoners, as Foucault reminds us, are “docile bodies” carefully disciplined and controlled by the state. Those sentenced to be executed, one could argue, are further lacking in agency considering that their fates have been fully pre-determined by the state. As a result, the condemned inmate’s body—rendered virtually powerless before, during, and after the execution—serves as a vessel through which people can voice varying and competing perspectives on the death penalty. Music, as I show throughout this dissertation, has served as an important expressive medium through which people have appropriated, animated, and inscribed meanings on inmates’ sonified bodies.

Such behavior, I believe, may also be considered a form of memorialization. Noting the recent flourishing of public memorials in the United States, Erika Doss examines memorials as “archives of public affect,” offering keen insight into the affective conditions in which they were conceived, received, and, in some instances, destroyed.⁴⁹ This “memorial mania,” writes Doss, “is shaped by individual impulses and factional grievances, by special interest claims for esteem and recognition, and by efforts to symbolize and enshrine the particular issues and aspirations of diverse and often stratified publics.”⁵⁰ Meanwhile, Judith Butler interrogates the relationship between violence and mourning in the United States and questions how certain lives are deemed worth mourning while others are not. Assessing the radicalized and racialized attitudes of some

⁴⁸ Katherine Verdery, *The Political Lives of Dead Bodies: Reburial and Postsocialist Change* (New York: Columbia University Press, 1999), 28.

⁴⁹ Erika Doss, *Memorial Mania: Public Feeling in America* (Chicago: University of Chicago Press, 2010), 13.

⁵⁰ *Ibid.*, 37.

Americans toward Arab peoples following the terrorist attacks of September 11, 2001, she argues that a “derealization” of people—essentially a denial or ontological negation of their personhood and existence—justifies the violence enacted on them and precludes mourning. Such people, according to Butler, “cannot be mourned because they are always already lost or, rather, never ‘were,’ and they must be killed, since they seem to live on, stubbornly, in this state of deadness.”⁵¹ Thus the carnivalesque, spectacle-like atmosphere at celebratory events surrounding executions facilitates a transformation of the social order, dehumanizing the condemned in the process and suspending thoughts of mourning. Conversely, songs such as Steve Earle’s “Over Yonder (Jonathan’s Song)” humanize their condemned subjects, constructing them as individuals worth mourning, memorializing, and remembering.

Foucault’s belief that the modern penitentiary system has completely replaced the spectacle of public executions is debatable, especially considering the widespread public attention some executions receive. Similarly, in his book *The Thief, the Cross and the Wheel: Pain and the Spectacle of Punishment in Medieval and Renaissance Europe*, the American art historian Mitchell Merback invites his readers to “imagine if the execution of criminals was once again to become a form of public spectacle.” He continues: “The pain of death, for which our public policy and laws have declared certain criminals deserving, could, in other words, once again be rendered visible, concrete, undeniably real. The body-in-pain could once again become an object of collective fascination and the focal point of a new kind of collective spectatorship.”⁵² I question, however, whether Merback’s so-called “fictitious scenario” is really

⁵¹ Judith Butler, *Prearious Life: The Powers of Mourning and Violence* (New York: Verso, 2004), 33.

⁵² Mitchell Merback, *The Thief, the Cross, and the Wheel: Pain and the Spectacle of Punishment in Medieval and Renaissance Europe* (Chicago: University of Chicago Press, 1999), 304.

all that fictitious.⁵³ Since the last public legal execution in 1936, all executions have taken place behind closed doors, in private, before a small group of carefully screened witnesses. Yet the vestiges of public executions are still present today. As mentioned earlier, public demonstrations both for and against the death penalty accompany nearly all executions in the United States. This practice is especially evident when a controversial or newsworthy figure is executed. As I will discuss in Chapter One, the executions of notorious figures like John Wayne Gacy prompted large-scale, carnivalesque, spectacle-like demonstrations complete with symbolic imagery, costumes, chants, parades, dancing, and singing. Although the actual executions took place in private, the makeup, sights, and sounds of the events are not dissimilar from the pre-nineteenth-century executions that Foucault and Merback describe. Indeed, these kinds of events prompted ethnographer and performance studies scholar Dwight Conquergood, who participated in protests during the execution of Timothy McVeigh, to wonder, “How have we come so far from the social sensibility that Foucault indexed in *Discipline and Punish*?”⁵⁴ Executions, I argue, do not necessarily have to occur *in* public for them to *be* public, especially if we privilege the sonic as much as Foucault and Merback privilege the visual. The strategic use of music and sound, I argue, has been a principal means by which people have given voice to and thus made public attitudes toward capital punishment.

To this end, consulting the existing literature on spectacle, celebration, and performance theory helps to make sense of the public demonstrations surrounding executions. Borrowing terminology from J.L. Austin and Richard Schechner, I consider the public events surrounding executions as *performative* to understand them not as fixed moments in history that can be

⁵³ Ibid., 305.

⁵⁴ Dwight Conquergood, “Lethal Theatre: Performance, Punishment, and the Death Penalty,” *Theatre Journal* 54, no. 3 (October 2002): 341.

duplicated and repeated as textual objects, but as dynamic, emergent processes that both reflect and help transform existing social realities.⁵⁵ As a complement, Mikhail Bakhtin's notion of *carnavalesque* illuminates the transformative nature of the events. Carnivals in Medieval Europe, according to Bakhtin, were occasions marked by an inversion of the social order, in which a suspension of the political, legal, and ideological authority of both the church and state was possible. As a term, *carnavalesque* then refers to the spirit of transformation once exemplified by the carnival, marked by transgression of the laws, regulations, and expectations that govern quotidian, everyday realities.⁵⁶

Building on research by Frank E. Manning, J. J. MacAloon, and William Beeman, I also consider the events as kinds of spectacles in which competing ideologies vie for attention in a contested space.⁵⁷ But whereas Manning, MacAloon, and Beeman reinforce the etymology of the word and stress the visual quality of spectacle, I wish to add sound to the equation. Participants in public events surrounding executions strategically employ music and sound as a means of commenting on capital punishment while also, as is particularly relevant during spectacle-like occasions, competing for the public's attention and suppressing opposing viewpoints. Based on historical case studies presented in Chapter One, I argue that the effectiveness of a particular demonstration depends not necessarily on having colorful costumes or a large number of signs, but on the ability to strategically use sounds. To that end, the performance of well-known, easily

⁵⁵ J.L. Austin, *How to Do Things with Words* (Oxford: Clarendon Press, 1962); and Richard Schechner, *Performance Studies: An Introduction* (New York: Routledge, 2006).

⁵⁶ Mikhail Bakhtin, "Carnival and Carnavalesque," in *Cultural Theory and Popular Culture: A Reader*, ed. John Storey (Athens: University of Georgia Press, 1998).

⁵⁷ Frank E. Manning, "Spectacle," in *Folklore, Cultural Performances, and Popular Entertainments: A Communications-Centered Handbook*, ed. Richard Bauman (New York and Oxford: Oxford University Press, 1992); J. J. MacAloon, ed., *Rite, Drama, Festival, Spectacle: Rehearsals Toward a Theory of Cultural Performance* (Philadelphia, PA: Institute for the Study of Human Issues, 1984); and William O. Beeman, "The Anthropology of Theater and Spectacle," *Annual Review of Anthropology* 22 (1993): 369-93.

singable tunes facilitates greater participation, thereby allowing like-minded people to amplify their ideology while sonically overpowering their competitors. Indeed, as Anthony Seeger observes, “The ability of music to transcend social, spatial, and psychological distance without an accompanying physical presence may be one of its more important communicative features.”⁵⁸

Sources on Capital Punishment in the United States

Although I draw on the recent scholarship of such musicologists as Cusick, Harbert, and Hirsch for their insight into music’s role in prisons and punishment in general, as well as on work in sound studies and acoustemology, scholarship specific to capital punishment is necessary to effectively situate my work within that framework. Complicating the issue, however, is the fact that a significant portion—if not a majority—of the existing scholarship on capital punishment has an abolitionist agenda. Some scholars are transparent and explicit in their critiques of the death penalty, as is the case with Sarat, Bedau, Conquergood, Von Drehle, and, to a lesser extent, Merback. Other writers offer more implicit and disguised critiques of the death penalty, often concealing their agendas behind the veil of documentary evidence and journalistic objectivity. An illustrative example of this is Robert K. Elder’s *Last Words of the Executed*, a collection of the last statements of hundreds of the more than 16,000 people executed in the United States since the seventeenth century. “Without passing judgment or taking a political stance, *Last Words of the Executed*,” writes Elder, “seeks simply to document the final moments

⁵⁸ Anthony Seeger, “Sing for Your Sister: The Structure and Performance of Suyá Akia,” in *The Ethnography of Musical Performance*, ed. Norma McLeod and Marcia Herndon (Norwood, PA: Norwood Editions, 1980), 34

of these lives.”⁵⁹ While Elder may indeed have attempted to produce what he calls an “apolitical volume,” this statement should invite skepticism.⁶⁰ Despite his claims of neutrality, it is important to acknowledge that the selection of last statements for inclusion in the book is, in itself, a critical act that is subject to and perhaps reflective of Elder’s underlying biases and subjectivities. While it is hardly surprising that many of the statements included in the book contain impassioned pleas for mercy, claims of innocence, and critiques of the death penalty, considering what is *not* included in the book can be quite revealing. For example, the violent, vitriolic, and invective-laden last words of Cameron Todd Willingham, whose case and 2004 execution in Texas have received widespread media attention,⁶¹ is notably absent from the book. In addition, Elder annotates each statement with information about their crimes while also, in some instances, citing evidence from the Center on Wrongful Convictions that invites doubt about their guilt so as to possibility solicit sympathy from the reader. Despite his claim that the “book seeks to focus attention on the words themselves” and not function as a “catalog of horrors,” Elder’s annotations also, at times, contain gruesome details about so-called “botched” executions.⁶² The annotations, therefore, do not serve a purely documentary purpose, but may instead intentionally invite feelings of doubt, sympathy, and disgust in the reader. As Rob Wegman has written, “even in documentary evidence there exist no pure, clean facts

⁵⁹ Robert K. Elder, *Last Words of the Executed* (Chicago: The University of Chicago Press, 2010), 5.

⁶⁰ *Ibid.*, 6

⁶¹ See David Grann, “Trial by Fire,” *The New Yorker*, September 7, 2009; “Stacy Kuykendall’s Statement About the 1991 Fire,” *Fort Worth Star-Telegram*, October 25, 2009; Dave Montgomery, “Willingham Arson Case Revives Texas Death Penalty Debate,” *Fort Worth Star-Telegram*, October 25, 2009; Maurice Possley, “Fresh Doubts over a Texas Execution,” *Washington Post*, August 3, 2014; and “Cameron Todd Willingham: Last Statement,” Texas Department of Criminal Justice, accessed December 4, 2018, http://www.tdcj.state.tx.us/death_row/dr_info/willinghamcameronlast.html.

⁶² Elder, 6.

uncontaminated by the sense that people made of them at the time, or that historians might make of them today.”⁶³

Similarly, the Death Penalty Information Center, a non-profit organization whose website contains a valuable wealth of data and information regarding capital punishment in the United States, has an implicit abolitionist agenda. Although the organization does not have an official stance on the death penalty,⁶⁴ their website makes almost no effort to acknowledge pro-death-penalty viewpoints and presents news and information in a way that appears as an attempt to bolster support for the abolitionist cause. I will cite data from the Death Penalty Information Center’s website often in my dissertation, but will do so, I must admit, with some trepidation.

About-To-Die Music

While I derive ideas, facts, and inspiration from each of the aforementioned sources at select points throughout this dissertation, the trope of what I call *about-to-die music* is a prominent thread that stretches across and connects each of the otherwise seemingly disparate chapters. Despite the diversity of musical artists, styles, genres, and mediums represented, nearly all of the performances and recordings discussed in this dissertation depict or comment on capital punishment in the moments leading up to and sometimes during an execution; very rarely, as I will show, do they engage with the aftermath of an execution. In this way, these selections may be thought of as musical corollaries to what Barbie Zelizer terms the *about-to-die image*.

Analyzing journalistic depictions of events such as the Holocaust, tsunamis, the Vietnam War, famine, and the terrorist attacks of September 11, 2001, Zelizer argues that the news media tend

⁶³ Rob C. Wegman, “‘And Josquin Laughed...’ Josquin and the Composer’s Anecdote in the Sixteenth Century,” *The Journal of Musicology* 17, no. 3 (Summer 1999): 331.

⁶⁴ “About DPIC,” Death Penalty Information Center, accessed November 3, 2014, <http://www.deathpenaltyinfo.org/about-dpic>.

to foreground images of individuals facing imminent death rather than of those who have already died.⁶⁵ The contingency of the about-to-die image allows journalists to circumvent the discomfort often experienced when viewing images of assured death while, perhaps more importantly, also inspiring engagement from the viewer. According to Zelizer, “The about-to-die photo engages the public emotionally. Its reliance on affect draws from the positioning of an overly emotive (fearing, trembling, dreading) body in some kind of threatening situation, forcing a viewer’s powerful emotional response as a means of generating meaning, and possibly action.”⁶⁶ The same, I argue, is true of about-to-die music. By spotlighting individuals about to be executed, many of the musical practices I discuss throughout this dissertation make death suggestive, contingent, and elusive, thereby inviting the listener to engage with the narratives, generate meaning and, complete the stories. Consequently, these works may facilitate a variety of emotional responses in the listener, including empathy, indignation, shame, and fear. More than a means of simply circumventing the logical impossibility of performing from a dead person’s perspective, about-to-die music, I argue, invests musical depictions of capital punishment with greater emotional impact, listener engagement, and continued relevance. The same is true, as I discuss in Chapter Four, of *about-to-die sound*.

Chapter Outline

As will become evident by the end of this dissertation, music, sound, and capital punishment have intersected in various ways throughout the United States since 1976. In an effort to illuminate the complex and multifaceted nature of the subject, this dissertation is

⁶⁵ Barbie Zelizer, *About to Die: How News Images Move the Public* (Oxford and New York: Oxford University Press, 2010).

⁶⁶ *Ibid.*, 63.

comprised of four related but ultimately distinct chapters that consider the varied ways people have used music and sound to support, protest, administer, learn about, derive entertainment from, and educate about the death penalty. While several common themes and tropes emerge throughout this dissertation, each chapter does not necessarily build on, support, or clarify the previous one as much as it provides a different viewpoint on the overarching subject. The sequence of chapters reflects a desire for variety—a historical case study followed by a musical-analysis chapter, for instance—and thus is not intended to suggest any kind of linear narrative or train of thought. As such, the constituent chapters, akin to individual spokes on a wheel, may be read in any order.

Chapter One constitutes a detailed historical examination of how music was used to communicate a variety of beliefs surrounding the execution of one of the country's most notorious serial killers. Convicted of murdering thirty-three boys and young men in the 1970s, fifty-two-year-old John Wayne Gacy was legally executed by lethal injection on May 10, 1994 at the Stateville Correctional Center in Crest Hill, Illinois. The day before, hundreds of singing, dancing, and cheering people paraded through the streets of downtown Chicago to celebrate the occasion. Then, early the following morning, a large group of people amassed outside the Stateville Correctional Center to celebrate Gacy's execution as it was taking place. Public demonstrations by activists both for and against capital punishment are not uncommon in the United States, but Gacy's execution was unique in part because of the unusually large number of people that were drawn to these two events—the vast majority of whom, according to news accounts, supported the execution. Considering the severity of Gacy's crimes, his staunch refusal to take responsibility for his actions, and a host of pertinent social and political issues at the time, Gacy, for many, symbolized the integrity of and need for the death penalty. While these events

received widespread attention from the public and the media, a comprehensive scholarly investigation of these and similar public displays has yet to be undertaken. By understanding these events as performative, I examine why people participated in the events, and how costumes, chants, symbolic imagery, and especially music were employed to express ideology, articulate and transform existing social and political realities, and negotiate the terrain of contested public space. An analysis of these events provides important insight into how music and other forms of expressive culture can be used to promote activist agendas, while also providing a vivid reminder of how the same processes that foster social cohesion also help to create social difference. Toward the end of the chapter, I analyze Sufjan Stevens's 2005 recording "John Wayne Gacy, Jr." as a means of understanding how music has been used to both understand and perpetuate Gacy's legacy and continued relevance in American popular culture.

In Chapter Two, I consider musical representations of capital punishment in recordings by popular American musicians. Specifically, I provide detailed analyses of "25 Minutes to Go" by Johnny Cash (1968), "Nebraska" by Bruce Springsteen (1982), "The Noose" by John Zorn (1990), "Over Yonder (Jonathan's Song)" by Steve Earle (2000), and "Women's Prison" by Loretta Lynn (2004). My selection of recordings is certainly not comprehensive, nor is it intended to serve as some sort of canon of death-penalty music; rather, I have selected these pieces based on the breadth of musical styles and perspectives on capital punishment they offer. What does each of these recordings say about capital punishment? How do they depict the death penalty? What do they suggest about the legitimacy of state killing? What does an execution sound like in music? How is the listener encouraged to engage with these narratives? Is the listener treated as a juror, a witness, or something else? In consideration of these and other questions, I engage in detailed musical and lyrical analysis of each recording. In addition, I

consider each recording in relation to contemporaneous attitudes toward capital punishment while also making relevant comparisons to work in other expressive mediums by artists such as Andy Warhol and Lucinda Devlin. Toward the end of the chapter, I examine Reba McEntire's 1991 cover of Bobby Russell and Vicki Lawrence's "The Night the Lights Went Out in Georgia" and the extent to which the song and accompanying music video subvert the trope of about-to-die music.

Chapter Three examines how music and sound design has been used to convey the death penalty in film. Specifically, I examine music and sound design in the films *South Park: Bigger, Longer & Uncut* (1999), *Dancer in the Dark* (2000), and *Changeling* (2008). Analysis of the music and sounds accompanying depictions of executions in these films not only clarifies and enriches our understanding of each film's underlying dramatic narrative, but also reveals crucial discursive links between capital punishment and larger ideas surrounding race, ethnicity, and national identity. I end the chapter with a brief discussion of Robert Altman's 1992 film *The Player* as a means of elucidating the limits to which the Hollywood motion picture industry produces accurate representations of the death penalty.

In Chapter Four, I incorporate ideas from the fields of sound studies and acoustemology to examine how sound has been used to understand, administer, and debate the death penalty. As a case study, I examine audio recordings of more than twenty legal electrocutions carried out between 1983 and 1998 at the Georgia Diagnostic and Classification State Prison in Jackson. Made available to the public in 2001, each of the recordings typically contains, among other things, audio of the condemned inmate's last words, the warden's reading of the death warrant, and a detailed step-by-step description of the execution, as narrated by a member of the prison

staff while on the telephone with state corrections and legal officials.⁶⁷ Because executions in the United States are typically shrouded in secrecy, with no cameras, audio recorders, or electronic equipment of any kind allowed in death chambers or witness rooms, these state-sanctioned audio recordings provide exceedingly rare and detailed insight into execution protocol. Not surprisingly, shortly after the tapes were released, activists on both sides of the death penalty debate hurried to weigh in on what they heard. Whereas supporters of the death penalty cited the recordings as evidence that executions were carried out in a professional and dignified manner, opponents pointed a critical finger at what they perceived was a culture where executions had become so accepted and commonplace that the prison officials' voices registered no emotion or remorse for their participation in the practice. Significantly, in the absence of accompanying visuals, what people on both sides of the debate were responding to in the recordings was the sound of the executions.

In addition to summarizing and drawing connections between some of the most pertinent arguments espoused throughout the preceding chapters, I conclude my dissertation with a glimpse at what future research on music and capital punishment in the United States might entail.

⁶⁷ "The Execution Tapes," Sound Portraits, accessed September 23, 2014, http://soundportraits.org/on-air/execution_tapes/.

CHAPTER ONE

MUSIC, SPECTACLE, AND THE EXECUTION OF JOHN WAYNE GACY

On May 9, 1994, hundreds of joyous and enthusiastic people paraded through the streets of downtown Chicago, Illinois, to celebrate an event that was of great interest to many of the city's residents. The crowd—many of whom were wearing elaborate, brightly colored costumes—cheered, laughed, danced, and sang as they made their way to their ultimate rallying point in front of the Richard J. Daley Center, in the heart of the city's commercial district. Of course, scenes similar to this are not uncommon in Chicago; each year the city is host to parades in recognition of various cultural, religious, and federal holidays such as St. Patrick's Day, Polish Constitution Day, and Thanksgiving. On this particular day, however, the crowd had assembled not to celebrate an official holiday or the winning of a championship by one of the city's beloved professional sports teams; rather, they had gathered to celebrate an impending execution.¹

Early the following morning, fifty-two-year-old John Wayne Gacy, convicted of having murdered thirty-three boys and young men in the 1970s, was executed by lethal injection at the Stateville Correctional Center in Crest Hill, Illinois, approximately thirty-five miles southwest of Chicago. There, another large crowd of singing, dancing, and cheering people amassed just outside the prison walls to voice their support of Gacy's legal state execution. At the same time—as is often the case during legal executions in the United States—a small group of demonstrators held a silent candlelight vigil just outside the penitentiary to protest both Gacy's execution and the death penalty in general.²

¹ "U.S. High Court Rejects Gacy's Execution Stay Appeal," *Los Angeles Times*, May 10, 1994.

² Debbie Howlett and Sandra Sanchez, "John Wayne Gacy Executed," *USA Today*, May 10, 1994.

Public demonstrations both for and against capital punishment are not uncommon in the United States, but Gacy's execution was unique in part because of the unusually large number of people that were drawn to these two events, the vast majority of whom, according to news accounts, supported the execution. While these carnivalesque, spectacle-like events were covered in considerable detail in newspapers, television news programs, and other media formats, a comprehensive scholarly investigation of these public displays and their relationships to music and sound has yet to be undertaken. It is not the goal of this chapter, however, to analyze the celebrations surrounding Gacy's execution to simply fill that lacuna or to reduce what transpired to mere textual description; instead, an analysis of these events yields critical insight into what music and other forms of expressive culture can tell us about public attitudes toward the death penalty and related issues. By understanding these events as performative, this chapter examines, among other things, what motivated people to participate in these events; the extent to which the celebratory events resonated with contemporaneous attitudes toward capital punishment and a host of social issues; how the participants strategically employed costumes, symbolic imagery, and especially music in order to express belief and to affect both social and political change; and the ramifications of their actions.

In this chapter I use the terms *celebration* and *celebratory event* to refer to those events in both Chicago and Crest Hill that formed in order to voice approval of Gacy's execution. In his edited volume *The Celebration of Society: Perspectives on Contemporary Cultural Performance*, Frank E. Manning identifies four central features of celebrations. First, celebration is a kind of performance in the sense that it involves the dramatic presentation of cultural symbols. Second, celebration entertains but may also be colored by ideological significance or pragmatic intent. Third, celebration is a public, non-exclusionary genre that socializes personal meanings. Fourth,

celebration is participatory and, therefore, does not function merely as a presentation for a disengaged, separable audience.³ Bringing to mind the transformative quality of Bakhtin's *carnavalesque*, Manning also notes that "celebration not only represents, but also promotes, dynamic political processes, including the realignment of forces and interests within the body politic."⁴ As will become apparent over the course of this chapter, the celebratory events surrounding Gacy's execution exhibit many similarities to, but also some important differences from celebration as defined by Manning. Although these terms are admittedly problematic as I have used them here, they are necessary in the absence of an existing taxonomy in order to more clearly differentiate the events formed in support of Gacy's execution from those opposed to it.

Borrowing terminology from Richard Schechner, I consider the celebratory events in Chicago and Crest Hill "as" performances. In his book *Performance Studies: An Introduction*, Schechner makes a distinction between what he calls "is" performance and "as" performance. The cultural practices extant at a given place and time act as a sort of frame in which performances are classified and understood. For Schechner, "something 'is' a performance when historical and social context, convention, usage, and tradition say it is."⁵ From the vantage point of American popular cultural practice, the events surrounding Gacy's execution do not fit the criteria of performances because they were loosely organized, were more participatory than presentational in nature, and did not take place before clearly demarcated audiences separate from the performers. In other words, the events in Chicago and Crest Hill do not accord with the culturally determined understanding of what a performance generally "is" in American society.

³ Frank Manning, "Cosmos and Chaos: Celebration in the Modern World," in *The Celebration of Society: Perspectives on Contemporary Cultural Performance*, ed. Frank Manning (Bowling Green, OH: Bowling Green University Popular Press, 1983), 4.

⁴ *Ibid.*, 29.

⁵ Richard Schechner, *Performance Studies: An Introduction*, 2nd ed. (New York and London: Routledge, 2006), 38.

We can, however, examine the events “as” performances in order to better understand how they functioned in their respective frameworks. According to Schechner, “To treat any object, work, or product ‘as’ performance...means to investigate what the object does, how it interacts with other objects or beings, and how it relates to other objects or beings. Performances exist only as actions, interactions, and relationships.”⁶ By examining the events celebrating Gacy’s execution “as” performances and also as *performative*, we can begin to understand them not as fixed moments in history that can be duplicated and repeated as textual objects, but as dynamic, emergent processes that both reflected and helped transform existing social realities.

To better understand the full range of factors at play during the events in both Chicago and Crest Hill, I pose a number of fundamental questions. Why did people participate in the events? What was performed and for whom? How did the crowds use costumes, symbolic imagery, chants, and music to express ideology, negotiate the terrain of contested physical space, and facilitate both social and political change? How did the events engage with other political and social issues that existed in Illinois and the United States at the time? How did the state, media, and general public react to the events? Although there are no simple answers to these questions, this chapter offers a preliminary attempt at unveiling the essentially performative nature of these events in their effort to not only comment on Gacy’s crimes and his fate, but also to affect social change and the state of the death penalty in Illinois and the United States at large. But before we can begin to adequately answer some of these questions, we must first begin to understand who John Wayne Gacy was, why his execution was of great interest to such a large number of people, and how ideas about Gacy have proliferated in American cultural history.

⁶ Ibid., 30.

The Public's Interest in John Wayne Gacy

In March 1980, John Wayne Gacy was sentenced to death for the murders of thirty-three boys and young men he committed between 1972 and 1978 in Chicago. After luring his victims back to his home and gaining their trust, often with the promise of employment, Gacy would typically restrain, torture, and then sexually assault the young males before killing them. Eventually, authorities discovered that Gacy had buried most of his victims in the crawl space beneath his house in suburban Chicago and discarded several others in the Des Plaines River. Gacy's arrest, trial, and subsequent execution attracted much attention from national and, especially, local media outlets.⁷

In his book *Public Executions: The Death Penalty and the Media*, criminologist Christopher S. Kudlac examines the role the media have played in not only reflecting, but also giving shape to public opinion regarding capital punishment in the United States. According to Kudlac, "media coverage of death row cases and public opinion have evolved in tandem, each strongly influencing but not eliminating the relative autonomy of the other."⁸ He argues that the public was consumed not only with the sheer number of Gacy's victims, but also with the extraordinary circumstances surrounding the killings. Indeed, the media, according to Kudlac, focused a great deal of attention on discussing the exceptionally violent and sexual nature of the murders. More specifically, much was said about the homosexual circumstances surrounding

⁷ A complete description of Gacy's crimes is beyond the scope of this dissertation. See Sam L. Amirante and Danny Broderick, *John Wayne Gacy: Defending a Monster* (New York: Skyhorse Publishing, 2011); Tim Cahill, *Buried Dreams: Inside the Mind of a Serial Killer* (Toronto: Bantam Books, 1986); John Kifner, "Gacy, Killer of 33, Is Put To Death as Appeals Fail," *New York Times*, May 11, 1994; Clifford Linedecker, *The Man Who Killed Boys: The True Story of Mass Murder in a Chicago Suburb* (New York: St. Martin's Press, 1980); and Terry Sullivan and Peter T. Maiken, *Killer Clown: The John Wayne Gacy Murders* (New York: Grosset & Dunlap, 1983).

⁸ Christopher S. Kudlac, *Public Executions: The Death Penalty and the Media* (Westport, CT and London: Praeger Publishers, 2007), 2.

Gacy's crimes, which I will discuss at greater length later in this chapter. Kudlac notes, "The Chicago newspapers had multiple stories about the case every day for a month after the discovery of the bodies. Daily updates on the number of bodies discovered under his house appeared on the front page."⁹ The news that such horrific crimes could occur in what was an otherwise peaceful neighborhood rattled the community.

In addition, Kudlac observes that the media frequently contrasted Gacy's biography with preconceived notions of serial killers. Gacy, by most accounts, was a likeable and well-respected member of the community. He was a father, a business owner, a Democratic Precinct Captain, the director of Chicago's Polish Constitution Day Parade, and often entertained at children's birthday parties as "Pogo" the clown, a character he had created. He once even posed for a now-famous photograph with then First Lady Rosalynn Carter.¹⁰ Michael Albrecht, one of the detectives who worked on the Gacy case, remarked while being interviewed on a Chicago radio program, "It wasn't like he had horns, or a sign.... He was very popular, very well liked. You just can't tell."¹¹ Gacy, in other words, did not fit the profile of a stereotypical serial killer. This elicited a sense of both curiosity and fear in the public, particularly in Chicago where the crimes took place. For instance, shortly after Gacy's arrest in 1978, the *Chicago Tribune* ran an article with the headline, "Danger Cited: Killers Don't Always Look the Part."¹² Intentionally or not, the media played a significant part in helping to fuel the public's anxieties about Gacy and, more broadly, the threatening intersection of criminality and homosexuality.

⁹ Ibid., 43

¹⁰ Ibid.

¹¹ Quoted in Kifner, "Gacy, Killer of 33."

¹² Michael Hirsley, "Danger Cited: Killers Don't Always Look the Part," *Chicago Tribune*, December 26, 1978.

Likely adding to the public's disdain for Gacy was his refusal to show remorse or take responsibility for his crimes. Although authorities claimed that Gacy had at one time confessed to some of the murders, he later insisted that he was innocent. While incarcerated on death row at Menard Correctional Center, Gacy fervently communicated his innocence by writing thousands of letters and by giving television interviews to the media.¹³ He even went so far as to plead his case in an audio recording that the public could hear by calling a premium-rate telephone hotline; for \$23.88, one could listen to the complete twelve-minute recording of Gacy denying his participation in the crimes.¹⁴ Gacy's own lawyers even acknowledged that he had never exhibited any visible signs of distress or remorse.¹⁵ In addition, the fact that more than fourteen years passed between Gacy's conviction and execution left some members of the public feeling frustrated with the time and resources it took for justice to be carried out.

Geography also probably played a role in allowing for such a large crowd to be present outside the prison in Crest Hill where Gacy was executed. Whereas many states purposefully carry out executions in penitentiaries located in remote, rural areas far from major metropolitan centers, Illinois's execution chamber at the time was located just outside of Joliet (a city of over 100,000 people) and less than an hour's drive from Chicago. The proximity of Crest Hill to both Joliet and Chicago made it relatively easy for people to travel to the prison and participate in the celebratory events surrounding the execution.

¹³ Ben Macintyre, "Evil That Fascinates America," *Times* (London), May 11, 1994.

¹⁴ Kifner, "Gacy, Killer of 33."

¹⁵ *Ibid.*

The Politics of Capital Punishment in 1994

Significantly, Gacy's execution occurred at a time in Illinois and American history when public concern and anger about the country's social problems focused increased attention on issues such as crime, personal morality, and sexuality.¹⁶ The year 1994, when Gacy was executed, witnessed the emergence of several other high-profile news and legislative items pertaining to crime that both responded to and helped further fuel public interest in and support for the death penalty. In fact, public support for the death penalty in the United States peaked at eighty percent in 1994,¹⁷ which was also the year of the notorious murders of Nicole Brown Simpson and Ron Goldman, the conservative Republican takeover of Congress, and President Clinton's signing of the Violent Crime Control and Law Enforcement Act, which, among other achievements, expanded the federal death penalty and required states to more aggressively register and track offenders convicted of sexual violence and crimes against children.

From the dawn of the twenty-first century until the presidency of Donald Trump, which I will discuss at greater length in the concluding chapter of this dissertation, presidents and other high-profile politicians and candidates for national public office in the United States rarely, if at all, publicly discussed the death penalty. In contrast, President Clinton frequently cited his support for the death penalty while in office during the 1990s. For example, in his State of the Union address less than a year after Gacy's execution, Clinton described the recently passed Violent Crime Control and Law Enforcement Act as "a very tough crime bill."¹⁸ Then, on three

¹⁶ Erika Doss, *Memorial Mania: Public Feeling in America* (Chicago: University of Chicago Press, 2010), 263.

¹⁷ Dwight Conquergood, "Lethal Theatre: Performance, Punishment, and the Death Penalty," *Theatre Journal* 54, no. 3 (October 2002): 341.

¹⁸ President William J. Clinton, "Address Before a Joint Session of the Congress on the State of the Union," January 24, 1995, The American Presidency Project, <http://www.presidency.ucsb.edu/ws/index.php?pid=51634>.

separate occasions in his first of two televised debates with Republican Bob Dole during the 1996 presidential campaign, Clinton cited his support for the crime bill, which he boasted “had sixty death penalties.”¹⁹ Three days later, Vice President Al Gore, too, proudly mentioned President Clinton’s signing of the crime bill and its “sixty new death penalty provisions” in his debate with Republican vice presidential candidate Jack Kemp.²⁰ In sum, these efforts by Clinton and Gore seem intended to mollify and convince the voting public that despite being Democrats, the administrations was tough on crime.

At the local level, Gacy’s execution was a frequent topic of discussion between candidates in the 1994 Illinois gubernatorial election. Whereas incumbent Republican governor Jim Edgar supported capital punishment and said repeatedly, in the days and weeks leading up to Gacy’s scheduled execution, that he would not prevent the execution from occurring, Democratic challenger Dawn Clark Netsch was opposed to the death penalty, instead preferring life in prison without parole, but attempted to reassure voters that, as governor, she would not allow her personal feelings about the death penalty to prevent her from abiding by state law and following through with Gacy’s execution.²¹ Many Illinoisans were not convinced, however. In November, voters overwhelmingly re-elected Edgar, who amassed nearly twice as many votes as Netsch and carried 101 of the state’s 102 counties, including Democratic stronghold Cook County, home to

¹⁹ William J. Clinton, “October 6, 1996 Debate Transcript,” The First Clinton-Dole Presidential Debate, Commission on Presidential Debates, <http://www.debates.org/index.php?page=october-6-1996-debate-transcript>.

²⁰ Al Gore, “October 9, 1996 Debate Transcript,” The Gore-Kemp Vice Presidential Debate, Commission on Presidential Debates, <http://www.debates.org/index.php?page=october-9-1996-debate-transcript>.

²¹ Thomas Hardy, “Gacy Execution Shows Edgar-Netsch Contrast,” *Chicago Tribune*, May 15, 1994.

the bulk of metropolitan Chicago, where the Gacy murders and trial took place.²² Edgar's more ardent support for Gacy's execution and the death penalty at large was not the only reason for his landslide victory over Netsch, but it almost certainly helped tip the scales in his favor. In a poll conducted by the *Chicago Tribune* before the election, sixty-four percent of voters said they were more likely to vote for Edgar after being told that he supported the death penalty and that Netsch opposed it; only thirteen percent of respondents said that knowing Netsch's anti-death-penalty stance made them more likely to vote for her.²³ Furthermore, in a 2010 interview, Edgar cited his support for the death penalty and his use of commercials portraying Netsch as soft on crime among the most important reasons for his landslide victory in 1994:

What beat her was the law enforcement issues and the fact that she was just too liberal for 1994, running in Illinois. She was opposed to the death penalty and all these things. So we ran these commercials. I remember [my campaign aides] came back at the end of June and said, "You've got a twenty-five point lead"—or thirty-point, I mean it was just an astronomical lead—"from these commercials."²⁴

In fact, the Edgar campaign spent more than one million dollars on advertisements portraying Netsch as weak on the death penalty, including one that, in unambiguous terms, claimed, "Dawn Clark Netsch wants to abolish the death penalty."²⁵ The Edgar-Netsch election, once again, demonstrates how Americans and, more specifically, Illinoisans in the mid-1990s expressed their support for the death penalty through demonstrations, music, legislation, and at the ballot box.

²² State of Illinois, Official Vote Cast at the General Election on November 8, 1994, Compiled by the State Board of Elections.

²³ Peter Kendall and Susan Kuczka, "Netsch Left Dangling By Death-Penalty Twist," *Chicago Tribune*, October 3, 1994.

²⁴ Jim Edgar, interview by Mark DePue, Abraham Lincoln Presidential Library Oral History Program, Interview No. 17, June 18, 2010, https://www.illinois.gov/alplm/library/collections/oralhistory/illinoisstatecraft/edgar/Documents/EdgarJim/Edgar_Jim_4FNL_Vol%20IV.pdf.

²⁵ Kendall and Kuczka, "Netsch Left Dangling."

Public interest in and support for the death penalty in 1994 was not confined to Illinois, however. As with the Edgar-Netsch gubernatorial election, capital punishment was a hot-button issue among candidates running for governor of New York in 1994. During the campaign, Democratic three-term incumbent governor Mario Cuomo faced off against Republican State Senator George Pataki. Against a backdrop of escalating crime rates across the state, Pataki campaigned strongly on restoring the death penalty to New York, which had not legally executed anyone since 1963. To lambast his opponent's stubborn opposition to the death penalty, Pataki even went so far as to stage a campaign event, less than a week before election day, at the Staten Island boarding house where, in 1991, Thomas J. Grasso fatally stabbed eighty-one-year-old Leslie Holtz—a case that became a focal point in ongoing debates surrounding capital punishment in New York.²⁶ Shortly after his arrest, Grasso confessed to detectives that, months earlier, he also had killed eighty-seven-year-old Hilda Johnson in Tulsa, Oklahoma. After New York convicted and sentenced Grasso to a term of twenty years to life in prison, state officials extradited him to Oklahoma, where he was tried and sentenced to death.²⁷ In the fall of 1993, Grasso was fewer than twelve hours away from being executed by lethal injection in Oklahoma when, in a maneuver that became symbolic of New York's continued opposition to the death penalty, Governor Cuomo won a federal court order requiring Grasso to return to New York to serve out his twenty-year-to-life sentence.²⁸ The move was roundly criticized by Pataki, who, at

²⁶ Kevin Sack, "Pataki, Backing Executions, Assails Cuomo at Murder Site," *New York Times*, November 5, 1994.

²⁷ Sack, "New York Transfers Killer to Oklahoma To Await Execution," *New York Times*, January 12, 1995.

²⁸ *Ibid.*, and John Kifner, "Grasso's Farewell: 'Life Without Parole' Worse Than Death," *New York Times*, March 21, 1995.

his Staten Island campaign rally, called for the death penalty and vowed that, if elected, he would return Grasso to Oklahoma “for his fair justice.”²⁹

Pataki was not the only high-profile candidate running for governor of New York in 1994 who made support for the death penalty a central tenet of their campaign. On March 22, syndicated radio personality, bestselling author, and self-professed “King of All Media” Howard Stern formally announced his intent to run for governor of New York on the Libertarian ticket.³⁰ Both on his popular radio program and during a press conference the following day, Stern outlined his tripartite populist agenda: require road construction crews to work only at night, stagger highway tolls to alleviate traffic congestion, and reinstate the death penalty. Armed with the campaign slogan “A Volt For Every Vote,” Stern was particularly impassioned during the press conference when discussing his plan to bring capital punishment back to New York: “Believe me, criminals will be convicted. I say electrocute them now and then give them the trials later. People who commit violent crimes against the police and honest citizens will be put in the electric chair. We’ll take these misfits and we’ll fry them like fish.”³¹ Rarely one to shy away from inflammatory rhetoric, Stern went a step further, proposing that the “crispy remains” of people executed in the state electric chair be used “to fill up the potholes” on the roads.³² Although Stern adamantly defended the sincerity and seriousness of his intentions, he admitted to being a political novice and pledged that, if elected, he would resign and allow his more experienced running mate to assume the governorship once he successfully enacted his three principal goals. While some chided or dismissed the controversial radio star for running an insincere and self-aggrandizing campaign that was making a mockery of the political process,

²⁹ Quoted in Sack, “Pataki, Backing Executions.”

³⁰ Howard Stern, *Miss America* (New York: ReganBooks, 1995), 323.

³¹ Quoted in Stern, 326.

³² *Ibid.*, 327.

Stern, with powerful name recognition and a legion of loyal fans vowing to back his candidacy, nevertheless succeeded in securing the Libertarian Party's nomination for governor during a raucous convention in Albany.³³ Despite great local and national interest in his largely grassroots campaign, Stern's political endeavors were ultimately short lived. After refusing to file financial disclosure forms required of candidates for public office, Stern bowed out of the race on August 4.³⁴ Regardless of whether Stern's brief foray into politics was conceived of as little more than a publicity stunt or political satire, his fervent, unapologetic support for the death penalty resonated with many New Yorkers and Americans at the time.³⁵

In the end, Pataki emerged victorious, thus ending twenty years of Democratic rule in New York.³⁶ While he did not win by as wide a margin as did Edgar in Illinois—due in part to the existence of several third-party candidates that siphoned off some of the anti-Cuomo vote—Pataki carried an impressive fifty-seven of New York's sixty-two counties, including all but one county outside of Democratic stronghold New York City.³⁷ On January 1, 1995, Pataki delivered his inaugural address in which he reiterated many of his campaign pledges, including lowering state taxes and spending, expanding the state's workfare program for welfare recipients, and

³³ Stern, 338-50. Also see "Citizen Stern -The Road to Albany (1994 – Comedy Central)," YouTube video, 22:02, posted by "Dominic Sirianni," April 19, 2018, <https://www.youtube.com/watch?v=HAAZHFg7Oqs&>.

³⁴ Stern, 353-56. Also see Amber Phillips, "What Howard Stern for Governor Can Teach Us about Donald Trump," *Washington Post*, August 11, 2015.

³⁵ Stern went on to change his opinion on the death penalty. In his memoir *Miss America*, published a year after the election, Stern writes, "After watching the O. J. trial, I've now come to the conclusion that justice is *not* dispersed evenly in this country. If you're rich it doesn't matter how guilty you are, you can avoid getting fried. If you're poor you'll get railroaded right into that chair. It's a two-tiered justice system. For that reason, I am now firmly *opposed* to the death penalty except in cases where there's no doubt, like Colin Ferguson's assault on innocent passengers on the LIRR" (356).

³⁶ Sack, "New York Votes End a Democratic Era," *New York Times*, November 9, 1994.

³⁷ *Ibid.*, Also see New York State, Vote Cast for Governor and Lieutenant Governor by Party of Candidates, New York State by County – November 8, 1994.

instituting term limits for elected officials. Many of the estimated 13,000 people in attendance at Albany's Knickerbocker Arena reserved their loudest applause, however, for Pataki's comments on the need to bring the death penalty back to New York: "When a society does not express its own horror at the crime of murder by enforcing the ultimate sanction against it, innocent lives are put at risk. Not out of a sense of vindictiveness, then, but a sense of justice—indeed a sense of compassion for those who otherwise might become victims of murder—I will ask the Legislature to pass and I will sign and enforce the death penalty."³⁸ Though not known as a great orator, Pataki's statement about the death penalty was met with a thundering and sustained chorus of approving cheers, whistles, and applause, forcing him to pause his speech for more than twenty seconds until the noise subsided.³⁹ Outgoing Governor Cuomo, who reportedly sat motionless on stage as Pataki delivered those words, later remarked during an interview, "It disconcerts me that the loudest cheer would be for death."⁴⁰ Among the many on-stage dignitaries who likely had a more favorable reaction to Pataki's comments on the death penalty was Howard Stern, who was given a prestigious center aisle seat just over the new governor's right shoulder for the inauguration. Two months earlier, Stern—after he had removed himself from the race—endorsed Pataki's candidacy in part because of his support for the death penalty.⁴¹ On the morning of election day, in a final push to get the Republican elected, Stern plainly summarized the significance of the election to his vast radio audience: "You've all

³⁸ Quoted in Sack, "A Call For Change: Republican Again Urges Cuts in State Taxes and in Spending," *New York Times*, January 2, 1995. Also see "1995 – Governor Pataki Inaugural," YouTube video, 39:43, posted by "NYGovCuomo," September 8, 2014, <https://www.youtube.com/watch?v=PjFtSLLhFQk>.

³⁹ "1995 – Governor Pataki Inaugural," YouTube video.

⁴⁰ Ibid. Also see James R. Acker, "When the Cheering Stopped: An Overview and Analysis of New York's Death Penalty Legislation," *Pace Law Review* 17, no. 1 (Fall/Winter 1996): 41-227.

⁴¹ Howard Kurtz, "GOP Victories Have Hosts of Radio Talk Shows Abuzz," *Washington Post*, November 10, 1994.

wanted a death penalty and you finally got a guy who will give it to you.”⁴² Thankful for the endorsement, Pataki invited Stern and his wife at the time to join him onstage for the inauguration. Also, having demonstrated a shrewd ability to communicate his support for the death penalty to voters through carefully choreographed political optics—as he had done during the campaign event at the Staten Island boarding house where Thomas Grasso murdered Leslie Holtz—Pataki ostensibly realized that Stern, strategically positioned near the podium with his trademark long hair, dark sunglasses, and gangly six-foot-five-inch frame, would serve as a hard-to-miss living symbol of his commitment to bringing the death penalty back to New York.

A year later, Pataki once again showed deference to Stern by appearing at the radio star’s forty-second-birthday party. Broadcast before a live audience at the Plaza Hotel in New York, and filmed by the E! television network, the party was attended by a characteristically eccentric assortment of personalities known to the show, including members of the so-called Wack Pack, a collection of individuals exhibiting an array of physical disabilities, neurodevelopmental disorders, speech impediments, unapologetically racist beliefs, and other manifest conditions and attributes deemed amusing by Stern and his audience. Entering the room to the tune of “Hail to the Chief,” Pataki, dressed in a suit and accompanied by security personnel, appeared and sounded humorously out of place as he walked past exotic dancers, drag queens, pornographers, alcoholics, bodybuilders, and dwarfs on his way to greet Stern, who, true to form, conducted himself more like the ringmaster at a circus than as a conventional American politician or journalist.⁴³ Any perceived dissonance between Pataki and Stern was quickly resolved, however, when they discussed political matters during the ensuing interview. Shortly after sitting down for

⁴² Quoted in Stern, 455.

⁴³ “HOWARD STERN’S 42ND BIRTHDAY PARTY 1996 PT2,” YouTube video, 21:29, posted by “louie bababoey,” January 10, 2017, <https://www.youtube.com/watch?v=kL51B3Ky8GA>.

the interview, Pataki, who later called the radio host “a national treasure and a New York asset,”⁴⁴ happily reported that Stern’s “legislative program,” including reinstating the death penalty, “is almost all law.” In response, Stern commended Pataki on the “beautiful job” he had done during his first year as governor and boasted to his audience, “We’re going to be executing people any day.”⁴⁵ While the brief interview made for entertaining radio and television, Pataki’s presence further validated and promoted Stern’s legislative ideals, particularly his unabashed support for the death penalty.

By the time Pataki left office in 2006, after having served three consecutive terms as governor, he had developed a mixed record with regard to capital punishment. While he followed through on his campaign promise to extradite Thomas Grasso to Oklahoma, where he was executed in 1995, Pataki was ultimately foiled in his quest to return the death penalty to New York. Pataki signed a death penalty bill into law shortly after taking office in 1995, but the State Court of Appeals eventually ruled the law unconstitutional before any executions could take place.⁴⁶ To date, New York has not legally executed anyone since 1963. Nevertheless, Pataki’s and Stern’s vocal, unequivocal support for the death penalty shows how Gacy’s execution took place at a time when capital punishment was widely supported not just in Illinois, but also in communities elsewhere in the United States. Indeed, Gacy’s execution took place at a time in American history when the death penalty was frequently front-page news and championed as a potent weapon in combatting escalating crime rates.

⁴⁴ Ibid.

⁴⁵ “Governor George Pataki on Howard Stern Radio Show interview 1996 birthday special event NYC,” YouTube video, 8:19, posted by “smokedvideo,” February 22, 2012, https://www.youtube.com/watch?v=-HkeD_tHbZw.

⁴⁶ William Glaberson, “4-3 Ruling Effectively Halts Death Penalty in New York,” *New York Times*, June 25, 2004.

Gacy and Homosexuality

Another factor that likely contributed to the public's interest in and, in many instances, vilification of Gacy was his presumed homosexuality. He had been married to two different women, fathered two children, and adamantly denied being homosexual, even going so far as to tell one of his attorneys, "Nobody hates fags more than I do."⁴⁷ Yet, much evidence was disclosed during the investigation and trial that, for many, proved that Gacy engaged in homosexuality. For instance, Gacy had sexually assaulted and raped many of his victims, all of whom were male; he reportedly had a collection of gay pornography in his home;⁴⁸ and, between 1968 and 1970, he had served eighteen months of a ten-year sentence at Anamosa State Penitentiary in Iowa for sodomizing a fifteen-year-old boy.⁴⁹ These facts were widely reported in the media both at the time of Gacy's trial and execution. As a result, some gay rights activists developed great interest in the case because of concerns that certain details of Gacy's crimes would stoke increased suspicion of and hostility toward the gay community. For example, at the time of Gacy's trial in 1980, William B. Kelley, then cochairman of the Illinois Gay Rights Task Force, remarked, "The main danger [in the Gacy trial] is that people's already-distorted ideas about homosexuality will become even more distorted," adding, "People may become so angry that they take out their anger on homosexuals, physically or otherwise."⁵⁰ Kelley criticized the news media's portrayal of Gacy for having negatively influenced public attitudes toward homosexuality: "For instance, we have read over and over that Gacy is an 'admitted homosexual,'

⁴⁷ Amirante and Broderick, 128.

⁴⁸ Linedecker, 68.

⁴⁹ Amirante and Broderick, 58.

⁵⁰ Quoted in Bob Greene, "Gacy's Trial Could Fuel Hatred of Gays," *Chicago Tribune*, February 7, 1980.

or an ‘alleged homosexual.’ That makes it sound as if being a homosexual is a crime, or is a part of what Gacy is accused of.”⁵¹

Despite the best efforts of Kelley and other activists, homosexuality remained a contentious moral and political issue by the time of Gacy’s execution in 1994. For example, earlier that year, the Clinton Administration instituted “Don’t ask, don’t tell,” which barred openly gay, lesbian, or bisexual persons from serving in the United States military.⁵² Then, in 1996, popular radio therapist Dr. Laura Schlesinger published *How Could You Do That?! The Abdication of Character, Courage, and Conscience*, a bestselling self-help book that advocated a return to heterosexual marriage in order to restore national order. Historian Erika Doss cites the publication of Schlesinger’s book as evidence of the notion that homosexuality was increasingly subject to discourses of shame in the mid-1990s.⁵³ Also in 1996, President Clinton signed the Defense of Marriage Act, which, for federal purposes, explicitly defined marriage as the union between one man and one woman. In 2013, Clinton wrote an op-ed for *The Washington Post* in which he urged the Supreme Court to overturn the Defense of Marriage Act. Despite having signed the bill into law just seventeen years earlier, Clinton ceded that 1996 was “a very different time” and eventually came to believe that the law was “discriminatory” and “incompatible with our Constitution.”⁵⁴

Moreover, the mid-1990s coincided with the AIDS epidemic. In his 1987 book *And the Band Played On*, journalist Randy Shilts argues that many American medical professionals, politicians, and members of the news media misunderstood or exhibited marked apathy toward

⁵¹ Ibid.

⁵² Aaron Belkin and Geoffrey Bateman, eds., *Don’t Ask, Don’t Tell: Debating the Gay Ban in the Military* (Boulder: Lynne Rienner Publishers, 2003).

⁵³ Doss, 263.

⁵⁴ Bill Clinton, “It’s Time to Overturn DOMA,” *Washington Post*, March 7, 2013.

AIDS in the wake of it being associated, sometimes exclusively, with the gay community.⁵⁵ For example, in 1982, the *New York Times* reported on what was then a new “serious disorder of the immune system” known as gay-related immunodeficiency because “most cases have occurred among homosexual men, in particular those who have had numerous sexual partners, often anonymous partners whose identity remains unknown.”⁵⁶ Despite public education campaigns and the visibility of HIV-positive figures such as Ryan White, Magic Johnson, and Arthur Ashe—none of whom contracted the virus from homosexual contact—perceptions persisted well into the 1990s that stigmatized AIDS as the “gay plague.” In his 1995 book *Homos*, Leo Bersani argues, “Nothing has made gay men more visible than AIDS. If we are looked at more than we have ever been looked at before—for the most part proudly by ourselves, sympathetically or malevolently by straight America—it is because AIDS has made us *fascinating*.”⁵⁷

Depictions of AIDS in film and on television helped fuel associations with male homosexuality. For example, the 1993 film *Philadelphia*, despite painting a largely sympathetic portrait of protagonist Andrew Beckett (Tom Hanks, in an Oscar-winning role), who takes legal action after being wrongfully terminated from his job when his employers discover that he has AIDS, shows Beckett having likely contracted the disease from a spontaneous sexual encounter with an anonymous male. “Thanks largely to television and movies,” writes Bersani, “the entire country has been able to take in (while of course distancing itself from) images of our wasted bodies.”⁵⁸ In 1994, the year of Gacy’s execution, AIDS became the leading cause of death

⁵⁵ Randy Shilts, *And the Band Played On: Politics, People, and the AIDS Epidemic* (New York: St. Martin’s Press, 1987).

⁵⁶ Lawrence K. Altman, “New Homosexual Disorder Worries Health Officials,” *New York Times*, May 11, 1982.

⁵⁷ Leo Bersani, *Homos* (Cambridge, MA: Harvard University Press, 1996), 19.

⁵⁸ *Ibid.*

among all Americans aged twenty-five to forty-four.⁵⁹ According to Bersani, “The normal fear of homosexuality has been promoted to a compelling terror as a secret fantasy becomes a public spectacle: the spectacle of men dying from...the suicidal ecstasy of taking their sex like a woman.”⁶⁰ Stoked in part by associations with the AIDS epidemic, homophobia continued to thrive at the time of Gacy’s execution.

In summation, the political and social currents running through the United States in the mid-1990s form essential frameworks for understanding the celebratory events surrounding Gacy’s execution. To that end, let us now turn our attention to the specific details of each event.

The “Gacy Day Parade” in Chicago

After Gacy lost another legal appeal, an execution date was finally set for May 10, 1994. The day before, Don Wade, an on-air personality at WLS Radio in Chicago, hosted a parade to celebrate Gacy’s impending execution.⁶¹ Its name likely a parody of the famous Macy’s Thanksgiving Day Parade, the “Gacy Day Parade,” as it was called, attracted hundreds of participants, a considerable amount of media coverage, and likely more than a few curious onlookers. While it may be tempting to simply dismiss the parade as having been nothing more than a mere publicity stunt for Wade’s radio program, doing so would unjustly discount the essentially performative nature of the event and its importance for those involved. In fact, the Gacy Day Parade provided an important opportunity for a large group of people to express belief, affect both political and social change, and revel in a shared experience.

⁵⁹ Lawrence K. Altman, “AIDS IS Now the Leading Killer of Americans From 25 to 44,” *New York Times*, January 31, 1995.

⁶⁰ Bersani, *Homos*, 19.

⁶¹ “U.S. High Court Rejects Gacy’s Execution Stay Appeal,” *Los Angeles Times*, May 10, 1994.

Participants in the Gacy Day Parade strategically drew upon a rich complex of aesthetic mediums through which they communicated beliefs about Gacy, justice, the use of the death penalty in Illinois and the United States, and a host of other issues. Among other modalities, the participants employed music, chants, dance, costumes, and signs containing symbolic imagery for expressive purposes.⁶² This is similar to what Thomas Solomon calls a “multimedia subjectivity package,” in which identities are embodied “not just in words, but in sights, sounds, and other feelingful sensations, creating a synesthetic experience that is powerful precisely because of the aesthetic appeal and pleasurable embodied experience they offer.”⁶³

To gain a better understanding of how these different elements functioned during the Gacy Day Parade, it will prove useful to consider them in relation to the concept of *frame*. Predicated on the notion that all interpretation is framed in some way, social scientists such as Erving Goffman and Gregory Bateson have explored the concept of frame as a mental framework or set of signs that defines a particular experience. Just as a frame may delineate a painting or photograph in an art gallery, the Gacy Day Parade enacted a set of expectations for how certain signs were to be interpreted. Although Wade communicated the celebratory nature of the parade to his listeners beforehand, certain visual and aural stimuli employed during the event helped frame it as a celebration to curious onlookers and potential participants unfamiliar with Wade’s program. Many of the participants, for instance, wore party hats—the kind often used at birthdays and New Year’s celebrations in the United States and elsewhere. Alluding to the concept of frame, Werner Enniger notes, “the properties of the channel in which clothing

⁶² See, for example, “John Wayne Gacy Executed,” YouTube video, 1:35, posted by “ArchiveNewsFootage,” July 24, 2015, <https://www.youtube.com/watch?v=dntfY14JaHU>.

⁶³ Thomas Solomon, “Performing Indigeneity: Poetics and Politics of Music Festivals in Highland Bolivia,” in *Soundscape from the Americas: Ethnomusicological Essays on the Power, Poetics, and Ontology of Performance*, ed. Donna A. Buchanan (London: Ashgate, 2014), 162.

signals are transmitted...determines the kinds of meanings the system can and cannot convey.”⁶⁴

In addition, several journalists covering the parade for newspapers noted that many of the participants could be heard laughing and cheering.⁶⁵ All of this served to key a kind of celebratory frame, thereby dictating how other signs in the parade should be interpreted.

For example, many of the participants held up signs with illustrations of needles on them. Without any kind of accompanying context, it is difficult for the image of a needle to imply anything beyond itself. A medical professional, of course, may use a needle to inject a patient with the medicine necessary to improve their health. Within the frame of the Gacy Day Parade, however, the needle was clearly appropriated as a symbol of capital punishment and, by extension, death itself, considering that Gacy was scheduled to be executed by lethal injection the following morning. This interpretation is supported by the fact that many of the signs at the parade were accompanied by written messages such as “Justice, Justice, Not Too Late, John Wayne Gacy, Meet Your Fate,” “Time to Inject a Little Justice,” and “Gacy—Stick It To Him.”⁶⁶

Alternatively, the needle motif may have functioned as a crude double entendre, referring not only to Gacy’s impending death by lethal injection, but also to his presumed homosexuality. Given the interpretative frame of the Gacy Day Parade, the needle as something with which one could “inject” or “stick it to” Gacy took on phallic properties. Here, what is arguably most significant is not that the needle simply existed as a phallus, but that it was deemed destined to metaphorically penetrate Gacy’s unwilling anus. Challenging the hegemony of phallogocentric

⁶⁴ Werner Enninger, “Clothing,” in *Folklore, Cultural Performances, and Popular Entertainments*, ed. Richard Bauman (New York and Oxford: Oxford University Press, 1992), 219.

⁶⁵ See, for instance, “U.S. High Court Rejects Gacy’s Execution Stay Appeal,” *Los Angeles Times*, May 10, 1994.

⁶⁶ Letters, “Gacy Rally Was Discouraging Sight,” *Chicago Sun-Times*, May 12, 1994.

readings of texts, Jonathan Allan promotes a hermeneutics of “reading from behind,” which considers the ass a “fully loaded sign endowed with rich and complex meaning.”⁶⁷ Allan points to the inclusivity of the anus—unlike the phallus, it does not belong to one sex or type of body—but observes, “It is also the organ that most makes many of us rather uncomfortable because of its alignment with abjection, dirtiness, shame, and, in our homophobic culture, male homosexuality.”⁶⁸ Undeniably, there have existed longstanding assumptions that the anus, as Jeffrey R. Guss has written, is the “essence of homosexuality, the very ground zero of gayness.”⁶⁹ Furthermore, engaging with work by scholars such as Michel Foucault, Catherine MacKinnon, and Andrea Dworkin, Bersani observes, “To be penetrated is to abdicate power” in his influential article “Is the Rectum a Grave?”⁷⁰ Viewed in this light, the Gacy Day Parade portrayed Gacy not as possessing the phallus, but as its recipient, thus emasculating him and stripping him of power.

Music at the Gacy Day Parade

Music was also an important aspect of the parade in communicating belief. After the parade made its way to its ultimate rallying point in front of the Richard J. Daley Center in downtown Chicago, Wade led the crowd in a rendition of “Hello, Gacy” to the tune of “Hello, Dolly” from the musical of the same name by Jerry Herman and Michael Stewart.⁷¹ Whereas the original version of the song contains the refrain, “Well, hello, Dolly, it’s so nice to have you

⁶⁷ Jonathan A. Allan, *Reading from Behind: A Cultural Analysis of the Anus* (Regina, SK: University of Regina Press, 2016), 9.

⁶⁸ *Ibid.*, 27.

⁶⁹ Jeffrey R. Guss, “Men, Anal Sex, and Desire: Who Wants What?” *Psychoanalysis, Culture, and Society* 12, no. 1 (April 2007): 39.

⁷⁰ Leo Bersani, “Is the Rectum a Grave?” *AIDS Cultural Analysis / Cultural Activism* 43 (Winter 1987): 212.

⁷¹ Debbie Howlett, “Time Runs Out For John Gacy,” *USA Today*, May 10, 1994.

back where you belong,” Wade altered the lyrics to fit the context of the Gacy Day Parade: “Well, hello, Gacy, it’s so nice to have you right where you belong.”⁷² The change from “back where you belong” to “right where you belong” clearly supports the notion that the crowd rejoiced over Gacy’s imminent execution. Moreover, within the larger discourse of hostility toward homosexuality, it is significant that “Hello, Gacy” borrowed a song from musical theater—long considered a gay-friendly genre—linked to Barbara Streisand, a well-established icon of the gay community.⁷³

It is also noteworthy that Wade and the crowd elected to sing a song that addressed Gacy directly. Whereas many of the signs held up by the participants referred to Gacy in the third person, the singing of “Hello, Gacy,” in a sense, afforded the crowd the opportunity to confront the killer directly even though he was, in reality, beyond earshot and a safe distance from the event. According to Anthony Seeger, “The ability of music to transcend social, spatial, and psychological distance without an accompanying physical presence may be one of its more important communicative features.”⁷⁴ The singing of “Hello, Gacy” once again suggests that music may be more adept at traversing distances—physical or otherwise—than other forms of communication.

Singing also served as an important vehicle through which the Gacy Day Parade exerted control over a contested public space. The area surrounding the Richard J. Daley Center in Chicago is frequently the site of celebrations, protests, and various other kinds of public

⁷² “U.S. High Court Rejects Gacy’s Execution Stay Appeal,” *Los Angeles Times*, May 10, 1994.

⁷³ See John M. Clum, *Something for the Boys: Musical Theater and Gay Culture* (New York: St. Martin’s Press, 1999); D. A. Miller, *Place for Us: Essay on the Broadway Musical* (Cambridge, MA: Harvard University Press, 1998); and Stacy Wolf, *A Problem Like Maria: Gender and Sexuality in the American Musical* (Ann Arbor: University of Michigan Press, 2002).

⁷⁴ Anthony Seeger, “Sing for Your Sister: The Structure and Performance of Suyá Akia,” in *The Ethnography of Musical Performance*, ed. Norma McLeod and Marcia Herndon (Norwood, PA: Norwood Editions, 1980), 34

gatherings and demonstrations. In fact, at the time of the Gacy Day Parade, there were at least two other groups occupying the same space and competing for the public's attention. An article in the *Los Angeles Times* describes the scene outside the Daley Center that day:

The [Gacy Day Parade] engulfed a lonely stand of about eight death penalty protestors and swamped a previously scheduled D-Day 50th anniversary musical celebration, where a young man dressed in a WWII sailor's uniform crooned 'I'll Be Seeing You' and other period pieces, trying vainly to be heard above the roar of the Gacy crowd.⁷⁵

This description clearly suggests that Wade and the Gacy Day Parade effectively squelched the other performers competing for the public's attention not necessarily by having a greater number of signs or more colorful costumes, but through music and sound. To that end, Wade's strategic decision to lead the crowd in the rendition of a well-known and relatively easy-to-sing tune almost certainly facilitated greater participation, thereby allowing the crowd to sonically overpower their ideological competitors. This episode further supports the notion that musical performances often possess an emergent quality and, in addition to acting as a source of entertainment, can also mark identity, express ideology, and convey difference.

It can be argued, however, that the music, costumes, symbolic imagery, and other communicative devices employed during the Gacy Day Parade would not have had the same impact if the event had occurred at a different time and place. Indeed, it seems apparent that Wade took steps to ensure that the Gacy Day Parade would be seen and heard by the largest audience possible. During a speech he made at the event, Wade remarked, "We want America to see how most people feel about criminals."⁷⁶ To guarantee large numbers of participants and spectators, as well as attention from the media, Wade positioned the parade's epicenter just outside the Richard J. Daley Center, a heavily trafficked area in the heart of downtown Chicago.

⁷⁵ "U.S. High Court Rejects Gacy's Execution Stay Appeal," *Los Angeles Times*, May 10, 1994.

⁷⁶ *Ibid.*

The enormous sculpture by Pablo Picasso in the adjoining courtyard is a well-known city landmark and popular meeting place. This helped ensure that interested people would be able to find the event. In addition, Wade scheduled the parade to begin at noon on a Monday so as likely to allow the many workers in the area on their lunch breaks to witness or participate in the event.

It is also noteworthy that the Gacy Day Parade—an event framed as a celebration of Gacy’s execution—was scheduled to occur the day *before* the execution. Considering this, it seems likely that the parade functioned not only as a celebration of Gacy’s impending execution, but also a last-minute effort to ensure that it would indeed be carried out. Last minute stays of executions are not uncommon in the United States and, at the time of the parade, Gacy’s lawyers still had an appeal pending before the state supreme court in an attempt to delay the execution;⁷⁷ therefore, we may consider the parade as having been not only a celebration of Gacy’s impending death, but also an effort to safeguard against the possibility of a stay of execution. As Richard Bauman has argued, performance interactions do not always reflect or confirm preexisting power relations between individuals, but provide an opportunity to change them.⁷⁸ By positioning the event in one of the most highly trafficked locations in the entire state, the Gacy Day Parade was, in part, an attempt to persuade those in power—partly through the reach and influence of the media—to stand aside and allow the execution happen as scheduled.

Additionally, “Hello, Gacy” and the sounds of the Gacy Day Parade may be thought of as sonic corollaries to what Barbie Zelizer terms the *about-to-die image*.⁷⁹ As I discussed in the

⁷⁷ Ibid.

⁷⁸ Richard Bauman, *Verbal Art as Performance* (Prospect Heights, IL: Waveland Press, 1984). Also see Richard Bauman, “Disciplinary, Reflexivity, and Power in *Verbal Art as Performance*: A Response,” *The Journal of American Folklore* 115, no. 455 (Winter 2002): 92-98.

⁷⁹ Barbie Zelizer, *About to Die: How News Images Move the Public* (Oxford and New York: Oxford University Press, 2010).

Introduction, the contingency of about-to-die music allows performers and listeners to circumvent the discomfort attached to assured death while also inspiring engagement and possibly action from the listener. By spotlighting an individual about to be executed, the parade made Gacy's death suggestive, contingent, and elusive, thereby inviting the audience to emotionally engage with the event, generate meaning, and complete its story. In light of this, we should see the Gacy Day Parade not as having been a carefully scripted, fixed event, but as a dynamic, emergent process that attempted to voice difference and enact social change.

Whether or not the Gacy Day Parade was conceived of as little more than a publicity stunt for Wade's radio program, it nevertheless provided an important forum in which people supporting Gacy's execution could express ideology, articulate difference, revel in a shared belief, and transform existing social realities through performative acts.

The Celebratory Event in Crest Hill, Illinois

On the morning of May 9, 1994, Gacy was transported by helicopter from the downstate Menard Correctional Center, where he had spent the previous fourteen years on death row, to the Stateville Correctional Center in Crest Hill, where he was to be executed shortly after midnight the following day.⁸⁰ As the hour of Gacy's execution neared, hundreds of people amassed just outside the penitentiary in Crest Hill to both acknowledge and celebrate the occasion. Similar to what had transpired earlier in the day at the Gacy Day Parade in Chicago, the crowd adopted an array of visual and aural stimuli to express their beliefs.

⁸⁰ Kifner, "Gacy, Killer of 33."

Costumes, once again, were an important aspect of the celebratory event. Reports show that some people in the crowd wore black “executioner” hoods over their heads.⁸¹ We may understand these hoods as a kind of mask, serving to not only alter the identities of the wearers, but also transform social relations. The communicative character of masks, according to Elizabeth Tonkin, “cannot be understood without considering their use, which is generally in performance, as part of a costume. They communicate meanings through transforming the wearer.”⁸² Given the context of executioner hoods, however, the wearer is not the only one who is transformed; indeed, the existence and identity of the executioner is contingent upon there being someone to execute. Tonkin writes, “Maybe because masks in performance conjoin opposites, they often dramatize crossovers from one state to another, including life and death.... Masks are widely used in rites of transition, which move participants from one social state to another.”⁸³ Representing notions of order, justice, and also death itself, the hoods served to symbolically transform both the wearers of the hoods and also, by extension, Gacy.

Several people in the crowd also dressed as clowns.⁸⁴ This likely served several purposes. To begin with, the presence of people dressed as clown costumes outside the penitentiary clearly imbued the Crest Hill event with a festive, circus-like quality, thereby helping to key a celebratory frame to the participants, casual onlookers, and media witnesses. The clown costumes were arguably more important, however, in functioning as external anamnestic referents for recalling Gacy’s former career as a children’s entertainer. By appropriating Gacy’s

⁸¹ Jonathan Freedland, “Crowds Celebrate Execution of US Serial Killer,” *Guardian* (London), May 11, 1994.

⁸² Elizabeth Tonkin, “Mask,” in *Folklore, Cultural Performances, and Popular Entertainments: A Communications-Centered Handbook*, ed. Richard Bauman (New York and Oxford: Oxford University Press, 1992), 225.

⁸³ *Ibid.*, 228.

⁸⁴ Freedland, “Crowds Celebrate.”

clown costume, the crowd was able to essentialize, stigmatize, and, in Judith Butler's terms, "derealize" Gacy's life. According to Butler, we may accept the killing of another human being if we have deemed their life less worthy than our own.⁸⁵ By reducing Gacy's identity to a clown, the crowd was able to deprive him of human characteristics. Thus, the derealization of Gacy's life allowed participants to not only accept his execution, but also prevent the grieving or mourning of his death. Indeed, street vendors stationed outside the penitentiary sold t-shirts with the slogan "No Tears For The Clown" printed on them.⁸⁶ It could also be argued that the clown was an especially appropriate representation of Gacy considering that clowns are often believed to possess a kind of split personality. As, Abby Bentham has observed, "Media representations of serial murder have traditionally tended to focus on the killer's monstrosity and how his acceptable public facade hides unimaginable horrors."⁸⁷ While Gacy appeared to be a normal and well-respected member of the community, at times adopting the friendly Pogo persona, he was nevertheless responsible for the gruesome murders of thirty-three people.

Music Used During the Celebratory Event in Crest Hill

Music was also employed at the celebratory events in Crest Hill, much as it was during the Gacy Day Parade. During the execution, much of the crowd began singing the chorus from the pop-rock anthem "Na Na Hey Hey Kiss Him Goodbye."⁸⁸ Originally written and recorded by

⁸⁵ Judith Butler, *Prekarious Life: The Powers of Mourning and Violence* (New York: Verso, 2004).

⁸⁶ Freedland, "Crowds Celebrate."

⁸⁷ Abby Bentham, "Fatal Attraction: The Serial Killer in American Popular Culture," in *Violence in American Popular Culture*, ed. David Schmid, vol. 1, *American History and Violent Popular Culture* (Santa Barbara, CA: Praeger, 2016), 214.

⁸⁸ "1994 Serial Killer John Wayne Gacy Put To Death," YouTube video, 2:08, from a news report televised by ABC on May 10, 1994, posted by "phillyvideofan," July 29, 2011, <http://www.youtube.com/watch?v=IqPV17VZX6w>.

American musicians Gary DeCarlo, Dale Frashuer, and Paul Leka and released in 1969 by Fontana Records under the moniker Steam, “Na Na Hey Hey Kiss Him Goodbye” is, on the surface, a straightforward love song. With lead vocals by DeCarlo, the song is delivered from the standpoint of a male protagonist who implores his female love interest to leave the man with whom she is currently involved so that she may instead be with him. During the song’s verses, DeCarlo attempts to steal the woman away from her current love interest, telling her “He’ll never love you the way that I love you / ‘cause if he did, no no, he wouldn't make you cry” and “He’s never near you to comfort and cheer you / When all those sad tears are fallin’, baby, from your eyes.” Having argued his case against the unnamed man, DeCarlo, aided by imitative responses from a chorus of male background singers, summarizes what he hopes the woman will do next: “I wanna see you kiss him goodbye.” This leads to the now-famous refrain in which the chorus of background singers chants, in unison, “Na na na na / na na na na / hey hey hey / goodbye” over a regular C–Eb–Bb–C chord progression accompanied by piano, organ, vibraphone, guitar, handclaps, and drums (Example 1).

C Eb Bb C

Na na na na, na na na na, hey hey hey, go-od - bye.

Example 1: Steam, "Na Na Hey Hey Kiss Him Goodbye," refrain.

While the nonsensical “na na na na” refrain may come across simply as lyrical filler left over from an improvised jam session or an embryonic stage of the compositional process, other songs from the time period famously use the same syllables as a framing device, including “Hey Jude” by The Beatles (1968) and recordings of “Land of a Thousand Dances” by Cannibal & the

Headhunters (1965) and Wilson Pickett (1966). Despite doing little to clarify or expand on the song's narrative, the infectious "na na na na" refrain makes up the bulk of the four-minute recording and unquestionably constitutes the song's most recognizable and excerpted feature. The semantic ambiguity of the refrain has lent itself over the years to use in different contexts, some of which, as we will see, have little or nothing to do with romance.

Although originally conceived as a mere B-side to fill out an upcoming release of songs recorded by DeCarlo and Leka,⁸⁹ "Na Na Hey Hey Kiss Him Goodbye" became an unexpected hit and has endured to this day in American music history and popular culture. Soon after its release in 1969, "Na Na Hey Hey Kiss Him Goodbye" rose to No. 1 in the United Kingdom and sold over a million copies in the United States. Then, in 1983, it became a hit once again when the English girl group Bananarama covered the song on their debut album, *Deep Sea Skiving*.⁹⁰ Today, however, the song is perhaps most famously heard in the context of sporting events. In his book *We are the Champions: The Politics of Sports and Popular Music*, Ken McLeod observes that "Na Na Hey Hey Kiss Him Goodbye," and other similar songs, "while not originally popularized through sporting events or overtly thematically concerned with sports, has subsequently risen to iconic anthemic status due largely to being played at and associated with sporting events."⁹¹ Indeed, spectators at sporting events in the United States and abroad often chant the song's chorus to taunt opposing players or coaches who are removed or ejected from

⁸⁹ Daniel E. Slotnik, "Gary DeCarlo, Who Sang 'Na Na Hey Hey Kiss Him Goodbye,' Is Dead," *New York Times*, June 29, 2017.

⁹⁰ Ken McLeod, *We are the Champions: The Politics of Sports and Popular Music* (Farnham, England: Ashgate, 2011), 120.

⁹¹ *Ibid.*, 120.

the game. As entertainment writer David Hinckley has summarized, the song “could be called the national anthem of trash-talking.”⁹²

At the time of the Gacy events, the link between the song and sporting events was well known to many, particularly in Illinois. In fact, the tradition started in 1977 when then Chicago White Sox organist Nancy Faust played the tune when an opposing pitcher was pulled from a crucial game during the team’s late-season push to reach the playoffs.⁹³ The idea caught on and, since then, the song has become so strongly associated with athletics that it has been included on countless compilation albums of sports anthems alongside tunes such as “Take Me Out to the Ball Game,” “YMCA” by Village People, “Rock and Roll Part 2” by Gary Glitter, “We Will Rock You” by Queen, “Thunderstruck” by AC/DC, and “Seven Nation Army” by the White Stripes. While the song has been used at sporting events throughout the world, it continues to retain strong ties to Illinois. For example, the song not only remains the unofficial anthem of the White Sox,⁹⁴ but it is also used to greet visitors to Chicago’s O’Hare International Airport, where the levels of an adjoining parking structure are named after Chicago-based professional sports teams; to help visitors remember where they parked, Steam’s recording of “Na Na Hey Hey Kiss Him Goodbye” is continuously piped through speakers positioned near the elevator shafts on the “White Sox” parking level. In addition, the song’s refrain forms part of a medley that is still played by the University of Illinois at Urbana-Champaign athletic bands after victories by the Fighting Illini basketball and volleyball teams.⁹⁵

⁹² David Hinckley, “‘Na Na Hey Hey’ Was an Unexpected Winner,” *New York Daily News*, April 4, 2005.

⁹³ Karen Crouse, “Ballpark Farewell, Played Adagio,” *New York Times*, September 17, 2010.

⁹⁴ McLeod, 120.

⁹⁵ Thanks to Barry L. Houser, Director of Athletic Bands at the University of Illinois at Urbana-Champaign, for answering my questions about the bands’ use of “Na Na Hey Hey Kiss Him Goodbye” at athletic events.

Clearly, “Na Na Hey Hey Kiss Him Goodbye” means something much different in the context of sporting events than it did when Steam originally released the song in 1969. Indeed, meaning is not inherent in an object, but instead is created through ongoing social interaction. McLeod notes, “Somewhat ironically, given the hetero-normative masculine sporting environment at which it is most commonly heard, the song celebrates the break-up of a woman from a man.”⁹⁶ This provides a vivid reminder that a piece of music does not always function as a fixed text and that meaning is subject to negotiation and change over time.

How, then, was “Na Na Hey Hey Kiss Him Goodbye” used during the celebratory events in Crest Hill? Whereas Don Wade altered the lyrics of “Hello, Dolly” to change the song’s meaning for the Gacy Day Parade in Chicago, the crowd in Crest Hill left the lyrics to the refrain of “Na Na Hey Hey Kiss Him Goodbye” intact. Nevertheless, it is unlikely that anyone confused the crowd’s rendition for a love song. By examining the register enacted during the event, we can begin to make sense out of how the song was employed and understood by both the participants and onlookers. Expanding on research by Dell Hymes, John Miles Foley has defined *registers* as discursive frameworks in which meaning and communication take place. Because they are more coded than everyday language, registers bring into play an unspoken frame of reference that is widely understood by both the performers and the audience. These shared expressive vehicles therefore “offer ready access to meaning that otherwise lies out of reach.”⁹⁷

Within the frame of the celebratory event in Crest Hill, the singing of the chorus to “Na Na Hey Hey Kiss Him Goodbye” prescribed an interpretative register in alignment with the song’s use at sporting events. In other words, the singing of “Na Na Hey Hey Kiss Him Goodbye”

⁹⁶ McLeod, 120.

⁹⁷ John Miles Foley, *How to Read an Oral Poem* (Urbana and Chicago: University of Illinois Press, 2002), 116.

at sporting events and at the Crest Hill event served similar purposes. This link is derived, in part, from the spectacle-like quality of both sports and the Crest Hill event. A spectacle, according to Manning, is “a large-scale, extravagant cultural production that is replete with striking visual imagery and dramatic action that is watched by a mass audience.”⁹⁸ Similarly, J. J. MacAloon notes that whereas festival demands active participation, spectacle “licenses such behavior in the mode of distanced observation—spectatorship. By prescribing only watching, leaving the rest of the dialogue between the observer and the ‘sights,’ spectacle accommodates the optionality and individual choice, which are widespread modern values.”⁹⁹ Using the Olympics as an example, MacAloon considers spectacle a kind of “megagenre” encompassing four separable but related genres: game, rite, festival, and spectacle. Considering these perspectives, it seems clear that the Crest Hill event was akin to a spectacle in the sense that it was a large-scale but optional occasion, complete with costumes, dancing, and symbolic imagery presented before a mass audience—transmitted via the media—as a means of voicing and transforming ideologies in a contested space. Although the Crest Hill event did not formally take place before a large, clearly delineated “mass audience” present outside the penitentiary, the widespread coverage of the event in newspapers and on television allowed for the crowd’s performances to be seen and heard by an audience of thousands—if not millions—of people. Manning also notes, “A common feature of these phenomena is that the central dramatic event is surrounded by other events and attractions that are seen as significant components of the total occasion: pomp and pageantry, parading and partying, sideshows of all kinds—including crowd behavior. It is for this reason

⁹⁸ Frank E. Manning, “Spectacle,” in *Folklore, Cultural Performances, and Popular Entertainments: A Communications-Centered Handbook*, ed. Richard Bauman (New York and Oxford: Oxford University Press, 1992), 291.

⁹⁹ J. J. MacAloon, ed., *Rite, Drama, Festival, Spectacle: Rehearsals Toward a Theory of Cultural Performance* (Philadelphia, PA: Institute for the Study of Human Issues, 1984), 269.

that spectacles typically take place, in whole or in part, outdoors.”¹⁰⁰ Given these characteristics, some of the most familiar examples of spectacle, according to Manning, come from the field of sports.

The link between the Crest Hill and sporting events is made apparent by its spectacle-like quality and functioning, in part, as a forum for the expression of competing ideologies in a shared space. Groups of people at a large sporting event such as the Olympics or the World Cup may employ special songs, chants, costumes, symbolic imagery, and other stimuli for the purposes of expressing support for a particular team or athlete while perhaps also criticizing opposing athletes and spectators. Similarly, the Crest Hill event provided an opportunity for groups with competing viewpoints on the death penalty to articulate their differences in close proximity on a public stage. According to news reports, the vast majority of the people who had gathered outside the penitentiary supported Gacy’s execution. At the same time, a comparatively small group of people held a silent, candlelight vigil to protest the execution and the death penalty at large.¹⁰¹ Nevertheless, news accounts of the Crest Hill event devoted far more attention to the group in support of the execution likely due in large part to the fact that the group’s elaborate costumes, signs, and loud, enthusiastic rendition of “Na Na Hey Hey Kiss Him Goodbye” demanded a great deal of attention. In addition, several journalists covering the event observed that members of the crowd celebrating Gacy’s execution attempted to blow out some of the candles being held by protestors at the vigil.¹⁰² This lends further credence to the notion that the event functioned as a site of competing interests articulated through performative acts.

¹⁰⁰ Ibid., 292-3.

¹⁰¹ Howlett and Sanchez, “John Wayne Gacy Executed.”

¹⁰² Andrew Stern, “Serial Killer Took 18 Minutes To Die,” Press Association, May 10, 1994.

Given the celebratory, competitive, and spectacle-like quality of the Crest Hill event, it is hardly surprising that “Na Na Hey Hey Kiss Him Goodbye” was appropriated in a similar fashion to how it is often used during sporting events. In addition, the strong connections between the song and sporting events was well known to many Illinoisans at the time of Gacy’s execution, which helped dictate how the music was used and understood. Because the participants and spectators understood both the frame and register of the Crest Hill event, the message implied in the singing of “Na Na Hey Hey Kiss Him Goodbye” was thus transmitted in an efficient manner, or with what Foley terms *communicative economy*.

The Politics of “Na Na Hey Hey Kiss Him Goodbye”

While large-scale, participatory, unison chanting of the chorus to “Na Na Hey Hey Kiss Him Goodbye” is most often associated with sporting events, the song has also been widely used in the political arena, both in the United States and internationally. For example, on October 30, 1995, residents of Quebec voted on whether the French-speaking province should proclaim independence from Canada and become a sovereign country. That evening, many Quebecers were glued to their television sets to learn the results of the referendum, one of the most highly contested and controversial votes in the nation’s history.¹⁰³ As the results began to trickle in shortly after the polls closed, the “Yes” vote (in favor of Quebec national sovereignty) took what appeared to be a commanding lead. At that point, a group of energized “Yes” supporters that had assembled at Montréal’s Palais des congrès began chanting—significantly, and somewhat ironically, in English—the chorus of “Na Na Hey Hey Kiss Him Goodbye” to celebrate what at

¹⁰³ For more on the 1995 Quebec referendum, see Chantal Hébert and Jean Lapierre, *The Morning After: The 1995 Quebec Referendum and the Day That Almost Was* (Toronto: Alfred A. Knopf Canada, 2014).

the moment appeared to be assured independence from Canada.¹⁰⁴ While the “No” vote eventually prevailed by a razor-thin margin, the “Yes” supporters’ spirited but ultimately premature rendition of the chorus of “Na Na Hey Hey Kiss Him Goodbye” remains a vivid sonic artifact of the 1995 Quebec referendum, as evidenced by its inclusion in many documentary and news features about the vote.

Similarly, the song was used in a celebratory and jeering fashion at the culmination of what was arguably the most contentious election in American history: the 2016 presidential election between Donald Trump and Hillary Clinton. On election night, Trump supporters gathered at the Hilton Midtown New York, where the Republican candidate was expected to give what they hoped would be a victory speech later than evening. After the Associated Press announced that Trump had landed pivotal and, to many, unexpected victories in Florida, Michigan, Ohio, and Pennsylvania, many of those who had gathered at the Hilton began chanting the chorus of “Na Na Hey Hey Kiss Him Goodbye.” As is the case with most high-profile modern political campaigns, Trump rallies were frequently accompanied by a carefully curated musical playlist comprised of selections that, played over loudspeakers, intended to communicate pertinent campaign themes and messages to the audience. For example, “We’re Not Gonna Take It” by Twisted Sister, the orchestral overture from Jerry Goldsmith’s soundtrack to the movie *Air Force One*, and the album version (with choir opening) of “You Can’t Always Get What You Want” by the Rolling Stones were all in regular rotation at Trump events.¹⁰⁵ Also

¹⁰⁴ Andy Riga, “Quebec’s 1995 Referendum: 140 Minutes of Agony,” *Montreal Gazette*, October 24, 2015, <http://montrealgazette.com/news/local-news/quebecs-1995-referendum-140-minutes-of-agony>.

¹⁰⁵ Rebecca Sinderbrand, “Donald Trump’s Campaign Soundtrack: A Grammy Day Playlist,” *Washington Post*, February 15, 2016, https://www.washingtonpost.com/news/post-politics/wp/2016/02/15/donald-trumps-campaign-soundtrack-a-grammy-day-playlist/?utm_term=.5a777c6bbf83.

included on playlists were songs that did not seem to reflect any of Trump's political ideals or campaign themes, but were simply personal favorites of the candidate, such as Elton John's "Tiny Dancer."¹⁰⁶ There were times, however, when the Trump campaign would purposefully adapt their playlist to reflect recent news stories. For example, shortly after Trump raised doubts during the Republican primary as to whether opponent Ted Cruz, who was born in Canada, was constitutionally eligible to become president of the United States, Bruce Springsteen's "Born in the U.S.A." appeared, not so surreptitiously, on the Trump campaign playlist. The adaptable, dynamic, and communicative properties of Trump's campaign music culminated with the crowd's rendition of "Na Na Hey Hey Kiss Him Goodbye" in New York on the evening of November 8, 2016. Whereas the participants in the Crest Hill event sang the song to Gacy, Trump's supporters likely directed their singing at Hillary Clinton, whom Trump had repeatedly attacked and vilified during the campaign. The crowd may also have targeted their singing of "Na Na Hey Hey Kiss Him Goodbye" at members of the mainstream news media, whom Trump and many of his supporters routinely accused of having a liberal bias and whom, in many cases, had predicted, ultimately incorrectly, that Clinton would win the election. No matter the intended target, the crowd's spontaneous rendition of "Na Na Hey Hey Kiss Him Goodbye" helped to sonically illuminate the dynamic, emergent quality of the democratic political process. A little more than two months later, at President Trump's inauguration in Washington, D.C., a small

¹⁰⁶ Ibid. Also see Corey R. Lewandowski and David N. Bossie, *Let Trump be Trump: The Inside Story of His Rise to the Presidency* (New York: Center Street, 2017), 91-92; and Katy Tur, *Unbelievable: My Front-Row Seat to the Craziest Campaign in American History* (New York: Dey St., 2017), 2.

group of spectators chanted the song as a helicopter whisked newly former President Barack Obama away from the Capitol.¹⁰⁷

Most recently, unison singing of the chorus of “Na Na Hey Hey Kiss Him Goodbye” was heard echoing throughout the chamber of the United States House of Representatives. This time, however, it was Democrats using the song to taunt their Republican colleagues. On May 4, 2017, a group of House Democrats chanted the song as their efforts to defeat a Republican health care bill fell short. Before the vote, House Democrats warned Republicans that they would risk being voted out of office in future elections if they repealed and changed aspects of the existing health care law.¹⁰⁸ Their subsequent singing of “Na Na Hey Hey Kiss Him Goodbye”—loud enough to be heard clearly on C-Span’s live feed of the proceedings—functioned as a performative act in which the Democrats delivered a message to some of their Republican colleagues and, ostensibly, the American voting public.

The Crest Hill event, once again, serves to illustrate how such events often possess a dynamic, emergent quality while also functioning as sites of competing interests in which different groups attempt to transform existing social realities by harnessing the expressive, performative powers of music, costume, and symbolic imagery.

Significance of the Events

In his book *Performance Studies: An Introduction*, Richard Schechner identifies seven different functions of performance: to entertain; to make something that is beautiful; to mark or change identity; to make or foster community; to heal; to teach, persuade, or convince; and to

¹⁰⁷ Nicholas Fandos, “On New Political Footing, Trump Believers Share His Day,” *New York Times*, January 20, 2017.

¹⁰⁸ Matthew Haag, “Democrats Taunt Republicans With ‘Hey, Hey, Hey, Goodbye’ During Health Vote,” *New York Times*, May 4, 2017.

deal with the sacred and/or demonic. “Few if any performances accomplish all of these functions,” Schechner writes, “but many performances emphasize more than one.”¹⁰⁹ Indeed, we have seen how the events in both Chicago and Crest Hill surrounding the execution of John Wayne Gacy stressed many of these functions. Although I am reluctant to construct a hierarchy, it seems apparent that the existence of some of these functions was largely dependent on the success of others.

Considering the highly contentious nature of capital punishment policy in the United States, one of the primary purposes of the celebratory events was to teach, persuade, and convince. Both the Gacy Day Parade and the Crest Hill event attempted to not only teach the public about Gacy and his crimes, but also persuade people into believing that his execution was necessary. Whereas the earlier Gacy Day Parade functioned in part to persuade those in power to allow the execution to happen, the later Crest Hill event was an attempt to convince the public that Gacy’s death was just. To this end, the crowds at both events effectively harnessed the rhetorical powers of performance in communicating their beliefs to audiences. According to Richard Bauman,

It is part of the essence of performance that it offers to the participants a special enhancement of experience, bringing with it a heightened intensity of communicative interaction which binds the audience to the performer in a way that is specific to performance as a mode of communication. Through his performance, the performer elicits the participative attention and energy of his audience, and to the extent that they value his performance, they will allow themselves to be caught up in it.¹¹⁰

The performative nature of both events also effectively helped to both mark and change existing social identities in their efforts to teach and persuade.

¹⁰⁹ Schechner, 46.

¹¹⁰ Bauman, *Verbal Art as Performance*, 42.

The loosely structured and participatory nature of the events also helped to foster a sense of community. Although the celebratory events were rather controversial, polarizing, and political in nature, they afforded like-minded people the opportunity to articulate social bonds and revel in a sense of community and common experience. It was not only the knowledge of possessing a shared belief that fostered this sense of community among the participants, however. Indeed, the opportunity to march, sing, and chant with other people played a significant role in helping to have facilitated a sense of belonging for many of the participants. As I have shown, music was especially important during these events in not only communicating belief, but also in inviting participation. Both events used relatively well-known and repetitive tunes so as to facilitate participation from a large number of people. As Thomas Turino has argued, “Repetition of the rhythmic groove and predictable musical forms are essential to getting and staying in sync with others. Social synchrony is a crucial underpinning of feelings of social comfort, belonging, and identity. In participatory performance, these aspects of being human come to the fore.”¹¹¹ Attracting a great number of participants not only helped to articulate and strengthen social bonds, but also created a stronger communal voice through which to communicate the necessity of Gacy’s execution and the death penalty in general.

Arguably, the degree to which the celebratory events were successful in teaching, affecting social and political change, and fostering a sense of community, was somewhat dependent on the events being entertaining. While the intent to entertain may not have been the stated purpose of either of the events, their carnivalesque atmosphere complete with music, chanting, dancing, and costumes keyed a kind of entertainment frame that was helpful in attracting the public’s attention. For instance, the *New York Times* reported on a man who, while

¹¹¹ Thomas Turino, *Music as Social Life: The Politics of Participation* (Chicago: The University of Chicago Press, 2008), 44.

living a couple of miles from the Stateville Correctional Center at the time of Gacy's execution, heard the commotion of the crowd and "hurried to the prison to join the fun."¹¹²

Finally, the events also helped to facilitate a sense of healing. While it would be easy to overlook the importance of healing given the celebratory, carnivalesque nature of the events, they may have served an important role in providing a sense of closure for the community. In his book *The Death Penalty: An American History*, Stuart Banner notes that, before the twentieth century, public executions in the United States were theatrical displays that served to deter crime and reinforce order while also providing the condemned person the chance for penitence. Public executions were cathartic experiences that provided the community with a chance to come to terms with the condemned person's crimes and thus begin a process of healing.¹¹³ At a time when public executions no longer officially take place in the United States, events such as the ones in Chicago and Crest Hill may provide an opportunity for the public to heal in the wake of a terrible crime.

In conclusion, my analysis of the events in both Chicago and Crest Hill surrounding the execution of John Wayne Gacy illustrates how such events often possess a dynamic, emergent quality while also functioning as sites of competing interests in which groups attempt to articulate and transform existing social realities by harnessing the expressive, performative powers of music, costume, symbolic imagery, and other art forms. While Gacy's gruesome crimes and high-profile trial and execution were unique, an analysis of the musical events leading up to, during, and following his execution invites further interrogation of the relationship between music and the state's ultimate sanction.

¹¹² Don Terry, "2 Executions in Illinois, Rarity There," *New York Times*, March 23, 1995.

¹¹³ Stuart Banner, *The Death Penalty: An American History*, Cambridge, MA: Harvard University Press, 2002.

Gacy's Musical Afterlife

Since his execution on May 10, 1994, representations of John Wayne Gacy have continued to proliferate in expressive and popular culture. The subject of numerous musical compositions, movies, television shows, books, art exhibitions, and even board games, Gacy, for better or worse, captured people's imaginations and, through art, music, and other expressive media, has become ingrained in the cultural memory of the United States, particularly in Illinois. Supplementing Katherine Verdery's notion of the "ambiguity, multivocality, or polysemy" of dead bodies,¹¹⁴ an analysis of the song "John Wayne Gacy, Jr." by American singer-songwriter Sufjan Stevens (b. 1975) yields insight into how music has been used to both respond and give shape to ideas about Gacy and his continued relevance, even more than two decades since his execution.

In 2003, Stevens embarked on an ambitious project in which he pledged to write and record albums based on each of the fifty states.¹¹⁵ Following the release of *Michigan* in 2003, Stevens began research for an album about Illinois, which he later referred to as "a healthy, industrious kind of average American state."¹¹⁶ The resulting recording, *Illinois*, was released on Asthmatic Kitty Records in 2005 to widespread critical acclaim and, in 2017, became Stevens's first album to be certified gold by the Recording Industry Association of America.¹¹⁷ As with *Michigan*, the song titles and lyrics of *Illinois* contain numerous, often humorous, references and allusions to people, places, and events in the state's history, such as the tracks "Concerning the

¹¹⁴ Katherine Verdery, *The Political Lives of Dead Bodies: Reburial and Postsocialist Change* (New York: Columbia University Press, 1999), 28.

¹¹⁵ Stevens later confessed that his so-called Fifty States Project was a "promotional gimmick." Andrew Purcell, "Sufjan Stevens's Symphony for New York," *Guardian*, October 27, 2009.

¹¹⁶ Sufjan Stevens, interview by Michael Cramer, *Dusted Magazine*, accessed October 1, 2017, <http://www.dustedmagazine.com/features/383>.

¹¹⁷ Michelle Kim, "Sufjan Stevens' *Illinois* Certified Gold After 12 Years," *Pitchfork*, September 7, 2017, <https://pitchfork.com/news/sufjan-stevens-illinois-certified-gold-after-12-years/>.

UFO Sighting near Highland, Illinois,” “Jacksonville,” “A Short Reprise for Mary Todd, Who Went Insane, but for Very Good Reasons,” “Decatur, or, Round of Applause for your Stepmother,” “Chicago,”¹¹⁸ “Casimir Pulaski Day,” and “The Seer’s Tower,” among several others.

While an air of humor, optimism, pride, faith, admiration, and discovery permeates much of *Illinois*, the fourth song on the album, “John Wayne Gacy, Jr.,” acknowledges a darker side of the state’s history. The song begins with an instrumental eight-measure introduction in which Stevens, playing piano and a gently fingerpicked acoustic guitar, establishes the descending i–VII–v–III chord progression in F minor on which nearly the entire three-minute-and-nineteen-second song is based. Following the introduction, Stevens begins singing with a hushed and dry tone, seemingly in close proximity to the microphone, thus enhancing the intimate and subdued quality of the recording. Lyrically, Stevens begins by painting a portrait of Gacy’s troubled yet quotidian youth: “His father was a drinker / And his mother cried in bed / Folding John Wayne’s T-shirts / When the swing set hit his head.” Moving forward in his mini-biography of Gacy, Stevens acknowledges, “The neighbors they adored him / For his humor and his conversation” immediately before inviting the listener to “Look underneath the house there, / Find the few living things rotting fast in their sleep.” With this juxtaposition, Stevens subjects his listeners to a similar sense of surprise, intrigue, and horror likely felt by Gacy’s friends and neighbors when they learned of his crimes. At this point in the recording, without departing from the regular one-chord-per-measure harmonic rhythm of the song, Stevens, now joined by backup vocalist Shara Worden, dramatically crescendos as he reveals what Gacy has hid beneath his house: “Twenty-seven people, even more / They were boys, with their cars, / summer jobs, oh my God.” Here,

¹¹⁸ Titled “Go! Chicago! Go! Yeah!” on vinyl pressings of the album.

Worden and Stevens, now in a whispery falsetto, as if intoning a muffled scream, oscillate between a high G and A-flat on the word “God,” thus achieving both the melodic and dramatic highpoint of the song, an effect they replicate in the next verse following the phrase “He put a cloth on their lips, quiet hands, / quiet kiss on the mouth.” After reaching the melodic peak, Stevens and Worden, as if vocalizing with clenched jaws, use wordless vowel-like sounds to traverse a descending A-flat Lydian scale before stopping at the bottom to ask, “Are you one of them?” thus enveloping the listener into Gacy’s drama (Example 2).

The image shows a musical score for a vocal line in 4/4 time, key of A-flat major (three flats). The melody is written on a single staff. Above the staff, the chords are indicated as A-flat, F minor, E-flat, C minor, and A-flat. The lyrics are: "Oh my God - d Ooo Are you one of them?". The melody starts on G4, moves to A-flat4, then descends through G-flat4, F4, E-flat4, D4, C4, and B-flat4. The final note is a whole note on B-flat4.

Example 2: "Sufjan Stevens, "John Wayne Gacy, Jr.," excerpt.

While this passage contains what is arguably the most dramatic and memorable music in the song, the recording is largely understated and subdued throughout. The minor harmonies, hushed vocals, minimal instrumentation, and relative brevity of “John Wayne Gacy, Jr.” mark a radical departure from the preceding song on the album, “Come On! Feel the Illinois!” A dense, rhapsodic, nearly seven-minute anthem in two seamlessly connected parts (“The World’s Columbian Exposition” and “Carl Sandburg Visits Me in a Dream”), “Come On! Feel the Illinois!” arguably constitutes the musical and thematic backbone of the album. Stevens magnifies the boisterous and internally eclectic quality of the song by scoring it for a large array of performing forces, including trumpet, oboe, flute, piano, electric guitar, electric bass, a string quartet, multiple layers of background vocals, drums, vibraphone, and other percussion.

Whereas “Come On! Feel the Illinoise!” is replete with lyrical and musical exclamation points, “John Wayne Gacy, Jr.” ends with a question mark of sorts. While the entire song up to this point has documented Gacy’s life and crimes, Stevens, in the final verse, turns the camera on himself and, in an unexpectedly reflexive moment, confesses, “And in my best behavior / I am really just like him.” Then, in the final lines of the song, Stevens invites the listener, “Look beneath the floorboards, / For the secrets I have hid.” In reality, we are not expected to believe that Stevens has actually buried anything, bodies or otherwise, beneath the floorboards of his house; rather, wrestling with themes of sin and redemption, he invites us to consider the notion that we, much like Gacy, have secrets that we choose to keep hidden from public view. In this sense, we are all indeed “really just like him.” In her research on representations of serial killers in popular culture, Abby Bentham notes that “as the twentieth century drew to a close, the idea that the serial killer might *look* like ‘one of us’ expanded to include the suggestion that there is a little bit of the serial killer or psychopath in everyone.”¹¹⁹ Lending credence to this viewpoint, Stevens, in a 2009 interview, called the lyric “a remark about potential more than anything else,” adding, “We’re all capable of what he did.”¹²⁰

While this section begins with similar music to the previous verses, Stevens’s vocals and guitar abruptly fall silent after he sings the final line, thus truncating the verse and ushering in a brief coda. At this point, the faint sound of what is ostensibly a single inhalation is heard in the recording. Whether its inclusion was deliberate or simply accidental studio noise, the breathing sound has a harrowing affect on the listener as it evokes whispering and calls to mind earlier lyrics detailing how Gacy suffocated his victims. From this point onward, the only sounds heard

¹¹⁹ Bentham, 214.

¹²⁰ Quoted in Kate Kiefer, “Sufjan Stevens: On the Road to Find Out,” *Paste*, November 2, 2009, <https://www.pastemagazine.com/articles/2009/11/sufjan-stevens-on-the-road-to-find-out.html>.

in the coda come from Stevens's piano. Having now abandoned the regular 4/4 pulse and i–VII–v–III chord progression in F minor used throughout the song, Stevens freely sounds a sparse, largely disjunct, single-line melody over a sustained, low A-flat sonority. The resulting low-pitched dissonant cluster that ends the song effectively extinguishes any lingering hope the listener may have for a happy ending in what Stevens portrays as a sad, dark, but still relevant chapter in Illinois history.

Stevens's representations of Gacy and other figures in Illinois history are not limited to the music and lyrics on the album. In fact, Gacy makes a cameo in the album's liner notes alongside Divya Srinivasan's color illustrations of Black Hawk; Abraham and Mary Todd Lincoln; Al Capone; monarch butterflies (the state insect of Illinois); Stevens, with what is presumably a cardinal (the state bird of Illinois) perched atop the headstock of his banjo; the Chicago skyline; a Ferris wheel; the Great Seal of the State of Illinois; and, in early pressings of the album, Superman. Gacy, armed with a sinister smirk and dressed below the chin in a red clown suit, is seen holding a string attached to three balloons floating above his left shoulder, each with a faint skull visible on its surface. In the liner notes, Gacy is positioned just behind the illustration of banjo-playing Stevens, as if to suggest, once again, that despite our public personas and smiling exteriors, we all, much like Gacy, have secrets and dark impulses that we safeguard beneath the floorboards of our minds.

In summary, Sufjan Stevens's "John Wayne Gacy, Jr." shows how even more than twenty years after his execution, Gacy, through music and other forms of expressive culture, continues to live in the cultural memory of Illinois and the United States as a whole. The song invites us to not only consider Gacy's place in history, but also, rather uncomfortably, our relationship to Gacy.

Stevens is not the only commercial recording artist to channel their impressions of killers and capital punishment into music, however. In the next chapter, I consider how musical depictions of capital punishment both engage with and give shape to public perceptions of the issue.

CHAPTER TWO

DEPICTIONS OF CAPITAL PUNISHMENT IN POPULAR RECORDED MUSIC

A diverse array of American musicians ranging from Johnny Cash to John Zorn have converted their impressions of capital punishment into musical sounds. Considering that it represents one of the most unique forms of human drama and emotion in the United States, it is no wonder that many musicians have been attracted to capital punishment as a source of compelling subject matter and highly charged emotional content. Although musicians spanning different time periods and musical styles have crafted music about capital punishment, there exists a dearth of scholarship regarding this particularly rich and fascinating repertoire. Considered together, musical recordings of capital punishment offer a unique lens through which to examine prevailing American attitudes toward capital punishment and related issues such as justice, death, gender, class, pain, and loss.

In this chapter, I analyze recordings of “25 Minutes to Go” by Johnny Cash (1968), “Nebraska” by Bruce Springsteen (1982), “The Noose” by John Zorn (1990), “Over Yonder (Jonathan’s Song)” by Steve Earle (2000), and “Women’s Prison” by Loretta Lynn (2004). The criteria I imposed to select these particular recordings were derived from both ideological and pragmatic considerations. To begin with, these compositions relate to the overarching theme of capital punishment in the United States insofar as they were performed and recorded by American artists and depict historical or imagined scenarios that take place in the United States. While the demographics of these artists do not accurately represent the makeup of actual death-row populations in the United States, I integrate discussions of race, class, and gender throughout this and the following chapter. Moreover, each piece, with one exception, was written and

recorded since 1976, during the so-called post-Furman era, which is the temporal framework I have imposed throughout this dissertation. Despite having been written and recorded in the 1960s, I have included Johnny Cash's "25 Minutes to Go" in this chapter because it remains one of the most popular and well-known musical depictions of capital punishment and has been covered in subsequent decades by artists ranging from Diamanda Galás (1998) to Pearl Jam (2004). Indeed, all of the recordings discussed in this chapter constitute some of the most popular, well-known, and influential musical depictions of capital punishment. While I do not mean to suggest that popularity is necessarily synonymous with quality—in fact, there exist many lesser-known musical depictions of capital punishment that, in my opinion, are by no means musically or dramatically inferior to the compositions discussed here—I have given precedence to more popular and well-known recordings so as to better ascertain how music has influenced perceptions of the death penalty in the United States among the most people. Examining lesser-known works and the reasons for their relative obscurity is, without question, a worthy endeavor, but one that regrettably falls beyond the scope of this dissertation. Finally, in both this and the following chapter, I have attempted to curate a stylistically diverse collection of recordings in order to assess how themes of capital punishment have been invoked, received, and understood by musicians and audiences that are associated with or prefer different styles of music.

In this chapter, I consider a number of fundamental questions that guide my interpretation of each recording, including, but not limited to: What does an execution sound like in music? Which stages of the execution process are listeners privileged to hear? How much of our understanding these recordings as comprising depictions of capital punishment is derived from music vis-à-vis lyrics and extramusical content? What relationship exists between the condemned person and the listener? What is each artist's relationship to capital punishment? And

to what extent does each recording challenge, perpetuate, or give shape to prevailing attitudes about capital punishment in the United States?

Here, it is not my intent to create or perpetuate a canon of death-penalty music. While scholars such as Robert P. Morgan have convincingly argued that canons are valuable as long as they are approached critically,¹ I do not wish to imply that the compositions selected for discussion in this chapter are inherently superior or more important than those that I have excluded; rather, they serve as case studies through which to illustrate the varied ways in which people have engaged with themes pertaining to capital punishment in the United States through music. By giving special attention to musical style, narrative content, and relevant historical frameworks, I will demonstrate how each artist creates a unique perspective on capital punishment and the extent to which they invoke the trope of what I call *about-to-die music*.

Despite the diversity of musical artists, styles, and genres represented here, nearly all of the compositions discussed in this chapter depict capital punishment in the moments leading up to and sometimes during an execution; very rarely do they explicitly depict the aftermath of an execution. In this way, the selections discussed in this chapter may be thought of as musical corollaries to what Barbie Zelizer terms the *about-to-die image*, which I explained in the Introduction. By spotlighting individuals about to be executed, these compositions make death suggestive, contingent, and elusive, thereby inviting the listener to engage with the narrative, generate meaning, and complete the stories. Each recording presents the impending execution not as a foregone conclusion, but as a possible outcome still subject to contestation and negotiation. Consequently, these works may elicit a variety of emotional responses in the listener,

¹ Robert P. Morgan, "Rethinking Musical Culture: Canonic Reformulations in a Post-Tonal Age," in *Disciplining Music: Musicology and Its Canons*, ed. Katherine Bergeron and Philip V. Bohlman (Chicago and London: University of Chicago Press, 1992), 44-63.

including empathy, indignation, shame, and fear. More than a means of simply circumventing the logical impossibility of singing from a dead person's perspective, about-to-die music, I argue, invests musical depictions of capital punishment with greater emotional impact and listener engagement.

While most of the musical compositions selected for analysis depict executions as having yet to happen, exceptions to the about-to-die trope do exist, which I will discuss later in this chapter.

Johnny Cash: “25 Minutes to Go” (1968)

On the morning of January 13, 1968, country artist Johnny Cash (1932–2003) walked into California's Folsom State Prison to record what would become one of the most important and commercially successful albums of his long and storied career. Recorded live before an audience made up entirely of male inmates and corrections staff, *At Folsom Prison* was the culmination of Cash's long-standing dream—in development since he performed at Huntsville State Prison in Texas in 1957—to record an album within a functioning prison.² For the recording, Cash was accompanied by his long-time backing band The Tennessee Three, comprised at that time of bassist Marshall Grant, drummer W. S. Holland, and guitarists Carl Perkins and Luther Perkins.³ Although uncredited in the album's liner notes, the prison itself and its inhabitants arguably constitute some of the most important contributors to the overall sound of the recording. Throughout the performance, the raucous inmates can be heard yelling, cheering, whistling, laughing, and applauding in enthusiastic support of Cash and his band. In

² Michael Streissguth, *Johnny Cash: The Biography* (Cambridge, MA: Da Capo Press, 2006), 148.

³ Streissguth, *Johnny Cash at Folsom Prison: The Making of a Masterpiece* (Cambridge, MA: Da Capo Press, 2004).

addition, a cacophonous array of ambient sounds including keys jangling, cell doors slamming shut in the distance, and announcements made over the public address system, such as “Sandoval, 88419, is wanted in reception,” act as vivid sonic indices of the album’s carceral setting.

Although the sounds of the prison constitute some of the most memorable aspects of *At Folsom Prison*, it seems clear that Cash did not elect to record there simply for the novelty of the setting; rather, Folsom served as the ideal backdrop for the performance of a setlist mostly comprised of songs about despair, imprisonment, death, and other similar themes for which Cash had become well known. The release of *At Folsom Prison*—and, perhaps to a lesser extent, the follow-up album, *At San Quentin* (1969)—earned Cash a considerable amount of publicity and also helped to redefine his image as a sympathetic voice for the disenfranchised, the downtrodden, and the imprisoned. While Cash had engaged with similar issues previously in his career, such as on his 1964 album *Bitter Tears: Ballads of the American Indian*, in which he addresses discrimination against indigenous peoples in the United States, *At Folsom Prison* helped cement Cash’s reputation as a humanitarian and social activist. According to biographer Michael Streissguth, “He was no longer just America’s Foremost Singing Storyteller. Cash had now fully developed two other aspects of his legend: spokesman for the disenfranchised and the brooding bad man who perhaps had killed a man, but like the formidable Leadbelly, had escaped a life sentence.”⁴ Cultivating the persona of an outlaw troubadour, Cash not only had ample experience singing about themes of crime, injustice, and other issues related to prison life, he also had been arrested on several occasions in the years leading up his Folsom performance for offenses ranging from public intoxication to drug possession.⁵ Consequently, Cash was someone to whom many of the Folsom inmates could relate. Although “Jackson” and the opening

⁴ Streissguth, *Johnny Cash: The Biography*, 153.

⁵ Robert Hilburn, *Johnny Cash: The Life* (New York: Little, Brown, and Company, 2013).

“Folsom Prison Blues” are perhaps the most famous songs on the album, Cash’s memorable rendition of “25 Minutes to Go” likely played a large role in helping to shape his image as a conduit for the prisoners.

Originally written and recorded by Shel Silverstein for his 1962 album *Inside Folk Songs*, “25 Minutes to Go” constitutes a literal use of gallows humor in its somewhat comical and lighthearted depiction of a condemned man awaiting his own execution by hanging. Written in first-person present tense, the lyrics unfold in a series of two-line verses. Whereas the first line of each verse usually contains a description of either the preparations for the hanging or the man’s attempts to cheat death, the second line is a minute-by-minute countdown to the execution. Devoid of any sort of chorus or refrain, each verse brings the man one minute closer to death until he is finally hanged at the very end of the song. Although he slightly alters Silverstein’s lyrics, chiefly by eliminating several verses and potentially indecent words such as “damn” and “hell”—ostensibly in order to increase the song’s commercial viability—Cash retains the overall structure and spirit of Silverstein’s song.

Although highly detailed in describing the execution protocol and the condemned man’s mindset leading up to and even during his execution, the lyrics provide almost no information about the man’s identity, the crime for which he was convicted, or the precise time and location of his execution. The lyrics do, however, clearly present a man who, in addition to having been condemned to death, is disenfranchised and routinely turned away by all facets of society. Despite his many pleas for help, the man fails to elicit sympathy from any of the people around him, including members of the execution team (“Well, they’re testin’ the trap and it chills my spine”); political figures (“And I called up the mayor, but he’s out to lunch”); local law enforcement (“Then the sheriff said, ‘Boy, I’m gonna watch you die’”); a preacher (“And he’s

talkin' about burnin', but I'm so cold"); and the general public ("And the whole town's waitin' just to hear me yell"). Even nearby animals seem to eagerly await the man's death ("I can see the buzzards, I can hear the crows"). Then, perhaps turning to the listener, the man asks, "Won't somebody come and cut me loose?" His impassioned cries, however, ultimately fall on deaf ears as he is hanged at the end of the song.

Musically, Cash's performance injects a strong sense of humor and drama into an otherwise repetitive and formulaic song. Over a chord progression comprised only of tonic and dominant chords, a stable harmonic rhythm, and an entirely diatonic melody mostly residing within the range of an octave, Cash, with the sounds of his famous baritone voice echoing throughout the prison, employs a considerable amount of bravado and word painting in his singing of the lyrics. For instance, when singing "So I laughed in his face and I spit in his eye," Cash accents the word "spit" and articulates it just after the beat so as to evoke not only the caustic quality of the lyric—a line met with approving cheers from the audience of inmates—but also, perhaps, the time it takes for the spit to travel to the sheriff's eye. In addition, Cash's voice breaks as though from sobbing while singing the lines "Won't somebody come and cut me loose?" and "And it's too darn pretty for a man that don't wanna die." Finally, at the end of the song, Cash leans back from the microphone and wavers between two adjacent pitches in a fashion almost resembling a slow trill as he sings the word "go" to evoke the man's body falling through the trap door and, perhaps, subsequently swinging from the rope (Example 3).



Example 3: Johnny Cash, "25 Minutes to Go," end.

Having reached the long-anticipated culmination of the minute-by-minute countdown explored throughout, the song ends at a point that is lyrically and dramatically justified. Nevertheless, the ending, paradoxically, seems abrupt. Rather than concluding with a decisive cadential figure on the tonic, the song ends on the dominant chord (E-flat major), creating musical suspense just as the man's body is suspended above the ground by the rope. By terminating the song at the precise moment the protagonist falls through the trap door, both Silverstein and Cash prevent the listener from learning about anything that may have transpired after the execution. In this way, "25 Minutes to Go" serves as a clear example of about-to-die music. While having the protagonist continue to narrate after his hanging would require a considerable suspension of disbelief on the part of the listener to overcome the impossibility of such an occurrence, ending the song at the moment of execution, I argue, enhances the drama of the song. By focusing exclusively on an overtly emotional individual facing possible death, both Silverstein and Cash make the protagonist's fate contingent and ultimately unknowable, thus enveloping the listener in the drama and forcing us to rely on affect and imagination to complete the story.

The song's tempo and narrative pacing are also important in communicating the lyrics to the listener. Although the dramatic countdown and the use of first-person present tense in the lyrics help to engage the listener in the narrative, the events do not unfold in real time as Cash's performance of the song lasts under three minutes.⁶ While it may be unreasonable to have expected a popular commercial recording artist to produce a twenty-five minute song about a

⁶ More precisely, not including the roughly forty-five seconds worth of applause and banter included toward the end of the track, Cash's performance of "25 Minutes To Go" on *At Folsom Prison* lasts two minutes and fifty seconds. Silverstein's version lasts three minutes and thirty-eight seconds.

hanging, the discrepancy between narrative time and actual time in the performance serves to mirror the condemned man's mindset. By performing twenty-five minutes worth of narrative time in less than three minutes, Cash suggests that time is moving faster than the condemned man would prefer. In addition, a sustained accelerando employed over the course of the song further illuminates the man's anxiety as the time of his scheduled execution rapidly approaches. Throughout, Cash further dramatizes Silverstein's gallows humor by emphasizing his upper singing range and by bending pitches, thus bestowing upon the song a frantic, hysterical quality.

Cash's placement of a direct modulation—a feature absent from Silverstein's original recording—approximately midway through the song also implies a forwarding of time. Although Cash leaves Silverstein's original lyrics more or less intact, he skips over chunks of verses at two points during the performance. After singing "With eighteen minutes to go," Cash moves ahead to the verse containing "With thirteen minutes to go." At this point, a direct modulation from A-flat major to the chromatic submediant key of F major signifies a moving ahead in time by more than one minute. Later, the original key of A-flat major is restored when Cash jumps from "Eight more minutes to go" to the verse containing "Five more minutes to go." In both instances, direct modulations are employed to evoke a forwarding of time. This lends further credence to Neil Crimes's assertion that the direct modulation in country music should not always be considered a "trite cliché," for it often serves the important function of marking the passing of time within a song's narrative unfolding.⁷

Despite the existence of other notable covers, Cash's rendition of "25 Minutes to Go" on *At Folsom Prison* is almost certainly the most well known version of the song. Moreover, it

⁷ Neil Crimes, "Dolled Up Time: Narrative and Stepwise Modulation in the Songs of Dolly Parton," abstract of paper delivered at Society for American Music Conference, Cincinnati, 2011. Paper also available at <http://neilcrimes.wordpress.com/essays/dolled-up-time-narrative-and-stepwise-modulation-in-the-songs-of-dolly-parton/>.

stands as what is perhaps one of the most recognizable recordings about capital punishment in the history of popular music. The success of the recording, it can be argued, is due in large part to the strength of Cash's performance as well as the album's setting. The second-oldest prison in the state of California, Folsom State Prison was the site of ninety-two legal executions by hanging between 1895 and 1937. Since 1938, however, California's death row (for male inmates) and execution chamber have been located at San Quentin State Prison;⁸ therefore, it is likely that few, if any, of the inmates in the audience for *At Folsom Prison* had spent time on death row.⁹ Nevertheless, the song's depiction of a helpless, powerless, and incarcerated man who, despite his continued pleas for help, receives little sympathy from either the law or society at large clearly and audibly resonated with the audience of inmates. Within the framework of *At Folsom Prison*, "25 Minutes to Go" was not so much a song about an execution as it was a depiction of one man's hard-fought battle for freedom against authority.

For the inmates at Folsom State Prison, Cash was the ideal musician to perform such a song. In addition to performing numerous songs related to prison life, Cash, whether intentionally or not, comes across as an imperfect and ordinary man who can relate to the inmates. Throughout the recording, Cash can be heard engaging in casual, expletive-ridden chatter with members of the audience; accompanying himself on an out-of-tune acoustic guitar; and laughing at himself as he forgets certain lyrics. Indeed, the imperfections of Cash's performance constitute some of the most defining and memorable aspects of the album. In doing so, Cash helped to weaken the divide not only between performer and audience, but also between free and imprisoned. This culminated toward the end of the concert when Cash premiered

⁸ "History of Capital Punishment in California," California Department of Corrections and Rehabilitation, accessed July 23, 2013, http://www.cdcr.ca.gov/Capital_Punishment/history_of_capital_punishment.html.

⁹ Cash did not perform "25 Minutes to Go" on *At San Quentin*.

“Greystone Chapel,” a song written by then-Folsom inmate Glen Sherley. By that point, Cash had firmly established himself as a voice for the inmates at Folsom State Prison.

Bruce Springsteen: “Nebraska” (1982)

In late 1981, American singer-songwriter Bruce Springsteen (b. 1949) returned to his native New Jersey after completing a yearlong concert tour of North America and Europe in support of his most recent album, *The River* (1980). The tour had provided Springsteen with what felt to him like “a small fortune in the bank,” but his quest to find and purchase a permanent residence befitting his improved circumstances was fruitless;¹⁰ instead, Springsteen settled on renting a ranch house beside a reservoir in Colts Neck with “wall-to-wall orange shag carpet,” which he later joked had made him “feel a serial killing comin’ on.”¹¹ “Houseless and clueless about where to turn next,” Springsteen took solace in reconnecting with the streets he had frequented during his childhood in the small community of Freehold, a brief drive from Colts Neck.¹² It was also around this time that Springsteen watched Terrence Malick’s 1973 film *Badlands*, based on the life of Charles Starkweather, who was legally executed in 1959 for having murdered eleven people during a two-month killing spree across Nebraska and Wyoming.¹³ Inspired by the mysteries, violence, and class-based conflicts of small-town America, his own tenuous hold on the American Dream, and perhaps the evocative shag carpeting in his Colts Neck home, Springsteen quickly wrote material for a new album.

¹⁰ Bruce Springsteen, *Born to Run* (New York: Simon and Schuster, 2016), 295.

¹¹ *Ibid.*, 296.

¹² *Ibid.*, 298.

¹³ Dave Marsh, *Glory Days: Bruce Springsteen in the 1980s* (New York: Pantheon Books, 1987), 97.

Whereas *The River* was committed to tape at The Power Station, a state-of-the-art recording studio in Midtown Manhattan, Springsteen recorded his next album in far more modest circumstances. Frustrated with the expense of recording in a professional studio, Springsteen decided to record a new batch of songs he had written on a Tascam 144 four-track cassette recorder in his Colts Neck bedroom for the relatively small sum of approximately one thousand dollars.¹⁴ Adapting his material to the technical limitations of the four-track recorder as well as the demands of the songs' lyrics and dramatic narrative, Springsteen, armed with little more than an acoustic guitar and a harmonica, produced what remains among the most sparse and intimate recordings of his expansive career. Originally intending for the recordings to serve as demos to ascertain if the material was record-worthy, Springsteen re-recorded the songs at a professional studio with his longtime collaborators the E Street Band, but ultimately decided to scrap the sessions. "On listening, I realized I'd succeeded in doing nothing but damaging what I'd created," Springsteen recalled. "We got it to sound cleaner, more hi-fi, but not nearly as atmospheric, as authentic.... At the end of the day, satisfied I'd explored the music's possibilities and every blind alley, I pulled out the original cassette I'd been carrying around in my jeans pocket and said, 'This is it.'"¹⁵

The resulting album, *Nebraska* (1982), sounds markedly different from much of Springsteen's most well known music. Just two years earlier, Springsteen, accompanied by the E Street Band, had recorded *The River*, a sprawling eighty-three-minute double album of rock music replete with electric guitars, keyboards, and saxophone solos. Later, in 2009, Springsteen headlined the Super Bowl XLIII halftime performance during which he, again flanked by the E Street Band, delivered a blistering twelve-minute set of loud, up-tempo rock and roll numbers

¹⁴ Springsteen, 299-300.

¹⁵ *Ibid.*, 300.

choreographed to an elaborate lightshow and fireworks display. Aside from the consistent presence of certain sonic trademarks, such as Springsteen's gravelly baritone voice and propensity for occasionally mumbling lyrics, *Nebraska*'s quiet introspection bears little sonic resemblance to the bombast exhibited in his career-spanning Super Bowl performance or on many of his most popular records, such as *Born to Run* (1975), *The River*, and *Born in the U.S.A.* (1984). Nevertheless, *Nebraska* has rightfully earned its place alongside those albums as one of Springsteen's most critically and financially successful works. The album's first song and title track, "Nebraska," not only serves as "the record's heart," according to Springsteen,¹⁶ but also as a particularly harrowing example of about-to-die music within the framework of capital punishment.

Without mentioning any specific names or dates, Springsteen's lyrics to "Nebraska" center on the life, crimes, and impending execution of Charles Starkweather. Sung from the perspective of the about-to-die killer, the song begins innocently enough, as Starkweather recalls meeting his teenage girlfriend and eventual accomplice, Carli Ann Fugate: "I saw her standin' on her front lawn just twirlin' her baton." Here, Springsteen betrays Malick's *Badlands* as having inspired the song; in the film's opening scene, for instance, Starkweather (Martin Sheen) first meets Fugate (Sissy Spacek) as she practices baton twirling on the front lawn of her home in the American Midwest. The song's next line, however, turns violent: "Me and her went for a ride, sir, and ten innocent people died." Eradicating any lingering doubt as to the identity of the song's narrator, the subsequent two lines clearly point to Starkweather as he recalls his infamous interstate killing spree with both coolness and hyperbole: "From the town of Lincoln, Nebraska, with a sawed-off .410 on my lap / Through to the badlands of Wyoming, I killed everything in

¹⁶ Ibid., 299.

my path.” Eventually, Starkweather reveals that he has already been tried, convicted, and sentenced to death for his crimes (“The jury brought in a guilty verdict and the judge he sentenced me to death”) and is currently awaiting execution by electrocution, to take place at “Midnight in a prison storeroom with leather straps across my chest.” With alarming assuredness, Starkweather utters one last request before his execution: “Sheriff, when the man pulls that switch, sir, and snaps my poor head back / You make sure my pretty baby is sittin’ right there on my lap.” Although Starkweather does not deny the accusations leveled against him, he conveys a disturbing lack of empathy or remorse regarding his involvement in the murders: “I can’t say I’m sorry for the things that we done / At least for a little while, sir, me and her we had us some fun.” Finally, when asked why he committed the murders, Starkweather rationalizes his behavior by coldly explaining, “Well, sir, I guess there’s just a meanness in this world.”

The song’s lyrics may invite reading Starkweather as a nihilist, or simply as a depraved person who received the punishment he deserved. “In this first person narrative,” writes philosopher Michael Ventimiglia, “Springsteen invites us to come to terms with evil in its simplest, most unapologetic terms. Evil with no accounting for itself. Evil with no remorse.”¹⁷ While there is truth to such an interpretation, it overlooks the existence of deeper meanings brought to light by hearing the song within the framework of Springsteen’s oeuvre and American political and social life in the 1980s. Alternatively, Springsteen may be engaging in an implicit critique of class inequalities.

Here, Springsteen forces us to confront issues in American society that many prefer to ignore. Because class is often seen as subverting conceptions of the United States as an

¹⁷ Michael Ventimiglia, “Bruce Springsteen or Philosophy,” in *Bruce Springsteen and Philosophy: Darkness on the Edge of Truth*, ed. Randall E. Auxier and Doug Anderson (Chicago and La Salle, IL: Open Court, 2008), 189.

egalitarian society, Benjamin DeMott observes a kind of “class-erasing impulse” among Americans that further perpetuates a myth of classlessness in the country.¹⁸ Similarly, anthropologist Sherry Ortner argues that class, in the minds of many Americans, was inextricably linked to Marxist discourse during the Cold War and age of McCarthyism and thus has been construed as distinctly un-American.¹⁹ Akin to Pierre Bourdieu’s concept of *habitus*, Ortner locates class partly in an “external world of cultural assumptions and social institutions that ordinary people inhabit without thinking very much about them.”²⁰ As such, while many Americans prefer not to recognize class, it is “displaced into culturally salient discourses,” such as race, ethnicity, gender, and sexuality, forming an integral but often overlooked component of people’s identities.²¹ This, of course, has ramifications in musicology. Americans’ discomfort with class, according to musicologist Gayle Sherwood Magee, “has minimized frank discussions of social class in scholarly discourse concerning American history and culture, including in musicology.”²²

What, then, can a class-conscious reading of “Nebraska” tell us? The “meanness” in “Nebraska,” according to Bryan K. Garman, “is not confined to murderers alone but permeates an economic system that defines value exclusively in terms of the market and convinces many of its citizens...that the inequalities of class are part of an organic and immutable social order.”²³

¹⁸ Benjamin DeMott, *The Imperial Middle: Why Americans Can’t Think Straight About Class* (New York: William Morrow, 1990).

¹⁹ Sherry B. Ortner, *New Jersey Dreaming: Capital, Culture, and the Class of ’58* (Durham, NC: Duke University Press, 2003), 11.

²⁰ *Ibid.*, 12.

²¹ Sherry B. Ortner, *Anthropology and Social Theory: Culture, Power, and the Acting Subject* (Durham, NC: Duke University Press, 2006), 20.

²² Gayle Sherwood Magee, “Rethinking Social Class and American Music,” *Journal of the American Musicological Society* 64, no. 3 (Fall 2011): 696.

²³ Bryan K. Garman, *A Race of Singers: Whitman’s Working-class Hero from Guthrie to Springsteen* (Chapel Hill: University of North Carolina Press, 2000), 208.

Starkweather's apparent detachment, in other words, may stem not only from his psychology, but also from his grim social and economic conditions. Seemingly resigned and content to accept that "there's just a meanness in this world," Springsteen's Starkweather, viewed and heard within the framework of neoliberal policies and economic conditions during the 1980s, may be interpreted as a working-class person—the opening scene of *Badlands* shows him working on the streets of Fort Dupree, South Dakota as a garbage collector—who, without any form of assistance in place to better his circumstances, resigns himself to a life of crime. This is also the case with other downtrodden *Nebraska* characters, such as Ralph, the protagonist of "Johnny 99," a laid-off autoworker who, in a moment of desperation, commits murder. Both lyrically and musically, "Johnny 99" and other *Nebraska* tracks call to mind the song "Frankie Teardrop" (1977) by American rock band Suicide. Over a sparse texture of keyboard and drum machine, vocalist Alan Vega tells the story of Frankie, a twenty-year old factory worker whose dire financial situation leads him to kill his six-month-old child, his wife, and finally himself. The real dilemma of these characters, Garman writes, "is not apathy but rather the fact that the coping mechanisms with which they were familiar and perhaps the tradition Springsteen invoked no longer provided them with the tools they needed to imagine a way out of their predicaments." Garman continues, "In this hour of deindustrialization, their unions were crippled, their working-class communities disintegrated, their government provided little relief, and the employment opportunities offered by other industries were meager if they existed at all."²⁴ While Springsteen does not offer any tangible solutions, *Nebraska* calls valuable attention to social and economic problems lurking beneath the surface of American society. Springsteen seems to suggest that the American Dream, while billed as full of promise and pleasure, is, in reality, all too often marked

²⁴ Ibid., 211.

by pain and disillusionment. Garman summarizes, “Springsteen narrates a revisionist history that proclaims that if this land was made for everyone, a vast number of people did not feel they had a stake in its future.”²⁵

Garman’s allusion to Woody Guthrie’s “This Land Is Your Land” here is apt. In fact, Springsteen listened intently to Guthrie and the Folkways *Anthology of American Folk Music* around the time he recorded and toured for *The River* and wrote the songs that ended up on *Nebraska*.²⁶ Without question, traces of Guthrie’s music and class-conscious lyrics are found throughout *Nebraska*. Perhaps nowhere is this more apparent, however, than on the title track, which bears a striking similarity to “This Land Is Your Land” in its melody, form, instrumentation, regular harmonic rhythm, use of two-bar phrases, and use of only I, IV, and V chords (Examples 4 and 5).

Musical score for Bruce Springsteen's "Nebraska" first verse. The score is in G major (one sharp) and 4/4 time, marked "Moderate". It features three staves of music: Voice, Voice (starting at measure 5), and Voice (starting at measure 11). The lyrics are: "I saw her stand - in' on her front lawn, just a twirl - in' her ba - ton. Me and her went for a ride, sir, and ten in - no - cent peo - ple died." Chord symbols A, D, and G are placed above and below the notes. A dynamic marking "p" is present at the beginning.

Example 4: Bruce Springsteen, "Nebraska," first verse.

²⁵ Ibid., 211.

²⁶ Marsh, 112.

D G D A

Voice This land is your land, This land is my land, from Cal - i - for - nia

D A7 D

Vo. 6 to the New York is - land. From the red - wood for - est to the Gulf Stream

Vo. 11 wa - ters. This land was made for you and me.

Example 5: Woody Guthrie, "This Land Is Your Land," first verse, transposed to D major.

Musically, "Nebraska," like "This Land Is Your Land," is imbued with properties that vividly animate the dramatic content of the lyrics. The song begins with a brief harmonica solo over a V–I–V–I–IV–I–V–I progression in D major²⁷ with a regular harmonic rhythm of two measures per chord. Aside from an occasional V–I turnaround between verses, Springsteen repeats this chord progression throughout the entire four-and-a-half-minute song. Accompanying himself on a gently fingerpicked acoustic guitar, Springsteen is careful to strike the root of each chord with his thumb at the beginning of every measure, thus further stabilizing the regular harmonic rhythm and tonality of the song.

Like much of *Nebraska*, the instrumentation on the title track is kept to a minimum. Aside from Springsteen's vocals, single track of acoustic guitar, and occasional harmonica, the only other instrument heard on the recording is a glockenspiel, which, beginning in the fifth verse, sparsely ornaments Springsteen's vocal melody. The entrance of the glockenspiel—while unremarkable on its own—not only adds slight timbral variety to the recording, but also marks a

²⁷ The recording sounds about a quartertone below concert pitch.

pivotal moment in the song's dramatic narrative. Specifically, the glockenspiel enters at the precise moment Starkweather's narration shifts from recalling past events ("The jury brought in a guilty verdict and the judge he sentenced me to death") to considering the future ("Sheriff, when the man pulls that switch, sir, and snaps my poor head back / You make sure my pretty baby is sittin' right there on my lap"). The glockenspiel's entrance, it seems, awakens Starkweather to the reality of the present and the possibility of the future.

Elsewhere in the recording, however, Springsteen uses music to depict Starkweather as emotionally detached and disconnected from his circumstances. Whereas the lyrics detail a disturbed man's horrific crimes and violent tendencies, the music, while largely slow, quiet, and sparse, is decidedly major. Set to different lyrics, "Nebraska" may easily sound uplifting, optimistic, or celebratory. In addition, Springsteen's vocals on the recording are drenched in reverb, which elongates the imagined distance between Starkweather's mind and reality as well as between freedom and incarceration. Accordingly, Springsteen musically reinforces the apparent disconnect between the gravity of Starkweather's situation and his resignation to the notion that "there's just a meanness in this world." Much as Guthrie's "This Land Is Your Land" disguises a scathing critique of social and economic problems facing Americans in the wake of the Great Depression beneath the sheen of what sounds like rousing patriotic music, Springsteen juxtaposes the music and lyrics of "Nebraska" in a way that illuminates an essential facet of his protagonist's being while also invoking his own criticisms of class inequalities in the United States in the 1980s.

Serving to enhance the intimacy and deceptively unsettling quality of the song, dynamics are kept at a minimum throughout the recording, especially in comparison to Springsteen's more boisterous earlier albums. In fact, the first thing heard on the recording is the sound of

Springsteen faintly drawing air into his harmonica. He seems to do so in a measured, deliberate fashion, perhaps attempting to get his harmonica to sound with as little air and volume as possible. Even Springsteen's famously powerful and bellowing voice is kept in check on "Nebraska," as if singing in his bedroom late at night in such a way so as to not disturb the neighbors.

By the time Springsteen recorded "Nebraska" in 1982, Starkweather had been dead for more than twenty years after having been legally electrocuted at the Nebraska State Penitentiary in Lincoln on June 25, 1959. Nevertheless, Springsteen sets the song in the small window of time between Starkweather's conviction and execution. Invoking the about-to-die trope, Springsteen makes Starkweather's death contingent and suggestive, thereby creating a heightened sense of drama and affording the listener a window into a dying man's soul and disturbing final thoughts while also implicitly criticizing the social and economic conditions in the United States at the time.

John Zorn: "The Noose" (1990, 1992)

A descending glissando; a furious cacophony comprised of highly distorted, seemingly indeterminate pitches played by guitar, bass, and saxophone; bloodcurdling screaming; a brief, ostensibly random assortment of shrill, high-pitched tones played on an electric keyboard; and an agitated rhythmic cadence punctuated by a forceful snare drum roll. This only begins to describe the sound world of John Zorn's 1990 composition "The Noose." What is perhaps even more striking than the unusual musical language employed in the work, however, is that all of this transpires in less than a minute. At a mere thirteen seconds in total length, John Zorn's "The Noose" stands, I argue, as one of the shortest and most abstract musical depictions of capital

punishment and, more specifically, the moment of execution. The extreme brevity of the piece, in conjunction with a musical language largely devoid of traditional form, meter, melody, harmony, lyrical content, or even discernable pitch, poses a formidable interpretative challenge to the listener in determining how, if at all, the piece functions as a depiction of an execution.

Interpretative challenges, however, are commonplace when discussing John Zorn (b. 1953) and his musical activities. An important figure in the avant-garde and New York's "Downtown music" movement since the mid-1970s, Zorn writes and performs music that is often characterized by the radical mixture and juxtaposition of seemingly incongruous musical styles, genres, and techniques; it is largely because of this that Zorn is frequently labeled, for better or worse, as a quintessential postmodern composer.²⁸

Helping to facilitate the sense of eclecticism that permeates his catalog, Zorn has collaborated with a litany of musicians representing different styles, backgrounds, and places over the course of his career. "The Noose," for instance, was recorded with Naked City, an ensemble Zorn formed in the late 1980s that consisted of himself (alto saxophone), Joey Baron (drums), Wayne Horvitz (keyboards), Bill Frisell (guitar), Fred Frith (bass), and occasionally Yamatsuka Eye (vocals).²⁹ Sharing its name with the title of a book of photographs by the New York artist and crime-scene photojournalist Weegee (Arthur Fellig), Naked City created a musical style that was as eclectic, provocative and, at times, disconcerting as the city seen through the lens of Weegee's camera. Such aesthetics are clearly evident on the band's second full-length studio album, *Grand Guignol*—a title in reference to the Parisian theater active from

²⁸ John Brackett problematizes the labeling of Zorn as "postmodern" in his book *John Zorn: Tradition and Transgression* (Bloomington and Indianapolis: Indiana University Press, 2008).

²⁹ Although uncredited, it is possible that Zorn also contributed vocals to *Grand Guignol*. Live concert footage of Naked City performing around the time of the album's release shows Zorn occasionally adding vocals.

1897 to 1962 that specialized in flagrant, realistic depictions of violence on stage. The first half of the album contains arrangements of compositions by Claude Debussy, Alexander Scriabin, Orlande de Lassus, Charles Ives, and Olivier Messiaen infused with musical ingredients borrowed from free jazz, ambient, and other musical styles. In a markedly different style, “The Noose” is one of thirty-three “hardcore miniatures” that comprise the second half of the album.³⁰ Influenced in part by Zorn’s interest in hardcore punk, grindcore, the music of Anton Webern, and the jump-cut aesthetic evoked by composers for animated shorts such as Carl Stalling, these miniatures are generally characterized by brevity (all but three are under a minute), loud dynamics, distortion, dissonance, fragmentary melodies, fast tempos, rhythmic intensity, blast beats, a lack of teleological progression, and Eye’s wordless yells, shrieks, and groans.

In addition, many of Naked City’s hardcore miniatures are characterized by rapid and unexpected juxtapositions of divergent musical styles and techniques. Take, for instance, the piece “N.Y. Flat Top Box,” which, like “The Noose,” was released on both *Torture Garden* (1990) and *Grand Guignol* (1992). With a title alluding to Johnny Cash’s “Tennessee Flat Top Box,” the piece begins with Frisell’s highly compressed electric guitar played in typical country fashion. Seventeen seconds into the piece, however, the musical landscape unexpectedly changes, albeit briefly, as the rest of the band rudely interrupts Frisell’s country riff with a loud blast beat figure complete with distortion, screaming, and a high-pitched shrill played on alto saxophone. Zorn continues to juxtapose these two ideas over the course of the forty-six second piece. Although the country lick emerges victorious in the end, Zorn effectively adapts Cash’s “Tennessee Flat Top Box” for the New York avant-garde at the end of the twentieth century.

³⁰ “The Noose” is also included on *Torture Garden* (1990), a compilation album of the “hardcore miniatures” from Naked City’s self-titled debut album (1990) and *Grand Guignol*.

Zorn would later recall his inspiration for the miniatures as well as the subsequent criticism he encountered for the controversial themes depicted in the music and album artwork:

My focus was on creating pieces that had structural integrity and managed to tell a story in an extremely condensed amount of musical time. Some are musical experiments or études, some are miniature tone poems depicting a scene, image or any imaginary narrative, and some are a variety of other things, often quite inexplicable things. The language employed was all-inclusive, and drew upon everything I had experienced up to that time—jazz, rock, punk, blues, classical, country, world music, soundtracks, ambient, minimalism and more. The results were cathartic, dramatic, provocative, and filled with energy, imagination, wit and (as I was soon to experience) danger.³¹

Considering that Zorn's music often defies traditional modes of analysis, how, then, can we begin to make sense of "The Noose?" In the introduction to his book *John Zorn: Tradition and Transgression*, musicologist John Brackett writes, "Zorn's music exists in a sort of subversive middle ground that utilizes many of the time-honored formalist/analytical assumptions associated with musical academia while highlighting the academy's inability to deal with his seemingly incommensurable compositional strategies and the tensions they present."³² As befits his subject, Brackett adopts an array of theoretical tools in an effort to explain Zorn's music while also problematizing any attempt to pigeonhole the composer's output under a single all-inclusive label or analytical method. As necessary, Brackett situates Zorn's varied musical practices against a kaleidoscopic backdrop of subjects, theories, and methodologies, some of which are infrequently encountered in musicological discourse, including occult philosophy, mysticism, gift theory, feminism, film studies, sadomasochism, pornography, and violence.

Although Brackett's slim yet dense volume embraces a litany of interpretative frameworks in an attempt to make sense of Zorn's diverse artistic practices, he is able to analyze most of the pieces selected for inclusion in the book with conventional tonal and post-tonal

³¹ John Zorn, liner notes to *Black Box*, Tzadik, CD, 2010.

³² Brackett, xii.

music theory. Perhaps most notably, Brackett devotes considerable space in his book to his analysis of “Speedfreaks,” which is comprised of an astonishing array of musical styles that change every measure. “The harmonic ‘illogicality’ of ‘Speedfreaks,’” according to Brackett, “might give the impression of complete anarchy where any and all ‘musical rules’ have been abandoned.”³³ While the twenty-nine-second piece may sound at first like a novelty—a seemingly random assortment of musical styles and ideas—Brackett shows that a certain kind of musical order is present. Specifically, Brackett points to the fact that a steady quarter-note pulse is present throughout, and that the piece loosely adheres to a thirty-two-bar AABA form, often found in jazz and popular music. While the first two A sections (each eight measures long) end with an A-flat harmony, the B section begins on the dominant, E-flat. The return of the final A section is prepared not by an E-flat sonority, but by its tritone substitution (A7). Finally, Zorn returns to E-flat in the penultimate measure of the piece as if to prepare a cadence on A-flat, but instead inserts a noisy, “pointillistic” section mostly lacking in discernable pitch.³⁴

Whereas Brackett has successfully demonstrated the utility of conventional music theory in analyzing select Zorn works, Steven Wilson has focused his attention on interpreting Zorn’s most unconventional pieces for which traditional modes of analysis are of limited or no value. Taking Zorn’s 2006 vocalise opera *Astronome* as a case study, Wilson proposes the use of Jacques Lacan’s psychoanalytical theory of the unconscious to uncover hidden meanings in works by Zorn and other “radical” composers and practitioners of what he terms *expressive noise*, whose music largely contravenes traditional modes of interpretation and analysis.³⁵ Brackett’s and Wilson’s scholarship illuminates the inherent difficulties in analyzing much of Zorn’s music

³³ *Ibid.*, 25.

³⁴ *Ibid.*, 24-26.

³⁵ Steven Wilson, “The Radical Music of Zorn, Gálas, and Merzbow: A Hermeneutic Approach to Expressive Noise” (PhD diss., University of Illinois at Urbana-Champaign, 2014).

while also demonstrating the need to select and tailor one's methodologies to fit the specific demands of each of Zorn's compositions. Moreover, they prove that traces of logic, order, and meaning are manifest in many of Zorn's compositions that, upon first listen, may sound chaotic and nonsensical. Drawing inspiration from their work, I seek to elucidate the musical and extramusical significance of "The Noose" within the framework of capital punishment.

Before examining the music of "The Noose," let us first turn our attention to the extramusical information imparted by the title of the composition, the album's artwork, and Zorn's output at large. Considering the brevity of the piece and the absence of lyrics or explanatory program notes by Zorn, we must exhaust all available avenues in determining the extent to which "The Noose" functions as a depiction of capital punishment. Themes of capital punishment, it should be noted, are not foreign to Zorn. For instance, Naked City's fourth full-length album, *Leng Tch'e* (1992), was named after a method of torture and execution practiced in China until the early twentieth century. Then in 1994, Zorn released an album with his band Painkiller titled *Execution Ground*, which contains a photograph of what appears to be a public hanging or lynching on the cover.

Although the work's title may certainly suggest a method of execution, the varied uses of nooses throughout history allow for other interpretations. Whereas the electric chair has been used throughout its history for the sole purpose of carrying out legal executions (almost exclusively in the United States), nooses may be used for a variety of additional purposes, including extrajudicial lynchings, suicide, and various sexual practices. None of these acts would seem out of place on an album named after Paris's Grand Guignol. The Grand Guignol, according to Mel Gordon, "managed to transgress theatrical conventions and outrage its public as it explored the back alleys of unfettered desire, aesthetic impropriety, and nascent psychological

trends in criminology and the study of abnormal behavior.”³⁶ Indeed, the titles Zorn gave to many of the “hardcore miniatures” on the album show deference to the themes of death, violence, horror, and sexuality that characterized the Grand Guignol. “The Noose,” for instance, appears alongside pieces with titles such as “Blood is Thin,” “Perfume of a Critic’s Burning Flesh,” “Torture Garden,” “The Ways of Pain,” “Sack of Shit,” “Blunt Instrument,” “Osaka Bondage,” “Shallow Grave,” “Victims of Torture,” and “Pigfucker.” Although a depiction of capital punishment would certainly fit the theme of the Grand Guignol, so would the other violent and sexual potential applications of the noose. In addition, nooses do not have to be thought of as literal; instead, a noose may be appropriated as a metaphor to describe any circumstance in which an individual feels a sense of powerlessness or restraint. The American rock band Soundgarden, for instance, uses a noose as a metaphor in their song “Pretty Noose” (1996) to describe a person who feels metaphorically suffocated by a dysfunctional romantic relationship. Considering the varied applications of nooses, we must therefore explore other means through which to refine our understanding of this piece.

It is perhaps the music itself, however, that provides the strongest connection to capital punishment. As Zorn has stated, many of the “hardcore miniatures” on *Torture Garden* and *Grand Guignol* possess some sort of narrative content.³⁷ Considering the evidence, it seems unlikely that “The Noose” is any different. Although the piece is only thirteen seconds in length, it is not difficult to imagine various aspects of a hanging when listening to the work. “The Noose” begins with a rapid descending glissando performed by electric bass and a distorted electric guitar. It is this moment that arguably provides the strongest evidence supporting the notion that

³⁶ Mel Gordon, *The Grand Guignol: Theatre of Fear and Terror* (New York: Amok Press, 1988), 2.

³⁷ Zorn, liner notes to *Black Box*.

the piece depicts a hanging. The descending glissando clearly represents the moment when the condemned person—the noose, presumably, already in place around the person’s neck—falls through the opened trapdoor. While the highly dissonant and abrasive material that follows could be said to represent the practice of bondage—especially considering the fact that death and sex historically have often been linked in music³⁸—the opening glissando keys a kind of hanging frame for the listener, dictating how to interpret the music that follows it.³⁹

Death, however, does not come instantaneously to the person after dropping through the trapdoor. Immediately following the descending glissando, vocalist Eye incants a shrill, high-pitched, wordless scream while the guitar, bass, and drums play a loud, dissonant, and highly agitated blast beat figure underneath. This material could be interpreted one of two ways. On the one hand, it is possible that Zorn adopted a sort of voyeuristic view of the event and sought to give voice to the public’s shock and horror upon witnessing the hanging. A more likely interpretation, however, is that the music depicts the continued strangulation of the condemned person by the noose—a belief I will elaborate upon shortly. Either way, the highly abrasive music in this passage clearly suggests the terror and pain associated with a person being hanged against their will, thus further jeopardizing the notion that the piece may function as a representation of suicide or sexual release. Zorn returns to this figure three more times over the course of the piece, but in alternation with a quieter and more sparsely scored passage during which the guitar, saxophone, drums, and vocals are mostly tacit. Here, Horvitz plays several distinct, high-pitched electronic sounds on the keyboard. These piercing, flute-like tones of varying pitch against a background of dramatically attenuated dynamics and texture likely

³⁸ See, for instance, Laura Macy, “Speaking of Sex: Metaphor and Performance in the Italian Madrigal,” *The Journal of Musicology* 14, no. 1 (Winter 1996): 1-34.

³⁹ I use the term “frame” here just as social scientists Erving Goffman and Gregory Bateson used it to refer to a mental framework or set of signs that defines a particular experience.

the corpse as being particularly abject. She writes, “The corpse, seen without God and outside of science, is the utmost of abjection. It is death infecting life. Abject. It is something rejected from which one does not part, from which one does not protect oneself as from an object. Imaginary uncanniness and real threat, it beckons to us and ends up engulfing us.”⁴⁰ The finality and rapid decay of the last cadence in “The Noose,” however, provides no room for memory to linger; transcendence, furthermore, is denied. What is abject, according to Kristeva, is radically expelled, but never completely lost; it remains in the person’s consciousness and continues to challenge one’s own tenuous borders of selfhood. Kristeva writes, “And yet, from its place of banishment, the abject does not cease challenging its master.”⁴¹ Because the music comes to an abrupt stop at the moment of death, “The Noose” invokes the about-to-die trope and should arguably be understood from the condemned person’s perspective, rather than from the viewpoint of the still-living and still-conscious witnesses.

Alternatively, we may hear the song from the perspective of the executioner. After all, it is the listener’s decision to physically activate playback of the recording that immediately triggers the opening of the trapdoor at the very beginning of the piece. By dropping the needle or pressing “Play” on the playback device of their choice, the listener is, in essence, pulling the lever that sends the fictional condemned person to their death. Once the hanging is over, the executioner’s job is finished. Presumably unaffected by or wanting to maintain professional distance from the abject quality of such events, the executioner has no need to reflect on what has transpired and simply moves on with his or her life. Regardless of whatever perspective the listener adopts, Zorn’s singular focus on the hanging itself and determined avoidance of

⁴⁰ Julia Kristeva, *The Powers of Horror: An Essay in Abjection*, trans. Leon S. Roudiez (New York: Columbia University Press, 1982), 4.

⁴¹ *Ibid.*, 2.

imparting any postmortem information to the listener shows how “The Noose,” even at a mere thirteen seconds in length, functions as a unique example of about-to-die music, one imbued with a gonzo aesthetic in which the listener, whether as a witness, the condemned, or the executioner, is directly implicated in the drama.

In addition to the unconventional musical language employed in the work, what is particularly striking and unusual about Zorn’s depiction of capital punishment in “The Noose” is the almost complete absence of context. Although Zorn discloses the method of execution, the listener is given no information about the person’s identity, the crime for which he or she has been convicted, the person’s emotional state leading up to the execution, or the time and location of the hanging. Zorn, it seems, is content to focus solely on the mechanics of the hanging as well as the accompanying shock, pain, and horror experienced by the both the condemned person and the listener. Having stripped away the condemned person’s identity, Zorn invites his listeners to take the place of the condemned person and, in a sense, experience the hanging for themselves. The highly abrasive and unconventional quality of the music enacts an aural assault on the ears, forcing the listener to confront the stark reality of the execution and, by extension, death itself. In the liner notes to *Grand Guignol*, Zorn writes,

Decades before our modern tradition of Splatter films, The Grand Guignol served up torture, incest, blood lust, insanity, mutilation and death to generations of fervid spectators. But The Grand Guignol is not simply the theater of horror that shocked Paris for 65 years from 1897 to 1962. It is the celebration of the darker side of our existence. It has always been with us. It always will be. Throughout history artists have been obsessed with humanity’s Taboos and Phobias. Aristotle, Aeschylus, Shakespeare, Sade, Goya, Poe, Dali, Bataille, Hitchcock, Irving Klaw, Bacon, Dan Oniroku, H.G. Lewis, Herman Nitsch, Carcass. Our fascination with Fear, Terror, and Evil, like Death itself, knows no racial, cultural or religious barriers. It resides in our collective unconscious, binding us together with ropes we try, but are ultimately unable to sever. Only through violent trauma, or the convulsive viscera of artistic vision does it rise to the surface, reminding us that it has, in truth, been there all along.⁴²

⁴² John Zorn, liner notes to *Grand Guignol*, Avant, CD, 1992.

In “The Noose,” Zorn is not dependent on lyrics, a detailed program, or extramusical material apart from a somewhat suggestive title to produce the desired affect; rather, it is through a radical and unconventional musical language that Zorn achieves “the convulsive viscera of artistic vision” necessary to remind his listeners of their own fascination with pain, death, and “the darker side of our existence.”

The extreme brevity of the piece may also play a role in appealing to our postmodern sensibilities as listeners. In today’s postmodern world, according to Richard Schechner, “compression and fragmentation are the order of the day. Television commercials are 15- or 30-second mini-dramas, exquisite from the technical point of view, emotional and convincing—but ultimately empty except in stimulating the urge to buy.”⁴³ Timothy D. Taylor, too, has written about the increased role that advertising plays in the production and dissemination of American popular culture, arguing that there is no longer a separation between popular music and advertising.⁴⁴ Similarly, in “The Noose,” Zorn almost completely eschews context in favor of directly communicating the essential shock, pain, and horror of a hanging in a compressed, readily digestible form suitable for consumption by the short attention spans of today’s postmodern listener.

Despite the aggressive musical language employed in “The Noose,” the work’s brevity and absence of context may frustrate the listener who strives for a more intimate level of familiarity with its subject and narrative. To an extent, “The Noose” and many of Zorn’s other hardcore miniatures resemble musical equivalents to pornographic peep shows. As were readily

⁴³ Richard Schechner, *Performance Studies: An Introduction*, 2nd ed. (New York and London: Routledge, 2006), 131.

⁴⁴ Timothy D. Taylor, “Advertising and the Conquest of Culture,” *Social Semiotics* 19, no. 4 (2009): 405-25.

available in New York's Times Square at the time Zorn wrote and recorded "The Noose," peep shows allow paying customers to watch pornographic films or live sex shows for a short period of time before the viewing apparatus closes. Patrons that have not exhausted their carnal desire—perhaps not until they have culminated their autoerotic activities—simply pay to re-open the viewing slot as many times as they wish, often by inserting currency into a machine.⁴⁵ Zorn, however, does not afford his listeners the opportunity to extend his musical peep show. While the listener is free to rewind "The Noose" and listen to it as often as they wish, the brevity of the track in conjunction with the rapid onset and certitude of its final cadence deprives us of the ability to advance the narrative of the execution to a point that is sufficiently pleasurable or elucidating.

The album's artwork also reflects the sense of ambiguity and anonymity surrounding the condemned person in "The Noose." Brackett observes, "Especially with the Naked City project, the violent juxtapositions of musical blocks, an emphasis—at times—on noise, and an attention to volume and 'heaviness' are accompanied by violent imagery on the album sleeves and liner notes."⁴⁶ Indeed, the booklet accompanying *Grand Guignol* contains several unnerving photographs from the Dr. Stanley B. Burns Collection of Historic Medical Photography, which depict, among other things, a decapitated head, severed feet and legs, and a group of what appear to be medical students examining a cadaver. We are given no information about the people depicted in the photographs, and the bodies of the deceased are so mangled and distorted that it obscures their identities. It is not known if Zorn derived inspiration from the photographs when he composed "The Noose" and other tracks that appear on the album, but there are ways,

⁴⁵ For more on the history of peep shows in New York, see Kat Long, *The Forbidden Apple: A Century of Sex & Sin in New York City* (Brooklyn: Ig Publishing, 2009).

⁴⁶ Brackett, 1.

according to Nicholas Cook, “in which the images on record sleeves can come to stand for the attributes of the music with which they are coupled.”⁴⁷ Having no knowledge of Zorn’s intent should not preclude the listener from drawing links between the music and accompanying artwork, thus synthesizing a more rich and layered aesthetic experience. While Ellie Hisama has criticized Zorn for invoking racist and misogynist narratives in his sexualized depictions of Asian women’s bodies in some of his music and accompanying artwork,⁴⁸ Brackett takes a somewhat different view. Regarding Zorn’s own relationship to the artwork, Brackett writes, “Zorn never reveals with whom he may or may not identify in these images: the victims, the attacker(s), or a hidden onlooker. For Ellie Hisama and other critics, it has always been assumed that Zorn identifies with the attacker(s) or possibly the voyeur. Presumably it is just as possible that he is not identifying with anyone or, perhaps more likely, everyone.”⁴⁹ Regardless of whatever viewpoint Zorn adopts, it seems clear that, as with “The Noose,” Zorn’s inclusion of these disturbing yet powerful images in the album’s liner notes demands our attention and forces us, as listeners, to confront the uncomfortable and grim realities of death.

With regard to capital punishment specifically, a corollary may be observed in the works of the American photographer Lucinda Devlin. For her series of photographs *The Omega Suites*, Devlin documented arenas of capital punishment across the United States in the 1990s. Her images of the execution chambers, witness rooms, autopsy rooms, and final holding cells in twenty different states provide a fascinating glance at the various manifestations of capital

⁴⁷ Nicholas Cook, “The Domestic *Gesamtkunstwerk*, or Record Sleeves and Reception,” in *Composition–Performance–Reception: Studies in the Creative Process in Music*, ed. Wyndham Thomas (Aldershot, UK: Ashgate, 1998), 112.

⁴⁸ See Ellie M. Hisama, “Feminist Music Theory into the Millennium: A Personal History,” *Signs* 25, no. 4 (Summer 2000): 1289-1290; and Hisama, “Postcolonialism on the Make: The Music of John Mellencamp, David Bowie and John Zorn,” *Popular Music* 12, no. 2 (May 1993): 95-97.

⁴⁹ Brackett, 20.

punishment in the country. The multiple perspectives of Devlin's photographs are unified by certain common elements. For instance, each room appears cold, sterile, and impersonal, with clocks on the wall being the only visible windows to the outside world. More importantly, each image is eerily devoid of people; it is striking—and perhaps somewhat discomfiting—that not a single trace of human activity can be found in these rooms designed for the sole purpose of detaining and executing people. In a documentary style of photography influenced by Walker Evans, Devlin also took steps to ensure that the images reveal no trace her own presence. In composing her images, Devlin typically uses a tripod positioned at eye-level, uniformly sharp focus, and only available lighting, while also making sure to avoid capturing the sight of her own shadow or reflection.⁵⁰ Just as Andy Warhol employed silk screening to maintain a certain degree of critical distance from his subject in his *Electric Chair* series (to be discussed later in this chapter), Devlin insists on non-intervention in her photography so as to eliminate any trace of her involvement in producing the images.

Devlin thus invites the viewer to occupy the depersonalized and vacated spaces presented in *The Omega Suites*. According to Barbara Hess, “The complete absence of persons does not only direct the observer’s attention to structures—this move circumvents the emotional reaction of the observer to the fate of individuals—at the same time, it also creates spaces that the observer in her/his imagination can take and fill out.”⁵¹ Also, by making her photographs of these private and enclosed spaces readily available for public consumption, Devlin forces her viewers to encounter and contemplate a reality of American society that is typically shielded

⁵⁰ Michael Mackenzie, “Emblems of Healing,” in *Lucinda Devlin: Water Rites* (Göttingen, Germany: Steidl, 2003), 14.

⁵¹ Barbara Hess, “Photographers of Modern Life: Comments on Photographs by Lucinda Devlin, Andreas Gursky, and Candida Höfer,” in *Lucinda Devlin, Andreas Gursky, Candida Höfer: Rooms* (Cologne, Germany: Verlag der Buchhandlung Walther König, 1999), 17.

from public view. Devlin has said of *The Omega Suites*, “Visually, I think they’re very straightforward and simple almost. But if you get below that and start digging down into what these photographs are saying and what they’re about, then I think they become much more complex...about culture, particularly the American culture that I live in.”⁵² This is similar to what Zorn accomplishes in “The Noose.” Brackett notes that much of Zorn’s output, especially his earlier music, “forces us to confront things in the world (and things about ourselves) that we try to keep hidden away.”⁵³ Therefore, it can be said that both Devlin and Zorn depersonalize and create a sense of anonymity in their works, thereby inviting their audiences to confront, interact with, and experience these episodes and manifestations of capital punishment for themselves.

It is worth considering the possibility, however, that Zorn’s music is more affective, confrontational, and provocative than Devlin’s photographs simply as a result of the medium employed. Devlin’s photographs, of course, are not nearly as abrasive or grotesque in quality as the music Zorn employs for the “The Noose.” But is music inherently more powerful than other art forms? As striking as Devlin’s photographs may be, one simply has to close their eyes to negate their impact. Closing ones ears to Zorn’s music, however, is considerably more difficult. Many scholars have attempted to articulate if and how music is more adept at communicating, stirring emotion, and affecting social change than other mediums. For instance, Deborah Kapchan has argued that “music is a medium for transitions of ontological register.”⁵⁴ Similarly, Anthony Seeger has noted, “The ability of music to transcend social, spatial, and psychological

⁵² “Lucinda Devlin: Photographer,” YouTube video, 6:28, from a video produced by Joy of Giving Something, Inc., posted by “fwdthinkingmuseum,” April 15, 2010, http://www.youtube.com/watch?v=0VVBcO4h7_4.

⁵³ Brackett, 165.

⁵⁴ Deborah Kapchan, *Traveling Spirit Masters: Moroccan Gnawa Trance and Music in the Global Marketplace* (Middletown, CT: Wesleyan University Press, 2007), 60.

distance without an accompanying physical presence may be one of its more important communicative features.”⁵⁵ The power of “The Noose,” it seems, is derived in part from its unconventional use of sound.

Given the ambiguities of the piece, it is exceptionally difficult to prove beyond a reasonable doubt that John Zorn’s “The Noose” functions as a depiction of capital punishment. It should be understood, however, that no matter how Zorn may have conceived of the piece—as depicting a legal hanging, an extrajudicial lynching, a suicide, or an act of sexual bondage or autoeroticism—meanings are not fixed but are instead subject to negotiation and change over time. What I have proposed is simply one way of reading the piece. Through a detailed examination of the music, extramusical content, and Zorn’s output at large, I have offered the opinion that “The Noose” functions as a depiction of a legal execution by hanging; however, I welcome and encourage differing perspectives of this unique and powerful piece of music.

Steve Earle: “Over Yonder (Jonathan’s Song)” (2000)

A longtime activist for the abolishment of the death penalty in the United States, Texas singer-songwriter Steve Earle (b. 1955) has written and recorded several songs that deal with capital punishment, including “Billy Austin” (1990) and “Ellis Unit One” (1995). Earle’s involvement with capital punishment began in 1989 when, at the request of an acquaintance, he started corresponding with death row inmates, one of whom was Jonathan Nobles.⁵⁶ Over the course of nearly ten years, Earle and Nobles developed a friendship by corresponding about

⁵⁵ Anthony Seeger, “Sing for Your Sister: The Structure and Performance of Suyá Akia,” in *The Ethnography of Musical Performance*, ed. Norma McLeod and Marcia Herndon (Norwood, PA: Norwood Editions, 1980), 34

⁵⁶ Lauren St John, *Hardcore Troubadour: The Life and Near Death of Steve Earle* (London and New York: Fourth Estate, 2002), 255.

topics including music, politics, religion, and the fact that they had both overcome drug addictions while in prison. After several face-to-face visits at O.B. Ellis Unit 1, where Nobles was incarcerated on death row, their friendship culminated on October 7, 1998 when, as discussed at the beginning of this dissertation, Earle honored Nobles's request to witness his execution by lethal injection at Texas State Penitentiary at Huntsville.⁵⁷

Written and recorded for his 2000 album *Transcendental Blues*, "Over Yonder (Jonathan's Song)" is Earle's ode to Nobles. Whereas Johnny Cash constructed himself as a kind of spokesperson for the inmates on *At Folsom Prison*, Earle gives his voice to Nobles, serving as an imagined medium through which the condemned man's message can be heard. Sung from the condemned man's point of view, the lyrics depict Nobles as he reflects on his fate and makes some final arrangements in the last hours before his execution.

Considering Earle's friendship with Nobles and his staunch opposition to the death penalty, it is hardly surprising that the song paints a mostly compassionate and sensitive portrait of the condemned man. Careful to avoid mentioning Nobles's execution in explicit terms, Earle uses more ambiguous and palatable phrases such as "Tonight we'll cross the yard together" and "I am going yonder" as euphemisms for death. Although the protagonist takes responsibility for his crime ("I suppose I got it comin' / I can't ever pay enough") and hopes that his "goin' brings 'em peace," he presents himself as also being a victim ("Tonight we'll cross the yard together / Then they can't hurt me anymore"). In doing so, Earle asks the listener to have empathy for the condemned man. In an article he wrote on his experiences with Nobles, Earle acknowledges that he was convinced of Nobles's guilt, but strongly objects to the use of the death penalty as a

⁵⁷ Steve Earle, "A Death in Texas," *Tikkun* (September/October 2000), re-published in *Utne Reader* (January/February 2001), accessed June 21, 2013, <http://www.utne.com/GreatWriting/Steve-Earle-A-Death-in-Texas/2001-01-01/Archives.aspx>.

punishment. Moreover, Earle believes that Nobles had changed for the better, having converted to Catholicism and become a lay minister while in prison. Earle writes, “Given as many people as we lock up, we better learn to rehabilitate someone.... I believe Jon might have been able to teach us how. Now we’ll never know.”⁵⁸ Summarizing Earle’s attitudes toward capital punishment, biographer Laruen St John writes, “What it all boiled down to, Steve told his audiences, is that he didn’t want the United States government killing people in his name. ‘Nobody fuckin’ asked me.’”⁵⁹ Earle, however, does not use “Over Yonder (Jonathan’s Song)” as a platform on which to preach about the ethics or constitutionality of the death penalty in the United States; instead, the song serves as a compassionate and humanizing portrait of a man about to die at the hands of the state. In doing so, Earle attempts to elicit sympathy for Nobles, and perhaps the death penalty abolition movement at large, through not an appeal to reason, but an appeal to emotion.

Aside from alluding to death and the afterlife, Earle’s use of the phrase “over yonder” in the song is significant for several reasons. Recall, for instance, that Nobles voiced the word “yon,” a shortened form of “yonder,” while singing John Freeman Young’s popular English-language lyrics to “Silent Night” during his execution. In addition, the phrase calls to mind Henry de Fluter’s “Over Yonder,” James Milton Black’s “When the Roll Is Called Up Yonder,” and other hymns that locate “yonder” in heaven. By forging discursive links between Nobles and Christianity, Earle portrays the about-to-die man’s faith as having profoundly influenced his outlook in the moments before his execution.

Musically, the song complements the contemplative, sensitive, and religious tone of the lyrics. Entirely in the key of E major, Earle uses a capo on the second fret of his acoustic guitar

⁵⁸ Ibid.

⁵⁹ St John, 342.

to allow his open-voiced chords to ring out as he gently fingerpicks a hymn-like I–IV–I–V progression during the song’s introduction and verses. Seemingly recorded without double tracking or added reverb, the dry, plaintive-sounding quality of Earle’s vocals seems to reflect the protagonist’s isolation as he prepares for his own execution. Although the sound of Earle’s voice and acoustic guitar is all that is heard during the introduction and first verse, the texture gradually expands as bass, mandola, harmonica, and percussion are added over the duration of the song. Particularly important is the addition of harmonium, which sustains the underlying harmonies as Earle’s vocals and harmonica provide much of the melodic interest above. Similar to Loretta Lynn and Jack White’s use of organ in “Women’s Prison” (to be discussed in the next section of this chapter), Earle’s inclusion of harmonium imbues the song with a solemn, religious quality. Although the I–V–vi–iii–IV–I–V progression employed in the choruses may invite comparisons to the ground bass in Pachelbel’s Canon, its faster harmonic rhythm (two beats per chord rather than the four beats per chord used in the verses) and essentially chorale-like quality also evoke a sense of religious devotion. Finally, after what is essentially a long, sustained crescendo, Earle reserves the climax for the very end of the song as his harmonica ascends to a high G-sharp over the final imperfect authentic cadence. Playing the third of the underlying E major chord, Earle’s harmonica is emphasized in the mix to create an optimistic, uplifting sensation at the end of the song, suggesting the protagonist’s transcendence and Earle’s own acceptance of his friend’s fate.

As the last song on *Transcendental Blues*, “Over Yonder (Jonathan’s Song)” is the final episode on an album in which Earle often explores the theme of transcendence. Earle writes in the album’s liner notes,

I have spent most of my life (like most people) avoiding transcendence at all costs, mainly because the shit hurts. Merely defining transcendence can sometimes be painful. I

once heard that “Transcendence is the act of going through something.” Ouch. I see plate glass windows and divorces. Someone else told me that it was “rising above whatever one encountered in one’s path” but at this point in my life that smacks of avoidance as well as elitism of some sort. I am compelled to look back on years of going through, above, as well as around my life looking for loopholes to redefine everything including any and all of the ideas that I have held close to my heart along the way—Art—Freedom—Justice—Revolution—Love (a big one)—Growth—Passion—Parenting (a really big one)—and I find that for me, for now, transcendence is about being still enough long enough to know when it’s time to move on. Fuck me.⁶⁰

During the execution, Earle witnessed not only Jonathan Nobles’s transcendence but also, by extension, his own. Recalling his feelings immediately after the execution, Earle writes, “I don’t think any of us are the same people who crossed the street to the prison that day. I know I’m not...I do know that Jonathan Nobles changed profoundly while he was in prison. I know that the lives of people he came in contact with changed as well, including mine.”⁶¹

Loretta Lynn: “Women’s Prison” (2004)

For her 2004 album *Van Lear Rose*, famed country artist Loretta Lynn (b. 1932) teamed up with producer and arranger Jack White (b. 1975) to record one of the most critically acclaimed yet unexpected records of the decade. Recorded in Nashville, the album features contributions from backing band The Do Whaters, featuring White on guitar and organ, Dave Feeny on pedal steel, Jack Lawrence on bass, and drummer Patrick Keeler. The pairing of White, then a young musician from Detroit perhaps best known for his work as one half of the popular blues-rock duo The White Stripes, with Lynn, the so-called “First Lady of Country Music” more than forty years White’s senior, was regarded by many critics, as well as by the artists themselves, as one of the most unlikely musical collaborations in recent history. Lynn later

⁶⁰ Steve Earle, liner notes to *Transcendental Blues*, E-Squared Records, CD, 2000.

⁶¹ Earle, “A Death in Texas.”

recalled, “Sometimes people just come into your life that you would never expect. That’s what Jack White did. Who would have ever thought I would have a record with a rock and roller from Detroit? Not me. But I am sure glad I did.”⁶² Ultimately, Lynn and White proved that their musical backgrounds were not incompatible as *Van Lear Rose* was released to critical acclaim and received the Grammy for Best Country Album in 2004.⁶³ Although the single “Portland, Oregon,” a duet between Lynn and White, received the most airplay of any song on *Van Lear Rose* and was awarded the Grammy for Best Country Collaboration With Vocals,⁶⁴ it is the ninth track, “Women’s Prison,” which contains some of the most engaging material on the album and is the focus of my analysis.

In “Women’s Prison,” Lynn depicts an unnamed woman who, after spending an unspecified period of time on death row, is about to be legally electrocuted for having murdered her adulterous husband. Although the woman’s guilt is never questioned, the song’s music and narrative content create a heightened sense of drama, while perhaps even eliciting sympathy from the listener as she awaits her execution. Lynn strategically wrote the lyrics in first-person present tense to give the narrative a greater sense of impact and immediacy (“I’m in a women’s prison with bars all around / I caught my darlin’ cheatin’, that’s when I shot him down”).

“Women’s Prison” stands as an intriguing and highly compelling musical depiction of capital punishment in the United States for several reasons. To begin with, the fact that Lynn depicts the execution of a woman is somewhat unusual. Of the more than 1,400 legal executions carried out in the United States since the death penalty was reinstated in 1976, only sixteen (less

⁶² Loretta Lynn, *Honky Tonk Girl: My Life in Lyrics* (New York: Alfred A. Knopf, 2012), 123.

⁶³ “Winners: 47th Annual Grammy Awards (2004),” Recording Academy Grammy Awards, accessed October 18, 2017, <https://www.grammy.com/grammys/awards/47th-annual-grammy-awards>.

⁶⁴ *Ibid.*

than 2%) at the time of writing have been of women.⁶⁵ Some scholars of capital punishment in the United States have addressed the belief that women are less likely than men to receive a death sentence for an equal crime because women often elicit greater sympathy from the judicial system and are considered less threatening to society. Legal scholar Elizabeth Rapaport observes, “It would seem, superficially at least, that if there is gender discrimination in the U.S. capital punishment regime, it favors female offenders.”⁶⁶ Rapaport argues, however, that women receive far fewer death sentences than men not simply on account of their sex, but due more to the kinds of crimes they commit; statistically, a larger percentage of the murders women commit are of family members and other intimates. Such crimes, according to Rapaport, are often viewed less seriously in court than the kinds of predatory and random murders committed more often by men. Rapaport summarizes, “It may well be that the undervaluation of the heinousness of domestic murder is the most serious form of gender discrimination to be discovered in our capital punishment system.”⁶⁷ Although the woman in Lynn’s “Women’s Prison” is indeed convicted of a domestic murder (the killing of her husband), she is not spared the death penalty.

Aside from the first two lines of the song (“I’m in a women’s prison with bars all around / I caught my darlin’ cheatin’, that’s when I shot him down”), which, in light of the heteronormativity of much country music, point to the speaker as a woman, the protagonist’s gender is curiously not acknowledged. The judge, warden, and bloodthirsty crowd stationed outside the prison do not exhibit any reservations about executing a woman. Even the priest, presumably the only compassionate individual with whom the protagonist comes into direct

⁶⁵ “Executions Database,” Death Penalty Information Center, accessed December 5, 2018, <http://www.deathpenaltyinfo.org>.

⁶⁶ Elizabeth Rapaport, “The Death Penalty and Gender Discrimination,” in Special Issue on Gender and Sociolegal Studies, *Law and Society Review* 25, no. 2 (1991): 367.

⁶⁷ *Ibid.*, 382

contact during the song, offers only brief, impersonal remarks during her last rites: “He says dying’s part of livin’ ya know”. In short, despite the fact that the song’s lyrics are not gender neutral, the woman in Lynn’s “Women’s Prison” is treated much like a man. One could argue, therefore, that Lynn failed to capitalize on depicting the unique circumstances of a woman condemned to death; however, it seems as though Lynn may have had other aspirations. Recalling her inspiration for the song as well as the lack of historical precedence for depicting incarcerated women in music, Lynn remarked, “Johnny Cash, Merle [Haggard]...well, a lot of singers and songwriters sang and wrote about prison. But I never heard a woman sing or write about one, so I thought it was about time.”⁶⁸

Indeed, “Women’s Prison” functions as an expression of feminism on three basic levels. First, the fact that Lynn, a woman, consciously decided to appropriate subject matter previously monopolized by male country artists such as Johnny Cash and Merle Haggard shows her aspirations to move beyond the expectations prescribed to female country artists. Secondly, Lynn strategically imbues the song’s female protagonist with the capacity to murder her adulterous husband, thereby striking a blow against the patriarchy and male hegemony. Lynn does not refer to the victim simply as her “darlin’,” but as her “cheatin’” “darlin’,” suggesting that the killing was, in a sense, justifiable. This not only shows women to be capable of murder, but also demonstrates intolerance—albeit extreme—of male impropriety. Lastly, Lynn’s decision to deny the condemned woman any sort of leniency or privileged treatment in the judicial system on account of either her sex or the nature of her crime acts, somewhat paradoxically, as a source of female empowerment; here, men and women are viewed equally in the eyes of the law.

⁶⁸ Lynn, *Honky Tonk Girl*, 142.

In fact, precedence for these issues of female empowerment and gender roles exists in much of Lynn's catalog. In "Rated X" (1973), Lynn attacked the stigma often attached to divorced women that they are stereotypically lovesick and susceptible to men's romantic advances. Lynn later recalled, "I was taking up for divorced women. Once you have been married, every man takes it for granted that you're available, that you're easy.... They don't understand that while some women are like that, most aren't. That was the story I was trying to tell—I was talking to the men, trying to set them straight."⁶⁹ Then, in "The Pill" (1975), Lynn celebrated the development of female contraception and the greater control women now had over their reproductive rights. The song's frank discussion of birth control and human sexuality—specifically female sexuality— attracted a considerable amount of controversy. As a result, the song was banned from much of country radio shortly after it was released.⁷⁰ Summarizing Lynn's influence on gender issues in country music, Curtis Ellison writes,

Women gospel singers had already offered a spiritual alternative to worldly trauma through gospel salvation, and Loretta Lynn now offered a secular alternative—an image of the woman's assertive role in domestic relationships that affirmed traditional marriage yet required of men a new degree of direct personal attention. Lynn combined her message with a visible business career identifying her in popular culture as a spirited, successful woman who could be a model for multitudes of female fans. In effect, she presented an alternative to domestic turmoil and a challenge to the tragic-troubadour tradition.⁷¹

Although the protagonist in "Women's Prison" fails to elicit any sympathy prior to her execution from the judicial system, prison staff, or the public, it is abundantly clear from both the lyrical and musical content of the song that it is God's forgiveness that concerns her most.

⁶⁹ Ibid., 98.

⁷⁰ Mary A. Bufwack, "Girl with Guitars—and Fringe and Sequins and Rhinestones, Silk, Lace, and Leather," in *Reading Country Music: Steel Guitars, Opry Stars, and Honky-Tonk Bars*, ed. Cecelia Tichi (Durham, NC and London: Duke University Press, 1998), 172.

⁷¹ Curtis W. Ellison, *Country Music Culture: From Hard Times to Heaven* (Jackson: University Press of Mississippi, 1995), 170-71.

Throughout the song, Lynn evokes a number of themes pertaining to Christian conceptions of God, forgiveness, and the afterlife. For example, before the woman's fate is realized at the end of the song, she spends her last living moments reassuring herself that God has forgiven her ("I know I've been forgiven"), while also making certain preparations for the afterlife (the priest reading her last rites). In addition, the use of exclusively diatonic harmonies (I, IV, V), regular phrasing, organ, and frequent plagal cadences during the verses lends the song a clear hymn-like quality, complementing the religiosity of the lyrics.

While the first half of the song resides firmly in A major, a direct modulation to B-flat major occurs on the line "I can hear the warden coming from the clinging of his keys." The direct modulation by ascending half step or whole step is a common trope in country music and is often referred to as the "truck driver's modulation" because, according to Walter Everett, "Most often, the listener can hear the 'driver' engage the clutch as one phrase ends on the original dominant, then shifts to a higher gear as the new dominant appears a half step higher, and finally release the clutch on the new tonic with the beginning of a new phrase."⁷² The truck driver's modulation is so common in country music that Jocelyn Neal has called it "an over-used technique of musical arrangement."⁷³ Lynn's use of the direct stepwise modulation in "Women's Prison," however, does not operate as a mere stylistic signifier of country music; instead, the direct stepwise modulation has three important functions in "Women's Prison" that serve to not only enhance, but also clarify the dramatic extramusical content of the song.

⁷² Walter Everett, "Swallowed by a Song: Paul Simon's Crisis of Chromaticism," in *Understanding Rock*, ed. John Covach and Graeme Boone (New York: Oxford University Press, 1997), 151n17.

⁷³ Jocelyn Neal, "Narrative Paradigms, Musical Signifiers, and Form as Function in Country Music," *Music Theory Spectrum* 29, no. 1 (Spring 2007): 48n22.

First, the modulation represents a temporal shift in the narrative, as it occurs at the exact moment in the song when the execution team arrives at the woman's cell to lead her to the electric chair. As Neil Crimes has convincingly argued, the direct stepwise modulation in country music should not always be considered a "trite cliché," for it often serves the important function of marking the passing of time within a song's narrative unfolding.⁷⁴ Indeed, it is at this moment in "Women's Prison" that the protagonist is suddenly transformed from a common death row inmate awaiting her eventual execution ("I'm sittin' here on death row") to an individual mere moments from death ("The door to my cell swings open, it's time for me to go").

Second, the modulation marks a change in the protagonist's emotional state that directly corresponds with the temporal shift in the narrative. In his analysis of composer Frank Loesser's works for American musical theater, Michael Buchler has demonstrated that the direct stepwise modulation can be used to serve different rhetorical functions, such as the depiction of situational anxiety, gravity, or whimsy.⁷⁵ In "Women's Prison," the shift up a half step to B-flat major clearly mirrors the protagonist's heightened anxiety regarding her now all-too-real execution. In addition, the lack of any sort of tonal preparation for the modulation can be interpreted as being a musical representation of the protagonist's lack of control over her circumstances. What little control the protagonist had over her own life on death row is now completely extinguished ("But when they come to get me, they'll have to drag me off my knees").⁷⁶ Just as the key of B-flat subverts the prevailing A-major tonality without any preparation or harmonic necessity, the

⁷⁴ Crimes, "Dolled Up Time."

⁷⁵ Michael Buchler, "Modulation as a Dramatic Agent in Frank Loesser's Broadway Songs," *Music Theory Spectrum* 30, no. 1 (Spring 2008): 35-60.

⁷⁶ This line also serves to augment the religious flavor of the lyrics, suggesting that she may have been on her knees praying.

condemned woman is forced to completely resign her fate to the mercy of the prison staff and, ultimately, of God.

Finally, the stepwise modulation is one of several elements in “Women’s Prison” that suggests an implicit link to the preceding song on *Van Lear Rose*, “God Makes No Mistakes.” As the shortest song on the album at one minute and forty-five seconds in length, “God Makes No Mistakes” functions as a sort of prelude to “Women’s Prison” in several ways. To begin with, both songs use identical chords (I, IV, V) and even employ the same direct stepwise modulation from A major to B-flat major; therefore, the modulation in “Women’s Prison” is important not only for its narrative functions, but also for its ability to reference beyond itself, suggesting that the song is implicitly linked to “God Makes No Mistakes.” The connection between the two songs is further enhanced by the fact that there is no audible break between the two songs on the album. Before the final chord of “God Makes No Mistakes” dissipates, Keeler clicks his drumsticks to establish the new tempo of “Women’s Prison.” This is the only instance of *attacca* on *Van Lear Rose*, thus lending further credence to the notion that the two songs are connected.

Armed with the realization that “Women’s Prison” is not only linked to but also dependent upon “God Makes No Mistakes,” the listener is granted further insight into the condemned woman’s state of mind just before her execution. Regarding the lyrics to “God Makes No Mistakes,” Lynn writes, “There are so many bad things in this world that sometimes it makes us all ask the question: ‘Why?’ ... But for me I believe there is a reason why everything happens the way it does, even if it hurts, and I know that God makes no mistakes.”⁷⁷ As listeners, we are led to believe that the protagonist in “Women’s Prison” echoes this sentiment. Despite her

⁷⁷ Lynn, *Honky Tonk Girl*, 126.

anxiety over the fact that she is about to be executed for having committed murder, the woman receives some comfort knowing that she has God's forgiveness and is destined for the afterlife.

The lyrics to "Women's Prison" present a sort of narrative cliffhanger, as we do not learn through language what happens to the woman after she is escorted into the execution chamber. By focusing entirely on the moments leading up to the execution, the song's lyrics clearly invoke the about-to-die trope. Lynn and White's music, however, contains clues that inform the listener of the woman's eventual fate. Shortly after being strapped into the electric chair, the woman imagines for the final time the distant sound of her mother crying, presumably voicing her sadness and opposition to the execution ("And the last voice I hear on Earth is my mama's cry"). While this marks the third and final appearance of this line in the song, Lynn, rather than sustaining the last pitch of the phrase, abruptly cuts the word "cry" short as if choking or sobbing. After this last cathartic utterance, the band goes nearly silent with the notable exception of White's organ, which sustains a B-flat major chord, once again suggesting a sense of calm or religious solemnity. Then, in what is perhaps the most startling and powerful moment of the song, Lynn, leaning back from the microphone, intones the first verse of "Amazing Grace" in a barely audible, mumbled, and ethereal voice, which, accompanied by the sustained major harmony in the organ, represents a clear depiction of transcendence.

Amazing Grace, how sweet the sound
That saved a wretch like me
I once was lost, but now am found
Was blind, but now I see.

The final line ("Was blind, but now I see") resonates with the narrative on two basic levels. First, the woman was blinded in a literal sense by the mask or hood placed over her face just prior to her electrocution ("Now they've strapped me in the chair and covered up my eyes"). Second, the woman was presumably blinded in a metaphorical sense by having committed a

grave sin and, perhaps, from having ever denied God's existence. By the end of the song, however, the woman's salvation before death facilitates her transcendence, thus removing both the real and imagined blindfolds from her eyes and granting her admission to the afterlife.

Finally, the song concludes with a striking instrumental coda that serves to further illuminate the woman's transcendence. Immediately after Lynn finishes singing the verse from "Amazing Grace," the rest of the band enters one last time, marking its triumphant return by playing a new chord progression (Bb–Db) with added volume and rhythmic agitation. Considering that the entire song to this point had used only I, IV, and V chords (both in A major and B-flat major), the unexpected chromatic mediant relationship afforded by the D-flat major sonority grants the narrative a powerfully dynamic and emergent quality. This new harmony at the end of the song further signifies the woman's transcendence; although she is now deceased, the woman's spirit is, rhetorically, still alive. According to Benjamin Harbert, "music enables a communal sanctuary in which inmates transcend their surroundings, connect to their pasts and establish goals for their future, escaping for a moment the institution's control over them."⁷⁸ Just as D-flat lies beyond the prevailing scales used in the song, the woman is now beyond the limitations of the flesh and has transcended Earth.

Clearly, Lynn and White made a series of strategic decisions about the song's music, lyrics, and narrative unfolding in an attempt to create a powerful and engaging depiction of an instance of capital punishment. To this end, there is one more important aspect of "Women's Prison" that deserves comment. Given the numerous methods by which individuals have been legally executed throughout American history, the musician constructing a fictionalized account

⁷⁸ Benjamin J. Harbert, "I'll Keep on Living After I Die: Musical Manipulation and Transcendence at Louisiana State Penitentiary," *International Journal of Community Music* 3, no. 1 (March 2010): 66.

of an execution is faced with the decision of what execution method to choose. Of course, even if we assume that musicians are interested in making historically informed decisions about their depictions of capital punishment—that is, choosing the method based on the date and location of the execution—one is still faced with a variety of options. Since 1976, executions in the United States have been carried out using no fewer than five different methods: lethal injection, electrocution, lethal gas, firing squad, and hanging. For the creative musician, each method can be seen as having a distinctive aesthetic profile or personality, calling for a unique protocol. Considering this, Lynn’s choice to execute her protagonist in the electric chair should not be viewed as anything other than deliberate.

There are likely several reasons for Lynn’s choice of electrocution as the method of execution depicted in “Women’s Prison.” To begin with, electrocution has often been portrayed in both the media and in art as being perhaps the most intimidating, theatrical, violent, painful, and therefore controversial of the methods that have been employed in the United States since the beginning of the twentieth century. One needs to look no further than the sensationalized depictions of electrocutions in popular films such as *The Green Mile* or the sometimes highly descriptive news accounts of actual “botched” electrocutions to understand why such viewpoints have proliferated in the nation’s public consciousness.⁷⁹ In “Women’s Prison,” the public’s unsympathetic chants of “let that murderer fry” therefore lends the narrative heightened urgency and intensity with the expectation that the condemned women may suffer a painful, dramatic death.

⁷⁹ For more on this issue, see Austin Sarat, *When the State Kills: Capital Punishment and the American Condition* (Princeton, NJ and Oxford: Princeton University Press, 2001).

In addition, the electric chair serves as one of the most recognizable symbols of capital punishment in the United States and, more specifically, the South.⁸⁰ Aside from executions carried out by electrocution in the Philippines in the mid-twentieth century, the electric chair is unique to the United States.⁸¹ Moreover, although it has been used in a number of states ranging from Vermont to New Mexico since its first use in 1890, the electric chair was most widely adopted in the South. In fact, of the 159 electrocutions carried out in the United States since the death penalty was reinstated in 1976, 153 (96%) have occurred in the South.⁸² Today, lethal injection has supplanted electrocution as the standard method of execution in every retentionist state in the country due in large part to growing concerns over the constitutionality of electrocution and the desire to adopt more humane forms of execution. Electrocution, however, currently remains a legal, alternative method of execution in several states, all of which are in the South. The relative slowness with which Southern states have adopted changes in the administration of capital punishment was evident well before the advent of electrocution, however. According to Judith Randle,

Overall, it is fair to say that the evolution of the death penalty really began as the evolution of the *Northern* death penalty. The arduous movements to abolish capital punishment which punctuated the mid-nineteenth and early twentieth centuries, and which were characterized by deliberate efforts to rid society and citizens' consciousness of the 'hanging day' ritual, were virtually absent in the Southern states. As a consequence, Southern states lagged behind in their adoption of progressive legislation.⁸³

⁸⁰ I use the term "Southern United States" as defined by the United States Census Bureau, accessed May 1, 2013, <http://www.census.gov>.

⁸¹ Anthony Galvin, *Old Sparky: The Electric Chair and the History of the Death Penalty* (New York: Carrel Books, 2015), 196.

⁸² "Executions Database," Death Penalty Information Center, accessed November 29, 2018, <http://www.deathpenaltyinfo.org>.

⁸³ Judith Randle, "The Cultural Lives of Capital Punishment in the United States," in *The Cultural Lives of Capital Punishment: Comparative Perspectives*, ed. Austin Sarat and Christian Boulanger (Stanford, CA: Stanford University Press, 2005): 99.

For Lynn, the self-proclaimed “Coal Miner’s Daughter” from Kentucky now residing in Tennessee, the electric chair presented her with an opportunity to assert her regional identity—an important trope in American country music. Lynn effectively harnessed the metonymic properties of “The Chair” to refer to capital punishment at large in the United States and, more specifically, the South. Depicting an execution by lethal injection—by far the most common method used at the time of recording—in “Women’s Prison” would not only have averted any regional associations with the South, but would also have presented a practical obstacle for Lynn. Unlike electrocutions, lethal injection protocols almost never include the placing of any sort of facemask or hood over the condemned individual. This would have denied Lynn the ability to evoke both the metaphorical and literal sources of the woman’s blindness during the important “Amazing Grace” section.

Not only does Lynn’s use of electrocution in “Women’s Prison” ground the song’s narrative in a sense of place, it also suggests a specific time in American history. Although electrocution remains a legal, alternative form of execution in several states, it is rarely used anymore and has largely been replaced by lethal injection as the most common method of execution in the country. For some, the electric chair has come to symbolize the state of capital punishment in the United States during the first half of the twentieth century. For instance, when the state of Florida was debating the constitutionality of electrocution in 1999, State Supreme Court Justice Leander Shaw remarked, “execution by electrocution is a spectacle whose time has passed—like the guillotine or public stoning or burning at the stake.... Florida’s electric chair, by its own track record, has proven to be a dinosaur more befitting the laboratory of Baron Frankenstein than the death chamber of Florida State Prison.”⁸⁴ One could argue, therefore, that

⁸⁴ Quoted in Sarat, *When the State Kills*, 65.

the electric chair in Lynn's "Women's Prison" serves to establish the song's narrative in the distant past.

The album's artwork helps to support this theory. On the album's cover, Lynn, wearing an elaborate blue gown and bodice outfitted with white beads, snowy lace, and shimmering rhinestones,⁸⁵ is shown standing in front of a white, modest-looking wooden house in East Nashville with a small porch marked by chipped paint and several columns likely inspired by the Greek Revival movement that, since the nineteenth century, has characterized much of the city's architecture.⁸⁶ With one hand grazing a large, old-looking tree in the yard, Lynn's other hand is bracing a 1964 Epiphone Excellente acoustic guitar emblazoned with inlay that boldly spells "LORETTA LYNN" on the fretboard. Inside the CD booklet, photographs of the musicians playing worn, vintage instruments appear alongside images of cast-iron skillet, a baseball and catcher's mitt, a bucket of used cigarettes, a dog, an analog mixing console, a framed print of Warner Sallman's 1940 painting *Head of Christ*, and an LP of Roy Acuff's 1958 recording of "The Great Speckled Bird." In addition, the photographs are treated in such a way that they appear old and faded. In other words, *Van Lear Rose* bears scant visual, musical, or lyrical evidence of having been recorded in the twenty-first century. More specifically, the album contains numerous aural and visual signifiers indicating nostalgia for an idealized, anti-modernist

⁸⁵ "Country Music Hall of Fame Legend Loretta Lynn Donates 'Van Lear Rose' Manuscript to the Country Music Hall of Fame and Museum Collection," January 26, 2005, <http://www.lorettalynn.com/country-music-hall-of-fame-legend-loretta-lynn-donates-%E2%80%9Cvan-lear-rose%E2%80%9D-manuscript-to-the-country-music-hall-of-fame%C2%AE-and-museum-collection/>.

⁸⁶ For more on Greek-inspired architecture in Nashville, sometimes called the "Athens of the South," see Carroll Van West, *Nashville Architecture: A Guide to the City* (Knoxville: The University of Tennessee Press, 2015); and Christine Kreyling et al., *Classical Nashville: Athens of the South* (Nashville and London: Vanderbilt University Press, 1996).

South. The electric chair in “Women’s Prison” is yet another means by which Lynn evokes the South of her early, formative years during the mid-twentieth century.

Finally, perhaps capitalizing on the belief that electrocution represents arguably the most theatrical of the execution methods utilized in the United States, Lynn sees the electric chair as a powerful vehicle of transcendence. Of course, the notion that executions, specifically those by electrocution, can facilitate or suggest transcendence is not original to “Women’s Prison.” Beginning in the early 1960s, renowned American artist Andy Warhol produced a series of canvases based on a photograph of the electric chair at New York’s Sing Sing Correctional Facility. The original photograph captures a poorly lit and eerily vacant room with the unoccupied chair at center, framed by a rubber mat on the floor, a strip of paint on the rear wall, and a row of what appear to be pipes hanging overhead. As was his custom, Warhol produced countless reproductions of the image through silk screening, a technique that, according to Klaus Honnef, “encourages personal disinterest, probable objectivity, and personal indifference.”⁸⁷ To a point, silk screening afforded Warhol the ability to produce artworks while not leaving any visible trace of his creative involvement—for instance, by not leaving any brush marks; however, the technique did allow Warhol to make important creative decisions about elements such as how to crop his images, what colors to use, and how evenly to apply the paint. These kinds of decisions are effectively realized in his *Electric Chair* series. In many of the images, Warhol’s deliberately messy silk screening focused a disproportionate amount of white paint around the electric chair. By bathing the area surrounding the chair in light, Warhol effectively transforms the dark, foreboding instrument of death into a vehicle of transcendence. In addition, Warhol

⁸⁷ Klaus Honnef, *Warhol* (Cologne, Germany: Taschen, 2007), 54.

sometimes neglected to crop the original image, thereby suggesting the beyond, allowing the imagined person the necessary space in which to achieve transcendence.

The historical timing of Warhol's *Electric Chair* series is also significant. As with much of his artwork, Warhol likely received his inspiration for the *Electric Chair* series from newspapers. In the early 1960s, New York was preparing to abolish the practice of capital punishment within the state. As a result, the last executions performed in the state were the source of much public interest and media coverage. Warhol—ever the keen observer of American popular culture—created his *Electric Chair* series not only to comment on the symbolic resonance and commodification of the Sing Sing electric chair in the press, but also as a means of holding a mirror in front of the public, calling attention to its continued fascination with capital punishment and with death itself. In a similar fashion, the electric chair in Loretta Lynn's "Women's Prison" operates not just as an instrument of death, but as a vehicle of transcendence and a signifier of a uniquely American and, more specifically, anti-modernist Southern identity. While Warhol's electric chair was, at the time, on the verge of extinction, Lynn revives and breathes new life into the chair so as to evoke the past.

In summation, "Women's Prison" by Loretta Lynn depicts far more than an execution. A detailed analysis of the song's musical and lyrical content against the backdrop of a broader historical framework shows that "Women's Prison" constitutes a detailed and richly nuanced depiction of issues surrounding capital punishment in the United States. Among other things, the song suggests female empowerment and equality of the sexes in the eyes of the law; forgiveness and transcendence as facilitated by faith in God; and allusions to a kind of idealized, anti-modernist South.

Exceptions to the About-To-Die Trope

While it seems that most musical depictions of capital punishment invoke the about-to-die trope, not all do. Take, for example, “The Night the Lights Went Out in Georgia,” which was originally written by Bobby Russell and recorded by Vicki Lawrence for her 1973 debut album of the same name. Sung in past tense, the song details the story of an unnamed man who is wrongfully convicted and executed for having murdered his best friend, Andy, after learning that he was having an affair with the man’s wife. Whereas the verses reside in the key of C minor, the chorus dramatically modulates to G major, at which point we learn the unnamed man’s fate: “That’s the night that the lights went out in Georgia / That’s the night that they hung an innocent man.” While detailing the man’s alleged crime and subsequent execution, it is eventually revealed that the song is sung from the perspective of his younger sister, who, in a surprise twist during the final verse, confesses that she actually killed both Andy and her brother’s wife. Nevertheless, she has managed to elude law enforcement, warning, “Don’t trust your soul to no backwoods southern lawyer / ‘Cause the judge in the town has got bloodstains on his hands.” Because the song depicts the man’s hanging as having occurred in the past, it bears little resemblance to the about-to-die trope.

In 1991, however, Reba McEntire covered the song on her album *For My Broken Heart*. McEntire keeps Russell’s lyrics largely intact, but the accompanying music video includes visuals and spoken dialogue—elevated in the mix to the point where it is sometimes difficult to hear the underlying recording—that expand on the story and, in doing so, invoke the about-to-die trope in a way that the song does not. As the song plays, the video tells the story of the wrongfully accused man, here named Raymond Brody, through a series of black-and-white flashbacks as conveyed in the present time to a journalist by Brody’s younger sister (played by

McEntire), now gray and wrinkled. Whereas the song presents the execution as having occurred in the distant past, the visuals in the video show the hanging as having yet to happen. To this end, the viewer is shown a shackled, straightjacketed, and palpably anxiety-ridden Brody being escorted down a dark prison corridor by guards and a chaplain; headlines from the fictional *Sumertown Herald* newspaper that read “Raymond Brody to be Hanged” and, adopting all capital letters to more vividly animate the about-to-die quality of the news, “BRODY HANGING TO TAKE PLACE AT MIDNIGHT;” and the silhouette of a vacant noose, presumably prepared for Brody’s impending execution (Figure 2).



Figure 2: Reba McEntire, music video for "The Night the Lights Went Out in Georgia." Screenshots taken from RebaMcEntireVEVO, "Reba McEntire – The Night The Lights Went Out In Georgia," YouTube video, 4:19, June 16, 2009, <https://www.youtube.com/watch?v=Z4GMUICBgd0>.



Figure 2 continued.

At no point do we see the execution; instead, through extensive use of flashbacks, the video shifts the temporal framework of the song backwards to a point where the execution is contingent and not assured. In fact, the only visual clue that the hanging occurred is located toward the end of the video, at which point the camera zooms in on a framed black-and-white photograph of Brody displayed in his sister's home, suggesting that he was indeed executed. As Jay Prosser observes, "we arrange photographs in our rooms of our beloved, often because they cannot be with us there—often (and eventually) because they are dead."⁸⁸

Although McEntire clearly invoked the about-to-die trope in the music video, the song itself presents the man's execution as having already happened. In this way, "The Night the Lights Went Out in Georgia" serves to remind that, despite the prevalence of the about-to-die trope in popular music about capital punishment, it has not been universally adopted.

⁸⁸ Jay Prosser, *Light in the Dark Room: Photography and Loss* (Minneapolis and London: University of Minnesota Press, 2005), 1.

Other Examples of the About-To-Die Trope in Music

This chapter has served to illustrate the varied ways in which musicians have approached the subject of capital punishment in the United States. By analyzing “25 Minutes to Go” by Johnny Cash, “Nebraska” by Bruce Springsteen, “The Noose” by John Zorn, “Over Yonder (Jonathan’s Song)” by Steve Earle, and “Women’s Prison” by Loretta Lynn, I have shown how composers and performers representing varying time periods and styles of music have appropriated the subject of capital punishment while also shedding light on prevailing public attitudes toward death, justice, class, gender, and other pertinent issues in the United States.

Despite the stylistic diversity of the music discussed in this chapter, the works possess several commonalities. To begin with, transcendence is an important theme that ties together all of the songs discussed in this chapter. Whether strongly suggested, as in Steve Earle’s “Over Yonder (Jonathan’s Song)” and Loretta Lynn’s “Women’s Prison,” or rudely denied, as in John Zorn’s “The Noose” and Johnny Cash’s performance of “25 Minutes to Go,” transcendence—or at least the expectation of transcendence—permeates each of these musical depictions of capital punishment.

Second, each song engages to some extent with the trope of what I have termed about-to-die music. Rather than reflect upon an execution that has already happened, each artist positions their dramatic framework in the moments leading up to or during executions. Because the protagonist’s death in each song is contingent and unknown, the listener is pulled into the drama and must rely on affect and imagination to complete the stories, no matter how irrational. While songs such as “The Night the Lights Went Out in Georgia” by Bobby Russell and Vicki Lawrence demonstrate that not every piece of music that depicts capital punishment necessarily invokes the about-to-die trope, it seems that many of the most affective and popular works and

recordings that engage with the death penalty present executions as imminent but ultimately yet to happen. In fact, there exist countless other pieces of music that invoke the about-to-die trope within the framework of capital punishment (not necessarily confined to the United States), including “Life in Prison” by Merle Haggard (1967); “Gallows Pole” by Led Zeppelin (1970); “Hallowed Be Thy Name” by Iron Maiden (1982); “The Mercy Seat” by Nick Cave and the Bad Seeds (1988); “Electric Chair” by Prince (1989); “I’m Not the Man” by 10,000 Maniacs (1992); “Paradise” by Alejandro Escovedo (1992); “I Hung My Head” by Sting (1996); “16 on Death Row” by Tupac Shakur (1997); “Death Row” by Judas Priest (1997); “Karla Faye” by Mary Gauthier (1999); “Lightning” by Eric Church (2006); and “Shirley Jean” by Kiefer Sutherland (2016).

There are also recordings that, despite having no obvious musical or lyrical connections to capital punishment, have accompanying music videos that, through depictions of executions, invoke the about-to-die trope, including the Peter Christopherson-directed snuff film-inspired long-form music video for *Broken* by Nine Inch Nails (1992) (Figure 3), Traktor’s music video for “Die Another Day” by Madonna (2002) (Figure 4), David LaChapelle’s neo-noir music video for “It’s My Life” by No Doubt (2003) (Figure 5), and Kahlil Joseph’s harrowing black-and-white music video for “Video Girl” by FKA twigs (2014) (Figure 6).



Figure 3: Nine Inch Nails, long-form music video for *Broken*.



Figure 4: Madonna, music video for "Die Another Day." Screenshot taken from disc 2, *Die Another Day*, special ed. (Santa Monica, CA: MGM Home Entertainment, 2003), DVD.



Figure 5: No Doubt, music video for "It's My Life." Screenshot taken from NoDoubtVEVO, "No Doubt – It's My Life," YouTube video, 3:50, October 5, 2009, <https://www.youtube.com/watch?v=ubvV498pyIM>.

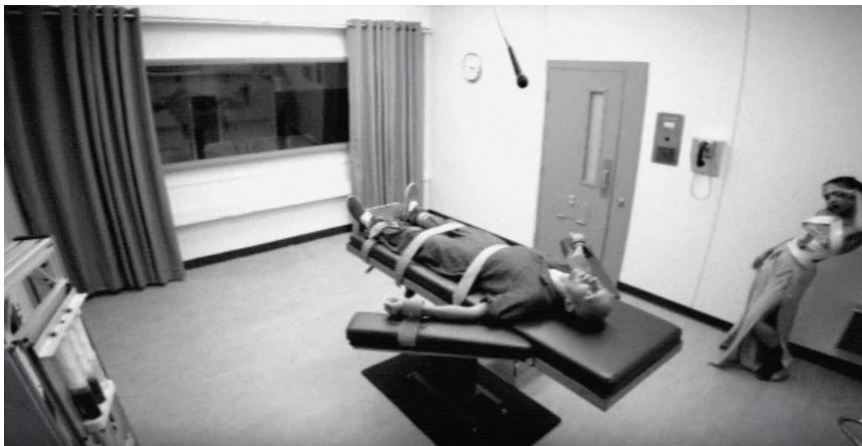


Figure 6: FKA twigs, music video for "Video Girl." Screenshot taken from FKA twigs, "FKA twigs – Video Girl," YouTube video, 4:35, October 29, 2014, <https://www.youtube.com/watch?v=2jhTiLuGezI>.

The about-to-die trope in music is not exclusive to depictions of capital punishment, however. In fact, there exist many songs that portray people in an about-to-die state, but not from having been legally sentenced to death. For example, in Queen's "The Show Must Go On" (1991), front man Freddie Mercury, who was dying from complications of HIV/AIDS at the time of recording, alludes to his own mortality ("My soul is painted like the wings of butterflies /

Fairy tales of yesterday will grow but never die / I can fly, my friends”), but, singing over Brian May’s soaring electric guitar and regular eighth-note synthesizer pulse, insists that “the show must go on.” In “Keep Me in Your Heart,” the closing track on Warren Zevon’s twelfth and final studio album, *The Wind* (2003), which he began recording after being diagnosed with inoperable lung cancer,⁸⁹ Zevon sings with plaintive yet nonchalant acceptance about his own mortality, ceding, “Shadows are fallin’ and I’m runnin’ out of breath” before requesting of the listener, “Keep me in your heart for a while.” In “King’s Crossing” (2004), Elliott Smith, who died under mysterious circumstances in 2003,⁹⁰ sings against a dreamy backdrop of keyboards, warbled guitars, and high-pitched wordless background vocals of his own struggles with addiction and depression, noting “I can’t prepare for death any more than I already have.” Taking a broader view of the inevitability of death, Wayne Coyne of The Flaming Lips, in the band’s 2002 song “Do You Realize??” asks over a euphoric background of major-key synthesizers, multitracked vocals, and bells reminiscent of John Lennon’s “Mind Games” (1973), “Do you realize that everyone you know someday will die?” before advising, “And instead of saying all of your goodbyes / Let them know you realize that life goes fast.” While the about-to-die trope is certainly manifest in each of these examples, it is particularly relevant within the framework of capital punishment due in part to the fact that compositions such as “25 Minutes to Go,” “Nebraska,” “The Noose,” “Over Yonder (Jonathan’s Song),” and “Women’s Prison” depict individuals who are in the unique position of knowing the precise time, location, and cause of their impending deaths, which for some, as mandated by law, is mere moments away. This

⁸⁹ Philip Browning Helsel, “Warren Zevon’s *The Wind* and Ecclesiastes: Searching for Meaning at the Threshold of Death,” *Journal of Religion and Health* 46, no. 2 (June 2007): 205-18.

⁹⁰ Alexis Petridis, “The Mysterious Death of Mr. Misery,” *Guardian*, March 18, 2004. Debate continues to circulate as to whether Smith committed suicide or was murdered.

endows the trope with a greater sense of urgency and immediacy, thus intensifying the listener's emotional investment in the music.

Finally, it is noteworthy and somewhat perplexing that none of the five recordings I discussed in this chapter are actually *about* capital punishment. Although each piece deals in some way with the theme of capital punishment, perhaps as a means of appealing to the listener's basic human interest in death and violence, none of the examples actually takes an explicit stance on the controversial issue. This is somewhat surprising considering that some of the artists, such as Steve Earle, have otherwise been outspoken in criticizing the death penalty in the United States. Perhaps as a means of preserving the interest of listeners who collectively may possess a variety of stances on and attitudes toward the controversial practice, many musicians seem to avoid betraying whatever personal feelings they harbor about capital punishment in their music. In his examination of films that depict the death penalty, such as *Dead Man Walking*, *Last Dance*, and *The Green Mile*, Austin Sarat offers a similar assessment: "These and other death penalty films get their dramatic force by focusing narrowly on the question of whether a particular person really deserves to die rather than on broader questions about state killing or about the social conditions that produce violence in America."⁹¹ He adds, "Because stories of the lives and deeds of particular persons have much more dramatic appeal than stories in which causation is impersonal and the source of crime is located in social structure, it is not surprising that these films provide narratives of crime and punishment that focus on describing what a particular person did and on fixing responsibility on that person."⁹² The same, it seems, is true in music. Rather than comment on capital punishment in general, each recording focuses on individual cases (both historical and fictional), positioning the listener as a juror, witness, or, as is perhaps

⁹¹ Sarat, *When the State Kills*, 29.

⁹² *Ibid.*, 214.

the case with John Zorn's "The Noose," the executioner or person being executed. Citing "those countless anonymous voyeurs, across the ages, who have been fascinated by victims of the guillotine, the electric chair, fatal chemical injections, televised criminal trials, those put to death in film clips," Julia Kristeva notes that "voyeurism itself never ceases to paint, sculpt, photograph."⁹³ Indeed, as evidenced by the examples of about-to-die music analyzed in this chapter, it seems, too, that voyeurism never ceases to make and listen to music.

This chapter has analyzed depictions of capital punishment in recorded music, but much remains to be learned from how musicians working in other formats have critiqued, disseminated, or given shape to attitudes toward the practice. To this end, the next chapter examines the roles music and sound design have played in filmic depictions of capital punishment in the United States.

⁹³ Julia Kristeva, *The Severed Head: Capital Visions*, trans. Jody Gladding (New York: Columbia University Press, 2012), 107.

CHAPTER THREE

MUSIC AND SOUND DESIGN IN FILMIC DEPICTIONS OF CAPITAL PUNISHMENT

A group of people wearing street clothes walk into Mississippi State Penitentiary, where they are then escorted to a small, beige room containing little more than some chairs and a wall-mounted air-conditioning unit. The person they are here to see is twenty-six-year-old African-American male Edward Earl Johnson, who in approximately thirty-six hours will be legally executed in the state gas chamber for the 1979 murder of J.T. Trest, a white law enforcement officer.¹ Wearing horn-rimmed glasses and a prison-issued orange jumpsuit, Johnson enters the room to greet the visitors, including members of his immediate family, perhaps for one of the last times in his life. After chatting about a recent church service, prayer, and Johnson's predicament, a handful of young females in the room sit around Johnson in a semi-circle and begin to sing "Always," the newly-released single by American R&B group Atlantic Starr. As Johnson sits quietly with his back to the wall—at one point removing his glasses to rub his eyes with his thumb and forefinger—the women, most smiling at Johnson, sing the song's refrain:

Ooh you're like the sun, chasing all of the rain away
When you come around you bring brighter days
You're the perfect one for me and you forever will be
And I will love you so, for always.

Following the end of the song, Johnson, apparently pleased by what he heard, leans forward from the edge of his seat and enthusiastically high-fives the singers, who erupt in a chorus of laughter. Meanwhile, Johnson's attorneys, convinced of their client's innocence and claiming that he had

¹ "Convict in Mississippi, Professing Innocence, Is Executed for Murder," *New York Times*, May 21, 1987.

falsely confessed to the murder under duress and had ineffective counsel during his trial, still have appeals pending before various federal courts in an attempt to delay the execution.²

The following day, however, Johnson learns that those appeals have been denied. Less than an hour before the scheduled execution, Johnson's lead attorney, Clive Stafford Smith, enters the condemned man's cell, sits beside him on the bed, puts his right arm around his client, and regretfully informs him that their final legal maneuver, a clemency petition brought before Mississippi Governor Bill Alair, has also been denied. With his execution now imminent, corrections officials move Johnson to a small "isolation cell," mere steps from the gas chamber. There, several supporters, including Smith, pastor Ron Padgett, and Sister Sandra Hicks, huddle around Johnson and begin to sing a passage from the hymn "Peace I Leave with You," which in the King James Version of John 14:27 reads:

Peace I leave with you
My peace I give unto you
Not as the world giveth
Give I unto you
Let not your heart be troubled
Neither let it be afraid.

Moments later, Don Cabana, warden of the Mississippi State Penitentiary, kneels before an expressionless Johnson to inform him that in seventeen minutes he will be moved from the isolation cell to the gas chamber. At this pivotal moment, Paul Hamann, who has been documenting the lead up to the execution over the past fourteen days for the British Broadcasting Corporation, gently speaks up to inform Johnson that he and his film crew are now departing. Upon hearing this, Johnson stands up to embrace Hamann, who then tells the condemned man "We won't forget you" just before the screen momentarily goes black.

² Ibid.

Produced with unprecedented access to a death-row inmate moments before his scheduled execution, the 1987 documentary film *Fourteen Days in May* offers a startling look at capital punishment in the United States. Although Hamann did not film Johnson's actual execution, clips of the post-execution press conference featuring Cabana and Smith inserted toward the end of the documentary provides the viewer insight into what transpired after the film crew left Johnson's side. As such, the film strongly embodies the about-to-die trope, which I introduced toward the beginning of this dissertation. In fact, all but roughly the last four of the film's eighty-eight total minutes depict, in remarkable, sometimes agonizing detail, one man's fight to stave off his impending state-sanctioned execution.

While the film is devoid of a musical soundtrack or underscoring, the two instances of actual music making shown in the film, despite constituting a small fraction of its total running time, served crucial functions for not only Johnson and his supporters, but also for the filmmakers. In response to continued legal setbacks, music seems to have served as a vehicle through which Johnson and his supporters sought comfort, strength, and the reinforcement of familial and spiritual bonds, while also offering them the opportunity to discursively transgress systemic racism and injustice. The about-to-die quality of their music making is arguably made even more compelling by the filmmakers' unambiguous portrayal of Johnson as likely innocent of the crime for which he was executed, while also arguing, more broadly, that the death penalty in the United States is disproportionately applied in instances of black-on-white crime. The audience, therefore, is asked not only to empathize, but also to intervene on behalf of Johnson and others like him.

Although *Fourteen Days in May* offers an unprecedented and arrestingly realistic glimpse at an episode of capital punishment in the United States, it is popular, fictionalized filmic

depictions of the death penalty that have arguably played the greatest role in reflecting and shaping people's attitudes about the practice. Indeed, according to Austin Sarat, "Capital punishment is an occasion for rich symbolization, for the production of public images of evil or of unruly freedom, and for fictive re-creations of the scene of death."³ The manner in which films depict capital punishment, however, may come with a price. In his analyses of the films *Dead Man Walking* (1996), *Last Dance* (1996), and *The Green Mile* (1999), Sarat argues that such "death penalty films get their dramatic force by focusing narrowly on the question of whether a particular person really deserves to die rather than on broader questions about state killing or about the social conditions that produce violence in America." Therefore, "The appearance of capital punishment in film...typically distracts from an adequate assessment of the impact of state killing on the American condition."⁴ While scholars such as Sarat and Louise Tyler⁵ have valuably elucidated the significance of filmic depictions of capital punishment in the United States, their work does not consider the role of music and sound design in these films.

In this chapter, I consider how music and sound design work with and against the on-screen visuals and underlying narratives in select filmic depictions of capital punishment in the United States. To this end, I analyze the films *South Park: Bigger, Longer & Uncut* (1999), *Dancer in the Dark* (2000), and *Changeling* (2008), paying special attention to how the accompanying music and sound design communicate ideas about individuals facing the death penalty, the legitimacy of state killing at large, and the drama of human responsibility.

³ Austin Sarat, *When the State Kills: Capital Punishment and the American Condition* (Princeton, NJ and Oxford: Princeton University Press, 2001), 211.

⁴ *Ibid.*, 29.

⁵ Louise Tyler, "Crime and Punishment / Self versus Other: The Cultural Life of Capital Punishment in European and American Film," in *The Cultural Lives of Capital Punishment: Comparative Perspectives*, ed. Austin Sarat and Christian Boulanger (Stanford, CA: Stanford University Press, 2005), 129-146.

I have selected these three films for several reasons. First, these films do not overlap with any of the films discussed by Sarat, Tyler or other death penalty scholars; analysis of these films, therefore, offers a valuable opportunity to enrich or revise their broader claims about how the death penalty appears in cinema. Second, despite *Dancer in the Dark* being a Danish production, each of the films takes place in the United States. Third, each of the films was made and released during the post-1976 framework I have adopted for this dissertation, thus facilitating insight into not only how music and sound design accompanying filmic depictions of capital punishment have reflected and influenced people's attitudes about the practice during this time, but also how the death penalty has been packaged and sold as a commodity. Fourth, each of the three films performed relatively well at the box office. Fifth, the films represent a diverse collection of filmic genres and musical styles; from a foul-mouthed animated comedy to an elegantly produced live-action mystery crime drama, I examine the extent to which certain tropes and ideas about capital punishment are musically and sonically conveyed across a seemingly disparate collection of films. Finally, despite this stylistic diversity, all of the people condemned to be executed in these films are either immigrants or foreign nationals; with an ear to how these characters are musically and sonically constructed as Others, I consider how these films use the death penalty as a means of engaging with notions about American exceptionalism and identity.

South Park: Bigger, Longer & Uncut (1999)

After spending several days incarcerated at an internment camp in rural Colorado, two foreign nationals are escorted to side-by-side electric chairs in which, as per President Bill Clinton's orders, they are to be imminently executed for having committed heinous war crimes against the United States. The large gallery of witnesses, mostly comprised of members of the

The man's impassioned plea is ignored, however, as the woman orders the hooded executioner standing nearby to throw the switch to the twin electric chairs. At this point, horns and trumpets dramatically crescendo on a rapidly-articulated spate of unison B-naturals (a tritone away the F-natural that ended the preceding example) before unexpectedly cadencing on D-sharp, creating suspense as the hooded executioner grasps the switch that, when thrown, will ultimately kill the condemned men. A moment later, the two men scream in agony as the current begins to surge through their bodies. Pleased with what has transpired, the woman voices a bitterly triumphant "Goodbye, bastards!" as the two prisoners writhe in pain. Then, improbably, mere moments before likely succumbing to the lethal dose of electricity, one of the men farts. The other man, apparently also still conscious, laughs with childlike delight at the sound of his companion's flatulence.

Despite its use in the climatic execution scene, flatulence constitutes just one of many examples of the carnivalesque politics at play in the 1999 animated film *South Park: Bigger, Longer & Uncut*. Based on their popular Comedy Central animated television series *South Park*, the film is creators Trey Parker and Matt Stone's feature-length exploration of the lives of four boys—Kyle Broflovski, Eric Cartman, Stan Marsh, and Kenny McCormick—and their adventures in and around the fictional town of South Park, Colorado. Since its debut in 1997, the television series has attracted much controversy because of, among other reasons, its unapologetic use of violence, profanity, scatological humor, and often-unflattering depictions of celebrities, politicians, religious leaders, and other figures of authority. While it may be tempting to dismiss such rhetoric and subject matter—rampant throughout both the television series and film—as little more than an easy means to a cheap laugh, doing so risks overlooking their powerfully and purposefully transgressive properties. In much of *South Park*, Parker and Stone

strategically advance a political and social agenda, often with a libertarian bent, beneath a veneer of crude animation, humor, and the sheer outrageousness of the narrative. According to Brian Cogan, “*South Park* does not transgress lightly. Parker and Stone research their topics and ask troubling questions not just about institutions, celebrities, etc., but also about why our lives revolve around such institutions.”⁶ “In other words,” write Leslie Stratyner and James R. Keller, “what we have here is fart jokes with a higher purpose.”⁷

With the phallically-titled *South Park: Bigger, Longer & Uncut*, Parker and Stone promise more of the same, but on a larger scale and, significantly, unencumbered by the constraints of network and government censors. What also sets the film apart from the television series is that much of the plot is advanced through song. More than a decade before they would first stage their hit musical *The Book of Mormon*, Parker and Stone depict the *South Park* universe in a way that indulges their interest in American musical theater. Here, Parker and Stone collaborated with Marc Shaiman, who is perhaps best known for having composed and arranged music for films including *When Harry Met Sally...* (1989), *Sister Act* (1992), *Sleepless in Seattle* (1993), as well as for the Broadway musical version of *Hairspray* (2002). *South Park: Bigger, Longer & Uncut* constitutes a full-blown musical film in which music not only underscores much of the dramatic action, such as the two cues accompanying the execution sequence mentioned earlier, but is replete with no fewer than twelve songs that develop and enrich the unfolding narrative, one of which (“Blame Canada”) earned the team an Academy

⁶ Brian Cogan, “Introduction: Deconstructing *South Park*? *South Park* Is Deconstruction! Plus, as a Bonus, Why This Book Is a Bad Idea; or, as Cartman Might Ask, *Aimez-vous sucer mes coquilles, Monsieur Derrida?*” in *Deconstructing South Park: Critical Examinations of Animated Transgression*, ed. Brian Cogan (Lanham, MD: Lexington Books, 2012), xii.

⁷ Leslie Stratyner and James R. Keller, “Introduction: An Unofficial Explanation and Brief History of *South Park*,” in *The Deep End of South Park: Critical Essays on Television’s Shocking Cartoon Series*, ed. Leslie Stratyner and James R. Keller (Jefferson, NC and London: McFarland & Company, 2009), 3.

Award nomination for Best Original Song. Calling the film “against all odds and expectations, a genuinely fine piece of musical cinema,” Richard Barrios observes that many of the songs “advanced the action while subtly alluding to musicals past.”⁸ From the opening “Mountain Town,” which has invited comparisons to Alan Menken’s “Belle” from *Beauty and the Beast*,⁹ to the closing “Eyes of a Child,” which bears similarities to Elton John’s “Can You Feel the Love Tonight?” from *The Lion King*, the music in *South Park: Bigger, Longer & Uncut* not only pays homage to popular examples of American musical theater, but also forwards and clarifies elements of a plot that, to a large extent, positions an execution at the center of a cautionary tale about the hazards of censorship in the United States.

Likely mirroring the actions of many in the audience, the film begins with Stan, Kyle, Cartman, and Kenny sneaking into the local cinema to watch a newly released R-rated movie, *Terrance and Phillip: Asses of Fire*. From their front-row seats in the theater, the young boys are stunned upon realizing that the film, starring the “anally fixated and polymorphously perverse”¹⁰ Canadian comedy duo Terrance and Phillip, abounds with expletives that are normally censored on broadcasts of the duo’s popular television program. Soon after Terrance and Phillip launch into a foul-mouthed and fart-fueled musical number (the *Oklahoma!*-inspired “Uncle Fucka”), the adult audience members walk out in disgust, including one patron who matter-of-factly says to his companion, “Well, what do you expect? They’re Canadian.” The four boys, however, remain glued to their seats, enthralled by the film’s transgressions.

⁸ Richard Barrios, *Dangerous Rhythm: Why Movie Musicals Matter* (Oxford: Oxford University Press, 2014), 202.

⁹ Ibid.

¹⁰ Daniel Keyes, “Canada and Saddam in *South Park*: About Allah,” in *The Deep End of South Park*, 140.

Still singing Terrance and Phillip's "Uncle Fucka" to themselves, the boys arrive at school on Monday newly inured to indecent language. After the boys engage in a loud, expletive-ridden conversation in class, the school guidance counselor informs the boys' mothers of their behavior. Demanding to know the source of the boys' foul language, the mothers are horrified to learn that their sons sneaked into the R-rated movie without their consent. Kyle's mom, Sheila Broflovski, is particularly incensed to learn that the boys are fans of Terrance and Phillip, whom she considers "two very untalented actors from Canada." Naturally, the children respond to their parents' condemnation of Terrance and Phillip by seeing *Asses of Fire* a second time with their classmates. But this time, contesting the authenticity of a scene in the film, Cartman wagers one hundred dollars that the impoverished Kenny will prove unable to set a fart on fire. Much to everyone's amazement, Kenny succeeds in igniting his own flatulence with a match, but, in doing so, immolates himself and ultimately dies.¹¹ Subsequently, in an elaborate sequence accompanied by heavy metal music sung by Metallica front man James Hetfield, Kenny is sent to Hell, where he, alongside fellow residents Adolf Hitler, George Burns, Mahatma Gandhi, and John Wayne Gacy (in clown makeup), is tortured by Satan and his "new partner in evil," Saddam Hussein.

Meanwhile, the mothers of South Park are furious to learn that their impressionable young children seem to have fallen under the spell of Terrance and Phillip. In an effort to "stop dirty language" from reaching their children's ears, the mothers, led by Sheila, ban together and form the activist organization Mothers Against Canada. In the ensuing musical number, Sheila instructs her fellow MAC members that the source of their problems does not reside with "the government," "society," or "the images on TV," but that they should instead "Blame Canada" for

¹¹ In a recurring gag, Kenny dies in almost every episode in early seasons of the television series.

their children's maleficence. Asserting that "Canada is not even a real country anyway," the parents pledge to "form a full assault" against their northern neighbors "before somebody thinks of blaming us." After mounting a nationwide publicity campaign, MAC members convene in New York, where they ambush and issue a citizen's arrest of Terrance and Phillip during a taping of *The Conan O'Brien Show*. When the United States refuses to free Terrance and Phillip, Canada retaliates by bombing the Hollywood residence of the famous Baldwin brothers in a sequence accompanied by music that deftly blends "O Canada" with Richard Wagner's "Ride of the Valkyries." Subsequently, Sheila appears with President Bill Clinton on nationwide television to announce that the United States has formally declared war on Canada and that, in two days, Terrance and Phillip will be executed as war criminals. Horrified by the news, the boys resolve to take matters into their own hands and covertly form an eponymously named resistance movement, La Resistance, with the aim of saving Terrance and Phillip from execution and preventing further warfare.

Meanwhile, however, the government's plan to execute Terrance and Phillip proceeds unfettered. In "The March of War," a grainy, black-and-white television advertisement crafted in the style of World War II documentary footage, a military band arrangement of "Blame Canada" accompanies propagandistic footage of warfare, Canadian-Americans being forcibly relocated to concentration camps (called "happy camps" by the voiceover), and Terrance and Phillip appearing muzzled, helpless, and distraught in prison. When Terrance and Phillip first appear on screen, the once-exuberant voiceover temporarily adopts a more serious tone, informing the viewer, "Meanwhile, the war criminals Terrance and Phillip are prepped for their execution." The voiceover's jubilant tone is suddenly restored, however, as he announces, "Their execution will take place during a fabulous USO show with special guest celebrities, including Big Gay Al

and Winona Ryder!” This information is accompanied by a photograph depicting a smiling young woman donning a mid-century haircut and bathing suit, who is holding a lit sparkler in each hand while casually kneeling before a spotlit backdrop of the American flag. Surrounding her are written captions superimposed over five-pointed stars promising, with no shortage of exclamation points, “Celebrities!” “Prizes!” and an “Execution!” (Figure 7).



Figure 7: Advertisement for the USO show. Screenshot taken from *South Park: Bigger, Longer & Uncut* DVD.

Over the triumphant return of the main theme of “Blame Canada,” the voiceover informs the viewer that “the only way to see the USO show is to sign up for the army.” Accompanied by an image of Uncle Sam and footage of smiling recruits enlisting in the army and then marching to war, the voiceover invites the viewer, in no uncertain terms, to “join the army and kill some Canadian scum.” As Daniel Keyes observes, the “March of War” sequence “uses irony by juxtaposing imagery of concentration camps and torture of Canadian prisoners with a breezy voiceover that suggests the war is a smashing success for all Americans, a musical production in

which song will heal all wounds.”¹² Indeed, the carefree quality of the voiceover’s narration in conjunction with rousing, major-key band music in the style of John Philip Sousa helps communicate the notion that the execution of Terrance and Phillip will not only provide entertainment to those in the audience, but is necessary in order to reclaim and preserve a nostalgic conception of the American way of life.

While “The March of War” gives voice to one reading of the execution, a medley performed on the eve of the execution illuminates the respective viewpoints of other groups and individuals in the *South Park* universe. Drawing comparisons to “One Day More” from *Les Misérables*, the medley juxtaposes and combines a handful of tunes heard previously in the film, each of which is assigned to a particular person or group with different attitudes toward the execution. Reprising “Blame Canada,” MAC members assemble at the site of the USO show to ready the electric chairs that will be used to execute Terrance and Phillip; overseeing the installation of the electric chairs, Sheila sharply asserts, “Because the country’s gone awry, tomorrow night these freaks will fry!” Beside her is a large wooden crate on which “ACME ELECTRIC CHAIR” is branded in bold, black lettering; invoking the fictional manufacturer of an eclectic yet prone-to-malfunctioning line of products often utilized by Wile E. Coyote in *Looney Tunes* animated shorts, the Acme branding suggests that in the United States, electric chairs and other hardware for executions, rendered common and generic, may be easily bought and sold through the same channels as conventional household appliances. Meanwhile, a group of uniformed soldiers brandishing automatic weapons supplemented with bayonets march in place outside a military barracks in eager anticipation of tomorrow evening’s big event; accompanied by robust, march-like music, they excitedly sing in unison, “Tomorrow night our

¹² Keyes, 150-51.

lives will change / Tomorrow night we'll be entertained / An execution! / What a sight! / Tomorrow night." At the same time, Satan, reprising his earlier song "Up There," a parody of "Part of Your World" from Disney's *The Little Mermaid*, sings with hope that tomorrow's execution of Terrance and Phillip will bring about the apocalypse, which will allow him to return to and indulge in the pleasures of Earth, "where babies burp and flowers bloom." Back on Earth, Terrance and Phillip are shown chained to the wall in a dingy prison cell, where, to the melody of "Uncle Fucka," they cede, "Tomorrow night, we're pretty fucked!" Finally, at the clandestine headquarters of La Resistance, Stan and Kyle, singing to the tune of "What Would Brian Boitano Do?" wonder, "Why did our mothers start this war? / What the fuck are they fighting for?" While the medley appears non-diegetic at first, Stan and Kyle, as if representing the audience, then ask, "When did this song become a marathon?" With this reflexive inquiry, Parker and Stone not only subvert a convention of American musical theater, but also further envelop the audience in the drama. Up to this point, each song fragment has seamlessly transitioned into the next without pausing or overlapping. Toward the end of the medley, however, as in "One Day More," all of the songs overlap with each other in dense counterpoint, thus competing for the audience's attention. Functioning as a clear example of about-to-die music, the medley positions the impending execution of Terrance and Phillip at the center of an ongoing debate in which various individuals communicate competing ideological perspectives on issues including war, censorship, the proportionality of punishment, and American identity.

On the evening of the execution, we see that the army base has been festively transformed for the USO show. Here, Parker and Stone conceive of South Park as a new kind of Rome, in which public executions provide entertainment to the masses while also serving to reinforce the state's power. Positioned in the middle of the base is an elaborate performance

venue complete with a stage on which appears a large five-pointed star, several stadium-style seating risers, a live band, television cameras, and no fewer than four Hollywood-style searchlights pointed toward the night sky. All that is missing from this multisensory spectacle is the masticatory din of spectators feasting on a buffet dinner catered by Bennigan's, Shakey's Pizza, or Raisins, the fictitious Hooters-inspired breastaurant parodied in several episodes of *South Park*. Over big band music that blends "Hooray for Hollywood" with "Blame Canada," an announcer welcomes the audience to the USO show, which he boasts will feature "loads of entertainment and fabulous celebrities, followed immediately by the nasty execution of Terrance and Phillip!" Emerging from behind the large red curtain draped across the length of the stage, the evening's hosts, Sheila and Big Gay Al, appear to thunderous applause. Previously, the character of Big Gay Al appeared in an episode of *South Park* in which he operates an animal sanctuary for homosexual animals that had been spurned by their homophobic guardians. In the film, however, he appears as the celebrity co-host of the USO show. But unlike Bob Hope, Big Gay Al's sexuality, as his name suggests, is on full display at the USO show and constitutes the defining facet of his identity. Exhibiting a slight lisp when speaking; neatly-coiffed hair; a John Waters-inspired pencil mustache; pronounced eyelashes; a stud earring affixed to his right earlobe; a gold bracelet; a light-blue handkerchief tied around his neck; and a pink, short-sleeved Hawaiian shirt that remains unbuttoned at the top to expose his chest hair and left nipple, Big Gay Al unapologetically subverts the heteronormative atmosphere of the army base while also, as we will soon witness, embodying the conventions of the entertainer or performer character type in American musical theater.

After engaging in some light banter with Sheila, Big Gay Al reads from a teleprompter as he instructs members of the execution team to "bring out the condemned!" Accompanied by

foreboding underscoring comprised of a dissonant, march-like theme played by low brass, Terrance and Phillip are brought on stage, where they are immediately escorted to the electric chairs. As Sheila and several other MAC members work to secure Terrance and Phillip to their respective electric chairs, Big Gay Al excitedly introduces the evening's entertainment. Following a crowd-pleasing performance by Yippie the Back-Flipping Dog, a stupefyingly vulvar appearance by actress Wynona Rider, and Sheila's *Patton*-inspired pep talk to the troops, Big Gay Al informs the audience, "Well, that's all the acts we have for you tonight, so let's just get on with the execution!" While much of the audience responds approvingly, Stan and Kyle, planted among the soldiers in the crowd, coax Big Gay Al into singing a song in an attempt to give La Resistance members additional time to sabotage the electric chairs and save Terrance and Phillip. Appearing reticent to perform at first, Big Gay Al informs the audience that he has written "a little song...about the war" that, regrettably, he has not had the opportunity to rehearse. But with the rest of the audience now joining Stan and Kyle in demanding a song before the execution, Big Gay Al soon acquiesces.

Almost before Big Gay Al can cue the beginning of the performance, a tuxedoed musician seated before a "Felcher & Sons" grand piano is quickly shuttled onto the stage, at which point he dramatically sounds Big Gay Al's reference harmony via an ascending E-flat-major flourish. Accompanied by the piano and light strings, Big Gay Al adopts an uncharacteristically somber tone in the slow, lounge-style beginning of the performance. Akin to a list song in musical theater, Big Gay Al catalogs, as if reading succinct newspaper headlines, various grim realities facing the world at the moment, including "Bombs are flying," "Children are crying," and "Cancer is killing." In an instance of subtle word painting, Big Gay Al sings "People are dying" over an F-minor harmony, reinforcing the seriousness and gravity of

the situation. Then, with Terrance and Phillip strapped into their respective electric chairs behind him, Big Gay Al saunters over to the edge of the stage, where he, illuminated by a spotlight, sits down and continues to serenade the soldiers, many of whom respond by waving their lighters in the air (Figure 8).



Figure 8: While Terrance and Phillip await their execution, Big Gay Al begins to sing "I'm Super" during the USO show. Screenshot taken from *South Park: Bigger, Longer, & Uncut* DVD.

Upon arriving at the song's vest,¹³ Big Gay Al summarizes, "The whole world's gone to hell" before momentarily abandoning the melody and prevailing rhythm of the verse, looking at the camera, and asking, "but how are you?" (Example 10)

¹³ American musical theater lyricist Ira Gershwin used the term *vest* to refer to the phrase that connects the verse and the refrain. Ira Gershwin, *Lyrics on Several Occasions* (New York: The Viking Press, 1973), 4.

Voice $A\flat$ Maj7 $Fm7$
 Bombs are fly - ing. Peo-ple are dy - ing. Chil-dren are
 $B\flat7$ $E\flat$ $A\flat$ Maj7
 Vo. $Fm7$ $B\flat7$ $B\flat m7$ $E\flat$
 cry-ing, pol - i - ti-cians are ly - ing, too. Can-cer is kill-ing. Tex-a-co's
 spill-ing. The whole world's gone to hell, but how are you?

Example 10: Trey Parker and Marc Shaiman, "I'm Super," verse, from *South Park: Bigger, Longer, & Uncut*.

Following a brief fermata during which the screen goes black, Big Gay Al reappears in a far more celebratory guise, wearing a star-spangled top hat, jumpsuit, and cape while holding lit sparklers in each hand. With the music decidedly faster, more robust, and with added winds, brass, and percussion, Big Gay Al shifts the song into high gear as he boisterously reassures the audience, despite the worldly troubles he listed in the verse, "I'm super! Thanks for asking." Having thoroughly abandoned the semblance of concern he exhibited in the verse, Big Gay Al proudly proclaims himself indifferent to hardship and human suffering in the lively chorus, exclaiming, "Nah, nothing bugs me!" and shows he has his priorities in order by asking the audience, "Don't you think I look cute in this hat?" In a number that normally would seem more appropriate as part of a decadent revue staged amidst the glitz and glamor of the Las Vegas Strip than at an execution, Big Gay Al completes no fewer than four costume changes (including appearing as the Statue of Liberty, in a sailor uniform with plunging V-neck, and, finally, in the nude) as he expertly navigates an elaborately-produced rendition of "I'm Super" against a backdrop of bikini-bottomed male dancers, exotic animals, a waterfall, a mirrored swimming

pool, an octet of tuxedoed trumpeters, and countless manifestations of the American flag (Figure 9). Proving his artistic potency by flawlessly executing an impossibly elaborate musical sequence, Big Gay Al suggests that, despite his earlier bashfulness, his ability to perform is not contingent upon adequate preparation, but is simply intrinsic to his character and sexuality.

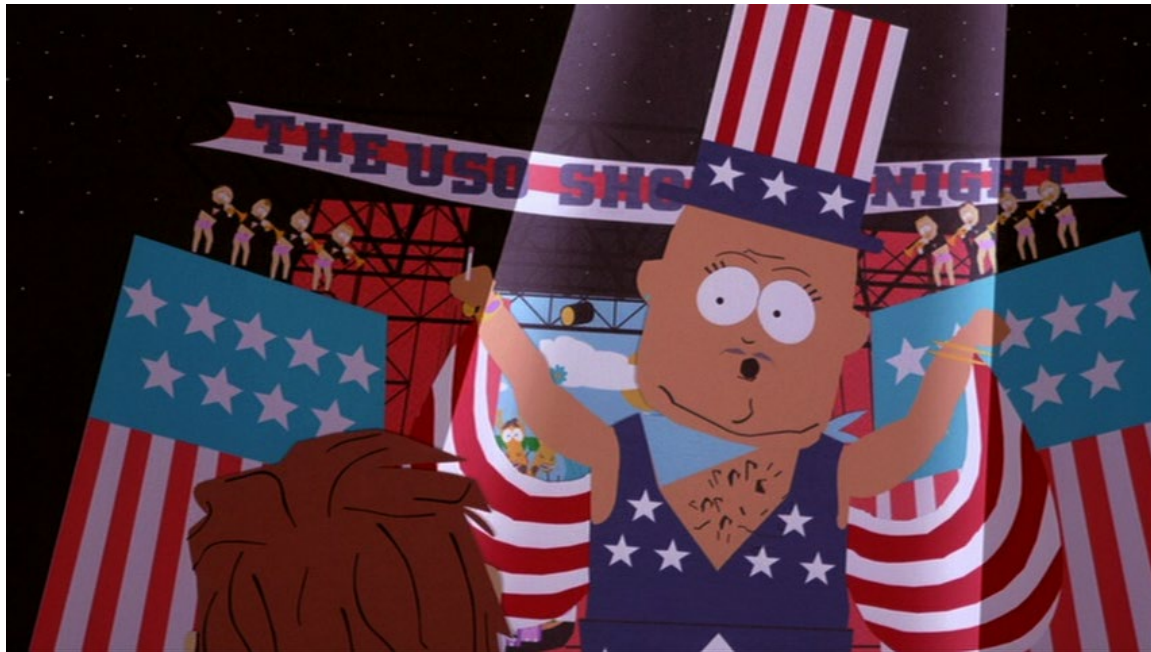


Figure 9: Big Gay Al performs in an elaborately staged production of "I'm Super" at the USO show. Screenshot taken from *South Park: Bigger, Longer & Uncut* DVD.

While the children ultimately succeed in foiling the government's attempt to execute Terrance and Phillip, Parker and Stone use the event as a means of commenting on the dangers, both real and perceived, to American society. On the one hand, Terrance and Phillip can be interpreted as representing Parker and Stone. By painting Terrance and Phillip as nothing more than a couple of perverse, foul-mouthed provocateurs that threaten to corrupt the nation's youth through their use of profanity, fart jokes, and flagrant depictions of violence, Sheila and Mothers Against Canada echo many of the same criticisms that have been leveled against Parker and Stone since *South Park* first went on the air. With this in mind, the impending execution of

Terrance and Phillip, which will bring about Satan's kingdom on earth, mirrors the perceived persecution and vilification of Parker and Stone, which, in the name of decency and family values, endangers free speech. In his analysis of the film, James Hewitson writes,

The fact that the execution, despite obvious analogues to tyrannous regimes of the past, is seen by the Americans as a matter of celebration—complete with music, dancing, and comedy—emphasizes the way in which [Sheila's] campaign is generally debasing. In this context, then, the emergence of Satan in *South Park* corresponds to an inverted postmillennial logic: in her pursuit of purity and safety, Sheila and the Mothers Against Canada have caused society to devolve to the point that it has become ready to accept Satan as its master.¹⁴

Meanwhile, Terrance and Phillip can also be seen as standing in for a generalized Other. By highlighting the uniquely and stereotypically Canadian aspects of Terrance and Phillip's identity, Parker and Stone construct them as Others, who, according to Mothers Against Canada, must be extinguished from American society in order to preserve their way of life. While Parker and Stone engage with this idea in a characteristically flamboyant fashion in *South Park: Bigger, Longer & Uncut*, Americans' anxieties regarding a perceived Other is central to many films that depict capital punishment in which, according to Louise Tyler, "through state-sanctioned violence, death is normalized as a reaction against the many and brutal transgressions of the easily identifiable other."¹⁵ More specifically, the film, according to Daniel Keyes, "reflects the culture wars of the late nineties and anticipates a post 9/11 America seeking to regulate and control 'terror' by mapping and militarizing the Other."¹⁶ Moreover, because Canada is often

¹⁴ James Hewitson, "The *South Park* Apocalypse: Smaller, Shorter, and Undercut," in *Deconstructing South Park*, 114.

¹⁵ Louise Tyler, "Crime and Punishment / Self versus Other: The Cultural Life of Capital Punishment in European and American Film," in *The Cultural Lives of Capital Punishment: Comparative Perspectives*, ed. Austin Sarat and Christian Boulanger (Stanford, CA: Stanford University Press, 2005), 130.

¹⁶ Keyes, 140.

inextricably linked to Saddam Hussein in the *South Park* universe, Americans' anxieties about Terrance and Phillip may also stem from an unacknowledged fear of Arabs.¹⁷

Indeed, the only-in-America excess of Big Gay Al's performance of reinforces the sense of American exceptionalism offered by the execution of Terrance and Phillip. With the Canadians' Otherness on full display, Parker and Stone suggest that their execution could only have happened in the United States, as Big Gay Al's markedly red-white-and-blue performance makes abundantly clear. In *South Park: Bigger, Longer & Uncut*, Parker and Stone ask us to critically examine the fear-based politics that has permeated much of American social life. Whereas such politics positions the Other as a convenient scapegoat for the country's problems, Parker and Stone ask that we look in the mirror and consider the ramifications of our own actions, including those that needlessly jeopardize First-Amendment freedoms. Considered in this light, Big Gay Al operates as a conduit for American exceptionalism at large when he proudly yet naively proclaims, "I'm super!"

Dancer in the Dark (2000)

Following a quiet introduction played by strings, a woman begins counting in a whispered voice without any hint of melody or expression: "Five, six, seven, eight, nine, ten, eleven, twelve." She is accompanied by a cello, which outlines a repeating melody in E-flat harmonic minor. She continues counting until she reaches the number thirty-one, at which point another woman resumes counting in a far more expressive and melodic fashion: "thirty-one, thirty-five, thirty-eight, forty-two." Finally, a dissonant and syncopated brass fanfare marks the end of the counting and gives way to an ominous coda played by solo violin. When taken at face

¹⁷ Ibid., 139.

value, the lyrics to Björk's "107 Steps" appear to comprise little more than two women counting upward to a seemingly arbitrary number. Who are these women and why are they counting? The music offers few additional clues. While one may certainly derive utility from listening to the song's chromatic harmonies, rich orchestration, as well as the unmistakable timbre of Björk's soprano voice, it is extremely difficult, if not impossible, to decipher the song's meaning when divorced from its broader framework. To better understand the song, we must consider it within the framework of the film for which it was composed. In doing so, we can clearly see that this otherwise cryptic song actually constitutes one of the most vivid yet unusual depictions of capital punishment in music.

The popular Icelandic singer-songwriter Björk (b. 1965) is perhaps best known for freely combining musical ingredients borrowed from rock, dance, electronica, trip hop, jazz, and classical on her albums such as *Debut* (1993), *Post* (1995), and *Vespertine* (2001). But in 2000, she made her acting debut in the motion picture *Dancer in the Dark*. Written and directed by Danish filmmaker Lars von Trier, the film's action centers on Selma Ježková (Björk), a Czechoslovakian immigrant living in rural Washington State in the 1960s. Fond of American musical theater, Selma finds comfort in the face of growing anxieties concerning her rapidly deteriorating eyesight by acting in a community production of Rodgers and Hammerstein's *The Sound of Music*, and by watching classic Hollywood musicals with her friend Kathy (Catherine Deneuve) at a local cinema. As her vision becomes progressively worse over the course of the film, Selma is plagued by the knowledge that her son, too, will soon become blind from the hereditary illness. A single mother, Selma diligently saves what little money she earns from her job working on the assembly line at a washbasin factory to pay for an operation that she hopes will save her son, Gene (Vladica Kostic), from suffering a similar fate as her. Selma's plans are

jeopardized, however, when her friend and neighbor Bill (David Morse) betrays her trust and steals her entire savings. Selma confronts Bill about the stolen money and ends up fatally shooting him during a struggle. Despite her plea of innocence, Selma is subsequently arrested, tried, and sentenced to death for killing Bill. Finally, after learning that she would have to sacrifice the money she had set aside for her son's operation in order to hire a more capable attorney, Selma voluntarily waives her appeals and is executed by hanging during the film's concluding scene.

Although *Dancer in the Dark* may not constitute a true musical in the traditional definition of the term, music is clearly a vital aspect of the film. Music is not only a significant part of Selma's life—as evidenced, for example, by her passion for musical theater—it is built into the very fabric of the film. Musical numbers appear throughout the film, especially at particularly dramatic or climatic points in the story. Written and recorded by Björk with several collaborators, *Selmasongs* is a recorded collection of the six musical numbers from the film plus an overture.¹⁸ One element that ties both the film and *Selmasongs* together is how the character of Selma finds inspiration for music in everyday sounds. Inviting comparisons to *musique concrète*, Björk constructs beats and musical compositions around sounds, such as the ostinato rattle of a factory assembly line (“Cvalda”); the reverberations produced by a passing freight train (“I’ve Seen It All”); a stylus circling in a record’s runout groove (“Scatterheart”); a person tapping their fingers on a table (“In the Musicals”); and footsteps on a hard surface (“107 Steps”). For Selma, music is a way to escape the difficult reality of her life and enter a fantastical, idealized world where, as she says, “nothing dreadful ever happens.” Indeed, the musical episodes manifest during particularly stressful moments in Selma's life, such as when her

¹⁸ Although some slight differences exist between *Selmasongs* and the recordings heard in the film, the music is almost identical.

progressively worsening eyesight jeopardizes her job performance, her fatal encounter with Bill, her trial, and moments before her execution.

What is also noteworthy is that the musical numbers in the film often begin as diegetic, but then morph into non-diegetic music. As the products of one of the founding members of the Dogme 95 avant-garde filmmaking movement, von Trier's films are typically devoid of conventional Hollywood filmmaking techniques, such as mounted cameras, pre-built sets, or music that is not actually a part of the scene.¹⁹ In *Dancer in the Dark*, however, von Trier embraces some of these elements—most notably mounted cameras and non-diegetic music—during the musical theater numbers to cast them in sharp relief against the rest of the film and to evoke the feel of classic Hollywood musicals. In addition, von Trier's use of non-diegetic music in the film provides an important window into Selma's state of mind. Björk summarized this point in an interview about *Selmasongs*, stating, "I see the album not as the soundtrack to the film but rather as the realization of Selma's dream."²⁰ Indeed, the music both in the film and on *Selmasongs* should not be viewed as tangential or supplementary to the plot of the film, but rather as the backbone of the narrative.

As Selma becomes increasingly anxious or fearful at points in the film, often in response to her deteriorating eyesight, she frequently turns her attention toward whatever ambient sounds she can hear in an effort to imagine music, distract herself, and fulfill a different state of awareness. Von Trier calls the audience's attention to her transformations by increasing the volume of the ambient sounds in the mix and by juxtaposing close-up shots of the sound sources and Selma's face, sometimes showing her in deep concentration. During these diegetic

¹⁹ Jack Stevenson, *Dogme Uncut: Lars von Trier, Thomas Vinterberg, and the Gang That Took on Hollywood* (Santa Monica, CA: Santa Monica Press, 2003), 22-23.

²⁰ Quoted in Mark Pytlik, *Björk: Wow and Flutter* (Toronto: ECW Press, 2003), 148.

episodes, Selma is, in a sense, composing music before the audience's eyes and ears. As soon as she realizes the musical potential of a particular ambient sound, however, the numbers suddenly become non-diegetic. Correspondingly, the numbers take on a fantastical quality during which the characters often smile, dance, seem unconcerned with the difficulties of their lives, and abandon their inhibitions and responsibilities. These usually fantastical and lighthearted moments stand in contrast to the diegetic and, more broadly, non-musical parts of the film, which, by comparison, are often relatively serious and bleak in character.

The importance of music in both Selma's life and the film as a whole is perhaps most evident toward the end of the film when Selma prepares for her execution. Overcome with feelings of fear and anxiety, Selma is unable to stand up and walk the 107 steps from her holding cell to the execution chamber. Brenda (Siobhan Fallon), a compassionate member of the prison execution team, implores Selma to stand up and listen to the sound of her footsteps in hopes that she will be able to hear the music necessary to alleviate her anxiety (Figure 10).



Figure 10: Brenda (right) implores Selma (left) to stand and listen to the sounds of her footsteps as she begins her 107-step journey to the gallows. Screenshot taken from *Dancer in the Dark* DVD.

After Selma is able to muster enough strength to stand, von Trier tilts between shots of Selma's feet and her visibly distressed face as she and Brenda begin what appears will be a very slow and solemn march toward the execution chamber. After four steps, however, the diegetic sounds of Selma's and Brenda's feet walking on the floor suddenly yield to a euphoric, non-diegetic depiction of "107 Steps" from *Selmasongs*. It is apparent at this point that Brenda's strategy has worked as Selma, thoroughly transformed by the imagined music in her mind, begins her journey to the execution chamber in an almost absurdly joyful fashion.

The audience is made aware of Selma's transition from sad and fearful to upbeat and fearless through both musical and visual means. Musically, the song begins with a repeating measure-long cello line in E-flat harmonic minor over which Brenda successively counts one number for every beat in an expressionless and speech-like manner. Although Brenda's counting is devoid of melody and pitch, she asserts a subtle rhythmic emphasis on every fifth number, aligning with the downbeat of the accompanying cello line in common time. Brenda's decidedly impassive treatment of the text facilitates our reading of her character as being calculated yet compassionate as she attempts to exhibit a sense of calm and strength for the benefit of the distraught Selma. Once Brenda reaches the number thirty-one, Selma enters and begins counting alongside her. A modulation to the parallel major key of E-flat major coincides with Selma's entrance, imbuing her music with a more uplifting, optimistic quality in contrast to Brenda's minor-key dirge. Selma's counting is markedly different, however, as she sings a tuneful, wide-ranging, and melismatic melody while also exhibiting greater dynamic contrast and irregular phrasing. In addition, whereas the stoic Brenda recites every whole number between five and 107

in sequential order, the more outwardly emotional Selma often skips chunks of numbers, as many as six at a time.

The fact that Selma's music and handling of the text differs considerably from Brenda's serves to illuminate the fact that they have differing goals. Whereas Brenda recites the text in an even, predictable, and largely non-musical fashion in order to project strength and maintain a grip on reality, Selma's handling of the text is far more musical so as to ensure her psychological distancing from reality, once again ushering her to a place where "nothing dreadful ever happens." Meanwhile, occasional harp arpeggios also serve to enhance the dream-like quality of the sequence.²¹ Over a long, sustained crescendo, the song builds to a thundering climax during which the brass section of the orchestra intones a dissonant, syncopated fanfare as Selma nears the execution chamber. Then, without warning, the orchestra suddenly becomes tacit, leaving only a solo violin, which outlines an ominous melody ending on C-natural. The presence of this unexpected and somewhat disorienting C-natural against the prevailing E-flat tonality of the rest of the song functions as a musical and narrative cliffhanger, inviting the listener to contemplate Selma's fate as she approaches the gallows. Although Selma remains in a kind of dream state, this final cadence gives the audience opportunity to ponder the reality of her impending execution.

From a visual standpoint, von Trier substitutes his shaky handheld camera for several stabilized ones at the moment "107 Steps" begins. Whereas the more invasive handheld camera involves the audience in the action and imbues the film with a more naturalistic sensation, von Trier's use of stabilized cameras in the "107 Steps" sequence helps create a more fantastical and artificial sensation. In doing so, von Trier imparts both physical and psychological distance

²¹ Celesta is also used liberally throughout *Selmasongs* to evoke a dream state.

between the audience and the action, mirroring Selma's own distancing from reality. In addition, the actors no longer employ the seemingly natural and spontaneous movements used during the non-musical parts of the film, but instead execute carefully-choreographed dance moves. Actor David Morse later recalled about the film's production: "The musical numbers were so technically awesome in how they were conceived and executed.... Probably more than anything else in the film, it was very carefully tended to in terms of choreography and more rehearsal in terms of our own behavior. We never did that anywhere else. So it was almost like two different films."²² Smiling, Selma sings and dances her way to the execution chamber while happily embracing members of the execution team and other death row inmates. At one point, a clearly euphoric Selma is lifted off the floor by one of the male members of the execution team as the two perform a kind of abbreviated *pas de deux* without any apparent concern or awareness of reality (Figure 11). All of these visual elements serve to reinforce Selma's transition into a dream-like state.

²² "Björk—Behind the Movie: Dancer in the Dark," YouTube video, 22:22, from a VH1 production, posted by "Mollylurcher," March 9, 2012, http://www.youtube.com/watch?v=bJyAuAdYm_A.



Figure 11: Accompanied by “107 Steps,” Selma blissfully dances with a prison guard on her way to the execution chamber. Screenshot taken from *Dancer in the Dark* DVD.

As soon as Selma enters the execution chamber, the sound of a door slamming shut is heard and “107 Steps” comes to an abrupt end, thus confirming its status as about-to-die music. At this point, von Trier resumes using a handheld camera to show Selma looking somewhat distraught as the members of the execution team prepare to hang her. Without any real or imagined music to divert her attention, Selma is suddenly made aware of the reality of the situation and begins to resist the execution team’s attempts to have her stand over the trap door and slip a black hood over her head (Figure 12).²³

²³ Von Trier’s depiction of Selma’s execution bears a striking similarity to the real-life execution of Charles Rodman Campbell. Like Selma, Campbell had to be strapped to a board to keep him upright after he refused to stand up for his legal hanging at the Washington State Penitentiary in Walla Walla. Campbell’s hanging took place on May 28, 1994, so it is conceivable that von Trier drew inspiration from news accounts of the execution when writing *Dancer in the Dark*. “Washington Hangs Murderer; Texas Executes Officer-Killer,” *New York Times*, May 28, 1994.



Figure 12: Selma cries as prison officials attempt to place a hood over her head moments before her execution. Screenshot taken from *Dancer in the Dark* DVD.

Disturbed by what is taking place, Kathy, who came to witness the execution, runs upstairs, embraces Selma, and informs her that Gene will indeed have the operation to save his vision. As a prison guard forcibly removes her from the chamber, Kathy cries out, “You were right, Selma! Listen to your heart!” After order is restored, von Trier utilizes a close shot of Selma’s face while all that is heard is the faint sound of a heartbeat. Comforted by both the news of Gene’s operation and the sound of her own heartbeat, Selma sings an unaccompanied rendition of “Next to Last Song” from the gallows platform. Aware that Gene is positioned outside the prison walls, Selma harnesses music’s ability to traverse both physical and psychological distances and sings a farewell message to her son (Figure 13).

Dear Gene, of course you are here
And now there’s nothing to fear
Ooh, I should have known
Ooh, I was never alone.

Presented without musical accompaniment, choreography, or any of the other stylistic markers associated with the film's fantastical musical theater numbers, Selma's singing of "Next to Last Song" constitutes what is arguably the most important and extensive sequence of diegetic music in the film.



Figure 13: As Brenda looks on, Selma sings "Next to Last Song" moments before her execution. Screenshot taken from *Dancer in the Dark* DVD.

The song also demonstrates a radical and unexpected shift in how music functions in the film. Here, in the film's final scene, Selma sings not to escape her circumstances, but rather to embrace and celebrate reality. No longer fearful or uncertain if she made the right decision, Selma sings to bid her son a contented farewell, assured that her death will help him to have a better life. Although the lyrics are careful to avoid referencing Selma's imminent death in explicit terms, the song recalls the melody from the opening overture, making it clear to the

audience that both the film and Selma's life have come to an end.²⁴ Selma sings the wide-ranging and mostly diatonic melody unaccompanied, reinforcing the lyrics "There's no violin," and "The choir is so quiet." In doing so, she alludes to the sense of calm both in the room and in her mind. But as Selma sings the line "And that's all" for the second time on a high A-flat (the dominant of the key), the trap door suddenly swings open, cutting the phrase short and killing her instantly (Example 11). Silence ensues as the camera pulls back, showing Selma's lifeless body suspended by the rope above the floor. As prison staff are shown pulling a curtain across the bottom half of the execution chamber to hide Selma's body from view, von Trier projects the following quotation onto the screen:

They say it's the last song
They don't know us, you see
It's only the last song
If we let it be.

Presented without any citation or further clarification, the audience is led to believe that these would have been Selma's last words if she had been allowed to finish the song.

²⁴ Although the overture is in E-flat major, "Next-To-Last Song" is in D-flat major. If it is necessary to account for this difference, one could look to the possibility that Björk sang without a reference pitch during the filming of the scene.

Slow, freely

Vo. *pp*
Re - mem - ber what I have said. Re - mem - ber,

Vo. ⁴
wrap up the bread. Do this, do that, make your bed. This

Vo. ⁷ *mf*
is - n't the last song. There's no vi - o - lin. The

Vo. ⁹ *f* *pp*
cho - ir is qui - et and no one takes a spin. It's the next to last song

Vo. ¹² *ff*
and that's all [The trap door swings open, killing her.]

Example 11: Björk, "Next To Last Song," as performed in *Dancer in the Dark*.

The uncomfortable silence left in the wake of Selma's death does not last long, however. Shortly after the camera pedestals upward to the ceiling, the screen turns black and the song "New World" begins to play over the closing credits. "New World" is at once recognizable as it uses the same melody as "Next to Last Song," but employs full orchestration and different lyrics. Shortly after the audience is confronted with the unsettling sights and sounds surrounding Selma's execution, the now-familiar melody, major mode, and richly-orchestrated texture of "New World" ushers in a sense of peace and comfort.

Although the action has ceased by this point, the music continues to impart important information regarding Selma and her fate as the credits roll. Björk and von Trier suggest Selma's transcendence in several ways as "New World" plays over the entirety of the credits. To begin

with, hearing Selma's disembodied voice less than a minute after her death imbues her character with a transcendent quality. In addition, lyrics such as "What happens next?" and "Halfway to heaven from here" clearly evoke the afterlife. Finally, the song's melodic highpoint and climax occur on the line "A new world, a new day to see." During each iteration of the line, Björk places particular emphasis the word *see* by repeating it several times at the end of the phrase, and by ornamenting it with a four-note melisma. In the context of the film, the word *see* is important as it alludes to Selma's transcendence as well as, in a more literal sense, her son's vision. As the song cadences on a sustained E-flat-major chord—once again, recalling the overture—it has become evident that "New World" functions as a sort of posthumous message from Selma, informing the audience that she is not only content with her decision to sacrifice her own life to help her son, but that she has also achieved transcendence.

Alternatively, the title "New World" may refer not only to the afterlife, but also to the United States as a country and, more broadly, as an idea. Believing "how wonderful it must be in the United States" while living in Czechoslovakia, Selma conceived of the United States as a new world of hope and opportunity. Despite repeated attempts to use music to indulge her romanticized vision of American life, Selma must reckon with the uncomfortable reality of being quadruply disenfranchised: she is poor, disabled, female, and an immigrant. Consequently, both Bill and, ultimately, the state victimize her. With this in mind, Selma's posthumous singing of "New World" shows how she uses music to perpetuate an idealized conception of the United States, the country in which her similarly marginalized son may continue to live, and, for the final time, usher her to a place where "nothing dreadful ever happens."

In several ways, the musical depiction of Selma's execution in *Dancer in the Dark* bears strong similarities to Loretta Lynn's "Women's Prison" (see Chapter Two). Both Lynn and Björk

portray women who employ music as a source of comfort just before their legal executions. Whereas the character of Selma sings “Next to Last Song” before she is hanged, the unnamed woman in Lynn’s “Women’s Prison” sings “Amazing Grace” before being electrocuted. Although both women are plagued with fear and anxiety in the moments leading up to their respective executions, they both sing quiet, introspective, and sparsely textured songs immediately before their deaths, showing that they accept their fates and are at peace with the world. What is also striking is that both artists place considerable emphasis on the word *see*. Whereas the woman in Lynn’s “Women’s Prison” sings “Amazing Grace” (“Was blind, but now I see”) before her execution to remove both the real and imagined blindfolds placed over her eyes, Selma accepts her impending death because she knows that it will help save her son from blindness, allowing him to “see” in the literal sense of the word. In addition, both artists evoke transcendence and the afterlife through both their lyrics and the continued use of music after the character’s death. Liberated from the tensions of the flesh, each woman’s death is followed by more lively and richly textured music that suggests a feeling of transcendence or life after death. Although Björk and Lynn utilize markedly different musical styles—for the most part, classical and country, respectively—the parallels between the two works show how composers across musical styles may employ similar strategies in constructing musical depictions of capital punishment.

Although none of the songs from *Dancer in the Dark* and *Selma* songs discussed here make any explicit reference to death, an awareness of the film’s narrative and its diegesis reveals “107 Steps,” “Next to Last Song,” and “New World” to be unique and memorable depictions of capital punishment. Moreover, the film shows how musicians have continued to look toward capital punishment as a source of dramatic, affecting, and memorable source of human drama.

Changeling (2008)

Set in plain white text against a black background, “A true story” appears onscreen as the soft, jazz-inspired music scored for muted trumpet, fingerpicked acoustic guitar, and strings that had played over the beginning of the credit roll comes to a standstill on F minor. The trumpet, however, continues to sustain an F, which then yields to gentle piano music in the key of D-flat major. In contrast to the earlier jazz-inspired music, the ensuing piano music resembles a Romantic-era nocturne or barcarolle in its use of a triplet motif in the right hand, a largely diatonic and stepwise melody accompanied by broken chords in the left hand, slight rubato, soft dynamics, and black-key harmonies (Example 12).



Example 12: Clint Eastwood, "Changeling Theme," mm. 1-4.

Shortly after the change of music, the black screen dissolves, revealing a black-and-white shot of the Los Angeles skyline on the morning of, according to the onscreen text, March 9, 1928. After the audience has had a few seconds to soak in the landscape of interwar Los Angeles, the camera, positioned on a crane, descends to a tree-lined residential neighborhood as the previously black-and-white picture gradually accumulates color. Now inside a bedroom of one of the modest houses, the camera pans over a woman asleep in her bed as the non-diegetic piano music cadences and ends on the tonic D-flat at the moment her alarm clock sounds. After quieting the alarm, the woman groggily shimmies across the bed—now apparent that she is the

bed's lone occupant—to turn on a nearby radio. As the sounds of the diegetic period-jazz music being broadcasted over the radio fill the room, the woman walks into the adjoining room and wakes up her young son, Walter, to get him ready for school. As the two begin the day, the lively syncopation of the hot dance music stands in sharp relief against the downbeat-driven harmonic regularity of the previous D-flat piano music. As becomes evident over the duration of the film, director, co-producer, and composer Clint Eastwood frequently juxtaposes musical styles for dramatic effect. Specifically, he often juxtaposes the jazz-inspired and D-flat piano music heard at the beginning of the film, collectively titled “Main Title” on the accompanying soundtrack. Whereas jazz music helps position the film as a noir-inspired crime drama, the D-flat piano music highlights the feelings of love and optimism harbored by some of the protagonists; however, I will focus on a very different kind and instance of music making heard toward the end of the film.

Based on the so-called Wineville Chicken Coop Murders, *Changeling* centers on Christine Collins (Angelina Jolie), a working-class single mother who returns home from work one day to discover that her nine-year-old son, Walter (Gattlin Griffith), is missing.²⁵ Worried and distraught, Christine canvasses the neighborhood in search of her son, but is unable to find Walter or anyone with clues to his whereabouts. Desperate and having exhausted all other immediate options, Christine attempts to file a missing person's report with the Los Angeles Police Department, but is coldly informed by the police dispatcher that they cannot assist with locating children who have been missing for fewer than twenty-four hours.

²⁵ For more on the Wineville Chicken Coop Murders, see Anthony Flacco and Jerry Clark, *The Road Out of Hell: Sanford Clark and the True Story of the Wineville Murders* (New York: Union Square Press, 2009).

Five months later, the LAPD happily informs Christine that they have located Walter, who was found alive and well halfway across the country in DeKalb, Illinois in the company of a drifter. Eager to feed the press a feel-good story to help counteract a wave of negative publicity they had recently received, the LAPD arranges for a public reunion between Christine and Walter. Christine's excitement quickly turns to concern, however, when she sees that the boy brought by the LAPD is not her son. Although the boy (Devon Conti) identifies himself as Walter Collins and accurately recites their home address, Christine adamantly denies being his mother. Largely dismissive of her concerns, Captain J.J. Jones (Jeffrey Donovan), head of the LAPD's Juvenile Division, reassures Christine that she is, in fact, the boy's mother and attributes her reaction to the fact that she is in shock and that Walter underwent physical changes during his time away. Ultimately, Captain Jones persuades Christine to take the boy home on "a trial basis" to give herself "time to recover from the shock of his changed condition." Once Christine reluctantly agrees to the conditions, Jones summons a gaggle of waiting reporters and photographers to document the happy occasion and hopefully give the LAPD the good publicity it so desperately craves. Shortly after returning home, however, Christine's doubts are confirmed when she discovers seemingly irrefutable anatomical evidence proving that the boy is not her son. Nevertheless, Captain Jones and the LAPD dispute Christine's findings and accuse her of shirking her responsibilities as a mother.

With the selfless assistance of Reverend Gustav Briegleb (John Malkovich), a community activist who uses his radio show to publicly expose systemic corruption and criminal behavior within the LAPD, Christine goes public with her story in hopes of locating her son. In doing so, she attracts the ire of Captain Jones, who has Christine detained and subsequently incarcerated at

the Los Angeles County General Hospital Psychopathic Ward with other women who have accused the LAPD of wrongdoing.

While Reverend Briegleb works to free Christine, fifteen-year-old Sanford Clark (Eddie Alderson), after being apprehended for being in the country illegally, remorsefully informs LAPD Detective Lester Ybarra (Michael Kelly) that he helped his uncle, Gordon Stewart Northcott (Jason Butler Harner), kidnap and murder approximately twenty boys, including Walter Collins. Although initially skeptical of the boy's claims, Detective Ybarra travels to Northcott's ranch in Wineville, Riverside County, where he orders Sanford to produce proof of his alleged actions. Tearfully, Sanford unearths the remains of a boy he helped bury on the property, thus convincing Ybarra to call for Northcott's arrest. After fleeing to his native Canada, Northcott is apprehended by authorities in Vancouver and is subsequently extradited back to Los Angeles, where he is tried, convicted, and ultimately sentenced to hang for his crimes.

Two years later, Christine receives notice that Northcott, who has been incarcerated on death row at San Quentin State Prison, would like to meet with her and claim responsibility for killing Walter. Informed that she is "the first woman in thirty years the state has allowed to visit a serial killer on the eve of his execution," Christine travels to San Quentin in hopes of gaining closure and learning the truth from Northcott, who, until then, had maintained his innocence. But at their meeting, Northcott, surprised that Christine actually showed up, changes his tune. Despite Christine's repeated inquiries as to whether he killed Walter, Northcott refuses to come clean, claiming, "I don't wanna go to hell with a lie on my lips."irate and frustrated, Christine violently grabs Northcott by the shirt, pins him against a window secured with a chain-link fence, slaps him across the face, and repeatedly asks "Did you kill my son?" with increasing frequency, volume, and intensity. Frightened, Northcott demands the assistance of nearby prison guards,

who intervene and release him from Christine's clutches. As the guards quickly escort Northcott out of the room, Christine angrily yells "I hope you go to hell!" In the final shot of the scene, the camera, now positioned in the hallway outside the meeting room, dollies backward, revealing Christine alone and distraught behind the locked, barred door to the meeting room as she screams in Northcott's direction, for the final time, "Did you kill my son?" before falling to her knees and beginning to cry, suggesting that she is both physically and psychologically imprisoned by the situation.

At the beginning of the following scene, the camera passes through an open doorway, pans to the left, and then tilts downward, revealing the San Quentin gallows and a gallery of approximately two dozen witnesses, some of whom turn and look in the direction of the camera. At this point, the sound of jangly footsteps momentarily ceases as the camera pauses to survey the landscape of the cavernous execution chamber. In the next shot, we see a handcuffed and shackled Northcott, flanked by two uniformed prison guards, standing atop the staircase that joins the execution chamber to the above corridor. It is now evident that the first shot of the scene was from Northcott's perspective. In one of the few point-of-view shots in the film, Eastwood places the audience in Northcott's shoes at the beginning of the scene so as to envelop us in the drama of his impending execution (Figure 14).



Figure 14: Northcott's perspective as he enters the execution chamber. Screenshot taken from *Changeling* DVD.

As the sound of Northcott's jangly footsteps reverberate throughout the high-ceilinged room, the two guards, sensing the condemned man's fear, firmly nudge him in the direction of the gallows. They pause at the foot of the stairs leading to the gallows, where they are met by the prison warden. With his voice echoing throughout the large space, the warden unfolds the court order and reads, "Gordon Stewart Northcott: You have been convicted of murder, the penalty for which is death by hanging. There have been no stays or reprieves. Therefore the execution will go forward as stipulated under the laws of the state of California." When asked if he has any last words, Northcott coldly smiles and says "no, nothing." As he is led up the wooden stairs to the gallows, Northcott loses his composure, yells "Please don't make me walk so fast!" and begins to sob. When they reach the top of the stairs, Eastwood once again utilizes a point-of-view shot as Northcott eyes the noose sitting on the trap door, the sight of which causes him to intone a pained, guttural groan (Figure 15).



Figure 15: Northcott's view of the noose. Screenshot taken from *Changeling* DVD.

Once the prison guards finally have the increasingly distraught Northcott in place standing on top of the trap door, he screams in a hysterical, almost nonsensical fashion, “Thirteen steps! Thirteen steps. But I didn’t touch ‘em all, you bastards! I didn’t touch ‘em all! I didn’t touch ‘em all. Please! A prayer, please. God, please. Somebody please say a prayer for me!”²⁶ Shortly after prison guards successfully slip a black hood and the noose over his head, Northcott seems to regain his composure as evidenced by the sound of his breathing becoming less labored and less frequent. As with Arlen Bitterbuck’s execution in *The Green Mile*, Eastwood calls attention to the about-to-die sound of Northcott’s breathing to inform the audience, deprived of seeing the

²⁶ In J. Michael Straczynski’s original screenplay, Northcott tells Christine during their meeting at San Quentin, “I hear there’s thirteen steps going up to the gallows... ‘cause thirteen is unlucky. Helps make sure you’re gonna go to hell when you die. But I got ‘em beat. I outsmarted ‘em.” These lines were not included in the final cut of the movie, but help explain Northcott’s defiant remark, “Thirteen steps. But I didn’t touch ‘em all, you bastards!” “Changeling Script,” The Internet Movie Script Database, accessed August 9, 2018, <http://www.imsdb.com/scripts/Changeling.html>.

condemned man's face, of his emotional state and frantic grasp on life in the moments immediately before his death.

Then, in a particularly vivid example of about-to-die music, Northcott begins singing the popular Christmas carol "Silent Night" as he awaits the opening of the trap door (Figure 16). Shortly after Northcott begins singing, the camera pans across the witnesses, all of whom, including Christine, look on in silence with still bodies and expressionless faces. With his high, at times falsetto voice quivering and slightly muffled by the hood, Northcott struggles through the first few lines of John Freeman Young's English-language lyrics of the song, pausing awkwardly between and in the middle of phrases to take shallow, anxious breaths. Although no longer screaming or physically resisting the execution, Northcott's wobbly and uncertain rendition of the opening bars of "Silent Night" portrays him as nervous and fearful in his final living moments.



Figure 16: Northcott singing "Silent Night" moments before his execution. Screenshot taken from *Changeling* DVD.

Unexpectedly confronted with one of the few instances of diegetic music in the film, and the only instance of vocal music, the audience is left to ponder why Northcott chose to begin singing “Silent Night” just seconds before his death. On the one hand, perhaps Northcott, who was violently anxious moments ago, derives a sense of comfort from singing the song. Although his nervous, halting rendition largely obscures the lullaby-like 6/8 of the song, Northcott, in what can be heard as a performative utterance, attempts to convince himself, through singing, that “All is calm.” Moreover, the religious connotations of the song may provide comfort to Northcott, who, throughout much of the film, is depicted as a hell-fearing Christian. On the other hand, Northcott’s singing of “Silent Night,” a song mostly associated with Christmas, moments before his execution in early October serves as a sonic manifestation of his fragile mental state and disengagement from reality. Regardless, the audience does not have long to ponder his reasons for singing. Northcott does not make it past the line “Round yon virgin mother and child” before the trap door swings open. His singing having been abruptly interrupted, Northcott utters a final high-pitched shriek as he falls through the trap door, but is not killed instantly. In addition to the sight of Northcott’s jerking and fighting the effects of the noose, we hear various sounds of struggle, including tension being exerted on the leather restraints around Northcott’s arms and ankles, the fluttering of his shackled feet, and the tautness of the rope secured to the wooden support beam overhead. Unwilling to watch Northcott struggle for life, Christine focuses her sight on the ground directly in front of her, seemingly deep in thought. Eventually, the sounds of Northcott’s struggle yield to a non-diegetic cue of slow, minor-sounding string music, signaling his death.

There is no evidence to suggest that the real Gordon Stewart Northcott sang “Silent Night” or any other song during his execution. As such, it is possible that Straczynski and Eastwood

derived inspiration from news accounts of Jonathan Nobles's 1998 execution, which I discussed both in the Introduction and in Chapter Two. Like Nobles, Eastwood's Northcott sings "Silent Night" in the moments before his execution, but does not make it past the line "Round yon virgin mother and child" before dying. Regardless of whether Straczynski and Eastwood intentionally modeled their depiction of Northcott's execution after Nobles, their decision to have him sing "Silent Night" is affecting for several reasons.

To begin with, the fact that Northcott's life is terminated immediately following his singing of the line "Round yon virgin mother and child" musically suggests that he was not executed simply for having committed murder, but, in doing so, for also having permanently separated mothers from their children. Moreover, Northcott's unexpected and perplexing decision to sing in his final living moments firmly establishes him, in the eyes and ears of the audience, as an Other. According to Louise Tyler,

It is through the hyperviolent death of the "other" that we as a culture slowly began to accept the state-mediated death of the "other." The person sentenced to death who we never knew and could not imagine knowing is the two-dimensional figure of our shadowy memories who most often takes shape in the form of our cultural representation of the "bad guy." For we are always asked and forced in the direction to identify with the "good guy," our ideal self; therefore, accepting the punishment of "the other" the "bad man."²⁷

Seemingly unbound by conventional human comportment, Northcott, regardless of his involvement in the heinous murders, constitutes a fleshly and musical manifestation of the boogeyman in the *Changeling* universe; therefore, his execution, though unsettling, is portrayed as ultimately just. According to Tyler, "Violence begets violence, but in American cinema it is

²⁷ Tyler, 131-32.

okay for the only way to beat the bad man is with a violent turn that eliminates him and therefore once again makes the world a safe place.”²⁸

But is the *Changeling* universe a safer place in the wake of Northcott’s execution? Does either Christine or the audience feel more comfortable with Northcott dead? Considering that Christine, in the previous scene, was shown passionately imploring Northcott to admit to whether he had murdered Walter, and that, by the end of the film, she remains hopeful that Walter may still be alive, Eastwood suggests that the execution, while just, provided little closure and left many questions unanswered. From the gallows, Northcott had one final opportunity to come clean, but instead chose to confound his audience by singing, thus conveying his decision to remain eternally “silent.”

Comparison of Films

While the films discussed in this chapter are not necessarily *about* capital punishment, each positions an impending execution at the center or as the culminating event of a story that poses critical questions about the necessity and proportionality of punishment at large in American society. To this end, I have shown how attention to music and sound design in select filmic depictions of capital punishment in the United States not only helps to clarify and enrich the prevailing narrative of each work, but also illuminates discursive links between the death penalty, the about-to-die trope, and larger ideas about American exceptionalism and the value of state-sanctioned killing. Despite the marked musical, visual, and dramatic differences among these films, several commonalities emerge when viewed comparatively.

²⁸ Ibid., 144.

Although none of these films advances a clear agenda with respect to capital punishment specifically, they center on impending executions of individuals with whom the audience is asked to empathize to varying degrees, often through music. In *South Park: Bigger, Longer & Uncut*, Terrance and Phillip, functioning as conduits for Parker and Stone, are guilty of little more than employing foul language, trading fart jokes, and being Canadian. To any rational observer, the severity of their very public executions dramatically outweighs the comparatively harmless crimes with which they are charged. Parker and Stone communicate the ideological dangers of executing Terrance and Phillip both by utilizing dissonant, foreboding, war-like musical cues following commencement of the execution proceedings and through the naiveté and sheer absurdity of Big Gay Al's elaborate, star-spangled performance of "I'm Super." In *Dancer in the Dark*, Selma is undeniably guilty of having fatally wounded Bill, but did so largely in self-defense, without premeditation, and only after Bill violated her trust. Moreover, von Trier goes to great lengths to portray Selma as a hard-working and well-intentioned immigrant single mother who struggles to care for her son. Concerned more with her son's wellbeing than her own, Selma sacrifices her legal defense and, ultimately, her life so that he may afford an operation to save his vision. Whereas the fantastical "107 Steps" allows Selma to circumvent overwhelming anxiety and sadness regarding her impending execution, her tearfully plangent rendition of "Next to Last Song" from the gallows dramatically communicates her selfless willingness to die for her son, thus eradicating any lingering doubt as to whether we should sympathize with her plight. In *Changeling*, the audience is invited to question whether Gordon Stewart Northcott, although indisputably guilty of *something*, is specifically guilty of the kidnapping and murder of Walter Collins. Northcott's singing of "Silent Night" during his execution may not only shed light on his fragile psyche in his dying moments, but also seemingly taunts Christine and the audience with

the existence of a secret that he stubbornly refuses to disclose. Northcott's execution, therefore, provides little closure for the audience and for Christine, who by the end of the film retains hope that her son may still be alive. Both as viewers and as listeners, we are invited to empathize with these condemned individuals due in part to concerns as to whether their respective punishments are appropriate and proportional to their alleged crimes.

The existence of visual and musical signifiers of race may also factor into how we perceive the instances of capital punishment in these films. The condemned characters in these films are not only immigrants or foreign nationals of European or Euro-Canadian descent, they are also, perhaps more importantly, white. In fact, not including documentary films such as *Fourteen Days in May*, it seems that most condemned characters in mainstream cinematic depictions of capital punishment are white, such as in the films *Angels With Dirty Faces* (1938), *Paths of Glory* (1957), *I Want to Live!* (1958), *In Cold Blood* (1967), *Hang 'Em High* (1968), *Schindler's List* (1993), *Sommersby* (1993), *Dead Man Walking* (1995), *The Chamber* (1996), *The Crucible* (1996), *Chicago* (2002), *Capote* (2005), *Sin City* (2005), *The Poughkeepsie Tapes* (2007), and *Law Abiding Citizen* (2009).

Even the few films that depict executions of non-white individuals often do so in a way that perpetuates negative stereotypes of persons of color and presents their deaths as benefiting whites. For instance, *The Green Mile*, based on the serial novel by Stephen King, centers on the impending execution of John Coffey (Michael Clarke Duncan), a physically imposing but dimwitted black man who uses his supernatural powers to aid his white counterparts, including by magically healing a bladder infection that had emasculated and curtailed the sex life of Paul Edgecome (Tom Hanks), the commanding corrections officer on Louisiana's death row. Acting loyal and subservient to white prison officers who personally benefit from his powers but

continue to imprison and ultimately execute him despite evidence of his innocence, Coffey embodies both the “Magical Negro” and Uncle Tom character types.²⁹ As such, the film, according to Krin Gabbard, “provides a virtual primer on white mythologies of blackness at the end of the twentieth century.”³⁰

Likewise, *Monster’s Ball* (2001) explores the ramifications of the execution of a black man, Lawrence Musgrove (Sean Combs), by a team of mostly white prison guards in Georgia. Despite self-identifying as “a bad man,” Musgrove, before his execution, is largely docile and obedient to the corrections officers, whom he impresses with his talent for drawing lifelike portraits of people, explaining, “It truly takes a human being to really see a human being.” Unlike John Coffey, Musgrove does not perform any favors for the corrections officers other than gifting a few sketches, but his death does indirectly allow Hank Grotowski (Billy Bob Thornton), the white corrections officer who oversaw the execution, to commence a romantic relationship with Musgrove’s impoverished widow, Leticia (Halle Berry, in a role that made her the first and, to date, only African American to win the Academy Award for Best Actress).³¹ As Hank’s feelings for Leticia grow over the course of the film, he provides her an automobile and a place to live after she is evicted from her home, demonstrates a propensity to eat chocolate ice cream with a white plastic spoon, and trades in the sounds of country music for a recording of “I Couldn’t Love You (More Than I Do Now)” by soul artist Jean Wells on his car stereo. While these seemingly innocent and altruistic gestures may, in part, point to Hank having shed some of the racial anxieties he harbored toward the beginning of the film, they also reaffirm his continued

²⁹ Cerise L. Glenn and Landra J. Cunningham, “The Power of Black Magic: The Magical Negro and White Salvation in Film,” *Journal of Black Studies* 40, no. 2 (November 2009): 135-152.

³⁰ Krin Gabbard, *Black Magic: White Hollywood and African American Culture* (New Brunswick, NJ and London: Rutgers University Press, 2004), 144.

³¹ Tre’vell Anderson, “Halle Berry Is Still the Only Woman of Color to Win the Lead Actress Oscar,” *Los Angeles Times*, February 26, 2017.

power over African Americans, even after he retires from working at the prison. Despite whatever good intentions he may possess, Hank ultimately positions himself as both dominant over and necessary to the persons of color in his life, especially to Leticia, whom by the end of the film comes to the uncomfortable realization that she cannot endure, emotionally or financially, without the man who carried out her husband's execution.³²

Unlike *The Green Mile* and *Monster's Ball*, race does not explicitly factor into the plots of any of three films I have analyzed in this chapter, aside from a handful of race-based jokes in *South Park: Bigger, Longer & Uncut*.³³ Nevertheless, race may play a role in influencing how we understand and respond to these films, whether we realize it or not. Would the viewer feel differently about Gordon Stewart Northcott, Selma Ježková, or Terrance and Phillip if they were of color? In addition to a racial formidability bias based on longstanding stereotyped assumptions that black bodies possess a higher threshold of pain, researchers have pointed to the existence of a racial empathy gap in which people often possess more empathy for whites experiencing pain than for blacks.³⁴ The condemned characters in *South Park: Bigger, Longer & Uncut*, *Dancer in the Dark*, and *Changeling* all exhibit clear signs of physical and emotional pain in the moments leading up to their individual executions. Recall, for instance, that Terrance and Phillip, after pleading to have their lives spared, both scream after the executioner initiates the flow of current to their respective electric chairs; Selma, too distraught about her impending

³² Gabbard, 149.

³³ Here, I do not mean to suggest that whiteness constitutes an absence of race; rather, issues of race are foregrounded and more integral to the plots of *The Green Mile* and *Monster's Ball* than in the three films analyzed in this chapter.

³⁴ See Matteo Forgiarini, Marcello Gallucci, and Angelo Maravita, "Racism and the Empathy for Pain on Our Skin," *Frontiers in Psychology* 2, no. 108 (May 2011): 1-7; and John Paul Wilson, Kurt Hugenberg, and Nicholas O. Rule, "Racial Bias in Judgments of Physical Size and Formidability: From Size to Threat," *Journal of Personality and Social Psychology* 113, no. 1 (2017): 59-80.

execution to stand on her feet, seeks refuge in imagined music to manage her emotional pain; and even the cagey and often-defiant Northcott, when approaching the gallows moments before his execution, anxiously asks the warden, “Will it hurt?” Despite each of these characters possessing a semblance of Otherness, the palpable and audible anxiety, fear, and pain they exhibit in their about-to-die moments helps foreground their fundamentally human characteristics, thus making them worthy of empathy.

Whereas the racial formidability bias and the racial empathy gap pertain to mythologized perceptions of black physical excess, musicologist William Cheng considers how such phenomena intersect with prejudiced perceptions of black sonic excess. Expanding on research by Jennifer Lynn Stoever, Claude Steele, and Alisha Lola Jones, Cheng explores the distinction between *sonic respectability* and *sonic unrespectability*.³⁵ Noting that “stereotypes and stigma of musical proclivity run deep,” Cheng argues how stereotyped understandings of select kinds of music and sonic practices are often derived not necessarily from the sheer number of decibels at which the music is played, but from inextricable links to racist discourses. Whereas a Beethoven sonata is often considered respectable, hip hop is often heard by the hegemonic culture as threatening, corrupting, and thus unrespectable, due in large part to its associations with blackness.³⁶

In light of this, it is worth considering the extent to which our feelings of empathy for Terrance and Phillip, Selma, and Northcott are derived from or reinforced by their sonic

³⁵ Jennifer Lynn Stoever, *The Sonic Color Line: Race and the Cultural Politics of Listening* (New York: New York University Press, 2016); Claude Steele, *Whistling Vivaldi: And Other Clues to How Stereotypes Affect Us* (New York and London: W. W. Norton & Company, 2010); and Alisha Lola Jones, “‘We Are a Peculiar People’: Meaning, Masculinity, and Competence in Gendered Gospel Performance,” (PhD diss., University of Chicago, 2015).

³⁶ William Cheng, “His Music Was Not a Weapon: Black Noise, Breakable Skin, and the Plundered Voice of Jordan Russell Davis” (paper presented at the University of Illinois at Urbana-Champaign, Urbana, IL, April 16, 2018).

respectability. While the musical examples accompanying the executions of both Terrance and Phillip and Selma are indebted to American musical theater, Northcott sings a popular Christmas carol that originated in eighteenth-century Austria. Each example, in other words, is coded as white and therefore may be heard as sonically respectable. Would the viewer still feel uneasy about Northcott's execution if he had sung a twelve-bar blues instead of "Silent Night"? What if Selma had rapped "Next to Last Song"? How would we react to Terrance and Phillip if they had intoned the *adhan* before their execution? Perhaps our feelings of empathy for these characters are located not entirely in their respective circumstances, but in musically and sonically respectable manifestations of their whiteness.

Regardless, our ability to accurately and comprehensively understand the death penalty through these films remains limited, despite the fact that each of the executions analyzed in this chapter was based on or invites comparisons to actual executions in American history. The execution depicted in *Changeling* is, of course, based on the 1930 execution of Gordon Stewart Northcott in California; in addition, the character's decision to sing "Silent Night" in his final moments recalls the 1998 execution of Jonathan Nobles in Texas, which I have discussed at greater length in the Introduction and Chapter Two. Selma's unwillingness to cooperate for her legal hanging in *Dancer in the Dark*—forcing corrections officers to restrain and strap her to a board—may have been inspired by reports of the 1994 hanging of Charles Rodman Campbell in Washington. Even the fantastical execution of Terrance and Phillip in *South Park: Bigger, Longer & Uncut* bears similarities to the large-scale public scapegoating and spectacle that accompanied the 1994 execution of John Wayne Gacy in Illinois, which I discussed in Chapter One). Whereas nearly half of the people legally executed in the United States since 1976 have

been black or Latino, these and countless other films depict executions only of white individuals.³⁷

While these films derive part of their appeal by positioning condemned characters in threatening situations, they largely fail to produce accurate and comprehensive renderings of the realities surrounding capital punishment in the United States. With an eye and ear toward these shortcomings, Robert Altman's 1992 film *The Player*, based on Michael Tolkin's 1988 novel of the same name, satirizes Hollywood's treatment of the death penalty. Against the backdrop of quintessential Los Angeles locales, a seemingly endless parade of celebrity cameos, and what Gayle Sherwood Magee calls a "very conventional soundtrack by Thomas Newman,"³⁸ the film centers on Griffin Mill (Tim Robbins), a Hollywood movie executive who murders an aspiring screenwriter he mistakenly believed had been sending him threatening messages. While managing to deflect the attention of law enforcement, Griffin meets with two screenwriters who pitch him an idea for a movie, *Habeas Corpus*, in which a woman is executed in San Quentin's gas chamber for a crime she did not commit. Touting the "reality" of the film's tragic ending, one of the writers fervently implores Griffin not to cast any well-known actors for the project, calling the story "too damn important to risk being overwhelmed by personality." Despite the writer's passionate argument for the artistic merits of the true-to-life story, Hollywood conventions ultimately emerge victorious. A year later, during a screening of *Habeas Corpus* for studio executives and writers, we see that famous actors, including Peter Falk, Guy Remsen, and Susan Sarandon were cast as witnesses to the execution of a young woman, played by Julia Roberts. Shortly after commencement of the execution, the woman's love interest, played by

³⁷ "Executions Database," Death Penalty Information Center, accessed September 10, 2018, <https://deathpenaltyinfo.org/views-executions>.

³⁸ Gayle Sherwood Magee, *Robert Altman's Soundtracks: Film, Music, and Sound from "M*A*S*H" to "A Prairie Home Companion"* (Oxford: Oxford University Press, 2014), 171.

action star Bruce Willis, heroically infiltrates the execution chamber and saves her, ostensibly seconds before she was to succumb to the lethal gas. As Newman's commonly triumphant score—replete with soaring strings, brass, and dramatic drum rolls—plays over the closing credits of *Habeas Corpus*, the audience of studio executives applauds the feel-good Hollywood ending, calling it “a hit” and proclaiming that “the audience is going to love it.” Minutes later, we hear the same music played over the closing credits of *The Player* after we learn that Griffin not only got away with murder, but also secured his job, a girl, and a posh Bel Air residence. With the conventionality of Newman's score helping to forge discursive links between the cliché endings of *Habeas Corpus* and *The Player*, Altman pulls back the curtain on the artificiality of the death penalty in film.

As Austin Sarat argues, “Death, whatever its cause, marks the limits or representation. Films can neither capture death nor help us know what cannot be known. We can and do watch others die without being able to capture death's meaning or significance.”³⁹ In the next chapter, however, I consider the extent to which the sounds of actual executions can help us better know the realities of capital punishment.

³⁹ Sarat, *When the State Kills*, 245.

CHAPTER FOUR

ACOUSTEMOLOGIES OF THE EXECUTION CHAMBER: THE GEORGIA TAPES

On August 14, 1936, an estimated crowd of 20,000 people gathered at an outdoor lot in downtown Owensboro, Kentucky to witness the legal execution of Rainey Bethea. Earlier that year, Bethea, an African-American male in his twenties,¹ was convicted and sentenced to hang for raping Lischia Edwards, a seventy-year-old white woman. The impending execution had garnered a great deal of both regional and national interest in part because the person tasked with hanging Bethea was county sheriff Florence Shoemaker Thompson, who was to become the first woman in American history to administer a legal execution. Eager to capitalize on the story, reporters from across the country descended on Owensboro to document the occasion with writing implements and cameras. In the days that followed, newspapers published countless articles and photographs detailing every facet of the execution; some reports alleged that the crowd had exhibited rowdy and unruly behavior during the execution and that the presence of vendors near the gallows selling hot dogs and popcorn imbued the event with a tasteless, carnival-like atmosphere. Today, however, the hanging of Rainey Bethea is better known for having been the last legal public execution to take place in the United States.² Embarrassed by the media circus and controversies surrounding Bethea's hanging, the Kentucky state legislature passed a law in 1938 abolishing public executions, making it the last state in the country to do so.³

¹ There exist conflicting reports about Bethea's exact age.

² Perry T. Ryan, *The Last Public Execution in America* (Kentucky: P.T. Ryan, 1992).

³ "The Last Hanging: There Was a Reason They Outlawed Public Executions," *New York Times*, May 6, 2001.

In his classic text *Discipline and Punish*, Michel Foucault examines the shift from public to private executions that occurred in Western countries in the eighteenth through twentieth centuries. Prior to the mid-eighteenth century, Foucault notes that punishment was, by today's standards, severe. Executions, for instance, were violent spectacles, accompanied by torture and carried out in public so as to vividly express the state's power and deter future crime. By the nineteenth and twentieth centuries, however, criminals were no longer subject to violent, public assaults on their bodies, but were placed in prisons where they could be closely monitored and regulated. This shift, according to Foucault, was not necessarily indicative of an enlightened concern for the fairer and more humane treatment of criminals; rather, it represented a way "not to punish less, but to punish better" through the diligent observation and control of "docile bodies."⁴ Indeed, since Bethea's execution in 1936, all legal executions in the United States have taken place behind closed doors, before a small group of carefully screened witnesses, and often late at night in maximum-security prisons located in remote areas of the country. Media witnesses are usually permitted to take notes using a pencil and paper, but are strictly forbidden from bringing cameras or recording devices of any kind into the execution chamber. While the internet contains no shortage of photographs and video footage of legal executions carried out over the last several decades in other countries, such as Guatemala, Kuwait, Iran, and, perhaps most famously, Iraq's execution of Saddam Hussein, executions in the United States remain largely private affairs.

There are rare occasions, however, when images of non-public executions in the United States have been made available for public consumption. Perhaps the most famous example dates from 1928, when photographer Tom Howard used a miniature camera fastened to his ankle to

⁴ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage Books, 1995), 82.

covertly capture the image of Ruth Snyder, who had been convicted of killing her husband, being executed in the electric chair at New York's Sing Sing Prison.⁵ The next day, the *New York Daily News* ran the unambiguous large-point headline "DEAD!" atop the full-cover photo, which depicted Snyder—strapped, masked, and wired—sitting upright in the chair, presumably from lethal electrical current passing through her body. Boasting of having produced "the most talked-of feat in the history of journalism," the newspaper published the photo three separate times over a two-day period. Despite the general blurriness and lack of detail in the photograph, its existence captured the public's attention and helped sell an additional one million copies of the paper.⁶ New York prison officials were not as enamored with the publication of the photograph, however. Furious with what they considered a breach of journalistic propriety, officials threatened to bar members of the press from future executions, and then introduced glaring lights in Sing Sing's execution chamber intended to make photography difficult, if not impossible.⁷ This provided an additional layer of security in what was already a tightly ruled institution. For many years, according to Scott Christianson, "Sing Sing's death house was one of the most closed, secret, and mythologized places in America."⁸ While these precautions ultimately succeeded in helping to prevent the known creation or dissemination of any additional mid-execution images from Sing Sing, Howard's photograph of Ruth Snyder's electrocution remains among the most famous feats in the history of photojournalism and, despite being nearly one hundred years old, still offers a rare window into the death chamber.

⁵ Stuart Banner, *The Death Penalty: An American History* (Cambridge, MA: Harvard University Press, 2002), 195.

⁶ Barbie Zelizer, *About to Die: How News Images Move the Public* (Oxford: Oxford University Press, 2010), 34-36.

⁷ Banner, 195-96.

⁸ Scott Christianson, *Condemned: Inside the Sing Sing Death House* (New York and London: New York University Press, 2000), 1.

Electrocution remained the preferred method of execution in the United States for much of the twentieth century, but heightened concerns about the constitutionality and efficacy of the practice at the dawn of the new millennium coincided with increased supply and demand for images and other detailed renderings of actual executions. In the 1999 case *Provenzano v. Moore*, the Florida State Supreme Court upheld the constitutionality of the electric chair. But to his dissenting opinion, Justice Leander Shaw took the extraordinary step of appending postmortem color photographs taken by the Department of Corrections of Allen Lee Davis, who had recently been legally executed in Florida's electric chair for murdering a pregnant woman, Nancy Weiler, and her two daughters in 1982.⁹ In remarkable detail, the photographs show Davis's body, still strapped to the electric chair, with a thin trail of blood appearing to lead from his nostril, down a leather restraint positioned across the lower third of his face, to his white, buttoned shirt, where it pooled in the middle of his large chest. Whereas the state largely dismissed the significance of the blood, officially attributing it to a nosebleed Davis had incurred before the electrical current was applied to him,¹⁰ others, whether as eyewitnesses to the execution or from having viewed the postmortem photographs, have offered different interpretations of the bloodstained execution scene. For example, Florida State Senator Ginny Brown-Waite, who witnessed the execution, saw that the blood had formed on Davis's shirt in the shape of a cross, which she viewed as a sign that God approved of the execution.¹¹ Conversely, Justice Shaw, in his dissenting opinion,

⁹ Mike Clary, "Bloody Florida Execution Spurs Questions," *Los Angeles Times*, July 9, 1999; Austin Sarat, *Gruesome Spectacles: Botched Executions and America's Death Penalty* (Stanford, CA: Stanford Law Books, 2014), 23-5; and Sarat, *When the State Kills: Capital Punishment and the American Condition* (Princeton, NJ and Oxford: Princeton University Press, 2001), 78-9.

¹⁰ Sarat, *When the State Kills*, 78.

¹¹ Mary Jo Melone, "A Switch is Thrown, and God Speaks," *St. Petersburg (FL) Times*, July 13, 1999, cited in Michael L. Radelet, "Examples of Post-*Furman* Botched Executions," Death Penalty Information Center, last modified March 1, 2018, <https://deathpenaltyinfo.org/some-examples-post-furman-botched-executions?scid=8&did=478>.

wrote that the photographs “provide a vivid picture of a violent...and ghastly post-execution scene” and concluded that they “depict a man—who for all appearances—was brutally tortured to death by the citizens of Florida.”¹² Summarizing the significance and transgressive quality of Shaw’s decision to append the photographs to his written opinion, Austin Sarat writes, “Because they are ‘vivid,’ Shaw assumed that they would convey a reality more clearly transparent than any language could. Thus the presence of the photos is not only an almost unprecedented judicial effort to make state killing visible, it is also a stark reminder of the limits of language when it speaks about physical violence and physical pain.”¹³ Indeed, there is no shortage of written eyewitness accounts of executions, but the photographs of the executions of Ruth Snyder and Allen Lee Davis have dramatically enriched ongoing debates surrounding capital punishment in the United States due in part to their ability to transcend the limitations of language in communicating realities of the practice that are typically shielded from public view.

Despite the proliferation of the Snyder and Davis photographs, the existence of such images remains the exception, not the rule. Moreover, while the photographs offer the public an unprecedented glimpse at what are typically private events, they are largely devoid of context and are of limited value in elucidating all facets of the execution process. Much of what the public knows about what transpired during nearly all of the more than 1,400 legal executions carried out in the United States since 1976 is derived from eyewitnesses accounts reported in newspapers, on television, and in other outlets. While the executions of notorious and controversial figures such as Julius and Ethel Rosenberg, Ted Bundy, John Wayne Gacy (discussed in Chapter One), Timothy McVeigh, John Allen Muhammad, and Troy Davis

¹² Thomas H. Provenzano v. Michael W. Moore, 1999 WL 756012 (Fla.), <http://users.soc.umn.edu/~samaha/cases/provenzano%20v%20moore.htm>.

¹³ Sarat, *When the State Kills*, 79-80.

garnered much attention in the subsequent decades, never again would the public have as few barriers to seeing and hearing an execution as with the hanging of Rainey Bethea in 1936. Even in today's digital, media-saturated world in which seemingly anything and anyone can be recorded at any time both easily and discreetly, American execution chambers remain remarkably elusive and shielded from public eyes and ears.

But on the evening of May 2, 2001, many people listening to public radio in the United States were surprised to hear the sounds of an actual execution being broadcast over the airwaves. At the beginning of the broadcast, listeners heard what sounds like a field recording of a man with a southern accent announce with clerical precision, "This is the execution of Ivon Ray Stanley, EF103603." Listeners learned that between 1983 and 1998, the Georgia Department of Corrections created, for their own records, and to proactively protect the state against possible legal action, audio recordings of the twenty-three legal electrocutions carried out at the Georgia Diagnostic and Classification State Prison in Jackson. David Isay, a radio documentary producer, had obtained the recordings from Mike Mears, a Georgia criminal defense attorney who in 1998 subpoenaed the tapes while litigating a case challenging the state's use of the electric chair. After acquiring portions of audio from nineteen of the twenty-three tape-recorded executions, Isay produced the hour-long public radio special *The Execution Tapes*, which includes excerpts from some of the recordings and a panel discussion among journalists, corrections officials, legal scholars, and activists.¹⁴ Isay also posted the audio from the tapes he obtained to a website for the public to hear. While the website is no longer operational, I have derived my analysis of the tapes from detailed notes I took several years ago while the website was still active and, more

¹⁴ Larry McShane, "Georgia Execution Tapes Aired," Associated Press, May 3, 2001; and Sara Rimer, "Sounds of the Georgia Death Chamber Will Be Heard on Public Radio," *New York Times*, May 2, 2001.

recently, from copies of the recordings I have procured from other online sources, including YouTube and a website created by attorney Joshua Smith.¹⁵

Music and Sound in the Execution Chamber

Music is often forbidden in American death houses, due in part to corrections officials' fears that it may stir emotions.¹⁶ On select occasions, however, music has been heard during executions. Recall, for instance, Jonathan Nobles's singing of "Silent Night" during his execution by lethal injection in 1998 at the Texas State Penitentiary at Huntsville, which I have detailed elsewhere in this dissertation. In addition, Duncan McKenzie, who was convicted of the 1974 murder of Lana Harding, was permitted to listen to music during his execution by lethal injection on May 10, 1995 at Montana State Prison in Deer Lodge. Using a tape player provided to him by the prison, McKenzie listened with headphones to an album by country artist Marty Robbins, even as the lethal injection was being administered. After McKenzie stopped breathing, the faint sound of Robbins's music bleeding from his headphones continued to drift through the otherwise silent execution chamber, according to reporters who witnessed the event.¹⁷

Allowing individuals to listen to music as they are being executed by lethal injection may, according to execution technician Fred A. Leuchter, help comfort the condemned person in their final moments and thus ensure that executions are administered more humanely and efficiently.

¹⁵ Josh Smith, "(Audio) Witness to an Electrocution: The Georgia Execution Tapes," June 12, 2015, <http://joshsmith.xyz/audio-witness-to-an-electrocution-the-georgia-execution-tapes/>

¹⁶ Helen Prejean, *Dead Man Walking: An Eyewitness Account of the Death Penalty in the United States* (New York: Random House, 1993), 36.

¹⁷ Bob Anez, "Music Accompanies End of Killer's Life," Associated Press, May 10, 1995; and "Montana Puts 1st Man to Death Since '43," *Deseret News* (UT), May 10, 1995.

Prior to his notorious involvement with Holocaust denial beginning in the late 1980s,¹⁸ Leuchter, out of concern with, in his words, “the humanitarian aspects of death by torture,”¹⁹ sold his services as a self-proclaimed engineer to more than a dozen states to help them maintain, improve, and ascertain the effectiveness of their existing execution equipment;²⁰ for several states in need of new equipment, Leuchter also built and sold modern execution hardware, including gallows, lethal injection systems, and electric chairs, developed with the “comfort and dignity of the executee and the executioner” in mind.²¹ There is no way to know for sure if Nobles or McKenzie were in any way comforted by the sound of music in their dying moments, but these episodes at least suggest a belief in music’s ability to bring about certain emotions and facilitate alternate planes of existence.

Although the Georgia tapes do not contain anything that may traditionally be referred to as music, I believe that musicians are uniquely equipped to utilize their critical listening skills to better understand the role sound has played in the administration and reception of capital punishment in the United States. In this chapter, I use the Georgia recordings as a case study through which to examine acoustemologies of the execution chamber. Inspired in part by R. Murray Schafer’s foundational text *The Tuning of the World*, in which he develops the term *soundscape* to refer to the global environment of humanly perceived sounds for which people

¹⁸ See Christopher B. Daly, “Holocaust Revisionist Admits He Is Not Engineer,” *Washington Post*, June 18, 1991.

¹⁹ *Mr. Death: The Rise and Fall of Fred A. Leuchter, Jr.*, directed by Errol Morris (Universal City, CA: Universal Studios, 1999), DVD.

²⁰ “An ‘Expert on Executions Is Charged With Fraud,’” *New York Times*, October 24, 1990; Michael deCourcy Hinds, “Making Executions Humane (or Can It Be?),” *New York Times*, October 13, 1990;

²¹ Quoted in Stephen Trombley, *The Execution Protocol: Inside America’s Capital Punishment Industry* (New York: Crown Publishers, Inc., 1992), 32-3.

bear responsibility,²² ethnomusicologist Steven Feld challenged ethnographers to “study how people hear, respond to, and imagine places as sensually sonic.”²³ In his seminal research on the Kaluli people of Papua New Guinea, Feld coined the term *acoustemology* to refer to people’s acoustic epistemologies, their ways of knowing the world through its sounds. “Acoustemology,” writes Feld, “means an exploration of sonic sensibilities, specifically of ways in which sound is central to making sense, to knowing, to experiencing truth.”²⁴ While this chapter lacks the ethnographic component that is crucial to Feld’s acoustemological writings on the Kaluli, I seek to understand from historical research and primary source materials the extent to which people have known capital punishment through its actual sounds.

Building on recent scholarship in acoustemology and sound studies, this chapter asks two related but ultimately distinct questions: What can the sounds of the Georgia tapes tell us about the death penalty and its links to discourses of law, politics, race, gender, and ethics? And what can the death penalty tell us about sound and its importance as a source, among other things, of information, anxiety, pain, and comfort? Analysis of the Georgia tapes and their reception among the public reveals sound to be an important means of administering, understanding, and debating the death penalty in the United States. These recordings not only provide exceptionally rare and detailed insight into execution protocol, but also have served as fodder for lawmakers, corrections officials, and activists, all of whom, in the absence of accompanying visuals, have interpreted the sounds of the executions as evidence of the death penalty’s constitutionality, morality, or lack thereof.

²² R. Murray Schafer, *The Tuning of the World* (New York: Knopf, 1977).

²³ Steven Feld, “Waterfalls of Song: An Acoustemology of Place Resounding in Bosavi, Papua New Guinea,” in *Senses of Place*, ed. Steven Feld and Keith H. Basso (Santa FE, NM: School of American Research Press, 1996), 96.

²⁴ *Ibid.*, 97.

Description of the Recordings

First, let us consider what is heard in the recordings. In between strands of silence, static, and tape hiss, the recordings of each execution contain, among other things, audio of the condemned inmate's last statement; the warden swearing in the witnesses, reading the court order, and announcing death; the prison chaplain reciting the final prayer; and a detailed play-by-play description of the events leading up to, during, and immediately following the execution, as narrated in real time by a prison employee while on the telephone with state corrections and legal officials in Atlanta. In addition to spoken dialogue, the recordings contain various sonic identifiers of place and occasion, such as the jangle of an inmate's shackles as he is escorted to the execution chamber, the click of the power to the electric chair being turned on and off, and the reverberating metallic thud of doors closing elsewhere in the prison.

Except for several of the later executions in the collection that are narrated by a female corrections official, every voice heard in the recordings, among the prison employees, attorneys, and inmates, is male, many of whom speak with pronounced southern accents. More specifically, many of the inmates' voices are of African-American men, a fact which John Young, who was executed on March 20, 1985, for the 1974 murders of three elderly people,²⁵ acknowledged in his final statement, delivered in the death chamber with measured, barely-audible speech: "And I can only say that I am not sorry that I am leaving this world, because being born black in America was against me. Y'all cry out that America was built on Christianity, but I know that it was built on slavery."²⁶

²⁵ John Lancaster, "State Executes Young for 1974 Macon Slayings," *Atlanta Journal-Constitution*, March 20, 1985.

²⁶ "John Young, Death Chamber," excerpt.

Countless studies have addressed the existence of gender, racial, class, and regional biases in imposing death sentences in the United States.²⁷ Of the more than 1,400 people executed in the United States since the Supreme Court reinstated the death penalty in 1976, nearly 99% have been male, more than one third have been African American, and more than 80% have been executed in the southern United States.²⁸ All of these figures are disproportionately high relative to the overall makeup of the country. While the Georgia tapes contain recordings of less than two percent of the total number of executions carried out nationwide since 1976, the recordings, in many respects, sonically encapsulate capital punishment throughout the United States and thus serve as a rich case study through which to examine how people sonically know the country's ultimate form of punishment.

The Georgia tapes also make audible power relations that existed in the prison. For instance, whereas members of the prison staff were free to talk as much as they wanted before, during, and after executions, we only hear the inmates' voices when they are granted explicit permission to speak. By the end of each recording, however, the inmate's voice falls noticeably silent—a vivid sonic manifestation of the state's power. In addition, during executions, prison

²⁷ There is much scholarship on this subject. See, for example, Stuart Banner, *The Death Penalty: An American History* (Cambridge, MA: Harvard University Press, 2002); Hugo Adam Bedau, ed., *The Death Penalty in America: Current Controversies* (New York and Oxford: Oxford University Press, 1997); Herbert H. Haines, *Against Capital Punishment: The Anti-Death Penalty Movement in America, 1972-1994* (New York and Oxford: Oxford University Press, 1996); Sarat, *When the State Kills*; and Martin G. Urbina, *Capital Punishment and Latino Offenders: Racial and Ethnic Differences in Death Sentences* (New York: LFB Scholarly Publishing, 2003).

²⁸ "Executions Database," Death Penalty Information Center, accessed March 5, 2017, <http://www.deathpenaltyinfo.org/views-executions>; I use the term *southern United States* to refer to the sixteen states (AL, AR, DE, FL, GA, KY, LA, MD, MS, NC, OK, SC, TN, TX, VA, WV), plus the District of Columbia, that comprise the "South," as defined by the United States Census Bureau. "Census Regions and Divisions of the United States," United States Census Bureau, https://www2.census.gov/geo/pdfs/maps-data/maps/reference/us_regdiv.pdf.

staff made sure to disengage the microphone placed in the execution chamber so as not to amplify and broadcast any unwanted sounds to the media and other witnesses.

While the Georgia tapes constitute a remarkably detailed sonic document pertaining to the realities of capital punishment in the United States, equally important is what is not heard in the recordings. In marked contrast to sensationalized, stereotypical depictions of executions on television and in movies, including some of the works I discussed in the previous chapter, there is no audible screaming, yelling, or crying in any of the recordings. While the condemned inmates seem to exhibit a range of emotions (e.g., resignation, defiance, sadness, contempt, indifference, nervousness, vengeance, relief, love) while delivering their final statements, absent are the exaggerated, abject sounds and utterances frequently heard in Hollywood-conceived representations of the death penalty.

Also largely absent from the recordings is insight into the backstory and circumstances surrounding each execution. While several of the condemned inmates acknowledge their victims in their final statements, announcements by and discussions among the corrections employees heard in the recordings provide little to no information pertaining to the crimes for which each condemned inmate is executed; instead, the prison staff and corrections officials sound entirely consumed with the ritualistic task of executing someone in accordance with state law. Moreover, rather than give voice to emotions or personal feelings, their discussions revolve almost entirely around the objective realities of each execution, such as what they see and hear at any given moment, while also demonstrating a near-obsessive preoccupation with marking and announcing the passing of time. Take, for instance, the following transcript of an excerpt from the beginning of the 1987 execution of Timothy McCorquodale, who was convicted of murdering Donna Marie

Dixon in 1974.²⁹ Here, assistant warden Willis Marable, who was observing the execution from an adjacent room through a one-way mirror, described via telephone to state corrections and legal officials what he saw in real time:

WILLIS MARABLE: Mr. Boyd? Mr. Long? The superintendent has entered the execution chamber at this time. He is introducing himself to the witnesses at this time. He is briefing them to remain silent and to avoid any unnecessary movement. He is now in the process of confirming the witnesses. All witnesses have been confirmed. He is now advising the witnesses—with all witnesses here and confirmed—we will proceed with the court-ordered execution of Timothy W. McCorquodale.

LONG: I show the time is seven, zero, eight.

MARABLE: That's correct. At this time, the execution team members are escorting the condemned to the chair. He is walking unassisted to the chair, seating himself at this time. One member of the execution team immediately is securing the body strap. The condemned is sitting very still, just observing the execution team members. No movement or very little movement from any of the witnesses. Be advised, the body strap is now in place. The remaining straps are in the process of being secured by the execution team members.

LONG: I show the time is seven, zero, nine.

MARABLE: That is correct. Mr. Boyd? Mr. Long?

BOYD: Yes, sir.

MARABLE: They're still in the process of securing the restraints to the condemned in the chair—and they are completed at this time. Adjustments have been made to the backboard. The superintendent is affording him an opportunity for a final statement. He is in the process of saying a few words to the witnesses at this point. He is completed with that. The superintendent has afforded him the opportunity for a last prayer. At this time, the chaplain is in the process of administering the last prayer.

LONG: 7:10.

MARABLE: That's correct. Mr. Boyd? Mr. Long?

BOYD: Yes, sir.

²⁹ "Slayer Executed in Georgia; High Court Rejects Appeals," *New York Times*, September 22, 1987.

MARABLE: The chaplain is still in the process of administering the last prayer. There is very little movement from any of the witnesses. The condemned is sitting very still in the chair—no movement at all can be detected from him. The chaplain has completed his prayer at this point. The superintendent is now in the process of reading the essential order of the court to the condemned and to the witnesses. The superintendent is still in the process of reading the court order. No movement from the condemned or from the witnesses. [Distant sound of Warden Ralph Kemp reading aloud the court order in the death chamber.] Mr. Boyd? Mr. Long? The superintendent has completed reading the court order. At this time, execution team members are in the process of securing the chinstrap to the condemned.

LONG: I show the time is 7:12.

MARABLE: That's correct. The chinstrap is secured at this time. Two of the execution team members are in the process of securing the headgear to the condemned and the right anklet to the right ankle. Very little movement can be detected from any of the news media witnesses other than taking notes; they're sitting very still. The condemned's witnesses are sitting very still, just looking into the execution chamber. Be advised, the leg band is secured at this time and also the headgear. The electrician is now entering the execution chamber and is in the process of securing the electrical wire to the headset. With that completed, he is now in the process of securing the remaining electrical wire to the leg band. Both wires have been connected. The electrician has wiped the perspiration from the condemned. The execution team members are now securing the face hood.

LONG: I show the time is [unintelligible].

MARABLE: That's correct. The face hood is secured at this time. Final adjustments to the backboard are being conducted. Final check of the restraints are being conducted by the execution team members. Speaker to the PA has been switched off. Execution [unintelligible] officials have taken their places at the control board. Stand by for the superintendent's final communications check.³⁰

Although Marable seems to privilege what he could see in this excerpt, there were times when he and the other prison officials relied on their ears to do their jobs.

The Importance of Sound for Prison Staff: The Execution of Ivon Ray Stanley

The Georgia tapes not only shed light on a controversial practice in American society that is typically shrouded in secrecy, but also reveal sound as a potent source of information for

³⁰ "Timothy McCorquodale, Command Post," excerpt.

prison staff in the administration of the death penalty. As scholars such as Tom Rice and J. Martin Daughtry have argued, sound often possess a dual-edged quality as both a source of information and a source of anxiety, trauma, and pain.³¹ Perhaps the most vivid example of this in the Georgia tapes occurred during the execution of Ivon Ray Stanley on July 12, 1984. Just seconds after prison staff initiated the flow of electricity to Stanley's body, Marable, who again was observing the execution from an adjacent room, notified his superiors via telephone that he heard an unidentified "pop" sound emanate from the execution chamber:

WARDEN RALPH KEMP [to members of the execution team]: On my count of three, press your buttons. One, two, three. [Clicking sound of buttons initiating current to the electric chair being pressed.]

WILLIS MARABLE: Colonel Lowe?

COLONEL WILLIAM LOWE: Yes.

MARABLE: Mickey? The execution is now in progress. When the first surge entered his body, he stiffened and I heard a "pop" as if one of the straps broke, but I can't tell from this vantage point. He is still, at this time, sitting there with clenched fists, with no other movement.³²

At this moment, Marable seems to have engaged in what Trevor Pinch and Karin Bijsterveld term *diagnostic listening*.³³ Just as a physician may use a stethoscope to identify pathologies in a patient, Marable presumably drew upon his training and experience conducting electrocutions in order to identify the sound, interpret its significance, and, if necessary, prescribe the proper course of action for treating the problem. The existence of the "pop" sound also caught the attention of state corrections officials, one of whom instructed Marable, ten minutes after he first

³¹ Tom Rice, *Hearing and the Hospital: Listening, Knowledge, and Experience* (Canon Pyon, UK: Sean Kingston Publishing, 2013); Martin J. Daughtry, *Listening to War: Sound, Music, Trauma, and Survival in Wartime Iraq* (Oxford and New York: Oxford University Press, 2015).

³² "Ivon Ray Stanley, Command Post," excerpt.

³³ Trevor Pinch and Karin Bijsterveld, "Introduction," in *The Oxford Handbook of Sound Studies*, ed. Trevor Pinch and Karin Bijsterveld (New York: Oxford University Press, 2012).

reported the sound, “See if you can find what that snap, pop that you that were talking about a while ago.” To this, Marable, obviously having thought about and dissected the sound’s significance, immediately responded, “I think it was just the electricity arc. I don’t think any strap broke or anything. He just jerked real hard because of the electricity’s arc.” Despite Marable’s plausible explanation, state legal and corrections officials still wished to discuss the significance of the “pop” sound via telephone with Warden Ralph Kemp following the execution:

UNIDENTIFIED INDIVIDUAL: Is the warden available?

WILLIS MARABLE: Just a minute.

WARDEN RALPH KEMP: Hello?

UNIDENTIFIED: Ralph?

KEMP: Uh huh.

UNIDENTIFIED: You and your staff did an excellent job. We appreciate it very much.

KEMP: Okay [laughing]. We had a little bit of a scare. I don’t know if they relayed it to you or not that—

UNIDENTIFIED: —pop.

KEMP: The popping sound.

UNIDENTIFIED: Yeah.

KEMP: We were thinking what happened, because he sat there for that three minutes, that the water in the sponge³⁴ on his leg ran out—by his foot, rather, by his foot. And we’re thinking that it was just like a little bolt of lightning.

COLONEL WILLIAM LOWE: Did you see anything?

³⁴ Electrocution protocols almost always involve the placement of a saline-soaked sponge between the person’s shaven skin and each electrode in order to enhance conductivity. See Trombley, 34.

KEMP: No. They said—Colonel Hardison and the other people in the witness room said they didn't see anything like that.

UNIDENTIFIED: What we did this time, we moved it. There was no prayer nor final statement. That's why it threw us off by about two-and-a-half minutes. We'll just have to really gauge it a little better next time.

KEMP: Well, the witnesses might have come a little early too. That threw us off just a tad. But still—I still feel good about it, really.

LOWE: It ran too smooth, Ralph, but don't screw it up next time.

KEMP: [Laughing] Okay.³⁵

There are three observations worth noting here. First, Kemp states that neither he nor any of the other prison staff administering the execution observed any visual signs of trouble with the execution; thus, sound was the sole indicator that anything may have been amiss. Second, the fact that one of the corrections officials aspired to “really gauge it a little better next time”—a pledge that seems to have been precipitated entirely by the manifestation of the “pop” sound—demonstrates that executions, despite rigorous planning and training, are ultimately dynamic, fluid, and unpredictable affairs. Finally, while the sound of Kemp's laughter following the execution prompted some commentators to accuse the prison staff of having exhibited “gallows humor” in the recordings,³⁶ his laughter may have been an audible manifestation of relief. When asked about the “lighthearted moments” heard immediately after Stanley's execution, former Attorney General of Georgia Michael J. Bowers defended the prison staff: “I suspect what you heard there was the enormous relief from pressure that people felt from getting it over with. It's

³⁵ “Ivon Ray Stanley, Command Post,” excerpt.

³⁶ Philip Delves Broughton, “Execution Tapes Reveal US guards' Gallows Humour,” *Telegraph* (UK), May 3, 2001, <http://www.telegraph.co.uk/news/worldnews/1328976/Execution-tapes-reveal-US-guards-gallows-humour.html>; and Scott Henry, “Gallows Humor: Banal, Chilling Execution Recordings Are Abandoned by Georgia,” May 9, 2001, <http://www.clatl.com/news/article/13004185/gallows-humor>.

just so much pressure on people to take the life of another person. I can't tell you how solemn and pressure-packed it is."³⁷ Although the "pop" sound ultimately did not have any noticeable impact on the efficacy of the execution, the episode vividly demonstrates how sound can act simultaneously as a rich source of tactical information and a source of profound anxiety during executions.

Sound and the Mutability of Executions: The Execution of Alpha Otis O'Daniel Stephens

Despite the prison staff's pledge to "really gauge it a little better next time" following the execution of Ivon Ray Stanley, the mutability and unpredictability of such events is once again audible in the recording of the next execution that was conducted at the Georgia Diagnostic and Classification State Prison. Shortly after midnight on December 12, 1984, the execution of Alpha Otis O'Daniel Stephens, who was convicted of having murdered Roy Asbell in 1974,³⁸ began normally:

WARDEN RALPH KEMP [to members of the execution team]: On my count of three, press your buttons. One, two, three. [Clicking sound of buttons initiating current to the electric chair being pressed.]

WILLIS MARABLE [to state corrections officials]: The execution now has begun. There was one small jerk from the condemned at the time the execution was initiated. He is sitting very still now, and we are also now into the second phase of the execution. We're now into the third phase of the execution. No movement from the condemned; no activity and no movement from the witnesses.³⁹

Following the requisite three phases (in which progressively fewer volts are used) of the two-minute electrocution, Stephens's execution entered a required five-minute period of "lapse time," during which his body was allowed to cool before physicians could check it for vital signs.

³⁷ David Isay, *The Execution Tapes*, WNYC, New York, May 2, 2001.

³⁸ "Murderer Electrocuted in Georgia After Appeals Fail," *New York Times*, December 13, 1984.

³⁹ "Alpha Otis Stephens, Command Post," excerpt.

More than two minutes into the lapse time, however, Marable, who again was watching and listening to the execution from a room adjacent to the death chamber, observed signs in Stephens's body that suggested that he was still alive. Via telephone, Marable notified state corrections officials what he observed:

MARABLE: Commissioner?

COMMISSIONER: Yes.

MARABLE: Mr. Long?

LONG: Yes.

MARABLE: There is some slight movement. He's still moving his head slightly. The only thing we can do is continue 'til the physicians can check him after the lapse time has expired.

COMMISSIONER: Don't vary from your checklist.

MARABLE: Okay. We have completed three minutes of lapse time; two minutes remaining. Commissioner? Mr. Long?

COMMISSIONER: Yes.

MARABLE: He is still moving his head slightly—kind of a bobbing-up-and-down movement. Commissioner?

COMMISSIONER: Yes.

MARABLE: Mr. Long? We have completed four minutes of lapse time; we have one minute remaining. And from my vantage point, I do detect, or it seems to be, that he is breathing. Commissioner? Mr. Long? We have completed the five-minute lapse time. Stand by for the physicians' check.

KEMP: Commissioner?

COMMISSIONER: Yes.

KEMP: It appears—and the doctors agree with me—that he's still breathing. Do you want us to check him and then go through it again, or just go ahead and go through it again?

COMMISSIONER: Check him, and then go through it again. Definitely check him. Don't vary from the checklist.

KEMP: Alright.

COMMISSIONER: Have them check him.

KEMP: Okay. We announce that we'll do it again? [Unintelligible.]

COMMISSIONER: It doesn't say so. It remains on.

KEMP: Okay.

LONG: The time is 12:26 and thirty seconds.

KEMP: Commissioner?

COMMISSIONER: Yes.

KEMP: The doctors have verified that he is still alive.

COMMISSIONER: Repeat the execution.

KEMP: Very well. [Off-mic, to a member or members of the execution team] Are we ready to do it again?

COMMISSIONER: Better check all the connections. Ralph?

KEMP: Yes, sir.

COMMISSIONER: Did you tell the witnesses that you're repeating it?

KEMP: No, I didn't.

COMMISSIONER: I think you should tell them.

KEMP: Okay. You want me to just advise them that we're repeating the process and not going into detail?

COMMISSIONER: That's right.

MARABLE: Commissioner? Mr. Long? The superintendent is entering the execution chamber and approaching the mic at this time to advise the witnesses that we will proceed again with the execution.

COMMISSIONER: Willis, if you can, tell them that some vital signs were remaining, so the execution will repeat—if you can get that message to them.

MARABLE: It's too late now—he's already briefed them and he's on his way back in, sir.

COMMISSIONER: Fine, alright.

LONG: I show the time is 12:28.

KEMP: Okay, Commissioner, we'll proceed at this time. [To members of the execution team]: On my count of three, press your button. One, two, three. [Clicking sound of buttons initiating current to the electric chair being pressed.]⁴⁰

Significantly, rather than instruct the execution team to inform the witnesses that Stephens was “still alive” or “still breathing,” the commissioner strategically decided on the far more palatable and clinical euphemism “some vital signs were remaining,” perhaps to further dehumanize Stephens and avoid alarming the witnesses. Otherwise, this episode constitutes a rare moment among the recordings in which members of the execution team at the Georgia Diagnostic and Classification State Prison sound, at least momentarily, unsure of what to do. Whereas much of the Georgia tapes consist of long periods of uneventful silence, the sound of near constant communication and conferring among prison employees and state corrections officials during this episode speaks volumes about the volatility and unpredictability of executions.

Responses to the Georgia Tapes

Immediately following the broadcast of Isay's *The Execution Tapes* on public radio, news organizations throughout the United States and abroad covered the recordings in great detail. More specifically, while constituting a relatively small portion of each recording, the media, in

⁴⁰ Ibid.

many instances, focused much attention on the inmates' last words and the moments leading up to executions. CNN, for example, aired a report following the release of the Georgia tapes that contained excerpts of the last statements of no fewer than five condemned inmates.⁴¹ In this one-hundred-second portion of the report, an audio excerpt of each person's last statement plays while on screen appears a small black-and-white headshot of each man that gradually grows in size in a fashion akin to the Ken Burns effect, and a caption briefly summarizing the crime for which he was executed; these appear against the background image of a cassette tape with a rectangular white sticker on which is written the man's name, case number, date of birth, and date of execution. Superimposed over the background image of the cassette tape are moving shadows, suggesting the secretive nature of the recordings. As the sound of each man's final statement fades out and the on-screen graphics dissolve into the screen accompanying an excerpt of another inmate's last words, producers inserted the sound of a loud, reverberating thud, presumably a cell door slamming shut in a prison, thus reinforcing the carceral and about-to-die circumstances in which the statements were made.

The subject of countless books, articles, and films, people's last words have long been the source of human intrigue. As Studs Terkel argues in his foreword to Robert K. Elder's book *Last Words of the Executed*, death row inmates—"those who know the time, the place, and circumstances of their deaths"—constitute "the most likely interpreters of last words."⁴² Newspaper articles covering executions in the United States frequently publish the inmate's last statement, but the Georgia tapes allowed the public, for the first time, to actually hear the words

⁴¹ "Television Reports Covering the NPR 'Execution Tapes,'" YouTube video, 19:06, posted by "bartempira," June 11, 2011, https://www.youtube.com/watch?v=_MQus3XkAM4.

⁴² Studs Terkel, foreword to *Last Words of the Executed*, by Robert K. Elder (Chicago and London: University of Chicago Press, 2010), ix.

uttered by the people who spoke them, thus offering a new window into their lives, crimes, and dying thoughts.

In *The Execution Tapes*, Isay remarked that the ability to hear the inmates' last words was more affective than reading them: "The soul of a person is in their voice, and there are certain stories that are very well told on the page, but you're one degree distant, and with these tapes you're one degree closer. So, I think it's much more immediate and much more powerful to actually hear the voices than to hear them distilled through a reporter's pen."⁴³ Moreover, the sounds of last statements and preparations for executions on the Georgia tapes may be thought of as sonic corollaries to the concept of *about-to-die music*, which I explained in the Introduction and have discussed elsewhere in this dissertation. By turning an ear to the sounds of individuals about to be executed, news coverage of the Georgia tapes made their deaths suggestive, contingent, and elusive, thereby inviting audiences to emotionally engage with the events, generate meaning, and complete their stories.

When asked about his motivation for making the Georgia tapes available for the public to hear, Isay stated, "I wanted to shine a light on this process so people could understand what an execution is. This isn't meant to be pro- or anti-death penalty. It's just what it is."⁴⁴ Despite Isay's claims of neutrality, people representing various relationships to and perspectives on the death penalty have cited the sounds of the Georgia tapes as evidence supporting their respective viewpoints. According to Katherine Verdery, because corpses are silent, ambiguous, and lack agency, people often appropriate them for different purposes and treat them essentially as blank slates on which different meanings and associations can be etched. "A dead body," writes Verdery, "is meaningful not in itself but through culturally established relations to death and

⁴³ Isay, *The Execution Tapes*.

⁴⁴ Rimer, "Sounds of the Georgia Death Chamber."

through the way a specific dead person's importance is (variously) constructed."⁴⁵ Verdery's ideas about the appropriative and polysemous quality of dead bodies are relevant to the Georgia tapes. Prisoners, as Foucault reminds us, are "docile bodies" carefully disciplined and controlled by the state. Those sentenced to be executed, one could argue, are further lacking in agency considering that their fates have been fully pre-determined by the state. As a result, the condemned inmate's body—rendered virtually powerless before, during, and after the execution—serves as a vessel through which people can voice varying and competing perspectives on the death penalty. Indeed, the sounds of the Georgia tapes have served as an important medium through which people have appropriated, animated, and inscribed meanings on inmates' sonified bodies.

To begin with, the release of the tapes occurred just two weeks before the scheduled execution of Oklahoma City bomber Timothy McVeigh. Considering the high-profile nature of the case and the many victims killed and injured in the attack, McVeigh's impending execution renewed debate about whether executions in the United States should be televised or broadcast to the public.⁴⁶ As a result, the Georgia tapes enriched public discourse surrounding the legality, psychology, and ethics of broadcasting executions. On the one hand, proponents of freedom of information welcomed the tapes. Journalist Mike Wallace remarked, "I...see no reason why it should not be broadcast. The death penalty is popular in America. Politicians run...on their approval of the death penalty. Why shouldn't the American public have an opportunity to hear and to see what they have voted for?"⁴⁷ Michael Bowers, whose voice is heard on many of the

⁴⁵ Katherine Verdery, *The Political Lives of Dead Bodies: Reburial and Postsocialist Change* (New York: Columbia University Press, 1999), 28.

⁴⁶ See Jody Lyneé Madeira, *Killing McVeigh: The Death Penalty and the Myth of Closure* (New York and London: New York University Press, 2012).

⁴⁷ Isay, *The Execution Tapes*.

recordings as the then state attorney general for Georgia, agreed with Wallace, stating, “If that’s what the American public want, then they should have the choice of hearing that sort of thing.”⁴⁸ Similarly, Jane Kirtley, a scholar of media ethics and first-amendment law, added that broadcasting executions, as with the Georgia tapes, would allow both lawmakers and the public to be better informed about the practice.⁴⁹ Conversely, author Wendy Lesser declined to listen to the Georgia tapes and warned of the dangers of televising or broadcasting executions to the public: “The way people watch the news and not get disgusted or outraged by it, I have no doubt that people could begin to watch executions and view it as another form of reality TV. And it really would cease to seem real to them precisely because it was appearing on TV.”⁵⁰ Robert Johnson offers a similar assessment, arguing that televising executions may cause the viewing public to “eventually become inured to the violence of the death penalty, which will almost certainly seem entirely unremarkable over time.”⁵¹

Before the release of the Georgia tapes, many Americans’ perceptions of what the death penalty looks and sounds like were largely derived from sensationalized depictions of executions on television and in movies,⁵² including some I mentioned in the previous chapter. After listening to the Georgia tapes, however, many commentators remarked how little the sounds of the executions resembled what they had seen and heard in movies such as such as *Angels with Dirty Faces*, *The Green Mile*, and *Dead Man Walking*. In fact, many reports and comments on the Georgia tapes used words and phrases such as “matter-of-fact tone,”⁵³ “banality and

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Robert Johnson, *Death Work: A Study of the Modern Execution Process*, 2nd ed. (Belmont, CA: West / Wadsworth, 1998), 187.

⁵² See, for example, Madeira, 251-52.

⁵³ Rimer, “Sounds of the Georgia Death Chamber.”

indifference,”⁵⁴ “dull,”⁵⁵ “dispassionate,”⁵⁶ “methodical,”⁵⁷ “detached,”⁵⁸ “cold,” “laissez-faire,”⁵⁹ “antiseptic,” “drained of emotion and human feeling,”⁶⁰ “without emotion,”⁶¹ and “dry and bureaucratic,”⁶² to describe the sounds of the executions. Whereas supporters of capital punishment have cited these sounds as evidence that the executions were carried out in a constitutional and dignified manner, opponents have argued that the lack of emotion heard in the prison officials’ voices is symptomatic of the troubling emergence of a culture in which state killings have become far too accepted and commonplace. Attorney Mike Mears, who originally subpoenaed the tapes, was disturbed by what he heard in the recordings: “I think that the banality of these tapes is more frightening than anything Hollywood can do, because it shows the dispassionate dispatching of a human being. It shows how the killing of human beings, by the state of Georgia at least, has become a bureaucratic function of the department of corrections.”⁶³ Michael Bowers, who participated in some of the executions, heard the recordings differently: “It’s a very somber occasion. You can’t divorce yourself from being a human being and the fact

⁵⁴ Billy Wayne Sinclair, *Capital Punishment: An Indictment by a Death-Row Survivor* (New York: Arcade Publishing, 2011).

⁵⁵ Tugboat25, comment on hell0kitty, “Complete Audio of Georgia’s Execution Tapes, *Find a Death* (forum), August 20, 2008, <http://www.findadeath.com/forum/showthread.php?10735-Complete-Audio-of-Georgia-s-Execution-Tapes>.

⁵⁶ Broughton, “Execution Tapes”; and Henry, “Gallows Humor.”

⁵⁷ Henry, “Gallows humor.”

⁵⁸ Carlo_The_Bugsmasher_Driver, “The Execution Tapes,” *The Thinking Atheist* (forum), June 23, 2013, <http://www.thethinkingatheist.com/forum/Thread-The-Execution-Tapes>.

⁵⁹ Taqwacore, comment on scientologist2, “Recordings of Two Executions (with transcripts), *Reddit/WTF*, June 19, 2012, https://www.reddit.com/r/WTF/comments/v9ufj/the_execution_tapes_georgias_secret_audio/.

⁶⁰ Jeffrey Gettleman, “Georgia Electric Chair Recordings Tell Different Stories,” *Los Angeles Times*, May 5, 2001.

⁶¹ Rhonda Cook, “Tapes Key Evidence in Fight Against Electric Chair – Georgia Audio Lets Public in on Executions,” *Atlanta Journal-Constitution*, May 3, 2001.

⁶² Suzanne Smalley, “Execution: The Grisly Play-By-Play,” *Newsweek*, May 13, 2001.

⁶³ Isay, *The Execution Tapes*.

that a life is being taken, that which God almighty created, you're terminating. And it's very somber and serious business."⁶⁴

For others, the sounds of the voices heard on the recordings elicited painful memories. For example, Billy Wayne Sinclair, who spent six years on Louisiana's death row before he was ultimately released from prison, remarks in his 2011 book how the sounds of the "rural, twangy-voiced, hard-bitten southern prison officials" in the Georgia tapes prompted "a flood of memories" of his time on Louisiana's death row and him to ponder how uncomfortably close he came to sharing the same fate as the men heard being executed in the recordings.⁶⁵

For some victims' rights activists, the tapes fail to acknowledge or give voice to the victims of the crimes for which the inmates were executed. In *The Execution Tapes*, Dianne Clements, co-founder and president of Justice For All, a Houston-based victims' rights organization, expressed displeasure with the fact that the name of Ivon Ray Stanley's victim was not heard at any point during the recording of his execution: "His name is Clifford Floyd. That was the man that was the victim of the murder that caused this execution." When asked if she believed recordings of executions, such as the Georgia tapes, should regularly be made available for the public to hear, Clements expressed concern: "We did not take into account that this man was being executed because he murdered Clifford Floyd. The victim's participation is non-existent. They did not ask to the murdered, quite obviously. And I believe that public broadcast of executions would minimize that victim's death and re-victimize those families and, in many instances, victimize the families of the condemned."⁶⁶ Similarly, Matthew Felling of the Center for Media and Public Affairs criticized NPR's airing of *The Execution Tapes* for focusing "solely

⁶⁴ Ibid.

⁶⁵ Billy Wayne Sinclair, *Capital Punishment: An Indictment by a Death-Row Survivor* (New York: Arcade Publishing, 2011).

⁶⁶ Isay, *The Execution Tapes*.

upon the death of the criminal and all the detail given to the death walk and the strapping and the mask over his head.” In doing so, Felling remarked, “You almost completely ignore the crime committed by this person!”⁶⁷

The Future of the Georgia Tapes

On October 5, 2001, five months after Isay’s *The Execution Tapes* first aired on public radio in the United States, the Georgia Supreme Court deemed execution by electrocution unconstitutionally cruel and unusual punishment. While the court had previously upheld the constitutionality of electrocution on several occasions, the majority in the 2001 decision noted that the concept of cruel and unusual punishment was “not a static concept,” but a reflection of “evolving standards of decency that mark the progress of a maturing society.”⁶⁸ As a result, lethal injection automatically replaced the electric chair, which the court, in the majority opinion authored by Justice Carol W. Hunstein, condemned for “its specter of excruciating pain and its certainty of cooked brains and blistered bodies.”⁶⁹ It is unknown the extent to which the Georgia tapes impacted the outcome of the case, but the court did acknowledge having considered “audiotapes archiving Georgia executions” alongside expert testimony, autopsy reports, postmortem photographs, and other evidence pertaining to the use of electrocution in Georgia.⁷⁰ Moreover, the fact that Mike Mears, who originally subpoenaed the tapes, served as an appellant in the case suggests that the recordings played a crucial role in the argument against the use of

⁶⁷ Matthew Felling, “Criticism of the Public Radio Special: The Execution Tapes,” interview by Brooke Gladstone, *WNYC*, May 5, 2001, <https://www.wnyc.org/story/132165-criticism-of-the-public-radio-special-the-execution-tapes/>.

⁶⁸ Kevin Sack, “Supreme Court of Georgia Voids Use of Electrocution,” *New York Times*, October 6, 2001.

⁶⁹ Quoted in Sue Anne Pressley, “Georgia Supreme Court Outlaws Electric Chair,” *Washington Post*, October 6, 2001.

⁷⁰ *Dawson v. State*, 274 Ga. 327

electrocution. Nevertheless, as a result of the court's determination, the state's electric chair was retired and placed in storage at the Georgia Diagnostic and Classification State Prison.⁷¹ In response, Richard Dieter of the Death Penalty Information Center observed, "This is the end of the electric chair in Georgia, which during most of the 1900s had been one of the leading death penalty states, but it is also part of a broader review of the death penalty that is taking place in courtrooms, governors' offices and state legislatures across the country."⁷²

What, then, is the value of the Georgia tapes today? Despite originally being brought before the public in an attempt to challenge a method of execution that today is no longer used in Georgia and much of the country, the tapes still have much to teach us about the past, present, and future of capital punishment in the United States. Analysis of the recordings themselves in conjunction with consideration of how they have been received, interpreted, and used by others yields critical insight into understanding not only what sound can tell us about the death penalty, but also what the death penalty can tell us about sound. Indeed, the tapes offer keen sonic insight into many aspects of capital punishment in the United States that remain relevant, including sound's potency as a source of tactical information, both the media's and the public's fascination with the sounds of individuals who are about to die, the unpredictability and mutability of executions, and the continued existence of racial, gender, geographical, and class inequalities in administering death sentences. While cogent arguments have been made against the public broadcasting of executions in the United States, the Georgia tapes, for better or worse, are available for all Americans to hear. Turning our ears to the sounds of these executions can facilitate enriching and, at times, uncomfortable confrontations with the historical realities of

⁷¹ Sack, "Supreme Court of Georgia Voids Use of Electrocution."

⁷² Quoted in Pressley, "Georgia Supreme Court Outlaws Electric Chair."

capital punishment in the United States while also offering a window into what the practice might become.

In fact, there exists evidence that suggests that electrocution, despite being rarely used anymore to conduct executions, is on the verge of a renaissance. In recent years, several states have encountered difficulties legally obtaining the drugs needed to conduct lethal injections due in part to pharmaceutical companies not wanting to be affiliated with the practice.⁷³ As a result, lawmakers in some states, including Tennessee, North Carolina, and South Carolina, have recently taken steps toward reinstating the electric chair as the preferred method of execution in their respective states.⁷⁴ Whether their efforts will amount to the increased use of electrocution as a method of execution remains to be seen, but the Georgia tapes may play a role in helping to support the respective viewpoints of people and organizations on various sides of the issue. As such, the Georgia tapes should not be thought of as historical curiosities or relics from a time past, but as living, breathing documents that will likely continue to play a crucial role in influencing ongoing debates about capital punishment and related issues in the United States.

⁷³ Lincoln Caplan, “The End of the Open Market For Lethal-Injection Drugs,” *The New Yorker*, May 21, 2016.

⁷⁴ Dave Boucher, “Could Tennessee Use the Electric Chair This Year? It’s Unlikely but Possible,” *The Tennessean*, March 25, 2018; Lynn Bonner, “Bring Back the Electric Chair, Says NC Legislator,” *The News & Observer* (NC), August 30, 2017; and Avery G. Wilks, “Proposal to Bring Back Electric Chair in South Carolina Clears Crucial Hurdle,” *The State* (SC), March 6, 2018.

EPILOGUE

“They worship death here.” This sepulchral utterance, reportedly said by American writer William Faulkner to a friend while dining in Los Angeles in 1944,¹ echoed in my head during my trip to the city in May 2013. While an air of displeasure likely accompanied Faulkner’s comment, there are many residents of and visitors to the city for whom such a comment would be intended as praise. Today, Los Angeles is home to a burgeoning industry centered on what is variously called *morbid tourism*, *dark tourism*, or *thanatourism*. “A tour through Los Angeles,” observes travel writer Leslie Pariseau, “can be a bit like driving through one big, palm tree-lined cemetery.” In fact, there exist numerous companies that organize tours of infamous murder sites, crime scenes, cemeteries, and other macabre locations associated with dark episodes in the city’s history.² “Visiting such sites,” according to Erika Doss, “is tantamount to slowly driving past car accidents and scanning crash scenes for signs of death, for evidence of the unknown.”³

Arriving in the city on a tight budget and preferring to travel at my own pace, I chose to forego the services of one of the many “dark” tour companies operating in the area; instead, I independently visited sites that fulfilled my historical interests and morbid curiosity, including the Crypt Mausoleum of the Cathedral of Our Lady of Angels; the Hollywood Forever Cemetery; Skeletons in the Closet, the on-site gift shop of the Los Angeles County Coroner’s office; the house on Bundy Drive in Brentwood, where, in 1994, Nicole Brown Simpson and Ron Goldman were famously murdered; and the intersection of Wilshire Boulevard and South Fairfax Avenue, where, in 1997, rapper Christopher Wallace, better known by his stage name,

¹ Joseph Blotner, *Faulkner: A Biography* (Jackson: University Press of Mississippi, 2005), 456.

² Leslie Pariseau, “Touring the Dark Side of Los Angeles,” *New York Times*, October 27, 2015.

³ Erika Doss, *Memorial Mania: Public Feeling in America* (Chicago: University of Chicago Press, 2010), 90.

The Notorious B.I.G., was killed by an unknown assailant in a drive-by-shooting. Speaking to the sense of authenticity offered by sites and artifacts of tragedy, Doss notes, “Palpable desires for visceral experience—for intensified modes of sensation that may permit empathetic response, encourage ideological attachment, and, especially, confirm our own reality—draw people to the spaces and places of tragic death.”⁴ Perhaps no site I visited better catered to fellow thanatourists or resonated with Faulkner’s observation that Angelenos “worship death,” however, than the aptly-named Museum of Death.

Located across the street from a large car dealership, which at the time of my visit was festively cloaked in festoons of red, white, and blue triangular flags, the Museum of Death is situated perilously close to the synecdochic slice of Los Angeles as many envision the city, Hollywood qua Hollywood. Less than a block west of the museum, on the corner of Hollywood Boulevard and Gower Street, is the eastern terminus of the Hollywood Walk of Fame, which, since being established in 1958, has been one of the most recognizable public monuments celebrating achievement by notable individuals in the entertainment industry.⁵ Continuing a short distance west along the charcoal-colored sidewalks of Hollywood Boulevard produces views of and contact with other Hollywood landmarks, including the Pantages Theatre, the Capitol Records Building, the Hollywood and Highland Center, Grauman’s Chinese Theatre, and the Dolby Theatre. Along this stretch, evangelizing Christians, eager Scientologists, and elaborately-costumed celebrity impersonators busking for tips all compete for the attention of the hoards of camera-wielding tourists, many of whom move at a glacial pace as they scan the sidewalks in hopes of finding their favorite entertainer’s name immortalized in all-capital letters on a five-

⁴ Ibid.

⁵ Hugo Martín, “Golden Milestone for the Hollywood Walk of Fame,” *Los Angeles Times*, February 6, 2010; and Richard Poulin, *Graphic Design + Architecture: A 20th-Century History* (Beverly, MA: Rockport Publishers, 2012), 131.

pointed brass-rimmed pink terrazzo star. Directing one's eyesight to the distant northerly hills, however, sometimes yields a glimpse at the iconic Hollywood Sign beckoning through the many obfuscating buildings, billboards, and palm trees that populate the area.

Although just a short distance from this famous tract of real estate, the Museum of Death inhabits far quieter and humbler surroundings. Appropriately, as I walked along the face of the one-story, ivy-strewn building, I encountered a waist-high, wooden, A-frame sign positioned on the now-starless sidewalk in front of the museum on which appeared a cartoon illustration of a human skeleton above a ribbon of text that read "Where the Stars End & The Darkness Begins." Upon accessing the space, I purchased admittance from a woman I learned later was Cathee Shultz, who, with her husband, has owned and operated the museum since 1995.⁶ After assuring Cathee that I would be able to stomach the "gruesome" and "gory" displays found within, I passed through the beaded curtain to the right of the ticket counter and entered the first gallery, which, to my astonishment, contained an exhibit on serial killers. "If a single figure can be said to exemplify American popular culture's apparent fascination with violence," writes Abby Bentham, "it is the enigmatic serial murderer.... Indeed, the polysemic serial killer holds such a unique place in the cultural imaginary that he or she has in some way come to be seen as emblematic of America itself."⁷ Entering the gallery, my eyes were immediately drawn to a cluster of five paintings displayed on the far wall. I soon realized that the cartoonish and brightly colored renderings of an unsettlingly incongruous cast of characters and objects, including clowns, skulls, and the Seven Dwarfs, were the work of John Wayne Gacy, who had produced a

⁶ Bob Pool, "Death Takes No Holiday at This Hollywood Museum," *Los Angeles Times*, October 29, 2009.

⁷ Abby Bentham, "Fatal Attraction: The Serial Killer in American Popular Culture," in *Violence in American Popular Culture*, ed. David Schmid, vol. 1, *American History and Violent Popular Culture* (Santa Barbara, CA: Praeger, 2016), 203.

spate of original artwork while incarcerated on death row in Illinois.⁸ While more than a dozen of Gacy's original canvases were ceremoniously burned at an event near Chicago a month after his execution,⁹ some of his paintings have survived and are publicly displayed. Such "murderabilia," writes Ricarda Vidal, "reflects and in some sense retains the negative creation of [the killer's] crimes and thus becomes a tangible incorporation of evil."¹⁰ Moreover, Vidal argues that "the aura of evil, the repulsion and attraction emanating from the work, paired with a need to understand, is perhaps even greater when the artworks in question are apparently innocent and childlike in style and content," as is the case with much of Gacy's oeuvre.¹¹ "These works," according to Vidal, "contain the thrill of looking at something banal and everyday, something anyone—a child or perhaps the neighbour from next door—could have painted, but which is at the same time the creation of a killer."¹² Indeed, it seemed to me that the Gacy paintings displayed at the Museum of Death were presented not exclusively as offensive or distasteful objects to be purged, but as historical artifacts imbued with cultural value and the opportunity for the curious viewer—seeking knowledge and understanding—to transgress Gacy's crimes and, by extension, death itself.

A Museum of Death patron wishing to know more about the fates of Gacy and some of the other serial killers featured in the first gallery could find answers in the adjoining room. Upon entering the space, my attention was drawn to a life-size replica electric chair positioned against the wall. Displayed nearby were the clothes worn by Wayne Robert Felde during his

⁸ "Controversial Serial Killer's Paintings Go on Display in Las Vegas," *CNN*, May 13, 2011, <http://edition.cnn.com/2011/US/05/13/serial.killer.art/>.

⁹ Jan Ferris, "Gacy's Art is Torched Amid Cheers," *Chicago Tribune*, June 19, 1994.

¹⁰ Ricarda Vidal, "The Power of Negative Creation – Why Art by Serial Killers Sells," in *The Power of Death: Contemporary Reflections on Death in Western Society*, ed. Maria-José Blanco and Ricarda Vidal (New York and Oxford: Berghahn, 2017), 122

¹¹ *Ibid.*, 123

¹² *Ibid.*

execution in Louisiana's electric chair in 1988; his shirt appeared to have been stained with bodily fluids—postmortem reports indicate that his body was badly burned during the electrocution¹³—and one of his pant legs had been purposefully truncated to allow for the connecting of an electrode to his calf. These were just a few of the many objects pertaining to capital punishment on display in the small yet densely packed room. As with the subsequent displays at the museum on autopsies, mortuary practices, taxidermy, mass suicide, and other death-related matters, I was struck by how the artifacts and objects pertaining to the death penalty were framed not as provocative agents of a veritable house of horrors intended to arouse the emotions of thrill-seeking tourists, but as objects of reverence and contemplation that speak to aspects of American history and society that simultaneously repulse and fascinate.

Perhaps due in part to the fact that I had arrived around dinnertime, the Museum of Death was eerily quiet and vacant during my visit. In fact, for much of my time there, the only other patron with me in the galleries was musician Dave Navarro,¹⁴ who is perhaps best known for having been the guitarist for Los Angeles-based rock bands Jane's Addiction and the Red Hot Chili Peppers. While initially starstruck by the sight of the distinctively styled and tattooed rocker, I soon recalled details of Navarro's life that suggested that, for him, a trip to the Museum of Death, particularly to the exhibits on murder and capital punishment, was a deeply personal and potentially cathartic experience. In 1983, when Navarro was fifteen years old, his mother, Constance, was murdered by her abusive ex-boyfriend, John Riccardi, in her West Los Angeles condominium. His parents having divorced years earlier, Navarro was spending the evening with his father at the time of Constance's murder; had he been with his mother that day, Navarro

¹³ Deborah W. Denno, "Getting to Death: Are Executions Constitutional?" *Iowa Law Review* 82, no. 2 (January 1997): 416.

¹⁴ Dave Navarro (@DaveNavarro), "Great day at Museum of Death!" Twitter, May 24, 2013.

believes that he, too, would have been killed. After eluding authorities for eight years, Riccardi was apprehended, convicted, and sentenced to death for the murders of Constance and her friend Sue Jory.¹⁵ Although now sober and an outspoken critic of domestic violence, Navarro has publically cited the traumatic loss of his mother for having fueled his past struggles with substance abuse and depression.¹⁶ Navarro has channeled these feelings into some of his music, including the song “Mourning Son” from his 2001 debut solo album, *Trust No One*. Over strummed acoustic guitar, chorus-tinged electric guitars, modally flavored harmonies, and ethereal female background vocals, Navarro, likely referring to his deceased mother, sings, “She gave herself to me / She’s gone away from me” before wondering aloud, “Where is the heartbeat coming from?” Toward the end of the second verse, Navarro’s initial sadness now sounds as if it has turned to anguish as he dramatically ascends to a higher register and exclaims, “Lost is the heartbeat where I come from.” Here, Navarro, the self-professed “mourning son,” seems to be singing about the emotions and circumstances surrounding his mother’s death as well as his own tenuous grasp on life.

In this dissertation, I have examined the ways in which Dave Navarro and other individuals with various relationships to the practice have used their ears to understand, cope with, administer, protest, and debate both actual and fictitious scenarios pertaining to the use of capital punishment in the United States since 1976. From a recording studio in Nashville to a public square in downtown Chicago, people throughout the United States have long harnessed

¹⁵ Riccardi’s death sentence was overturned in 2012 and is currently serving a life sentence in prison. Bob Egelko, “John Riccardi death sentence overturned,” *SFGate*, July 16, 2012, <https://www.sfgate.com/crime/article/John-Riccardi-death-sentenced-overturned-3711677.php>; and Snejana Farberov, “Convicted Killer serving a Life sentence for Shooting Dead Guitarist Dave Navarro’s Mother and Her Friend in 1983 Is Denied Appeal,” *Daily Mail* (UK), July 4, 2014, <http://www.dailymail.co.uk/news/article-2680224/Convicted-killer-serving-life-sentence-shooting-dead-guitarist-Dave-Navarro-s-mother-friend-1983-denied-appeal.html>.

¹⁶ Mark Yarm, “Facing His Mother’s Killer,” *New York Times*, November 30, 2015.

the expressive and communicative powers of music and sound to articulate and engage with ideas about this controversial practice and, more broadly, a culture of death that continues to permeate much of the United States.

After About-To-Die

Throughout this dissertation, I have argued that many of the musical and sonic practices surrounding the use of capital punishment in the United States exhibit the tropes of what I call *about-to-die music* and *about-to-die sound*. Adapted from Barbie Zelizer's concept of the *about-to-die image*, I have shown how much of the existing musical and sonic representations of capital punishment positions executions as imminent, but ultimately as yet to happen. The contingency of about-to-die music and about-to-die sound, I argue, invests representations of capital punishment with greater urgency and invites engagement from the listener, who may also feel a range of emotions in response to hearing what may be a person's final living moments. As such, we are not passive witnesses, but are active participants in the administration of capital punishment in the United States. While the about-to-die trope is not exclusive to capital punishment, it is particularly relevant when listening to individuals who know the exact time, date, location, and cause of their impending, state-sanctioned deaths, which, for some, is mere seconds away. By extension, the about-to-die trope facilitates fruitful, but often uncomfortable confrontations with our own mortality and morality.

But where do we find ourselves after having experienced not one but many instances of about-to-die music and about-to-die sound in this dissertation? Have we emerged newly awake, energized, and inspired to engage, either mentally or through actual grassroots activism, with individual cases of capital punishment or with the practice at large? Or, by virtue of having been

inundated with musical and sonic representations of capital punishment, are we now disinterested, desensitized, and immune to the realities of the practice, perhaps suffering from what Susan D. Moeller terms *compassion fatigue*?¹⁷ Herein lies a complex and potentially dangerous predicament.

The prevalence of the about-to-die trope in these examples points to a privileging of the “as if” over the “as is” of capital punishment in the United States. With respect to news images, Zelizer makes a distinction between objective-minded journalists’ purported aspirations to show the world “as is” vis-à-vis their tendency to adopt the voice of the “as if,” which “can be thought to provide contingent, imagined, or impossible conclusions to already-finished sequences of events, active visual markers for subjunctive ends, and facilitate the depiction of disparate events through similar images.”¹⁸ What, then, is gained and lost when we only sound and hear the “as if” voice of capital punishment? On the one hand, the contingent and anticipatory quality of about-to-die music and sound, as I have argued, encourages subjunctive engagement and imagination while also accommodating a range of interpretations and emotional responses from the listener. This can be useful in inspiring people to engage with capital punishment who would otherwise turn away from its grim and often violent realities. Doing so, however, risks overlooking those realities and what is arguably the crucial ingredient in the history of the death penalty in the United States: death itself. According to Zelizer, “If the power of news images derives in part from the ‘as if’ of what they show, then images can be used to simplify, soften, and render contingent the untenable features of the geopolitical realities that they depict.”¹⁹ Indeed, hearing

¹⁷ Susan D. Moeller, *Compassion Fatigue: How the Media Sell Disease, Famine, War and Death* (New York and London: Routledge, 1999).

¹⁸ Barbie Zelizer, *About to Die: How News Images Move the Public* (New York: Oxford University Press, 2010), 15.

¹⁹ *Ibid.*, 23.

less-nuanced depictions of death and capital punishment in music might facilitate greater public awareness and activist positions with respect to the realities of the practice. Nevertheless, the “as if” cannot exist without the “as is.” Hopefully, engaging with the “as if” of capital punishment will help pave the road to uncomfortable yet fruitful confrontations with the “as is” of the practice. As Zelizer summarizes, “investing in the ‘as if’ promises to make the ‘as is’ a bit more bearable, and given the volatility and uncertainty of much of today’s world, that might not be such a bad thing.”²⁰ While the specter of compassion fatigue may inevitably loom over musical and sonic representations of capital punishment, shutting our ears entirely to the practice would be the worst outcome of all. Sustained, disciplined, and well informed attention to music and sound is necessary in order fully account for and appreciate the cultural lives of capital punishment in the United States.

Directions for Future Research

This dissertation has served, in part, as an invitation to scholars of music and other disciplines to open their ears to the sounds of capital punishment in order to better understand the past, present, and future of the practice. As such, there exist numerous avenues through which to expand the topic beyond what I have accomplished in this dissertation.

While I examined the execution of John Wayne Gacy in Chapter One, there exist many other opportunities to engage in musicological research on historical studies in capital punishment. To this end, the 2001 execution of Timothy McVeigh offers a promising opportunity for future research. On June 11, 2001, thirty-three-year-old McVeigh was executed by lethal injection at the United States Penitentiary in Terre Haute, Indiana. McVeigh had been

²⁰ Ibid., 326.

sentenced to die for the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City. Perhaps the most significant act of domestic terrorism in American history to date, the attack killed 168 people and injured hundreds more.²¹ While the large-scale public demonstrations surrounding McVeigh's were, on the surface, similar to those during the execution of John Wayne Gacy, McVeigh's execution was unique for two reasons. First, McVeigh's was the first federal execution in the United States since 1963.²² Whereas nearly all executions in the United States are carried out at the state level, McVeigh's federal execution was exceedingly rare and offered people from across the country and the world the opportunity to comment, sometimes through music, on the American government's role in administering the death penalty.

Second, although a self-proclaimed agnostic, McVeigh asked composer David Woodard to compose a pre-requiem mass to be performed on the eve of his execution. Although he acknowledged McVeigh's "horrible deed," Woodard intended for the piece, *Ave Atque Vale* ("Onward, Valiant Soldier" or "Hail and Farewell"), to "provide comfort" for the condemned man.²³ Woodard had originally intended for the piece to be performed at the United States Penitentiary in Terre Haute, where McVeigh was incarcerated and scheduled to be executed, but prison administrators declined his request.²⁴ The piece was eventually performed at St. Margaret Mary Church in Terre Haute, approximately four miles from the penitentiary. Securing a performance venue was not the only difficulty Woodard faced when attempting to organize a

²¹ See Edward T. Linenthal, *The Unfinished Bombing: Oklahoma City in American Memory* (Oxford: Oxford University Press, 2001); and Jody Lyneé Madeira, *Killing McVeigh: The Death Penalty and the Myth of Closure* (New York and London: New York University Press, 2012).

²² "Federal Executions 1927-2003," Death Penalty Information Center, accessed November 17, 2014, <http://www.deathpenaltyinfo.org/federal-executions-1927-2003>.

²³ Quoted in "Composer Creates McVeigh Death Fanfare," BBC News, accessed February 3, 2014, <http://news.bbc.co.uk/2/hi/entertainment/1324743.stm>.

²⁴ Susan Carpenter, "In Concert at a Killer's Death," *Los Angeles Times*, May 9, 2001.

performance of the work, however. When recruiting musicians to perform the piece, Woodard advertised *Ave Atque Vale* as “a neutral piece of music, neither in favor of nor against the death penalty” in an effort to assuage their concerns about performing music in honor of McVeigh’s execution.²⁵ But Woodard’s negotiations with local musicians in Terre Haute, administrators at the United States Penitentiary, music students at Indiana University in Bloomington, and the Board of Trustees at WISU, Indiana State University’s student-run radio station may reveal anxieties on the part of musicians, administrators, and broadcasters in being associated with the piece. Woodard’s motivation for writing the piece, the difficulties he had getting it performed and broadcast, and the public’s reception of the work are intriguing subjects of future critical inquiry.

Whereas my dissertation relied primarily on historical research methods, engaging in ethnographic fieldwork, I believe, would dramatically enrich our understanding of ongoing relationships between music and capital punishment. For example, participant observation and ethnographic fieldwork with activists both for and against capital punishment might provide clearer and more detailed answers to some of the questions I posed in my historically-oriented research on the execution of John Wayne Gacy: Why do people participate in the events? Do the size and makeup of the crowd depend on who is being executed? When and why is music used? What is performed and for whom? How are music, costumes, and symbolic imagery used to express ideology, to articulate and transform existing social realities, and to negotiate the terrain of contested public space? How do these events reflect national narratives of grief, fear, shame, and anger? And what is the response to these events by other demonstrators, prison officials, the media, and the general public?

²⁵ David Woodard, interview with Tessa Laird, *Log Illustrated* 14 (2001).

Given the highly sensitive and contentious nature of capital punishment, however, ethnographers will have to exhibit much care in how they conduct their research. For instance, the ethnographer must consider, given the opportunity to do so, if they wish to perform music before, during, or after executions alongside their subjects and interlocutors. Mantle Hood famously espoused the importance of bi-musicality, in which researchers learn how to play the music that they study.²⁶ While this can certainly facilitate a better understanding about particular musical traditions, ethnographers may possess ethical concerns about performing music alongside their interlocutors during demonstrations for or against executions. When conducting ethnographic fieldwork, Dwight Conquergood cautions against “The Curator’s Exhibitionism,” in which the ethnographer-performer “wants to astonish rather than understand” and in doing so often dehumanizes the other. “Instead of bringing us into genuine contact (and risk) with the lives of strangers,” warns Conquergood, “performances in this mode bring back museum exhibits, mute and staring.”²⁷ Engaging with highly sensitive and contentious subject matter in which the lives of actual human beings are at stake, death-penalty ethnographers certainly should not wish to dehumanize their subjects or trivialize the events as a form of scholarly rubbernecking or morbid tourism; instead, they may wish to adopt an approach more akin to what Conquergood terms “Dialogical Performance.” “The aim of dialogical performance,” according to Conquergood, “is to bring self and other together so that they can question, debate, and challenge one another. It is a kind of performance that resists conclusions, it is intensely committed to keeping the dialogue between performer and text open and ongoing.”²⁸ Indeed, it should be the goal of such research to animate the topic and facilitate a genuine conversation about, among

²⁶ Mantle Hood, “The Challenge of Bi-Musicality,” *Ethnomusicology* 4(2) (1960): 55-59.

²⁷ Dwight Conquergood, “Performing as a Moral Act: Ethical Dimensions of the Ethnography of Performance,” *Literature in Performance* 5, no. 2 (1985): 7.

²⁸ *Ibid.*, 9.

other things, how music, sound, capital punishment, and, more broadly, narratives of death, grief, anger, fear, and shame intersect in American social life. More broadly, future work on music and capital punishment, both in the United States and abroad, should be marked by disciplined attention to and engagement with the popular.

Importantly, the path to further musicological research on the subject is widened, but also made protean and volatile by virtue of the fact that the future of capital punishment in the United States remains, to a large extent, unforeseeable.

Capital Punishment in the Age of Trump and Beyond

As I have discussed elsewhere in this dissertation, the use of capital punishment in the United States has, on the whole, waned since the dawn of the twenty-first century. While the death penalty currently remains a legal form of punishment at the federal level, in the military, and in more than half of the fifty states, the number of executions carried out nationwide has steadily fallen since reaching a peak of ninety-eight executions in 1999.²⁹ Although capital punishment remains primarily a states' issue, we can look to the words and actions of American presidents as reflecting or acting as a bellwether of national sentiments toward the death penalty. President Barack Obama, for example, while stopping short of taking steps to eradicate or outlaw the federal death penalty, called capital punishment "deeply troubling" in a 2015 interview³⁰ and later took the relatively unusual step of commuting two federal death sentences shortly before

²⁹ "Executions by Year," Death Penalty Information Center, Accessed May 8, 2018. <https://deathpenaltyinfo.org/executions-year>.

³⁰ Steven Mufson and Mark Berman, "Obama Calls Death Penalty 'deeply troubling,' but His Position Hasn't Budged," *Washington Post*, October 23, 2015.

leaving office in 2017.³¹ Even George W. Bush, who has been a longtime supporter of capital punishment and had presided over what was then a record-breaking 152 executions as governor of Texas from 1995 to 2000,³² was relatively quiet about the death penalty during his presidency and, unlike President Clinton in the 1990s, did not directly mention capital punishment in any of seven State of the Union addresses.

The ascendancy of Donald Trump to the presidency, however, calls into question whether the use of capital punishment in the United States will continue to decline. Before and since becoming president, Trump has been routinely criticized for appearing to change his position on a variety of issues, including taxes, healthcare, immigration, gun control, and the Iraq War.³³ When confronted with video evidence of having given contradictory statements about several issues at a televised Republican primary debate in 2016, Trump defended himself, saying, “I

³¹ Maurice Chammah, “How Obama Disappointed on the Death Penalty,” *The Marshall Project*, January 18, 2017, <https://www.themarshallproject.org/2017/01/18/how-obama-disappointed-on-the-death-penalty>.

³² Suzanne Goldenberg, “Bush Tries to Halt Execution of Convicted Killer in Texas,” *Guardian*, October 7, 2007.

³³ See, for instance, Lauren Carroll, “Tracking Donald Trump’s Flip-flops in His First 100 Days,” *PolitiFact*, April 27, 2017; Lesley Clark, “Accustomed to Trump Changing His Mind, the Senate Takes his Embrace of Citizenship in Stride,” *Miami Herald*, January 25, 2018; Gail Collins, “Donald Trump Has Changed His Mind—A Heck of a Lot,” *New York Times*, September 14, 2017; David A. Fahrenthold, “20 Times Donald Trump Has Changed His Mind Since June,” *Washington Post*, August 17, 2015; Bob Fredericks, “Trump Seems to Be Changing His Mind on Climate Change,” *New York Post*, November 22, 2016; David A. Graham, “All the President’s Flip-Flops,” *The Atlantic*, April 13, 2017; Emily Holden, Andrew Restuccia, Aaron Lorenzo, and Ted Hesson, “Trump, the Indecisive,” *Politico*, September 26, 2017; “I Am Part of the Resistance Inside the Trump Administration,” *New York Times*, September 5, 2018; Donald Lambro, “The Dreamers’ Next Act,” *Washington Times*, January 4, 2018; Domenico Montanaro, “Trump, Then and Now: What His Shifting Positions Say About What He Believes,” *NPR*, April 14, 2017; Amber Phillips, “Want to Change Trump’s Mind on Policy? Be the Last One Who Talks to Him,” *Washington Post*, April 28, 2017; Brendan Scott, “Fast-Talking Trump Flip-Flops Into Policy Jams,” *Bloomberg*, April 13, 2018; Michael D. Shear and Sheryl Gay Stolberg, “Conceding to N.R.A., Trump Abandons Brief Gun Control Promise,” *New York Times*, March 12, 2018; and Donald J. Trump, *Great Again: How to Fix Our Crippled America* (New York: Threshold Editions, 2015), 72.

have a very strong core. But I've never seen a successful person who wasn't flexible, who didn't have a certain degree of flexibility." He added, "If you're going to be one way and you think it's wrong, does that mean the rest of your life you have to go in the wrong direction because you don't want to change?"³⁴ Capital punishment, however, appears to be one issue on which Trump has been consistent. Called "perhaps the loudest proponent of capital punishment to ever take office,"³⁵ Trump has been steadfast in his strong, unapologetic support for the death penalty for much of his adult life. For example, in 1989, Trump took out a full-page advertisement in four New York newspapers imploring state lawmakers to "BRING BACK THE DEATH PENALTY" in response to the news that a white woman was allegedly assaulted and raped by five black and Latino teenagers while jogging in Central Park.³⁶ "Muggers and murderers," Trump wrote, "should be forced to suffer and, when they kill, they should be executed for their crimes."³⁷ After serving up to thirteen years in prison, the Central Park Five, as they had become known, were exonerated when, in 2002, another man, Matias Reyes, confessed to acting alone in committing the crime and DNA evidence supported his claim. Then, in 2014, the men received a \$41 million settlement from the City of New York that arose, according to Mayor Bill de Blasio, from "a moral obligation to right this injustice."³⁸ To this date, however, Trump has refused to apologize for or retract his earlier comments demanding that the Central Park Five receive the death penalty. In fact, in a 2014 opinion essay published by the *New York Daily News*, Trump doubled

³⁴ "Part 4 of the Fox News GOP presidential debate in Detroit," YouTube video, 18:52, posted by "Fox News," March 3, 2016, <https://www.youtube.com/watch?v=aFkPHp9BR2o>

³⁵ Bianca Clark, "Trump's Support for the Death Penalty Puts Him on the Wrong Side of History," *The Hill*, March 29, 2017.

³⁶ Lisa W. Foderaro, "Angered by Attack, Trump Urges Return of the Death Penalty," *New York Times*, May 1, 1989.

³⁷ Quoted in Sarah Burns, "Why Trump Doubled Down on the Central Park Five," *New York Times*, October 17, 2016.

³⁸ Quoted in Benjamin Weiser, "Settlement Is Approved in Central Park Jogger Case, but New York Deflects Blame," *New York Times*, September 5, 2014.

down, calling the settlement “a disgrace” and reminded readers that “settling doesn’t mean innocence” and that the Central Park Five “do not exactly have the pasts of angels.”³⁹

While campaigning in 2015 to become the Republican nominee for president, Trump, on several occasions, cited the controversial case of Bowe Bergdahl, a soldier in the United States Army who, after deserting his base in eastern Afghanistan in 2009, was captured and held captive by Taliban-aligned militants until being released in 2014 as part of a prisoner exchange in which the Obama administration agreed to surrender five Taliban members detained at Guantanamo Bay, Cuba.⁴⁰ Fiercely critical of the exchange, Trump, the self-professed “law and order” candidate,⁴¹ made a habit of discussing Bergdahl at campaign rallies in October 2015.⁴² For example, during a campaign speech in Florida, Trump spoke favorably of “the old days,” when someone like Bergdahl, whom he called “a dirty, rotten traitor,” would ostensibly have been executed by “firing squad.” With a flare for the dramatic, Trump punctuated his remark by shouting “Boom!” before twice miming the act of shooting Bergdahl with a rifle. Trump then told the cheering crowd, “I love the Second Amendment” and later assured them that, when elected, his administration “will be reopening that Bergdahl disaster.”⁴³

³⁹ Donald Trump, “Central Park Five Settlement Is a Disgrace,” *New York Daily News*, June 21, 2014.

⁴⁰ See Richard A. Oppel, Jr., “Bowe Bergdahl Avoids Prison for Desertion; Trump Calls Sentences a ‘Disgrace,’” *New York Times*, November 3, 2017; and Eric Schmitt and Charlie Savage, “Bowe Bergdahl, American Soldier, Freed by Taliban in Prisoner Trade,” *New York Times*, May 31, 2014.

⁴¹ See Chris Hayes, “What ‘Law and Order’ Means to Trump,” *New York Times*, March 17, 2018; “The ‘Law and Order Candidate’ Has Become the Law and Order President,” GOP, August 22, 2017, <https://gop.com/the-law-and-order-candidate-has-become-the-law-and-order-president/>; and Louis Nelson, “Trump: ‘I am the law and order candidate,’” *Politico*, July 11, 2016, <https://www.politico.com/story/2016/07/trump-law-order-candidate-225372>.

⁴² See, for example, “Trump: Bergdahl a ‘Dirty, Rotten Traitor,’” YouTube video, 1:00, posted by “Wall Street Journal,” August 20, 2015, <https://www.youtube.com/watch?v=b3ci0S0RjXw>.

⁴³ “FNN: FULL Donald Trump Speech Rally in Florida,” YouTube video, 1:05:46, posted by “FOX 10 Phoenix,” October 23, 2015, <https://www.youtube.com/watch?v=ZpMjxgSDKdw>.

Ironically, Trump's strong public comments in support of Bergdahl being executed may have played a role in the soldier ultimately avoiding the death penalty and receiving a lighter sentence. Presidents are typically advised to not weigh in on ongoing trials and criminal proceedings because it can encroach on the independence of the judiciary, create mitigating evidence, prejudice the outcome, and jeopardize the defendant's right to a fair trial. On November 3, 2017, a military judge ordered that Bergdahl be dishonorably discharged from the Army, but receive no prison time for deserting or endangering his fellow troops. While the judge did not explain his reasoning for the sentence, Bergdahl's defense team had argued that Trump's inauguration jeopardized their client's ability to receive a fair trial given that the new commander in chief, to whom the entire military justice system reports, had made public remarks critical of the soldier. After President Trump gave a statement a month before sentencing that seemed to endorse the criticisms he had leveled at Bergdahl during the campaign, the judge ruled that he would consider the president's comments as mitigating evidence, which ultimately may have contributed to the lesser sentence.⁴⁴

Possibly having adversely influenced the decision in the Bergdahl case apparently did not inspire President Trump to act with any more restraint when discussing pending criminal matters, however. For example, less than a week after the judge in the Bergdahl case announced that he would consider President Trump's sharp criticisms of the defendant as mitigation evidence, Trump, in a tweet on November 1, 2017, wrote, in no uncertain terms, that Sayfullo Saipov, who had recently been charged with carrying out an ISIS-inspired terrorist attack in Lower Manhattan

⁴⁴ Richard A. Oppel, Jr., "Bowe Bergdahl Avoids Prison for Desertion; Trump Calls Sentences a 'Disgrace,'" *New York Times*, November 3, 2017; and Oppel, Jr., "Sgt. Bergdahl's Sentence May Be Lighter Because of Trump's Comments," *New York Times*, October 30, 2017.

that killed eight people,⁴⁵ “SHOULD GET DEATH PENALTY!”⁴⁶ What effect President Trump’s bold prescription will have on the outcome of the case remains to be seen, but his continued, brash, outspoken support for the death penalty—even when doing so oversteps the bounds of presidential propriety and risks adversely affecting ongoing legal proceedings—has returned capital punishment to national headlines and suggests the continued survival of the death penalty, particularly at the federal level, within the ecology of American political thought.

While Trump has not shied from advocating for the death penalty in individual cases, he has also pushed for capital punishment as a matter of national policy. For example, while campaigning in 2015 and 2016 to become the Republican nominee for president, Trump pledged that, as president, he would sign an executive order mandating the death penalty for anyone who kills a police officer. Prompting thunderous applause from members of the New England Police Benevolent Association at an event in New Hampshire, Trump said, “One of the first things I’d do in terms of executive orders, if I win, will be to sign a strong, strong statement that will go out to the country, out to the world, that anybody killing a policeman, a policewoman, a police officer, anybody killing a police officer: Death penalty is going to happen, okay?”⁴⁷

On several occasions in March 2018, President Trump cited the need for the death penalty as a means of combatting the high levels of opioid abuse in the United States. At a rally outside Pittsburgh, Pennsylvania on March 10, 2018, Trump spoke scathingly of the unevenness

⁴⁵ Benjamin Mueller, William K. Rashbaum, Al Baker, and Adam Goldman, “Prosecutors Describe Driver’s Plan to Kill in Manhattan Terror Attack,” *New York Times*, November 1, 2017.

⁴⁶ Donald J. Trump (@realDonaldTrump), “NYC terrorist was happy as he asked to hang ISIS flag in his hospital room. He killed 8 people, badly injured 12. SHOULD GET DEATH PENALTY!” Twitter, November 1, 2017, 8:43 p.m., <https://twitter.com/realdonaldtrump/status/925931294705545216>. Also see Peter Baker, “Trump Declares Suspect ‘Should Get Death Penalty,’” *New York Times*, November 1, 2017.

⁴⁷ Quoted in Jenna Johnson, “Donald Trump Wants the Death Penalty for Those Who Kill Police Officers,” *Washington Post*, December 10, 2015.

and infrequency with which the death penalty has been applied in the United States. “You kill one person, you get the death penalty in many states,” Trump remarked. “You kill five thousand people with drugs...and they don’t even put you in jail. They don’t do anything.... And then you wonder why we have a problem [with opioid abuse]. That’s why we have a problem, folks. And I don’t think we should play games.” As a remedy, Trump alluded to modeling American policy after the “zero-tolerance” policies enacted by the authoritarian leaders of China and Singapore, whom, according to Trump, claimed that giving drug dealers the death penalty has effectively eradicated drug abuse in their respective countries.⁴⁸ Then, at an event in New Hampshire on March 19, 2018, Trump formally announced that his administration would push for the death penalty for drug dealers as part of a larger initiative to combat opioid abuse in the United States. Speaking in a state with one of highest rates of opioid-related overdoses in the country,⁴⁹ Trump promised, “Whether you are a dealer or doctor or trafficker or a manufacturer, if you break the law and illegally peddle these deadly poisons, we will find you, we will arrest you, and we will hold you accountable.” Then, seeming to veer off script, he added, “If we don’t get tough on the drug dealers, we’re wasting our time.... And that toughness includes the death penalty.”⁵⁰ The following day, United States Attorney General Jeff Sessions released a memo in which he formally instructed federal prosecutors to “seek capital punishment for certain drug-related

⁴⁸ “President Trump in Moon Township, Pennsylvania,” CSPAN video, 1:20:42, March 10, 2018, <https://www.c-span.org/video/?442305-1/president-trump-campaigns-rick-saccone-pennsylvania&start=3272>.

⁴⁹ Maggie Haberman, Abby Goodnough, and Katharine Q. Seelye, “Trump Offers Tough Talk but Few Details in Unveiling Plan to Combat Opioids,” *New York Times*, March 19, 2018.

⁵⁰ “President Trump Delivers Remarks on Combating the Opioid Crisis,” YouTube video, 42:14, posted by “The White House,” March 19, 2018, <https://www.youtube.com/watch?v=SxD0s5EkYas>.

crimes.”⁵¹ But rather than propose or enact new legislation, the memo simply cited existing laws, such as the Violent Crime Control and Law Enforcement Act, signed into law by President Clinton in 1994, which, according to Sessions, allows the Department of Justice to pursue capital punishment against those “dealing in extremely large quantities of drugs.”⁵² Although the United States, according to a March 2018 report by Harm Reduction International, has never executed anyone for purely drug-related crimes,⁵³ both Trump’s public comments and Sessions’s directive suggest that the federal government, at least for the time being, is driving a narrative in which it, in response to escalating public concerns about drug-related crime, wishes to use the laws of the United States to more aggressively pursue capital punishment. Moreover, Trump’s ascendancy to the presidency is symptomatic of a surge in far-right-wing politics that has permeated many corners of the country, some of which may influence state governments and judiciaries to impose more death sentences.

While President Trump’s comments and policy proposals regarding capital punishment have captured many headlines, state governments have followed through on current interest in restoring or expanding the death penalty. For example, on May 14, 2018, Republican Governor of Illinois Bruce Rauner proposed reinstating capital punishment in the state, which had suspended its use of the death penalty in 2000 before officially abolishing it in 2011. At a news conference in Chicago, which frequently makes national headlines as the site of much violent crime, Rauner proclaimed that adults guilty “beyond all doubt” of killing police officers or more

⁵¹ Jeff Sessions Memorandum to United States Attorneys, “Guidance Regarding Use of Capital Punishment in Drug-Related Prosecutions,” March 20, 2018. Also see Joseph Tanfani, “Following Trump’s lead, Sessions urges federal prosecutors to seek death penalty against major drug dealers,” *Los Angeles Times*, March 21, 2018.

⁵² Sessions Memorandum.

⁵³ Gen Sander, “The Death Penalty for Drug Offenses: Global Overview 2017,” *Harm Reduction International* (2018), 44.

than one person “deserve to have their life taken.”⁵⁴ Some interpreted Rauner’s announcement as little more than a cheap political tactic to win back disgruntled conservative voters who had abandoned him during the contested primary battle he waged and narrowly won in 2018 against far-right candidate Jeanne Ives, who routinely attacked the embattled governor during the campaign for being insufficiently conservative.⁵⁵ Regardless, some conservative lawmakers and members of the law enforcement community spoke out in favor of Rauner’s proposed death penalty provision. For example, Chicago police First Deputy Superintendent Anthony Riccio remarked, “I think if you kill a police officer, I think, and you’re found guilty, I think that’s absolutely an appropriate remedy for something like that.”⁵⁶ Although Governor Rauner’s bill is unlikely to pass the Democratic-controlled House at this time,⁵⁷ it signals that capital punishment, even in places where it has been outlawed, remains a contentious and dynamic subject. Moreover, it further demonstrates how, according to many Illinoisans, as with the execution of John Wayne Gacy in 1994, capital punishment remains a viable means of deterring murder and violent crime.

But no matter what becomes of capital punishment, musicologists will have a role to play in enriching ongoing discussions and debates about its use in American history. Indeed, capital punishment is ripe for increased controversy in the coming years because of growing concerns about the constitutionality of the practice, difficulties obtaining the drugs needed for lethal

⁵⁴ Kim Geiger, Monique Garcia, and Dan Hinkel, “Rauner Proposes Reinstating Death Penalty in Illinois, Which Outlawed It Earlier This Decade,” *Chicago Tribune*, May 14, 2018.

⁵⁵ Ibid. Also see Julie Bosman, “Big Names and Big Money in Illinois as Governor Faces Challenges on All Sides,” *New York Times*, March 16, 2018; Julie Bosman and Jonathan Martin, “Gov. Bruce Rauner and J.B. Pritzker to Face Off in Illinois,” *New York Times*, March 20, 2018; Editorial Board, “Editorial: Rauner’s Death Penalty Ploy,” *Chicago Tribune*, May 14, 2018; and Sun-Times Editorial Board, “Editorial: Bruce Rauner Plays Pure Politics with Death Penalty and Guns,” *Chicago Sun-Times*, May 14, 2018.

⁵⁶ Quoted in Geiger, Garcia, and Hinkel, “Rauner Proposes Reinstating Death Penalty.”

⁵⁷ Rick Pearson and Monique Garcia, “Madigan Sets up Vote on Rauner Death Penalty Plan, Creating Political Minefield,” *Chicago Tribune*, May 17, 2018.

injections, executions of women and foreign nationals, evidence of racial and class biases in imposing death sentences, the existence of several highly-publicized trials of individuals facing the death penalty, an increasingly polarized political climate that has both reflected and fomented mistrust of public institutions, the presidency of Donald Trump, changes in the makeup of the Supreme Court of the United States, and other factors. As musicologists, we are in a position to open our ears to the music and sounds of capital punishment to better understand the past, present, and future of this complex and controversial practice in American history.

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