Summer 1996

Celluloid Death: Cinematic Depictions of Capital Punishment

Roberta M. Harding
University of Kentucky College of Law, rharding@uky.edu

Right click to open a feedback form in a new tab to let us know how this document benefits you.

Follow this and additional works at: https://uknowledge.uky.edu/law_facpub

Part of the Criminal Law Commons, and the Film and Media Studies Commons

Repository Citation
https://uknowledge.uky.edu/law_facpub/563

This Article is brought to you for free and open access by the Law Faculty Publications at UKnowledge. It has been accepted for inclusion in Law Faculty Scholarly Articles by an authorized administrator of UKnowledge. For more information, please contact UKnowledge@lsv.uky.edu.
Celluloid Death: Cinematic Depictions of Capital Punishment

By Roberta M. Harding*

Filmmaking has existed since the late 1890s. Capital punishment has existed even longer. With more than 3,000 individuals languishing on the nation's death rows and more than 300 executions occurring since the reinstatement of the death penalty in 1976, capital punishment has become one of modern society's most controversial issues. The cinematic world has not been immune from this debate. Consequently, it is not surprising that the worlds of celluloid and capital punishment have crossed paths as filmmakers scramble to explore this explosive and complex issue in a "user-friendly" medium.

Due to the diversity of filmmaking techniques, the examination of capital punishment issues is accomplished in a variety of ways. Some cinematic explorations of capital punishment adopt the documentary form.  

* Associate Professor of Law, University of Kentucky College of Law. J.D., Harvard University, 1986; B.S., University of San Francisco, 1981. I am grateful to my staff assistant, Sandy Emerson, for her assistance on this project.

1. See generally Jack C. Ellis, A History of Film (1979) (discussing the origins and history of filmmaking).

2. See generally Gregg v. Georgia, 428 U.S. 153 (1976) (reinstating the right of the states to use capital punishment in limited circumstances); Michel Foucault, Discipline and Punish (1977) (deconstructing the history of capital punishment in France and other European nations); V.A.C. Gatrell, The Hanging Tree (1994) (describing the use of capital punishment in 17th and 18th century England); The Code of Hammurabi (ancient code permitting the imposition of the death penalty).

Capital punishment was reinstated in the United States in 1976, after a four-year hiatus that resulted from the Supreme Court's decision in Furman v. Georgia, 408 U.S. 238 (1972). Gregg, 428 U.S. at 207. In Furman, the Court concluded that the death penalty was arbitrarily and capriciously administered, and thus violated the Eighth Amendment's prohibition against the infliction of cruel and unusual punishment. Furman, 408 U.S. at 257. Presently, capital punishment is allowed in 40 jurisdictions: 38 states, the federal government, and the United States military. Death Row, U.S.A. (NAACP Legal Defense Fund Winter 1995), at 1 [hereinafter Death Row, U.S.A.].


4. Id.

5. The documentary format arguably could be considered the preferred method when film is selected as the method to impart messages, ideas, and information about capital punishment. This method could be deemed more effective, as it allows the filmmaker to impress upon the viewer that what is being seen is the "truth." As a result, the presentation of the topic is more
Erroll Morris' film *The Thin Blue Line* is a well-known example of this method of presentation. *The Execution Protocol* also depicts how capital punishment issues can be explored through the documentary format.

Another common cinematic mode is the dramatic presentation. This style can be subdivided into two categories: the made for television/cable movie and the "Hollywoodsque" production. *Last Light*, which will be discussed in detail, illustrates how the made for television filmmaking format can be used to examine capital punishment issues. *Dead Man Walking* is a superior example of how capital punishment issues are conveyed by the "big screen production" technique.

objective and possibly makes it more acceptable to viewers because the facilitator, the filmmaker, is neutral, simply a vessel through which the information passes to the receptor, the audience.

However, the two films that I have selected to examine are of the dramatic presentation genre. While this format may not be perceived as portraying the facts as objectively as the documentary format, it can attain similar goals by resorting to other filmmaking techniques. For example, the movie *Dead Man Walking* (Polygram 1996) is based on the autobiography *Helen Prejean, Dead Man Walking* (1994). Since the film is an adaptation it could be perceived as imparting cinemagraphic images that rank relatively high on the objective truth scale because the source for the contents of the cinematic presentation is what the book's author, Sister Helen Prejean, experienced. Thus, the adaptation's dramatic presentation format could be a stronger means of communicating information on an issue because the filmmaker can simultaneously present the "truth" and interject some amount of artistic license to make the venture more appealing to the masses. *Last Light* (Showtime 1993), on the other hand, is a fictionalized account of one condemned inmate's life on Death Row and his execution. This could be viewed as a less effective means of initiating a discussion on capital punishment issues because it lacks the "objective truth" component.


8. *Last Light*, supra note 5. The film was first shown on cable television in 1993 and marks the directorial debut of Kiefer Sutherland, who also plays the chief protagonist Denver Bayliss. Forest Whitaker, Clancy Brown, Lynne Moody, and Amanda Plummer are cast members. *Live! From Death Row* (FOX television broadcast, Apr. 3, 1992), is a made-for-television movie about capital punishment starring Joanna Cassidy and Bruce Davison.

9. *Dead Man Walking*, supra note 5.

10. *Reflections in the Dark* (New Horizons 1995) and *Last Dance* (Touchstone Pictures 1996) are also in the "big screen" category. In *Reflections in the Dark*, Mimi Rogers portrays Regina, a condemned woman waiting to be executed that night. The film explores some of the gender issues associated with capital punishment. Sharon Stone is the star of *Last Dance*, another film examining capital punishment from the perspective of a woman awaiting her execution. Both films are unusual because the central characters are condemned women. Presently, there are 49 women on the nation's death rows, and they account for approximately 1.61% of the national death row population. *Death Row U.S.A.*, supra note 2, at 1.
I. Introduction

This essay will examine how two filmmakers used the cinema to investigate death penalty issues through the films *Dead Man Walking* and *Last Light*. These films were selected because of their similarities: capital punishment is the central theme of both films; the presence of a strong principal character who is the condemned inmate; the utilization of a character who undergoes a spiritual transformation due to interaction with the condemned inmate; the decision to have this character facilitate the humanization of the condemned individual; and the additional role this character plays as the audiences' conscience. There are, however, differences in the manner the two films address capital punishment that will also be discussed. The ultimate goal of this essay is to demonstrate how film is used to investigate a specific legal issue, capital punishment, by identifying, discussing, and comparing the structure of each film, and finally the message each film conveys about the controversial topic of capital punishment.

II. The Casting Call

Both films have a primary protagonist and an important secondary character. Denver Bayliss, played by Kiefer Sutherland, is the condemned inmate and chief protagonist in *Last Light*. Forest Whitaker portrays the film's crucial secondary protagonist. Whitaker plays Officer Fred Whitmore, a correctional officer assigned to work on Death Row where Denver is housed. In *Dead Man Walking*, Matthew Poncelot,\(^{11}\) portrayed by actor Sean Penn, is the condemned inmate around whom the story centers. The author of *Dead Man Walking*, Sister Helen Prejean, is portrayed by the actress Susan Sarandon.\(^{12}\)

\(^{11}\) The character Matthew Poncelot is a composite of the two condemned inmates featured in Sister Helen Prejean's book. The first of the two men is Elmo Patrick Sonnier. He and his brother Eddie were convicted of kidnapping and murdering a young couple. Eddie Sonnier, and not Pat Sonnier, shot the couple. Nonetheless, only Pat Sonnier received a death sentence. Matthew Poncelot also has many characteristics of Robert Lee Willie, the second condemned inmate featured in Sister Helen's book. Robert Lee and his partner Joseph Vaccaro were convicted for the kidnapping, rape, and murder of a young woman. Robert Lee received a death sentence, while his partner in crime received a life sentence. They also kidnapped a young couple. The young girl was raped but eventually released. Her boyfriend was tied to a tree, shot, stabbed, burned with cigarettes, and left to die in the woods. Amazingly, he survived this ordeal. Prejean, *supra* note 5, at 119; see also Frontline (PBS television broadcast, Apr. 11, 1996).

\(^{12}\) Susan Sarandon won the Academy Award for Best Actress for her portrayal of Sister Helen Prejean.
III. It's a Print

The capital punishment debate is the central theme of both films. Interestingly, the filmmakers adopt similar strategies in presenting the pro- and anti-death penalty positions. The presentment of these positions is primarily accomplished by employing and exploring the “monster vs. human” argument. Characterizing the condemned as a monster objectifies and de-humanizes the condemned. In turn, this makes it psychologically tolerable for some members of the public to support capital punishment. Thus, from this perspective, a “thing,” and not a human, is killed.

Many abolitionists concede that the offenses committed by the condemned may be “monstrous.” However, they take issue with the conclusion that this characterization transforms that individual into a “thing” deserving of annihilation. Instead, abolitionists find the contrary to be the case: the individual remains a human and the public needs to recognize the reality of what is occurring—the premeditated killing of an individual by the State. To effectively assist the viewer in evaluating the various facets of this argument, the filmmakers opted to have both central characters, Denver and Matthew, presented in an extremely negative manner. Various scenes in both films aid in relating this aspect of the death penalty debate.

Matthew and Denver are introduced to the audience as monsters. In fact, the father of Hope Percy, the girl Matthew was convicted of kidnapping, raping, and murdering, emphatically tells Sister Helen that Matthew Poncelot is “not a person, [he’s] an animal... God’s mistake.” Similarly, Lieutenant McMannis, the prison officer in charge of Death Row, where Fred Whitmore works, voices this opinion to Fred: “You watch them long enough and you’ll realize that they are not like you.” Like Mr. Percy’s statement, this comment reflects the position that condemned individuals are not human, and therefore one should not encounter a moral dilemma in supporting capital punishment. Perhaps a statement made by Hilton Barber, Matthew Poncelot’s lawyer, to Sister Helen Prejean sums up the position embodied in these statements: “It’s easy to kill a monster and much harder to kill a human being.”

The crimes committed by Matthew and Denver provide additional ammunition for the “they have forfeited their humanity, so killing them is justified” argument espoused in support of capital punishment. Matthew and his partner in crime, Carl Vitello, have committed a horrendous offense. One night while under the influence of drugs and alcohol they decide to go

13. Lt. McMannis is played by Clancy Brown.
14. As previously noted, the character Matthew Poncelot is a composite character. *See supra* note 11.
into the woods. While stumbling around they encounter a young couple, Hope Percy and Walter Delacroix, in a parked car. They sneak up on the couple, and surprise them, posing as security officers. They tell the teenagers they are trespassing and that they must get out of the car. Unfortunately, Hope and Walter follow their instructions and exit the car. From then the nightmare starts. Walter is bound and forced to watch as Matthew and Carl repeatedly rape his girlfriend Hope. Eventually, he is shot execution style—twice in the back of the head. After being repeatedly raped, Hope is stabbed seventeen times in the neck and upper chest and, like Walter, shot twice in the back of the head. Hope is left spread eagle with her face buried in the ground.\textsuperscript{15}

Denver Bayliss has a long criminal history. Most of it occurring while incarcerated. It was only when he killed Tim Bailey, a twenty-one year old correctional officer, by slashing Bailey’s throat, that Bayliss received a death sentence.

Denver and Matthew remain hardened and arrogant despite the atrocities they committed. In the beginning of each film neither character displays remorse for what they have done.\textsuperscript{16} It seems incongruous that even with his execution date looming in the horizon, Matthew still perceives himself as a “ladykiller.” Denver continues to be a trouble maker. He and Lt. McMannis are constantly battling, and McMannis regularly beats Denver. Despite the futility of his actions, especially since he will soon be executed, Denver remains wedded to his conviction that he will not “give in.” Pro-death penalty advocates observing Denver’s recalcitrant behavior probably deem it further evidence of his incorrigibility. Denver’s obvious intelligence\textsuperscript{17} makes it that much more difficult to comprehend his antisocial personality.

There is a scene at the beginning of Last Light that powerfully presents the “monster v. human” pro-death penalty argument. We observe Fred Whitmore as he opens the door to a cell in “the hole.”\textsuperscript{18} As the camera snakes through the cell’s darkness we see “something” crouched and cowering in the corner. This “thing” no longer resembles a human. It is naked and covered with its own waste. This “something” is Denver—locked in a dark cell without clothing and only a hole in the cell floor. This place has been his “home” for five weeks. When he emerges his hair is dirty and

\textsuperscript{15} This is the position in which Robert Lee Willie and Joseph Vaccaro left their female victim, Faith Hathaway.

\textsuperscript{16} Eventually Denver confesses to Fred that every night as he falls asleep he is haunted by the young correctional officer’s face as his life is spurring from his severed throat.

\textsuperscript{17} For example, there is a copy of Dostoyevsky’s The Brothers Karamazov on the bunk in Denver’s cell.

\textsuperscript{18} The “hole” refers to areas used by prisons to house inmates for punitive purposes.
matted, and his body is filthy and streaked with human waste. He resembles an animal being released from its cage. The imagery necessary to create the "monster/subhuman" argument is reinforced by Clancy Brown's voiceover as Denver emerges from the "hole." The voice instructs Fred "to make a human being out of him." This aspect of the capital punishment debate is further enhanced because the audience hardly recognizes the "re-born" Denver after he showers and is clothed. In sum, the imagery the filmmaker selected to use in this scene forcefully depicts the objectification exercise performed by pro-death penalty advocates, which makes it easier to support the state's decision to kill an individual.

The end human product tendered by both films is two callous, hardened, arrogant individuals with serious criminal records, who have committed horrific murders, and continue to appear remorseless. Yet, are we still supposed to oppose executing them? Some may instinctively believe the answer is yes, although the films differ in helping some reach this affirmative response.

Having presented the monster/non-human side of the issue, both filmmakers want to expose the audience to the opposing perspective: these are human beings the state is killing. The secondary characters are pivotal in the presentation of this position to the audience. The stories that provide the subtext for both films are how Sister Helen and Fred Whitmore undergo spiritual transformations or rites of passages that enable them to discover or reassess their own humanity and capacity for compassion. Accomplishing this feat assists them in transcending Matthew and Denver's "monster" facades. As a result, they uncover and tap into the humanity still possessed by Denver and Matthew. This experience assists them in realizing, or in Sister Helen's case reinforcing, that capital punishment is wrong.

Using the spiritual journeys taken by Sister Helen and Fred Whitmore is an effective way to present the other side of the capital punishment argument to the audience: these individuals who have been sentenced to die at the state's hands are not "monsters," for they are very much human beings who still have the capacity to love and to feel. Last Light, however, might be slightly more effective than Dead Man Walking in using this approach because its script calls for a working class male in this critical role. This decision arguably facilitates the audience's identification with Fred Whitmore, as opposed to Sister Helen, a Catholic nun. The ability to identify with a character aids the audience in understanding what the character is experiencing. This identification dimension can bolster any message the filmmaker wishes to communicate. However, the decision to cast a black actor in the role of Fred might minimize any difference presented on this
front. Nonetheless, most audiences probably relate better to Fred Whitmore because in many ways he is an average citizen.

Fred is a new correctional officer who has been assigned to work on Death Row. Like many people, he does not like his job. However, and again like many people, he does not have much choice in the matter. Since he recently lost his job as a police officer after being on the police force for twelve years, he feels lucky that he has secured stable employment. He and his wife, Hope, are having marital problems. Fred is experiencing difficulty expressing his love for his ten year old son Darrell and finds it hard to bond with him. He’s also haunted by memories of his childhood with his physically abusive father, Virgil. At work Fred is responsible for Denver, who is housed in the Death House, and they interact daily. As Fred’s interaction with Denver increases, his emotional development progresses. His capacity for caring and displaying concern and compassion expand. Although he is greatly disturbed and repulsed by the murder Denver committed, Fred comes to realize and accept that Denver is still a human; and thus, is deserving of compassion and, more importantly, retaining his life. These positive alterations are also exemplified in later scenes between Fred, his wife Hope, and their ten year old son Darrell. As Fred’s capacity to display empathy continues to develop, it also continues to extend to Denver’s situation. Not only has Fred begun to realize that Denver is human, but he also starts intervening on Denver’s behalf. For example, Fred files a grievance against Lt. McMannis when he discovers that Denver was severely beaten by a guard for no reason. This is a powerful statement in terms of Fred’s acceptance of Denver, because by filing a grievance Fred exposes himself to retaliation by fellow correctional officers. This is fore-shadowed by Lt. McMannis’ earlier proclamation to Fred that the “law of the land” is that “we stick together.”

It is obvious that Fred is torn about Denver’s execution. While remaining repulsed by Denver’s crime, he realizes that there is more to Denver than the murder he committed. Fred eventually becomes committed to the realization that although Denver committed a horrible offense, his actions did not extinguish his status as a member of humanity, and Fred eventually opposes Denver’s execution. He even tells his son Darrell that the reason Denver must die, and will not be permitted to commit suicide, is so “they [the State] can show that they have the power.” However, like Sister

20. For example, in one scene Darrell is home alone cooking scrambled eggs. Fred desperately wants to do or say something. Finally, he overcomes the barrier erected by his inability to display his emotions and helps his son make the scrambled eggs. Later that evening Fred gives his son a toy horse that has tremendous sentimental value to Fred.
Helen, all he can do is remain with Denver when he is executed because Denver has no one else to be with him.

Like Fred, Sister Helen undergoes a spiritual transformation. Her experience, however, is slightly different from Fred's. Sister Helen is a nun who is a member of the Sisters of St. Joseph of Medaille.21 Prior to her involvement with the men on Louisiana's death row, her "religious community . . . had made a commitment to 'stand on the side of the poor.""22 She "assented, but reluctantly"23 to work with those on death row, and eventually realized that this shift in purpose was positive, as her "spiritual life had been too ethereal, too disconnected."24 Ultimately, her involvement with condemned individuals enhances her spirituality, reinforces her compassion for human beings, and assists her in achieving self-actualization in the areas of compassion and humanity. Despite Matthew's severe character flaws, his apparent lack of remorse, and his continued "gamesmanship," Sister Helen is able to look beyond what many people label "monstrous" and locate a human being worthy of our compassion and love because he, like us, is a member of the human race. Because of a superb dramatic performance by Susan Sarandon, the viewer truly experiences the progression Sister Helen makes in her quest to obtain and ensure humane treatment for all.

In terms of advancing a position with respect to the death penalty, the two films differ. The subtleness of Dead Man Walking makes its position regarding capital punishment more ambiguous. In contrast, Last Light directly and forcefully communicates an anti-death penalty message. This is partially due to several devices that Last Light's filmmaker employs. First, in terms of establishing the "monster v. human" dichotomy, the filmmaker emphasizes the antisocial dimension of Denver's personality. For example, in one scene, Denver's sister, Lillian Burke,25 who he has not seen in years, comes to visit him because of his impending execution. During the visit, Denver suddenly gets a glint in his eyes, leaps on his sister, wrestles her to the floor, rips off her blouse, and attempts to sexually assault her. The decision to amplify Denver's vileness, as evidenced by this scene, powerfully reinforces the position that despite the awfulness of the person and the crime committed by that person, opposition to the death penalty is warranted.

In addition, the audience identification orientation selected by Last Light's filmmaker also enhances the directness of the message embodied in

---

22. Id.
23. Id.
24. Id. at 6.
25. Amanda Plummer plays Lillian Burke.
the film. The filmmaker clearly wants the audience to identify with Fred. This is evidenced by the decision to make Fred an ordinary man with ordinary problems. Characterizing Fred in this manner makes him more symbolic of the general public. In turn, this means the audience relates to him, which facilitates its ability to comprehend his spiritual development and hopefully eventually adopt his position opposing capital punishment.

Although *Dead Man Walking*, in terms of advancing a position regarding the death penalty, is much more ambiguous than *Last Light*'s, I believe it can be viewed as opposing, rather than supporting, capital punishment. However, the forcefulness of the message is diminished because Sister Helen's status as a member of a religious order frustrates the audience's ability to identify with her. Thus, if both films are considered to endorse an anti-death penalty position, and given this difference between the films audience identification component, *Last Light* might have the edge in being a more effective abolition tool. Nonetheless, in the final analysis both characters successfully convey the compassion, forgiveness, and humanity dimensions of the abolitionist movement.

The directness in the conveyance of an anti-capital punishment message is further evidenced in the scene in *Last Light* where Denver is executed. As soon as the door to the hallway leading to the electric chair is opened, the cinematographer switches from real time to slow motion. We watch as Denver walks down a dark hallway. The camera is close to the subjects captured on film, which makes the audience feel as if it was walking down the hall with Denver towards the execution chamber. The dim lighting used by the filmmaker conveys the morbidness of what's to come, the grimness and evil associated with the State consciously and deliberately taking a human life. The camera does a close up of Denver's face. We see anxiety, disbelief, fear, and concern. Once again Denver looks like an animal. You see the look of fear that a captured and cornered animal must have right before it is slaughtered. We watch as the strap-down team fastens Denver into the electric chair. The black hood is placed over his face, and the electrical wire is connected to the helmet on his bald head. Then the signal is given—one jolt, rest, second jolt, rest, and the third and final jolt. The electrical currents cause his body to lurch, his hands clinch the chair’s armrests, and his toes clinch together and point. This scene is very powerful, as after watching Denver's execution, the viewer is physically and psychologically exhausted. One is left with a strong feeling of futility. A man has been killed by the state. What has been accomplished? Was he really that bad? Fred managed to believe that Denver should live, so why couldn't we?
Although the execution scene in *Dead Man Walking* has some similarities to *Last Light*'s, there are significant differences. Matthew is to die from lethal injection, the method of execution used in Louisiana. As if to emphasize the deadliness or toxicity of the situation, the camera does close-ups of the large tubes containing the lethal potion that will soon be entering Matthew's veins. Unlike *Last Light*, the execution chamber in *Dead Man Walking* is brightly lit. It's as if the filmmaker uses lighting in this manner in order to place a spotlight on what is occurring—the premeditated taking of a life by the state. It is effective in forcing the audience to focus on what is happening.

The manner of editing for *Dead Man Walking*'s execution scene represents another difference between the films and contributes to the ambiguity of the film's final message regarding a stance on the death penalty. Aerial shots are used of Matthew lying strapped spread-eagle on the gurney while the lethal fluids are pumping into his body. Suddenly this shot is substituted with a different aerial shot: one showing Hope and Walter's bodies lying spread-eagle with their faces in the mud. The scene cuts back to another aerial shot of Matthew dying on the stretcher as the fluids continue to flow into his veins. This editing technique presents the debate in a profound manner. By alternating shots between the dying Matthew and the victims the filmmaker poses many questions to the audience. The physical position of Matthew's body resembles that of his victims. Does that mean Matthew is also a victim? Is it done to tell us that this penalty is acceptable by reminding us of the victims as their killer is dying? Or, does it mean that the death penalty is futile because all that has been accomplished is the taking of three lives instead of two?

Surprisingly both films end optimistically. In *Last Light* we see Fred returning home after Denver's execution. After getting out of his truck he extends his arms for his son to run into. He scoops up his son and hugs him from the death cell to the execution chamber. He looks childlike, lost in these unfamiliar and sinister surroundings. Like Denver, he has someone who cares, Sister Helen, who will remain with him. In addition, the cinematographers of both films use slow motion during the execution scenes to capture the surreal ambiance of this bizarre ritual. The use of slow motion at this critical juncture produces the results the filmmakers wanted: to force the viewer to absorb all the morbid details involved in an execution.

---

26. For example, as with Denver, you see the anguish in Matthew's face as the guards escort him from the death cell to the execution chamber. He looks childlike, lost in these unfamiliar and sinister surroundings. Like Denver, he has someone who cares, Sister Helen, who will remain with him. In addition, the cinematographers of both films use slow motion during the execution scenes to capture the surreal ambiance of this bizarre ritual. The use of slow motion at this critical juncture produces the results the filmmakers wanted: to force the viewer to absorb all the morbid details involved in an execution.

27. See *Death Row U.S.A.*, supra note 2, at 12.

28. Lighting is a technical aspect of filmmaking that both filmmakers used to emphasize certain aspects of the capital punishment debate. In the opening scenes of *Last Light*, Denver Bayliss is in "the hole." Dim lighting is used to evoke the oppression of this environment. Lighting is also provocatively used in *Dead Man Walking*. Many of the scenes between the condemned, Matthew Poncelot, and Sister Helen are brightly lit. This evokes a feeling of hope. It reflects both the legal hope that his appeals will be successful and a spiritual hope that he will be redeemed.
him. He is able to feel love and to express compassion. The message seems to be that if Fred, "the ordinary guy, your next door neighbor" can learn, then we all can learn to be humane, compassionate, and to oppose capital punishment. At the end of *Dead Man Walking* we see Sister Helen and Mr. Delacroix, the father of Matthew’s victim Walter, praying together in a church located in the countryside. Throughout the film we have witnessed Mr. Delacroix’s uncertainty about the death penalty. Despite vehemently hating Matthew for killing his son, he is not sure about whether he endorses capital punishment. Sister Helen and Mr. Delacroix coming together represents the hope for the future, that the believers in the death penalty and the undecided will join ranks with the abolitionists.

IV. Rewrite

Films are important not only for what they say, but also for what they don’t say. There are important issues associated with the capital punishment debate that were either excluded or not emphasized in both films. Racism and the administration of the death penalty is one of the most important issues in the modern capital punishment debate. Nonetheless, neither addressed this issue. First, both protagonists are white. While this is not an inaccurate depiction of the composition of the current death row population because the majority of condemned inmates are white, it is misleading because most death row populations include black and other minority condemned inmates. In fact, aggregated, the nonwhite condemned inmate community exceeds fifty percent of the death row population. In addition to omitting this critical feature, neither film introduces the audience to the fact that blacks are disproportionately represented on death row.

29. In her book, Sister Helen hopes that “[o]ne day . . . all the death instruments in this country—the electric chairs and gas chambers and lethal injection needles—will be housed behind velvet ropes in museums.” *Prejean*, *supra* note 5, at 166.

30. See generally McCleskey v. Kemp, 481 U.S. 279 (1987) (recognizing evidence showing role racism plays in the capital litigation process); *Furman v. Georgia*, 408 U.S. 238 (1972) (existence of racism was one factor in favor of holding that the death penalty was unconstitutional as administered); Michael Ross, *Is the Death Penalty Racist?*, *Hum. Rts. Q.* 32 (Summer 1994) (discussing how racism is evident in the capital litigation process).

31. See *Death Row U.S.A.*, *supra* note 2, at 1 (noting that 48.46% of condemned inmates are white).

32. *Id.*

33. *Id.*

34. Approximately 40.54% of the death row population is black. *Id.* Blacks, however, only comprise 12.1% of the United States’ population. 1990 Census of Population, General Population Characteristics, United States, Table 6, at 8.
To be fair the films do intimate that people of color are present on death row. For example, in *Dead Man Walking*, Poncelot, during a conversation with Sister Helen Prejean, does mention that there are “niggers” on his tier and that he will probably be executed next because the state wants to execute a white because two blacks have already been executed. In addition, during one of Sister Helen’s visits to Matthew we observe black inmates visiting with friends and family members. Despite minor references to the presence of condemned inmates of color, the audience is never introduced to issues pertaining to racism and the death penalty.

*Last Light* fares slightly better on the inclusion of black condemned inmates. For example, unlike *Dead Man Walking*, *Last Light* introduces the audience to the daily living environment on Death Row. There is a scene where Denver is playing chess with the condemned inmate who occupies the cell on the tier above his. Denver also appears to be the resident letter writer, especially of love letters, as he assists other inmates in writing letters to their loved ones. The audience also learns that the inmates are confined to their cells for 23 hours a day, they cannot work, and they are not permitted on the main yard. Condemned inmates of color are included in some of these scenes depicting life on Death Row. One example is Denver’s neighbor, a severely mentally ill condemned black inmate.

Another important issue in the capital punishment debate is the role socioeconomic status plays in the decision to seek and impose a death sentence. While neither film emphasizes or dwells on this important issue, both expose it to the audience. However, the films differ as to the level of explicitness adopted in the presentation of this issue. *Dead Man Walking* expressly and directly addresses the issue; whereas the issue is implicitly presented in *Last Light*. For example, this important problem is relayed to Sister Helen during her first meeting with Matthew when he explains to her that there is nobody with money on death row. Hilton Barber, Matthew’s appellate attorney, is used by the filmmaker as a conduit for information on capital punishment’s socioeconomic dimension. During his speech to the Pardon Board, Barber discusses the socioeconomic inequities connected to death sentences. This not only educates the Board, but also the audience.

The personal circumstances of the primary characters, Matthew and Denver, provide an additional avenue for placing this issue before the audience. Both men grew up poor. They both had unstable homes as youngsters. Denver was first placed in a foster home when he was five years old.

---

35. I assume that they are condemned inmates because they and Matthew are using the same visiting room, which presumably is exclusively for use by condemned inmates.

36. Both inmates have chess sets, and, as they call out their respective moves, each inmate makes the same move on his chess board.
He lived in five foster homes before he was sent to a juvenile facility at the age of fourteen for stealing food. Matthew lived at home with both parents until his father, a sharecropper, died when Matthew was fourteen years old. It was at this age that Matthew, like Denver, started getting into trouble with the law. While detained at the juvenile facility, Denver killed a fellow detainee and to “make an example out of him,” the judge gave him a 20 year sentence. At the age of sixteen, he was transferred to a maximum security facility. When he was seventeen he killed his cellmate at the prison. Denver received a life sentence for this murder. It was his murder of a correctional officer at the maximum security prison that landed Denver on Death Row.

Matthew was also young when he received his death sentence for his involvement in the murders of Hope and Walter. Prior to receiving a death sentence Matthew abused drugs and alcohol. Matthew’s economic status was probably at or below the poverty level, as was Denver’s, for the latter was incarcerated from the age of fourteen. By relying upon the characters’ personal backgrounds, both films are able to introduce issues stemming from the classism inherent in the administration of capital punishment, because the overwhelming majority of individuals who receive death sentences are members of the working class or poor.

Conclusion

Films can impart tremendous amounts of information and important messages to the public. Because the cinema is “user-friendly” and has the potential to reach a substantial number of people, it is one of the more powerful mediums. Here two films, *Last Light* and *Dead Man Walking*, exposed different audiences, those who go to the movie theater and those who are cable television viewers, to various aspects of capital punishment. Both films reflect fairly comprehensive treatments of the major pros and cons associated with capital punishment. Despite certain omissions, both films embody realistic and non-sensationalized explorations of some aspects of the capital punishment debate.

37. The scene of Matthew’s mother’s house portrays conditions at or near the poverty level.