



**Ruth Snyder:
Press Access to a Murderess and “The Most Remarkable
Exclusive Picture in the History of Criminology”**

Part C—Discussion

The Ruth Snyder case is a perfect example of “Jazz Journalism” during the Jazz Age. Bessie’s quote of Aben Kandel, that tabloid journalism consists in “fastening a camera lens to every boudoir keyhole” seems particularly apt in relation to the importance of photography in the Snyder case.¹ So, too, does the submission of a tabloid reader concerned that the pictures of electric chairs were turning little boys into “incipient paranoiac[s].”² The image of Ruth Snyder’s execution was available to a wide audience, including children, for whom it was of highly questionable suitability.

The *Daily News* front page is a perfect example of what Bessie calls “format freaks... designed primarily to magnetize the eye.”³ The photograph spans the entire page, or at least that part of it which is not taken up by the gargantuan and purposefully simple headline “DEAD!” The fact that it is a photograph is important. As Bessie writes, pictures “were also vivid beyond everything except actual participation.”⁴ In this way, I would argue, the publishing of the Snyder photograph made her execution a *public* execution, the significance of which I will discuss below.

The Snyder case also underscored multiple themes that Bessie attributes to the age of Jazz Journalism, namely “the discovery of Sex” and “the rebellion of women against Victorian restraints.”⁵ The public moral condemnation of Ruth Snyder was indicative of a backlash against the new, sexualized woman, who dared to go so far as to challenge her husband. This all helps to explain why the case was such a hit in the press.

There are serious questions about what effect the media had on Snyder’s trial and sentencing, questions of which the judge and court officers were aware at the time. Jury

¹ Bessie, Simon M. *Jazz Journalism: The Story of the Tabloid Newspapers*. New York: E.P. Dutton & Co., Inc., 1938, p. 19.

² *Id.* at 73.

³ *Id.*

⁴ *Id.* at 236.

⁵ *Id.* at 237.

selection for the case became a serious issue on account of this. Since the press had already broken the story of the pair's confessions, most of the potential jurors called were extremely reluctant to take on the case. Even the most ardent supporters of capital punishment often have a hard time acting as the agents enforcing it.

Judge Townsend Scudder became frustrated with the jurors' excuses, asking one individual if it did "not indicate a deficit in intelligence" if "sworn evidence cannot remove the impression created by reading one-sided stories in the press?"⁶ Eventually the jury was chosen, after various conflicts of interest were selected out. For example, all jurors with children the approximate age of Lorraine Snyder were exempted. Clearly, the media's handling of the two suspects had already colored the trial before it even began. Based on the wild characterizations of Snyder, we could conclude that her trial became an "evil stranger' media trial," as Surette defines it, most likely of the psychotic killer variety.⁷ The element of the double indemnity policy only highlights this. If this model fits, the attorneys in the trial used media trial "infotainment" to convince the jury to convict Snyder.⁸ There is simply no way that the jury could not be have been affected by the fact that the message in the media was the same as the message given by the prosecutors and by Gray's lawyers against Snyder. In this way it was true when Wallace said that Ruth Snyder found herself alone, practically against the world.

The case also highlights the special issues which arise when the gender of the perpetrator is mixed into a newsworthy crime. Snyder was depicted in the media as a loose woman, who took her husband's life for the sake of sexual desire and greed for money. Though she and Judd Gray had an equal part in their affair, it was she who was painted as the seductress. As the mother of a young daughter, her infidelity was depicted as all the more evil, even though Judd had a child of roughly the same age.

Gray was successful in garnering a portrayal in the media as a man whose major failing was alcohol, while Snyder's intelligence and honor were publicly insulted in the press. She was a victim of the double standards of society in relation to women. Women are assumed to be naturally less prone to violence than men, and so, when a woman commits an act of violence, it is treated with all the more horror and disgust.

There was, however, one way in which Snyder tried to use her sex to her advantage. She tried to prove to the jury that she was a "battered woman" as Belinda Morrissey phrases it. She feared for her life at home with her husband, therefore her only choice was to take his life. This approach largely failed, because it was not taken up by the media. It is possible that there is a larger, cultural problem with the battered woman defense. Morrissey writes that "[battered] women are themselves deeply perplexing, viewed as both victims and perpetrators, as culpable yet blameless."⁹ Furthermore, "they are in an invidious position, then, hampered first by the

⁶ MacKellar, Landis. *The "Double Indemnity" Murder: Ruth Snyder, Judd Gray, and New York's Crime of the Century*. Syracuse, NY: Syracuse University Press, 2006, p. 108.

⁷ Surette, Ray. *Media, Crime, and Criminal Justice: Images, Realities, and Policies*. New York: Wadsworth Publishing, 2010, p. 113.

⁸ *Id.* at 105.

⁹ Morrissey, Belinda. *When Women Kill: Questions of Agency and Subjectivity*. New York: Routledge, 2003, p. 67.

non-application of extant laws against domestic violence and second by the legal requirement to utilize defenses for homicide which relate primarily to male experience.”¹⁰ Thus, Snyder found herself trying to fulfill a role which it is difficult for society to understand, and without the legal recourse to plead her innocence on account of her husband’s abuse, only to attempt to use it as a factor in pleading for clemency. This explains why neither the press, nor the jury gave any credence to her self-portrayal as the victim of abuse, despite the evidence behind it.

The most lasting legacy of the crime, however, is its defining image of Ruth Snyder, strapped to the electric chair, in the throes of death. The image remained in the public consciousness much longer than any other specifics of the crime. This legacy raises many questions as well as many parallels to a much more recent, highly-publicized execution. When Timothy McVeigh was executed in 2001 for the 1995 Oklahoma City Bombing, debate raged over whether the execution should be publicly televised.¹¹ The crime had an extremely public nature to it. The bombing took the lives of 168 people, nineteen of them children. It targeted a building of the federal government. It was the deadliest incidence of terrorism on American soil until September 11th. It aroused public mourning and anger. In the end the McVeigh execution was witnessed by nearly 300 relatives of the victims, either in person or via a closed-circuit television feed. This was one of the most highly attended executions in more than half a century.

The public attendance or broadcast of executions raises the ethical question of what exactly the purpose of capital punishment is, and gives the debate an entirely different dynamic from the debate over private execution. This is because it raises the prospect of execution as deterrence. The theory goes that witnessing an execution will serve to deter would-be criminals from committing the same crimes that sent the executed party to his or her death. As such it is part of the larger, very old debate over the nature of punishment itself. One view holds that punishment is simply a form of socialized vengeance, by which society carries out a reparation of the crime based on the principle of talion—an eye for an eye. The other holds that the true purpose of punishment is to deter others from following in the perpetrator’s footsteps.

Some philosophers have held that both coexist, performing different roles, or adhering to different groups within society, but, until the last century, there was no attempt to quantify whether capital punishment truly has a deterrent effect. In 1989 William Bailey and Ruth Patterson published a study in response to several earlier studies, many of which had concluded that there is no deterrent effect, and two of which, in 1975 and 1987, came out with the startling claim that every execution leads to between seven and eight fewer killings.¹² Bailey and Patterson concluded, after adjusting for what they saw as the serious failings of the earlier

¹⁰ *Id.* at 67.

¹¹ Sarat, Austin. "Why Timothy McVeigh's Execution Should Be Televised." *CNN.com FindLaw Forum*, April 05, 2001.

¹² Bailey, William C., and Ruth D. Patterson. "Murder and Capital Punishment: A Monthly Time-Series Analysis of Execution Publicity." *American Sociological Review*. 54. (1989): 722-43, available at <http://archives.cnn.com/2001/LAW/04/columns/fl.sarat.mcveigh.04.05/> (accessed March 14, 2013).

studies, that there is only a very short term deterrent effect of capital punishment, that over time its effects are negligible.

Whether the publication of Ruth Snyder's death photo deterred housewives in similar situations from carrying out similar plans is unknown, but that is nevertheless how the *Daily News* justified its actions. Responding to criticism voiced among other papers, the *News* editors wrote in January 1928:

We think that picture took the romance out of murder. Into every retina which received it, the picture hurled the stark figure of Reparation, flung the balanced account sheet on which the wages of sin are cast up. If recollection of that picture shall ever stay a hand raised to commit a murder, then that picture will have done a service. We doubt that many readers of *The News* want an apology from us.¹³

If we reject, as Bailey and Patterson do, the idea that publicized executions deter murderers, then we must reject the *Daily News*' claim that it was helping to defeat crime by publishing the photo.

Even so, how exactly *can* one criticize the *News* for publishing the photo? Even if it had no positive effect, what harm is done if there was no negative effect either? After all, as Carrabine writes, the media are simply sources of entertainment.¹⁴ Given the fact that 400,000 extra copies of the *News* were sold both days the image was published, the image clearly served some demand of public entertainment. How can we fault that?

The answer, I think, lies in the power of mass media to trivialize its subject. Throughout her trial, Ruth was belittled on account of her gender. She was called dumb, wantonly libidinous, and greedy. Yet, as Millard's concluding arguments show, she was also portrayed as something even less than human. She was a "creature," a "serpent," and simply "abnormal." The publishing of her death photograph to be gawked at by more than a million *Daily News* readers, from schoolchildren to greengrocers, trivialized the death of a human being. She became less than human, and therefore undeserving of the solemnity normally associated with death. Not only did the photograph place her below human dignity, it did so at the moment she was least able to defend herself, as she was strapped to an electric chair, without hope of earthly salvation.

¹³ Maeder, Jay. "Application Denied Ruth Snyder, January 1928 Chapter 52." *New York Daily News*, April 05, 2000.

¹⁴ Carrabine, Eamonn. *Crime, Culture, and the Media*. Cambridge, UK: Polity, 2008, p 99.