FROM COURTROOM TO CHATROOM:
THE ONLINE SOCIAL MOVEMENT
TO FREE THE “WEST MEMPHIS THREE”

by

ERIC MOORE DUNNING

BETH S. BENNETT, COMMITTEE CHAIR
MEREDITH M. BAGLEY
KIMBERLY L. BISSELL
JASON EDWARD BLACK
ADAM LANKFORD

A DISSERTATION

Submitted in partial fulfillment of the requirements
for the degree of Doctor of Philosophy
in the College of Communication and Information Sciences
in the Graduate School of
The University of Alabama

TUSCALOOSA, ALABAMA

2012
ABSTRACT

The technology supporting social media has become so widespread it now permeates every aspect of culture in the United States and beyond. The use of social media has become so ubiquitous in our daily lives, we often overlook its impact on us. However, one of the most potent venues for social media use is in the arena of the public sphere by organizations, groups, or individuals attempting to resist or to change the social order. Through a rhetorical analysis of the social media efforts of the Free “The West Memphis Three” movement, this study investigates the rhetorical tools utilized by the online discourse of the movement to redress a grievance of the United States criminal justice system in the state of Arkansas. Furthermore, through rhetorical analysis and social movement theory, this study codifies some qualities of rhetorical discourse specifically evident in the social media realm. The aim of this study is to provide a better understanding of what qualifies as “social movement discourse,” in the social media realm, as well as of the dynamics of social media, rhetoric, and social movement in general. The foundation this study provides should enable future scholars to consider more fully the potency social media hold in bringing about both cultural change and serious challenges to the social order.
DEDICATION

This dissertation is dedicated to my late mother, Rosa Moore Dunning, and to my newborn son, Grayson Moore Dunning. Although they never had the opportunity to meet in person, at least here, they are side by side.
ACKNOWLEDGMENTS

I am pleased to have this opportunity to thank the many colleagues, friends, and faculty members who have helped me with this project. I would never have been able to finish my dissertation without the guidance of my committee members, as each one of them proved to be invaluable in helping me to see this work to completion. My colleagues in the Communication Studies Department were also of immense help, both in matters that were academic or by simply listening to frustrations. I would like to thank my father, Dr. Arthur Dunning, who has been supportive, encouraging, and somewhat nosy about my completion date from the beginning. He has been a positive and influential figure, not only during this process, but throughout my life. I would like to express my deepest gratitude to my advisor, Dr. Beth Bennett for her guidance, support, instruction, and most of all, incredible patience during the editing process. Her efforts in helping me finish this dissertation, and the doctoral program, were immeasurable, and I will always be grateful.
# CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABSTRACT</td>
<td>ii</td>
</tr>
<tr>
<td>DEDICATION</td>
<td>iii</td>
</tr>
<tr>
<td>ACKNOWLEDGMENTS</td>
<td>iv</td>
</tr>
<tr>
<td>LIST OF FIGURES</td>
<td>viii</td>
</tr>
<tr>
<td>CHAPTER ONE. SOCIAL MEDIA AND CHANGING SOCIETY</td>
<td>1</td>
</tr>
<tr>
<td>Arab Spring</td>
<td>3</td>
</tr>
<tr>
<td>The Plan of the Study</td>
<td>9</td>
</tr>
<tr>
<td>Rationale for Criminal Justice and Rhetorical Studies</td>
<td>9</td>
</tr>
<tr>
<td>Purposes of the Study</td>
<td>11</td>
</tr>
<tr>
<td>Research Questions</td>
<td>12</td>
</tr>
<tr>
<td>CHAPTER TWO. THE TRIALS OF THE WEST MEMPHIS THREE</td>
<td>14</td>
</tr>
<tr>
<td>The Initial Investigation</td>
<td>14</td>
</tr>
<tr>
<td>The First Trial</td>
<td>24</td>
</tr>
<tr>
<td>The Verdict</td>
<td>32</td>
</tr>
<tr>
<td>Problem Witnesses and Lingering Questions</td>
<td>33</td>
</tr>
<tr>
<td>The Second Trial</td>
<td>36</td>
</tr>
<tr>
<td>The Verdict</td>
<td>48</td>
</tr>
<tr>
<td>The Little Film That Could</td>
<td>49</td>
</tr>
<tr>
<td>CHAPTER THREE. REVIEW OF RELEVANT SCHOLARSHIP</td>
<td>53</td>
</tr>
</tbody>
</table>
Summary and Discussion ................................................................. 154
New Rhetorical Techniques of the Free the WM3 Movement ............ 162
Develop Culturally Based, Semi-permeable Hierarchies ................. 163
Informational Beacons ................................................................. 163
Directional Rhetoric ................................................................. 163
Universalizing Rhetoric .............................................................. 163
Burden Reversal ................................................................. 164
Weaponized Epistemology ..................................................... 164
Micro-Network Dispersal ........................................................... 164
Limitations and Future Research Directions ................................. 166
Judicial Epilogue: The West Memphis Three ................................. 169
BIBLIOGRAPHY .......................................................................... 174
APPENDIX. EXCERPTS FROM THE WEST MEMPHIS THREE WEBSITE 196
Entry Page to the Site ............................................................... 197
How to Help ................................................................. 198
Exonerate the WM3 Official Blog, excerpts ................................ 201
Photos and Comments from the Photowall .................................. 209
Zazzle WM3 Merchandise .......................................................... 219
LIST OF FIGURES

Fig. 1 Reproduction of “Contact Us” Page .................................................. 118
Fig. 2 Reproduction of “Who We Are” ......................................................... 120
Fig. 3 Reproduction of “The WM3” ............................................................. 127
Fig. 4 Reproduction of Photowall ............................................................... 132
Fig. 5 Reproduction of Case Info ............................................................... 138
Fig. 6 Reproduction of News & Events ....................................................... 141
CHAPTER ONE
SOCIAL MEDIA AND CHANGING SOCIETY

On 19 August 2011, the doors of a courthouse in Jonesboro, Arkansas opened, and Damien Echols, Jason Baldwin, and Jessie Miskelley, Jr. walked out as free men. After nearly two decades in prison and what seemed an eternity from their murder convictions, in 1994, the “West Memphis Three” (WM3) were back in the news. Although the national and international news reports of their release renewed interest in the case and worked to dissipate foggy memories among the general public, the WM3 had never been forgotten by those who through social media networks and Internet had come to view them as icons. To those convinced of their guilt, the WM3 were satanic child killers, undeserving of support. But to those who had followed their case and lent support via social media, especially on the website, www.wm3.org, they were innocent victims of a malicious justice system and a fearful community.

Perhaps, few would debate that social media and other forms of information communication technology (ICT) have altered how the American public experiences daily life. The WM3 case is an important one for study by communication scholars because it illustrates the increasing power of social media and the current repositioning of what should be understood as “the public sphere.” Furthermore, it offers fertile ground for examining the changing concepts of discourse, social activism, and rhetorical techniques used in social media. To contribute to what we know of how such technologies and the groups that use them effectively engage and resist one of the most difficult, byzantine, and recalcitrant social entities there is, the U.S. criminal justice system, this study specifically examined the discourse of the online movement that
worked to free the men, originating from the Internet website: www.wm3.org. In general, though, the study aims to reveal what new ideas about discourse and the rhetoric of social movements may need further investigation, based on cultural changes resulting from the influence of social media. I begin below with the nature of social media/ICT and its effect on society. Then, I discuss how such technology has been used specifically for social change in the Mideast. The last section of this chapter describes the plan of the study, including the rationale for studying the WM3 case as a social movement that targets the criminal justice system, the specific purpose for the study, in terms of the discourse and rhetoric of social movements, and the specific research questions addressed.

The use of social media technology has become is widespread, now permeating every aspect of culture in the United States and beyond.1 Social media have become so ubiquitous in our daily lives, we often overlook their impact on us. To provide a better understanding of what qualifies as social media and to see the different applications to which it has been put to use, let us consider various examples of how our social fabric has become interwoven with social media technology. A better understanding of the dynamics of social media/ICT and the fluidity with which they are used in a variety of social arenas should enable us to consider more fully the potency they have held in bringing about cultural changes. With this in mind, let us consider some recent and compelling examples of how social media technology has been used to change social order.

---

1 Social media refers to the use of web-based and mobile technologies to turn communication into an interactive dialogue or a group of Internet-based applications that build on the ideological and technological foundations of that allow the creation and exchange of user-generated content. For a more detailed analysis see Kaplan and Haenlein, "Users of the World, Unite! The Challenges and Opportunities of Social Media," Business Horizons 53.1 (2010): 59–68.
Arab Spring

In 2009, The “Green Revolution,” originally to dispute the election of President Mahmoud Ahmadinejad, was a political uprising that occurred in major cities in Iran and around the world.² The uprising was labeled in reference to the color of the political party opposing Ahmadinejad, but it soon became known as the “Twitter Revolution” because of the use of Twitter and other social media by the protestors.³ The symbiotic nature of the revolution was evident as protestors, urged on and organized by social media, took to the streets. Government-backed militias engaged in violent retribution, injuring thousands and eventually culminating in the death of a young Iranian woman, Neda Agha-Soltan. The video of her killing was posted on Facebook and YouTube, where it went viral and solidified her as an iconic international symbol.⁴

While the Iranian government had long censored traditional news media, the publicity of Neda’s death through heavy use of social media caused the government to demand Internet censorship as well. Iranian government agents even attempted to co-opt digital discourse by posting false information on Twitter and other social networking sites.⁵ Quickly, though, it was discovered that government agents were attempting unsuccessfully to lure protesters into custody. In response, the international Twitter community formed an e-movement that rallied around Iranian users, and although the government shut down Internet access, protesters used

---


proxy servers and recruited hackers to circumvent the censorship. Long known for having the world’s the most sophisticated Web censorship and filtering systems, the Iranian government found itself not only fighting protesters in the streets, but also bloggers on the Internet who were uploading real time information, organizing, motivating, and informing the world of what was taking place.

The Iranian revolution affected not only the region’s politics, but also the domain of news information. Major international news outlets such as CNN and BBC News gained much of their information from Twitter and YouTube. The use of social media was so instrumental to the Iranian revolution that then UK Prime Minister Gordon Brown commented, the web era is “more tumultuous than any previous economic or social revolution.” Brown also added that such technology has forever changed the way foreign policy can be conducted and even went so far as to say that it could have prevented the Rwandan genocide.

While Brown’s statement may seem somewhat hyperbolic, social media technology was instrumental for those protesting within Iran as well as for those outside the country, keeping them informed and shaping their responses to the revolution. In fact, as Evgeny Morozov reports, the U.S. State Department requested that Twitter delay scheduled site maintenance to avoid

---


10 Viner, “Internet Has Changed Foreign Policy Forever.”
disrupting communication among Iranian voters during scheduled elections. More recently, in 2011, the U.S. State Department launched a new Farsi language Twitter feed and introduced its arrival with a clear acknowledgment of the importance of social networking: “The U.S. State Department recognizes the historic role of social media among Iranians. We want to join in your conversations.” According to Clay Shirky, an American-based technology consultant, the use of social media helped the Iranian people, “who were desperate to do something to show solidarity.” These shows of solidarity as well as the instructive and motivational actions of the Iranian protestors caused an impressive ripple effect across the Mideast.

Soon after the political uprising in Iran, another social revolt came to the forefront. In December 2010, traditional complaints of unemployment, corruption food price inflation, and the lack of free speech in Tunisia resulted in the efforts to oust President Zine El Ben Ali. However, much as in Iran, tradition took a left turn in regards to the actions of the protestors. Social networking sites, such as Facebook, Twitter, and YouTube, made communication immediate and provided the protesters with better organization and more mobilizing tools. They became known as the “Jasmine Revolution,” and technology enabled them to upload text messages and to share photos almost instantaneously, providing real-time information, visual documentation, and response capabilities not only to protestors in the street, but also to others


throughout the country and overseas. The Tunisian government tried to frame a narrative that the protests were isolated incidents, but Al Jazeera news aired Facebook and YouTube videos, as well as photos from Flickr, that revealed how widespread the protest actually were. The hacker collective “Anonymous” also became involved, shutting down eight Tunisian government websites. Clearly, the Tunisian government was caught off-guard by the power of social media. As social activist Hany Elhak commented, “They have a very strong grip on an old type of traditional media, but they didn’t really think that Twitter and Facebook and social media could really influence the people and it did.”

The revolution in Tunisia was eventually successful, as President Ben Ali pulled back military and police forces from engaging the protesters and agreed to step down from office.

Noted author and social critic Malcolm Gladwell, in an article in the New Yorker, characterized what the protests across the region were illustrating:

Where activists were once defined by their causes, they are now defined by their tools. The new tools of social media have reinvented social activism. With Facebook, twitter, and the like, the traditional relationship between political authority and popular will has been upended, making it easier for the powerless to collaborate, coordinate, and give voice to their concerns.

While we might consider the “Green Revolution” the infant of social media protest and the “Jasmine Revolution” the teenager, the 2011 revolutionary movement in Egypt became the adult example of social media protest, fully aware of its capabilities and influence. After thirty

---


years in power, dealing with an often contentious and malcontent populace, Egyptian President Hosni Mubarak had eventually met his match. As PBS news reporter George Griffin commented, “[For] The first time in history, a social movement could be observed in real-time as it spread, coalesced around ideas and grew exponentially in size and scale across the Internet.”  

PBS social media journalist Jaron Gilinsky described the Egyptian uprising in an article for *MediaShift*:

> Thanks to the valiant efforts of journalists and the resilience of the protesters they were there to cover, the revolution was not only televised, it was also streamed, blogged, and tweeted. During eighteen days of sustained resistance by the Egyptian people, the world was able to see what real bravery is — in real time.

The complaints against the Mubarak regime were similar to those found in Iran and Tunisia, as were the uses of social media. The Egyptian uprising was largely a social media inspired campaign of non-violent civil resistance, occurring in Cairo, Alexandria, and many other cities, large and small, throughout Egypt. As occurred in Iran and Tunisia, physical confrontations between state authorities and protestors resulted in civilian injuries and deaths. Social media technology served to document these cases as well as to provide real-time, visual proof that protestors across the country were not acting in isolation. Combined with organizational and pro-revolt rhetoric shared via social media, the Egyptian revolution was the fastest moving informational wildfire seen in the region.

While social media technology alone was not responsible for Egypt’s or the other revolutions taking place, the communication technology undeniably served as a catalyst for

---


revolt and provided indispensable tools for protestors to organize and to motivate. News Group founder and President Mazen Nahawi claims that the anti-Mubarak movement has been bigger than Egypt and has been happening among millions in the Mideast who live across twenty-two countries but meet online. In the first three months of 2011, News Group commissioned a study which collected and analyzed millions of Egypt-related conversations across numerous social media platforms. Foremost among the findings was the view that, “Social media is a key driver, and was game changer in Egypt primarily because it bridged the gap between social classes thus for the first time creating a much larger united anti-government front that included rich and poor.” Also revealed in the study was a heavy sense of collectivism. The study showed that many felt that the Arab region is primed to become a more cohesive union, ending the historical disagreement among the countries.

Although some debate over the efficacy of social media in Iran, Tunisia, and Egypt is to be expected, the evidence is difficult to ignore. Alec Ross, a senior advisor at the U.S. Department of State, explains these social media revolutions in language that current despots might do well to heed:

Part of what the Ben Ali regime figured out too late, and part of what the Mubarak government is contending with right now, is they didn’t understand the information environment[ . . .]they didn’t understand what people were using and how. And if you don’t know what people are using and how in your country, you’re behind.

The Iranian revolution was the first shot across the bow. Following closely, the Tunisian revolt was successful, after several months, in removing a president and an unpopular political party. Lastly, after thirty years of autocratic rule, Hosni Mubarak was deposed and fled into exile after

---

22 Griffin, “Egypt’s Uprising.”

23 See Newsgroup’s AMIR 201: Social Media & the Arab World

24 As quoted by Griffin, “Egypt’s Uprising.”
eighteen days. The consistent and immutable thread that runs through all of these instances is the presence and heavy use of social media. The “Arab Spring” owes its inception to the bravery of those seeking the traditional goal of freedom who took advantage of social media resources to make it happen, and it demonstrates the real potential for social media to foster social change.

The Plan of the Study

As the world today is rapidly moving into a social media schema,\textsuperscript{25} human interaction is taking place through a variety of media. Many people now build communities and develop relationships strictly through social networking sites. From banking to finding the perfect match on dating sites, every aspect of our culture is being pulled into the digital realm. This study is founded in an interest in examining how this changing schema for human communication may influence the public’s ability to foster social change. Specifically, it is a rhetorical case study of the use of media to challenge the criminal justice system in the state of Arkansas. As such, the study departs from the current body of criminal justice scholarship and its research on communication technology.

\textit{Rationale for Criminal Justice and Rhetorical Studies}

In today’s vernacular, cyber-bullying, copyright infringement, child pornography, identity theft, and corporate espionage have all received scholarly attention and been collectively termed “netcrimes.”\textsuperscript{26} In general, academic investigation into crime and the Internet has been limited to two spheres: (1) crimes that target computer networks directly and (2) crimes that are

\textsuperscript{25} Nielsen Co. 2009 survey reported a worldwide increase on social networking sites, from 3 hours a day to 5 \frac{1}{2} hours, an 82\% increase.

facilitated by computer networks. At the moment, the Internet limits the types of crimes that can be committed, but as technology advances, the ability to staunch criminal activity is certain to change. The newest application of technology is exhibited by the rise of predictive analysis which combines statistics, data mining, and game theory to predict future criminal occurrences. Predictive analytics, traditionally used by companies to promote their products, is currently being implemented by police departments around the country and utilizes data such as crime rates, demographics, dieting habits, and weather patterns.27 This new technology suggests a crime fighting reality of the future similar to that envisioned in the 2002 film Minority Report, in which “future” criminals can be arrested before they can act.28

As of today, research on crime and the Internet has revolved around preventing the commission of crimes and apprehending the offenders, resulting in a paucity of research that looks at how social media technology may be changing the justice system. This study addresses the particular intersection of wrongful incarceration and communication strategies of social protest within the social media realm. As such it aims to address the gap in research in four ways: 1) how is the Internet being used to resist those who operate and control the criminal justice system, 2) what does a specific case of direct challenge to the criminal justice system through the use of social media reveal, 3) what theoretical constructions of how social media work or the potential of the technology can be made for rhetorical studies, and 4) what discursive techniques seem to be effective in social movements fostered primarily by new media rather than by traditional communication methods?


28 For more information on this film, see the Internet Movie Database (IMDB) at http://www.imdb.com/title/tt0181689/>. 
As of now, rhetorical scholars are behind the curve on this issue. This study has aimed to correct that by examining how the discourse, via social media, implemented by supporters of “The West Memphis Three” to create a social movement to overturn what they considered to be a wrongful conviction. The Internet has served to reshape the way our society does many things, but none more so than the way we access and use information. The Internet has not only democratized knowledge, but also shifted the control of who defines and controls the interaction. Therefore, we must begin to understand how these shifts in control and definitional interactions manifest themselves in the areas of crime and, more importantly, how we as a society speak about it, especially when the state is in possible error.

Purposes of the Study

This study combines relevant aspects of (1) rhetorical theory, (2) new social movement theory, and (3) social media structures to investigate how a social movement resists the criminal justice system in the unregulated social sphere of the Internet. Examining social media movements cannot be done through one theory or discipline, and pulling together the disparate parts of such movements is difficult, which perhaps explains why it has not yet been done. Accordingly, the purposes for this study have been established to enhance our understanding of social movements. First, this study examines a movement that has a clear demarcation, a beginning and end, in order to enable a better examination of the transitions and modification in rhetoric from the movement’s inception, development, and success. Second, this study addresses a social movement tasked with addressing one issue in the criminal justice system, in order to examine how the movement engaged a clearly defined and entrenched opponent as opposed to abstract concepts such as “freedom”, “liberty” or “rights.” Thirdly, this study examines a movement that was created and operated completely within the social media environment, in
order to investigate how social media technology was used and managed as the primary resistive tool, not as an ancillary or supportive afterthought. Lastly, this study examines a movement that was successful, in order to analyze communicative and rhetorical techniques in the social media sphere that may prove to be potent tools for future social movements.

Research Questions

To provide a lens by which to examine the “Free the West Memphis Three” movement, as well as to provide some answers on the broader intersections of discourse, social media, and social movements, I have established four primary research questions.

Question 1: What rhetorical choices as discourse are used in identity building?

Question 2: What rhetorical choices as discourse are used in social activism and participation?

Question 3: What rhetorical choices and discourse are used to frame the movement and its opposition?

Question 4: How does the movement use, modify, or create new resources to achieve success?

These questions engage important issues for examining the discourse of a social movement as rhetoric, and they become even more relevant when placed in the new arena of the Internet, and by extension, social media.

The remainder of the study is organized as follows. Chapter 2 offers a review of the trials of the West Memphis Three, from the preliminary investigation, through the two trials, their conviction, and ultimate release. Chapter 3 reviews the relevant scholarship on issues pertinent to the WM3 movement in four sections: (1) the traditional use of rhetoric in social movements, (2) new social movement theory, (3) ICTs influence on social movements, and (4) the intersections of the Internet and discourse. Chapter 4 provides an analysis of the discourse contained within the website, www.wm3.org. Chapter 5 discusses the implications and provides a restructuring of theoretical concepts in light of the influence that social media/ICT has shown in
our society. In the final chapter, I offer thoughts regarding the implications of this research not only to the field of communication, but also to other social-scientific disciplines interested in investigating the nature of social change.
CHAPTER TWO
THE TRIALS OF THE WEST MEMPHIS THREE

West Memphis, Arkansas, located in Crittenden County is across the Mississippi River from Memphis, Tennessee. Although considered part of the Memphis metropolitan area, it is far removed from the world-famous blues music, barbecue, and Elvis industry that fills the mind when one hears the word “Memphis.” West Memphis is the dismissed little brother, a geographical afterthought. Crime is low in West Memphis, but so is the annual income. In talking to the old timers, one hears how much better things were when lumber was king. Today, good paying jobs are across the river in one of the few remaining local chemical plants or, if one is really lucky, in one of the casinos in Tunica, Mississippi. It does not take much to stand out in West Memphis. Miss a few church services, and the whispers start. The values are conservative, and so are the dreams. West Memphis is a small town, not much different from many other small towns we could imagine. Yet, it was here that the murders attributed to the suspects, who came to be known as the West Memphis Three, occurred.

The Initial Investigation

The woods running along I-55 buffer West Memphis neighborhoods from the relentless traffic heading to New Orleans or Chicago. Known as Robin Hood Hills, the green canopy and rich Mississippi Delta soil provided a sanctuary for the local kids, a place for imaginations and unlimited adventure. However, at night, Robin Hood Hills turned dark and ominous. Kids
avoided it until the next day’s sunlight chased away the shadows and boogeymen. Around 1:30 p.m., on 6 May 1993, three eight year old boys were found dead in a creek in Robin Hood Hills. The naked, bound, and beaten bodies of Stevie Branch, Christopher Byers, and James Moore were quickly surrounded by police tape. All three had been missing since late afternoon the previous day. There was nothing particularly special about them, which only made it worse. Apparently some boogeymen are very real. There was no sign of blood or a murder weapon, and the only evidence was the imprint of a tennis shoe.

After the bodies of the victims were discovered, the phone calls started. Lieutenant James Sudbury, of the West Memphis Police Department (WMPD), contacted Steve Jones, a Juvenile Officer for Crittenden County, Arkansas. They believed the motivation for the crime was satanic. Jones remembered that his chief, Jerry Driver, had met with a suspicious young man by the name of Damien Echols and suggested that they bring him in for questioning.

Damien Echols was born as Michael Wayne Hutchison, on 11 December 1974. Due to his family’s transient lifestyle and temporary employment, he had moved frequently. His mother, Pamela, eventually divorced her first husband, Eddie Hutchison, and married Jack Echols, who adopted Michael. The family moved to West Memphis, where Michael immediately drew attention. But, rather than avoiding it, he invited the attention, basking in people’s sidelong glances and seeming to enjoy his reputation as the “weirdo goth-kid.” As most boys his age, Michael was a mix of insecurity and false bravado, searching for some type of anchor, some type of meaning. He dabbled in a variety of religions and settled on Catholicism, after reading about a 19th century Catholic priest, Father Damien, who gave succor to victims of leprosy. Inspired by Father Damien, Michael changed his first name to Damien.
Nonetheless, Damien Echols was left unsatisfied with his religious explorations, and he soon fell into a state of mental depression. He eventually discovered Paganism, where he found the worship of nature and the concept of karma to seem real and fair. Still, over the next few months his depression worsened, and he attempted suicide twice. Damien’s girlfriend, Domini, worried about him, and they decided things would improve if they ran away together. They did not get far; they were arrested the first night, after breaking into an abandoned house. Damien was sent to the hospital, where he was diagnosed as manic depressive and prescribed the drug Trofanil.

While under observation, Damien told the doctors about his visions and his searches for religious meaning, but his comments did not make sense to the psychiatric staff. While in the hospital, Damien met Jerry Driver, the chief Juvenile Probation Officer for Crittenden County, who was required to visit the hospital to interview people such as Damien. Driver was a firm believer in cults and a self-taught expert in evil. Driver believed that satanic cult followers were responsible for a lot of the criminal activity in Crittenden County. His conversations with Damien made an impression on him, one that he reported to Steve Jones later.

Soon after Damien’s release from the hospital, his mother divorced Jack Echols and remarried his biological father. The family moved to Portland, Oregon, where Damien began drinking heavily. On one occasion, he locked himself in the bathroom with a knife. The police were summoned, and Damien spent another two weeks in the hospital. Damien missed his girlfriend, and after he was released from the hospital, he returned to West Memphis.

On Friday, 7 May 1993, the day after the murder victims were found, Sudbury and Jones went to 2706 South Grove, in Broadway Trailer Park, in West Memphis, Arkansas, to interview Damien Echols. During the interview, Damien asked whether one of the boys was more savagely
attacked than the others.\textsuperscript{1} Damien was released, but not for long. Rumors spread fast in a small town, and soon everyone knew that Damien had been questioned. As the police investigation continued, the police discovered that Damien's only real friend was Jason Baldwin, which was how Jason became known to the police as a satanic cult member.

Another lead on the case appeared when Aaron Hutcheson, a local 8 year old boy, told his mother, Vicki, that he was “at the playhouse,” when the boys were killed.\textsuperscript{2} Vicki called the police and took her son down for an interview. Unfortunately, Aaron’s story was incoherent and improbable. He told the police that a black man abducted Michael Moore; then, Aaron claimed he was actually there and witnessed the murders.\textsuperscript{3} The next version he told involved several men in the woods who spoke Spanish. Eventually, he also implicated John Mark Byers, stepfather of one of the boys killed, as the murderer. The police asked Aaron how he had escaped, and he told them he played dead. Vicki reminded the police that her son was good friends with the murdered boys and that she wanted to see justice done. She also made a point of asking about the reward money. The police asked Aaron to pick Jason and Damien's pictures out of a photo line-up, but he could not.\textsuperscript{4}

At this point, the media had learned that the police had a witness. Vicki Hutcheson told the police that Jessie Miskelley, a neighbor who babysat for her, knew Damien Echols. She offered to let the police wiretap her home and told them that she could get Jesse to invite Damien

\textsuperscript{1} The prosecution would eventually argue that Damien had prior knowledge of the satanic murders, based on this first interview with Sudbury and Jones.

\textsuperscript{2} Despite similarities in last names, Aaron is not related to Damien, nor his biological father, Eddie.

\textsuperscript{3} In an interview with Detective Don Bray, Aaron spoke about a black man with yellow teeth who picked up Michael Moore after school in a maroon car. However, in subsequent interviews, Aaron provided several varying accounts.

\textsuperscript{4} Later, witnesses explained Aaron’s failure to identify them by placing Aaron far away from the crime scene, and even further away from being friends with the boys.
to her house. As result, Jessie Miskelley also became known to the police as a satanic cult member.

Vicki Hutcheson was able to persuade Jessie to invite Damien to the house. The three of them spent the evening talking and drinking, but neither Jessie nor Damien confessed to anything. The police later reviewed the tape and claimed it was unintelligible. Undeterred, Vicki Hutcheson returned to the police and told them that two weeks after the murder she had attended a nighttime Wiccan religious service, known as Esbat, with Jessie and Damien in a field near Turell, Arkansas. Vicki told the police that Damien drove his red Ford Fiesta. Vicki told the police she could not identify anyone else at the Esbat or remember the exact location, but she was certain that it was all very satanic. William Jones, a local teenager came forward and told the police that Damien, while drunk, confessed to him about the murders. The prosecution tried to bring him forward as a witness, but before they could, he recanted his statement and told the police he lied. However, at the time, his statement along with Vicki Hutcheson’s, satisfied the police, who found it easy to explain away any problems with their stories. The police believed the witnesses had been intimidated by other cult members, which in their eyes, meant there were other cult members and that West Memphis was infiltrated with Satanists.

Jessie Miskelley, Jr. was a little guy, standing just at about five feet, but with a reputation in the community as a scrapper. Growing up in a rambunctious family of nine could certainly bring that out of someone. School was not Jessie’s strong suit, and he spent most of what little

---

5 Vicki Hutcheson, direct examination, trial Transcript, 28 January 1994, but as would be established later, Damien did not have a driver’s license, nor did he own or have access to a red Ford Fiesta. Hutcheson’s testimony and all subsequent trial transcripts can be accessed at West Virginia Law School’s Advanced Criminal Law website: <http://myweb.wvnet.edu/~jelkins/acerimlaw3/webresources.html>.

6 Vicki was used by the prosecution as a corroborating witness in the trial to explain Jesse and Damien's satanic involvements, but after the trial, she admitted that she made up the story and was pressured by the police to give false testimony.

7 Jones confessed his fabricated statement to defense team investigator Ronald Lax, 30 January 1994.
time he was there in special education classes, as result of scoring a 75 on the school’s IQ test. Counselors and doctors described him as developmentally slow, quick to anger, and easily overwhelmed and agitated when stressed. Doctors had advised Jessie's parents that they should get professional help or medication. Unfortunately, those things cost money, and Jessie's family was struggling financially.

On 3 June 1993, the police contacted Jessie and offered him a reward if he could help them solve the case. Jessie went down to the police station and was interviewed by the police, who ignored the fact that he was a minor and that they did not have a written waiver of his Miranda rights signed by his father. The police interrogated Jessie for several hours and gave him a polygraph examination, which they told him could read minds. Jessie passed the polygraph, though the police and prosecutors never released the results. Instead, they told Jessie that he failed and that the machine read his mind and knew he was lying.

The interrogation continued for several hours, and Jessie later testified that they yelled at him, threatened him, and called him a liar. He said that because he was little, they tried to run over him. The police questioned Jessie about the murders, and after several hours of interrogation he confessed, implicating Jason and Damien as well. Jessie also confessed to participating in cult, engaging in orgies, and eating dogs. His initial confession did not match any facts or forensic evidence. The police knew that many things were wrong with this picture but worked to fix it to fit the frame. The police started over, working on Jessie’s story, making sure that he was not confused. Apparently, justice sometimes needs a helping hand. Eventually, the

---

8 This breach of protocol typically makes confessions inadmissible, but later, during Jessie's trial, Judge Barnett ruled that this constitutional issue was unimportant in West Memphis.

9 There is a discrepancy between Detective Ridge’s handwritten notes regarding the time of the polygraph. He states it occurred “at about 10:30 am,” but the waiver of rights statement turned in prior to the exam lists the time as 11:30 a.m.
police were satisfied that Jessie would get it right. Then, finally, for the first time, they recorded the confession.

The snowball began rolling downhill, picking up speed at an exponential rate. The police took Damien and Jason into custody. On 4 June 1993, Chief Inspector Gary Gitchell gave a press conference about the arrests, and when a reporter asked him on a scale of one to ten, how confident he was about the case. Gitchell said eleven. The crowd cheered.10

From Jason's home, the police seized a red robe belonging to his mother, fifteen black t-shirts, and a white t-shirt. From Damien’s house, they took two notebooks, a red t-shirt, blue jeans, a necklace, and a pair of boots. Later, a knife was found in the lake behind Jason's house. Although the knife did not match the murder weapon, and other blood and fiber tests were inconclusive, for the prosecution and the police, the black t-shirts were enough to indicate satanic cult involvement.

With no physical evidence to link Damien, Jessie, or Jason to the crime, the police focused on building a case based on testimony from community members. No one could place the three together in the past, which was a glaring hole in the prosecution’s case. Jerry Driver testified under oath that he had seen Damien, Jessie, and Jason wearing black robes and carrying staffs.11 His testimony proved to be persuasive, but the prosecution needed witnesses to place Damien, Jason, and Jessie at the scene of the crime.

Narlene Hollingsworth and her son Anthony testified that when driving past the Blue Beacon truck stop, they saw Damien and his girlfriend, Domini, near Robin Hood Hills, at 9:30

---


11 Driver admitted that he had spent the last twelve months interrogating Damien for unsolved crimes in the area, and he eventually faced embezzlement charges. But, his credibility in this case was unquestioned.
p.m. on the night of the murders.  

Narlene's daughter, Tabitha, corroborated the assertion during Jessie's trial. Although it had been extremely dark that night and Narlene's husband, Ricky, testified that it was too dark to make a clear identification, the testimony was allowed to stand, with the adjustment that it was most likely Jason who was with Damien, not Domini.

After news of Damien's arrest, more witnesses came forward. Some claimed that Damien had confessed during a conversation with a group of girls at a local softball game. Another witness, Michael Carson, testified that while he and Jason Baldwin were held in the WMPD detention center, Jason admitted to him that he was involved in the murders. Danny Williams, a counselor at the detention center, testified that he had spoken to Carson about the details of the case and was certain that Carson and Jason never had any contact while in custody; however, Carson's testimony was admitted into evidence.

In order to prove premeditation and motive, the state needed more than hearsay or specious eyewitness testimony. They needed credibility, which they found in Dr. Dale Griffis, who received his Ph.D. from Columbia Pacific University, in 1984. Although Dr. Griffis's degree was achieved via mail order correspondence courses, he had developed a reputation as an expert in juvenile cults and satanic activities. Known as the “Cult Cop,” Griffis’s testimony was readily admitted by Judge Burnett. Griffis testified that the murders bore the trappings of occultism due

---


14 Although Damien was in the custody of the police during the supposed time of the game, the testimony was also admitted into the record.

15 Michael Carson was a diagnosed LSD addict, but his testimony was not questioned.

to several factors: the presence of a full moon and water near the crime scene, the age of the victims, and the absence of blood at the crime scene.\textsuperscript{17}

During cross-examination, Griffis conceded that his testimony on blood was not in his original statement and was added only after he was informed by the prosecution that Michael Carson would be testifying about his conversation with Jason Baldwin. Furthermore, Griffis was unable to provide any scientific, empirical, anecdotal, or historical evidence for his claims.\textsuperscript{18} However, Griffis' highly questionable testimony served to reinforce the myths, superstitions, and fears that were circulating in the West Memphis community. Any logical refutation of the testimony fell on deaf ears.

Criminal investigations are living things, constantly searching to be sustained and protected. The investigation of The West Memphis Three was a voracious beast, determined to devour three predetermined suspects. Despite other suspects and suspicious coincidences with family members of the three murdered boys, the investigation continued to feed on the carcasses of the innocent. The focus was so acutely myopic that police ignored a lead that became lore among those early doubters of the validity of the case, the testimony about “Mr. Bojangles.”

On the night of the murders, at 8:42 p.m., the WMPD received a call from Marty King, the manager of the Mr. Bojangles Restaurant near Robin Hood Hills. King reported that a black man, covered in blood and mud, had been in the women’s restroom for about an hour.\textsuperscript{19} Officer Regan Meek followed up the call by driving up to the drive-through window. She later testified that although the restaurant was near where the boys were last seen, she did not enter the

\textsuperscript{17} Griffis, \textit{in camera} testimony, Trial transcript, 8 March 1994; he explained the absence of blood was a result of the propensity of Satanists to store or to drink the blood of their victims.

\textsuperscript{18} Griffis, \textit{in camera} testimony, 8 March 1994.

\textsuperscript{19} Marty King, Direct Examination, Trial Transcript – 1 February 1994.
establishment. After the remains of the boys were found, police returned to the restaurant. They took blood samples from the toilets, but these were soon lost, and no results are known. The loss of those samples proved to be significant because the crime laboratory reports on two human hairs found on the victims' clothing showed that one of those hairs was African-American in origin.\(^{20}\) To this day, “Mr. Bojangles” has not been identified.

In homicide cases, police often look to friends or immediate family members as possible suspects. In this investigation, the WMPD simply glanced, dismissed what was troublesome, and then refocused on satanic activity. In November 1993, John Mark Byers, stepfather of victim Christopher Byers, was interrogated by the WMPD. By then, a film crew from New York, led by Joe Berlinger and Bruce Sinofsky, was making a documentary about the case, and Byers had given a hunting knife to one of the crew members. The knife had been turned over to the authorities.

Under questioning, Byers said his wife Melissa had given it to him as a Christmas present. He said he was certain that it had remained in the box and had never been used. When investigators informed Byers that the knife had been tested and that blood was found on the knife, Byers changed his story and recalled that he had used it once to cut up some deer meat. When informed that the blood was human and that it matched Christopher's blood, Byers asserted that he had no idea how that could have happened.\(^{21}\) The police also asked Byers about his various anti-depressant medications and why similar medications were found in Christopher's toxicology report. Byers had no answer for this either but assured them that Christopher did not take any medication on the day of his disappearance. The police eliminated Byers because they

---

\(^{20}\) See Mara Leveritt, *The Devil’s Knot*, 174. Herein, I rely upon this source for providing the details of the historical context.

knew what very few people in West Memphis did, that John Mark Byers, no stranger to legal issues himself, was a drug informant for the police department.

The First Trial

In January 1994, escorted by armed sheriff’s deputies, Jesse Miskelley was led handcuffed and shackled into the Clay County courthouse in Corning, Arkansas. Jessie’s attorneys, Dan Stidham and Greg Crow, had been engaged in a several months long backroom brawl with Judge Burnett and the prosecutors over the problems with Jessie’s confession, police misconduct, unreliable eyewitness, fanciful claims of Satanic cult meetings, and Jessie’s diminished mental capacity. The defense team’s goal was simple: convince the jury that Jessie’s confession was inaccurate, coerced, and therefore unreliable. Unfortunately, the goal was a tall order. As one spectator commented, “We all know he’s guilty. They ought to just fry him and get it over with” (Leveritt 157).

The courthouse had never before hosted a trial such as this one. Inside the courtroom, along with the substantial presence of regional media, was the documentary film crew from New York.22 The prosecution team was comprised of district prosecutor Brent Davis and state deputy prosecutor John Fogleman. People in the state knew John Fogleman as the scion of a prominent and well-known family, one that had lived in Arkansas for generations (Leveritt 158).

The prosecution team had no forensic or direct link to Jessie Misskelley, so they told the jury about Victoria Hutcheson’s efforts and how she led them to Miskelley and the subsequent confession which had resulted from the interrogation. Although Fogleman knew that Jessie’s confession was riddled with inconsistencies, he also knew his jury, and more importantly, the community from which it was drawn. Fogleman explained the confession as an attempt by Jessie

22 Unbeknownst to everyone, the New York film crew eventually interfered with the resolution of this case.
to minimize his involvement and stressed that the jury should focus on the parts of the confession that revealed information that only the real killer would know. These two preemptive strikes, and whether or not the jury believed them, proved to be the keys to convicting Miskelley of three counts of capital murder.

Defense attorney Stidham's opening statement focused on the confession. Although the defense team had been rebuffed by Judge Burnett at every turn, their only hope was to convince the jury that Jessie would not have confessed except for the enormously dishonest psychological pressure placed on him during interrogation. Stidham addressed prosecution claims that there were details only the killer would know, arguing that the entire community, thanks to media leaks from the police, were aware of these details. Stidham further argued that the police, consumed with tunnel vision, were willing to terrify Jessie until he told them what they wanted. In final summation of his open statement, Stidham emphasized a simple theme for the jury: “They broke his will. They scared him beyond all measure.” The trial lasted for two weeks and was a clear harbinger for the drama to come in the later trials of Baldwin and Echols.

The prosecution called Dr. Frank Peretti, of the Arkansas Crime Laboratory, to the stand. Dr. Peretti testified that he could not pinpoint the time of death. Under cross-examination, Peretti also testified that there was no forensic or physical evidence to corroborate the claims Jessie made in his confession about how the boys were killed. The prosecution also called several WMPD officers to testify about the night the bodies were found, with each officer corroborating the statements of the one before him. A lot of time was spent with lead detective Gary Gitchell

---


who testified that Jesse was very relaxed and under no pressure from the police.26 Under cross-examination, Stidham questioned Gitchell about the numerous, and very substantial errors, in Jesse's confession. Gitchell deflected the questions calmly, stating that, “Jessie simply got confused. That's all.” 27

One thing Jessie was apparently not confused about in his confession is the reason why he helped Jason and Damien murder three young boys. There was no reason or motive expressed by Jessie during his confession. Although a motive is not necessary for a conviction, Fogleman knew that juries like to hear why, and he had the answer in Vicki Hutcheson who testified about going to the secret, satanic Esbat in the woods with Damien and Jessie. Although she did not know what an Esbat was at the time, Hutcheson testified that she looked it up in one of “those witch books.”28 Fogleman knew that Hutcheson would be problem, so he brought up issues before the defense could. On the stand, prompted by Fogleman, Hutcheson admitted that even though she had attended a satanic meeting with Jessie, someone she suspected of murdering three boys, she also asked him to spend the night with her and her son the night before he was arrested. Hutcheson claimed that she did so because she did not want to tip Jessie off and harm the case.

During cross-examination, Stidham clarified that according to Hutcheson's own timeline, the Esbat took place after the boys were murdered, but Hutcheson claimed she was mistaken in her previous statement and that it actually happened prior to the murders. He also asked her about her meeting with Detective Don Bray about her legal troubles with check fraud and her

26 Gitchell testified that the interrogation was very “laid-back and subdued” and that Jesse was “treated with kid gloves, as if we were talking to one of own children.”


recent firing from her job at the local truck stop. Stidham inquired if the $35,000 reward was a motivation for Hutcheson to insert herself into the investigation. Hutcheson denied this, claiming the reward money never entered her mind.

The reason Vicki Hutcheson was on the stand was due to the claims by her son Aaron. In the weeks leading up to Jessie's trial Aaron's claims had gotten more outlandish, so far to the point that he claimed that he was forced to dismember Christopher Byers, drain the blood and drink it at gunpoint. Although some WMPD officers were completely convinced of Aaron's story, Fogleman did not call him to the stand. Aaron Hutcheson had been involved in every critical point of the police investigation and was the catalyst for the arrest of Jessie Misskelley; nevertheless, he was not called as a witness and disappeared into the background.

In a case of largely circumstantial evidence, Fogleman called Lisa Sakevicius, from the state crime lab, to add forensic credibility to Jessie’s confession. She was the prosecution’s most important witness because she testified that fibers found at the scene were microscopically similar to fibers from a t-shirt found during the search of Damien's house and from a red bathrobe from Jason's home.29 However, under cross-examination, Sakevicius acknowledged that many fibers are “microscopically similar” and that the fibers found did not match the crime scene and that the “discovery proved nothing.” Sakevicius' also testified that hair fiber found on Christopher Byer's body did not match Jessie, Jason, or Damien.30 In totality, Fogelman's forensic expert provided two pieces of information: (1) the fibers found were similar to many others, thereby did not prove anything, and (2) the hair found on one of the victim’s body was from an unidentified individual, not from any of the suspects.

Fogleman then called another major witness, a teenager named William Jones, to corroborate Hutcheson's testimony about satanic cults and to link Damien Echols directly to the murders. According to Fogleman, Jones would testify that Damien Echols confessed to him about the murders. While the trial was under way, Ronald Lax, a defense team investigator from Memphis, went to the 'home of William Jones to interview him about his statement to the police. Jones asked to speak alone with his parents. A half hour later, his mother came out and asked Lax what would happen to her son if he had lied to the police.

Jones told Lax that he did not like Damien and had falsely claimed to his mother that Damien committed the murders. When his mother called the police, he went along with the lie, expounding on his statement to WMPD Detective Tom Ridge in a fabricated videotaped statement. He agreed to record a new statement with Lax, in which he not only recanted his previous testimony but also told how he and other teenagers such as Buddy Lucas were also coerced into testimony (Leveritt 168). Later Jones, in a meeting with prosecutor Fogleman and Inspector Gitchell, recanted his testimony and told them that if he were put on the stand he would tell the truth about everything. As a result, William Jones was not called by the prosecution as a witness.

Although proof of Damien Echol's motivation had evaporated, Fogleman introduced into evidence a book, *Never on a Broomstick*, bought by Damien at a library used-book sale the year before as evidence of satanic motivation. For his final witness, Fogleman called Jerry Driver to establish that Damien and Jason Baldwin were close enough friends with Jessie Miskelley to include him in the murder. Jerry Driver testified that he witnessed the three teenagers walking down a street in Marion. With that, Fogleman rested. Jessie Miskelley was feeling much better at this point. He said, “I thought a statement weren't nothin'. If that was the only evidence against
me, I figured it wouldn't be no good. Because, the stuff I'd seen on TV, if you convict somebody, you've got to have some kind of physical evidence. Anybody can say anything” (Leveritt 171).

Stidham, however, was far less confident than his client. He knew they would have major problems with parts of Jessie's confession, but other surprises were waiting around the corner, ones that would shock everyone. Jesse's father, Jessie Miskelley Sr., had decided to go directly to the news media, informing them that there was proof that Jessie was in a different county on the night of the murders. Almost daily, from the porch of his mobile home, Misskelley Sr. held press conferences, laying out his son's alibi, which infuriated the prosecution. Furthermore, when Jesse explained that it was his blood on the t-shirt the police confiscated, Stidham dug deeper and discovered that the police and prosecution were aware that the blood on the t-shirt was Jessie's and not Michael Moore's, one of the three victims. Stidham, at the urging of Miskelley, Sr., begins to track down alibi witnesses.

Unfortunately, thanks to the press conferences, the new witnesses had already been interviewed by the police and were afraid to get involved. Stidham knew that if they were called to the stand, the prosecution would introduce their first statements to the police and portray them as a desperate, last ditch effort by the defense. The frustration of Miskelley Sr. had been driven to contact the media by his frustration with the public’s refusal to believe him, but in doing so, he enabled the police to get to the witnesses first. According to Stidham the press conferences came back to haunt them, perhaps even making the difference in the case (Leveritt 173).

Without solid alibi witnesses, Stidham focused his defense on raising doubts about Jessie's mental abilities and the conduct of police investigators. Stidham had Jessie examined by Dr. William Wilkins, who in a subsequent report noted that Jessie bordered on being mentally retarded, with an academic performance on the third and fourth grade levels and a failure to pass
any of the Arkansas state minimum performance tests. Stidham expected Dr. Williams to testify about his findings until, the night before his testimony, prosecutor Davis informed Stidham that Dr. Wilkins was about to lose his license as a result of what the Arkansas Board of Examiners termed “serious professional misconduct.” Wilkins was one of the three pillars on which Stidham planned his defense, so having no time to adjust, he proceeded to call Dr. Wilkins to the stand.31

Stidham's second witness was Warren Holmes, a veteran homicide detective and polygraph examiner, who had served as a consultant for the FBI, the Texas Rangers, and the Royal Canadian Mounted Police. He had also conducted polygraph examinations in the cases of the Watergate break-ins, as well as the Kennedy and King assassinations. After reviewing Jessie's file, Holmes traveled to Arkansas to testify but was met with immediate resistance by prosecutors. In a closed door meeting, both sides met with Judge Burnett regarding Holmes's testimony. Burnett ruled that since polygraph evidence is too unreliable to be admitted as evidence, Holmes would not be allowed to testify regarding (1) the results, (2) whether they applied to guilt or innocence or (3) whether the person conducting the examination was truthful or not. Holmes, however, would be allowed to testify as to whether a polygraph can induce someone to make a false confession. The decision left Stidham with an expert witness unable to offer his expert opinion. Despite Stidham's protest, Burnett argued that since polygraphs are not accepted as credible evidence in the state of Arkansas, “I don't care whether he says he was telling the truth or whether he says he was lying” (Leveritt 177).

Stidham asked Burnett if Holmes could proffer his testimony in the hearing, in essence telling Judge Burnett what he would say on the stand if he were allowed to address the polygraph exam completely. In Burnett’s office, Holmes detailed the intricacies of false confessions and the

31 Wilkins’s testimony was proffered in Judge Burnett’s chambers, out of presence of the jury, in an in camera meeting. Stidham did so in order to have it admitted into the record in case of a necessary appeal.
myriad problems with Jessie's testimony. Burnett remained unmoved and limited Holmes's testimony dramatically, reducing it to almost nothing. Holmes was not allowed his full testimony, and therefore the jury never heard that Jessie Miskelley actually passed the polygraph when the WMPD said he had failed.32 Or in words of Stidham, “if the police can use this as a tool to beat up on retarded kids and scare them into confessing, why can't the jury know about this tool?” (Leveritt 180).

Stidham's final witness, Dr. Richard Ofshe, an expert from Stanford University on coerced confessions, met with the same fate as Holmes. Immediately upon taking the stand, the prosecutors objected, and Burnett called another meeting, in which he questioned the scientific validity and relevance of a sociologist such as Ofshe. Burnett ruled that whether the confession was coerced was irrelevant, since it had no relevance as to whether the confession was ultimately true or not. This ruling did not surprise Stidham because Burnett had already ruled himself that the confession was voluntary. However, Burnett did allow Ofshe to testify whether or not he believed the statements made by Jessie were voluntary.

The jury was called back into the courtroom, and Ofshe was allowed to testify, but not before Burnett did something he had never done in the trial. He read an advisory statement of the law defining what an “expert witness” was and reminded members of the jury that they were not required to find an expert opinion as conclusive. He told them they could disregard it if they found it unreasonable.33 With that, Ofshe was allowed to testify, albeit with repeated objections by the prosecution, every one of which was sustained by Burnett. Once again, Stidham had Ofshe proffer his testimony, without the jury present, to get it into the court record. When the


33 Ofshe's testimony regarding coerced confessions was a very contentious issue, forcing several in camera meetings during the day.
jury returned to the courtroom, Ofshe was allowed to answer one substantive question, as to whether “the tactics used by police investigators were suggestive and led the defendant to make a statement?” Ofshe answered, “Yes, and that statement – the content of the statement – was shaped by these techniques.” This was all the jury was allowed to hear from the defense team’s direct examination.34

In an attempt to discredit Ofshe and the discipline of sociology, prosecutor Davis opened a door for the defense during his cross-examination. Davis pressed Ofshe on whether or not leading questions could be considered coercive. In doing so, Davis introduced the very word that Judge Burnett had wanted to eliminate. Hands tied, Burnett was forced to allow Stidham to explore the nuances of the world “coercive.” Now, Ofshe testified about other examples of coercive interrogation and the dynamics of coerced confessions. Furthermore, he was also able to speak directly to Jessie's confession, citing several examples in the confession transcript. Whether any of this testimony would make a difference, though, was in the hands of the jury.

The Verdict

The prosecution team of Fogleman and Davis was impressive, despite having a completely circumstantial case. Their closing arguments were a study in duality. Fogleman, in a controlled, almost dispassionate tone, stressed Jessie’s confession.35 Stidham responded by repeatedly citing the inconsistencies in Jessie's confession and the lack of physical evidence. Davis, having the final argument, made no error in appealing to emotion. He reminded the jury about the cult motivation, Jessie's alleged devil worshiping and ended by standing behind Jessie,

34 The majority of Ofshe’s testimony was in camera, direct examination, trial transcript – 2 February 1994.

while holding pictures of the victims and asking for a guilty verdict for three counts of capital murder.36

At noon the next day, Jessie Miskelley was found guilty of first-degree murder in the death of Michael Moore and guilty of second-degree murder in the deaths of Christopher Byers and Stevie Branch. Jessie was sentenced to life in prison without parole with an additional forty years to be served consecutively. One of the jurors, Lloyd Champion told the Commercial Appeal that the satanic cult allegations had nothing to do with the verdict, adding that he was not surprised that Jessie's did not testify on his behalf, “I think that the prosecuting attorney could have tore him up and made him say anything.”37 Apparently, the irony of this statement was lost on Champion.

Problem Witnesses and Lingering Questions

The state's attention now turned to Jason Baldwin and Damien Echols. Their trial took place in Jonesboro, Arkansas, in Craighead County. Home to Arkansas State University, the educational and income levels were higher than the mostly rural Clay County where Jessie had been tried. However, Damien's defense attorneys, Val Price and Scott Davidson, knew that Craighead County was one of the most religiously conservative places in the state. They also had another concern; Jessie had been approached by the prosecution to testify. While prosecutors Davis and Fogleman had no physical evidence in the first trial, the jury felt that Jessie's confession was enough. Now, the prosecutors were heading into a second trial with no physical evidence or confessions. The prosecutors met with the family of the victims and discussed working a deal with Jessie to testify, assuring them if he did not, they still had some evidence.


In reality, the prosecution knew that without Jessie testifying, the case was completely circumstantial with scant evidence. The prosecutors soon received good news from the deputies who had driven Jessie to prison after his trial. They claimed Jessie had confessed again and elaborated on several details about the murders. The prosecutors immediately went to Judge Burnett and, without notifying Stidham or Jessie's father, issued an order for him to be driven to Jonesboro to testify. Once in Jonesboro, after several secret meetings with the prosecution, Jessie's attorney was notified that his client had been moved to Jonesboro and would be testifying.

Stidham arrived in Jonesboro and filed an injunction to bar the prosecutors from talking to his client without his attorney present. Stidham was even more outraged when Jessie informed him that the police promised to have his sentence reduced and would bring his girlfriend to visit him in jail. News of Jessie's arrival was leaked to the media and knowing the impending drama, Judge Burnett dealt with the issue in open court. He informed the public that the prosecutors had not engaged in any misconduct and that Jessie was free to testify if he chose to do so (Leveritt 202). The prosecution, defying the injunction, continued to meet with Jessie. Stidham was never notified, and Judge Burnett did not intervene.

The witnesses for the second trial were slightly different but came with as many variables as the ones in Jessie’s trial. Vicki Hutcheson had testified in Jessie's trial, but without a confession, her inconsistencies and fabrications would be troublesome for the prosecution in this trial. The defense team could not imagine the prosecution calling her son, Aaron, who had continued to create more outlandishly fanciful testimony during every interview.

John Mark Byers was more complex. Lax had interviewed Byers’s ex-wife who stated that she believed he was responsible for the murders and also informed Lax of several domestic
abuse charges against him for assaulting her and her children. Byers had a history of violent abuse, his stepson had recently been murdered, and his accounts of his activities the night of the murders conflicted with other family members and witnesses. Furthermore, a knife with blood, possibly Christopher's, had been in Byers’s possession with no coherent explanation of why. For the defense, Byers was an enticing witness, but they faced the same quandary as in Jessie's trial. Any accusation against Byers, without solid evidence, risked inflaming the jury.

Another witness, sixteen year old Kenneth Watkins, was interviewed by Lax and admitted that he had been coerced and threatened by the police as well. His mother, Shirley, had taken him down to the police station where he was interviewed by Detectives Ridge and Durham. She was not informed of her right to be in the interrogation room and was told to wait outside in the hallway. Watkins also informed Lax that he was given a polygraph by the police and was told that he failed it. Furthermore, he claimed that the detectives continued to accuse him of lying, proceeded to start yelling at him, and they “kept on and kept on like I was gonna get arrested or something.” Watkins admitted that he was afraid that “they were gonna try and say I was there. Then I thought I was going to like, get involved and have to go to court, you know, like they are” (Leveritt 206).

Dr. Peretti, the prosecution's medical expert brought substantial problems. From the beginning the police had assumed the crime was sexual in nature, corroborated by Jessie's confession that he saw Jason and Damien “screwing” the boys.38 However, Dr. Peretti’s report did not note any injury to the boys that would substantiate this claim. In Jessie's trial, the defense had asked that the prosecution not be allowed to claim the boys had been raped, since the physical evidence proved otherwise. Judge Burnett overruled the defense and allowed the

---

prosecution to make that claim to the jury. Before the second trial, the prosecution visited Jessie again and informed him that the physical evidence did not match Jessie's claims. Jessie changed his story to match with Dr. Peretti's report.

Another sixteen year old, Michael Carson, who was on probation for earlier crimes in Jonesboro, testified that Jason Baldwin admitted to the murders, after knowing him less than twenty-four hours. The last witness for the prosecution would be Damien Echols himself, in the form of his personal writings and reading choices. While the prosecution hoped to use Damien's poetry to show a satanic cult leader driven with a desire to murder, the defense reviewed them and found them to be typical of the angst ridden, pseudo-alienated protestations of a typical teenager. The WMPD also served a search warrant on the local library to search for all books checked out by Damien. The two which peaked the most interest were *Magic* by Maurice Bouisson and *Cotton Mather on Witchcraft*, by the colonial minister Cotton Mather. The historical parallels were evident as Lax urged the defense to attack the police investigation vigorously and to show correlation between the Salem witch hunts of the seventeenth century and the persecution of Damien Echols, Jason Baldwin, and Jessie Miskelley (Leveritt 211).

The Second Trial

Television crews invaded Arkansas again, surrounding the Craighead County Courthouse, in the middle of Jonesboro's business district. At this point, Jessie's testimony seemed very likely, since the prosecutors were telling him that without it Jason and Damien would go free, and they would go after Susie, his girlfriend, and kill her. If the media attention on Jessie's trial had been a ripple in the pond, the attention on Jason and Damien's was a tsunami. The media attention and leaks from the police made it practically impossible to find

---

impartial jurors (Leveritt 213). The fear and hesitancy of potential jurors forced Judge Burnett to conduct private *voir dire* in his office rather than open court. Although lawyers for the Memphis newspaper, *The Commercial Appeal,* filed a complaint, both the prosecution and defense agreed to add this extra layer of secrecy. The newspaper also filed another request, based on the Freedom of Information Act, to view the police files of the defendants. Judge Burnett denied this request as well. Although the Arkansas Supreme Court later ruled that Burnett was in error in his private questioning of jurors, the trial was already under way.

In the prosecution’s opening statement, Fogleman described the crime scene and injuries to the victims. He also introduced a new concept, “negative evidence,” or as Fogleman told the jury, “evidence that doesn’t really show a connection to anybody.” Despite this unique approach and the complete absence of fingerprints, blood, or any other forensic evidence, Fogleman assured the jury that they would understand later. From the beginning, Jason Baldwin's attorney, Paul Ford, had attempted to get a separate trial for his client hoping to avoid his client being tainted by Damien’s “cult persona.” However, as had happened many times before, Burnett denied the request.

Therefore, Ford presented a defense that emphasized Jason Baldwin's credibility and solid upbringing, as well as the sloppy police work that was result of community pressure and tunnel vision. Citing the many procedural and investigative failures, Ford reiterated how the police “swarmed” into Jason's life in an effort to create a suspect suitable for arrest. Val Price, Damien's lawyer, opened with an effort toward damage control regarding Damien's publicized

---


41 Fogleman, prosecution opening statement.

image. Price agreed that while Damien looks kind of weird and is not the All-American boy, there is “no evidence that he murdered these three kids.”

By the time the prosecution began calling witnesses, it was known that Jessie would not be testifying. Legally, he no longer existed in the trial of Jason and Damien. Therefore, Fogleman called a witness to testify that on the night of the murders, he had seen four, not three, boys enter Robin Hood Hills woods. This testimony was an attempt to manage one of the major problems with Jessie's confession, namely that he, Damien, and Jason had seen three boys in the woods. With no motive, eyewitnesses, or forensic evidence, the prosecution altered their fundamental theory of the crime, laying the groundwork for testimony from Aaron Hutcheson.

Fogleman called the investigators and WMPD officers who had been at the crime scene to testify to their procedure and collection of evidence. While no reports mentioned the presence of any blood at the scene, Detective Allen testified that there was substantial blood in the water, which seemed improbable considering Detective Ridge’s testimony of how he had to search for the bodies. Pictures of the victims were again shown to the jury as Ridge described how they were tied and how Christopher was mutilated.

During cross-examination, Detective Ridge mentioned Jessie’s confession, and Price immediately called for a mistrial. But Burnett denied the motion and cautioned the jury to disregard Ridge's comment. However, everyone, prosecution and defense, knew that the die

---


44 Jesse was convinced to remain silent by his father, Jessie Misskelley, Jr. who told him that if he lied about Jason and Damien, “It’d be something that I’d have to live with for the rest of my life.” His attorney also contacted Fogleman and threatened to go public with the prosecution’s illegal threats and promises to get Jessie to testify. The prosecution never contacted Jessie again.


had been cast. In the minds of the jury, Jessie had already confessed, while Jason and Damien were simply too obstinate or cold blooded, to do likewise.

On cross-examination, Price asked Detective Ridge about the failures to follow up on the man at the Bojangles restaurant and the loss of the blood scrapings from the bathroom. While Price wanted to show the obsessive, and erroneous, focus on cult activity, Jason's lawyer wanted it stricken, to avoid tainting his client in any way. In response, Judge Burnett ruled that Damien's lawyer could introduce the police focus on cult activity only if the prosecution decided they were going to introduce it as their motive. Since the prosecution was not required to prove motive, Burnett's decision effectively tied the defense team’s hands.

The testimony of Dr. Peretti proved to be troublesome for both the prosecution and the defense. Dr. Peretti made no mention of the time of death in his original autopsy report, an important part of a medical examination. The best that could be done, according to him, was a general estimate, which he did not offer. Under examination by the prosecution, Peretti admitted he did not forward his work, especially the traditional “Cause of Death Sheet” to the police, prosecutor, or coroner. Although Peretti clarified forensic details for the jury, he also revealed several breaches of protocol in this investigation.

Under cross-examination, Jason's lawyers questioned Peretti on the inconsistencies between his report and the claims made by Jessie in his confession. The most important of these inconsistencies were the following: (1) there was no sexual assault, (2) the boys had not been tied with rope, and (3) a multitude of weapons could have been used to inflict damage on the

---

47 Ridge, cross-examination.

48 This debate took place in another in camera meeting in Judge Burnett’s chambers.

49 Peretti, direct examination, trial transcript, 1 March 1994.
victims, not just one knife. Jason's lawyers questioned Peretti about the mutilation of Christopher Byers, in which Peretti acknowledged that he himself, a trained physician, even with a surgical scalpel, could not have castrated Christopher Byers in the dark, in the water, surrounded by mosquitoes in under five minutes without leaving any blood or forensic evidence.  

Peretti remained on the stand throughout the afternoon and dropped a bombshell during cross-examination by Ford. In Jessie's trial Peretti stated, twice under cross-examination, that he could not give a time of death; however, in the second trial he testified that the time of death was between 1 a.m. and five or seven in the morning. Peretti's claim was a complete contradiction of the state's theory of the crime, as well as Jessie's confession. According to Peretti, the three young boys were alive during the time of the search.

For the defense, Peretti had proven to be immensely beneficial. On top of admissions of police mistakes and his acknowledgment that he handled this case differently, he had now placed the time of the murders four hours later than would have been possible, according to the prosecution's scenario. Prosecutors Fogleman and Davis were blindsided by the turn of events and confronted Peretti about his sudden change but got no substantive response as to why he now had established a time of death. They quickly surmised that the defense had spoken with Peretti before the trial and tape recorded the conversation (Leveritt 228-9).

Next, the prosecution called Michael Carson to testify about Jason Baldwin's confession to him. Michael's testimony was crucial because it, along with some fibers that were “microscopically similar” to a bathrobe in Jason's home, constituted the entirety of the prosecution’s case. Michael explained his six month delay in coming forward with the

50 Peretti, cross examination, trial transcript, 2 March 1994.

51 Dr. Frank Peretti, cross examination, trial transcript, 2 March 1994.
information as a result of being moved by viewing the families on TV.\textsuperscript{52} Chief Inspector Gitchell was questioned by both sides and maintained throughout his testimony that John Mark Byers was not considered a suspect, despite transcripts of the interview that suggested otherwise.\textsuperscript{53} Gitchell assured the jury that Damien, Jason, and Jessie were always the prime suspects. After Gitchell, the defense requested to call Christopher Morgan, a Memphis teen who left for California within a week after the murders. Morgan also knew all three of the victims and confessed to police in California, although he quickly recanted the statement.\textsuperscript{54} Judge Burnett denied the defense’s request.

The prosecution addressed the question of motive, knowing that it is something that the jury wanted to hear. However, what the jury did not hear was the prosecution team’s repeated efforts, behind the scenes, to cut a deal with Jason Baldwin to testify against Damien. If Jason accepted, the prosecution told him he could expect to be out in ten to fifteen years (Leveritt 233). The prosecution knew that while they had little evidence against Damien, they had absolutely none against Jason. If members of the jury harbored any doubt, they could possibly acquit Damien as well. Jason Baldwin was a liability that could be turned into an asset. Risking being put to death, Jason turned down all three advances by the prosecution. The defense wanted to call Damien’s mother, Pam, to testify that the lawyer she requested to be there during Damien’s testimony was denied access by the police. Rather, he was told that the “building was closed” and that he “could not go upstairs” to where her son was being questioned. Judge Burnett

\textsuperscript{52} Michael Carson, direct examination, trial transcript, 2 March 1994. Carson’s testimony was also debated in an \textit{in camera} hearing regarding questionable polygraph results by Carson and releasing his juvenile criminal records.

\textsuperscript{53} Gitchell, cross-examination, 3 March 1994.

\textsuperscript{54} This issue was resolved in an \textit{in camera} meeting. Morgan was appointed a defense attorney by Burnett to be present during questioning. Morgan claimed he was coerced by the California police. Morgan did not testify.
overruled the defense team’s request, citing the “credibility” of detectives, Ridge and Burnham, who conducted the interrogation.55

The prosecution called witnesses to corroborate that Damien wore black, carried a knife, and enjoyed books by Steven King. This testimony was followed by Dr. Dale Griffis, the “cult expert,” who testified to the importance of full moons, the number six, black clothes, and tattoos, as well as his interpretation of Damien's poetry, as being satanically motivated. Under cross-examination, Griffis acknowledged that he found no ties between Jason Baldwin and occult activities. He also admitted that his Ph.D. from Columbia Pacific was via mail correspondence and that he did not take any classes to obtain the degree.56 The defense had lodged a complaint that Griffis should not be allowed to testify as a qualified expert; however, Judge Burnett overruled them, apparently feeling Griffis was qualified enough for the state of Arkansas, “based on his knowledge, experience and training in the area of occultism or Satanism.” Despite the judge’s ruling, even the prosecution was embarrassed by their “expert” witness (Leveritt 237).

The prosecution’s final witnesses were two young girls, Christy Van Vickle and Jodee Medford, one of whom claimed to have heard Damien, who was at a softball game with Jason, confess to killing the three boys. Under cross-examination, Christy admitted that she had no idea who Damien was at the time she claimed to have overheard the statement. Furthermore, she acknowledged that she was fifteen feet away at the time and that neither she nor her mother reported the incident until after Damien's arrest.57 Jodee testified in a similar manner, although

---

55 Burnett ruled during an *in camera* meeting. He only allowed testimony that related to her experiences during the initial investigation, Damien’s personal life and evidence taken from her home.

56 A lot of Griffis’s testimony took place during *in camera* meetings. The major points of contention were Griffis’s qualifications and arguments about the validity of religion impairing one’s mental reasoning. Griffis was allowed to testify as to what qualifies as a cult and the character, qualities, and motivations of those involved in cults.

under cross-examination, she stated that even though Damien was with several other people, she would not be able to identify them if they were in the courtroom. With the presentation of these final witnesses, the prosecution rested.

After the state presented its case, a local reporter, Bob Lancaster, described it accordingly:

[A] pervasive vagueness [. . .], Just couldn't get through it, or past it. When the prosecution rested its case all it proved was that the murders had indeed occurred, and how the victims died. It's who, why, where and when were supposition, guesswork, rumor and bad courtroom Vaudeville.

The amorphous and disconnected case presented by the prosecution left many tactical questions up in the air for the defense. Jason's attorney requested to have Burnett issue a direct verdict, separating his case from Damien's and acquitting Jason on the spot. Burnett, as had become habitual, denied the defense team’s request.

The defense effort to counter the allegations against Damien began with his alibi. His mother, sister, and three family friends all testified that Damien had been with the family from 4 p.m. until the next morning. Then, Damien took the stand. His attorney worked through testimony about Damien's family history, his name, religious ideas, reading choices, and opinions on the trial. It was all clearly an effort to humanize Damien and to let the jury see that while he was an outcast and a slightly awkward boy, he was by no means a satanic killer. When asked if he murdered the three boys, Damien responded quietly, but firmly, “No. I did not.”

The next day, prosecutor Davis cross-examined Damien, focusing on his history of manic-depression, a threatening altercation with his ex-girlfriend, his medication history, and

---

59 As reported by Bob Lancaster in the Arkansas Times 7 April 1994
60 Echols, direct examination 9 March 1994.
writings in his notebook that mention Aleister Crowley, a well-known author on witchcraft and satanic worship. The prosecution’s goal was to establish that Damien, in a fit of psychotic rage, acted upon impulses and influences that were lying dormant in him until that night.\footnote{Echols, cross-examination, 10 March 1994.} To the \textit{Arkansas Times}, the prosecutors seemed to be trying to portray Damien as “a devil-driven monster who was capable of the crime and therefore must have done it.” Lancaster did not see “cold-hearted menace” but rather “a disturbed boy lost in a theatrical posture that he's tried to fashion into an identity. More pitiful than scary” (Lancaster).

Christopher Morgan, and his possible testimony, was a trial onto itself. Taking place behind the scenes in Judge Burnett's office, Morgan was the most important witness that never testified. While the defense wanted Morgan to appear in court to address his confession in California, the prosecution, understandably, did not. In Burnett's office, with both defense and prosecution present, Morgan discussed his pending federal charges for LSD possession and his coerced confession to the California police.\footnote{Transcript of \textit{in camera} meetings \url{http://callahan.8k.com/wm3/ebtrial/cmorgan.html}.} The prosecution claimed Morgan was a “smokescreen” for the defense, while the defense argued that Jessie Miskelley was questioned under similar circumstances. Burnett ordered a court appointed attorney for Morgan and ordered him to return to court in two days.

Back in court, the defense turned their focus toward the police investigation. Inspector Gitchell took the stand and acknowledged that the department had no manual regarding procedures for conducting interrogations. Furthermore, despite having tape and video recorders, Gitchell testified that the police made no recordings of any interrogations during the investigation and that there were no written procedures regarding the handling of evidence and
that the evidence collected from the Bojangle's restaurant was lost. Furthermore, the defense established that there was no record or transcripts of the audio surveillance tapes produced by Vicki Hutcheson.

John Mark Byers was the next to be questioned by the defense. Damien's attorney revisited Byer's inability to account for the presence of human blood on his knife, his abnormal behavior during the night of the murders, and his inconsistent and uncorroborated statements to the police. Byers was not an explosive witness for the defense, but he did personify what they felt was reasonable doubt. When Byers left the stand and walked past the prosecution's table, Fogleman patted him on the back and told him, "Don't worry about it. You did fine."64

As the trial neared its end, Judge Burnett closed the courtroom to viewers and to the media, in order to hear the testimony of Christopher Morgan. Burnett also issued a gag order on all the attorneys involved. The defense, knowing that Morgan's testimony was detrimental to the state's case, complained about this sudden secrecy (Leveritt 250). Burnett was uninterested and unmoved by their complaint. Morgan informed the court that if called he would invoke his Fifth Amendment right against self-incrimination, due to some pending drug charges in Memphis. In Burnett's office, the defense, prosecution, and Morgan's court-appointed attorney battled over the testimony. Morgan's experience with the California police was very similar to that of Jessie's. For the defense, Morgan invoking the Fifth Amendment right on the stand would be a great advantage. For the prosecution, it could be a supremely detrimental blow. To no one's surprise, Burnett sided with the prosecution and imposed a gag order on everyone involved. Christopher Morgan, and the unanswered questions, disappeared as quickly as they had arrived.

63 Gitchell, cross-examination, 10 March 1994.

64 As reported by Stan Mitchell in the Jonesboro Sun, 12 March 1994.
The defense’s final witness was Robert Hicks, a police training officer with the Commonwealth of Virginia. Hicks had a master's degree in applied anthropology as it related to law enforcement and had written a book and several articles on “so-called occult and satanic crime,” in regards to law enforcement. Hicks was the defense team’s expert, far more qualified than the prosecution’s Dr. Griffis. Hicks had spent many years monitoring the trends of law enforcement, including the rise of “satanic panic.” Hicks refuted every part of Griffis’s testimony and informed the jury that clothes and music are not solid indicators of satanic activity. In his final statement, Hicks easily could have been speaking to the entire state of Arkansas:

To say the word “trappings” again is simply to imbue the whole crime with the tint of something evil. For some police officers, that almost gets into a Christian moral fight. Some officers who teach Griffis’s point of view teach that you have to be spiritually armed when you investigate these offenses, which in my view, gets outside of what law enforcement is here to do. \(^65\)

With that, Damien's defense attorney rested.

Jason's lawyers had wanted his trial severed from Damien's from the beginning, but denied by Burnett, their strategy was to stay out of the way and hope that Damien's “Satanism” did not impact their client. Surprising everyone, they called only one witness to refute the only evidence against Jason, the “microscopically similar” fibers from a red bathrobe. The defense called an expert in hair and fiber from a laboratory in Texas who noted that his examination of the fiber excluded the red robe as the source of the fiber. \(^66\) With that, Jason’s lawyers rested. While he would have preferred to take the stand, Jason would later comment that it might have been pointless, “It was hard to fight against Judge Burnett and the prosecutors too. Everything

\(^{65}\) Hicks, direct examination, 11March 1994.

\(^{66}\) Charles Linch was a trace evidence analyst from the Southwestern Institute of Forensic Sciences in Dallas, as reported by Leveritt in The Devil’s Knot.
we tried to do, he wouldn't allow it. He'd find some reason to turn us down. Even I could see that.” In the end, Jason knew it was a fruitless effort, “All that mattered was that Damien was weird and I had black T-shirts” (Leveritt 257).

After seventeen days of trial, closing arguments were given. Prosecutor Fogleman acknowledged that all of the evidence was circumstantial and that not one piece of it pointed to anyone being the killer. However, Fogleman used the metaphor of a house, of disparate pieces coming together to form a whole.67 He then talked about the motive of religion as a driving force for people to do evil and read a poem by Damien, which he claimed showed his struggle with “light and dark forces.” He then met the Arkansas jury where they were most comfortable, stating that when looking at the evidence as a whole, “You begin to see inside Damien Echols. You see inside that person, and you look inside there, and there's not a soul in there. [. . .] Scary. That's what he is – scary.”68 With that, Fogleman sat down, ending his hour and a half closing argument.

Val Price, Damien's lead defense lawyer, focused on the jurors' responsibility to consider reasonable doubt. He recalled Byer's testimony, again detailing the numerous suspicions and inconsistencies it contained. He also revisited the police investigation, detailing the lost evidence and absence of a coherent theory about the murders. Lastly, Price talked about the First Amendment and freedom of religion, arguing that Damien became a suspect once he began to talk about his Wiccan beliefs.69

67 Here, intentionally or not, he was using the same metaphorical argument used by former American President Abraham Lincoln, in “A House Divided,” to convince his hearers that a pro-slavery conspiracy existed in the Buchanan presidency. For a transcript of Lincoln’s speech, see American Rhetoric: The Power of Oratory in The United states at <http://www.americanrhetoric.com/>.


Paul Ford, Jason's attorney, revisited the problems with the forensic evidence and the questionable testimony of Dr. Griffis. He also tackled the improbability of the testimony of Michael Carson regarding Jason's jailhouse confession. Lastly, Ford attempted to separate Jason from Damien, arguing that the prosecution wanted a conviction via guilt by association.\textsuperscript{70}

However, the prosecution was to have the last word. Brent Davis addressed the ineptitude of the police by reminding the jury that what they see on television is not always the reality of police investigation. Davis also inserted Jason back into the crime by stating that he was under the cult-like control of Damien. He also admitted that there was “just a scarcity of evidence,” but he attributed that scarcity to the fact that the crime scene, which took place in the middle of night and entailed castration, beating, and buckets of blood, was cleaned up really well. The site of a triple murder was, according to Davis, cleaned up so efficiently by three high school boys that trained, professional police investigators could find no evidence against them. Davis closed by assuring the jury that if they pieced the evidence together, they would see that the defendants were guilty beyond a reasonable doubt, “and you'll feel – you can feel – good.”\textsuperscript{71}

\textit{The Verdict}

On 17 March 1994, the jurors left the courtroom at 5 p.m. and deliberated until 9:40 p.m. On Friday, 18 March, they continued throughout the morning, and at 3:30 p.m. that afternoon, they reached their verdict. Damien Echols and Jason Baldwin were both found guilty of three counts of capital murder. The responses to the verdict revealed the contentious nature and opinions of family and spectators. While the prosecution and victim’s families invoked religious

\textsuperscript{70} Paul Ford, defense closing argument, 17 March 1994.

\textsuperscript{71} Brent Davis, prosecution close, trial transcript, 17 March 1994.
and moral retribution, the family and friends of the convicted continued to protest their innocence.

Sentencing occurred the next day, a mere formality at this point. The defense called several witnesses to argue for a reduced sentence. Included among these were a Dr. James Moneypenny, a psychologist from Little Rock, who reviewed Damien’s medical records and concluded that Damien had a “severe mental disturbance,” “an all-encompassing sense of alienation,” and a “disordered personality structure.”72 Jason’s defense attorney called no witnesses but pleaded on Jason’s behalf, reminding the jury that he had no prior criminal record, was only sixteen years old, and was already certain to die in prison.73

Two hours and twenty minutes later the jury returned, sentencing Jason to life in prison and Damien to death. When Judge Burnett asked Jason if there was any reason why the sentence should not be imposed, he answered simply, “Because I’m innocent.” For the next few years, there would be numerous appeals by the defense, many reaching all the way up to the Arkansas Supreme Court. However, the evidentiary problems, prosecution misconduct, and constitutional issues fell on every judicial deaf ear in the state. As Damien, Jason, and Jessie slipped further into obscurity behind prison walls, the eyes of the world soon turned to the small town of West Memphis.

The Little Film That Could

Documentary filmmakers Bruce Sinofsky and Joe Berlinger, who had been recording the two trials, as well as filming interviews with everyone involved, released Paradise Lost: The Child Murders at Robin Hood Hills, in 1996. Recorded over a ten month period and set against a

72 Moneypenny, penalty phase testimony, 19 March 1994.
soundtrack by the band Metallica, the film aired on HBO. Although the film did not offer a conclusion on guilt or innocence, the general public – and reviewers - found the film to be very disconcerting. Although the movie was more a critical than commercial success, the film resonated deeply with everyone who saw it, especially those in the artistic community. Film critics not only praised the aesthetic qualities of the film but also spoke out against the ideology, irrational fear, and religious hysteria they felt was evident in the West Memphis community.

The film continued to make the rounds through several national film festivals, with increasing publicity at every viewing. Despite the unease left after watching the film, most viewers probably assumed that legal appeals were under way and that the small-minded hysteria of West Memphis would soon be corrected. However, three friends from Los Angeles – writer Burk Sauls, photographer Grove Pashley, and graphic artist Kathy Bakken -- needed more answers, or at the very least, an explanation. In October of 1996, the three traveled to West Memphis where they met with Damien, Jason, and Jessie. The group also met with Dan Stidham, the only defense attorney still committed to proving their innocence. The three Californians returned home and published their findings and supporting material on the Internet, establishing the website wm3.org, which became a clearinghouse for opinion and information on the case. The parallels to the historical Salem witch trials were self-evident and disturbing to many. The group produced t-shirts with the rallying cry of “Free the West Memphis Three.” They also urged supporters to write

74 Film critic Janet Maslin wrote in The New York Times, that the film captured “the orgy of emotion and prejudice.” Gene Siskel described the film as showing “a small town with small minds and broken hearts.” A Los Angeles Times film critic said the film explored “the impact of deadly stereotypes.” See Leveritt, 318.

75 Roger Ebert described the courtroom and jury as so “blinded by their fantasies about Satanic cults, they can’t listen to reason.” See Leveritt, 291.

76 By the end of 1997, Paradise Lost had won an Emmy, a Best Documentary award from the National Board of Review, and a Silver Gavel Certificate of Merit from the American Bar Association, See Leveritt, 291.
Arkansas Governor Mike Huckabee, as well as establishing a support fund to offset costs of maintaining the website.77

By 1997, the website had become more sophisticated, as did the founders knowledge of the judicial processes involved in the case. Links to case documents were posted as well as Arkansas Supreme Court rulings and an extensive evidence archive.78 Discussion boards were created for newcomers and supporters to discuss strategies. Although officials in West Memphis dismissed the documentary and the website, the “free the West Memphis Three” movement resonated with many people in America as it reflected remembrances of ostracism, injustice, and a commitment to religious, intellectual, and artistic freedoms.

*Paradise Lost* aired again on HBO, continued to play in small theaters, and eventually moved to video. Even within the Arkansas community, the film found supporters, as one video store in Little Rock allowed customers to rent the movie for free.79 The confluence of website information and film circulation proved to be a synergistic endeavor, as illustrated by one woman from Jonesboro, Arkansas. She said that after she saw the film she went straight to her computer, and “I did a search. I typed in a name and bam, there was the site. And I thought ‘Damn, I didn’t think anyone would give a rip. And it amazed me to no end that anybody besides myself would care” (Leveritt 293).

---

77 Grove Pashley, in 1998 interview posted on *www.wm3.org*, stated, “We’re not about raising money. We’re about raising awareness, but it takes money to raise awareness.”

78 By 1988, the archive had become the most extensive resource of its kind on the Internet related to a single case. The archive also included extensive files from the Arkansas Medical Examiner’s Office, trial transcripts, crime scene photos, detective’s personal notes, information about The Innocence Project and reports on boxes of evidence held in storage by the West Memphis Police Department. By 1999, the site was averaging 150 hits a day. See Leveritt, 321.

79 RAO Video in Little Rock, Arkansas.
Although most of the media in Arkansas and across the river in Memphis paid scant attention to the case, the documentary and the website affected the lives of the WM3. Letters, care packages, books, and words of support poured into the prison. Through this exchange, Damien established contact with Lorri Davis, a New York architect, who saw the film when it premiered at the Metropolitan Museum of Art. She became one of his most consistent contacts, and when phone calls were allowed from death row, most of his were to her. The lives of Christopher Byers, Stevie Branch, and Michael Moore ended on 5 May 1993. The ensuing trials would end life in the free world for Damien Echols, Jason Baldwin, and Jessie Misskelley. However, life had risen in something else; the “West Memphis Three Movement” had begun. The foundation had been laid, but where it would go, what success might be achieved, and how it would happen was still unknown.

---

Examining the rhetoric of a social movement provides insight into how the movement defines itself and its goals and how its members view themselves and recruit others. Furthermore, such examination reveals how a social movement responds to its opposition and navigates through barriers that impede its progress toward its goals. Therefore, since the specific goals of a social movement influence not only what issues its discourse addresses, but also how that discourse is produced, for this study it was important to consider how the fundamental building blocks of discourse, the movement’s rhetoric, function in social movements. In undertaking this endeavor, there must be a firm grasp of some of the varied interpretations of rhetoric and its function in social movements as well as the qualities exhibited by social movements.

Rhetoric and Social Movements

A variety of approaches have been developed for examining social movements, their rhetorical tools, and the challenges they face. To distill these issues into a manageable overview, let us first summarize the traditional concepts offered in Herbert Simons’ essay, “Requirements, Problems and Strategies: A Theory of Persuasion for Social Movements.” 1 In his essay, Simons takes a leadership perspective toward social movements and provides a good foundation for

---

1 Simons’ essay was originally published in Quarterly Journal of Speech 5.1 (1970), but references herein are to the republished version, in Contemporary Rhetorical Theory – A Reader, ed. John Lucaites, Celeste Condit, and Sally Caudill (New York, NY: Guilford, 1999), 385-94.
understanding (1) the requirements that leaders need rhetoric to fulfill in social movements, (2) the means they have available to accomplish these requirements, and (3) the kinds of problems that may impede accomplishment.

Simons argues that, first and foremost, the rhetoric of a movement must follow, in a general way, from the very nature of social movements. Simons also defines a social movement as an un-institutionalized collectivity that mobilizes for action to implement a program for the reconstitution of social norms or values. Simons codifies some specific “rhetorical requirements” of which social movements must be cognizant to fulfill their goals:

1) They must attract, maintain, and mold workers (i.e. followers) into an efficiently organized unit. The survival and effectiveness of any movement are dependent upon adherence to its program, loyalty to its leadership, a collective willingness and capacity to work, energy mobilization, and member satisfaction. A hierarchy of authority and division of labor must be established. Funds must be raised, literature printed and distributed, local chapters organized.

2) They must secure adoption of their product by the larger structure (i.e. the external system, the established order). The product is the ideology of the movement, particularly its program for change. Must seize on conditions of real deprivation and/or on sharp discrepancies between conditions and expectations.

3) They must react to resistance generated by the larger structure. The established order may be too accommodating or too restrictive. These include attempts at co-opting the movement, bribery, harassment, threats or by socially ostracizing the movement’s members. Leadership of social movements must adjust to backlash reactions and pseudo-supportive reactions as well as to overreactions by officials on which the movement may capitalize. (387)

Simons argues that social movements can have tremendous difficulty in fulfilling these requirements because of their informal composition and position in relation to the larger society (387). In short, many social movements tend to be a compilation of disparate individuals with

---

2 Simons works from the framework of managed public discourse as opposed to spontaneous acts of communication, such as rumors and social contagion.

low socio-economic status, a fact that should not be surprising since the majority of social movements are spawned by the voices of society’s ignored or disenfranchised. Simons further argues that as voluntary collectives, social movements must rely heavily on ideological and social commitments from their members. Leadership exerts control over the core of the movement, but it exerts little influence over a relatively larger number of sympathizers on its periphery. Accordingly, the social movement and its leadership occupy a very particular and often stressful place as it is, as Simons states:

Shorn of the controls that characterize formal organizations, yet required to perform the same internal functions, harassed from without, yet obligated to adapt to the external system, the leader of a social movement must constantly balance inherently conflicting demands on his position and the movement he represents. (387)

Simon’s paradigm is specifically geared to examining the reformist and revolutionary rhetoric of social movements. Therefore, since the object of this study, the Free the WM3 movement, is a movement that can be characterized by both of these discursive styles, Simons’ paradigm seems quite relevant to this study. His tripartite framework for social movements provided a basis for understanding what social movements, in toto, should accomplish in order to be successful. However, in a more specific sense, Simon’s paradigm focuses on the role of leaders in social movements and how they address rhetorical requirements, rhetorical problems, and rhetorical strategies. It is here where parts of Simon’s arguments might lose some relevance.

The Free the WM3 movement had no definitive “leadership”; although the directors of *Paradise Lost: The Child Murders at Robin Hood Hills* could be considered a type of provenance leadership, they cannot be considered leaders in the sense that Simon discusses. Nevertheless, Simon’s paradigm is relevant even with a “leaderless” group, such as the Free the WM3 movement. The movement was forced to accomplish all of the goals of Simon’s paradigm;

---

4 Simons references Lang and Lang’s, *Collective Dynamics*, 495.
however, it was accomplished via a community-oriented, non-hierarchal structure. The Free the WM3 movement had to accomplish all three aspects of Simon’s paradigm, so in many ways, Simon articulates a very helpful structure in regards to leadership goals, however, the Free the WM3 movement illustrates that these goals can be accomplished without a defined leadership structure. The primary reason for this is that the use of ICT, is discussed in the relevant section below, has allowed a shift from Simon’s top-down, leader-subordinate directional rhetoric to a more collective, omni-directional rhetoric.

With the advent of ICT in regards to the development of social movements, the traditional internal structure of social movements and the rhetoric that enables a social movement to resist oppositional forces need to be expanded. However, there are some other conceptualizations that provide some solid foundation from which to engage this issue. These conceptualizations examine social movements not from an internal, structural perspective but from a more external view that seeks to define “what” a social movement is as opposed to “how” a social movement works or “what it must do” to be effective.

To this point, social movement theorists Charles J. Stewart, Craig Allen Smith, and Robert E. Denton in *Persuasion and Social Movements* have worked from the premise that social movements are unique collective phenomena, which exhibit a variety of qualities. However, Stewart and his colleagues codify, in their opinion, a clear definition of a social movement:

> [A]n organized, uninstitutionalized, and large collectivity that emerges to bring about or to resist a program of change in societal norms and values, operates primarily through persuasive strategies, and encounters opposition in a moral struggle. (1-7)

First and foremost, they argue that social movements are at the very least minimally organized, with some differentiation between leaders, followers, and other coalitions (8). Secondly, while degrees of organization may vary, Stewart and his colleagues posit that social movements tend to
be organized from the bottom up, in contrast to social campaigns which are organized from the top down. They also discuss the qualities and structure of social movements with the following description:

Minimal organization is characteristic of social movements. Many never evolve to high levels of organization. Unlike campaigns, they do not proceed in orderly step-by-step fashion, contain one supreme leader who controls the organization, appeal to a single target audience, have carefully defined and identifiable membership, or strive to attain a single, well-defined goal through the employment of one persuasive strategy. (5)

In parsing the distinction between campaigns and social movements even further, Stewart and his associates state that “a campaign is to a social movement as a battle is to a war” (9).

Furthermore, they explain the purposes distinguishing between three types of social movements: (1) innovative – to replace existing norms with new ones, (2) revivalistic – to replace existing norms with ones from an idealized past, and (3) resistance – to block changes to protect the status quo (12).

Stewart and his associates also provide some arguments as to the generally persuasive function of social movements. First, they explain that social movements must “make a significant number of people aware that the generally accepted view of reality fostered by political, social, religious, educational, legal, literary and mass media institutions is false and that something must be done about it” (52). This “view of reality” can involve perceptions of the past, present, and future. Second, social movements must alter the self-perception of protestors, they report, because “enhancing the self-concepts of protestors is an essential rhetorical function of social movements; protestors must have strong, healthy egos when they take on powerful institutions and entrenched cultural norms and values” (59). In this regard, they claim, social movements can be either self-directed, populated by those who perceived themselves to be dispossessed and are struggling for personal rights, or other-directed, populated by those who do
not feel dispossessed but are fighting for the personal rights of others. In self-directed movements, the rhetoric focuses on making members innocent, blameless victims of oppression by addressing issues of self-esteem and self-worth. Other-directed movements focus on affirming a positive self-esteem and framing their members as saviors of the oppressed and exploited (60).

Stewart and his colleagues explain that rhetoric also serves to confer legitimacy on a social movement and to maintain its legitimacy by granting the right to “exercise authoritative influence” or “issue binding directives” (62). When this legitimacy is conferred, they argue, five powers follow (62-3):

1. Reward (reward conformity/punish dissent)
2. Control (regulate the flow of information to members of the movement)
3. Identification (protecting symbols, values and codes of the movement)
4. Terministic control (control the language and rhetorical definitions of the movement)
5. Moral suasion (exert control over the attitudes and emotional attachments of movement members)

Legitimacy is also established rhetorically via coactive strategies. Such strategies work to identify the movement and its purposes with fundamental societal norms and values and thereby move the movement from the fringes to the legitimate mainstream, the center of society.

However, legitimacy can also be conferred via confrontational strategies that brings “institutional legitimacy into question and allows the social movement to transcend the social order in perceived legitimacy” (66).

According to Stewart and his colleagues, the rhetoric of a movement also serves to prescribe courses of actions which constitute “selling the social movement” and establishing a set of beliefs that address “what must be done, who must do it, and how it must be done.” The “what” is argued to be “demands and solutions that will alleviate a grave condition.” The “who” is “the people” or a similar grassroots organization. The “how” is the most effective, adaptive
strategies that are appropriate to the cause (68). One of the most important functions of rhetoric in a social movement is how it mobilizes for action, which Stewart and his associates describe accordingly:

Persuaders must convince large numbers of people to join in the cause, to organize into effective groups, and to unify through coalitions to carry the movement’s message to target audiences to bring about desired evolutionary results. (73)

The above involves using rhetoric to organize/unite the discontented, pressure the opposition, and gain the sympathy and support of legitimizers (i.e. social opinion leaders).

Lastly, according to Stewart and his colleagues, rhetoric serves to sustain a social movement in three ways. First, rhetoric works to justify setbacks and delays, which are typical of social movements:

Inevitably, these convictions, distinctions, and ends lead to impatience with moderate leadership, strategies, and slow progress toward goals and to suggestions that radical leadership and actions are necessary. (76)

Such rhetoric serves to maintain order and discipline while responding to actions that threaten or could possibly embarrass the social movement’s members or leadership. Second, rhetoric serves to maintain the viability of the movement, which is important due to the fact that the trajectory of the movement may cause it to be “too successful or successful too soon” (77). In this way, rhetoric serves an important function in counteracting declines in membership, reinforcing memories to maintain the vitality of the movement, acquiring materials and property, and finding new leaders or heroes to assure members that success is near. Third, rhetoric serves to maintain the visibility of the movement, as follows:

Social movements are haunted by the old adage: out of sight, out of mind […] They try to remain visible through every means imaginable […] Social movements use rhetorical events and happenings such as ceremonies, annual conventions, and anniversary or birthday celebrations to remain visible and to stoke the agitational fire. (77-78)
The rhetoric that serves to maintain visibility of the movement is largely outward-directed, to media outlets and sympathizers in the mainstream who can support the movement’s objectives.

While there is just as much diversity of persuasive effects as there is in what can be termed a social movement, there are some overarching persuasive effects that rhetoric serves to achieve in every social movement, regardless of the movement’s ultimate goal. As explained by Stewart and his colleagues:

Social movements rely on persuasion as the primary agency through which they attempt to perform critical persuasive functions that enable them to come into existence, satisfy requirements, grow in size and influence, meet opposition from within and without, and effectively bring about our resist change. (78)

Despite the efforts of Stewart and his associates to codify the qualities of a social movement and the purposes of rhetoric, the matter is far from settled. Rhetorical scholars continue to debate about how to define a social movement apart from the traditional leadership perspective, as well as what qualities it should have and how it should be interpreted by those outside the movements. For example, Michael McGee argues that a major problem facing social movement theorists is determining whether study of the rhetoric of social movements is a distinctive theoretical domain. McGee’s arguments engage the debate of whether a social movement should be viewed as an actual social phenomenon or as a discursive construction of meanings. McGee firmly concludes the latter, arguing that social movements are distinctive only when they embrace human consciousness.

In making his argument, McGee makes a distinction between phenomenon and meaning: the former refers to things which are “out there” equally to all human beings (i.e. organizations and political institutions), and the latter refers to human agreements as to the “significance,  

---


salience, utility, and morality of phenomenon” (“Social Movement” 116). In making the
distinction between these two realms, McGee argues for the importance of human consciousness
as a driving force to how one defines a social movement. Ensconced firmly in the
philosophical/theoretical realm, McGee argues that social movements are not “phenomena as a
matter of fact” and that any theory working from this premise is misguided (“Social Movement”
117).

In providing an alternative construct, McGee argues that the construction of meaning
should take precedence in the examination of social movements, especially in the definitional
realm, because social movements can be described or interpreted in a variety of ways for those
both external to and within the movement itself. Therefore, in McGee’s view, defining a social
movement becomes an interpretive endeavor:

Each choice represents an attitudinal/stylistic alternative with the power to express an
individuated ordering of social reality and to dictate the nature of any generalization I
might subsequently offer. Each term, in other words, is a meaning, a conclusion one
comes to about the phenomenon being witnessed. (“Social Movement” 117)

To simplify the construct, it is best to understand McGee’s argument as one that puts emphasis
on the interpretation of the activity of a group, as opposed to the semiotic acts that are often seen
as definitional aspects of a social movement:

No error is involved in seeing a parade of picketers as a “social movement.” The mistake
is treating the meaning as if it were itself a phenomenon: The objective, empirical
phenomenon of human beings angrily parading in front of a fence stays the same despite
my choice of one term or another to characterize and conceptualize it. (“Social
Movement” 177)

As the above illustrates, McGee is rejecting the traditional positivist framework of social
movement theory that focuses more on methodology than on the conceptualization of or the
creation of meaning by social movements. McGee argues for an alternative that embraces
hermeneutic considerations rather than behavioral or phenomenological ones. In doing so, he
argues that social movement theory must look beyond the cogs in the socio-historical wheels and embrace human consciousness, as the inception and benchmark of social movement theory:

“Social movement” ought to be a conclusion, a carefully considered and well-argued inference that changes in human consciousness are of such a nature that “social movement” has occurred, or that the rhetorical activity of a group of human beings would produce “social movement” if it were effective. (“Social Movement” 123)

In McGee’s eyes, for too long social movement theory has not only been putting the cart before the horse, but also has neglected even considering what driving force motivates connecting the two.

McGee’s critique is one that is centered on the internal aspects of a social movement as opposed to any external, definable characteristics. Therefore, in his essay, “In Search of the People,” McGee advocates that rhetorical critics take a meaning-centered approach to studying social movements as “linguistic process contained in and defined by the rhetorical situation, not the rhetorical event” ("In Search" 235). Furthermore, McGee argues that "the rhetoric of social movements may become a distinctive theoretical domain, but only as a theory of human consciousness" ("Social Movement" 233). McGee puts primacy on the conceptualization of the movement “in the public mind,” as opposed to external, material, historical or physical events which seems to open the door to defining a social movement as any collective that “believes” or “feels” that it is a social movement, regardless of whether it is resisting oppositional forces or historical disenfranchisement. If so, then perhaps we are overdue for a social movement to ensure that the sun continues to rise in the East and set in the West.

While every academic discipline needs philosophical grounding, it is imperative that there are some codified, or at the very least, objective and temporal standards by which that discipline engages in scholarship. Therefore, in studying the nature of social movements and the rhetoric employed by them, scholars must look to how rhetoric is employed by those social
movements that do have clearly established oppositional forces. Keeping this in mind, social movement rhetoric should be understood to be a unique form of public discourse that is rarely static.

In this vein, theorist David Zarefsky states, "The record of American public discourse is not just a record of old dead orators. It is the transcript of a continuing conversation" (American Community 10) On what might be viewed as the opposite side of the coin, Zarefsky also argues that theoretically-oriented study of social movements has not borne much fruit, since scholars have depended so heavily on establishing the uniqueness of social movement rhetoric. Zarefsky challenges Robert Cathcart’s idea of social movement rhetoric being unique for the reason that it takes place along institutional boundaries, between the hegemonic establishment and the uninstitutionalized collective that is resisting it. Zarefsky rejects Robert Cathcart’s notion that “movement rhetoric” only takes place via “dialectical enjoinment,” between those in power and those resisting it.8

Instead Zarefsky conceptualizes movement rhetoric in a broader sense, arguing that dialectical enjoinment can take place within institutionalized structures as well. In doing so, Zarefsky calls on his own work studying President Lyndon Johnson’s War on Poverty:

I found a series of collective efforts to obtain change which, far from being uninstitutionalized, were sponsored and financed by the government. Yet the same dialectical pattern emerged. The “challenging pro movement” confronted the “power structure” and charged that it was illegitimate because it had sold out to political machines. (American Community 127)

---


Zarefsky also argues that the difference between institutional forces and uninstitutionalized collectives is minimal since both groups are really in a conversation with the broader public, not each other. Therefore, both sides are dipping their rhetorical buckets into the same cultural well, where “They may draw on these norms for premises on which they would agree; they subscribe to the legitimacy and norms of the established order” (American Community 128). Therefore, for Zarefsky, social norms are universal, both for the social movement and for the opposition, only dissolving in the most extreme circumstances, “Only in a situation of actual revolution, if then, could one say that there is no common ground among participants in a controversy” (128).

Zarefsky also redefines “dialectical enjoinement”:

Cathcart’s concept of “dialectical enjoiment” is essentially the same as “stasis in place.” This stasis develops when the heart of a controversy involves the appropriate forum, or place, to consider the dispute. (128)

Therefore, Zarefsky argues that social movements are more interesting, and potent, as forces that are looking for, and operating in, places of contention as opposed to places for uniquely rhetorical agents. Zarefsky is clearly doubtful of the uniqueness of social movement rhetoric when it is based solely on the pretext that the rhetoric must exist only in the crevasse between uninstitutionalized collectives and the institutional forces they are engaging. Instead, Zarefsky argues that there is no substantive difference between social movements and other groups in regards to rhetorical problems faced. Rather, the difference is found in tactics:

The first alleged difference between movements and other rhetorical ventures would need to be attenuated: movements select different tactics in executing the same strategies which respond to the same requirements and problems that face other persuaders. (130)

Zarefsky also finds dispute with several other aspects of Simon’s claim that social movements face unique rhetorical requirements, stating that the claim is based on “stereotypes and do not apply uniquely to movements” (130). Feeling that Simon’s framework is too
sociologically-based, Zarefsky argues that the legitimacy “conferred by access to communication media depends more on the rhetorical situation than on one’s membership in a sociological category” (130). Zarefsky also rejects the idea that social movements have fewer means to reward or control members, instead arguing that social movements are usually composed of organizations, “which by virtue of the levels of status and hierarchy implicit in formal structure have means of control” (131).

Overall, Zarefsky finds little substance in the concept of social movements as collectives that face specifically unique rhetorical challenges, as “the rhetorical choices of movement rhetors appear quite similar to those advocates in seemingly quite dissimilar situations” (131). While Zarefsky rejects Simon’s theory, he does not feel that such work has been completely without merit, preferring to characterize such work as contributing to theories of collective rhetorical behavior. For Zarefsky, “the primary benefits of movement studies are not theoretical but historical” (132). Therefore, Zarefsky advocates that the discourses of political power are not stable and universal but rather permeable and in flux. As a result, social movements and their rhetorical efforts are worth study not for a celebration of a specific doxa but to help illuminate the historical benchmarks that social movements provide.

As we have seen throughout this section, the concept of what qualifies as “rhetoric” or a “social movement” has been heavily debated, especially when combined with actions for change in the social sphere. Nowhere has social change taken place in a more varied and rapid way than through social media and social networking. Therefore, while it is crucial to have an understanding of the academic field of rhetorical criticism, for this study, there must also be a discussion of previous work that has attempted to dissect the intersections of technology and social movements.
Cyberspace and New Forms of ICT

Study of the intersections of Information and Communication Technologies (ICTs) and social movements is a new field, with many competing paradigms, frameworks, and definitions. However, some relevant work on how ICTs have begun to influence social movements has been done. To understand the current scholarship connecting the “ICT” field with the “social movement” field, we need to begin by reviewing scholarship of these spheres separately. New forms of ICT, such as cell phones, email, and the Internet, are changing the ways in which socio-political activists communicate, collaborate, and demonstrate. From a cell-phone coordinated protest against The World Bank to software built to circumvent state-sanctioned censorship, examples of changes in the social movement landscape abound.9

Social media technology is the predominant expression of a type of ICT, and as a result, new analyses of these channels of communication have been done to understand how people mobilize for collective action as well as how and why they organize. ICTs have transformed the landscape of collective action, as noted by political scholars Arthur Lupia and Gisela Sin.10 They argue that the challenge of internal communication is no longer a hindrance to social movements because ICTs enable efficient communication, organization, and even deliberation within social movements.11

However, others have claimed that collective action effects of the Internet are overstated and may only be short term paradigmatic shifts. Psychologist Doug McAdams and his associates

---


content that easier international communication will not automatically translate into success for international social movements because vital interpersonal networks cannot be adequately forged and maintained online. Sociologists Amitai Etzioni and Oren Etzioni argue that without face-to-face interaction, new ICTs cannot build the stable community required of a long-term, substantial movement (241-8). From a psychoanalytical and physiological approach, political scientists Wim Van de Donk and Bram Foederer argue that online or virtual demonstrations cannot satisfy the protester’s desire for the emotional rush and thrill of real, physical action (“E-movement or Emotions?”). Nevertheless, there are many examples of online social movements that have been successful, namely the 1996 Zapatista rebellion, in Mexico, and Jody Williams’ global movement to eradicate landmines. However, for some scholars, these movements should be characterized differently and viewed as a Collaborative Innovation Network, or CoIN. Management theorist Peter Gloor and his colleagues define such networks as “a cyberteam of self-motivated people with a collective vision, enabled by the Web to collaborate in achieving a common goal by sharing ideas, information, and work” (11). These CoINs are built on internal transparency and rapid communication, a new type of synergistic model that may prove to be successful in the future.

While ICTs enable new movements to spring up quickly, there is some debate over whether these movements are sustainable. In a 2001 study, “Information and Political Engagement in America”, Bruce Bimber suggests that perhaps new ICTs may become the default model for new social movements: transient, decentralized groups will spring up and


14 See the International campaign to ban landmines at <http://www.icbl.org/index.php>.
remain active through a single political effort, and then evaporate (53-67). Information sciences scholar R. Kelly Garrett argues that, if needed, ICTs will enable a new group to be built up quickly, so sustainability is not a necessary factor (202-24). While there has been vigorous debate about the efficacy of ICTs, there are five aspects that all debates have considered. Therefore, the following section discusses cyberspace from each of these five perspectives: (1) mobilizing structures, (2) networks, (3) opportunity structures, (4) media strategies, and (5) framing processes.

Mobilizing Structures

Social networking sites, such as Facebook, Twitter, and YouTube, have made communication via the Internet more immediate and provided social movements with more mobilizing tools. Mobilizing structures, in regards to ICTs, have largely been supported by the resource mobilization theories advocated by sociologists John McCarthy and Mayer N. Zald as well as J. Craig Jenkins, and Anthony Oberschall. Sociologist Doug McAdam and his colleagues define mobilizing structures as “collective vehicles, informal as well as formal, through which people mobilize and engage in collective actions” (3). According to Jenkins, in keeping with the resources mobilization paradigm, social movements have a broad spectrum of “resources” to be utilized, which can be traditional, tangible ones, such as money, or more abstract intangibles, such as “trust in leadership or willingness to lead or be led” (533). The mobilizing structures perspective has been the most heavily developed in the literature on social movements and ICTs, having been applied to business, political, and temporal–spatial constructions.¹⁵ For example, sociologist Mario Diani distinguishes between organizations mobilizing “participatory resources’

(activists’ time, commitment, and creativity) and mobilizing professional resources (donations of money)” (392). In the realm of professional resources, ICTs have been shown to improve communication infrastructure on a global scale, enabling a low-cost form of participation and the opportunity for social movements to more easily aggregate small donations from supporters.  

Despite the success of ICTs in mobilizing resources, some scholars have questioned the efficacy of ICTs as a communicative tool to legitimize group ideology and motivate supporters to action. This skepticism is a result of what is perceived to be a lack of interactive personal communication that some scholars feel ICTs are unable to provide, as argued in Kevin Gillan’s 2007 study of British anti-war protesters:

[T]he Internet is useful but in terms of organizing, it’s better to phone people, because you get a much better response. [. . .] If I actually give you a call and have a discussion with you about why I think it’s important for you to come [to a march], you might be more likely to come. (16)

Questions as to the value of ICTs as a tool for inciting mobilization have been answered with the observation that ICTs are able to disseminate information quickly, thereby facilitating a more rapid response. Even if incentives for mobilization could be created elsewhere, the instant communication capabilities of ICTs allow very rapid mobilization in response to an aggravating event. The increased rapidity and the consequential effects have been of primary interest to many social scientists and communication scholars.  

16 Also to be understood as “Internet facilitated micro-contributions,” as exhibited by the fundraising success of President Barack Obama’s 2008 Presidential campaign.


18 For example, see Castells’ 2007 study of the Philippines’ “People Power II” movement to oust President Estrada, Rheingold’s 2002 study of “smart mobs” as political empowerment, and Ayer’s 1999 study on globalized communication and the Zapatistas’ movement in Mexico.
Scholars have also examined ICTs capabilities in mobilizing intangible resources such as leadership, collective identity, and trust. Mario Diani argues that while ICTs are useful for mobilizing intangible resources, they are largely ancillary tools to support existing face-to-face interaction (386-401). However, ICTs are also instrumental in promoting collective identity.\(^19\) Furthermore, ICTs enable members to retain what Diani terms “persistent accuracy” that “helps to reinforce collective identity by creating a persistent, unified historical narrative” (388).

Although technology hardware is universally applicable, the interactions and experiences with technology are culturally situated. For example, text messaging has been found to be a supremely effective means of communication in the Philippines\(^20\) but is not viewed as an effective, or trustworthy, means of transmitting information in India.\(^21\)

**Networks**

Despite ICTs being culturally situated, their importance in creating social networks has been studied and corroborated. It has been recognized by many scholars that ICT networks develop and create other networks that serve as support resources.\(^22\) Furthermore, these networks can be overt, by solidifying friendships, or more subtle, by creating a general sense of community or trust building.\(^23\) ICTs have facilitated networks between individuals and organizations that serve to create movement networks. However, some scholars have expressed

---


doubt that ICTs can be transformative for movement networks, arguing that real world ties and face-to-face interaction remain the driving force for social movements.\(^\text{24}\)

In his book with Doug McAdams, *Social Movements and Networks*, Mario Diani argues that the primary strength of ICTs is in the reinforcement of weak ties among individual members or organizations (386-401). Urban studies scholar Keith N. Hampton’s 2003 research on neighborhood mailing found that residents did not necessarily get new information via ICTs, but they were able to utilize them to mobilize faster and with greater coordination. ICTs have also been shown to help maintain informal social networks and facilitate the creation of new connections between groups with shared grievance (Gillian). ICTs have also been helpful in developing and maintaining social capital for members of ostracized or marginalized groups.\(^\text{25}\)

The development of this social capital is a result of ICTs ability to create what sociologists K.C. Ho and colleagues have described as an “alternate public sphere” that helps to heighten mobilization (145).

*Opportunity Structures*

Opportunity structure theories consider the role of the political system, in mobilization and the interactive relationship between social movements and their environment. Sociologists David Meyer and Suzanne Staggenborg describe the opportunity structures perspective as an acknowledgement that “movement development, tactics and impact are profoundly affected by a shifting constellation of factors exogenous to the movement itself” (1663). While the political system of a state or city is of interest to disciples of opportunity structure, issues such as


sympathies of elites or access to media are also important sources of movement opportunities (see Ayers). Opportunity structures have been seen to exist in an inverse relationship to constraining political structures, as public protests are more effective in open political systems, while repressive regimes are more likely to spawn more covert and asymmetrical resistance movements.26

ICTs have also been argued to be in and of themselves an opportunity structure that drives the development of social structures and cultural values. 27 Although this view has been criticized as ‘technological determinism”, Charles Tilly claims that evidence suggest that engagement with ICTs can affect movement outcomes, thereby supporting the notion that ICTs can serve as an opportunity structure for mobilization.28 Within opportunity structures there are two aspects that are important: (1) the internal organizational and (2) the external links that are established to facilitate mobilization with other groups.

The availability of ICTs reduces the need for central coordination, enabling movements to adopt a decentralized organizational form that some scholars have argued mirrors the decentralized, non-hierarchical structure of the Internet.29 This non-hierarchical structure has been inviting not only to activists, but also to scientists, corporations, and academics. Historically, this intersection of technology and the social has been a driving force of the Internet26 See this discussion, in Peter K. Eisinger, “The Conditions of Protest Behavior in American Cities,” The American Political Science Review 67.1 (1973): 11-28.

27 See Thomas Friedman, The World is Flat. A Brief History of the 21st Century (New York: Farrar, Straus and Giroux, 2005); as well as Ray Kurzweil’s work for a futurist perspective that incorporates the concept of “technological singularity.”


and other ICT development. The development of decentralized ICTs has implications for social movements in regards to their individual development and larger trends that may be developed and adopted by others. ICTs have suggested an increased response capability for smaller, resource-poor social movements.

External links, that is, development of relationships with other groups/social movements, have been of interest to many social movement scholars. Jürgen Gerhards and Dieter Rucht have promoted the concept of “mesomobilization” to define the local-global links that are becoming more prevalent between organizations. These local-global links have been shown to have tremendous effect in politically influenced revolutionary movements, as argued by social theorist Manuel Castells, in his characterization of the Zapatista uprising which created “a network of support groups which helped to produce an international public opinion movement that made it literally impossible for the government to use repression on a large scale” (“Mobile Communication” 80). ICTs have also been considered to be important in maintaining ideologically weak ties between groups. Other scholars have found ICTs to be instrumental in improving a movement’s ability to maintain ties with political and professional elites.


For some, the evidence that ICTs have been shown to improve links for grassroots social movements raises the possibility of building a more established, bottom-up social movement capable of legitimately challenging the status quo. However, Bart Cammaerts and Leo Van Audenhove have argued that the increased engagement of elites can cause conflict with rank-and-file movement members if there is an inequality in ICT access within the movement. These types of access disparities have been seen in global, national, and regional movements. Furthermore, possible ICT divides may lead to separation where intellectual capital and technological access can cause the domination of one region over another.

**Media Strategies**

ICTs have been instrumental in leveling the playing field for social movements in regards to media access and strategy. Social movement theorist Dieter Rucht identified four strategies, termed the “quadruple A,” which social movements can employ in attempts to garner attention or co-opt aspects of the mainstream media:

1. Abstention: refraining from any attempts to talk to or influence the media.
2. Attack: engaging with the media as an opponent.
3. Adaptation: attempting to present movement goals and actions in a form that will more readily accepted by the mainstream press.
4. Alternatives: the creation of other channels for interaction with external actors.

---


37 This should be seen as analogous to former Vice President Al Gore’s concept of “Digital Divide.”

According to Sagi Leizerov, in the article, “Privacy Advocacy Group Versus Intel,” the chief advantage ICTs have provided for social movements is a reduction of cost in creating media converge, enabling the movement to extend its ideological reach to influence and to attract new members. The extension of ideology is further supported by the use of ICTS by individual movement members, such as via cell phones or I-Pads, enabling them to upload quickly video footage online that had a high-quality professional appearance and enhances its ability to be newsworthy. ICTs have also enabled social movements to create alternative informational portals that serve as clearinghouses for media outlets, sympathizers, and elites. The use of ICTs allows for a decentralized, mediated, and public realm for social movements to provide information and to communicate. This decentralization combined with structured information, in the opinion of some scholars, allows social movements to feel autonomous yet united in a common purpose.

Historically, social movements have operated in the physical public sphere. Protests, sit-ins, boycotts, and marches all occupy physical spaces and in tangible locations. Today, with ICTs, taking a protest “to the streets” has a completely new meaning. The spaces of contention, as well as the means by which to contest, have been forever altered by ICTs. The increased use of ICTs has improved the ability of movements to mobilize conventional forms of protest, as well as expanding the arenas of contentious activity. Foremost among these expansions is direct action via “electronic civil disobedience.” Scholars have also explored other types of direct

---


action, such as “hacktivism,” which has been used globally in a variety of political context.\footnote{Gustavo Cardoso and Pereira Neto, “Mass Media Driven Mobilization and Online Protest,” in Cyberprotest: New Media, Citizens and Social Movements (New York: Routledge, 2004): 129-44; and Dorothy E. Denning, “Activism, Hacktivism, and Cyberterrorism: The Internet as a Tool for Influencing Foreign Policy,” (1999), http://www.iwar.org/uk/cyberterror/resources/denning.htm.}

These types of direct action are aggressive forms of contention that include virtual barricades, unauthorized publication of proprietary information, and the dissemination of viruses. These types of direct engagement have been heavily used by tech-savvy social movements and have created a “netwar” mentality between social movements and their opposition.\footnote{See David Ronfeldt and John Arquilla, Networks and Netwars: The Future of Terror, Crime, and Militancy (Santa Monica, CA: Rand Corporation, 2001).} This electronic interchange, according to Stefan Wray, illustrates that electronic civil disobedience is likely to become incorporated into existing repertoires of contention rather than causing a radical shift in the balance of power, especially as social movement opponents are often the ones in control of the ICT infrastructure.

_Framing Processes_

Framing is an essential component for social movements to mobilize effectively. Not only must there be circumstances that produce a common grievance, there must also be the perception that the grievance can be adequately engaged through mobilization. Social theorist Roberta Garner argues that consistent development of frames on a national level can turn “local passions into coherent, self-conscious and sustained ideologies” (25). Sociologist Doug McAdam defines framing as “conscious strategic efforts by groups of people to fashion shared understandings of the world and of themselves that legitimate and motivate collective action” (6). Social movements begin to rise when individual experience is transformed, via framing, into shared ideas and values. As the movement grows into a more socially established entity, spokespeople or leaders of the movement become more active in producing and disseminating
frames. The media serve as key agents in publishing the framing discourse of social movements as well as those of their opposition. Therefore the media field becomes a space of contention in which particular frames are employed, first and foremost, that the movement is rational, reasonable, and justified in seeking to have its grievances heard.

Today, ICTs have been oriented toward user-generated content that is persistent, easily accessible, and available at a rapid rate. As a result, Garner argues, it has reduced the necessity of mainstream media access by social movements and allowed social movements to engage in self-presentation as a strategic communicative device (“Virtual Social Movements”). Furthermore, according to Dana R. Fisher, online and ICT framing, published in the same format style as traditional media outlets, enhance the credibility of the social movements and enable more opportunities to reflect political views. All of the new framing options promoted by ICTs help to develop networks by lowering the barriers to movement entry and clearly defining the issues so that they are more easily understood by movement members, their opposition, and traditional media outlets.

Social Movements

Resource mobilization theory has become the dominant paradigm for studying collective action and social movements in the United States, working from the premise that such action results from acting through formal organization to secure resources and foster mobilization.

---

44 Refer to McAdam et al., *Comparative Perspectives on Social Movements*.

Overall, this paradigm has demonstrated considerable theoretical strength and utility. More recently, however, some have questioned this perspective, as exhibited by social theorist Steven Buechler, who argues for a deeper examination of “the connections between historically specific societal totalities and forms of collective action” (51). Alternate views have emerged that emphasize framing activities and cultural processes in social activism as opposed to focusing on the mobilization and management of resources. While resource mobilization has deep roots, others have embraced an alternative known as new social movement theory. A discussion of relevant research is necessary here, along with an historical review of the major theorists. Therefore, the next section examines some of the key ideological/theoretical debates, the different cultural and political frameworks that have been implemented, and various applications of the new theory to collective action and social movements.

*From “Old” to “New”*

New social movement theory is rooted in the continental European traditions of social theory and political philosophy and emerged largely in response to the inadequacies of classical Marxism for analyzing collective action. The rejection of the Marxist paradigm was influenced by a shift from economic forces and class as the impetus of social movements to an appreciation

---


that personal identity and other social forces play a more substantive role.\textsuperscript{49} As a result, new social movement theorists look to other logics of action based in politics, ideology, and culture as the root of much collective action, as well as identities (i.e. ethnicity, gender, sexuality) as definitional frameworks of collective identity.\textsuperscript{50} Therefore, the term “new social movements” should be best understood as a diverse array of collective actions that have displaced the old social movement of proletarian revolution associated with classical Marxism. However, even though new social movement theory is a critical reaction to classical Marxism, some new social movement theorists seek to update conventional Marxist assumptions while others seek to displace and transcend them.

Despite the term “new social movement theory,” it should not be taken to imply universal, widespread agreement among theorists about what qualifies as a “new” social movement. It is better to view “new social movement theory” as an umbrella covering many variations within a general approach to unpacking what qualifies as a “social movement” and what causes or influences “collective action.” However, this does not mean that new social movement theory is an unstructured entity, for there are several definable theoretical constructions. First, new social movement theory underscores symbolic action in society or cultural sphere as a major arena for collective action, which can also encompass action in the state or political sphere.\textsuperscript{51} Second, it stresses the developmental processes that promote

\begin{footnotes}
\item[50] It is considered to be a neo-Marxists extension of Ralph Turner and Lewis Killian’s “emergent norm” approach to social movement and collective behavior seen in their book \textit{Collective Behavior.}
\item[51] Refer to Cohen, “Strategy or Identity,” 663-716, and Melucci, \textit{Nomads of the Present.}
\end{footnotes}
autonomy and self-determination, instead of strategies for maximizing influence and power.\textsuperscript{52}

Third, new social movement theorists emphasize the role of post-materialist values in collective action, as opposed to conflicts over material resources.\textsuperscript{53} Fourth, new social movement theory is cognizant of the fragile process of constructing collective identities and identifying group interests, as opposed to viewing collective identities from a structurally determined aspect.\textsuperscript{54}

Fifth, it stresses the socially constructed nature of grievances and ideology, rather than deducing them from a group’s structural location.\textsuperscript{55} Finally, it recognizes the temporary networks that often buttress collective action, rather than assuming that centralized, hierarchically organized forms are prerequisites for successful mobilization.\textsuperscript{56}

While there is a divergence from classical Marxism and resource mobilization theory, in new social movement theory there are intersections with social constructionism. However, various new social movement theorists give different emphases to these issues and articulate diverse and multi-varied relations with other traditions. To synthesize these into a guiding principle, new social movement theorists operate from a model of a societal totality that provides the context for the emergence of collective action. Working hand in glove with societal totality is the effort to engage social formations historically as a structural backdrop for contemporary

\textsuperscript{52} See Dieter Rucht, "Themes, Logics and Arenas of Social Movements:”, and Jürgen Habermas, especially \textit{Legitimation Crisis} (1975) and \textit{The Theory of Communicative Action} (1984-1987).


\textsuperscript{56} See Melucci, \textit{Nomads of the Present:}; see also, Gusfield, "The Reflexivity of Social Movements,” 58-78.
social movements. Therefore, let me provide a review of the scholars who exemplify the breadth and range of thoughts on new social movements.

New Movement, New Theorists

Three theorists best illustrate the range of new social movement theories in the context of their own intellectual traditions: Manuel Castells (Spain), Alain Touraine (France) and Jürgen Habermas (Germany). In examining the intersections of capitalism and urban culture, Castells focuses on the impact of capitalist dynamics on the transformation of urban space and the role of urban social movements in this process. Arguing for the centrality of urban issues due to the importance of collective consumption and the necessity of the state to promote the production of non-profitable but vitally needed public goods, Castells blended the social, environment, and state in establishing a dialectical interaction with the state and other political forces seeking to organize and define urban social life. These interactions, and in some cases competition, frame the city as a social product resulting from conflicting social interests and values.

Castells’s most relevant theoretical views are the concepts of (1) the network society and what he sees as an inevitable extension, (2) “real virtuality.” Both of these are concepts have had much influence in the shifting forms and functions of social movements. The network society can best be understood as the social transformations that combine increased diversity and changes in culture, institutions, and historical trajectories.\(^57\) Castells delineates the network society into four main features. First, society has entered into a “new technological paradigm that is centered on micro-electronics based, information and communication technologies” (9). This new paradigm accelerates and enhances the production of knowledge in a self-expanding,

---

virtuous circle. For Castells, this new paradigm is important because information processing is the source of life and social action. Second, Castells argues that “we have moved into a new economy that is informational, global and networked” (10). The “informational” aspect is the capacity to generate knowledge and process information as a determining factor for productivity and competitiveness. “Global” is the quality of social groups to implement strategic choices and activities on a planetary scale in real time or chosen time. The concept of being “networked” is the flexibility a social group has in information production. For Castells, this concept of networked promotes a shift from vertically integrated hierarchies of social institutions to more flexible, subculture types of institutions,\(^{58}\) which allows for new and innovative means for reorganizing cultural expression, namely through integrated systems of electronic media such as the Internet.

Although staying true to the concept of the network society, Castells re-orient into a new realm, “Because the inclusiveness and flexibility of this system of symbolic exchange, most cultural expressions are enclosed in it, thus inducing the formation of what I call a culture of ‘real virtuality’” (“Materials for an Exploratory Theory” 13). Castells’s underlying thesis is that as more aspects of life are coordinated through electronic information flows, who controls the space of mediation is of the utmost importance. As he explains in his work, *The Internet Galaxy* Those who control the space of mediation exercise a “cultural power” that is, “primarily exercised around the production and diffusion of cultural codes and information content” (164). Furthermore, it is here where one sees the impact of symbolic violence as well as the production of symbols and cultural codes. The management of symbolic production shapes the development of material reality, or as Castells’ states, “all realities are communicated through symbols” (*Internet Galaxy* 404).

The meaning of these cultural symbols, Castell emphasizes, is never unambiguous and reality involves some measure of decoding, coding, and recording symbolic messages (*Internet Galaxy* 202). With increased forms of communication comes a greater variety of avenues by which symbolic messages can be interpreted, evaluated, and used. In short, decoding can take place collaboratively on the Internet, which enables the reshaping or formation of identities around a specific, community-based reality. Therefore the mainstream, the un-interrogated reality, is becoming fragmented into disparate, multi-varied forms, or what Castells describes as “interactive electronic communication networks of self-selected communes” (402). These communes allow people to create, send, and receive codes relevant to their particular situational context. Furthermore, the flexibility of these new media forms, in both production and content, has fundamentally changed the concept of reality:

Cultural expression becomes patterned around the kaleidoscope of a global, electronic hypertext. [...] the flexibility of this media system facilitates the absorption of the most diverse expressions and the customization of the delivery. While individual experiences may exist outside the hypertext, collective experiences and shared messages – that is culture as a social medium – are by and large captured in this hypertext. It constitutes the source of real virtuality as the semantic framework of our lives. (169-70)

This diversification of reality and culture as a social medium provides fertile ground for social movements through the construction of collective identities and utilization of electronic communication to produce and to reinforce cultural codes. Castells’ analysis of social movements emphasizes cultural identity, non-class based constituencies, and bureaucratization. Castells avoids contrasting “political” and “cultural” orientations, recognizing instead that urban social movements contain both orientations and find expression in civil society and the state. Furthermore, there is an appreciation of instrumental and expressive identities that are often intersecting and mutually informing. As Castells’ approach is more attentive to state
machinations than other new social movement theories, it is more sensitive to the role of political
dynamics and, furthermore, shows a compatibility with some forms of neo-Marxist analysis.

Alain Touraine, another influential new social movement theorist, has questioned the
relevance of the term “social movement.” Touraine’s work has shown an anticipatory feel for
many issues surrounding new social movements, namely the constituency for such movements.
Touraine argues that social movements should not be considered from an analytic perspective, as
a category of historical nature in which “social movements are related to a certain type of
society” (On The Frontier” 717). Furthermore, he hypothesizes that globalization has diluted the
power of elites and altered the socio-political realm in which social movements operate. For
Touraine, globalization has shifted the sites of conflicts considerably, to the point that the social
movements that merit study are no longer those that set social categories, but are rather those that
challenge mechanisms of globalization, which, to a large extent, are not dependent on decisions
of the type that a “ruling class may make” (“On The Frontier” 717). These two issues are the
primary pillars of Touraine’s theoretical approach. Therefore, to understand his relevance to this
study more fully, these issues should each be examined briefly below.

By situating social movements in historical traditions, Touraine’s notion of “historicity”
places some very strict limitations on what qualifies as a social movement. He says, “it would be
wise for us to reserve use of the category ‘social movement’ to the group of phenomenon that
have in fact received this name over the course of a long historical tradition [. . .] to reserve the
idea of social movement for a collective action that challenges a mode of generalized social
domination” (“On The Frontier” 718). However, Touraine makes clear that agency is a vital
component of social movements as well and that they must be an “answer” to a threat or a hope
that is linked to the group’s capacity to make decisions, to act, and to control changes. Therefore,
Touraine views social movements as organized conflicts, by groups or actors, over the social use of common cultural values.59

Touraine has frequently examined the shaping of common cultural values, primarily by social actors. Culture, for Touraine, is not a systemic construct, but is what a society views as a “unifying principle” that exhibits a voluntary construction of social norms and practices.60

Touraine’s work is relevant here because he argues that culture, which once provided a unifying structure for society, is being eroded away by globalization and technological advancements. Therefore, the social anchors for community are being pulled away. As Touraine articulates it, “Social life seems constantly transformed by technological and economic changes which have become independent from social institutions and value orientations” (143). This separation between economic imperatives and cultural identities is what Touraine terms “demodernazation.” In short, he argues, community and by extension cultural values are deeply tied to economic flows and the technology that produced and maintained them. However, with the rise of globalism, “culture” has been transformed and broken down into a conglomerate of “neo-communal powers (“Culture Without Society” 144).

From the above, Touraine argues that we must now understand that there are two worlds, one of instrumentality, including economic forces and technology, and one of identity. Furthermore, he claims that it is the attempt by individuals or groups to combine these two worlds within their own experience that is the engine driving society today (Touraine 140-57). The attempt to combine is exhibited by what Touraine calls cultural rights:

This is even more true today with the demands for cultural rights. In other words, by our request to combine our participation in the techno-economic sphere with the defense or

the reinterpretation of our personal and collective identity. (146).

Touraine also extends this concept of cultural rights to social movements, arguing that they are attempts to exert agency or individuation in an increasingly de-socialized world (“Culture Without Society” 140-57).

In his work, “Sociology Without Societies”, Touraine argues that the breakdown of economic forces and the proliferation of technology have caused a rupture between the culture of a society and the subjects who live within that culture. As a result, the historical social movements based on politics or economics have been replaced by cultural movements, which are quite broad in their aims and have very little interest in defending traditional institutions or norms (123-31). In rejecting defense of institutions or norms, Touraine places the motivation for the development and maintenance of a social movement squarely in the context of liberating the subject: “Today it is the social order in ruins/shattered which constitutes the main threat to movements for liberation and self-assertion, the ultimate goal of which is the liberty of the subject” (127). As a result, there has been a shift in western culture from macro narratives to micro narratives. He explains: “Societies, particularly western ones, replace the grand historical narratives with grand personal narratives, i.e. narratives which deal with the strengths and weaknesses of social actors who have become the ultimate aim of their own action” (128).

The above should illustrate that Touraine’s conceptualization of social movements is one based on the most fundamental level as an attempt of the individual to exert agency in light of the disintegration of economic, institutional, and social norms that once comprised what was considered “society.” As a result, Touraine’s view of new social movements reflects a decentering of social life in which structure has been surpassed by the concept of identity and collective behavior for social actors. He states clearly that, in his view, “social movements are in
fact collective behaviors and not crises or forms of systemic evolution” (“On The Frontier” 719). In transcending culture, Touraine’s argument lays the foundation for understanding and appreciating that the disintegration of “societal culture” is not the end of social movements, but a new beginning which allows for a greater expansion of means and modes for individuals and groups to engage others and define themselves on their own terms.

In discussing Jürgen Habermas and his contribution to the field of social movement theory, we must remain cognizant of his focus on the “public sphere” as the primary locus for social movements to define themselves, organize supporters, and engage in resistive discourse. For Habermas, “new” social movements are comprised of those that came to fruition in the post-1960s era and, more importantly, are the material factors of the public sphere. Therefore, we may argue that new social movements, in Habermas’ view, are entities that revolve around struggle of identity and against the forces that seek to suppress these identities, particularly, governmental forces.

While perhaps not groundbreaking, understanding the machinations of social systems that give rise to what Habermas views as new social movements is important. First, Habermas proposes a new understanding of the modern social structure by distinguishing between a politico-economic system governed by a synthesis of the media of power and money and a “lifeworld” governed by normative consensus. In separating these two, Habermas also articulates the internal, constructive dynamics of each. First, that the politico-economic system follows an instrumental logic that detaches money and power from any responsibility or accountability. Conversely, the lifeworld follows a communicative rationality requiring that norms be justified through discussion and debate. The complaint from Habermas is that in modern society, system imperatives and logic intrude on the lifeworld in the form of colonization, in which the media of
money and power regulate not only economic and political transactions but also identity formation, normative regulation, and other forms of symbolic reproduction traditionally associated with the lifeworld. Therefore, Habermas argues that the conflict has shifted from the “old” paradigm of capital-labor disputes toward the “new” paradigm of resistance against colonization of the lifeworld which has resulted in modern conflicts being located at the “seam between the system and lifeworld” (*Theory of Communicative Action* 36).61

The above seems to support two major points: (1) social movements are a result of social friction, made even more tangible and potent via the public sphere, and (2) the separation of economic/capital-labor disputes makes these movements new. Some scholars, however, have argued that Habermas has failed to acknowledge that some social movements have incorporated both “new” and “old” aspects.62 Furthermore, Habermas’ fight against the colonization of the lifeworld and the reassertion of communicative rationality against the functional agendas of the state and economy has been argued to be neither new nor strictly under the purview of social movements.63 However, Habermas’ arguments for the new social space in which social movements arise, as well as his elaboration on his theory, present some theoretical constructs worth considering, especially those in his argument that social movements have transitioned from the *what we should get* mentality to questions of *self-identity, livelihood, and accountability*.


62 This relates to Nick Crossley’s suggestion that anti-corporatism could be seen as an ‘even newer’ social movement in Habermas’ terms; see “Even Newer Social Movements? Anti-corporate Protest, Capitalist Crises and Rationalisation of Society,” *Organization* 10.2 (2003): 287-305.

In Habermas’ thesis regarding “old” and “new” movements, he argues that the older capital-labor struggles lost their capacity to be radical forces for change when conflicts began to be formulated in terms of legal rights and mediated through legal channels. He claims this type of “juridification” contained the conflict within the instrumental systems as opposed to outside it (356). Juridification forces a social movement to operate within very specific, narrow parameters established by institutional demands, and grievances are often assuaged by monetary compensation.

While Habermas’ “system vs. lifeworld” distinction is paramount, we must also understand that he views new social movements as creators of a public sphere. This creation of the public sphere, and by extension, new social movements, is a result of what Habermas terms his “thesis of internal colonization.” His thesis posits that new social movements are a reaction against the lifeworld being encroached upon by the “economic-administrative complex” of the system (33). In short, the system comprised of institutions of the state and the economy is infringing on the private and public spheres that constitute the lifeworld (i.e. family, education, leisure). Furthermore, this infringement is manifested through the extension of bureaucracy, increase in legal regulation, and economic privatization, all of which Habermas sums up as being processes of “juridification” and “commodification.” (357)

In placing the system and the lifeworld in diametrically opposed positions, Habermas defines the internal operations of each as well. Habermas argues that state institutions and the economy act strategically, to achieve specific ends and to fulfill system imperatives at the expense of moral and values; he terms this “functional rationality” (258). Conversely, interactions in the lifeworld are based on “communicative rationality, a rationality oriented

---

toward aesthetic, moral, practical and political considerations” (304-5). As stated earlier, Habermas argues that the encroachment of the system, with its functional rationality is a liability to society. The increase in functional rationality infects and alters the social norms that have been mutually agreed upon and look instead for functional satisfaction of economic desires at the expense of successful social integration and community. This “colonization process” is what Habermas feels social movements must keep in their target sights.

The colonization process is instrumental in Habermas’ argument because it provides social movements “with new means and avenues to defend traditional norms or institute new ones on their own terms” (33). There is causality here, as Habermas asserts “that systemic changes generate effects on social integration” (305). As a result of these effects, the system becomes increasingly complex as economic, bureaucratic and administrative processes become more specialized and differentiated. To put Habermas’ theory in more visual terms, we should imagine a cold, calculating, state-run, economically motivated octopus, reaching its tentacles into every corner of society and leading to “cultural impoverishment” and a “loss of meaning” in the lifeworld (302). Therefore, we should understand that new social movements, for Habermas, are about removing the tentacles from the lifeworld and resisting the ideology that supports the influence of the system as a legitimate arbiter of societal norms. Social movements are no longer about economic compensation but about socialization and the right to live an authentic, truthful identity. As he explains, “The question is not one of compensations that the welfare state can provide. Rather, the question is how to defend or reinstate endangered lifestyles, or how to put reformed lifestyles into practice, as “the new conflicts are not sparked by problems of distribution, but concern the grammar of forms of life” (33). For Habermas new social movements can be defined as movements that are involved in a “critique of growth” in which
“they reassert communicative rationality against an increasingly intrusive system” (34). By
supporting, constructing, and promoting an autonomous lifeworld, debate, critique, and
questioning of the legitimacy and accountability of the system can take place.

Discourse and Social Media

The study of the intersection of discourse and social media is an extremely new field;
however, there has been some work in this area. One major area of inquiry has been the
examination of the Internet and behavior. Foremost among these is the ability of the Internet to
create distinctive subcultures that are postmodern in quality and exhibit a deconstructive effect
on identity and culture.\(^6\) Shelly Turkle has argued that the Internet, by its very nature, allows
individuals to simulate their self-identity and present multiple variations as well.\(^6\) Technology
and social theorist A.R. Stone also describes the effect of technology on identities:

> The identities that emerge from these Internet interactions--fragmented, complex,
diffracted through the lenses of technology, culture and new techno-cultural formations--
seem to be [... ] more visible as the critters we ourselves are in the process of becoming,
here at the close of the mechanical age. (36).

The primary means by which identity is constructed on the Internet is through discourse
and rhetorical expression, both of which have been argued to be co-constructed, situated types of
interactions.\(^7\) This construction has also been applied by other theorists who view technology as

\(^6\) Donna Haraway, Simians, Cyborgs and Women: The Reinvention of Nature (New York: Routledge, 1991); see

\(^6\) Social science and technology researcher Sherry Turkle argues that the self has now become a “multiple,

\(^7\) Peter Berger and Thomas Luckmann, The Social Construction of Reality (New York: Doubleday, 1967); see also
Deirdre Boden and Don Zimmerman, "Structure-In-Action: An Introduction,” in Talk & Social Structure: Studies in
Cyberspace All They See is Your Words,” Information Technology & People 10.2 (1997): 147-63.
a social artifact. Together, these two notions imply a sense of continuity of behavior on the Internet but also appreciate constraints on engaging in discourse on the Internet. So, while personalities and other communicative expressions of identity can remain continuous, or modified, on the Internet, there are still restrictions on how discourse can be effectively produced and interpreted. Therefore, in much the same manner as discourse in the offline world, there are similar constraints on the production of shared understandings, social goals, and accountability. Therefore, there has also been investigation into how the Internet, although a new medium, still maintains some of the social constructions found in the offline world, especially in the area of status or marginalization that are part of social sorting mechanisms. Interestingly, since the Internet provides far fewer social cues, minor information has great weight. A small, but potent example is found in the greater “validity” or “credibility” seen in an .edu email address as opposed to an aol.com address.

Other previous research has focused on the boundaries between the social self and technology. This an important area, as discourse not only helps individuals to shape and to present the social self but also to negotiate these boundaries of identity. While the primary argument posed in the bulk of Internet literature is that electronic media inevitably changes culture, many scholars have argued that technology is a social construct that is an extension, not


a change or replacement, of the social self. Therefore technology should be viewed as a constructed “object” used to create, sustain, and modify the social self.

While the Internet has spawned investigation into how the self is presented and managed within new technologies, other researchers have asked what types of environments exist and what do the responses to these environments mean. The Internet, for many scholars, has been held up as a primary indicator of “culture lag,” buttressed by the early work of William Ogburn. A social theorist in the 1930s, Ogburn attempted to understand the adoption of technology and its influence on society, namely “to explain the temporal difference in social causation” (Social Change with Respect to Culture 88). Ogburn claims cultural lag exists because “technology moves forward and the social institution lags behind in varying degrees” (On Cultural and Social Change 133). Therefore, cultural lag occurs “when one of two parts of culture which are correlated changes before or in greater degree than the other part does, thereby causing less adjustment between the two parts than existed previously” (Social Change with Respect to Culture 86).

Ogburn believed that the cultural lag is best exhibited by technology, because it is responsible for most social change: “In our times in the Western world, technology and science are the great prime movers of social change. That this is so is an almost universal observation” (91). Ogburn codified four stages of cultural lag: technological, industrial, governmental, and social philosophical (134). Typically, a new technology is accepted by different sectors of society at different speeds, with industry being the initial sector to adjust to and to acquire the technology, which is then followed by the government in an attempt to regulate it. Ogburn comments: “Technology cracks the whip, but because these extra liaison bodies do not develop

---

71 Bloomfield and Vurdubakis, “Boundary Disputes”; See also Shelley Turkle, “Who am We,” 148.
rapidly and properly in the effort to make the lethargic governmental structure work, the institutions of society slip out of gear, and humanity suffers because of it” (143).

Ogburn argued that without governmental structures regulating technology, the fourth stage of the cultural lag, that of social philosophies, cannot adjust. Ogburn placed great credence in technology, almost imbuing it with a moral quality. In short, his work explains the time lag between a technology's invention, its distribution to society, and the social adjustment that follows. Ogburn has provided a very workable theoretical foundation for many scholars to examine how the Internet, and by extension social media, has influenced the larger culture.

While the concept of culture lag has been an influential concept in understanding the role of technology, scholars have also examined the discourse surrounding the Internet. That is, not the discourse that appears on the Internet, but the discourse that illustrates what society thinks about the technology. This discourse is important to address because technology is not simply an issue of utility; it is also an issue of how individuals feel about it. Furthermore, the perceptions of the role of technology have always been fundamental to its longevity and cultural acceptance.

The three dominant perceptions of the Internet developed by scholars are the utopian view, the dystopian view, and technorealism. While each one of these has advocates and detractors, each brings to the table some important conceptualizations about what society expects the role of the Internet to be, as well as what values and norms it should promote. The utopian position argues that there are technological solutions to social problems. These solutions revolve around technology’s effect on communitarian and populist forms of democratic

---


participation. Foremost among these is the communitarian view, the belief that technology facilitates civic engagement by increasing the ease of communication across geographical and social boundaries. Following closely is the populist view which emphasizes technology’s role in altering interactions between citizens and the government. In short, the utopian view, echoing Habermas, argues that the Internet will ease communicative action and limit the subversion of deliberative democracy at the hand of market-driven imperatives (Fisher).

In opposition, the dystopian view focuses on the effects of the Internet on society and the phenomenon of the experience while engaged in the cyberworld. This view emphasizes the ability of technology to alter communication to such an extreme that it disrupts the traditional practices and spaces of communication that nurture democracy. Political theorist and dystopian disciple Timothy Luke argues, “Power shifts focus, speed overcomes space, orders become disordered, time moves standards, community loses centers, and values change denomination as the settings of industrialized human agency are completely shaken” (125). Luke echoes the general sentiment among fellow dystopians that democracy will be endangered as the social fabric of society becomes fragmented and more individuals become isolated from one another, thereby making unified political action more difficult.

The technorealism view offers a more tempered view regarding the impact of the Internet on society. Technorealism posits that the medium is too new for a substantial argument as to its long-term effects on society. Social theorists Craig Calhoun argues that the effects of the

---


Internet, “matter much more as a supplement to face-to-face community organization and movement activity than as a substitute for it” (381). While these three major views provide some contextual background for how society may be influenced by the Internet, other scholarship has examined how individuals discursively express their values, norms, and ideals through this uniquely mediated environment.

Examination of discourse has often taken into account “the place” in which the discourse is spoken or enacted. Often “the place” has been in physical space in the real world (i.e. protest march) or through tangible artifacts written at a particular time (i.e. books or pamphlets). However, the Internet challenges and subverts these traditional structural frameworks. While discourse has traditionally been understood to be something that is constructed somewhere, at some time, by someone, the Internet has put this conceptualization to the test in a substantial way, causing scholars to look for new means to conceptualize the discursive dynamics in cyberworld.

The first of these endeavors has been to establish what should be understood as the discursive nature of the Internet. First is understanding that while the Internet blurs the boundaries of time and place, there is a structure and quality to the online world that does make it a tangible place, a place where people go, log on, and participate. Secondly, the Internet is a space that is primarily composed by discourse; in fact, its essence seems to be to fulfill that sole purpose. This fulfillment is based on understanding that the Internet is a place for the sending and reception of discourse from authors and receivers in specific, well-defined geographic places. Furthermore, Internet discourse is varied, both personal and institutional, and without it,
there would be no cyberspace. In short, Internet discourse would disappear without human beings sitting behind computers. Social theorists and new media scholars Amanda Mitra and Eric Watts characterize cyberspace as, “a discursive space produced by the creative work of people whose spatial locations are ambiguous and provisional” (486).

The power of cyberspace comes from how individuals or groups take advantage of the ambiguous and provisional nature of this unique discursive space. It is here where most of the scholarship to date has focused, predicated on an appreciation that the Internet has changed the power structure that has traditionally legitimized some discourse over others. Traditionally marginalized voices, via technology, have reclaimed the public sphere by finding a place at the rhetorical table by which to challenge dominant ideologies and voices. Furthermore, the Internet has redistributed the power between the discursive center and the margin. There is no longer a single authority voice or discursive construction within groups or likeminded ideologies.

The above constructions utilized by various social groups have been studied by several scholars. The Internet, for such groups, serves as a space where they can express themselves and engage with a global audience without pressure from real-life marginalizing forces. The expressions of these groups could be considered “alternative dialogic events” that enable readers and producers to interact with discourse in manner they want, whenever they want. These types


80 See Mitra and Watts, “Theorizing Cyberspace” 489.
of interactions have been studied on several fronts, from music fans to hate groups. The Internet enables groups to circumvent the historical, structural, and social boundaries that have constricted their discursive voice. As Mitra and Watts explain, “Relations between power and spatial location are changing. Whereas power used to be related to location, now in the internet space power is related to the eloquence of the voice, the way in which a voice can link itself with other voices and in combination garner power” (489).

The nature of the Internet, its influence on society, and how people utilize it are important issues that have been addressed in previous scholarship. All of these coalesce into the last aspect of Internet scholarship, the rhetorical criticism of public discourse and its theoretical implications. In essence, this is a move away from what the Internet is and its effects, to how does one even figure out what it may be discursively? Although this is new field, there has been some inchoate work on how rhetorical scholars should understand and approach discourse in this format. This task does not come easily, as rhetorical scholar Barbara Warnick has stated, “The malleability of the text, the indeterminacy of authorship, and the changing natures of community, audience, and public in new communication environments surely complicate the task” (74). Nevertheless, there have been some nascent conceptual guidelines, or at the very least guiding principles, that may be instructive to rhetorical critics examining the Internet.

First, despite the amorphous and malleable nature of Internet discourse, the critic should remain cognizant that it constructs identities, holds reader’s attention, influences attitudes, appeals to values, shapes opinions, and hails readers as subjects (Warnick 74). Therefore, the

---

rhetorical critic must understand that Internet discourse, despite often being fragmented, is not a toothless beast. An important secondary task for the critic spawns from what rhetorical scholar Richard Lanham has called “the Q question” – how to connect discursive practices with moral judgment.82

With the above conceptualizations firmly grasped, there can be some clarity in understanding how the Internet has altered rhetorical criticism. While traditional rhetorical criticism is suited to printed and spoken texts that unfold in a sequential manner, the hypertext format of the Internet presents the critic with texts that are unstable, limitless, disorderly, and often disorienting, as explained by rhetorical scholar George Landow:

Critics can never read all the text and then represent themselves as masters of the text as do critics in print text. True, one can never fully exhaust or master a particular printed text, to be sure, but one can accurately claim to have read all through it or even to have read it so many times as to claim credibly to know it well. Large hypertexts and cybertexts simply offer too many lexias for critics ever to read. Quantity removes mastery and authority, for one can only sample, not master, a text. (34-35)

Although Landow’s statement seems to place the rhetorical critic on a never ending path toward a quixotic goal, Warnick advocates that such texts, “might best be studied as a system of circulating signifiers in a larger discursive environment” (76). Therefore, critics should implement some specific investigative and theoretical techniques. First, the critic should engage a large number of texts that are sampled in an orderly fashion to discover patterns and regularities that are discernible. In doing, Warnick suggest that the critic might ask such questions as - What sorts of roles are being enacted? What kind of participation or response is being sought? How are value orderings implied or reinforced? What sort of online community is assumed, and what are its conventions and values? (77).

---

A second consideration for the critic is a reorienting of what qualifies as a member of the audience and how he or she responds to Internet text. This is of importance because the critic often looks for corroboration from audience members, with respect to their readings of the text or claims about the effects of the discourse. However this can be problematic on the Internet, as Warnick explains, “everyone is a rhetor, and everyone an audience” (77). Nevertheless, this does not mean that there are no tools available for the critic; foremost among those available are ones to understand the use of metaphors, narratives, and dissociations that can serve to marginalize or include readers (Warnick 77).

A third consideration for the critic involves understanding the nature of computer-mediated environments as unique contextual environments for communication. Some scholars have argued that these environments are solipsistic and self-fulfilling. Ethnographic research into the ways that people talk and think about their computers has led scholar Sherry Turkle to observe that, “we are moving from a modernist culture of calculation toward a postmodernist culture of simulation” (“Life on the Screen” 20). The Internet is a place where identities are supremely malleable, messages often do not end with the first recipient, and realities are altered. The audience is intricately involved with discourse on the Internet, which can sometimes lead to a corruption of the message or a complete obtuseness to its intention.

While discourse on the Internet can be a difficult to codify, several patterns have been noted by various scholars. First, the nature of the Internet discourages users from distinguishing between what is virtual and what is “real.”83 Second, it fosters pressure to conform to group

---

norms, values, and ideology, as well as discouraging deviation and disagreement. Computer-mediated discourse seems to resemble a portal construction that draws together the likeminded, thereby increasing their collective identity as well as their resistance to outside information and views.

The third pattern that has emerged is technological elitism. In a world where the text reigns supreme, those with competence and facile vernacular are in control. Technological elitism discursively produces and reproduces a mode of domination whereby the technologically competent are the social elites, and the less competent are relegated to an underclass status. This has been found to be most prevalent in situations that favor dominant ethnic groups, the highly educated, the developed world, and the affluent.

While the discursive qualities of the Internet are hard to pin down and the cause and effects of such are even more mercurial, it is an area that demands and deserves full attention. Previous scholars have taken some preliminary steps and made arguments about the nature of Internet discourse, but it has been largely observational, theoretical in construction, and absent any definitive case study, as explained by Warnick: “It could be that concerns raised about computer-mediated communication on society – on maintenance of the public sphere, on sustenance of community, and on consciousness – could be focused through case studies of the rhetorical dimensions of computer-mediated discourse”.

---


85 Warnick, “Rhetorical Criticism,” 81.

This study provides a substantive case study for addressing these issues, examining the
discursive tools and social movement qualities of the online movement to Free The WM3. By
examining the Internet discourse of this movement, which has clear boundaries unlike the
limitless, constantly shifting qualities of other Internet discourse, this study aims to fill in some
of these gaps in our understanding of how core theoretical principles can be applied to the nature
of online discourse as a social movement tool.
CHAPTER FOUR
ANALYSIS OF THE DISCOURSE

One of best ways to examine a social campaign is through its rhetoric, which Sonja Foss defines as the action humans perform when symbols are used for the purpose of communicating with one another (4). These symbols run the gamut from the personality of a popular politician to the art that adorns a wall. As critics, we aim to discover how symbols work rhetorically and to ascertain why certain forms of communication are chosen over others. Therefore, we should be clear about both what aspects of rhetoric may be exhibited by social campaigns and how rhetorical criticism functions to examine and to explain those aspects. As Foss explains, rhetorical criticism works from the premise that the world, and by extension our lives, are enveloped by symbols that enable the reality of our world to be brought into being (6). From the perspective of studying social campaigns, then, we should understand that rhetoric may be viewed from four different dimensions: (1) as an action, (2) as a symbolic action, (3) as human action, and (4) as a means to communicate with one another. Thus, rhetorical criticism seeks to examine the active ways we engage these symbols and how they affect us.

Goals of Rhetorical Criticism

Rhetorical action not only includes the conscious choice to communicate as a means to act, but also encompasses the deliberate decisions made about the communicative means by which to act. We can opt to issue a direct indictment or a sidelong glance, but in either case, we
have decided upon the choice actively, in lieu of the other. Furthermore, rhetoric is human action that it is accomplished through the use of symbols and includes but is not limited to the use of language. Symbols themselves may be icons, letters of an alphabet, or words, but we also recognize that deliberate behavior or actions may be symbolic. Fundamentally, symbolic action is a human creation and is only indirectly connected to its referent. Foss provides this example to illustrate: the word “chair” has no inherent relationship to an object for sitting; the relationship or association was invented by those who needed a name or label to refer to such an object (5).

Rhetorical criticism focuses on the varied ways in which humans actively use symbols to create meaning, and typically examines the dynamics of rhetoric in one of three ways: (1) a systemic analysis, (2) an analysis of the symbols as objects, or (3) an analysis of the rhetorical process itself.

As humans respond to symbols, they often notice how certain symbols work and consider the impact. Rhetorical criticism seeks to apply this natural instinct in a more systematic and focused way, helping us become more adept at investigating and understanding not only symbols but also our responses to them. Thus, rhetorical criticism studies symbolic acts and rhetorical artifacts, such as written texts and recorded or preserved evidence of rhetorical acts. Although rhetorical artifacts can be investigated for the purposes of understanding the historical period in which they emerged, the primary purpose for studying rhetorical artifacts is to determine what they may teach us about the nature of rhetoric.

In understanding these rhetorical processes more fully and theorizing about how rhetoric has worked, the critic aims to contribute to the field of rhetorical theory. To do so, the critic asks questions about how the rhetorical process works, analyzes an artifact that may offer clues to that process, and then attempts to provide an answer to the question. To have a better understanding
of where rhetorical criticism may be headed in the future, let us review its origins in the method
known as Neo-Aristotelian criticism, derived from rhetorical principles of the Greek philosopher,
Aristotle,¹ in the early twentieth century by those scholars who wanted to study speeches.

**Neo-Aristotelian Criticism**

In 1925, Herbert A. Wichelns, offered the first attempt to provide a clear understanding
of what scholars should investigate when they studied speeches and to suggest guidelines for
such criticism.² As a result, Wichelns is credited with helping found the modern discipline of
rhetorical criticism.³ Wichelns took the position that speech or rhetorical criticism, unlike
literary criticism, was concerned with effect, not the permanence of aesthetic value (Foss 24).
Therefore, he advocated that rhetorical critics should focus on the public’s perception of the
speaker, the audience, ideas presented in the speech, the nature of the speaker’s proofs, the
motives to which the speaker appealed, the speaker’s judgment of human nature, the
arrangement of the speech, the speaker’s mode of expression, the manner of delivery, and the
effect of the discourse on the immediate audience and its long-term effects (Foss 24).

Pulling concepts from the writings of classical rhetoricians such as Aristotle, Cicero, and
Quintilian, early speech critics followed Wichelns’ guidelines and developed specific units of
analysis for speech criticism around the traditional rhetorical canon: invention, arrangement,

¹ While speech critics borrowed from other traditional rhetorical sources, they developed their critical framework
around the three sources of artistic proof, *ethos, pathos,* and *en auto to logo,* which Aristotle discusses in his “Art”
of Rhetoric (see 2.1.1-8).

² His essay, ”The Literary Criticism of Oratory,” was published in Studies in Rhetoric and Public Speaking in Honor
of James Albert Winans (New York: The Century Co., 1925), 181–216; also published in Methods of Rhetorical
Criticism: A Twentieth Century Perspective, ed. B. Brock and R. Scoot, 2nd ed. (Detroit, MI: Wayne State UP,
1980).

³ Mark Klyn, ”Toward a Pluralistic Rhetorical Criticism,” in Essays on Rhetorical Criticism, ed. Thomas R. Nilsen
style, delivery, and memory. This critical framework became established as the accepted method for speech criticism and was used by numerous rhetorical scholars for half a century.

Neo-Aristotelianism, as the critical framework came to be known, has been continually refined by scholars but essentially is tasked with (1) reconstructing the context in which the rhetorical artifact occurred, (2) analyzing the artifact itself, and (3) assessing the impact on the audience in light of the various options available to the rhetor (Foss 27). In reconstructing the context, the neo-Aristotelian critic seeks to understand the rhetor’s personal history, experiences, and character in relation to how those factors influence the rhetor’s attitude and communication skills. Furthermore, the critic examines the occasion in which the rhetoric occurred, including any environmental influences that might shape the rhetor’s approach or choice of subject. Context also means investigating the audience, in order to determine how the rhetor strategically constructs the rhetoric to accomplish his or her goals with a particular individual or group. Context, in short, should be understood as an investigation of how the rhetor came into being and how his or her life influenced the rhetorical choices that were made.

In analyzing the artifact, neo-Aristotelian criticism uses the traditional canon from the classical Latin works on rhetoric: (1) invention – the creation of ideas and material for the speech, (2) arrangement—the organization and structure of the speech, (3) style – the language used, (4) delivery – management of voice and gestures, and (5) memory – mastery and

---

4 The five powers of the orator, the so-called rhetorical canon, first appear in the Latin rhetorical treatise, *Rhetorica ad Herennium*, and in the early Ciceronian treatise, *De Inventione*. Nonetheless, this method of criticism is called neo-Aristotelian criticism, presumably based on Aristotle’s definition of rhetoric –“the faculty of discovering the possible means of persuasion” (1.2.1).

memorization. Together, these “faculties of the orator,” as the Romans referred to them, can be applied by the critic in order to examine, and in some sense quantify, the technical aptitude of the rhetor as evidenced by the artifact itself.

In assessing impact, or effects, the neo-Aristotelian critic assumes that the rhetor seeks to accomplish a particular goal or engender a specific response. While there is no single measure of effectiveness, assessment depends on the characteristics of the artifact, the rhetor’s intention, the audience receiving the address, and the context in which the rhetoric is presented. Furthermore, effectiveness can also be judged in terms of the immediate response of audience members, as well as any long-term responses of the audience, ones that emerge from the audience at a later time. Here, assessment should be understood as quantifying how effective the rhetor was in achieving his or her purpose.

As a critical method for investigating public discourse, neo-Aristotelian criticism was commonly accepted until the 1960s, when challenges to its efficacy were fostered by the cultural era of discontent and protest in the United States. Social activism -- whether for civil rights, anti-war protest, or student rights -- gave rhetorical critics new opportunities for scholarly investigation but did not fit easily into the traditional framework for criticism. Critics did not want to have to wait for history to determine the effectiveness of such public discourse; they wanted new perspectives that could enable them to discuss contemporary rhetorical events as they were happening. Such voices attacked neo-Aristotelianism as a rigid “cookie cutter” approach, based on foundational principles and rhetorical constructs of the ancient Greek and Roman cultures. Scholars such as Edwin Black argued that traditional rhetorical principles were no longer instructive and that methods of rhetorical criticism needed to be modernized or

---

6 Anonymous, *Rhetorica ad Herennium*, 1.2.3.
reformed in terms of contemporary issues (Black 124). Rhetorical critics began to feel the need to embrace new scholarship and innovative thinking about rhetorical principles.  

Furthermore, by the mid 1960s, a common complaint of neo-Aristotelianism was that in practice it had become a constricting, mechanical method. Rhetorical critics argued that, rather than providing objective rigor to a critique, the method demanded regimented and incomplete categories. As a result, rhetorical scholar Douglas Ehninger explained, the critic had to expend more energy on “a mechanical accounting, or summing up of how well the speech fits an a priori mold” than on illuminating and understanding the dynamics of speeches (230).

In general, the intellectual shift away from neo-Aristotelian criticism accompanied the change from speech criticism toward the broader scope of rhetorical criticism. The development of neo-Aristotelian criticism grew from a genuine interest at the end of the 19th century and the beginning of the 20th century in using speech criticism to foster effective public speaking skills. But, as rhetorical scholars began to focus on the issues raised by the study of contemporary public discourse, they realized that the role of the critic also needed to shift to a more full-bodied approach that could illuminate the qualities of a wide range of rhetorical works (Klyn 155). From this broader perspective, the chief limitation of neo-Aristotelianism, as explained by Campbell, is that “neo-Aristotelianism excludes all evaluations other than the speech’s potential for evoking intended responses from and immediate, specified audience.”  

A different vein of criticism aimed at neo-Aristotelianism appeared from the emerging field of feminist scholars who accused traditional rhetorical criticism of having a rational bias. Specifically, these voices claimed that neo-Aristotelianism assumes the actions of human beings

---

7 The wingspread conference was organized to accomplish this purpose. Refer to The Prospect of Rhetoric, ed. Lloyd Bitzer and Edwin Black (Englewood Cliffs: Prentice-Hall, 1971).

are essentially rational, and thus, humans engage in persuasion fundamentally on a rational basis. Although analyses of emotional and psychological appeals are included in the neo-Aristotelian framework, feminist scholars argued, they are subordinated to the analysis of arguments and rational means of persuasion. While many scholars in the post World War II era supported the view that rhetoric should appeal primarily to people’s reason, rather than to their emotions, by the mid-to-late 1970s, the claim of rational bias seemed to imply the privileging of linear thinking, which feminists argued was a masculine, hegemonic paradigm. According to rhetorical critic Karlyn Kohrs Campbell, adherence to the ideological schism between what could be defined “genuine” and “Sophistic” rhetoric was limiting the scope of its study, and rhetoric was beginning to take on a larger, more dynamic and inclusive existence. Therefore, as critics loosened their requirements of what constituted “valid” forms of rhetoric, the door was thrown open not only to examining a wider variety of discourse, but also to investigating the means by which to judge and quantify the effectiveness of discourse.

The transition of rhetorical criticism from traditional structured methods, such as neo-Aristotelianism, toward more organic, interpretive methods illustrates the dynamic interactions that can, and often do, occur when examining a “rhetorical text.” Currently, these changes encompass not only how we define what is a rhetorical text, but also how we determine what qualifies as credible rhetorical criticism in the digital world of the twenty-first century. Wrestling with issues of the relevance and the purpose of rhetorical criticism, various contemporary scholars have offered their ideas about engaging these issues.

---

9 Refer to Donald C. Bryant’s discussion of the difference between rhetoric and propaganda in “The Function and Scope of Rhetoric,” Quarterly Journal of Speech 39 (1953): 416-17.

10 Campbell, 98.
Rhetorical Criticism in Action

Although space does not allow a complete examination of every contemporary take on rhetorical criticism, the most potent of these is the debate over the rhetorical critic’s role in social stability and change. In 1969, Robert L. Scott and Donald K. Smith argued for a rhetorical theory “suitable for the age” that recognized that civility and decorum only serve to preserve injustice, dispossess the marginalized, and become instruments of power for the “haves” over the “have-nots” (8). As rhetorical critics become cognizant of the symbiotic relationship between rhetoric and preservation of the social order, Scott and Smith charged, we must work to reveal the power dynamics and imbalances inherent in that relationship with new, more dynamic theories.

While the creation of new theories is an important shift, several scholars have advocated for an increased social obligation by rhetorical critics. In short, critics should be more than scholarly observers of the social order and should become more actively involved in confronting the “material conditions” in the public sphere. In this vein, rhetorical scholars James Klumpp and Thomas A. Hollihan have called upon colleagues to remove themselves from the sterile confines of academia and to take stands on social issues, lest they become part of the hegemonic establishment (84). The work of some rhetorical scholars in a European tradition of structuralists and post-structuralists with the genealogy of American rhetorical and critical thought became a call for a more socially active role for rhetorical critics. The melding together of these two intellectual fields of thought is what Philip Wanderer called the “Ideological Turn” for rhetorical critics. The “turn” or change meant that the rhetorical critic has a role to play in society that is

---

integral to his or her activity as a critic. As Frank Lentricchia states, in his 1985 work, *Criticism and Social Change*:

> [C]riticism is the production of knowledge to the ends of power and, maybe, of social change. This kind of theory of interpretation presupposes a critical theory of society and history – what human beings have made, they can and will unmake and then remake and remake again. (11)

Contemporary rhetorical theory assumes that the discipline, when used by active and engaged critics, can foster stability or change.

This shift repositioned rhetoric from a codified, managerial form to rhetoric as a symbolic form. While human interaction was previously seen as a mechanical mode of exchange with rhetoric as the currency, new theorists argued that these exchanges and the subsequent cultures they create are fundamental to human behavior. In short, culture is not expressed in language, but rather, social order is performed in language. It is through granting certain types of language or speech acts as more valuable or important that one establishes the order of whose speech is worthy enough to be heeded. For example, the words “supervisor” and “employee” have denotative, literal meanings, but they also serve to establish who is in charge of whom as well as the social expectations of behavior and role performance by each party. As a result, the focus of rhetorical criticism shifts from examining the power of expression to the creation of social forms in human symbolic behavior.

With this change, a variety of forms of rhetorical criticism arose, each engaging the discipline in a more organic, interpretive fashion. These new forms served to expand rhetorical criticism from the examination of written or spoken text to the wider array of human interactions. With this greater expansion of what were considered “legitimate” forms of rhetoric to be studied,

---

at least three notions arose about how to view social rhetoric. First, rhetoric moved from focusing on the influence of the individual orator on a crowd to an appreciation of rhetoric as a driving, internal force for collective action that sustains members in between speeches from leaders. Second, rhetoric moved from being seen as a tool to manage the construction of values and reality to being seen as one that ascribes meaning to the qualities of symbolic action in society. Third, the power of rhetoric moved into the realm of motivation via the symbolic form as opposed to the “qualities” of a rhetor. In short, social rhetoric was no longer examined as a one-way communicator to receiver discourse but rather as a social action that integrates the communicator, audience, time, place, means, and modes of discourse.

With the transition of what rhetoric is and how it should be studied came an increased presence of rhetorical scholars in the social sphere, creating a fertile ground for examining how social movements use rhetoric to achieve their goals. Social movements, regardless of their goals, are dynamic and often unwieldy entities for investigation. Let us now turn to a discussion of the discourse of the Free the WM3 movement, focusing on the website that was created out of those who felt justice had been miscarried by the state of Arkansas.

The Rhetoric of the Free the WM3 Movement

The beginning of the Free the WM3 movement began with the smallest bit of information, gleaned from one of the most traditional formats, a newspaper article:

13 For example, to see the nature of rhetorical, poetic or dialectical fiction and how it relates to socio-political roles see Walter Fisher, “Rhetorical Fiction and the Presidency,” Quarterly Journal of Speech 66 (1980): 119-26.


The first mention in *The New York Times* of West Memphis’ triple homicide in the late spring of 1993 was a 135-word clip buried far behind the morning’s headline news: “Three teenagers have been arrested in the slayings of three 8-year-old boys whose bodies were found last month in a drainage ditch. The victims, Christopher Byers, Michael Moore and Steve Edward Branch, disappeared May 5 while riding bicycles in their neighborhood. The next day the authorities discovered their bodies in a ditch in a nearby wooded, undeveloped area known to residents as Robin Hood Park.”

Sheila Nevins, an executive producer at Home Box Office (HBO), read the article and contacted Bruce Sinofsky and Joe Berlinger, documentary filmmakers who had achieved success at the Sundance Film Festival with their first film, *Brother’s Keeper*. Arriving in West Memphis, in June of 1993, the filmmakers initially believed they “were going to make a film about bad guys and their impact on the community.” However, according to Berlinger, that soon changed:

It was in those first interviews, particularly with Baldwin but also with Echols, that Bruce and I both realized that something was definitely not right here. It just felt like this was not a bad guy story anymore, but a wrongful conviction story. These guys were being accused of something that was hard to believe they could do.

After several months of following the trials and interviews with family, friends, and attorneys, *Paradise Lost: The Child Murders at Robin Hood Hills* debuted on HBO. Thousands wrote to the network asking for a follow-up after its premiere. The power of the film is in large part due to the intimate, personal access that the filmmakers had to their subjects, which Berlinger claims could not be duplicated again:

I look at *Paradise Lost* now and think that the film could never be made today. The reality TV craze hadn’t hit, the 24-hour news cycle didn’t exist. The OJ Simpson trial was kind of a watershed moment when that happened. We were in Arkansas prior to those events, and I just think that people weren’t as media savvy as they are now.

In California, after seeing the movie, Burk Sauls, Grove Pashley and Kathy Bakken formed a group called Free the West Memphis Three and built a website, **www.wm3.org**, to accept

---


17 As quoted by Osborn, “The Robbed Innocence of The West Memphis Three.”

18 As quoted by Osborn.
donations and spread information about the case. Celebrities soon sprang into action, with celebrity entertainers Johnny Depp, Eddie Vedder, and Metallica all signing checks and giving on-camera interviews about the case and movement. The first film was soon followed by a sequel, *Paradise Lost: Revelations*, which was clearer in its advocacy than the original. These two films, along with the recently released third installment, *Paradise Lost: Purgatory*, were immensely influential in a variety of ways. As Matt Seitz, a social critic/film reviewer for *Salon.com* explains:

> It’s hard to overstate the importance of the three “Paradise Lost” movies. First and foremost, they’re significant because of the filmmakers’ (and HBO’s) doggedness in tracking one case over nearly two decades, and inspiring a movement that got three innocent men released from prison. But they’re also historical documents that chronicle a period of intense social and technological change, and that show an extended community — including the West Memphis three, their lawyers and supporters, the judges and prosecutors and police investigators, the Arkansas news media — growing older and grayer before your eyes. It’s like a criminal justice version of Michael Apted’s “Up” series.19

Pamela Hobbs, mother of victim Stevie Branch, has also commented on the efforts of the directors and impact of the films: "Joe and Bruce have always kept their word to me. They've been honest. I heard they've been nominated for the Oscar. I hope they win. I really do[…]It has caused the world to come together as one to fight for justice and for that I'm thankful." 20


As Seitz and Hobbs both confirm, the films served as the rhetorical spark, for the Free the WM3 movement. The movement itself has no defined leadership or definable point of inception. Furthermore, the WM3 movement did not progress in any orderly fashion or adhere to any overall structure. It was a multi-headed hydra that engaged authorities and the public in a variety of ways. Nevertheless though, the website should be considered the “home base” of the movement, it was supplemented by sporadic physical protests, including a silent protest at John Fogleman’s press conference to announce his candidacy for state Supreme Court:

More than a dozen protesters, unhappy with the way John Fogleman prosecuted three men for the 1993 murders of three West Memphis 8-year-olds walked out of a news conference Tuesday in which the Crittenden County circuit judge announced his candidacy for the state Supreme Court. The protesters, who took off their shirts to reveal T-shirts that read "Abuse of Power" or "West Memphis Three," silently walked out of the room while Fogleman was discussing his candidacy and reasons for seeking the office[…]Brent Peterson of Little Rock, spokesman for Arkansans Take Action, said the group believes Baldwin, Echols and Misskelley were unfairly prosecuted and blames Fogleman. "We are trying to raise awareness for the West Memphis Three," Peterson said. 21

The overall majority of physical presence in the national public sphere by the movement revolved around benefit concerts or celebrity-driven sponsorship of rallies. 22

In the state of Arkansas, the non-profit group Arkansas Take Action (ATA) engaged in several more “traditional” types of protest, some of which have included:

Screening of Paradise Lost at Market Street Cinema, Little Rock, with Q & A conducted by the panel of Lorri Davis, Capi Peck and Brent Peterson.

Rally and media event on the steps of the AR state capitol with speakers Natalie Maines and Lorri Davis, and delivery of letters and petitions to the governor's office.


Mailing of the DVD and introductory letter to 300 other members of the legal community.

Development of the “Time for Truth” video posted on many web locations and mass media mail-out of the DVD. The video contains segments of the press conference, *Paradise Lost*, and the Larry King Show. (The ATA publicist, at the time, was instrumental in attracting the Larry King Show and a People magazine article.)

ATA member canvas of Hillcrest shopping district merchant event with info/petition tables.

Development of the "Living Petition" video with personal testimonials of support and a choreographed visual performance by ATA members on the AR capitol steps with other segments shot in LA, Denver and Little Rock and posted on various web locations. Edited by Bryan Frazier.

Canvas of NCAA regional basketball tournament (with 6500 Memphis Tiger fans on hand) in the LR River Market district with fliers, petitions, filming of "Living Petition" segments and an airplane banner (designed by ATA) circling overhead.

WM3 Candlelight Vigil and media event in LR’s River Market district with introduction by John Hardin, assistant to US Rep Vic Snyder, info/donation/petition/T-shirt table.

Strategic re-occurring letter and op-ed writing campaign to statewide, West Memphis and Memphis newspapers.

Re-occurring development of media talent relations in Little Rock, Jonesboro and Memphis. These dinner and coffee meetings were instrumental in the writing of several favorable news articles and the production of TV segments, including a 30-minute local ABC piece, a finalist for a Webby award.

Canvas of West Memphis with distribution of information about the new tip line.

Letter-writing campaign to the AR Supreme Court to question their denial of an FOI request by Mara Leveritt (ATA board member and author of Devil's Knot) and their sealing of all files previously open (except one re: jury misconduct) to the public.

Presentation of "48 Hours" and Q & A at the University of Arkansas at Little Rock William H. Bowen School of Law with Lorri, Brent and Blake Hendrix, local counsel for Jason Baldwin.

Presentation of Paradise Lost and Q & A at Hendrix College with Lorri, Brent and John Hardin of ATA.
Lonnie Soury also secured a 48 Hours two-part special in production with interviews of ATA members, plus Lorri and Damien. Lonnie also got articles in Parabola Magazine, the New York Times and on the CNN website.  

To reiterate a major point, ATA was not directly affiliated with the Free the WM3 movement, but it was a reaction to the documentary films and the development of the Free the WM3 website. It is best to think of the ATA leaders them along the lines of Jennifer Earl and Alan Schussman’s concept of “movement entrepreneurs”, who take on-line activism and spread it via offline discourse and activity.  

As previously established, most research on social movements and the Internet has focused on pre-existing movements that have recently adopted on-line tactics. However, to develop an approach to analyze the discourse of the Free the WM3 movement adequately, we must understand the nature and qualities of the website as a social media entity. As stated earlier, the site for the movement, www.wm3.org, constitutes a unique integration of traditional social movement theory and ICT utilization because it is a movement that came to fruition on the Internet first. When examined within this idea in mind, we can see how the Free the WM3 social movement created a new paradigm for how to engage the public, manage social authorities, resist opposition, and woo potential supporters.

**WM3.org the Website**

As rhetoric, the *WM3.org* site website used a plethora of media formats and engaged in a variety of discursive exchanges to create an organic, structured, and self-sustaining international social movement. Therefore, each section brings forward a variety of theoretical issues and

---


applications that have been discussed previously. As a result, it illustrates how ICT can be used effectively by social movements to spread their message and to engage authorities to advocate for a cause. To better understand how these are utilized, it would be advantageous to examine each section individually and elucidate some of the theoretical issues involved. It is part and parcel of the unique quality of the WM3.org website that there are no consistent theoretical themes running through its entirety. Instead, it should best be understood as segmented parts that coalesce into a whole entity. The WM3.org website was designed around nine content sections, in the following order:

1. News & Events
2. The WM3
3. WM3 Blog
4. Photo wall
5. Case Info
6. Store
7. Who We Are
8. How to Help
9. Contact Us

For reference, consult the reproduction of the “Contact Us” page with the left-hand side menu below.

![Fig. 1 Reproduction of “Contact Us” Page](image)

While each one of these sections brings unique applications and new techniques for social movements, each also combines with the rest to create a cohesive and compelling narrative
specifically suited to the online world. My analysis of the site’s discourse is provided below, in terms of how each of these sections served four rhetorical functions of the movement: discourse and identity building, activism and participation, framing the movement and opposition, and movement resources and success.25

Discourse and Identity Building. Every social movement needs a manifesto of some form to define the movement and its goals. For scholars who study social movements, manifestos articulate what movements believe they represent, either their goals or their grievances with the status quo or as oppositional forces. Accordingly, a published manifesto can be analyzed as functioning rhetorically to build the identity of the movement.

In the website, WM3.org, the section “Who We Are” functioned as the manifesto for the Free the WM3 movement and worked to publicize the identity of those who joined the movement. The Free the WM3 movement approached identity building from two distinct, yet intersecting roads, not just from the standpoint of the members, but also from that of the movement itself. So, in the website, the section “The WM3” also helped to establish the identity of the movement and its cause, viz. correcting the miscarriage of justice to the West Memphis Three. Both sections were important for the purpose of identity building for the Free the WM3 movement, but to analyze more specifically how WM3.org manifesto functioned discursively to build the movement’s identity. For reference, see Fig. 2 below.

25 Here, my analysis focuses on the discursive functions of the website prior to the release of the West Memphis Three in August 2011. Since their release, the site has been refashioned to establish a new identity, supporting the exoneration of the West Memphis Three. I discuss this refocus of the website and the ramifications in Chapter 5, in the Judicial Epilogue.
The first paragraph of “Who We Are” built identity by establishing the characteristics of the group and its purpose: “The WM3 Support Fund is a group of private individuals that strongly believe that Damien Echols, Jason Baldwin and Jessie Misskelley are serving prison terms in Arkansas for murders they definitely did not commit.”26 By establishing the identity of the founders as private individuals, this statement discursively constructed the organization outside of political, economic, or governmental spheres. Nonetheless, this statement followed the generic characteristics of a manifesto and used a formal style of presentation, typical of manifestos. Also, by naming the West Memphis Three in this opening sentence, the formal nature of the organization was reinforced for visitors to the site. The use of the strong declarative statement of innocence gave the opening a formal purpose and presented the Free the WM3 organization as motivated by a singular goal.

26 As is apparent from Fig. 2, this first sentence has been changed, since their release. It now reads “The Exonerate the WM3 Support Fund” and refers to their prison terms as “have served.”
The next part of “Who We Are” rhetorically constructed, for site visitors, the situation faced by the West Memphis Three, in terms of the Arkansas legal system and the murder victims. It still reads:

It is our belief that the Arkansas courts abjectly failed to provide justice to these three innocent men when they were given inadequate legal representation and almost no funds to mount an effective legal defense. Justice was also denied to the three brutally murdered victims, Michael Moore, Stevie Branch, and Christopher Byers because their killer or killers are still out there roaming free.

Here, the position of the Free the WM3 movement is clearly defined in opposition to “the Arkansas courts,” rhetorically establishing the court as the primary cause of the wrongful conviction. Likewise, the identity of the West Memphis Three is framed discursively with the phrases, “abjectly failed to provide,” “given inadequate legal representation,” and “no funds to mount an effective defense,” thereby constructing their identities as victims held hostage by a malicious legal system.

Perhaps the most significant aspect of this section was how it worked to humanize the victims. This technique worked rhetorically to foreground the concept of “justice” as a driving force for the organization and appealed to a universal conceptualization of justice as central in importance to the legal system. As a result, the Free the WM3 movement seemed to be an organization of social crusaders, rather than just some people interested in the young men from West Memphis, Arkansas. The Free the WM3 movement defined itself as championing “justice for all” – for the West Memphis Three, the murder victims, and the real perpetrators.

The passage reflects dynamics of ICT influenced communication in that it utilizes the website to legitimize group ideology and motivates supporters to action as well as utilizing what Diani termed “persistent accuracy” to create a unified historical narrative of what occurred.\(^\text{27}\)

This historical narrative if formulated clearly around the injustice as a result of specific failures

\(^{27}\) See Diani, “Social Movement Networks Virtual and Real,” discussed here in Ch. 3, 68-70.
of the Arkansas judicial system to adhere to a fair trial. The manifesto is also a prime example of
the quality of Internet discourse that while non-traditional, still adheres to the traditional goals of
appealing to universal values and hailing the readers as subjects. Furthermore, calling back on
Simons’ “rhetorical requirements”, the manifesto is an attempt at rhetorical leadership by which
the Free the WM3 movement is trying to secure adoption of their product (i.e. freeing the WM3)
by the larger structure. However, the “larger structure” is not the oppositional force or
entrenched hegemonic structure, it is the general public. Therefore the manifesto serves to have
the product adopted by others, who then in turn will engage oppositional forces. In essence, the
WM3.org website has introduced a “middle-man” in regards to rhetorical leadership.

The next section rhetorically presents the group as authoritative, neutral, and
uncorrupted: “This web site is maintained by several individuals, with no involvement in law
enforcement or the justice system, to provide the information necessary for similarly concerned
individuals to reach their own conclusions.”28 By clarifying that there was “no involvement” in
law enforcement or the justice system, this sentence separated the movement from what might be
a tainted system and characterized group members as “average folks.” This was further
reinforced by making clear that the intent of the website was only to “provide information” to
other “concerned citizens” to “reach their own conclusions.” These statements functioned
rhetorically to present the identity of the group as non-radical, reasonable, and simply interested
in learning more. Combined with the invitational tone of the website, the overall non-
aggressiveness of the text assured visitors they would not be challenged but simply urged to pull
off the information highway, come inside the store, and look around the site as an informational
source.

---

28 This sentence remains unchanged.
In the following section of the manifesto, the credibility of the movement was reinforced to rhetorically create an identity for the movement: “This website is a platform for finding information and opinions about the West Memphis Three and what actually happened with regards to the murders, convictions and the legal aftermath.” By defining the website as a “platform,” this sentence rhetorically removed any specifically overt agenda. In essence, the statement limited the agency of the website by simply promoting it as a resource for anyone, supporters or detractors, to get information. This is a prime example of Lupia and Sin’s argument that ICT and social media have altered the forms of internal communication for social movements.  

The internal communication is not a clear directive from “leadership” to the “masses”, but is instead presented in a less hierarchical way that enables more intimate and committed interaction with the movement, as readers may eventually feel that they have come to “their own conclusion” which increases the validity of the movement and the desire for readers to become involved in a moral issue.

However, this must be buttressed by an overall sense of movement legitimacy as seen in the next sentence, where the authority and credibility of the website and by extension, the movement itself, was emphasized: “We believe the information on this website is the best starting point for anyone interested in researching the WM3 case further.” With the next two sentences in the manifesto, there are rhetorical attempts to mitigate against perceptions of bias, by urging readers to do their own research:

Many people consider it the “official” web site, but it is not the only source of information about this case by any means. We encourage everyone to do their own research on this case, reach their own conclusions and discuss these conclusions with others, as we have done.

---

29 Refer to discussion of Lupia and Sin, “Which Public Goods are Endangered?” in Ch. 3, 66.
The section also issues the directive that conclusions should be “discussed with others, as we have done.” Here, by insinuating that once the reader engages the information available, the truth will be self-evident and irrefutable, the founders of the movement impart the confidence they have in the credibility of their information. This perception is reinforced in the next sentence, where Truth itself is invoked: “It is our goal to collect all the facts and distribute this information to the public in an effort to raise awareness and confront this injustice head-on with something profound . . . The Truth.”

The first goal is to “collect all the facts and distribute information,” which rhetorically creates a formality of procedure and process for the organization. Furthermore, it reasserts that the movement plans to “confront this injustice head-on.” What is also interesting is the rhetorical weaponizing of an abstract and amorphous concept, “Truth.” By capitalizing and weaponizing this idea, the discourse creates the means to engage the opposition, rather than limiting itself to a simple website that Internet visitors may stumble across. This is an example of a framing process that is necessary for many social movements to, in the words of Doug McAdam, to “fashion shared understandings of the world and of themselves that legitimate and motivate collective action.”

In essence, the founders of the movement made a clear declaration that although the presence of the movement was online, authorities would be confronted offline as well.

The next section of the manifesto addresses issues of credibility and sincerity. The questions of financial impropriety or use of donations is address to engage and reassure the reader:

---

The *Free* the WM3 Support Fund is a separate entity from the Legal Defense Fund, which is administered by Lorri Davis. (Visit ATA’s freewestmemphis3.org for details.) When we solicit donations and offer a link on WM3.org, your donations will be directly deposited to the defense fund. Proceeds from WM3.org’s Photo Wall go directly to the *defense fund as well.* WM3.org is simply a conduit for defense donations—we never had and will never have access these monies.\(^{31}\)

In separating the support fund from the legal defense fund, a structured formality to the movement is given. Furthermore, the concept of “support” has been divested from financial contributions or legal involvement, which helps to establish rhetorically that the website is a place for alternative action. Furthermore, this illustrates the unique ability of ICT social movements to develop new structures to mobilize professional resources and create new networks to serve as support resources. By linking with a defense fund, a sense of formality is given to the discourse as well as to the organization. A defense fund makes the issue real and credible. Furthermore, by specifically naming Lorri Davis, a name is put to the website, a persuasive technique to give it credibility by assuring readers that the website is “simply a conduit” and not a money-making endeavor.

The final part of the manifesto explains the purpose of merchandizing within the movement. The *Free* the WM3 movement was unique in its heavy use of merchandise;\(^{32}\) therefore, the manifesto explained the merchandizing as not only beneficial, but necessary:

> Proceeds from the sale of our merchandise such as t-shirts and mugs pay for our considerable website expenses, advertising, and very occasional media events. We are confident that through these efforts the truth about Damien, Jason and Jessie’s unjust arrests, trials and convictions, and *17 years and counting* locked up for crimes they didn’t

---

\(^{31}\) The italics have been added to indicate where the wording has changed since the release of the West Memphis Three. “Free” has been replaced with “Exonerate.” Instead of “defense fund as well” the site now states: “WM3 Freedom Fund, which helps pay for Damien, Jason and Jessie’s basic lifestyle needs (food, shelter, health care, education and the like) in order to provide them a financial bridge as they re-enter society as free men, with the expectation each will become self-sufficient and live on their own earnings in the near future as they attain their career goals. The WM#FF Trust is not a non-profit organization. Supporters donations will be split among the three men except for minimal but necessary legal and administrative expenses.”

\(^{32}\) See sample pages of items sold by Zazzle on behalf of the Free the WM3 movement in the Appendix.
commit, will provoke worldwide outrage, and continue to generate the funds necessary for the ongoing investigative and legal efforts that will eventually cause the West Memphis Three to finally be freed and exonerated.\textsuperscript{33}

By explicitly expressing their “confidence” that specific “efforts” would be integral to achieving success, the merchandise is legitimized through rhetoric that places merchandise as more than something to offset costs, it is something that will be a vital tool for supporters to utilize in spreading the message of the injustice. The use of merchandizing, in this case, is a form of an opportunity structure developed by the movement. It serves as an internal opportunity structure by allowing members to embrace the shared ideology of the movement in a type of “officially licensed” manner. It also serves as an external opportunity structure by establishing links for mobilization for members to mobilize with other groups. In totality, the “Who We Are” manifesto (1) makes specific claims about views of the case, (2) defines the innocence of the WM3, (3) seeks justice for the murder victims, (4) avoids demonization of police or prosecutors, and (5) advocates independent investigation.

Activism and Participation. Every social movement must maintain an active and participatory ethos, or credibility, among its members. The Free the WM3 movement showed an appreciation for this dynamic and provided some substantive means by which to encourage activism and participation. While the site does use some traditional, perhaps historically consistent means, it also brings forward some innovative techniques. These new techniques should be of serious consideration for further social movement activists and scholars.

Traditional social movements have been collectives working in physical space and engaging in face-to-face interactions. These moments serve as opportunities for movement members to reaffirm values, norms, and ideals. Historically, too, they have served as

\textsuperscript{33} Again, italics have been used to show where the text has been changed in the current version. Instead of “17 years and counting,” it now reads “18 years.” In the last sentence, “freed and” has been deleted.
opportunities for the movement to be motivated by leaders and each other, as well as to revise their rhetoric and to reevaluate their interactions with oppositional forces. However, the Free the WM3 movement had no established leadership, no clear cut rhetoric, and no substantive plan for engaging the opposition, and the supporters met through the website. These constraints would seem to inhibit the potential for activism and participation and to dictate an early demise for the movement. However, the Free the WM3 movement actually flourished and was supremely successful in this domain, restructuring the very notion of what qualifies as “participation” and “activism.”

Working closely with identity development, the Free the WM3 movement built activism and participation by encouraging members to develop an intimate, supportive, and nurturing relationship with the West Memphis Three. This is a very interesting quality afforded by the website, which allowed members to bridge the distance between themselves and the West Memphis Three. While visiting hours in prison are limited, the website allowed a virtual, 24 hour visitation by members. The more traditional method the site encouraged was in “The WM3” section of the website (refer to Fig. 3 below).

![Fig. 3 Reproduction of “The WM3”](image)

This section is sparse, with only three artistically rendered photos of Baldwin, Echols, and Misskelley. The photos are very humanizing with shading and soft colors, far more inviting
than a prison mug shot, yet more purposeful than a random uploaded photo. The focus is on the faces of the men, superimposed with light red text and patterns that state, “Free The WM3.”

Underneath the photos are individual mailing addresses for each of the men, which might seem to be an uninspired aspect, with little rhetorical value. However, this feature was a fundamentally important part of participation for the Free the WM3 movement. The opportunity to connect with the men directly, in one’s own words or through a gift of support, was an unrestricted, non-hierarchical format that encouraged independence and agency by the members.

Another new technique to promote activism and participation was the “WM3 Blog,” with archives dating back to July 2007. This section has been the most interactive part of the website and has operated both as an information clearinghouse and as a tool to facilitate contact between the WM3 defense team and movement members. As Katie Cole of Gerald, MO, wrote there: “Don’t lose hope! If we work with the legal team and play this right, they’ll be out before you know it!” The WM3 Blog was an inexpensive way to publish information and provided a low-cost framework for members to participate in the movement, helping increase their participation and foster a collective identity.

The issue of participation cost and the ease of movement entry have been addressed in other traditional social movement research. However, once again, the Free the WM3 movement put a different spin on these issues. Photos of a small scale replica of a cell on Arkansas’ Death Row were shown – both exterior and interior views. The Internet is uniquely suited for such a visual display, helping inform members of the reality of the WM3’s living

---

34 Since their release, this note is no longer on the site.

35 Samples of the WM3 Blog are included in the Appendix.

conditions. Photos, easily posted on a website, are a form of low-intensity, issue-based communication. When viewing, not much explanation is needed, and yet it might easily conjure up more than a thousand words. This is a discursive expression of tremendous power.

Another advantage of the blog was it provided the most “real-time” element of the Free the WM3 movement and the most participatory, member-driven part of the site. According to S. Tarrow, this element is vital to maintaining activism as social movements have been seen to be collective challenges by those with a common solidarity (4). The blog format enables members to create their own themes and expressions of solidarity as the members are the ones responsible for keeping the blog updated, maintained, relevant, and interesting. This is an example of Stewart et al. argument for social movements to alter “the view of reality” and self-perception of protestors to encourage strong, ego-driven challenges to oppositional forces. For the Free the WM3 movement, posts in the blog ranged from the most tangential connections to the WM3 all the way to information/biography on Judge David Lasser, when he was appointed to oversee the new trial hearing for the WM3. The blog afforded a unique opportunity for the Free the WM3 movement, which relied heavily on word-of-mouth in the public sphere. As expressed by Cassie Misee, Conway, AR:

I have been praying for you guys since I was in elementary school and rallying for your innocence to even the most skeptical. I’m happy to say my step-mom in Memphis now realizes the truth.

In contrast with more traditional social movements, Free the WM3 members had to be extremely well-versed on the intricacies of the case and able to articulate them in a compelling, powerful way. The blog gave members ideas on how they could do that, as well as the means by which to shape the message, as the quotations below illustrate:

37 Diani, “Social Movement Networks Virtual and Real.”

38 See discussion of Stewart et al. Persuasion and Social Movements, in Ch 3.
I am doing my best to raise awareness and funds. My customers are rounding their order totals up to donate to the defense fund and some of my online customers are doing the same. (Jennifer Henard, Arkansas)

My girlfriend introduced me to your cause, of which I now strongly support. Hope to share a drink with you one day. (Daniel Dyer, California)

I will continue to support the WM3 and relay this story to EVERY person who has never heard it until they are FREE. (Alison Riley, Boston)

The Free the WM3 movement built activism and participation through rhetoric that created and defined the identity of the movement and through a blog that gave unrestricted access to anyone who wished to provide content. The blog is an organic, participatory endeavor with no limitations on discourse and served as a decentralized, mediated and public realm for movement members to share information and communicate. Therefore, the blog served as a virtual meeting hall for members to come together with each other as well as with the “elite,” lawyers involved in the movement. The result was a non-hierarchical structure for the movement, with a great variety of rhetorical efforts, which reified all WM3 members were fighting for the same goal.

The blog is indicative of a tenet of new social movement theory that argues for development processes that allow for autonomy and self-determination, instead of strategies for maximizing influence and power.39 This was exhibited in a variety of ways; however, there are prime examples of how each of these was constructed. First, the unrestricted nature of the blog, along with the online reinforcement for members to explain the case to others, is exhibited in the postings of many members. Activism and participation were increased because members believed that it was okay, in many cases, necessary for them to become speakers for the movement. Second, by having the text remain heavily informal and the responsibility of

---

members to maintain; it became a rhetorical device that was distinctly ‘their own’ separate from every other aspect of the movement.

The blog broke down the limitations and constrictions of internal communication found within traditional social movements. The key conceptual idea that should be taken away from examining this section is that the Free the WM3 movement created what should be thought of as (1) an ideological ownership mentality among its members and (2) an unrestricted participatory ethos. Together, these outcomes proved to be uniquely successful for the movement and allowed for the exchange of internal communication, increased ownership, and a simplification of the goals. Since the members of the Free the WM3 movement did not have direct, face-to-face contact with each other or movement leaders as found in traditional social movements, the blog helped maintain the structural integrity of the movement and promote activism and participation.

_Framing the Movement and Opposition._ As stated earlier, a social movement is an often unwieldy and multi-intersectional entity. It seems to be constantly shifting to engage changing oppositions as well as solidify its identity and motivating members. However, there are still tangible issues to be examined. One of the benefits to examining online social movement is that the discourse is readily available and often codified or saved in the cyberworld for critique.

The Free the WM3 movement framed itself variously, but the most innovative method was the use of the website section “Photowall.” Refer to Fig. 4 below.
This section is comprised of photos submitted by WM3 supporters. With seven rows down and ten rows across, visually, it looks like a quilted mosaic of 1 x 1 photos. There is also the encouragement to “Add your photo now!!” The photos are diverse, reflecting a vast array of personalities, races, attitudes, cultures, and norms, including vacation photos, romantic photos, photos with supporters and their children, webcam photos, Facebook photos, bad hair photos, wedding photos, and old yearbook photos. In short, every conceivable type of photo is present, from the bland and banal to the truly unique. The photowall is semiotic discourse that conceptually constructs and frames “the people” who comprised the movement.40 This type of discourse is a rhetorical expression that tells visitors: “We are normal, like you.”

40 To express values rhetorically in order to resonate with and thereby define “the people” has been considered vital for social movement discourse; see the early essay, by Michael McGee, “In Search of ‘The People’: A Rhetorical Alternative,” Quarterly Journal of Speech 61.3 (1975): 235-49.
The photowall section of the website puts a new twist on the conceptualization of “collectiveness” found in social movements. This is why this section of the website is indicative of new social movement theorist Manuel Castells’ claim that ICT based social movements reshape identities collaboratively around a specific, community-based reality. The photowall is a prime example of Castells’ statement that the Internet allows, “interactive electronic communication networks of self-selected communes.”\footnote{Manuel Castells, \textit{The Internet Galaxy} (Oxford UP, 2001), 402.} While the traditional notion holds that collectiveness requires people to subsume their individuality, or at least lose some of it, to the goals of the movement, supporters of the Free the WM3 movement did not have to abandon individuality. In fact, their individuality is reinforced as one clicks on their photos, each of which reveals a personalized message from the supporter. As a result, they used their individuality as moral justification, asking and answering the question – how could so many “different” people be part of this movement? Cutting through all the physical, social, ethnic, and political differences, the answer must be – because the cause is right and just.

Each message has the name of the supporter and his or her geographical location, which served to establish how widespread the movement had become (see samples in the Appendix). Furthermore, these messages reveal some unique types of framing used by the supporters as they speak of themselves, the West Memphis Three, and the movement in general. The messages reveal that the Free the WM3 movement was not only a “resistance” or “reform” movement that sought justice by engaging authority to overturn a verdict, but also a “protective” movement to provide emotional support, care, and financial stability for the West Memphis Three. A few examples are provided below:

God Bless Damien, Jason and Jessie. You are loved and we will not stop supporting you until you are FREE!! (Bobbie Beeman, Marina del Rey, CA)
On your side since the start. Will stay til the end. (Allison Hull, Brooklyn, NY)

You’ll all be coming home soon – WE PROMISE! (Dave, Brisbane, QLD, Australia)

Help is on the way . . . (Natasha South, Herts, England)

This protective aspect of the movement was tied directly to the ages of the West Memphis Three when they were incarcerated. For those in the Free the WM3 movement, Damien, Jason, and Jessie were not just wrongly incarcerated, they were wrongfully incarcerated as children, as the comments below indicate:

We support your cause and hope one day soon you’ll be able to enjoy the life that was taken from you. (Mandy Roberts, Bridgewater)

I can’t believe that these INNOCENT boys, now men, are still in prison! How can a legal system be so biased and blind? (Corinne Fisher, New York, NY)

Please help us Lord to give these children a new trial. (Craig Connolly, Seattle, WA)

I am appalled!! This is so disgusting & it makes me sick to my stomach. These boys are suffering for no valid reason!! WAKE UP!!!!!! (Cassey Misee and Matt Harvey, Conway, AR)

This section frames the movement as a group trying to protect the West Memphis Three, as well as to redeem them in some sense. The discourse, while informal, specifically frames the three young men as victims who had the most important years of their lives stripped away. The continual reference to them as “children” or “boys” or allusions to their stolen childhoods exemplify the rhetorical technique of establishing the movement as a protector of ultimate innocence. Combined with a general ethos of support, this technique frames the organization as a non-radical entity, one not seeking a complete overhaul of the judicial system, only fighting for the support and protection of children who were victimized by that system.

The website is served as a beacon that drew a diffuse membership into a central location and allowed members direct connection with the people for whom they were fighting. This
particular section, however, continually focused supporters on the plight of the WM3 and reminded them of their humanity, in an effort to prevent supporters from getting lost in the performance of protest or becoming fatigued and forgetting that for which they were fighting. Again, refer to the comments below:

Thanks to everyone who keeps the fight alive. Makes me feel guilty about going on with my BS problems and having to be reminded of this case time and again. (Doug Hoey Las Vegas, NV)

Thinking of all of you ☻ Authority will never admit they are wrong . . . guess we have to show them! Never give up hope! (Kelley Bakley Johnston, Erial, NJ)

These issues coalesce into a framing of the movement, whereby everyone involved is actually smaller than the goal. The tone and tenor is that the movement is almost bigger than the West Memphis Three, akin to a type of religiously inspired resistance with stark differences between good and evil fighting in a material world. As Elin Ryosa, posted:

Truth shall conquer the lies and mistakes from the past. Truth is like a river – build a dam to restrict it and it will build up in power. Soon that dam will break and the river flow freely; that is when Damien, Jason and Jessie will walk free on this earth again.

The photowall section also frames the opposition through member discourse. While the blog and other sections exhibit more neutral discourse, the photowall serves as an opportunity for members to exhibit anger, as well as making judgments about morality, honor, and justice. Supporters characterize the police department, and by extension the Arkansas criminal justice system, as oppositional forces completely devoid of any sense of decency:

The West Memphis 3 deserve not only justice but also severe retribution of their prosecutors and every possible compensation for what was taken from them. (Allen Davis, Virginia Beach, VA)

These men are innocent, bottom line. I know it. You know it, and most importantly . . . the cops know it. (J. Allen Wretched, Auburn, AL)
This new paradigm illustrates how ICTs have made the social barriers more fluid, perhaps even non-existent in many cases. The Free the WM3 movement had tangible, physical entities upon which to direct their emotions: the bodies of Baldwin, Echols, and Misskelly, a far easier task than protesting for something more amorphous as “the environment” or “fair trade.” For 99.99 percent of the Free the WM3 movement, direct engagement of oppositional forces was improbable; however, the website allowed them to engage in a specific type of contentious behavior – anger:

I hope you guys are released and live long, happy, and healthy lives and the people who are responsible for putting you there die of AIDS. Not Magic Johnson bigger and stronger & gets his own talk show AIDS but Tom Hanks in Philadelphia open sores on the face fullblown AIDS. (Rich McGovern, Ridge, NY)

Remember, they WILL NOT get away with this. They (like the rest of us) will have their final judgment day in front of God and will have to answer for their mistakes, lies, and sins! (Samantha Brown, Saint Cloud, FL)

The oppositional force to the movement was framed in unmistakably fierce terms. The discourse was angry, resentful, bitter, and vengeful. The prosecutors and police were not seen as entities that made a mistake in good faith or were overzealous in protecting the victims. Rather, they are framed simply as evil. The benefit of this type of simplistic discourse in a social movement is that if the enemy is evil, then by contrast, those in the movement are good.

The discourse in the photowall also displays a third concept. In combining the framing of the movement and the opposition, the photowall also engaged in universalizing discourse. This type of discourse frames the weapon of the opposition, viz. incarceration, as fallible and arbitrary and provides an internal motivation force. Here, “the people” must maintain a “public good” by resisting a capricious criminal justice system:

So people need to wake up soon, or you might end up on the short end of the stick one of these days. . . Look at the facts! Free the WM3! (Rebecca Waugh, Westover, PA)
If this could happen to Damien Echols, Jason Baldwin, and Jessie Misskelley, Jr., then it can happen to ANYONE . . . (Adam, Bloomington, IL)

The photowall discourse reveals that members of the movement could see this issue as an opportunity structure. Social movements have been understood to be natural generators of social friction, a necessary impetus for movements to modify, shape, and strengthen their identity, especially when resisting a state-sanctioned, dominant ideology.  

Furthermore, the statements by members illustrate what new social theorist Alain Touraine termed “cultural rights”, the effort by social movements to exert agency in an increasingly de-socialized world.  Therefore, the above universalizing discourse frames the Free the WM3 movement as protectors of the proverbial “everyman” and cultural rights to a fair trial without influence from larger political-economic forces. Therefore, for the Free the WM3 movement, this case is not anathema to the criminal justice system; rather, it is the functional aspect of the criminal justice system. In short, the West Memphis Three are not the exception; they are the rule. Furthermore, if there is no resistance, we all run the risk of having the rule applied to us one day.

Movement Resources and Success. As has been established, the Free the WM3 movement was unique in a variety of ways, especially in light of what has been traditionally considered “movement resources.” The movement displayed some traditional rhetorical concepts or techniques, but through the website, it was able to make use of them in new or innovative ways. The three sections that best illustrate these new ways are “Case Info,” “News & Events,” and “How to Help.” As stated previously, the website is an exceptionally intersectional entity; however, there are some aspects that clearly exhibit new directions for social movements.

---


The “Case Info” section of the website is the most “official” of the entire website (see Fig. 5 below).

![Fig. 5 Reproduction of Case Info](image)

It contains a case introduction, press coverage, and links to information about wrongful incarcerations. Furthermore, it contains one of the most vital parts of the Free the WM3 movement, the evidence archive. The extensiveness of this evidentiary archive cannot be adequately conveyed herein. Within this section of the website are PDFs of all police reports, crime scene photos, detective notes, crime lab reports, lab test results, evidence submission forms, witness interviews, statements by the West Memphis Three, and police investigative summaries. All of the reports are cross referenced by the detectives’ names, the relevant victims, case numbers, and relevant members of the West Memphis Three. A subsection of the archives, “Case Discrepancies,” analyzes the evidentiary problems point-by-point, once again cross-referenced by the pertinent West Memphis Three member and victims.44

The “Case Info” section created some serious implications for police, prosecutors, and the Arkansas criminal justice system. First, since everyone has access to the same information, it disrupts the hierarchical and segmented nature of traditional social movements. There are no leaders parceling out information or directions down the food chain. This disruption gives the

---

44 This subsection link is located within the “Evidence Archive.” See [www.wm3.org](http://www.wm3.org).
public the opportunity to investigate for themselves, increasing autonomy and thereby encouraging more investment in the cause. As Teresa Hill, Winter Park, CO, posted, “Damien, Jessie and Jason are innocent and any clear minded, fact seeing, justice revering person would know this. If you have the power to do so, expose this travesty.”

Second, in keeping with the traditional resources management model of social movement theory, the Free the WM3 movement poached “information” and “knowledge” from the authorities in the form of first-person, legally stipulated documentation. These resources were able to be turned on the oppositional forces, in essence using their own ammunition against themselves. More importantly, these informational resources allowed the movement to see specifically where systemic failures occurred, enabling them to focus their energies and labor on the most compelling and productive grievances and ensuring a high return on their emotional, social, and political investment.

Third, for those working in the criminal justice system, the institutional walls were breached, and the game changed. Interaction with oppositional forces revolved around observation and exposure of police and prosecutors. It is far easier for a detective to avoid a television camera or interview than his or her shoddy, incomplete report that will soon find its way online. The gatekeeping and institutional controls that those in the criminal justice system have long enjoyed are on their way out. It is here where William Ogburn’s concept of cultural lag is the most evident.45 ICT and Internet technology has been quickly adopted by social movements while institutional social forces (i.e. government agencies, police) have been slow to adopt the medium in a manner to control their image, argue their position, or engage dissent. Pushing further, the Free the WM3 movement utilized technology that illustrates both the

utopian view as well as a pseudo-dystopian one. The website was clearly a place for a utopian idea that technology, if used correctly, could solve the social problem of a wrongful incarceration. However, while the dystopian view argues that technology disrupts the traditional practice and spaces of communication that nurture democracy, the disruption by the Free the WM3 movement actually reinvigorated the democratic process. Information that was once hidden in the dark by social and institutional barriers is now coming to the light. In addition, the concept of social movements operating in the public sphere is changing, as the medium of cyberspace is facilitating the growth of social activism exponentially. The public sphere no longer involves getting members to a location to protest, just getting them to log on.

The “News & Events” section of the website uses some interesting resources -- namely, heavy inclusion of celebrity support and the humanizing of the West Memphis Three, especially Damien Echols, through his art and poetry.\(^{46}\) Links and contact numbers are posted for upcoming exhibits of Echols’ work in galleries in New York, Los Angeles, and Denver. From Chad E. Patterson, Shreveport, LA, “Long time supporter. I have a piece of art from a fund raiser in LA . . . . It reminds me that life can be taken from you every day so live life to the fullest and be thankful for what you’ve got! Hang in there!” Events in the artistic and cultural community share space with a CNN story on the West Memphis Three and an interview with Jason Baldwin. In the Free the WM3 movement, the involvement of the social elite or celebrities is presented early and promoted heavily. For example, this section has included information and tickets for a comedy benefit show in Los Angeles (cast of Reno 911, Sarah Silverman, Patton Oswalt), an autographed book for a defense fund auction (Ozzy Osborne), and a musical benefit concert (Eddie Vedder, Patti Smith, Aimee Mann, and Natalie Maines).

\(^{46}\) See Fig. 6 below.
As discussed in Chapter Two, the Free the WM3 movement gained momentum via a film, played at several festivals, thereby increasing its exposure to the artistic community and general public. This influence is clearly revealed in the discourse of many Free the WM3 movement members:

Love, thanks and respect to everyone of the support Fund! Keep up the good work. Thanks to Bruce & Joe for their documentaries! (Evelyn Condit, Carbondale, CO)

The HBO documentary is what gave me my first look into this and I was stunned that they could be convicted on absolutely no evidence at all... shame on Arkansas. (Tonya Chase, Corry, PA)

I saw Paradise Lost years ago when it first aired on HBO. By the end of it I sat stunned at how those kids were ever convicted with the bungled evidence they had. I support you wholeheartedly. (Gia Leone, Newton, MS)

Here, resource mobilization operated in an indirect fashion. Instead of direct, contentious engagement of the media by “regular” members of the movement, celebrity-elites were granted
access by the media due to their status, a perfect example of taking advantage of the social status in society.47

Many artists were vocal in their support through interviews, performances, WM3 clothing, donations, and scheduling benefits. Therefore, we see a segment of the movement, albeit removed from the daily, legal machinations of the case, which played an important role as a resource. Yes, they functioned as a tool for engaging the opposition, but their opponent was not the Arkansas criminal justice system, but the lack of awareness and apathy of the public. The celebrity-elites of the Free the WM3 movement maintained a very important and tough to capture resource: attention. As Victoria Joyce, West Hollywood, CA, posted, “I saw Henry Rollins at the Largo in Los Angeles last Friday and his performance was for your benefit. I thank him and I thank you for your dedication to justice.”

On CBS, the award-winning actor Johnny Depp was interviewed for “48 Hours Mystery” and discussed the West Memphis Three case for the entire interview (7/24/2010). His appearance prompted these responses:

Thanks Johnny Depp for your support!! (Grove Pashley, Los Angeles, CA)

I know you’re scared, Damien and I would be too. But know that you aren’t alone even though it may feel like it. I mean Johnny Depp is pulling for you guys that has to say something! (Katie Cole, Gerald, MO)

At the risk of simplifying Depp’s effectiveness, it would not be difficult to imagine a fan watching that interview, immediately Googling the “West Memphis three,” and then talking with friends about the social cause about which they and Johnny Depp are both so passionate. Such interest helped sell T-shirts, too.

Please lend your support: give what you can, rock the t-shirt, tell your friends and spread the word! (Rachel McKenzie, Canyon Lake, TX)

Had seen the case on TV one late night and thought I’d join the support. This is wrong and I hope all three mean will be free! Xo (Kim Tobash)

A new shift is needed in thinking about social movements as more people live their lives via ICTs. If a social movement is to cut through the new media white noise and get eyes to an issue, it will need a face for the cause that draws attention, a famous one.

The “How To Help” section provided nine succinct ways that visitors to the site can take action to help the West Memphis Three.\textsuperscript{48} It is extremely illustrative as it clearly emphasizes the use of new types of media strategies, mobilizing structures and the creation of networks. The site advocates for engagement in three specific areas: (1) with the West Memphis Three directly, (2) with the general public, and (3) through other ICT/new media sites. This section was important to the movement because it defined what the Free the WM3 movement believed to be effective forms of strategic engagement and illustrated a major change inspired by ICT social movements, the elimination of hierarchy and the increase of autonomy and agency by movement members.

This section is designed to promote action, a necessary tool for any social movement. However, with the WM3.org website, the concept of “participation cost” stretches the gamut.\textsuperscript{49} In providing “Easy Ways to Help,” the section is self-explanatory, with concrete actions one can take to become part of the movement, each of which provides specific emotional, tactical, and interactive avenues by which members can step into the public sphere with the most important of tools, confidence. In doing so, the steps also explained the effects and utility of each participatory act for the Free the WM3 movement:

\textsuperscript{48} Refer to this section in the Appendix. It has been changed now to facilitate the “exoneration” movement.

\textsuperscript{49} Participation costs should be understood as economic, social, and temporal barriers to being involved in a social movement. For more, see Bert Klandermans, “Mobilization and Participation: Social-Psychological Expansions of Resource Mobilization Theory,” \textit{American Sociological Review} 49.5 (1984): 583-600.
1. Donate Money ("Directly helping to gather information/evidence")
2. Write to the West Memphis Three ("Contact with the outside world")
3. Educate Yourself To Educate Others ("Ammunition of true supporters is knowledge")
4. Join the Photo Wall ("Let the world know your support")
5. Find Other Supporters ("You’d be surprised how many of us there are")
6. Say It With A Shirt ("When people ask what it means, you can inform them")
7. Make Business Cards ("Business cards are mini-protest signs")
8. Link From Your Website ("Great banners you can choose from")
9. Create An Email Signature Line ("Generates interest with minimal effort")

Furthermore, the above steps were important for the movement because they encouraged supporters to act independently, utilizing their own creativity and agency.50

What is interesting about the Free the WM3 movement that this section especially reveals, is that in the traditional sense the founders of the movement did not really “mobilize” anything. There was no “hacktivism,” no protests at the prison, no calls to flood the Arkansas Department of corrections’ website. Instead, the mobilization was continuous and steady, as water that wears away the edges of a rock. This section of the website worked to mobilize individuals to act independently, not collectively, which seems to be the antithesis of a “social movement.”

However, the Free the WM3 movement conceptualized the idea of movement network in an entirely new way. Individual members were encouraged to act independently and be, in essence, their own individual movement. The most important resource used in this new

50 This is an example of “Movement Entrepreneurs.” For more on this concept, see Jennifer Earl and Alan Schussman, “The New Site of Activism: On-Line Organizations, Movement Entrepreneurs, and the Changing Location of Social Movement Decision Making,” Research in Social Movements, Conflict, and Change 24 (2003): 155-87.
construction was knowledge about the case and the way to transmit that knowledge to others. As the website states clearly, “Ammunition of true supporters is knowledge,” and when a passerby inquires about the T-shirt, “You can inform them.” While issues such as time, money, energy, and media access have always been resources to be managed, the Free the WM3 movement advocates for and utilizes a new resource that is specifically unique to the ICT realm, knowledge. This turn has enabled members of the movement to be autonomous agents, spreading the word of the movement without being limited by structural, social, or hierarchical barriers that have inhibited traditional social movements.

On 4 November 2010, the West Memphis Three were granted a new hearing to review evidence in their case, the first step in a series of events that would eventually secure their release. This new development was the direct result of the Free the WM3 movement. Therefore, the movement, as it was supported out of the WM3.org website, may well serve as a template for how social movements should engage not only a disaffected public but a resistant oppositional force. The Free the WM3 movement was successful in turning around some of the staunchest believers in the guilt of the West Memphis Three. As seen most clearly in John Mark Byers, father of victim Christopher Byers. Throughout the documentary films about the case, Byers was the most vociferous of all in the guilt of the WM3 and his desire to see Echols executed. However, in a 2007 interview, Byers reversed his position: “I didn’t want to see it. I felt like Benedict Arnold. I’m going against everything I believed for 14 years. I want these three men to know I’m here for you. I hated you for years. I believed with all my heart you killed by son –

---

51 A third documentary has been released and aired on HBO, *Paradise Lost 3: Purgatory* (2011); it was directed by Joe Berlinger and Bruce Sinofsky and produced by Joe Berlinger and Jonathan Silerberg.
Eventually, Byers became an outspoken advocate for the West Memphis Three and argued strongly for a new trial to several media outlets, including NBC’s *The Today Show*. “Pamela Hobbs, mother of victim Steve Branch, also stepped forward:

Did I really believe it, no, not 100 percent that they did it. I didn’t believe they were capable enough or smart enough to have committed the crime, cleaned the scene up and be guilty for it. I would love to meet them. I would ask them personally to forgive me . . . if I could assist them to learn how to live in the free world, I’m behind them 100 percent.”

Today, the West Memphis Three are free but not exonerated of the murders of the three 8-year-old boys. The state of Arkansas arranged for a deal that would permit their release if they accepted a guilty plea. It will take many years for the three men to learn how to live again in the free world. Those who advocated for their release have now turned to help them readjust to a non-incarcerated lifestyle. As for the West Memphis Three, they intend to continue to work to clear their names but from outside of prison walls.

---


54 For more information on the plea, see the account in the Judicial Epilogue, Ch. 5.
In October 2011, the computer hacker collective known as “Anonymous” aligned itself with the *Occupy Wall Street* protest by hacking into the database of the International Association of Chief of Police and releasing 600 MB of data via the Internet.\(^1\) The group also revealed 1000 names and passwords from the Boston Police Patrolmen’s Association, as well as 1000 names, addresses, and social security numbers of officers from the Alabama law enforcement system. The hack coincided with the International Day of Action Against Police Brutality.\(^2\) In a video statement made over *Skype*,\(^3\) an “Anonymous” spokesperson commented, “We have no problem targeting police and releasing their information even if it puts them at risk because we want them to experience just a taste of the brutality and misery they serve us on a daily basis.”\(^4\)

This action was not the only foray of the group into digital disruption, or “hacktivism,” as it is commonly known. The group has also threatened to erase the New York Stock Exchange from the Internet. In what was called “Operation Invade Wall Street,” the group justified the plan in a *YouTube* video:

\(^1\) *Occupy Wall Street*, spawned in 2011, is an example of a traditional style of social protest in which participants “occupied” areas near the New York Stock Exchange in response to perceived economic disenfranchisements and economic inequality. The movement spread to several other cities across the United States.


\(^3\) *Skype* is a software application that allows users to make voice calls and video conferencing over the Internet.

\(^4\) Kelley, “Anonymous Releases Private Police Information.”
We will not stand by and watch the system take over our way of life. We the people shall stand against the government's inaction. We the people will not be witnesses to your corruption and ill-gotten profits. We will not labor for your leisure. We will not assist you in any way. This is why we choose to declare our war against the New York Stock Exchange.5

The collective, “Anonymous” illustrates the multi-varied and sometimes morally ambiguous nature of social media, as the group was also instrumental in hacking and publicizing the usernames of “Lolita City,” a massive child pornography ring based in the United Kingdom,6 as well as a live, real time hacking of the website radio show for the much despised Westboro Baptist Church in Topeka, Kansas.7 In an inspiration of meta-hacktivism, Anonymous also created, and made available for download, software that enables users to hijack Twitter’s trending topics to draw more attention to topics that “actually serve a cause.”8 The multi-varied actions exhibited by a group such as Anonymous is the nature of social media. As stated by Change.org founder, Ben Rattay, social media technology “is used for supporting, not supplanting existing strategies, though at the same time it can absolutely spark something that wouldn’t exist.”9

---


8 Twitter is an online social networking and micro-blogging service that enables its users to send and read text-based posts. For more on Anonymous program see Chloe Albanesius, “Anonymous URGE Program Hijacks Twitter’s Trending Topics.” PCMag.com 9 Sept. 2011, 4 Oct. 2011 <http://www.pcmag.com/article2/0,2817,2392702,00.asp#fbid=bK3Qi4NdIBU>.

The instantly communicative nature of social media has also been shown to have a potent effect on the public, as was the case in August 2011, in Veracruz, Mexico. Gilberto Martinez Vera and Maria de Jesus Bravo Pagola, both teachers there, were sentenced to thirty years in prison for sending erroneous Twitter messages claiming that armed gunmen were attacking the local schools. As emergency service numbers collapsed and parents rushed throughout the city to get to the schools, twenty-six car accidents occurred. Veracruz’s interior secretary commented that the audience response to Orson Welles’ 1938 radio broadcast of “The War of the Worlds” “was small compared to what happened here.”

The response of parents and the citizens of Veracruz is understandable considering that Mexican drug cartels commonly use social media to rally supporters, intimidate authorities, and target kidnapping victims. Drug cartels have also developed their own website, “Blog Del Narco,” where videos and online posts by cartel members are made available. Not content with fighting in the streets, the drug cartels have murdered several citizens who have used social media to complain about cartel actions and violence. Known as “Internet Snitches,” the citizens who speak out online are placing their lives in danger.

In September, the risk was made brutally clear by the Zeta cartel, in Nuevo Laredo, when the bodies of a man and woman were found disemboweled and hanging from a highway overpass. A sign was left by the bodies stating, “This is going to happen to all those posting

---


funny things on the Internet. You better pay attention. Signed, Z.”¹³ Just in case the message
was unclear, several months later the Zetas also decapitated a newsroom manager, Marisol
Macias Castaneda, who posted anti-Zeta comments and reported under the name “Laredo Girl,”
on the social networking site “La Nena de Laredo.” Her body was left near a roadside, and her
head was placed on a nearby pillar next to a sign that read:

I’m the Laredo Girl, and I’m here because of my reports, and yours. For those who don’t
want to believe, this happened to me because of my actions, for believing in the army and
the navy. Thank you for your attention, respectfully, Laredo Girl….ZZZZ.¹⁴

Mexico’s Human Rights Commission has reported that since 2000, seventy-four
journalists have been killed in Mexico, eight of these in 2011.¹⁵ As traditional Mexican news
outlets have become victims of killings and kidnappings, and journalists are fleeing every city in
Mexico, social media outlets have become the only reliable way for residents to get information
about drug cartel actions and attacks. The cartels who have long waged war on politicians, the
army, and the police have now found a new area of conflict, the Internet, and they have
discovered the rhetorical power of such discourse. Those who control the message can control
the bodies and society as a whole.

In response, people are using social media to fight back against the cartels. In October
2011, the Zeta cartel kidnapped a member of the hacker collective “Anonymous” from a street
protest. The group immediately went online and threatened to expose cartel secrets, including the
identities and addresses of cartel associates such as corrupt police officers, public officials, taxi

delarbre?s=PM:WORLD>.

¹⁴ Mark Stevenson, “Woman Decapitated In Mexico For Posting On Internet,” HuffingtonPost.com 24 Sept. 2011,

¹⁵ For more, see Committee to Protect Journalists, “27 Journalist Killed Since 1992 – Motive Confirmed,” 4 Sept.
drivers, and journalists. Via a video statement on *YouTube*, an “Anonymous” member commented, “We cannot defend ourselves with a weapon [. . .] but we can do this with their cars, homes, bars, brothels and everything else in their possession. We demand his release. If anything happens to him, you sons of bitches will always remember this upcoming November 5.”

Recognizing the potential of social media technology in crime fighting, law enforcement agencies all over the world have increased their incorporation of social media into their investigations. In August 2011, the New York City police department formed a new “social media unit” to track criminals who use *Facebook*, *Twitter*, and *MySpace* to conspire or brag about their crimes. The Denver city police department has developed a *Twitter* account specifically to take on the local news media, manage citizen expectations, and engage in real-time public relations. Lt. Matt Murray, head of the communications office and DPD’s “chief tweeter” commented, “We feel, and we believe a lot of the public feels, that not all sides of stories are told.” In Canada, after a riot erupted following the Canucks’ loss to the Boston Bruins in the 2011 Stanley Cup finals, Vancouver police used photos and messages uploaded via social media to arrest participants. Illustrating the synergy between the state and its citizens, the police department received 3,500 emails that included 53 videos, 708 photographs, and 1,011 hyperlinks to social media sites such as *Facebook* and *Twitter*.

---


151
In China, government officials have pushed for the police to use social media. As Dean Wilson, reporter for *The Inquirer*, quoted Vice Minister of Public Security, Huang Ming:

Internet users are one of the major groups of our society and they are not satisfied. Public security microblogging should gradually cross the country to each province and city and form the backbone of public security. There should be new platforms to guide public opinion, further pay attention to hot topics people are talking about on the Internet, and use correct, authoritative, transparent news to answer people’s concerns in a timely way, clarify facts and clear up misunderstandings.\(^{20}\)

British Prime Minister David Cameron has advocated for what he explained to Parliament as a “Pre-Crime” effort to block social network access for people known to be “plotting violence, disorder and criminality.” Cameron called on the recent riots in the United Kingdom and reminded the House of Commons that rioters had used social network tools such as BlackBerry Messenger and *Twitter* to coordinate attacks, “Just as police have been using technology more effectively, so have criminals.”\(^{21}\) Cameron also commented, “We are making technology work for us,” referencing the Metropolitan Police effort to upload photos of looters to the department’s *Flickr* account.\(^{22}\) While we may ask how well Parliament might support Cameron’s attitude of a preemptive shutdown of social media, we should have no problem finding out what individual members think because in September 2011, The House of Lords joined the *Twitter* revolution by establishing their account @UKHouseofLords.


\(^{22}\) *BlackBerry Messenger* is an instant messaging app for BlackBerry smartphones. *Flickr* is an online photo application that enables users to upload, share and manage photos files owners.
Social media also have changed the way people interact with each other, and we now have reports on the effects on personal relationships and marriages. For example, a recent study in *Cyber Psychology and Behavior* discusses how Facebook has increasingly become a primary source of evidence in divorce proceedings and custody battles. To facilitate philandering partners, social media sites and mobile device applications have appeared that teach how to cheat successfully, as well as how to cover up and to delete Internet or cellphone evidence of personal indiscretions. Distraught partners in such relationships can log onto Facebook and consult the “Facebook ruins relationships” page. At the same time, couples who rely upon input from others may use a Facebook poll to pick names for their children.

Certainly, social media technology has provided genuine benefits to society, especially in fundraising and in creating social awareness for special causes. Facebook applications allow users to engage in an almost unlimited choice of charities. For example, the popular Facebook game “Farmville” has linked with the World Hunger Relief Campaign to enable virtual farmers to raise donations via play for international food relief. While many of these applications are controlled and monitored by the charities, some take place simply through connection.

---


27 For examples, see “The Top 10 Charity Applications within Facebook,” *Squidoo.com* <http://www.squidoo.com/top10facebookcharityapps>.
In late 2009, Carlos Sanchez, from Connecticut, sent out a Facebook message that he was dying of kidney failure and facing a lengthy wait on the organ donation list. A few hours later he received a message from April Capone, a complete stranger, who agreed to get tested to determine if they were a match. In April of 2010, doctors removed April’s kidney and gave it to Carlos. This Facebook message circumvented the average four year wait that most transplant recipients must endure. The case, as well as several similar ones, prompted the creation of MatchingDonors.com, a private, peer-to-peer website, to match live donors with recipients.

From terrorists and drug traffickers to religious organizations and charities, everyone seems to be using social media in some form and the potential influence of this paradigm-altering technology warrants our attention. In this case study, I focused on examining the use of social media to foster Free the WM3 movement, which resulted in the release of Damien Echols, Jason Baldwin, and Jessie Misskelley. We may well ask the question, based on this study, did the Free the WM3 movement use any new discursive techniques or social movement approaches, or did it simply pour old wine into a new bottle? In answering this question, the most applicable and relevant parts of the previous chapters of this study are summarized and discussed below.

Summary and Discussion

Revisiting Simons’ rhetorical requirements for social movements, the argument that movements “must attract, maintain and mold workers” is somewhat varied when applied to the Free the WM3 movement. Simons says that members must adhere to the movement’s program, show loyalty to leadership, and establish a hierarchy of authority that includes local chapters (383). The Free the WM3 movement did not concern itself with any of these aspects. However,

---

the members of the movement did support Simons’ claim that there must be a collective willingness and capacity to work and to energize mobilization and member satisfaction (383).

Simons’ second argument, that the movement must have its product or program for change adopted by the larger, external social system and seize on sharp discrepancies between conditions and expectations (383) was quite prevalent in the Free the WM3 movement. The movement utilized media and social elites (i.e. celebrities) as an initial adoption mechanism, which in turn transitioned to a further adoption by the general public. Furthermore, the Free the WM3 movement focused its discourse heavily on showing the discrepancy between the wrongful incarceration of the West Memphis Three and the public’s expectations for the criminal justice system to act fairly, not unjustly.

Simons’ third argument, that movements must react to resistance generated by the larger structure and remain vigilant for backlash, harassment, or co-option (383), was largely absent in the Free the WM3 movement. No doubt, the absence of such activity was a result of the movement not engaging directly in overtly contentious activity, such as hacking the prison website or picketing the prosecutor’s home. The focus of the discourse of the Free the WM3 movement was on sharing with the public the truth of the case, rather than on direct engagement with the opposition. Therefore, oppositional forces were limited in their response capabilities. Simons also argues that leadership can only control the core of the movement and exerts little influence over sympathizers and the periphery of the movement (383). However, for this movement, the issue of leadership control actually turned into a positive advantage. The lack of core leadership was a fundamental aspect of the movement’s malleability and creativity, allowing the message to be disseminated through a variety of means.
The Free the WM3 movement also demonstrated a variety of qualities in regard to resource mobilization. The movement clearly utilized the website as a structure to create identity and to engage in collective action. However, “collective action” was amorphously defined in the movement and amounted, in a general sense, to spreading the word about the case and the injustice. Furthermore, participatory resources, as opposed to professional, were the focus of the movement itself. While donations were encouraged, interested reporters were referred to the legal fund, which gives credence to the argument that ICTs help to develop other support networks. The primary type of funding or financial exchange was through the purchasing of T-shirts, which members were encouraged to wear in public, thereby showing their commitment and participation in the cause.

The movement did exhibit what Diani termed a “persistent accuracy,” which reinforces collective identity and creates a unified narrative (“Social Movement Networks” 388). The narrative of the movement was of three innocent boys who were maliciously exploited by a judicial system, simply because they were different and easy targets of scorn. This unified narrative was repeated throughout the several sections of the website, in various manners, and served as the discursive skeleton upon which the movement rested. Supporters were advised to be “knowledgeable” about the case, in order to share it with others or answer questions. In short, knowing the unified narrative was not only an expression of the movement’s collective identity, but also was a tool for engaging the public and spreading the message.

In regards to opportunity structures, the Free the WM3 clearly used the Internet as such. However, Meyer and Staggenborg’s claim that a social movement’s development and tactics are “affected by a shifting constellation of factors exogenous to the movement itself” (1663) is not applicable to this movement. The development of the movement was in response to a particular
incident, and the tactics remained largely unchanged throughout the movement’s existence. Furthermore, the exogenous factors remained largely unchanged as well; the criminal justice system was not forced to adapt to anything but simply maintained the status quo by keeping Echols, Baldwin, and Misskelley incarcerated.

ICTs have been argued to have leveled the playing field in media creation, access, and strategy. The Free the WM3 movement did not rely heavily on media distribution, such as through video clips or news reports, in its online presentation. However, the movement did take advantage of the reduction of cost in creating textual and visual media to expand its ideological reach and attract new members. In regards to the online movement, Dieter Rucht’s strategies of the “quadruple A” were not applied in any substantive manner (“Media Strategies of Protest” 30-56). The one consistent aspect that was used was adaptation, the attempt to present movement goals and actions in a form that would be accepted by the mainstream press. This strategy seems evidenced by the heavy integration of celebrities and social elites into the Free the WM3 movement, which helped ensure greater access to the media and exposure of the cause.

The Free the WM3 movement was different from many ICT influenced social movements in the sense that it did not radically expand the areas of contention by engaging in “hacktivism” or other forms of electronic civil disobedience. Furthermore, the movement was not a catalyst for more conventional forms of physical protest or resistance, which should cause some social movement scholars to consider the efficacy of overt contention in this new medium. When dealing with a relatively static oppositional force, such as the criminal justice system, social movements may be well advised to avoid engaging in a “netwar” with the enemy and instead to focus their resources on expanding membership.
The Free the WM3 movement utilized framing in its discourse but in a more circuitous manner than traditional social movements have done. While the “Who We Are” manifesto was a direct type of framing of the organization for interested parties, the primary engagement of media was through other media entities, not leaders of the movement. The movement relied heavily on celebrity endorsement and gained access to the media through a variety of artistic conduits, such as art shows and benefit concerts. Therefore, engagement was not focused on framing the movement for the media during first contact but instead to create a spectacle to draw attention to the cause, which in turn could possibly interest media to investigate further.

The question of whether the Free the WM3 movement qualifies as “new” may be best considered in terms of five general characteristics posited by new social theory.

1. New social movement theory underscores symbolic action in society as an arena for collective action. The Free the WM3 movement portrayed Baldwin, Echols, and Misskelley in a heavily symbolic manner, namely through discourse that repeatedly referenced their youth when incarcerated, thereby creating a sympathetic narrative of them as akin to political prisoners.

2. New social movement theory stresses processes that promote autonomy and self-determination, instead of strategies for maximizing influence and power. The Free the WM3 movement was not focused on taking power from the opposition or reforming the criminal justice system; rather, the movement focused on just this one case. Furthermore, the movement promoted autonomy and self-determination of individual members, encouraging them to engage society in whatever manner they may choose to do so.

29 Cohen, “Strategy or Identity” 663-716, see also Melucci, Nomads of the Present.

3. New social movement theory emphasizes post-materialist values rather than material resources. The Free the WM3 movement is not based on anything that could be considered material or tangible. It is a movement based on concepts of “truth” and “justice,” ideas which serve as the driving force for the collective action.

4. New social movement theory focuses on constructing collective identities and identifying interest, as opposed to viewing identities as structurally determined. The Free the WM3 movement cut across broad demographic, racial, and socio-economic ranges. Furthermore, the inception of the movement did not spawn from a group that was historically marginalized or structurally determined as a certain “type” of group, which works closely with the new social movement view that grievances and ideology are socially constructed as opposed to deducing them from a structural location. Once again, this movement seems to support this view, as it was not a movement of the “have-nots” but was a movement where the grievance and ideology resulted from a specific social construction, a wrongful incarceration.

5. New social movement theory recognizes the importance of temporary networks for collective action rather than centralized, hierarchically organized forms to successfully mobilize. The Free the WM3 movement is a prime example of this idea, not only in

---


structure but in mobilization. The WM3 movement has no discernible leader or established hierarchy. Rather, the movement focused on mobilization primarily through non-hierarchical means.

Understanding the ideas from new social movement theory, in context, can help to clarify the qualities of the Free the WM3 movement as well. Castells argued that the network society is becoming increasingly influential and is creating a paradigm that enhances the production and spread of knowledge (9). Furthermore, the spaces of mediation in this network society are of utmost importance, for those who control them are the ones who can exercise “cultural power.” The Free the WM3 movement proved to be tremendously successful in light of these two constructions. First, the movement was primarily knowledge driven, as the website served as a static location for the development and production of knowledge, which in turn was spread by individual members. Secondly, the firm grasp supporters of the Free the WM3 movement had on the tools and capabilities of cyberspace enabled them to control this particular space of mediation to engage others, such as celebrities, who were able to exercise “cultural power” for the movement in the offline world.

Touraine argues that social movements should, foremost, be seen as efforts to resist the mechanisms of globalization (“Culture Without Society”143). Furthermore, he claims that culture, which was once a unifying structure, is being diminished by technological advancements. As a result, there are now two worlds, one of instrumentality and one of identity. Taken together, Touraine views social movements as resistance against technological encroachment in the assertion of agency and cultural rights (“On the Frontier” 127).

The Free the WM3 movement has little to contribute in regard to Touraine’s conceptualization of social movements. The movement did not avoid or resist technology but
embraced it. The movement brought together the instrumentality of the technological with the identity of a just cause. The Free the WM3 movement used technology in the creation of a collective culture not as resistance against it. The movement shows that technological advancements can actually help in the assertion of agency, liberation, and the creation of culture, if the technology is put to the appropriate use.

Habermas’ conceptualization of social movements draws a distinct, oppositional line between the politico-economic system and the “lifeworld” that is governed by normative consensus (“Legitimation Crisis” 36). Habermas argues that the politico-economic system is driven by an instrumental logic that place money and power over accountability. Conversely, the lifeworld follows a communicative rationality that requires norms to be justified through discussion and debate. These two diametrically opposed spheres, in Habermas’ view, are in constant conflict (“Legitimation Crisis” 33). This conflict is the social friction that gives rise to social movements, which should be understood as resistive actions to keep the politico-economic system from intruding on and corrupting the lifeworld. Habermas views social movements as fighting against a type of colonization, in order to exert self-identity, livelihood, and accountability. This struggle takes place at the “seam” between the system and the lifeworld (“Legitimation Crisis” 36).

The Free the WM3 movement has some substantive parallels with Habermas’ argument. First, in this case, the “politico-economic” should be considered the equivalent of the criminal justice system. Furthermore, instrumental logic is very much in evidence, as power and control are placed above the accountability of a wrongful conviction. The lifeworld, in the Free the WM3 movement, should be viewed as the freedom to be tried justly, fairly, and without manipulation by the politico-economic sphere. It is a place where self-identity can be exerted
without being considered a Satanist, a place where livelihood should not be restricted, a place where there is accountability for everyone. This lifeworld, as exhibited by the discourse and actions of the movement, was seen as being under attack by corrupt prosecutors and police. The Free the WM3 movement resulted from social friction that clearly took place at the “seam” between the system and the lifeworld. The Free the WM3 movement took place online, in a cyberworld arena utilized by people, the epitome of an intersection between the technological/instrumental and the social/normative.

As a case study, the Free the WM3 movement should be quite instructive for rhetorical and social movement scholars. The Internet has opened up a variety of new paradigms in the presentation, development, and maintenance of a social movement. This movement illustrates a new construction of social movement discourse and action by (1) maintaining traditional forms of discourse, (2) restructuring movement hierarchy, (3) maintaining traditional forms of collective identity, (4) using social media to bridge connection between all support networks, and (5) changing the conceptualization of movement resources. To speak metaphorically, the Free the WM3 movement should be seen as a new recipe that brings together “old” and “new” spices with traditional grievances and discursive constructions that are cooked in a new type of pot, the Internet.

New Rhetorical Techniques of the Free the WM3 Movement

Metaphors do not provide solid theoretical construction to enable further study or the advancement of ideas about online discourse and social movements. Therefore, it is important to note new rhetorical techniques that the Free the WM3 movement utilized to achieve its success. I identify and explain seven below.
Develop Culturally Based, Semi-Permeable Hierarchies

Crucial to the success of this technique was engaging the cultural/social elites. The financial resources and world-wide appeal of elites allow for greater access to media outlets. Elites and general movement members must share information equally, namely in the form of promotion (i.e. T-shirts, likenesses, music, benefits). Elites must place no restrictions on the use of any artistic presentations or interviews that are relevant to the movement.

Informational Beacons

To be effective, a coherent, cohesive presence must be developed and presented online. All public records and available information must be gathered and made available with unrestricted access, that is, no memberships, no sign-ins, and no link restrictions/copy written material. The movement must also establish direct contact with the object, the person of symbolic representation of the movement, allowing members to communicate directly with the object, as well as for the object to respond/engage with movement members.

Directional Rhetoric

Rhetorical efforts must be streamlined with easy to understand goals. Discourse must be positively-framed and reinforce the ultimate goal of the movement. Furthermore, it must include and promote sympathy or concern for the victims rather than demonizing the family or friends of the victims and reinforce the concept of justice. Directional rhetoric must also avoid unclear, amorphous language and clearly define and name the oppositional force/authority to be resisted.

Universalizing Rhetoric

The movement must establish a collective identity around the framing of an arbitrary and vindictive system. Rhetorical efforts must also reinforce the ethos of corruption within the
system. Furthermore, discourse that aims to universalize the cause must establish an investment mentality for members, in which participation is ensuring future protection for themselves, loved ones, or society in general.

*Burden Reversal*

The movement must force the opposition to re-prove its case and to justify all actions, through public/case records, in order to establish legitimacy. Systemic failures of the case must be continually promoted. ICTs must be used as an alternative space of contention, within which authorities may be tried for failures or malfeasance. However, the movement must remain open, welcoming any opposition member/authority who wishes to switch sides to join the movement.

*Weaponized Epistemology*

The movement must be focused on the production and development of knowledge within the movement and with other movement members. Knowledge should be viewed as a resource with specific cultural and strategic qualities. Knowledge must also be viewed as a social currency to be exchanged between members as well as with those outside the movement.

*Micro-Network Dispersal*

Members must view themselves as self-sufficient, utilizing ICTs to gather new information. Members must have the ability, knowledge, and resources to act autonomously. The site must develop members with the view of themselves as individual affiliates of the larger movement and promote creativity in achieving goals. While movement organizers may make suggestions, they must place no limitations on and make no judgments about how individual members choose to engage the general public in promoting the movement.
In examining the new intersections of ICTs and social movements, today’s culture demands movements to be much more media articulate in their promotion. For good or ill, this feature will require the engagement of celebrities to function as a media wing of the movement to engage the general public. While some type of internal hierarchy for the movement is necessary, especially to facilitate the coordinated gathering of information, social movements will need to utilize all aspects of media in order to garner the interest and support of celebrities. Though not eliminating the possibility of a general spokesperson for the movement, that role will be far more limited than what we have seen in traditional social movements.

Physical locations for social movements are still relevant, as well as direct interaction with oppositional forces/authority; however, the use of ICTs creates a global headquarters for social movements that provide new opportunities for engaging opposition/authority, not only in the types of contentious displays, but also in sheer numbers. Social movements have always used framing as a rhetorical tool to motivate members, and ICT social movements will continue to do so as well, albeit with alterations to the technology and avenues available to use. As seen with the Free the WM3 movement, framing can be extremely effective in both directional and universalizing rhetoric.

Study of the Free the WM3 movement has shown the utility of ICTs, especially in shifting the burden of proof to oppositional forces, due to the increased access of public records by the general public as well as to the ability to present such records in a rhetorically compelling way. The use of ICTs allows for the creation of a movement library, vital for recruiting support. For ICT social movements, the access to records and the way in which they are promoted and presented is of utmost importance, so the presentation of information must be honest and without excess influence or overt bias.
ICT social movements will find their most effectiveness via the micro-network dispersal method. However, this method places a high responsibility on each member to be knowledgeable in the issues involving the case. The communication afforded by ICTs helps not only by compiling the information, but also by providing a space where members can continually revisit the case, solidifying their understanding and gaining updated information. Therefore, while this method provides an excellent means to engage the public and eases restrictions on the presentation of the message, each member must be able to stand up to public scrutiny as a representative of the movement. Clearly, ICTs are changing the nature of social movements. Not only scholars should not only take notice, but also new social movements should employ the new paradigms created by the Free the WM3 movement. For today’s social movements, the need to storm the gates is over; one only needs to storm the nearest computer server.

Limitations and Future Research Directions

Any study will have inherent limitations; however, these limitations should not been seen as detrimental to the work at hand, but more as signpost to help guide and refine future research. In a new arena of scholarship, such as the Internet and the subsequent communities and modes of communication that comes with it, though, such considerations become more important. One of the primary limitations with rhetorical criticism is the perceived lack of rigor or, in some sense, its “non-normative” structure. As it is inherently focused on illuminating the structures of power relations and ideologies, it lends itself to an interpretive frame and relies heavily on situational or contextually based norms. Therefore, this study is limited in the sense that it specifically addresses the dynamics, power structures, and linguistic resistance of a very specific community addressing a very specific concern. As a result, this study cannot be generalized to other online communities or organizations. However, this study is of immense value as it has helped to bring
to the surface some very new and innovative discursive techniques of resistance that could be utilized by other social movements to win the battle on the social movement front.

A second limitation of this study is a result of the nascent quality of Internet scholarship and its inherently interdisciplinary nature. Once again, this quality makes Internet research difficult to normalize or to generalize. The primary limitations found in any form of social media are: (1) cannot always identify demographics, political views, or geographical location for every participant, (2) the mediated communication is often shifting and constantly evolving, (3) cannot clearly measure offline participation or activities of many members and (4) cannot clearly measure the true emotional response to or motivation of an online social movement. As a result of the above, the bulk of Internet research has been a quantitative endeavor, focusing on what is happening and how often it occurs. This study, in contrast, has examined a very specific type of goal-oriented discourse to ascertain why the online movement works internally and how it effectively engaged an offline oppositional force.

As the intersection of the Internet, discourse, and social movements is a new field, the opportunities for future research are a limitless vista. However, this study does lay some very substantive groundwork that should encourage investigation for future scholars. First and foremost, rhetorical scholars who seek to engage the unique discursive realm of the Internet should push to increase the integration of macro social theories with linguistic analysis. This is a fertile area for new scholarship, primarily due to increased interconnectedness between the offline and online world. Therefore, there should be more investigation into how successful Internet based social movements might be in engaging issues that are not centered around one specific issue. In essence, scholars should begin to examine the efficacy of Internet based social
movements that are attempting to achieve more amorphous and tougher to quantify goals such as fair trade, democratic freedom, and religious/social equality.

A second area of research that should be explored more deeply is the question of identity politics as it is presented on the Internet, a domain that is inherently malleable and constantly shifting. The questions to be addressed should revolve around how individual social actors not only present their political identity, but how the Internet can help them move into action. In essence, future scholarship should focus on what qualities an online social movement must have in order to be a substantive mobilizing structure. Furthermore, there should be work to define more clearly whether or not the Internet is a legitimate movement resource, or simply a place where traditionally understood movement resources, such as time and information have found a new home.

The third area of future scholarship should focus on the mechanisms of organization for online social movements. At this time, the majority of online social movements have been simply websites that exist as clearinghouses for information, which of course, begs the question of who controls the information and who uses it to engage oppositional forces. There should be more study into whether the Internet, generally a non-hierarchical public sphere, is a valid arena of contention for social movements. This is especially important when considering that many oppositional forces (i.e. governments, dictators, oppressive) do not have a substantive presence online, except for possible covert monitoring. Therefore, future scholarship should examine how truly “organized” online social movements are and how much structure must be maintained in order to engage oppositional forces in a coherent and effective manner. Part and parcel of this idea is the question as to whether “real bodies” will be needed for social movements in the future (i.e. protesters) or will virtual ones, if organized effectively, suffice.
On 19 August 2011, Damien Echols, Jason Baldwin, and Jessie Misskelley were part of a rarely used judicial machination. The state of Arkansas agreed to release the men if they accepted an “Alford plea”, a rare legal maneuver in which the defendant pleads guilty and acknowledges that the prosecution has enough evidence to convict, but can still maintain his or her innocence. Damien Echols echoed the sentiments of many when he commented at a press conference after the hearing, “It’s not perfect. It’s not perfect by any means. But it at least brings closure in some areas.” Unfortunately for the parents of the victims, there is no closure. John Mark Byers, once the most outspoken critic of the WM3, stated, “They’re innocent. They did not kill my son.” In contrast, Steve Branch, father of Stevie Branch was very clear in his perception of the hearing, “Now you can get some movie stars and a little bit of money behind you and you can walk free for killing somebody.” Hard feelings will run as deep as the Mississippi River for some citizens of West Memphis, Arkansas.

While life was largely stagnant for the WM3, for many involved in the case, it has continued to have an effect in their lives. Former prosecutor John Fogleman is currently a judge in the Second Circuit of the Arkansas Circuit Courts. He ran for a vacated seat on the Arkansas Supreme Court, in 2010, and lost the primary election, with 42.48% of the vote. Former Judge


35 As quoted by Gray, “West Memphis Three Freed After Plea Deal.”

36 As quoted by Gray.

David Burnett is now an Arkansas State Senator, winning his seat in 2010, 38 and Chief Inspector Gary Gitchell is now head of security for the Shelby County School System. 39 Although, defense attorneys Val Price and Dan Stidham still practice law in Arkansas, many other witnesses and participants have faded into obscurity, some with clearer consciences than others.

While one might assume that the release of the West Memphis Three has put an end to the movement, it actually continues unabated. *Paradise Lost 3: Purgatory*, which was in the middle of final edits in August of 2011, premiered on HBO in January 2012. It has been named best documentary by the National Board of Review, was nominated for best documentary by the Director’s Guild of America, and is currently nominated for an Oscar for best documentary. 40 Also, Peter Jackson, Oscar winning director of *The Lord of the Rings* trilogy was an executive producer of the documentary *West of Memphis* that was selected to premiere at the Sundance film festival in 2012. Although the documentary trailer opens with a voiceover proclaiming that “Nothing ever happens in West Memphis,” something did in May of 1993, and it continues to reverberate.

The WM3 movement continues to get support, although its goals have shifted. Members of the movement are now focused on exoneration of the WM3. The mantra has changed from “Free the West Memphis Three” to “Exonerate the West Memphis Three,” as explained by Capi Peck, an Arkansas member of the movement, “I think that the prosecution and the state hoped


that this plea bargain might make us go away but really until they’re exonerated we’ll be here, we’ll be fighting. Baby, we got a new mission. We are in the pardon mode.”

This sentiment has been echoed on www.wm3.org, which has changed its organization whereby the “Legal Defense Fund” is now a “Freedom Fund,” focused on reintegrating the West Memphis Three back into society with “basic lifestyle needs” (food, shelter, education and healthcare). Furthermore, the name has changed to the “Exonerate The West Memphis Three Support Fund.” The style, navigation, and sections of the website have remained the same, but the “News & Events” section contains far more positive information, and the “Photowall” now has words of joy, relief, and thanks. The “Evidence archive” still exists, and the blog is still very active, passing on information about where the West Memphis Three are travelling, concerts, television interviews, and celebrations. The online store has new Paradise Lost 3: Purgatory T-shirts, T-shirts with the WM3 mug shots stamped over with the word “Free” and other memorabilia now proclaiming the men as “The West Memphis Free.”

The movement is clearly in a transitional phase, a position that presents great opportunities while being simultaneously fraught with problems. It is here where the WM3 movement can become a seminal, iconic online movement or fail in their final task. While success is an enormous motivator, the question of member fatigue could eventually play a role in their demise. Although the influence of celebrity and cultural elites were of great advantage, the possible move of these individuals onto other social issues could prove detrimental. Also, though the state and prosecutors agreed to the Alford plea, the oppositional forces could become more hard-lined in their resistance to admit mistakes in the case, thereby denying the movement its final goal.

Now that the men are released, the symbolic nature of their incarcerated bodies is no longer as strong a motivating force as before. Working closely with this, the courthouse, jail and region of West Memphis, which were primary places for online movement members to protest physically, no longer serve the same semiotic function. Also, the organizational structure of the movement was efficient when the goal was focused on something physical and tangible, removing the three men from behind bars. Now, with the more delicate and intricate judicial machination of achieving “exoneration” or a “pardon,” the movement may have to be taken over by more legal experts, thereby creating a more hierarchical organizational structure that becomes less accessible to members.

Lastly, the question of resources is an issue in continuing the movement. The use of the website allowed for a massively complete compilation of information and evidence that helped to free the men; however, is there any more information to gather? Any more police reports to be seen? In order for the movement to succeed more resources will need to be discovered to encourage supporters to continue, or else the mobilization well will run dry. These are issues about which scholars of social movement theory, rhetoric, and the Internet would do well be vigilant.

Despite the possible future hurdles, the Free the WM3 online movement truly reshaped the nature of social protest in this age. Through their use of computer-mediated discourse and Internet based mobilization, identity presentation, and organization, the movement created a new paradigm for the future. The movement created a storm of resistance through a variety of intersectional techniques that were truly fascinating to watch in operation, but it is inside the eye of the storm where it is most calm. In there, every day, were Damien Echols, Jason Baldwin, and Jessie Misskelley.
Jessie Misskelley is now engaged to his high school girlfriend and has enrolled in community college to become an auto mechanic.

Jason Baldwin has moved to Seattle. He has plans on enrolling in college and going to law school to help the wrongfully convicted. He currently works for a construction company and is learning how to drive.

Damien Echols lives with his wife in New York. He continues to write poetry and short stories. He is looking to establish a career in writing and visual arts. He has no intentions of returning to Arkansas.
BIBLIOGRAPHY


APPENDIX

EXCERPTS FROM THE WEST MEMPHIS THREE WEBSITE
The VMI3 Freedom Fund is a legal trust fund that was created to pay for Damien, Jason, and Jesse's basic lifestyle needs (food, shelter, healthcare, education and the like) in order to provide them a financial bridge as they re-enter society as free men, with the expectation each will become self-sufficient and live on their own earnings in the near future as they attain their career goals.

The VMI3FF Trust is not a non-profit organization. Supporter donations will be split among the three men except for minimal but necessary legal and administrative expenses.

Checks or money orders may be sent to this address:

VMI3 Freedom Fund
PO Box 22
Sun Valley, CA 91335-0022

Click here to donate with PayPal:

Add Your Photo to the VMI3 Supporter PhotoWall!
HOW TO HELP

September 2011

Dear Friends & Supporters:

For fifteen years, the focus of wm3.org was raising awareness and funds for testing and investigation to prove Damien, Jason and Jessie’s innocence. Now that they are free men, our goal is to now channel supporter donations into an account that will first provide them with basic necessities, living expenses, and tuition with the goal of finding the career path that helps them lead the happy and productive lives they were cruelly denied for 15 years.

For the time being, supporters may send letters or donations to the addresses listed in Damien, Jason, and Jessie’s sections in The WM3 section.

The trust fund has not been finalized but we are working hard to make it happen. Keep checking wm3.org for updates — we’ll post the trust account information as soon as we possibly can!

10 ways to support The West Memphis Three @ wm3.org

1) Donate Money To The Defense Fund

This is easily the most important way to help; unfortunately it is also the most difficult for some. The important thing to remember is no amount is too small! With the savvy technical advances of PayPal, you can send any amount via your credit card, debit card, or even your checking account. Think about the two bucks a day you spend on coffee; make a pledge to give up one fast-food meal a week. Every time you donate, you are directly helping to gather the information and evidence that will eventually free Damien, Jason and Jessie.

2) Write To The West Memphis Three

Take some time out to write each of the WM3 -- the direct impact you will make is immeasurable. Most of us have never been in jail, let alone a maximum security prison so you can only imagine how Damien, Jason and Jessie look forward to every contact they have with the outside world. Tell them where you’re from. Print pics of the view from your apartment onto standard sheets of paper. Be creative. Your letters needn’t be too heavy or case-related, they also enjoy hearing about your life and circumstances. If you don’t get a timely response, be advised they get LOTS of mail!
3) Educate Yourself In Order To Educate Others

This case is immense, and the main ammunition of true supporters is knowledge. Familiarize yourself with the case by reading Blood of Innocents and Devil's Knot; take advantage of the huge document/evidence archive available here. Watch Paradise Lost and Paradise Lost: Revelations, read courtroom transcripts. Stay focused and help turn the tide from rumor and fear to facts and knowledge, and eventually, freedom.

4) Say It With A Shirt

Get yourself a WM3 tee shirt and wear it, especially to public events! When people ask you what it means, you can inform them about the injustice of this case. There are also WM3 dog tags and POW bracelets to remember them every day until they are free. If you're looking for something different -- larger sizes, shirts for kids, hats, and more -- visit Alex's CafePress WM3 Store, where proceeds benefit the commissary funds. Fill your pockets with business cards in case someone wants to know where they can learn more about The West Memphis Three.

5) Find Other Supporters

You'd be surprised how many of us there are, not just in the U.S.A. but internationally! If you're new to the case, it's important that you find others to talk to and learn from. See the Contact page for links to discussion groups, bulletin boards and chat rooms dedicated to the WM3. Find us. We're waiting.

6) Add To The Great Postcard Project

Find a postcard, preferably with a picture of your hometown on it. Write "Free the West Memphis Three" on the back and sign it with your name and address, just as you would a petition. Send your postcard to: Free the WM3 Support Fund, 1626 N Wilcox PMB #423, Los Angeles CA 90028. When your card is collected, it will be added to our already enormous postcard banner. Its last unveiling at the Arkansas State Supreme Court in Little Rock was as long as the building itself!
7) Make Business Cards

Business cards are mini-protest signs. Most word processing programs have templates built into the software. Pre-scored cardstock and a good font go a long way. Once you fill your pockets, leave them anywhere people might be interested! How about throwing stacks on the tables at your favorite bar or coffee house? Visit the library—leave a few bookmarks in selected books of your favorite genre. Here are some cards you can save and use, or just get an idea of what is out there: Kevin's cards, Scary's card designs and this one created by David A.

8) Make Flyers

Like a business card, only easier to read! Find flyers to download here, or make your own. Become familiar with your city's laws on distributing and posting flyers. Play by the rules and be respectful of others' property!

9) Link From Your Website

If you've got a website or a discussion board, put up a direct link between your website and wm3.org. Here are some great banners, including independent supporter banners that are free to use. CLICK THE LINK BELOW TO GO TO WM3.ORG AND COPY AND PASTE THE BANNERS OF YOUR CHOICE.


10) Create An Email Signature Line

Adding a sig line at the bottom of your email with a link to WM3.org generates interest with minimal effort. "Free the West Memphis Three!" and/or "Know the Truth: www.wm3.org" are great examples to perhaps entice your friends and associates to familiarize themselves with the truth about this case.
Exonerate the WM3 Official Blog, Excerpts

Pl3 Director Joe Berlinger Talks About "Unnecessary Friction" w/ 'West Of Memphis' Filmmakers

By Todd Goldstein

For almost 20 years, documentarian Joe Berlinger (along with Bruce Sinofsky) has chronicled the complicated history of the West Memphis Three, a trio of Arkansas teenagers who were found guilty of a triple homicide despite questions about evidence. His first film about the trial, "Paradise Lost," was released in 1996; Part 2, "Revolutions" followed in 2000, and Part 3, "Testament," just received a nomination for Best Documentary at this year's Academy Awards. Berlinger never expected to be the only filmmaker or neo-noir storyteller pursuing the story, and in the last two years, a couple of high-profile projects were initiated about the trial, including the documentary, "West of Memphis," produced by Peter Jackson and Frank Walsh and directed by Amy Berg, and an adaptation of the book, "Devil's Knot," an account of the crime written by Mary Littleton with Aaron Moser and set to direct and Jesse Willingham to star.

The announcement of these compelling projects (particular Berg's documentary) has stirred its own share of controversy, especially since, as Berlinger acknowledged, they experienced some friction as he and Berg were trying to complete their films. But in this exclusive interview with The Playlist at Sundance, where he's wrestling the latest effort (the Paul Sinha doc, "Under African Skies"), Berlinger revealed his feelings about these other films, specified what caused problems during production, and professed what he hopes will come out of all these competing efforts to document the case.

Read the full story at indiewire.

Colin Firth to Star in West Memphis 3 Movie 'Devil's Knot' 2013

By Joshua L. Weinstein at TheVine

Wed Feb 6, 2013 at 4:05pm EST

Colin Firth has signed on to star as Ron Lee, the private investigator whose detective work helped put three men who had been convicted of murder released from prison in Arkansas, the producers of the "Devil's Knot" told TheVine Wednesday.

"It's really the missing part of this story," producer Elizabeth Gordon said.

The West Memphis Three are Damien Echols, Jason Baldwin and Jessie Misskelley, Jr., who were convicted of killing three 8-year-old boys in West Memphis, Ark., in 1993. Their guilt has been questioned ever since, with filmmakers taking up the case in a series of documentaries.
Also read: Out of Prison, West Memphis 3 Ex-Cop Seeks Justice:

"The Devil's Knot" will take a dramatized approach to the case, which shot back into headlines in August, when a judge ordered the West Memphis Three freed.

The case is based largely on evidence that led to their wrongful conviction for the murder of three children in 1993. The producer, however, is not about how they got out of prison, producer Clark Peterson told TheWrap. "It's about how they got in."

Read the full story at TheWrap.com

Posted at 02:58 PM in Books, Current Affairs, Film, Legal News, Music, Religion, Science, Television, Web/Teens, Weblogs | Permalink | Comments (0) | TrackBack (0) | Technical Tips | Recent Stories | Damien Echols, Devil's Knot, Fall convention, Pam Hobbs, Jason Baldwin, Jason Melakoski, Joe Berlinger, Mark Leonard, Pamela Lloyd, Peter Jackson, Perricone, WM3

March 27, 2013

Pam Hobbs on #WM3, Her Ex, and Meeting Damien Echols

From MyWestMemphis.com

West Memphis, Ark. - Pam Hobbs tries to stay busy, which helps her avoid mentally agonizing over whether the man she once loved as a husband could have been capable of committing the unspeakable crime that torn her world asunder for 19 years.

"I'm not letting that thought defeat me. However, I'm scared, I'm fearful...sometimes quite sickened. I might have overlooked something...I really can't explain my emotions with that. I'm just reacting to the feeling, right now and praying that it's not true."

Yet with the emergence of three potential new witnesses allegedly implicating Hobbs co-defendant Terry on the task force in the brutal 1993 killings of these West Memphis boys, including his own stepson Stevie Branch, Pam Hobbs has found herself again reliving the unspeakable. This includes looking back on her often stormy relationship with her former husband and what she now sees as his strange behavior before and after their son's horrific murder. A stunned marriage she reflects is often found Hobbs and her husband at odds over his treatment of their children.

Continue reading Pam Hobbs on #WM3, Her Ex, and Meeting Damien Echols »

Posted at 03:35 PM in Books, Current Affairs, Film, Legal News, Music, Religion, Science, Television, Web/Teens, Weblogs | Permalink | Comments (0) | TrackBack (0) | Technical Tips | Recent Stories | Damien Echols, Devil's Knot, Fall convention, Pam Hobbs, Jason Baldwin, Jason Melakoski, Joe Berlinger, Mark Leonard, Pamela Lloyd, Peter Jackson, Perricone, WM3

May 2012

Echols, Baldwin attend #WM3 documentary premiere in Nashville
NASHVILLE, TN - (ABC-15) - A new documentary based on the West Memphis Three premiered in Nashville Thursday night.

Danny and his wife, Lori, are producers of "West of Memphis." 

"This is our project, our movie," said Elie. "We're just happy we're seeing it."

The film had its world premiere in the Sundance Film Festival in Utah last week.

The documentary reveals new evidence discovered by defense attorneys that points to another suspect to Tony Holcomb, Pam Holcomb's ex-husband.

"The context in my heart with my feeling that Danny, Jason and Ace did not murder my son," said Pam Holcomb.

Read the full story and see the video at "abc15.com".

Posted at 12:24 PM in Blog: Current Affairs, Film, Legal News, Music, Religion, Science, Technology, WebTalk, Writing | Permalink | Comments (4) | TrackBack (0)

Technorati Tags: Joe Berlinger, Damien Echols, Jason Baldwin, Jason Petrie, the West Memphis Three, Tony Holcomb, Pam Holcomb, Barry Scheck, Peter Neufeld, Paradise Lost, Paradise Lost 3

02/23/2012

Joe Berlinger on his PARADISE LOST Oscar nomination

"Documentary filmmaker Joe Berlinger (CRUEL, 20,000 SECONDS OF MONSTER) woke up in Park City this morning to the news his film PARADISE LOST: Purgatory got an Oscar nomination. Berlinger stopped by the Sundance Channel HQ to talk about the honor. In the twenty years he spent documenting the West Memphis Three, few others are as familiar with the story. The West Memphis Three were three teenagers convicted of murdering three young children back in 1994. Berlinger's trilogy of films followed the young men's trials, appeals and eventual release. Many people credit Berlinger's film with playing a role in securing the men's release after 18 years in prison."

via "sundancechannel.com"

Posted at 12:37 AM | Permalink | Comments (4) | TrackBack (0)

02/24/2012

Paradise Lost 3 Nominated for Academy Award, Documentary Feature -swmg
Damien Echols discusses life "West of Memphis" #wm3

By Barbara Fe

Dramatic- Damien Echols was just a teenager when he and his two friends were tried and convicted of the murder of three young boys in West Memphis, Arkansas in 1993, a case that became known as the West Memphis Three.

Echols, along with fellow teens Jason Baldwin and Jessie Misskelley, are thought by some to be innocent of the crime and over the years, several documentaries have been made about them. Support from "Lord of the Rings" director Peter Jackson and other celebrities has helped raise awareness of their case.

Echols, Baldwin and Misskelley were released from prison last August in a legal maneuver known as an "Alford plea," whereby they were found guilty in their own trial by setting aside the case. After a new trial, they were found guilty of murder on June 18.

Now their case is the subject of a documentary, "West of Memphis," produced by Jackson, his wife Fran Walsh, along with Echols and his wife, Lori Davis. The movie tells the story of their case, interviews them in jail and tracks them after leaving prison.

Read the full story here.

Posted at 08/22/2012 08:46PM in Movies, Current Affairs, Film, Legal News, Music, Religion, Science, Television, Web/Tech, Weblogs | Permalink | Comments (0) | TrackBack (0)
'West of Memphis' Filmmakers Accuse Stepfather of Murder — Would Welcome a Lawsuit

By Steve Pond at TheWrap

At a news conference on Saturday, the filmmakers and legal team behind "West of Memphis" made it clear that they'll be delighted to be sued by Tony Holms, the man they strongly suggest is responsible for the triple murder for which three young men spent nearly 20 years in prison.

"Let him sue us if he wants," said Maneke Rocheus, an attorney who led the legal battle of Damien Echols, Jason Baldwin and Jessie Misskelley, the "West Memphis Three," to regain their freedom. Holms has said before and lost. But the filmmakers go on with a list almost mirroring a new lawsuit: implicating him in the murder of his stepson and two eight-year-old playmates in 1993.

"Things worked out very well for us when he sued Natalie Malinov," said Rocheus with a smile.

Read the full story here.

Posted at 07:49 PM in Books, Current Affairs, Film, Legal News, Music, Religion, Science, Television, Video/Tech, Weblogs | Permalink | Comments (0) | TrackBack (0) | Technical Tags: [Bono Stills], [Damien Echols], [Drew's Knot], [latest confession], [Tom Wall], [Jason Baldwin], [Jessie Misskelley], [Jim Pichler], [Mark Lanzillotta], [Chad Lay], [Peter Jackson], [Parables], WM3 | Favorite

04/13/2013

EW.com: West of Memphis cast Q&A #wm3

Click image to see exclusive new video interviews with Peter, Amy, Damien and Lori.

SUNDANCE VIDEOS

posted at 05:40 PM in Books, Current Affairs, Film, Legal News, Music, Religion, Science, Television, Video/Tech, Weblogs | Permalink | Comments (0) | TrackBack (0) | Favorite

Defense team raises new evidence in #WM3 case
Sundance 2012: Tears and Anger as Peter Jackson's 'West of Memphis' Premieres

Damién Echols, Pam Hobbins and John Mark Byers attend the first screening of Amy Berg's documentary about the West Memphis 3 case.

The producers of West of Memphis, Amy Berg, a new documentary about the controversial Arkansas case of the West Memphis 3, brought a full Sundance audience to the MARC Theatre Friday afternoon. Jackson and with Fran Walsh, who produced the project, were on hand to introduce it, and several of the people involved in the case and the 1993 murders were there, as well. Victims' parents, John Mark Byers and Pam Hobbins were in the theater, as were Damién Echols and his wife Lorri Davis, who produced the film with Jackson and Walsh.

Several of Echols' lawyers were in attendance as well as a pair of juvenile legal defense workers who helped his case.

Full story at HollywoodReporter.com

'West Of Memphis' Offers New Evidence In #WM3 Saga

Peter Jackson-produced documentary, premiering Friday at Sundance, contains new info about the murders.

By Judie Hayett, with reporting by Ashwini Walawalkar.

PARK CITY, Utah — The Peter Jackson-produced documentary "West of Memphis" premieres at the Sundance Film Festival on Friday, January 20, chronicling the conviction, imprisonment and eventual release of West Memphis Three defendants Damien Echols, Jason Baldwin and Jessie Misskelley, who were convicted in 1994 of brutally murdering three young boys in Arkansas, despite overwhelming evidence of innocence to believe otherwise.

Though Baldwin and Misskelley were released from prison in August, they have still not been exonerated for the murder. "West of Memphis" aims to present new revelations about their innocence and another man's role in the crime, and as such, the documentary is something of an ever-evolving work, with Jackson, who has just shot and added to the documentary in the last week.

"Some witnesses came forward a very short time ago," Jackson told MTV News about the new revelations. "We're just getting into that interview with two young men into the murder, in time for the screenings today. It's some fairly serious eyewitness statements that I think we're going to hopefully push the resolution of the case a little bit further."

Full story at MTV.com.
New sworn statements implicate Terry Hobbs in #WM3 case

By Beth Wynn

Attorneys for former West Memphis Three death row inmate Damien Echols made headlines last year when they got him freed. Now they're fighting to clear his name.

The defense team, led by attorney Stephen Braga, announced Friday they have found new witnesses who point to Terry Hobbs as the real killer of three West Memphis boys. The witnesses, who Braga insists passed polygraph tests, claim Hobbs' nephew, Michael Hobbs Jr., told them "my uncle Terry murdered those three little boys."

Terry Hobbs, stepfather of victim Stevie Branch, did not return calls Friday. He has denied having anything to do with the boys' murders, and police have never considered him a suspect.

Read the full story here.

Posted at 07:33 AM in Books, Current Affairs, Film, Local News, Music, Religion, Science, Television, Web/Tech, Writing | Permalink | Comments (0) | TrackBack (0)

Recent Posts by Steve Ryberg, Damien Echols, Damien Echols, Scotty Bease, Steve Ryberg, Damien Echols, Jason Mott, Bob Ewing, Damien Echols, Steve Ryberg, Peter Jackson, Damien Echols

Damien Echols, Mark Byers & Pam Hobbs at Sundance #wm3

(AP Photo/Chris Pizzello)

Damien Echols, center, a producer of the film "West of Memphis," speaks with Pam Hobbs, left, and Mark Byers at the premiere of the documentary film at the 2012 Sundance Film Festival in Park City, Utah, Friday. Echols spent 18 years on death row in Arkansas after being convicted, along with Jason Baldwin and Jessie Misskelley Jr., of the murders of three 8-year-old boys including Bease' son Christopher and Hobbs' son, Terry.

In August 2011 the three were released from prison after existing a plea that allowed them to maintain their innocence, while acknowledging that prosecutors had enough evidence to convict them.

Posted at 07:37 AM in Books, Current Affairs, Film, Local News, Music, Religion, Science, Television, Web/Tech, Writing | Permalink | Comments (0) | TrackBack (0)

Recent Posts by Steve Ryberg, Damien Echols, Damien Echols, Scotty Bease, Steve Ryberg, Damien Echols, Jason Mott, Bob Ewing, Damien Echols, Steve Ryberg, Peter Jackson, Damien Echols

Sundance Review: "West of Memphis" | Fourth Row Center: Film Writings by Jason Bailey

But at the end of the day, the picture is too small on footage we've already seen and things we already have. The second film in the multiplicity always suffers in comparison (albeit the audience of bloggers). It's like seeing a story we weren't acquainted with, "West of Memphis" would be a real treat on it's own.
West of Memphis: Sundance Film Review - The Hollywood Reporter

PANAMA CITY, FL (Feb. 15, 2012) - In the poetic proselytizing of a film's final act, the three main characters in West of Memphis are all delivered to the mercy of a vengeful God. After years of persecution and suffering, they are finally released from the clutches of the law. The film is a powerful testament to the resilience of the human spirit.

The film follows the story of three boys, Escobar, Saffo, and Testa, who were wrongfully convicted and spent 18 years in prison for a murder they did not commit. The boys were only 15 years old when they were arrested, and their cases were based on false testimony and fabricated evidence. The film is a poignant reminder of the importance of due process and the need for a fair and unbiased justice system.

The film is a true story, based on the lives of the boys and their families. It is a powerful and moving film that will leave audiences in awe of the human spirit and the resilience of the human will.

"My Uncle Terry Murdered the Three Little Boys" in West Memphis

It is the "Hobbs Family Secret" According to nephew

PRESS RELEASE

(Marion, Arkansas - June 28, 2012) Terry Hobbs' nephew, Michael Hobbs Jr., allegedly told his wife, "My uncle Terry murdered those three little boys," according to declarations under penalty of perjury recently given to Marion Police's defense team. The three new witnesses were paragraphed about what they stated: Michael Hobbs, Jr. told them.

"One day, Michael picked us up in his truck. He was very quiet and somber. Michael then said to us, 'You are not going to believe what my dad told me today. My Uncle Terry murdered the three little boys.' According to Michael, he described the 'Hobbs Family Secret' and he added on to keep it a secret and not tell anyone."

Another witness stated: "One night last winter, Michael and I were playing golf in his backyard when the third witness told us about the West Memphis Three case which had been in the news. Michael responded by saying, 'My uncle killed three kids in West Memphis. Michael was dead serious when he said this.'

The three little boys referenced in the declarations were found battered and burned in West Memphis, Arkansas in 1989. DNA evidence collected in Terry Hobbs, stepfather of victim Darin Branch, was later determined to be excluded in the analysis of the DNA evidence. Three new witnesses have also provided sworn statements that they saw Terry Hobbs with the three children on the day of the murders. Immediately after, they disappeared. Terry Hobbs has maintained his innocence since the boys were murdered.

Commenting on "My Uncle Terry Murdered the Three Little Boys" in West Memphis case:

""West of Memphis" comes to Sundance Trailblazing Controversy, Advocacy -- and a Mysterious New Interview | Filmmakers, Film Industry, Film Festivals, Awards & Movie Reviews | Indiewire

One of this year's most compelling post-Sundance Film Festival interviews of the year is "West of Memphis." Premiered for the first time at the Tribeca Film Festival, the documentary chronicles the lives of the three men wrongfully convicted of murder in the West Memphis Three case. "West of Memphis" is now playing in theaters nationwide.

The film chronicles the lives of the three men who were wrongfully convicted and spent 18 years in prison for a murder they did not commit. The film is a powerful testament to the resilience of the human spirit and the need for a fair and unbiased justice system.
Photos and Comments from the Photowall

Amy Baker
Duncan, OK
I’m trying my hardest to learn and research all there is to this case. I’m sharing, discussing, promoting and supporting the West Memphis 3 and have found lots of new supporters and will continue to do so until these 3 are released!

Stefanie Pearce
San Diego, CA
Damien, Jessie and Jason are innocent and any clear minded, fact seeing, justice revering person would know this. If you have the power to do so, expose the travesty.

Osker Bateman
York
I will always spread the word
andee blacksugar

Brooklyn, NY

http://blacksugartransmission.bandcamp.com/

been sporting the WM3 sticker on my Strat for years

---

Michael Allen

Jamaica Plain, MA

Please lend your support: give what you can, rock the t-shirt, tell your friends and spread the word!

---

Catherine Crompton

Spreading the word, Hang in there. You guys are remarkable. Thank you for your strength and courage.
Jennifer Henard  
Beebe, AR  
USA  
http://jenniferhenard.yourpassionconsultant.com  
I am doing my best to raise awareness and funds.  
My customers are rounding their order totals up to  
donate to the defense fund and some of my online  
customers are doing the same. You all are in my  
prayers! Free the WM3.

Sonya Ha  
Fountain Valley, CA  
USA  
http://www.myspace.com/sonyabearplustwo  
Do what you can. Every little bit helps...FREE THE  
WEST MEMPHIS THREE!

Music4Life/Vela Entertainment  
Oakland, CA  
USA  
http://www.skeletonkeyauctions.com  
This cake was for Matt Gonzalez (VP running mate  
to Hador) who is a supporter and has talked at many  
of my events in the bay area for the West Memphis  
Three
Cassey Misee and Matt Harvey
Conway, AR
U.S.
I have been praying for you guys since I was in elementary school and ralleying for your innocence to even the most skeptical. I'm happy to say my step-mom in Mem;als now realizes the truth. My boyfriend and I hope y'all get out really soon. Love.

Steven Petrozzo
ronkonkoma, ny
united states
http://myspace.com/steviep2450
I've been a supporter since i first saw paradise lost back in the mid 90s. I hope to see the WJMO tread one day soon

Isabella Sinclaire
Los Angeles, CA
USA
http://www.isabellasinclaire.com
Long time supporter. I have a piece of art from a fund raiser in LA, three photos, Damien on the left with his hand up, Jason in the middle and Jesse on the right. It reminds me that life can be taken from you everyday so live life to the fullest and be thankful for what you've got! Hang in there!
Natasha South
Herts
England
My brother first gave me the Paradise Lost DVD and the more information I have found out since the more stunned, disgusted and angry I am that such an injustice has happened. It is time to do the right thing by giving Damien, Jason and Jessie their lives back and setting them free!

Jess
Perth, WA
Australia
http://shessiZone.vox.com/
I had seen the case on TV one late night and thought I'd join the support. This is wrong and I hope all three men will be free!

Victoria Joyce
West Hollywood, CA
I saw Henry Rollins at the Largo in Los Angeles last Friday and his performance was for your benefit. I thank him and I thank you for your dedication to justice.
Rob Ward

Blackpool
It is 2010 and I have only just watched the Paradise Lost and Paradise Lost 2 documentaries which after watching them made me feel overwhelmed with sadness at the injustice that I had witnessed before my eyes. Free the West Memphis Three!!!
Dora Malone
Lumberton, NC

TO Whom it May Concern, I have just learned of the case thru a movie on Netflix. I would very much like to help out in anyway possible, I have been spreading the word since seeing the documentary I will continue to do so. And hope that this new trial brings their release!!

Kristaps K. Brass
Riga

http://melnasdebesis.wordpress.com

If it wasn’t for Disturbed I wouldn’t have found out about V/MO. My support goes out for the guys, god help them, hope the truth will come to light.

Katie Cole
Gerald, MO

Damien, Jason and Jessie, I have been praying for you and informing people that I know about this. I wish there was more that I could do. Remember, they WILL NOT get away with this. They (like the rest of us) will have their final judgement day in front of God and will have to answer for their mistakes, lies, and sins. I know you’re scared, Damien, and I would be too. But know that you aren’t alone even though it may feel like it. I mean Johnny Depp is calling for you guys that has to say something? Hang in there and know that you are in my thoughts and prayers often.
Rob McClain

norton, ma
USA

I've been following the case for a while and just wanna see justice for these boys.

King Fowley (and family)

Philadelphia, PA

These kids are innocent! Stupidity and ignorance should never win! Let these kids be free already!

Jason Roffi

Deer Park, NY

I feel for these boys as a large portion of their lives were taken from them, make sure to do right with the rest. Also, do not forget the 3 whom perished and let's try to find true justice!
April Zatylny
Calgary
I've been following this case for years and am so frustrated by the fact that these boys are still behind bars. Hoping and praying for the best. Free the West Memphis Three <3

Michelle Jones
Troy, IL
It only took a village to convict these boys but it will take the support of us all to free these three men.

Daniel Smith
Kingswinford
It will be a good day for humankind when our three boys (now men) are released.
Jessica Bath
Casper, WY
I have been touched by the story of the WMR. The miscarriage of justice that has been done to Damien, Jason, Jessie, Stevie, Michael and Christopher must be undone. No justice has been done for these 6 boys.

Bridgette Brennan
Renton, WA
Free these men who had their lives senselessly taken away when they were only boys themselves. Wake up ARKANSAS!
Zazzle WM3 Merchandise

THE WM3 ARE FREE!

[Displaying 1 - 2 of 2]

Innocent Mug

Classic WM3 Mugs

Design Options
Customizable (3)

Browse this Store
New Products

Contact Us
Help

Zazzle - We make quality custom products designed by you.

Quick Links
Community
Forum
Blog
Tags
Sell
Help

Zazzle International
USA (EN | ES)
UK
Canada (EN | FR)
Australia
Japan
Germany
Spain
Brazil
Sweden
France
See All →

Exclusive Offers
Sign me up!

Use of this Web site constitutes acceptance of the User Agreement and Privacy Policy.

Copyright © 2004-2013, Zazzle Inc. All rights reserved.
THE WM3 ARE FREE!

FREE WM3 bumper sticker
FREE WM3 bumper sticker
FREE WM3 bumper sticker
FREE WM3 bumper sticker
WM3 NOT GUILTY bumper sticker

Bumper Sticker

Make your car a reflection of you! Get your point across with this high-quality bumper sticker that will outlast heavy rain, intense sunlight, and the most severe of traffic jams.

- 11" x 3" - Large enough for any message
- Made from durable vinyl with a strong adhesive back
- Printed with water-resistant ink that won't fade or run
- No minimum order.

WM3 NOT GUILTY bumper sticker

Wear WM3 bumper sticker. NOT GUILTY official wm3.org design.

Bumper Sticker Volume Discounts

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Discount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 - 11 bumper stickers</td>
<td>5% off</td>
</tr>
<tr>
<td>12 - 49 bumper stickers</td>
<td>10% off</td>
</tr>
<tr>
<td>50 - 99 bumper stickers</td>
<td>15% off</td>
</tr>
<tr>
<td>100 - 249 bumper stickers</td>
<td>20% off</td>
</tr>
<tr>
<td>250+ bumper stickers</td>
<td>25% off</td>
</tr>
</tbody>
</table>

You don't have to buy multiples of the same bumper sticker to receive a quantity discount. You'll receive a quantity discount on any order of 2 or more bumper stickers!
Now that Joesph, Jason and Daniel are free, all of the money raised on this site will be going towards efforts to help them assimilate, and any ongoing efforts to help them regain their INNOCENT status in the free world. We know the shirts are a bit expensive, but consider it a donation towards a very worthy cause.

Recent Products

View all products

Comment Wall (Add a comment)

Displaying 1-20 of 32

spailasticfly said 1/22/2012

Sam said years I have followed this case because all of the time of these killing my friends and I wore the same as the small and we lived a small town and we all had long hair and tending to metal and wore black so this case hit really close to home we all knew that would have easily been us being set up and brought down not for what we did but only because of how we looked and how we acted since they have been released my friends and I have all not been together and talked about how