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Media Framing of Capital Punishment and Its Impact on Individuals' Cognitive Responses

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Abstract

It is well known that mass media have the ability to frame a sociopolitical issue in specific ways, which can have considerable impact on the public's thoughts and perceptions regarding the issue. Through analyzing coverage of capital punishment in the *New York Times* since 1960 and then conducting an experiment in which we assessed individual-level responses to differently framed news stories, we show: 1) the dramatic emergence of a new "innocence frame" within the past 10 years that accentuates imperfections in the justice system, and 2) the much greater impact of this frame on individuals' thoughts – in particular on those who favor the death penalty – when compared to the traditional morality-based frame. We suggest that the latter finding can be explained because individuals tend to resist changing their interpretations of issues based upon arguments that contradict their core moral or religious beliefs; however, they seem quite receptive to new information along dimensions that they previously had not considered. This research also implies that US trends toward lower sentencing rates and eventual public opinion changes are likely to continue as long as media and public discussion remains focused on questions regarding flaws in the justice system.

Key Words: Media Framing, Framing Effects, Capital Punishment, Death Penalty, Media Effects

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Thirty articles appeared in the *New York Times* in 1996 concerning capital punishment; the bulk of these reported opinions, news, or events leading toward the application of the death penalty. In 2000, 235 articles appeared, and the overwhelming majority of these were critical of the death penalty. During that same year, public support for the death penalty in the US fell to 66 percent, considerably lower than the 80 percent reported only six years prior (see Figure 1) and the lowest it had been since the 1970s (Sourcebook of Criminal Justice Statistics Online, 2006), when two landmark Supreme Court decisions greatly affected the landscape of the debate. The level of support dropped even further to 64 percent in 2004 and 2005. In just a few short years, the issue was reframed to focus on errors and mistakes within the justice system and the possibility of executing the wrong person. How dramatic was this shift in media framing? How might this shift affect public opinion and/or policy regarding this much-debated issue? Though the current study does not specifically address public opinion through statistical analysis, the research described in this article provides meaningful insight that we believe can help answer these questions.

Insert Figure 1 about here

In this article, we follow the recent history of capital punishment with an emphasis on media framing. Any sociopolitical issue can be understood in many different ways and discussion typically focuses on a small subset of the full set of dimensions because such complex issues must be simplified (Druckman, 2001a; Jones & Baumgartner, 2005). Much media coverage on the death penalty issue deals with legal aspects (e.g., the arguments of the defense and prosecution in specific cases, court rulings, the appellate process, state versus national

powers, etc.). In this coverage, the death penalty often has been reported in terms of constitutionality because of the judicial nature of the individual cases and of the concept itself. But when capital punishment is discussed more generally, outside the realm of the legal system, media and public debate long has focused on a simple moral question: whether it is right or wrong to kill as punishment.

There are, of course, many other frames through which this issue can be analyzed or discussed: whether capital punishment is an effective deterrent, whether it is applied equitably, how the US is perceived abroad, whether it is cost-effective compared to alternative punishments, and so on. However, in recent years, a new frame has catapulted to dominance in the death penalty debate: No matter what one thinks about the morality of the question, can we be certain that the justice system can process thousands of cases and not make a single error? This new "innocence frame" is quite different from the previous frames: Executing the wrong person is an unpopular idea across the board. Thus, the death penalty is not unlike many other important sociopolitical issues that have witnessed changes in media and/or public focus over time. However, the current study is the first to conduct a media-framing analysis of the death penalty over the previous five decades. Additionally, not only do we identify and quantify the ubiquity of media frames over this period, but we also investigate the effects that certain frames may have on individual-level perceptions of the issue.

Via a content analysis and an exploratory experiment, respectively, we present two types of results. First, there is uncontestable evidence that discussion of the death penalty has been altered by a new and unprecedented media focus on the possibility of errors in the system, an eventuality with which no one is comfortable. Second, this frame is different from previous frames used by proponents or opponents of the death penalty in recent decades because, in

contrast to other frames, the innocence dimension is engaging not only to individuals who already agree with its conclusion (that capital punishment is wrong), but also to those predisposed against this opinion. Previous frames, in particular the long-dominant morality frame, may be quite reinforcing to those who already agree with a particular side of the debate, but argumentation along these frames typically is not convincing to those who already are on the other side of the debate in the first place.

Therefore, the current study differs from previous framing studies that investigated the effects elicited through simply counterarguing or "counterframing" a sociopolitical issue along the same dimension. For example, Brewer and Gross (2005) examined the effects of framing an argument as either for or against a school voucher program, but both arguments invoked equal treatment of all students as the dimension of the debate. Likewise, two classic studies on affirmative action (Gamson & Modigliani, 1987; Kinder & Sanders, 1996) examined frames that presented the issue as either a beneficial initiative that could help level the societal playing field or as reverse discrimination; again, these simply are oppositely valenced arguments within the same dimension or "frame" (equality). We currently conceptualize these types of frames as "conflict-reinforcing" frames because they merely counteract an opposite argument within the same dimension of a debate. They do not really "re-frame" a debate; they simply encourage polemic within a specific, existing frame of reference. "Conflict-displacing" frames, on the other hand, serve to readjust the structure of the debate by introducing an entirely new set of considerations that are not necessarily contradictory to any existing arguments. In this study, we identify the rise of such a frame in media coverage of the death penalty debate and subsequently examine the effects that such framing may elicit on individuals' thoughts about the issue.

Literature Review

According to Gamson and Modigliani (1987), a frame is "a central organizing idea or story line that provides meaning to an unfolding strip of events, weaving a connection among them …. The frame suggests what the controversy is, [offering information] about the essence of the issue" (p. 143). Framing is thus the process by which media, politicians, or anyone else can highlight certain aspects of sociopolitical issues and simplify them, while also connecting them with the larger sociopolitical world.

Prior research has indicated that framing in many forms, and media framing in particular, can have the potential to influence what individuals take into consideration in forming opinions and making decisions on controversial or ambivalent issues (Domke, Shah, & Wackman, 1998; Iyengar, 1991; Nelson & Oxley, 1999). Scholars have found, for example, that whether a Ku Klux Klan rally was framed as either a racist provocation or an exercise of free speech led to different interpretations and levels of tolerance of the rally (Nelson, Clawson, & Oxley, 1997). Similarly, Iyengar (1991) showed that framing an issue episodically (focusing on individual cases) rather than thematically (focusing on broader social contexts) encouraged people to blame poverty on individuals, whereas thematic frames encouraged people to blame poverty on the government or "the system."

Many complex sociopolitical issues have seen their media frames shift in substantial and lasting ways. Smoking, nuclear power, welfare, and any number of issues can be cited that illustrate the possibility of dramatic shifts in media framing (Baumgartner & Jones, 1993; Gamson & Modigliani, 1989; Iyengar, 1991). These frames can influence how citizens think about an issue (Chong, 1996; Fine, 1992; Jacoby, 2000; Nelson, Clawson et al., 1997; Nelson & Kinder, 1996; Nelson & Oxley, 1999; Nelson, Oxley, & Clawson, 1997; Pollock, 1994; Terkildsen & Schnell, 1997; Tversky & Kahneman, 1986) and these changing understandings, in

turn, can affect public opinion and/or policy (Baumgartner & Jones, 1993, 2002; Kellstedt, 2000; Schneider & Ingram, 1993; Stimson, MacKuen, & Erikson, 1995). Citizens, for their part, are exposed to frames not as blank slates but with prior dispositions (Berinsky & Kinder, 2000; Brewer, 2000; Iyengar, 1991; Shah, Domke, & Wackman, 1996; Shen, 2004), varying degrees of interest and knowledge (Haider-Markel & Joslyn, 2001; Iyengar, 1991; Kinder & Sanders, 1990; Nelson, Oxley et al., 1997), and varying levels of attentiveness (Price & Na, 2000).

Some frames are old, familiar, and relatively ineffective because, while perhaps "re-motivating" supporters, they are unlikely to convince opponents because individuals typically focus on evidence-confirming information and search for cognitions that justify their existing conclusion(s) (e.g., Kunda, 1990; Umphrey, 2004). We refer to these as "conflict-reinforcing" frames because they reinforce divisions already present in the distribution of opinion, thereby supporting the status quo. Others, which we call "conflict-displacing" frames, are potentially more appealing to opponents and therefore have the potential to change the structure of a debate. These frames work by structuring the alternatives in a new way, thereby eliciting a cognitive response that moves an individual away from her or his established way of thinking of the issue. Regarding the sociopolitical issues cited above, analysts found that a "new" frame was not necessarily directly in contrast to the "old" ones; in fact, rather than disputing the particular arguments espoused by opponents within an existing dimension of debate, the new frame simply shifted attention to a different set of questions or to a different way of understanding the issue (e.g., Gamson & Modigliani, 1989; Nelson, Clawson et al., 1997).

Thus, the goal of the current research is to answer two fundamental questions: (1) How has media framing of capital punishment evolved over the past several decades, and to what extent has this framing included either conflict-reinforcing or conflict-displacing frames?; (2) Do

individuals indeed react differently to conflict-reinforcing versus conflict-displacing frames? We address these questions with a combination of media content analysis and experimental data.

Media Coverage of the Death Penalty: A Content Analysis of the *New York Times*

Since 1973, 123 people have been released from death row in the US[1] and, currently, there are some 3,300 inmates on death row.[2] Where the standard of "reasonable doubt" long has been accepted for criminal convictions, critics argue that it should be absolute certainty in the case of executions; indeed, an error in this instance could not ever be corrected after the fact. Some people may argue that this is why capital punishment should be banned; there is no guarantee that an innocent person never will be executed, mainly due to expected flaws in any system as large as the US legal/judicial system. Another way to frame the debate focuses on moral grounds: the standard "eye-for-an-eye" as just punishment versus the "who are we to determine who shall live and die" arguments. Still other dimensions may focus on racial/socioeconomic inequality, or victim's rights, or the grounds of deterrence (does capital punishment actually deter future murder), and so on.

Regarding all this, an important endeavor would seem to be determining how the capital-punishment issue historically has been covered or portrayed in the US media. However, considering how important an issue it is in the US and considering extant knowledge about the impact of media framing and agenda-setting, there remains a dearth of research examining exactly how this issue has been framed in the media. The current study will provide insight into this matter by seeking to identify the tone and frames through which the death-penalty debate has been covered in newspaper articles over the past several decades. Of course, any general trends in coverage can correspond with many events surrounding capital punishment, but they also may

reflect important shifts in the actual nature of the discussion. Therefore, we offered a research question:

RQ1: How has media coverage and framing of the death penalty evolved since 1960, and are there any particular patterns or shifts over time?

Method

To track the frames used in the capital punishment debate in the US, we analyzed all abstracts from the *New York Times Index* listed under the heading "capital punishment" between 1960 and 2003 (3,692 abstracts in all).[3] While realizing that this obviously should not be construed to represent all media coverage of the issue in the US over that span, we selected the newspaper because of its typical dominance in coverage of such sociopolitical topics and its common use as the source "of record" in much mass communication research and other media analyses.

Two researchers each coded half of the abstracts according to coding procedures briefly summarized here and available in unabridged form from the current authors.[4] For each abstract, coders recorded the date; the first three words; the article type (i.e., news, editorial, op-ed, or letter to the editor); and the overall valence, or tone of each abstract (i.e., pro-death penalty, anti-death penalty, or neutral / uncodeable). Pro- and anti- stories were conceptualized to apply not only to editorial statements or expressed opinion, but also more commonly to news reports of events that would lean toward or against the application of capital punishment in general. For example, a report of an appeal denied was coded pro-death penalty, while a report of flaws in the legal representation or the mental capacity of a defendant was coded anti-death penalty.

Finally, the content of each abstract was coded using an exhaustive list of 67 different arguments that could be made for, against, or in neutral reference to the death penalty. These 67

arguments were clustered within seven dimensions of the issue (i.e., frames): efficacy, morality, cost, constitutionality, fairness, mode of execution, and international arguments.[5] Intercoder reliability (Holsti, 1969) was .98 at the first level of coding (seven main categories plus one "other" category) and .92 at the second level of coding (67 distinct arguments).

Each argument was conceptualized as unidimensional and measured separately, although many articles employed more than one argument. It also is important to note that the arguments as conceptualized were consistent over time. That is, no arguments were defined in historically or context-related terms (e.g., there is no argument specifically for "Timothy McVeigh" or any other defendant). Rather, they all were listed in terms of the underlying frame that they reflected, and a different code was defined for each distinct argument made. Such a method allowed us to compare the relative prevalence of different frames and arguments over time.

Results

In response to RQ1, Figure 2 shows the number of *NYT* stories relating to capital punishment from 1960 to 2003. A total of 3,692 stories appeared during this time, with substantial peaks of coverage in 1976 and 1977 – just after the Supreme Court reinstated the death penalty after the 1972 decision invalidating state capital punishment laws – and then again in 2000. During these two periods, the newspaper carried over 150 articles per year, more than one story every other day. Figure 2 indicates that the issue emerged onto the media agenda in the 1970s; there was little coverage, less than one article per week, before 1972. Coverage has grown substantially in recent years even though there has been no monumental Supreme Court decision such as those of 1972 and 1976. Rather, more recent coverage, especially that peaking in the unprecedented levels of coverage in 2000, related to the size of the death-row population and various challenges to the system based on juvenile offenders, the mentally handicapped, and

the concept of "innocence." The number of front-page stories grew as well, from just one in 1960 to two in 1970, then four in 1980, eight in 1990, and 19 in 2000. Clearly, the issue has been rising on the media agenda in recent years, especially since the late 1990s.

Insert Figure 2 about here

The tone of coverage also has changed considerably over time. There are many ways to assess this, but we conducted a simple count of the number of pro-death-penalty stories minus the number of anti-death-penalty stories per year. Figure 3 shows that a net anti-death-penalty tendency was apparent in news coverage of capital punishment leading up to the ban on executions in 1972. During the period of the constitutional moratorium (1972 to 1976), a substantial increase in pro-death-penalty coverage followed; much of this was the reporting of state legislative efforts to craft new capital laws that would pass constitutional muster. In the ensuing period, from approximately 1978 to 1993, a steady if erratic trend toward increased pro-death-penalty reporting became apparent, reflecting increased usage of capital punishment and a greater number of death sentences. This trend reversed again, quite dramatically, after the 1993 peak. By 1993, the imbalance toward pro-death-penalty stories appearing in the paper was as high as it had ever been, slightly higher even than in 1973 when states were just revising their laws to reinstate the penalty after they were overturned in 1972. From this point onward, a dramatic shift began to take place so that by 1997 there was a net predominance of anti-death-penalty stories. By 2000, after this trend had continued, a pattern of anti-death-penalty news was consistent. Coverage also was the most unbalanced in history. Thus, in fewer then 10 years we can see a move from one historic imbalance in media discussion to its exact opposite. The latter,

in 2000, was by far the larger of the two and mainly was due to the rise of the "new" innocence frame, discussed next.

Insert Figure 3 about here

Our framing analysis also revealed that issues of constitutionality were the single most common theme in coverage over most of this period; over 1,300 articles mentioned discussions of this type, with peaks coming in 1972, 1976 and the years following that, in the mid- to late-1980s, and finally in the early 21st century as the constitutionality of capital punishment for juveniles and the mentally handicapped became important controversies (see Figure 4). Morality frames have been less prominent over time, with a total of 574 stories focusing on these. Discussion of morality has been prominent since 1972, especially from 1972 to 1978 when the constitutionality of the entire death penalty was hotly debated. Since then moral issues have never completely disappeared from the media agenda, but they have been significantly less prevalent.

Insert Figure 4 about here

The innocence or fairness dimension was not prominent before the 1980s, but grew rapidly beginning in 1983. It reached a peak in 2000 with 134 stories in that year alone; over the entire period there were just under 1,000 stories with innocence/fairness arguments. Many stories fit into other frames focusing on international comparisons, efficacy (i.e., whether or not the death penalty serves as a deterrent), cost, mode of execution, or "other" topics. None of these categories was used in more than 300 stories across the entire period, except "other," which was used over 1,230 times. These were miscellaneous mentions of various particularities of

specific cases or otherwise did not fit into any particular frame. In general, we can see from Figure 4 that constitutionality is a perennial theme; that morality has been an important frame as well; and that innocence has shown a dramatic increase from virtually no coverage before the 1980s to constituting more than half of the entire amount of coverage annually in recent years.

We can see this in greater detail by focusing specifically on the "innocence" line in Figure 4, which shows the number of stories each year presenting any of the following: 1) claims of innocence, 2) problems relating to evidence used in trial, 3) problems or imperfections in the justice system, or 4) characteristics of the defendant. This cluster of issues, ranging from simple humanization of the defendant to demonstrations of actual innocence through exonerations, always has been present, as the figure shows. However, none of these issues was a prominent aspect of media coverage of the death penalty until they collectively surged to unprecedented levels of coverage in 2000. From 1960 to the mid-1980s there was trivial coverage of these questions, typically fewer than 10 articles even mentioning them (note that this includes even any mention of the characteristics of the defendant in the trial; stories at that time were much more likely to discuss the victim rather than the defendant). Coverage grew from the 1980s to the 1990s, but catapulted to new levels in 2000.

Discussion

In sum, our review of media coverage of capital punishment shows that it has evolved in important ways over the past 40-plus years. The content analysis described above indicates that: 1) media coverage of the death penalty has risen considerably since the late 1990s, much of this because of a focus on various challenges to the system; 2) since the mid-1990s, coverage of the death penalty has become decidedly more critical; and 3) since the mid-1990s, there has been a

dramatic rise of a new "innocence" frame in coverage of the death penalty focusing on flaws in the judicial system.

Most importantly, our results demonstrate the rise of this frame to such a point that it can be said to dominate media discourse on the death penalty today. Increased framing of the debate in this manner might well be expected, given the amount of media coverage generated by a continued upward trend in exonerations of individuals on death row, fueled greatly by new criminological advances such as DNA testing.[6] Thus, via the coupling of continued increases in the number of exonerations of innocent death-row inmates and the subsequent media exposure emphasizing more and more mistakes within the judicial system, the innocence frame has taken on a much more prominent – and vital – role in media and public discussion.

However, does this new frame have any particular effects on public opinion, courtroom verdicts, public policy, or legislation? Or, will it just be another way for those on either side of the debate to discuss the issue and simply reinforce their prior views, thereby stimulating, rather than attenuating, the perceptual divide? The latter scenario is much less likely because, as stated, regardless of anyone's opinion on the death penalty and regardless of how they might justify that opinion, it seems likely that no one in the debate would hope to see an innocent person put to death by the state; this is what we believe differentiates the innocence frame from all previous frames: it has no logical counterargument. Thus, with increased media references to questions of exonerations, imperfections in the system, and claims of innocence, what is the public reaction? The next section describes an experimental investigation to assess individual-level responses to newspaper articles about the death penalty, comparing the impact of the traditional, morality-based frame to that of the new innocence or "system-is-broken" frame.[7]

An Exploratory Experiment

It is well documented that media framing can have considerable effects on individuals' attitudes regarding a sociopolitical issue. Scholars in the past have examined and interpreted the effects of media framing from different perspectives. Some took the position that media frames could affect public opinions by elevating the salience of a given issues' certain aspects (Price & Tewksbury, 1997). This perspective posited that media frames could serve as cognitive shortcuts or heuristics that could be activated and made highly accessible to individuals in processing complex information on political issues (Zaller, 1992). The notion was supported by research findings in cognitive psychology indicating that individuals rarely conduct a thorough search for all relevant information in forming internal attitudes or expressing opinions. Instead, they tend to form attitudes based on what is most accessible to them (Taylor & Fiske, 1981). However, Nelson and his colleagues (see Nelson, Clawson, & Oxley, 1997) subsequently found that media frames changed attitudes by more deliberate means through influencing audiences' perceptions of belief importance rather than accessibility, which implies a much more active and aware process as individuals accept or refute certain frames based on prior dispositions or knowledge (e.g., Druckman, 2001a, 2001b).

Thus, the converging evidence from prior research suggests that when media frames highlight an issue in a particular way, they will interact with individuals' prior attitudes in affecting their issue interpretations and opinions (Brewer & Gross, 2005; Zaller, 1992). Depending on how much cognitive dissonance the frame produces, an individual may incorporate the information of the frame into her or his mental framework, updating attitudes accordingly. The right kind of frame, even a brief stimulus, can have an impact on how a person thinks about the issue, providing readily-accessible constructs from which he or she will draw in

formulating supporting or refuting arguments (Price & Tewksbury, 1997; Nelson, Oxley et al., 1997). Over time, with repeated exposure to a given frame, opinions may change.

Complex sociopolitical issues involve multiple dimensions of potential evaluation (Druckman, 2001b; Nelson & Oxley, 1999; Nelson, Oxley et al., 1997). New frames that redirect attention to different dimensions can be more effective than those that focus on a dimension already prevalent in the debate (Jones & Baumgartner, 2005). Conflict-reinforcing frames promote strong cognitive dissonance among opponents; they may be quite convincing to supporters but they are of little value in gaining new recruits. In order for opponents to accept conflict-reinforcing frames they must essentially admit that their previous opinions were mistaken. Naturally, cognitive mechanisms are plentiful that cause resistance to this (Festinger, 1957; Lord, Ross, & Lepper, 1979). Conflict-displacing frames circumvent this obstacle by proposing a new dimension of evaluation that does not require individuals to re-evaluate their previous opinions on the issue; rather, these frames bring up new dimensions of debate to which individuals may have no reason to object. Thus, some frames can be more effective because of what they ask – and more importantly, because of what they do *not* ask – of opponents.

Most framing research involves the impact of frames on individuals' opinions and attitudes using scaled responses. Some scholars in framing research, however, have examined individuals' cognitive responses and deliberations in an attempt to better understand the impact of media frames (Brewer & Gross, 2005; Price, Tewksbury, & Powers, 1997; Shah et al., 1996; Shen, 2004). Such an approach can provide better insights and substance in understanding framing influences compared to closed-ended responses that do not reveal much about individual thinking on issues. As Brewer & Gross (2005) indicated, research using only closed-ended responses often "reduces the substance of public opinion to the direction of opinion [and] …

provide[s] only partial and indirect information about the nature of citizens' thinking about policy issues" (p. 932).

For example, Shen (2004) found that respondents listed more morality-related thoughts when the issue of stem cell research was framed in moral terms as opposed to medical terms. Additionally, Brewer & Gross (2005) found that individuals exposed to equality-based arguments were more likely to implement that dimension into their thoughts about a school-voucher issue, regardless of the valence of the argument. Though similar in nature, the current experiment differs from the Brewer & Gross (2005) study in two important ways: 1) In addition to merely operationalizing arguments for or against an issue within the same dimension or frame (i.e., conflict-reinforcement), we also examine simultaneously the effects of a conflict-displacing frame, and 2) Rather than simply counting the quantity of thoughts generated along a particular dimension, we undertake the extra step of also measuring the valence of each thought to better comprehend the effects of framing on individuals' deliberations regarding the death penalty.

Further, we also were interested in examining the role of political interest in affecting responses to death penalty frames. According to Zaller (1992), individuals with higher levels of political interest often have more strongly held attitudes and more coherent clusters of political beliefs. Although prior research has not used political interest per se in framing research, evidence from some research suggests that knowledgeable individuals are more likely to be able to relate to media framing and its component arguments than the less knowledgeable (Nelson, Oxley et al., 1997). This is especially true among those who do not posses prior opinions (Druckman & Nelson, 2003). Others, however, found that the less knowledgeable were more affected by frames because they tend to hold weak attitudes and therefore are more susceptible media influences (Kinder & Sanders, 1990).

Based on the above discussion on framing as well as the unclear role of political interest, we offered both a hypothesis and a research question:

H1: Conflict-displacing (innocence) news frames will have greater impact on individuals' thoughts regarding the death penalty than will conflict-reinforcing (morality) frames.

RQ2: If individuals are either high or low in political interest, will conflict-reinforcing (morality) or conflict-displacing (innocence) news frames differently affect thoughts regarding the death penalty?

Method

Procedure. One hundred eighty-four undergraduate students enrolled in an introductory mass communications course at a large public university participated in this experiment. Participants were assigned to a randomized treatment condition in which they received one of four versions of a paper booklet containing a pre-stimulus questionnaire with some control measures, three news articles formatted to resemble photocopies of real newspaper articles, and a post-stimulus questionnaire containing thought-listing, attitudinal, and demographic questions. The only element that differed among the four versions of the booklet was a manipulated, fictitious news article about capital punishment that described disagreements about the topic in an unspecified state legislature. The three newspaper stories were presented in the same order for all four treatment conditions: an actual news article about health-care reform, the manipulated story on the death penalty, and another actual article about logging in national forests. After reading the articles, the booklet explained that participants would be asked questions regarding one of the topics about which they had just read, although all participants were asked about the death penalty.

Independent Variables. Consistent with prior research (Nelson, Clawson et al., 1997), we manipulated story framing by leaving the text identical in the midsection while altering the headline and lead and closing paragraphs to reflect the appropriate experimental treatment (see Appendix). These manipulations resulted in four possible conditions: 1) A neutral (control) story, 2) a pro-death-penalty story framed along the moral dimension, 3) an anti-death-penalty story framed along the moral dimension, and 4) a story framed along the innocence dimension (which is "anti-death-penalty" by default). The common middle section included mention of both types of morality arguments as well as the innocence argument. In the three "framed" conditions, the headline, lead paragraph, and closing paragraph all emphasized the appropriate framing, whereas no such emphasis was provided in the neutral condition. Therefore, every participant was at least exposed to all three arguments and both frames, but only one of each was emphasized further in each of the three treatment groups. Additionally, to avoid possible confounding, specific writers were not mentioned in the bylines and gender-neutral names were used in the attribution of all direct quotes given in the death penalty articles.

Respondents' support for or opposition to the death penalty for persons convicted of murder was measured by a single question.[8] Based on this opinion measure, we then classified the respondents both by the frame they received and whether the stimulus they received reinforced or challenged their opinion. Political interest was measured by asking respondents to indicate their level of interest in politics on a 7-point scale anchored by 1 (not interested) and 7 (extremely interested).

Dependent Measures. Participants' thoughts regarding death penalty was measured by asking participants to list up to the three most important factors or arguments that they took into consideration when expressing their opinion on the issue. We coded these open-ended responses

to capture two main attributes of each argument given: first, whether the participant adopted the frame – morality or innocence – that was used in his or her article; and second, whether they gave an argument in agreement with their own views or one in agreement with the article (and whether or not the two differed). For example, if one was presented with a pro-death-penalty moral argument but strongly disagreed with capital punishment, they may have explained their opinion with an anti-death-penalty argument on the moral dimension, thereby directly counter-arguing or showing direct resistance to the frame presented in the article. Two independent coders, measuring a common set of 25 randomly selected participants (a total of 75 thoughts, or roughly 14% of all responses), reported an intercoder reliability of .95 (Holsti, 1969).

Results

Using probit regression analysis, we calculated the predicted probabilities that a particular respondent would offer a particularly framed argument as the first thought for his or her opinion on capital punishment. Predictions were made with Clarify (see King, Tomz, & Wittenberg, 2000). Figure 5 shows the predicted probability, controlling for level of political interest, of thoughts on the death penalty with an argument reflecting the frame and policy position of the article presented. (Note that even those in favor of the death penalty could give an anti-death penalty argument as their first consideration, or vice-versa; these subjects obviously would be reflecting some ambivalence in their attitudes). In answering H1, the figure offers two striking comparisons. First, and unsurprisingly, subjects were more receptive to arguments with which they agreed. From 25 to 35% gave a similar argument as the first thought for their opinion (as these were open-ended questions and subjects could say anything, these are relatively high numbers as there are many potentially relevant dimensions beyond only morality and

innocence). On the other hand, for those who disagreed, the percentage referring to these same arguments as their first thought was in the range of 8 to 17%.

Insert Figure 5 about here

But our real interest was in the relative reactions to the morality and innocence frames. Here we saw that those exposed to the innocence frame were more likely to reflect that frame in their response than those who received the morality frame, regardless of whether they agreed or disagreed with the article they read. Further, this was particularly true among those who were predisposed against the information they received. Among those who supported the death penalty, more than twice the percentage of those receiving the innocence frame referred to it as compared to those receiving a morality-based argument. However, due to the very small size of our participant population, the individual differences shown here did not reach levels of statistical significance. But, the overall patterns of these results lend relative support H1's notion that the innocence frame was more effective than the morality frame, especially in dealing with those predisposed to disagree.

We can get a more detailed sense our findings by looking at how they relate to political interest (RQ2). Figure 6 shows the same type of predicted probabilities reported in Figure 5 for various levels of political interest. No matter what frame they received, the probability of individuals repeating the frame to which they were exposed increased systematically as we moved from the less politically interested to the more interested. This may be because the less interested gave a wider range of responses in explaining their attitudes, some unrelated to any logical patterns or belief systems. And, of course, those exposed to a congenial argument were more likely to incorporate it into their reasoning than those exposed to a challenging argument.

The most important implication of the figure is, however, that the innocence frame *always* was more effective than the morality frame and that – for each level of political interest – the innocence frame presented to those who *disagreed* with it was just as effective as the morality frame was when presented to those who *already agreed* with it. At relatively high levels of political interest, 40% of death penalty supporters exposed, just once, to the innocence frame incorporated this dimension into their thoughts, while only 13% of those exposed to the morality argument did so.

Insert Figure 6 about here

Discussion

There was little surprise that those who agreed with an argument were more receptive to it. But these results indicate that, across all the levels of political interest, not only was the innocence frame much more effective than the morality frame when controlling for a participant's pre-existing opinion, but it also seems to have had as strong an impact on those who disagreed with its premise as did the morality argument on those who agreed. Again, the numbers of our sample were small, so these exploratory results are suggestive only. However, we believe that the overall pattern of these results is important.

The architecture of human cognition precludes simultaneously considering too many dimensions of evaluation; humans cannot make trade-offs in many dimensions (see Jones, 1994, 2001). But because underlying problems are more complex than consideration of them typically is, the possibility remains that previously ignored dimensions of discussion will emerge. The emergence of new dimensions of debate has the potential to destabilize status-quo policies. Individuals may resist consideration of the new dimension for some time, but if pressure is

sufficient, they may be forced to absorb or consider it. The broader result could be a radical updating of opinion preferences and/or policy outcomes, not merely a marginal or incremental adjustment. In sum, the potential impacts of media reframing seem great.

Conclusion

The above analyses show that dramatic changes in media coverage of the death penalty have occurred over time and that the new innocence or "system-is-broken" frame differs from previous frames in three important ways. First, it is unprecedented in its scope: Recent death-penalty articles in the *New York Times* have been published more on this dimension than on any other particular dimension in any single year of coverage since 1960. In 2000, there were articles about the death penalty in two days out of every three, and many of these stories had an innocence frame to them. It clearly is the dominant media frame in recent years. Second, this new frame is orthogonal to previous dimensions. That is, rather than reinforcing previous ways of traditionally thinking about the death penalty – stressing moral or religious components – it addresses a completely different point of evaluation: whether or not the system works as advertised. Third, because of the orthogonal nature of the new frame, individuals respond to it with considerably less resistance and cognitive dissonance. While the evidence from our exploratory experiment was not large enough in scope to be entirely convincing on its own, the findings indicated that individuals were more apt to respond to the innocence frame, and not the morality frame, by incorporating elements of it into their thinking on the death penalty. This effect was particularly strong among those predisposed to support the death penalty in the first place. So, it is not overzealous to say that the new innocence frame is quite powerful in scope and seems relatively convincing on an individual level.

The most remarkable thing about the innocence frame may be what it does *not* ask of those who are opposed to it. It does not ask them to re-evaluate their own core moral or religious background and values; rather, it simply asks people to focus on the question of whether a human-designed institution processing thousands of cases can be expected to do so perfectly, without a single error. Most people probably would say that this is very unlikely. So now, a person's attitude on the death penalty might be justified by their moral views on the question, by their views on the possibility of errors creeping into the system, by another factor, or by a weighted combination of many considerations. In this regard, the death penalty is much like any other complex sociopolitical issue. But it differs from many others in important ways, one of the most important being the dramatic rise in media focus on a new frame of reference that is entirely orthogonal to previous ways of considering the topic.

We have not addressed national public opinion generally in this paper, but the findings we have demonstrated – first, regarding the predominance of the innocence frame in media attention to the death penalty over the last decade and, second, regarding the cognitive effects of this innocence frame at the individual level – together offer explanation of the decline in aggregate-level public support for the death penalty witnessed in the US over the past 10 years (Fan, Keltner, & Wyatt, 2002), as shown previously in Figure 1. Effects will be slow because public opinion is inertial and there is much resistance to new arguments. But we have shown evidence here suggesting that if media attention continues to focus on the innocence frame, public opinion will continue to shift away from support of it – quite substantial considering the long-standing stability of pro-death-penalty sentiment in the US.

The combined effects of highly publicized exonerations and subsequent media coverage of the innocence argument coupled with effective framing efforts by those opposed to capital

punishment already have affected the legal community. These effects are likely to grow stronger in the years to come because their impacts are partly dependent on each other: as more death-row inmates are exonerated, media coverage focusing on imperfections in the system naturally increases. As this occurs, juries may become less willing to sentence defendants to death (and prosecutors may become less likely to seek the penalty, knowing that they have a lesser chance of gaining it). The result could provide a feedback system that may well lead to the end of capital punishment in the US, or at least to a great reduction in it.

The potential success of the innocence frame could stem from its resonance and continual exposure. As stated, no one wants to see an innocent person executed erroneously. This frame, therefore, has no logical alternative or counterargument. This may be why death penalty opponents have been so quick to embrace the frame and strategically use it in all forms of public discourse. Perhaps it is similar to the *reverse discrimination* frame of affirmative action as described by Gamson and Modigliani (1987), which was well crafted and promoted by many sponsors through media coverage, speeches, books, organizations, think-tanks, and all types of advocacies. Further, because of its logical, antiracist, and egalitarian underpinnings, it was embraced by the media and it resonated throughout the greater culture. In the case of the innocence frame, media may be quick to espouse this perspective, or at least mention it, because of the fact that no one agrees that any innocent person should be executed. This notion should resonate throughout the general public as well. When this is coupled with constant reminders of forensic errors from groups like the Innocence Project receiving more and more media coverage, it quite easily could lead to the cyclical feedback system described above. The strength of the innocence frame, therefore, likely lies in its unique position of having no logical alternative for its opponents to embrace; it basically resonates per se.

Of course, people do not change their minds on complex sociopolitical issues overnight, especially when the issue in question touches so directly on moral or religious convictions (as is the case here). But our two-stage evidence suggests that not only has media coverage of the innocence frame dramatically increased in recent years (while the numbers of executions, capital sentences, and death row inmates all have decreased), but also that cognitive responses to the innocence frame are different from those to the traditional moral frame. This leads us to expect continued impact on public opinion and in the legal community, so long as attention to questions of flaws in the system remains high.

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Appendix
Text of Manipulated Newspaper Articles

Each experimental group read a similar "newspaper" story. The stories were composed to resemble a photocopy of an actual newspaper article. The headlines, lead, and closing paragraphs were manipulated. In each case the middle two paragraphs were identical. Treatments were as follows:

Neutral (Control) Condition

Capital punishment debated: Lawmakers intensify dispute

State lawmakers clashed again today over pending death penalty legislation that has been the source of much political friction in the last week. Legislators are strongly divided on the issue, as witnessed by the heated nature of this morning's discussion, and the debate is expected to continue into the early part of next week. This is a familiar agenda item in the state senate, which has deliberated capital punishment legislation twice in the last three years, each time with great conflict and turmoil. This morning's meeting was no exception.

[Middle paragraphs inserted here; see below]

Even the brevity of the session has raised concern among some lawmakers who expressed reluctance to decide on a bill of such importance in a three-day special session. Nevertheless, the debate will end in a vote Monday. It is difficult to predict whether the problematic nature of this session will influence how this group of legislators, usually hailed for its ability to reach bipartisan compromises, will handle future policy issues. One thing is clear: it is doubtful that a full consensus will be reached by Monday.

Anti-Death Penalty / Morality Frame

Capital punishment denounced: Moral objections dominate legislative debate

State lawmakers clashed again today over pending death penalty legislation, which some officials say threatens the moral balance of our society by sanctioning state-sponsored murder. These legislators called today for a more civilized penal system that tempers the heat of emotion and directs society instead toward alternative punishments and greater respect for human life. "It discredits us," Senator Pat James said, "both as statesmen and as human beings, to be reduced to a level where we act through violence and bloodlust in the name of justice."

[Middle paragraphs inserted here; see below]

For many, the issue is a moral one, and many say the death penalty is morally wrong. It is inappropriate, some lawmakers argue, for decisions about life and death to rest in human hands. They contend that government should not pass final judgment on human beings, no matter what they have done, because the weight of that judgment is too great for society to bear. "The death penalty is still killing, and killing is a sin," Senator Chris Thomas said. "State-sponsored killing is just as wrong as the original murder for which these criminals should be punished."

Anti-Death Penalty / Innocence Frame

Capital punishment denounced: Flaws in system dominate legislative debate

State lawmakers clashed again today over pending death penalty legislation, which some officials say threatens the lives of innocent people accused of crimes they did not commit. These legislators cite exonerations as proof of errors in the system; errors that are human and unavoidable. "Our death penalty system is not just deeply flawed," Senator Pat James said. "For the wrongly convicted its flaws are fatal. Our society has deemed the execution of a few innocents an acceptable price to pay to eliminate the guilty, and that's a disgrace."

[Middle paragraphs inserted here; see below]

For many, the question is simple: Can we guarantee that the system is 100 percent perfect, that no mistake could ever be made? For many lawmakers, the answer is no. “Executing the wrong person is the most ghastly error imaginable, because it’s an error we can't undo," Senator Chris Thomas said. “The death penalty is a human-designed institution. And while we can add safeguards, we can never be sure that the system will be perfect, not just beyond a reasonable doubt, but absolutely perfect. When dealing with a matter of life and death, we must have that certainty.”

Pro-Death Penalty / Morality Frame

Capital punishment advocated: Moral approval dominates legislative debate

State lawmakers clashed again today over pending death penalty legislation, which some officials say threatens the moral balance of society by placing greater value on the rights of criminals than on the lives of victims. The memories of victims who have been slain are disgraced, they claim, by “quarrelling over legalities.” “It is nothing short of common decency,” Senator Pat James said this morning, “to act in proportional response to evil deeds. When an individual commits murder with malice and without mercy, that person deserves to die.”

[Middle paragraphs inserted here; see below]

For many, the issue is a moral one, and many say the death penalty is morally justified. Simply put, they believe some crimes are terrible enough to demand the death penalty. “It would be unethical for us to deliver any softer punishment for these brutal crimes, as if the worth of the victim's life could be measured via sentencing guidelines,” Senator Chris Thomas said. “I cannot in good conscience tell the mother of a child who has been murdered that the only punishment the killer will receive is a lifetime guarantee of free room and board.”

Middle Paragraphs (same in all treatments)

Some lawmakers argue that there are crimes heinous enough to warrant the death penalty. Leaders from a variety of religions support this view, saying government has a moral responsibility to answer crime with a reciprocal response. Other legislators point to flaws in the system, citing cases in which death row inmates have been proven innocent, even after their convictions, to argue that the risk of executing an innocent person is too great a price to pay. Still other lawmakers contend that the death penalty is immoral, saying that government should not be responsible for taking human life. In support of this position, religious leaders from many faiths denounce capital punishment as a sin.

The death penalty has been deemed illegal in the United States only once, when the Supreme Court placed an effectual moratorium on capital punishment from 1972 to 1976. Each state makes its own decision about the death penalty, and today 38 states enforce it. This number has fluctuated over the years, as many states have struggled to craft legislation on which lawmakers can agree. Although most states have revised their capital punishment guidelines over the last 50 years to make lethal injection the primary or only mode of execution, many other points of contention still exist, as illustrated by this morning's divisive session.

Footnotes

[1] Source of data: Death Penalty Information Center "List of Those Freed From Death Row." Available: http://www.deathpenaltyinfo.org/article.php?scid=6&did=110 [December 10, 2006].

[2] Source of data: US Department of Justice Bureau of Justice Statistics, "Capital Punishment 2005." Available: http://www.ojp.usdoj.gov/bjs/pub/pdf/cp05.pdf [December 10, 2006].

[3] We used abstracts contained in the *NYT Index* instead of full-text articles for the sake of feasibility. Under the right conditions, this is a proper method (see Edy, Althaus, & Phalen, 2005).

[4] Thanks to Cheryl Feeley for doing the bulk of this work for her Senior Thesis and for allowing us to use and update the data she collected.

[5] We based these dimensions and component arguments on the theoretical understanding of the capital-punishment issue gained from historical research and also on conversations conducted with staff at The Justice Project in Washington, DC. Thanks to the staff of The Justice Project, especially Laura Burstein, Director of Communications, and Peter Loge, former Director of the Campaign for Criminal Justice Reform.

[6] Between 1973 and 2003, 114 individuals were exonerated from death row, and more than half of these were released since 1995 (source: Death Penalty Information Center "List of Exonerees Since 1973." Available: http://www.deathpenaltyinfo.org/article.php?scid=6&did=110 [July 22, 2006]).

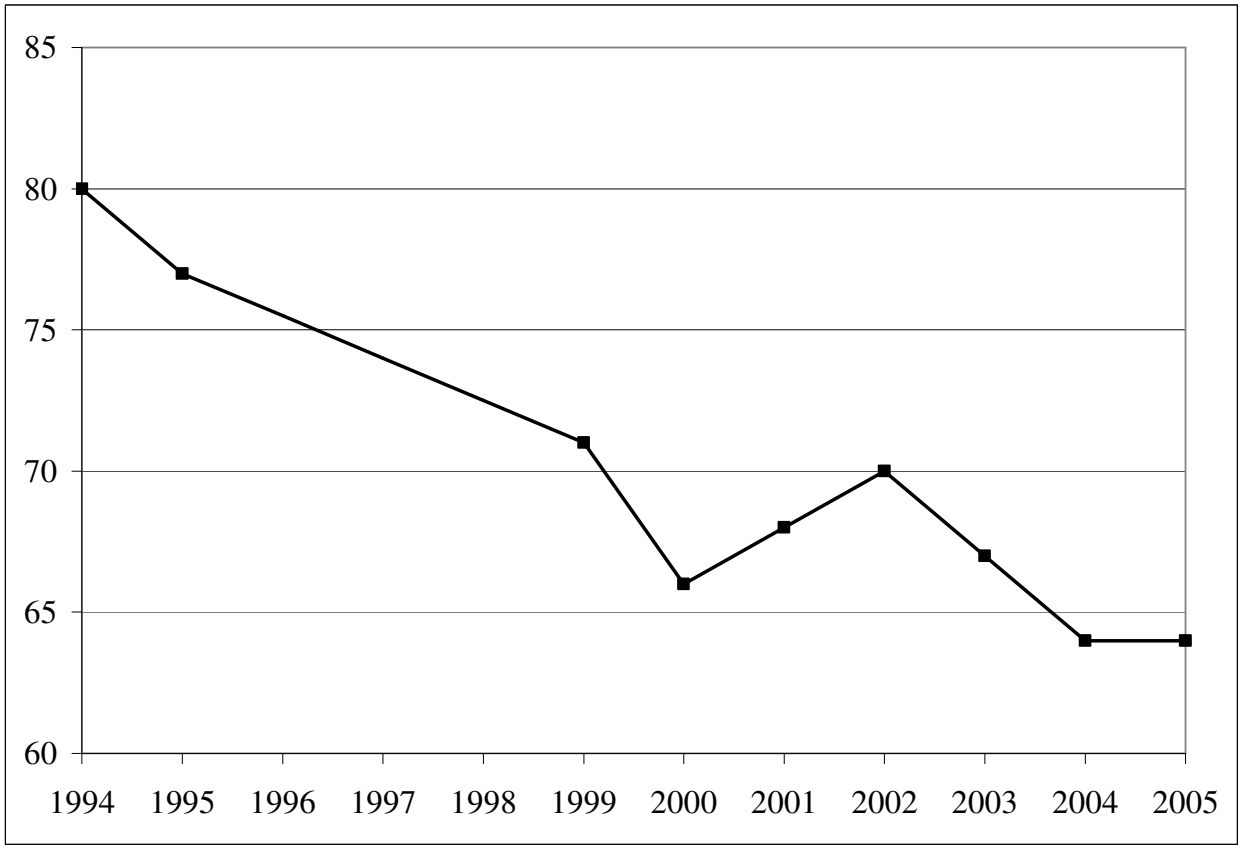
[7] Although most *NYT* articles were shown to focus on dimensions of constitutionality, we consider morality the traditional frame in society because, as stated in the introduction, it has been the more general, "public" way of debating capital punishment. Constitutionality arguments, as might be implied, tend to focus on extremely specific and/or esoteric matters (e.g., a particular state's laws versus Supreme Court opinions) that seem more pertinent to be debated in the realm of experts in the legal and judicial fields, and likely are not as common to the everyday arguments upon which the general public typically considers the death penalty.

[8] Between reading the three articles and being asked their opinion on the death penalty, subjects were instructed to list up to five arguments that they recalled from each article. These recall measures served to confirm the saliency of the framing manipulations and yielded three reassuring conclusions. First, recalls were a function of the frame received: those receiving different frames differed significantly in their recollections, showing simply that they had indeed read the articles and understood them. Second, treatment effects were similar regardless of a participant's opinion of the death penalty; the recall process (in contrast to attitude justification) was unaffected by the psychology of projection effects or cognitive dissonance. Third, the magnitude of recall effects was similar across all three treatments.

Note that we recorded subjects' opinion toward the death penalty after exposure to the stimulus. We employ this measure as a valid proxy because a single brief stimulus likely would have at most a negligible impact on opinion toward this issue, being deeply rooted as it is in core values. We acknowledge that prior framing research has shown that even a brief stimulus can

affect opinion toward some issues. However, our purpose was to study how even a brief framing stimulus affects cognition and the retrieval of arguments, not whether it would affect or change overall opinions or attitudes. Therefore, although recognizing the opinion measure as a weakness, we do not believe it greatly compromises the overall results and/or conclusions of the current study.

Figure 1. Percentage of US Population in Favor of Death Penalty.



Note: The figure shows the percentage of Americans who answered "yes" to the following question administered by the Gallup Organization: "Are you in favor of the death penalty for a person convicted of murder?" The value for 2003 is computed by averaging the May and October responses for that year. Source of data: Sourcebook of criminal justice statistics online. Available: http://www.albany.edu/sourcebook/pdf/t2512006.pdf [December 10, 2006].

Figure 2. Number of Stories on Capital Punishment in the *New York Times*, 1960–2003.

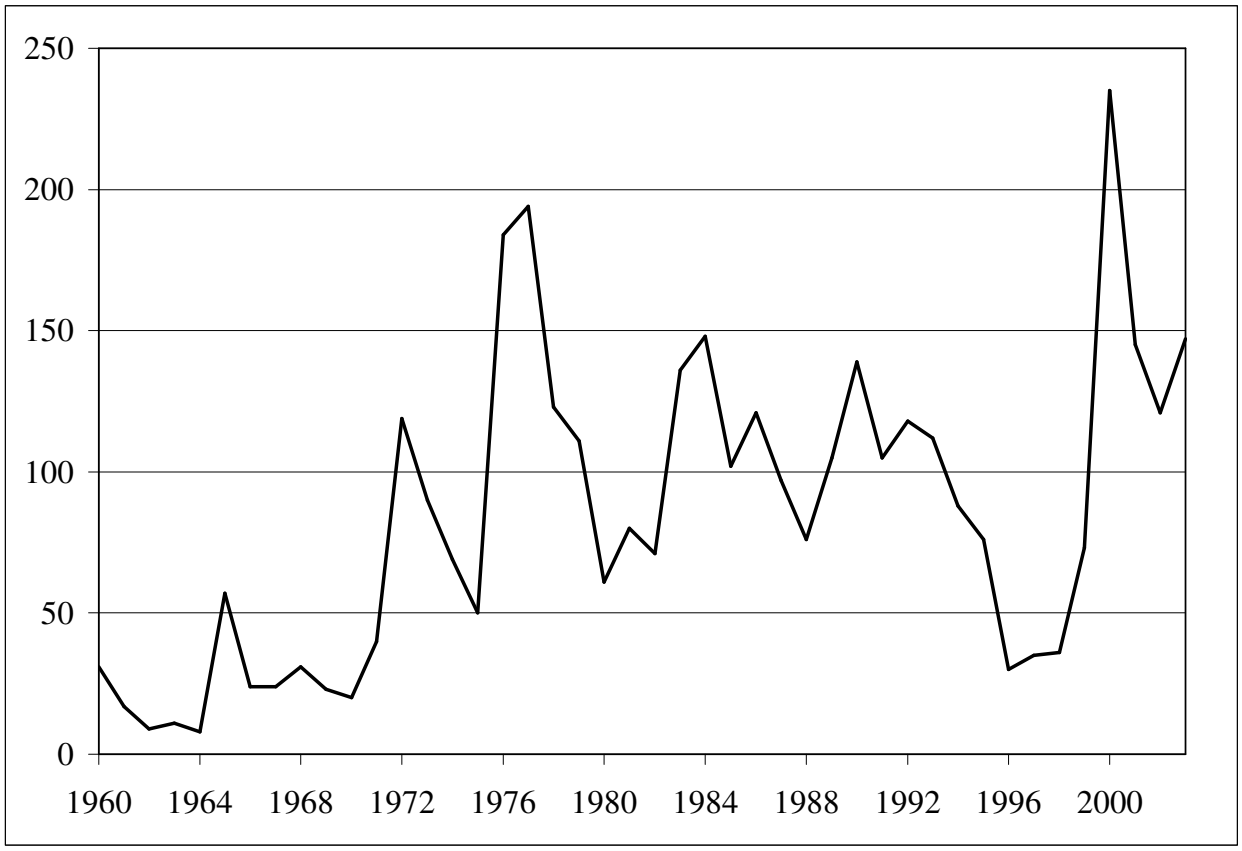
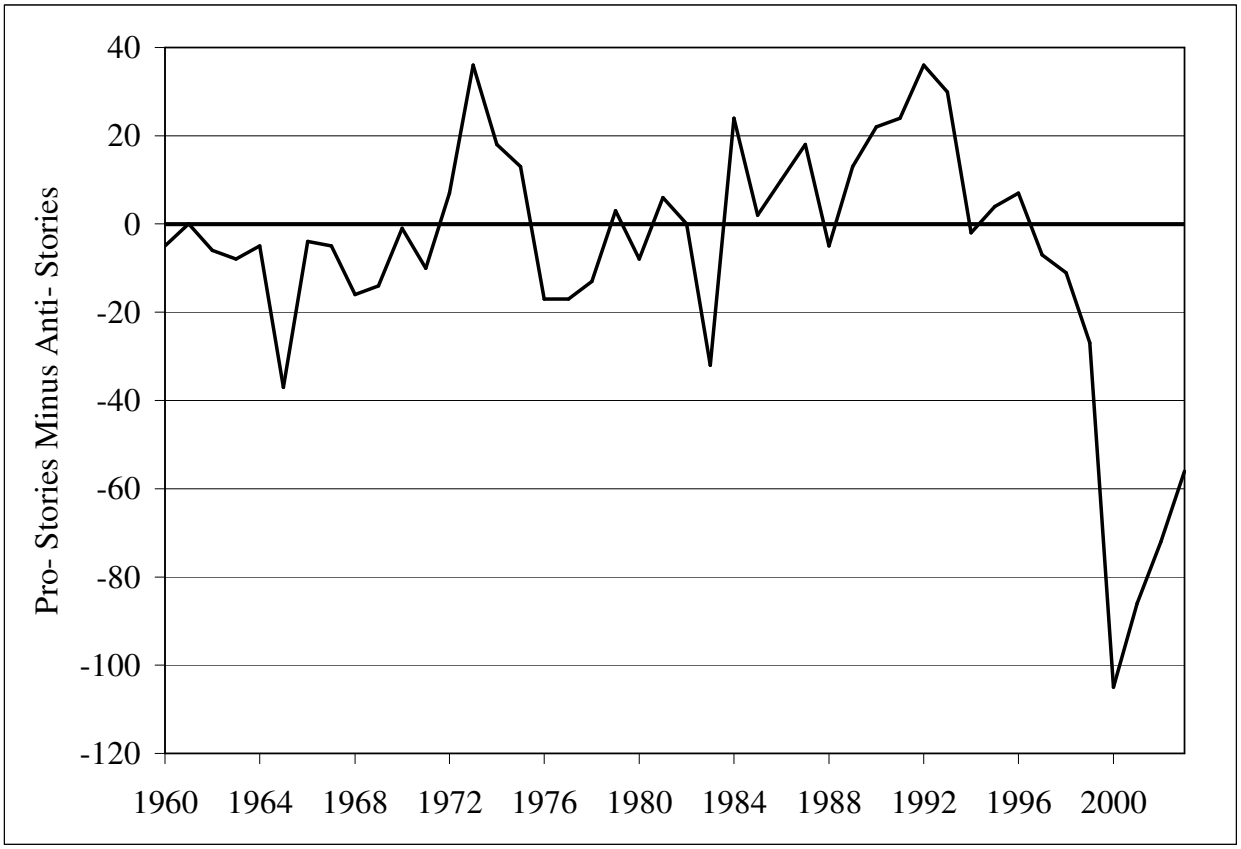
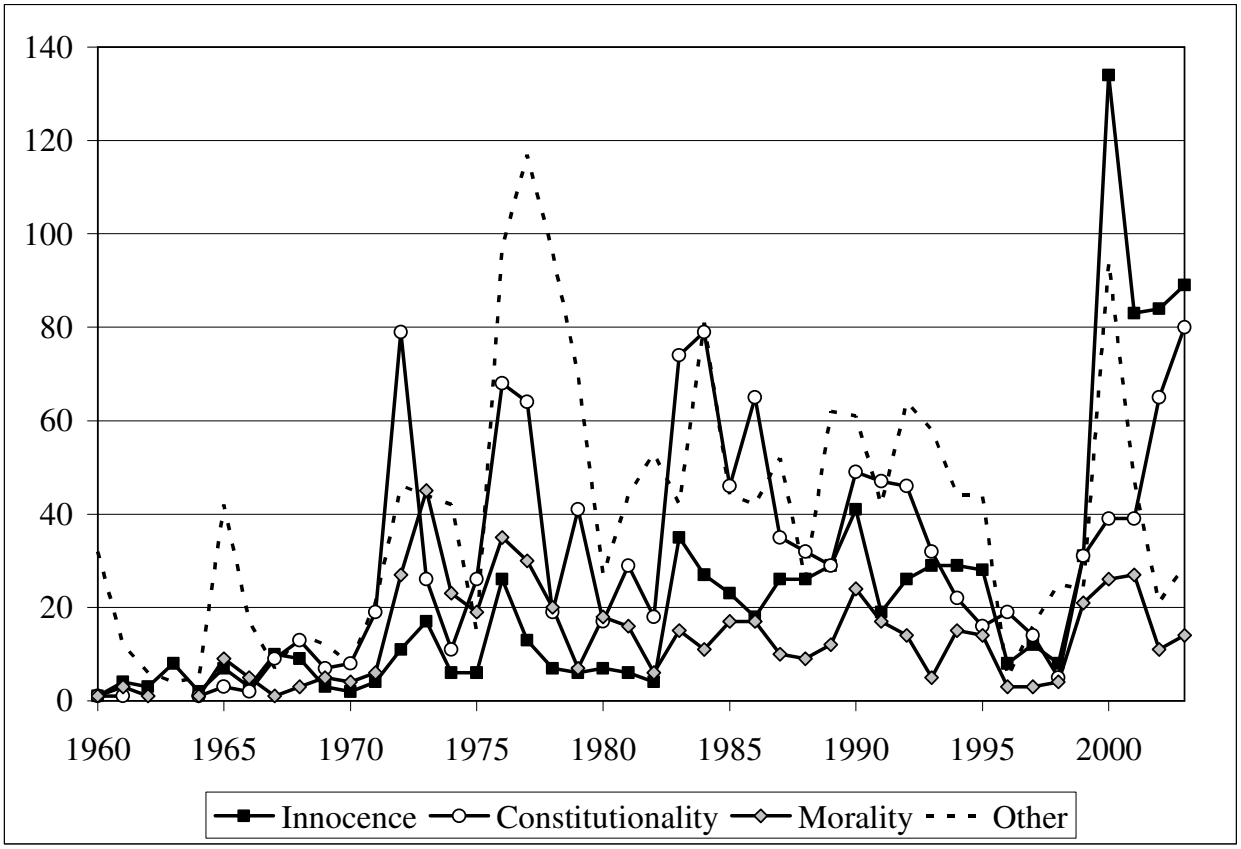


Figure 3. Net Tone of Coverage on Capital Punishment in the *New York Times*, 1960–2003.



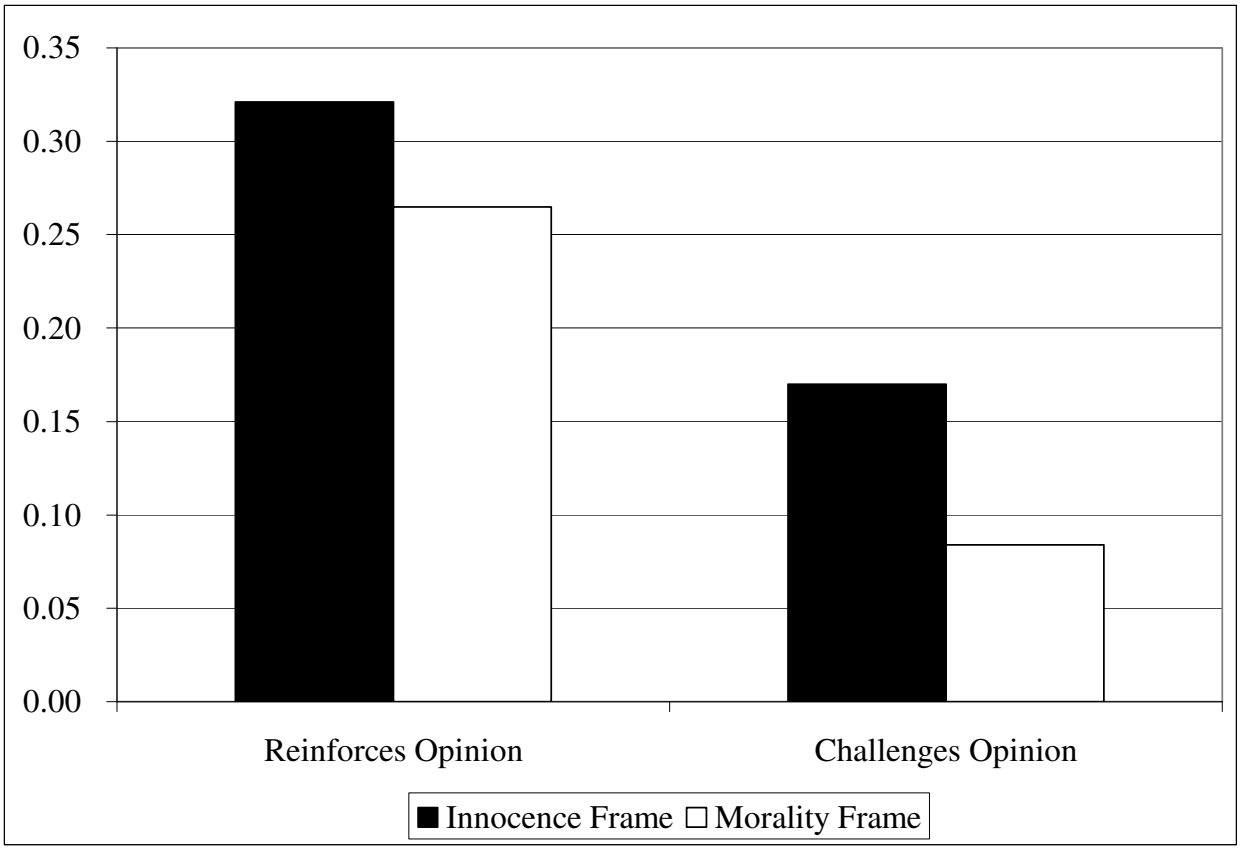
Note: The figure shows the number of stories with a pro-capital punishment theme minus the number with an anti-capital punishment theme. Neutral or uncodeable stories are not counted.

Figure 4. Dimensions of Debate in Coverage on Capital Punishment in the *New York Times*, 1960–2003.



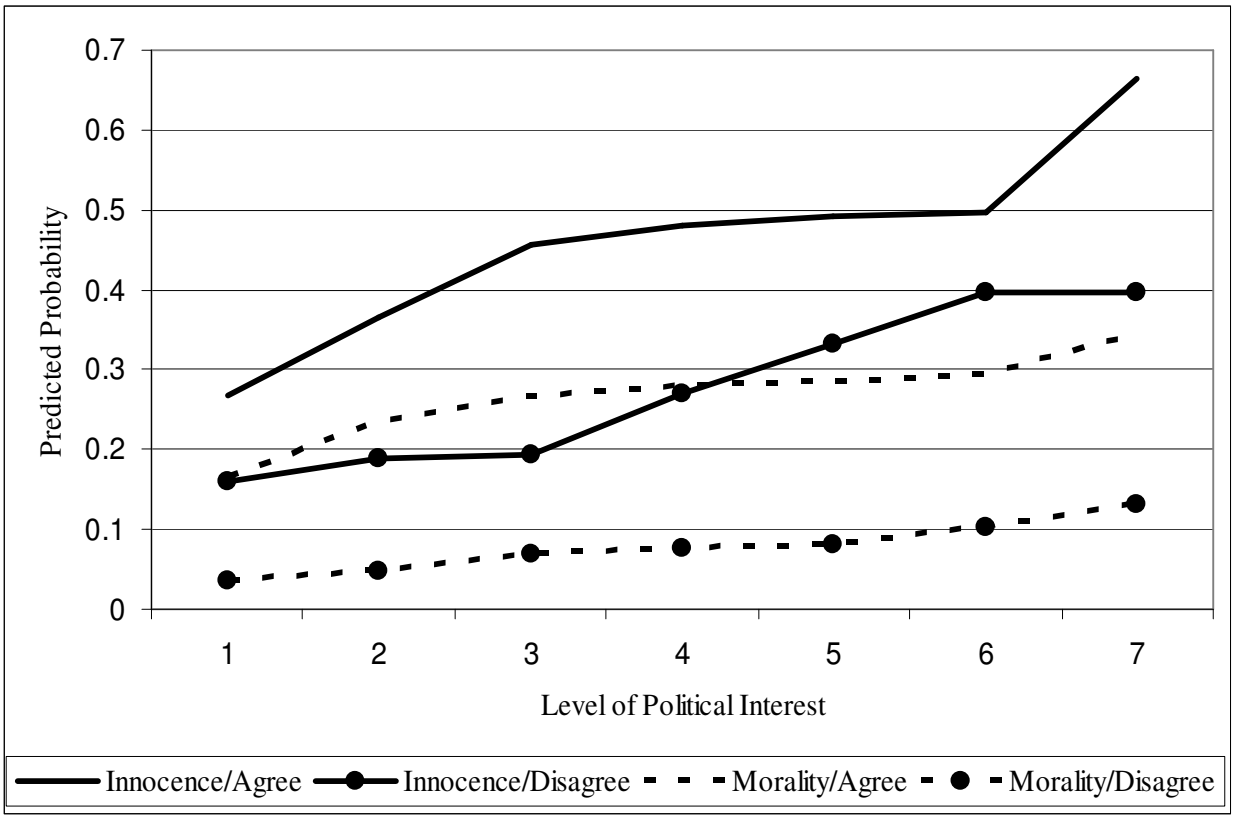
Note: In this figure, we combine the frames of efficacy, cost, mode, international, and other into a single group called "other" for ease of presentation.

Figure 5. Predicted Probability of Providing an Argument Matching the Frame Presented by whether the Stimulus Reinforces or Challenges the Participant's Opinion



Note: The bars represent the predicted probability that, when asked for the reasons that led them to their attitude on the death penalty, the first thought provided matched the frame to which they were exposed in the experiment, separately for those who agreed with the argument presented and those who disagreed, and controlling statistically for level of political interest.

Figure 6. Predicted Probability of Repeating the Frame Received by Level of Political Interest.



Note: The figure shows the predicted probability of explaining one's attitude on the death penalty with reference to an argument on the frame received, for various levels of political interest. So, for example, the lowest line shows that those exposed to the pro-death-penalty morality argument, but who opposed to the death penalty, were very unlikely to refer to this argument in explaining their opinions: fewer than 5% of those with low political interest, and only about 10% of those with high political interest did so. The top line shows that those receiving the innocence argument, who agreed with it, on the other hand, were much more likely to use this same argument in explaining their opinion: 25% at low levels of political interest, and over 60% at high levels of political interest. The innocence frame (solid lines) always was more effective than the morality frame (dashed lines).