From "Justice" to Mistake: Changing Public Understandings of the Death Penalty in the United States

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Presentation to the SPS Department, IUE,
November 22, 2004

www.policyagendas.org

http://lobby.la.psu.edu

www.policyagendas.org

- Data on US Government activities 1947-present
- Hearings, statutes, NYTimes Stories, Congressional Quarterly Stories, Bills Introduced, Executive Orders, Gallup Most Important Problem survey data, Presidential Activities, Federal Budgetary data, others coming soon
- Consistent topic code system; 226 topics
- Free! Analyzable on-line or down-loadable.

http://lobby.la.psu.edu

- 350 Interviews w/ policy advocates
- Efforts to re-define issues, limits on this
- Random sample of 96 issues
- 1999-2002, covering Clinton and Bush years
- Primary sources all available: speeches, bill text, press releases, interest group talking points, newspaper articles, TV coverage, etc.
- Teaching and Research uses
- Book projects underway; data publicly available

Both projects

- Issue-definition matters
- Longitudinal studies of issue-definition
- Contemporaneous studies of the process
  - Lobbyists attempt to reframe issues
  - Other lobbyists oppose them
  - "Lobbyists" are sometimes government officials
- Punctuations, dramatic changes in policy are rare, but not so rare they can be ignored

Death Penalty Project

- "a government program run by bureaucrats, and it doesn't work very well"
- Size of the current project
  - Media coverage and analysis
  - Public opinion
  - Experiments on framing
  - Possibly analyses of actual court pleadings in next stage
- Today's focus, just a part, a methodological part
- Work is joint with Suzanna De Boef, colleague, and Amber Boydstun, graduate student, both at Penn State

The New York *Times* study

- All story abstracts from 1960 to 2001
- Content: what arguments / topics were mentioned?
- How much coverage? Overall? By topic?
- Focus is on how the topics of discussion have changed over time.
- Focus is not on NYT opinions per se.

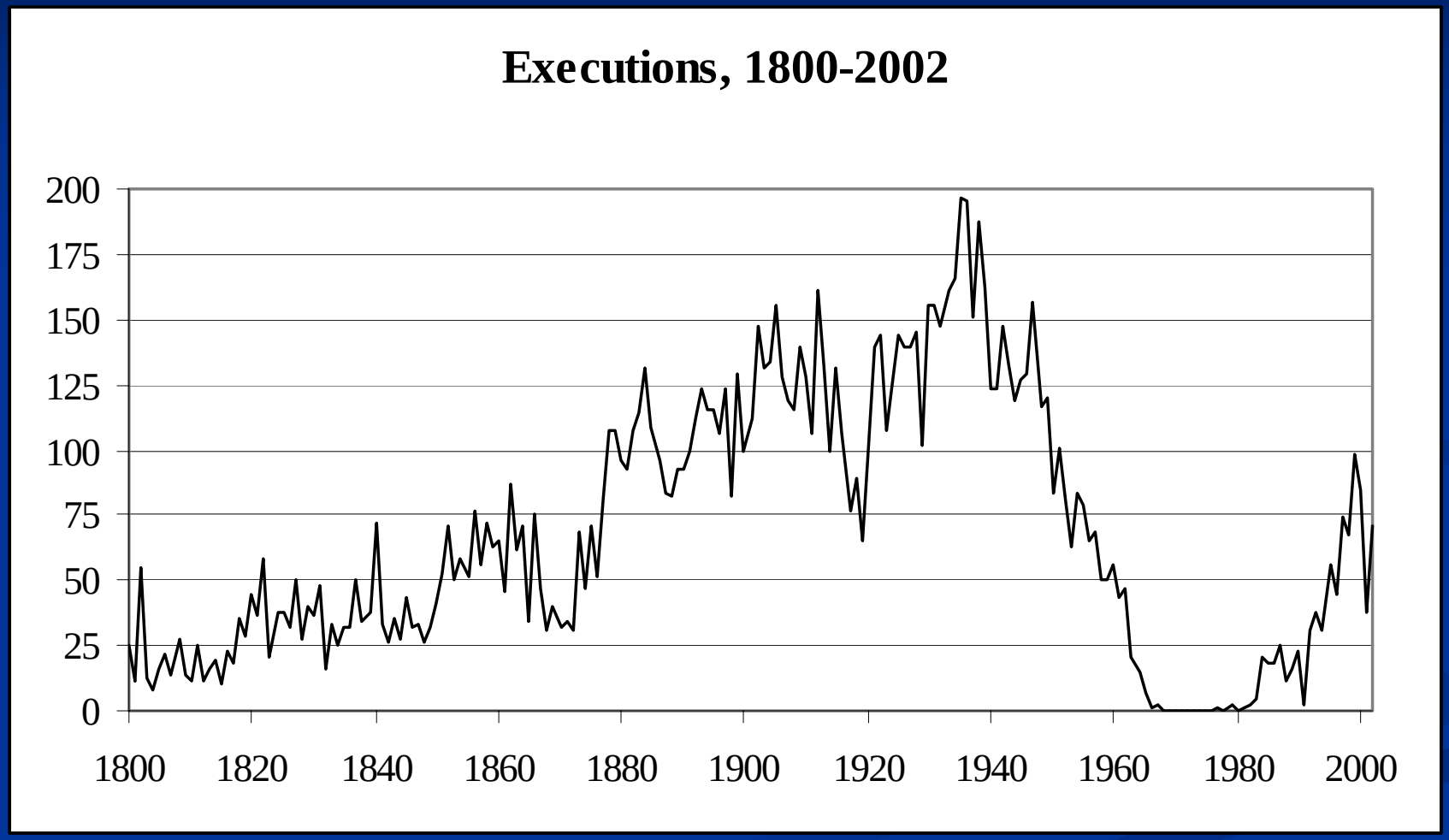
A Dynamic Factor Analysis Approach

- What is it?
- Why bother?
- What do we hope to gain?

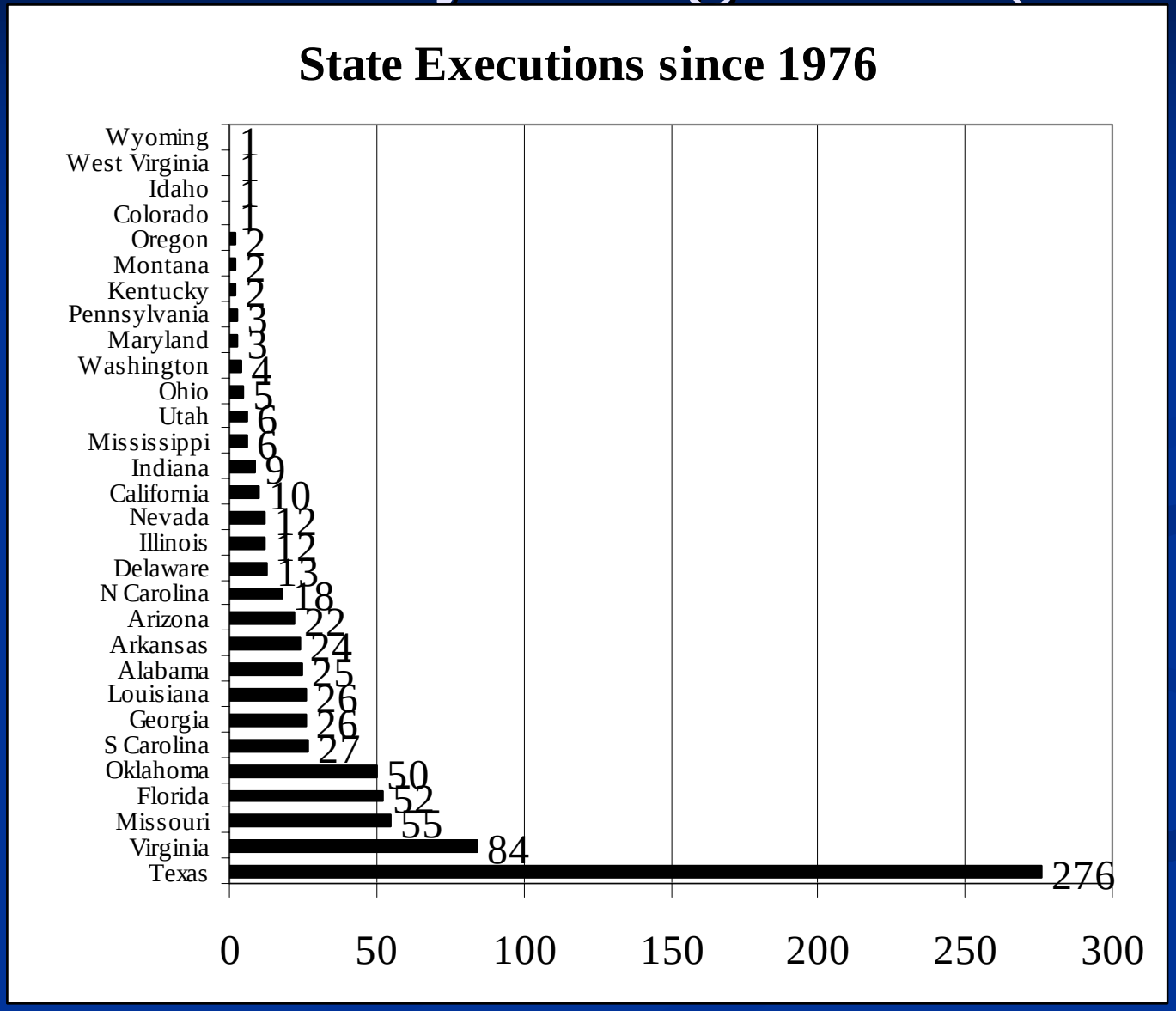
Some Background

- Death Penalty ruled unconstitutional in US from 1972 to 1976.
- States, not federal government, generally use it.
- Some states more than others.
- Statistics follow:

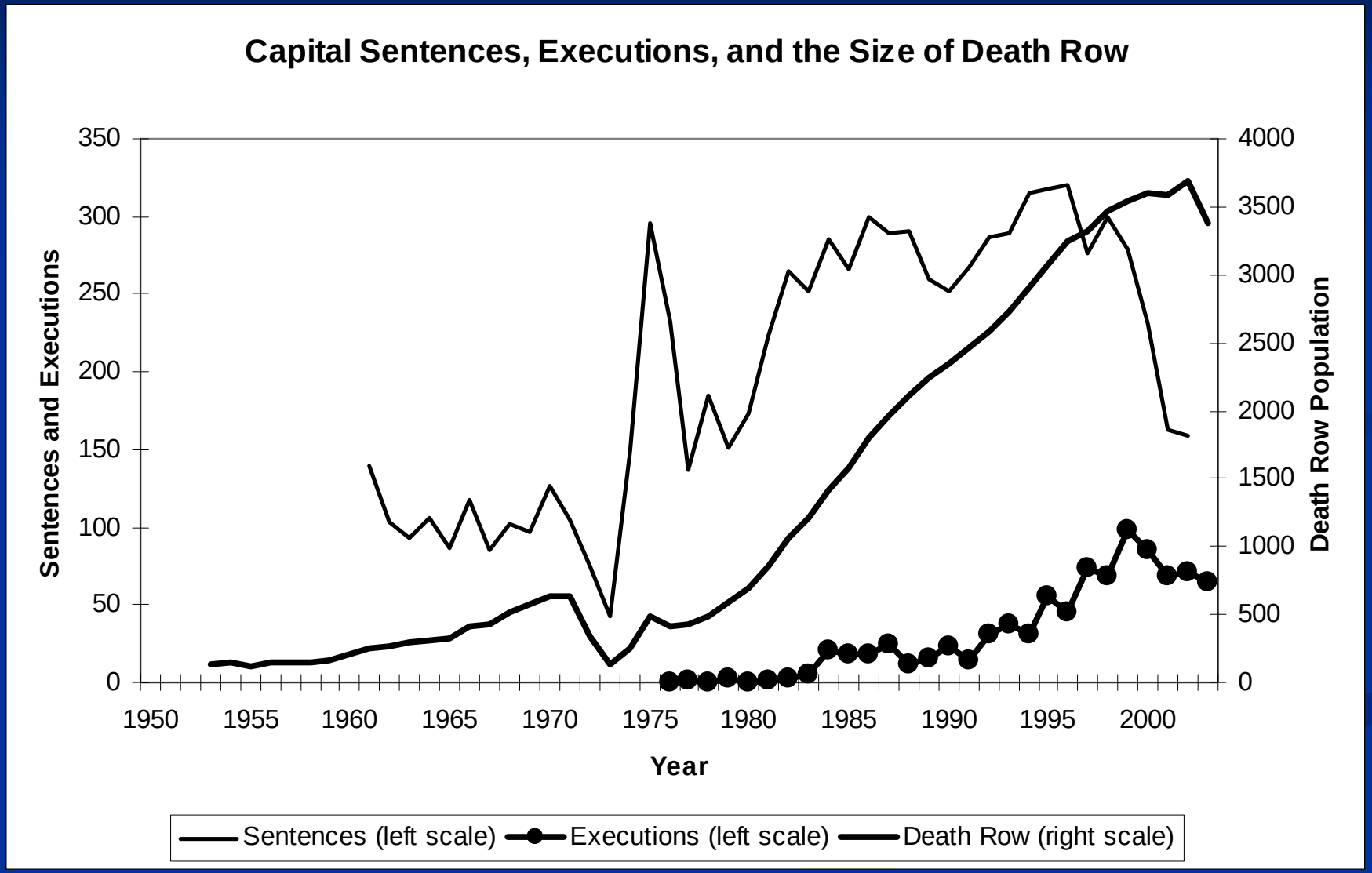
Death Penalty background (cont.)



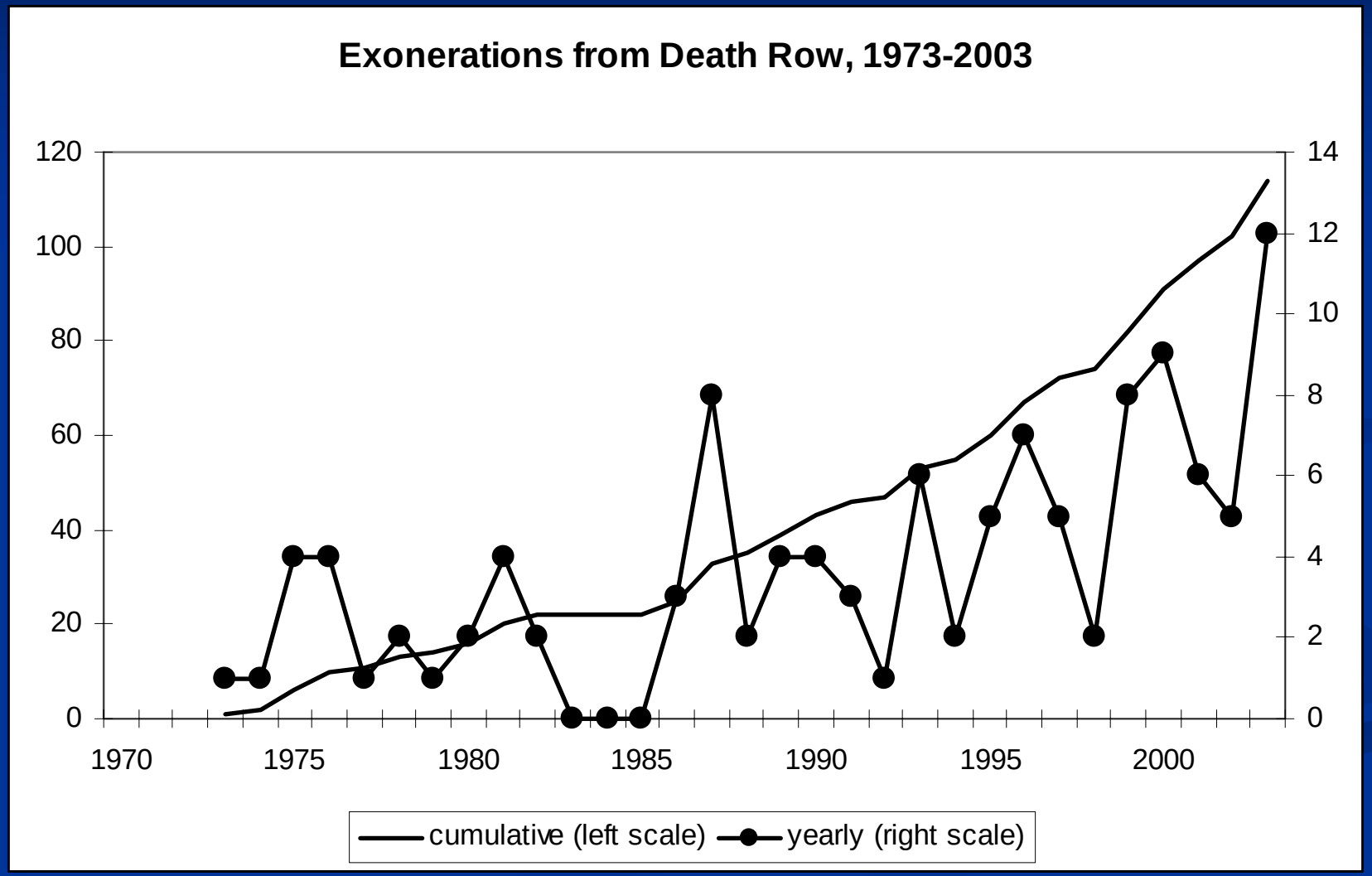
Death Penalty background (cont.)



Death Penalty background (cont.)



Death Penalty background (cont.)



The New York *Times* dataset

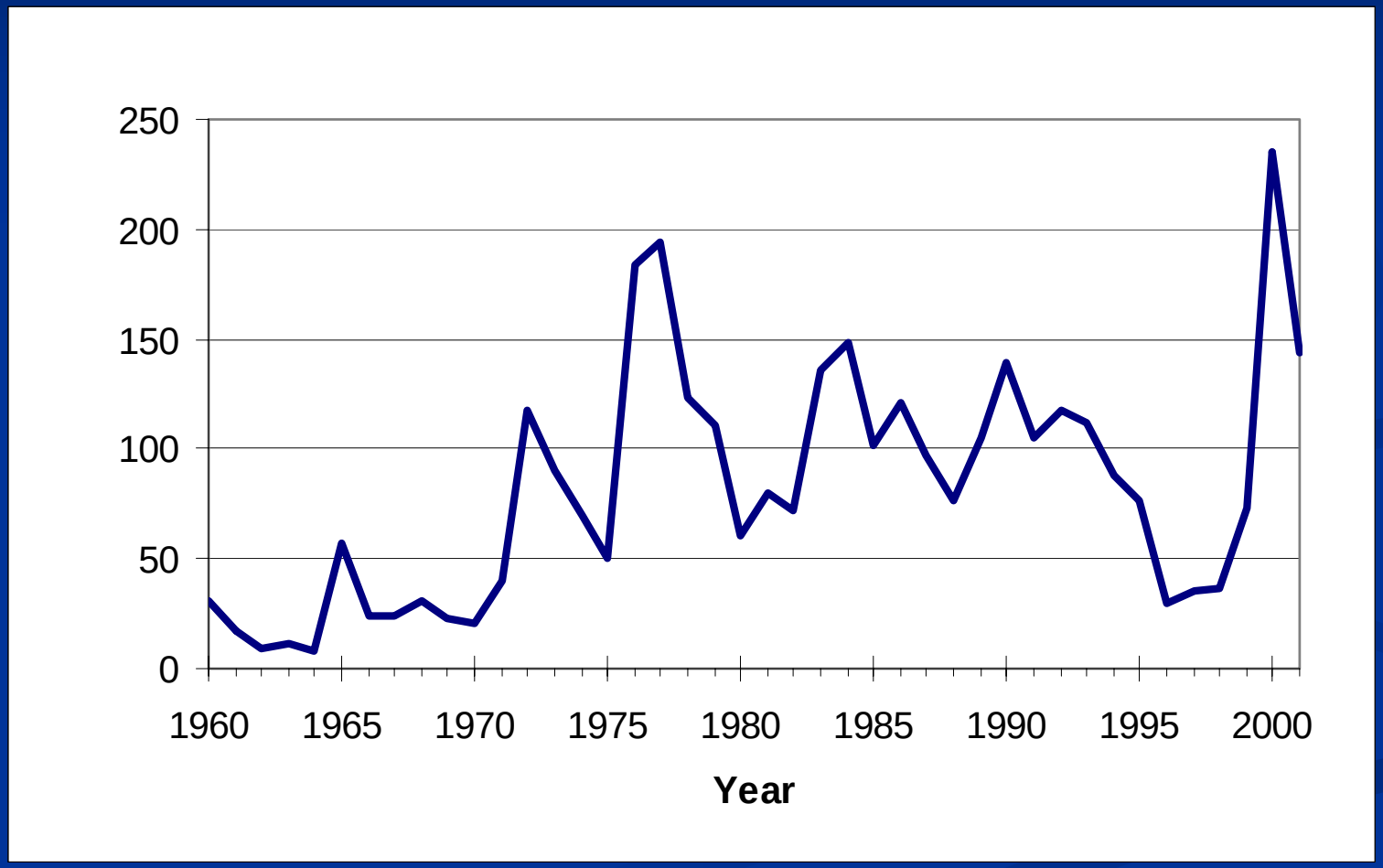
- Developed coding scheme incorporating all dimensions of discussion concerning the death penalty
- Coded 3,512 New York *Times* abstracts under the index title "Capital Punishment"
- This represents all articles published from 1960 to 2001

Sample Abstracts

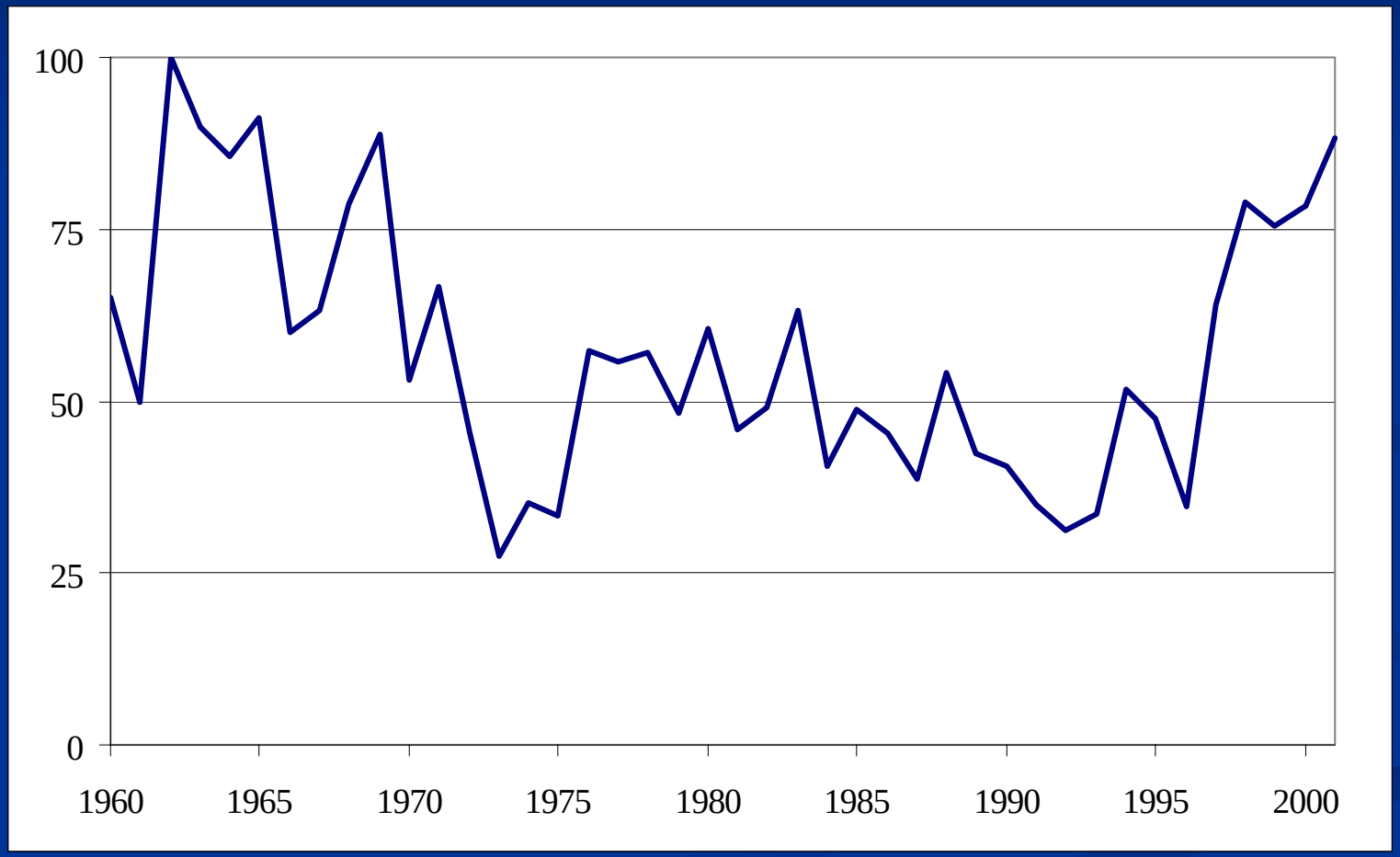
- *"Critics of capital punishment* accuse Virginia officials of being vindictive for not allowing Earl Washington Jr to appear at news conference on Capitol Hill to talk about death sentence he narrowly escaped *for rape and murder he did not commit*; news conference is part of *campaign to legislate* greater *opportunities for appeal* under death penalty"

- "State of Missouri will execute 26-year old Antoniao Richardson, *mentally retarded* man, *despite pleas for clemency from mother of his two victims*; *he was 16 years old* in 1991, when he *murdered 20-year-old Julie Kerry and 19-year-old sister Robin"*

Death Penalty Stories per Year, *NYTimes*, 1960-2001



The Percentage of Coverage with an Anti-Death Penalty Tone, 1960-2001



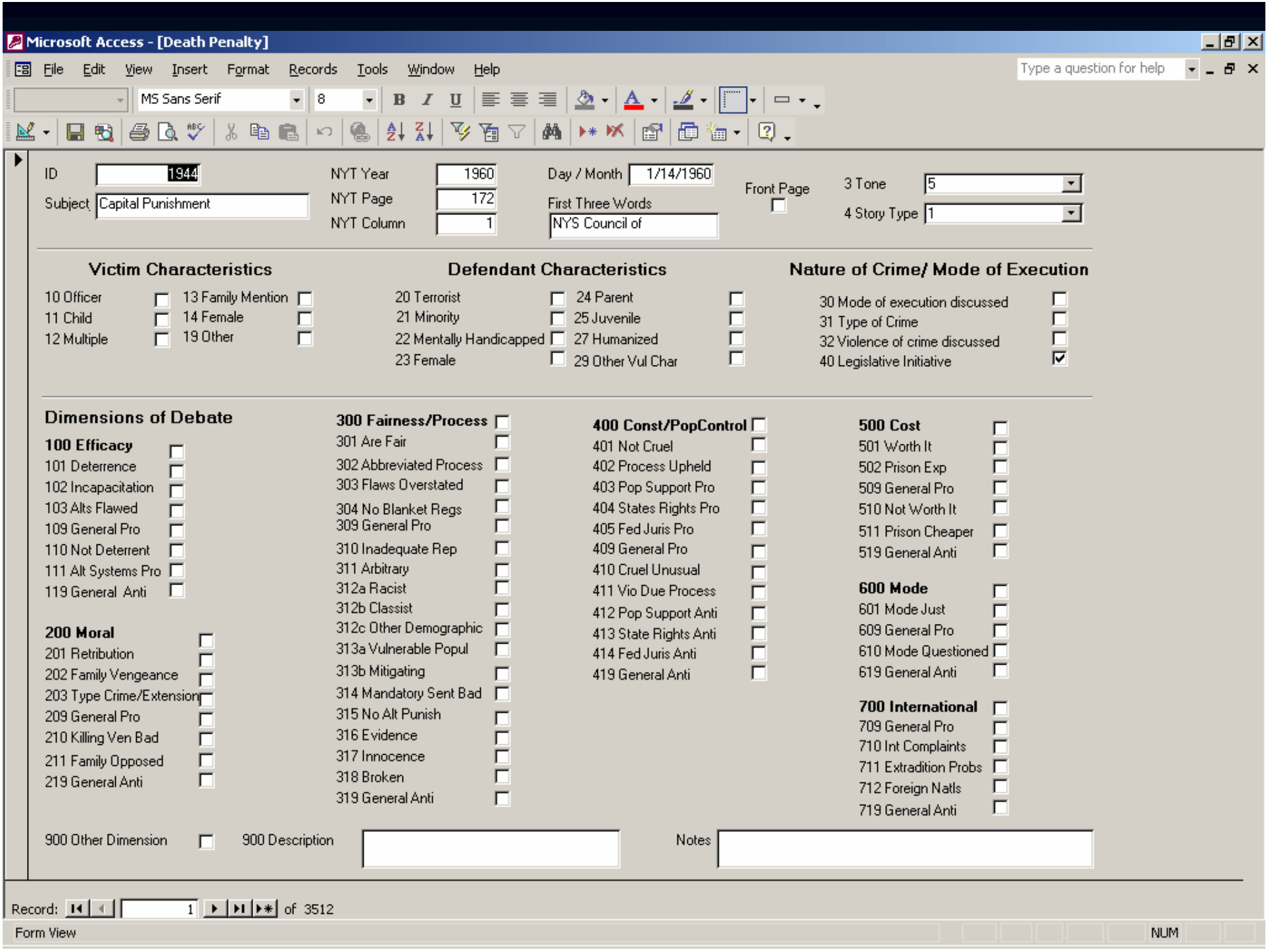
How can we explain these shifts?

- Little reason to expect changes in moral attitudes
- Shifts in focus of attention can lead to shifts in outcomes, with no underlying changes in attitudes

- A shifting mix of attention to different elements of the debate can explain changes in tone

Coding for Dimension

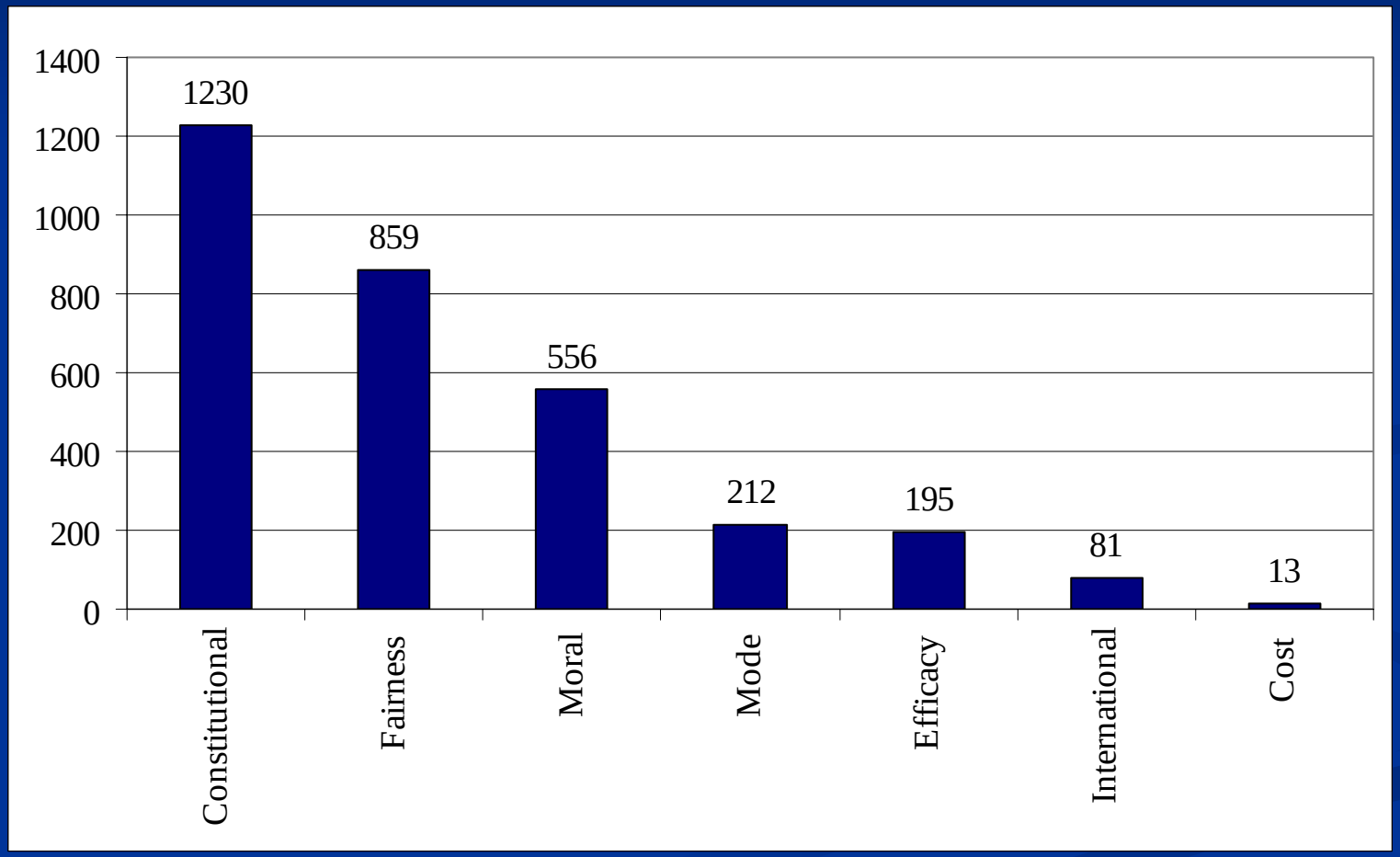
- Read each article summary
- Record each distinct argument
  - The same article may contain several arguments
- 67 distinct arguments were discovered
- These 67 arguments fall into 7 general categories, each of which has pro- and anti-arguments


Microsoft Access - [Death Penalty]
File Edit View Insert Format Records Tools Window Help
Type a question for help
MS Sans Serif
8
ID 1944
Subject Capital Punishment
NYT Year 1960
NYT Page 172
NYT Column 1
Day / Month 1/14/1960
First Three Words NYS Council of
Front Page
3 Tone 5
4 Story Type 1
Victim Characteristics
10 Officer
11 Child
12 Multiple
13 Family Mention
14 Female
19 Other
Defendant Characteristics
20 Terrorist
21 Minority
22 Mentally Handicapped
23 Female
24 Parent
25 Juvenile
27 Humanized
29 Other Vul Char
Nature of Crime/ Mode of Execution
30 Mode of execution discussed
31 Type of Crime
32 Violence of crime discussed
40 Legislative Initiative
Dimensions of Debate
100 Efficacy
101 Deterrence
102 Incapacitation
103 Alts Flawed
109 General Pro
110 Not Deterrent
111 Alt Systems Pro
119 General Anti
200 Moral
201 Retribution
202 Family Vengeance
203 Type Crime/Extension
209 General Pro
210 Killing Ven Bad
211 Family Opposed
219 General Anti
300 Fairness/Process
301 Are Fair
302 Abbreviated Process
303 Flaws Overstated
304 No Blanket Regs
309 General Pro
310 Inadequate Rep
311 Arbitrary
312a Racist
312b Classist
312c Other Demographic
313a Vulnerable Popul
313b Mitigating
314 Mandatory Sent Bad
315 No Alt Punish
316 Evidence
317 Innocence
318 Broken
319 General Anti
400 Const/PopControl
401 Not Cruel
402 Process Upheld
403 Pop Support Pro
404 States Rights Pro
405 Fed Juris Pro
409 General Pro
410 Cruel Unusual
411 Vio Due Process
412 Pop Support Anti
413 State Rights Anti
414 Fed Juris Anti
419 General Anti
500 Cost
501 Worth It
502 Prison Exp
509 General Pro
510 Not Worth It
511 Prison Cheaper
519 General Anti
600 Mode
601 Mode Just
609 General Pro
610 Mode Questioned
619 General Anti
700 International
709 General Pro
710 Int Complaints
711 Extradition Probs
712 Foreign Natls
719 General Anti
900 Other Dimension
900 Description
Notes
Record: 1 of 3512
Form View
NUM

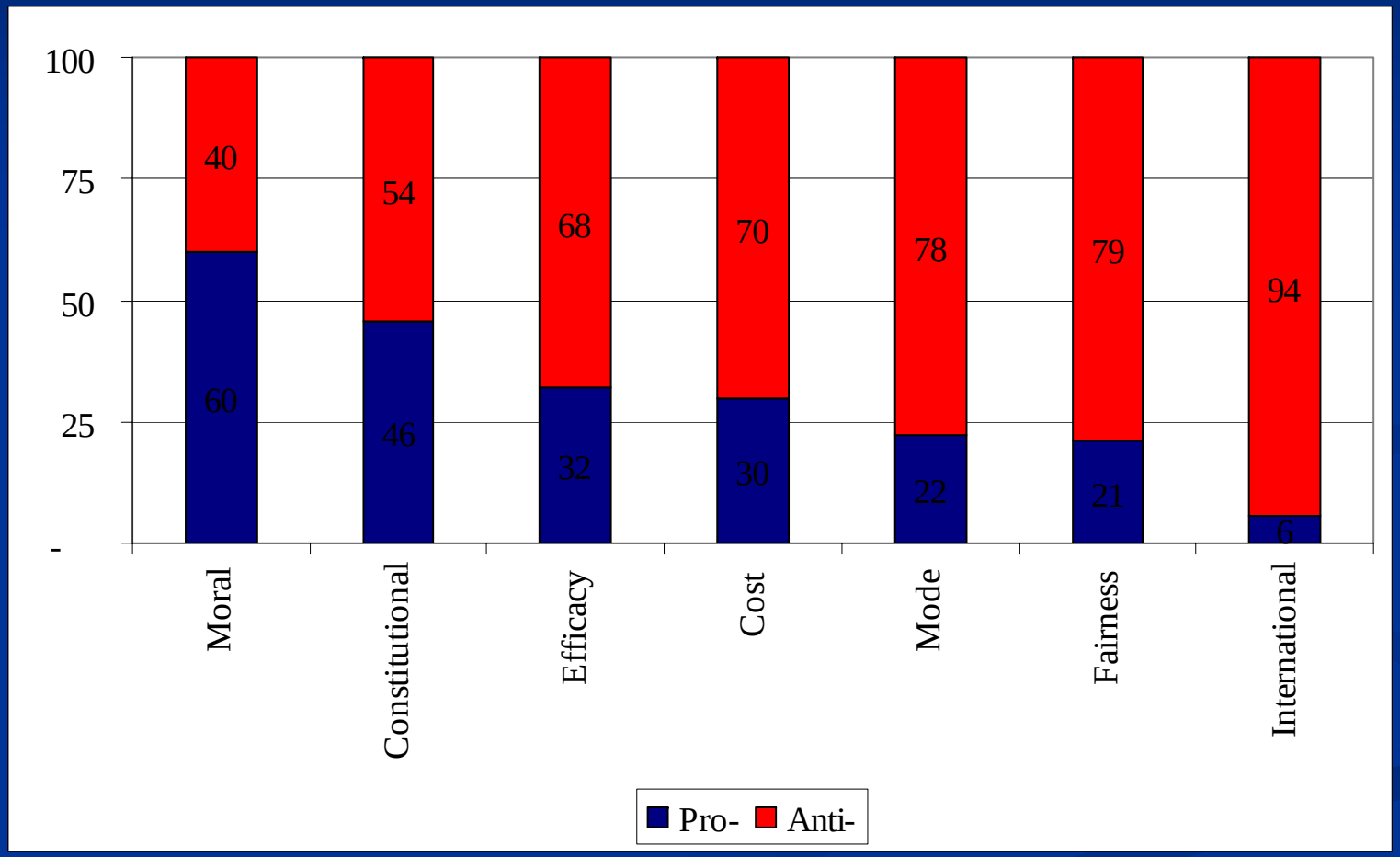
The Seven Dimensions of Debate

- Efficacy: does the system work?
- Moral arguments
- Fairness or Innocence / Guilt
- Constitutional / judicial issues
- Cost
- Mode of Execution
- International

The Topics of Media Attention, 1960-2001



The Topic Determines the Tone



Shaded bars show the relative percentage of pro- and anti- arguments of each type.

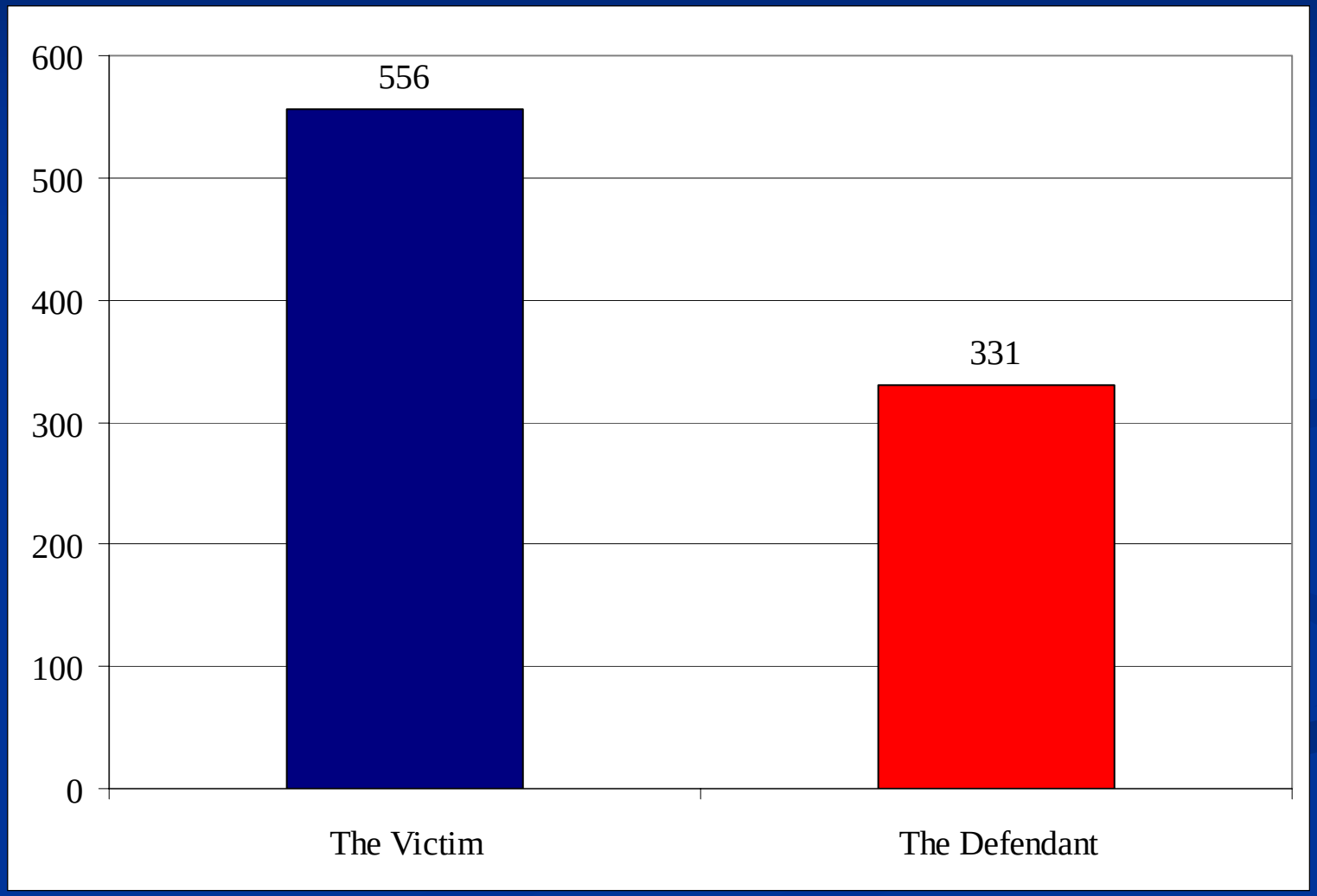
Does the abstract mention anything about the victim?

- Victim is mentioned / described:
  - Police officer or law enforcement official
  - Child
  - Multiple victims
  - Female
- Other humanizing characteristics
- Mentions of feelings of victims' families
- Real and hypothetical cases both coded

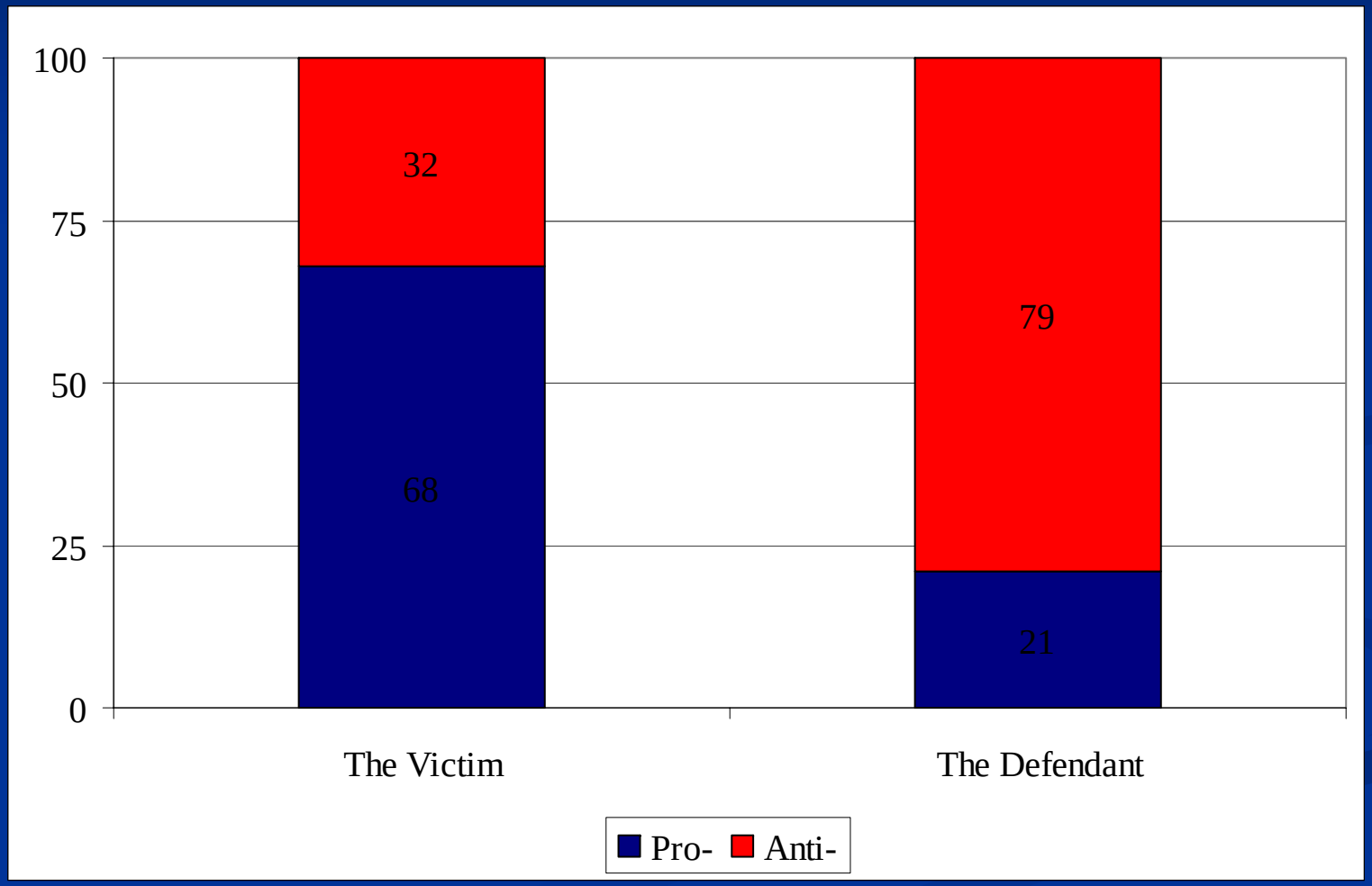
Does the abstract mention anything about the defendant?

- Defendant is mentioned / described as a:
  - Juvenile
  - Racial minority
  - Mentally handicapped
  - Parent
  - Female
  - Defendant is humanized in some way
  - Other vulnerable characteristics of the defendant
- Defendant is terrorist / national security threat

Mentions of the Victim or the Defendant

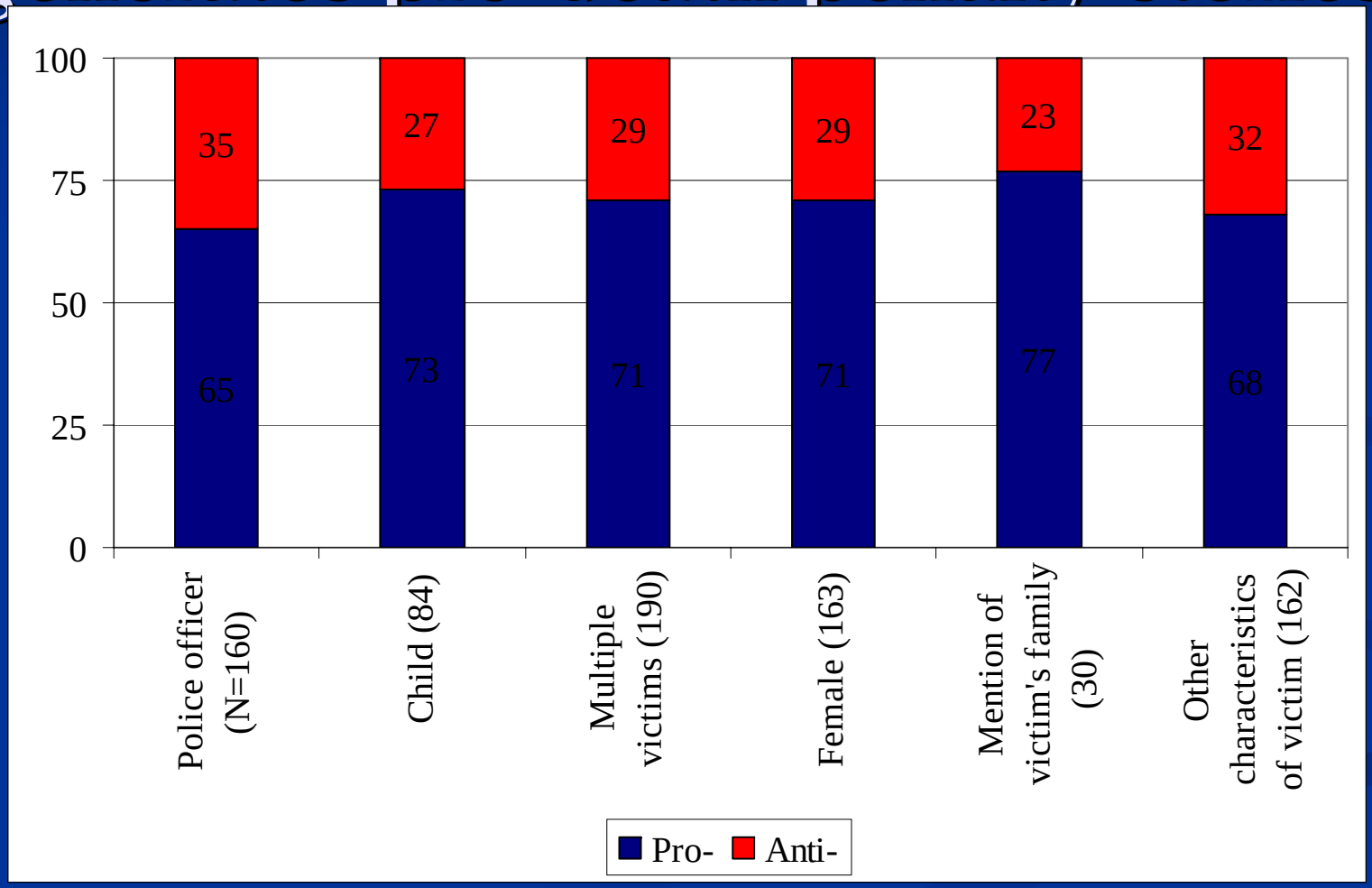


Mention of either the victim or the defendant determines the tone:

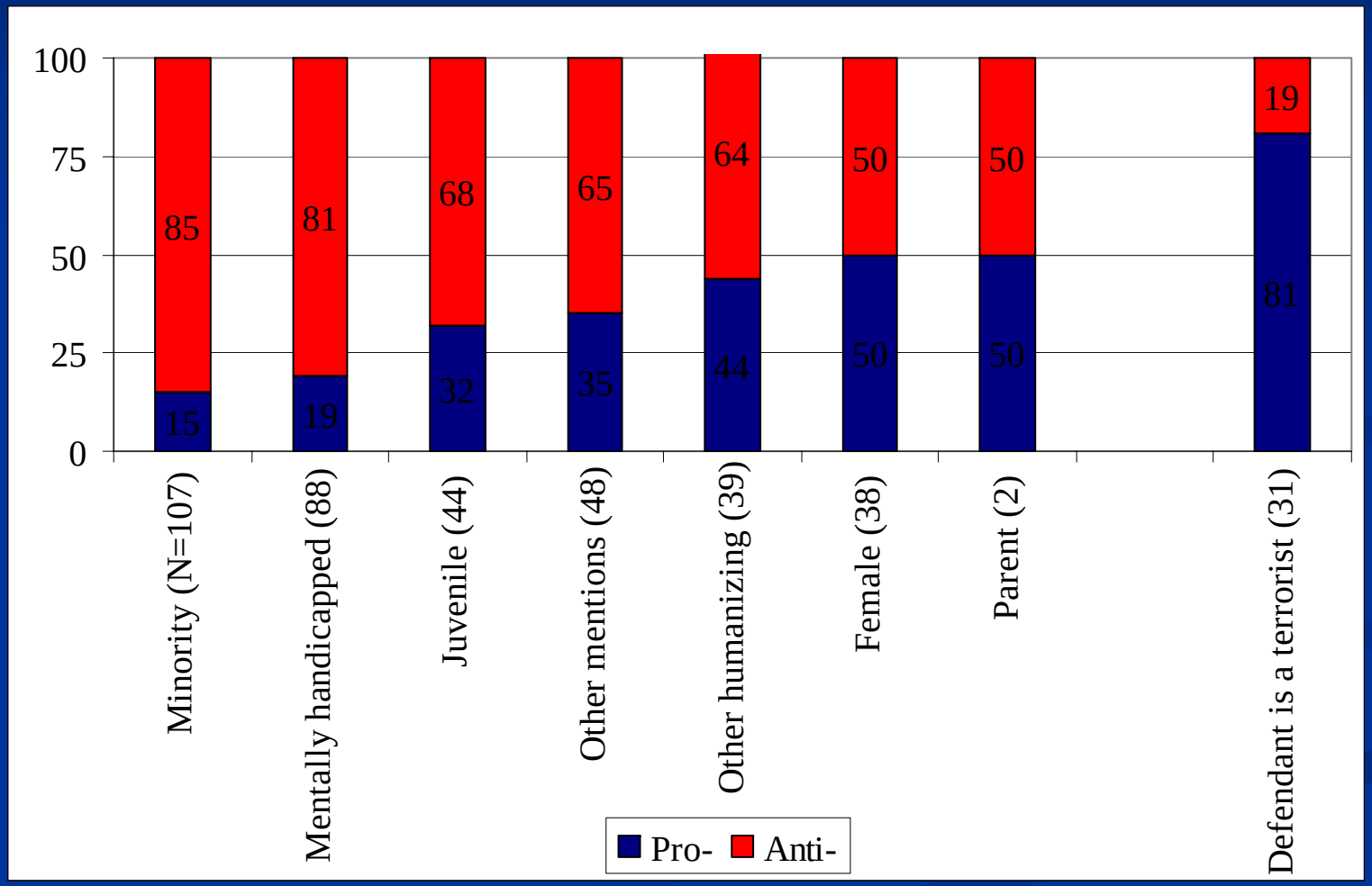


Shaded bars show the percentage of stories that were coded pro- or anti- death penalty.

Virtually any discussion of victims, no matter what their characteristics, generates pro-death penalty stories:



Almost any discussion of the defendant has the opposite effect:

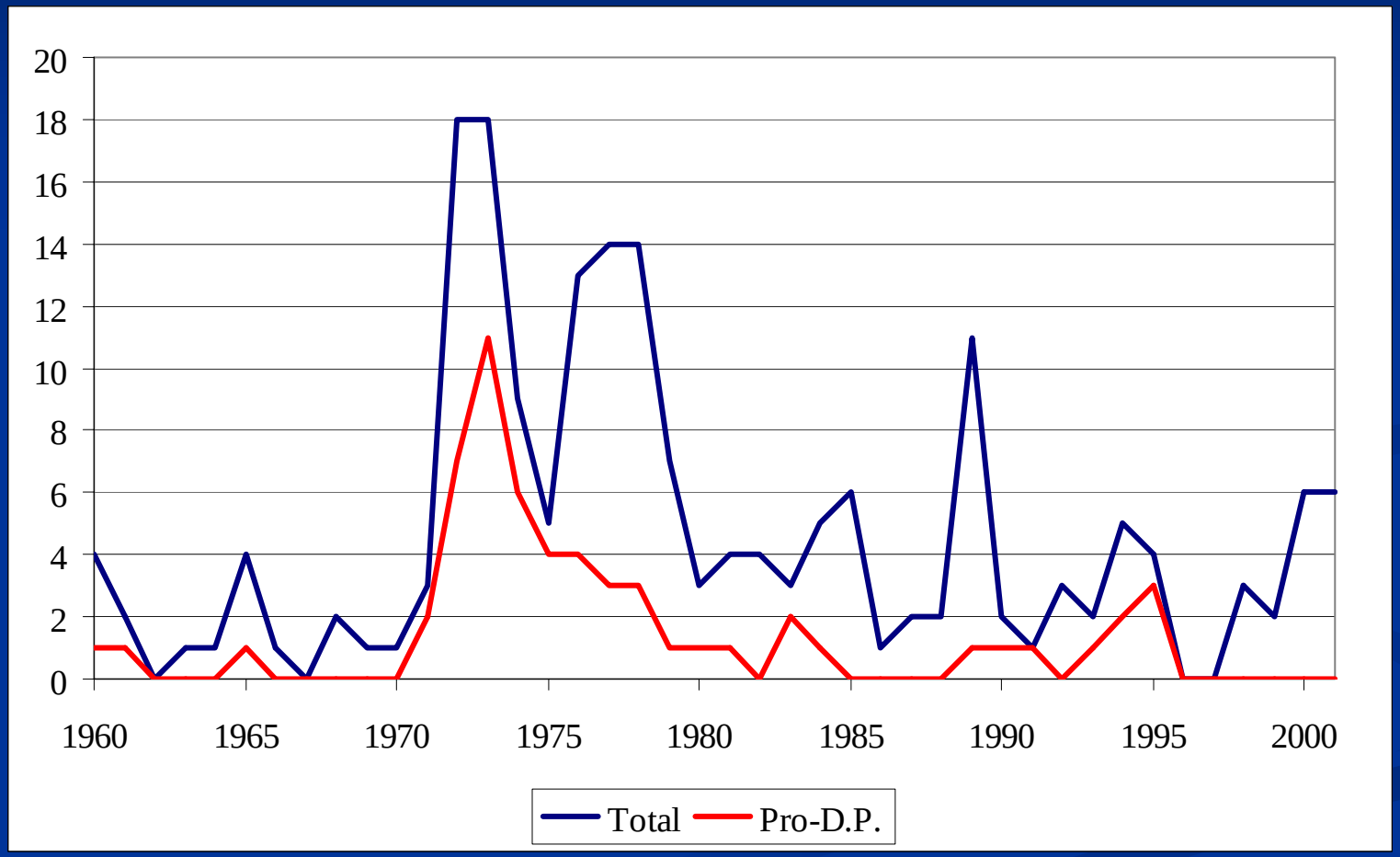


How has the debate changed over time, especially since 1996?

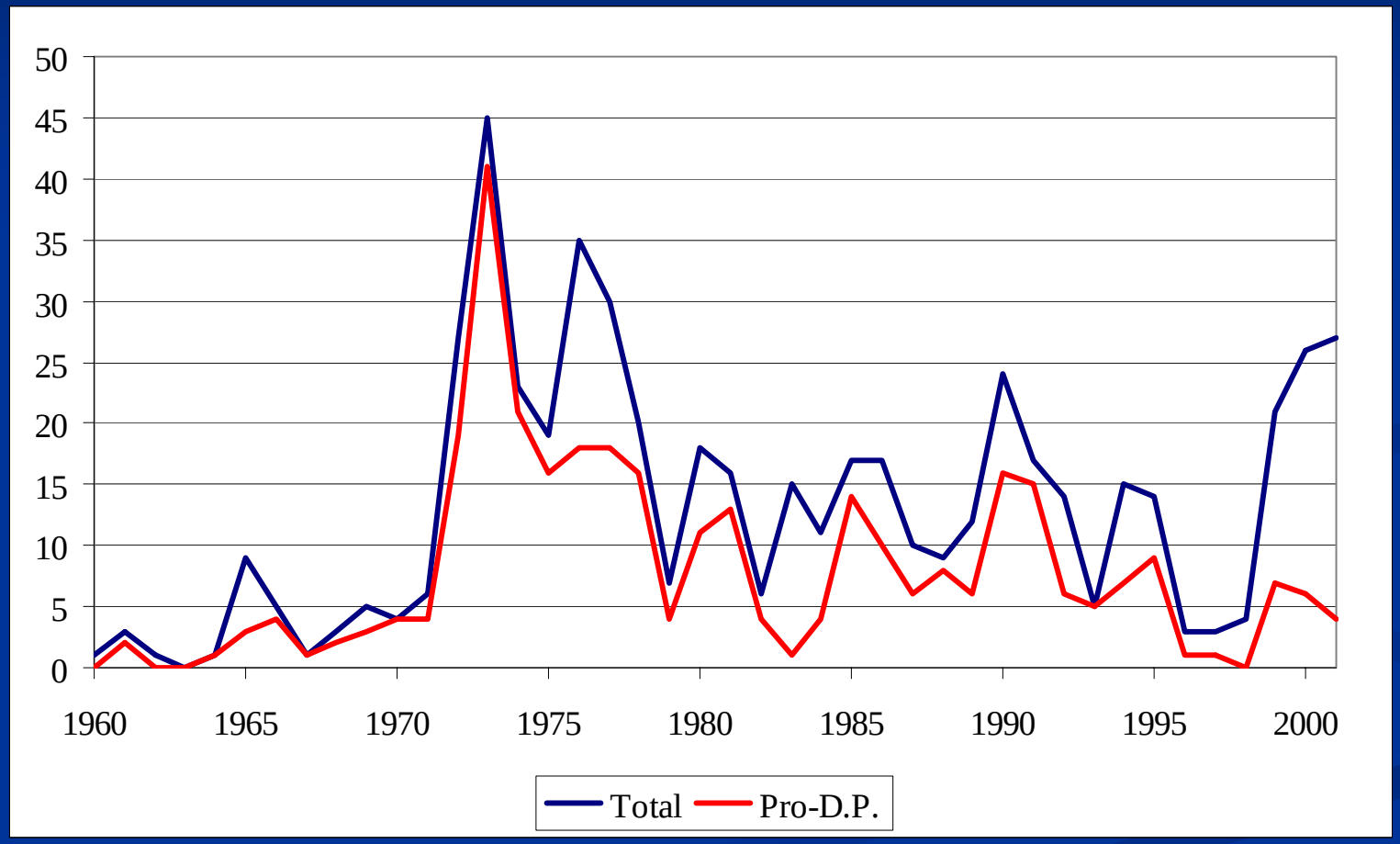
- Overall levels of attention unprecedented
- Rise in anti-death penalty stories
- Shift in focus: Innocence, fairness, and the defendant.
- More attention to defendants compared to victims.

- These changes may portend future shifts in policy; they are quite strong.

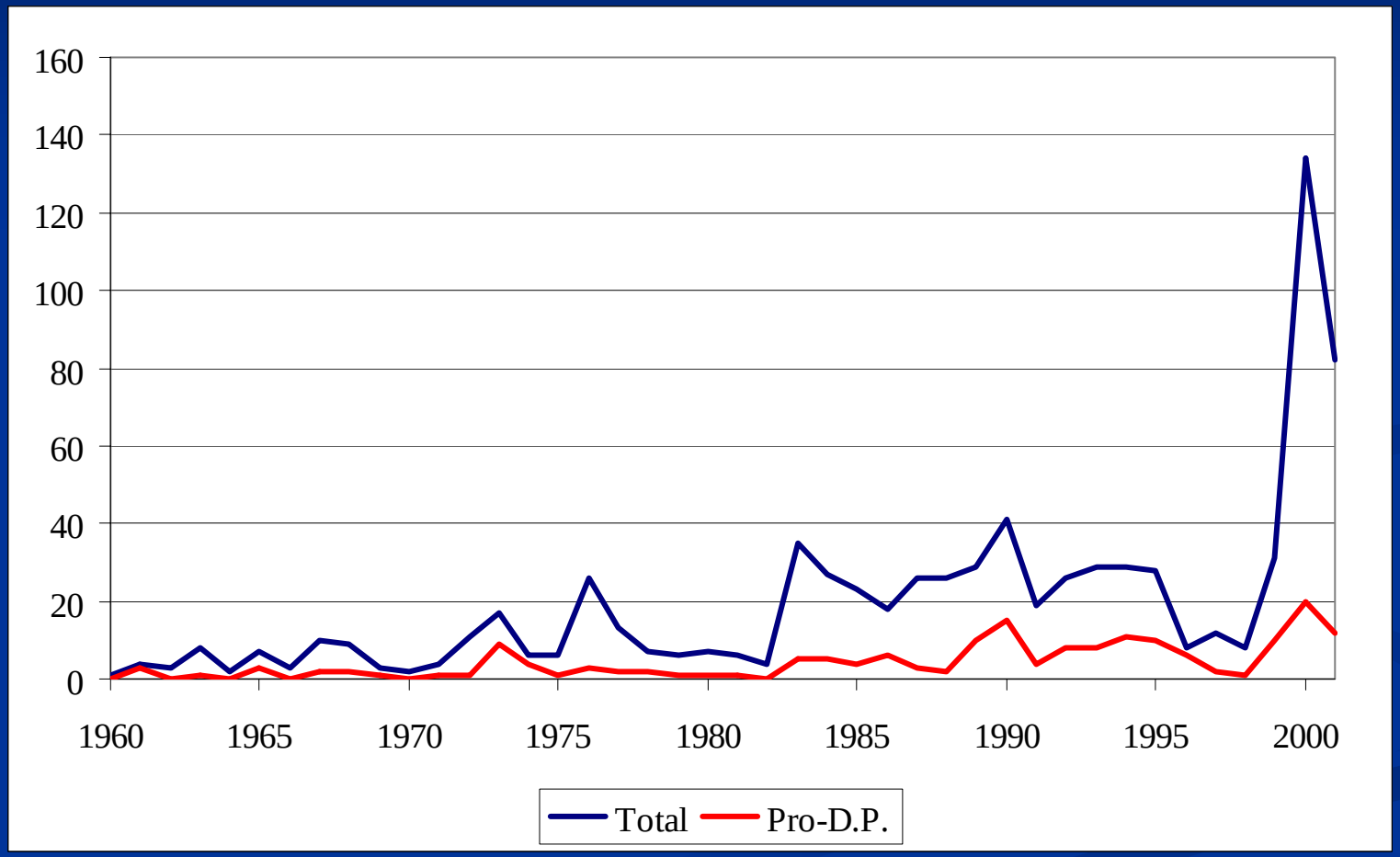
Stories Mentioning Efficacy Arguments, 1960-2001



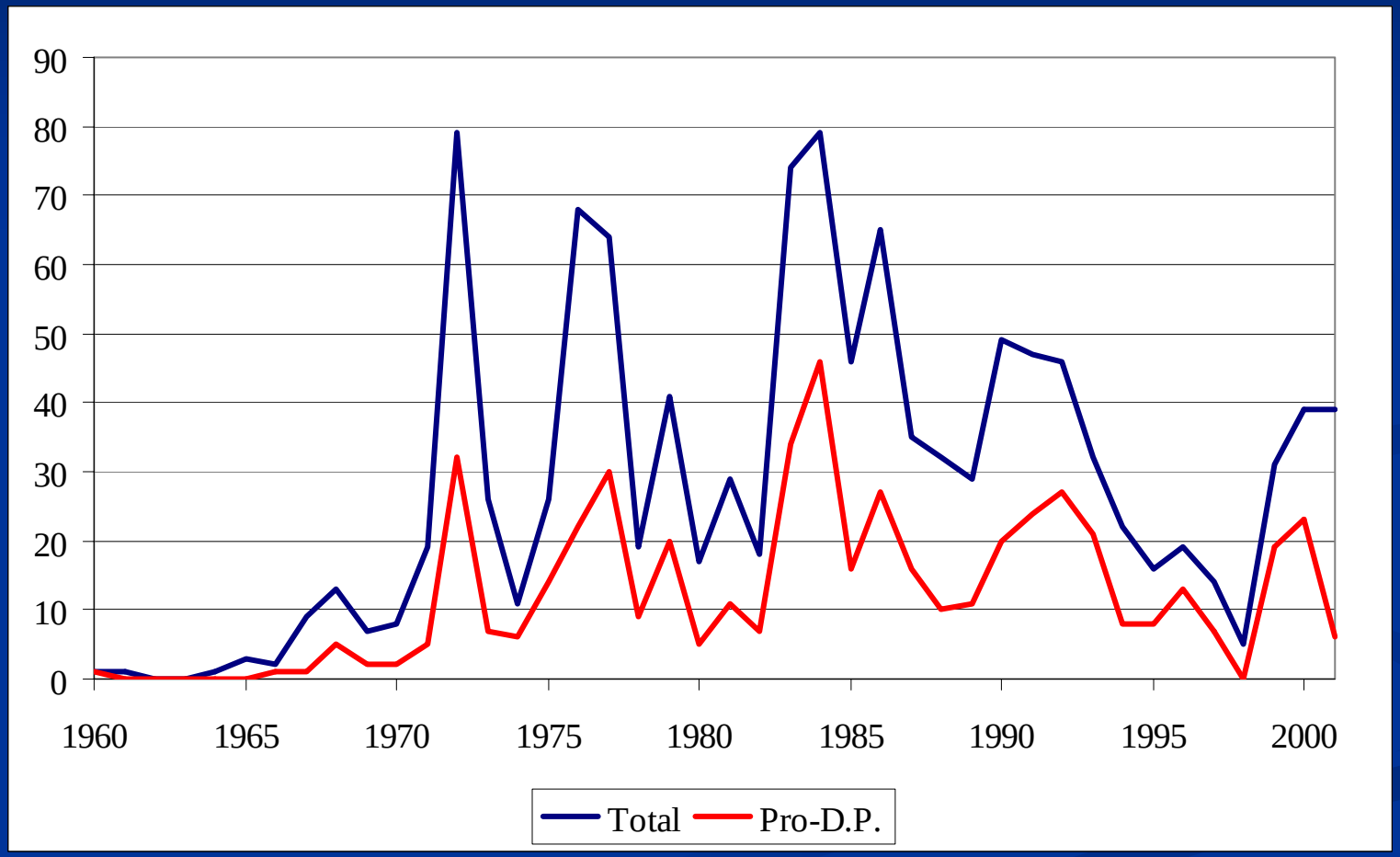
Stories Mentioning Moral Arguments, 1960-2001



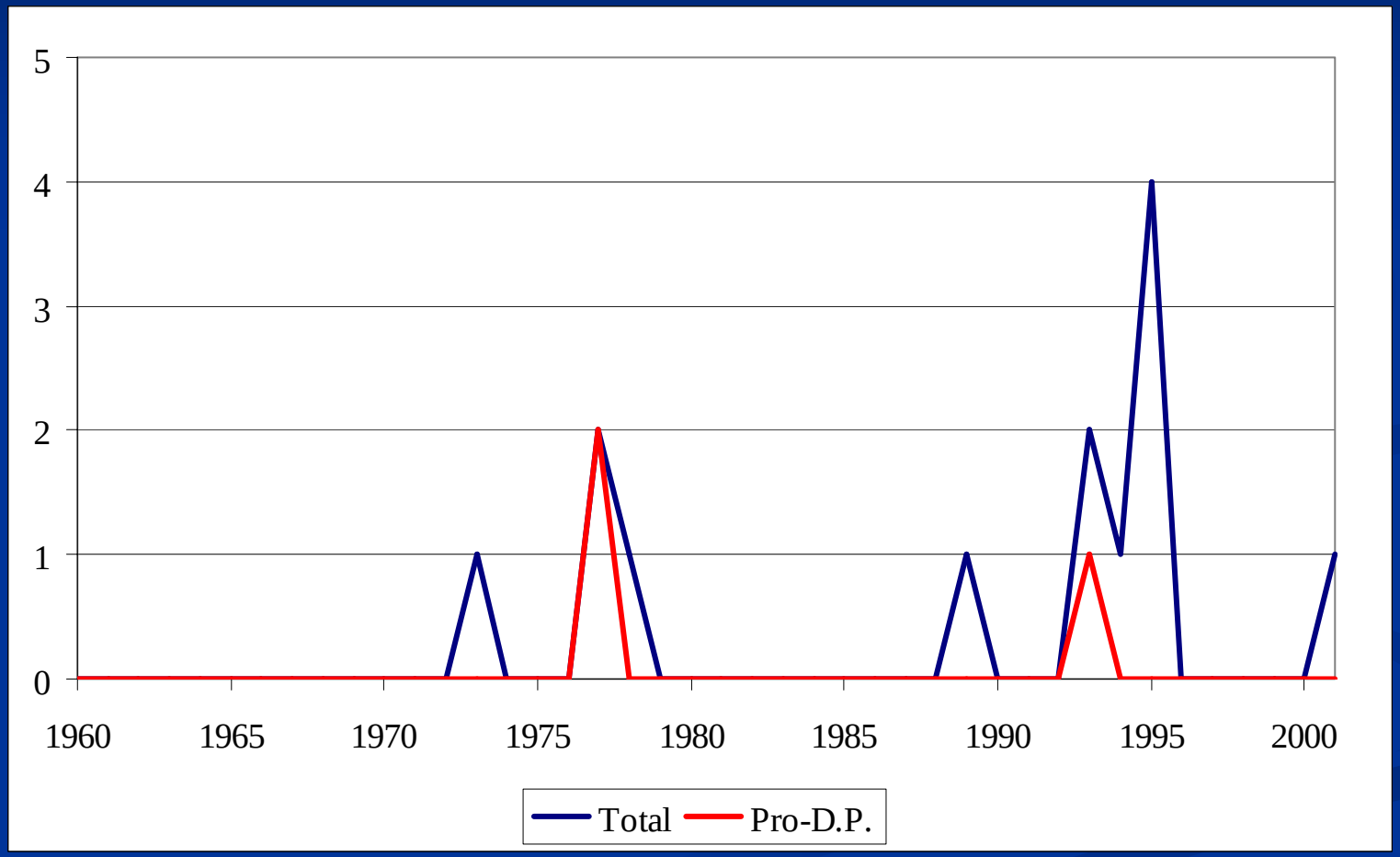
Stories Mentioning Fairness Arguments, 1960-2001



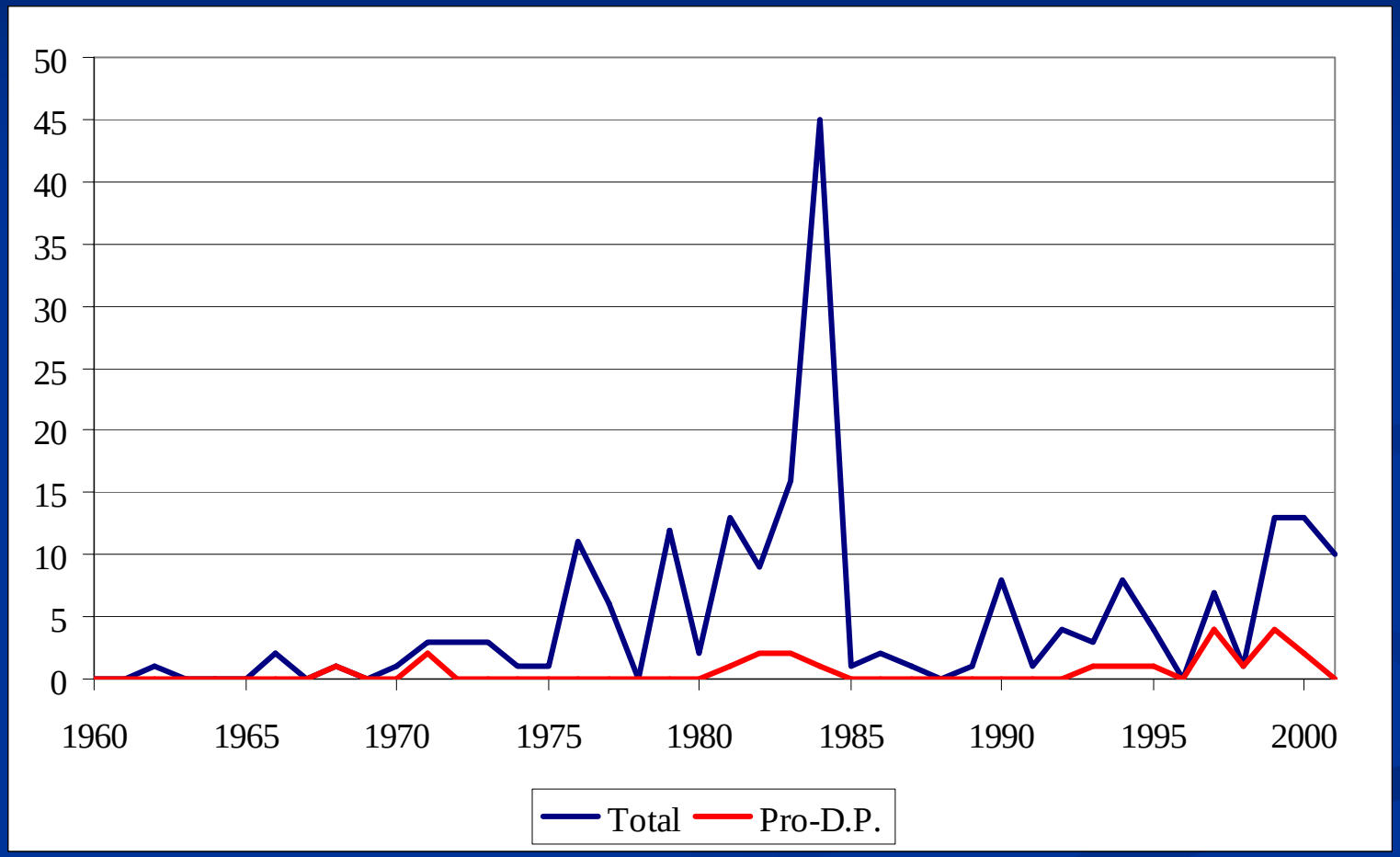
Stories Mentioning Constitutional Arguments, 1960-2001



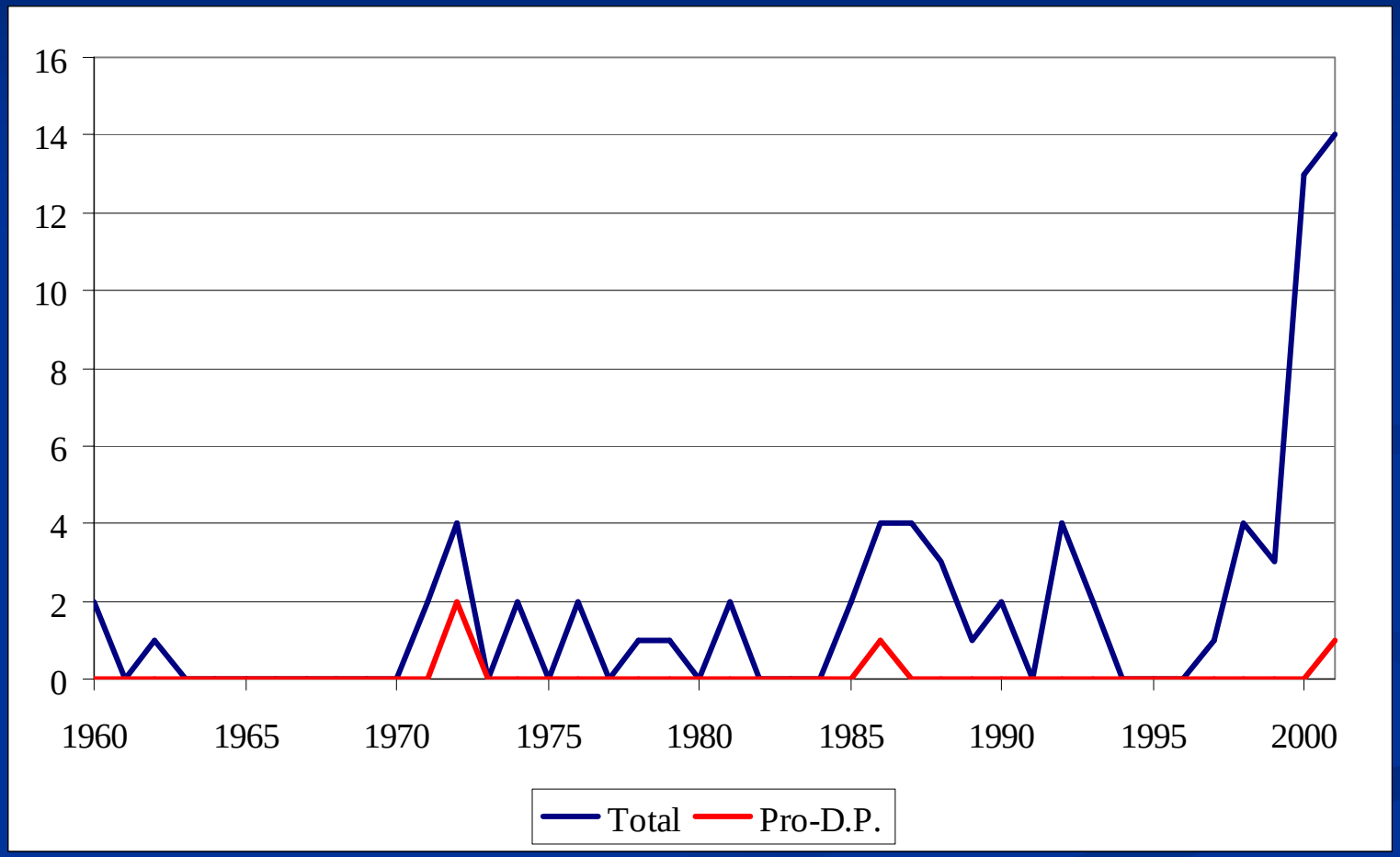
Stories Mentioning Cost Arguments, 1960-2001



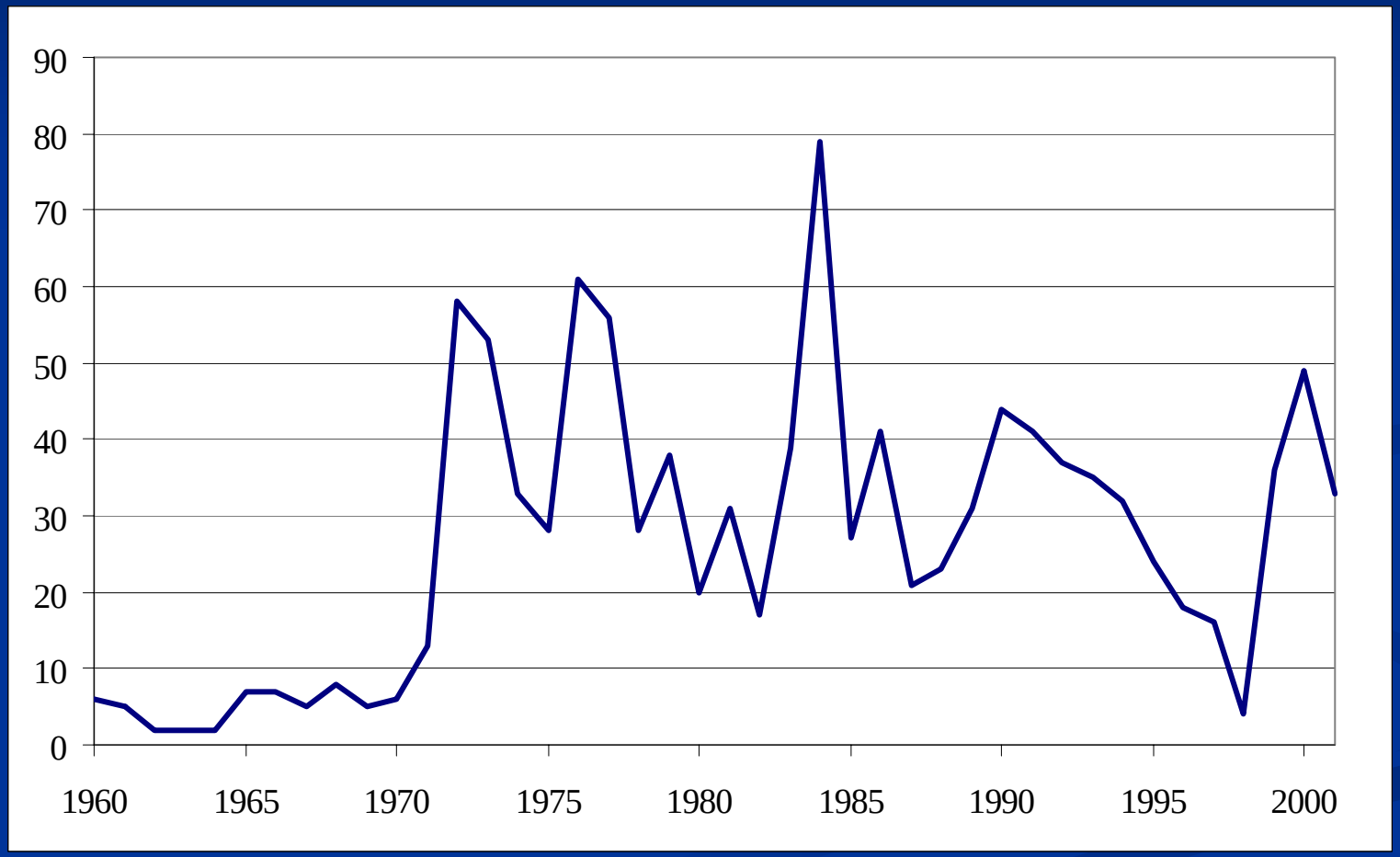
Stories Mentioning Mode Arguments, 1960-2001



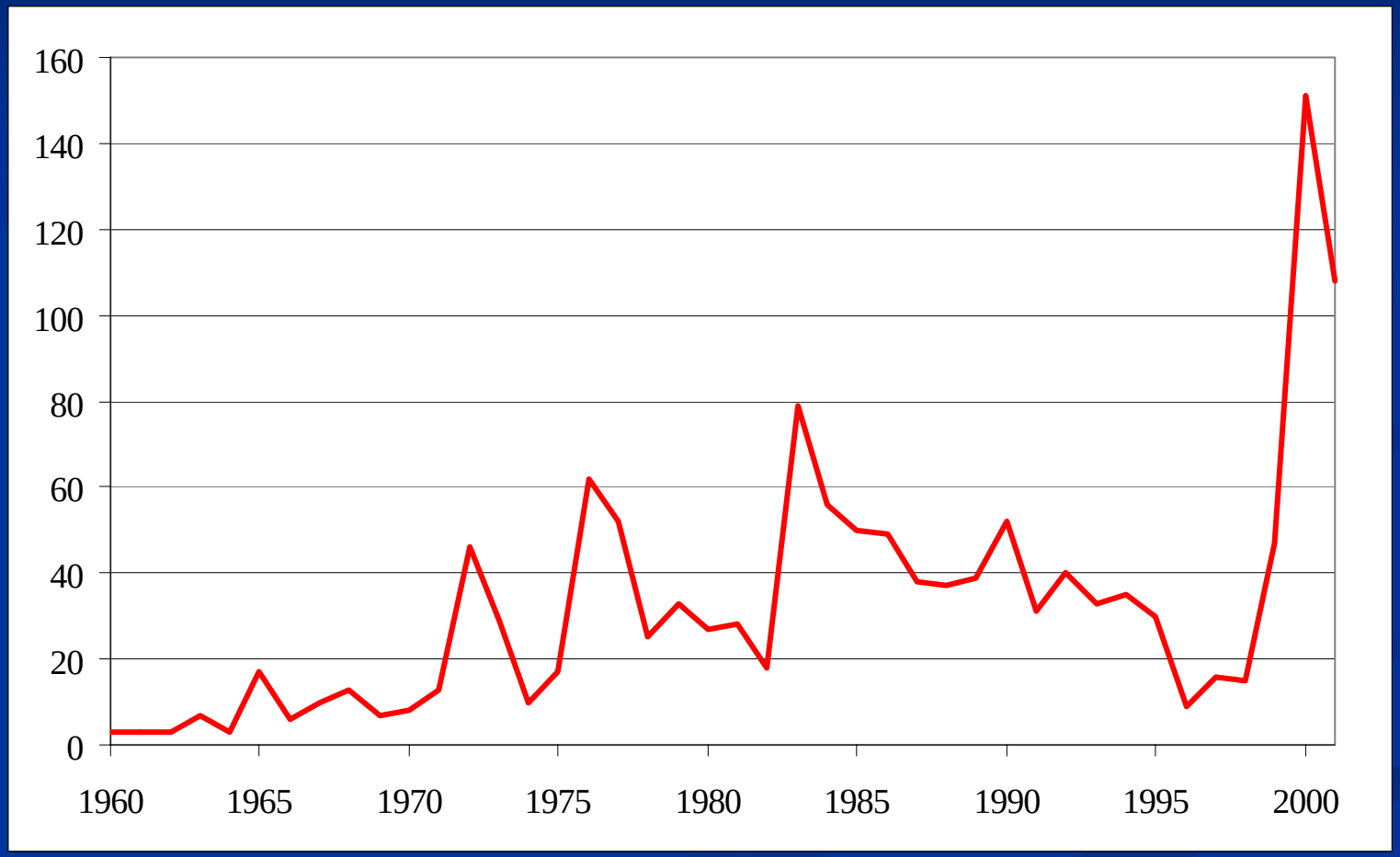
Stories Mentioning International Arguments, 1960-2001



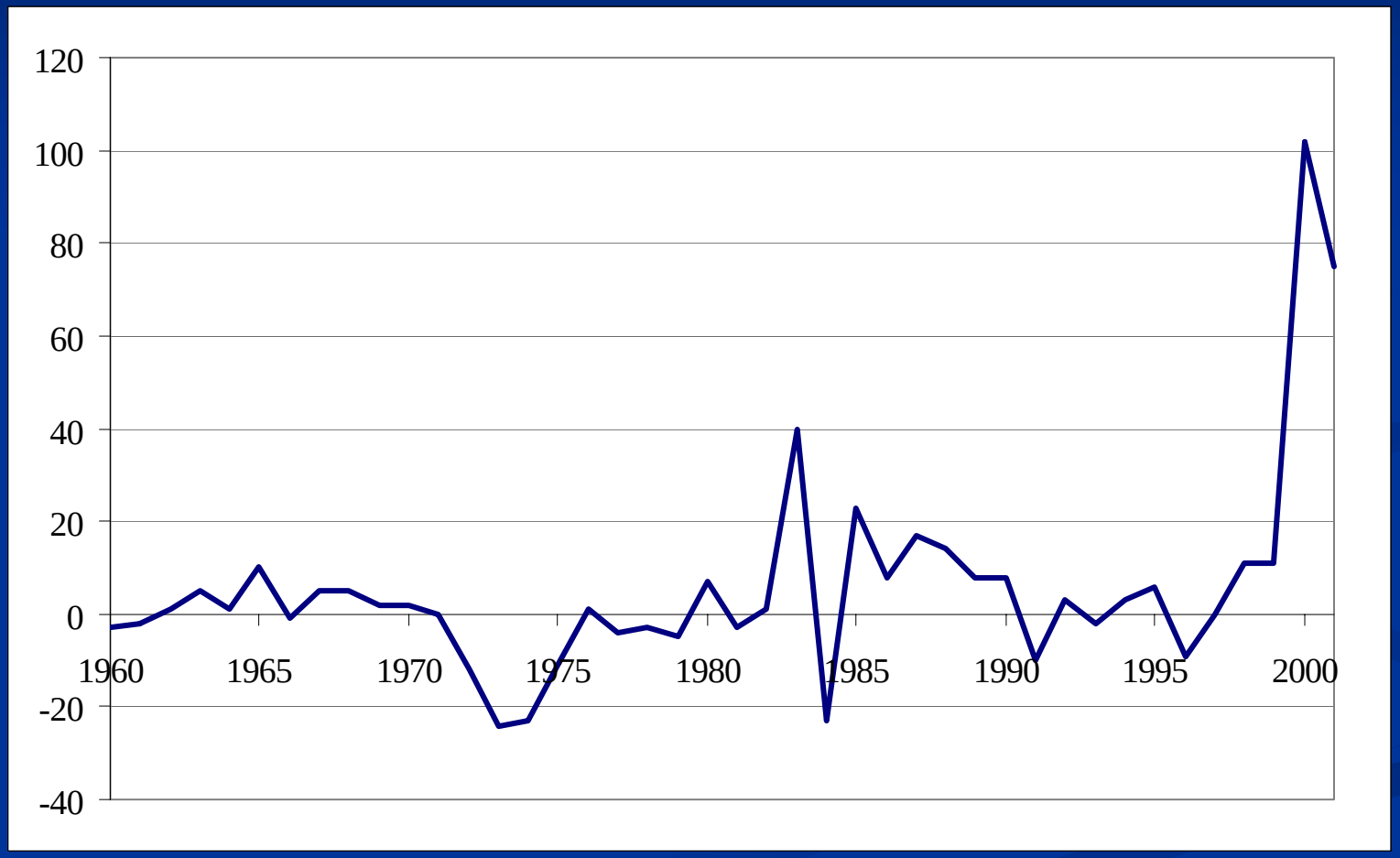
The Number of Distinct Pro-Death Penalty Arguments, 1960-2001



The Number of Distinct Anti-Death Penalty Arguments, 1960-2001

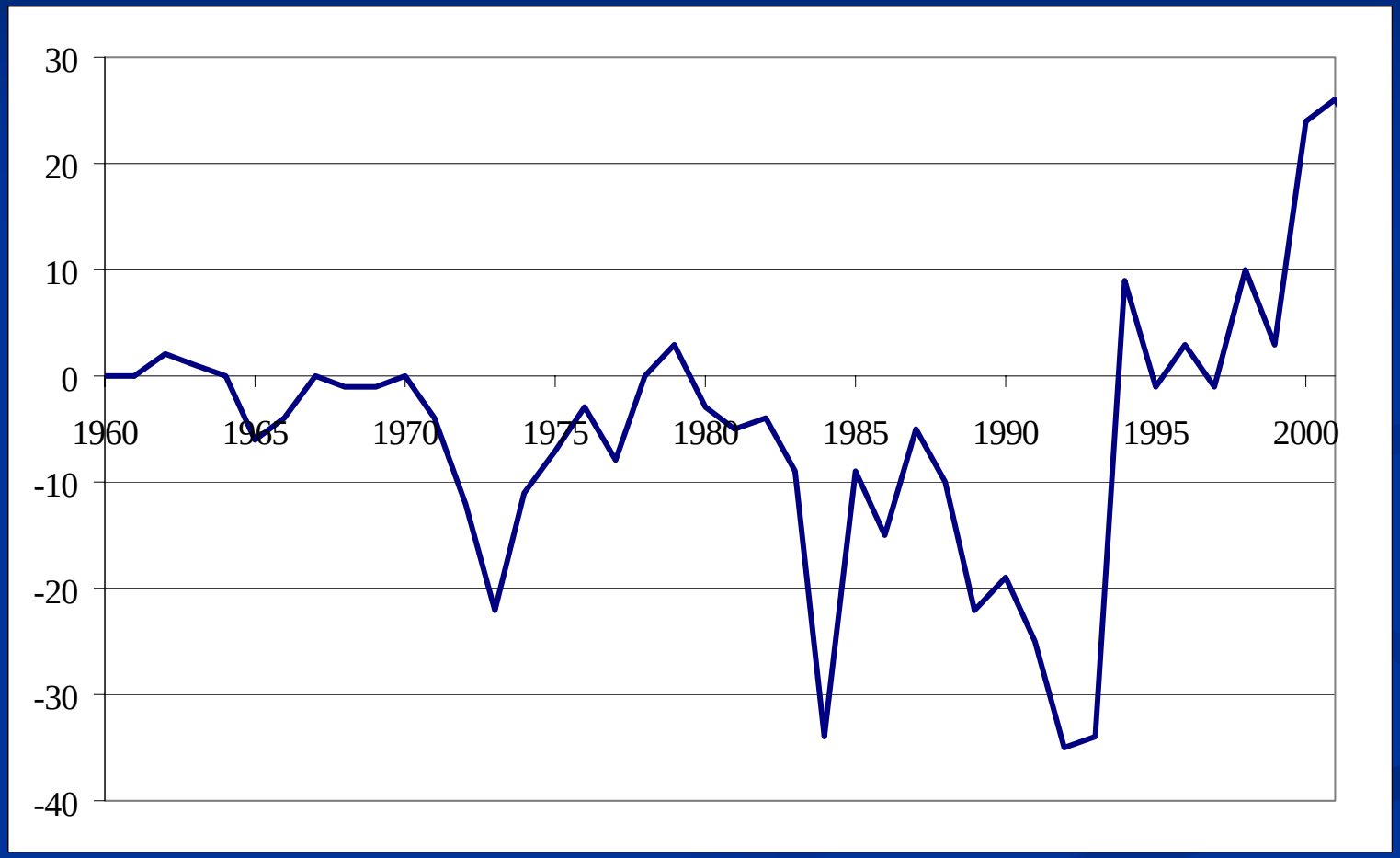


Net Attention to Anti-Death Penalty Arguments, 1960-2001*



*Number of anti- minus the number of pro-death penalty arguments per year.

Relative Attention to the Defendant Compared to the Victim, 1960-2001*



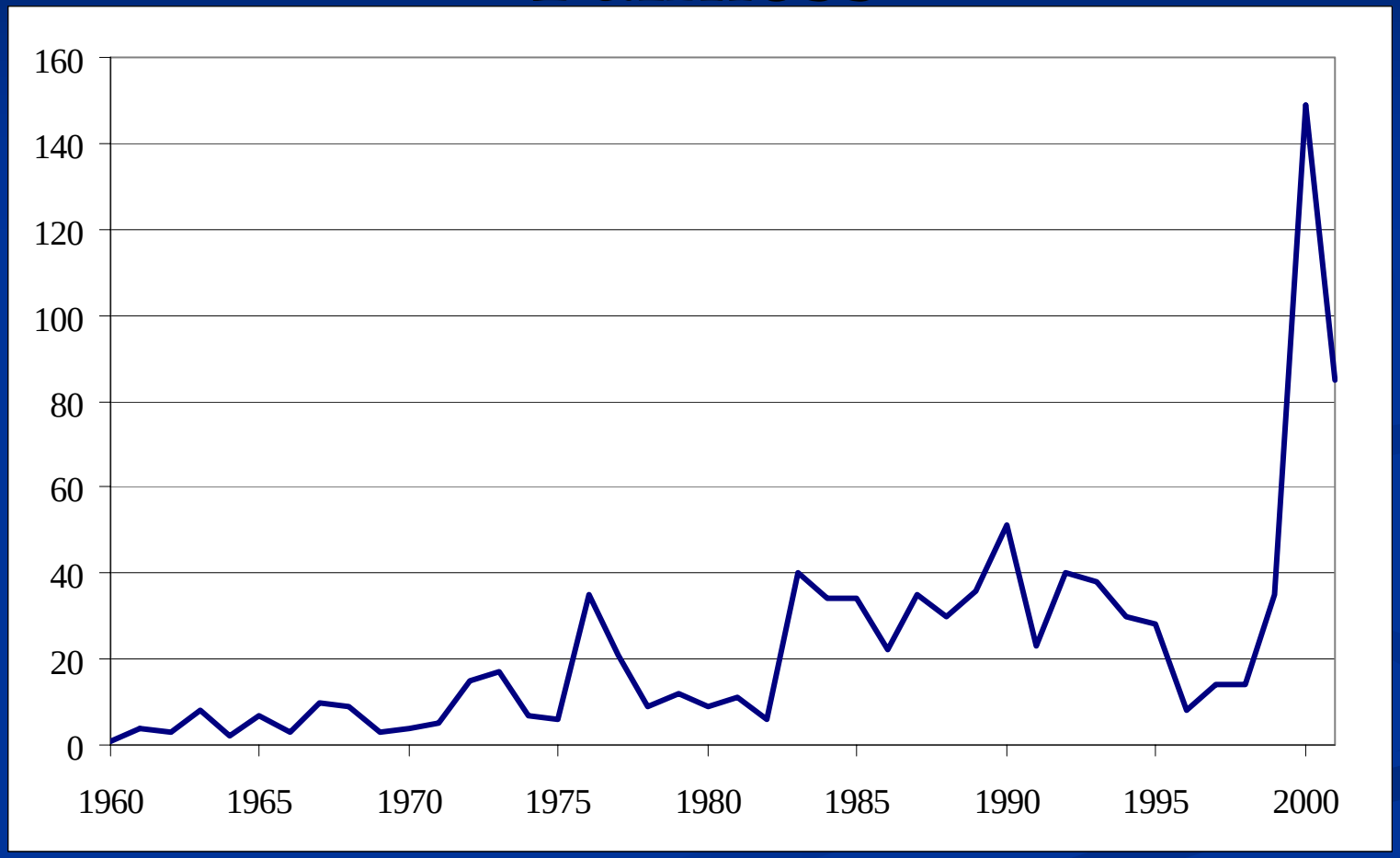
* Number of stories mentioning the defendant minus those mentioning the victim.

A Shift of Focus

- In 1996, 8 stories appeared with a focus either on questions of fairness or the defendant; these represented 25% of the stories on the death penalty that year.

- In 2000, 149 such stories appeared; they were 63% of the total.

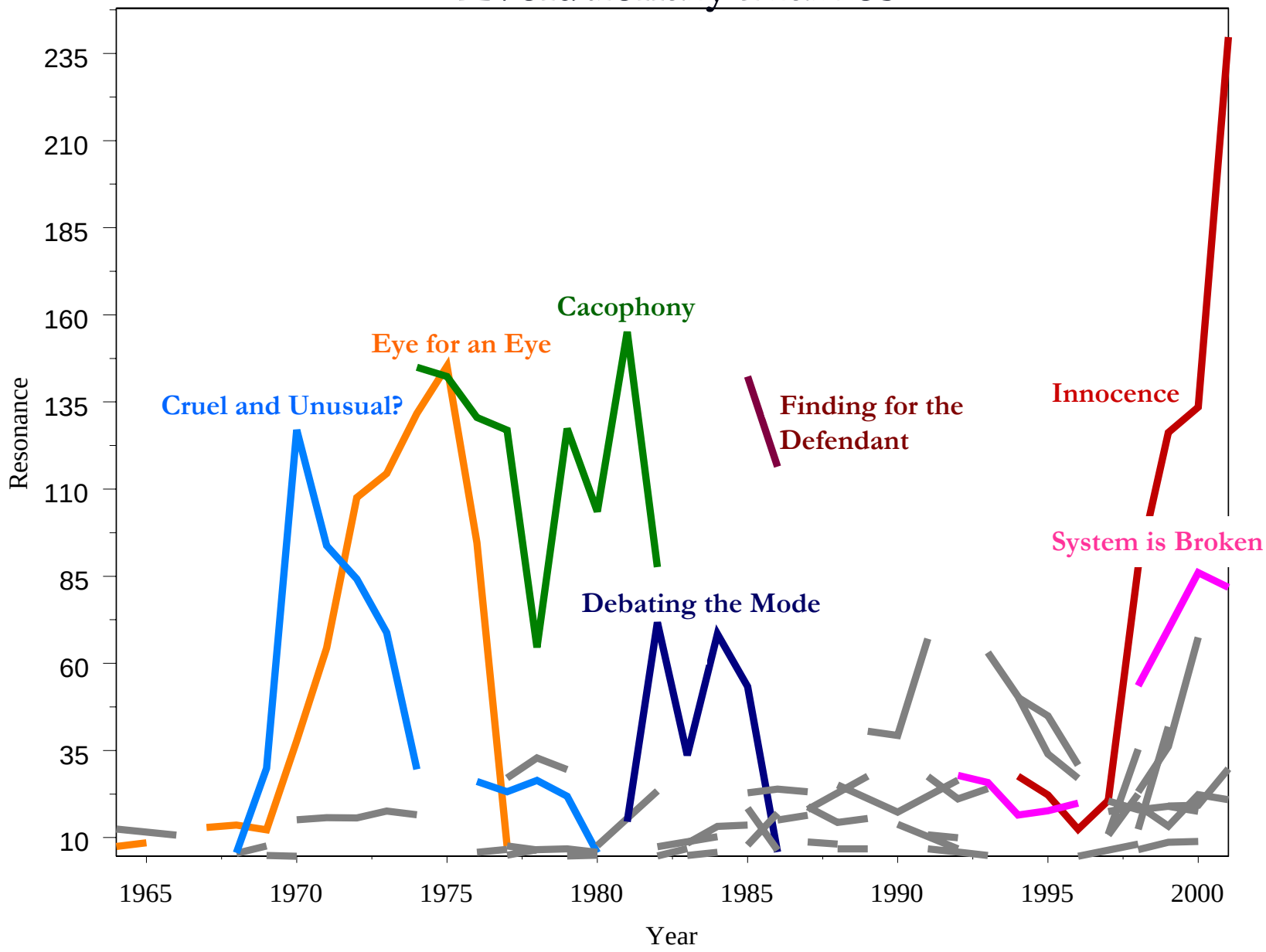
Number of Stories Mentioning either the Defendant or Questions of Fairness



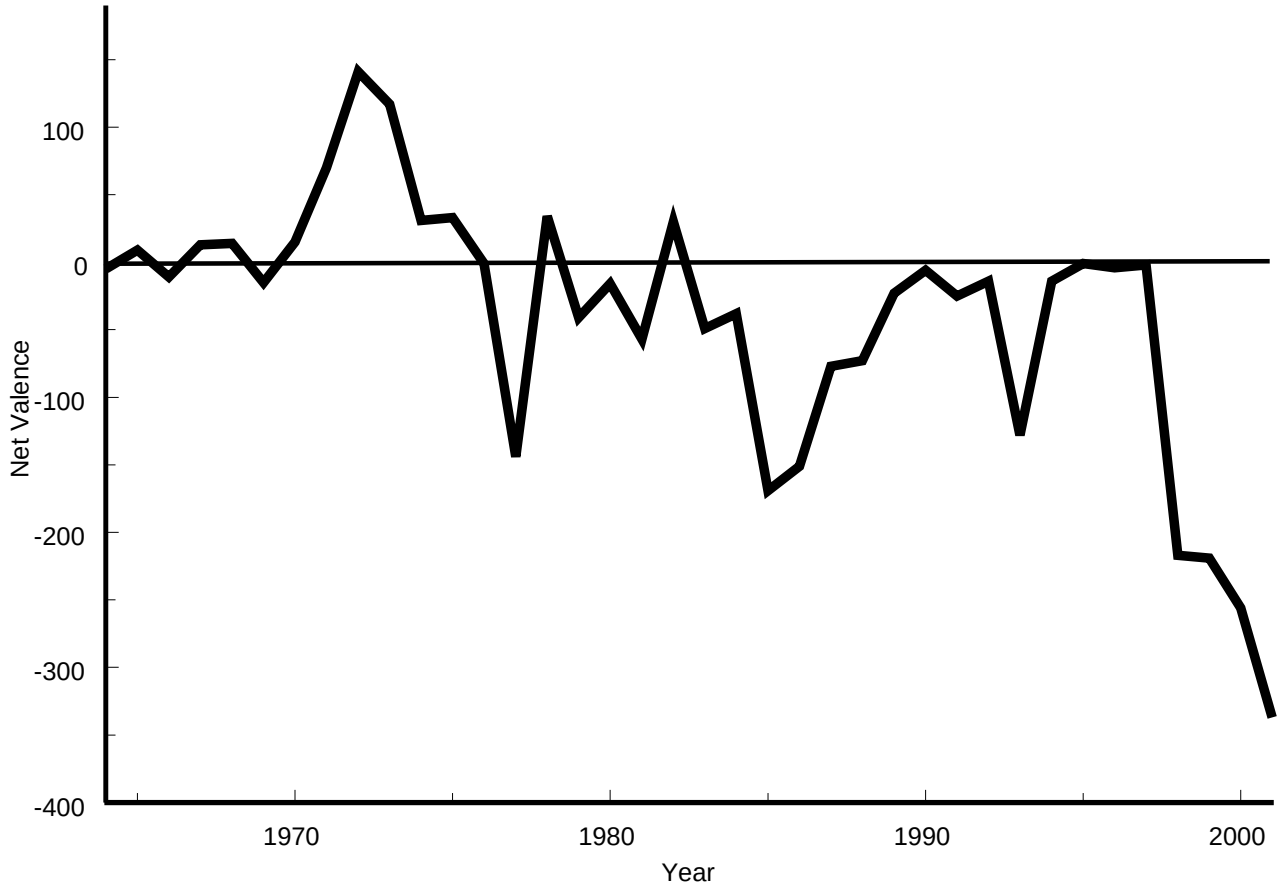
A Dynamic Factor Analysis Approach

- Start with these underlying data. 3500 stories coded by 67 different arguments in 7 main categories
- Aggregate by time period (year, in this case)
- Do factor analysis in 5-year moving windows
- Do dimensions emerge?
- Do these dimensions make theoretical sense?
- Are they stable over time, or do they emerge, then disappear?
- See Baumgartner, Boydstun, De Beof 2004 for more details (on my web site)

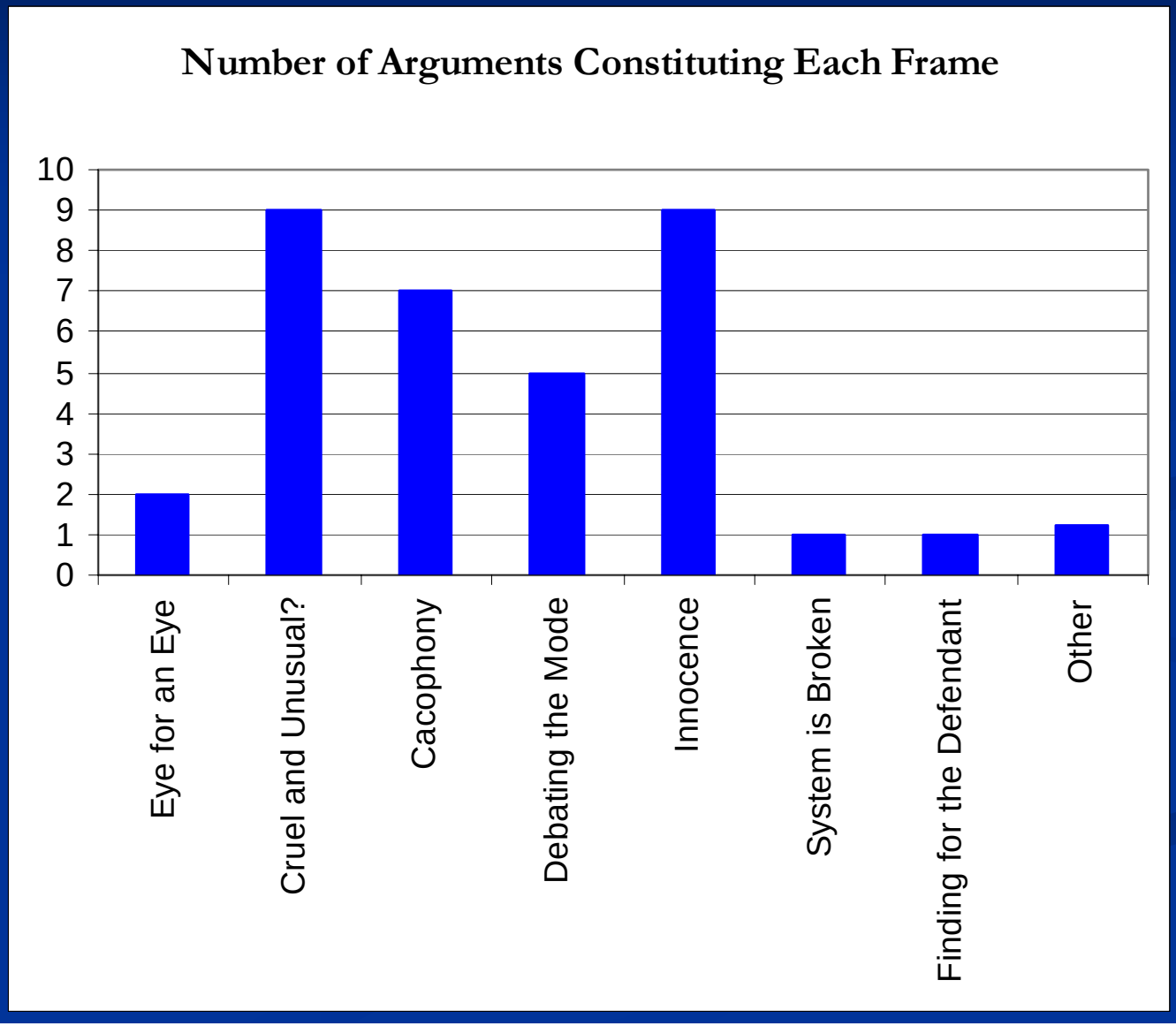
Evolutionary Frames



Evolutionary Frame Net Valence



The Size of Various Frames



The Eye-for-an-Eye Frame

- 101, pro-efficacy – deterrence
- 203, pro-moral – crime deserves the death penalty

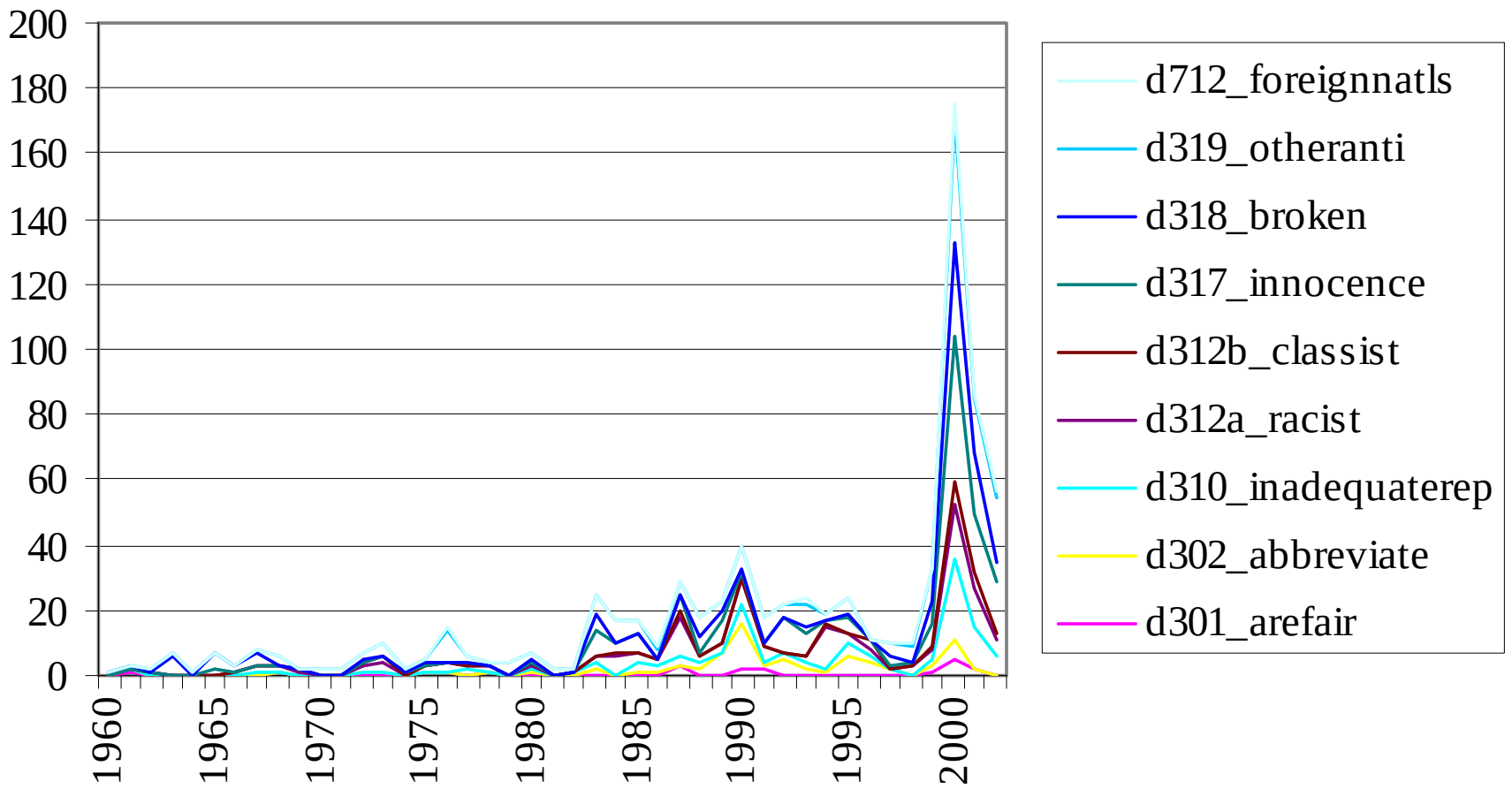
The Cruel-and-Unusual Frame

- 100, neutral-efficacy – general discussion of efficacy argument
- 111, anti-efficacy – alternate systems better
- 210, anti-moral – killing/vengeance wrong
- 314, anti-fairness – mandatory sentencing wrong
- 400, neutral-constitutional – general discussion
- 401, pro-constitutional – not cruel and unusual
- 403, pro-constitutional – popular support increased
- 409, pro-constitutional – other / miscellaneous constitutional
- 419, anti-constitutional – other / miscellaneous constitutional

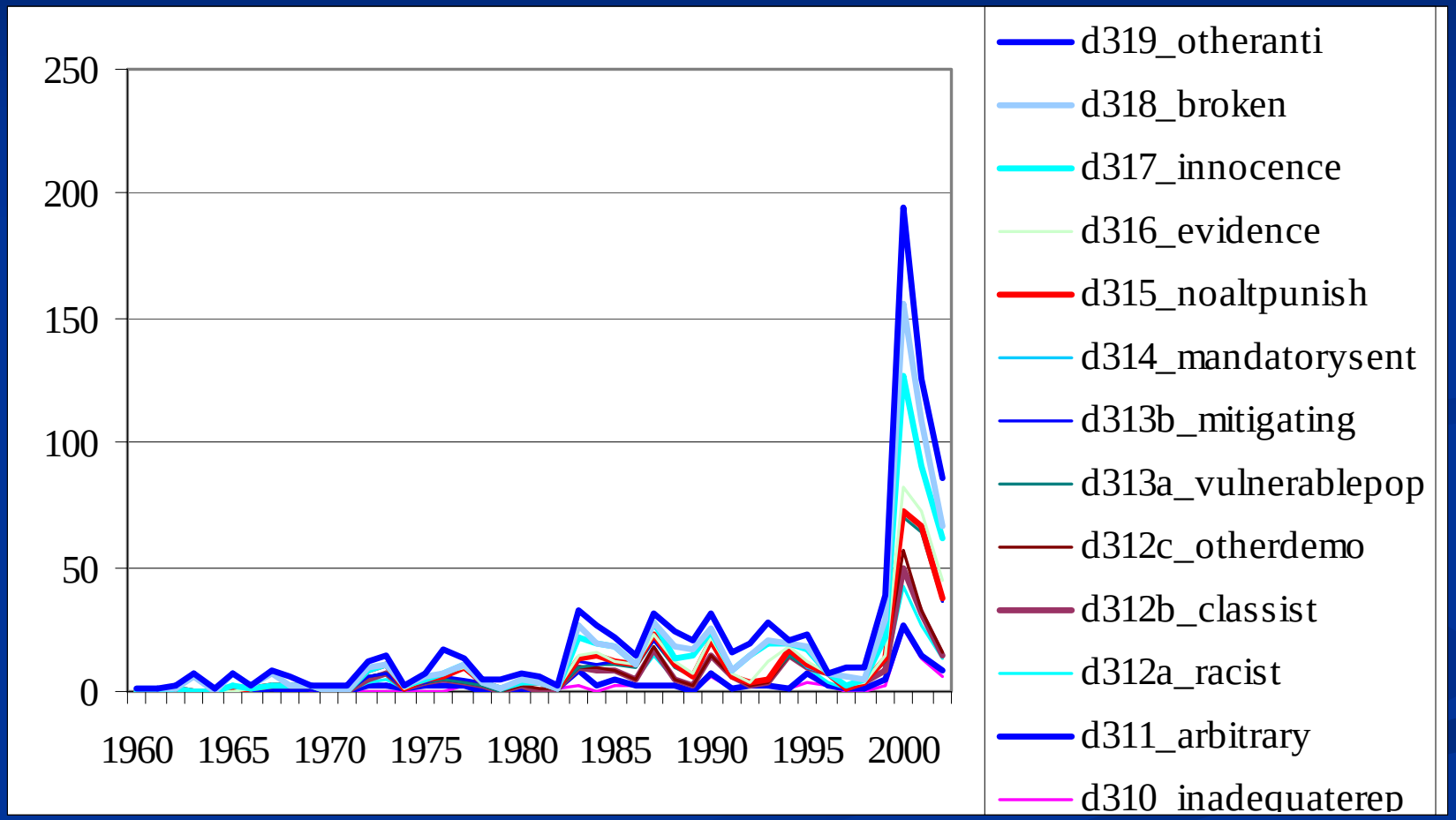
The Innocence Frame

- 301, pro-fairness – system is fair
- 302, pro-fairness – system is "too" fair; should be abbreviated
- 310, anti-fairness – inadequate representation
- 312a, anti-fairness – racist
- 312b, anti-fairness – classist
- 317, anti-fairness – innocence of defendant
- 318, anti-farness – system is broken
- 319, anti-fairness – other / miscellaneous fairness
- 712, anti-international – foreign nationals should be exempt

The Innocence Frame



310-319 Anti-Death Penalty Innocence Arguments



Added Value of Approach

- How many frames in a given period?
  - No frames may emerge
    - No consistent series of messages being reported
  - Just one frame
    - Does it make theoretical sense?
    - If so, people may be reading stories that are not the same story over and over, but which lead to a similar conclusion
  - Many frames simultaneously?
    - Cacophony of discordant messages, confusion
  - Observed frame defines the current issue-definition

Added Value of Approach

- How Long does a Frame Last?
  - Some frames come and go quickly
  - Other frames last a long time
  - Frames that don't last long can't be expected to have an impact.
  - Allows a more objective measure of potential impact of a frame, its "power"

Added Value of Approach

- Does an argument "resonate"?
  - Attention to a given argument may rise dramatically.
  - If this occurs when attention also spills over to other cognate arguments, a frame will emerge
  - If there is no spill-over, no frame will emerge
  - The size of the spill-over can be a measure of how powerfully the argument "resonates"
    - Measured simply by the number of other arguments loading on that frame

Added Value of Approach

- Possible to limit analysis only to arguments that are part of frames, or part of evolutionary frames
- Discard all stories that are not part of frames
  - Allows identification of "chaff" that can be deleted – miscellaneous stories that occur for random reasons but do not fit into a pattern.
- Useful data reduction technique, therefore.

Added Value of Approach

- Example of "Resonance"
- "The Death Penalty is Racist"
  - This argument has been made consistently
  - At some periods, it has resonated, fit into a series of other arguments that send a coherent message about flaws in the system.
  - At other periods, it has not resonated

Added Value of Approach

- Comparing the current "Innocence" frame to previous frames
  - Only one previous frame has had its resonance
    - *(That one is related to the constitutional ban in 1972)
  - No other previous frame has been as strong
- This allows us to judge in a new way how powerful a new issue-dimension may be
  - Apparent from simple counts of stories
  - More detail on the process of redefinition here

Conclusions

- Methodological conclusion: a useful technique
- Substantive conclusion: a new debate, a redefined issue where previously it was a moral issue but possibly no more
  - Moral issues hard to argue about
  - Even a moral issue can be destabilized by a new issue-dimension

Justice Dept. Reports a 30-Year Low in Death Sentences and Fewer Inmates on Death Row.

New York Times November 15, 2004

WASHINGTON, Nov. 14 (AP) - The number of people sentenced to death reached a 30-year low in 2003, when the death row population fell for the third year in a row, the Justice Department reported Sunday. The department said that 144 inmates in 25 states were given the death penalty last year, 24 fewer than in 2002 and less than half the average of 297 from 1994 to 2000.