Framing Capital Punishment Morality, Constitutionality, and Innocence, 1960–2003

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Framing, Issue-Definition, and Government Agenda-Setting

- Issues are multidimensional
- Governments and publics pay attention to small parts of the overall picture
- Changes come in spurts, not in steady increments
- Such a change may be occurring now in this case: The Innocence Frame

A Government Program Run by Bureaucrats, Prone to Cost-Overruns, Inefficiencies, and Mistakes

-Peter Loge on the Death Penalty

A Research Project

- Media Coverage since 1960
- How has the issue been framed?
- Is the innocence frame really new?
- Experiments on individual-level cognitive reactions to the innocence argument compared to the moral one
- Time series statistical test of the impact of framing on death sentences

A Research Team

- Cheryl Feeley, Senior Thesis in 2002-03, New York Times coverage
- Amber Boydstun, dissertation student, framing and statistical analyses
- Suzanna De Boef, Associate Professor, statistical analyses
- Fuyuan Shen and Frank Dardis, Department of Advertising: Framing effects on "consumers"

A Continuing Project

- Public Opinion analyses, not included here
- Book manuscript in preparation

- Some relevant findings for the future of the death penalty, and a partial snapshot here:

The Bottom Line

- The importance of the innocence frame, its value, impact, and potential for the future
- Its unique character: What it dos NOT ask of death penalty supporters: to admit they are wrong on a core moral conviction.
- (People in general don't like to do that.)

Methodology, Part 1 (of 3)

- Coded 3,692 New York Times abstracts under the index title "Capital Punishment"
- This represents the whole set of articles from 1960-2003
- Developed coding scheme enumerating an exhaustive list of 67 distinct arguments about the death penalty

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

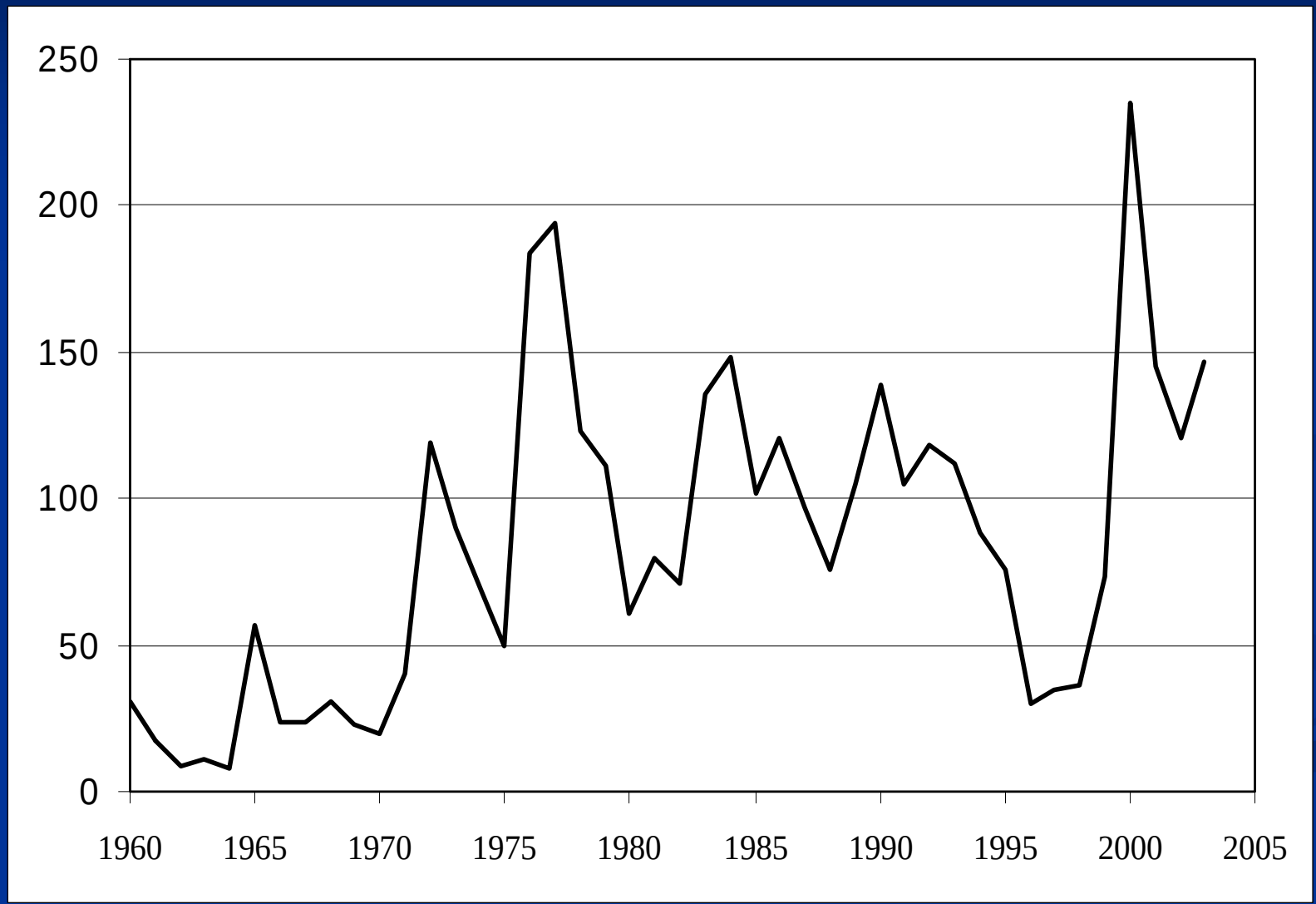
Record: 1 of 3512

Form View NUM

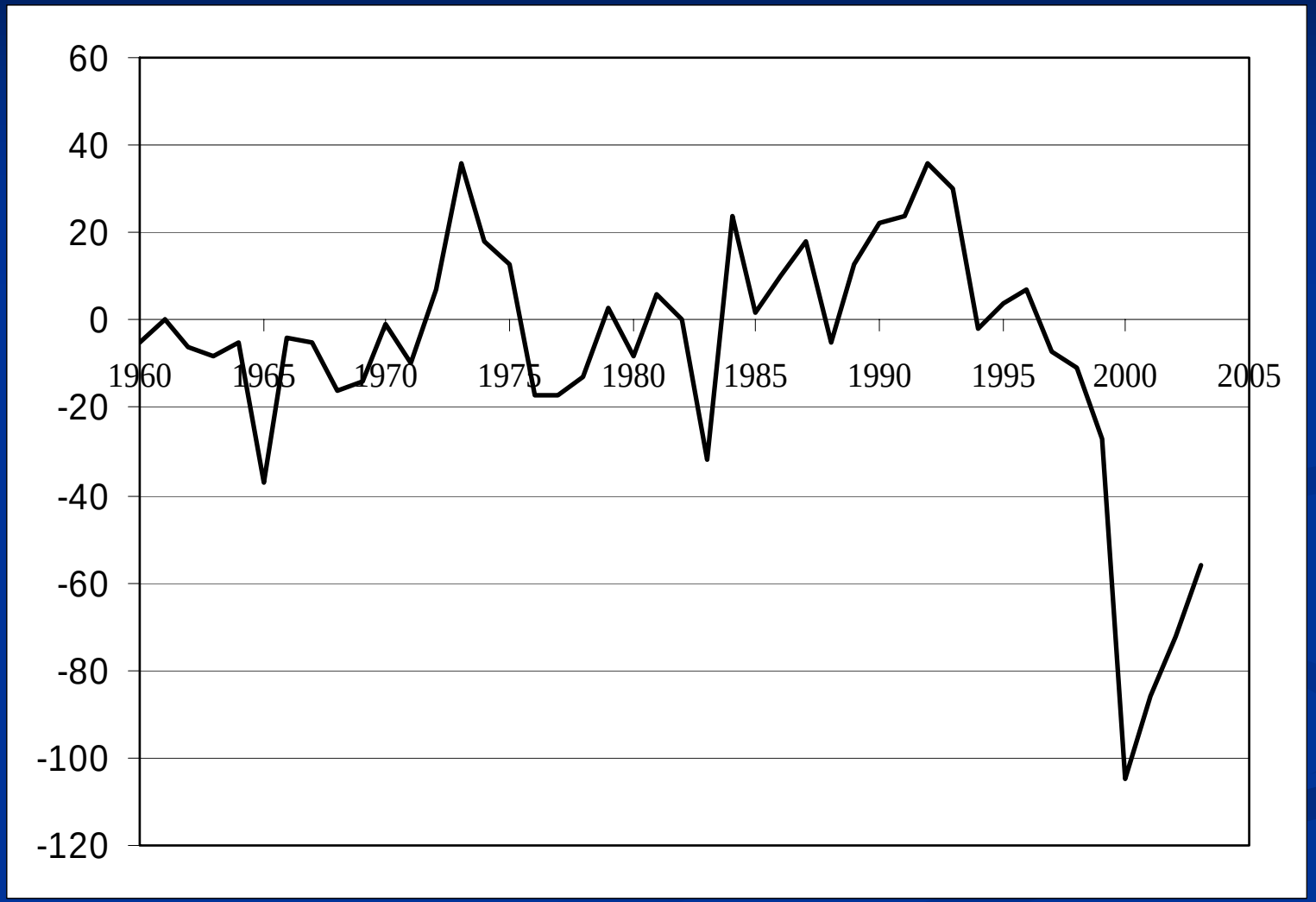
Major Dimensions of Death Penalty Debate

- **Efficacy**- Does the punishment serve a functional purpose?
- **Moral**- Should we use the death penalty at all?
- **Fairness**- Is the capital punishment process fair?
- **Constitutionality/Judiciary**- Is the penalty constitutional and how much power do the courts have?
- **Cost**- Is the death penalty cost-effective?
- **Mode of Execution-** Which modes of execution should be permitted?
- **International**- We should consider the many complaints from abroad regarding our death penalty system

Total Number of *NYT* Articles, 1960–2003

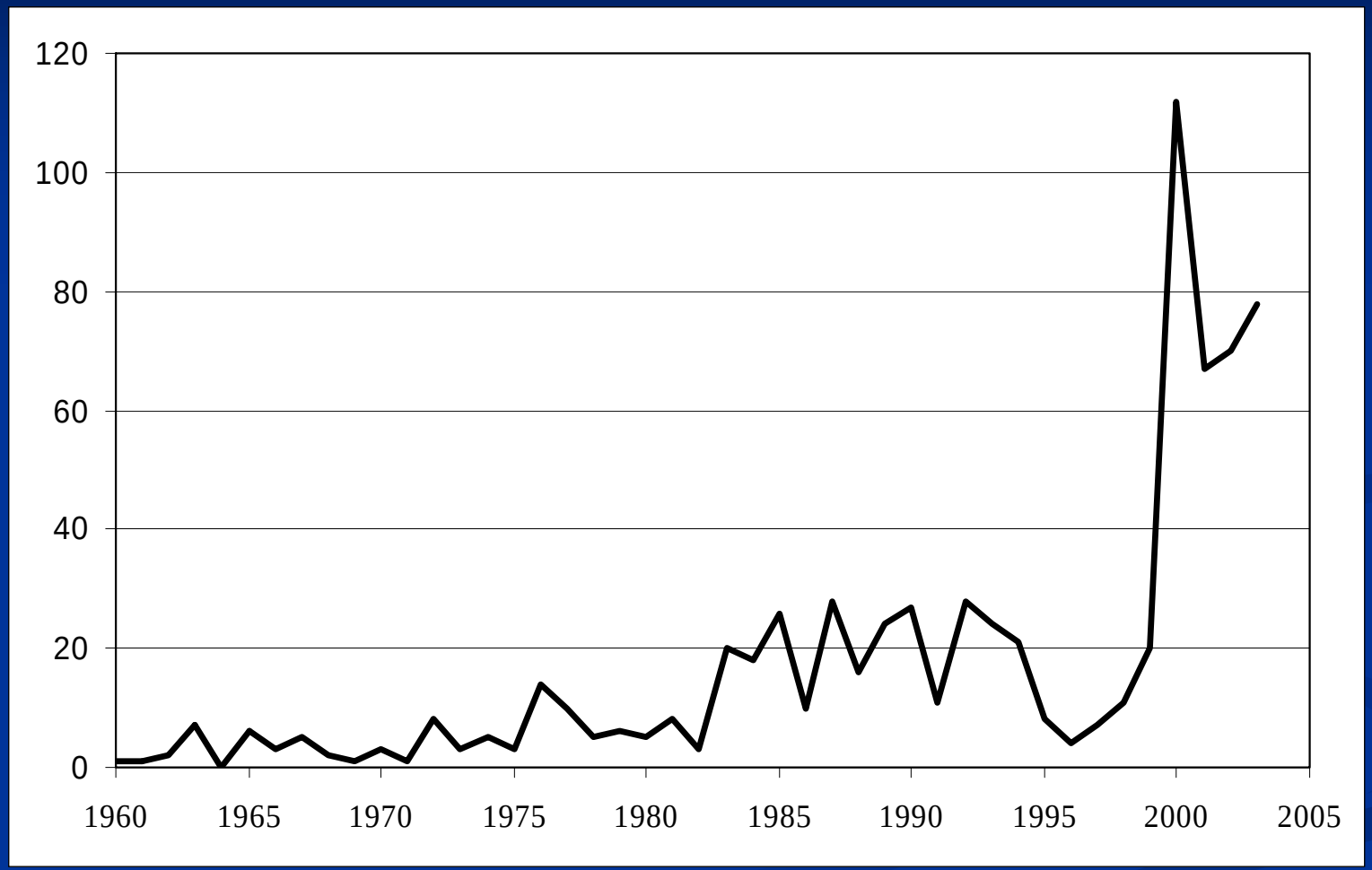


The "Net Tone" of NYT Coverage, 1960–2003



Shows the number of pro- minus the number of anti-death penalty stories per year

The Rise of the "Innocence" Frame

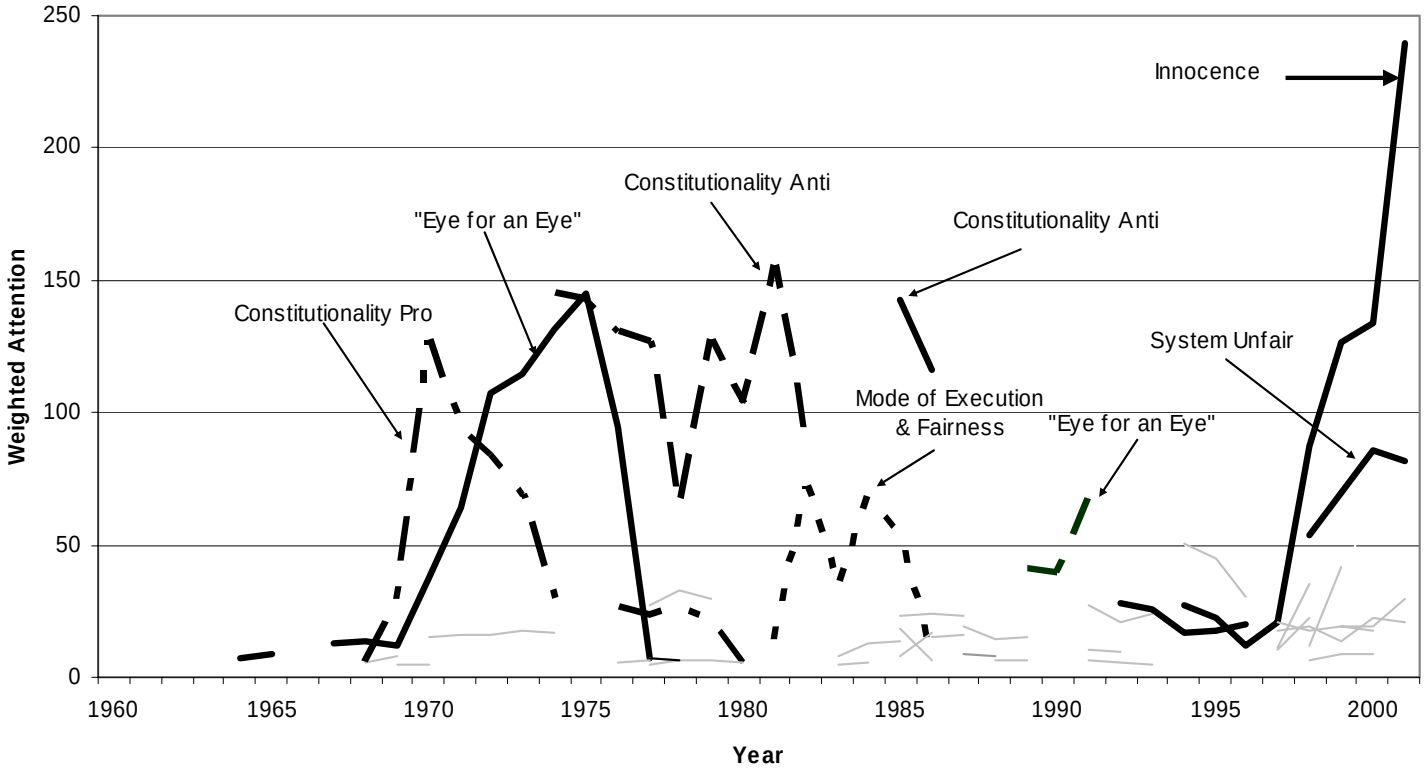


Includes: Innocence; Evidence; System-is-Broken; Mention of the Defendant

Dynamic Factor Analysis

- Statistical question: Which of our 67 arguments "move" together, over time?
- Increase in attention to racial disparities? What else moves up or down at the same time, systematically in concert with this argument?
- Allows identification of clusters of related arguments: "Frames" that are coherent sets of related arguments
- Done in 5 year moving windows, shows what frames exist, their "resonance," and how long they last

The Evolution of Framing



The Eight Evolutionary Frames

- "Eye-for-Eye" 1964-67 (2 arguments)
- **Constitutionality – Pro 1968-82 (9 arguments)**
- **Constitutionality – Anti 1974-82 (7 arguments)**
- Mode and Fairness 1981-86 (5 arguments)
- Humanizing the Defendant 1985-86 (1 argument)
- Eye-for-Eye, redux 1989-92 (2 arguments)
- **Innocence 1992-2002 (9 arguments)**
- **System Unfair 1992-2001 (1 argument)**

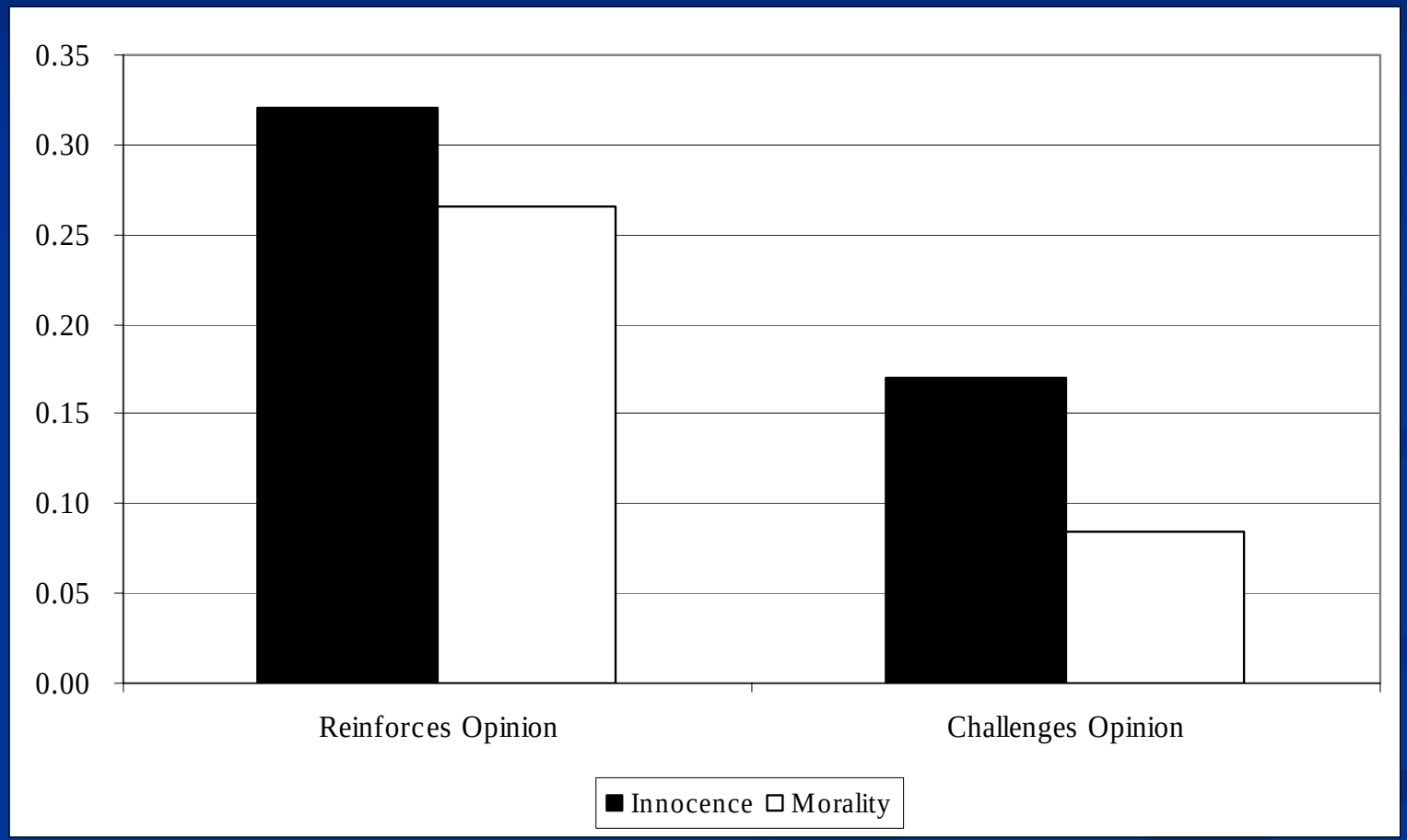
Conclusions from *NYT* analysis

- Innocence frame is the single most powerful media frame in history
- It equals the constitutionality focus of the 1960s and 1970s
- It surpasses that frame in amount of coverage
- It brings together previously existing arguments, such as the racial disparity argument, but puts it in a new context
- Most important: How people respond to it…

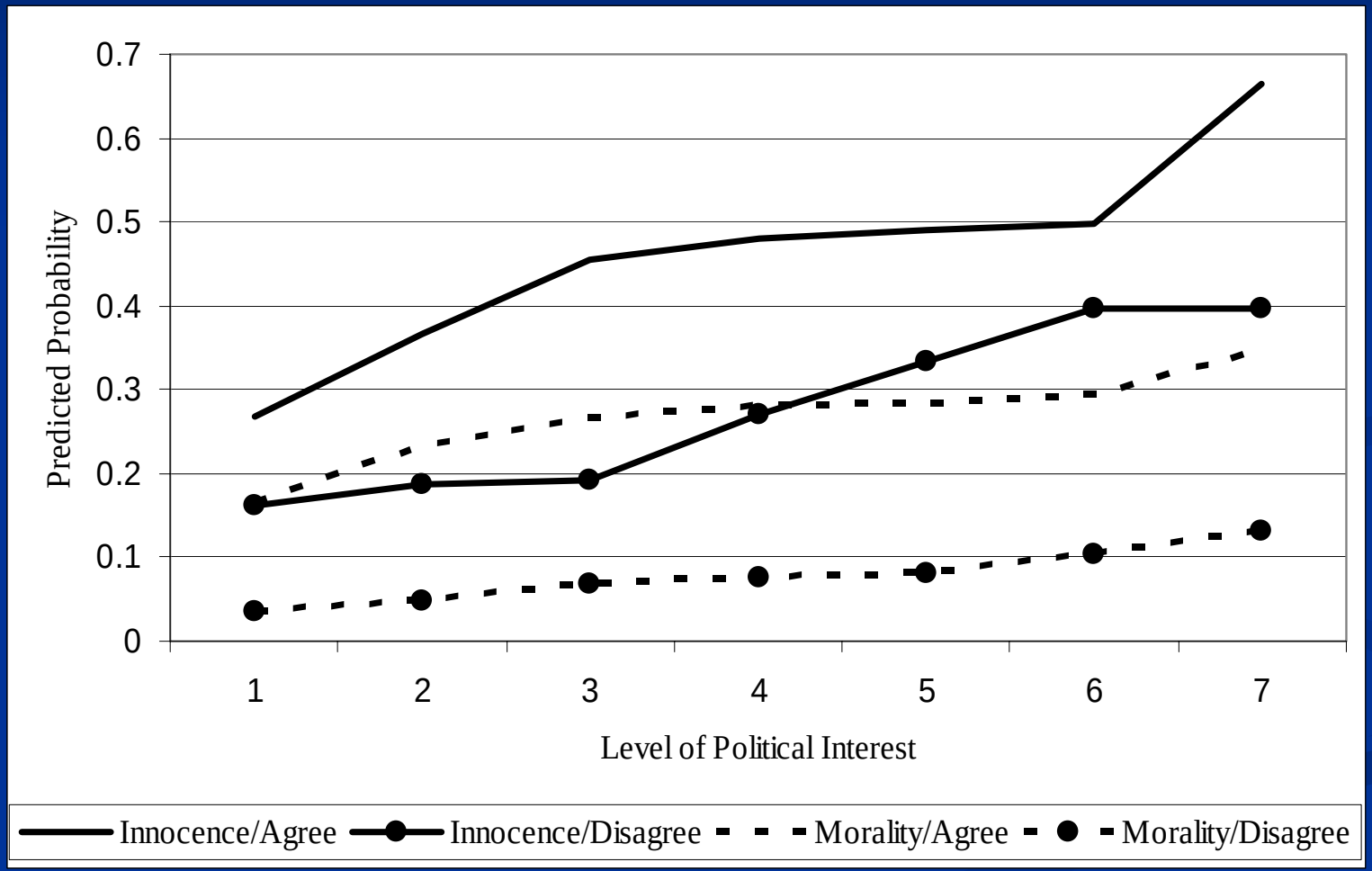
An Experiment on the Death Penalty
(Don't worry: not that kind of experiment)

- 184 students
- Newspaper stories
  - State legislative debate about capital punishment
  - Pro-DP Morality Focus
  - Anti-DP Morality Focus
  - Anti-DP Innocence Focus
  - Control Group
- How do subjects explain their opinions?
  - First 3 justifications: incorporate or counter-argue against information provided, when that information challenges beliefs?

Cognitive Response to Morality and Innocence Arguments



Incorporating Innocence v. Morality Arguments, by Political Interest



Experiment Results Suggestive:

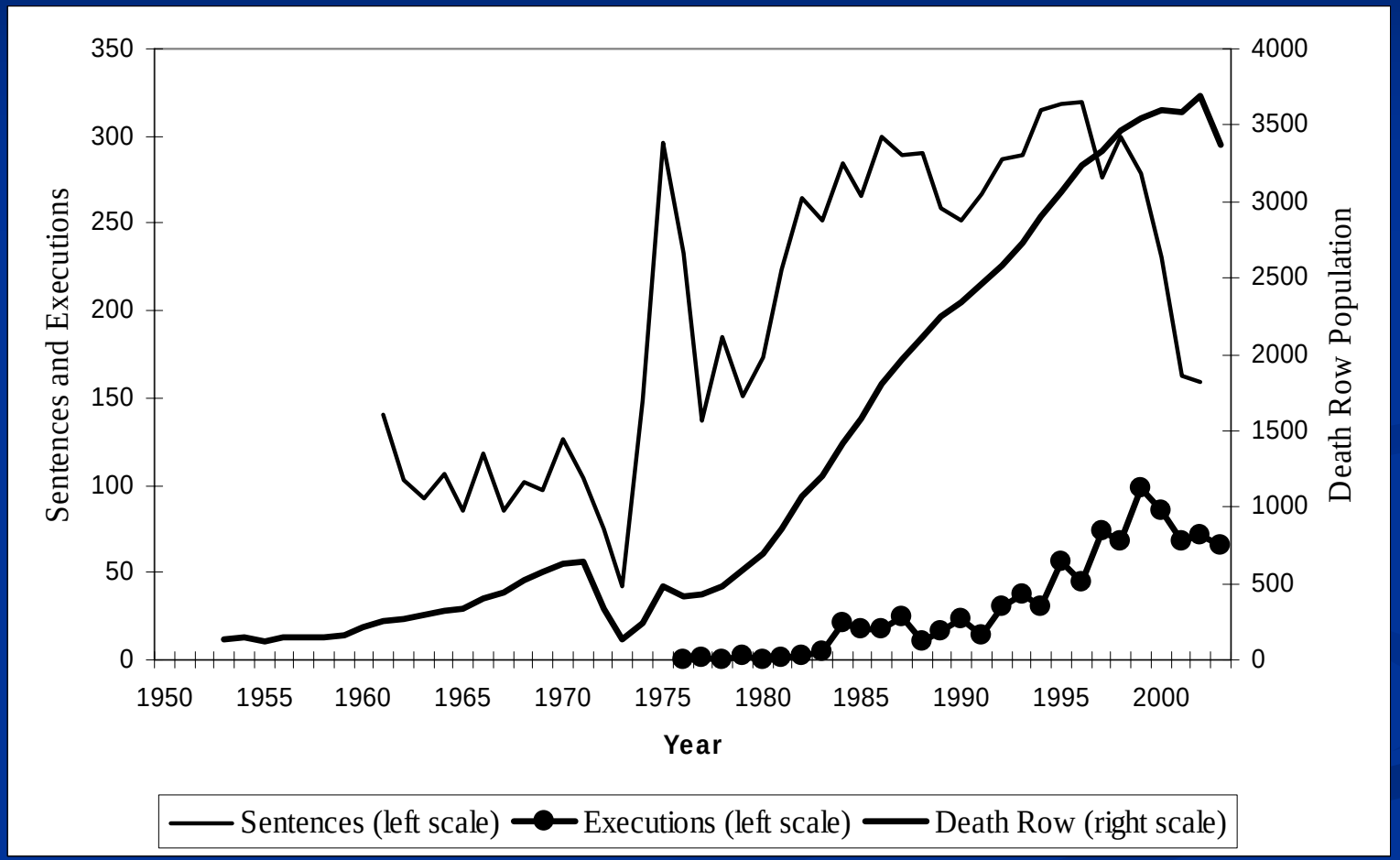
- Less resistance to the innocence argument
  - Lower cognitive dissonance
- One exposure does not change opinions
- However, people seem more likely to incorporate these arguments into their thinking
- With repeated exposure (as has occurred), cognitive receptivity would lead to attitude change, logically. (Not demonstrated here)
- Sample size not large enough, need more work
- Plan to do this soon

Part Three: Predicting Death Sentences over Time

- Framing has occurred
- Experiments suggest people are affected by it
- Has it had an impact on public policy outcomes?

- Can we predict the future?
- Can we assess the impact of framing on the current situation?

Death Sentences, Death Row, and Executions



Can we predict the number of Death Sentences per year?

(And, if so, does framing matter?)

- Statistical controls for relevant factors
- We care about the Net Tone of the NYT: Does this affect sentencing rates?
- Other variables make it very hard to find effects, but are important controls
- Results show impact of each variable, *holding constant* the effects of the other factors included

Our Model

- Death Sentences are a function of:
  - Number of death sentences last year
  - Homicides
  - Number of states using the death penalty
  - Moratorium begins (1972-73)
  - Moratorium about to end (1974-76)
  - **Net Tone, from *New York Times* data shown earlier**
  - Mathematical Constant term

Results:

Death sentences =

15.169 +

0.585 x (Death sentences the previous year) +

3.0 x (Homicides in the current year, in thousands) +

1.699 x (Number of states using the death penalty) +

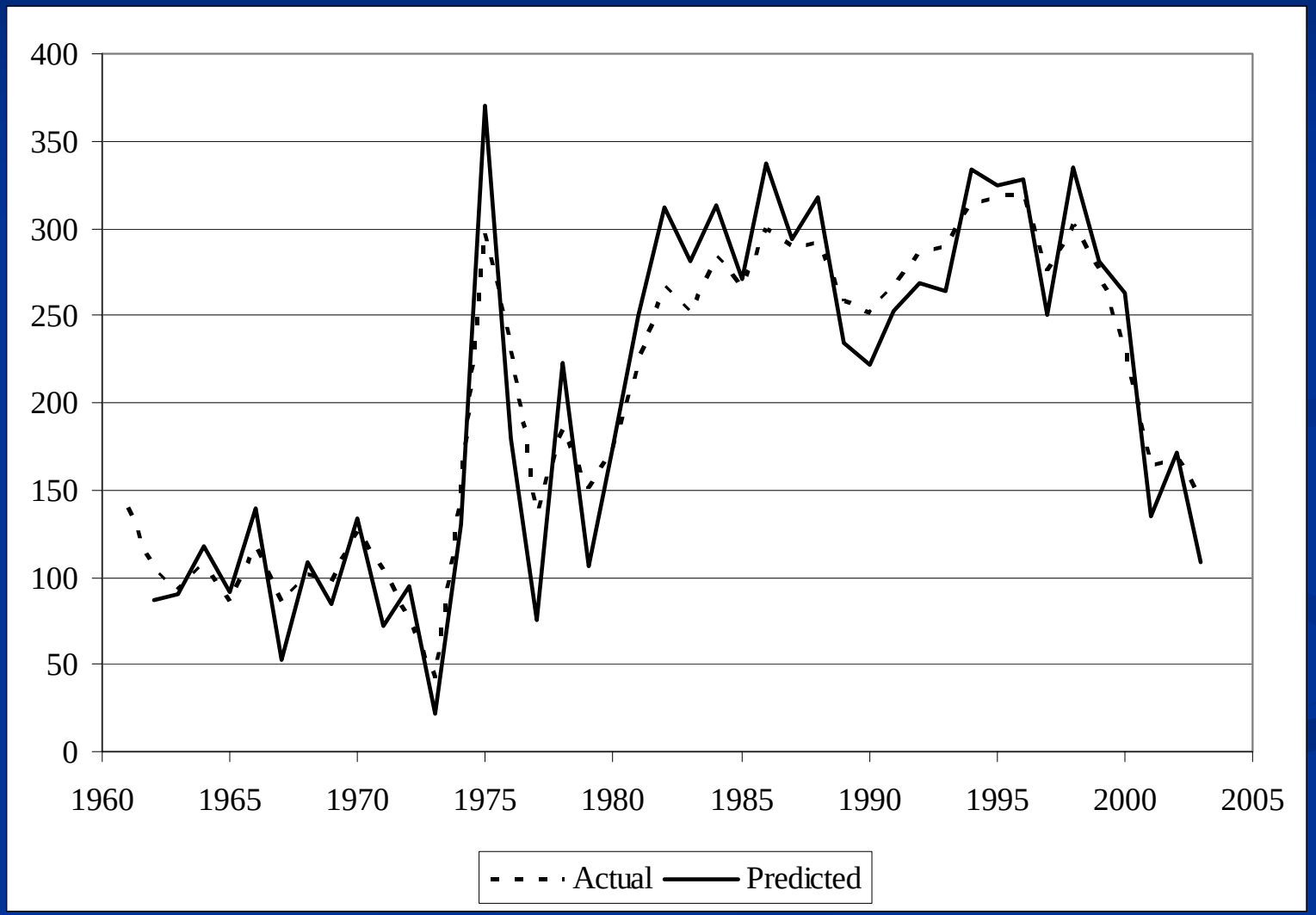
-82.665 x (Moratorium begins – 1 for 1972, 1973) +

52.073 x (State reinstatements – 1 for 1974, 5, 6) +

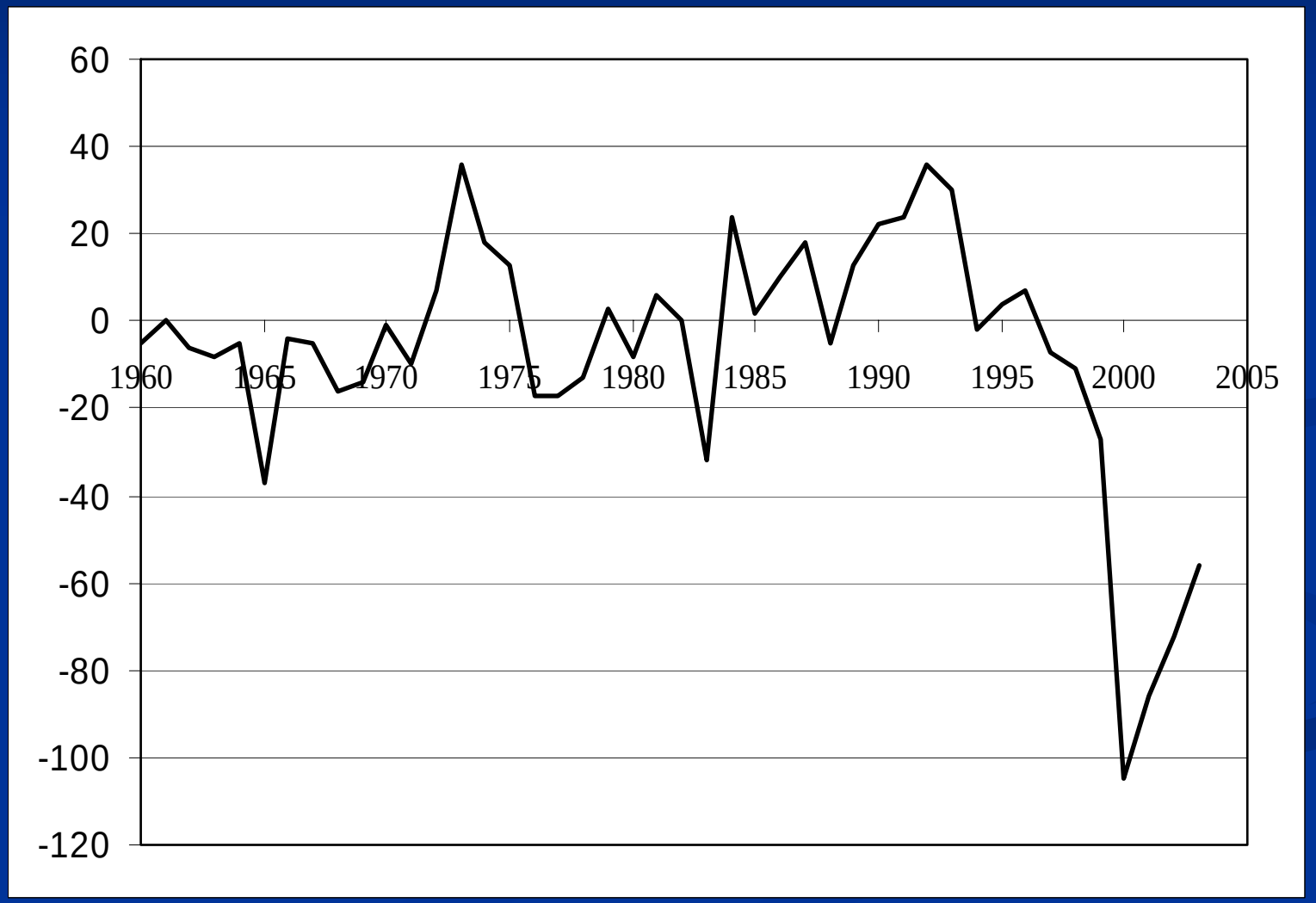
0.720 x (Net Tone from *New York Times*)

- Explains 88 percent of the variation

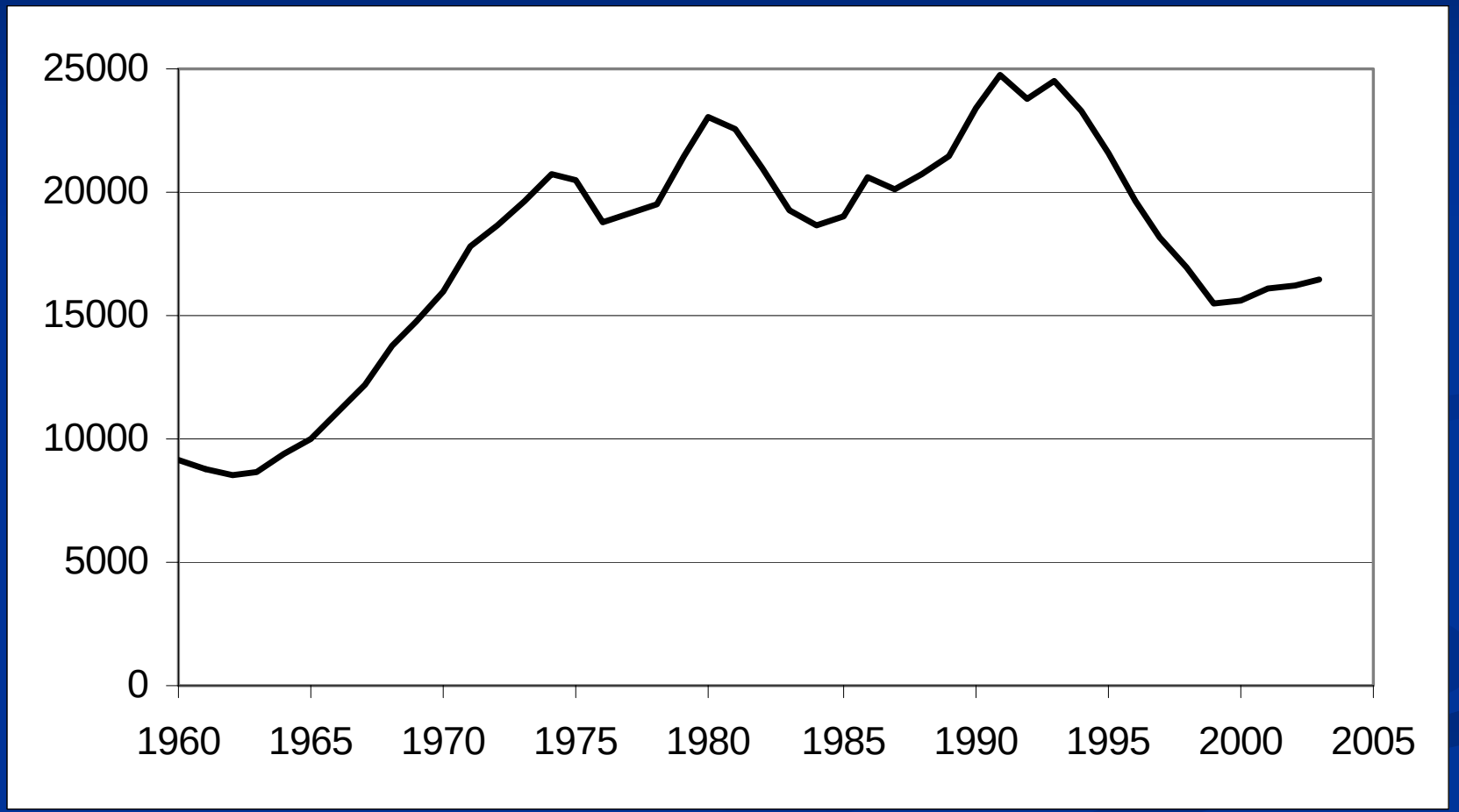
Does This Really Work??? You betcha. Actual and Predicted number of Death Penalty Sentences Per year, 1960-2003



Reminder: The Net Tone of *New York Times* Coverage 1960-2003



Homicides: decline from 24,500 in 1993 to 15,500 in 2000



Net Effects of Framing

Predicted effects on numbers of death sentences (controlling for other relevant factors)

Homicides decline by 9,000 from 1993 to 2000

x 3.0 = decline of 27 death sentences

Media tone declines by 140 points from 1993 to 2000

x 0.720 = decline of 100 death sentences

This stuff makes a difference!

Conclusions

Innocence Frame differs from Morality, Constitutionality, and all other frames

Morality argument may be what motivates activists

People are extremely resistant to new information: There are many cognitive barriers to persuasion

The innocence frame is *orthogonal* to previous frames: It has *nothing to do with* established ways of thinking about the issue

Therefore, it does not require a person to admit that their previous attitude, or entire moral code, is wrong

Conclusions (cont.)

US public opinion *not* moving on the moral issue

Like it or not, most Americans support the idea, in theory. This is based on their moral views, and those are hard to change.

But this is *not a theoretical issue*.

In real courtrooms, with real jurors presented with real evidence about real people and with the chance to make real big mistakes, flaws in the system matter.

Everyone can understand that, and it challenges no one's moral code. It's an argument that works.

It has already saved a lot of lives.