Vengeance, Retribution, or Mistake?

The Changing Tones of Media Coverage of Capital Punishment in the US

Presentation to the NAACP-LDF

24th Annual Capital Punishment Training Conference, Airlie Conference Center, Warrenton, VA, July 17–20, 2003

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Are we on the verge, or indeed in the middle of, a major redefinition of public understanding of the death penalty in America?

Issue Definitions and Their Policy Consequences

- All issues are inherently multi-dimensional.
- Attention often focuses on one or a few dimensions at a time, ignoring others.
- Attention can shift dramatically as new dimensions gain prominence and others are ignored.
- This process can have long-lasting policy consequences.

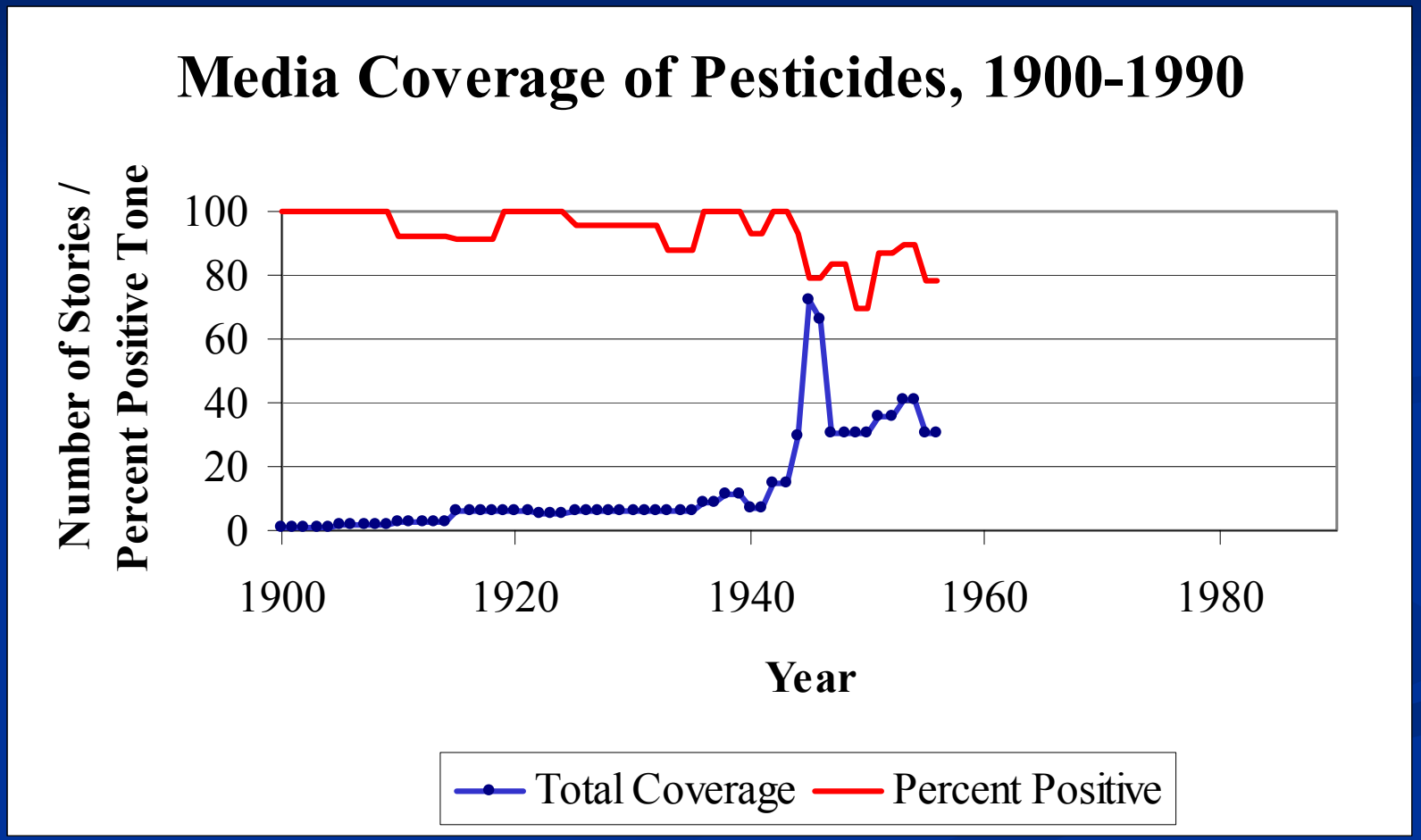
Disjoint Policy Change

- Surprisingly common over the long run
- Agenda-setting and issue-definition
  - Key : Involvement of previously uninvolved.
  - Agenda-setting: movement of an issue from
    - communities of professionals who know all the arguments
    - to higher levels of public, media, and governmental awareness
  - (Change can occur within a policy community, but is more common when combined with agenda-setting and the involvement of the previously uninvolved, as appears to be occurring with the death penalty.)

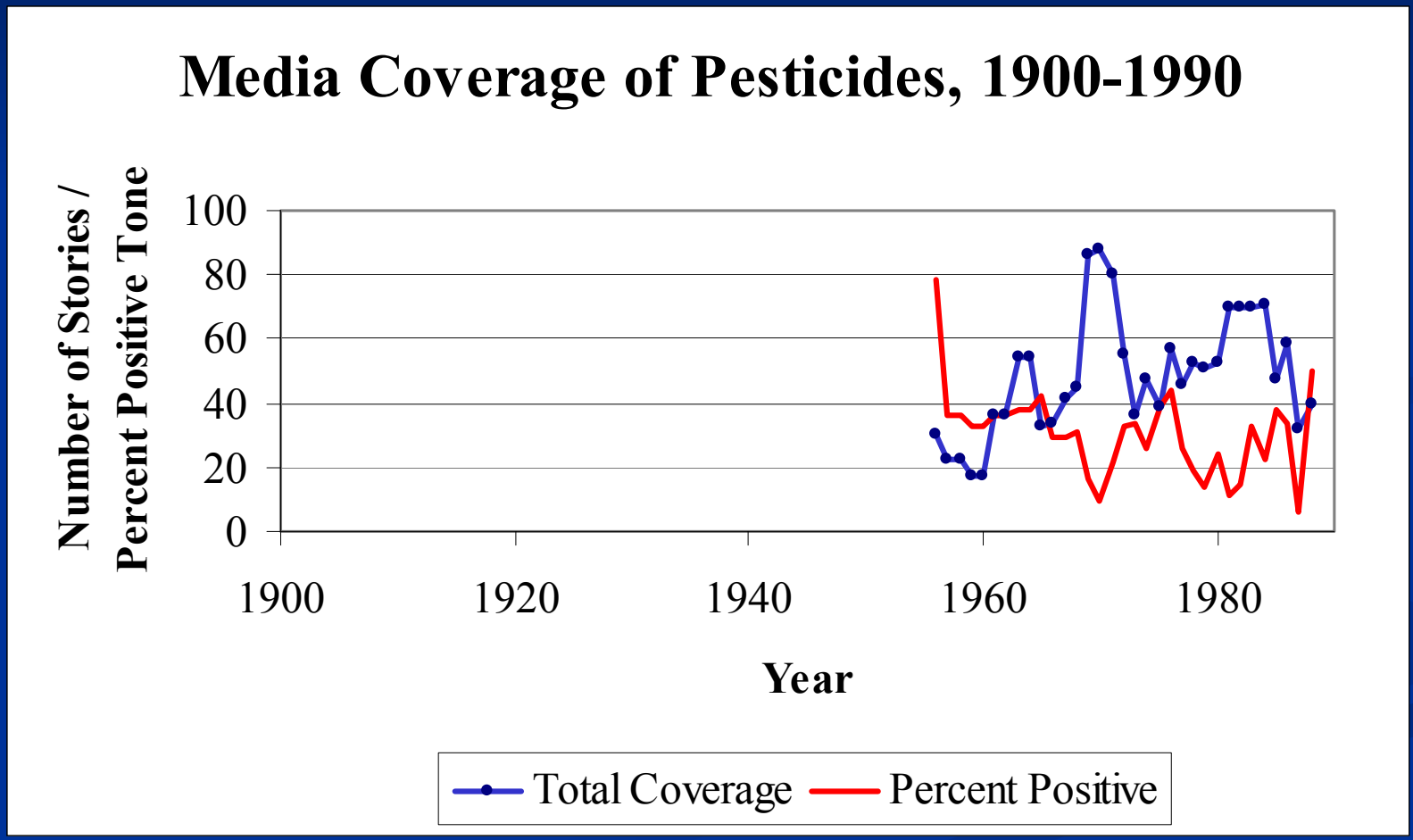
A Change in Mind, or a Change in Focus?

- New topics of attention can suddenly emerge
  - These are often quite incomplete; vast oversimplifications. In fact, they must be. Issues are multidimensional and complex.
  - As an issue comes to be defined in a new way, political leaders and institutions realign.
- Does a political leader prefer to be "tough on crime"? (yes) or "finding solutions that work"? (yes)
- Pesticides as an example:
- (Drawn from *Agendas and Instability in American Politics* (Chicago, 1993), Fig. 5.3)

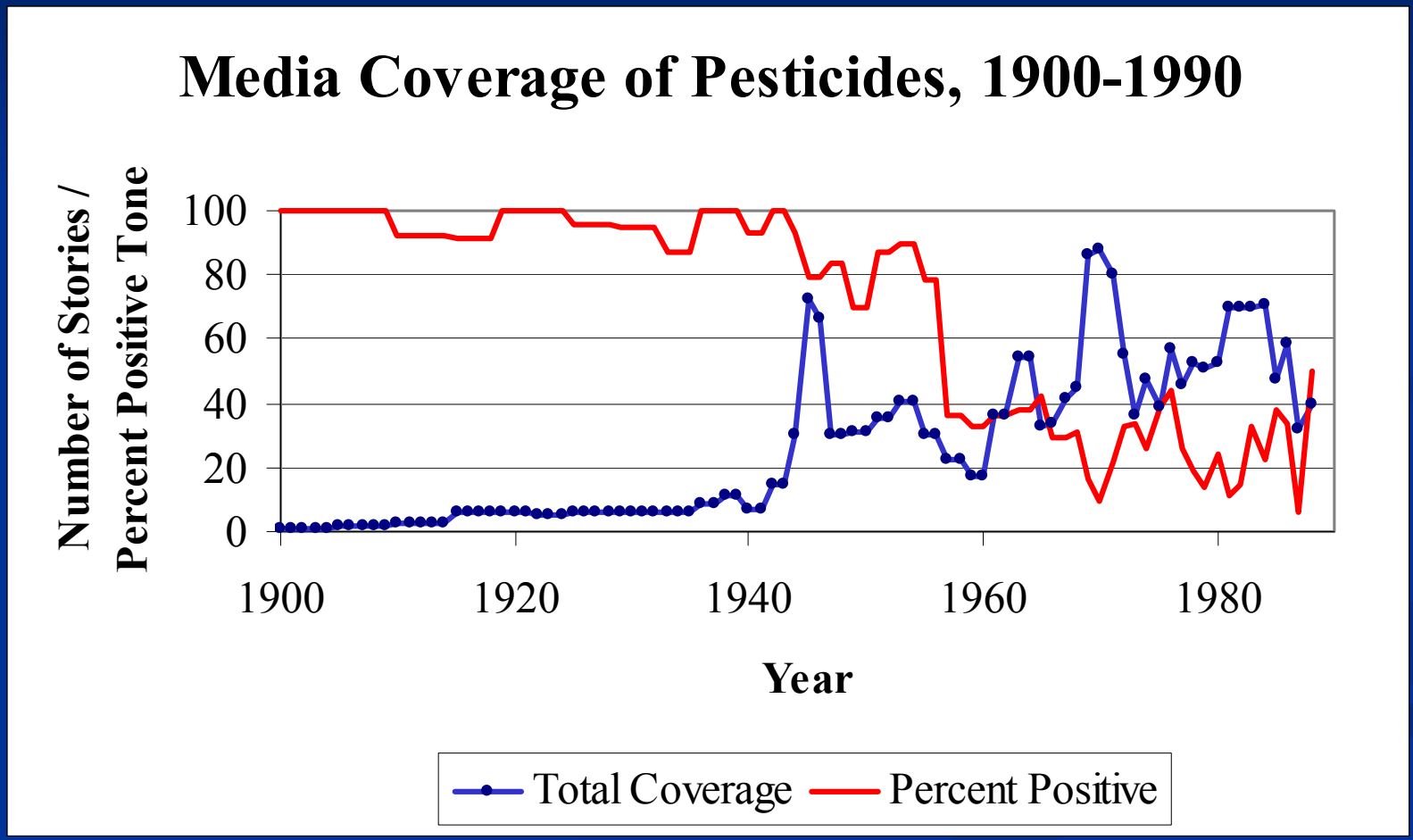
Pesticides: Looking Good after World War Two



Pesticides: No Longer Such Good News after 1956



Pesticides: From Green Revolution to Nobody's Baby



What Happened?

- Positives associated with pesticides:
  - Scientific progress
  - The "Green Revolution"
  - Put an end to world-wide hunger
  - Eradicate malaria and other pest-borne diseases
  - Improve lives of farmers
- Negatives associated with the same industry:
  - Cost and dependence on chemicals
  - Toxic effects on environment
  - Unintended consequences
  - Two high visibility failures: the fire-ant and gypsy moth eradication campaigns in the mid-1950s

Pesticides (cont.)

- These positives and negatives were constant
- Attention shifted, however, in 1957, all at once
- This is not uncommon
  - Nuclear power in 1969
  - Smoking and tobacco
  - Treatment of mentally ill (de-institutionalization)
  - Child abuse in 1984: Privacy of family, or protection of children? People are in favor of both those things.
  - Etc.

Methodology

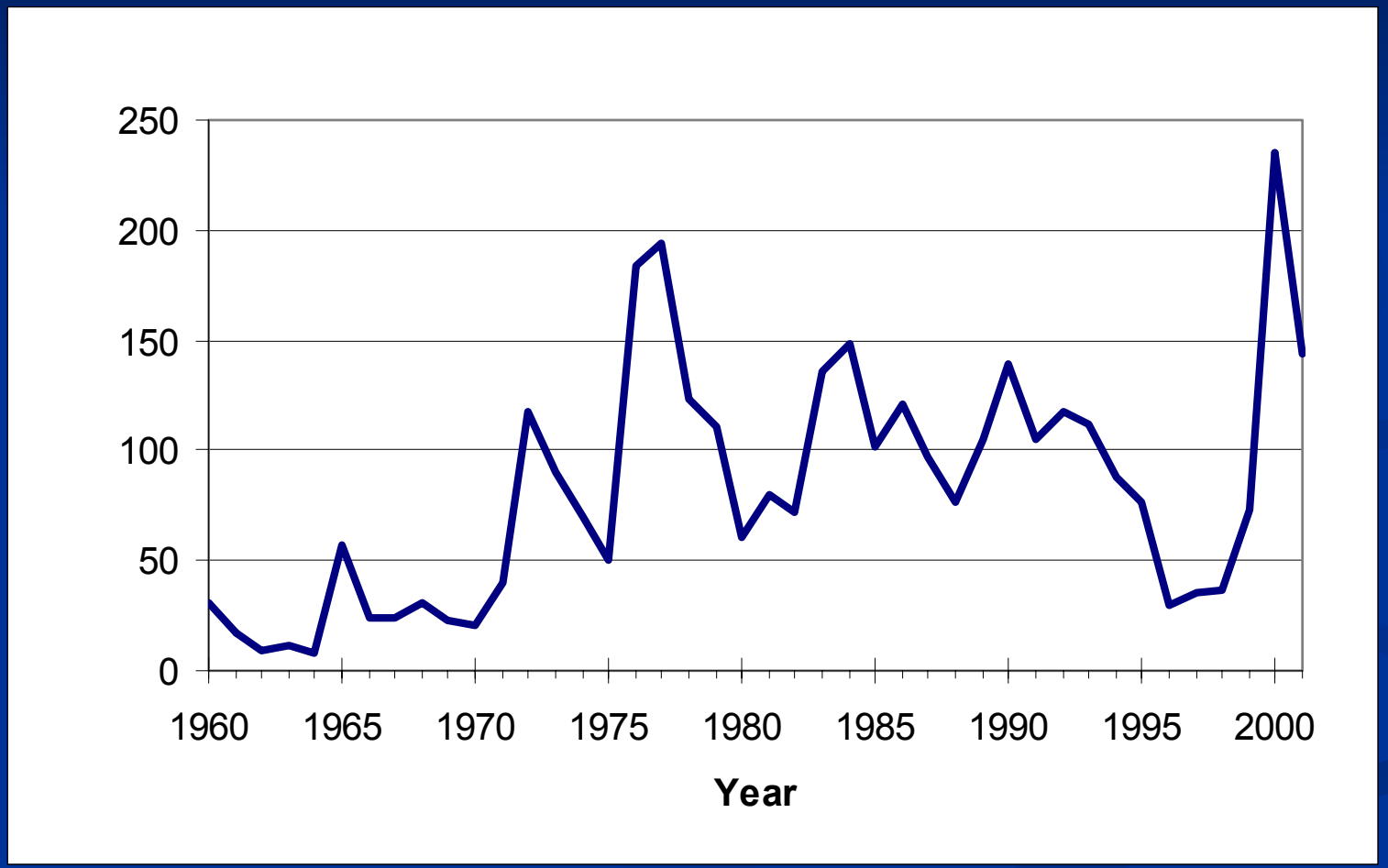
- Developed coding scheme incorporating all dimensions of discussion concerning the death penalty
- Coded 3,512 New York *Times* abstracts under the index title "Capital Punishment"
- This represents all articles published from 1960 to 2001

Sample Abstracts

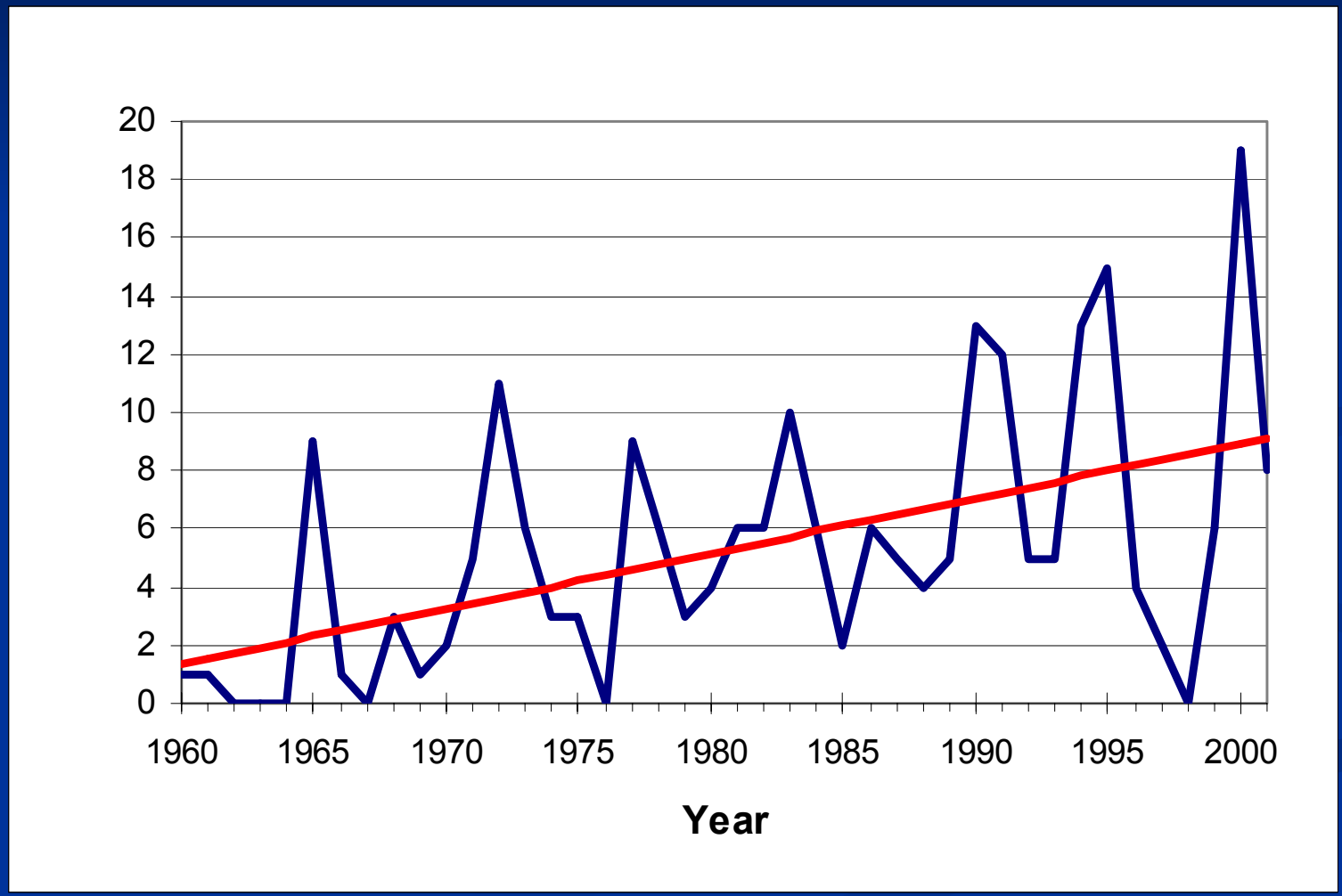
- *"Critics of capital punishment* accuse Virginia officials of being vindictive for not allowing Earl Washington Jr to appear at news conference on Capitol Hill to talk about death sentence he narrowly escaped *for rape and murder he did not commit*; news conference is part of *campaign to legislate*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

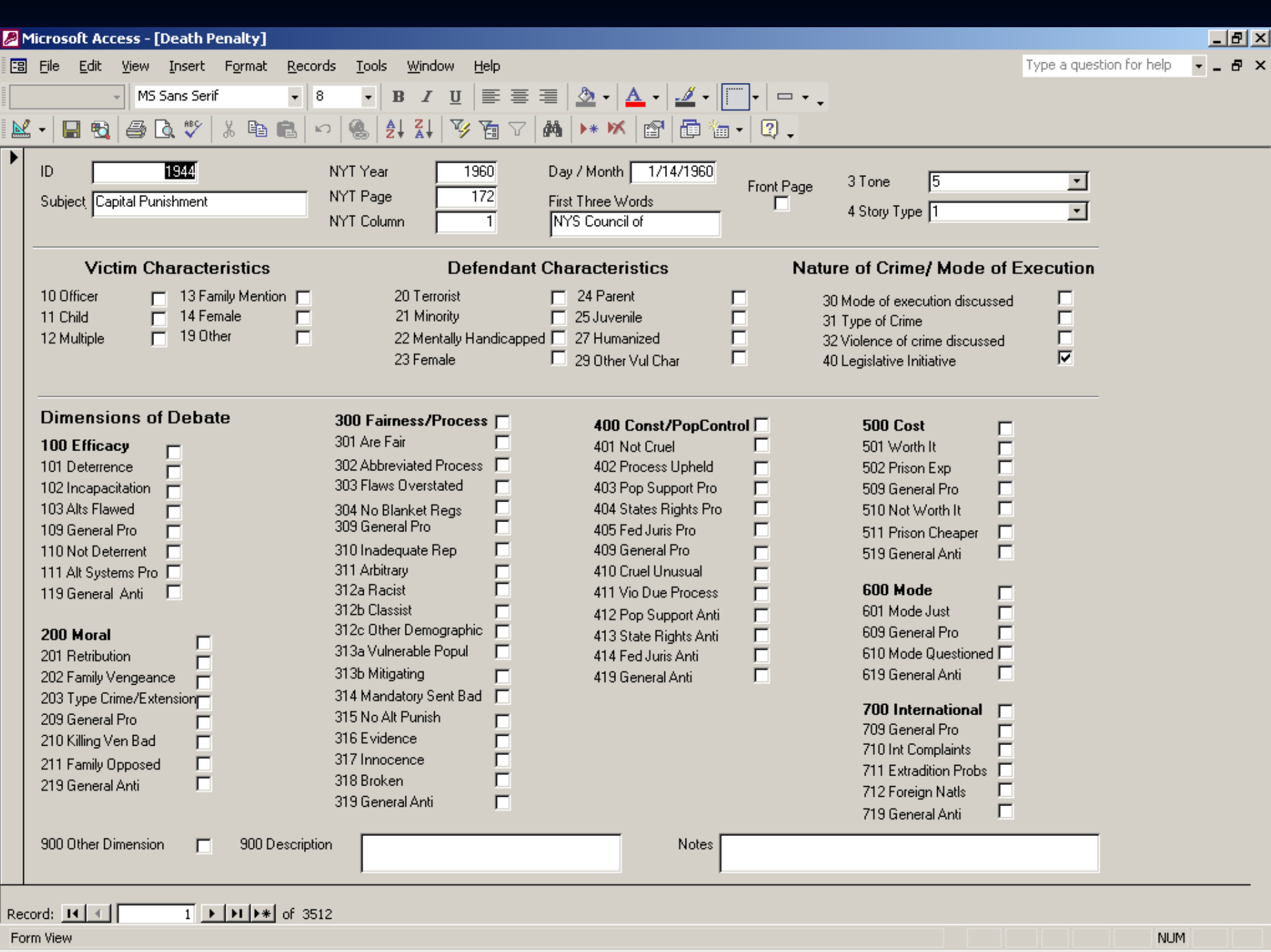
- "State of Missouri will execute 26-year old Antoniao Richardson, *mentally retarded* man, *despite pleas for clemency from mother of his two victims*; *he was 16 years old* in 1991, when he *murdered 20-year-old Julie Kerry and 19-year-old sister Robin"*

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



Front Page *NYT* Coverage, 1960-2001




Microsoft Access - [Death Penalty]
File Edit View Insert Format Records Tools Window Help
Type a question for help
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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

Coding for Tone

- Read each article summary
- For each argument, would a proponent of the death penalty be pleased or unhappy to see this article?
  - Pro: Arguments tending to justify or further the enactment of the death penalty
  - Anti: Arguments tending to call the death penalty into question
  - DK / uncodeable: Arguments with no clear tone

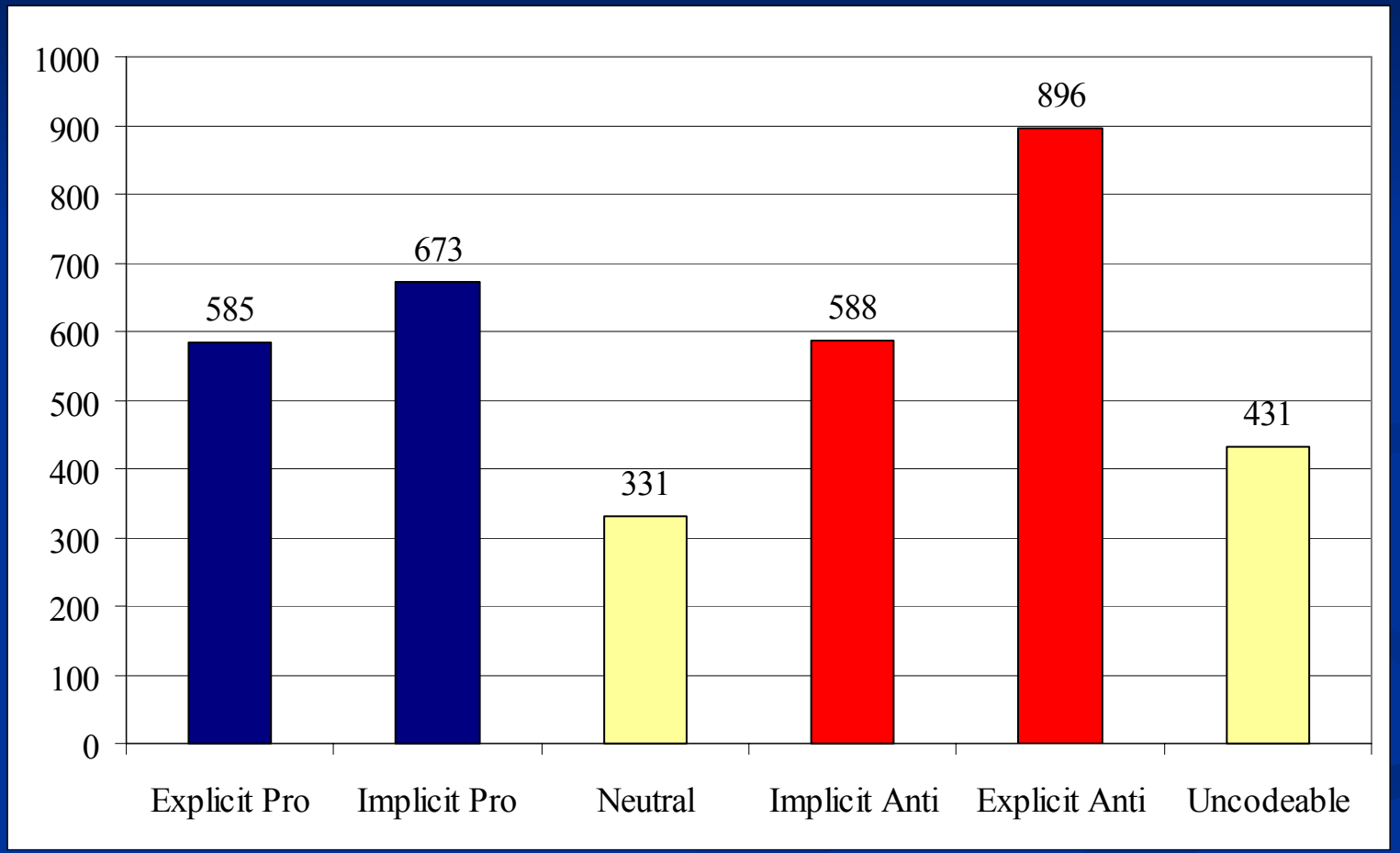
Coding for Tone
(Cont.)

- Count every recognizable argument in the summary (one summary may have several arguments)
- 1,2 = More Pro- than Anti- arguments
- 3 = Neutral / balanced
- 4,5 = More Anti- than Pro- arguments
- 9 = Can't tell

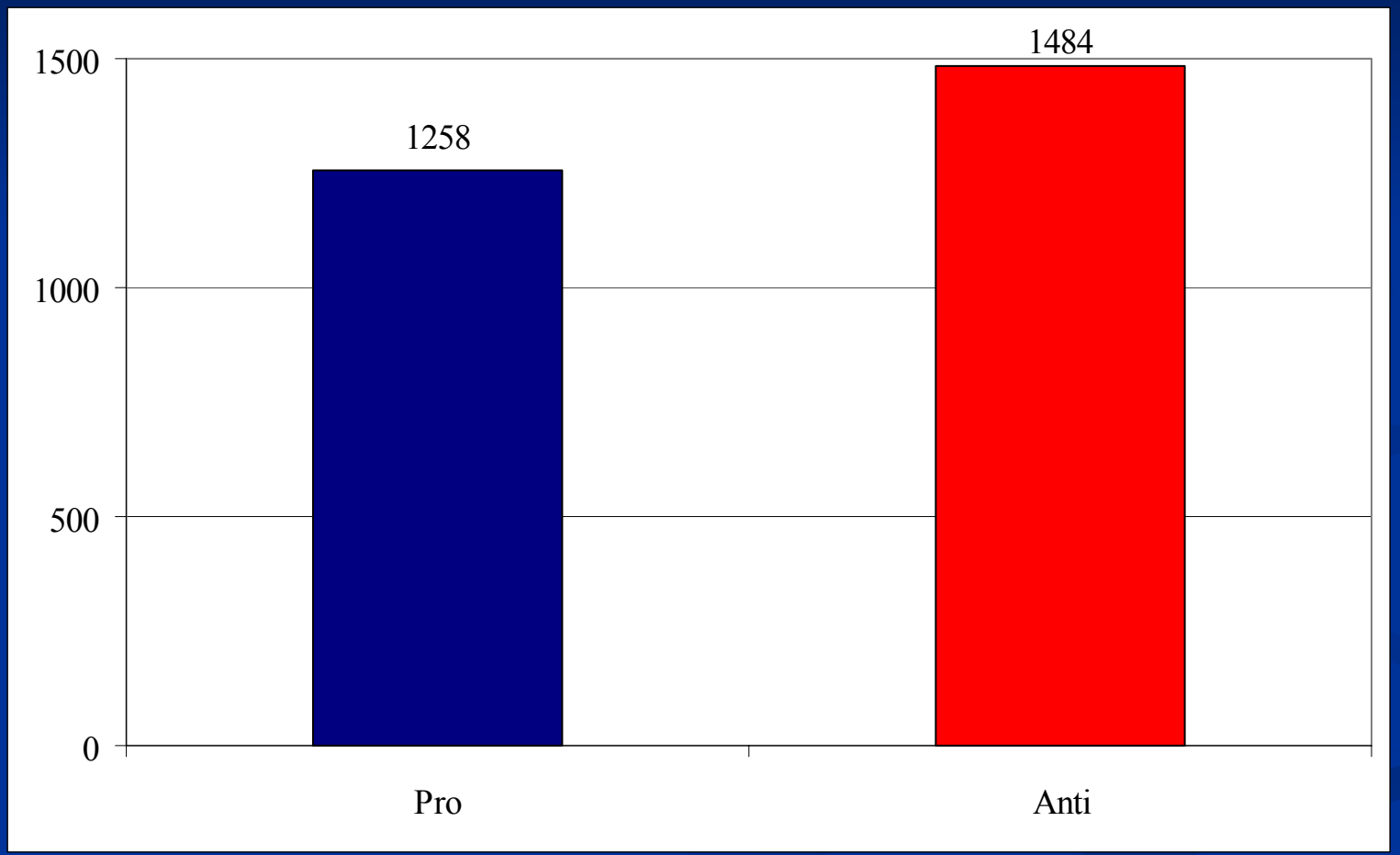
Coding for Tone
(Cont.)

- Code for strength of statement
- 1, 5 = explicit or strong arguments
  - Explicit statements of support or opposition to the death penalty in general or in a class of cases
  - Reports of actions enacting stronger or weaker interpretations of death penalty jurisprudence
- 2, 4 = implicit or weak statements
  - Statements about particular defendants

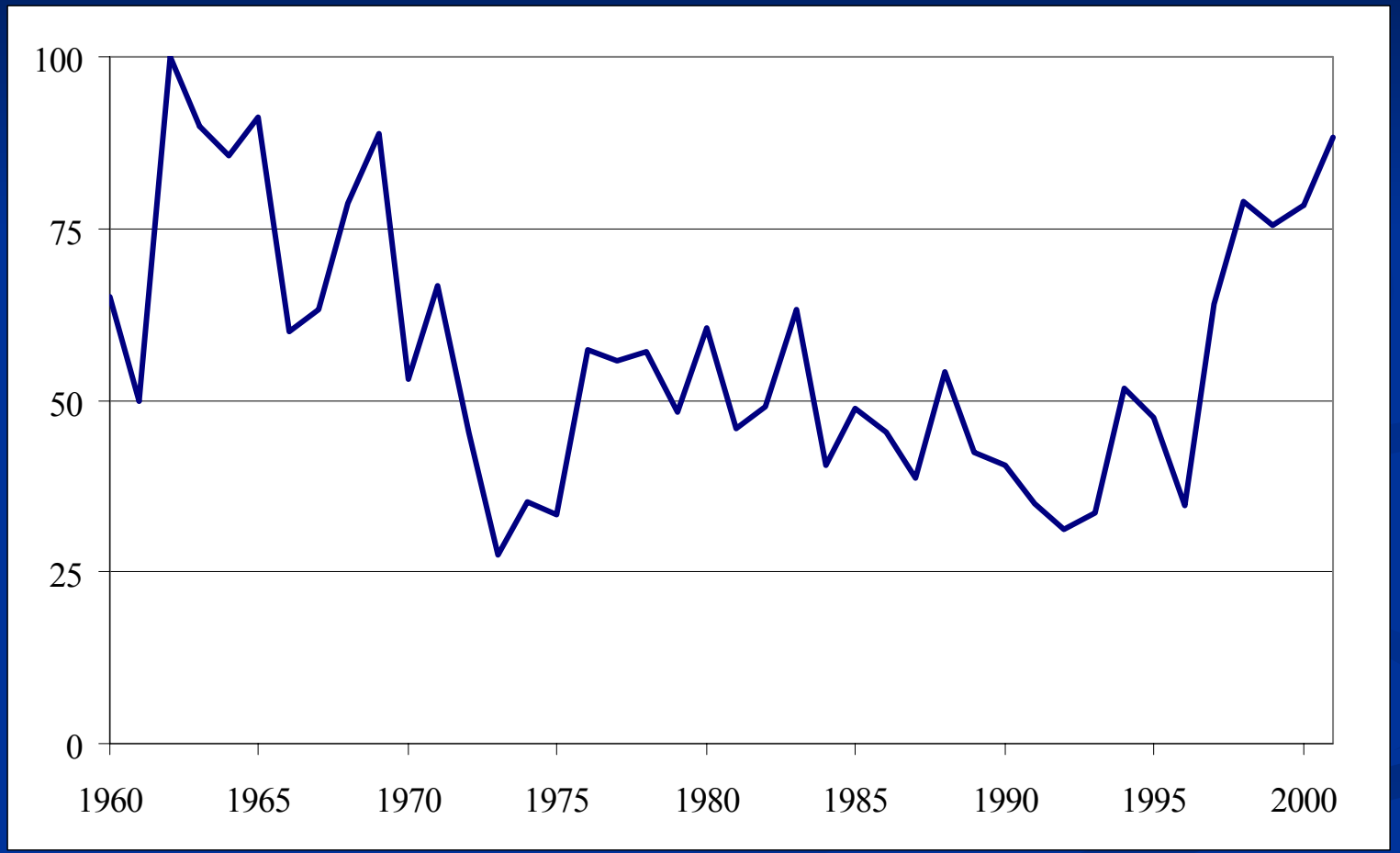
Pro- and Anti- Death Penalty Stories, 1960-2001 (N = 3,504)



Pro- and Anti- Stories, Collapsed (N = 2,742)



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



Tone of Coverage over Time

- Strongly anti-death penalty before 1970
  - (Note low numbers of stories, however)
- Strongly pro-death penalty during 1972-76 moratorium
- Relative stability during 1976-96 period, with trend towards more pro-death penalty stories
- Dramatic shifts since 1996?

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

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 Major Dimensions of Debate

- Efficacy
  - It is effective, it deters crime, it incapacitates criminals from striking again, there are no effective alternative punishments, other pro-
  - It does not work, it does not deter crime, alternative punishments are more appropriate or effective, other anti-

The Major Dimensions of Debate (cont.)

- Moral
  - Retribution is warranted, family wants "justice", certain crimes warrant this punishment, other pro-
  - Retribution is wrong, killing is wrong, the type of crime does not merit this penalty, forgiveness, other anti-

The Major Dimensions of Debate (cont.)

- Fairness
  - System works, system has many safeguards in place, delays and appeals are unwarranted or should be abbreviated, complaints about system are overstated, no one deserves special treatment (e.g., children, mentally handicapped defendants), other pro-
  - System does not work, inadequate legal defense, arbitrary / capricious application, discriminatory impact by race, class, or other characteristic, mitigating circumstances present, jury instructions not appropriate or complete, access to evidence including DNA, questions of innocence, moratorium needed until flaws in system are corrected, other anti-

The Major Dimensions of Debate (cont.)

- Constitutional
  - Neither cruel nor unusual, due process rights upheld, popular support for death penalty, states' rights to impose it, federal right to impose it, other pro-
  - Cruel and unusual, due process rights denied, popular support declining / low, states' rights not to use it, federal involvement to disallow death penalty, other anti-

The Major Dimensions of Debate (cont.)

- Cost
  - Costs are low or worth it, alternative prison costs are too high, other pro-
  - Costs are high or not worth it, impact on local government budgets, alternative penalties cheaper, other anti-

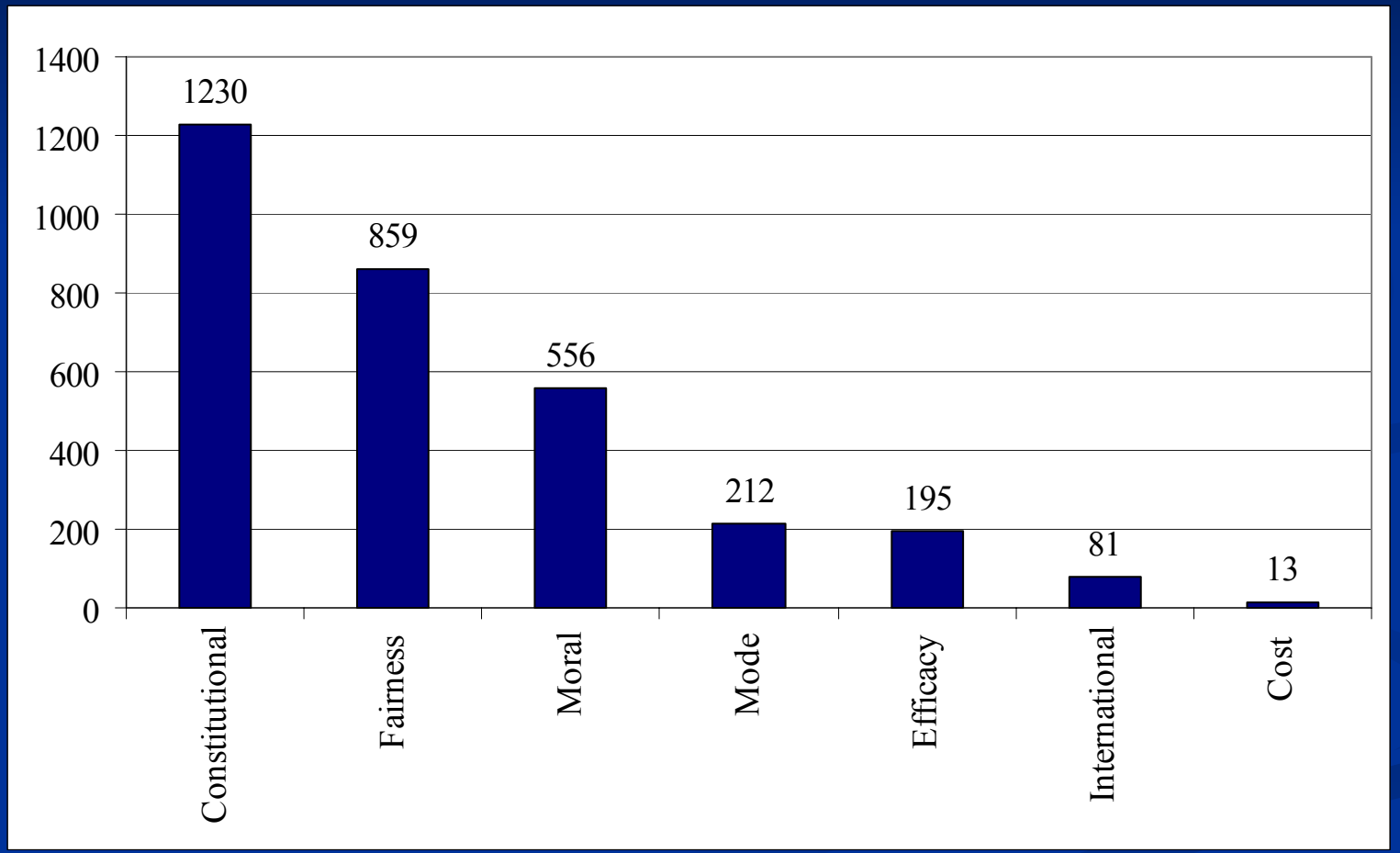
The Major Dimensions of Debate (cont.)

- Mode
  - Particular mode of execution is just, other pro-
  - Particular mode of execution questioned, changes in mode, other anti-

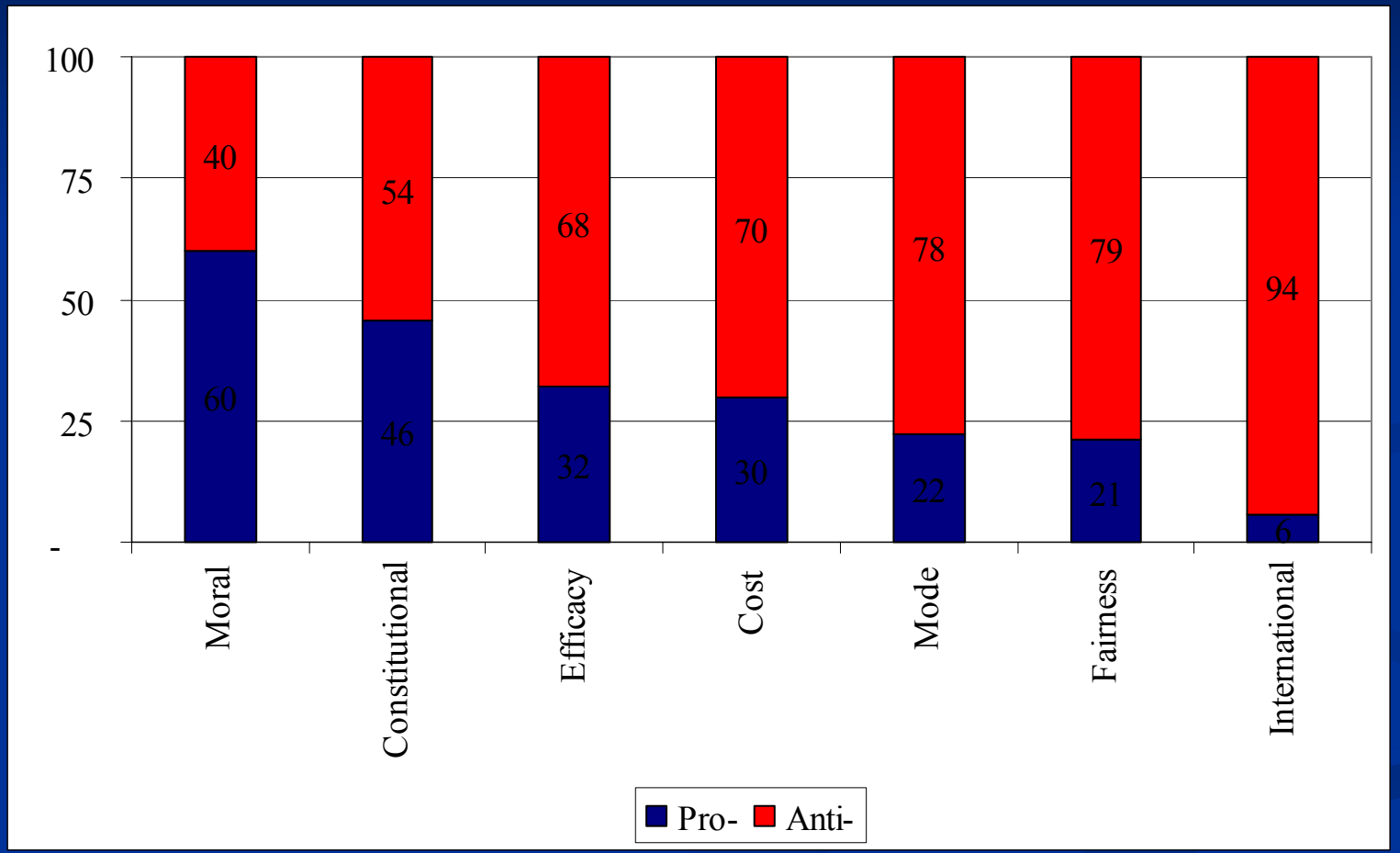
The Major Dimensions of Debate (cont.)

- International
  - Pro-
  - Complaints about US from abroad, extradition issues discussed, foreign nationals should not be executed here, other anti-

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.

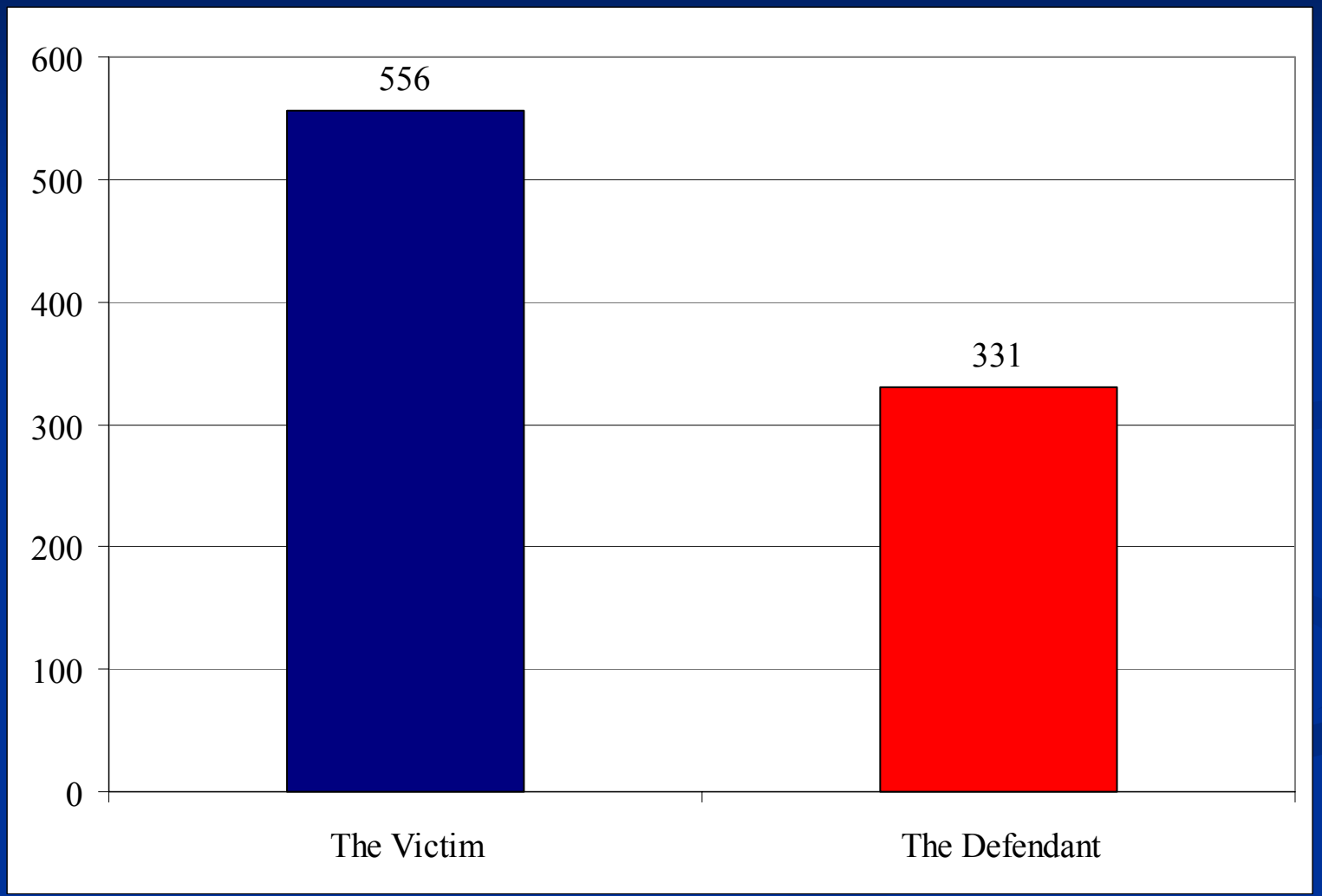
Does the abstract mention anything about the victim?

- 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

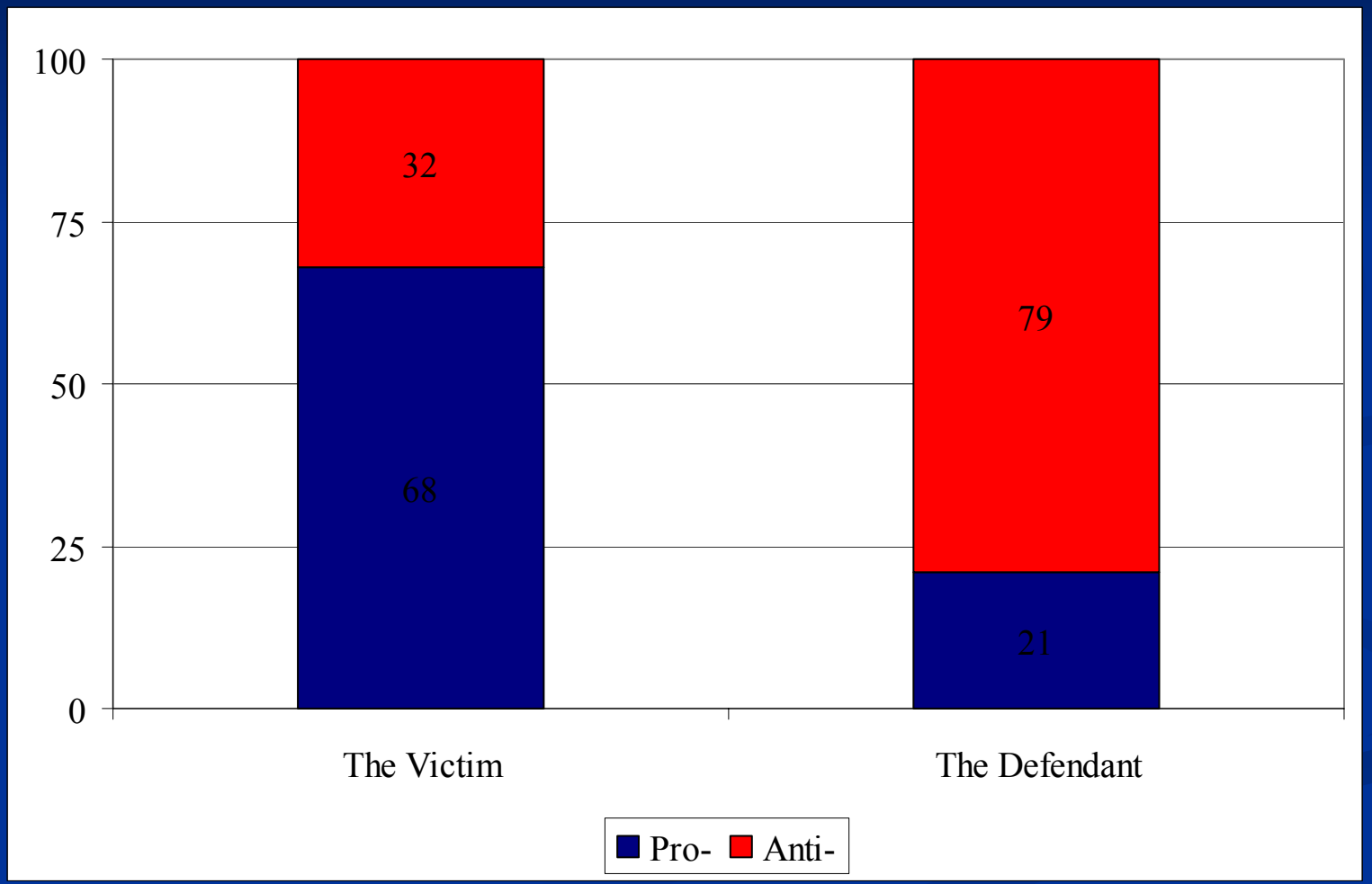
Does the abstract mention anything about the defendant?

- 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

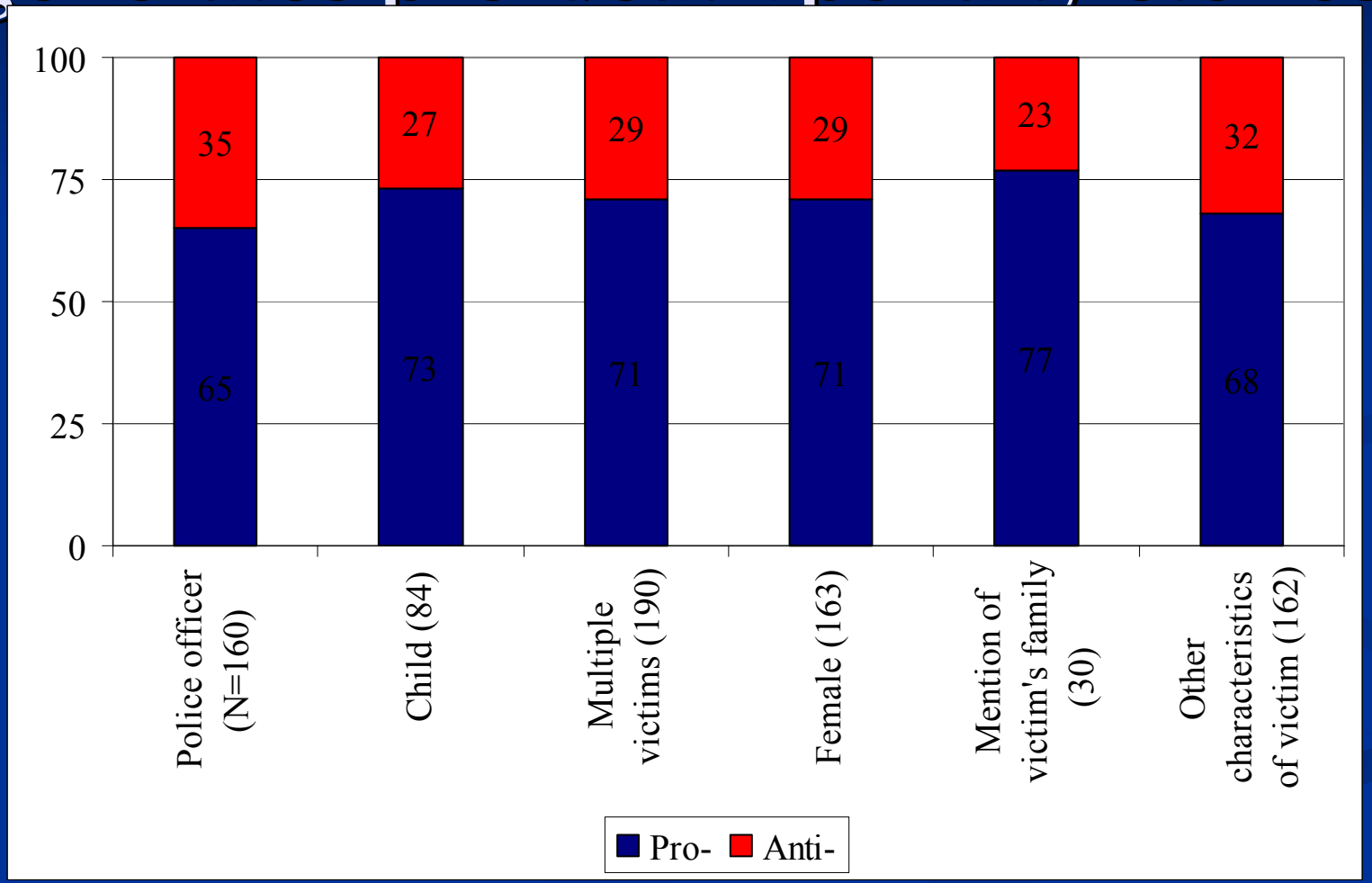


Mention of either the victim or the defendant determines the tone:

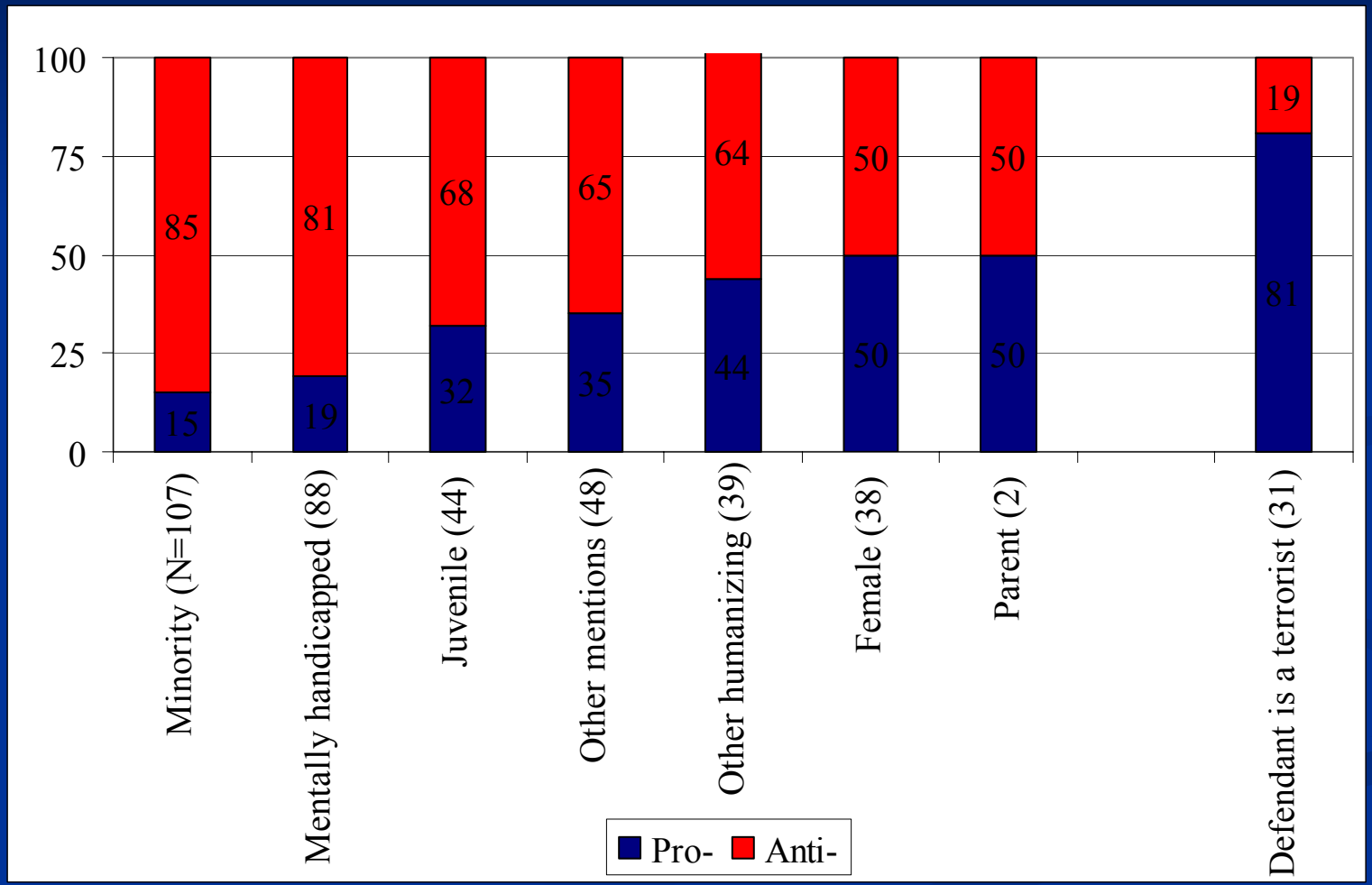


Shaded bars show the percentage of stories that were coded pro- or anti- death penalty.

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:

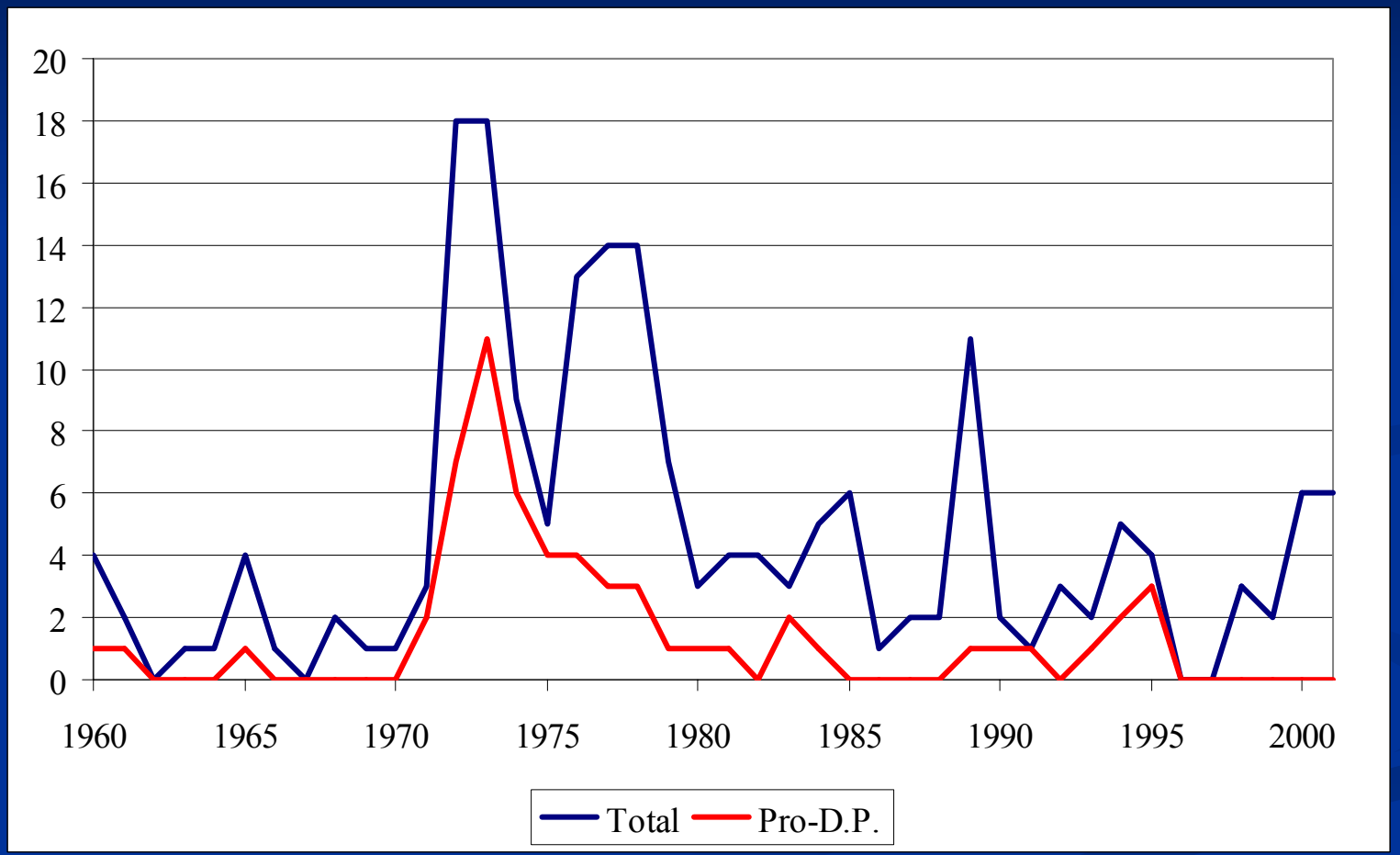


How has the debate changed over time, especially since 1996?

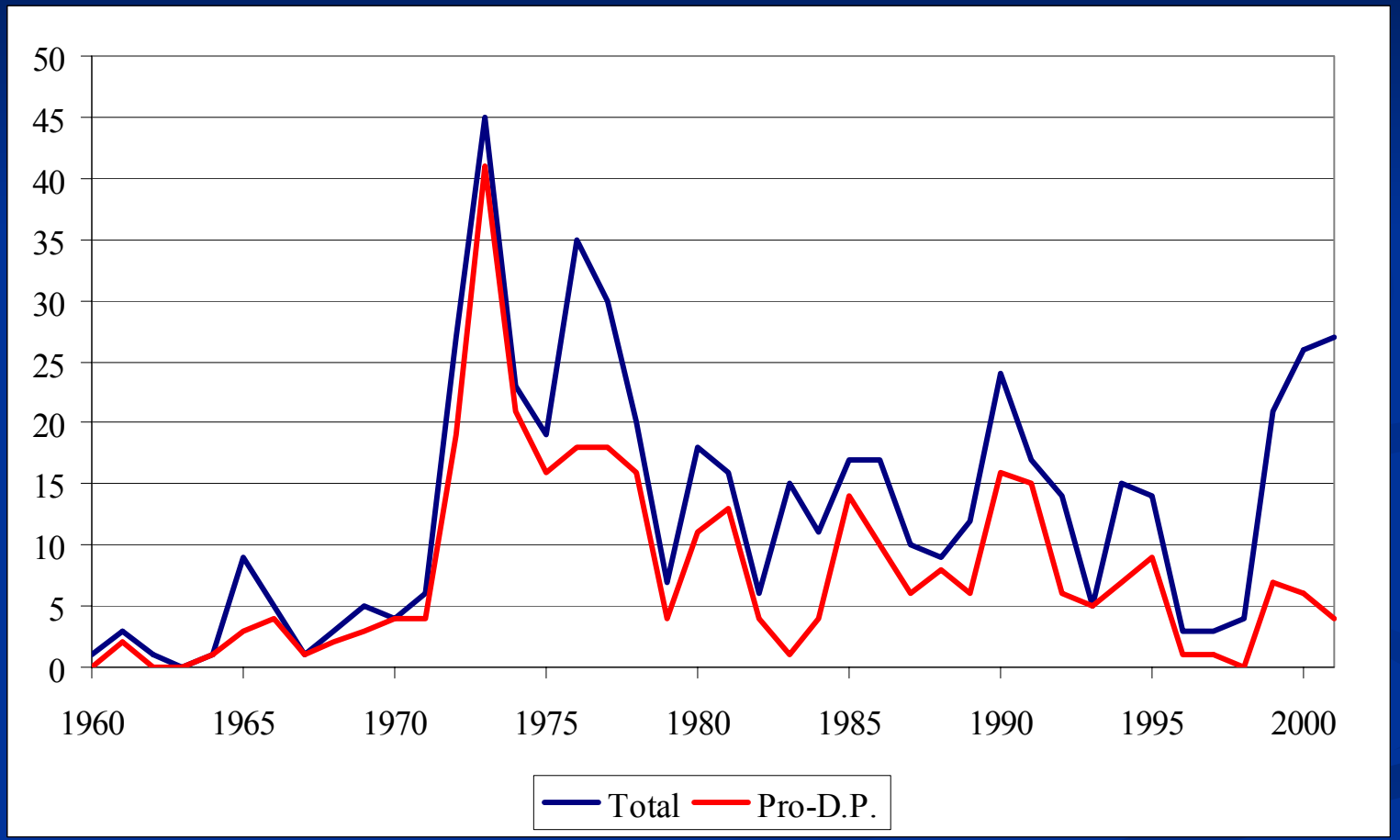
- Overall levels of attention unprecedented
- Rise in anti-death penalty stories
- Shift in focus: Innocence, fairness, and the defendant.
- More attention to defendants compared to victims.

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

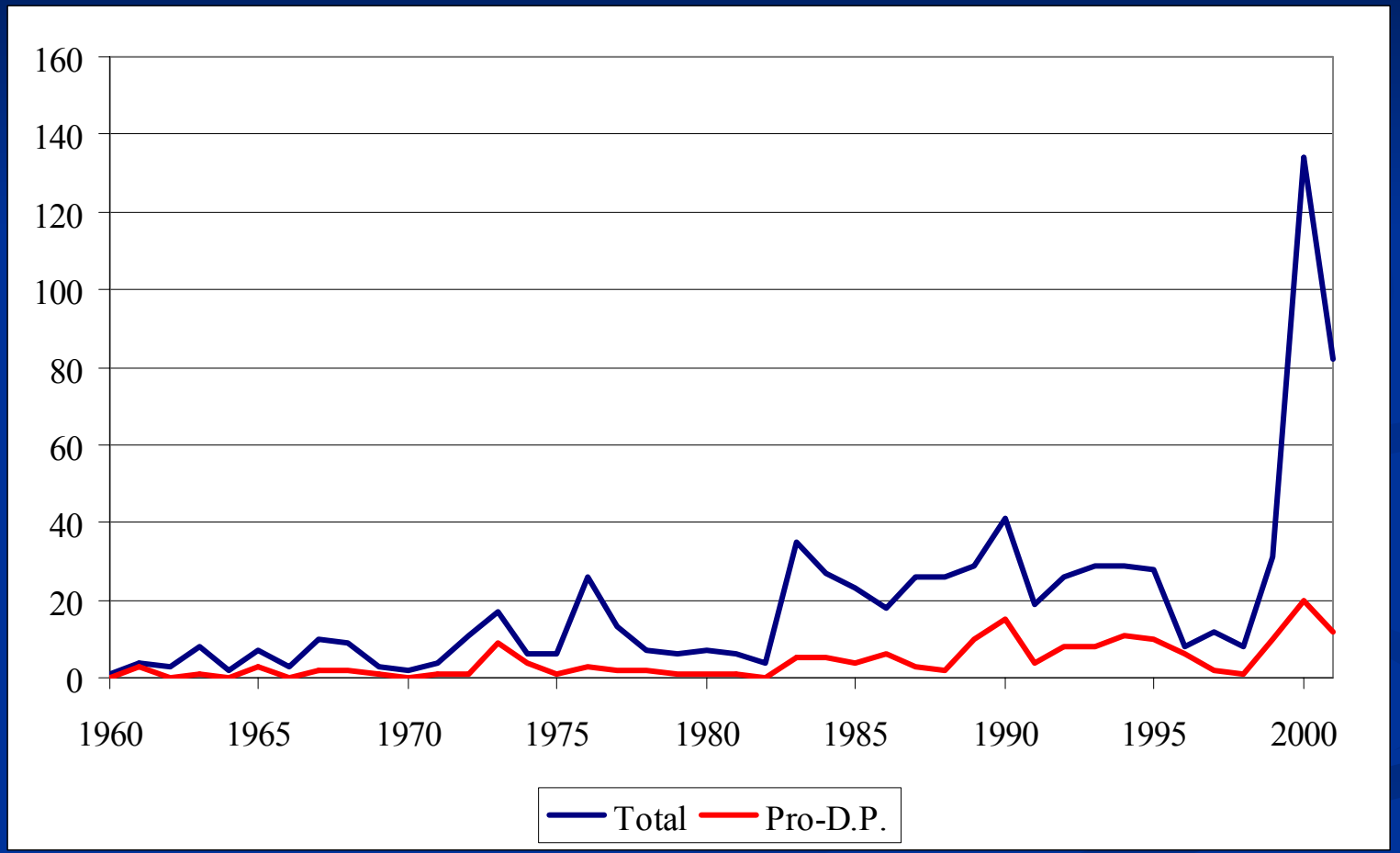
Stories Mentioning Efficacy Arguments, 1960-2001



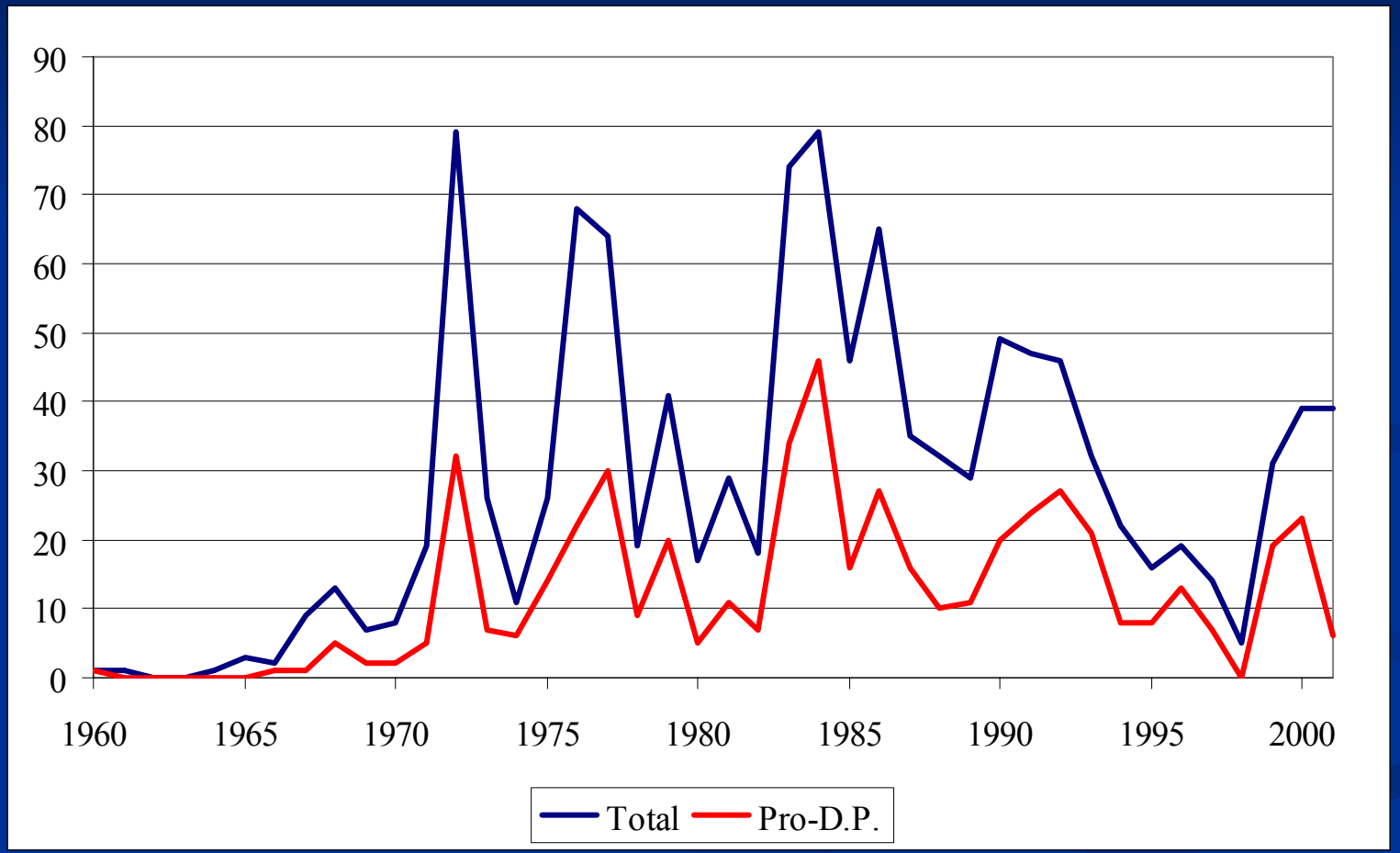
Stories Mentioning Moral Arguments, 1960-2001



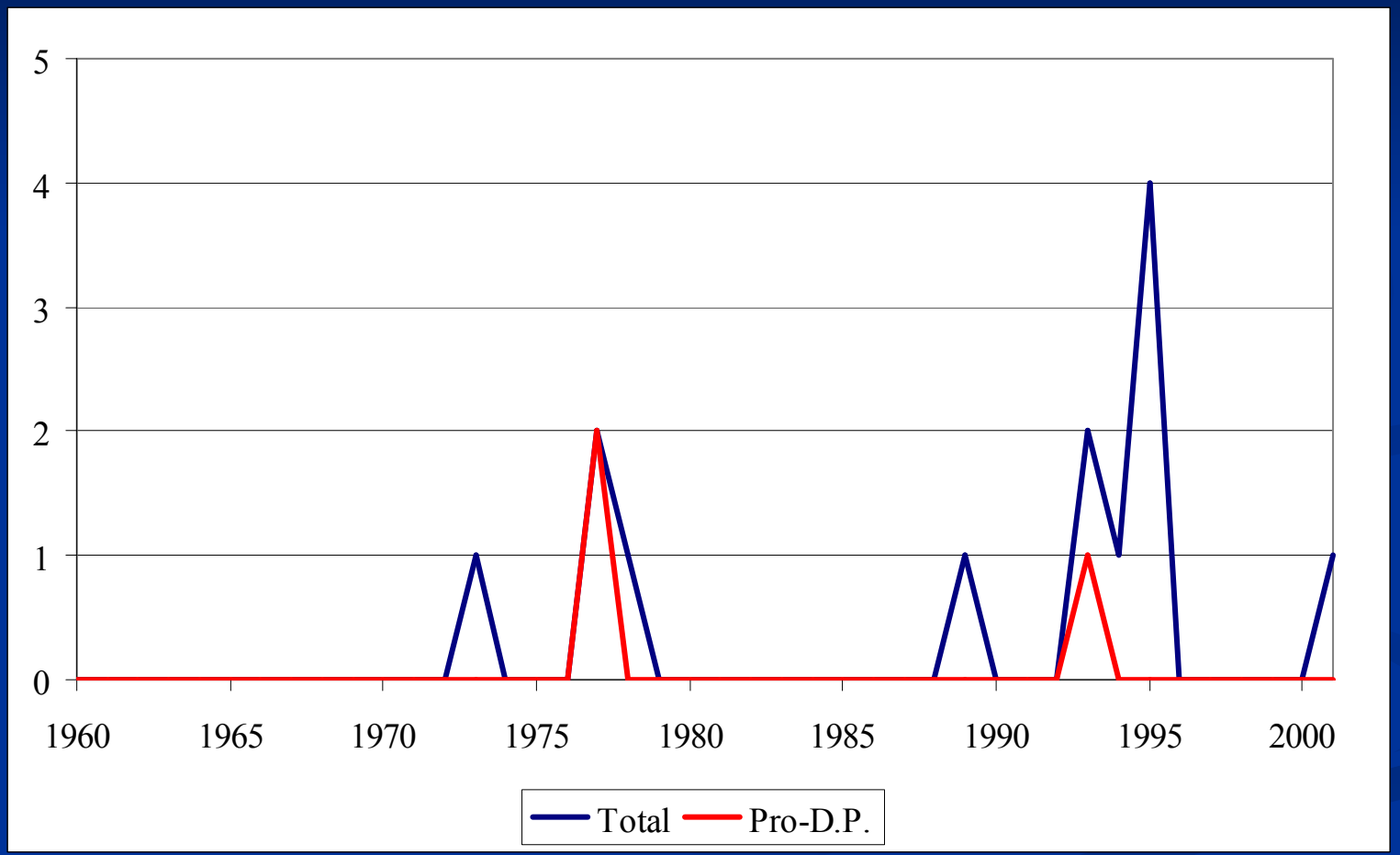
Stories Mentioning Fairness Arguments, 1960-2001



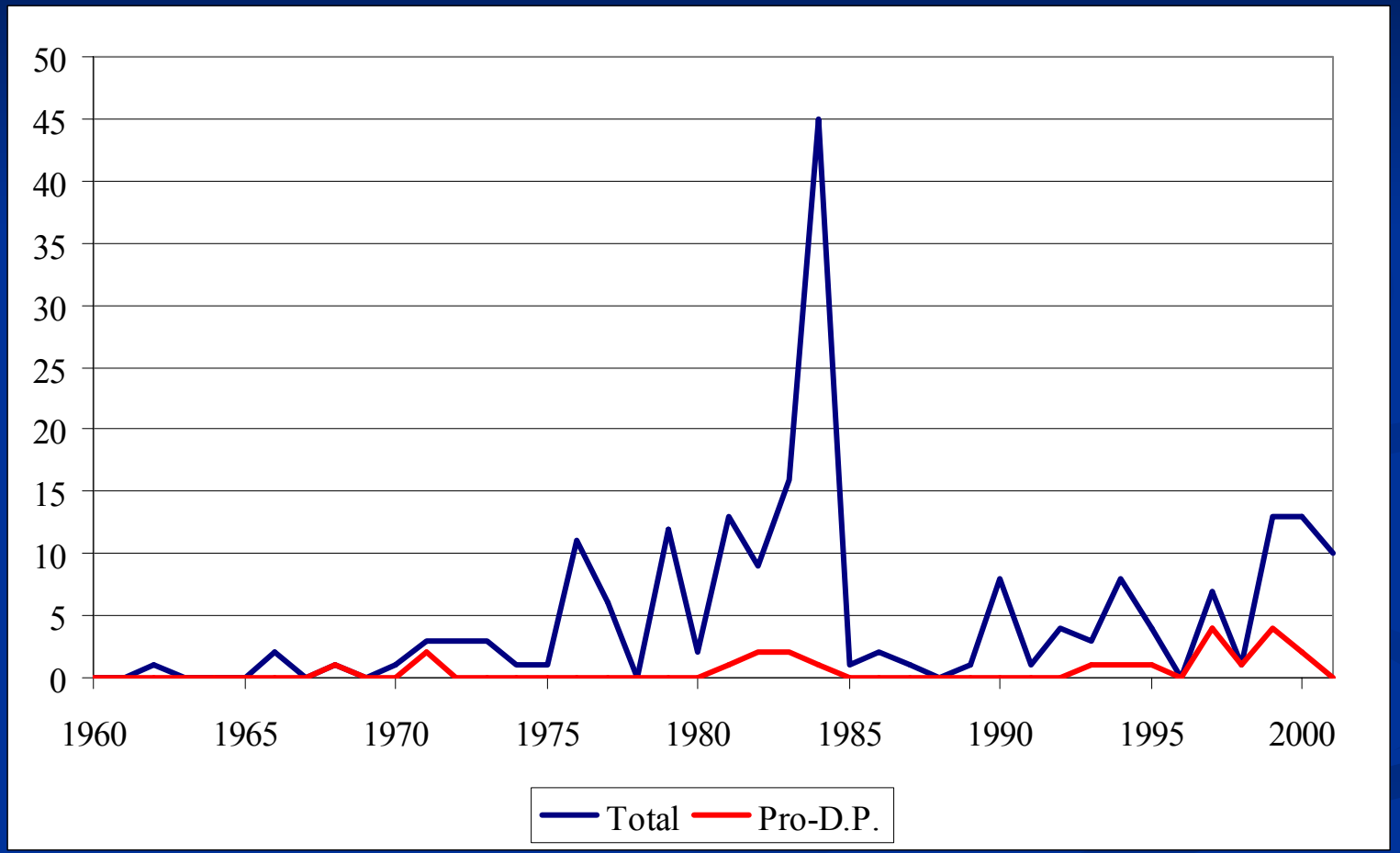
Stories Mentioning Constitutional Arguments, 1960-2001



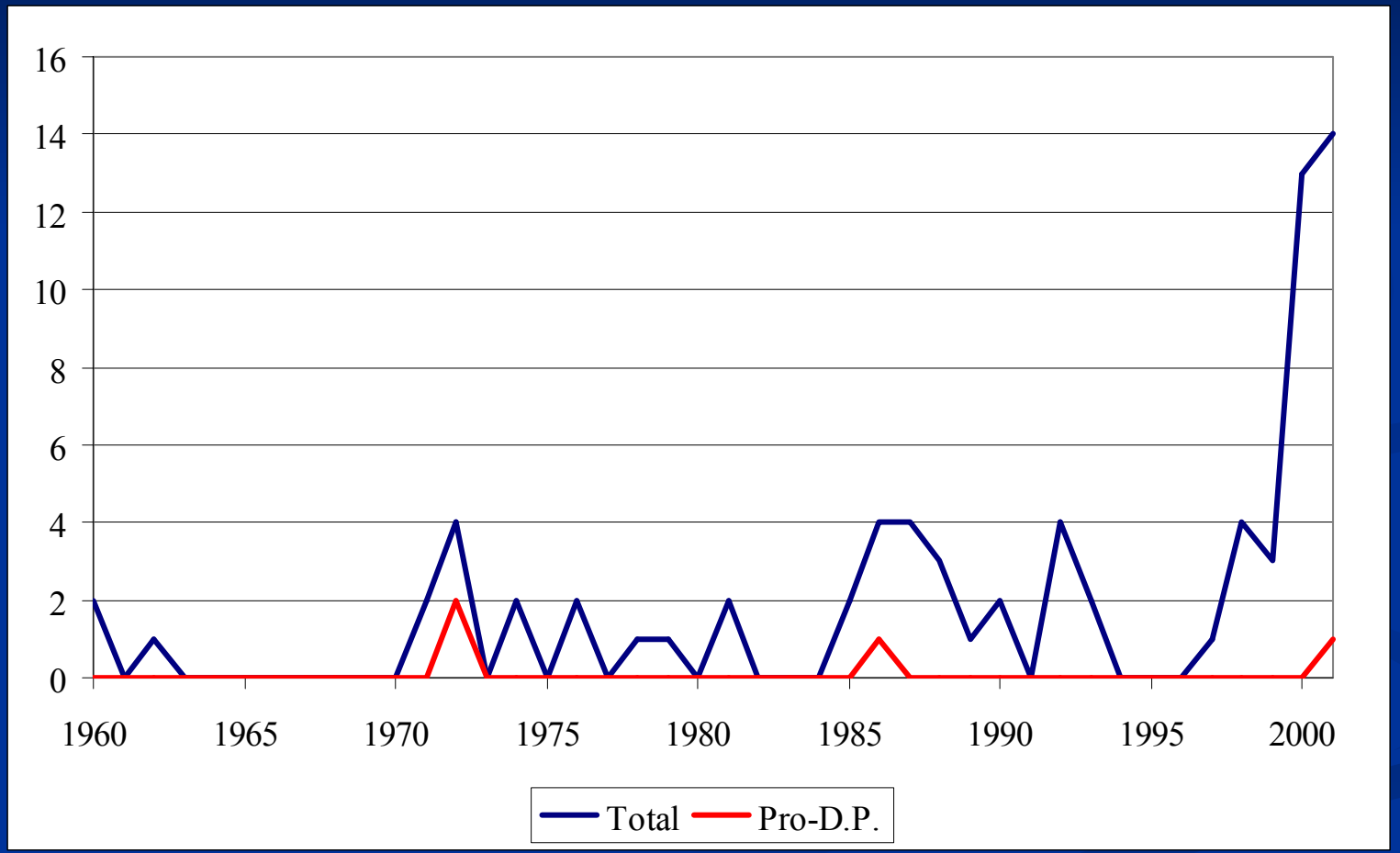
Stories Mentioning Cost Arguments, 1960-2001



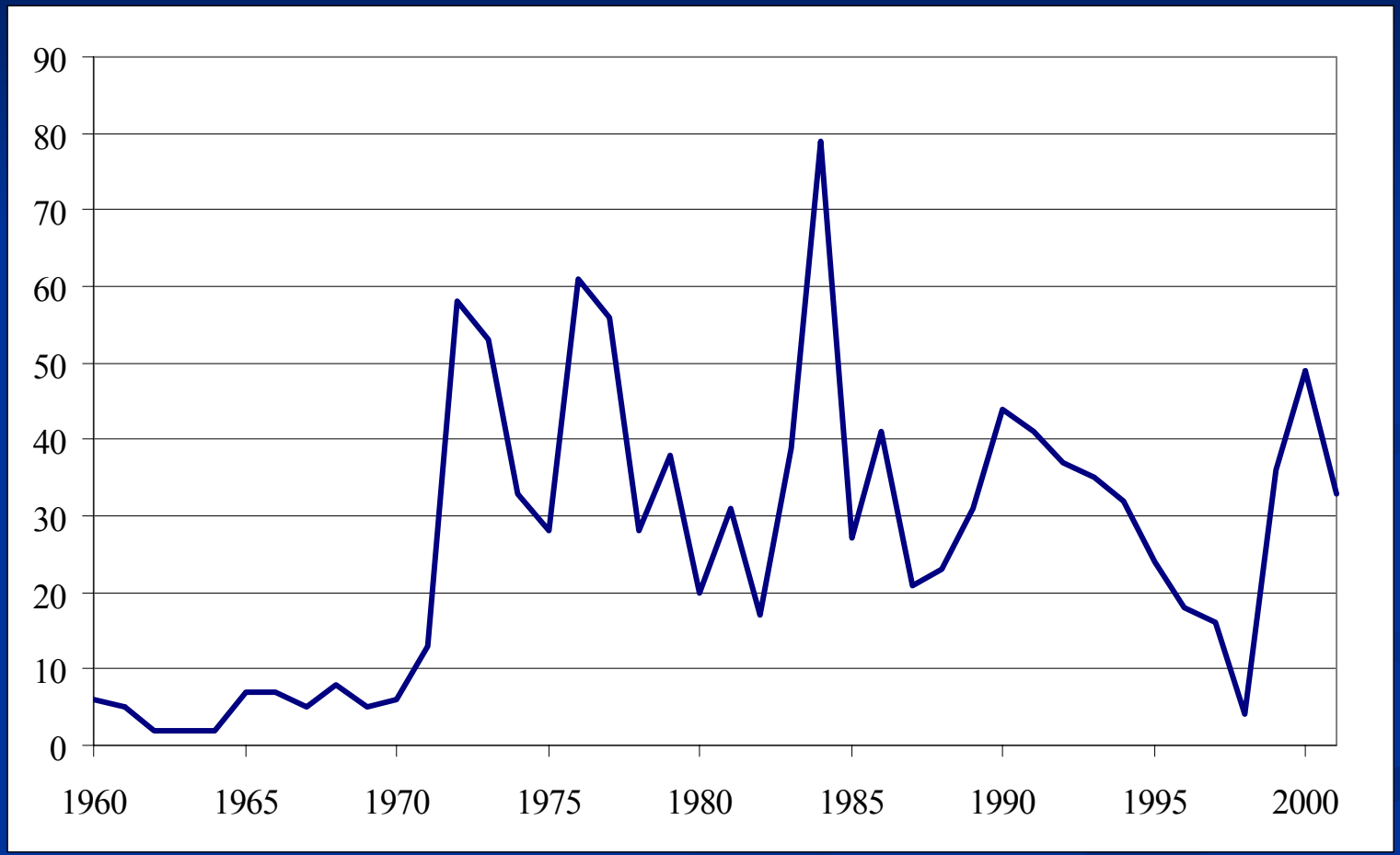
Stories Mentioning Mode Arguments, 1960-2001



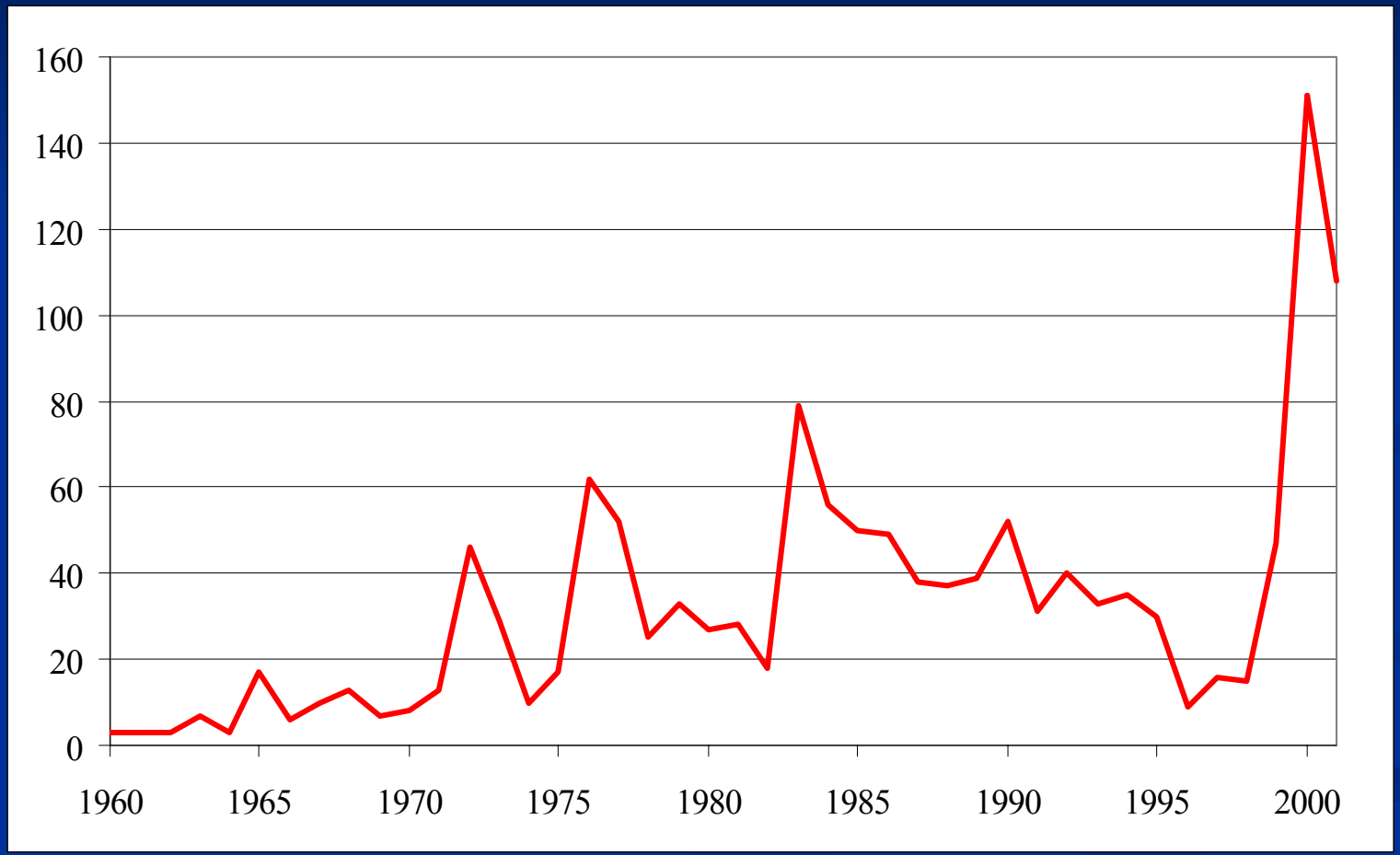
Stories Mentioning International Arguments, 1960-2001



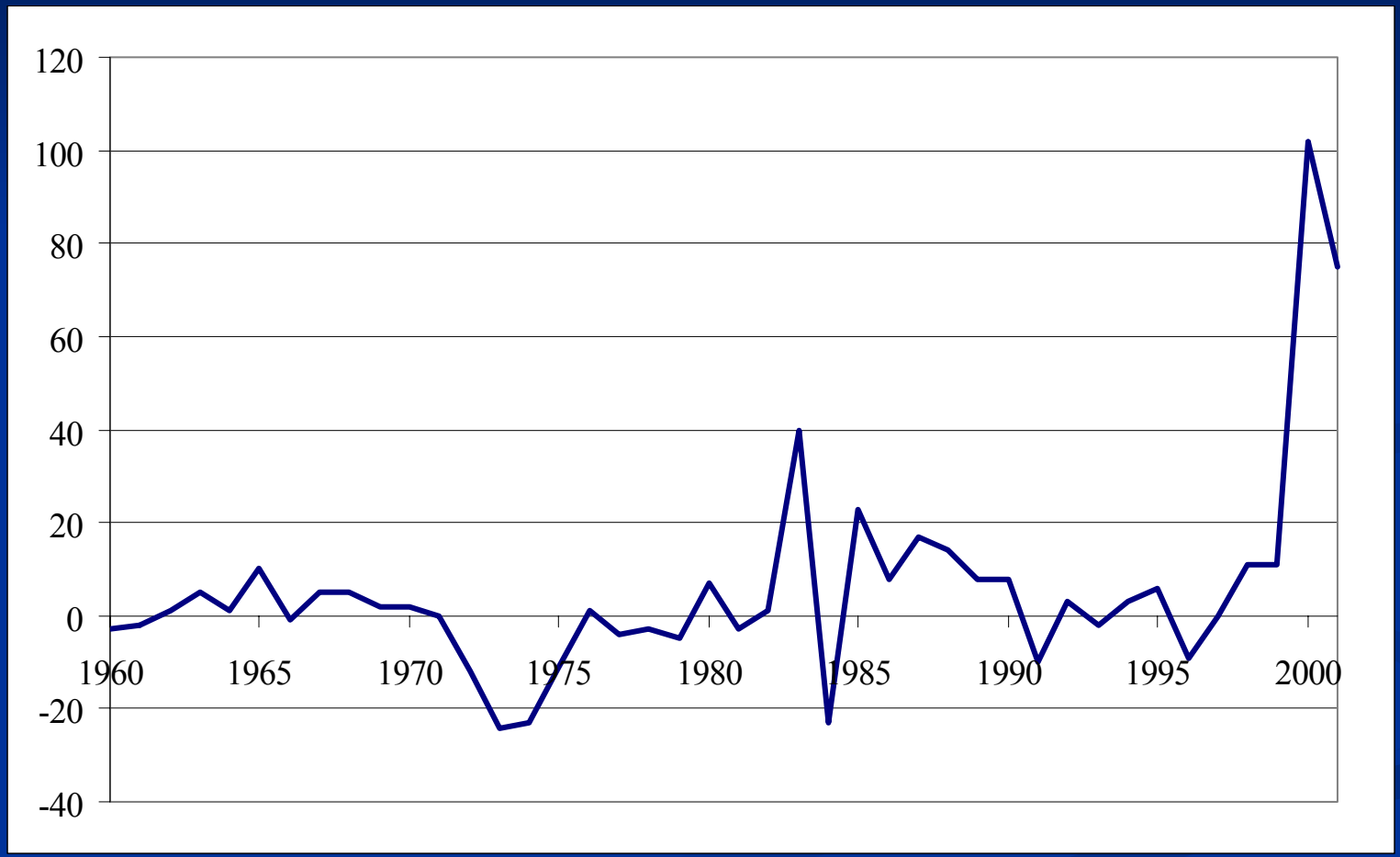
The Number of Distinct Pro-Death Penalty Arguments, 1960-2001



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

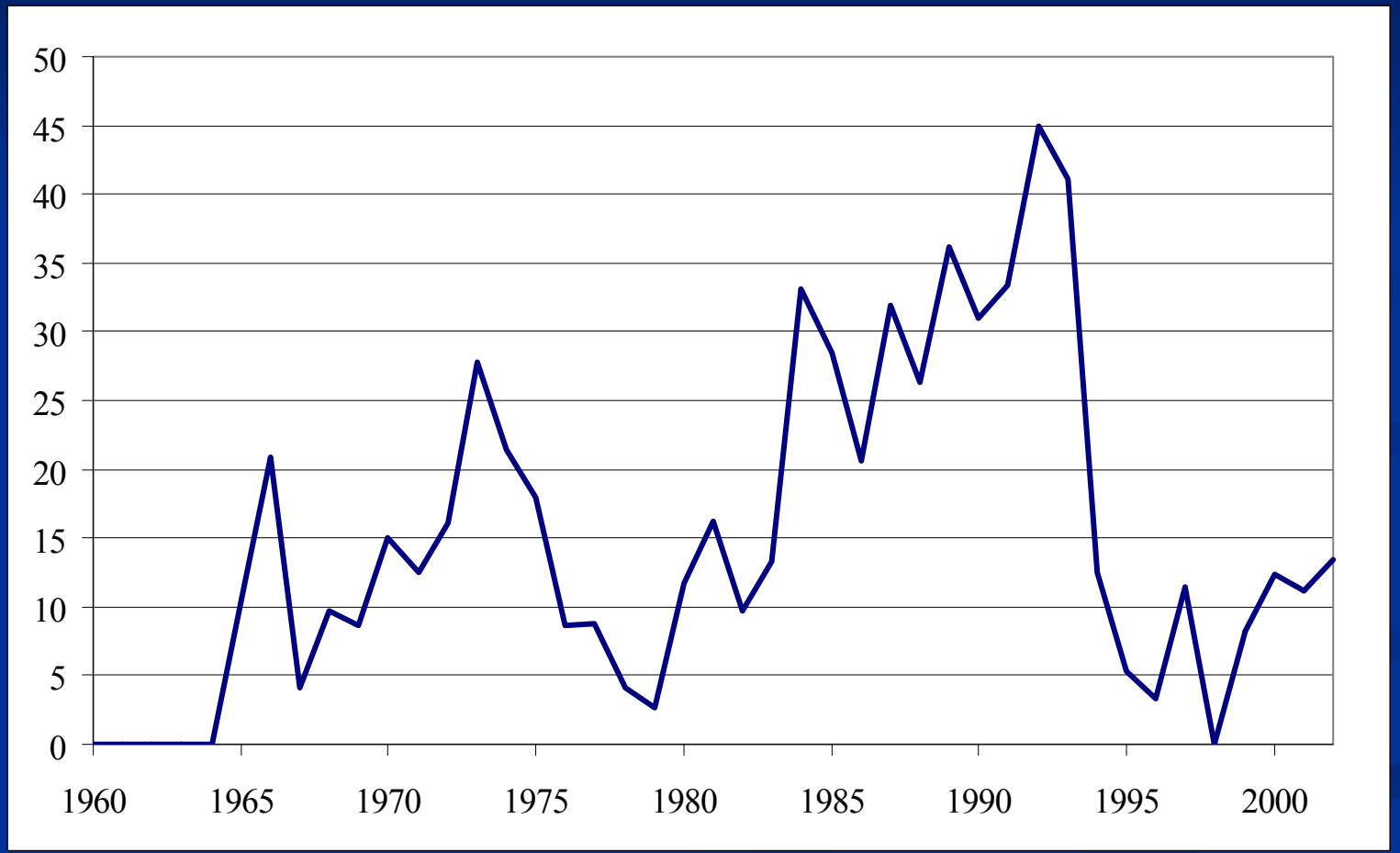


Net Attention to Anti-Death Penalty Arguments, 1960-2001*

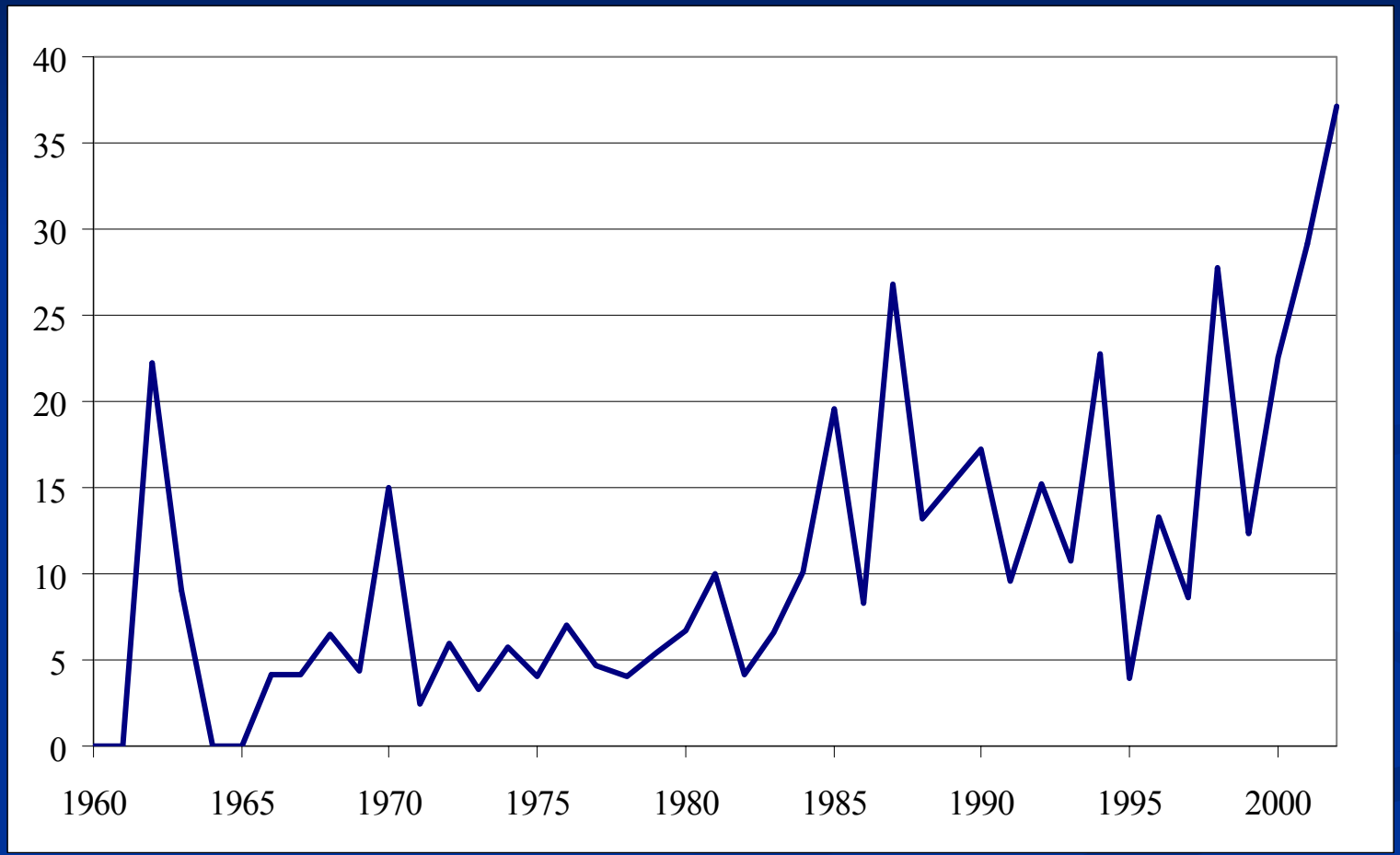


*Number of anti- minus the number of pro-death penalty arguments per year.

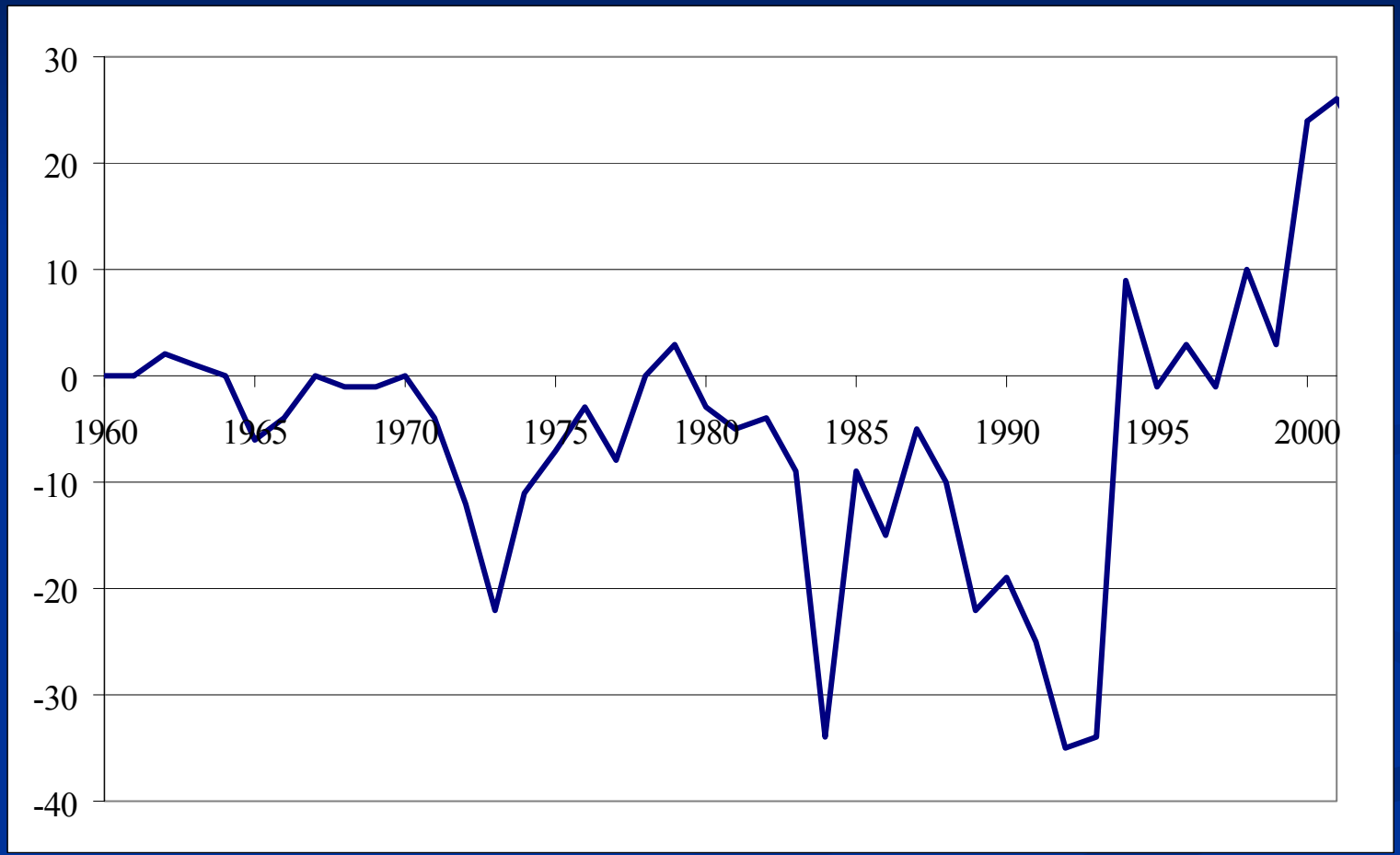
Percent of Stories Mentioning the Victim, 1960-2002



Percent of Stories Mentioning the Defendant, 1960-2002



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



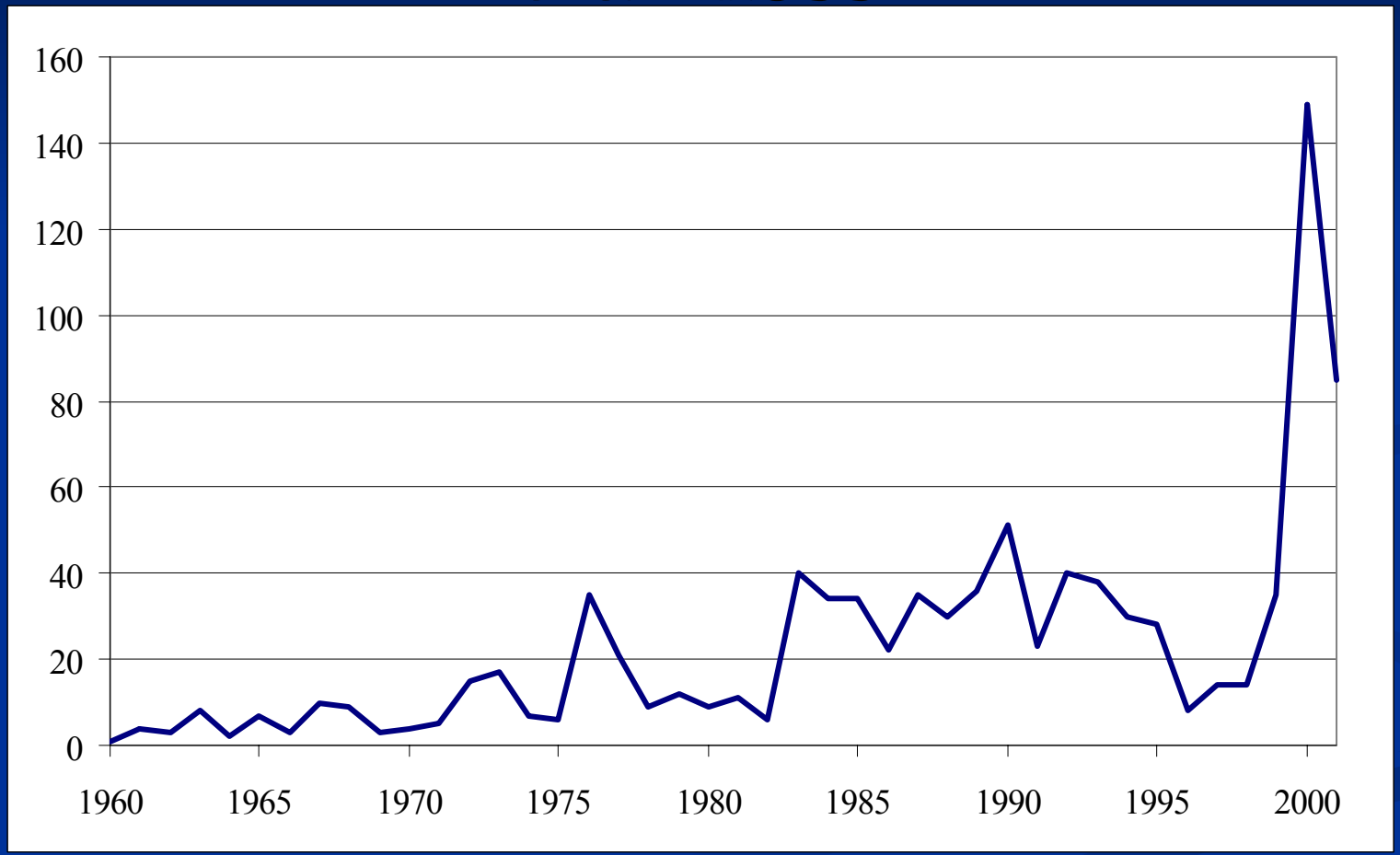
* Number of stories mentioning the defendant minus those mentioning the victim.

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.

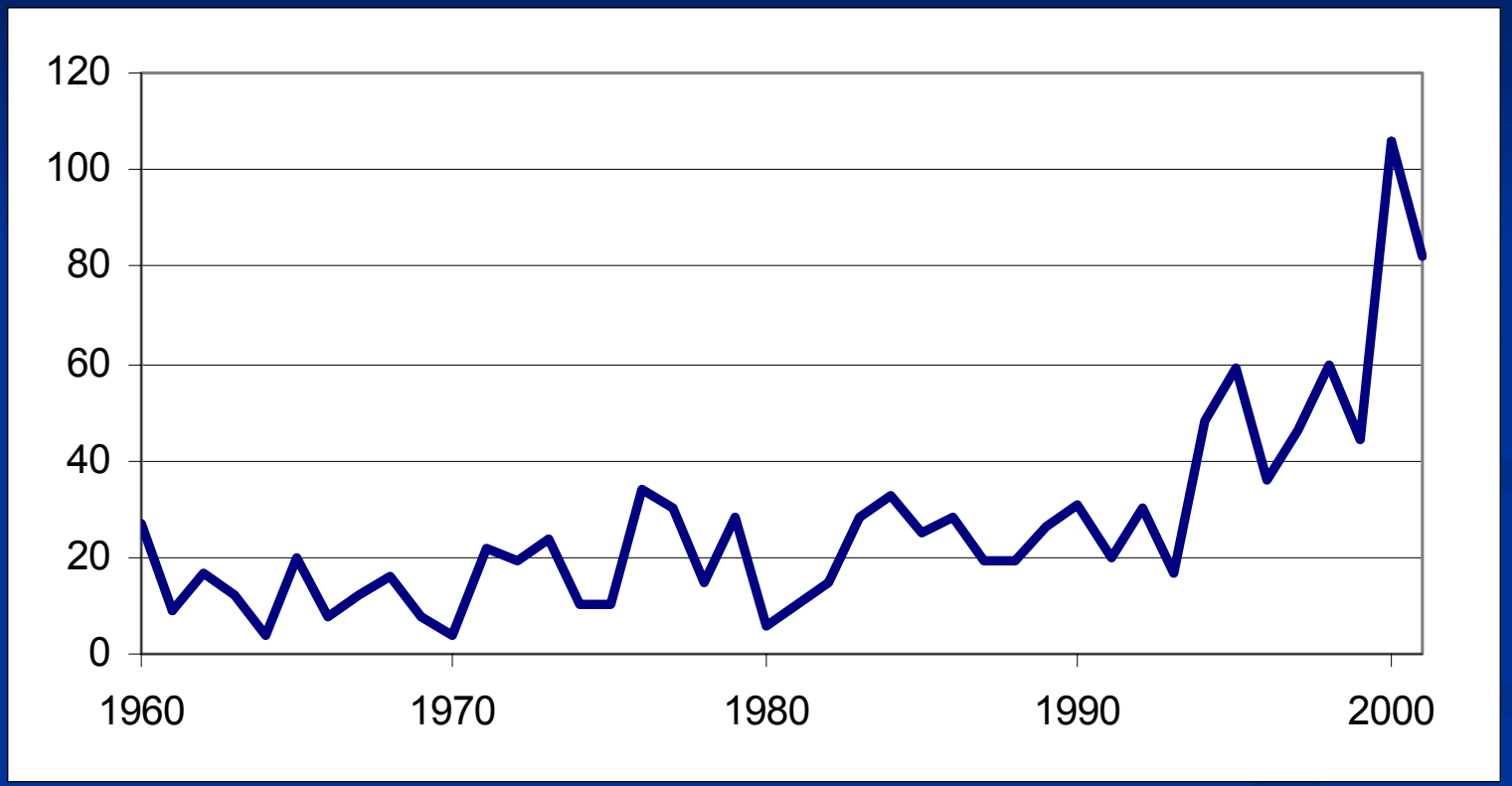
Number of Stories Mentioning either the Defendant or Questions of Fairness



Is all this just the biased nature of the *New York Times*?

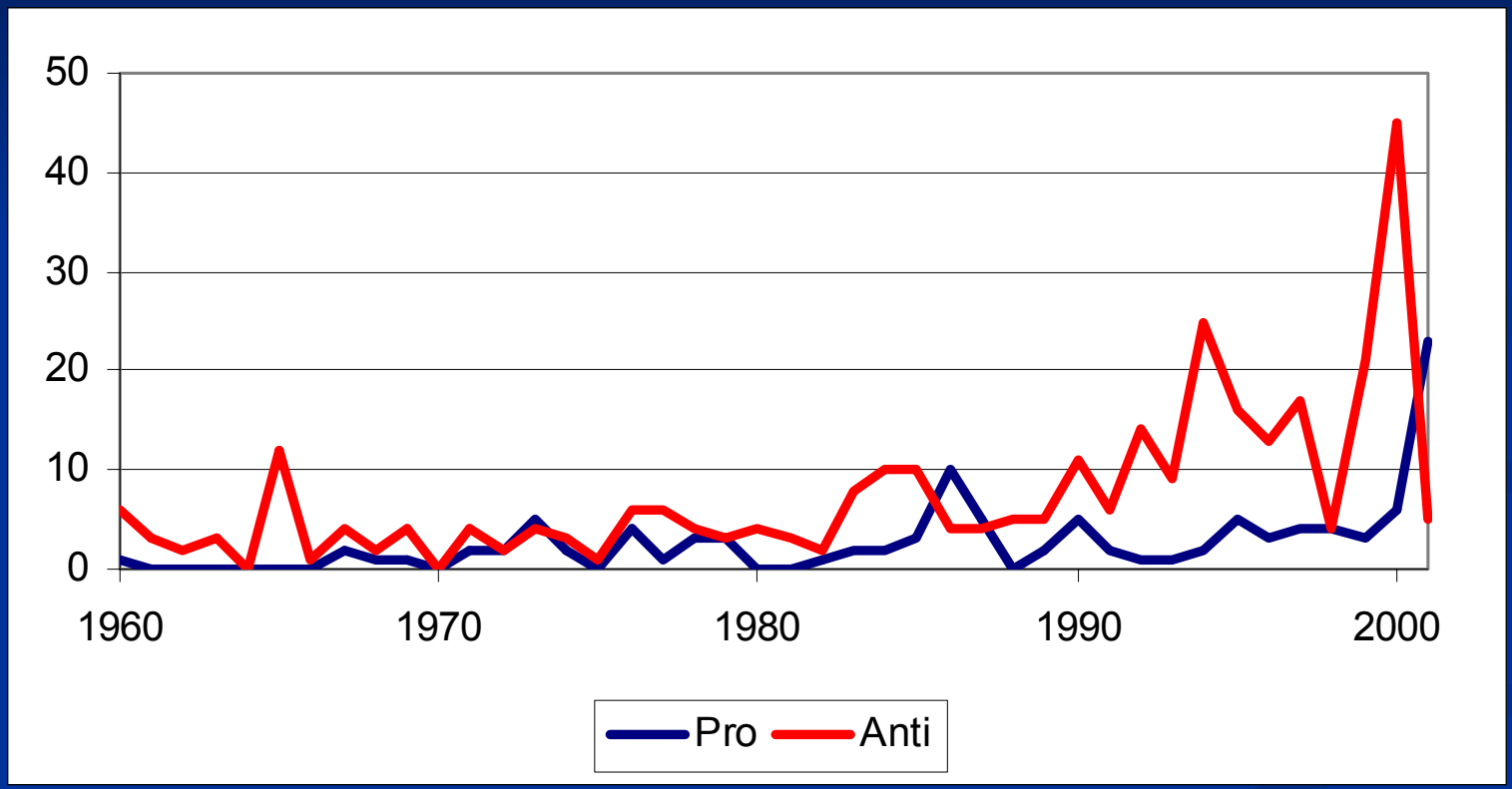
- Readers' Guide to Periodical Literature
- Scores of magazines
- Similar coding, but only the number of articles and the tone.
- Tone not always possible to code, because we only have the title of the article to work from.
- 1,117 articles identified, 1960 to 2001
- Even more striking results than the NYT:

Increased Attention to the Death Penalty in the *Readers' Guide*



Number of articles per year on capital punishment.

Pro- and Anti-Death Penalty Stories per year



Number of stories with identifiable pro- and anti-death penalty tone, *Readers' Guide*.

Beware of predictions

- When Reagan beat Bush for the 1980 Republican nomination, Carter was sure to win…
- This issue appears to be in the midst of a redefinition.
- Another issue not yet on the agenda: cost and government budgets.

Policy Change and Issue-Definition

- Innocence, errors, and the possibility of mistakes
  - Unique nature of the death penalty: must be perfect in its implementation
  - Human designed institutions, run by bureaucrats, with vivid examples of mistakes
  - One case where errors are not acceptable to the public
- People, and political leaders, are able to look at this issue from other lenses than only the moral lens. This is good news for proponents of change. The time appears ripe for these new issue-definitions.

Perfecting the Mechanism of Death?

- One possible reaction: Perfect the mechanism
- Dramatically increased defense resources?
- Do the math
  - strong defenses in all capital cases
  - greater resources for prosecutions in reaction
  - court administration costs, longer trials, more experts, delays
  - subtract cost of non-capital prosecutions, shorter trials, and additional costs for increased time in prison
  - calculate that large number
  - How many police would be on the beat for that amount?
- Is it worth it? Many would say no.

A Positive Feedback Loop

- Attention is now focused on the possibility of innocence, the possibility or errors
- This makes people amenable to other arguments that tend also to push in the same direction
- Cost argument is not currently salient. It could be, however, as the issue is redefined. There is considerable skepticism about implementation of this policy, if not on its moral justifications.