# Vengeance, Retribution, or Mistake? Discussing the Death Penalty in America, 1960-2002

Presentation to the Justice Project

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# Presentation Highlights

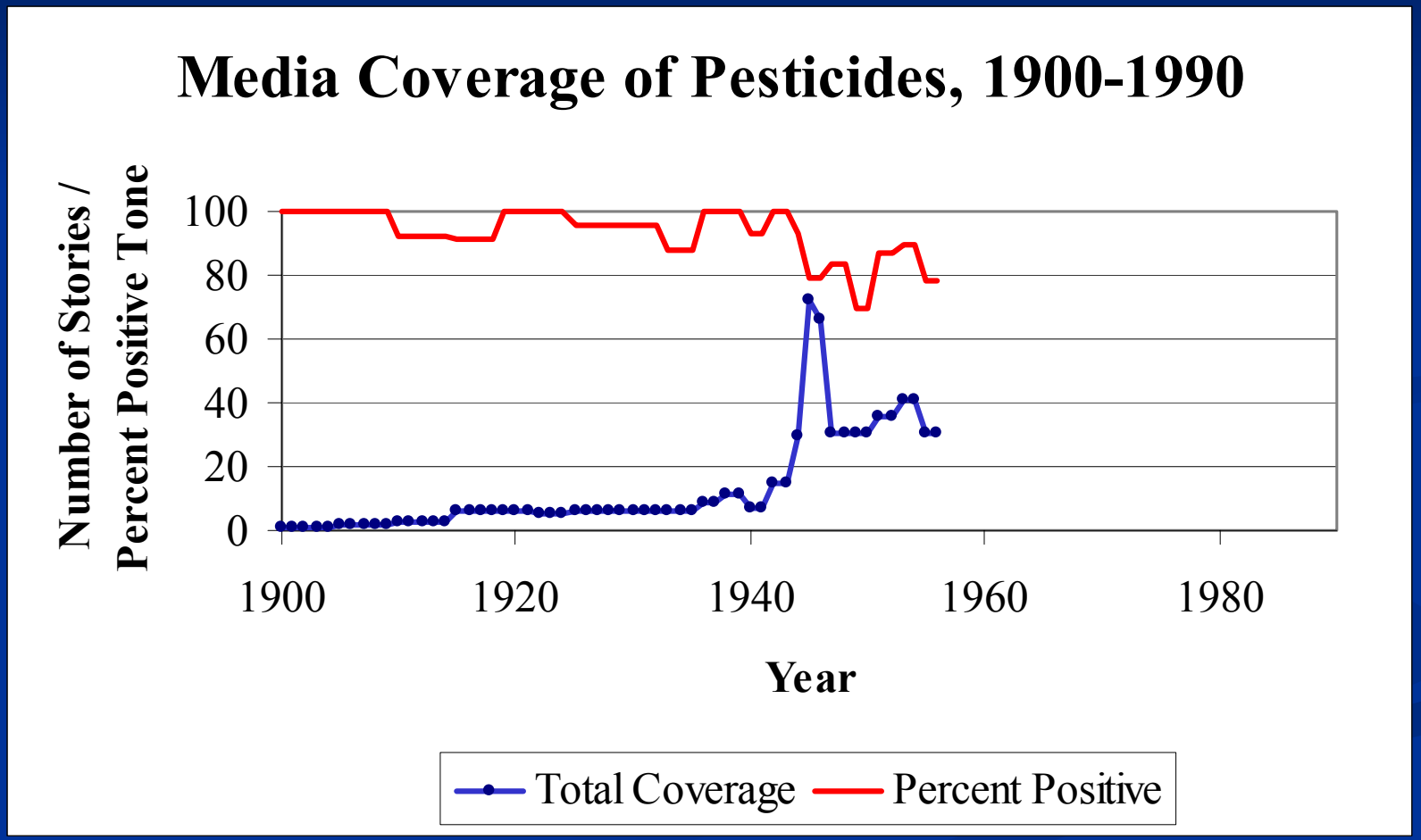
- Background on Issue Definition
- Longitudinal Study on Changing Definition of Death Penalty Issue
- Public Opinion Research
- Future Projects

# Issue Definitions and Their Policy Consequences

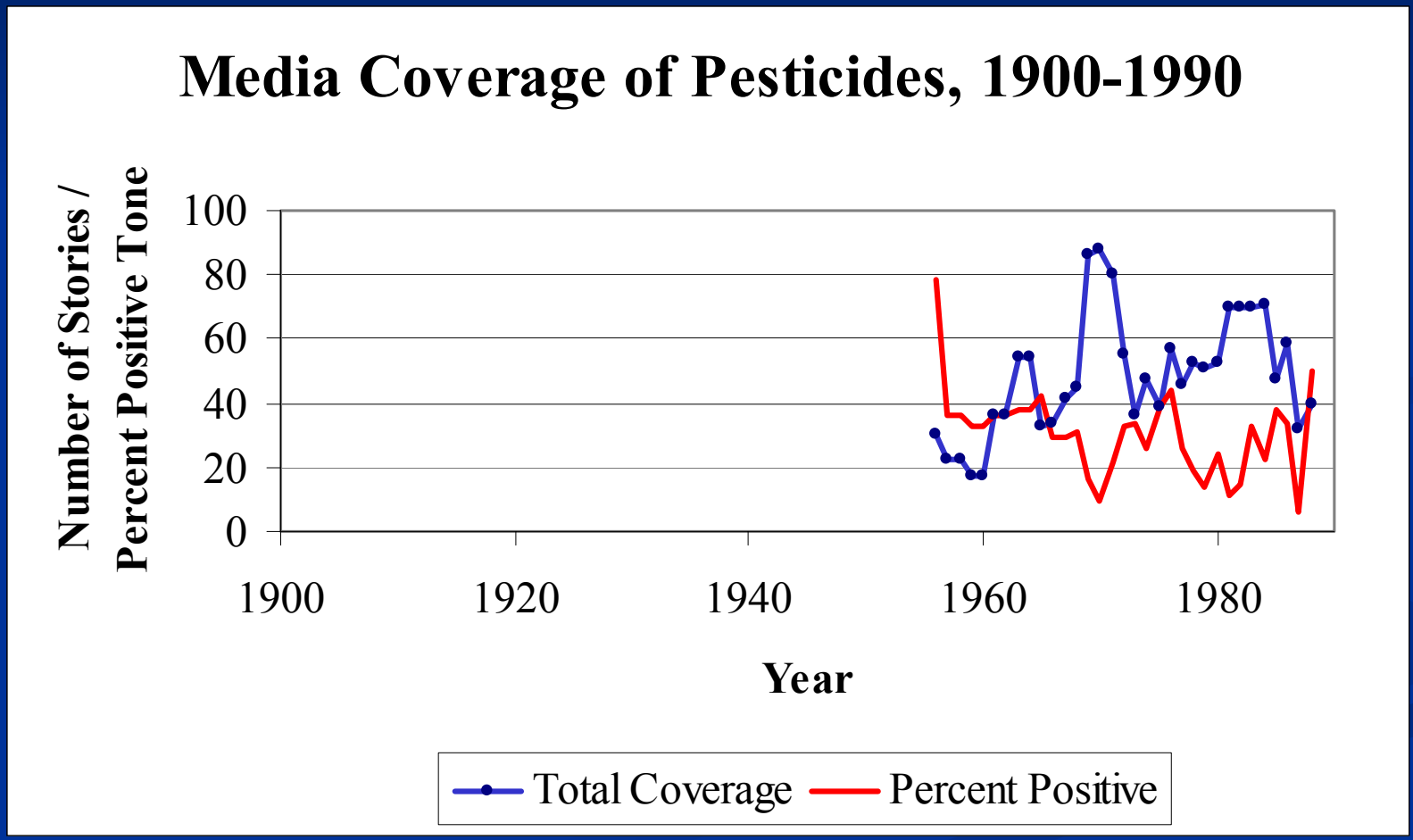
- All issues are inherently multi-dimensional.
- Attention often focuses on one set of dimensions at a time, surprisingly.
- Attention can shift dramatically and with long-lasting policy consequences.
- Pesticides as an example:

- (Drawn from Agendas and Instability, Fig. 5.3)

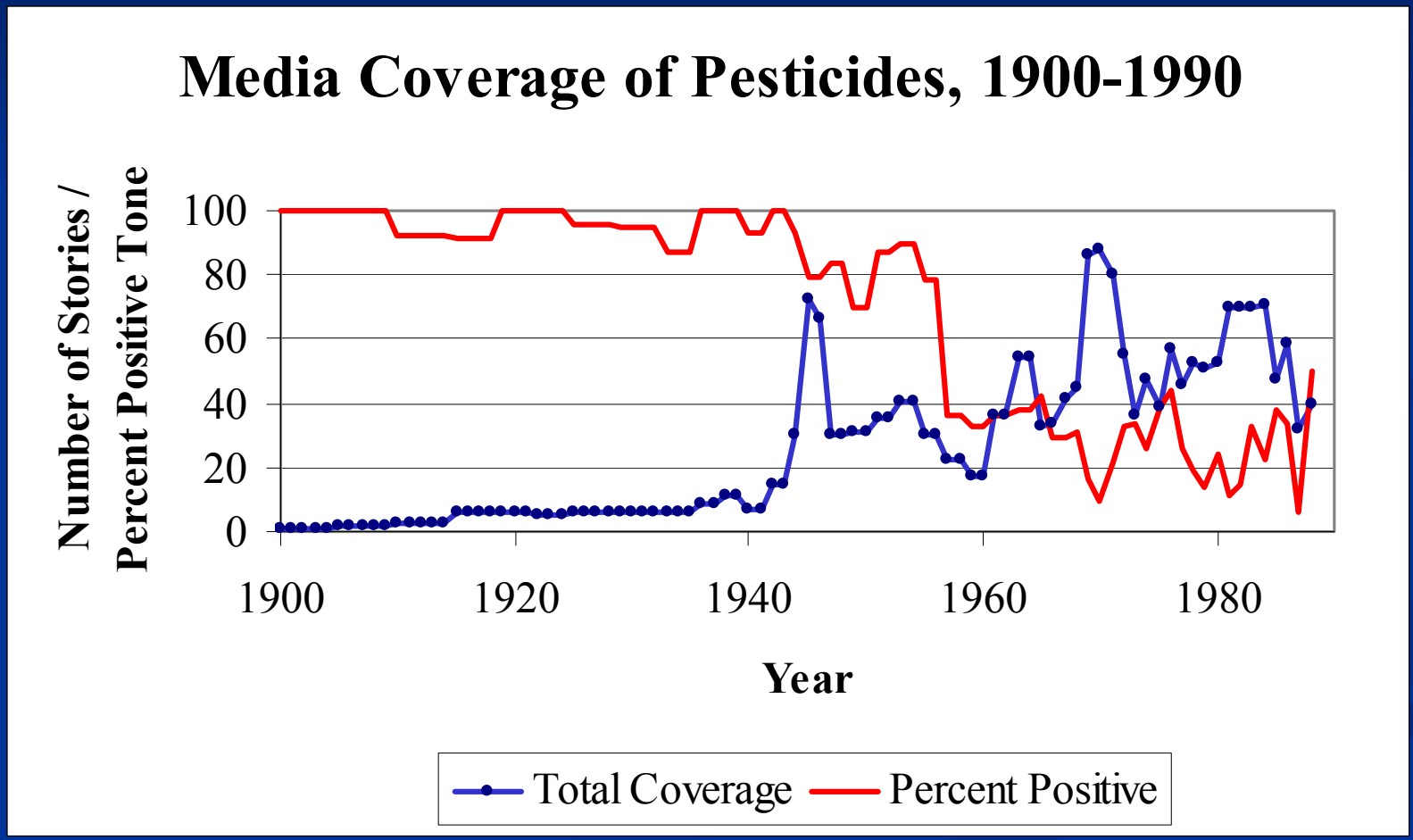
# Pesticides: Looking Good after World War Two



# Pesticides: No Longer Such Good News after 1956



# Pesticides: From Green Revolution to Nobody's Baby



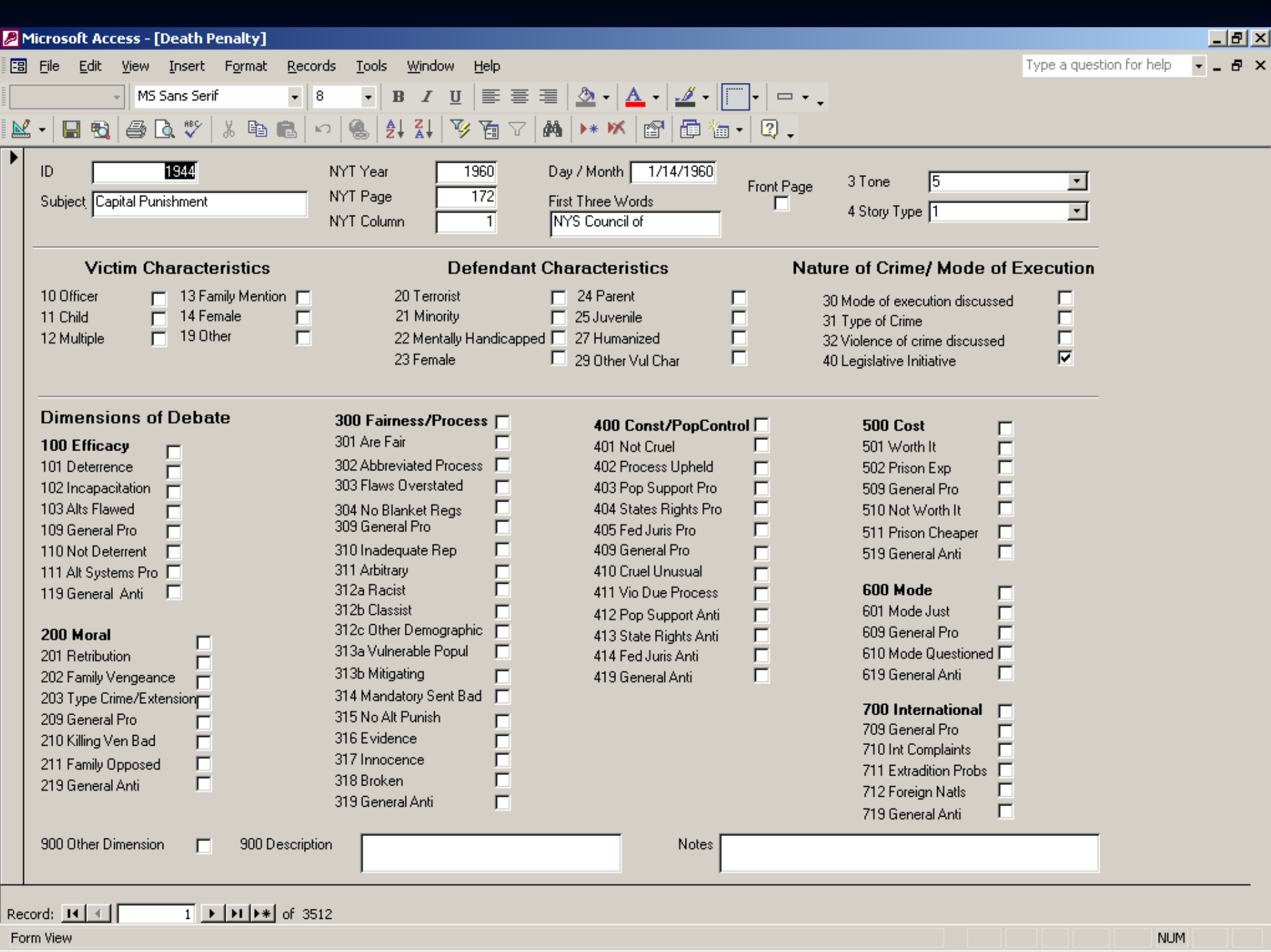
Are we on the verge, or indeed in the middle of, a major redefinition of public understanding of the death penalty in America?

# 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

# Methodology

- Developed coding scheme incorporating all of these possible arguments about the death penalty
- Coded 3,500 New York Times abstracts under the index title "Capital Punishment"
- This represents the whole set of articles from 1960-2001


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
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# Sample Abstracts and Codes Received

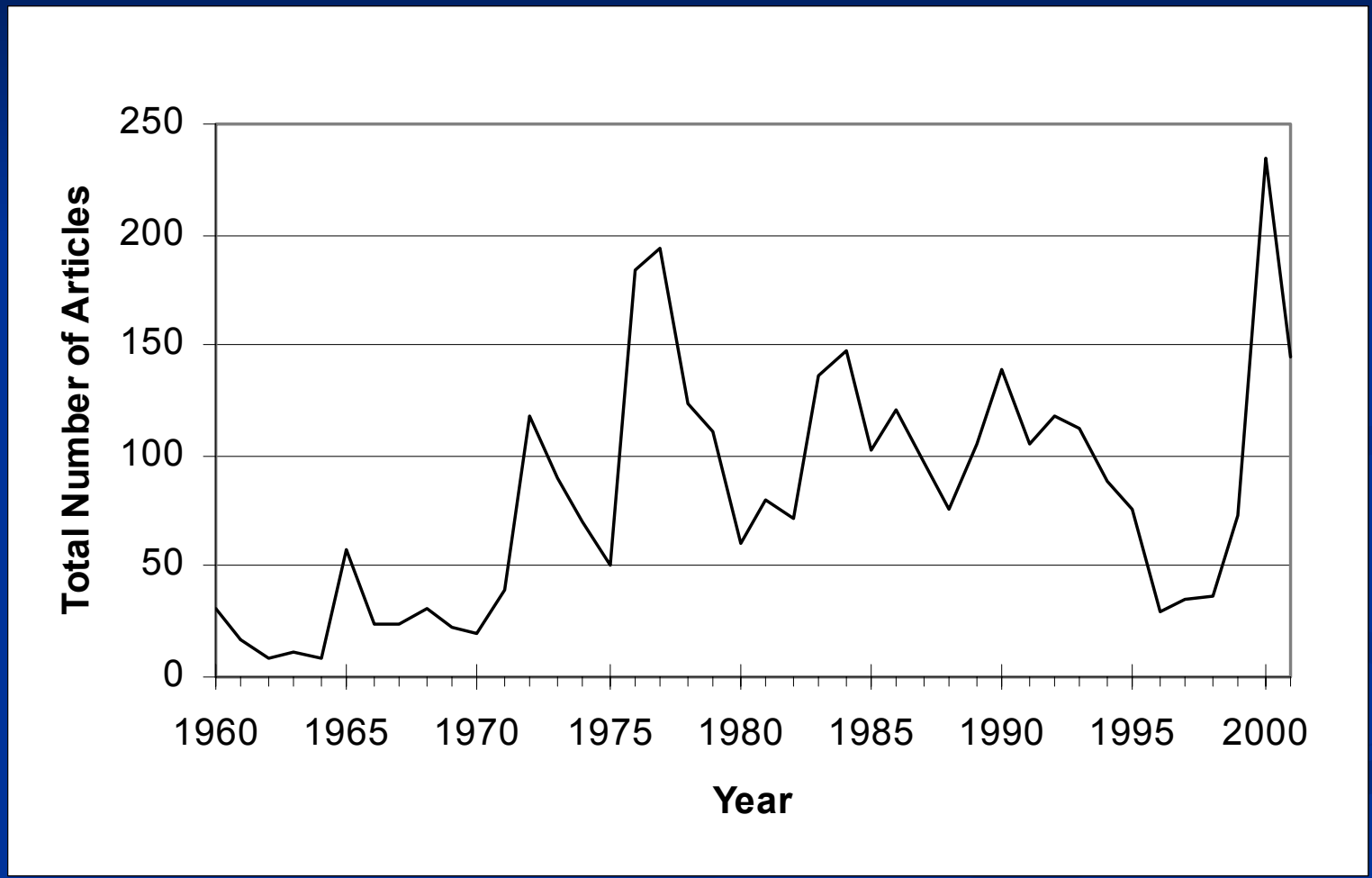
- *"Critics of capital punishment* accuse Virginia officials of being vindictive for not allowing Earl Washington Jr to appear at news conference on Capitol Hill to talk about death sentence he narrowly escaped *for rape and murder he did not commit*; news conference is part of *campaign to legislate*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

  Codes Received: Strong anti tone, News story type, Type of crime committed, Violence of crime committed, Legislative initiative, Innocence, General fairness anti-death penalty

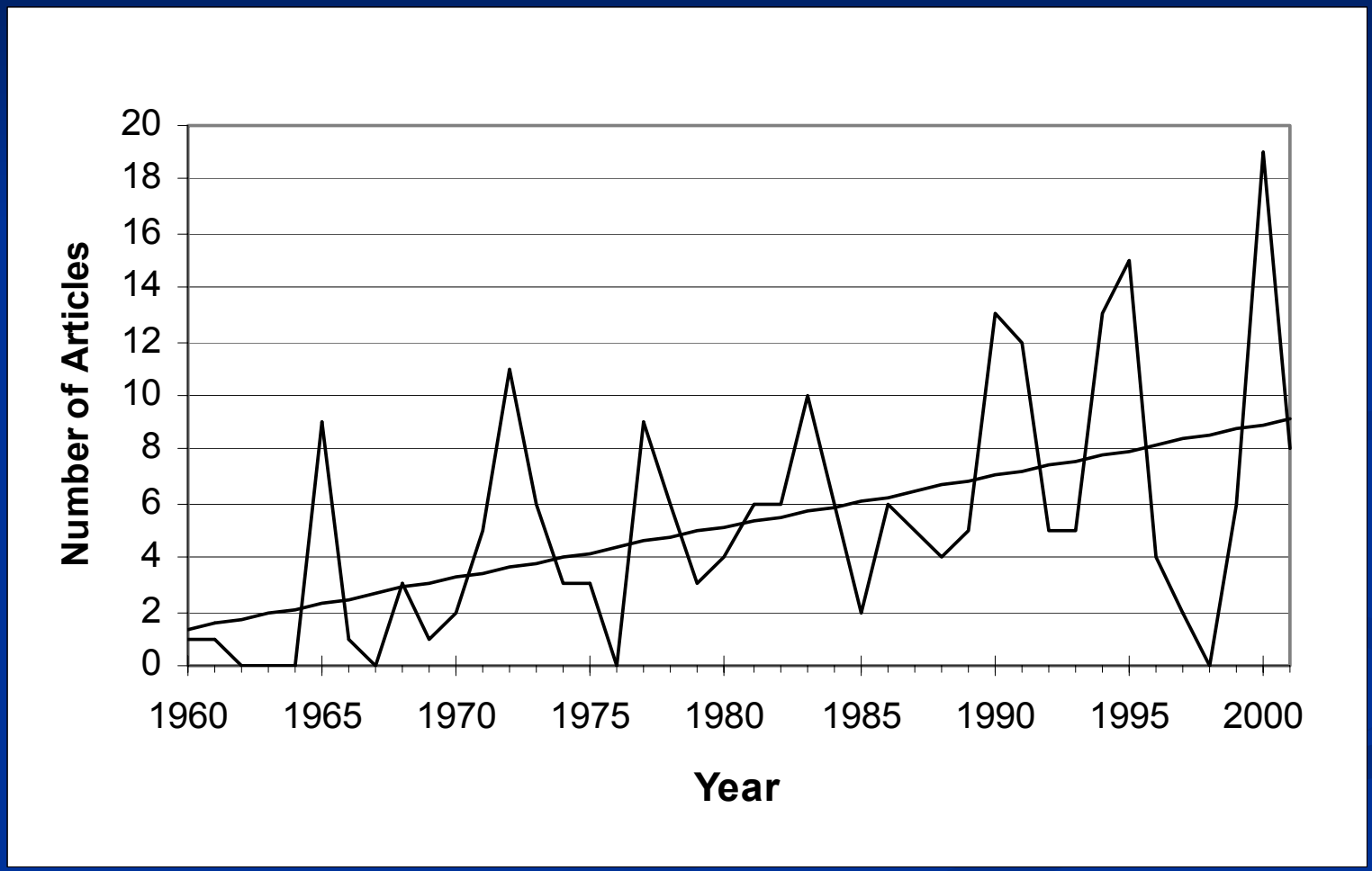
- "State of Missouri will execute 26-year old Antoniao Richardson, *mentally retarded* man, *despite pleas for clemency from mother of his two victims*; *he was 16 years old* in 1991, when he *murdered 20-year-old Julie Kerry and 19-year-old sister Robin"*

  Codes Received: Weak pro tone, News story type, Type of crime committed, Victim multiple mentioned, Victim female, Victim family mentioned, Defendant mentally handicapped, Defendant juvenile, Victim family morally opposed

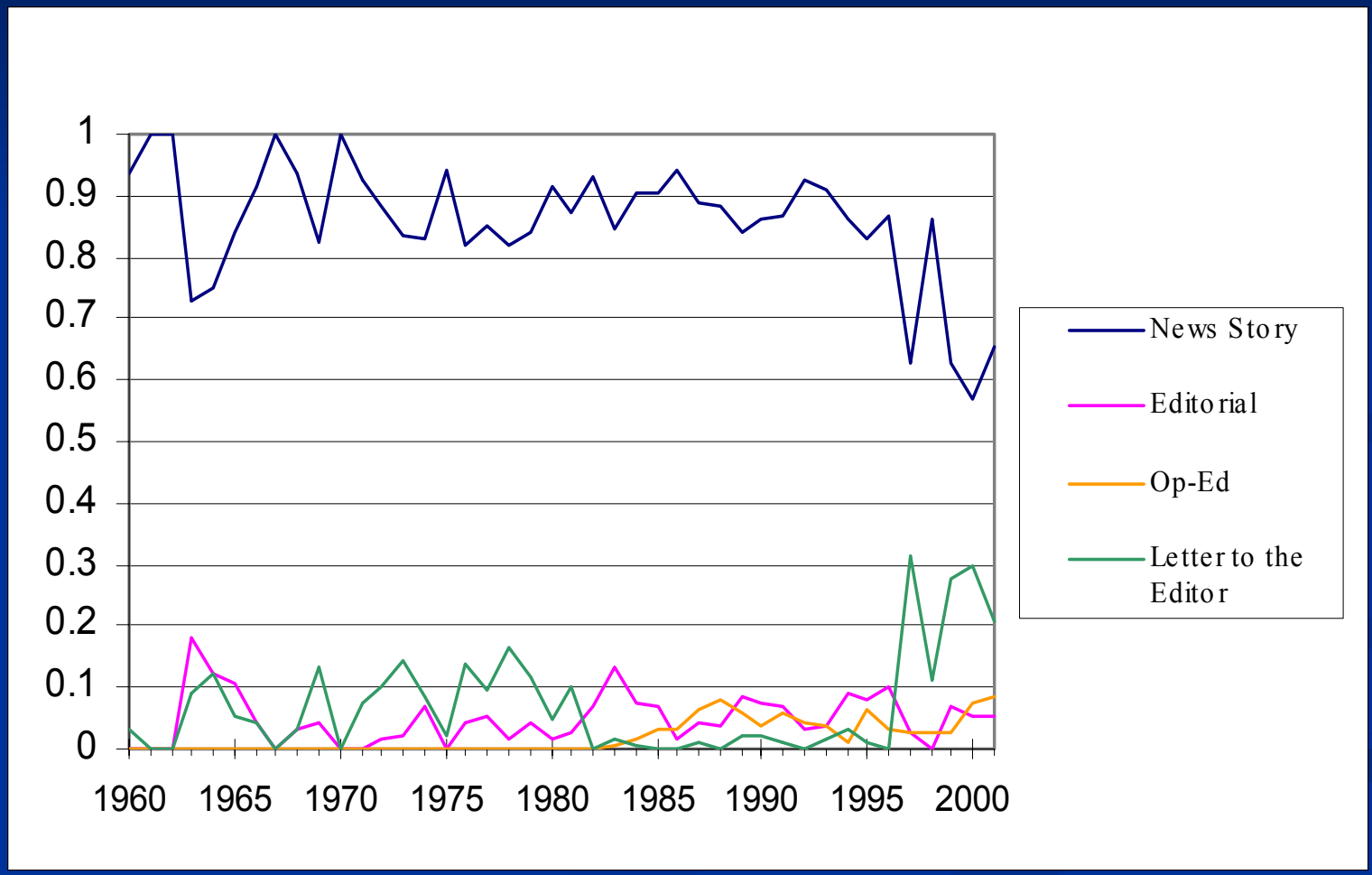
# Total Number of *NYT* Articles, 1960-2001



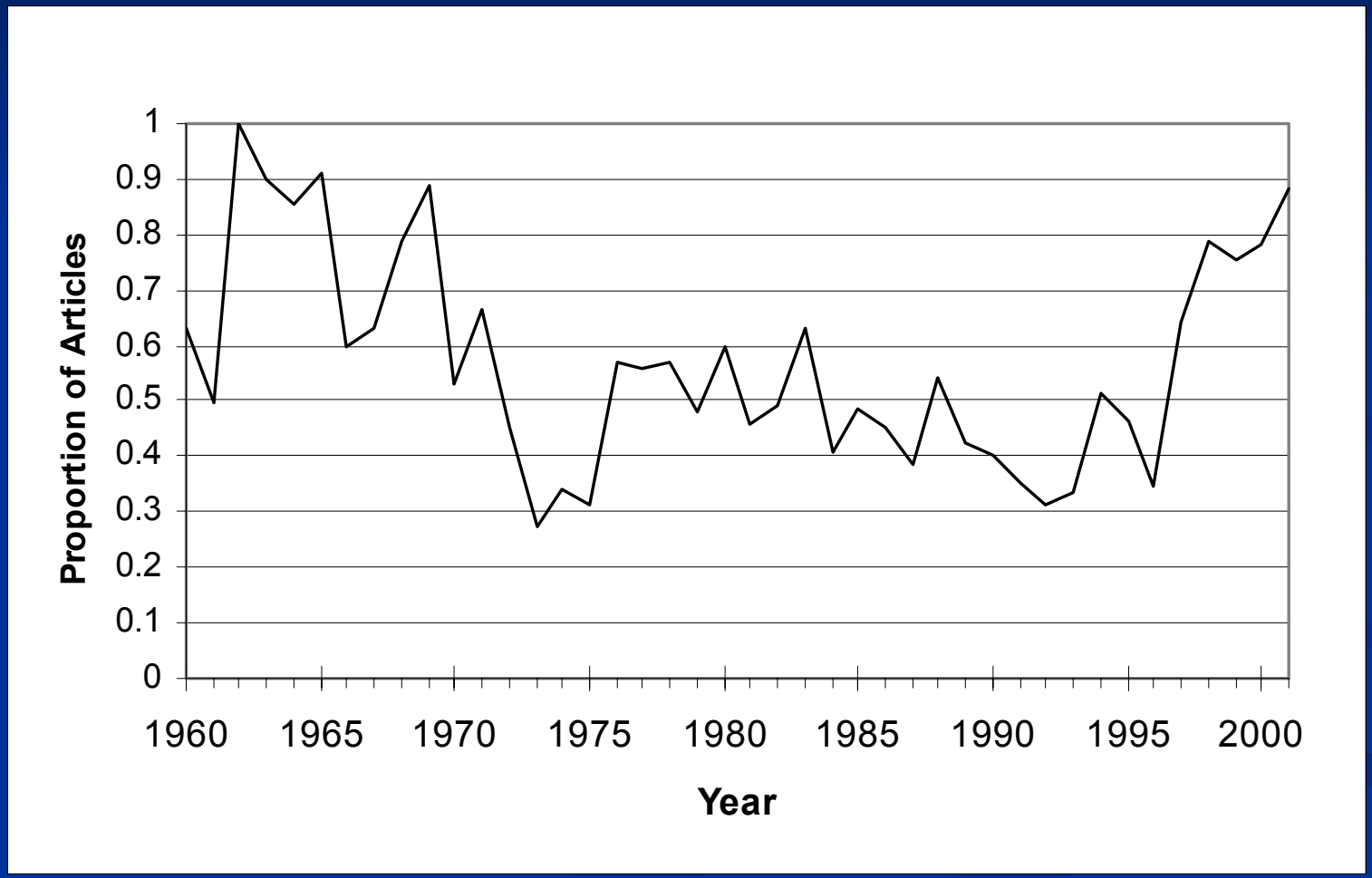
# Front Page *NYT* Coverage, 1960-2001



# Type of Story in *NYT*, 1960-2001

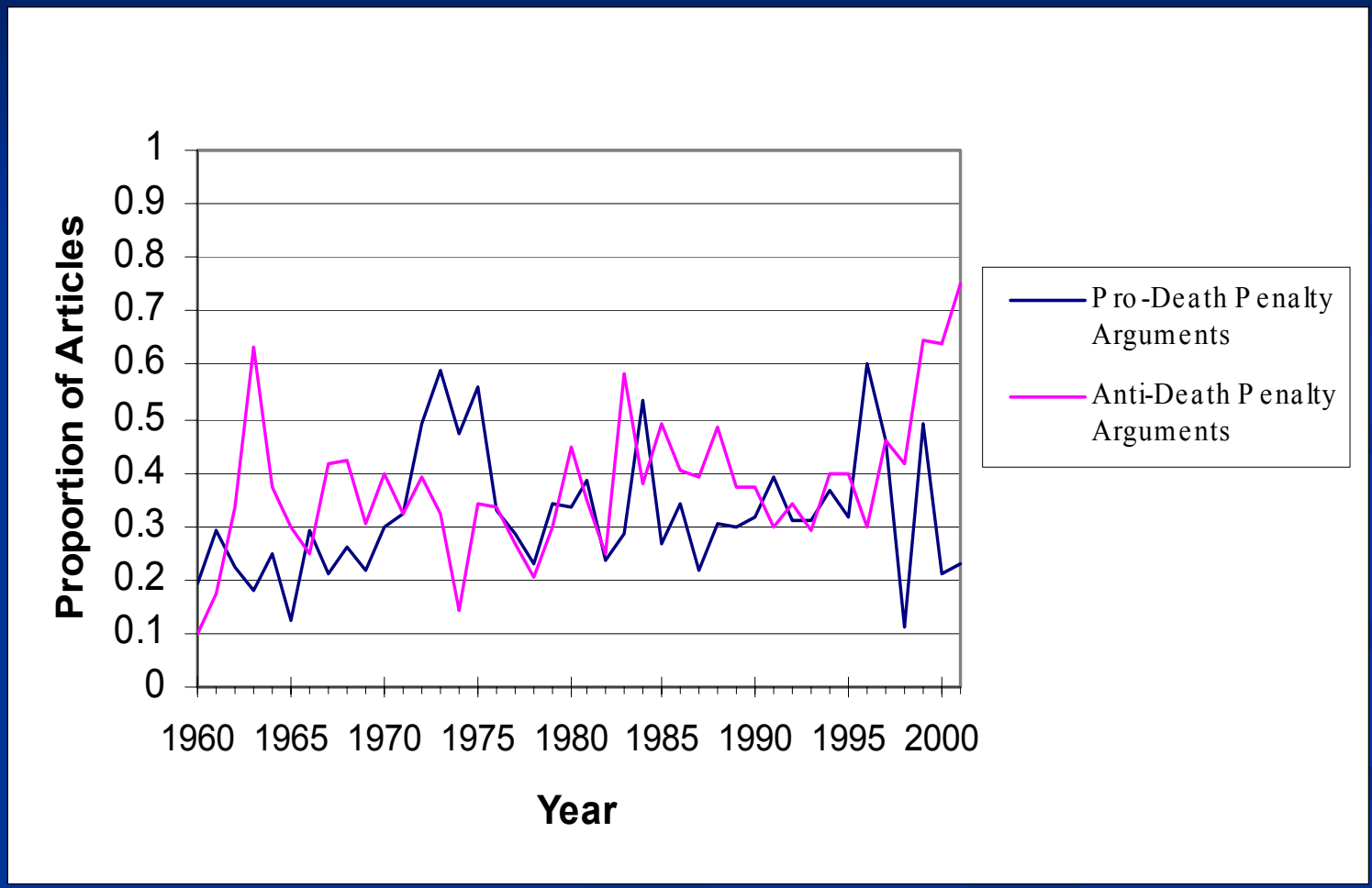


# Proportion of Articles with Anti-Death Penalty Tone, 1960-2001*

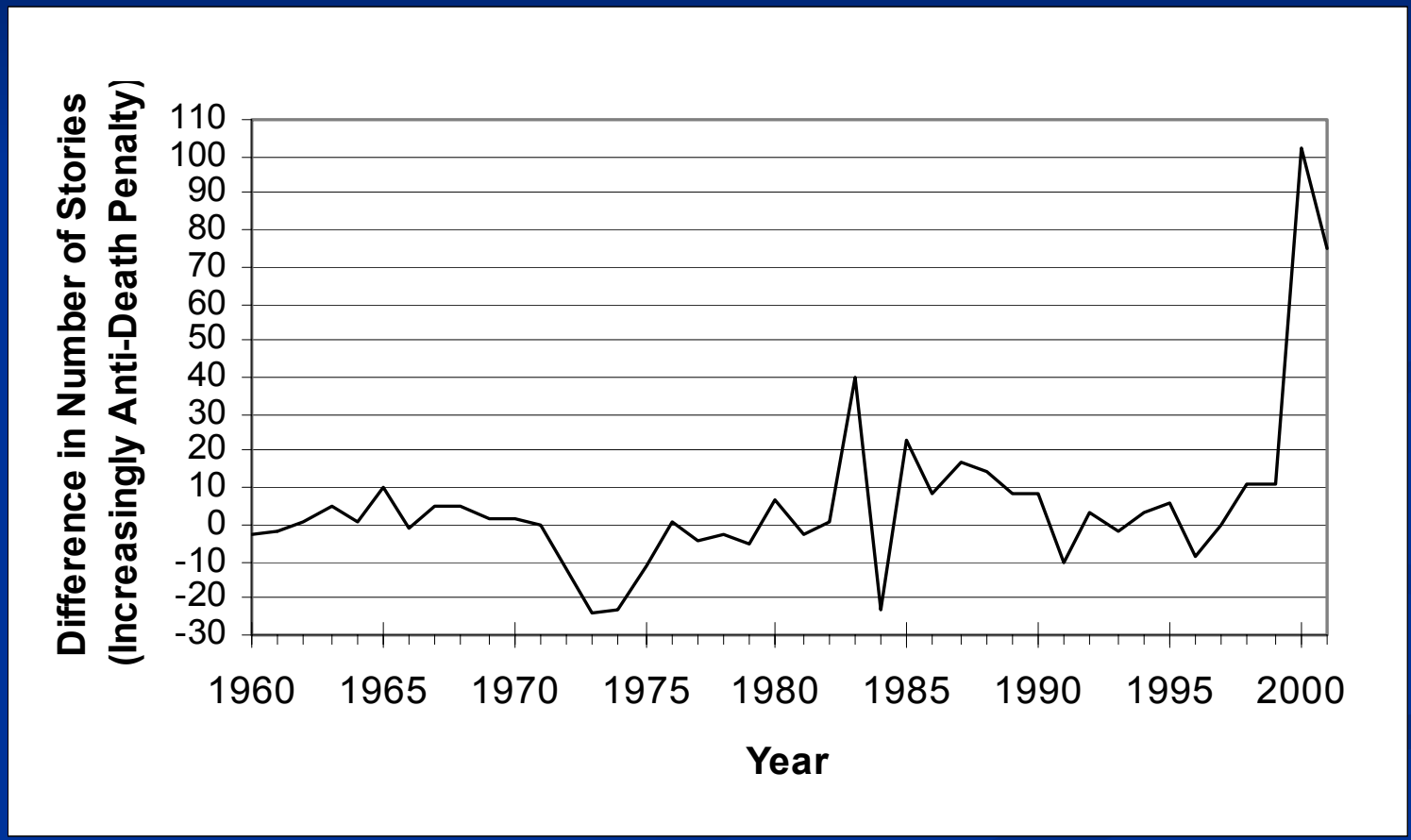



*Out of those articles which had an identifiable tone

# Proportion of Articles Containing Pro-Death Penalty vs. Anti-Death Penalty Arguments



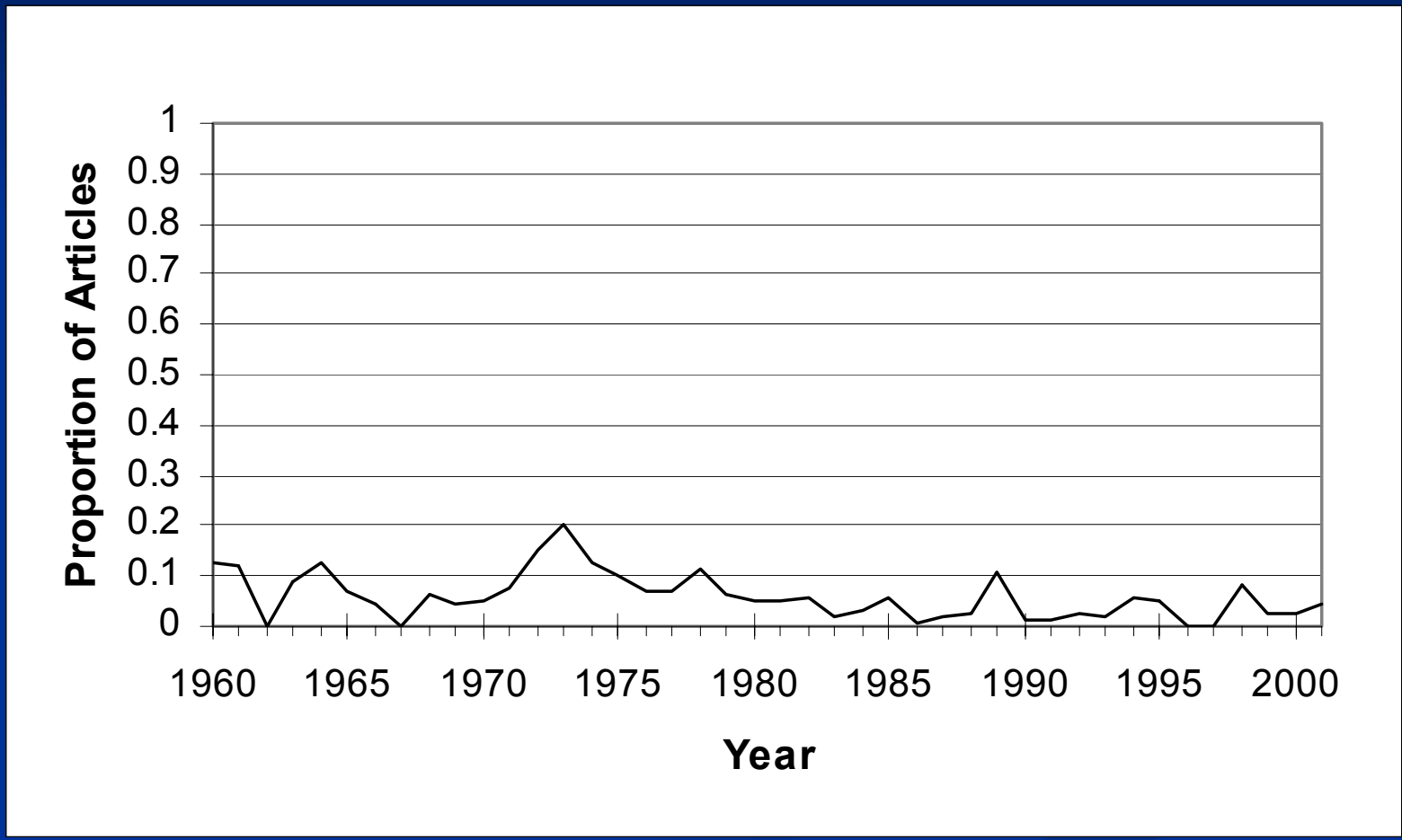
# Growing Gap Between Number of Abstracts Containing Pro-Death Penalty and Anti-Death Penalty Arguments



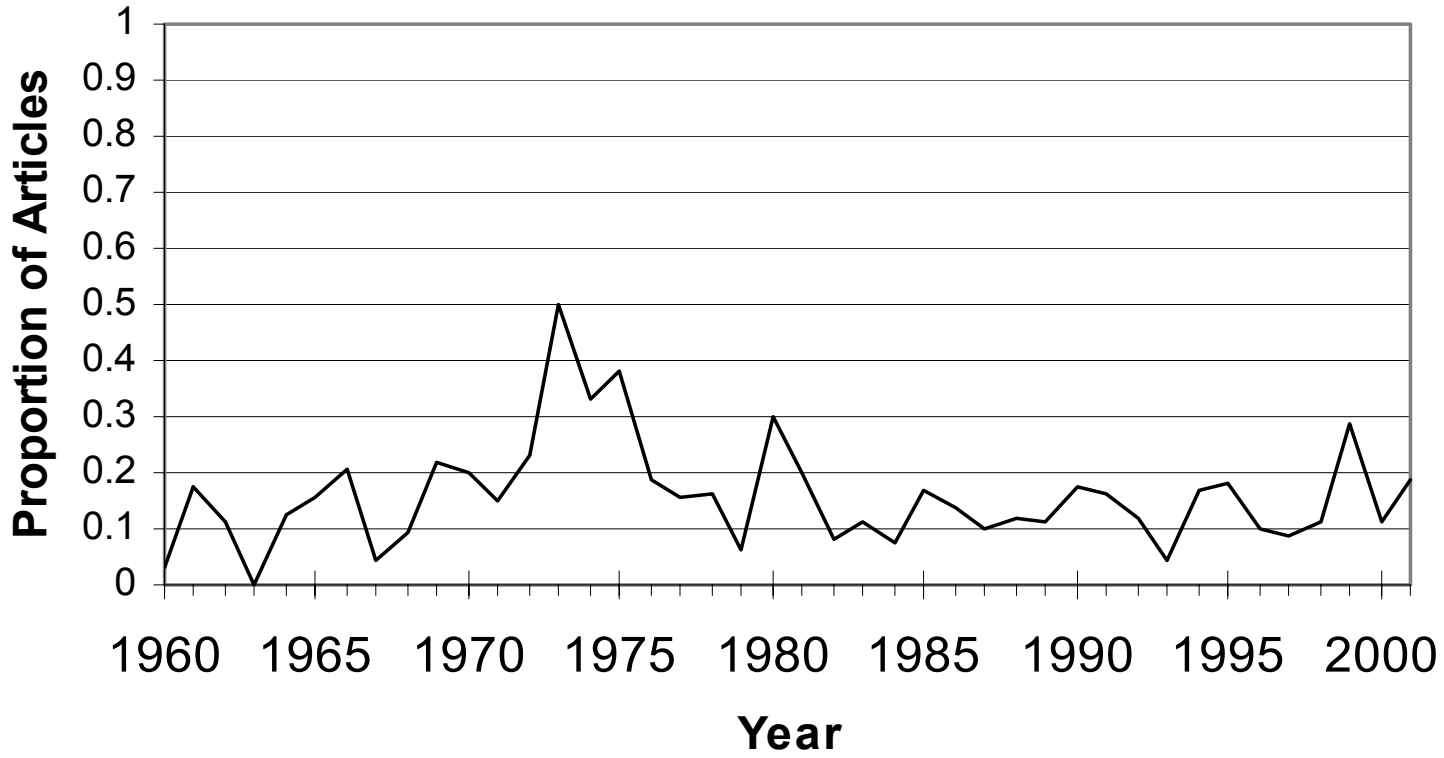
# The Tone Is Related to the Topic

| Major Argument Categories | Pro-Death Penalty (# of articles) | Anti-Death Penalty (# of articles) | Difference |
|---|---|---|---|
| Moral | 56% (265) | 44% (205) | -13% |
| Mode | 49% (83) | 51% (87) | 2% |
| Constitutional/ Judiciary | 44% (436) | 56% (563) | 13% |
| Efficacy | 33% (52) | 67% (104) | 33% |
| Cost | 30% (3) | 70% (7) | 40% |
| New Issues (Evidence/Innocence) | 22% (100) | 78% (359) | 56% |
| Fairness | 20% (144) | 80% (566) | 59% |
| International | 16% (10) | 84% (54) | 69% |

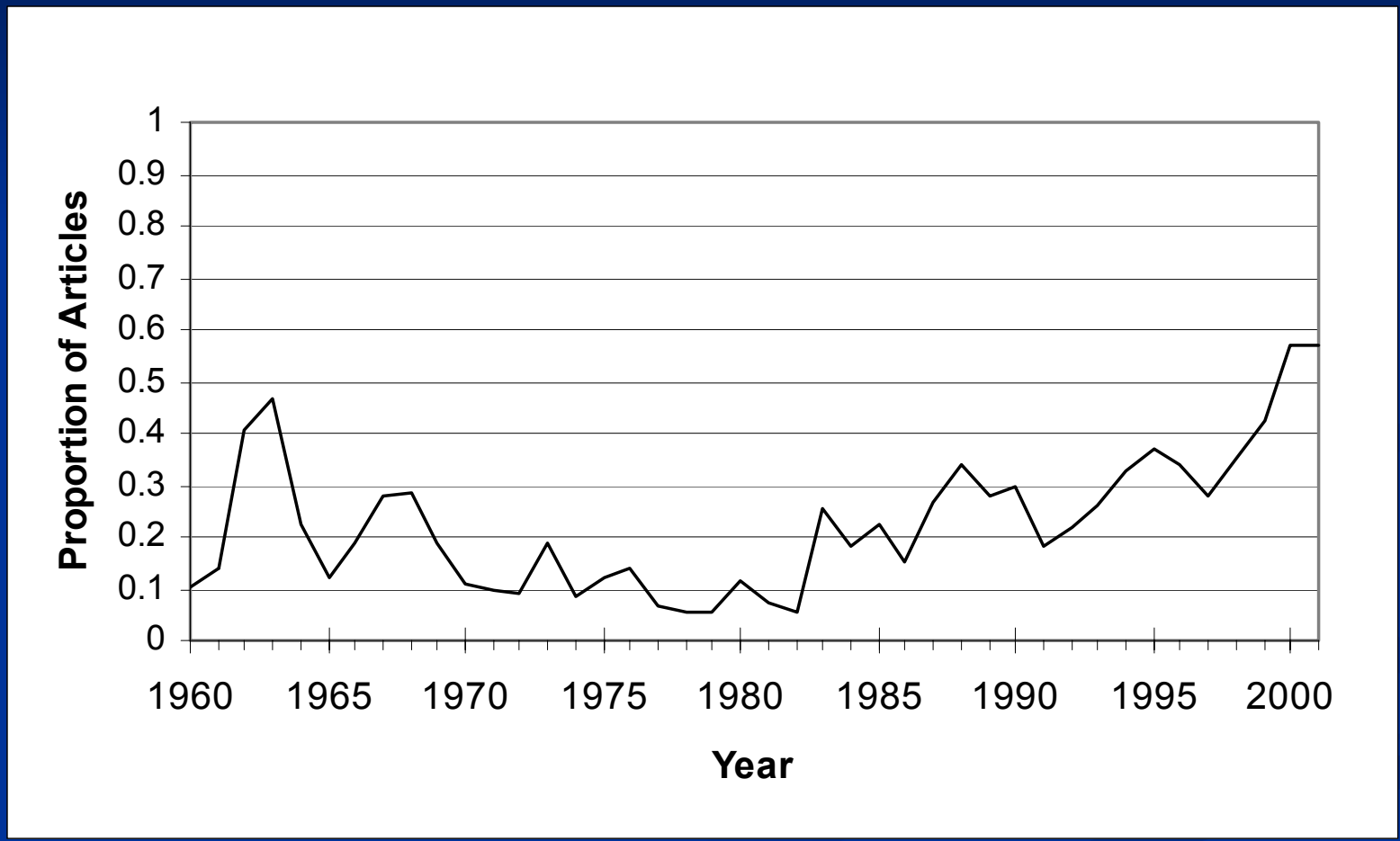
# Efficacy Arguments, 1960-2001



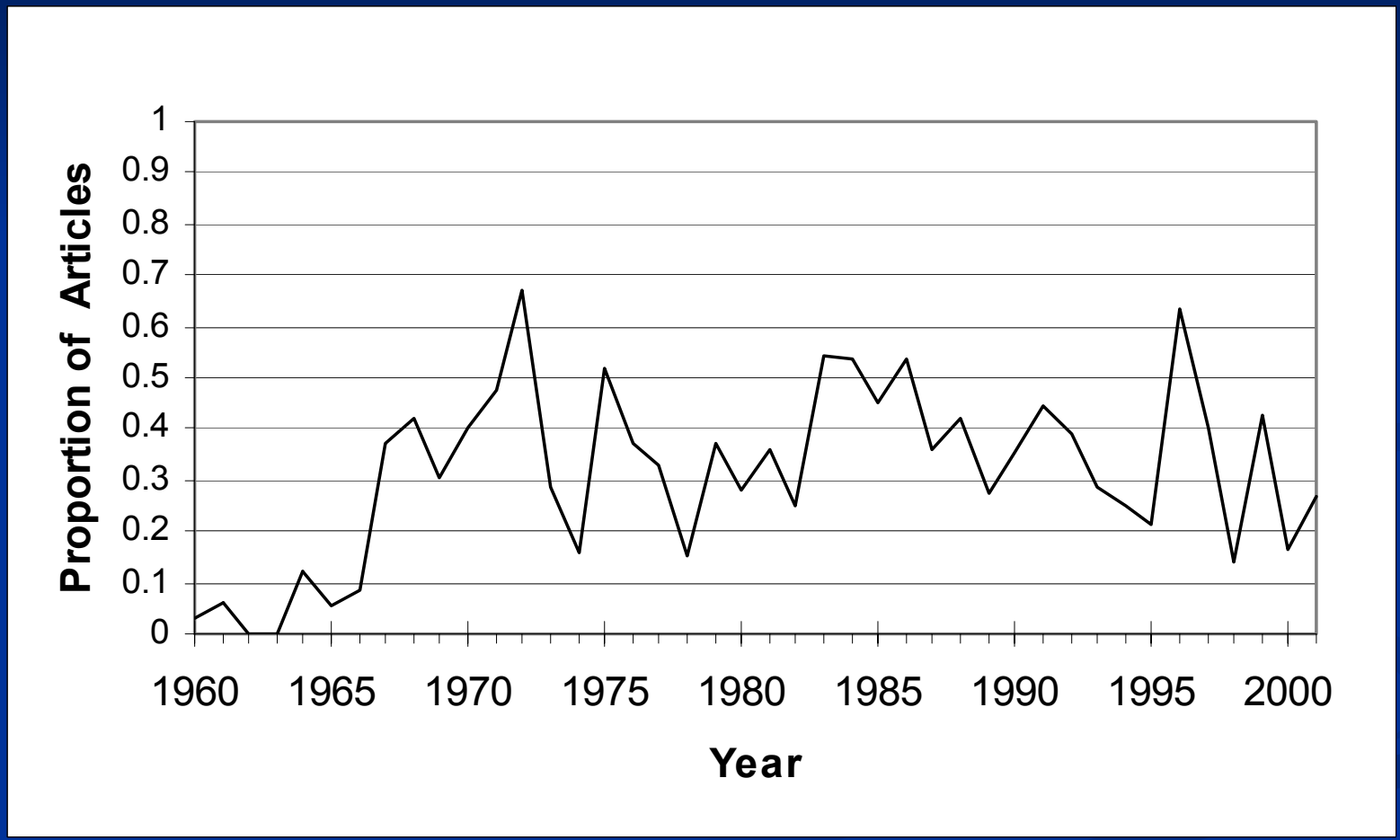
# Moral Arguments, 1960-2001



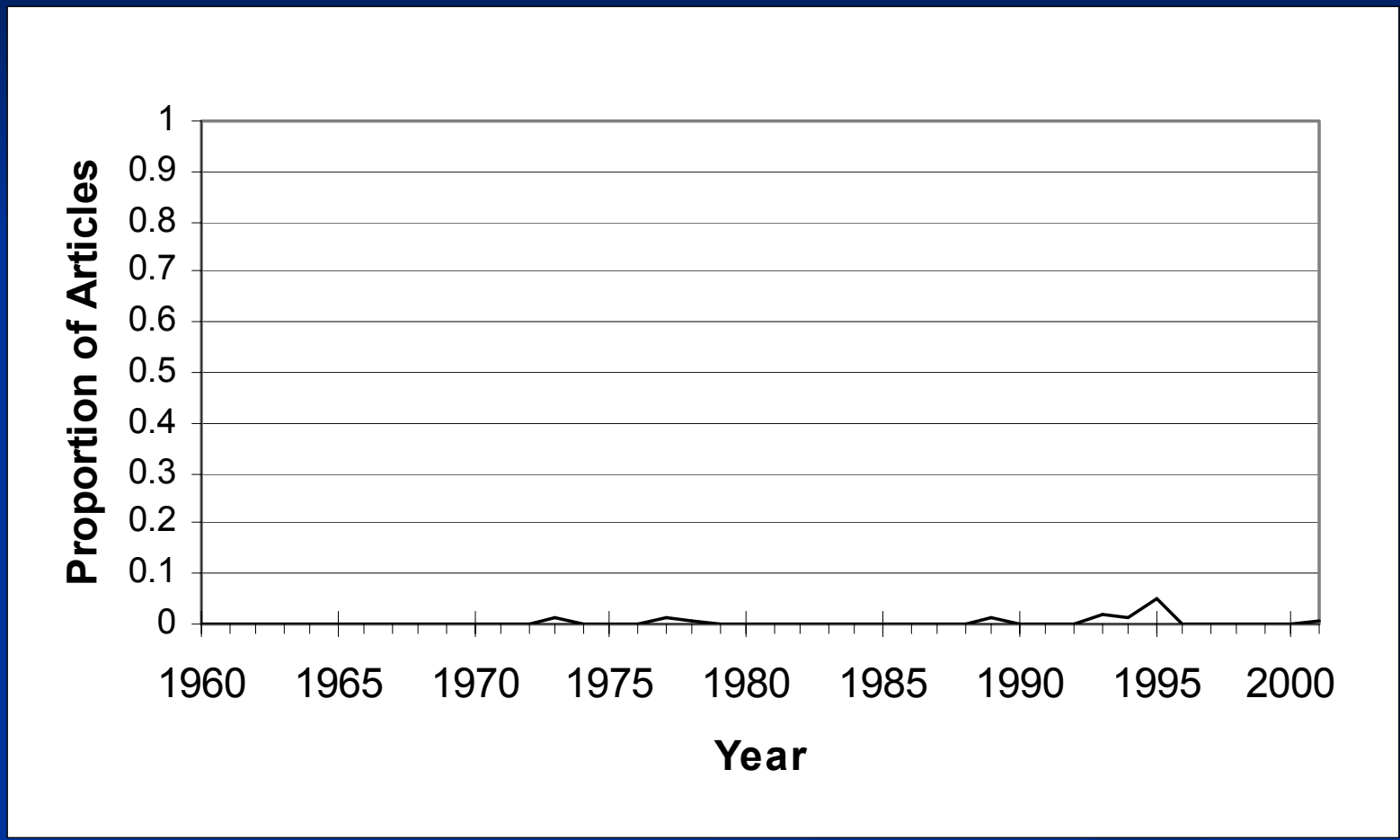
# Fairness Arguments, 1960-2001



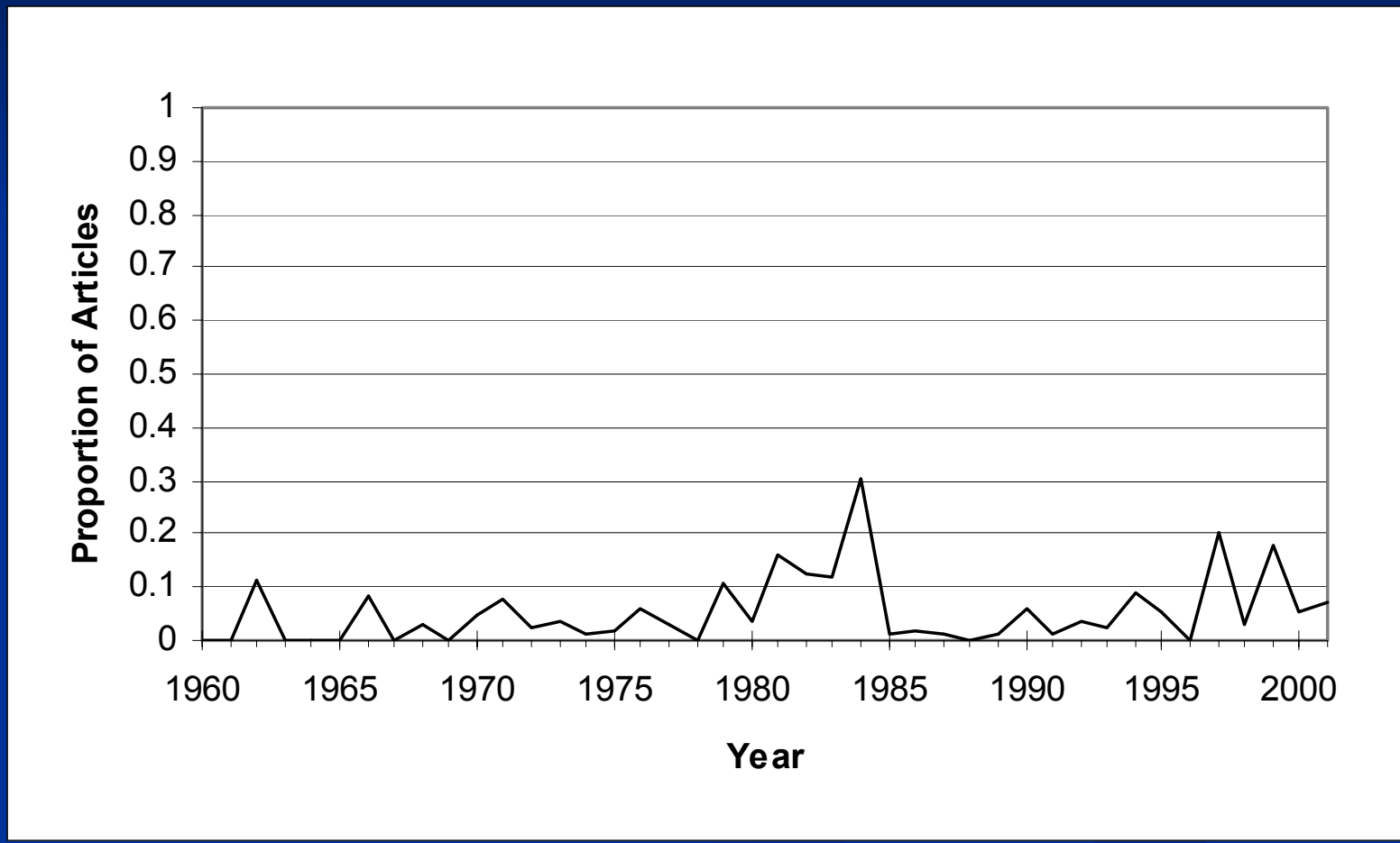
# Constitutional/Judiciary Arguments, 1960-2001



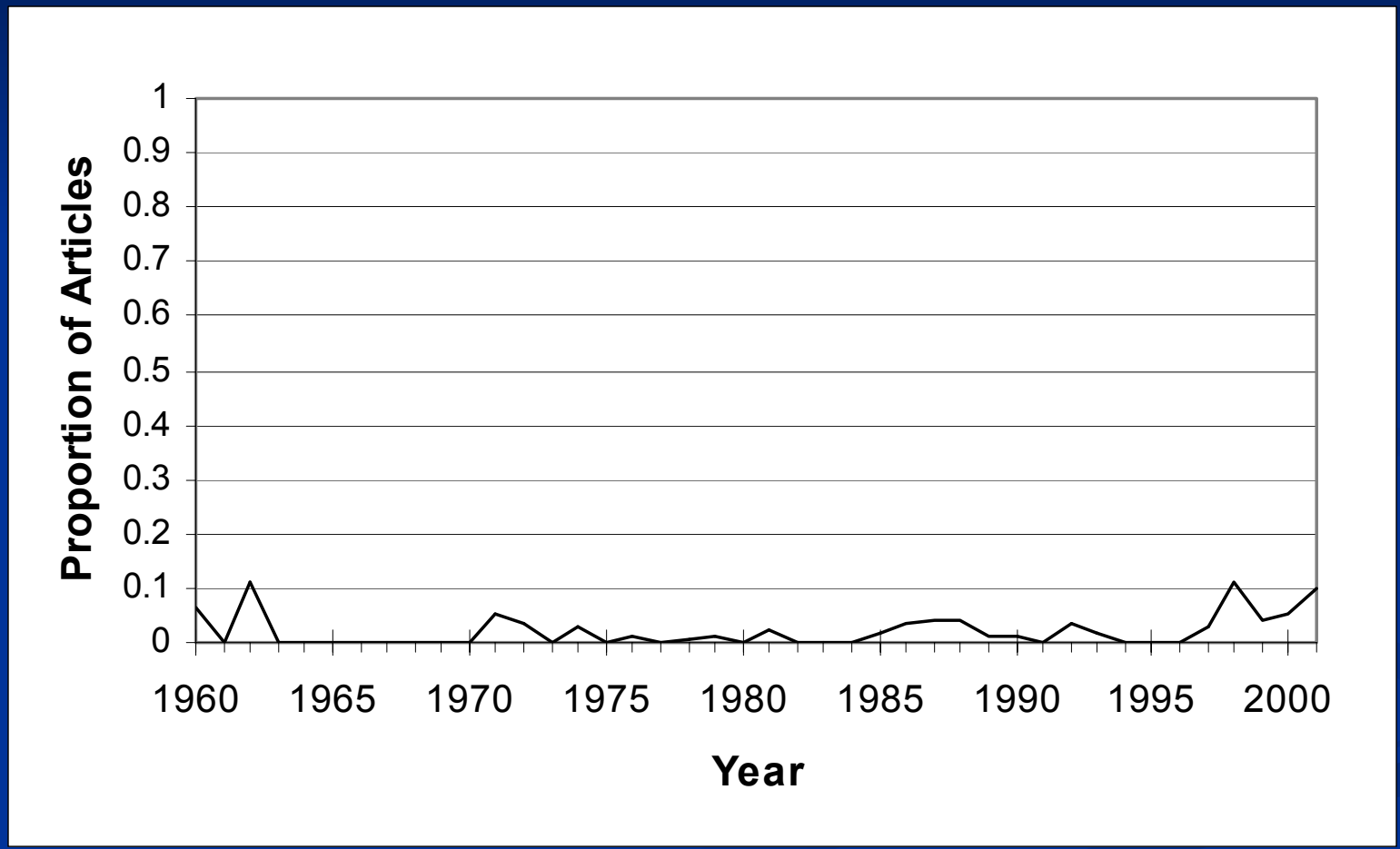
# Cost Arguments, 1960-2001



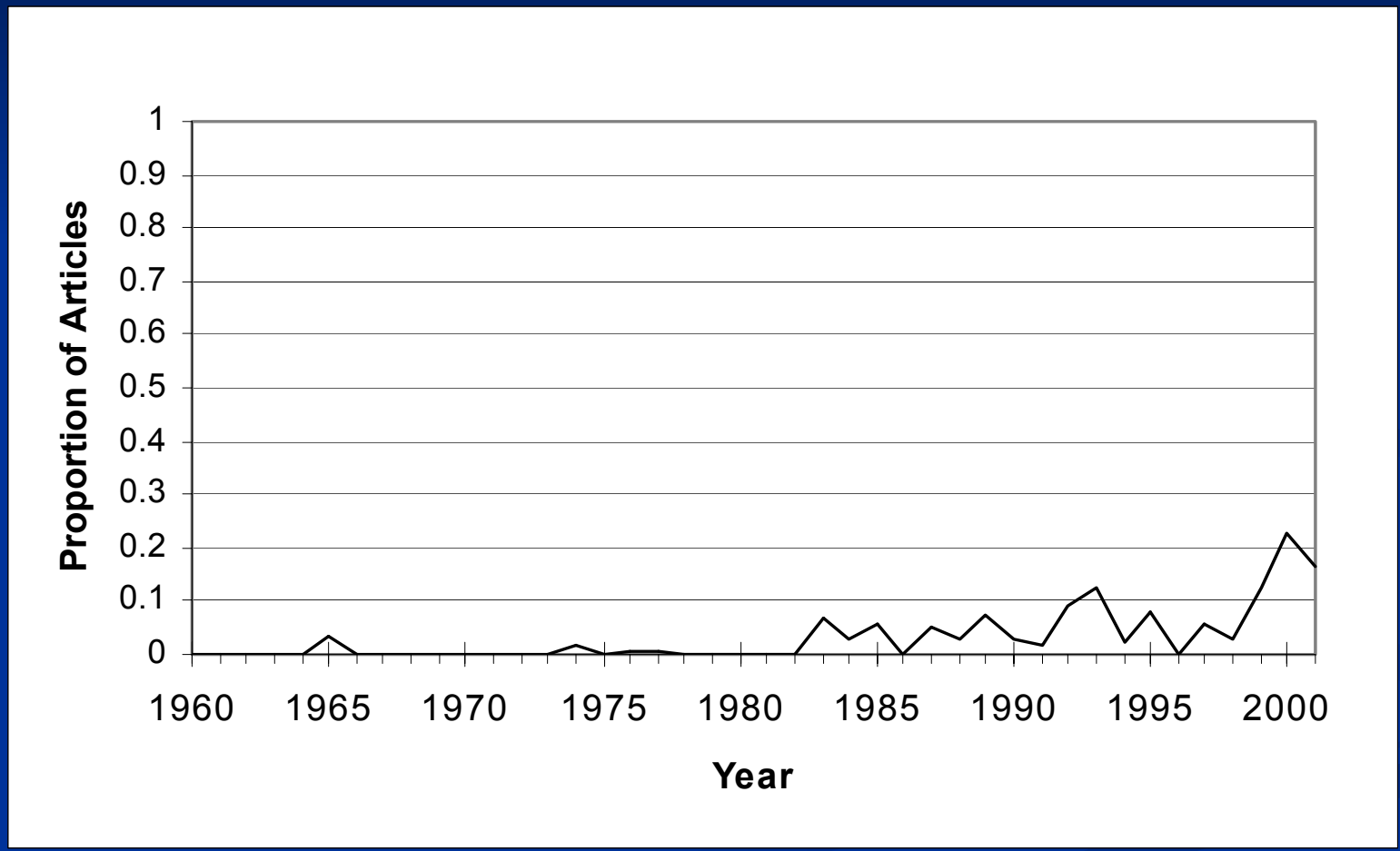
# Mode of Execution Arguments, 1960-2001



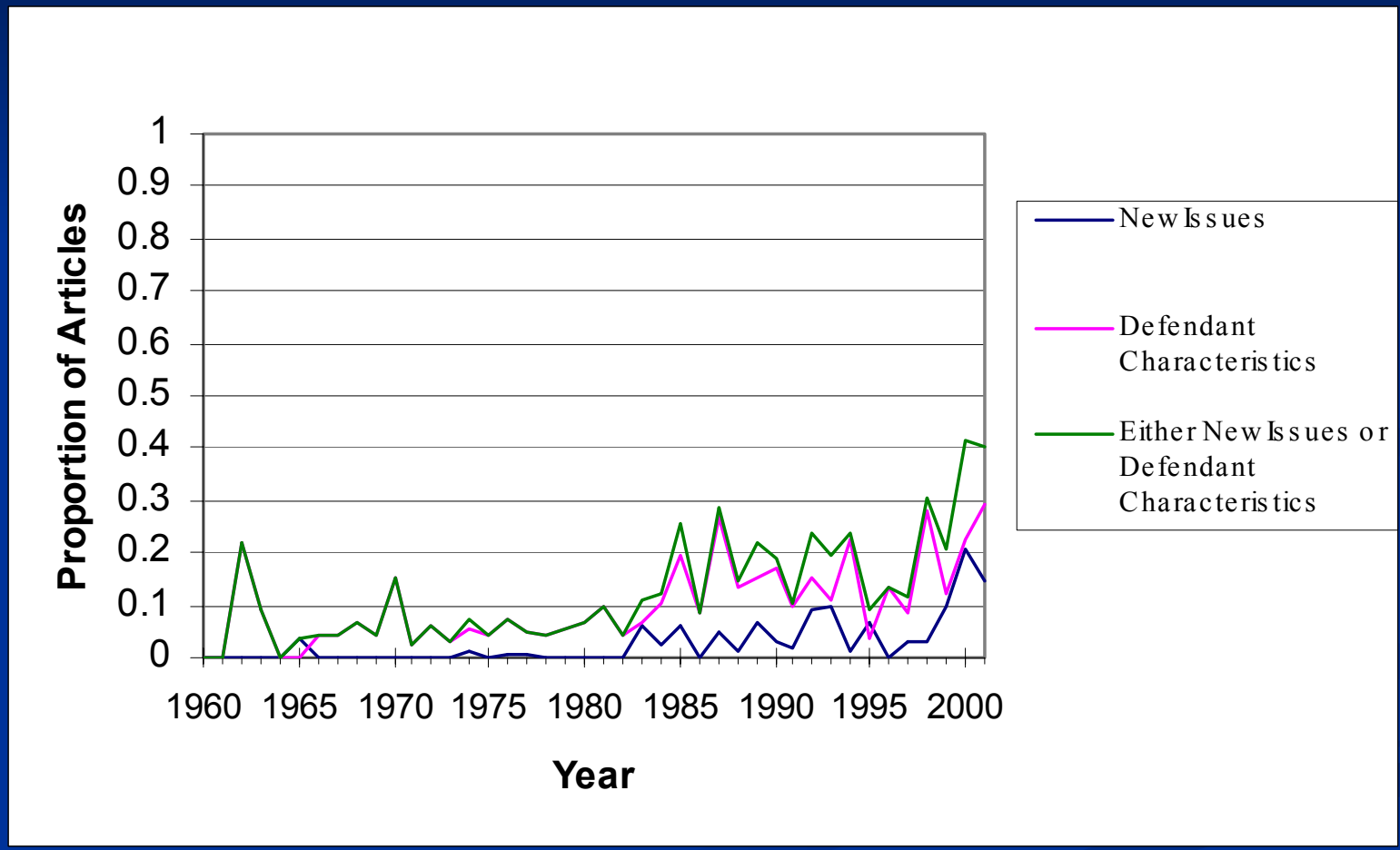
# International Arguments, 1960-2001



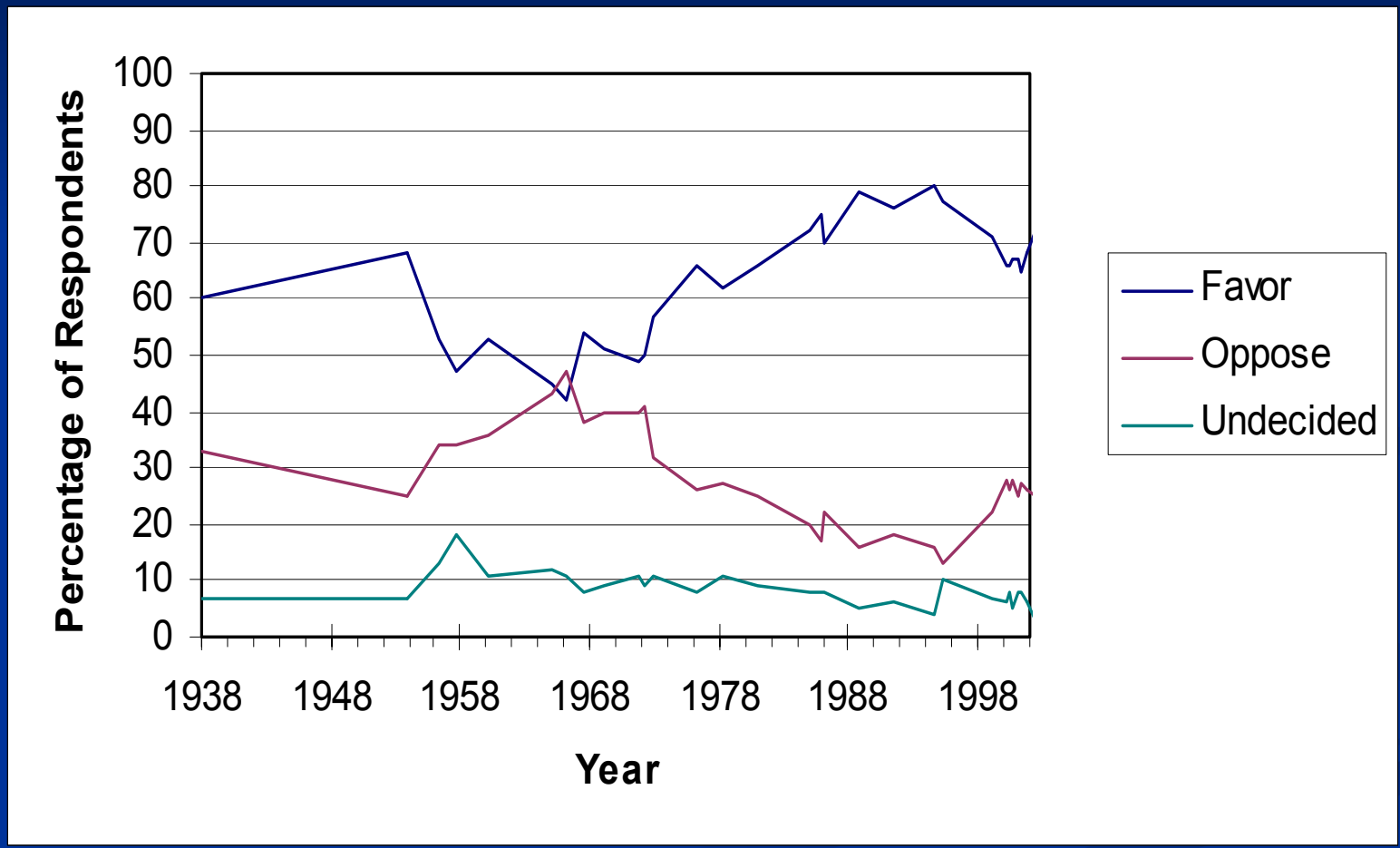
# Innocence and Evidence Arguments, 1960-2001



# Proportion of Articles Containing New Issues and Defendant Characteristics



# Public Opinion on the Death Penalty




Source: Gallup Poll Data

# Modeling Public Support for the Death Penalty

$$\text{Support} = \beta_0 + \beta_1\text{gender} + \beta_2\text{race} + \beta_3\text{racial attitudes} + \beta_4\text{region} + \beta_5\text{education} + \beta_6\text{partisanship} + \beta_7\text{income} + \beta_8\text{religion}$$

Value Labels

| | |
|---|---|
| gender: | (0=female, 1=male) |
| race: | (0=black, 1=white) |
| racial attitudes: | (0=do not agree; 1=do agree) with the statement that "blacks should not push themselves where they don't belong" |
| region: | (0=non-South, 1=South) |
| education: | (0=less than high school,… 4=graduate school) |
| partisanship: | (1=strong Democrat,... 5=strong Republican) |
| income: | (0=less than $25,000/year; 1=more than $25,000/year) |
| religion: | (0=non-Protestant; 1=Protestant) |

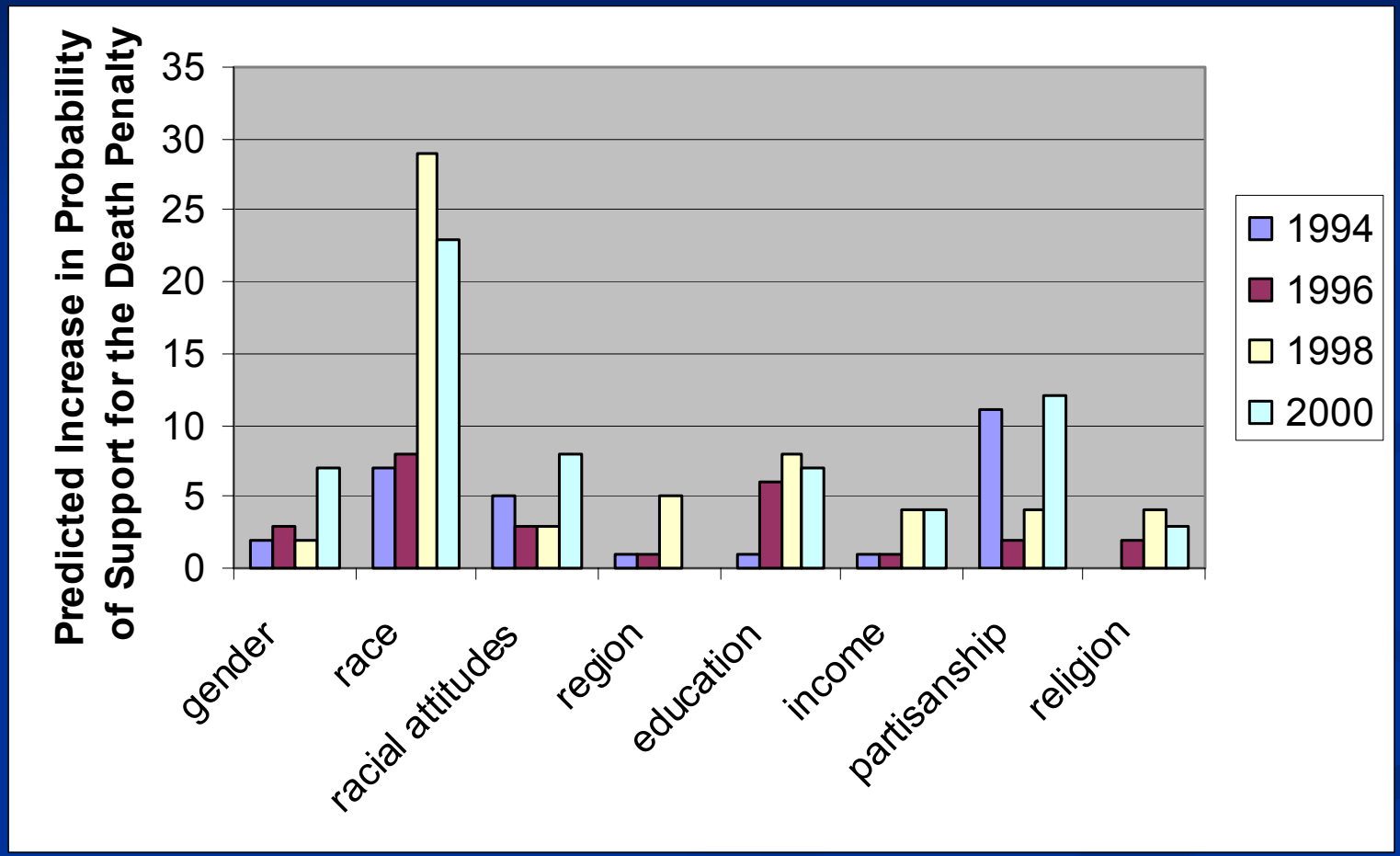
# Predictors of Public Support for the Death Penalty

| Explanatory Variables | 1994 Coefficient | 1996 Coefficient | 1998 Coefficient | 2000 Coefficient |
|---|---|---|---|---|
| gender | 0.32 ** | 0.36 ** | 0.17 | 0.53 **** |
| | (0.16) | (0.14) | (0.14) | (0.14) |
| race | 0.79 **** | 0.71 **** | 1.48 *** | 1.31 **** |
| | (0.21) | (0.19) | (0.18) | (0.19) |
| racial attitudes | 0.64 **** | 0.33 ** | 0.22 | 0.59 **** |
| | (0.18) | (0.15) | (0.14) | (0.15) |
| region | 0.12 | 0.13 | 0.32 ** | 0.01 |
| | (0.17) | (0.15) | (0.15) | (0.14) |
| education | -0.06 | -0.24 **** | -0.16 ** | -0.16 *** |
| | (0.07) | (0.06) | (0.06) | (0.06) |
| partisanship | 0.18 **** | 0.24 **** | 0.04 | 0.14 **** |
| | (0.04) | (0.04) | (0.04) | (0.04) |
| income | 0.17 | 0.20 | 0.33 ** | 0.38 ** |
| | (0.17) | (0.15) | (0.15) | (0.15) |
| religion | 0.03 | 0.17 | 0.26 * | 0.22 |
| | (0.17) | (0.15) | (0.14) | (0.14) |
| (constant) | -0.16 | -0.08 | -0.58 | -1.12 |
| | (0.27) | (0.23) | (0.22) | (0.22) |
| | n = 1132 | n = 1437 | n = 1333 | n = 1260 |
| | $X^2$ = 79.46 ***** | $X^2$ = 127.65 ***** | $X^2$ = 108.06 ***** | $X^2$ = 155.77 **** |

* p < .10; ** p < .05; *** p < .01; **** p < .001; ***** p < .0001

logit estimates (standard errors listed in parentheses)

# Predicted Impacts on Support for the Death Penalty



# Predicted Probability of Support for the Death Penalty

| | 1994 | 1996 | 1998 | 2000 |
|---|---|---|---|---|
| **Person "A"*** | 95% | 96% | 92% | 94% |
| **Mean** | 82% | 81% | 77% | 73% |
| **Person "B"**** | 40% | 26% | 23% | 15% |
| **Difference between "A" and "B"** | 55% | 70% | 69% | 79% |

*** Person "A":** white; male; believes "blacks should not push themselves where they don't belong"; Southern, less than high school level of education; strong Republican; earns > $25,000 a year; Protestant

**** Person "B":** black; female; disagrees with the statement that "blacks should not push themselves where they don't belong"; non-Southern, graduate school level of education; strong Democrat; earns < $25,000 a year; non-Protestant

# Future Work

- More complete public opinion model
- Dynamic model of public opinion over time
  - 150 polls from 1957 to present
  - Objective indicators (crime statistics, etc.)
  - Amount and tone of news coverage
- Full test of the impact of changing issue definition on public attitudes

# Preliminary Findings

- Significant decline in support for the death penalty
- This decline appears to be related to the changing nature of the public debate surrounding the death penalty issue

# Some Remaining Puzzles

- The impact of race
- The effects of partisanship
- Is the decline in public support shared across segments of the population, or are some groups immune to changing issue definitions?