The Decline of the Death Penalty and the Discovery of Innocence

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Class notes
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Pesticides: Looking Good after World War Two

Media Coverage of Pesticides, 1900-1990
Pesticides: No Longer Such Good News after 1956

Media Coverage of Pesticides, 1900-1990

Year

1900 1920 1940 1960 1980

Number of Stories / Percent Positive Tone

0 20 40 60 80 100

Total Coverage Percent Positive
Pesticides: From Green Revolution to Nobody’s Baby

Media Coverage of Pesticides, 1900-1990

Year

Number of Stories / Percent Positive Tone

1900 1920 1940 1960 1980

Total Coverage

Percent Positive
A New View on an Old Debate:

- The death penalty is a government program run by bureaucrats and it is prone to cost-overruns, inefficiencies, and mistakes…
  – Peter Loge, The Innocence Project

- Capital punishment is a government program, so skepticism is in order…
  – George F. Will in the Washington Post, 6 April 2000
A Social Cascade

Somehow, the concept of innocence has entered the social discourse. People understand a new way of thinking about the death penalty.

Old issue-definition: Morality / constitutionality

New issue-definition: Innocence / system is broken / human institutions cannot be perfect
Two Views on the Death Penalty

Morality:

1) State Killing is Wrong
2) Eye-for-an-eye

(Most Americans support #2)

Religious, moral nature of this debate

Innocence

The system is not perfect and can make mistakes. Innocents may be killed.
New York Times Coding

- Every article since 1960
- Almost 4,000 articles
- Exhaustive list of 65 arguments
- Count attention to each argument over time
- Dynamic Factor Analysis: shows rise of new issues
<table>
<thead>
<tr>
<th>Victim Characteristics</th>
<th>Defendant Characteristics</th>
<th>Nature of Crime/ Mode of Execution</th>
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<tr>
<td>10 Officer</td>
<td>20 Terrorist</td>
<td>30 Mode of execution discussed</td>
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<td>11 Child</td>
<td>21 Minority</td>
<td>31 Type of Crime</td>
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<td>12 Multiple</td>
<td>22 Mentally Handicapped</td>
<td>32 Violence of crime discussed</td>
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<td>13 Family Member</td>
<td>23 Female</td>
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<td>14 Female</td>
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<th>Dimensions of Debate</th>
<th>300 Fairness/Process</th>
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<td>310 Inadequate Rep</td>
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<td>512 General Anti</td>
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<td>311 Arbitracy</td>
<td>410 Cruel Unusual</td>
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<td>113 General Anti</td>
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<td>419 General Anti</td>
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| 200 Moral            | 314 Mandatory Sent Bad | 419 General Anti      |          |          |                   |
| 201 Retribution       | 315 No Alt Punish     |                      |          |          |                   |
| 202 Family Vengeance  | 316 Evidence          |                      |          |          |                   |
| 203 Type Crime/Extension | 317 Innocence    |                      |          |          |                   |
| 204 General Pro       | 318 Broken            |                      |          |          |                   |
| 205 Killing Ven Bad   | 319 General Anti      |                      |          |          |                   |
| 211 Family Disposed   |                       |                      |          |          |                   |
| 212 General Anti      | 320 Other Diminished  |                      |          |          |                   |

| 900 Other Dimension   | 900 Description       | Notes                |          |          |                   |

Record: 1 of 3512
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 Rise of the “Innocence” Frame

Includes: Innocence; Evidence; System-is-Broken; Mention of the Defendant
Statistically Identified Issue-Frames

- Constitutionality - Pro
- Constitutionality - Anti
- "Eye for an Eye"
- Humanizing the Defendant
- Mode of Execution & Fairness
- "Eye" Redux
- System is Unfair
- Innocence
The “Net Tone” of NYT Coverage, 1960–2003

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

• Consistently supportive, over most of history
• Survey questions are highly theoretical, abstract
• Slow movement in aggregate numbers, highly inertial or autoregressive series
  – (Moral nature of the question, for most people)
  – Low level of stimulus, as compared to Presidential approval or the War on Terror, for example)
• Our method: Combine all available survey data
A Composite Measure of Public Opinion based on 272 Surveys
Predicting Net Support

Net Public Support for the Death Penalty =
2.033 (2.334) +
0.732 x Opinion_{t-1} (0.67) +
0.058 x Net Tone of New York Times_{t-1} (0.032) +
1.11 x Homicides (thousands)_{t-1} (0.51) +
1.205 x major events_{t-1} (0.843)

R^2 = .887 (N=79)
Note: Analysis is quarterly from 1985 q 1 to 2004 q 3.
Predicting Quarterly Opinion
(“Net Opinion” = Approve – Disapprove)
Interpretation

0.732 x Opinion$_{t-1}$ (0.67)

Public opinion is highly inertial

73% of the value carries forward to the next period.

Any stimulus will therefore take many periods to have its full effect. The entire public is never affected by stimuli that are so strong that all people simultaneously move. Rather, opinion moves slowly as information percolates.
Interpretation

0.058 x Net Tone of *New York Times*$_{t-1}$ (0.032)

Net tone in fact has shifted by over 60 points over the years.

Impact of a 50 point shift in Net Tone: 11 points

(Total impact = immediate impact + subsequent impact, 73% less in each future period...
Interpretation

$1.11 \times \text{Homicides (thousands)}_{t-1} (0.51)$

Actual quarterly range in homicides is over 2,000

Impact of a shift by 2,000 in homicides: 8.6

Both media coverage and homicides have strong effects. Media coverage is stronger, in fact.
Interpretation

No significant effects for events

One individual event, modeled separately, had an impact: The mass commutation of all death row inmates in January 2003 by Gov. Ryan in Illinois.

Events are mostly mediated through news coverage.
Policy Impact

Annual Death Sentences as the most appropriate dependant variable

Juries not faced with a hypothetical question as posed in surveys

Juries presented with strong stimulus, not like aggregate public opinion

May be different, should definitely be less inertial
Reminder, Death Sentences, Death Row, and Executions
Homicides: decline from 24,500 in 1993 to 15,500 in 2000
Net Public Opinion, 1960-2004
Predicting Annual Death Sentences

Annual Number of Death Sentences = 
40.43 (22.25) + 
0.344 x Sentences$_{t-1}$ (0.099) + 
0.427 x Net Tone of New York Times$_{t-1}$ (0.147) + 
0.7 x Homicides (thousands)$_{t-1}$ (1.5) + 
4.267 x Opinion$_{t-1}$ (0.966) + 
-66.83 x 1973 dummy (26.74) + 
127.15 x 1975 dummy (40.43)

$R^2 = .928$ (N=41)

Note: Analysis is annual from 1963 to 2003.
Predicted and Actual Death Sentences
Interpretation

0.344 \times \text{Sentences}_{t-1} (0.099)

The series has some inertia to it.

34\% of each value carries forward.

This is significantly less than what we saw for public opinion.

Each factor also has some inertial impact into the future as well. \((1 / (1-.344) = 1.52 \times \text{immediate effect})\)
Interpretation

0.427 \times \text{Net Tone of } \textit{New York Times}_{t-1} \\
(0.147)

A 10-point shift in news coverage: 4.3 fewer death sentences in the following time period, with a longer term, eventual impact of 6.5 fewer.

Shift of 50 points: 33 fewer death sentences
Interpretation

\[ 0.7 \times \text{Homicides (thousands)}_{t-1} (1.5) \]

Move homicides by 8,000:

Decline in death sentences: 9 per year

(Effect is small, and statistically insignificant)
Interpretation

$4.267 \times \text{Opinion}_{t-1} (0.966)$

This is a big impact:

In the long term, after inertia plays out:

15 point shift in opinion: 99 fewer death sentences
Interpretation

Inertia affects results, but much less so than for public opinion.

Homicides have no direct effect, after public opinion is included.

The tone of media coverage affects both aggregate public opinion and, separately, jury and prosecutor behavior.

Public opinion changes slowly but has a strong impact on jury behavior.

Substantive effect of shift in media tone is greater than the slowly shifting nature of public opinion.