

Review of “Issue Definition and Policy Change: Capital Punishment and the Rise . . . “

This manuscript examines the media attention to capital punishment issues from 1960 to 2003 and finds that New York Times stories shifted in the late 1990s to focus on the conviction and execution of innocent persons. This time trend is then related via an error correction model to the number of death sentences per year while controlling for the homicide rate, the number of states with a death penalty and dummy variables for a judicial imposed moratorium of death sentences. The paper concludes that this framing caused the decline in death sentences (there are some qualifications before but the final conclusion is not qualified). While this paper contained some interesting information, it does not merit publication for the following reasons. The paper is essentially atheoretical, the dependent variable is not the most appropriate one, the statistical results provide only mixed support for the conclusion, an assumption of causality permeates the paper yet no plausible causal story is told, and alternative, more logical, causal explanations are not examined. As a result, I recommend rejecting this paper.

*Framing.* A large number of media and agenda setting papers and books now take the format of that presented in this paper. We have existing case studies of pesticides, pollution, nuclear power and several other areas. The appropriate question is what does one more study of this genre on a different issue add to what we don't already know? The paper contains no justification of the death penalty as an issue area with unique characteristics that provide leverage on an important theoretical question in political science. The hook to the framing literature provides little guidance here since the story is that this frame worked while others did not. Were there unique aspects of this frame that can be related to psychological theories of framing or politics that contribute to our understanding of either? This is not provided. So we have the following argument, here is one issue among many that could be studied and here is a frame of that issue that appears to have worked (although we have no way to determine what type of frame might be successful or not), and here is some data analysis that might fit this story. I could see this paper in a second tier policy journal or as a chapter in a book that developed these issues, but not in a major political science journal.

*The dependent variable.* The dependent variable is not the number of persons executed but rather the number of persons sentenced to death. Close reading of the paper suggests that executions did not work in the analysis so a variable that did appear to work was used instead. What was the purpose of the series of articles on the innocence frame? At a distance one might argue that it was to prevent people from being sentenced to die, but in fact, reading the articles it was focused on preventing executions (we have enough people of death row to satisfy the demand for executions for many years without adding any additional new people). The focus of these articles is to stop executions by calling into question whether or not the court process worked. This is in fact what occurred in Illinois with their moratorium on the death penalty (more on that later). That moratorium did not end death sentences but simply stopped the execution process. The time lag is not the issue the authors think or they would need to adjust for the lag between the commission of the crime and the sentence. In addition, since they found no short term impact of framing but only long term impact through the cointegrating regression,

they cannot argue in another place that long time lags preclude a variable from being used.

*The statistical results.* The key to the paper is table 3. While all the graphs are interesting, they do not permit conclusions to be drawn about the influence of framing on the implementation of the death penalty. Focus first on the error correction relationships. Note that the relationships between both framing and homicide rates are not statistically significant. In fact, except for the post hoc dummy variables added in to catch two outliers from the Supreme Court decisions in Furman and others, none of the short term relationships are statistically significant. So we are asked to accept as evidence the cointegrating regression as complete evidence (an unusual claim since most error correction studies do not even report the initial cointegrating regression subject as it is to spurious results). So we are asked to accept the idea that media attention with a specific frame has no short term impact on death penalty sentences but does influence via some long run dynamics. This seems very post hoc to the reader. Much is made of the “high” level of explanation, but in fact this is a pretty miserly level of prediction for a time series regression in levels (which is the standard since we are given the overall R-square not the explained variation in the error correlation estimate only) especially when one considers that the cointegrating regression contains a lagged dependent variable. Add to this the admitted slow rate of error correction, the coefficient of 1.0 on the lagged dependent variable, and it is not clear that they overall findings add up to much substantively.

*Causality and alternative causal explanations.* How does the innocence frame actually affect the imposition of death sentences? We are not given an explicit causal story but expected to accept a causal conclusion in spite of this (the evidence is “uncontestable”). Does this result because prosecutors are influenced by the frame and ask for the death penalty in fewer cases? Does it result because juries are influenced by the frame and refuse to assess the death penalty in a larger percentage of the cases? We don’t know. Nor do we know why a frame that has been in existence since the origin of the death penalty suddenly became influential in sentencing but not in the actual imposition of the death penalty. Let me suggest a reasonable alternative for the story here. The innocence frame essentially lacked credibility until the Illinois death penalty project produced what appears to be irrefutable evidence of wrongfully accused individuals being executed or being on death row. Partly this has resulted from an improvement in technology, in particular DNA evidence. Once these Illinois cases hit the news and convinced the Illinois governor that a moratorium was in order, other anti death penalty groups began similar studies and used the Illinois examples. What changed here is not the frame but rather the evidence to support the frame. This is much like the Torrey Canyon, it wasn’t the frame of an oil spill but the oil spill that mattered.

Miscellaneous points.

Evolutionary factor analysis is the name for a technique in Chemistry. What that analysis adds on a limited set of overstressed data points to what the simple descriptive graphs show is not clear in this paper.

A correlation of only .53 between the Readers Guide measure and the New York Times measure given that these are integrated series strikes me as extremely weak and thus raises questions about the NY Times measure.

Many of the figures are repetitive and some of the tables particularly those other than table 3 provide little additional information and could be dropped.

The description of death penalty numbers on page 15 refers to years before the graph starts. This raises the question as to why the analysis starts in 1960. It also raises the question of whether or not the raw numbers which are likely to generate some extreme cases in the analysis are the appropriate measure. If the decision is made to publish this article, there needs to be a release of the influence and leverage statistics for the entire set of points.

If there was a choice between exonerations or states that permit the death penalty (note 4) as a variable, it strikes me that exonerations is the better variable theoretically especially given that there is no theoretical justification made of the number of states variable.