

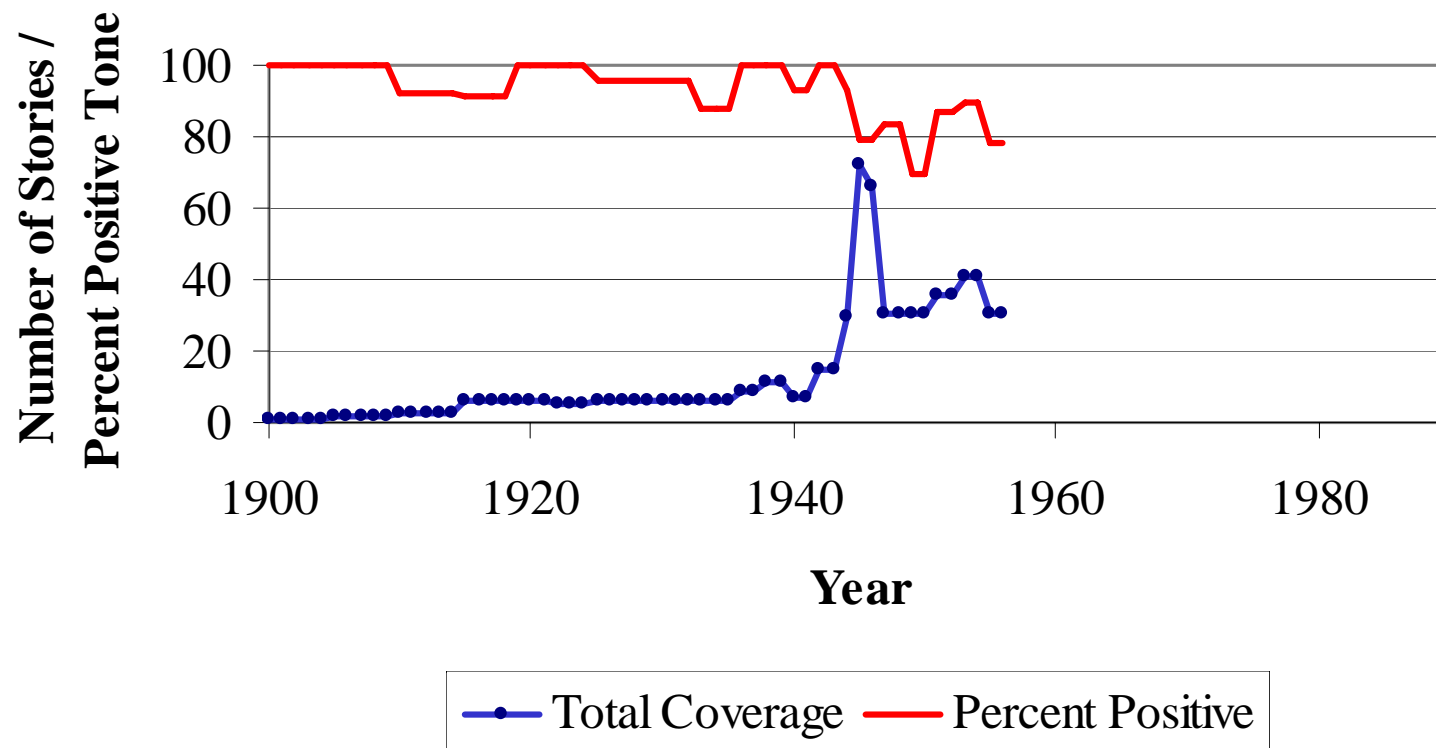
# The Decline of the Death Penalty and the Discovery of Innocence

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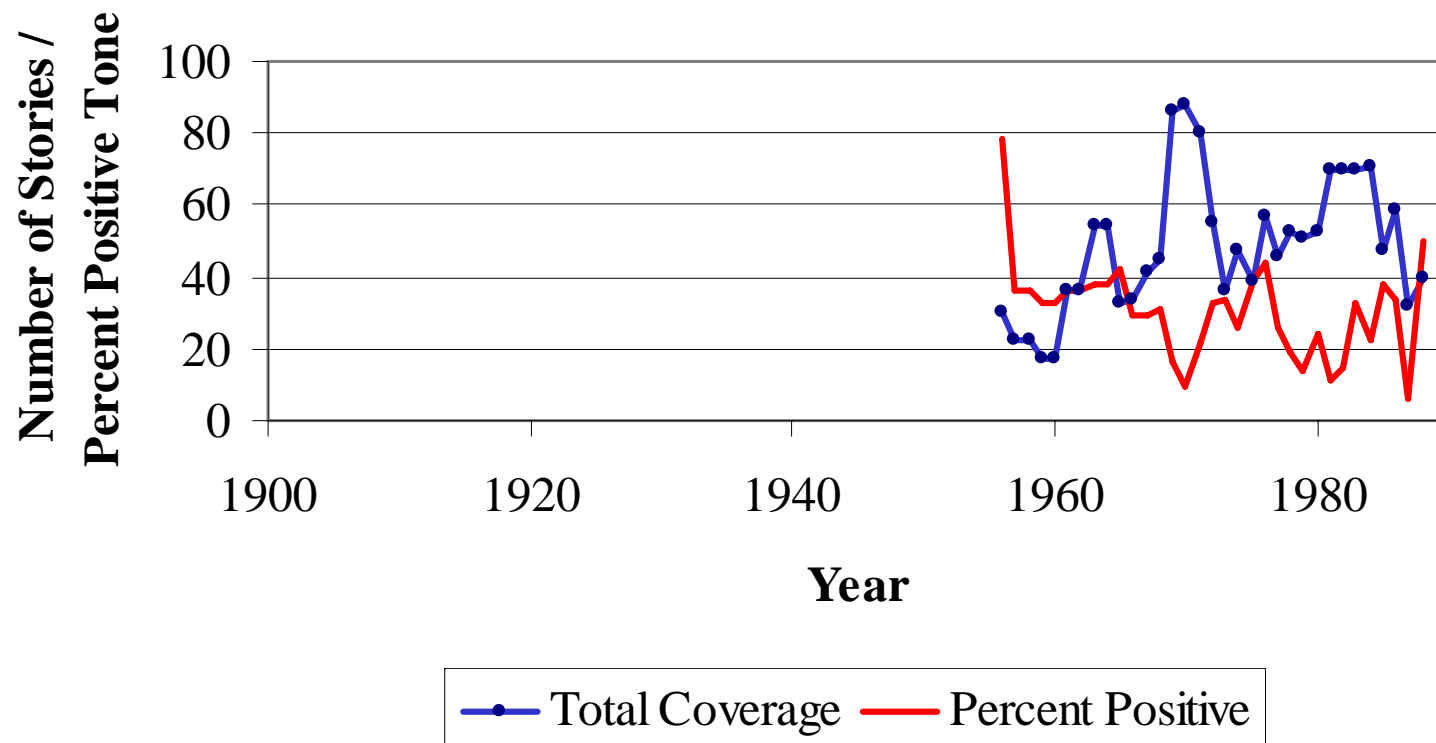
# Pesticides: Looking Good after World War Two

## Media Coverage of Pesticides, 1900-1990



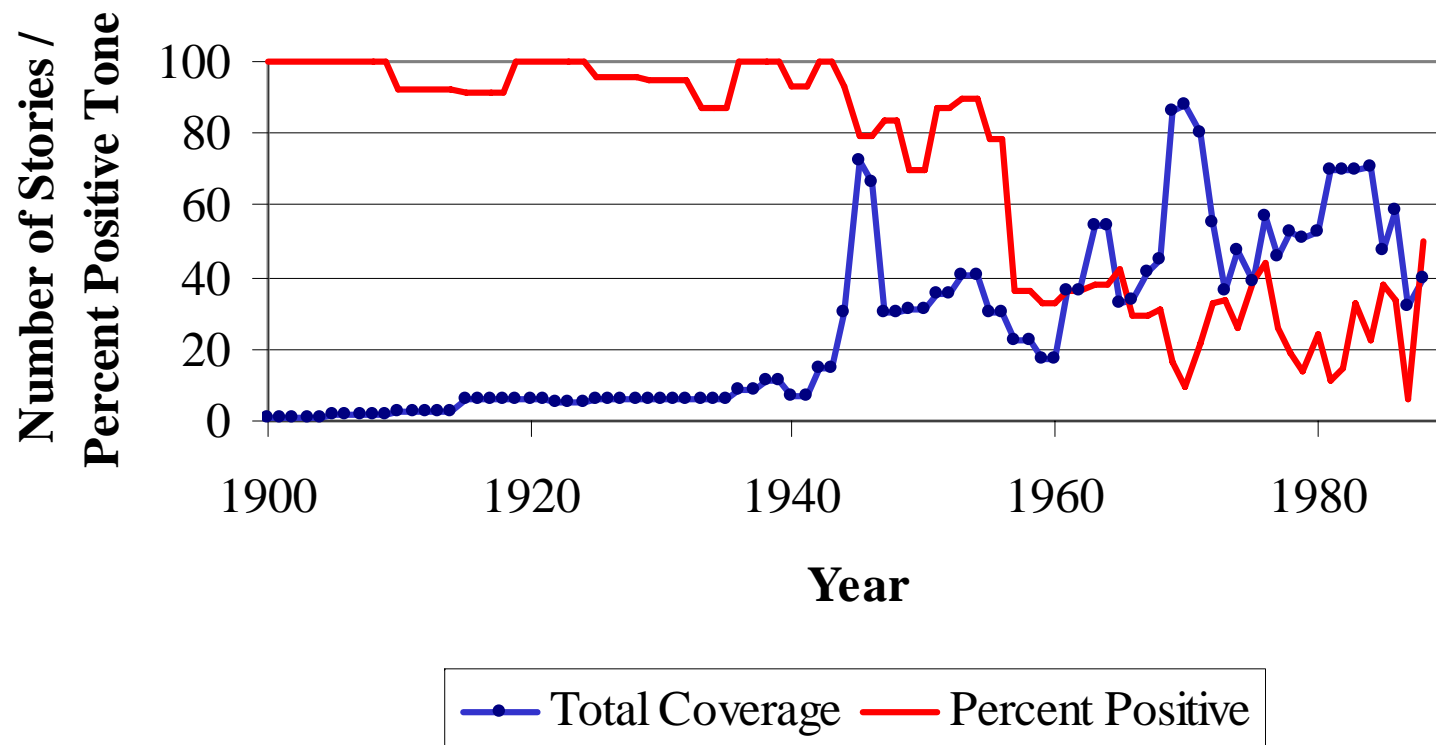
# Pesticides: No Longer Such Good News after 1956

## Media Coverage of Pesticides, 1900-1990



# Pesticides: From Green Revolution to Nobody's Baby

## Media Coverage of Pesticides, 1900-1990



# 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



MS Sans Serif 8 B I U

ID: 1944    NYT Year: 1960    Day / Month: 1/14/1960    Front Page:     3 Tone: 5    4 Story Type: 1

Subject: Capital Punishment    NYT Page: 172    First Three Words: NYS Council of

NYT Column: 1

**Victim Characteristics**

10 Officer     13 Family Mention

11 Child     14 Female

12 Multiple     19 Other

**Defendant Characteristics**

20 Terrorist     24 Parent

21 Minority     25 Juvenile

22 Mentally Handicapped     27 Humanized

23 Female     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 Natts

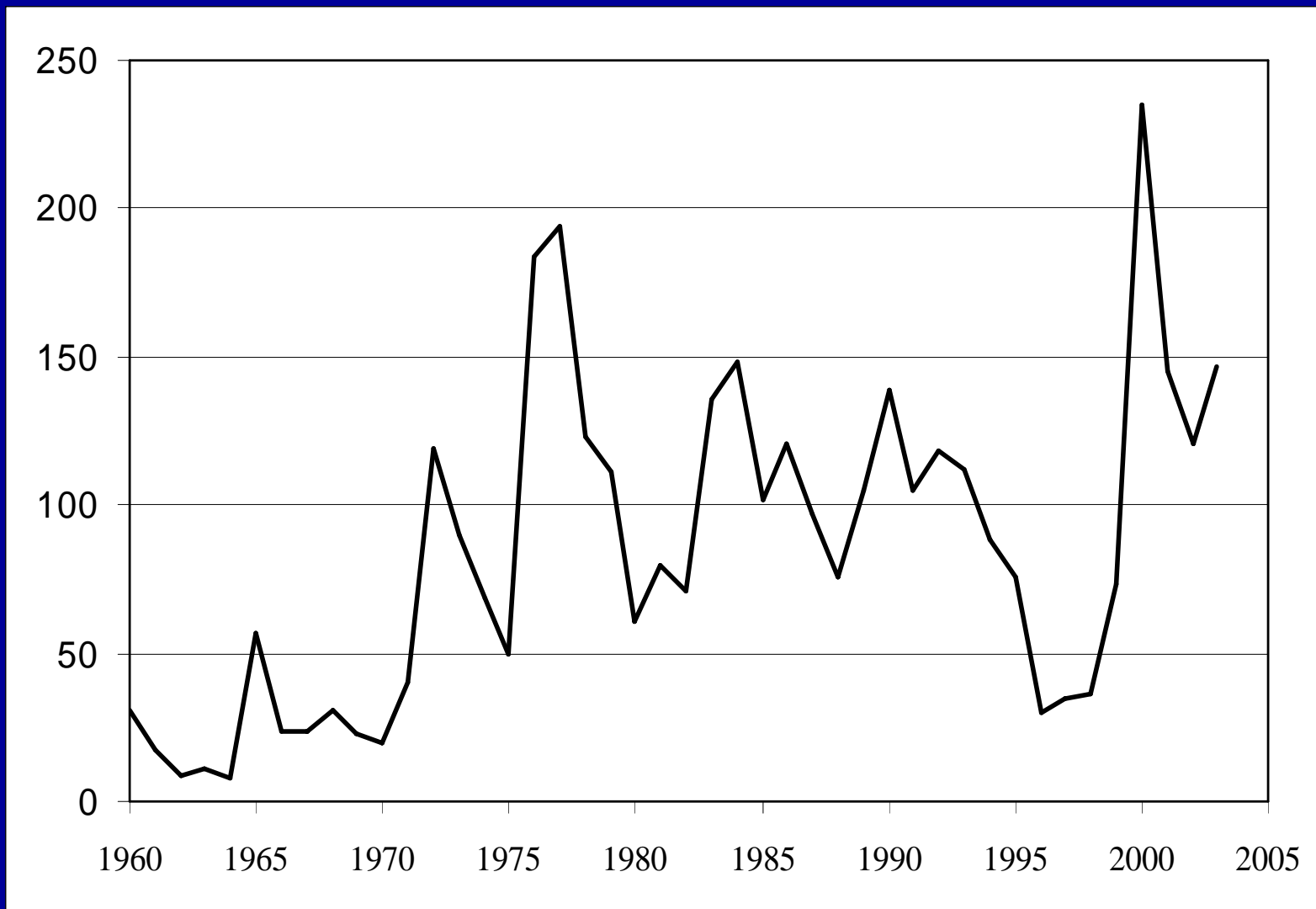
719 General Anti

900 Other Dimension     900 Description:     Notes:

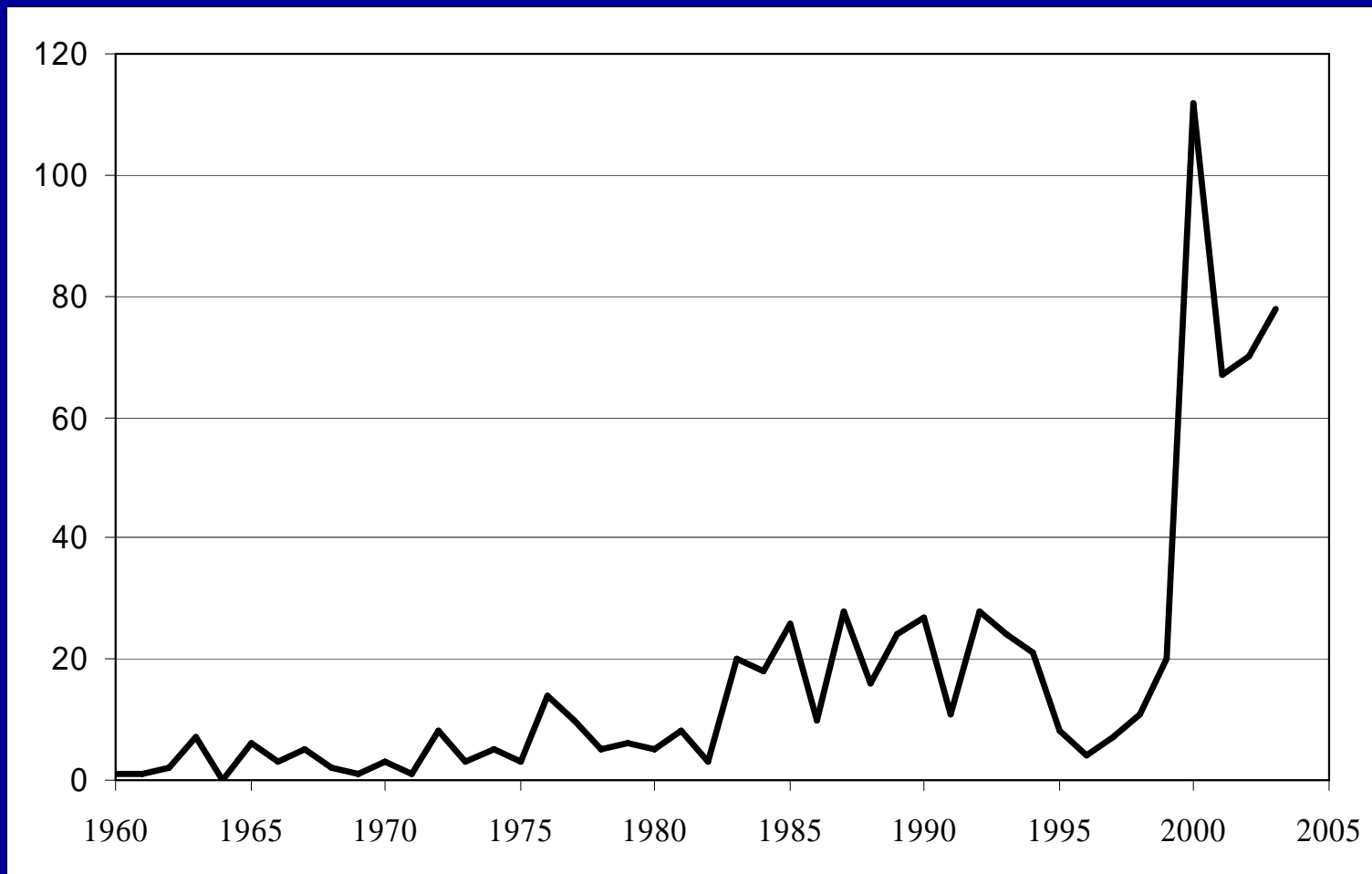
# Major Dimensions of Death Penalty Debate

- **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

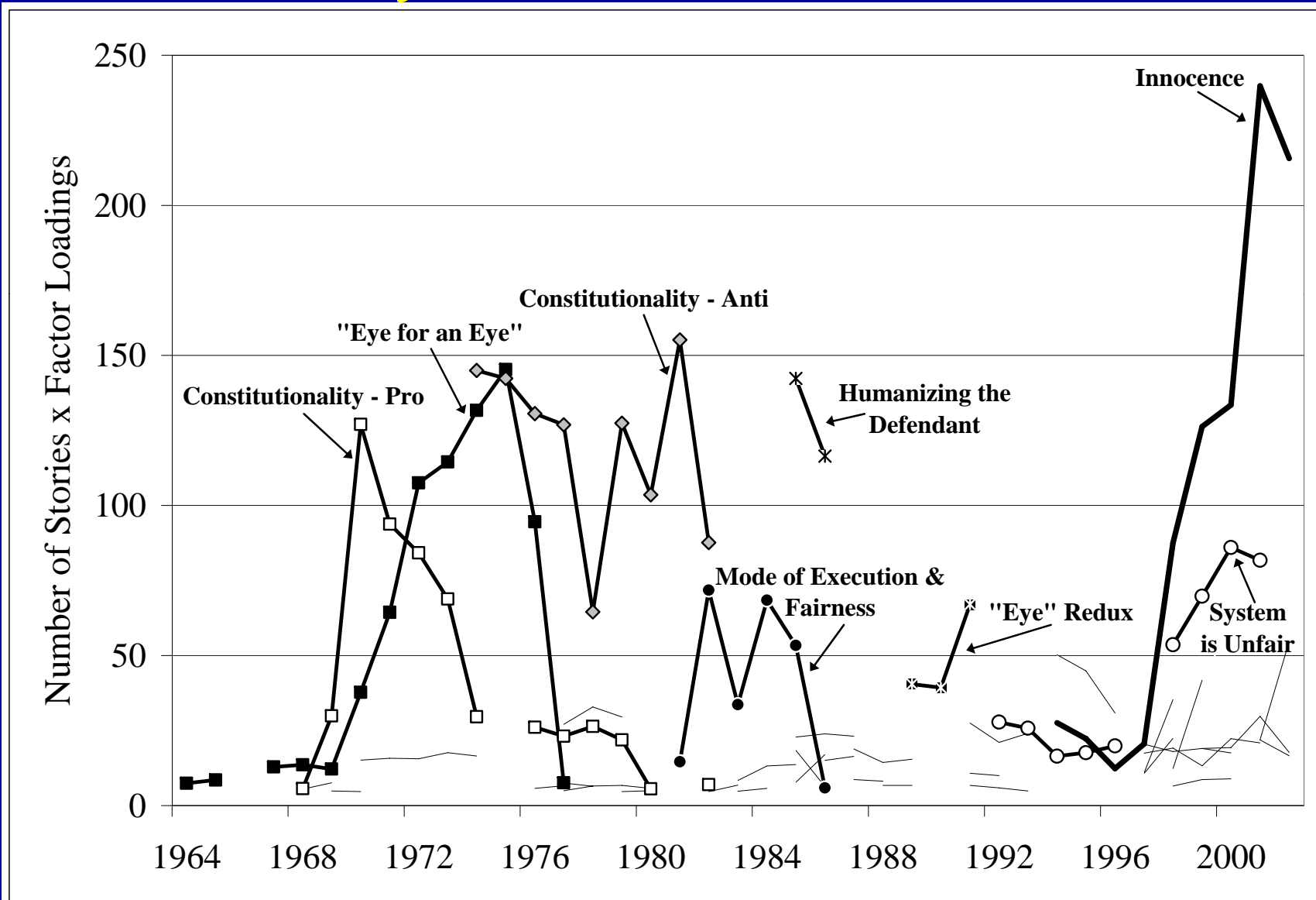


# The Rise of the “Innocence” Frame

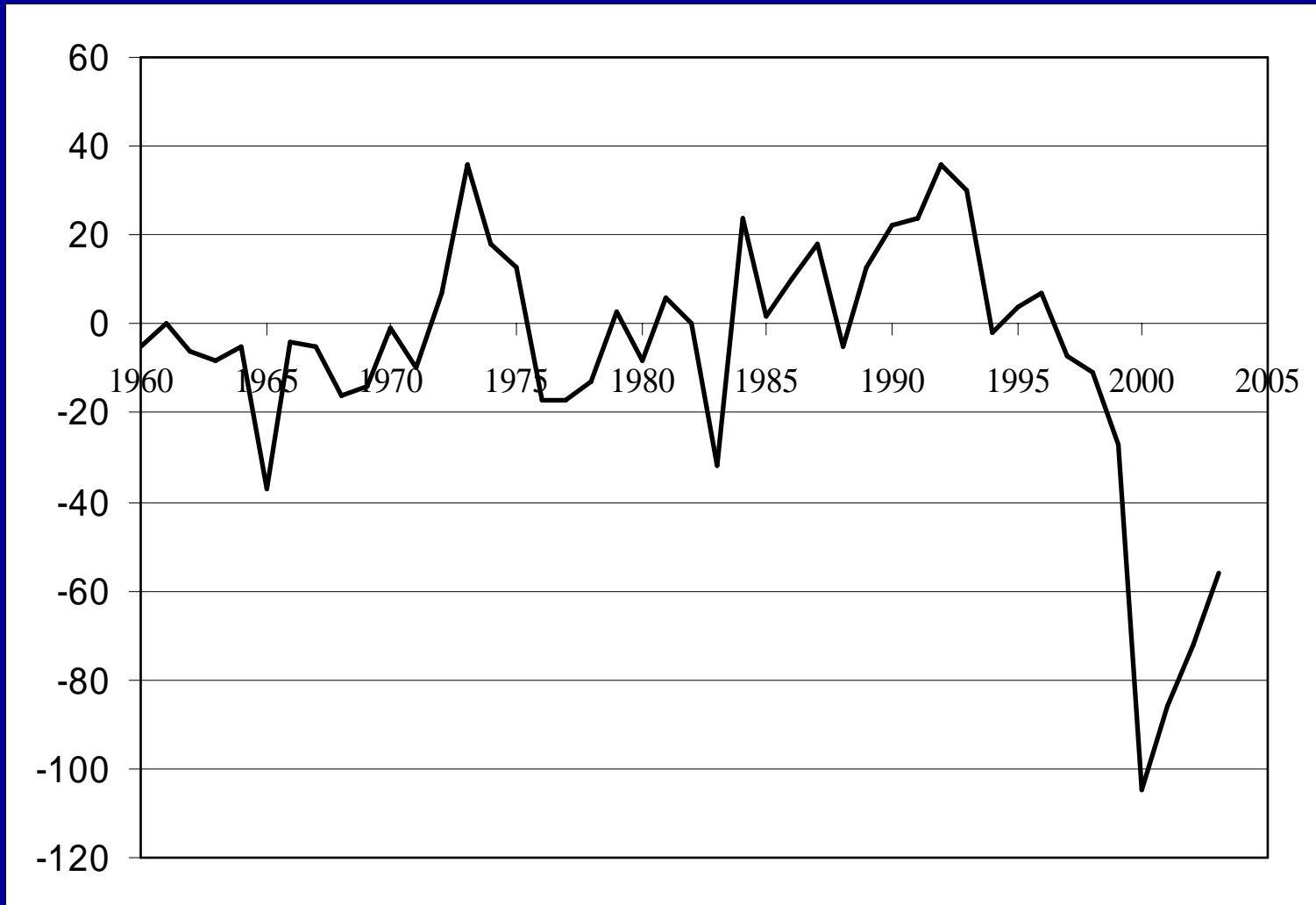


Includes: Innocence; Evidence; System-is-Broken; Mention of the Defendant

# Statistically Identified Issue-Frames



# 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

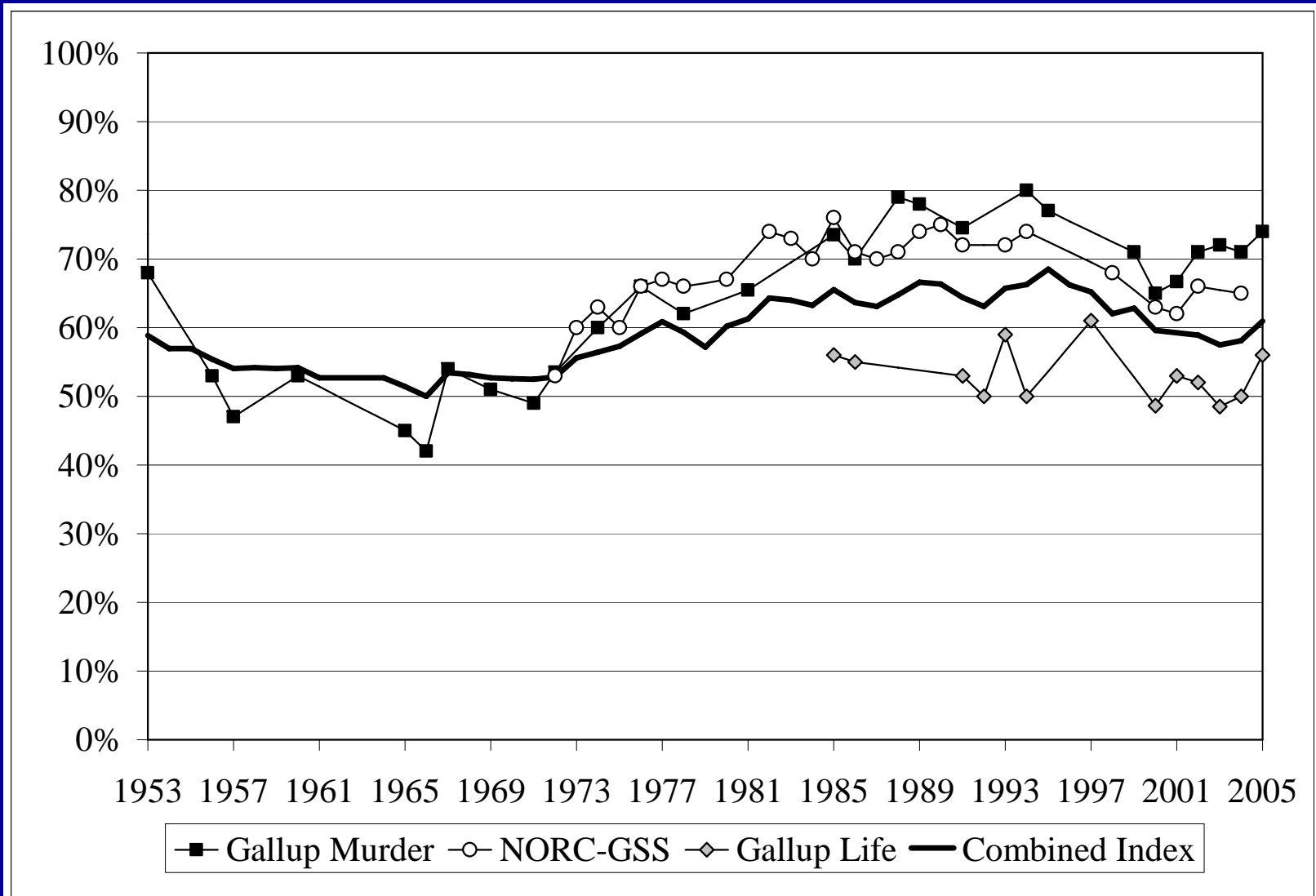
- Innocence frame is the single most powerful media frame in history
- It equals the constitutionality focus of the 1960s and 1970s
- It surpasses that frame in amount of coverage
- It brings together previously existing arguments, such as the racial disparity argument, but puts it in a new context
-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

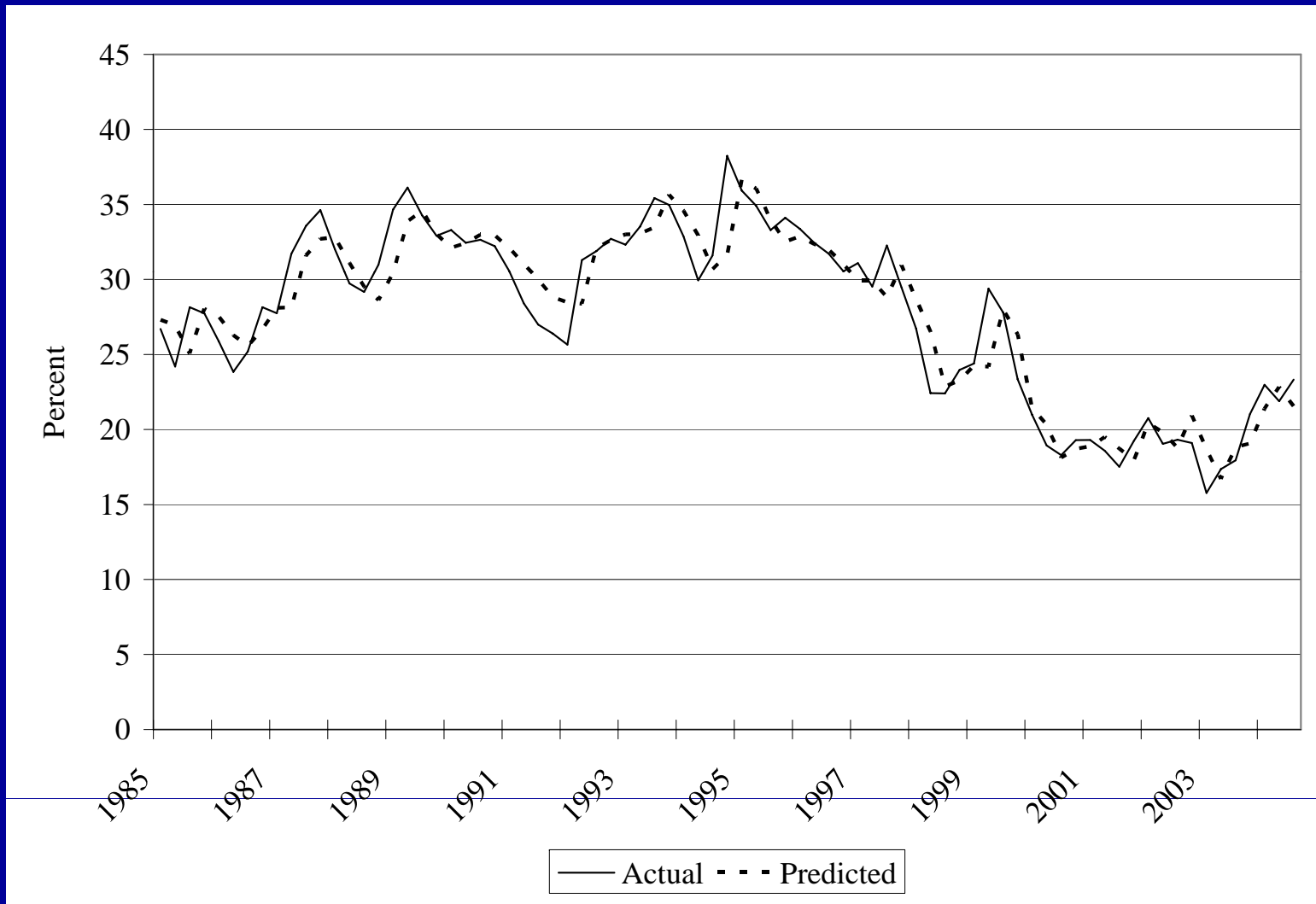
Net Public Support for the Death Penalty =  
2.033 (2.334)+  
0.732 x Opinion<sub>t-1</sub> (0.67) +  
0.058 x Net Tone of *New York Times*<sub>t-1</sub> (0.032) +  
1.11 x Homicides (thousands)<sub>t-1</sub> (0.51) +  
1.205 x major events<sub>t-1</sub> (0.843)

$R^2 = .887$  (N=79)

Note: Analysis is quarterly from 1985 q 1 to 2004 q  
3.

# Predicting Quarterly Opinion

("Net Opinion" = Approve – Disapprove)



# Interpretation

$$0.732 \times \text{Opinion}_{t-1} \text{ (0.67)}$$

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*<sub>t-1</sub> (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 x Homicides (thousands)<sub>t-1</sub> (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

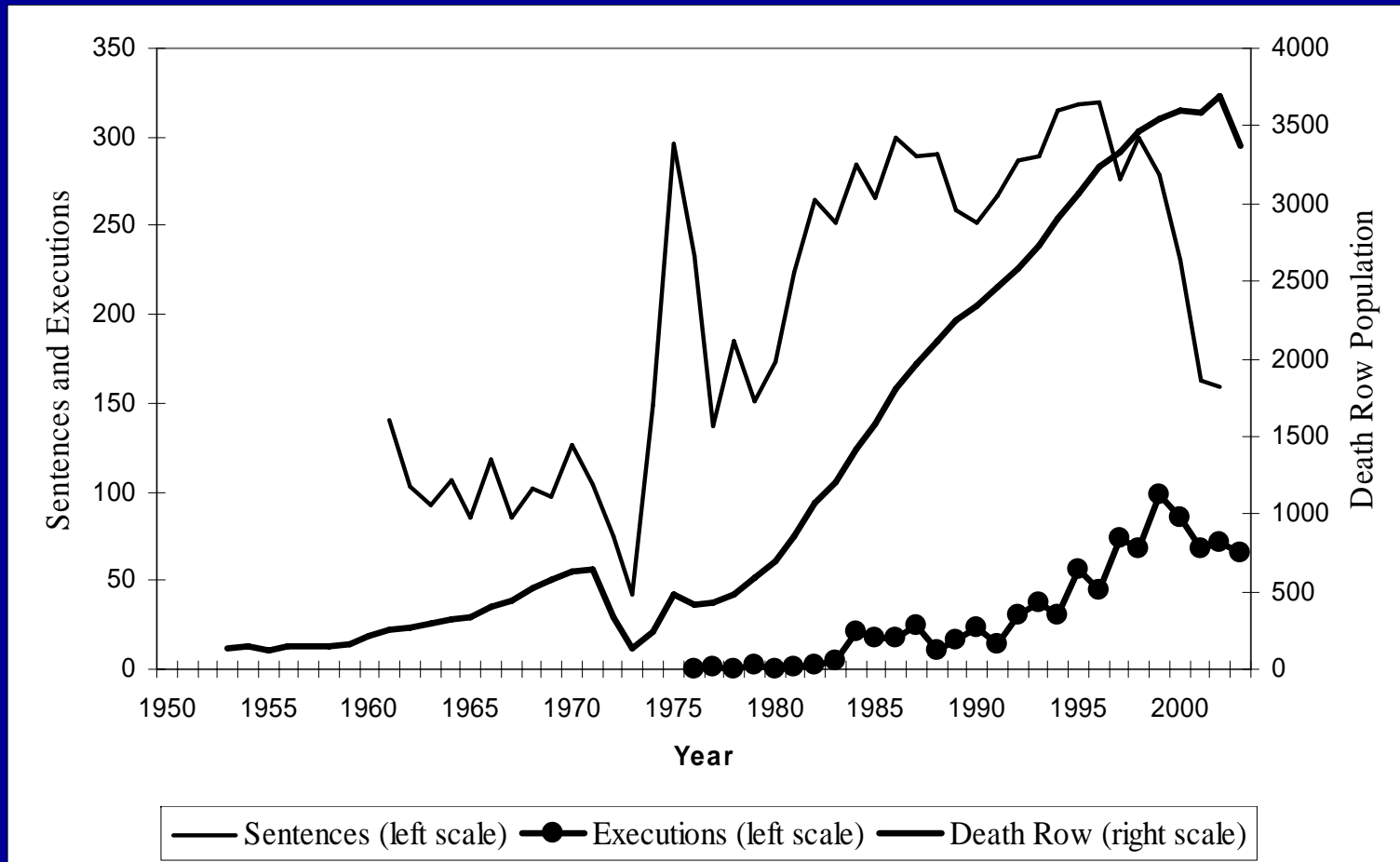
Juries not faced with a hypothetical question as posed in surveys

Juries presented with strong stimulus, not like aggregate public opinion

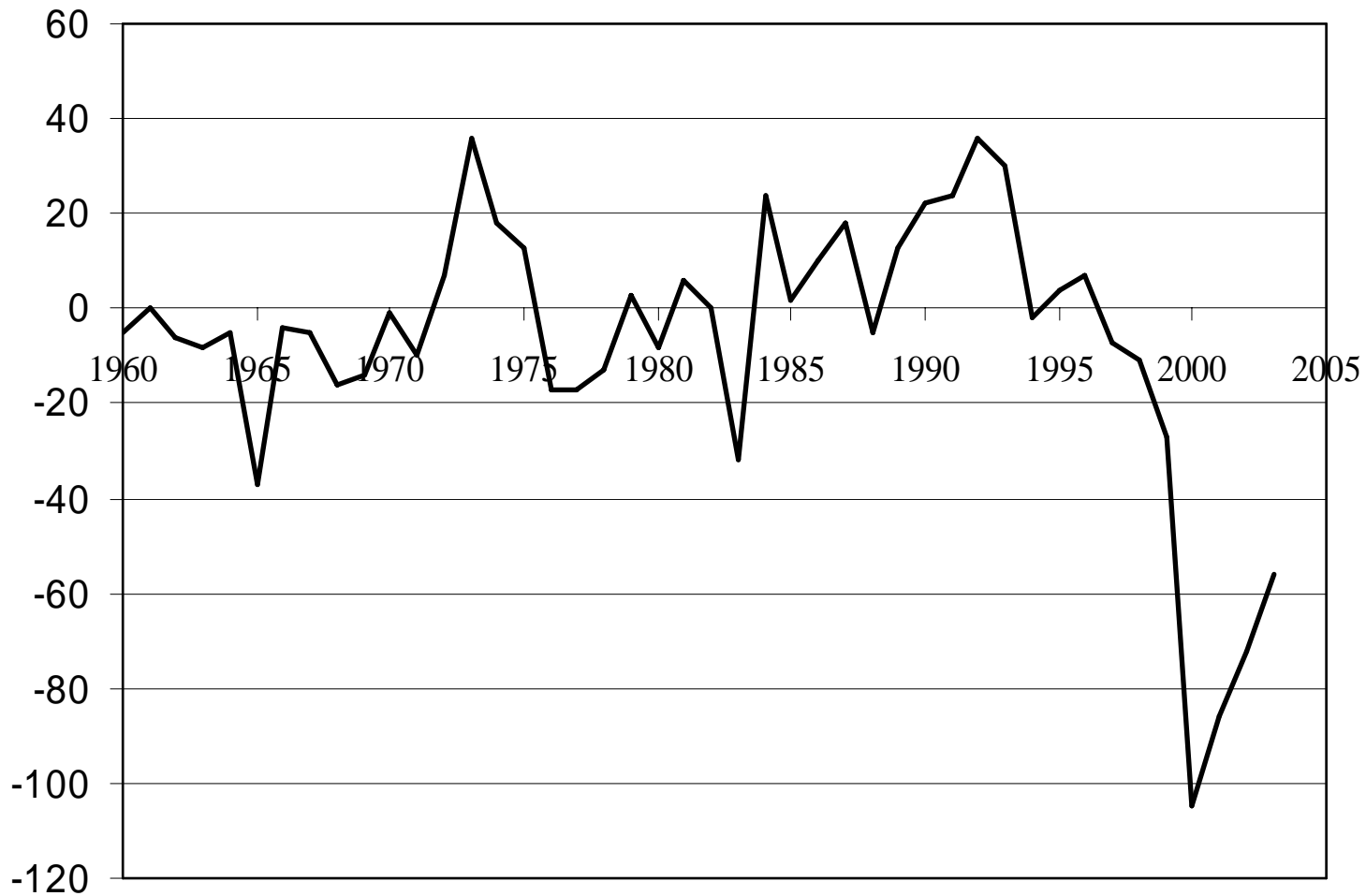
May be different, should definitely be less inertial



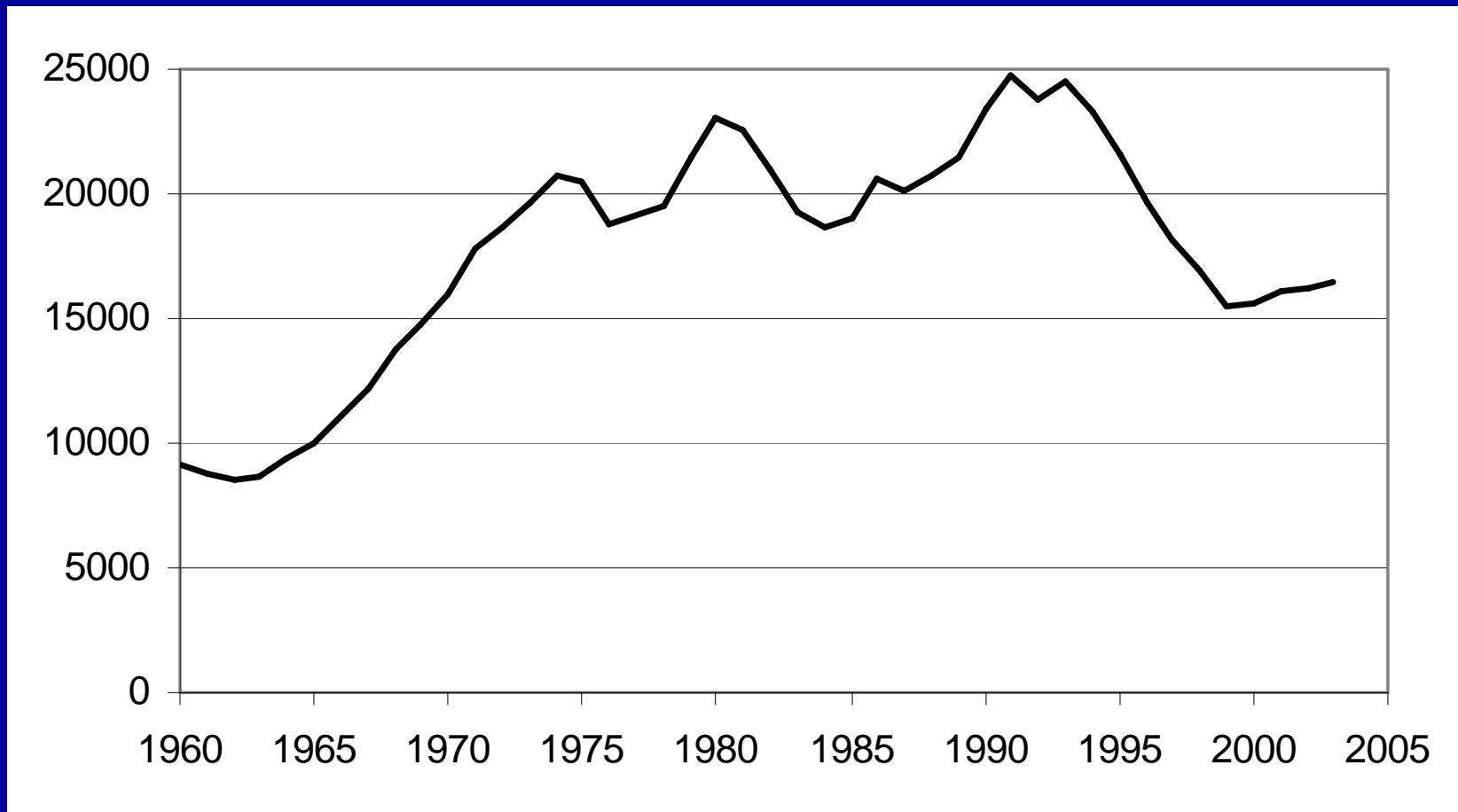
# Reminder, Death Sentences, Death Row, and Executions



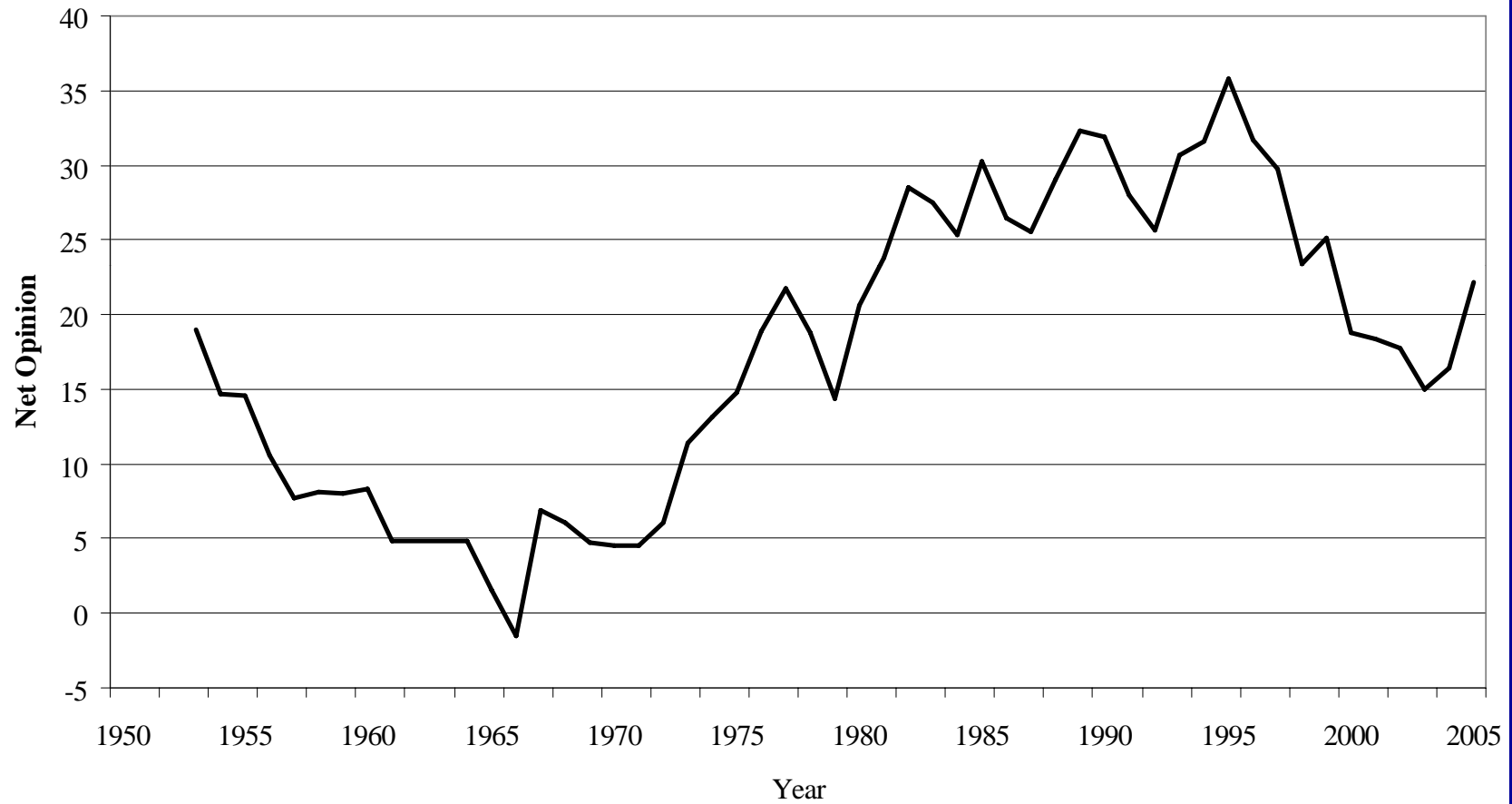
# Reminder: The Net Tone of *New York Times* Coverage 1960-2003



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



# Net Public Opinion, 1960-2004



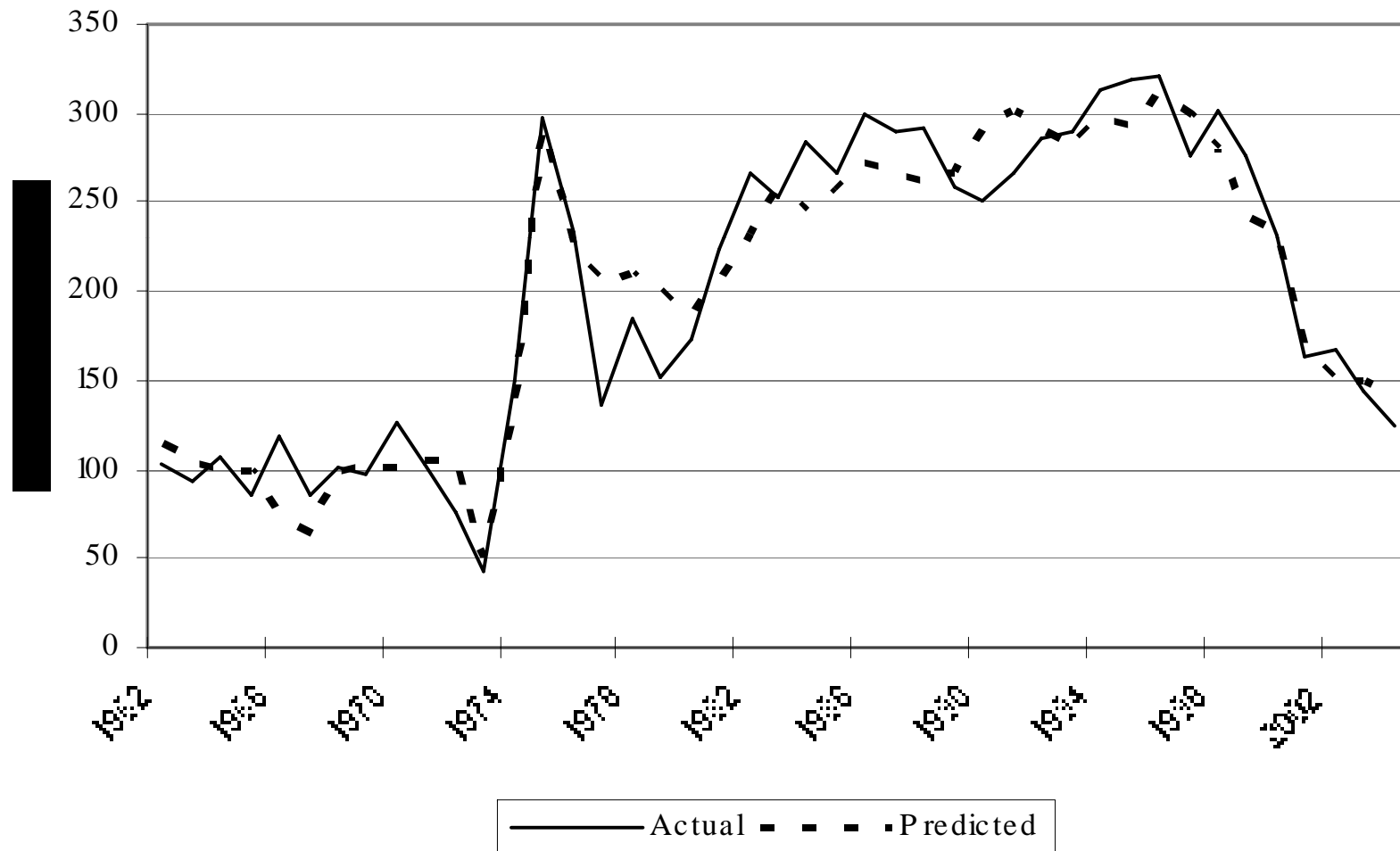
# Predicting Annual Death Sentences

Annual Number of Death Sentences =  
40.43 (22.25)+  
0.344 x Sentences<sub>t-1</sub> (0.099) +  
0.427 x Net Tone of *New York Times*<sub>t-1</sub> (0.147) +  
0.7 x Homicides (thousands)<sub>t-1</sub> (1.5) +  
4.267 x Opinion<sub>t-1</sub> (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.  $(1 / (1 - .344)) = 1.52 \times$  immediate effect)

# Interpretation

0.427 x Net Tone of *New York Times*<sub>t-1</sub>  
(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

.7 x Homicides (thousands)<sub>t-1</sub> (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.