Chapter 7

The Rise and Fall of a Public Policy

In Chapter 6 we demonstrated powerful framing effects on aggregate public opinion—specifically, how the innocence frame led to a slow but steady and cumulatively important decrease in public support for the death penalty over the last decade. In that chapter our focus was fine-grained; we used quarterly data to measure short- as well as long-term opinion responsiveness to the shifting foci of media attention. In doing so we eliminated counter-explanations for the decline in death penalty support that we have observed since the mid-1990s; in particular, neither executions nor exonerations help to explain this change. Homicides and the cascade of attention paid to the new innocence frame together explain the decline in support for the death penalty. The changes in public opinion that we noted in Chapter 6 were not spectacular; many people continue to view the death penalty in the same way that they always have. All members of the public have not been affected by the innocence frame, and the survey questions about the topic tend to elicit, we think, relatively general or generic reactions to the issue. We will see here that public policy and the behaviors of juries have been much more greatly affected by the innocence frame than aggregate public opinion. Further, even the modest shifts in public opinion that we documented in the previous chapter have a powerful impact on public policy. In this sense, public opinion itself contributes to the positive feedback mechanisms that are at the heart of an attention cascade. As more Americans come to question the logistics and the mechanics of the death penalty, slowly this begins to affect their neighbors even if some "opinion leaders" are quicker to be affected by the general trend than others. As

more members of the public look at the issue in this new way, public policy is also affected; these effects are also reciprocal, so we see the development of a positive reinforcement system.

In this chapter we focus on explaining changes in the annual number of death sentences handed down by judges and juries across the nation, and we look particularly at public opinion, media coverage, and the number of homicides in order to explain these shifts; our model of public policy parallels the one we used for public opinion very closely. Our analysis is unusual because we have a very clear measure of the state of public policy; in the political science literature on framing and policy outcomes, it is often difficult to measure policy outcomes clearly, but here we have a clear indicator. While many who are initially sent to death row are later released, have their sentences commuted, or are not executed for other reasons, the decision by a jury to sentence someone to death is a powerful policy statement, one of the most powerful our government ever makes. It reflects both legal mores and social concerns. For these reasons, we find the number of death sentences to be a singularly appropriate gauge of public policy in this area, and we use this measure as the dependent variable in our analysis.

We proceed by following the strategy employed in the previous chapter so that the structure of Chapter 7 parallels that of Chapter 6. We begin by recapping the history of death sentences in the United States. Then we analyze these trends systematically to determine the relative importance of media framing and homicide levels. We also assess the role of public opinion and events related to the death penalty—in particular, the constitutional ban on death sentences. We show that the number of death sentences, like the balance of public opinion that we examined in Chapter 6, is strongly influenced by each of these pieces of the death penalty system. Further, we show that the effects of the Net Tone of media coverage are substantively much bigger than homicide levels. Public opinion, which we showed in Chapter 6 to be affected

strongly by Net Tone, further drives death sentences, over and above the direct impact we observe. Our results provide strong support for the social cascade model. With more pro-death penalty media coverage come more death sentences; and with more popular support for the death penalty come more death sentences as well. Of course, the effects work both ways so our analysis helps explain both the rise and the decline of the death penalty over the past several decades.

Annual Death Sentences

Approximately 100 Americans were sentenced to death on average in each year from 1961 to 1972. The numbers varied widely during the years immediately surrounding the four-year constitutional moratorium on executions from 1972 to 1976. In the years following the reinstatement of capital punishment, annual sentencing rates rose in a regular progression from 137 in 1977 to 320 in 1996. Since 1997, however, death sentences have dramatically declined, reversing a twenty-year trend. Only 128 Americans were sentenced to death in 2005, less than one-half the number of nine years before. Part of our job in this chapter, as we have said, is to explain the variance in sentencing rates for the entire time period of our data, from 1961 to 2005. And in parallel with Chapter 6, we are particularly interested here in determining whether the dramatic decrease in sentences over the last decade can indeed be attributed in part to the redefinition of the debate which we have observed in the media. We further assess the role of public opinion in determining the number of death sentences delivered in the US each year, controlling for media framing and the number of homicides.

(Insert Figure 7.1 about here)

Figure 7.1 provides a detailed view of how sentencing rates have changed over time. We saw in Chapter 2 that the number of executions per year across America was high in the early

parts of the century, reaching a peak in the 1930s and just before World War Two. In the more recent period, however, Figure 7.1 makes clear that there were approximately 100 new death sentences per year before the 1972–1976 moratorium and that these constitutional decisions induced huge changes in sentencing. First, the decline in sentences directly before the moratorium indicates state anticipation of the concerns with the death penalty system that the Supreme Court would officially censure in 1972. Then, when the national tide turned quickly and strongly back in favor of the death penalty immediately after the moratorium was instituted, the states pushed an unprecedented number of sentences through the system, resulting in the spike we see in 1975. Following this spike, there was a steady and large increase in the use of the death penalty in the 1980s, leveling off at around 250 to 300 cases per year until 1996 when the series reached a peak of 320. In stark contrast to the previous three decades, since 1997 sentences have decreased such that by 2005 there were only 128: A decline of over 60 percent. In the world of policymaking, this is a decline of dramatic proportion.

The late 1960s and early 1970s were momentous times in US politics and social history, with riots, assassinations, anti-war protests, rising crime rates and a law-and-order reaction to many of these events. Rising crime rates and President Nixon's federal "war on crime" led to a dramatic shift in policy, reversing trends which had lasted more than a generation towards less use and support of the death penalty. The new politicization of crime policy led to both parties advancing "tough-on-crime" policies. These attitudes as well as increasing use and support of the death penalty would themselves last a generation, before being reversed, in turn, in the mid-1990s with the rise of the innocence frame. In the long-term perspective, which we presented in Chapter 2, it could well be that the period from the early 1970s to the mid-1990s will appear to be the anomaly.

Analyzing Death Sentences

The number of death sentences varies quite a lot over the last 40 years, considerably more than what we saw for public opinion in Chapter 6. This discrepancy between sentencing dynamics and opinion dynamics results, we think, from the hypothetical and abstract nature of the public opinion questions as opposed to the practical and concrete nature of decision-making on capital cases before juries. Citizen opinions on the death penalty are theoretical, based on relatively fixed core values applied to questions about capital punishment that are necessarily abstract and usually quite vague. As we saw in the last chapter, the most common question used to gauge Americans' views on capital punishment asks respondents if they favor the death penalty "in the case of murder." Without being pressed for specifics, people tap into their core values. These general opinions, as we discussed in Chapter 6, are difficult to budge. In contrast, citizens in a jury box are exposed to two kinds of information that influence the opinion formation process. First, jurors are asked to consider the death penalty not in the general "case of murder" but in the very specific case before them. The nature of the crime, aggravating and extenuating circumstances, and live testimonies—in addition to the experience of having personal responsibility for a defendant's fate—provide information that allows jurors to pinpoint their opinion in a specific case, not in general. While people's opinions in specific cases often mirror their abstract views, under the right circumstances specific and general opinions can differ in important ways. Second, jurors receive informational cues from prosecuting and defense attorneys alike that serve as education about the state of the criminal justice system and capital punishment in particular—a "crash course" in sentencing policy that average citizens do not receive. In times when the death penalty is accepted in the nation (and in legal communities) as just punishment, cues to this effect come through in the way each side of a criminal sentencing case presents itself. When the death penalty is under question, as it has been throughout the last

decade, prosecuting attorneys may back off from calling for the death penalty (or call for it with less conviction), and defense attorneys may highlight popular criticisms about the system in order to spark doubts of innocence in jurors' minds, even though the defendant has already been convicted. Thus, if we think of death penalty sentencing as "applied" opinion, we see why opinion in sentencing decisions has wider variance than opinion in the abstract, since jurors equipped with these additional pieces of information will respond more quickly to changes in—and framing of—the death penalty system than will Americans on average.

In this chapter we assess the responsiveness of death sentences to homicides and media framing, comparing these effects to those we found on public opinion in the last chapter, and additionally we assess the role of public opinion. Along the way we account for the effects of the constitutional ban on executions, which—as we noted above—affected death sentences as well. The correlation between Net Tone, our media framing variable, and sentences is positive but modest, r = 0.24. Still simple correlations are misleading if either another variable—perhaps the number of homicides—influences both media framing and the number of death sentences or if the relationship holds only under certain conditions. We test the hypothesis that media framing influences death sentences using a simple multivariate time series regression model deal with both of these problems and to estimate death sentences. In parallel with Chapter 6, we hypothesize that as violent crime rates increase, the number of death sentences should increase. Not only do the numbers of potential capital cases before juries increase with the number of murders, but also concern about crime increases with crime rates, leading to the view that more should be done to be tough on crime—namely sentence more people to death. As we noted in Chapter 6, exercising the death penalty is part of a tough-on-crime strategy. Also as in Chapter

6, we use number of homicides (measured in thousands) as reported in the FBI Uniform Crime

Reports as our indicator of violent crime rates.

New to this model is public opinion. Public opinion has been linked to political behavior

and public policy in a variety of settings (Erikson et al. 2002, Page and Shapiro 1983). As

individual opinions shift to favor new policy positions, behavior changes to reflect those

opinions. In the aggregate, change in the opinions of a small number of people can produce

dramatic change in overall behavior or policy. The conditions required for this shift to happen

are that the individual changes in the citizenry systematically favor one policy position and that

policy itself be clearly linked to individual opinions. The former condition is met in the case of

the death penalty in those periods of time in which public opinion is moving systematically in a

pro- or anti-death penalty direction. So in Chapter 6 we saw that especially beginning in the mid

1990s there was a relatively large amount of systematic change in public opinion; it became

more opposed to the death penalty. The second condition is met in the death penalty case as

well. Support of the death penalty in the general case is very clearly linked to support of the

death penalty in a particular case. While as discussed above it is possible to support the death

penalty in the abstract case and to oppose it in a particular case as a juror, both opinion and

policy deal explicitly with a policy position. Shifts in aggregate public opinion are noted in the

media, by politicians, and by others involved in the advocacy process; when they are shifting as

they have been in the past ten years, they provide another element in the social cascade.

Public opinion was shown in Chapter 6 to be influenced by both media framing and

homicide levels. So at a very basic level we hypothesize that the effects of both of these

variables may be in part direct, that is they may exert a straightforward influence on death

sentences, and in part indirect—they may influence the number of death sentences annually by

influencing opinion, which in turn influences death sentencing behavior. It is easy to imagine that as more of the public is opposed to the death penalty, fewer and fewer prosecutors choose to pursue it. Not only do more prosecutors themselves find it unpalatable, but also they anticipate that the likelihood of getting the death penalty is low enough that the time, effort, and political capital expended may not be worth it. Further, jurors themselves are more likely to be tentative in support of the death penalty because of the ownership they have over the sentencing verdict. In particular, they may be more open to the innocence argument. So, while in general not opposed to the death penalty—by law, would-be jurors who are categorically opposed to capital punishment may be eliminated during *voir dire* proceedings—jurors may be open to doubt in specific cases.[1] Defense attorneys, for example, may focus their arguments on instilling doubt about possible imperfections in the process, taking advantage of generally greater social awareness of the innocence frame among the general public. Our measure of public opinion is the annual time series created in Chapter 6.[2]

The machinery of the death penalty unsurprisingly responded to the constitutional ban on and reinstatement of the death penalty in 1972 and 1976, so we must incorporate these dynamics into our model. Legal restrictions on death penalty statutes associated with the constitutional ban on executions temporarily forced changes in the death penalty system. In the immediate aftermath of *Furman v Georgia* the number of death sentences fell in 1973 and with the anticipation of its reversal in *Gregg v Georgia* death sentences spurted in 1975, a year before the

---

[1] In its 1968 *Witherspoon v. Illinois* (391 US 510) decision, the Supreme Court ruled that "death-qualified" juries— juries comprised only of individuals who are willing to consider imposing a death sentence—are constitutional. In 1986, the Court again upheld the use of death-qualified juries in *Lockhart v. McCree* (476 US 162).
[2] We choose to analyze annual data here because while death sentences are handed down at a specific date—and thus theoretically available quarterly—they are not in fact recorded quarterly at the national level. We chose not to analyze the public opinion series annually for two main reasons. First, the annual data averages across interesting variation in opinion, and we were able to assess that with high quality quarterly estimates only since 1977. Second, the annual data requires us to model opinion during the moratorium period but the relation between these Supreme Court interventions and public opinion (as opposed to sentencing) is unclear.

death penalty was reinstated. We account for the beginning and end of the moratorium period with variables measured 1 in those periods to which they refer and 0 in all other time periods.

Our analysis covers the time period from 1961 to 2005. This gives us 45 years of data with which to work in testing our hypotheses. For each year we want to know whether we can predict the number of death sentences and the relative role of each of the variables in explaining the number of death sentences. Our analysis in this chapter relies on annual data—the unit of time in which death sentence data are reported—and covers a longer historical window than that of public opinion in Chapter 6. This allows us not only to assess the effect of the innocence frame, but more generally to assess the effects of media framing including during periods in which an "eye-for-an-eye" and constitutionality were the main topics of attention.

The model we estimate is a simple regression analysis of the number of death sentences as a function of the number in the previous period—recognizing the inertial nature of the number of death sentences each year—and the previous years' media framing, homicide level, and opinion, accounting as well for both the beginning and end of the moratorium period.[3] As such the modeling enterprise is simpler than in the previous chapter. We can, however, once again calculate long and short run effects and see how the effects of our variables play out over time.

Analysis

The results are presented in Table 7.1. As in Chapter 6, we focus our attention on the influence of media framing, comparing the magnitude of the estimated effects with those of the number of homicides. The entries in the table show the expected change for each unit-change in the row variable, this time on the number of annual death sentences.

(Insert Table 7.1 about here)

---

[3] The number of death sentences is large enough that the variable is approximately normally distributed so that OLS regression, rather than models designed especially for the unique problems associated with count data, is appropriate for the analysis.

Overall the model results look much like we expect them to. As was the case in the Chapter 6 analysis of public opinion, our model of death sentences shows significant inertia, here directly assessed by the size of the coefficient on the number of sentences in the previous year. The first coefficient tells us that when large numbers of people were sentenced to death last year, it is likely that a large number will be sentenced to death this year. In this case, the number of sentences in the previous year propagates forward at the rate of 0.316. The inertia has two important implications. First, the estimated effects of media framing and homicides presented in Table 7.1 represent only a portion—the short-term portion—of the effect each variable has on death sentences. To calculate the full effect we need to multiply the short-term effect by 1.46 (1 / (1–.316)). Second, it will take about four years for effects to reach their full impact. Why might this inertia occur? As we noted above, death sentences vary substantially in number over time, and yet these changes evolve slowly from year to year. We can think of at least two reasons that might be the case. First, the prosecutors making decisions about whether to pursue the death penalty tend to be the same from one year to another; only slowly are prosecutors replaced. Second, standard operating procedures in place in the justice system mean that the process is sticky, changing only slowly. These two facts contribute to the likelihood that the number of death sentences handed down in a given year will look something like that in the previous year. However, it is also clear that inertia is far from the full story here; change does occur. Further, the inertial factor here is significantly less than what we saw for public opinion in the previous chapter. (This is also clear from glancing at Figure 7.1, which shows less inertia than Figure 6.4 on public opinion.)

Consider next the effect of a change in Net Tone, our media-framing variable. The coefficient associated with Net Tone is .453 and is statistically significant. For every ten more

pro-death penalty articles in a given year, we expect over 4 more death sentences. But about 32 percent of this effect is carried forward in the next period and 32 percent of the remaining effect carried forward into the next year, and so on. The long run effect ends up being about 1.46 times the short-term effect. The total estimated effect associated with a ten-point swing in the pro-death penalty direction of the tenor of media framing produces an average about 6.5 death sentences ((10 x .453) x 1.46 = 6.61) after about four years. Note that this dynamic effect is considerably larger in numeric terms than that associated with public opinion. In that model (see Chapter 6), the long-term effect of 10 additional positive stories was about 1.5 percentage points movement in the pro-death penalty direction in public opinion; here the full impact is nearly seven death sentences. Further, there was no immediate effect of changes in Net Tone on public opinion. Here Net Tone exerts a significant—and substantively meaningful—effect immediately.

We can compare this effect to that of homicide levels, which also significantly predict number of death sentences.[4] Let's say that homicides increased by 1,000 in one year, a typical amount. With this increase in the number of homicides in a given year, the results suggest less than one additional death sentence the following year (1 x .817). Multiplying by 1.46, the total effect is estimated to be just one more death sentence (.817 x 1.46 = 1.19). These are very small substantive effects. Homicides showed a significant and powerful impact on public opinion in Chapter 6, but here we see no such direct impact.

---

[4] We estimated statistical tests—Granger causality tests—that allow us to test the null hypothesis that each of the processes we care about predicts the others. We find that homicide levels are predicted by the number of death sentences that occur in a given year. This finding means that the estimated effect of homicides on death sentences is, strictly speaking, biased. We find, however, that in estimating the full system of equations and interpreting effects in the context of a vector autoregression (VAR) we draw almost identical inferences as those produced by the simple regression analysis that we report here. Of particular note, Net Tone *is* weakly exogenous and, thus, unbiased. Given the complexities of the VAR, we choose to present the single equation in Table 7.1.

As we did in Chapter 6, we consider the effect of changes in the tenor of media coverage of the magnitude associated with interesting periods in history. Pro-death penalty coverage topped out in 1973 with the constitutional ban and again in 1992 with 36 more pro- than anti-death penalty stories in that year, before turning around and beginning a steady march in an anti-death penalty direction. In contrast, in 2000 there were 105 more anti than pro-death penalty stories in the *New York Times*. The range of Net Tone was thus 141. Multiplying this observed shift by the coefficients in Table 7.1 and we see that the turnaround predicts a swing of nearly 64 death sentences in the short term and just over 93 in the long run. That is, the shift in Net Tone that we observed from 1992 to 2000 corresponds to a decline of over 90 death sentences per year. These are large numbers indeed.

But how do these effects compare to those of homicides? Consider that the mean number of annual homicides is about 18,115 with a low of 8,530 (in 1962) and a high of 24,703 (in 1991). This range spans 16,173. We compute the short-term effects first, multiplying the range by the coefficient (.817 x 16.173 = 13.65) to get about 14 death sentences. The long run effect is 20 death sentences (13.65 x 1.46 = 19.9). This effect is not trivial, but it is far smaller than that of Net Tone.

We can compare the relative effects of homicides and media framing more precisely by comparing how comparable shifts in each influence the number of death sentences. But what is a comparable change? Since homicides and media stories are counted on vastly different scales and their variation is significantly different, we cannot simply compare the effect of adding one more pro-death penalty story with one more homicide. Instead, we compare the effects of a standard deviation change in each on the number of death sentences. A standard deviation change in media framing produces an expected change in sentences of over 20, while the

comparable change in homicides produces only an expected change of 5 death sentences.[5] We

see that Net Tone has an effect almost 4 times larger than that of homicides, using equivalent

measures of each.

Public opinion also plays a role in determining the number of death sentences in a given

year.[6] The estimated short-term effect of a one-point shift in net public opinion is to change the

number of death sentences by over five (5.06). The long-term effect of this change is over seven

additional death sentences (5.06 x 1.46 = 7.39). When public opinion becomes more pro-death

penalty, on average we experience more death sentences. When it becomes less pro-death

penalty, we experience fewer death sentences on average, as hypothesized. In fact, what we

present provides the upper bounds on the effects of opinion on sentences and we do not draw out

the dynamic implications of these shocks because of the mutual effects of sentences on opinions.

The positive and significant finding provides further evidence for the social cascade theory.

Media framing effects build momentum in the death penalty system, influencing sentencing

directly as well as indirectly through public opinion.

In addition to the effects of media framing, homicides, and opinion, Table 7.1 also

models the effects of the constitutional ban on death sentences. We find that the estimated

effects of the onset and end of the constitutional ban on the death penalty were to drop death

sentences by about 68 (estimated as 1 x –67.80) and to increase death sentences by 129,

respectively, controlling for the levels of homicides, Net Tone, and opinion that existed at that

time (1 x 129.49). These are contemporaneous effects and so again underestimate the total

---

[5] The standard deviation of Net Tone is just over 30 stories; that of homicides 4,508.
[6] As with homicides, we find that we cannot rule out the possibility that the number of death sentences influences opinion when we test that hypothesis using Granger causality tests. This finding means that our estimated coefficient on public opinion is biased. Using more statistically sophisticated techniques that handle this possibility—again the VAR—we find that the dynamic effects we report overestimate the effect of opinion somewhat.

effect. The total effect is the now familiar 1.46 times the contemporaneous effect, for the onset that is –98.99 and for the end of the moratorium that is 189.06. That structural changes to the death penalty system exert such big effects should come as no surprise. One reason to include these effects in the model is so that we know that the other effects we measure are in addition to these effects, not simply reflecting them.

As we noted above, the model explains most of the variation in the number of death sentences that we see take place in any given year. Figure 7.2 shows the predicted and actual values of death sentences. Our average error in predicting the number of death sentences is about 24. In some years we over estimate the number of death sentences—in the period from 1978 to 1982. In this period of mounting death sentences in the aftermath of the reinstatement of the death penalty our model doesn't do quite as well as during the remainder of the last forty years. In other years we under estimate the number of death sentences—in the mid 1980s and mid 1990s. But overall the model is quite strong. As we noted above, the model explains 93 percent of the variance in the number of death sentences per year. The general trends in death sentencing are well captured by the model and at no point does our estimated number of death sentences wander too far from those actually observed.

(Insert Figure 7.2 about here)

Having succeeded in modeling the system, next we follow the strategy of Chapter 6 to make further sense of the results. Specifically, we consider the values of death sentences predicted by our model under some alternative scenarios. We begin with values of sentences, homicides, public opinion, and Net Tone that the world has dealt us as a baseline and compare this to different scenarios. We ask: What would the number of death sentences have looked like if history had been just a little bit different?

(Insert Figure 7.3 about here)

Figure 7.3 shows the predicted number of death sentences from our model—the solid line—and that from two hypothetical scenarios (the first shown with black squares, the second with white triangles). We take the two scenarios of the last chapter and play them out here. In Chapter 6 we asked: How would public opinion have looked if Net Tone had not moved from its 1992 value? We ask this same question here but now with regard to the effect on annual death sentences: What would death sentencing have looked like in 1993, 1994 and so on through 2005 if media coverage had remained fixed at its 1992 value? Media framing of the death penalty in 1992 had a substantial pro-death penalty tenor, with 36 more pro- than anti-death penalty stories. Under this hypothetical scenario (the line marked with black squares), Figure 7.3 shows that the number of sentences would have been much greater than we have actually observed and that over time the gap between actual and predicted death sentences would have grown. This growth comes in part from the dynamic effect of sentences—the multiplying effect of lagged sentences on current sentencing behavior—and in part from the fact that actual media framing grew first less pro-death penalty and then increasingly anti-death penalty in nature from 1992 onward so that the gap between the hypothetical and actual values of Net Tone grew. Because all other variables continue to take their actual values, the observed difference is entirely due to the difference between the actual and hypothetical values of Net Tone and the dynamics of the model. The numbers would have declined (because homicides and public opinion moved), but not by as much. By 2005, the gap between observed and simulated is 67. From 1992 to 2005, holding Net Tone at +36 would have yielded a total of 516 more death sentences (the sum of the gap across all thirteen years).

The second scenario is given by the line with white triangles in Figure 7.3. Here, we hold the number of homicides constant at its 1992 value—23,760—nearly the highest recorded. The difference between this second scenario and the solid line of the baseline reflects the effect of the difference between the actual and hypothetical values of homicides. While the hypothetical values stayed near record highs, the actual value of homicides dropped in each year, hitting a low of 15,522 in 1999 before slowly increasing back to 16,692 again. Because the observed number of homicides was lower than under our alternative scenario in every year, the predicted number of death sentences in this hypothetical case was always more than that predicted by the observed data. Note, though, that this line is much closer to that based on the observed data. Here the predicted values under scenario 2 differ from the predicted values given the observed data by about 9 death sentences in 2005. The cumulative effect over the thirteen year period of our simulation is 73 death sentences. This is a small number based on such large differences between actual and hypothetical values of homicides and it is a much smaller number than that due to our hypothetical shift in Net Tone.

When we manipulate one variable at a time, the distance between predicted values based on observed and hypothetical values represents the effect of a single variable. In other words, the effect size that we see depends on the difference between the hypothetical values and the actual values of the variable as they unfold over time, as well as the estimated coefficients in Table 7.1. As an alternative, we want to consider what happens when we manipulate more than one variable at just one point in time. These results we present in Table 7.2, which parallels Table 6.2. The entries of the table tell us the projected effect of a reduction in Net Tone and homicides on the number of death sentences. The effect of a shock is symmetric so that the projected effect of an increase is the same size as that of a reduction, but in the other direction.

(Insert Table 7.2 about here)

We calculate the effect of a reduction in Net Tone of 50, exactly the same as in Chapter 6, and just under half its minimum value of –106 (and 2/3rds the size of the largest annual change, –78). We want to emphasize that this is a change of the kind we see in the data; it is reasonable to expect to see this type of change in media framing in the real world. In Chapter 6 we found the effect to be –7.45 in opinion. Here the effect is –33.07 sentences. Both effects are substantively large, although it is not obvious which effect is more so. We graph the effects of both the negative and positive shift in media tenor had they occurred in 1992 in Figure 7.4. This figure shows how the dynamics of this one time shock of 50 net stories play out over time. We can see that the initial effect is the largest because the lines representing the alternative scenarios flank out from the 1992 value and in the aftermath of the shift in tone we can see that there is a decay in its effect on the number of death sentences as the lines quickly resume parallel movement with the actual series.

(Insert Figure 7.4 about here)

The homicide manipulation is 8,000—four times that of Chapter 6, an equivalent number as we move from quarterly to annual data. This swing in annual terms would be quite large in a single year but reasonable over a three to four year period. Yet the effect on numbers of death sentences is much smaller than that of media framing, here just over 9.54 fewer death sentences. The combined effect of both shocks simultaneously occurring is the sum of the separate effects or about 43 death sentences.

Conclusions

Death sentences are a very important indicator of public policy, one that has changed a lot over this period, ranging from 50 to 327. In this chapter we have shown that this variation is highly

predictable. We know that it responds in parallel fashion with public opinion to the tenor of media attention and to homicide levels. It is particularly responsive to the tenor of media framing. In particular, the sentencing rate is almost four times more responsive to Net Tone than to homicides. Public opinion in turn also influences the number of death sentences. Each of these findings supports the theory that attention cascades can lead to dramatic policy change.

Taken with our knowledge of actual media coverage, we can say a lot about the nature of policy change with respect to the death penalty. The paths that homicides, media framing, and public opinion have followed in recent time periods have produced a dramatic decrease in the number of people sentenced to death. Declines in the number of homicides carried out and a consistent anti-death penalty tenor in media framing have pulled opinion in an anti-death penalty direction and both directly and indirectly—via public opinion—led to a reduction in the number of death sentences. They help us to understand the decline in the number of death sentences handed down by juries from 320 to 128. This conclusion is meaningful and, moreover, it is sensible. It also supports the attention cascade model by linking media framing to death sentences.

The innocence movement documented in Chapter 3 appears to have led to a shift in the focus of the death penalty debate, as we documented in Chapters 4 and 5. This redefinition in turn led to opinion shifts as documented in Chapter 6. Now here in this chapter we see the direct and indirect effects of the attention shift documented in Chapters 4 and 5 on policy outcomes. The story we tell draws first on real events and then on media's presentation of them, what we have referred to variously as Net Tone, media framing, issue-definition, and attention cascades. The consequence of these events and media framing, as we have shown, is fundamentally, but

slowly, to alter public opinion as well as public policy. This is a straightforward story, told with many tables and figures.

In Chapter 8 we pull the story together still tighter. We bring together each of the chapters and talk about their implications when taken together. We draw general lessons for our understanding about media attention and public opinion and policy. We also talk about the implications for the future of the death penalty. Here the implications may be large indeed as media attention and homicide levels move in an anti-death penalty direction.

Table 7.1. Explaining the Number of Annual Death Sentences, 1963–2005.

	Annual Death Sentences
Sentences $_{t-1}$	0.316^+
	(.097)
Net Tone $_{t-1}$	0.453^+
	(.137)
Opinion $_{t-1}$	5.059^*
	(1.069)
Homicides $_{t-1}$ (thousands)	0.817
	(1.437)
1973	-67.80^+
	(25.80)
1975	129.49^*
	(25.34)
Constant	$22.92^\#$
	(19.20)
R-Squared	.930
RMSE	23.97
StDev	83.70

Entries are regression coefficients; standard errors are in parentheses.
Note: * denotes p<.001, $^+$ denotes p<.05, and $^\#$ denotes p<.10, one tailed.

Table 7.2. The Impact of Various Scenarios on Annual Death Sentences.

Hypothetical Scenario	Projected Impact on Sentences
Reduce Net Tone of Media Coverage by 50	–33.07
Reduce Homicides by 8,000	–9.54
Both 1 and 2	–42.41

The table shows the long-term impact on the number of annual death sentences of each change in the independent variables (Net Tone and homicides) as listed. Note that we estimate the effects of a reduction in yearly homicides by 8,000 to match the quarterly reduction of 2,000 we used in Chapter 6. All the impacts are symmetrical, so the impact in the pro-death penalty direction would be equal in size to those shown here.

Figure 7.1. Annual Death Sentences, 1961–2005.
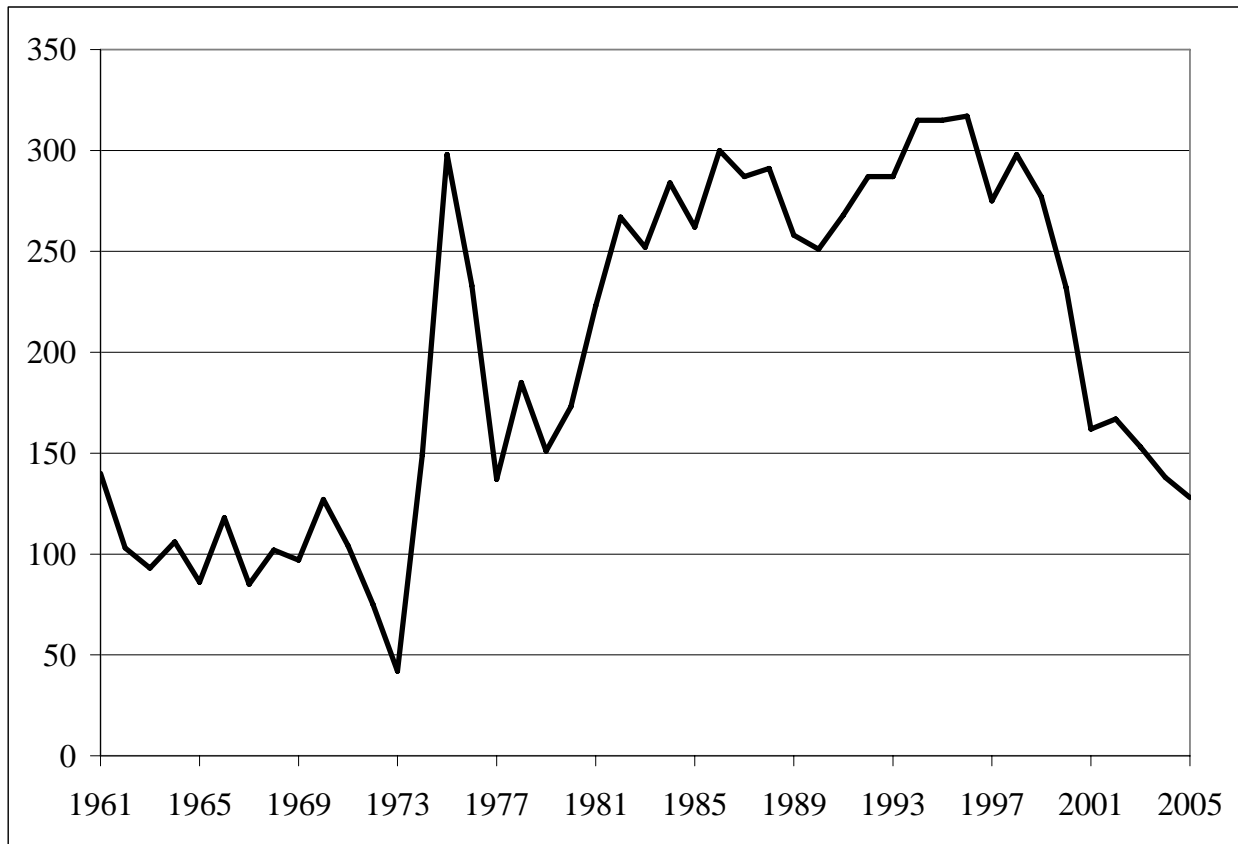
Source: Snell 2005.

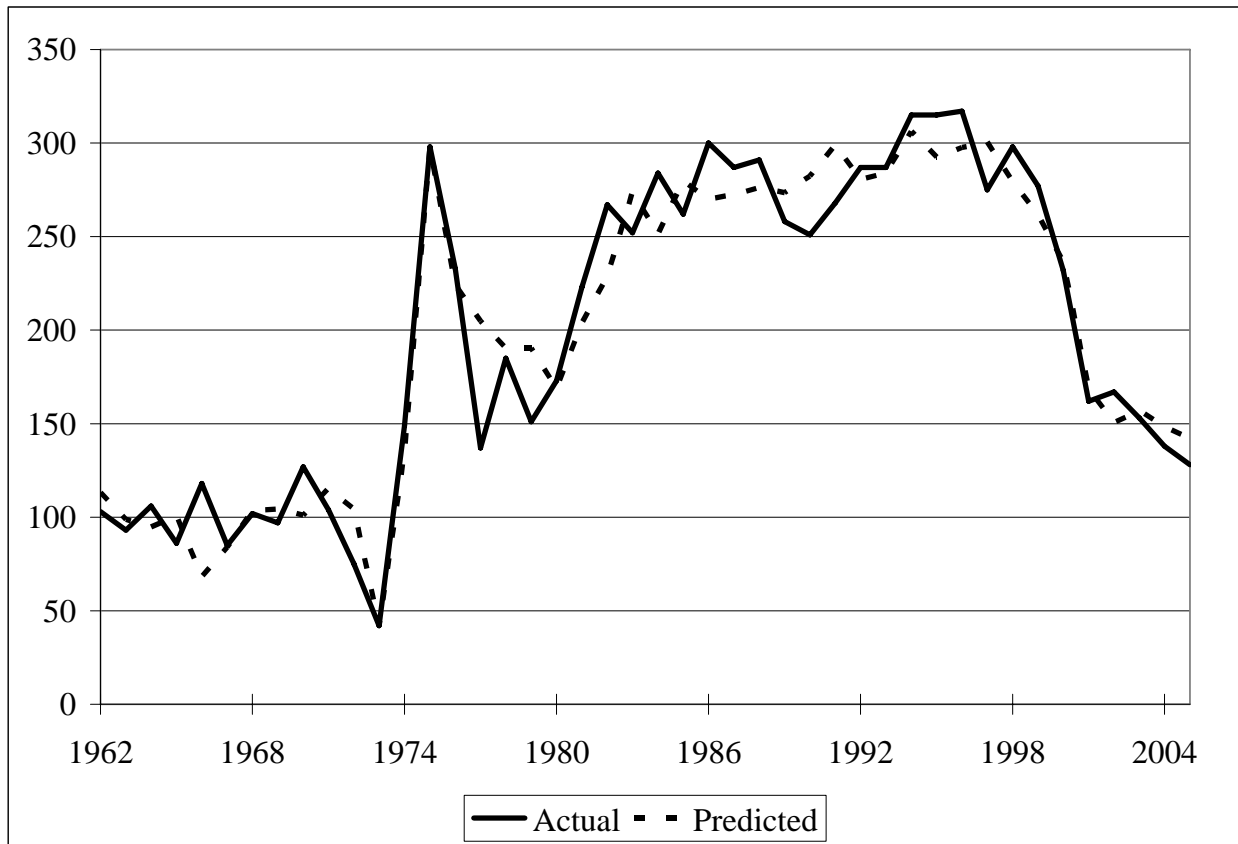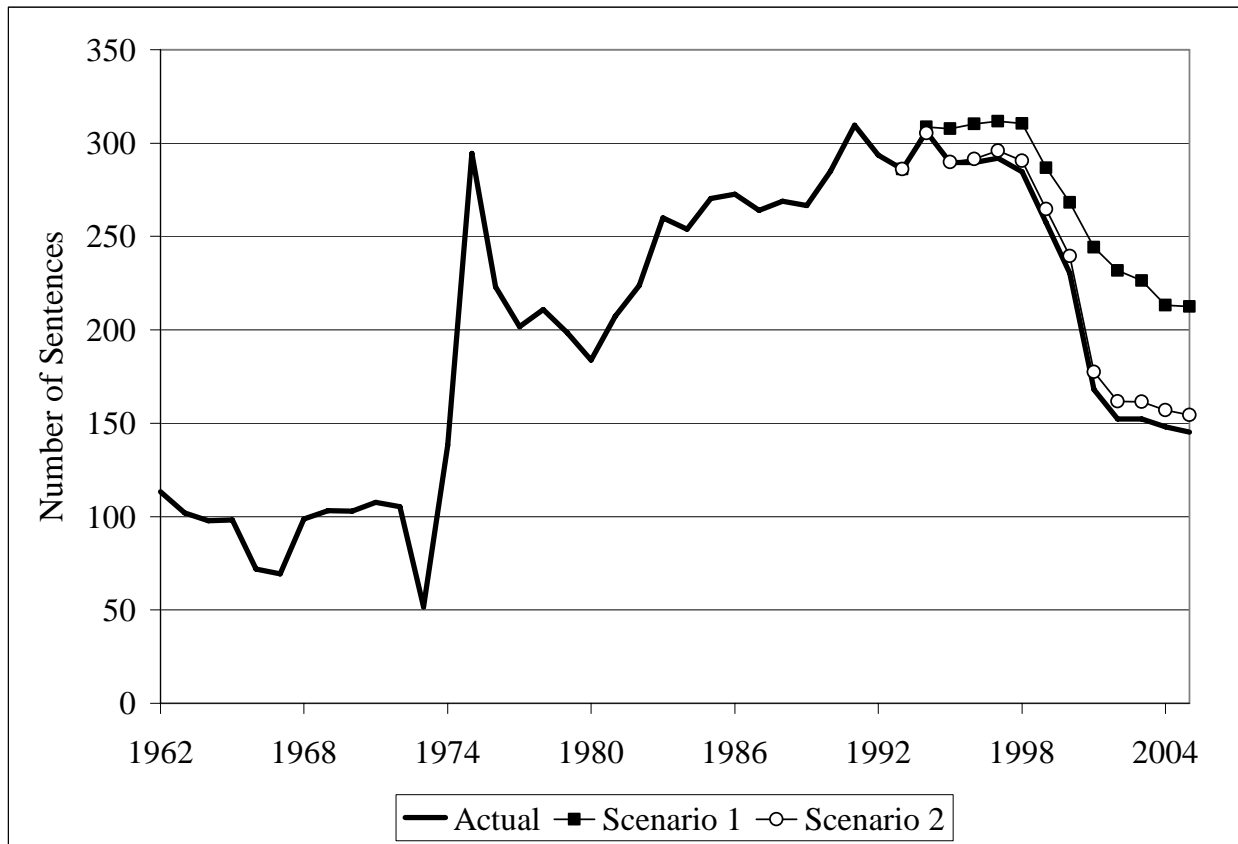Figure 7.2. Annual Death Sentences: Actual vs. Predicted Values, 1962–2005.

Figure 7.3. Simulating Death Sentences I.

Note: The figure shows simulated number of death sentences compared to our baseline prediction from Figure 7.2. Scenario 1 shows the predicted level of annual sentences if the Net Tone of media attention had achieved its actual value of +36 in 1992 and then remained constant at that level. Scenario 2 shows predicted sentences under the case where homicides reached their value of 23,760 that same period and then never changed. In each scenario, values for all the other variables in the model retain their actual observed values.

Figure 7.4. Simulating Death Sentences II.
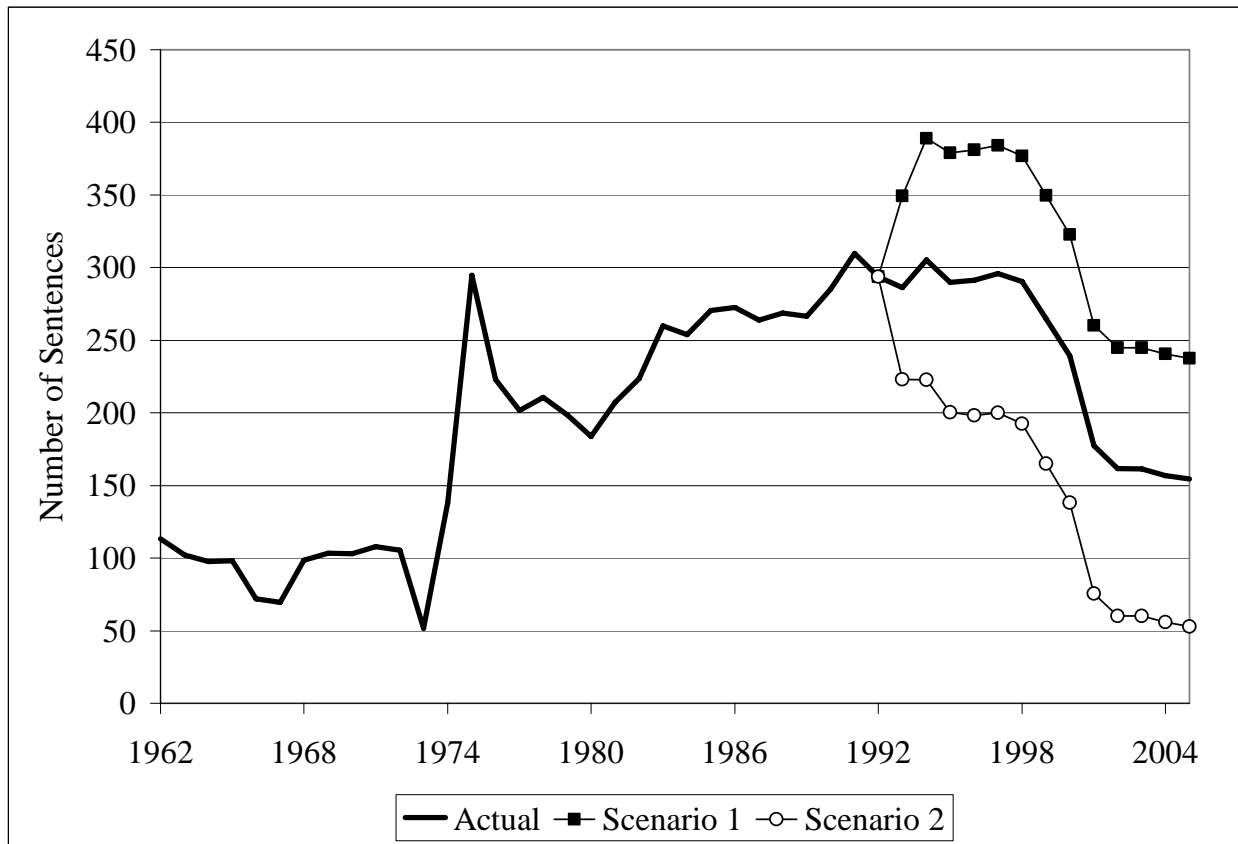
Note: The figure shows simulated public opinion compared to our baseline prediction from
Figure 7.2. Scenario 1 shows the trace that the sentencing rate would have followed if, in 1992
and thereafter, media coverage were 50 points more positive than actually observed and there
were 8,000 more homicides per year. Scenario 2 presents the opposite: media coverage 50
points more negative and 8,000 fewer homicides.