New York Times Capital Punishment Coverage, 1960–2003

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Project Description

The aim of this data collection project was to track media framing of capital punishment over time. To do this, we collected and coded paper copies of all abstracts of articles on the death penalty as listed under the heading "capital punishment" in the *New York Times Index* for the years 1960 through 2003, a total of 3,692 abstracts. Two coders worked independently to code the bulk of this data (1960-2002) with intercoder reliability of approximately 98 percent at the first level of coding (seven main categories plus one "other" category) and 92 percent at the second level of coding (67 distinct arguments). One of these coders then worked alone to update the dataset through 2003.

Codebook

We assigned each abstract one and only one code to capture the overall tone, or valence, of that abstract (e.g. pro-death penalty, anti-death penalty, or neutral) as well as one and only one code for the type of article being summarized (e.g., whether it was a news story, an editorial, a letter to the editor, etc.). Additionally, we coded each abstract according to its component arguments. Some abstracts included a number of different arguments or points of view, while others provided only a single line of information. We coded as many distinct arguments as were present in the abstract. Multiple codes were allowed for the following three categories: victim/defendant characteristics mentioned, crime-related topics mentioned, and discussion of the 67 specific arguments listed.

These 67 arguments are divided into seven main dimensions – efficacy (100s), morality (200s), fairness (300s), constitutionality and popular control (400s), cost (500s), mode of execution (600s), international issues (700s) – plus an "other" category (code 900). Within each category, the -00 code (e.g. 100) is used for general references to that dimension of neutral or uncodeable tone. The next set of codes (e.g. 101, 102, 103, etc.) are used to capture specific arguments within that dimension that have a pro-death penalty valence, and the -09 code (e.g. 109) is used when an abstract presents an argument that is not present in the list of specified codes but that is in support of the death penalty. Similarly, codes -10 and on (e.g. 110, 111, 112, etc.) are used for specific anti-death penalty arguments, and the -19 code (e.g. 119) is used for other anti-death penalty arguments in that dimension.

It is important to remember that many abstracts discuss victims, defendants, or dimensions of the capital punishment debate in a future-oriented or hypothetical sense. For example, the topic of an abstract could be proposed legislation that seeks to handle a specific crime (e.g. the murder of police officers) or future defendant (e.g. a juvenile) in a certain way. No crime has occurred; the crime or defendant are "theoretical" or "potential", but these topics and characteristics are coded in the same way as if the abstract were speaking about a death penalty case dealing with a murder which has already occurred of a police officer or a case dealing with juvenile defendant who has already committed a crime (receiving codes 31 and 10 in the former instance and 25 in the latter instance).

Tone:

In coding each abstract for tone, we distinguish between "explicit" and "implicit" valences. Explicit tones are only used if one or more of the following three conditions apply: 1) Someone, either the author or figure highlighted in the article, says specifically in the abstract that he or she supports or opposes the death penalty *generally*, applicable to all instances of the death penalty, 2) Someone states support or opposition to the death penalty in more than one instance (e.g. for all people who kill cops), 3) The facts presented in the abstract *enact* support for or opposition against the death penalty by broadening or narrowing the use of the death penalty (again, *generally*, as it applies to everyone or at least to a general "type" of case).

1. Explicit Pro-Death Penalty – used if the overall tone of the abstract is pro-death penalty and there is at least one explicit pro-death penalty argument
2. Implicit Pro-Death Penalty – used if the overall tone of the abstract is pro-death penalty and there are no explicit pro-death penalty arguments being made
3. Neutral – used if there is an equal number of points in favor of the death penalty (coded 1s and 2s) and arguments opposing the death penalty (4s and 5s), giving no more weight to explicit versus implicit points of discussion
4. Implicit Anti-Death Penalty – used if the overall tone of the abstract is anti-death penalty and there are no explicit anti-death penalty arguments being made
5. Explicit Anti-Death Penalty – used if the overall tone of the abstract is anti-death penalty and there is at least one explicit anti-death penalty argument
9. Tone not codeable – used if it is impossible to tell whether or not an advocate for or against the death penalty would be encouraged or discouraged after reading the abstract

Article Type:
1. News
2. Editorial
3. Op-Ed
4. Letter to the Editor

Mentions of defendant/victim characteristics:
10. Victim police officer/ criminal justice enforcement figure –prison guard, patrol officer, etc.
11. Victim child
12. Multiple victims
13. Victims' families mentioned
14. Victim woman
19. Other humanizing characteristic of victim – elderly, mentally or physically handicapped, etc.
20. Defendant terrorist/security threat – includes spies, assassins, and threats to national security
21. Defendant racial minority
22. Defendant mentally handicapped
23. Defendant woman
24. Defendant motherhood/fatherhood
25. Defendant juvenile
27. Defendant is humanized in other way (defendant has found God, detailed descriptions of last minutes on death row, description of defendant crying in the courtroom, etc.)
29. Other vulnerability of defendant – defendant is war veteran, foreign national, etc.

Mentions of crime, mode of execution, and legislation:

30. Mode of execution mentioned – e.g., electric chair, lethal injection, firing squad
31. Type of crime committed mentioned – e.g., murder, armed robbery; reference must state the crime by name (i.e., an abstract referring to "certain crimes" does not receive this code); any abstract which receives a 32 must also receive a 31
32. Violence of crime mentioned – for practical purposes, all abstracts that mention a second crime in addition to murder should receive this code (e.g. "rape and murder", "murdered victim while robbing a convenience store"), but this code may also be used to capture more subtle inflections of violence, such as the choice of verbs (e.g. "slaying" as opposed to "murder") at the discretion of the coder
40. Legislation Issues – used for abstracts that signal *upcoming*, *current*, or *recent* movement within a legislature to affect change in the status of the death penalty (e.g., new legislation, proposed legislation, a desire in a legislature to introduce new legislation – often in effort to comply with new Supreme Court rulings, etc.); examples of items that would <u>not</u> receive this code include "death sentence falls in line with California state law that mandates capital punishment for rapists", "Supreme Court limits role of state legislatures in deciding fate of death penalty cases", "California legislature abolished death penalty in 1985"

Dimensions of debate:

<u>Efficacy Arguments</u>
100. General efficacy arguments – effectiveness of capital punishment as system of punishment and deterrent; e.g., "new study examines effectiveness of capital punishment as crime deterrent"
101. Deterrence – the use of capital punishment deters crime
102. Incapacitation – capital punishment makes the U.S. safer by removing dangerous criminals from society
103. Problems with other methods – other methods are ineffective or not strong enough
109. Other pro-death penalty efficacy arguments – e.g., "editorial argues death penalty is effective and thus should remain intact"
110. Non-Deterrent – capital punishment does not deter crime
111. Alternate systems – alternate systems (e.g. life without parole) could be as effective or more effective in achieving the same results of punishment and/or deterrence
119. Other anti-death penalty efficacy arguments – e.g., "editorial argues death penalty to be ineffective", "capital punishment perpetuates more killing through a culture of violence"

<u>Morality Arguments</u>
200. General moral arguments – e.g., "Bush's death penalty record offers insight into his distinct views of mercy and justice"
201. Retribution – retribution is good; a person should be punished in the same way, or in equal amount as he/she punished another (eye for an eye)
202. Family wants/deserves justice or vengeance – families of the victims should be able to feel avenged for losing a loved one
203. A particular type of crime warrants the death penalty – e.g., "rapists like John Smith should be killed", "legislation proposed that would make terrorism capital offense", "extension

of capital punishment for arson and kidnapping in CA", "legislation is being proposed that would make legal or mandatory the death penalty for certain crimes"

209. Other pro-death penalty moral arguments – e.g., "death penalty is morally justified"
210. Killing/vengeance is wrong – killing is always immoral and capital punishment is no exception; e.g. "death penalty promotes vengeance and hatred", "the death penalty is barbaric"
211. Family opposed – the family of the victim does not want the defendant executed
219. Other anti-death penalty arguments – e.g., "the Pope denounced the death penalty"

Fairness Arguments
300. General fairness arguments – questions about the fairness of the legal system or the judicial process, general discussion of issues of innocence or a moratorium
301. Proceedings are fair – e.g., "Sen. John Smith argues that capital punishment trials have the most safeguards in place of any trials"
302. Abbreviate the process – the system cannot work because the (appeals) process is too long
303. Wrong convictions overstated – death penalty opponents exaggerate the number of wrong convictions; the system does not have a propensity for making mistakes
304. No blanket regulations on members of vulnerable populations – members of vulnerable populations, like children or the mentally handicapped, should not receive special immunity for their race, age, mental retardation, etc.
309. Other pro-death penalty fairness arguments – e.g., "capital punishment is fair"
310. Inadequate legal representation – e.g., "court appointed lawyers are paid so little that competent individuals refuse work, often resulting in only older or inexperienced lawyers handling capital cases", "there is no statewide public defender system and thus no oversight"
311. Arbitrary/Capricious Nature of Application – death penalty is applied in an arbitrary and capricious way (akin to lightning striking); even if factors are held constant in whether a person receives death penalty, sentencing is not applied consistently.
312a. Proceedings are racist – minority populations receive a disproportionate amount of inadequate defense lawyers, unfair trial proceedings, and/or death penalty sentencing; death penalty targets African Americans
312b. Proceedings are classist – defendants of low socioeconomic status receive a disproportionate amount of inadequate defense lawyers, unfair trial proceedings, and/or death penalty sentencing
312c. Capital punishment unfair to other demographic groups – used for discussions linking the incidence of inadequate defense and/or unfair trial proceedings with cases involving defendants of other demographics (gender, state committed, age of defendant, locality committed, etc.)
313a. Vulnerable Populations – it is unfair to subject members of vulnerable populations (juveniles, the handicapped, another population with a disadvantage) to the death penalty
313b. Mitigating factors – mitigating factors (defendant's personal circumstances/history) were not given proper consideration in a capital case; jury was given misinformation (that ended up hurting the defendant) about the defendant's history during the sentencing phase of the trial
314. Mandatory Sentencing Unfair – it is unfair for the system to sentence an individual to death automatically without taking the particular circumstances into account

315. No comparable punishment; many people (and jurors) would not choose to impose the death penalty if the legal system had another comparable punishment such as life without parole
316. Access to evidence – used for arguments that evidence (specifically, DNA evidence) did not get proper consideration in a trial; the process was unfair because the trial may have turned out differently if (DNA) evidence had been allowed.
317. Innocence in question; flaws lead to the possibility of falsely sentencing a person to death; as a system run by human beings, the capital punishment system cannot avoid making mistakes
318. Effectiveness in rendering justice – there are fairness problems within the system that must be examined; the death penalty system is broken and even though it may be "good" in principle, the US should establish a moratorium on executions, at least until the system is improved
319. Other anti-death penalty fairness arguments – e.g., "jury was not properly instructed to consider case evidence," "trial suffered from prosecutorial misconduct"

Constitutionality and Popular Control Arguments
400. General constitutionality/popular control arguments – e.g., "Supreme Court hears capital punishment case", "editorial discusses public opinion on death penalty"
401. Neither cruel nor unusual – the death penalty is neither cruel nor unusual
402. Due process and equal protection upheld – those laws that act as guidelines for capital punishment proceedings do not inherently violate right to due process or equal protection
403. Popular support/sovereignty – a jury is the manifestation of popular sovereignty, such that this body of peers has the right to punish as it sees fit; the will of the people should drive legislation should be coded in this way; the death penalty is supported by the people (e.g. "recent polls indicate that American approval for the death penalty has increased")
404. States' rights pro – state should maintain capital punishment jurisdiction; Supreme Court should leave the fate of capital punishment to the states; there should be no blanket rulings and Supreme Court decisions should not take precedence.
405. Federal jurisdiction (pro-death penalty) – the federal government has the right to step into a state's affairs to instate federal death penalty if state does not have capital punishment (in cases of terrorism, for example)
409. Other pro-death penalty constitutionality/popular control arguments – descriptions of decisions made by the Supreme Court or other court that are in favor of the death penalty in specific cases or that support for the extension or maintenance of the death penalty in general; discussions of jury composition such as who should or should not be allowed to sit on a jury; e.g., "Bob Jones disagrees with Supreme Court's decision to abolish death penalty"
410. Cruel and unusual punishment – under the 8th Amendment, the death penalty is cruel and unusual punishment
411. Violation of due process and equal protection; because it can so easily be confused with arguments in the 300 series, the abstract must make explicit reference to violation of due process and/or equal protection in order for this code to be applied; also used in any cases where foreign national or citizen of another country was denied due process and cases where international law was violated because of lack of due process

412. Popular Support Declining – popular support for the death penalty is declining or is lower than typically thought
413. State's rights anti/ States have the right not to use capital punishment – e.g., "governor argues that the Supreme Court should not be able to override State Supreme Court decisions against the death penalty"
414. Federal jurisdiction (anti-death penalty) – it is Constitutional for the federal government to step into state capital punishment decisions where necessary to disallow for or narrow the use of the death penalty
419. Other anti-death penalty constitutionality/popular control arguments – death penalty violates defendants' constitutional rights; e.g., "defendants feel coerced to plead guilty to avoid the death sentence", "individuals who believe in blanket sentencing regulations should not be allowed to sit on juries", "district court upholds death sentence"

Cost Arguments
500. General cost arguments – questions or issues regarding the cost of capital punishment
501. High costs worth it – the high costs of implementing the death penalty serve as evidence of giving the best trials and most safeguards
502. Cost of life imprisonment – it costs too much to imprison a person for life, and thus the death penalty should be used instead
509. Other pro-death penalty cost arguments – e.g. "capital punishment system is cost effective"
510. High costs not worth it – it costs too much to put someone to death, e.g. "legal proceedings can bankrupt a small town"
512. Cost of life imprisonment – it is less expensive to incarcerate a person for life than to attempt to use the death penalty.
519. Other anti-death penalty cost arguments – e.g. "the death penalty is too expensive"

Mode of Execution Arguments
600. General mode of Execution arguments – e.g., "state resumes use of electric chair"
601. Particular mode of execution just – there is nothing wrong with a certain mode of execution; the mode of execution does not violate the 8th Amendment prohibiting cruel and unusual punishment
609. Other pro-death penalty mode of execution arguments – e.g., "lethal injection is no more painful than a flu shot"
610. Particular mode of execution called into question – e.g., "the electric chair is inhumane"
619. Other anti-death penalty mode of execution arguments – e.g. "lethal injection is too kind, murderers should suffer painful and torturous death"

International Arguments
700. General international arguments – e.g., "death penalty editorial raises international issues"
709. Arguments from abroad that are pro-death penalty – e.g., "foreign minister applauds U.S. pledge to seek the death penalty in drug trafficking case"
710. Heat from abroad – e.g., "French prime minister urges U.S. to abolish death penalty"
711. Complications with extradition due to death penalty – "Canadian officials refuse to return defendant to U.S. to face trial if possibility of death sentence exists"
712. Foreign nationals should not be executed here – foreign citizens should not be executed by nature of the fact that they shouldn't be subject to the US laws

Other Arguments
900. Other arguments