

THE DECLINE OF THE DEATH
PENALTY AND THE DISCOVERY
OF INNOCENCE

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6 PUBLIC OPINION

IN PREVIOUS CHAPTERS we documented shifts in how Americans discuss the death penalty. In particular, we showed the sharp rise of the innocence frame in the mid- to late 1990s and how this new focus of attention redefined the entire debate. The shift in focus prompted citizens to consider the issue in new ways, leading to the potential for significant changes both in aggregate public opinion and in public policy. Changes in opinion and policy do not come easily in a status quo-oriented system, especially in cases like the death penalty, in which beliefs are firmly rooted in moral and religious viewpoints and in which policy plays out these views (Alvarez and Brehm 2002; Baumgartner and Jones 1993; Kingdon 1984; Poole and Rosenthal 1984). As we show in this chapter, public opinion on the death penalty is remarkably stable. The practice of sentencing criminals to death is as entrenched a policy in American political history as one could imagine, in large part because Americans have long supported the practice. And yet with enough momentum, attention cascades can produce dramatic shifts in opinion and policy, even in the hard case of the death penalty.

In Chapter 7, we examine the effects of attention cascades on policy as measured by the number of death sentences each year from 1961 to 2005. Here, our focus is on aggregate public opinion, and our time orientation is more fine-grained. We work at the quarterly level of analysis to model net public support for the death penalty (i.e., the percentage of Americans supporting the death penalty minus the percentage opposing it) as a function of framing (net tone), homicides, and major events in the history of the death penalty debate. The analysis we offer here provides an important foundation for the work we do in the next chapter, but it is important on its own. To our knowledge, ours is the first presentation of public opinion on the death penalty that uses information across hundreds of national surveys; moreover, we do so at the quarterly level, rather than the annual level that is the standard for policy opinion research. Our

understanding of the body politic tells us that although large changes are slow to occur in aggregate opinion on a topic like the death penalty, public attitudes rarely take a full year to react to stimuli such as homicides and media framing. A quarterly analysis, then, is appropriate. This more detailed analysis affords valuable insight into how aggregate views of the death penalty have functioned over time and the degree to which media framing has influenced these views. We show here important effects of media framing on public opinion, and in the next chapter we show that these opinion shifts have had additional effects on public policy.

First, we review what is known about who supports and who opposes capital punishment in general. Scholars have accumulated considerable knowledge about the individual-level correlates of support for the death penalty. Second, we consider how aggregate public opinion has changed over time. According to hundreds of polls conducted over many decades, most Americans support the death penalty, at least in the abstract. Opinion in this area changes only slowly, but it does change. We reconstruct the historical record of public support for and opposition to capital punishment based on hundreds of polls, showing periods when support has drifted up and when it has declined. The result is a single time series of aggregate net support for the death penalty. Then we analyze these trends systematically to determine the relative importance of innocence-related events, homicide rates, and the tone of media coverage. Results show that net support for the death penalty is strongly affected by homicide rates and the tone of media coverage. In fact, the overall impact of the net tone of media coverage, introduced in Chapter 4, appears to be equal to that of movements in homicide levels over the last forty years.

MOVING FROM THE INDIVIDUAL LEVEL TO AGGREGATE ANALYSIS

The vast majority of studies of public opinion on the death penalty analyze the opinions held by individual Americans, analyzing the differences between who supports and who opposes it; most studies identify the correlates of individual-level support. From this research we learn that opinions on the death penalty tend to be grounded in moral values and related to social conditions and to demographics, both of which are mostly fixed. This analysis suggests that we need not study over-time change in death penalty opinions, yet we do exactly this. Our approach is quite different from typical studies of opinion change, not only because we examine the dynamics of changing attitudes over time but because we focus on the balance of opinion on the death penalty in the public as a whole. Here we see orderly change in opinion as it unfolds over time in response to

changes in the nature of the debate and the facts surrounding it. How is it possible that when we study individuals, the overriding characteristic that we observe is constancy but when we study aggregates, orderly change appears?

Consider that when most people – call them group A – are constant in their opinions, public opinion follows a flat line over time. Opinions remain fixed, whether because opinions are grounded in fixed moral attitudes, because the public knows little, or because the public pays little attention to the flow of information on a topic. But when a small portion of the public – call it group B – moves systematically in response to the environment, group B's opinion moves up or down in response to new information. When a few citizens turn attention to the innocence frame or homicide levels and these pieces of information systematically affect their attitudes, these shifts produce predictable changes in aggregate opinion for this group. Merging together these two groups of citizens integrates the variance associated with a flat line with that associated with systematic change. The systematic change – the signal – is what we view over time, and in this case the signal is entirely the result of group B, those whose opinions are changing in response to changes in the environment. It is also possible that for some – group C – opinions are ambivalent. Group C's responses to survey questions about the death penalty are answered randomly in a pro- or anti-death penalty direction at any given point in time. This random response imparts noise in our aggregate time series of attitudes on the death penalty. Yet this noise does not interfere with the signal in the systematic movement of that second group of citizens, Group B. If the American public is made up of three groups, one with set attitudes that never change, one that is affected by factors in the environment, and one that is ambivalent or unsure about the issue, the result at the aggregate level is that public opinion as a whole will move in the same direction as that of the second group – even though all are not open to change, the net direction of movement of public opinion over time will be determined by the group that is affected by the systematic cues from the environment.

Focusing on public opinion in the aggregate takes us away from questions about what distinguishes one citizen's opinion from another's and instead leads us to the question at hand: What distinguishes how citizens, collectively, feel about the death penalty at one point in time from how they feel about the same issue at another time? The argument we lay out gives prominent roles to both media framing and homicides. It is important to note at the outset, however, the ways in which our analysis, at the aggregate level, differs from most studies of public opinion, which have an individual focus. Aggregates are made up of individuals, so we review these studies first.

INDIVIDUAL ATTITUDES TOWARD THE DEATH PENALTY

Public opinion always matters in a democracy, but it plays a particularly important role in the case of the death penalty. Compared with many areas of public policy, ordinary Americans have relatively firm opinions on the topic. What is more, the U.S. Supreme Court has recognized public opinion on the death penalty as a relevant consideration in determining whether the punishment is constitutional. In fact, the majority opinion in each major death penalty decision in the last century cited polling data by Gallup or other major survey houses in support of the ruling, whether for or against capital punishment. Dating back to *Weems v. United States* (217 U.S. 349) in 1910, the Court legitimized a dynamic interpretation of the Eighth Amendment to the Constitution, which forbids cruel and unusual punishment; an interpretation that “is not fastened to the absolute but may acquire meaning as public opinion becomes enlightened by a humane justice” (*Weems* 1910). This sentiment, indeed this exact quotation, was cited in the majority opinions of both *Furman v. Georgia* – the 1972 decision banning capital punishment – and *Gregg v. Georgia* – the 1976 decision reinstating the death penalty. In *Furman*, the justices specifically recognized the role of public opinion as one of the indicators of social values and, therefore, an indicator of “contemporary standards of decency.” In *Gregg*, the Court again focused on the will of the people, but this time concluded that as long as the penalty is not cruel and unusual – which the Court majority in this opinion said it was not – the Court may not override criminal legislation made by elected officials. The justices in the *Gregg* decision noted that “a heavy burden rests on those who would attack the judgment of the representatives of the people.” Later, in the *Roper v. Simmons* decision of 2005, the justices noted that a declining trend in state usage of the death penalty for juveniles was further indication of changing social values and, therefore, of constitutional interest. In sum, the importance of public opinion in determining the constitutionality of the death penalty means that public opinion survey data – reflecting how many people support the death penalty and why – are of intrinsic interest. Shifts in public opinion could affect the behavior of jurors, of elected leaders, and, most likely, future decisions by the Supreme Court.

Another reason public opinion on the death penalty matters is that citizens cast votes on the basis of candidate positions on the issue. Surveys indicate that voters both know presidential candidates' positions on the death penalty and cite them as very important in their voting decisions.¹ Politicians, too, are acutely aware of public opinion; as levels of support for the death penalty have historically topped 50 percent, politicians of both parties have touted their support for the policy. There are

several ironies related to public opinion on the death penalty. For one, the questions posed in public opinion surveys are highly abstract, but when juries are faced with the decision about whether to sentence a given individual to death, the question is anything but theoretical. In fact, as we argued in previous chapters, the movement away from a moral/constitutive frame in public discussion of the death penalty toward the innocence frame is related to this shift from thinking of the issue in the abstract to considering a concrete decision about a particular individual. (We note in Chapter 4, for example, the increasing number of newspaper stories mentioning the name of the defendant in the trial, and the linkage between this focus and an anti-death penalty tone; courtroom events and jury deliberations, of course, always relate to a particular individual sitting just feet away from the jurors.) Juries impose the death sentence only in a small fraction of cases in which it is considered, and only a tiny fraction of murderers are charged with a capital crime in the first place. Public support as measured in the polls, however, is much more sizable. If juries and prosecutors behaved in a manner consistent with what the polls seem to indicate, there might be thousands of executions each year; but of course we do not see that. The reason, probably, is that the polls typically ask about a distant hypothetical situation whereas actual cases as they are presented to the nation's juries are much more nuanced; an actual capital trial represents the polar opposite of the distant or the hypothetical. The second irony associated with mass attitudes here is that voters mention the death penalty with respect to their votes for president of the United States, but the president (and the federal government in general) has very little to do with decisions about the death penalty; these are typically made in state courts. In any case, despite these ironies, public opinion appears to matter.

Given its importance, it is not surprising that there is a large body of research examining both aggregate and individual-level opinion on the death penalty. Much of the work is descriptive, informing us about the character and depth of public support. We know, for example, that the public is largely misinformed about facts such as the frequency of the use of the death penalty, the manner in which it is decided, and the alternatives available to jurors (Bohm et al. 1991; Sarat and Vidmar 1976; Vidmar and Ellsworth 1974). We know, too, that proponents of the death penalty habitually allude to retribution and the cost of life imprisonment as reasons for supporting the death penalty whereas opponents tend to cite the potential miscarriage of justice (Bedau 1997; Bohm 1987; Ellsworth and Gross 1994, 1983; Gross 1998; Haddock and Zanna 1998; Radelet and Borg 2000; Tyler and Weber 1982). We also know that although abstract support for the death penalty for persons convicted of murder tops 50 percent, support for capital punishment falls when 1) respondents can select alternative punishments, especially when

coupled with some form of restitution to the victim's family; 2) the crime committed is not murder; and 3) the defendants in question are juveniles or mentally retarded, or, in many cases, simply when a defendant is named (Bowers 1993; Cullen et al. 2000; Durham et al. 1996; Ellsworth and Gross 1994; Fox et al. 1991; Vidmar and Ellsworth 1974). This last set of findings, about the humanization of the defendant, reflects our discussion in Chapter 4 about the nature of media coverage of the death penalty as well. Newspaper stories mentioning characteristics of the defendant are significantly more likely to carry an anti-death penalty tone.

In addition to these descriptive accounts of public opinion, a great deal of attention has also been paid to the question of who supports the death penalty – the correlates of individual-level support. The answers focus on the role of race (Halim and Stiles 2001; Young 1991 and 1992), religion (Grasmick and McGill 1994; Grasmick et al. 1992), and other demographic and political factors. Men, those with higher income, whites, Republicans, conservatives, members of the middle class, and those with lower levels of education tend to be more supportive than others of the death penalty (Ellsworth and Gross 1994). However, some research has found that after controlling for a range of attitudes, many of these socio-demographic differences disappear (Halim and Stiles 2001). Individual-level analysis has also examined the effect of the local environment in which people live, with the weight of evidence finding that murder rates in the community where a family lives predict death penalty support. That is to say, people living in areas with greater numbers of murders may be more supportive of the death penalty, controlling for race and other factors (Soss et al. 2003 and Taylor et al. 1979; but see Tyler and Weber 1982 for competing evidence).

A small number of state-level analyses consider the influence of political context in determining support for the death penalty. Crime rates (or the perception of crime) are at the center of these analyses. More crime, the argument goes, leads to the fear of victimization and the desire for “law and order” policies with tougher punishments for crimes. States with higher crime rates are more likely to have death penalty statutes, to execute those on death row, and to see strong public support for the death penalty (Jacobs and Carmichael 2002; Nice 1992; Stack 2000).² Additionally, Republican Party strength and conservative opinion climate are correlated with higher levels of support for and use of the death penalty. Percentage of minorities and percentage of urban population also explain state-to-state differences in the existence and use of the death penalty as well as the level of public support (Jacobs and Carmichael 2002; Nice 1992; Stack 2000). So we know a lot about state- and regional-level variations in popular support.

The first over-time analyses of death penalty opinion were conducted in response to the increased levels of support that followed the end of the

moratorium. Although analysis was largely anecdotal or limited to sets of individual surveys at different points in time, one finding emerged: Growth in the violent crime rate – and later, when crime rates leveled off and then dropped, change in perceptions of crime and its importance – precipitated higher levels of support for the death penalty (Cullen et al. 2000; Gross 1998; Warr 1995). A few analyses also considered trends in conservative and Republican strength, which were associated with harsher modes of punishment more generally and with greater support for the death penalty in particular (Grasmick and McGill 1994; Page and Shapiro 1992; Rankin 1979; Taylor et al. 1979; Tyler and Weber 1982).

Noticeably absent from studies of opinion is the role of media frames. Although scholars have identified historical periods in which particular types of arguments have been made (Bohm 1987; Radelet and Borg 2000), no one has systematically tracked attention to the arguments used in the death penalty debate and analyzed their relationship with public opinion over time.³ Of course, with the analyses we show in Chapters 4 and 5, we are in a position to do this here.

The absence of a single indicator of death penalty attitudes asked regularly over time has limited the ability of scholars to do more than talk of general trends in opinion or focus on geographical variation in public opinion as these relate to crime rates or other characteristics. But, as we will see, a great deal of information about Americans' attitudes toward the death penalty over time is available, and this information can be used systematically to identify the correlates of aggregate-level death penalty support. It also allows us to assess the role of media framing on public sentiment. In the next section, we introduce our time series of death penalty sentiment. From there we test our hypothesis that media framing influences opinion and we explore the causal dynamics of opinion more generally.

THE DYNAMICS OF AMERICAN ATTITUDES TOWARD THE DEATH PENALTY

Accumulated research has taught us a lot about the individual correlates of public opinion toward the death penalty. State and regional variations are clear, as are the individual-level characteristics that make some Americans more likely than others to support capital punishment. We know a great deal about who, at any given time, is more likely to support the death penalty, as well as the crimes or circumstances for which more Americans support it. By contrast, there is only scant literature addressing trends over time in levels of support. We know that, in response to general questions, support tends to be widespread. Also, it appears that this support fluctuates over time roughly in response either to crime/homicide rates or to fear of crime, although these trends have not been systematically

addressed. A number of difficult methodological issues, mostly related to changes in survey question wording, make it hard to assess public opinion clearly and precisely in this area over long periods of time. In this section, we attempt to solve these problems and to provide a more complete analysis of public opinion over time than has been done before. This analysis allows us to 1) know when opinion has moved up or down with regard to the death penalty and 2) assess the relative importance of media framing, controlling for homicides and other factors.

In the abstract, we know a great deal about Americans' opinions on the death penalty over time. Survey data are plentiful, but sporadic. Three survey questions have been asked of random samples of Americans more than a dozen times each, and we can chart general support for the death penalty beginning as far back as December 1936, when 61 percent of Americans "believed in the death penalty for persons convicted of murder" (Gallup). From November 1953 to May 2006, Gallup asked, "Are you in favor of the death penalty for persons convicted of murder?"⁴ 42 times, making this the longest-running single measure of public opinion available (in the figures that follow, we refer to this question as "Gallup Murder"). In addition, Gallup asked, "If you could choose between the following two approaches, which do you think is the better penalty for murder – the death penalty or life imprisonment, with absolutely no possibility of parole?" 18 times from 1985 to 2006 (we call this the "Gallup Life" series). Naturally, responses vary when the alternative punishment is made available as it is in this question, a point we explore below. Finally, as part of the General Social Survey (GSS), the National Opinion Research Center (NORC) asked, "Do you favor or oppose the death penalty for persons convicted of murder?" 25 times from 1972 to 2004 (NORC-GSS Murder). Because of its regular timing and identical administration, the NORC-GSS Murder question has been extensively analyzed, producing the closest thing to a time series on death penalty attitudes that exists to date. Together, the Gallup Murder, Gallup Life, and NORC-GSS Murder series represent the three most frequently asked questions tapping death penalty attitudes by any survey house, providing a great deal of information about death penalty support in the modern era. Figure 6.1 shows public responses to these three repeated questions.⁴

The Gallup Murder measure shows that nearly three quarters of Americans supported the death penalty for persons convicted of murder in 1953, the earliest year this question was asked.⁵ Support hovers around 55 percent – sometimes closer to 50 percent, other times to 60 percent – until 1974, when we see a gradual but steady increase in support, leading to a peak of 86 percent in 1995. After this date, support falls, ending at a low of 70 percent in 2006. The NORC-GSS Murder measure maps nicely onto this Gallup measure. During the period when both measures are available, they show substantial overlap, each moving upward in the 1970s and 1980s, and dropping markedly in the late 1990s, holding

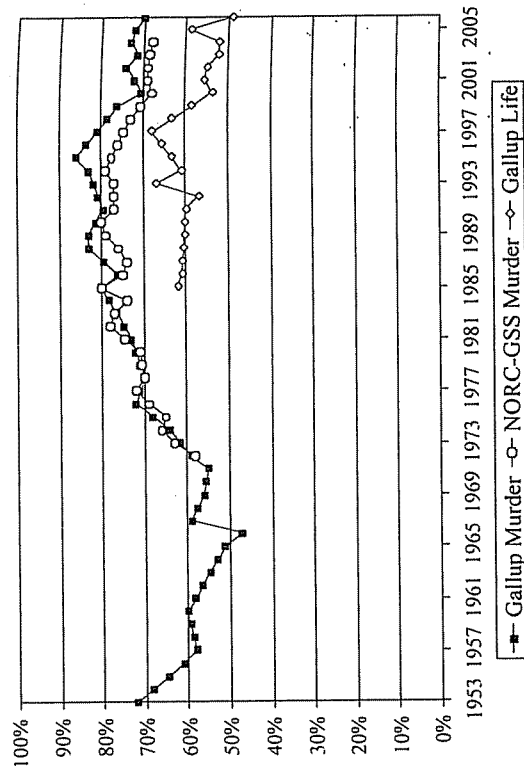


Figure 6.1. Public support for the death penalty: Gallup and NORC, yearly from 1953 to 2006. In years in which multiple surveys were conducted, simple averages are used.

steady at these lower levels during the most recent years. The correlation between the Gallup Murder and NORC-GSS Murder series is substantial: $r = 0.90$. The Gallup Life question consistently produces lower responses than do the other two questions, but the dynamics are strikingly similar. As we noted earlier, when given alternative and severe punishment options, Americans' opinions are not so staunchly supportive of the death penalty (Bowers 1993; Cullen et al. 2000; Durham et al. 1996; Fox et al. 1991; Vidmar and Ellsworth 1974). In fact, Figure 6.1 shows that answers to this question are much more evenly split, with just about half, rather than a majority, of respondents voicing support. Forty-eight of the fifty states do, in fact, offer the alternative punishment of life without parole, so the responses to this question may be more relevant to the actual situation, rather than the more general questions. We return to this question later. For now, there are two points: The Gallup Life question is available only for a short time period (much less than the other two questions), and responses to this question vary over time in strong parallel to those of the other two. It correlates highly both with its sister Gallup measure and with the NORC-GSS Murder measure, $r = 0.79$ and $r = 0.67$, respectively. Combined, these three surveys give us a good idea about the general level of support for the death penalty in America (high, though the precise level depends on the exact question) and how this support has changed over time. Clearly, different questions lead to different responses. However, there is substantial shared movement in the series no matter which particular question is posed.

Although these three data series tell us much about Americans' attitudes toward the death penalty, much of political time is left uncovered, and a systematic analysis of attitudes over time is not possible with any of these. Each survey item is missing data for too many time periods. It would be far preferable to have a single series with many more observations. Unfortunately, no single survey question has been asked more frequently than the three questions just reviewed. To build a single time series, we need to draw on information in additional survey questions that tap attitudes toward the death penalty and devise a method to compare trends in the responses to all these questions asked repeatedly over time, combining the responses not just from the three questions reviewed above, but from a much larger number. This process will allow us to recreate the history of public opinion toward the death penalty with much greater confidence.

For this task, we turn to the Roper archive, which has catalogued a wealth of publicly available survey data on the death penalty. From Roper we located sixty-seven survey houses asking some 350 different questions related to the death penalty between 1953 and 2006: a total of 763 surveys. Some of these questions were asked in such a way as to make them unfit for our analysis—for example, “As far as you know, do Catholic bishops in the United States favor or oppose the death penalty for persons convicted of murder?” and “In general, how would you rate the job the press has done in covering... the Supreme Court ruling that bans the death penalty for the mentally retarded... excellent, good, only fair, or poor?” Often questions were of state samples or other limited samples. These unusable surveys were excluded, leaving us with 292 separate times when the public was surveyed regarding their attitudes on the death penalty. Data come from not only Gallup and NORC but from a total of nineteen different survey organizations. Our final set of 292 surveys includes sixty-six different question wordings/survey house combinations. We exclude any question wordings that were used only once, as explained below.

We use a mathematical formula first developed by Professor Jim Stimson in his analysis of the “public mood” to create a single indicator from so many different series (see Stimson 1991, Appendix 1, for details on how he originally developed this method). Stimson was interested in a broad measure of the public's sense of liberalism or conservatism. He noted that in response to many questions, such as whether the United States was spending too much or not enough on education, health care, the environment, or other issues, different individuals would of course have different opinions at any given time. But when the average response of all Americans moved upward over time—indicating a more liberal position on government spending toward education, for example—the other series tended to move in the same direction as well. When one moved down, the other ones tended to move down as well. Each individual series was separate from the others, but they all shared some degree of common variation

over time. Stimson called this shared variation the “public mood” and developed a method of combining results from hundreds of different polls asking many different questions on similar but not exactly identical topics to measure the public mood very accurately over long periods of time. The great advantage of his method is that it makes use of so much information, literally hundreds of polls over time. His findings fit well with the accepted understanding of movements in the public mood or general ideological trends among the public over time – a knowledgeable observer seeing Stimson’s results would recognize that they reflect a qualitative assessment of historical periods when American public opinion was more liberal or conservative. The method works well, so for our particular situation, we adopt the techniques Stimson developed.

Each survey of the public regarding its death penalty attitudes provides important information, but how can we compare answers to one question with answers to a different question? The key is to look at shared trends over time. From 1973 to 1993, public opinion in the United States grew more supportive of the death penalty. This would be reflected in almost any question asked repeatedly in any national opinion poll. Each question, asked just once, may elicit different responses. When a question is repeated multiple times over many years, however, we can see how public opinion moves – up or down. For any given question wording, the series may have some particularistic variation (e.g., the Gallup Life question from Figure 6.1 is always quite a bit lower than the Gallup Murder question; this difference is clear from the figure). However, the series may have some shared variation with all the other series as well; we see precisely this commonality between the Gallup Life series and the other two we examined. The idea here is that if underlying public sentiments toward the death penalty are changing over time, this will be reflected, at different levels, in each survey question, no matter what exact question wording is used. Thus, we use the information from each data series to build a single measure of Americans’ support for the death penalty (see Appendix B for a full list of survey houses and questions used in our measure).

At the heart of the measure is the assumption that, regardless of its own peculiarities, each question asked by each survey house taps some aspects of the public’s latent, underlying attitudes toward the death penalty.⁶ Responses to each question should thus move in parallel over time, exhibiting common patterns of movement. This result is apparent in Figure 6.1. Although each series has its own average level and shows some seemingly random fluctuations associated with the sampling error related to any single poll, overall the three series also show considerable shared movement over time. Each share in the overall story about Americans’ changing attitudes. Covariation in movement across the various series is the key to creating a single measure of public support for the death

penalty over time. Two problems prevent us from simply averaging the percentage of people who support the death penalty: First, differences in question wording and methodologies across survey houses result in differences in measured levels of support. Second, there is a large amount of missing data; in many early years there are no survey questions at all. So the method must reasonably aggregate across the different series, and it must generate expected values for time periods during which no questions were asked, based on what we know about opinion in adjacent time periods as well as on the trends of opinion over time. This is a tall order, but we proceed!

Here is how we do it. Essentially, if the same question was asked more than once, we can see whether support went up or down. Of course, as Figure 6.1 shows, different question wordings will produce different responses at any given time, even if underlying attitudes are the same. So we cannot compare the answers from question A with those from question B. But we can construct a full set of comparable time series in the *degree of change* in the responses over time, in response to the *same question* when posed by the *same survey house*. If we rescale each series to some baseline, then for each year for which data are available, we can see whether, compared with the baseline, support was higher or lower, and by how much. Although the procedure is complicated, it allows us to make use of 292 surveys, producing vastly better estimates of the state of public opinion at any given moment than those derived from the simpler but much less complete series presented in Figure 6.1.⁷

With change ratios in opinions in hand, we can compute a simple weighted average of the change ratios in each time period. The resulting series may be thought of roughly as a weighted average of our illustrative three series from Figure 6.1, but making use of all 292 surveys that we have identified. The weights ensure that the questions that were asked more frequently and of larger samples contribute more to our resulting index than do questions that were asked only a few times or in relatively small surveys.⁸ The end result is a time series that captures latent attitudes toward the death penalty. We see this combined index in Figure 6.2.

Figure 6.2 replicates Figure 6.1 and adds our new index, based on all available information surveying Americans regarding their support of the death penalty. The first thing to note is that our new measure of American support for the death penalty moves in tandem with both Gallup measures and the NORC-GSS Murder measure. The new series correlates highly with each measure, $r = 0.96$ (Gallup Murder), $r = 0.86$ (Gallup Life), and $r = 0.92$ (NORC-GSS Murder), providing strong evidence that the algorithm captures latent support for the death penalty. Second, because our measure draws on more information, the series is smoother and longer – it allows us to connect the dots, start to finish, with a great deal more confidence than with the points based on either Gallup or

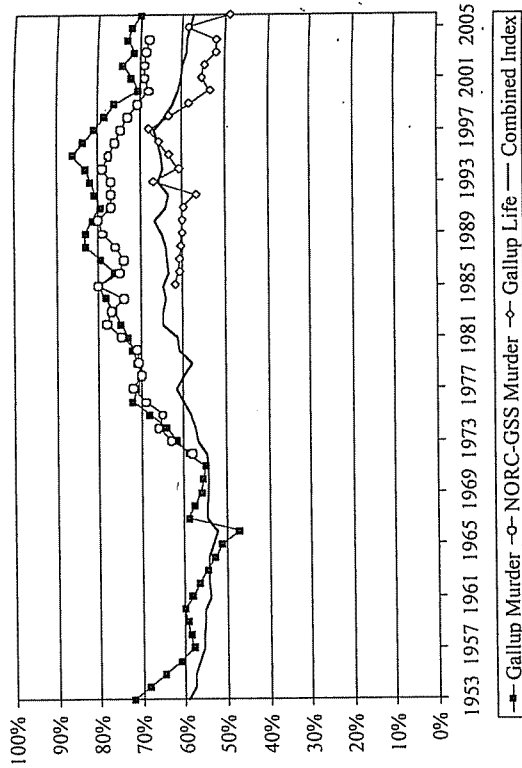


Figure 6.2. An index of public support for the death penalty, yearly from 1953 to 2006. The combined index was created by running raw death penalty survey data through the Wcalc algorithm written by James Stimson and using the optional smoothing function.

NORC-GSS alone. We see that our best estimate of the 1953 point is lower than the raw Gallup poll available for that year, given the information contained in all the other surveys, and that our measure is now on average about five percentage points less supportive than either Gallup or NORC-GSS in the 1980s to the mid 1990s. This reflects the lower levels of support voiced by the public for the death penalty in many questions that reflect specific circumstances. Yet the overall patterns are uncannily similar. Because the index is based on 292 different surveys, it is substantially more accurate than any single series could be. Each individual survey has a sampling variability associated with its sample size, usually in the range of plus or minus three points, so even if there were a single annual survey with identical questions asked repeatedly, we would still prefer to use our index. It makes the most of all the available information.

The combined index of public opinion that we construct has the value of getting the most out of all the information available to us, but it has one drawback: It is difficult to interpret. Movement of the index up or down is clearly significant, but readers should understand that the scale itself is ambiguous. Recall that the index requires that we compare questions that were posed with dozens of different question wordings so that we could note whether sentiment was moving in a pro- or anti-death penalty direction. But by combining so many questions, and taking all their values as compared with some baseline year, the actual values of our index are determined largely by which baseline we choose and what combinations

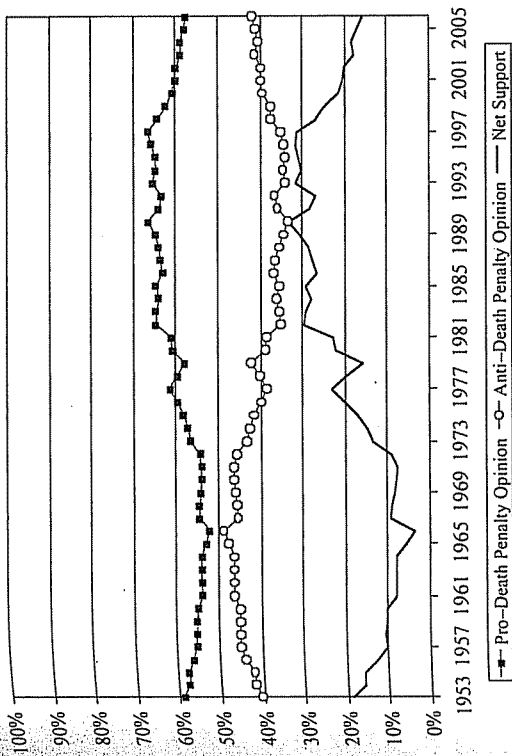


Figure 6.3. Indices of public support, opposition, and net support for the death penalty, yearly from 1953 to 2006. Support and opposition indices were created by running raw death penalty survey data through the Wcalc algorithm written by James Stimson and using the optional smoothing function. The net support index is simply the difference between these two indices (support minus opposition).

of question wordings happened to be available in the Roper survey data archive. Now, it is clear from Figure 6.2 that our overall index is not too far off the results one gets from a simple question such as "Do you support the death penalty for persons convicted of murder?" But note that it is consistently lower than this number. Further, it is consistently higher than the number received when Gallup has asked the question specifying the alternative possibility of life without the possibility of parole. In any case, we caution the reader not to make too much out of the absolute levels of our index of public opinion (e.g., 67 percent in 1997, 58 percent in 2005) but to focus instead on the direction and speed of its movement over time.

With these checks (and caveats) in place, we consider the more interesting substantive and statistical features of attitudes over time. First, what does our new series look like? We actually create three key series: Figure 6.3 shows our estimates of pro- and anti-death penalty opinion and net support, or the difference between these two opinions.⁹

The stability of public opinion surrounding the death penalty is remarkable. Many public opinion scholars are familiar with presidential approval ratings. Graphed over time, these series vary tremendously, sometimes trending downward in long slopes as a given president slowly loses public support, but often spiking sharply in one direction or another as particular