DEATH PENALTY OPINION IN THE POST-*FURMAN* YEARS

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INTRODUCTION

It hardly takes a scientific, nationally representative sample survey to know that public support for the death penalty in the United States has grown markedly in recent decades. For those who desire empirical confirmation, however, there are many such surveys and attitude polls from a variety of organizations to convince even the biggest skeptic.[1]

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1. Nationwide opinion polls concerning the death penalty are routinely conducted by the Gallup Organization and by the National Opinion Research Center as part of its General Social Survey. In addition, ad hoc surveys of nationwide samples have been conducted by Media General Research for the Associated Press and by Yankelovich, Clancy, Schulman, Inc., for *Time* magazine. For critical examinations of these and other polls, see Bohm, *American Death Penalty Opinion, 1936-1986: A Critical Examination of the Gallup Polls*, in THE DEATH PENALTY IN AMERICA: CURRENT RESEARCH (R. Bohm ed. 1991); Bohm, *American Death Penalty Attitudes: A Critical Examination of Recent Evidence*, 14 CRIM. JUST. & BEHAVIOR 380 (1987); Bohm, *The Effects of Classroom Instruction and Discussion on Death Penalty Opinions: A Teaching Note*, 17 J. CRIM. JUST. 123 (1989); Harris, *Over-Simplification and Error in Public Opinion Surveys on Capital Punishment*, 3 JUST. Q. 429 (1985); Vidmar & Ellsworth, *Public Opinion and the Death Penalty*, 26 STAN. L. REV. 1245 (1974); Wallace, *Bloodbath and Brutalization: Public Opinion and the Death Penalty*, 12 J. OF CRIME & JUST. 51 (1989).

The longest standing survey on death penalty sentiment comes from the Gallup organization. As shown in Figure 1, the Gallup results demonstrate sizable swings in public attitudes toward the death penalty.[2] Support for capital punishment declined during the more liberal 1960s to such an extent that by 1966 its opponents outnumbered its supporters. Since the early 1970s, nevertheless, support for the death penalty has grown to the point where today over three-quarters of the American public say that they favor the use of capital punishment for persons convicted of first degree murder.[3]

The purpose of this Article is not to rehash the apparent fact that the American public is strongly behind the reemergence of capital punishment in the United States. Rather, our intent is to explore factors which may underlie recent trends in public support for the death penalty. This Article will explore the question of whether support for the death penalty is fairly universal across demographic groups in this country or if there are subgroups of the population within which support is still shallow. Further, this Article will explore the question of whether trends in death penalty support can be traced to other trends in American society.

I.
METHODOLOGICAL APPROACH

A. The Shortcomings of the Gallup Poll

Our interest in examining population subgroups in terms of death penalty opinion is not novel. Robert Bohm, in a series of papers,[4] has analyzed aggregate statistics from the Gallup polls, showing that death penalty support is stronger among males, whites, Republicans, the wealthy, and westerners. Many of these respondent attributes are interrelated. For example, weaker death penalty support in the lower social class may be traced to some extent to the racial composition of that class. That is, blacks are overrepresented in the lower class and, as a group, blacks are less supportive of capital punishment. Thus, the greater opposition of lower class respondents to capital punishment in aggregate statistics may partly be a reflection of race differences. In short, the relationship between social class and death penalty attitudes may be spurious.

The existence of so-called spurious correlations is well-known in social research.[5] A researcher must constantly be aware of the potential for two

2. *See* Zeisel & Gallup, *Death Penalty Sentiment in the United States*, 5 J. QUANT. CRIM. 285 (1989); Gallup, *The Death Penalty*, 280 THE GALLUP REPORT 27 (1989).

3. A Gallup poll conducted during the 1988 presidential campaign found that 79% of respondents favored the death penalty for murder. Zeisel & Gallup, *supra* note 2, at 295.

4. In a series of papers cited, *supra* note 1.

5. A spurious correlation occurs when two variables are associated coincidently due only to the common influence of a third factor. For example, attitudes toward the death penalty and attitudes toward abortion are correlated, not because either attitude causes or influences the other, but because both are influenced by other factors such as liberalism or conservatism. For discussions of the issue of spuriousness in social research, see J. LEVIN & J. FOX, ELEMENTARY

variables to be associated because of the common influence of a third. In the case noted above, for example, the association between social class and death penalty support may be explained in part by the common influence of race.

A problem opposite to spuriousness can arise when a variable suppresses an association between two other variables. For example, Bohm notes the "surprising" fact that the South is the least supportive of capital punishment, even though southern states historically have executed more murderers and have had a higher rate of violence.[6] A reasonable explanation for this surprising fact is that the lack of support among southern respondents may be an artifact of racial and class effects. That is, were it not for the disproportionate number of poor and blacks in the South,[7] this region would show greater support for capital punishment. The relationship between region and death penalty attitude is therefore suppressed or confounded by race and social class variables.

Bohm was aware of these limitations when he interpreted his results.[8] Nevertheless, he was unable to confirm the extent to which correlations could be authentic or spurious because he only had aggregate-level data available. In other words, for each demographic variable, such as race, he had aggregate figures for the proportion of each subcategory that supported the death penalty, but he did not have data for each individual surveyed. Without such information, he could not do the cross-tabulations needed to assess the influence of a particular variable, such as social class, on death penalty opinion, independent of other related factors. In the case of social class and race discussed above, for example, one would need to compare the death penalty opinions of lower class blacks to those of lower class whites in order to isolate class differences from race differences.

We will use a multivariate approach in this Article. That is, using available sample survey data for individual respondents over an extended period of time, this Article will attempt to assess how overall death penalty attitudes in the United States can be linked to differences in such factors as age, race, sex, social class, education, religion, and political views, both individually and in combination.[9]

STATISTICS IN SOCIAL RESEARCH 332 (5th ed. 1991); *see also* T. HIRSCHI & H. SELVIN, PRINCIPLES OF SURVEY ANALYSIS 73-89 (1967).

6. Bohm, THE DEATH PENALTY IN AMERICA: CURRENT RESEARCH, *supra* note 1, at 13.

7. *See* Edelman, *The Next Century of Our Constitution: Rethinking Our Duty to the Poor*, 39 HASTINGS L.J. 1, 17 (1987).

8. Bohm, *supra* note 6, at 136-39.

9. Smith notes some of the confusion that can arise should one rely exclusively on bivariate associations between death penalty sentiments and various respondent characteristics. "Income was creating a spurious difference between the less educated and high school graduates, while suppressing the relationship between the college educated and high school graduates, and between the middle and wealthy groups and the less well off." Smith, *A Trend Analysis of Attitudes Toward Capital Punishment, 1936-1974*, in 2 STUDIES OF SOCIAL CHANGE SINCE 1948 278 (J.A. Davis ed. 1975).

B. *The Suitability of the NORC Survey*

The National Opinion Research Center's [hereinafter NORC] cumulative General Social Surveys [hereinafter GSS] for the years 1972 through 1988 constitute the data used in our analysis. There were fifteen surveys in all. Each survey had approximately 1,500 respondents and each included a question concerning support or opposition to the death penalty for persons convicted of first degree murder. Surveys were not conducted for the years 1979 and 1981.[10] In total, nearly 23,000 observations were analyzed.

Besides issues of cost and accessibility, several factors motivated our selection of the NORC series rather than the longer-standing Gallup series. First, it was of only modest concern to us that the NORC data do not extend prior to 1972. While the fact that the Gallup data are available back to the 1930s might provide some historical anchors, improvements in survey methodology over recent decades makes us somewhat wary of the earlier Gallup data. More relevant for our purposes, we are primarily concerned with the post-*Furman*[11] years, during which time support for the death penalty has grown significantly. Not only is the time span differential between the Gallup and the NORC series of minimal concern to us, but the NORC data have certain advantages as well. The NORC surveys were more uniform from year to year than the Gallup polls, lending greater credence to their comparability.[12] More important, the NORC files are far more expansive in the number and range of variables included.[13] That is, for the purpose of our multivariate analysis, more background and attitudinal measures of the respondents are supplied by NORC surveys.

Finally, it should be noted that our approach has parallels to a recent paper by Zeisel and Gallup[14] which analyzed the 1985 and 1986 Gallup survey data on the death penalty in a multivariate analysis of death penalty opinion. While Zeisel and Gallup's paper represents the first fully multivariate approach to death penalty sentiment, it lacks a longitudinal perspective.

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10. Also, a slight and insignificant change in the wording of the death penalty question was introduced after the 1973 survey year. For the 1972 and 1973 surveys, the death penalty question was worded: "Do you favor or oppose the death penalty for persons convicted of murder?" Starting with the 1974 survey, the question was modified slightly: "Are you in favor of the death penalty for persons convicted of murder?" *See* J.A. DAVIS & T.W. SMITH, GENERAL SOCIAL SURVEYS 1972-1988: CUMULATIVE CODEBOOK (1988).

11. Furman v. Georgia, 408 U.S. 238 (1972).

12. Among the 25 death penalty surveys conducted by the Gallup organization between 1936 and 1988, eight different wordings for the death penalty question were utilized, and the differences between them are far from trivial. If one were only to use surveys that employed the same question (for example, the 17 surveys that included the question "Are you in favor of the death penalty for persons convicted of murder?"), data would be sporadically available for the years 1953, 1956, 1957, 1960, 1965, 1966, 1967, 1969, 1971, March and November 1972, 1976, 1978, 1981, January and November 1985, and 1986.

13. The Gallup surveys are relatively brief, covering but a handful of variables. In contrast, the annual General Social Surveys from NORC contain in excess of three hundred variables.

14. Zeisel & Gallup, *supra* note 2.

II.
THE RESULTS

Table 1 displays tabulations of death penalty sentiment overall as well as among various demographic, socioeconomic, and political subgroups for the years 1972 through 1988. Overall support for the death penalty ranges from a low of 57% in 1972 to a high of 80% in 1985, then dipping slightly to 76% in 1988. Confirming the findings of Bohm, support for the death penalty is stronger in all of these years among males, whites, married persons, those with children, and, particularly in the earlier years, older persons. Republicans and conservatives are overwhelmingly more in favor of the death penalty than Democrats, liberals, and moderates. Strong support also appears, although far less dramatically, among those of high social classes with more education and higher income and, in recent years, among westerners. Finally, there appear to be no clear and consistent differences between various religious groups or between those of different degrees of religiousness.

More important than these differences is the fact that death penalty support in 1988 has increased since 1972 within *every* subgroup identified, as illustrated in Figures 2a through 2j. For the factors in which differences between subgroups appear (*e.g.*, race,[15] sex, marital status, urbanness, party affiliation, and political views), the lines showing death penalty support increase in generally a parallel fashion. That is, the same differences between subgroups in death penalty opinion have persisted over time, indicating that support has increased proportionately in each of the subgroups. The only notable exception involves a comparison between age groups over time. As shown in Figure 2a, the young have traditionally been more opposed to the death penalty, but the difference has narrowed in recent years, probably representing greater conservatism among the young. This is an empirical question which we will attempt to resolve herein.

To assess the unique contribution of each of these respondent attributes in explaining (or predicting) death penalty opinion, logistic regression was used. Logistic regression is a statistical technique for determining the extent to which a set of variables can explain a dichotomous dependent variable (*e.g.*, support of or opposition to the death penalty). Not only does the approach measure the combined effect of the independent variables on the dependent variable, but each predictor is associated with a coefficient that represents its effect on the dependent variable adjusted for the effects of all other variables in the analysis.[16] Hence, the unique predictive effect of each variable can be

15. *See* Combs & Comer, *Race and Capital Punishment: A Longitudinal Analysis*, 43 PHYLON 350 (1982).

16. An alternative to the better-known and widely used linear regression technique, logistic regression is specifically designed for the case where the dependent variable is of two levels (*e.g.*, yes/no or favor/oppose). While some researchers argue that ordinary regression may be used with care in such situations, the logistic transformation avoids the problems of heteroscedasticity and unbounded predictions outside the 0-1 range. For an excellent, elementary treatment of logistic regression, see E.A. HANUSHEK & J.E. JACKSON, STATISTICAL METHODS

assessed.

Table 2 displays logistic regression results predicting death penalty opinion on the basis of a variety of demographic, geographic, political, and socioeconomic variables.[17] The equation used to determine the variable's coefficient first includes a time trend variable (year). As expected, the time trend term is positive and highly significant. For a coefficient to be statistically significant at the five percent level,[18] its chi-square statistic (the squared ratio of a coefficient to its standard error), shown in Table 2 for each variable or indicator (having one degree of freedom), must exceed 3.84.[19]

The next group of variables includes age (coded as the actual age),[20] an age/year interaction (respondent age multiplied by the year),[21] race (coded one for whites, zero for blacks), sex (coded one for males and zero for females), marital status (coded one for married respondents and zero otherwise), and child status (coded one for respondents with children and zero for those without). All these variables are statistically significant, except for child status, the effects of which are largely contained in the marital status indicator. Confirming earlier findings from Table 1,[22] a respondent who is more likely to favor the death penalty is older (but less so for later years), white, male, married, and has children.

Geographical variables appear next in Table 2. Overall, regional variation is significant (as indicated by the chi-square statistic);[23] however, these regional differences can be further dissected. Specifically, three region indica-

FOR SOCIAL SCIENTISTS 179-203 (1977), or J.H. ALDRICH & F.D. NELSON, LINEAR PROBABILITY, LOGIT, AND PROBIT MODELS (1984).

17. The variables concerning religion and religiousness were excluded from the analysis because of the lack of differences among the groups in terms of death penalty opinion.

18. A coefficient is said to be significant at the five percent level when there is a five percent probability (or one chance in 20) of obtaining a coefficient this large or larger purely by chance if in fact the true effect is zero. *See* LEVIN & FOX, *supra* note 5 at 202-05.

19. As we discuss below, some of the categorical variables, such as region, are expressed as a series of indicator variables. The chi-square required for significance for a four-category variable (3 d.f.) is 7.81 and that for a three-category variable (2 d.f.) is 5.99. However, each indicator comprising these polychotomous variables has one degree of freedom and thus its chi-square can be compared against the 3.84 criterion.

20. A check of the effects of age on death penalty did not uncover any irregularities over the age range, allowing us to treat age in its continuous form without modification. This is in contrast to a variable such as education, the effects of which are far from linear.

21. This interaction term is used to allow for the diminishing difference observed between the young and the old over time.

22. *See infra* Table 2.

23. Census Bureau definitions of the regions are used here. Specifically, Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont form the East region; Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin make up the Midwest region; Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia constitute the South region; and Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming are in the West region.

tors measure the effect of residence in a given region as compared to the reference region, the East.

The greater support for the death penalty among westerners discussed earlier[24] is confirmed. More interesting is that, once other variables are controlled, the Midwest emerges, although not quite significantly, as the region in which support is the lowest. Note finally that, after controlling for factors such as race and social class, the South remains undistinguished in terms of death penalty support, suggesting that a suppression effect is not present.

The urbanness variable is also comprised of a set of indicator variables. Specifically, suburbanites and urbanites are contrasted with the reference group — small town/rural residents. Overwhelmingly greater support for capital punishment appears among suburbanites, while urban dwellers hardly differ from those living in small towns or rural areas. Next, the strong effects of political party (coded one for Republicans and zero for others) and political views (coded from one for extremely liberal to seven for extremely conservative) are evident.[25] Although not shown, the effects of some of the demographic factors (age and race, but not sex) are diminished in the presence of these powerful political factors.

Finally, several measures of socioeconomic status (SES) were considered, including educational degree, income, and social class. After the effects of the strongest of the three, degree status, are included, the additional explanatory power of social class and income[26] become small.[27]

Degree differences are assessed by two indicator variables — both high school graduates and those with college education are compared to a reference group of high school dropouts. As observed previously, high school-educated respondents are more likely than those without a high school diploma to support the death penalty. Education beyond high school is associated with less death penalty support, controlling for the other demographic and political factors.

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24. *See supra* text accompanying note 15.

25. Technically, the political views variable is ordinal. This means that the values one through seven are in a strict order but in substance are not necessarily equally spaced. However, we feel secure in treating this variable as if it were interval (*i.e.*, evenly spaced categories). Not only does this appear valid on its face (based on the description of the scale), but our tests of the model alternatively treating this variable as interval and as ordinal (with a series of six indicators) reveal no substantial differences. That is, the results do not depend critically on the assumption of an interval scale for this variable.

26. We are a bit uneasy about the definition of the income indicator. The meaning of a high income (defined here as $20,000 and over) has changed over the years partially as a result of inflation. We felt it unnecessary to go to great lengths to build in an inflation adjustment, given the low explanatory power of income above and beyond other factors related to it that are included in the model.

27. Because of the high degree of association (*i.e.*, collinearity) among social class, education, and income, it is somewhat problematic to include all these measures simultaneously. Indeed, statistical methods cannot accomplish the impossible — to disentangle the confounded effects of various components of social class. In any case, we have included all three, although little is gained in predictive power and something is lost in terms of stability of coefficients.

Before moving on, we must caution against an overly pessimistic view of the regression fit, as measured by R (in logistic regression analysis, R is equivalent to the degree of multiple correlation).[28] On its face, R, which ranges from zero (for no fit) to one (for perfect fit), may not appear very strong (R = .2945 here). However, it would be unreasonable to expect a much higher value. Indeed, a large positive correlation could result only if there was little intra-group variation in attitudes toward capital punishment — that is, if all people of the same demographic/socioeconomic/political profile tended to agree.[29] Because one would not expect, for example, that all white male, conservative Republicans support capital punishment or that all black female, liberal Democrats oppose it, the R statistic must be approached with care.

The results of the logistic approach can be illuminated further by calculating odds ratios associated with each variable. Odds are defined as the probability that an event will occur (for example, support of the death penalty) divided by the probability that it will not occur (opposition to the death penalty).[30] For example, an 80% probability of support is equal to an odds of 4 to 1.

The final column of Table 2 shows the factor by which the odds of supporting the death penalty change with a unit increase in each variable, all else remaining equal. For example, the odds-multiplier for the race variable is 2.958. Thus, all else being equal, a white person has three times (rounded off) the odds (as opposed to three times the probability) of supporting the death penalty than does a black person. These odds-multipliers can also be employed in combination by creating products. For example, a white male Republican has 7.12 (2.958 $\times$ 1.667 $\times$ 1.443) times the odds of favoring the death penalty than does a black female Democrat. From the survey data, 85.8% of the white male Republicans support the death penalty, yielding an odds of 6 to 1; and 44.8% of the black female Democrats support the death

28. The R value is only a pseudo-correlation. In the usual formulation of correlation and regression, the squared multiple correlation coefficient (R^2) is defined as the ratio of explained variation (x^2) over total variation ($N + x^2$). In logistic regression, however, R^2 may be defined in terms of the overall model chi-square. *See* J.H. ALDRICH & F.D. NELSON, *supra* note 16, at 57-58. Specifically:

$$R^2 = \frac{x^2}{N + x^2}$$

Because of this non-standard definition, the squared multiple correlation (R^2 = .08) can only roughly be taken to mean that eight percent of the variation in death penalty opinion can be accounted for by the predictor variables.

29. Inter-group variation refers to differences in opinion between categories of respondents (*e.g.*, rural white males are more supportive of the death penalty than urban black females). Intra-group variation, on the other hand, refers to differences in opinion within a category of respondents (*e.g.*, some urban black females support the death penalty even though their majority is opposed). The multiple correlation tends to increase with the former and decrease with the latter.

30. *See* ALDRICH & NELSON, *supra* note 16, at 31.

penalty, giving an odds of .8 to 1. The ratio of the two observed odds is 7.4 to 1, reasonably close to the 7.12 to 1 odds predicted by the model.

This small discrepancy in odds ratios stems from the fact that the odds multipliers assume all other variables are equal, while the comparison of percentages leaves uncontrolled such factors as political orientation and degree status, which tend to differ between the two race/sex/party composites. More complex composites can easily be constructed by adding additional multipliers to the calculation of predicted odds ratios; however, it becomes problematic to check the predictions against the survey data because the number of available cases fitting a composite shrinks as the composite grows more complex.

The odds multipliers for the continuous variables, such as age, year, and political views, represent the effect of each unit increase. Thus, for example, the odds of supporting the death penalty increase by a factor of 1.24 for each step on the political scale. A two-step change, say from 3 (slightly liberal) to 5 (slightly conservative) increases the odds by a factor of 1.54 (1.24×1.24).

The model can also be used to predict probabilities for various constellations of factors.[31] For a forty-year-old, white male, who is married with children, resides in an east coast suburb, is a somewhat conservative Republican, is middle-class with a college degree and earns over $20,000 in 1980, the probability of support is .84 (quite close to the observed probability for white male Republicans).[32] For a forty-year-old black female who is married with children, resides in an east coast city, is a somewhat liberal Democrat, is working-class with a high school degree and earns less than $20,000 in 1980, the probability of death penalty support is predicted to be .41 (also close to the observed support for black female Democrats).[33] These are just two examples of how the equation in Table 2 can predict likelihood of death penalty support.

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31. The expression for predicting probabilities is

$$\text{Prop.} = \frac{1}{1 + e^{-(b_0 + b_1x_1 + b_2x_2 \ldots b_ix_i)}}$$

where b_0 is the constant term, the b_i's are the coefficients from the logistic regression, the x_i's are the corresponding indicators or variables. Predicted probabilities are generated by inserting values of the independent variables (or zero or one for indicators) into the above equation.

32. This probability is obtained by inserting into the equation in note 31, the coefficients from Table 2 multiplied by the following values: 1980 for year; 40 for age; 1980 times 40 for age by year; 1 for male; 1 for white; 1 for married; 1 for children; 0 for all three region indicators; 1 for the suburban indicator and 0 for the urban indicator; 1 for Republican; 5 for political views; 1 for the middle-class indicator and 0 for the working- and upper-class indicators; 0 for the high school indicator and 1 for the college indicator; and 1 for high income.

33. This probability is obtained by inserting into the equation the coefficients from Table 2 multiplied by the following values: 1980 for year; 40 for age; 1980 times 40 for age by year; 0 for male; 0 for white; 1 for married; 1 for children; 0 for all three region indicators; 0 for the suburban indicator and 1 for the urban indicator; 0 for Republican; 3 for political views; 1 for the working-class indicator and 0 for the middle- and upper-class indicators; 1 for the high school indicator and 0 for the college indicator; and 0 for high income.

Attorneys in capital cases could use these predictions to help select jurors more favorable to their side.

A final approach to evaluating the model is to assess its ability to predict respondents' attitudes. The equation is used to predict for each respondent his or her position on the death penalty, classified as a likely proponent or opponent. Respondents whose predicted probability of support exceeds .5 are classified as likely proponents, and those whose predicted probability of support is less than .5 are classified as likely opponents. These predictions are then compared with the actual responses, as shown in the lower portion of Table 2. Overall, 75% of the predictions are correct.[34] Yet, it is apparently far easier to predict support than opposition. Based on the characteristics used in the model, 24% (3,406/14,167) of those who would appear to fit the profile of a death penalty advocate were actually opponents (so-called false positives). On the other hand, as many as 42% (488/1,172) of those who were predicted to oppose the death penalty were in fact proponents (so-called false negatives). The conclusion follows that it is far more common to find a proponent in opponent's clothing than an opponent in proponent's clothing. That is, it is more likely to find people who support the death penalty despite what one would expect based on their demographic, political, and socioeconomic characteristics than it is to find people who oppose the death penalty despite contrary expectations based on their characteristics.

Clearly, it would be unrealistic to expect predictive accuracy far greater than what we have found. There are indeed some white male, conservative Republicans who feel morally opposed to the death penalty, and some black female, liberal Democrats who believe that murderers forfeit the right to live. These departures from the norm may be due to a wide variety of reasons, none of which can easily be built into a statistical model.

III.
REASONS FOR THE INCREASED PUBLIC SUPPORT FOR THE DEATH PENALTY

A. The Role of the Media

While the analysis we presented here may have uncovered some of the more prominent characteristics associated with death penalty support, it is perplexing that we still cannot say with any certainty why support has risen during the past two decades, putting aside the obvious claim that the conservative swing in America is partly responsible. The fact that support has also risen among liberals (roughly paralleling increases in support among conservatives) clearly suggests that there is more to the story.[35] One plausible

34. Note that it is hardly a better "hit" rate than if we were blindly to predict that all respondents were supporters. However, this approach is substantively far more meaningful.

35. Surely, there are strong and somewhat impenetrable personality characteristics which may underlie (or just be associated with) death penalty support. For example, Lotz and Regoli, in their survey of 1,419 Washington State residents, found that death penalty advocates believed

hypothesis might be that death penalty support has grown as a response to increases in the rate of crime in general and homicide in particular. Rankin, for example, found a strong nonlinear relationship between crime rates and death penalty opinion in the 1972 through 1976 NORC surveys. He suggested that increased death penalty support is indicative of a general "law and order" syndrome — based on both retributive and deterrent desires.[36] His reasonable conclusions notwithstanding, Rankin's analysis may have been somewhat premature. As shown in Figure 3, death penalty support continued to climb during the 1980s, despite an overall decline in the homicide rate.[37] It is instructive to consider the political climates at both ends of the decade. The death penalty became a major campaign issue in the 1988 presidential race between Bush and Dukakis when the homicide rate stood at 8.4 per 100,000, while it was completely ignored in the Reagan and Carter campaign of 1980 when the homicide rate peaked at 10.2 per 100,000.[38]

Public perceptions of crime are not necessarily based on official statistics, however. In fact, most citizens do not internalize newspaper reports, if they read them at all, about a drop in the crime rate. Rather, the public is far more influenced by nightly news stories they see on television about crime. Regardless of the crime rate's fluctuations, there are still a sufficient number of frightening crimes for news directors to place at the top of their newscasts. Indeed, many recent surveys have shown that the typical American believes crime increased during the 1980s, when in actuality the statistical rate declined.[39]

Recent changes in the manner in which crime is covered by the electronic media are noteworthy. With the advent of the live Mini-Cam, a television station, with just minutes' notice, can be "live on the scene" to show the horri-

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in orderliness, discipline, and sexual restraint. *See* Lotz & Regoli, *Public Support for the Death Penalty*, 5 CRIM. JUST. REV. 55 (1980). Gelles and Straus attribute pro-death penalty beliefs to authoritarianism and prejudice, which have roots in early family relationships. *See* Gelles & Straus, *Family Experience and Public Support of the Death Penalty*, 45 AM. J. ORTHOPSYCHOLOGY 596 (1975). Additionally, Kohlberg and Elfenbein and DeVries and Walker, using Kohlberg's theories of moral development, show that at the most mature stages of development, there is a rejection of capital punishment. *See* Kohlberg & Elfenbein, *Capital Punishment, Moral Development, and the Constitution*, in ESSAYS ON MORAL DEVELOPMENT 243 (L. Kohlberg ed. 1981); *see also* DeVries & Walker, *Moral Reasoning and Attitudes Toward Capital Punishment*, 22 DEV. PSYCHOLOGY 509 (1986).

36. Rankin, *Changing Attitudes Toward Capital Punishment*, 58 SOCIAL FORCES 194 (1979).

37. For a discussion of the connection between homicide rates and death penalty attitudes based on a cross-national perspective, see Hood, *The Death Penalty: A World-Wide Perspective*, in REPORT TO THE UNITED NATIONS COMMITTEE ON CRIME PREVENTION AND CONTROL 153 (1989).

38. *See Crime Should be a Non-Issue in the Presidential Race*, Chicago Trib., Oct. 26, 1988, at 23.

39. In a recent survey, 82% of Americans felt that crime was on the increase in America. *See* Strasser, *One Nation, Under Seige*, Nat'l L.J., Aug. 7, 1989, at S2. As further support for our argument, 58% of the same respondents felt that the level of crime in their neighborhoods was stable, neither increasing nor decreasing. That is, perceptions of crime in America, which are gleaned from news reports, are quite different from perceptions of the local area, which are drawn from everyday experiences.

ble aftermath of a violent occurence. Advances in technology may have dramatically strengthened the impact of crime stories on the average television viewer.[40]

Another significant media change over recent years that is partly responsible for the public's changing perception of crime is the media's personification of murder. In the early 1970s, a person's concept of a murderer may have been rather vague. In the 1980s and 1990s, by contrast, owing in part to the increased popularity of true crime books, TV docudramas, and daytime talk shows[41] which frequently feature the topic of murder, the names of celebrity criminals such as Ted Bundy,[42] John Wayne Gacy, and Wayne Williams, quickly come to mind.[43] The widespread personification of murder may have altered the manner in which survey respondents reacted to a question about convicted murderers. We suggest that respondents in recent years may have been imagining specific well-known murderers when questioned about the appropriateness of the death penalty, and in turn, may have replied with an increased sense of retribution. Increased support for the death penalty, therefore, may be more of a reflection of desire for the execution of Ted Bundy and other celebrity criminals than for the execution of more typical and obscure condemned inmates.

If there is any truth to this proposition, it would constitute a major limitation on the vast majority of opinion polls concerning the death penalty, including the Gallup and NORC surveys. Surveying respondents about the handling of convicted murderers entails an overly general stimulus. For many

40. Scherizen, *Social Creation of Crime News*, in DEVIANCE AND THE MEDIA (C. Winick ed. 1978).

41. The popularity and presence of so-called "true crime" books have increased significantly in recent years, so much so that bookstores and libraries now maintain sections devoted to them. Additionally, as the television networks have had to challenge cable TV and video rentals for movie audiences, they have produced an increasing number of made-for-television docudramas, which are often based on headline murder cases. Finally, several nationally syndicated talk shows that have appeared in recent years routinely rely on bizarre stories of murder to compete with one another for ratings.

42. The widespread fascination and public spectacle surrounding the 1989 execution of Ted Bundy reflected not only what he did, but also who he was. While much of his notoriety stemmed from the viciousness of his crimes, other killers who were more destructive commanded less attention. Surely, it was the media's hype around Bundy which added to the vengeful atmosphere surrounding his execution. *See* Fox, *Don't Turn a Death Sentence Into an Orgy of Vengeance*, Newsday, Jan. 27, 1989, at 79.

43. Earlier decades, of course, had notorious murderers as well, such as Richard Speck (who stabbed and strangled to death eight student nurses on July 14, 1966 on the south side of Chicago), Charles Whitman (who shot and killed 16 people, in sniper fashion from a Texas tower in 1966), and Charles Manson (who, along with a cult of followers, killed actress Sharon Tate and a group of her friends in 1969). However, recent changes in the extent and style of media coverage given to celebrity criminals intensifies their impact on the emotions of Americans. Additionally, Charles Manson still receives considerable media attention, twenty years after his crimes, including interviews on two nationally syndicated talk shows, CBS's "Nightwatch" and "Geraldo." *See* Brown, *The Killer Role: Casting Manson's Life Story*, Wash. Post, Jan. 29, 1989, at 61; *see also On View: Why Charlie Rose Left Comfort of Nightwatch*, L.A. Times, Sept. 2, 1990, at 80.

respondents, if not most, the appropriateness of the death penalty would clearly depend on the kind of murderer, the particular elements of the crime, and the available sentencing alternatives.

This problem is particularly noteworthy in the post-*Furman* years, during which time death penalty legislation has had limited application to only certain categories of aggravated homicide.[44] For example, in 1984, James Fox surveyed a representative sample of 373 Boston area residents concerning the appropriateness of the death penalty in situations involving eleven types of crimes, including seven forms of homicide.[45] As shown in Figure 4, while there was only modest support for capital punishment in situations involving spousal homicide and felony murder, the overwhelming sentiment in favor of executing serial killers and massacrers was evident.

During the 1980s, those specific types of homicide which tend to elicit the most extreme pro-death penalty response were featured frequently in the news.[46] We suspect, therefore, that recent trends in survey data on death penalty opinion are largely a function of changes in the way respondents conceptualize a particular crime.

B. The Public's Misperception of Sentencing Alternatives

Another factor in the rise in support for the death penalty has been the public's distrust and ignorance of the workings of the criminal justice system. In the 1972 *Furman* decision, Justice Thurgood Marshall argued that if Americans were fully informed of the death penalty's purposes and liabilities, they would find it "shocking, unjust and unacceptable."[47] However, tests of this "Marshall Hypothesis" have revealed uneven support for it,[48] and the public's understanding of such issues as deterrence and the cost of executions may be increasingly irrelevant since the public now appears willing to defend its emotional desire for capital punishment simply on the basis of retribution.[49]

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44. H. BEDAU, THE DEATH PENALTY IN AMERICA 3-28 (3d ed. 1982).

45. *See* J. LEVIN & J. FOX, MASS MURDER: AMERICA'S GROWING MENACE 221 (1985).

46. *See* Pierce & Radelet, *The Role and Consequences of the Death Penalty in American Politics*, 18 N.Y.U. REV. L. & SOC. CHANGE (1990-91) (forthcoming).

47. Furman v. Georgia, 408 U.S. 238, 361 (1972) (per curiam).

48. Austin Sarat and Neil Vidmar tested the Marshall Hypothesis by surveying 200 residents of Amherst, Massachusetts, giving them essays to read that described "humanitarian" and/or "utilitarian" aspects of the death penalty. Their findings indicated that the essay had little impact on death penalty support, but that exposure to information on the failure of the death penalty to deter had modest effects in reducing the level of death penalty support. *See* Sarat & Vidmar, *Public Opinion, the Death Penalty, and the Eighth Amendment: Testing the Marshall Hypothesis*, 1976 WISC. L. REV. 171 (1976). These results were confirmed in a smaller Canadian study by Neil Vidmar and Tony Dittenhoffer, even though they waited two weeks after the information was presented before assessing attitude change. *See* Vidmar & Dittenhoffer, *Informed Public Opinion and Death Penalty Attitudes*, 23 CAN. J. CRIMINOLOGY 43 (1981). Julian Roberts later found that after 77 people read an article on deterrence and the death penalty, both pro- and anti-death penalty respondents tended to remember the information that supported their original position. *See* Roberts, *Public Opinion and Capital Punishment: The Effects of Attitudes Upon Memory*, 26 CAN. J. CRIMINOLOGY 283 (1984).

49. In a 1974 survey of over 3,000 Virginians, Charles Thomas found that the respondents'

We believe, moreover, that the vehemence of the public's outcry for retribution may be confounded with its concern for protecting society from the worst offenders.[50] We are not suggesting that those who are particularly fearful of crime are more likely to endorse the death penalty. In fact, numerous studies, including our own results not shown here, have found fear of personal victimization to be unrelated to death penalty position.[51] Rather, over time, Americans have been increasingly reminded through media reports that our prisons frequently release persons whom they would rather not have walking the streets, regardless of whether they personally feel at risk.[52] Many Americans have come to consider the death penalty as the only foolproof way to guarantee that murderers, particularly the most notorious ones, will never be released from custody.[53] Therefore, part of the public's insistence on the death penalty may reflect its distrust for the way in which murderers are han-

views of deterrence primarily determined their positions on the death penalty. *See* Thomas, *Eighth Amendment Challenges to the Death Penalty: The Relevance of Informed Public Opinion*, 30 VAND. L. REV. 1005 (1977); *see also* Thomas & Foster, *A Sociological Perspective on Public Support for Capital Punishment*, 45 AM. J. ORTHOPSYCHOLOGY 641 (1975); Thomas & Howard, *Public Attitudes Toward Capital Punishment: A Comparative Analysis*, 6 J. BEHAV. ECON. 189 (1977). It seems to us, however, that Thomas's conclusion may no longer hold. That is, more recent surveys now suggest that retribution is the most frequently cited justification for favoring the death penalty. For example, the 1986 Gallup Poll revealed that half of the death penalty supporters cited "a life for a life" as their reasoning, while less than one-quarter indicated deterrence as the basis for their support. *See* Zeisel & Gallup, *supra* note 2, at 2 (Table 3); Warr & Stafford, *Public Goals of Punishment and Support for the Death Penalty*, 21 J. RES. CRIME & DELINQ. 95 (1984); Tyler & Weber, *Support for the Death Penalty: Instrumental Response to Crime, or Symbolic Attitude?*, 17 LAW & SOC. REV. 21 (1982). While at one time it may have been true, as Neil Vidmar and Phoebe Ellsworth noted concerning their 1974 survey results, that respondents felt the need to justify their retributive impulses by appealing to a more socially acceptable deterrence argument, *see* Vidmar & Ellsworth, *supra* note 1, Americans now are unashamed, and perhaps even proud, to verbalize their desire for retribution.

50. In a 1986 Media General, Inc. poll, incapacitation was the most frequently used justification for favoring the death penalty for murderers. *See* Harris, *supra* note 1, at 444.

51. Examining Gallup Poll data from Canada and the United States, Ezzat Fattah was unable to find that either a heightened fear of personal victimization or a higher rate of crime correlated with support for the death penalty. *See* Fattah, *Perceptions of Violence, Concern about Crime, Fear of Victimization and Attitudes*, 29 CAN. J. CRIM. 22 (1979). Similarly, a 1985 survey of 290 lawyers, judges, and community residents revealed that having been a victim of crime bore no relation to death penalty attitude. *See* Cullen, Clark, Cullen & Mathers, *Attribution, Salience, and Attitudes Toward Criminal Sanctioning*, 12 CRIM. JUST. & BEHAV. 305 (1985).

52. Part of the problem in measuring the impact of perceptions of crime on death penalty support stems from methodological deficiencies in measuring fear. Many surveys of fear, including the NORC data we analyzed, address feelings of safety within the limited zone of a respondent's own neighborhood. Yet neighborhood-based inquiries do not effectively measure perceptions of crime. Indeed, our data show no change since the early 1970s in perceptions of neighborhood safety. This conforms with the finding from a recent National Law Journal survey that showed that, even though five out of six respondents felt that crime in the nation was on the rise, 58% of the same respondents perceived the crime level in their neighborhood to be stable. *See* Strasser, *supra* note 39. Likewise, nearly two-thirds of the respondents in that survey agreed with the statement, "I am concerned about crime, but it really doesn't impact on me and my family so it's not something I spend a lot of time worrying about" over an alternative statement suggesting pervasive personal fear.

53. *See supra* note 50 and accompanying text.

dled by the criminal justice system. However, several misconceptions appear to be at the source of this distrust.

First, the public confuses eligibility for parole with release on parole. In the most celebrated cases, for example, the public fears danger each time killers like Charles Manson and Richard Speck come up for parole,[54] unaware that their eligibility is a quirk of history, resulting from old statutes that have since been superseded.[55] Americans reason that if a person like Charles Manson can be released, then there is absolutely no justice in America.[56] In the more usual case, the public ignores the fact that parole is far from automatic, particularly for the most violent prisoners.

A second and related area of public confusion is the belief that all murderers are punished (or not punished) in the same lenient way. Citizens hear about killers being paroled after seven years and assume that *all* killers are released in seven years. They reason that "if we don't execute this guy, he will be walking the streets before you know it." Dianne Feinstein, former mayor of San Francisco and gubernatorial candidate, made the following unfounded remark in support of the death penalty: "You can't expect somebody to be deterred from committing murder if they know that they will only serve four or five years."[57]

This misunderstanding arises because many citizens fail to distinguish among different kinds of killers — distinctions that legislators must make in designing a death penalty statute applicable to specific crimes.[58] The bottom line is that murderers who would be condemned under a death statute are not parolable in the absence of such a statute. Conversely, most parolable killers would not be death-eligible in the presence of a death penalty statute.

Finally, the American public is relatively ignorant about "Life Without Parole" (LWOP) laws,which are now in effect in at least thirty states.[59] Indeed, many citizens, if they felt secure that the most heinous killers would be incarcerated for life (as opposed to sentenced to life), would likely abandon their insistence on the death penalty as the "only" sure way of keeping the streets safe from certain convicted killers.

A recent Florida survey supports the notion that many citizens advocate the use of executions in order to prevent killers from "walking out of prison." A telephone survey of 105 randomly selected registered voters in Orlando, Florida revealed that respondents' knowledge of specific sentencing alternatives did, in fact, influence their degree of commitment to the death penalty.

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54. *See supra* note 43.

55. *See* Paduano & Stafford-Smith, *Deathly Errors: Juror Misconceptions Concerning Parole in the Imposition of the Death Penalty*, 18 COLUM. HUM. RTS. L. REV. 211 (1987).

56. *Id.*

57. Cassidy, *Death Cry Harnesses Votes for Democrats*, Sunday Times (London), March 18, 1990.

58. BEDAU, *supra* note 44, at 4-9.

59. *See* Note, *Life-Without-Parole: An Alternative to Death or Not Much of a Life After All?*, 43 VAND. L. REV. 529 (1990); *see also* N.Y. Times, Sept. 10, 1989, § 4, at 4, col. 1.

In particular, 94 respondents, or 89.5%, erroneously believed that defendants sentenced to life imprisonment for first-degree murder would be eligible for parole in less than twenty-five years. In fact, in Florida those sentenced to life for first degree murder are not eligible for parole until after twenty-five years. When these 94 respondents were then asked to consider how they would react as jurors in a capital case, 41 respondents, or 44%, said that a minimum sentence of twenty-five years would make them less likely to favor execution.[60]

The survey demonstrates that the overwhelming public support for capital punishment suggested by numerous polls[61] may only be a reflection of the context in which the questions are posed. When presented with no other sentencing option, many survey respondents, who otherwise might consider or even prefer alternatives such as LWOP, may claim to support the death penalty.[62]

To test the depth of support for capital punishment, Amnesty International has funded a series of public opinion polls asking respondents, first, their opinions of the death penalty and, second, whether they would prefer life imprisonment with victim restitution. As shown in Figure 5, in all six surveys death penalty support diminished considerably when respondents were given adequate alternatives to death.[63]

A recent analysis of national survey data confirms the findings of the above statewide polls. Using responses from the 1985 and 1986 Gallup polls, Zeisel and Gallup found that a majority of death penalty supporters said they would oppose capital punishment if they were convinced both that a murderer would not be released from prison on parole and that there was no deterrent

60. *See* Letter from Michael L. Radelet to Richard B. Greene (Dec. 15, 1989) (on file with Authors); *see also* Dayan, Mahler & Widenhouse, *Searching for an Impartial Sentencer through Jury Selection in Capital Trials*, 23 LOY. L.A. L. REV. 151, 164-71 (1989).

61. *See supra* note 1.

62. While this artifact may in part explain the high *levels* of death penalty support, it cannot be used to account for recent *trends*.

63. *See* Haney & Hurtado, *Californians' Attitudes About the Death Penalty: Results of a Statewide Survey*, in EXECUTIVE SUMMARY PREPARED FOR AMNESTY INTERNATIONAL 3 (1989); Grasmick & Bursik, *Attitudes of Oklahomans Toward the Death Penalty*, in STUDY PREPARED FOR AMNESTY INTERNATIONAL SPECIAL INITIATIVE FUND GRANT 55.89, at 77-78 (1988); Caddell, *New York Public Opinion Poll: The Death Penalty*, in EXECUTIVE SUMMARY PREPARED FOR AMNESTY INTERNATIONAL 2 (1989); Vito & Keil, *Attitudes in the State of Kentucky on the Death Penalty*, in SURVEY PREPARED FOR AMNESTY INTERNATIONAL 2 (1989); Cambridge Survey Research, Inc., *Attitudes in the State of Florida on the Death Penalty: Executive Summary of a Public Opinion Survey*, in STUDY PREPARED FOR AMNESTY INTERNATIONAL SPECIAL INITIATIVE FUND GRANTS CSR0421 AND CSR0439, at 16-17 (1986). Two similar surveys, not commissioned by Amnesty International, substantiate the notion that knowledge of alternative sanctions has profound effects on death penalty support. A statewide poll in West Virginia revealed that support for capital punishment decreased from 69% to 19% when respondents were given a choice between the death penalty and life imprisonment with no possibility of parole. *See* Niiler, *Death Penalty Support Broad but not Deep*, Charleston Gazette, Jan. 25, 1990. In Virginia, support for the death penalty dropped from 64% to 27% when respondents were given the option of a life sentence with no possibility of parole combined with restitution for the victim. *See* Virginia Commonwealth University, *Commonwealth Poll Regarding Attitudes Towards the Death Penalty*, COMMONWEALTH POLL (May-June 1989).

effect to the death penalty.[64] Apparently, then, much of the support for capital punishment is not absolute, but only relative; that is, many citizens support the death penalty, but do not prefer it to other viable sanctions.

We argue, therefore, that the "Marshall Hypothesis" must be modified: If Americans were better informed about the operation of the criminal justice system, they would not be so vehement in their support of the death penalty.[65] The burgeoning public support for capital punishment is a consequence of both misinformation concerning the prevalence of crime in our country and misguided distrust of our criminal justice system.

Recent studies clearly indicate that public awareness of viable, that is, sufficiently punitive and secure, alternatives to the death penalty can do more to influence opinion than education concerning deterrence, costs, or discrimination.[66] Thus, for the purpose of changing public opinion, abolitionists would be advised to spend less of their limited resources trying to convince the voting public of the ineffectiveness of the death penalty, and instead to focus on educating Americans about the workings of our criminal justice system, specifically regarding parole eligibility and other sentencing alternatives.

CONCLUSION

Drawing on the collective body of past surveys aimed at measuring public opinion on the death penalty, certain methodological lessons emerge which should direct future survey efforts. First, it is quite clear that the level of support for capital punishment varies considerably, depending upon the type of first-degree murder and the circumstances surrounding the crime.[67] Thus, pollsters should clearly delineate the elements of the crime when soliciting a respondent's attitude toward the death penalty, rather than leaving it to the respondent to "fill in" gory details. Better developed questions would provide

64. The 71% of respondents who supported the death penalty dropped to 43% under the joint conditions of no parole and no deterrence. *See* Zeisel & Gallup, *supra* note 2, at 290. Likewise, Hamilton and Rotkin found that respondents in their survey viewed life imprisonment as a viable alternative to the death penalty. In fact, those respondents viewed the death penalty as only slightly more severe than life imprisonment without parole. *See* Hamilton & Rotkin, *Interpreting the Eighth Amendment: Perceived Seriousness of Crime and Severity of Punishment*, in CAPITAL PUNISHMENT IN THE UNITED STATES (Bedau & Pierce eds. 1976); *see also* Hamilton & Rotkin, *The Capital Punishment Debate: Public Perceptions of Crime and Punishment*, 9 J. APPL. SOC. PSYCHOLOGY 350 (1979).

65. Roger Hood concludes that "there is a substantial body of non-ideologically committed opinion that can be affected in one direction or another by information about crime and the impact of punishment." R. HOOD, THE DEATH PENALTY: A WORLD-WIDE PERSPECTIVE. A REPORT TO THE UNITED NATIONS COMMITTEE ON CRIME PREVENTION AND CONTROL 153 (1989).

66. In a poll of New York State residents, for example, death penalty support dropped from an initial 72% to: (a) 56% when respondents were informed that capital punishment is more costly than life incarceration; (b) 46% when respondents were informed that the death penalty does not reduce violent crime; and (c) 32% when respondents were given the alternative of life imprisonment without parole eligibility combined with victim restitution. *See* Caddell, *supra* note 63.

67. *See supra* text accompanying notes 41-46.

a truer, more reliable assessment of public sentiment. Survey results would then have greater utility in guiding the drafting of death penalty legislation, which must specifically define those forms of homicide which constitute capital murder.

Second, death penalty support falls off considerably when respondents are offered viable sentencing alternatives to capital punishment, such as life without parole.[68] Whereas a simple "favor/oppose" death penalty question may identify a respondent's initial posture on the issue, questions that probe her view of sentencing and other aspects of the criminal justice system may provide a truer picture of her support for the death penalty. By framing survey questions so as to include sentencing alternatives, pollsters will not only elicit more accurate responses, but will also avoid perpetuating widespread misconceptions.

Finally, as a practical matter, many of our findings and comments have implications for selecting capital juries. Certain respondent characteristics — such as race, age, and sex — are unequivocally associated with death penalty opinion, while others — such as social class, education, and income — reveal fairly weak or spurious effects.

Collecting accurate polling data is vital, particularly since politicians, legislators, and judges are, to some extent, influenced by opinion polls, or at least use them to validate their own political agendas. If crafted carefully, death penalty surveys can go beyond reflecting public opinion. They can help shape public opinion.

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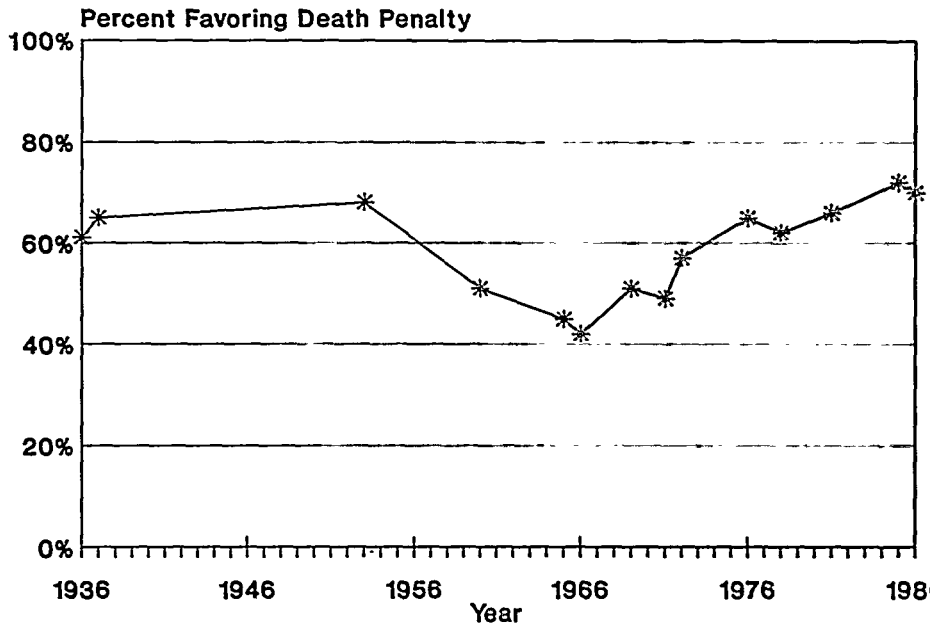
68. *See supra* note 63 and accompanying text.

Fig. 1: Death Penalty Sentiment (Gallup Polls, 1936-86)



Source: Zeisel and Gallup (1989)

Fig. 2a: Death Penalty Sentiment by Age

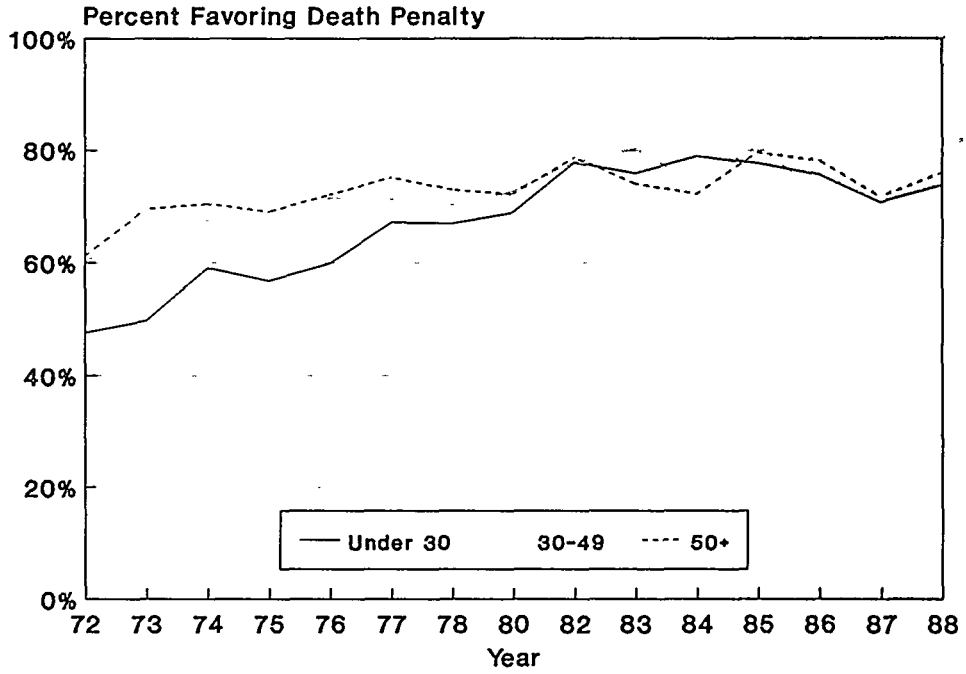


Fig. 2b: Death Penalty Sentiment by Race

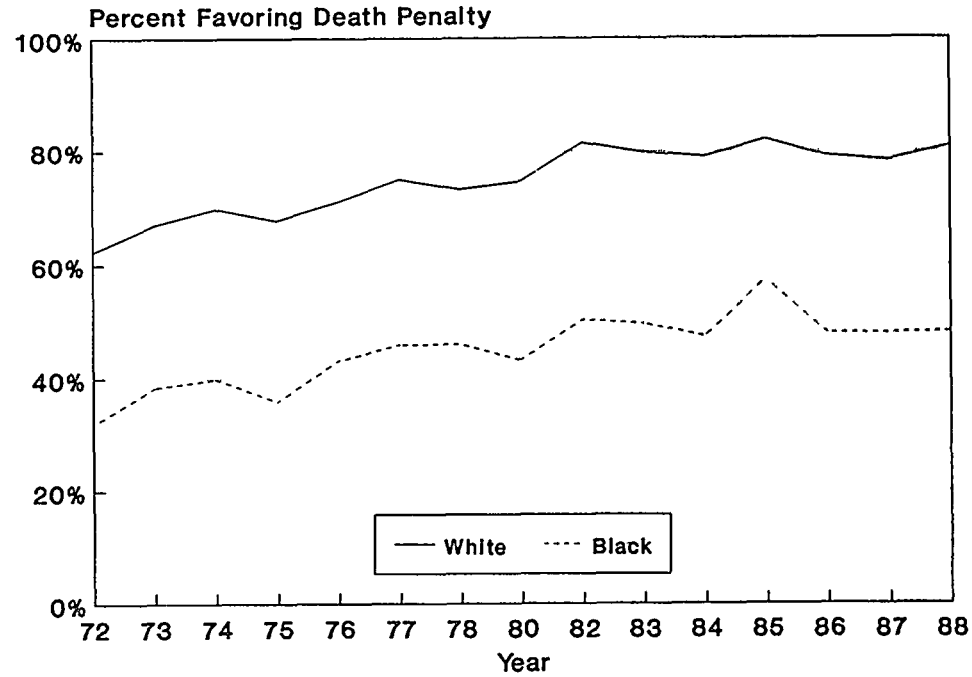


Fig. 2c: Death Penalty Sentiment by Sex

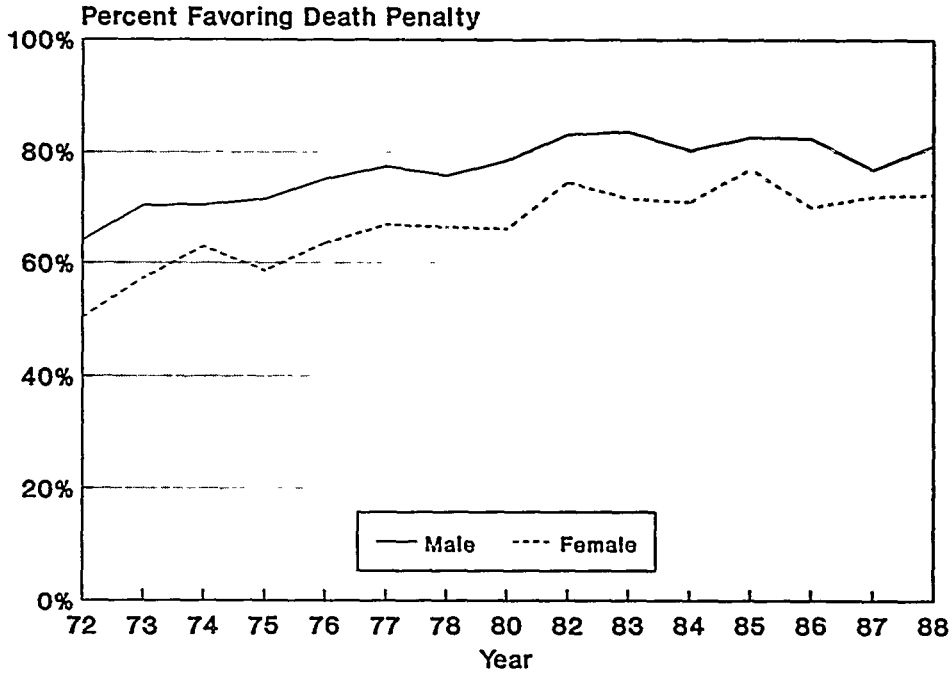


Fig. 2d: Death Penalty Sentiment by Marital Status

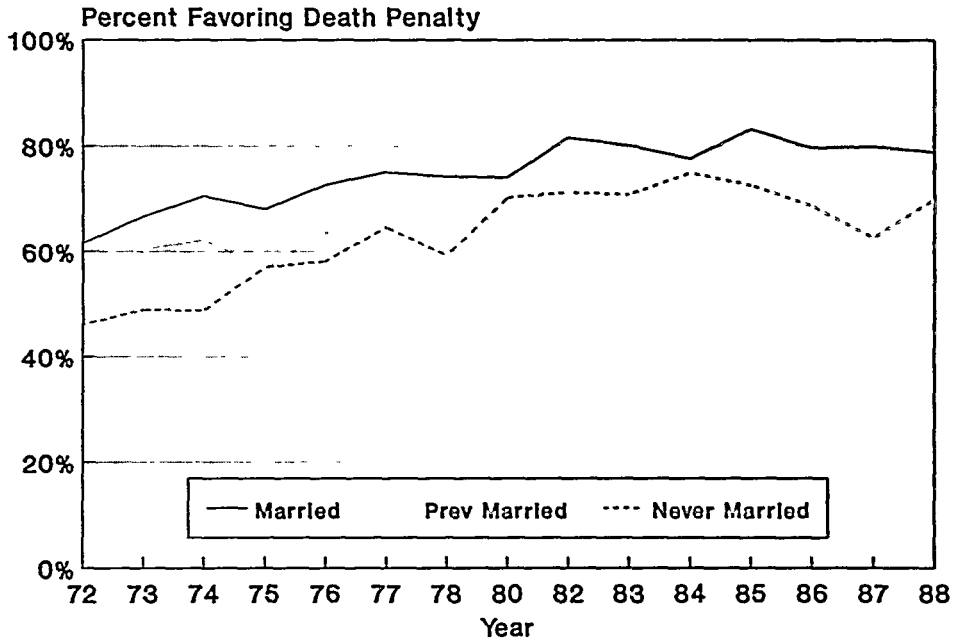


Fig. 2e: Death Penalty Sentiment by Region

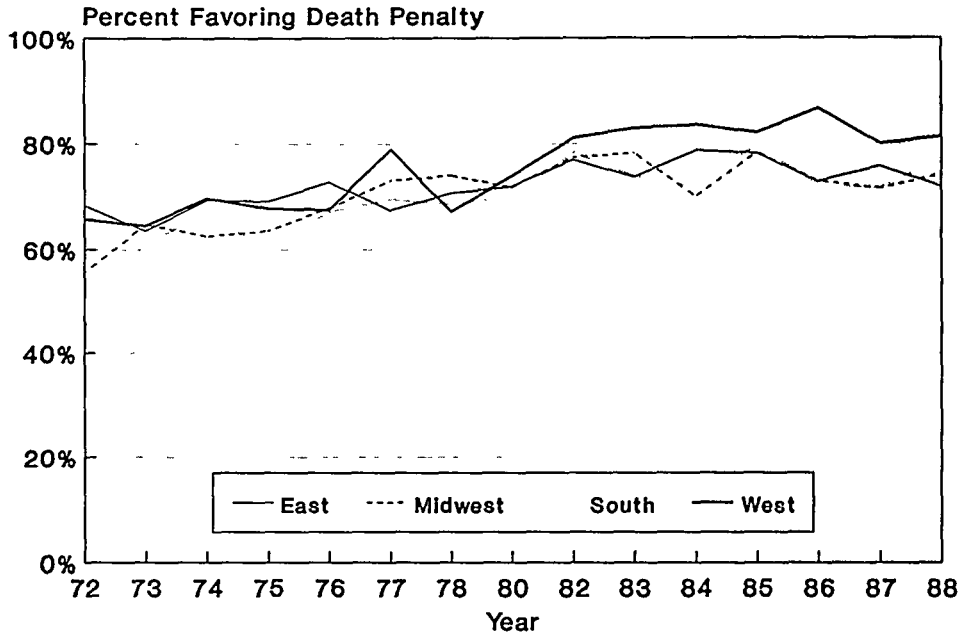


Fig. 2f: Death Penalty Sentiment by Urbanness

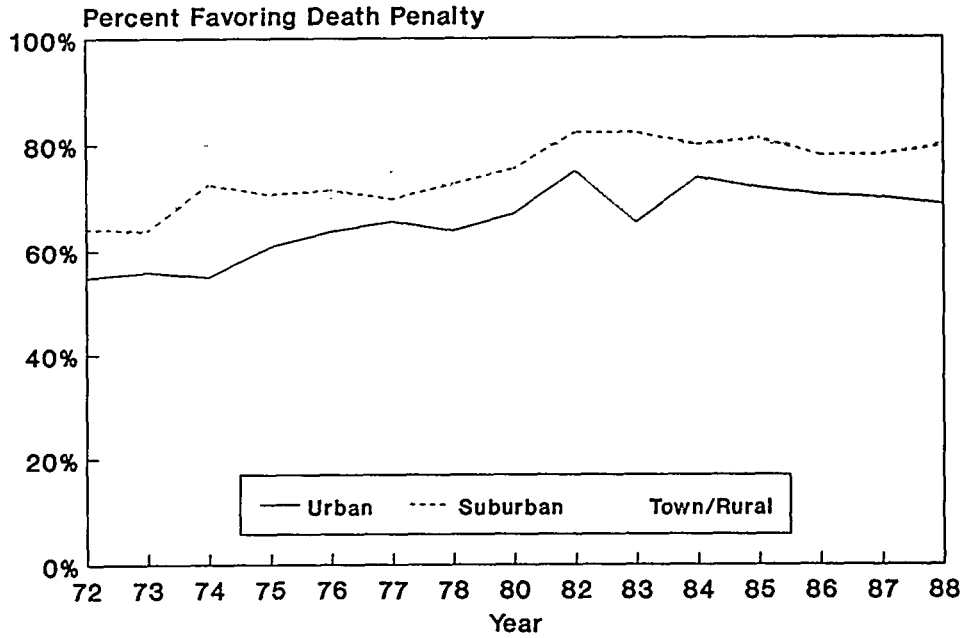


Figure 2g: Death Penalty Sentiment
by Party Identification

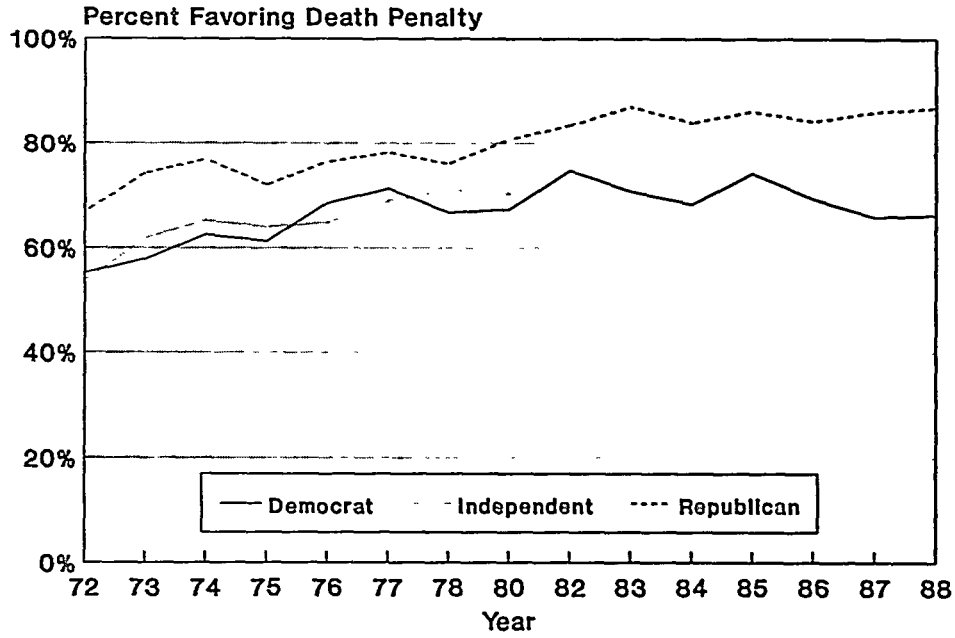


Fig. 2h: Death Penalty Sentiment
by Political Leaning

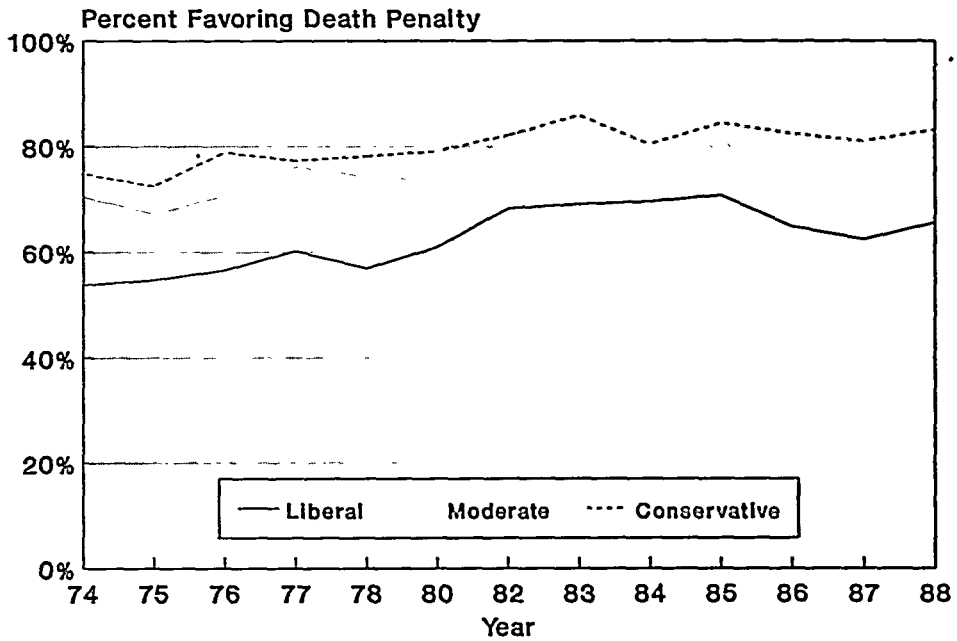


Fig. 2i: Death Penalty Sentiment
by Social Class

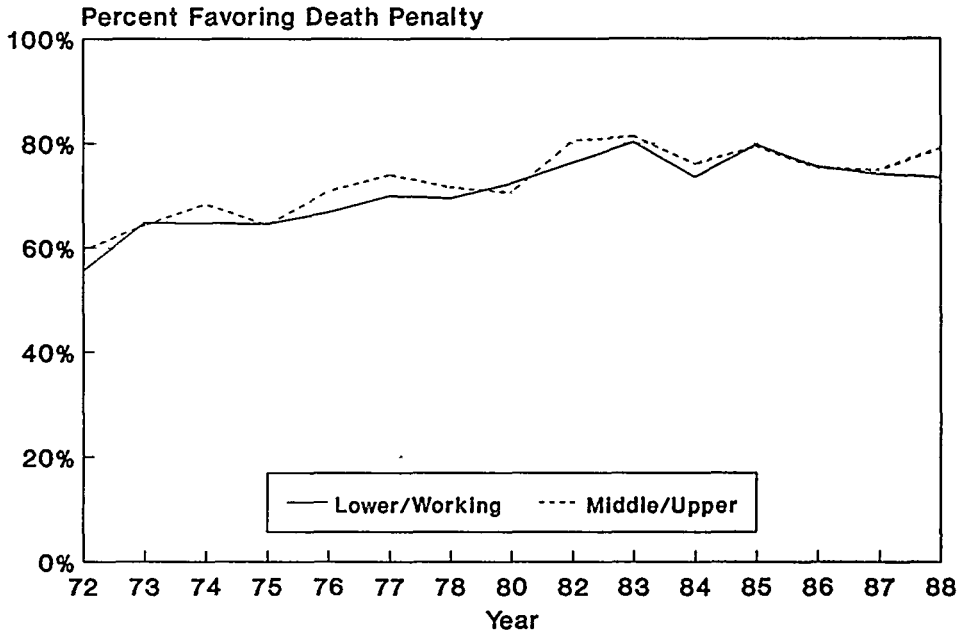


Fig. 2j: Death Penalty Sentiment
by Degree

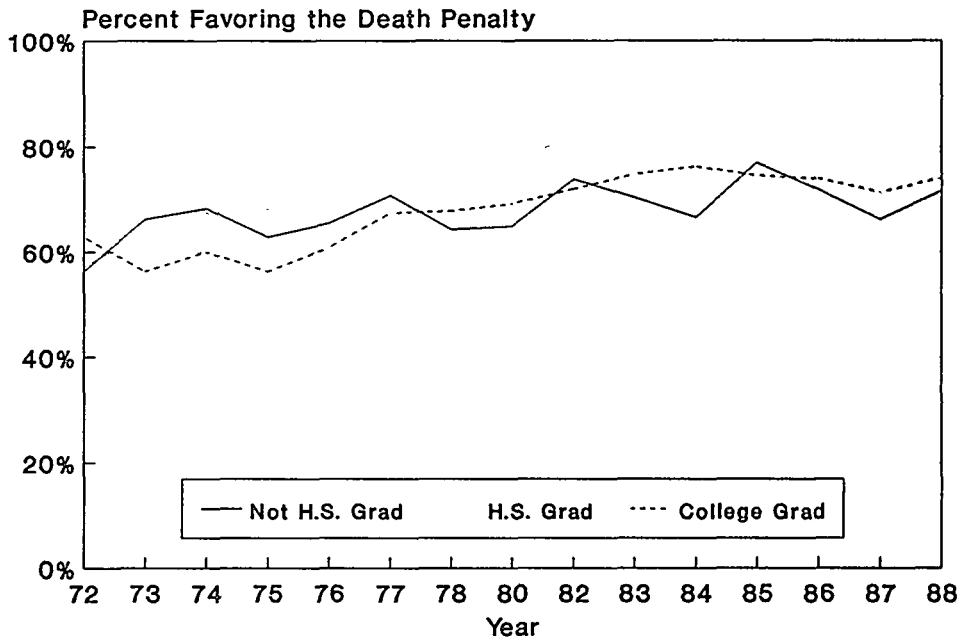


Fig. 3: Death Penalty Sentiment and the Homicide Rate

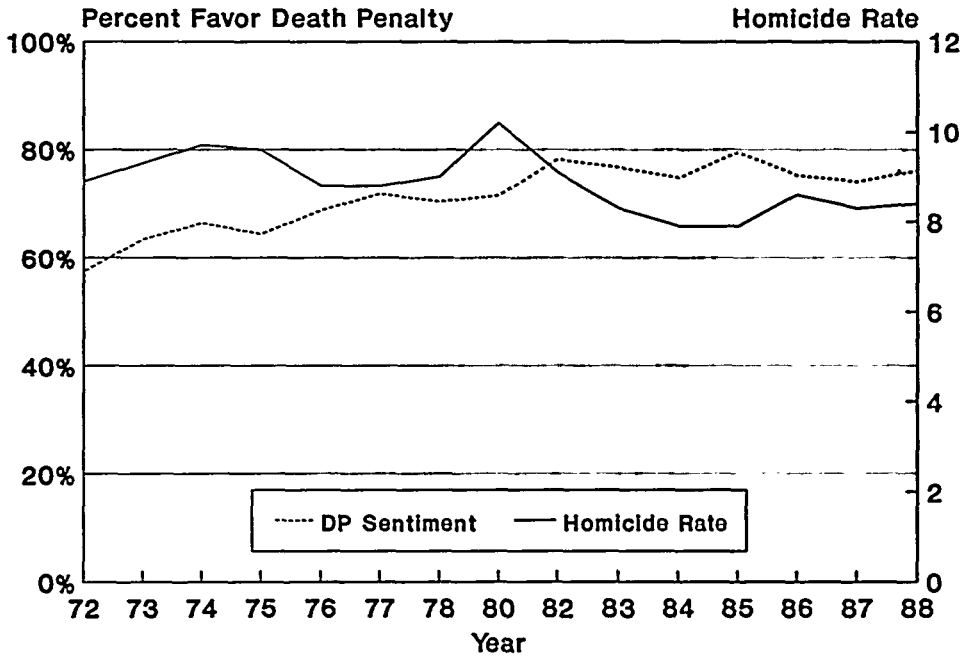


Fig. 4: Death Penalty Support by Offender Type

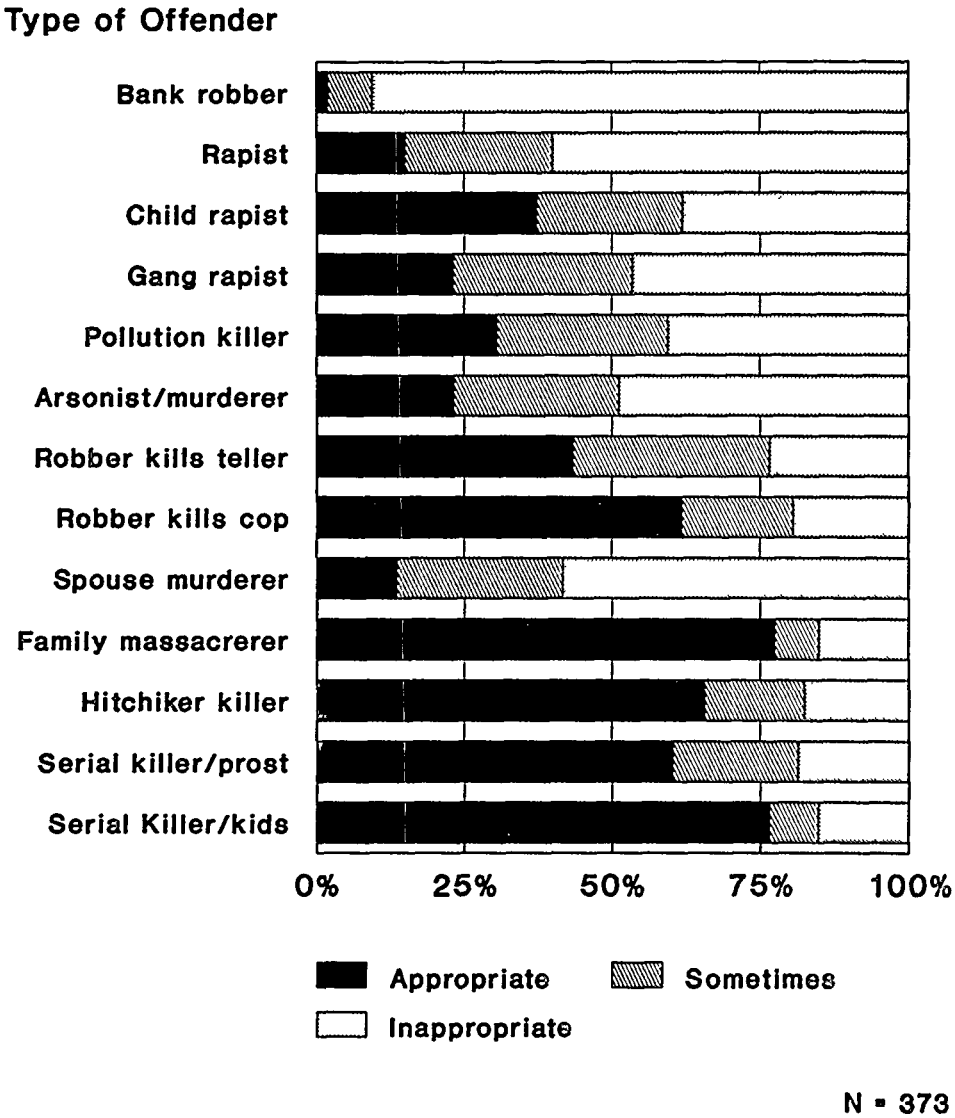
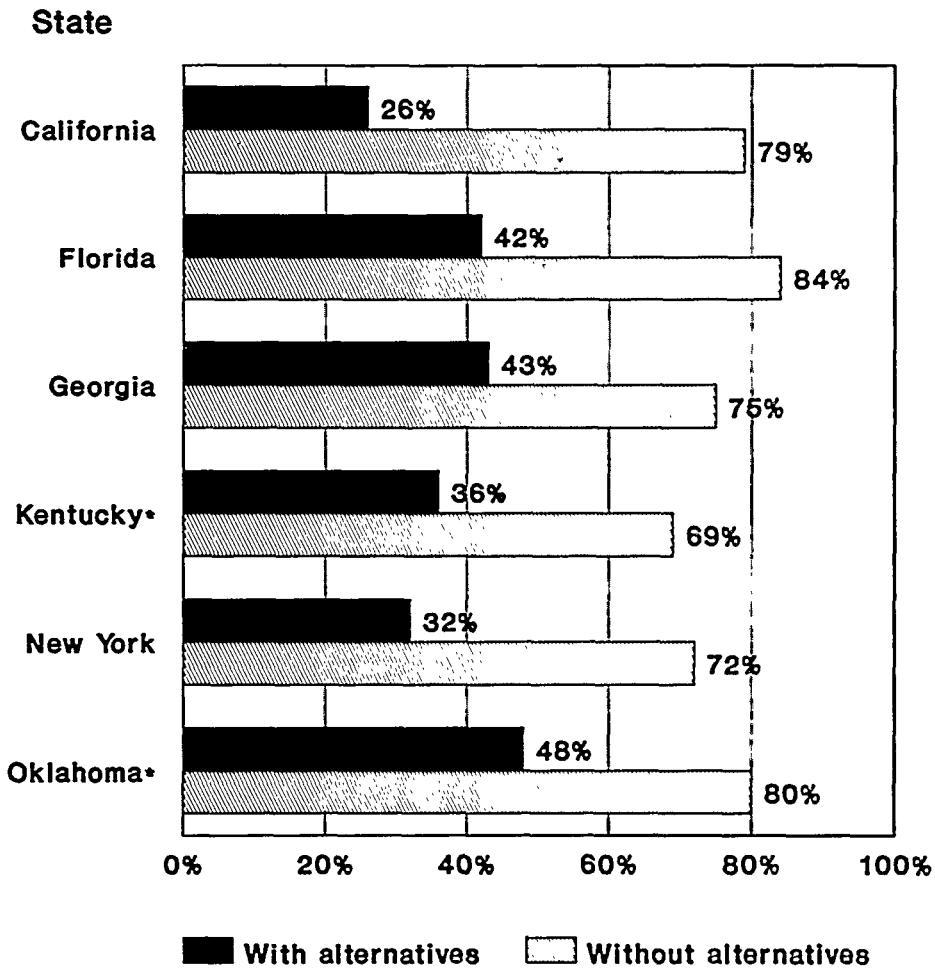


Fig. 5: Death Penalty Support Against Life Sentence & Restitution Alternatives (Amnesty International Polls)



*The Kentucky and Oklahoma surveys used only the life sentence alternative

TABLE 1
TRENDS IN DEATH PENALTY SENTIMENT BY RESPONDENT CHARACTERISTICS
Percent Favoring Death Penalty for First Degree Murderers

Year	72	73	74	75	76	77	78	80	82	83	84	85	86	87	88
Overall	57	63	66	64	69	72	70	72	78	77	75	80	75	74	76
Age															
Under 30	48	50	59	57	60	67	67	69	78	76	79	78	76	71	74
30 through 49	60	67	68	65	72	71	70	73	78	80	74	81	72	78	78
50 and over	62	70	71	69	72	75	73	72	79	74	72	79	79	72	76
Sex															
Male	64	70	70	71	75	77	76	78	83	84	80	83	82	77	81
Female	50	57	63	59	63	67	66	66	75	72	71	77	70	72	72
Race															
White	62	67	70	68	71	75	73	75	81	80	79	82	79	78	81
Black	32	38	40	36	43	46	46	43	50	50	47	57	48	48	48
Marital Status															
Married	62	67	70	68	73	75	74	74	82	80	78	83	80	80	79
Prev. Married	47	60	62	57	63	67	67	66	75	72	68	76	70	70	75
Never Married	46	49	49	57	58	65	59	70	71	71	75	73	69	63	70
Child Status															
No Children	50	57	58	60	66	73	68	71	75	74	77	76	74	69	77
Children	60	66	69	66	70	72	71	72	80	78	74	81	76	76	76
Region															
East	68	64	69	69	73	67	71	72	77	74	79	78	73	76	72
Midwest	56	65	63	63	68	73	74	72	77	78	70	78	73	72	74
South	45	62	66	60	67	70	69	70	78	74	72	80	72	72	77
West	66	64	70	68	67	79	67	74	81	83	84	82	87	80	81
Urbanness															
Urban	55	56	55	61	64	65	64	67	75	65	74	72	70	70	69
Suburban	64	64	73	71	71	70	73	76	82	82	80	81	78	78	80
Town/Rural	56	67	70	64	70	75	72	72	78	78	72	81	76	74	77
Political Party															
Democrat	53	56	62	62	66	70	66	67	74	71	69	75	69	66	68
Independent	54	67	62	60	66	70	72	71	81	80	74	79	76	82	73
Republican	67	73	76	72	75	76	77	80	83	84	84	85	83	84	86

Table 1 (Continued)

Percent Favoring Death Penalty for First Degree Murderers

Year	72	73	74	75	76	77	78	80	82	83	84	85	86	87	88
Political Views															
Liberal	—	—	54	55	57	60	57	61	68	69	70	71	65	62	66
Moderate	—	—	70	67	71	76	74	73	82	85	73	81	75	77	78
Conservative	—	—	75	73	79	77	78	79	82	86	81	84	83	81	83
Class															
Lower/Working	56	65	65	65	67	70	69	72	76	80	74	80	75	74	73
Middle/Upper	59	64	68	64	71	74	72	71	81	81	76	79	75	75	79
Income															
Under $20K	—	63	66	64	66	72	69	69	76	71	70	76	71	67	71
$20K and up	—	67	69	66	77	71	75	76	81	83	79	83	79	79	79
Degree															
Not HS grad	56	66	68	63	66	71	64	65	74	70	67	77	72	66	72
HS graduate	57	64	67	68	74	74	75	76	83	81	78	83	78	79	79
College grad	63	56	60	56	61	67	68	69	72	75	76	75	74	71	74
Religion															
Protestant	55	65	67	64	69	72	71	72	78	77	74	80	76	74	77
Catholic	64	66	74	69	72	73	72	75	79	77	75	80	73	74	77
Jewish	71	65	43	61	74	72	79	77	79	73	96	67	83	89	73
Religiousness															
Strong	—	—	69	60	67	70	69	66	78	72	71	78	72	72	73
Somewhat Strong	—	—	67	69	73	79	62	77	72	81	72	73	78	75	79
Not Strong	—	—	67	69	72	73	74	77	80	82	79	82	78	77	79

TABLE 2

LOGISTIC REGRESSION OF DEATH PENALTY ATTITUDES

Variable	B	S.E.	Chi-Sq.	df	Sig	Partial	Odds Mult.
Year	.0762	.0115	44.1737	1	.0000	.0487	1.079
Age	.0632	.0194	10.6352	1	.0011	.0220	1.065
Age x Year	−.0008	.0002	9.8207	1	.0017	−.0210	.999
Male	.5115	.0399	164.1479	1	.0000	.0955	1.667
White	1.0848	.0576	354.3938	1	.0000	.1407	2.958
Married	.2307	.0446	26.7404	1	.0000	.0373	1.259
Child	.0749	.0489	2.3450	1	.1257	.0044	1.077
Region (Ref: East)			18.5132	3	.0003	.0265	
Midwest	−.1062	.0555	3.6587	1	.0558	−.0097	.899
South	−.0336	.0552	.3699	1	.5431	.0000	.967
West	.1471	.0633	5.3943	1	.0202	.0138	1.158
Urbanness (Ref: Town/Rural)			7.2938	2	.0261	.0136	
Suburban	.1348	.0499	7.2915	1	.0069	.0172	1.144
Urban	.0421	.0502	.7021	1	.4021	.0000	1.043
Republican	.3672	.0448	67.2461	1	.0000	.0606	1.443
Political Views	.2176	.0156	195.6572	1	.0000	.1043	1.243
Social Class (Ref: Lower)			7.9961	3	.0461	.0106	
Working	.2141	.0904	5.6069	1	.0179	.0142	1.238
Middle	.1449	.0929	2.4334	1	.1188	.0049	1.156
Upper	.2796	.1480	3.5691	1	.0589	.0094	1.322
Degree (Ref: < H.S.)			86.1796	2	.0000	.0680	
H.S. Degree	.2296	.0490	21.9845	1	.0000	.0335	1.258
College	−.2368	.0625	14.3677	1	.0002	−.0264	.789
High Income	.0998	.0475	4.4069	1	.0358	.0116	1.104
Constant	−7.8888	.9385	70.6527	1	.0000		

Number of selected cases = 22649
Number rejected because of missing data = 7310
Number of cases included in the analysis = 15339
Initial −2 Log Likelihood 17789.828

	Chi-Square	df	Significance
−2 Log Likelihood	16333.146	15318	.0000
Model Chi-Square	1456.682	20	.0000
Improvement	1456.682	20	.0000
Goodness of Fit	15243.984	15318	.0000

Multiple Correlation R = 0.2945

Classification Table

		Predicted	
	Oppose	Favor	Percent Correct
Observed Oppose	684	3406	16.72%
Favor	488	10761	95.66%

Overall: 74.61%