

To Kill or Not To Kill, That Is the Question: American Opinions on Capital Punishment 1972- 2010

Krista Newman

Sociology

Faculty advisor: Ed Powers

Introduction

In democracies, policy matters are debated and majorities are formed in ways that often initiate social change. Sociologists typically analyze social change as a function of interest groups purposely organized to shape the debate on particular issues (Ritzer, 2011). When a number of groups with similar interests work in unison to address a social problem, sociologists consider this a social movement, a collective attempt to bring about or resist change (Viorst, 1979). Social movements work actively to change public opinion by framing or reframing social issues in ways that large segments of the public can view the issues as aligned with ideas, beliefs, and values that are embedded in the culture.

There have been many social movements throughout America history that have influenced public debate and ultimately contributed to the formation of new policies—for example, the abolitionist movement (Sono, 2011), the women's suffrage movement (Peterson, 2011), and the civil rights movement (Viorst,

1979). A review of twentieth century history suggests that a similar social movement formed in the United States around the issue of capital punishment. Casual inspection of the anti-capital punishment social movement reveals that organizations opposing the death penalty base their opposition on two key issues. The first is the idea that capital punishment is uncivilized based on the fact that the United States is the only western industrialized nation to still use the death penalty (Weatherby, Cangany, Labossiere, & Clark, 2012). The second is that the administration of the penalty is biased by race and class (Lanier & Acker, 2004).

The point of this analysis is to focus on the impact of the class and racial bias arguments promoted by the anti-capital punishment movement (ACPM). If the message of these social movement organizations has been successful, it makes sense that lower-class and racial minority residents of the United States should register increased opposition to the death penalty over time compared to higher class and white residents. In other words, if public opinion on the death penalty is examined, there should be significant differences in support between black and white, rich and poor. At the same time, it must be acknowledged that social movement manipulation of public opinion may be limited by the class- and race-based realities of everyday life experiences. High rates of violent crime may compel members of certain victimized groups to seek retribution instead of fairness and justice. In other words, public opinion on the death penalty may be affected more by fear of crime and revenge motives than it is by the messages of social movement organizations. If this second scenario is in place, it is expected that groups with higher victimization rates should be more likely to favor capital punishment. Thus blacks and members of lower socioeconomic groups (who experience higher rates of violent victimization) should

have higher death penalty approval rates compared to others in the society.

Ultimately, this debate can be treated as a set of empirical questions. The fairness and equality message of the anti-capital punishment movement has been emphasized over the last four decades (roughly 1970-2010). To what extent has public opinion on the death penalty changed over this period? In what ways are opinions about the death penalty related to race and class? How has race- and class-based opposition to the death penalty changed over time?

Several decades of data collected in the National Opinion Research Center's General Social Survey (GSS) are analyzed in an attempt to answer these questions. The patterns revealed in an analysis of death penalty opposition will help assess the impact of the anti-capital punishment movement message on target groups.

A Brief History of Capital Punishment in the U.S.

Capital punishment has always been included in the criminal justice system of the United States. During the eighteenth century, the American colonies had numerous crimes that could be punished by death. During the colonial period in both North America and in Europe, it was common to use capital punishment as a means of deterrence for a variety of crimes (Filler, 1952). However, during the course of the 20th century, European countries began questioning the morality of capital punishment. For example, the Murder Act of 1965 banned the use of capital punishment in Great Britain (Block & Hostettler, 1997).

In the United States, opposition to the death penalty began to gather substantial support in the 1960s. The NAACP and the Legal Defense Fund began to publicly denounce the use of capital punishment because of evidence that the death penalty was being applied unfairly to African Americans. The use of the death penalty decelerated in 1967 due to the efforts of the NAACP, Legal Defense Fund, and the civil rights movement (Lanier & Acker, 2004; Steiker & Steiker, 2010). Use of capital punishment was temporarily halted by the 1972 Supreme Court decision in *Furman vs. Georgia*. The *Furman* case banned capital punishment in every state until higher standards of consistency in applying the death penalty could be enacted by state legislatures (Smith & Wright, 1992).

Despite the *Furman* ruling, the prevailing view in many states was that capital punishment was necessary in order to deter potential offenders (Radelet & Borg, 2000). Embracing this viewpoint, more than three dozen state legislatures re-drafted trial and sentencing procedures to meet the higher standards of the *Furman* ruling (Fox, Levin, & Quinet, 2012). In 1976, the Supreme Court (*Gregg v. Georgia*) reinstated the use of capital punishment in states that agreed to comply with more rigorous guidelines. As of 1992, the United States was the only western industrialized nation to use the death penalty (Smith & Wright, 1992). As of 2011, the death penalty is a possible punishment in 34 states and can also be applied to a number of federal offenses (Fox, Levin, & Quinet, 2012).

Literature Review

Social Unrest & Social Movements

Within a society there are norms and regulations that are put in place for the public to abide by in day to day activities. Today's norms are not the same as the norms 200 years ago because societies change along with the attitudes of the public. Opinions concerning various situations can be influenced by a major current event that changes a person's point of view (Weatherby, Cangany, Labossiere, & Clark, 2012). According to national polls, support for capital punishment among Americans in the 20th century was high between 1930 and the late 1950s (Smith & Wright, 1992). However, support for the death penalty dropped to 51% in 1960 and fell as low as 42% in 1965 (Smith & Wright, 1992). The drop in support for capital punishment may be partially explained by the increased activity of the heavily pacifist anti-Vietnam movement (Ellsworth & Gross, 1994) and the Civil Rights movement (Viorst, 1979). Media coverage of the war in Vietnam mobilized many Americans to resist violence (Weatherby, Cangany, Labossiere, & Clark, 2012). Support for capital punishment may have declined during the Vietnam era because Americans were repulsed by the death toll that was consuming the nation due to the war (McCormick, 2000). Elements of the Civil Rights movement such as the Legal Defense Fund of the National Association for the Advancement of Colored People allied with the American Civil Liberties Union in an effort to ban capital punishment nationally because of the racial bias inherent in its use (Cook, 1999; Lanier & Acker, 2004; Steiker & Steiker, 2010). While the NAACP battled capital punishment in the courts, the anti-death penalty movement focused on public activism in attempts to influence the "bystander public"—that large segment of the population unaffected by and unconcerned with capital punishment (Gamson, 2004). In time, the anti-death penalty movement included public organizations such as religious groups, nonprofit organizations, and civil rights groups to help spread knowledge of

the problems with capital punishment (Cook, 1999). Several social movement organizations such as Amnesty International and National Coalition to Abolish the Death Penalty emerged during this period to reinforce the general movement. Amnesty International argues that capital punishment is denial of human rights (International, 2013) and NCADP goal is to end capital punishment in every state by providing information about the negative consequences of its use (NCADP, 2013). Social movement organizations like these have the goal of changing the opinions of those who approve of capital punishment or who are on the fence about the topic.

The Relationship between Capital Punishment and Crime Rates

High crime rates are likely related to an alternative way of framing views on capital punishment. While the American homicide rate was relatively low in the 1960s (around 5 homicides per 100,000), the rate doubled to nearly 10 in the mid-1970s, it exceeded 10 in 1980, and it reached close to 10 again in the early 1990s (Fox, Levin, & Quinet, 2012). These are exceptionally high homicide rates considering that rates in most other industrialized countries rarely exceed 3 per 100,000 (Fox, Levin, & Quinet, 2012). The large number of victims—including the families of victims—that emerge as a result of high rates of homicide may be responsible for pushing public opinion back toward favoring capital punishment.

Rather than reject capital punishment because of the chance that systematic bias may result in the executions of innocent people, some choose to prioritize sympathy for the current and future victims of violence. The claim made on behalf of victims is that capital punishment is needed as retribution for victims' families and

as deterrence for future criminals (Ellsworth & Gross, 1994). According to surveys of Americans, retribution is commonly cited as the most important reason for favoring the death penalty (Jones, 2003). The claim of substantial deterrence was widely circulated in the 1970s supported by sophisticated econometric models showing that each execution prevented as many as eight murders (Ehrlich, 1975). However, the assumptions of those econometric models were eventually found unsupportable and the current scientific evidence suggests that the death penalty is no more deterrent than the alternative sentence of life without the possibility of parole (Fox, Levin, & Quinet, 2012).

Demographic Characteristics

Some evidence for race and sex has been gathered from polls from 1952 to 1992 showing that whites, men, and conservatives have supported the death penalty more than their counterparts (Ellsworth & Gross, 1994). The data from this period indicate that 65% of whites and men support capital punishment by 1972 and this proportion rises to roughly 72% in 1980 (Ellsworth & Gross, 1994). However, by comparison only 25% of blacks and 50% of women favored capital punishment in 1972 (Ellsworth & Gross, 1994).

Theory

Rational Choice Theory

According to Weatherby and associates, those who have the same educational background and have similar social economic income will form related beliefs based on related situations that are experienced by the same group of people (Weatherby, Cangany,

Labossiere, & Clark, 2012). It is clear that some groups may resist capital punishment because their members are more likely to be executed than others. At the same time, victimization data suggest that poor black people are more likely to be the victim of a homicide than other groups (Lanier & Acker, 2004). For families of homicide victims, the death penalty is necessary in order to give the family retribution, a satisfaction that their loved one did not die without some sort of payback (Radelet & Borg, 2000). Rational choice theory, which says people calculate the cost and benefits before deciding what to do, may suggest that poor black people are more willing to embrace capital punishment as a justified means of retribution (Scott, 2000). The victim's family rationally deliberates that the death penalty is the most beneficial way to make up for the homicide victim's death.

In every society there are a set of norms, public behavioral expectations that include popular ideas which the public follows (Marger, 2009). One may see that "crime rates could be explained by examining the cultural and social structure of society" (Bjerregaard & Cochran, 2008). Those who are from the upper and middle classes set the standard of living for the rest of the nation and no matter which class one belongs to, they will have a middle class mentality. Lower class citizens desire the same material possessions and standard of living as the upper class citizens but are not able to have the same lifestyle due to the lack of life chances (Siegel, 2010). Some individuals of the lower class rationally choose to commit crimes in order to have a higher standard of living because of "income inequality, poverty, and resource deprivation are all associated with the most serious violent crimes, including homicide and assault" (Siegel, 2010) As for the upper and middle classes, they are more likely to support capital punishment because of fear of victimization

(Weatherby, Cangany, Labossiere, & Clark, 2012). In other words, the upper class citizens are rationally afraid of becoming a victim of a crime and as a result support the death penalty. To ease the worries of the upper class, policies that support severe punishment for those who commit crimes are enforced (Weatherby, Cangany, Labossiere, & Clark, 2012). Crimes that call for the death penalty are more likely to affect those of the lower class who are arrested for such crimes more than the upper class due to them having a greater incentive to commit crimes because of the lack of financial stability (Siegel, 2010).

Collective Action Framing

A social movement is made up of social movement organizations that challenge the current authorities, cultural beliefs, and practices of a society (Ritzer, 2011). Social movements are brought about because of a conflict of interest between two separate groups. Within a grassroots social movement, those who make up the challenger movement band together within communities to bring change to the structure of their community, often in the form of protest and propaganda to inform the bystander public of the importance of issue at hand (Shepherd, 2012).

The anti-capital punishment movement is one such social movement that makes use of the theoretical framework of collective action framing in order to prove that supporting the death penalty is irrational. According to Snow and Benford, collective action framing is the utilizing of resources to bring about change (Swank & Fahs, 2011). In order for a social movement to use collective action framing four objectives must be met. The movement must bring awareness about an issue that is oppressive in some form; assign the blame for the oppression, incorporate bystanders to become politically active;

and from social boundaries between the oppressed and the oppressors (Swank & Fahs, 2011). Once boundaries are set, a group is then able to develop class consciousness. The anti-capital punishment movement is made up of social movement organizations that oppose capital punishment by mobilizing resources to reframe current opinion. The justice message of these organizations should be particularly appealing to members of the lower class because the justice message argues that the lower class is being unfairly prosecuted and put to death.

Hypotheses

Given the fact that the anti-capital punishment movement has been highly active in the United States since the 1960s, it makes sense that the message should have reached its target audience by the 1970s. If the message of the movement is effective, opposition to the death penalty should be growing steadily over the last 40 years especially among the poor and minority target populations. In an analysis of public opinion from the 1970s through 2010, the following hypotheses should be supported:

H1: In any given year the lower class should oppose capital punishment more than the upper class.

H2: In any given year, blacks should show greater opposition to capital punishment than whites

H3: The relationships between class, race, and opposition to capital punishment should become more intense over time.

Methods

Data used in this analysis has been collected from the National Opinion Research Center's General Social Survey (GSS) (Davis, 2011). The GSS is a nationwide survey/interview of a representative sample of American residents first conducted in 1972 and continuing through 2010. The purpose of the GSS is to collect data used to study American opinions about societal issues and how they change over time (Archives, 2008). Data are collected in face to face interviews by using list-assisted sampling frame that uses 72 percent of the population by selecting respondents from specific area selections (Archives, 2008). The number of interviews conducted varies from year to year between 2,000 and 5,000 cases (Archives, 2008). After accounting for missing data, approximately 40,000 responses compiled from interviews 1972-2010 are used as the sample in this analysis.

Dependent Variable

Support for capital punishment is the dependent variable in this analysis. Support for capital punishment is measured in the GSS using a simple question, "Do you favor or oppose the death penalty for persons convicted of murder?" Responses to the question in the GSS were originally coded into one of five categories: 0) Inapplicable 1) Favor 2) Oppose 8) Don't Know 9) No Answer

This variable was recoded into a simple two category variable where 1 = favors the death penalty and 0 = oppose or don't know.

Independent Variable

For the independent variable of social class, an index was formed using the z-scores (for standardization) of the respondent's

occupational prestige and highest degree obtained. For one aspect of the analysis, the class index was divided into two levels (higher and lower class). For another aspect of the analysis, the class index was broken into 5 equal quintiles (each group representing 20% of the sample's class structure).

Additional Variables

Race is measured in a reduced form in order to maintain consistency across the decades of data collection. In this case, race is measured by a simplified dummy variable "Black." Black is recorded as 1 if the respondent identifies him/herself as black or African American. Otherwise Black is coded as 0.

The year of the survey was used to measure trends concerning capital punishment, social class, and race over an extended period of time. For summary purposes, years were collapsed into "decades". As a result responses are grouped into four decades:

- 1) 1970-1979
- 2) 1980-1989
- 3) 1990-1999
- 4) 2000-2010

Table 1: Characteristics of dependent, independent, and control variables

Concept	GSS Measure	Coding	Characteristics
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Favor (dep var)	Respondent's support of capital punishment	1 = Favor; 0 = Oppose & Don't Know	N= 47,338
Indclass (indep var)	Standardized scores of prestige and degree that were put into and index to be divided into high and low class.	1= High Class; 2= Low Class; Quintiles.	N= 51331
Black	Respondent's race, RACE	1= Black; 0= Other	N= 55,087
Decades	The years in which the opinion was recorded	1= 1970-1979; 2= 1980-1989; 3= 1990-1999; 4= 2000-2010	N=55087

Analysis and Results

Cross tabulation techniques are used to test the primary hypotheses. Percentages of those opposing capital punishment are also tracked on graphs that illustrate the relationships between the variables involved in the hypotheses tests.

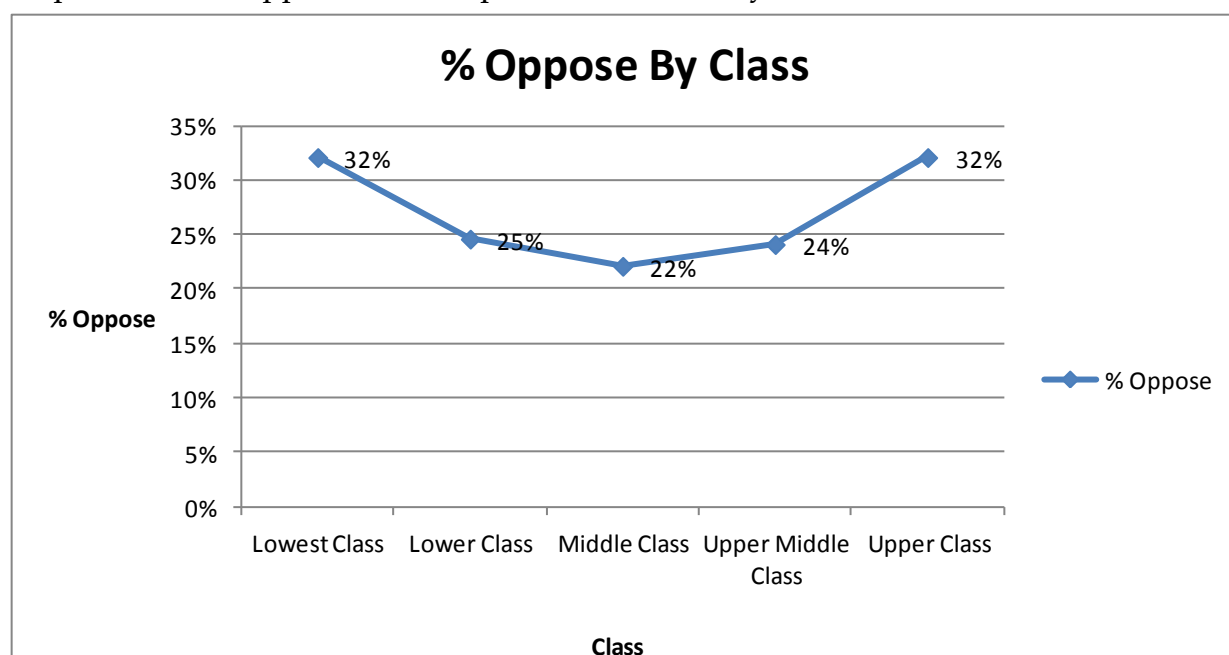
Hypothesis 1: In any given year, the lower class should oppose capital punishment more than the upper class.

Table 2: Cross Tabulations for Opposition Divided by Class

Death Penalty	Class: Quintiles					Total
	1.00	2.00	3.00	4.00	5.00	
Oppose	2598 (32.1%)	2279 (24.6%)	1533 (22.1%)	1890 (24.1%)	2714 (32.1%)	11014 (27.2%)

Favor	5492 (67.9%)	6986 (75.4%)	5394 (77.9%)	5942 (75.9%)	5738 (67.9%)	29552 72.8%
Total	8090 (100.0%)	9265 (100.0%)	6927 (100.0%)	7832 (100.0%)	8452 (100.0%)	40566 (100.0%)
Chi-square = 360.7 (df=4), p<.000						

Graph1: Percent Opposition of Capital Punishment by Class



The percentages for those who oppose capital punishment have been divided up between five different classes. Those classes are lowest, lower, middle, upper middle, and upper class. Class is related but not as expected; there is a distinct U shape pattern that shows the opposition is greatest for the lowest and highest classes with a significant sag for the middle 60% of incomes. The highest

32% is a low percentage but overall the majority of the population is still in favor of capital punishment.

Hypothesis 2: In any given year, blacks should show greater opposition to capital punishment than whites.

Table 3: Cross Tabulations for Opposition by Race

Death Penalty	Race		
	Black	Not Black	Total
Oppose	3604 (55.7%)	11515 (28.2%)	15119 (31.9%)
Favor	2863 (44.3%)	29356 (71.8%)	32219 (68.1%)
Total	6467 (100.0%)	9265 (100.0%)	47338 (100.0%)
Chi-square = 1950.3 (df=1) p<.000			

Here it is shown that blacks do oppose capital punishment more than whites. The percentages indicate that blacks oppose capital punishment by 56% while whites only oppose the death penalty by 29%. There is support here for the second hypothesis due to blacks opposing capital punishment more than non-blacks with an additional 20-30%.

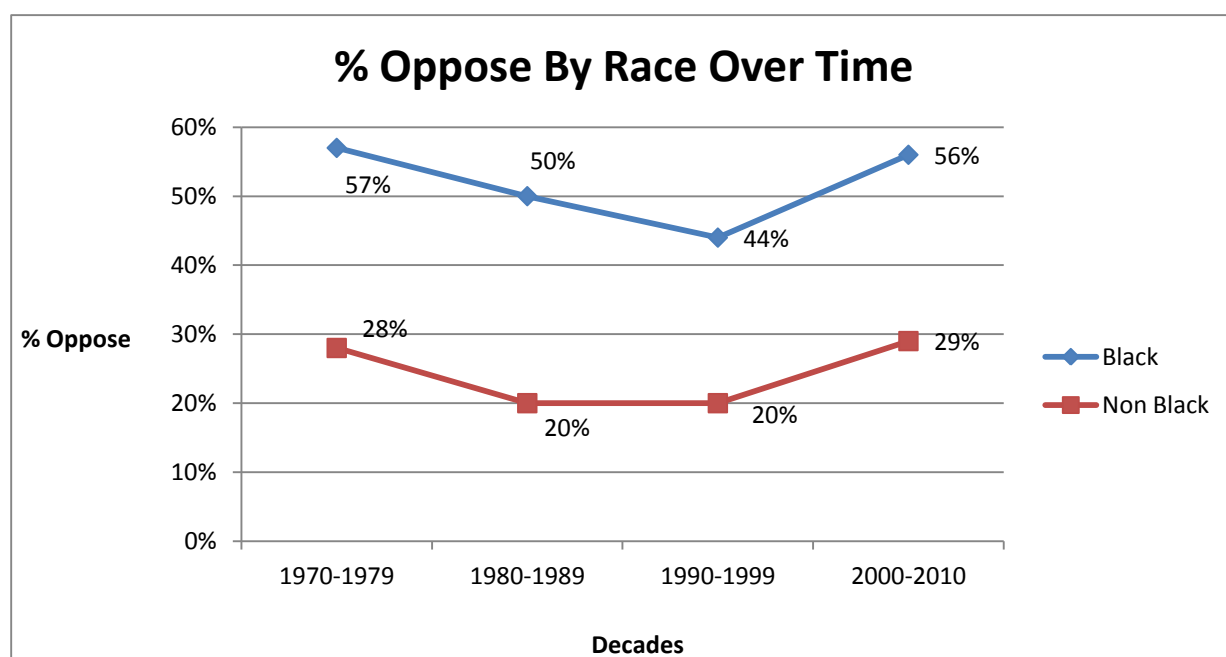
Hypothesis 3: The relationships between class, race, and opposition to capital punishment should become more intense over time.

Table 4: Cross Tabulation for Opposition Divided by Decades

Death Penalty	Decade of Survey				
	1970-1979	1980-1989	1990-1999	2000-2010	Total

Oppose	2669 (35.5%)	4193 (29.6%)	3738 (28.4%)	4519 (36.2%)	15119 (31.9%)
Favor	4842 (64.5%)	9987 (70.4%)	9427 (71.6%)	7963 (63.8%)	32219 (68.1%)
Total	7511 (100.0%)	14180 (100.0%)	13165 (100.0%)	12482 (100.0%)	47338 (100.0%)
Chi-square = 261.9 (df=3) p<.000					

Graph 2: Percentages of Opposition for Blacks and Non-Blacks over a Period of Four Decades



A graph was formed to show the percentages of opposition between blacks and non-blacks and how this opposition has changed over four decades, starting in the 1970s and ending in the early 2000s. Over all the four decades, blacks oppose capital punishment more than non-blacks but when the opposition is broken up into decades,

a U shaped pattern is formed for both races. This shows a significant drop for both races in the 80s and 90s, with opposition increasing in the early 2000s. As for the third hypothesis, there is gradual acceleration of opposition because of the increase in support during the early 2000s, but the hypothesis is not supported due to the decline in the 1980s and 1990s.

Conclusion

All in all, the primary relationship for this research was found not to be completely true. The lower class does have greater opposition to capital punishment than the middle classes but not the upper class. In fact, the upper and lower classes have the same percentages of opposition. By speculating, this is due to the anti-capital punishment movement's message being accepted by their target group, which is the lower class blacks; however, for the testing of the primary hypothesis, the lower class was looked at as a whole including non-blacks. It is possible that lower class whites are also accepting that the lower classes are being unfairly punished. As for the upper class, they too may believe the movement's message but could also believe that killing humans is morally wrong. As for the importance of race, speculation shows that that the low percentages of opposition for the 1980s and 1990s can be explained by the "Reagan Era" that was the peak of the counter-conservative movement. During this period, the thought that the justice system was too soft on crime caused belief in the need for capital punishment to be used as a method of deterrence instead of the anti-capital punishment's idea that killing of any kind is morally wrong. Another explanation can be found in the crime rates of the 1980s and 90s: according to the Urban Institute of the Justice Policy Center, there were two crime peaks, one starting in 1973 and the other in

1994. Respondents of the GSS were responding more to the increase in crime rates than the anti-capital punishment movement's message.

When evaluating the research, limitations involve the use of the General Social Survey as the data set. Social class is used as the independent variable, but the question available in the GSS concerning the respondent's social class is not reliable. The question is based on the respondent's general knowledge of what they think their social class is, not their actual income. Lastly, since the results showed that the anti-capital punishment movement is more geared to developing resources to bring awareness to blacks and less to social class, knowing this information could have allowed research to be done differently to measure the strength of the anti-capital punishment movement's message. In order to do this, prime social movement organizations would have been picked to answer a survey to determine their main area of focus. Future research should incorporate the strength of the social movement as a whole and determine if other races are affected by the anti-capital punishment movement's message.

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