

THE DEATH PENALTY THROUGH THE LENSES OF  
CRIMINOLOGY/CRIMINAL JUSTICE  
STUDENTS AND NON-CRCJ  
STUDENTS

by

SHIRLEY A. HAMBLET

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ABSTRACT

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Shirley A. Hamblet, M.A.

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Supervising Professor: Alejandro del Carmen

The purpose of this study is to examine the possible relationship between level of knowledge and perception regarding capital punishment among criminology/criminal justice (CRCJ) students in comparison with non-CRCJ majors. The data for this study were obtained from a sample of CRCJ and non-CRCJ majors enrolled at the University of Texas at Arlington. While CRCJ majors appeared to be more knowledgeable regarding capital punishment, there was little significant difference of opinion (perception) among CRCJ and non-CRCJ majors.

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## CHAPTER 1

### INTRODUCTION

The Eighth Amendment to the United States Constitution says “Excessive bail shall not be required, nor excessive fines imposed” and most importantly “nor cruel and unusual punishments inflicted”. Whether one believes the death penalty to be cruel and unusual or a just sentence in the face of an egregious crime, many Americans support the death penalty without knowing or caring much about the way in which it is carried out (Bedau, 1997; *Furman v. Georgia*, 1972; Walker, Spohn & Delone, 2000). Supreme Court Chief Justice William Brennan observed,

It is tempting to pretend that [those] on death row share a fate in no way connected to our own, that our treatment of them sounds no echoes beyond the chambers in which they die. Such an illusion is ultimately corrosive, for the reverberations of injustice are not so easily confined... the way in which we choose those who will die reveals the depth of moral commitment among the living (Bedau, 1997, p. 299).

Chief Justice Brennan’s observation has not been lost on those who have been wrongly condemned to die. Randall Dale Adams served twelve years on Texas’ death row before being exonerated (Adams, 1991). His death at the hands of the State of Texas would have taken place in a bleak room, strapped down to a gurney, with no chance left for exoneration. In 1996, DNA testing proved that not one of the so called “Ford Heights Four” was responsible for the rape and murder of a Chicago woman and her companion. Since then, more than 75 cases of persons wrongfully convicted have

surfaced (McCormick, 1998). Still other capital murder defendants must contend with attorneys who spend little time preparing for trial, sleeping lawyers and courts that refuse to acknowledge the ineffectiveness of counsel claims that follow (Shapiro, 1997). Further, the death penalty has become a popular position for politicians who do not wish to appear soft on crime (Cockburn, 2001). Capital punishment is the most severe sentence that can be given and one that is impossible for society to correct once administered. No apology, or compensation of money can give the person back his life or comfort his family. Therefore, the level of knowledge that future policy-makers have about the death penalty and how that shapes their perceptions and actions is of vital importance to every American, for one can never be certain that the mistake of justice will not befall them.

The question that begs to be answered is whether or not support for the death penalty has any correlation with knowledge about the death penalty, and if CRCJ and non-CRCJ students differ in knowledge and support for capital punishment. Supreme Court Justice Thurgood Marshall, stated in *Furman v. Georgia* (1972) that Americans know little about capital punishment. He believed that if the average citizen knew the facts, almost no-one would support the use of capital punishment. However, he further hypothesized that if one supported the death penalty for retributive reasons, no amount of knowledge would change their opinion (*Furman v. Georgia*, 1972; Walker, et al., 2000).

Given the gravity of the death penalty and its political nature, it is imperative that knowledge and perceptions among students who will become tomorrow's policy-

makers and leaders within Texas' criminal justice system, be examined in relation to students who major in other disciplines. The purpose of this study is to examine the possible relationship between level of knowledge and perception regarding capital punishment among criminology and criminal justice (CRCJ) students in comparison with non-CRCJ majors. First, the study will attempt to determine whether there is a difference in level of knowledge of the death penalty among CRCJ majors and non-CRCJ majors. Second, the study will attempt to determine whether knowledge has any correlation with perception and opinion regarding the death penalty. The data for this study were obtained from CRCJ and non-CRCJ undergraduate and graduate students attending the University of Texas at Arlington during the spring semester of 2006.

### 1.1 History of the Death Penalty

Capital punishment has roots that extend as far back as Biblical times when executions served the ends of God. People lived in fear of provoking God and believed that his wrath would release upon them any number of natural disasters (Johnson, 1998). In ancient Babylon, Hammurabi's Code mandated the death penalty for 25 crimes including sorcery and making false accusations of murder. Many of the laws of this time were based on retaliation or *lex talionis* (Lifton & Mitchell, 2002).

In ancient Greece, death was the prescribed penalty for almost every violation of law imaginable. One could find himself executed for simply being idle or having stolen salt (Lifton & Mitchell, 2002). The earliest form of community punishment in Greece was stoning. However, stoning was only used to punish those crimes that affected the community (Johnson, 1998). The laws of Greece were so harsh that eventually public

sentiment forced the abolition of the death penalty for most crimes (Lifton & Mitchell, 2002).

During the middle ages, executions were public and attended by the masses. Clergy often blessed the execution and the means of execution were varied. The upper class could expect to be beheaded, while the lower class were left to suffer by hanging, drawing and quartering, drowning, being disemboweled (Johnson, 1998; Lifton & Mitchell, 2002) or breaking on the wheel, a process of hanging the victim by his feet and an executioner sawing his body in half vertically while still alive and conscious (Johnson, 1998).

England's bloody code was the harshest and most punitive in Europe (Banner, 2002). During the period 1714-1830, English Parliament had created 156 new capital offenses (Tonry, 1996). Most of these new offenses were property crimes (Dike, 1981; Tonry, 1996) that targeted the poor (Dike, 1981). By 1819 over 200 crimes were designated capital offenses (Banner, 2002; del Carmen, 2000; Dike, 1981; Tonry, 1996). Although the bloody codes prevented torture such as the wheel, it implemented the death penalty for crimes such as cutting down trees in parks (del Carmen, 2000), theft of turnips, lead, iron bars and gates (Dike, 1981), poaching deer and theft of small sums of money (Banner, 2002). The English practice of leaving rotting corpses for others to see is thought to have been done in an attempt to deter others from crime (del Carmen, 2000; Dike, 1981) but eventually the death penalty in England began to wane as juries refused to convict (Dike, 1981; Tonry, 1996), the accused began to claim benefit of clergy, and many of those sentenced to death were never executed (Tonry,

1996). In fact, executions in the late eighteenth century varied from between 21 per year to 53 during the 1790s (Tonry, 1996). By 1829, capital crimes had declined to just 15, and by 1861, just 4 crimes were considered capital offenses (Dike, 1981).

Capital punishment in America was based on English law and was brought to America during the seventeenth century by the first American colonists (Bedau, 1997). The first known execution in America occurred in 1622 in Virginia when Daniel Frank was executed for theft (del Carmen, 2002). The earliest death penalty statutes recorded are from the Massachusetts Bay colony in 1636. Some of the original crimes for which one could be executed included witchcraft, idolatry, and blasphemy (Dike, 1981). The Massachusetts Code of 1648 provided capital punishments for crimes such as sodomy, man stealing, treason and homicide committed with malice (del Carmen, 2002) and each offense was justified by use of Biblical quotation (Lifton & Mitchell, 2002). Between 1642 and 1650, a person in the New Haven Colony denying the existence of God could receive the death penalty (Inciardi, 1999) while in early Pennsylvania only murder and treason were punished by death (Lifton & Mitchell, 2002). During this period death by hanging was the preferred method of execution (Bedau, 1997) and each colony's laws differed from the next (Lifton & Mitchell, 2002).

The abolition movement began in the 1700s when Cesare Beccaria, an Italian mathematician, wrote *Des delitti e delle pene* (On Crimes and Punishments) (Bedau, 1997; del Carmen, 2002). Beccaria was born in Milan Italy in 1738 to an aristocratic family, and attended the University of Pavia where he received his degree in 1758 (del Carmen, 2002). Beccaria advocated penile servitude in place of the death penalty



(Bedau, 1997, del Carmen, 2002) and believed that not only was the death penalty not a right of the state, but that it could only be considered necessary for only two reasons; that the safety of the nation continued to be in danger should the offender live, if the offender was in a position by his very existence to provoke a revolution, or if his death would deter others from crime (Beccaria, 1996).

Another early abolitionist was Benjamin Rush, an American who lectured against public execution (Bedau, 1997) and was the first to present reasoned arguments why capital punishment should be abolished (del Carmen, 2002). In addition, Rush questioned whether the Bible really provided support for capital punishment. Rush was one of the first to suggest that capital punishment might not have a deterrent effect, but instead have a brutalizing effect (Bohm, 2003).

In Pennsylvania in 1793, the Quakers pushed for reform insisting that murder be divided by two degrees; first and second degree murder (Bedau, 1997). In 1794, Pennsylvania did adopt degrees of murder, but first degree murder still carried a mandatory death sentence (Dike, 1981; Lifton & Mitchell, 2002). Most states followed Pennsylvania's lead and adopted the concept of degrees of murder (Bedau, 1997; Bohm, 2003), but the Quakers' ultimate goal was to abolish the death penalty completely (Bedau, 1997; Dike, 1981). As the eighteenth century came to an end at least 1500 persons had been executed in America (Lifton & Mitchell, 2002).

In the nineteenth century, the use of the death penalty flourished. The use of capital punishment increased by 60% over the entire 17<sup>th</sup> and 18<sup>th</sup> centuries combined, although during the Civil War, usage dropped by two-thirds (Bohm, 2003). It was not

until 1835 that New York outlawed public executions, moving the process indoors and away from the public eye (Bedau, 1997, Bohm, 2003). Other states would soon follow, with the last public execution held in 1937 in Galena, Missouri (Bohm, 2003).

In 1846, the state of Michigan abolished the death penalty for all crimes (Bedau, 1997; Bohm, 2003; Dike, 1981) and during this period, the death penalty was eliminated in most European countries (del Carmen, 2002). In addition, Tennessee was the first state to implement a discretionary death penalty statute for murder in 1838, but more than a full century would pass before, in 1963, all states would eliminate mandatory death penalties. In 1852 Rhode Island would repeal the death penalty, followed by Wisconsin in 1853 (Bedau, 1997; Bohm, 2003). Abolition in Ohio and Pennsylvania would quickly follow, although many of these states would later reinstate the death penalty (Bedau, 1997).

The first state-imposed execution would not take place until the Civil War (Bohm, 2003; Dike, 1981). Nevertheless, in 1890 over 90 percent of executions were still carried out under local authority (Bohm, 2003). Hanging was the first lawful means of execution (Bohm, 2003) and would remain so for the first 100 years (Dike, 1981). The electric chair was invented in New York in 1888 (Bedau, 1997), but was not used until two years later in 1890 (Dike, 1981). This method was followed by firing squad, lethal gas, and finally, the method preferred today – lethal injection (Bohm, 2003). Lethal injection was first adopted in Oklahoma in 1977 (Bohm, 2003) and first used in Texas in 1982 (Bedau, 1997). Although hanging had outlived its popularity, the last hanging in the United States did not take place until 1996 in Delaware (Bedau,

1997) and the firing squad is still used in three states (Bohm, 2003). As late as 2001 electrocution was declared unconstitutional by the Georgia Supreme Court and lethal injection has become the preferred method of execution in all states except Nevada (Bohm, 2003; Death Penalty Information Center, 2006).

The twentieth century began with the repeal of capital punishment in 9 states. Although it was believed at the time that all the other states would soon follow, this never happened. By the 1920s many of the states that had repealed the death penalty reinstated it (Bedau, 1997). In the South and in some states in the West and Midwest, over 3,000 men and a few women, mostly black, were subjected to illegal executions called “lynchings”. Despite the fact that lynching was a capital crime itself, the mostly white mobs were not deterred. Jesse Jackson would comment “So much for deterrence” (Lifton & Mitchell, 2002, p. 37).

In no time period in America was the death penalty practiced more than during the great depression when executions reached their highest levels of the entire twentieth century (Bedau, 1997). According to Bohm (2003), despite a growing demand for abolition, in 1935, 199 persons were executed and an average of 167 persons per year was executed during the nineteen-thirties.

In the 1950s executions began to decline, partly because after World War II, many allied nations abolished the death penalty (Bohm, 2003). Two cases in the 1950s galvanized the debate about the death penalty, but not in the same way. A poll conducted after the executions of accused cold war spies Julius and Ethel Rosenberg found that over 70 percent of Americans supported the death penalty. This was the

highest level of support ever attained for capital punishment (Bohm, 2003; Lifton & Mitchell, 2002). Caryl Chessman's case was an entirely different matter. Caryl Chessman was convicted in 1948 on 17 counts including kidnapping and attempted rape. What the American people saw was the lack of efficiency and purpose when after 12 years of legal battles, Caryl Chessman was finally executed. Support for the death penalty began to wane (Bohm, 2003; Lifton & Mitchell, 2002).

The level of support for the death penalty dropped in 1966 to only 42 percent – the lowest level of support ever recorded (Bedau, 1997, Bohm, 2003, Dike, 1981) and in 1968 executions ceased as the death penalty was being challenged in the United States Supreme Court. In 1972, *Furman v. Georgia* came before the Supreme Court. The court found that the death penalty had been applied in “an arbitrary and capricious manner” and therefore its application was unconstitutional. The death penalty itself was not found to be unconstitutional, but the court felt that there were no legislated standards and that juries could apply the death penalty to any murder case regardless of circumstances. They also felt that the death penalty violated the rights of minorities who were sentenced to death more often than whites (*Furman v. Georgia*, 1972). This effectively commuted 629 sentences of death in 40 jurisdictions (Michigan State University 2006). The moratorium on the death penalty would not be lifted until *Gregg v. Georgia* (1976) in which the Supreme Court reaffirmed the constitutionality of the death penalty (Bedau, 1997). Reforms included bifurcated trials in which guilt and punishment were assessed separately, automatic appellate review, sentencing guidelines and proportionality review (Michigan State University, 2001).

Gary Gilmore became the first person to be executed after the ruling in *Gregg v. Georgia* (1976) and the first since 1967. In 1977 Gary Gilmore died by firing squad in Utah (Sheldon, 2001). In 1982, Charles Brooks, Jr. was executed in the State of Texas and became the first to die from a lethal mixture of sodium thiopental, pavulon and potassium chloride. This method would become known as lethal injection and is the most widely used today (Lifton & Mitchell, 2002). Currently, 38 states retain the death penalty as do the federal government and United States military. Since the ruling of *Gregg v. Georgia* (1976), 1014 persons have been executed. In 2005, 60 people were executed in the United States and as of September 9, 2006, 41 persons have been executed, 20 in Texas alone. Currently, there are 3,370 people waiting on death row, with almost one-third of those in just two states - California (652) and Texas (404). There have been 123 death row exonerations since 1973 (Death Penalty Information Center, 2006).

Debate about the death penalty continues into the twenty-first century. In January of 2000, Governor Ryan of Illinois placed a moratorium on executions in the state of Illinois after discovering that the state had executed 12 people, but exonerated and released 13 people who had been condemned to die. As his last act of office, Governor Ryan generated an outpouring of controversy when he granted clemency to the remaining 156 Illinois death row inmates (Death Penalty Information Center, 2006). His actions ignited anger in victim's right proponents and elation for persons who oppose the death penalty (Death Penalty Information Center, 2006). In 2002, the Supreme Court held that it is unconstitutional to execute defendants who are mentally

retarded (*Atkins v. Virginia*, 2002) and as recently as 2005 the Supreme Court ruled that the execution of those who commit murder as juveniles is unconstitutional (*Roper v. Simmons*, 2005).

## 1.2 Deterrence Theory

According to del Carmen (2002) deterrence is a frequently used justification that advocates for the punishment of persons based on the concept that the applied punishment will discourage or prevent others from engaging in criminal conduct. The goal of general deterrence is to convince potential criminals that crime brings dreaded consequence and therefore is not worth the price (Siegel, 1998). In his book “*On Crimes and Punishment*”, Beccaria proposed the notion that people make choices based on the rational calculation of costs and benefits. His stand was that punishment should not exceed the crime, but rather be fitting to the crime. This, he believed, would deter persons from committing crime (Beccaria, 1996).

Beccaria’s theory became the basis for modern criminal justice systems, but the expected decline in crime did not occur (Gibbs, 1968), and deterrence theory was largely ignored and dismissed until 1968 when Jack Gibbs attempted to test deterrence (Vold, Bernard & Snipes, 2002). Gibbs used two variables, certainty of punishment and severity of punishment. Certainty of punishment was defined by the admissions to state prisons compared to crimes known to the police the prior year. Severity of punishment was defined as the mean number of months served by all people convicted of given crimes and in prison during the same year. Gibbs found that although both greater

certainty and severity were associated with fewer homicides in 1960, certainty had twice as great an effect as severity (Gibbs, 1968).

Tittle (1969) discovered that certainty was a more powerful predictor for deterrence in all seven index crimes in the FBI's Uniform Crime Reports, except for homicide (Vold, et al., 2002). Contrary to Gibb's findings however, the same study found that greater severity was associated with more crime, and that although the certainty of imprisonment had a deterrent effect, severity only deterred if certainty was high (Tittle, 1969). These findings would not go unchallenged, however. Using data from National Prisoner Statistics and Uniform Crime Reports, Chiricos and Waldo (1970) found that the inconsistency of findings might be explained better by police record keeping, and suggested that many sources used to measure deterrence were inadequate.

Beccaria (1996) said that "the penalty of death is ineffectual because of the barbarity of the example it gives to men" (p. 58). Some scholars theorize that the death penalty might have a brutalizing effect rather than deterring crime (Bailey, 1998; Bedau, 1997; Bohm, 2003; Glaser & Zeigler, 1974; Sellin, 1959; Tittle, 1969; Vold, et al., 2002), while del Carmen (2002) further suggests that the theory of general deterrence is too absolute and does not take into account that certain people may be deterred by certain laws. Radelet and Akers (1996) found that most criminologists do not believe that the death penalty deters violent crime. In fact, states that have the death penalty consistently have been found to have higher rates of murder than those states without it (Bedau, 1997; Glaser & Ziegler, 1974; Vold, et al., 2002). Glaser and Zeigler

(1974) found that offenders serving time in death penalty states serve shorter sentences if they are not executed than offenders serving time in non-death penalty states. This led the authors to posit that there exists in death penalty states a much lower value of human life (Glaser & Ziegler, 1974). Another study found that the average number of felony murders after a highly publicized execution was only slightly lower after the execution than before, but the findings were not statistically significant (Cochran, Chamlin & Seth, 1994).

Deterrence is, however, the most socially acceptable reason for supporting the death penalty and until recently has been the most popular reason people give as a reason for supporting the death penalty (Bohm, 2003). Bedau (1997) says that during the seventies the most common reason for support of capital punishment was the deterrence of crime. However, an increase in support of capital punishment, since a low in 1966, has not relied on deterrence for support, but more on retribution (Bedau, 1997). Ellsworth and Ross' (1983) findings support Bedau's assertion that deterrence was becoming less of a factor in support for capital punishment; most proponents still preferred the death penalty even if life in prison was proven to be a more effective deterrent.

### 1.3 The Present Study

According to Black's Law Dictionary (Garner, 1999) the death penalty is defined as "state-imposed death as punishment for a serious crime – also termed capital punishment" (p. 407). For the purposes of this study, the death penalty and capital punishment are used interchangeably. In addition, the author has extended the



definition of the death penalty to include "... death as punishment for a serious crime..." imposed by any state or national government.

Knowledge is defined by Webster's New College Dictionary (2001) as "the state or fact of knowing" (p. 610). The author will refer to "the state or fact of knowing" as knowledge that any student returning a survey may have attained regarding capital punishment at any point in his or her lifetime. Knowledge will not be limited to information students may have acquired in college courses, but from any source available to the student. Perception is defined by Webster's New College Dictionary (2001) as "insight, intuition or knowledge gained by perceiving" (p. 816). The terms "attitude" and "opinion" may be used interchangeably or simultaneously with the word "perception".

In this study, CRCJ or criminology/criminal justice student(s) will refer to either undergraduate or graduate criminology/criminal justice student(s) whose major is criminology/criminal justice. In addition, non-CRCJ or non-criminology/criminal justice student(s) will refer to any undergraduate or graduate student(s) participating in this study whose major is not CRCJ. Majority refers to students who identify themselves as Caucasian, while minority includes all other ethnicities. The sample is taken from the Spring 2006 semester.

Since the sample is taken from university students, it will not be possible to generalize results to the general population. Also, students included in this study attended a university in Texas. Their views and knowledge base may not be representative of students in other universities across the United States. Texas is an

active death penalty state so opinions may be more conservative than in other states where the death penalty is less prevalent or has been abolished. The study is feasible because the author had access to students from the university through classes offered in the Spring of 2006.

Filling the gap in the current literature may provide meaningful data for not only scholarly discourse, but also for politicians and criminal justice professionals. Although several studies have examined the differences between criminal justice majors' and non-majors' knowledge and perception, none have done so in the state of Texas, an active death penalty state that has been responsible for almost half the executions thus far in 2006 (Death Penalty Information Center, 2006). It is anticipated that this study will further the understanding of how knowledge impacts perceptions and opinions of the death penalty. Further, it is anticipated that this study may further illuminate the differences or lack of differences in knowledge and perception of CRCJ and non-CRCJ majors. Since CRCJ majors and non-majors will become the policy makers of tomorrow, it is important to understand how knowledge impacts opinion about the most severe punishment that American society administers. It is also important to understand whether CRCJ majors have any greater knowledge regarding the death penalty and how that may impact their opinions about the death penalty. It is anticipated that this study will add to the existing literature base.

In the next chapter, a review of the literature will be presented. A history of capital punishment will be presented, followed by more specific information about the death penalty in the United States, including methods of execution, the debate over

abolition in America and controversy about public executions. Since race is such a relevant area of study within the parameters of death penalty studies, a section on capital punishment and race is included. Important Supreme Court cases are also discussed. Studies relating to perception and knowledge among American citizens will be presented, followed by studies addressing perception and knowledge among college students, and finally studies that address the knowledge and perceptions of criminal justice or criminology/criminal justice students. In chapter 3, the author discusses the design and methodology of the study, while chapter four contains the statistical findings. Last, in chapter five, the author will include a discussion of the findings, policy implications and suggestions for further research.

## CHAPTER 2

### LITERATURE REVIEW

The review of the literature will examine first the history of the death penalty, including early death penalty laws, a description of executions throughout the ages, focusing first on executions in England and then in the early American colonies, through the end of the Civil War and up to the twenty-first century. Included in the literature review are landmark Supreme Court cases that have shaped the direction of capital punishment in the United States. Key decisions included are *Furman v. Georgia* (1972), *Gregg v. Georgia* (1976), *Atkins v. Virginia* (2002) and *Roper v. Simmons* (2005). Also included in the literature review are a history of the opposition movement and a history of how capital punishment has been perceived from the viewpoint of minorities and non-minorities. The literature review concludes with a comparison of studies examining perception and knowledge in the United States and a review of studies that have examined the perceptions and knowledge levels among college students. The objective of the literature review is to present background and studies that reveal the importance of meaningful research and lack thereof conducted in the State of Texas among criminology/criminal justice students and their counterparts who choose to major in other disciplines.

## 2.1 The History of Capital Punishment

The death penalty is one of the oldest forms of punishment (Shelden, 2001). Some of the oldest laws date back to the Code of Hammurabi (Lifton & Mitchell, 2002) and were viewed as ways to appease God (Johnson, 1998; Lifton & Mitchell, 2002). Early patriarchs condemned their own family members to death (Death Penalty Information Center, 2006; Johnson, 1998) and executions were often formal, day-long, public affairs. Some of the earliest methods of execution included drowning, beating to death, stoning, crucifixion, burning and impaling (Death Penalty Information Center, 2006; Johnson, 1998). Hanging became common during the 10th century, but by the 16<sup>th</sup> century, some of the commonly used methods in England were beheading, boiling and drawing and quartering the condemned (Death Penalty Information Center, 2006). In America by the end of the Civil War, a more humane method to hanging was being sought. In response the first electric chair was built in 1888 and used in 1890 for the first time (Death Penalty Information Center, 2006). Other methods used in America would be firing squad and gas chamber, before lethal injection would be used for the first time in Texas in 1982 (Bedau, 1997; Death Penalty Information Center, 2006).

### 2.1.1 *Early Death Penalty Laws*

The first death penalty laws date back as far as the Code of Hammurabi of Babylon and the fourteenth century's Hittite Code. Under King Hammurabi, 25 crimes were codified as capital crimes. These included the crimes of sorcery and making false accusations of murder (Lifton & Mitchell, 2002). Mosaic law was based on proportionality and introduced in order to limit the application of the death penalty.

Most of these early codes were based on the concept of *lex talionis* (an eye for an eye) (Lifton & Mitchell, 2002) and implemented in order to appease God (Johnson, 1998).

In Greece around the year 621 B.C. almost all crimes were punishable by death, even those as minor as stealing salt. Draco believed that even minor crimes deserved the penalty of death, and that through this practice only the “good” would survive. The Draconian code was so harsh, however, that it could not be enforced for long and it was soon revised (Lifton & Mitchell, 2002).

In the Roman Republic, the Law of the XII tablets called for the death penalty, but not equally for everyone. If a slave were convicted of killing a freed man, he could die for his crime, but the freed man would not die for killing the slave. Class had its distinctions and slaves were viewed as less than human, while juveniles were afforded lighter punishments for their crimes than were similarly situated adults for the same offense (Lifton & Mitchell, 2002).

In Europe, capital offenses included sorcery, sexual aberrations and bestiality (Lifton & Mitchell, 2002). In 1500, England only had 8 capital crimes (del Carmen, 2002). However, between 1714-1830, English Parliament had succeeded in creating 156 new capital crimes (Tonry, 1996) and by 1800, England’s Bloody Code codified over 200 capital offenses (del Carmen, 2002) including treason, murder, manslaughter, rape, robbery, burglary, arson, counterfeiting, theft (Banner, 2002), cutting down trees and robbing a rabbit warren (Death Penalty Information Center, 2006). Under Henry VIII it is estimated that more than 72,000 persons were executed (Michigan State University, 2001) and that one could be executed for numerous crimes, including

marrying a Jew, not confessing to a crime and for treason (Death Penalty Information Center, 2006). Most of these new crimes were property crimes (Dike, 1981; Tonry, 1996) that tended to target the poorest citizens (Dike, 1981). These were considered the harshest laws in all Europe (Banner, 2002). Even so, juries began to refuse to convict (Death Penalty Information Center, 2006, Dike, 1981; Tonry, 1996) and the accused began to claim the benefit of clergy to avoid execution. Many of those who were sentenced to death were never executed (Tonry, 1996) and by 1861 only 4 crimes were considered capital offenses (Dike, 1981).

### *2.1.2 Executions throughout the middle ages*

Early tribal patriarchs were known for condemning their own family members to death in order to please God (Death Penalty Information Center, 2006, Johnson, 1998), and as far back as early Babylon, Hammurabi's Code delineated 25 crimes for which one could be executed. During the Imperial Age of Rome, Christians, criminals and errant slaves were brought before cheering masses in public coliseums and literally thrown to the lions (Johnson, 1998). After the fall of Rome, there was little formality, but executions were a daily occurrence. In Nuremberg around the year 1000, the prosecutor would bring the offender to the public marketplace and conduct a trial. If the offender was found guilty, the aggrieved party would hang the offender on a post, string him up on a tree or whatever was close by and leave him to die a slow death by strangulation (Johnson, 1998). However, by the year 1400, torture was producing confessions behind prison walls and trials were no longer public. Punishment followed

swiftly, but citizens were no longer responsible for carrying out executions. Rather, an officer of the court was assigned the grim duty (Johnson, 1998).

Executions were celebrated with grand banquets and formal parades, including the presence of dignitaries. The prisoner was required to forgive his executioner and then he would be allowed to address the crowd since executions at this time were public. Many prisoners were simply too frightened to carry out this task and would be held up by members of the execution party. The method of execution was particularly brutal. One method was hanging to the near point of death, then cutting down the prisoner and while still alive and conscious, draw and quarter him. Drawing and quartering involves the carving out of the intestines and cutting of the person into four pieces. Breaking on the wheel involved propping the prisoner up, and breaking his arms and legs in several places. Then the prisoner was turned rapidly on the wheel scattering his body parts about until he was dead (Johnson, 1998). Another variation was hanging by the feet and sawing in two vertically. These punishments were reserved for the common criminal. The more grievous offender could expect his punishment to be prolonged. Other variations included the addition of pouring burning wax into the offender's wounds or the tearing of flesh. Crowds would often encourage greater violence upon the condemned (Johnson, 1998).

Execution during the Inquisition involved mass executions whereby the offenders were to be paraded through the village in a grand procession and moved onto a stage built for the execution itself and before the King. Executions during this time were day long events, often coinciding with a marriage or coronation, and with the



reading of charges sometimes taking hours. The condemned were placed in cages for all to view and to await their fate. Offenders who resisted were burned alive, while the more repentant were fortunate enough to be strangled before being burned (Johnson, 1998).

Early legal codes came to endorse the practice of proportionality, and although meant to curb the excess of execution, this argument – *lex talionis* – was actually used to endorse capital punishment. Some of the methods of early executions included crucifixion, drowning, beating to death, impalement, burning the offender alive (Death Penalty Information Center, 2006) or stoning (Johnson, 1998). Executions during the middle ages were well attended public functions. Not only would men and women attend, but so would children. The condemned were paraded through the streets where a carnival-like atmosphere prevailed. Church leaders were responsible for ritualizing the execution, blessing the ceremony and reading biblical passages. Sometimes animals were executed for having killed or having had sexual intercourse with a human. Their fate would be much the same as their human counterparts – they would be hanged, burned or even buried alive for their transgressions (Lifton & Mitchell, 2002).

### 2.1.3 *Executions in England*

During the 10<sup>th</sup> century, hanging was the usual method of execution in England, but by the 16<sup>th</sup> century, it would be replaced by a virtual cornucopia of choices. Under Henry VIII, 72,000 persons would be executed by means such as boiling, burning at the stake, hanging, beheading, or drawing and quartering (Death Penalty Information Center, 2006). Executions in England during the time of the Bloody codes differed

according to class. Those of the upper class could look forward to a “painless” beheading. The unfortunate lower classes, however, would endure great torture at the hands of their executioners. Sometimes when hanging a member of the lower classes, the executioner would prolong the hanging. At other times the condemned would be drawn and quartered, broken at the wheel, burned at the stake, disemboweled or dismembered (Johnson, 1998; Lifton & Mitchell, 2002). Women were drowned unless they were thought to be witches; tens of thousands of women were burned alive because they were believed to be witches (Lifton & Mitchell, 2002). The grisly results of disemboweling and beheading were displayed to the masses and people became revolted by the practice (Johnson, 1998).

With the change in sensibilities among the public, a cap was placed over the face of the condemned to conceal his agony and provide some privacy in such a public death. As in earlier periods, the church ritualized the execution of criminals by saying special prayers and the ringing of church bells. If the condemned was able, for they were often inebriated or hung over, from drinking too much the night before or on the way to the gallows, he was to drop a handkerchief signaling his readiness to die. The privileged went to their death wearing their best clothes, and often meals were served at private parties after an execution (Johnson, 1998). The citizenry, including children, were not only encouraged to attend executions, but to visit condemned prisoners in their cell, thereby learning what coming to a bad end could bring. It would not be until the later part of the 19<sup>th</sup> century that the crowds would disappear from the execution spectacle, when executions were moved inside and out of public view (Johnson, 1998).

#### 2.1.4 *Opposition to Capital Punishment*

In 428 B.C. the first known debate on the death penalty occurred in Athens, Greece. During the Peloponnesian War, Mytilene, an Athenian city, decided to join forces with Sparta. In order to put down the rebellion, the decision was made to execute the instigators which happened in short order. Soon, the Athenian Assembly decided to execute the entire male population of Mytilene. Diodotus, the son of Eucrates, desperately trying to get the order rescinded engaged in debate with Cleon, who argued for vengeance saying that the executions would deter further insurrection. Diodotus argued that Athens should act in its own best interests and not take revenge. Diodotus' argument resonated and the executions were prevented (Lifton & Mitchell, 2002).

In eighteenth century England, Samuel Romilly, England's most prominent prison reformer, began to advocate for abolition of the death penalty because he believed that the laws were unfairly applied and this erratic application ultimately undermined the law's deterrent effects (Tonry, 1996). Over time, executions in England became less frequent as capital crimes became more numerous. By 1819, capital crimes numbered more than 220 (del Carmen, 2002; Tonry, 1996), while executions numbered from 21 per year to a high of 53 per year. Juries were refusing to convict for the minor offenses which had been classified as capital or chose to convict of lesser offenses which did not warrant the death penalty. Others would claim benefit of clergy to save themselves, while the number of those sentenced to death fell as well. Courts might also look for technical discrepancies which would eliminate the

imposition of the death penalty, such as the misstatement of an offender's occupation or the misspelling of his name (Tonry, 1996).

It would not be until the middle of the eighteenth century that Cesare Beccaria would emerge as the catalyst for the abolition of capital punishment (Lifton & Mitchell, 2002; Sellin, 1967). Beccaria believed that life imprisonment was a greater deterrent than capital punishment, and believed further that the death penalty only served to increase the barbarity of man (Beccaria, 1996). Beccaria's *On Crimes and Punishment*, published in 1764 had a strong impact on the abolitionist movement. Beccaria believed that there was no justification for state sponsored execution and that belated determinations of innocence would be all the more tragic (Beccaria, 1996). Beccaria's influence in Europe led to the abolition of capital punishment for most crimes (Lifton & Mitchell, 2002).

## 2.2 Capital Punishment in the United States

Capital punishment in America had its roots in English law and was brought to America by the first colonists (Bedau, 1997). The first known execution took place in Virginia in 1622 when Daniel Frank was executed for theft (del Carmen, 2002). The Massachusetts Bay Colony recorded some of the earliest death penalty statutes in 1636. Witchcraft, idolatry and blasphemy were among the first crimes for which one could be executed (Dike, 1981). Other crimes punishable by death included sodomy, man stealing, treason and homicide committed with malice (del Carmen, 2002). However, not all death penalty law would be created equally and statutes would vary from one

colony to another (Lifton & Mitchell, 2002). In early Pennsylvania only murder and treason were punishable by death (Bedau, 1997).

By 1793 Pennsylvania would see the growth of a reform movement when the Quakers began to insist that murder be differentiated by degrees. In 1794, Pennsylvania adopted degrees of murder, with only first degree murder eligible for death (Dike, 1981; Lifton & Mitchell, 2002). Many other states followed Pennsylvania's lead (Bedau, 1997; Bohm, 2003), but the Quakers' ultimate goal was complete abolition of the death penalty (Bedau, 1997; Dike, 1981). This idea would not be recognized; by the end of the eighteenth century, over 1500 persons had been executed in America (Lifton & Mitchell, 2002).

The use of capital punishment continued to flourish in the nineteenth century. Sixty percent more people were executed in this century than during the entire 17<sup>th</sup> and 18<sup>th</sup> centuries combined (Bohm, 2003). These executions had become public, day-long affairs, but in 1835 New York outlawed public execution and moved the process away from the prying eyes of the public (Bedau, 1997; Bohm, 2003). Other states would follow New York's lead and by 1937, no state held public executions (Bohm, 2003).

During the 19<sup>th</sup> and 20<sup>th</sup> centuries, states would abolish and many later reinstate the death penalty (Bedau, 1997; Bohm, 2003; Dike, 1981). In 1846, Michigan would abolish the death penalty for all crimes (Bedau, 1997; Bohm, 2003; Dike, 1981) as would most European nations (del Carmen, 2002). Tennessee became the first state to implement a discretionary death penalty statute in 1838, but it would not be until 1963 before all states eliminated mandatory death penalty statutes. In 1852 Rhode Island

repealed the death penalty, followed just one year later by Wisconsin (Bedau, 1997; Bohm, 2003). Abolition in Ohio and Pennsylvania followed, but many of these states would later reinstate the death penalty (Bedau, 1997).

The first state imposed execution would not occur until 1864 (Bohm, 2003; Dike, 1981). However, by 1890, more than 90 percent of executions were imposed under local authority (Bohm, 2003). Hanging was the first lawful method of execution, but would be followed by the electric chair in 1890 (Dike, 1981). Later methods would include firing squad, lethal gas, and lethal injection (Bohm, 2003). Hanging had fallen out of favor, but the last hanging did not occur until 1996 in Delaware (Bedau, 1997) and the firing squad is still legal in three states (Bohm, 2003).

#### *2.2.1 Beccaria's Influence in the United States*

The Catholic Church banned Beccaria's book. Thus in America, Protestants would emerge as the leading religious body to oppose capital punishment. Probably around 1769, George Washington and Thomas Jefferson purchased copies of Beccaria's book "On Crimes and Punishment" (Lifton & Mitchell, 2002). Thomas Jefferson was inspired by Beccaria's writings (Death Penalty Information Center, 2006; Lifton & Mitchell, 2002) and, although unsuccessful, introduced a bill to reform Virginia's capital punishment statutes, proposing that the death penalty only be applied in cases of murder and treason. (Death Penalty Information Center, 2006).

Benjamin Rush, founder of the Pennsylvania Prison Society (Michigan State University, 2001) and signer of the Declaration of Independence, was another early abolitionist (Death Penalty Information Center, 2006). He believed, like Beccaria, that

the death penalty was not a deterrent, but rather had a “brutalizing” effect (Death Penalty Information Center, 2006). Further, Rush believed that criminality was an illness and thus an involuntary condition, and that the Bible did not necessarily support capital punishment (Lifton & Mitchell, 2002).

Benjamin Rush gained the support of influential persons such as Benjamin Franklin and Pennsylvania Attorney General William Bradford (Lifton & Mitchell, 2002). It would be at Benjamin Franklin’s home where Dr. Rush would read “An Enquiry into the Effects of Public Punishments upon Criminals and upon Society”. Dr. Rush’s paper was the first in America to present a reasoned argument against capital punishment (Sellin, 1967). Benjamin Franklin believed that killing a man for a crime that did not warrant the death penalty was murder (Lifton & Mitchell, 2002). It would be Bradford who would lead the effort to consider degrees of murder in the application of capital punishment. By 1794, Pennsylvania had abolished the death penalty for all crimes except first degree murder (Death Penalty Information Center, 2006). In 1796, three other states would decrease the number of capital crimes (Lifton & Mitchell, 2002). The abolitionist movement would gain the strongest hold in the Northeast United States. Many states began to build more penitentiaries (Death Penalty Information Center, 2006, Lifton & Mitchell, 2002) and limit the number of crimes eligible for the ultimate punishment of death. In 1846 Michigan would execute only for persons convicted of treason, while Rhode Island and Wisconsin abolished capital punishment in its entirety. Many states passed laws against mandatory death sentences, while other states retained capital punishment for some crimes, especially crimes that

were committed by slaves. By 1963 no crimes in the United States would be subject to mandatory capital punishment (Death Penalty Information Center, 2006).

Opposition to capital punishment would not remain static, however. Although between 1907-17 six states would abolish or limit the death penalty, many would reinstate it. By 1920, five of the six states had reinstated capital punishment. Between 1920 and 1940, many social scientists would influence the resurgence in support of the death penalty by writing that capital punishment was a necessary social measure. Throughout the Great Depression and Prohibition, the United States would execute an average of 167 persons per year – more than in any other decade (Death Penalty Information Center, 2006).

It would not be until the 1950s that public support for the death penalty would begin to wane when many allied nations abolished the death penalty. In the forties, there were 1289 executions. By 1950 executions declined to 715 and to 191 between 1960 and 1976. In 1966 for the first time, a minority of Americans – just 42% - supported the death penalty. Public sentiment began to influence Supreme Court decisions around this same time (Death Penalty Information Center, 2006).

In other parts of the world, Canada, Venezuela, Portugal, the Netherlands, Costa Rica, Brazil and Ecuador would also abolish capital punishment (Death Penalty Information Center, 2006). According to Amnesty International (2006), the death penalty has also been abolished in France, Germany, Italy, the Czech Republic, Hungary, Angola, Sweden, Spain, the United Kingdom, Africa and many others for all crimes and in yet other countries in which the death penalty has not been abolished by



law, it is no longer practiced. Other retentionist countries include Japan, Lebanon, Jordan, Afghanistan, Vietnam, Thailand and Saudi Arabia (Michigan State University, 2001).

### *2.2.2 Capital Punishment during the Civil War: North and South*

During the Civil War efforts to abolish the death penalty would diminish as more people became focused on the anti-slavery movement (Death Penalty Information Center, 2006). Capital punishment was more common in the South and more often applied to black slaves, who many felt had to be controlled. Conversely, in the North by 1860, the only capital crimes were murder and treason. Many of the capital crimes in the South were slave related, such as slave stealing (Banner, 2002). During the 1830s, the state of Virginia proscribed 5 capital crimes for whites, but more than 70 for black slaves and by 1848 had passed laws requiring that any crime that mandated more than 3 years prison time for a white person be elevated to the death penalty for blacks. (Radelet, 1989). By the time of the Civil War, however, every Southern state proscribed for whites punishments other than death for what had been capital crimes into the late 1800s. There was little debate about capital punishment, but blacks were being executed in far greater numbers than where whites. In Virginia, between 1800-1860, all whites who were hanged were executed for murder. However, only about half the blacks executed had been convicted of murder. In Louisiana and Kentucky, all the whites executed were hanged for murder, whereas more blacks were hanged for slave revolts, rape and attempted murder than suffered the fate for murder (Banner, 2002).

After the end of the Civil War, more “humane” methods of execution would be sought and one of these would become the electric chair (Death Penalty Information Center, 2006, Bohm, 2003). The electric chair had become a battle between two corporate giants – Westinghouse and Edison Companies. Edison tried to show that Westinghouse’ alternating current was too dangerous for use by publicly electrocuting animals. About this time, the Governor of New York had appointed a three member panel to find a more humane alternative to hanging. Alfred P. Southwick, a dentist from Buffalo, persuaded the Governor that electrocution was more humane and garnered the support of Edison, even though Edison opposed capital punishment (Bohm, 2003). The first electric chair would be built in 1888 and used for the first time in 1890 when New York executed William Kemmler (Bohm, 2003; Death Penalty Information Center, 2006).

### *2.2.3 Race and Capital Punishment*

Stephen Bright (1995), director of the Southern Center of Human Rights said

...only those oblivious to the brutal history of racial discrimination in American history would deny the danger of racial prejudice entering the decisions which lead to the imposition of a death sentence. (p.6)

What Bright was referring to was the imposition of capital punishment upon African-Americans in disproportionate numbers (Bright, 1995). It is estimated that for every 533 blacks executed for crimes against whites, only 1 white is executed for a crime against a black person (Radelet, 1989). Bright also refers to the historical predecessor of the modern death penalty – lynching (Bright, 1995). According to Sellin (1959), lynchings occurred almost exclusively in Southern states that retained the death

penalty. Illegal lynching was not uncommon after the end of the Civil War (Johnson, 1998; Sellin, 1959), but prior to the end of the Civil War, lynching of African-Americans was a less common offense because slaves were considered property (Johnson, 1998). Once free, however, slaves lost their value and were subject to racial violence and killing by hate groups such as the Ku Klux Klan (Johnson, 1998), who used the extermination of African-Americans as a way to maintain power and control over the former slaves (Johnson, 1998; Marquat, Ekland-Olson & Sorensen, 1994). Lifton and Mitchell (2002) estimate that between 1880 and 1920, 3000 mostly black men and some women were lynched by white mobs, even though lynching was a capital crime. Three states led the nation in lynchings: Georgia, Mississippi and Texas (Lifton & Mitchell, 2002) and those lynched were almost exclusively African-American (Johnson, 1998; Marquat, et al., 1994).

Several studies have examined race and the application of capital punishment (Baldus, Woodworth & Pulaski, Jr., 1990; Garfinkel, 1949; Mangum, 1940; Ralph, Sorensen & Marquat, 1992; Wolfgang, Kelly & Nolde, 1962; Wolfgang & Reidel, 1973; Wolfgang & Reidel, 1975) and have shown that blacks may be subject to more extreme penalties as a result of prejudice. Some studies show a strong correlation between capital punishment and race of the victim, but little support for any correlation between capital punishment and race of the defendant (Baldus, et al., 1990; Garfinkel, 1949; Johnson, 1941; Radelet, 1981; Ralph, et al., 1992). When the victim was white, the defendant was more likely to receive a sentence of death, while blacks who killed other blacks were the least likely to receive a sentence of death (Baldus, et al., 1990;

Johnson, 1941; Radelet, 1981; Ralph, et al., 1992). Garfinkel (1949) found that white defendants were more likely than black defendants to receive the death penalty, but like Baldus, et al. (1990), his findings suggested that the race of the victim had a greater correlation with the application of the death penalty; only 5 percent of persons convicted of killing black victims received death compared to 24 percent who killed a white victim (Garfinkel, 1949). These studies may tend to indicate a racial bias in the application of the death penalty.

#### 2.2.3.1 *Rape, Race and Capital Punishment*

In 1965, every man executed in Virginia for rape, was black. This was not an anomaly. Between 1930-62, in the eighteen states authorizing the death penalty for rape, 90 percent of those executed for rape were black men, and in five Southern jurisdictions all persons executed for rape were black men (Baldus, et al., 1990). In twelve southern states during the years 1945-65, 13 percent of blacks convicted of rape were executed, while only 2 percent of whites convicted of the same crime received the death penalty. Walker, et al. (1996) stated that 88.6 percent of those executed during the years 1930-72 were African-American and that black men who raped white women were more likely than all other racial combinations to receive the death penalty for rape. (Wolfgang & Reidel, 1973; Wolfgang & Reidel, 1975).

There is no state since the ruling in *Coker v. Georgia* (1977) that still executes for rape alone (*Coker v. Georgia*, 1977), but scholars suggest that capital punishment is still being applied to African-Americans in disproportionate numbers (Johnson, 1998; Marquart, et al., 1994) and that executed African-Americans tend to be significantly

younger than their white counterparts (Marquart, et al., 1994). In 1940, Mangum noted that a greater number of black defendants were being executed than were white defendants. More recently Johnson (1998) and Sheldon (2001) note that while more than 80 percent of persons executed have been convicted of killing a white person, half of all murder victims are African-Americans. Other scholars have found that whites are less likely than African-Americans to be executed once sentence is passed (Mangum, 1940; Wolfgang, et al., 1962). *Furman v. Georgia* (1972) may have narrowed discrimination along racial lines, but it certainly did not eliminate it (Wolfgang & Reidel, 1975).

#### 2.2.4 *Capital Punishment in the Twentieth Century*

Between 1907 and 1917, known as the “progressive period”, the death penalty was abolished in six states completely and three others limited the application of death to treason and first degree murder of a law enforcement officer (Death Penalty Information Center, 2006). These reforms would, however, be short lived. Fear of revolution in the United States became very real in the wake of the Russian Revolution. Americans feared that socialists would challenge capitalism. With the entry of the United States into World War I, the death penalty would be reinstated in five of these six states by 1920 (Bohm, 2003; Bedau, 1997; Death Penalty Information Center, 2006; Lifton & Mitchell, 2002).

From the 1920s through the 1940s, capital punishment became more widely accepted as leading criminologists began writing articles espousing the benefits of execution as a necessary social control (Death Penalty Information Center, 2006, Bohm,

2003). Primarily in the South over 3,000 men and some women were subjected to lynching, a form of illegal execution practiced overwhelmingly against African-Americans. White mobs, well aware that lynching was a capital crime, were not deterred. Legal executions increased as well. Perhaps as a response to the influences exerted by influential scholars, more people were legally executed throughout the 1930s than in any decade previously or since then. An average of 167 persons each year lost their lives to the executioner during this decade (Death Penalty Information Center, 2006, Bohm, 2003).

By the 1950s, the preference for execution declined as many allied nations abolished the death penalty (Death Penalty Information Center, 2006). In the United States, however, the Julius and Ethel Rosenberg spy case inflamed many people, resulting in an approval rate of 70% in favor of capital punishment. This would be the highest level of support until the 1980s (Bohm, 2003). The case of Caryl Chessman was an entirely different matter however. Chessman had been convicted of several counts of kidnapping as well as attempted rape and sentenced to death. As Chessman's fight for his life waged over twelve years, the public's support for capital punishment began to subside (Bohm, 2003; Lifton & Mitchell, 2002).

Executions had declined from a high in the 1940s of 1289 to just 191 during the years 1960-1976. In 1972, the Supreme Court halted executions by their decision in *Furman v. Georgia* (1972). However, most states would implement new legislation that would pass constitutional scrutiny in a consolidated case which would become known as *Greg v. Georgia* (1976). In 1977, Gary Gilmore became the first person executed

since 1967 (Lifton & Mitchell, 2002). Public support began to decline and for the first and only time, in 1966, the majority of Americans opposed the death penalty (Death Penalty Information Center, 2006, Bohm, 2003; Bedau, 1997; Johnson, 1998; Lifton & Mitchell, 2002).

Technology would become a driving force in the debate about capital punishment. In the 1970s two television representatives sued for the rights to air an execution. The Supreme Court denied their request and ruled that the public could be fully informed without seeing firsthand the horrors of execution. Most Americans agreed (Lifton & Mitchell, 2002), but this would not stop talk show host Phil Donahue from making an unsuccessful attempt again in 1994. In 2001, the debate intensified as Timothy McVeigh's execution grew near. In the end, 80 percent of the American public did not want to witness his death and although McVeigh was executed, the public airing of his death never came to pass (Lifton & Mitchell, 2002).

In the nineties President Clinton would support tougher death penalty legislation. In 1994, President Clinton signed into law the Violent Crime Control and Law Enforcement Act (Michigan State University, 2001). Its effect was to expand the federal death penalty to include 60 crimes, 3 of which do not include the act of murder; espionage, treason and drug trafficking in large amounts (Death Penalty Information Center, 2006; Michigan State University, 2001). Following the Oklahoma City bombing, President Clinton signed into law the Anti-terrorism and Effective Death Penalty act of 1996. This law speeded up the process of execution and limited review (Death Penalty Information Center, 2006).

### 2.2.5 *The Supreme Court and Capital Punishment*

Constitutional challenges to capital punishment abounded during the 1960s as the Supreme Court was asked to determine what constituted cruel and unusual punishment, under the eighth amendment. It would be a wartime desertion case, *Trop v. Dulles* in 1958 that introduced to the Court the notion of “evolving standards of decency” and which would determine the course that public opinion would take in the future of capital punishment (356 U.S. 86). *Witherspoon v. Illinois* (1968) would establish the concept of “*Witherspoon* excludables”, whereby the Supreme Court held that it was unconstitutional to exclude potential jurors because they express opposition to the death penalty, but that jurors could be excluded if their opinion would prevent them from following the law in imposing the death penalty. *Coker v. Georgia* (1977) held that the rape of an adult woman, if she is not killed, does not warrant the death penalty. The following sections discuss other important Supreme Court cases regarding abolition and reinstatement, age, race, insanity and mental retardation.

#### 2.2.5.1 *Abolition and reinstatement: The Furman and Gregg decisions.*

In 1972, the Supreme Court found not that the death penalty was unconstitutional itself, but that its application was discriminatory and arbitrary (*Furman v. Georgia*, 1972). *Furman v. Georgia* (1972) had the effect of temporarily voiding 40 death penalty statutes (Death Penalty Information Center, 2006). By 1976, however, many states had rewritten their death penalty statutes and capital punishment was being challenged in the Supreme Court once again with *Gregg v. Georgia* (1976). Other cases incorporated into *Gregg v. Georgia* included *Jurek v. Texas* (1976), *Proffitt v. Florida*



(1976) and *Roberts v. Louisiana* (1976). These four cases came to be known as the Gregg decision and affirmed that new state statutes limiting application and setting standards for implementation of the death penalty were indeed constitutional. This time the Supreme Court ruled that with the added discretionary element to the death penalty statutes, capital punishment was now being administered such that it was constitutional (*Gregg v. Georgia*, 1976). The Gregg decision was also responsible for the implementation of bifurcated trials, automatic appellate review and proportionality review (Death Penalty Information Center, 2006). Since *Gregg v. Georgia* (1976), the Supreme Court has limited the death penalty, but never again abolished it.

#### *2.2.5.2 Capital punishment, insanity and mental retardation*

*Ford v. Wainwright* (1986) held that insane persons may not be executed, while just three years later, *Penry v. Lynaugh* (1989) stated that the execution of mentally retarded offenders was not in violation of the eighth amendment. However, *Atkins v. Virginia* (2002) would rescind the ruling in *Penry* and hold that the execution of mentally retarded offenders is cruel and unusual under the meaning proscribed by the eighth amendment.

#### *2.2.5.3 Age and Capital Punishment*

Several Supreme Court decisions addressed the age at which offenders could be constitutionally executed (*Roper v. Simmons*, 2005; *Stanford v. Kentucky*, 1989; *Thompson v. Oklahoma*, 1988). *Thompson v. Oklahoma* (1988) held that execution of offenders fifteen and younger at the time of their crimes is unconstitutional, while *Stanford v. Kentucky* (1989) allowed for the execution of offenders who were 16 or 17

at the age of offense. *Roper v. Simmons* (2005) overruled both these cases and stated that no one under the age of 18 at the time they committed their crimes may be executed. *Roper v. Simmons* (2005) stated that in light of juveniles' diminished culpability, neither deterrence nor retribution can be considered adequate justification for the imposition of the ultimate penalty.

#### *2.2.5.4 Race and the Death Penalty*

The Supreme Court did not limit itself to issues of mental capacity, age or insanity. Race was a very important issue and two key cases highlighted the importance of the Supreme Court's role. *Batson v. Kentucky* (1986) ruled that potential jurors cannot be excluded solely on the basis of one's race. The Court reasoned that racial discrimination in the selection of jurors violates the sixth and fourteenth amendments. In *McCleskey v. Kemp* (1987), McCleskey introduced a statistical study showing that the imposition of capital punishment depended in part upon the race of the victim and accused. The Court, however, ruled that exclusion by race can only be held unconstitutional when it can be shown that the exclusion was intentional and particular to the case at hand (*McCleskey v. Kemp*, 1987).

#### *2.2.6 Public Executions*

Early executions were public spectacles intended to deter others from committing crime (Lifton & Mitchell, 2002). During the Imperial age of Rome, Christians, criminals and errant slaves would be paraded before cheering crowds before being thrown to the lions (Johnson, 1998). During the Dark ages executions became less formal, but were still public. The offender would be dragged to the public square,

hanged or strung up and allowed to slowly die by strangulation (Johnson, 1998). In the middle ages, executions were public and assumed a party-like atmosphere (Lifton & Mitchell, 2002) and not only were executions public, but during the Biblical era, communities were expected to participate in the execution by stoning the offender to death (Johnson, 1998). During the Inquisition, execution was a day long public event, with the offender placed on public display and often burned alive before the crowd (Johnson, 1998). In addition to the executions of humans, animals were also executed publicly (Lifton & Mitchell, 2002).

In the American colonies, scaffolds were built so that the public could easily witness the entire execution (Johnson, 1998). Public ceremonies for hangings could take several hours or all day and would include sermons and speeches (Banner, 2002). Executions were open to the public and the bodies of the executed might be displayed for hours or days afterward (Lifton & Mitchell, 2002). Children were regularly sent to executions because the viewing of capital punishment was considered to be a learning experience (Banner, 2002). In the late 19<sup>th</sup> century execution began to fall out of favor (Johnson, 1998; Lifton & Mitchell, 2002) as more penitentiaries were built and rehabilitation became the preferred method of punishment (Lifton & Mitchell, 2002). The wealthy and influential began to find execution distasteful (Lifton & Mitchell, 2002) and began to avoid executions (Johnson, 1998). Crowds had gotten out of hand (Johnson, 1998; Lifton & Mitchell, 2002) and the upper class wanted nothing to do with the rowdy lower class. Still others objected to the public display of executions because they sympathized with the condemned (Lifton & Mitchell, 2002).

Pennsylvania was the first colony to move execution behind the prison walls (Banner, 2002; Lifton & Mitchell, 2002) in 1834 (Banner, 2002). Only the relatives of the condemned and a handful of public officials were allowed to witness the execution (Banner, 2002). Pennsylvania was followed by New York, New Jersey and Massachusetts the following year (Banner, 2002). While some believed that moving execution behind prison walls would diminish its deterrent value, still others feared that the numbers of executions would increase (Lifton & Mitchell, 2002). In any case, moving executions out of the public purview did not then, or now, keep crowds from gathering outside the prison walls (Lifton & Mitchell, 2002).

#### 2.2.6.1 *The debate over televising executions*

By the 1950s, technology was influencing the debate over public execution and by the 1970s two representatives for a Dallas, Texas television station had sued for the right to air an execution. The U.S. Supreme Court ruled that the public could be well informed without being subject to the spectacle of public execution, while 86% of the American public expressed their opposition to public execution (Lifton & Mitchell, 2002). Death penalty opponent and talk show host Phil Donahue gained the cooperation of a death row inmate and attempted to air his execution in 1994, but the federal courts stopped him.

Sister Helen Prejean favored public execution, predicting that if the public could see the horrors of execution, the death penalty would be abolished (Lifton & Mitchell, 2002). Journalist Greta Van Susteran agreed and suggested that executions were barbaric and capital punishment could not withstand the exposure and outrage that

public execution would bring (Lifton & Mitchell, 2002). Several influential politicians also made their opinions known. Senator Mark Hatfield attempted to get a bill through that would require television coverage of executions, while Harry Connick, District Attorney of New Orleans, believed that televising executions would certainly increase deterrence (Lifton & Mitchell, 2002).

With the impending execution of Timothy McVeigh in June of 2001, public execution once again became a hotly debated topic. Although 80% of Americans opposed the public execution of McVeigh, Phil Donahue once again attempted to air a public execution. Mike Wallace, believing that McVeigh's execution would be clean and painless, supported the idea, while Cokie Roberts of ABC said that society was barbaric enough and opposed the idea. Ernest Van den Haag opposed it because he believed that airing the execution would only shift sympathy from the victims to the killer. The execution was not televised to the public and McVeigh was executed in June, 2001 (Lifton & Mitchell, 2002).

### *2.2.7 Capital Punishment in the Twenty-first Century*

The twenty-first century would ring in new controversy and additional constitutional limits on capital punishment. In 2000, Attorneys Barry Scheck, Peter Neufeld and Jim Dwyer would publish "Actual Innocence" advocating against the application of the death penalty. Scheck, Neufeld and Dwyer (2000) would cite cases of wrongful conviction, "junk" science, mistaken eyewitness identifications, sloppy police work, prosecutorial misconduct and reliance on jailhouse snitches as reasons why the death penalty should be abolished.

In 2000, Governor George Ryan instituted a moratorium on capital punishment in the state of Illinois and in 2003 took the controversial step of commuting the death sentences of all 167 persons on death row in that state – most to life in prison (Death Penalty Information Center, 2006). The execution of Gary Graham in 2000 in Texas (Stevenson, 2001) and Stanley “Tookie” Williams in 2005 in California (cnn.com, 2005) would further ignite the capital punishment debate. Not only was Graham only 17 at the time of the crime, but many advocates, and much evidence supported his assertion that Graham was an innocent man (Stevenson, 2001). The impending execution of Stanley “Tookie” Williams ignited controversy over whether a life redeemed was worth saving. Williams would be executed December 13, 2005 (cnn.com, 2005).

The United States Supreme Court would continue to be active in death penalty issues. The Court in *Atkins v. Virginia* (2002) banned the execution of the mentally retarded and in 2005, *Roper v. Simmons* ended the executions of those persons who were minors when they committed their crimes (Death Penalty Information Center, 2006). As recently as February 2006, the United States Supreme Court refused to review the constitutionality of lethal injection (MSNBC.com, 2006).

## 2.3 American Death Penalty Knowledge

### 2.3.1 *The Marshall Hypothesis*

Supreme Court Justice Marshall was troubled by the public’s support of capital punishment and believed that before public opinion should be considered in forming constitutional standards that opinion should be scrutinized in two ways. First, death

penalty opinion must be based on an informed public that understood the death penalty, its effects and how it was applied. Second, belief in the death penalty based on retribution is unacceptable since the eighth amendment was constructed to prevent the harsh realities of retribution (Bohm, 1987; Sarat & Vidmar, 1976), but those whose belief in capital punishment was justified on the basis of retribution would not change their opinions regardless of change in levels of knowledge (Sarat & Vidmar, 1976). Further, he hypothesized that Americans knew little about the death penalty and if they were better informed, Americans would find the death penalty unacceptable and unconstitutional (Bohm, Clark & Aveni, 1991; Sarat & Vidmar, 1976).

### *2.3.2 The American Public and testing the Marshall Hypothesis*

Since Marshall formulated his hypothesis, several researchers have attempted to test what has become known as the “Marshall Hypothesis”. Sarat and Vidmar (1976) first surveyed for opinions about the death penalty with 3 questionnaires administered to 200 adult residents of Amherst, Massachusetts and designed to measure support for retribution, knowledge about the death penalty and support for or opposition to the death penalty. After presenting a pretest and posttest to the same subjects, the researchers’ findings indicate that respondents knew more about the way capital punishment is applied, but little about its effects (Sarat & Vidmar, 1976). In addition, knowledge tended to change some opinions and attitudes towards the death penalty. Sarat & Vidmar’s (1976) findings indicated that Justice Marshall’s expectation that an informed public would differ from an uninformed public were correct. While 40% of the participants’ support diminished, 60% did not change at all (Sarat & Vidmar, 1976).

Another study was conducted by mail survey and obtained as part of the Texas Crime Poll (Vollum, Longmire & Buffington-Vollum, 2004). Males, the affluent, more educated and older persons were over-represented in this survey. Vollum, et al. (2004) found that 82 percent of their sample supported the death penalty, while more than half supported a moratorium in order to protect the innocent, to ensure competent legal aid and acceptable levels of appeals (Vollum, et al., 2004). Although more than one-third of respondents believed that minorities and the poor were not being treated fairly, a majority were unwilling to support a moratorium based on class or race. Those who support the death penalty were less likely to support a moratorium and Whites reported more confidence in the death penalty than did Black respondents. Males and Protestants expressed more confidence in capital punishment than did females or Catholics, and those with lower incomes showed less support for capital punishment and more support for a moratorium than their wealthier counterparts. Persons with less than a high school diploma were more likely to support a moratorium than any other education level. Some respondents showed a marked lack of confidence in the capital punishment process, but nevertheless declined to support a moratorium on capital punishment. Despite what many respondents felt to be the facts about capital punishment, many still supported it based on a matter of principle (Vollum, et al., 2004).

Ellsworth and Gross (1994) suggest that not only do people know little about the death penalty, but that they hold strong opinions about capital punishment and do not want to be bothered with more information. According to the Gallup Poll conducted in



1991, most people who cite deterrence as their main reason for supporting capital punishment would still support it even if it were proven that the death penalty does not reduce crime (Gallup & Newport, 1991). Although deterrence has been assumed to be more socially acceptable, some scholars have suggested that changing social norms have made retribution a socially acceptable reason for supporting the death penalty (Ellsworth & Gross, 1994). Further, those who are opposed to the death penalty more often oppose it only because they believe it is wrong, not because it may be applied unfairly or that innocent persons could be executed (Ellsworth & Gross, 1994). This may tend to indicate that for many persons, capital punishment is emotionally charged and may have little to do with utility, knowledge or rational reasoning.

Bohm (1987) indeed argues that the reason most Americans knew little about the death penalty during the years 1968-1977 was because the death penalty had ceased to be a salient issue; it was not used once during those years (Bohm, 1987). Further, Bohm (1987) asserts that there is little clarity about what support for the death penalty actually means, and that when respondents are asked to apply the death penalty themselves that support drops significantly.

### *2.3.3 Public Support*

Scholars have found that while the majority of the American public favors capital punishment, not everyone supports it to the same degree. Baumer, Messner and Rosenfeld (2003) found that support varied across region with some regions reporting as little as 50 percent and others as high as 90 percent. Metropolitan areas with either relatively high or low levels of educational attainment report less support for capital

punishment. Conservative political climate, and regions where homicide rates are high and numbers of African-Americans are greater report more support for the death penalty. Overall, Baumer, et al. (2003) found that support averaged seventy percent.

Another study sampled 500 adult residents of the San Francisco Bay area during the fall of 1974 using stratified random sampling (Ellsworth & Ross, 1983). Ellsworth and Ross (1983) found that the majority would not support capital punishment for all persons convicted. The majority of respondents were not knowledgeable about the death penalty and indicated that even if their belief in deterrence was wrong, their opinion would not change. Respondents tended to favor those responses which were consistent with their attitude, although the majority did agree that more evidence would be needed to convict someone on a capital charge (Ellsworth & Ross, 1983).

Researchers have found that married, white males, those who were parents, conservative Republicans (Fox, Radelet & Bonsteel, 1990-91) southerners or westerners showed greater support for capital punishment, while females (Whitehead & Blankenship, 2000), those living in lower income neighborhoods and in households head by females were less likely to support capital punishment. Male divorce rate and unemployment had seemed to have no correlation with death penalty support (Baumer, et al., 2003). Fox, et al.'s (1990-91) findings stemmed from their examination of the National Opinion Research Center's General Social Surveys (GSS) for the years 1972 through 1988.

Based on a mail survey of 1,000 Tennessee households, Whitehead and Blankenship (2000) found that 65 percent of females and 80 percents of males support

the death penalty. Further, 26 percent of females support the option of life without parole (LWOP), while only 12 percent of males support this option. An almost equal percentage – 41 percent of men and 40 percent of women cite deterrence as their most important reason for supporting the death penalty, followed by retribution, religion and incapacitation. Both the majority of male and female respondents (74 percent and 54 percent respectively) say they would support capital punishment even if they believed that innocent persons had been executed, while similar numbers of male and female participants would continue to oppose capital punishment even if new information were available supporting the utility of capital punishment (Whitehead & Blankenship, 2000).

Unever, Cullen and Roberts (2005) examined respondents to two surveys (2000 National Election Study and information gathered by the Gallup poll in 2000) in order to assess weakly held attitudes about capital punishment. The NES data indicated that almost one-third of respondents' views about the death penalty were not strongly held views. Persons who exhibited racial resentment, were authoritarians and attentively watched local and national newscasts were less likely to weakly support the death penalty. In fact, the factor most strongly correlated with strong death penalty support was racial resentment. People who attended church more often were more likely to show weak opposition to capital punishment (Unever, et al., 2005).

The Gallup poll data indicated that while one-third (34.5 percent) of Americans strongly supported the death penalty, African-Americans were 3.4 times more likely than Whites or those with higher incomes to have reservations about the death penalty.

Further, the two variables most positively associated with having reservations about capital punishment were if one believed that capital punishment was applied unfairly or that innocent persons had been executed (Unever, et al., 2005). The May 2006 Gallup poll indicates that support for the death penalty has declined from 80 percent in 1994 to just 65 percent. Further, when life without parole is offered as an option, more (48%) choose life without parole than those who choose capital punishment (47%) (Death Penalty Information Center, 2006).

Steele and Wilcox (2003) discovered that the majority of prison inmates do not generally support the death penalty (53 percent). However, when the crime considered was a serial killing, child abuse or molestation, inmate support increased. Opposition to the death penalty was based on the belief that capital punishment does not deter violent crime, while support for the death penalty seemed to be based on early family values and opinions. This data might tend to indicate that death penalty opinion is not shaped by interactions with other inmates, but by early family socialization (Steele & Wilcox, 2003).

Fear of violent crime has been hypothesized to lead to increased fear of victimization and thus may have some effect on attitudes towards capital punishment (Rankin, 1979). Rankin (1979) examined the General Social Surveys from 1972-76 in order to track the public's changing attitude toward capital punishment. Rankin (1979) hypothesized that the increase in violent crime may have led to a more punitive attitude towards criminals, thus resulting in higher support for the death penalty. Rankin (1979) found no significant relationship between fear of victimization and support for the death

penalty. del Carmen, Polk, Segal and Bing (2000) were conducting a study involving fear of crime on a North Texas campus when, in the midst of administering the surveys, a violent sexual assault did in fact occur. Before the assault, fear of violent crime was reported by 31.7 percent of the respondents. Afterward, the percentage fearing violent crime was 41.2 percent. Although males have been known to profess less fear of victimization (del Carmen, et al., 2000; Rankin, 2000), they also show higher levels of support for the death penalty (Fox, et al., 1990-91; Vogel & Vogel, 2003; Vollum, et al., 2004). Thus, while high levels of crime may affect fear of victimization, indications are that fear of victimization does not lead to increased support of capital punishment.

#### *2.3.4 Public opinion and the willingness to pass judgment*

Other scholars have examined support for capital punishment for juveniles, and found significant support for alternatives to capital punishment (Boots, Hiede & Cochran, 2004; Moon, Wright, Cullen & Pealer, 2000; Vogel, 2003) Although Moon, et al. (2000) found that more than 80 percent of their sample favored the death penalty for adults, only 53.5 percent favored the death penalty for juveniles. Support for capital punishment for juveniles was strongest among younger, less educated males, who were more politically conservative and more affluent. The strongest indicators of support for the juvenile death penalty were age and gender. In addition, race was also statistically significant with whites more likely to be in favor of capital punishment for juveniles. The majority however, failed to favor the death penalty when the option of LWOP or LWOP with restitution was available (Moon, et al., 2000).

Vogel and Vogel (2002) conducted a telephone survey in the state of California examining the minimum age at which survey respondents would be willing to sentence a juvenile to death and also how willing were respondents to support LWOP as an alternative to the death penalty. Respondents were less willing to execute juveniles than adults, but one-quarter of the sample was willing to allow the execution of juveniles who committed their crimes at the age of fifteen or less. Mirroring other studies, males with higher incomes and who were more politically conservative were more likely to support the death penalty for juveniles. Of those respondents who were willing to support the execution of juveniles, almost half would support LWOP as an alternative sentence to capital punishment (Vogel & Vogel, 2002). This may be an indication that given acceptable alternatives to capital punishment, the public might be willing to consider other sentencing options for juveniles.

Vogel (2003) addressed the alternative sentence of life without the possibility of parole (LWOP) among those who support the death penalty for both adults and juveniles. The author found that support for capital punishment tends to fall dramatically when offered an alternative to death; 45 percent of respondents who support the death penalty viewed LWOP as a reasonable alternative to capital punishment, while respondents with higher incomes tended to oppose LWOP and support the death penalty (Vogel, 2003).

Another study examined jury pool surveys administered in Hillsborough County, Florida in 2000 (Boots, et al., 2004). The majority of respondents (83.4 percent) supported the death penalty for adults legally convicted of murder. A majority,

but much lesser percentage (63.5) supported the use of capital punishment for juveniles who were 16 years of age or older, while just over one-third (34.9 percent) would extend the use of the death penalty to offenders who committed their crimes at the age of 15 years or less (Boots, et al., 2004).

Only 29 percent of respondents agreed with executing the mentally retarded, but a majority (57 percent) supported the use of capital punishment against the mentally incompetent (Boots, et al., 2004). Boots, et al.'s (2004) findings did not reveal societal consensus across income levels, southern v. non-southern heritage, age, or religious affiliation. The only observed differences were between blacks and whites, males and females and liberals and conservatives. The only way in which the data contradicted the "evolving standards of decency" so often cited by the United States Supreme Court was in that a majority of respondents supported the execution of the mentally incompetent (Boots, et al., 2004). These data may tend to indicate that support for the death penalty varies when different offender populations are considered, and slightly among sex, politically ideology and race.

### *2.3.5 Death Penalty Opinion and Race*

Many people believe that the death penalty has been used in a racially and discriminatory manner. In fact, blacks are executed at 3 ½ times their number in the population and comprise 40 percent of those on death row. Further, the death penalty is used almost exclusively to punish those who kill whites (Dieter, 1994). Therefore, assessing racial attitudes and perceptions about capital punishment among black and white respondents by using public surveys has been of particular interest to leading

scholars (Arthur, 1998; Baker, Lambert & Jenkins, 2005; Barkan & Cohn, 1994; Cohn, Barkan & Haltemen, 1991; Cochran & Chamlin, 2006; Hagan & Alboneti, 1982; Hawkins, 1981; Hurwitz & Peffley, 2000; Smith, Dykema-Engblade, Walker, Niven & McGough, 2000; Soss, Langhein & Metelko, 2003; Young, 1992; Young, 2004).

Researchers conducting a national survey have found that not only do African-Americans perceive greater inequities in the criminal justice process (Hagan & Albonetti, 1982), but that whites and blacks differ in their reasons for supporting more punitive sentences (Arthur, 1998; Barkan & Cohn, 1994; Cohn, et al., 1991). Arthur (1998) found that people who feel that criminals are not punished harshly enough are more likely to believe in capital punishment. Several studies found that more whites than blacks hold more punitive attitudes and thus show greater support for capital punishment (Arthur, 1998; Cohn, et al., 1991), but Hawkins' (1981) study found that for most crimes, blacks are more punitive. Black women are more punitive than men, and greater education among whites leads to less support for capital punishment (Cohn, et al., 1991).

African-Americans have been found to be 3.4 times more likely than whites in higher income brackets to have reservations about the death penalty (Unever, et al., 2005), but blacks who are more likely to support capital punishment are likely to do so because of the fear of becoming a victim of crime (Arthur, 1998; Cohn, et al., 1991), or because their trust in the police is high (Young, 1991), while whites who harbor racial prejudice are more likely to support the death penalty (Arthur, 1998; Barkan & Cohn, 1994; Cohn et al., 1991; Soss, et al., 2003; Unever, et al., 2005; Young, 2004) and to



feel that convicting an innocent person is a less serious mistake than letting a guilty defendant go free (Young, 2004). Arthur's (1998) study found that persons who are opposed to public assistance and believe that a person's race does not impede his success are more likely to support the death penalty. Finally, Barkan and Cohn (2005) found that after eliminating prejudice there was little difference among blacks and whites in support of capital punishment. Cochran and Chamlin's (2006) study somewhat supports Barkan and Cohn's findings. In two studies of venirepersons and GSS data, the researchers found that although whites profess support for capital punishment in greater numbers than blacks, support for the death penalty has risen in both groups equally over the last three decades.

Further, whites who support capital punishment are more likely to blame poverty (Cohn, et al., 1991; Young, 1991) and individual attributes for crime (Cohn, et al., 1991; Soss, et al., 2003), perceive that capital punishment is necessary for maintaining social order (Baker, et al., 2005; Soss, et al., 2003) to buy into racial stereotyping of African-Americans and to be apathetic to the needs of minorities (Arthur, 1998; Barkan & Cohn, 1994; Hurwitz & Peffley, 2000). Young (1991) found that when support is high among African-Americans, the factor that most influences greater degree of support is trust in police (Young, 1991), but blacks still perceive greater sentencing inequities than do whites (Baker, et al., 2005; Young, 1991). African-Americans have also been found to blame criminality on personal disposition (Hawkins, 1981). Income and education did not affect support among blacks for capital punishment, only whites (Young, 1991).

African-Americans and whites differ in their perceptions of criminal justice. Blacks are more likely to perceive injustice than are whites (Hagan & Albonetti, 1982). However, Anthony (1999) found that race is a relevant factor in both blacks' and whites' death penalty attitudes, but that Blacks were more flexible in their opinions about the death penalty. Persons living in the central city and blacks who are of the professional managerial class are the most likely group to perceive injustice. Members of the "surplus" population are more likely to perceive injustice, with workers perceiving more injustice than employers and African-Americans more than whites (Hagan & Albonetti, 1982). White males are the most likely to support capital punishment, while black females are the least likely (Young, 1992).

Bohm, Clark and Aveni (1990) found that race determined more than group which subjects agreed with statements regarding incapacitation (blacks agreed more than whites). Blacks, both male and female, agreed with statements regarding general deterrence more than whites, both male and female. Blacks in the experimental group, were also more likely to agree that the death penalty is discriminatory or that innocent persons have been executed than blacks or whites in the control group. Whites in the experimental group agreed more with statements about discrimination or innocence than blacks in the control group. Participation in the death penalty class had no effect on five of the six reasons students gave for supporting the death penalty, and according to Bohm, et al. (1990) may have had a polarizing effect. Blacks opposed capital punishment more than whites despite greater victimization, but victimized blacks supported capital punishment more than those who had never been victimized.

Administrative (discrimination and innocence) reasons were the only considerations that were affected significantly by participation in the class (knowledge) (Bohm, et al., 1990).

Bohm, Vogel and Maisto (1993) returned to the subjects of death penalty classes conducted in the spring terms of 1988 and 1989 in order to determine whether subjects would retain their newly “informed” death penalty opinions or return to previously held views. Their findings contradicted Justice Marshall’s belief that an informed public would oppose capital punishment. By the follow up, both blacks and whites had rebounded to their pretest positions, indicating that classroom manipulation (i.e. the special death penalty class) may have only a short-term effect and not be an effective method for changing perception and opinion about the death penalty (Bohm, et al., 1993).

Using the same subjects enrolled in the Spring of 1988 and 1989 as an experimental group (n=120) and a control group of students enrolled in other courses during the same time periods (n=102), Bohm and Vogel (1994) attempted to compare factors that might be associated with “uninformed” and “informed” opinions about capital punishment. Their findings indicated that acquiring information about the death penalty is not likely to change core factors, because these factors appear to be assimilated to support already held beliefs about capital punishment. Acquisition of knowledge about the death penalty only made a difference for crime victims, who were less likely to favor capital punishment and for death penalty proponents who did not readily believe that there was a chance of executing an innocent person or that makeup

of the jury had any effect upon who received the death penalty. In addition, those who say retribution is the reason they support capital punishment, are unlikely to change their opinions, no matter what evidence is laid before them (Bohm & Vogel, 1994).

In a study by Smith, et al. (2000) when minorities argued against capital punishment, they were more influential and better able to change opinions than were African-Americans who argued in favor of the death penalty. Further, majority members who were exposed to individual minority members exhibited less change in opinion than majority members who were exposed to minority members who had support from fellow minority members (Smith, et al., 2000).

#### *2.3.6 Death Penalty Knowledge and College Students*

Student opinion has been the subject of a series of death penalty studies (Bohm, 1989; Bohm, 1990; Bohm, et al., 1990; Bohm, et al., 1991; Bohm & Vogel, 2004; Bohm, et al., 1993; Bohm & Vogel, 1994; Cochran & Chamlin, 2005; Edens, Colwell, Desforjes & Fernandez, 2005; Elliot & Robinson, 1991; Firment & Geiselman, 1997; Honeyman & Ogloff, 1996; Kelly, 1997; Lambert & Clarke, 2001; Lester, Maggioncalda-Aretz & Stark, 1997; Maxwell & Rivera-Vazquez, 1998; Morsbach & Morsbach, 1967; Neser, van der Westhuizen & Ladikos, 1986; Robinson, 1993; Pasupuleti, Lambert & Cluse-Tolar, 2005; Vidmar & Dittenhoffer, 1981; Wright, Bohm & Jamieson, 1995).

##### *2.3.6.1 The Later nineteenth century knowledge/perceptions*

Morsbach and Morsbach (1967) conducted a cross-cultural study of South African university students to determine if perceptions and opinions about the death

penalty differed among the elites of South Africa (defined as White Africans and English-speaking university students). Public execution was opposed by all groups, but execution itself was seen as necessary by the African speaking students who believed that execution should be used not only for murder, but for treason, sexual assault and for murders perpetrated by the insane (Morsbach & Morsbach, 1967). English-speaking law students, while agreeing with the utility of the death penalty, were more likely to believe that insane persons or those with ill friends or relatives should not be executed. Those with the strongest abolitionist views were the English-speaking divinity students, who believed that murderers could be rehabilitated and that one should not be executed if he had confessed or the evidence against him been circumstantial. English-speaking Arts and Science students were more likely to believe that most murderers were not responsible for their crimes. In addition, this group was also more likely to believe that innocent persons had been condemned in the past and therefore that the death penalty should not be implemented (Morsbach & Morsbach, 1967).

In 1981, Vidmar and Dittenhoffer published a study of 39 Western Ontario, Canada undergraduates, ranging in age from 19 to 32 years of age. In a similar design to most of Bohm's studies (Bohm, 1989; Bohm, 1990; Bohm, et al., 1990; Bohm, et al., 1993; Bohm & Vogel, 1994; Wright, et al., 1995), a post-questionnaire was administered to attain the level of knowledge and attitudes towards capital punishment. Afterward, 21 students volunteered to participate in further studies, and the remaining 18 students served as the control group. The experimental group was asked to read an essay and supplementary readings. At the conclusion of the experiment small

discussion groups were formed, and a questionnaire identical to the first was administered to the experimental group, with the addition of a second part which assessed how much the students became involved with the study. The control group was approached and asked to fill out a second questionnaire. The average time spent on involvement with the experimental group was 3.6 hours per subject. Most subjects reported that they knew little and had read little or nothing before the experiment about capital punishment, confirming Justice Marshall's hypothesis that the public knows little about the death penalty (Vidmar & Dittenhoffer, 1981). With more time spent studying and analyzing capital punishment, the experimental group changed from approximately 33 percent in opposition to 71 percent opposing the death penalty. However, the data fell short of statistical significance, but found that those most strongly in support of capital punishment are least likely to change their opinions (Vidmar & Dittenhoffer, 1981).

Some studies have addressed juries and their willingness to convict or acquit in capital cases (Elliot & Robinson, 1991; Robinson, 1993). It has long been assumed that jurors who are "death qualified are more likely to convict than so called "Witherspoon excludables" (Elliot & Robinson, 1991). Elliot and Robinson (1991) surveyed a group of undergraduates and found that the greater one's opposition to capital punishment, the more evidence one would require in order to convict. However, when the results were compared as far as verdict and punishment outcome, no discernable differences between death qualified (DQ) and Witherspoon excludable (WE) jurors were noted, tending to

indicate in this study that both death qualified jurors and Witherspoon excludables may be equally effective (Elliot & Robinson, 1991).

Robinson (1993) surveyed 602 students from two universities in the San Francisco area and found that the majority (up to 60 percent) of individuals who are currently being excluded from serving on capital juries would impose the death penalty when the offense is severe enough. His experiment, however, hinged on guilt far beyond any doubt, not just reasonable doubt, leaving to question whether jurors could impose capital punishment when the burden of proof is not beyond all doubt, but simply beyond a reasonable doubt (Robinson, 1993).

Bohm, et al. (1991) surveyed two groups of students; a control group of 82 and an experimental group of 190 students. They found that after increasing death penalty knowledge death penalty support decreased among the experimental group who participated in a death penalty class. As predicted by Justice Marshall, most participants had little knowledge about the death penalty prior to the class, and no effective change was apparent among those students who supported the death penalty based on retribution. Opposition to capital punishment never exceeded 50 percent. White support for the death penalty was higher than black support.

Honeyman and Ogloff (1996) surveyed a group of 305 university and community college students in the Vancouver, Canada area. Survey respondents were given a scenario depicting the murder of a convenience store clerk, juror guidelines in administering the death penalty and told that if all the answers were “yes” to the questions presented in the juror guidelines, then they must vote for a sentence of death.

Of subjects who were deemed “death qualified”, 65 percent recommended death and 35 percent recommended life imprisonment. Seventy-five percent of those who heard arguments only recommending capital punishment, chose the death penalty. However, only 53 percent of those hearing only arguments against capital punishment, chose the death penalty. Only 10 excludables chose the death penalty (25 percent), while 30 excludables (75 percent) chose life in prison. The authors concluded that arguments supporting capital punishment can be influential in jurors’ recommendations to the court, while arguments against capital punishment did not influence juror recommendations (Honeyman & Ogloff, 1996).

Firment & Geiselman (1997) also conducted a study examining university (103 male and 99 female) students and the differences between Witherspoon excludables and death qualified respondents. In addition, attitudes towards capital punishment and the juvenile death penalty were examined. More death qualified respondents believed retribution was an acceptable reason to support the death penalty than did “Witherspoon excludables”. Ninety-one percent of the total respondents said they would support the death penalty for murder under certain circumstances. Seventy-eight percent said that capital punishment is not too extreme a penalty for certain crimes, while 56 percent says that society is entitled to use capital punishment on the basis of revenge. However, Firment and Geiselman (1997) note that the typical profile of their sample was a 20 year old male, with little or no death penalty knowledge, politically moderate, fearful of victimization and had a negative view of the criminal justice system.



Lester, et al. (1997) examined the differences between college students' and high school students' attitudes towards the death penalty. While the two groups agreed that the most serious crimes deserved the death penalty, the high school students were more punitive on the less serious crimes, qualifying more crimes as deserving of capital punishment. Neither age or gender was a significant factor for either the college students or the high school students.

Kelly's (1997) study was composed of 117 college students enrolled in introductory psychology courses. The purpose of the study was to test the hypothesis that death qualification of jurors is related to the polarization of jurors' attitudes towards capital punishment. Kelly (1997) found that those who are most often chosen for death penalty juries, will be those persons most likely to experience attitude polarization in reaction to the process of death qualification.

#### *2.3.6.2 Twenty-first century knowledge and opinions*

Another study sought to examine whether knowledge would have a lasting impact on death penalty opinion. Bohm and Vogel (2004) examined a group of death penalty class participants 10 years after the initial study. All participants had attended a medium size university in Alabama and responses were obtained by repeated mailings. What the researchers found was that for most respondents, death penalty opinion had rebounded to the participants' original pretest responses. This could be an indication that lasting change comes only from repeated and prolonged exposure or as the authors' suggested, life experiences since taking the class may not have shaped respondents' current opinions.

Psychopathy was examined in another study assessing how likely a potential juror was to support the death penalty when the offender was described as psychopathic compared to either psychotic or not mentally disordered at all. Edens, et al. (2005) conducted a survey study at a University in the Southwest and found that when the “offender” was described as psychopathic, 60 percent of participants would recommend a death sentence, compared to 30 percent if he was psychotic or 38 percent if the offender was not mentally disordered. In fact, the degree to which a defendant was perceived to be psychopathic and degree to which the offender was considered dangerous, correlated positively with the extent to which the respondent supported the death penalty (Edens, et al., 2005).

Pasupuleti, et al. (2005) examined the differences in opinion and perception between social work majors and students majoring in other disciplines. Two significant differences were noted. First, social workers were less likely than other majors to seek retribution. Second, social work students were also far less likely than their non-social work counterparts to show support for the death penalty. The results have to be approached with caution, however, because a disproportionate number of the social work majors were female.

Cochran and Chamlin (2005) sought to replicate Bohm’s earlier studies measuring the effects of knowledge on change. Respondents were 70 undergraduate students from a large urban West-Central Florida university. All participated in a special topics course on the death penalty. Cochran and Chamlin (2005) found that death penalty supporters were less informed than death penalty opponents. Death

penalty knowledge resulted in greater opposition to capital punishment and retributionists were found to be no more resistant to change than those who did not support retribution. Further, subjects who did not favor life without parole and supported retribution assessed their knowledge level as higher.

### 2.3.7 *Studies addressing Knowledge and Perception among Criminology/Criminal Justice Majors*

#### 2.3.7.1 *The nineteen-eighties*

An opinion poll was conducted in 1986 (Neser, et al., 1986) among criminology, police science and penology students to measure student opinion on the implementation of capital punishment. Almost 85% believed that the retention of capital punishment in South Africa was important and that any other alternative to the death penalty was unacceptable. Among retentionists, more than 78 percent believed that abolishing the death penalty would lead to increased crime, while 69 percent of abolitionists believed it would have no effect on the crime rate. Demographically, this study found that females, older students, and those with higher incomes significantly oppose the capital punishment in greater numbers, while there was no significant difference found with respect to race or level of education.

Bohm (1989) attempted to test the Marshall hypothesis among university students who participated in a special death penalty class during the Spring of 1987. The duration of the class was one month and the text for the class was Bedau's *Death Penalty in America*, third edition (1982). In addition, the class included guest speakers, lectures by the professor and discussions among the students. Most of the subjects (n=50) were criminal justice majors or minors and had already had previous exposure to

information about the death penalty. Identical questionnaires were completed at the beginning and at completion of the course, seeking information about death penalty opinion, knowledge and demographic characteristics of study participants. Bohm (1989) found that 82 percent of the “uninformed” students favored the death penalty for some people convicted of murder. However, upon completion, 26 percent of the “informed” students changed their opinion from being in favor of capital punishment to opposing it (Bohm, 1989).

#### 2.3.7.2 *The nineteen-nineties*

Bohm (1990) published a study using information gleaned from the May 1988 semester. At the beginning of the term, death penalty opinion was obtained from the subjects who included an experimental group of majority criminal justice students enrolled in a special death penalty course and a control group of students majoring in other disciplines. During the pretest, Bohm (1990) found that the criminal justice majors were more likely to have stronger opinions than non-criminal justice majors. In fact, the death penalty class resulted in almost no change in criminal justice majors’ opinions and only a small effect on the non-criminal justice majors’ opinions. Most change in opinion occurred on the days when discrimination and arbitrary application of the death penalty were the topics of discussion. In sum, while black students were more likely to change their opinion than white students, support for the death penalty decreased and opposition increased by only five percent (Bohm, 1990). Bohm’s (1990) findings may tend to indicate that knowledge does not significantly change one’s

opinion about capital punishment, and that Justice Marshall may have been wrong in concluding that an educated public would turn away from the death penalty.

Another study (Wright, et al., 1995) found that conducting a special death penalty class did appear to change death penalty opinion. Expanded questionnaires included personal involvement questions about whether one would be able to pull the lever that executed a first degree murderer or serve on a jury and pass down the death sentence. Although the experimental and control groups were similar in demographic characteristics, the experimental group was composed of 84 percent criminal justice majors compared to 35.3 percent in the control group. Students completed questionnaires at the beginning of the semester and at the end. On the pretest, the control group answered 38 percent of the knowledge questions correctly compared to 57 percent of the experimental group. Although post-tests demonstrated that both groups' knowledge about the death penalty increased, the experimental group answered almost twice as many questions correct as did the control group. Support for capital punishment diminished significantly for the experimental group on the post-test, but increased slightly for control group subjects. Informed or uninformed, less than a majority of either would be willing to directly apply the sentence of death to an offender, but the majority could convict if serving on a jury. Further, the experimental group increased support for the alternative of life without parole. The findings suggest that the experimental stimulus of the death penalty class caused a significant number of persons to change their opinions if life without parole were an alternative to capital punishment (Wright, et al., 1995).

Maxwell and Rivera-Vazquez (1998) examined the instrumental and symbolic perspectives of capital punishment by using a sample of Puerto Rican students majoring in different social science disciplines: criminology, political science, public administration, social work and sociology. The more that subjects believed that capital punishment had been applied unfairly or that innocent persons had been convicted, the less likely subjects were to support the death penalty. Further, the more those subjects believed that the death penalty served as a deterrent and protection for society, the more likely they were to support the death penalty (Maxwell & Rivera-Vazquez, 1998). No differentiation was made between responses of the criminology students and those students who were majoring in other disciplines.

#### *2.3.7.3 The twenty-first century*

Lambert and Clarke (2001) conducted a study to assess how the effect of knowledge regarding sentencing innocent persons to death and data regarding deterrence would impact one's opinion about the death penalty. Three essays were given to 730 students at a 4 year university in Michigan; one focused on the odds of sentencing innocent persons to death, one on death penalty deterrence research and the last on general reasons for punishing offenders (control essay). Approximately 45% of the subjects were criminal justice majors, while the remaining 55% majored in various other fields of study. While most of the respondents supported the death penalty, there was no statistically significant difference in the three essay groups in terms of support before reading the essays. After reading the essays, the control group reported no statistically significant change. However, for both the deterrence and innocence essay

groups, there was a reduction in support for capital punishment, but only statistically significant for the innocence essay. However, the innocence essay only resulted in a weak reduction in support for the death penalty. Lambert and Clarke (2001) did not discuss findings in regard to the possible differences between criminal justice students and those who majored in other disciplines, but rather reported all majors as a total group. Further, the study could tend to indicate that short essays may have little long-term effect and further change might involve more prolonged discussion.

Anders (2003) examined the racial differences in perception among criminology and criminal justice students. Overall, minority and majority students differed very little in terms of knowledge about capital punishment. However, the difference in perception was much more pronounced with minorities more likely to feel that the death penalty was unfairly applied to other minorities. In addition, minorities were more likely to perceive that crimes against whites were punished more harshly. Majority students appeared to be more punitive towards offenders than minorities. White students were more likely to support the death penalty even if evidence were presented showing that capital punishment did not act as a deterrent to murder. The responses when broken down into male/female were similar in nature and few were statistically significant (Anders, 2003).

As suggested through a review of the existing studies, there is a current paucity of research in the literature base addressing the differences between CRCJ majors' and non-majors' opinions and perceptions about capital punishment and its possible deterrent effects. Although a few studies have addressed the differences in perception

and knowledge, none have done so using a sample of students from the state of Texas, the most active death penalty state in the nation (Death Penalty Information Center, 2006). This study will attempt to address the possible differences in perception and knowledge about the death penalty comparing CRCJ majors and non-CRCJ majors from the University of Texas at Arlington.



## CHAPTER 3

### METHODOLOGY AND DESIGN

Research was conducted through the use of self-report surveys assessing two independent test populations; Criminology/Criminal justice (CRCJ) students and students majoring in other disciplines (non-CRCJ). The first population, criminology/criminal justice majors consisted of 60 (n=60) respondents (49 percent) while the second population (non-CRCJ majors) consisted of 62 (n=62) respondents (51 percent). Five respondents did not report a major. Further, the sample was divided into majority (n=68) and minority students (n=57), with only two respondents not stating an ethnicity. The total number of participants for this study was 127 (N=127) students, with each sample set exceeding the requirements needed in order to achieve statistically significant results. Power sampling was used in this study to attain a statistically appropriate sample size. The sample size for each condition (CRCJ = 62, non-CRCJ = 60) exceeds that required for Cohen's power sampling as defined by Keppel, Saufley, Jr. and Tokunaga (1992) as an approximation of the amount of respondents desired in order to reveal a correlation to the desired degree of power (.05). Though not every question was completed, all respondents completed at least part of the survey resulting in a 100 percent response rate.

This study was conducted in order to examine the possible differences in knowledge and perception regarding capital punishment among students majoring in

criminology/criminal justice (CRCJ) and students majoring in other disciplines (non-CRCJ). In addition, an examination of majority and minority students was conducted. Since the nature of the study was exploratory, a one-shot case study was utilized. In this chapter, the author discusses the survey instrument, IRB submission and approval, sampling method, implementation of the survey, and statistical manipulation used to process the data.

### 3.1 Construction of the Survey Instrument

The survey used in this study was derived in part from a survey used by Pasupuleti et al. (2005) which was used to measure differences of view among social work students and students in other majors. Among the survey questions were two measures of deterrence, four retribution measures, one law and order, two incapacitation and one measure each for morality, mercy, emotional, innocence and brutalization. In addition, questions numbered 1, 2, 8 and 9 measure knowledge, while the remainder of the questions through number 14 measure perception and opinion. Questions numbered 1 through 14 are presented as statements using a Likert scale. The Likert scale is defined by Babbie (2004) as a scale designed in order “to determine the relative intensity of different items” (p. 169). Response categories ranged from agree strongly (1) to disagree strongly (5). The remainder of the survey questions were general demographic questions with the exception of number 15 which asks respondents to identify their sources of information about the death penalty.

Knowledge was tested on four statements; “the death penalty is a more effective deterrent than life imprisonment”, “after the execution of a murderer, violent crime in

that state declines for several weeks”, “it costs more money to incarcerate someone for life without parole than it does to execute that person”, and “most convicted murderers would kill again if given the opportunity”.

The remainder of the statements measure perception and opinion and include: “murderers deserve the death penalty since they took a life”, “I become angry when a convicted murderer does not receive the death penalty”, “16 year olds convicted of first degree murder deserve the death penalty”, “I believe in the idea of an “eye for an eye, a life for a life””, “the death penalty is necessary to maintain law and order”, “the death penalty serves little purpose other than to demonstrate society’s cruelty”, “showing mercy is more important than seeking revenge”, “it saddens me when a person is executed, regardless of the crime they committed”, “there is a good possibility that an innocent person will be executed” and “executions set a violent example that leads to further violence in society”. A question taken in part from Anders’ (2003) study was intended to measure information source(s) by asking respondents to check all sources of information available to the student. Choices offered were, family, friends, neighbors, television, radio, magazines, internet, college/campus newspaper, newspapers (city or other than campus), religious institution, and other.

In addition to sex, race, age, major, and student rank included in the Pasupuleti, et al. (2005) study, other demographic questions were added. Other questions taken from Anders’ (2003) study included “Do you live on campus?”, “What is your marital status?”, “Are you registered to vote?”, “What is the size of the town or city in which you live?”, “What is your school enrollment status?”, and “What is your cumulative

GPA at UTA?”. Levels of measurement included nominal as well as ordinal data. The survey instrument in its entirety can be found in appendix C.

### 3.1.1 *IRB Review and Approval*

In March, 2006, IRB form 1A (Application for exemption of a research protocol to the Institutional Review Board for the Protection of Human subjects (IRB)), the survey, Professor’s Statement of Purpose, Instructions for Completion of the Survey and a copy of the Spring 2006 class schedule were presented to the University’s Institutional Review Board for consideration. Permission to begin the research was granted by the University’s Office of Research Integrity and Compliance (IRB) on April 5, 2006 and research began in mid-April, 2006.

### 3.2 Sampling Method

Convenience sampling defined by Patten (2005) as the selection of individuals because they are available to the researcher, was used to gather data for this study. Because of the type of sampling utilized in this study, results cannot be generalized to the general public or to the entire student body and must be approached with caution. However, since the aim of this study was exploratory, the sampling method used was appropriate. A total of 6 CRCJ classes were chosen randomly (2 each lower, upper and graduate level) from 49 available courses offered during the 2006 spring semester, and included both day and evening classes. Participants chosen for this study were 127 (n=127) students enrolled in one of these six Criminology/Criminal Justice classes for the Spring, 2006 semester, which typically runs from the middle of January through the

first or second week of May. Participants were chosen from a population of approximately 25,000 students from the University of Texas at Arlington.

Courses selected for this survey were from the department of criminology/criminal justice offered through the college of liberal arts. Less than one-half of students enrolled in these courses were criminology/criminal justice majors (49%). Because all the students surveyed were taking courses within the department of criminology/criminal justice and were samples of convenience introduce threats to external validity. Therefore the results cannot be generalized to either the general public or to the entire student body. The study is, however, exploratory in nature and provides a basis for the examination of the possible differing levels of knowledge and perception regarding the death penalty among criminology/criminal justice students and non-CRCJ students. A summary of the courses selected is included in table 1.

TABLE 1. SPRING 2006 COURSES IN WHICH SURVEYS WERE DISTRIBUTED

<b>Course Title</b>	<b>Level</b>
Introduction to the Criminal Justice System, Section 002	Sophomore
Introduction to the Criminal Justice System, Section 003	Sophomore
Victimology, Section 501	Junior
Social Science and Mental Health Forensics, Section 001	Senior
Research in Criminal Justice, Section 501	Graduate
Ethical Issues in Criminal Justice, Section 501	Graduate

University of Texas at Arlington, Online Schedule of Classes,  
[www.https://epprd.uta.edu/psp/EP89PRD/EMPLOYEE/EMPL/h/signon.html/](http://www.https://epprd.uta.edu/psp/EP89PRD/EMPLOYEE/EMPL/h/signon.html/)

### 3.3 Data Collection

From mid-April, 2006 until the first week in May, 2006, the researcher obtained permission from 6 professors within the criminology/criminal justice department to administer surveys during the soonest convenient class period. Self-report surveys were then given to two populations; criminology/criminal justice students and students majoring in other disciplines. The researcher explained the purpose of the data collection through a reading of a statement of purpose and asked if there were any questions (the Statement of Purpose can be found in Appendix A). All participants were assured by the researcher that their participation was completely voluntary and anonymous. Further, it was stressed that the participant was under no obligation to participate and if at any time, any participant no longer wished to participate, no penalty would incur. Respondents were encouraged not to participate if they had already done so in a previous class. In addition, instruction for the completion of the survey was offered by the researcher, and once again participants were asked if there were any pending questions. When there were no more questions, the researcher asked the survey participants to begin. Twenty minutes was allowed for completion of the survey and upon completion surveys were collected by the researcher.

#### 3.3.1 *Survey Instrument*

The survey instrument first included a page again detailing the purpose of the study, and stressing that participation was completely voluntary and anonymous and thanking the respondent for his/her participation (Instructions for Completion of the Survey can be found in Appendix B). The instruction sheet was followed by survey

questions pertaining to measures for deterrence, retribution, law and order, incapacitation, morality, mercy, emotional, innocence, brutalization, information and demographic questions.

Statements numbered 1, 2, 8 and 9 are designed to measure knowledge, while the remainder of the questions through number 14 measure perception and opinion. A Likert scale is used to measure items 1-14. Response categories ranged from agree strongly (1) to disagree strongly (5). Question 15 asks respondents to identify where they receive information about the death penalty. Respondents are asked to mark all that apply and questions are coded into SPSS, 1 for “yes” if the respondent checked it, and 2 for “no” if the respondent did not. Choices offered were, family, friends, neighbors, television, radio, magazines, internet, college/campus newspaper, newspapers (city or other than campus), religious institution, and other. The remainder of the survey included general demographic questions.

Four statements tested respondents’ knowledge about capital punishment. Those statements were, “the death penalty is a more effective deterrent than life imprisonment”, “after the execution of a murderer, violent crime in that state declines for several weeks”, “it costs more money to incarcerate someone for life without parole than it does to execute that person”, and “most convicted murderers would kill again if given the opportunity”.

The remaining 10 statements measure perception and opinion and include: “murderers deserve the death penalty since they took a life”, “I become angry when a convicted murderer does not receive the death penalty”, “16 year olds convicted of first

degree murder deserve the death penalty”, “I believe in the idea of an “eye for an eye, a life for a life””, “the death penalty is necessary to maintain law and order”, “the death penalty serves little purpose other than to demonstrate society’s cruelty”, “showing mercy is more important than seeking revenge”, “it saddens me when a person is executed, regardless of the crime they committed”, “there is a good possibility that an innocent person will be executed” and “executions set a violent example that leads to further violence in society”.

Demographic questions included, race, sex, age, major and student rank (Pasupuleti et al, 2005), marital status, “Do you live on campus?”, “Are you registered to vote?”, political affiliation, size of the town or city in which student lives, school enrollment status, and cumulative GPA at UTA. Levels of measurement included nominal as well as ordinal data. The survey instrument in its entirety can be found in appendix C.

### 3.4 Statistical Manipulation

The goal of the statistical manipulation was to examine the possible differences in knowledge and perception among criminology/criminal justice and non-CRCJ students regarding capital punishment. Because race is such a salient issue within the death penalty debate, a comparison was also made among majority (Caucasian) and minority students. After examining the different statistical tests that could have been performed, a one sample t-test was deemed the most appropriate statistical tool in order to compare means and determine if statistically significant differences existed among CRCJ/non-CRCJ majors and Majority/Minority students. The data were coded utilizing



the Statistical Package for the Social Sciences (SPSS) and in chapter four, the findings that resulted from the statistical manipulation will be explained.

## CHAPTER 4

### FINDINGS

Descriptive statistics were utilized to analyze the data collected for this study. According to Babbie (2004, p. 442), descriptive statistics are “statistical computations describing either the characteristics of a sample or the relationship among variables in a sample”. Further, Babbie (2004) notes that descriptive statistics summarize observations. The data collected for this study were analyzed using a *t* test. Sweet and Grace-Martin (2003) describe a *t* test as a method of comparing the means of two groups. The *t* test is most appropriate for this study because two groups are being compared (CRCJ majors and non-CRCJ majors). By using this method, it is expected that not only will differences be found in survey responses between CRCJ majors and non-majors, but between majority and minority students.

The findings of this study are described and presented in three sections. The first will present the demographic findings of the respondents surveyed in terms of percentages. Knowledge and perception differences among CRCJ and non-CRCJ students are discussed next, followed by differences in information sources. Last, knowledge, perception and information source(s) differences among majority and minority students is discussed. In sections two and three, data is presented through one sample *t* test comparisons of the means of each group. These last two sections are further separated into knowledge, perception/opinion and information source(s).

The survey instrument contained a total of 27 questions and had a total of 127 respondents. The instrument was designed to measure knowledge and perception and was administered to both graduate and undergraduate students enrolled in one of six criminology/criminal justice courses during the Spring of 2006. Slightly more than half (51%) of the students surveyed, however, majored in a discipline other than criminology/criminal justice. There was a 100% response rate since surveys were only given to those who agreed to participate. Responses were measured in a Likert scale, ranging from agree strongly (1) to disagree strongly (5).

#### 4.1 Demographics

The majority of respondents in this survey were female (53%), 30 years or age or less (88%), identified themselves as Caucasian (54%), and were either single or divorced (92%). The majority were full time students (85%), with more than half the respondents reporting that they were either sophomores or juniors in class standing (26% and 35% respectively). More than half the respondents (51%) were majors in fields other than criminology/criminal justice, with most reporting GPAs of 3.1 or higher (63%). Most respondents were registered to vote (83%), with the greatest percentage reporting “Republican” as their political affiliation (41%). For a complete summary of demographics, refer to table 2.

TABLE 2. DEMOGRAPHICS OF SURVEY RESPONDENTS

<b>Variable</b>	<b>Number of Respondents (in percentages)</b>
Female	53
Male	47
Age 30 or less	88
Age 31-40	7
Age 41 and over	5
African-American	12
Caucasian	54
Hispanic	18
Asian	6
Native American	1
Other	9
Freshman	9
Sophomore	26
Junior	35
Senior	15
Graduate	15
Full time students	85
Part time students	14
Criminology/criminal justice major	49
Other majors	51
GPA 3.0 or less	37
GPA 3.1 or more	63
Live on campus	21
Rural	12
Urban	43
Suburban	44
Registered to vote	83
Democrat	28
Republican	41
Independent	11
Other political affiliation or none	20
Single	76
Divorced	16
Married	2
Cohabiting	5
Widowed	1

\* Percentages may not total 100% due to surveys with incomplete responses.

## 4.2 CRCJ responses and non-CRCJ responses

### 4.2.1 *Knowledge Items*

Items in this section were presented within the survey in order to measure death penalty knowledge among CRCJ majors and non-majors. Two were statements measuring knowledge of deterrence and capital punishment, while the remaining two questions seek to measure knowledge about the cost and utility of capital punishment.

Two questions in this section proved to be statistically significant at the .01 level. First, a mean of 3.0833 for CRCJ students and a mean of 2.4516 for non-CRCJ students was found for the statement “It costs more to incarcerate someone for life without parole than it does to execute that person ( $p=.001$ ). Next, CRCJ students had a mean of 2.7167 compared to 2.3548 for non-CRCJ majors in regards to the statement “most convicted murderers would kill again if given the opportunity ( $p=.006$ ).

The responses offered by CRCJ and non-CRCJ majors to the statement “the death penalty is a more effective deterrent than life imprisonment” appeared to be similar with means of 2.8833 and 2.9194 respectively ( $p=.82$ ). Further, for the question “after the execution of a murderer, violent crime in that state declines for several weeks” no statistical difference was detected. CRCJ majors’ mean was 3.60 compared to 3.4355 for non-CRCJ majors ( $p=.186$ ).

The only statistically significant responses among CRCJ and non-CRCJ majors were in response to knowledge about costs and recidivism. Although differences were noted in response to the declining murder rate after an execution, the difference was not statistically significant. Finally, on the responses as to whether execution serves as a

more effective deterrent than life imprisonment, both CRCJ and non-CRCJ majors' responses were similar.

TABLE 3. KNOWLEDGE BASED DIFFERENCES AMONG CRCJ AND NON-CRCJ MAJORS

Statement	Means and (Standard deviations) of CRCJ majors	Means and (Standard deviations) of non-CRCJ majors	P-Value
The death penalty is a more effective deterrent than life imprisonment.	2.8833 (1.26346)	2.9194 (1.2453)	.82
After the execution of a murderer, violent crime in that state declines for several weeks.	3.60 (.90573)	3.4355 (.96871)	.186
It costs more money to incarcerate someone for life without parole than it does to execute that person.	3.0833 (1.45313)	2.4516 (1.43353)	.001**
Most convicted murderers would kill again if given the opportunity.	2.7167 (1.20861)	2.3548 (1.00974)	.006**

\* Statistically significant at the 0.05 confidence level

\*\*Statistically significant at the 0.01 confidence level

#### 4.2.2 Perception/Opinion Items

Although perception/opinion questions outnumbered those presented to measure knowledge, less significance was found in the responses. The only significant finding with regard to perception/opinion was the question “the death penalty serves little purpose than to demonstrate society’s cruelty”. CRCJ majors reported a mean of 3.9667, while non-CRCJ majors’ mean was 3.6452 (p=.033). Two questions showed

near statistical significance. First, in response to “I become angry when a convicted murderer does not receive the death penalty” CRCJ majors’ mean was 3.2167 compared to non-CRCJ majors mean of 2.9677 ( $p=.092$ ). Second, non-CRCJ majors were more likely to believe “there is a good possibility that an innocent person will be executed” (mean of 2.0161) compared with their CRCJ counterparts (2.2167) ( $p=.107$ ). Both groups were similar in response to “executions set a violent example that leads to further violence in society” with means reported of 3.4833 for CRCJ students and 3.50 for non-CRCJ students ( $p=.908$ ).

Both groups showed little difference in opinion on whether mercy was more important than seeking revenge ( $p=.302$ ) and the belief of an “eye for an eye, a life for a life” ( $p=.381$ ). In regards to whether murderers deserve the death penalty, non-CRCJ students were more likely to agree with the statement (CRCJ mean of 2.6833 and non-CRCJ mean of 2.4839), but the findings were not statistically significant ( $p=.237$ ). CRCJ majors were less likely to agree with the statement “it saddens me when a person is executed regardless of the crime they committed” with a mean of 3.6833 compared to the non-CRCJ majors’ mean of 3.4839 ( $p=.174$ ), while non-CRCJ students were less likely to believe that capital punishment was necessary to maintain law and order (mean of 3.1452, compared to CRCJ majors’ mean of 2.9333) ( $p=.192$ ). Regarding whether 16 year olds convicted of first degree murder deserve the death penalty, non-CRCJ majors were more likely to agree with the statement (mean of 3.2903) than were CRCJ majors (mean of 3.50) ( $p=.141$ ). None of these findings were statistically significant.

TABLE 4. PERCEPTION/OPINION DIFFERENCES AMONG CRCJ  
AND NON-CRCJ MAJORS

<b>Statement</b>	<b>Means and (Standard deviations) of CRCJ Majors</b>	<b>Means and (Standard deviations) of non-CRCJ majors</b>	<b>P-value</b>
Murderers deserve the death penalty since they took a life.	2.6833 (1.30827)	2.4839 (1.31501)	.237
I become angry when a convicted murderer does not receive the death penalty.	3.2167 (1.18023)	2.9677 (1.14473)	.092
16 year olds convicted of first degree murder deserve the death penalty.	3.50 (1.24192)	3.2903 (1.10716)	.141
I believe in the idea of an “eye for an eye, a life for a life”.	3.0167 (1.35911)	2.8710 (1.29923)	.381
The death penalty is necessary to maintain law and order.	2.9333 (1.35129)	3.1452 (1.26552)	.192
The death penalty serves little purpose other than to demonstrate society’s cruelty.	3.9667 (1.08872)	3.6452 (1.16079)	.033*
Showing mercy is more important than seeking revenge.	3.1000 (1.02014)	2.9516 (1.12246)	.302
It saddens me when a person is executed, regardless of the crime they committed.	3.6833 (1.14228)	3.4839 (1.14150)	.174
There is a good possibility that an innocent person will be executed.	2.2167 (1.09066)	2.0161 (.96652)	.107
Executions set a violent example that leads to further violence in society.	3.4833 (1.12734)	3.50 (1.12716)	.908

\* Statistically significant at the 0.05 confidence level

\*\* Statistically significant at the 0.01 confidence level



### 4.2.3 *Information Source(s)*

This section will cover information sources among CRCJ and non-CRCJ majors expressed in percentages. The most often cited sources of information among both CRCJ and non-CRCJ majors are television, city or other than campus newspapers, and the Internet.

#### 4.2.3.1 *Print Sources*

The most often chosen print source chosen by CRCJ majors and non-CRCJ majors alike were newspapers (city or other than campus) with 58 percent of each population reporting this source. College/campus newspaper was chosen by 26 percent of non-CRCJ majors, while 40 percent of CRCJ majors say they receive information from campus publications. Magazines were the least chosen source by both groups with just 20 percent of CRCJ majors and 16 percent of non-CRCJ majors selecting this source of information.

#### 4.2.3.2 *Television, radio and electronic media*

Television was by far the most chosen source by both groups among all categories. Seventy-five percent of CRCJ majors and 82 percent of non-CRCJ majors get at least some of their information about capital punishment from television. The Internet was chosen by 53 percent of CRCJ majors and 55 percent of non-CRCJ majors, while radio was the least chosen source among this category with just 35 percent of CRCJ majors and 29 percent of non-CRCJ majors choosing this option as one way of receiving information about the death penalty.

#### 4.2.3.3 *Interactions with others*

Finally, in their interactions with other people, CRCJ and non-CRCJ majors both report more often getting information from family members (38 percent and 47 percent respectively), followed by friends (32 percent for each population). Few respondents say they receive information from neighbors. Only 8 percent of CRCJ majors and 7 percent of non-CRCJ majors receive information from their neighbors. More non-CRCJ majors (18 percent) receive information from a religious institution than do CRCJ majors (5 percent). A greater number of CRCJ majors receive information from “other” (27 percent) than do non-CRCJ majors (15 percent). Table 5 contains a complete summary of responses among CRCJ and non-CRCJ students.

Overall, while CRCJ majors and non-CRCJ majors reported some differences in information source among religious institution, college/campus newspaper and other, no significant differences were noted in use of any of the other variables. A similar number of both groups reported using newspapers (city or other than campus), the Internet and friends as sources of information. Small differences were noted among the remaining variables: family, neighbors, television, radio and magazines.

TABLE 5. INFORMATION SOURCE DIFFERENCES AMONG CRCJ AND NON-CRCJ MAJORS IN PERCENTAGES

<b>Statement</b>	<b>CRCJ Majors</b>	<b>Non-CRCJ Majors</b>
Family	38	47
Friends	32	32
Neighbors	8	7
Television	75	82
Radio	35	29
Magazines	20	16
Internet	53	55
College/campus newspaper	40	26
Newspapers (city or other than campus)	58	58
Religious institution	5	17
Other	27	15

### 4.3 Majority responses and minority responses

#### 4.3.1 *Knowledge Items*

Items in this section were presented within the survey in order to measure death penalty knowledge among majority and minority students. Since race has proven to be such a salient issue in the course of capital punishment studies, these findings, along with accompanying tables are presented. Two statements measure knowledge of deterrence, while the remaining two questions seek to measure knowledge about the cost and utility of the death penalty.

As evidenced by the data, only one item proved to be statistically significant. Majority members were more likely to agree that the death penalty is a more effective deterrent than life imprisonment. The mean among majority members was 2.7353 and minority members at 3.0877 ( $p=.035$ ). Both minorities and majority members appeared

to be similarly knowledgeable about the costs of capital punishment, with a mean of 2.75 and 2.7544 stated for majority and minority members respectively (p=.981).

No statistically significant difference was reported for the question of whether violent crime declines in a state after an execution. Majority members' mean was 3.4706, while minority members' mean was 3.5789 (p=.399). Finally, with a p-value of .791 "most convicted murderers would kill again if given the opportunity" was not statistically significant among majority students (2.5588) and minority students (2.5965).

TABLE 6. KNOWLEDGE BASED DIFFERENCES AMONG MAJORITY AND MINORITY STUDENTS

<b>Statement</b>	<b>Means and (Standard deviations) of Majority students</b>	<b>Means and (Standard deviations) of Minority students</b>	<b>P-value</b>
The death penalty is a more effective deterrent than life imprisonment.	2.7353 (1.27686)	3.0877 (1.22883)	.035*
After the execution of a murderer, violent crime in that state declines for several weeks.	3.4706 (.96924)	3.5789 (.96265)	.399
It costs more money to incarcerate someone for life without parole than it does to execute that person.	2.75 (1.57759)	2.7544 (1.37945)	.981
Most convicted murderers would kill again if given the opportunity.	2.5588 (1.21413)	2.5965 (1.06670)	.791

\* Statistically significant at the 0.05 confidence level

\*\* Statistically significant at the 0.01 confidence level

#### 4.3.2 *Perception/Opinion Items*

Based on a review of the data, it is apparent that opinions and perceptions about capital punishment differed significantly for almost every question posed among minority and majority members. Of the three questions that did not report statistical significance, responses were more dissimilar than similar with one question approaching statistical significance.

The findings tend to suggest that majorities and minorities view the death penalty very differently. First, minorities' tended to agree less with the statement that "murderers deserve the death penalty since they took a life". While majorities' mean was 2.3235, minorities' mean was 2.9649 ( $p=.000$ ). Further, minorities (1.8246) believed more than majority students (2.2941) that there is a good possibility that an innocent person will be executed ( $p=.000$ ). With a mean of 3.7353 for majority students and a mean of 3.1754 for minorities, minority students were more likely to believe that executions set a violent example that can lead to further violence ( $p=.000$ ). Minorities (3.4737) were also more likely than majority students (4.1176) to perceive that little purpose other than demonstrating society's cruelty was served by the application of the death penalty ( $p=.000$ ).

The data tends to indicate that minorities may have weaker retributive attitudes. Fewer minorities (3.3158) believed in the idea of "an eye for an eye" than did majority students (2.6912) ( $p=000$ ). Next, minorities (3.3509) were more likely to express sadness when a person was executed than were majority students (.3.75) ( $p=.004$ ).

Also, minorities (2.8246) expressed more interest in showing mercy rather than seeking revenge than did majorities (3.1618) ( $p=.025$ ).

Statistical significance was not achieved on three statements. However, one item "I become angry when a convicted murderer does not receive the death penalty" approaches statistical significance. The mean for majority students was 3.000 and for minority students 3.2807 ( $p=.077$ ). Minorities' mean of 3.5439 and majorities' mean of 3.3235 in regards to whether 16 year olds deserved the death penalty did not approach statistical significance at .102. No statistical significance among minorities (3.1754) and majority members (2.8971) was found as to whether capital punishment is necessary in the interest of maintaining law and order ( $p=.122$ ).

TABLE 7. PERCEPTION/OPINION DIFFERENCES AMONG MAJORITY AND MINORITY STUDENTS

Statement	Means and (Standard deviations) of Majority students	Means and (Standard deviations) of Minority students	P-value
Murderers deserve the death penalty since they took a life.	2.3235 (1.2748)	2.9649 (1.26724)	.000**
I become angry when a convicted murderer does not receive the death penalty.	3.000 (1.14605)	3.2807 (1.17647)	.077
16 year olds convicted of first degree murder deserve the death penalty.	3.3235 (1.28645)	3.5439 (1.00125)	.102
I believe in the idea of an “eye for an eye, a life for a life”.	2.6912 (1.36324)	3.3158 (1.22704)	.000**
The death penalty is necessary to maintain law and order.	2.8971 (1.31739)	3.1754 (1.33795)	.122
The death penalty serves little purpose other than to demonstrate society’s cruelty.	4.1176 (1.09992)	3.4737 (1.0708)	.000**
Showing mercy is more important than seeking revenge.	3.1618 (1.04539)	2.8246 (1.10393)	.025*
It saddens me when a person is executed, regardless of the crime they committed.	3.75 (1.21403)	3.3509 (1.00873)	.004*
There is a good possibility that an innocent person will be executed.	2.2941 (1.09352)	1.8246 (.90874)	.000**
Executions set a violent example that leads to further violence in society.	3.7353 (1.10112)	3.1754 (1.11999)	.000**

\* Statistically significant at the 0.05 confidence level

\*\*Statistically significant at the 0.01 confidence level

#### 4.3.3 Information Sources(s)

A review of the data suggested that less difference was found in respondent’s information sources. Like CRCJ and non-CRCJ students, both minorities and

majority's three most cited sources of information are television, city or other than campus newspapers and the Internet.

#### 4.3.3.1 *Print Sources*

Majority and minority students both chose newspapers (city or other than campus) as the most often chosen print source of information. Fifty-eight percent of Majority students chose city newspapers, while 56 percent of minority students chose city newspapers. The college/campus newspaper was chosen by 35 percent of majority students and 32 percent of minority students, while an identical percentage in each population chose magazines as a source of information (18 percent for each population).

#### 4.3.3.2 *Television, radio and electronic media*

More respondents chose television as a source of information about capital punishment than any other choice offered. More than three-fourths of each group chose television as a source of information. The Internet was chosen by 52 percent of majority students and 54 percent of minorities, followed by radio at 31 percent (majority) and 33 percent (minority).

#### 4.3.3.3 *Interactions with others*

Majority students are more likely to receive information from family (49 percent) than from any other source in this category, while the same percentage of minority students receive information from friends and family (33 percent). Thirty-two percent of majority students receive information from friends, while few in either group receive information from their neighbors (4 percent of majority students and 11 percent of minorities). Just 9 percent of minority students learn about capital punishment



through their religious institution, while 13 percent of majority students report religious institution as a source of information. Other is reported by 25 percent of majority students and 12 percent of minority students.

Taken as a whole, majority and minority students reported more similarities in information sources than differences. Students who were part of the majority more often chose family, and religious institution, while minorities were more likely to receive information from neighbors. Similar percentages were noted among the remaining variables: friends, television, radio, magazines, the Internet, college/campus newspaper and city newspapers. Table 8 contains a complete summary of responses among minority and majority students. Chapter 5 provides a qualitative interpretation of the findings and suggestions for other avenues of research.

TABLE 8. INFORMATION SOURCE DIFFERENCES AMONG MAJORITY AND MINORITY STUDENTS IN PERCENTAGES

<b>Statement</b>	<b>Majority Students</b>	<b>Minority Students</b>
Family	49	33
Friends	32	33
Neighbors	4	11
Television	79	77
Radio	31	33
Magazines	18	18
Internet	52	54
College/campus newspaper	35	32
Newspapers (city or other than campus)	59	56
Religious institution	13	9
Other	25	12

## CHAPTER 5

### DISCUSSION

The findings of this study serve as an interpretation of the differences between CRCJ/non-CRCJ majors and minority/majority students in relation to knowledge and perceptions regarding capital punishment. The primary goal of this study was to examine the possible relationship of perception and knowledge regarding the death penalty among criminology/criminal justice majors and their non-CRCJ counterparts. To attain that goal, knowledge and perception were measured through the implementation of a survey previously utilized by Pasupuleti, et al. (2005) in an examination of the differences among social work majors and non-social work majors. In addition, demographic questions were added as well as a question to measure information source(s) among students.

As illustrated in chapter 2, a review of the literature explored the history of capital punishment from early Biblical times up to present-day America. Essential Supreme Court cases were examined, as well as studies examining capital punishment and race. In addition, opinion studies presented to the general public, and studies that addressed differences among University students, including criminology/criminal justice students were reviewed.

A survey was presented to students in six criminology/criminal justice classes at the University of Texas at Arlington. Data were analyzed using SPSS, analyzing

descriptive statistics and the utilization of *t* tests for comparison of the means among criminology/criminal justice majors and non-CRCJ majors and among majority and minority students. While knowledge about the death penalty appeared to differ among CRCJ and non-CRCJ majors, perception showed very little significant difference. Knowledge among minority and majority students differed little, but most perception questions were significantly different at the 0.05 level.

### 5.1 Contribution to the Body of Knowledge

It is anticipated that this research will make a significant contribution to the body of knowledge in the field of criminology/criminal justice. The literature review suggests that although studies have been conducted that compare the differences among criminology/criminal justice students, none were found that had been conducted in the State of Texas, the most active death penalty state in the nation (Death Penalty Information Center, 2006). Since the University is a commuter school, it is expected that many students have roots in the state of Texas and will become the future leaders among the criminal justice community, including police officers, attorneys and prison officials. The results of this study suggest that, although perceptions may not differ much among CRCJ majors and their non-CRCJ major counterparts, CRCJ majors may be more knowledgeable about the death penalty. The findings may have educational and social/cultural implications.

### 5.2 Limitations of the Research

The author acknowledges the limitations present in the current study. First, the sample was one of convenience and not randomized. Although more than half the

respondents were non-CRCJ majors, all were chosen from CRCJ courses that were available to the researcher. In addition, the University is a large commuter college and may not share characteristics common to other Universities. The sample chosen was from a University in the State of Texas. It may well be that Texans and those who attend college in Texas harbor more punitive attitudes towards offenders. Thus, it may not be possible to generalize results to the general population, the entire student body or to other Universities. The author recognizes the exploratory nature of the study and acknowledges the limitations therein.

### 5.3. Criminology/Criminal Justice Majors and non-CRCJ Majors

#### 5.3.1 *Knowledge*

Criminology/criminal justice majors appeared to have more knowledge about the death penalty than did non-CRCJ majors. CRCJ majors knew more about the costs of the death penalty and that most convicted killers would not repeat their crime if given the chance to do so. Consistent with the informed opinions of most experts in the field of criminology (Radelet & Akers, 1996) both CRCJ and non-CRCJ majors were almost equally as likely to know that the death penalty is not a more effective deterrent than being imprisoned for life. Further, more CRCJ majors disagreed with the statement that the execution of a murderer has a short-term effect on the felony murder rate. Cochran, et al. (1994) found some evidence that felony murders may have been slightly lower after a highly publicized execution, but their findings were not significant. Since most executions in Texas are no longer highly publicized, it would be expected that little deterrent value could result. These results were expected and were likely due to CRCJ

students enrolling in more criminology/criminal justice classes, and working or conversing with other people working in the field of criminal justice. While knowledge yielded some significant results, perceptions were similar among both groups.

### *5.3.2 Cultural/Social: Perception and Capital Punishment*

Counter to Bohm's (1990) findings, CRCJ students were less likely to express anger and the opinion that murderers deserve to die than their non-CRCJ counterparts. Despite that finding, non-CRCJ students were the most likely to express sadness over an execution and to agree that showing mercy was more important than revenge. CRCJ students were more likely to see the death penalty as a law and order utilitarian measure. An almost identical result among both groups was achieved with reference to whether executions set an example that leads others in society to commit violent acts. The only significant finding was that non-CRCJ majors were more likely to agree that the death penalty serves little purpose other than the demonstration of society's cruelty. The findings tend to indicate that CRCJ and non-CRCJ majors hold similar views on the death penalty regardless of their level of knowledge.

## 5.4 Majority and Minority Students

### *5.4.1 Knowledge*

Minority students were more knowledgeable about the lack of deterrent effect of capital punishment. Both majority and minority students had similar knowledge in regard to the costs and likelihood of murderers repeating their crimes if given the opportunity. Although more minority students believed that violent crime declined after the execution of an offender, the results were not significant. Knowledge among both

groups was more similar than different. With that in mind, it is interesting to note that perceptions about capital punishment yielded a different result.

#### 5.4.2 *Cultural/Social: Perceptions and Capital Punishment*

Race is one of the more relevant issues in the debate on capital punishment. Therefore, the findings in regard to perception are instructive and of far-reaching consequences culturally and socially. Consistent with other studies on race and capital punishment, majority and minorities differ in their feelings about capital punishment (Arthur, 1998; Barkan & Cohn, 1994; Cohn, et al., 1991; Soss, et al., 2003; Unever, et al., 2005; Young, 2004). Although both groups reported similar knowledge about capital punishment, seven of ten questions were statistically significant, with an eighth question approaching statistical significance. The pattern of findings tends to indicate that minorities are less punitive than are majority students, consistent with studies showing that whites are more likely to support the death penalty than minorities (Arthur, 1998; Baker, et al., 2005; Hagen & Albonetti, 1982; Unever, et al., 2005). Minority students more often expressed sadness when a person was executed, and to believe that an innocent person was likely to be executed. Further, the death penalty was viewed by minorities as an example of society's cruelty and a violent example that was likely to promote further violence in society. Finally, the only three questions which did not reach statistical significance were in regard to anger over a convicted murderer who does not receive the death penalty (approaches statistical significance), whether 16 year old murderers deserved to die and the notion that the death penalty is a necessary law and order measure.

## 5.5 Implications for Education about Capital Punishment

Justice Marshall asserted that Americans knew little about the death penalty, but if they did possess greater knowledge, support for capital punishment would be greatly diminished. In support of Justice Marshall's theories about support for capital punishment, researchers have found that at least some students who take special death penalty courses are both able to increase their level of knowledge and challenge their perceptions of capital punishment (Bohm, 1989; Bohm, 1990; Bohm, et al., 1990; Bohm, et al., 1991; Wright, et al., 1995).

CRCJ students may have more knowledge about capital punishment because of greater classroom and/or field experience, as well as socializing with others who hold positions in police departments, correctional facilities or in the community supervision field. Further, because they are criminology/criminal justice majors, CRCJ students may pay more attention to news reports, read more news articles and generally discuss the death penalty more than non-CRCJ students. The data tend to indicate that although CRCJ students may have more death penalty knowledge than non-CRCJ students, perceptions and opinions about capital punishment are not necessarily influenced by the information CRCJ students are receiving; little significant difference exists between CRCJ and non-CRCJ students.

Given the gravity of capital punishment and the reasonable expectation that criminology/criminal justice students will become policymakers, educators and criminal justice professionals, educators should be challenging students' perceptions about capital punishment by engaging students in meaningful dialogue to seek an

understanding of why students form certain perceptions about the death penalty.

University educators could encourage students to take part in death penalty debate and research, while criminology/criminal justice departments might also promote interest by offering an elective course in capital punishment.

In furtherance of that goal, more applied experience should be available to CRCJ students so that opinions are not formed from reading and classroom experience alone. Students might gain a greater understanding of capital punishment by visiting a prison where the death penalty is administered and engaging in meaningful dialogue with the criminal justice personnel most closely connected with the practice of carrying out executions. Prison chaplains, corrections officers and wardens may be able to provide for students different points of view. Further, students might benefit from respectful discussion with willing family members of victims and offenders. Through a thorough examination of the death penalty, CRCJ students may gain a greater, more balanced, understanding of the nature and costs of government-sponsored execution.

#### 5.6 Social/Cultural Implications

As supported by the previous literature, minority and majority students feel very differently about the death penalty (Arthur, 1998; Barkan & Cohn, 1994; Cohn, et al., 1991; Hagen & Albonetti, 1982). Because both groups indicated similar levels of knowledge about capital punishment, the data may tend to indicate that support for the death penalty is based on personal experience rather than level of knowledge. Blacks are grossly overrepresented in the criminal justice system, are more likely to be sentenced to death (Radelet, 1981) and have historically experienced the horrors of



slavery, illegal lynching and the indignity of segregation and prejudice. Most persons who are part of the majority (Caucasian) may have little ability to empathize.

Thus, it may fall to criminal justice agencies, courts and communities to challenge the racial divide that exists in relation to death penalty perception. County and District Courts could address the inequities and prejudices in the application of the death penalty by providing better avenues to legal assistance for the poor, often minority, defendants. Minorities are more likely to be impoverished and thus, be assigned court-appointed attorneys who have little or no death penalty experience. This leaves the defendant with little ability to assert what limited rights are afforded to them. Courts should select seasoned trial attorneys experienced in death penalty litigation and increase monetary allowances for preparation of the defendant's case. Providing quality, competent legal aid to the poor and minorities could help to shrink the racial divide that exists in relation to the harsh realities of the death penalty.

Police departments must be vigilant in their policies that minorities are not experiencing discrimination. Review of policy, meeting with leaders and members of the community on a regular basis and showing sincere concern will engender greater trust in police and prosecutors among both minority and majority citizens. City leaders can hold open council meetings where residents can bring forth concerns and seek answers to problems.

Churches and other local organizations can build bridges between neighboring citizens, help assess what needs are not being met and strive to find common solutions across ethnicities. Some of the ways in which religious and local organizations can

achieve greater understanding among majority/minority groups are through gaining the support of the populace through implementation of community centers, boys' and girls' clubs, big brother/big sister programs and other programs designed to benefit the entire community. Local leaders, individuals and officers of the courts face a tremendous challenge if they are to overcome racial stereotypes and prejudices endemic in society and the court systems.

### 5.7 Suggestions for further research

Future policy-makers in the field of criminal justice come from several different fields of study, not just those majoring in criminology/criminal justice. For instance, political science majors may well find themselves employed in the field of criminology/criminal justice and active in the formulation of policy. A meaningful comparison of knowledge and perceptions held by political science majors and criminology/criminal justice majors could reveal differences in opinions and knowledge. In addition, comparing students based on life history might reveal factors which shape early opinion and perception of crime and capital punishment.

APPENDIX A

PROFESSOR'S STATEMENT OF PURPOSE

# **The death penalty through the lenses of criminology/criminal Justice students and non-CRCJ students**

## **Professor's Statement of Purpose**

Class:

This study is being conducted by a graduate student in the Criminology/Criminal Justice Department under the direction of Alex del Carmen, Ph.D., a faculty member in the Department of Criminology/Criminal Justice. They asked if I would be willing to administer this survey during one of my class periods and I agreed.

The purpose of this study is to examine the possible differences among CRCJ majors' and non-CRCJ majors' knowledge and perceptions regarding the death penalty. You should know that your participation in this survey is completely voluntary. No questions on this survey will enable the researchers to directly identify you. You may choose not to answer any question(s) or choose not to participate in the survey without consequence. If you have already participated in this survey in another class, please do not fill in this survey. This survey should take approximately 20 minutes to complete. When you have completed the survey, please return it to me.

Thank you for agreeing to be a part of this important research project.

## APPENDIX B

### INSTRUCTIONS FOR COMPLETION OF THE SURVEY

## **The Death Penalty through the lenses of Criminology/criminal justice students and non-CRCJ students**

The purpose of this study is to examine the possible differences among CRCJ majors' and non-CRCJ majors' knowledge and perceptions regarding the death penalty. Your participation in this survey is completely voluntary. No questions on this survey will enable the researchers to directly identify you. You may choose not to answer any question or choose not to participate in the survey without consequence. If you have already participated in this survey in another class, please do not fill in this survey. The survey should take approximately 20 minutes to complete.

Thank you for agreeing to be a part of this important research project!

### **Instructions for Completion of the Survey**

Please answer each question by marking only one answer and/or by printing the requested information in the space provided.

Please complete the survey during class time and return it to your professor.

Do NOT give this survey to anyone else to complete. You have been selected because of the particular class you are in.

APPENDIX C

STUDENT SURVEY

All participation in this study is completely voluntary. Any participant who does not wish to take this survey is under no obligation to do so. Further, at any time participants may discontinue participation. There is no obligation to participate in this survey and no penalty will be incurred for declining to participate or deciding to discontinue participation.

**Please answer each of the following questions by marking only one response.**

1. The death penalty is a more effective deterrent than life imprisonment.

Agree Strongly

Disagree Strongly

1

2

3

4

5

2. After the execution of a murderer, violent crime in that state declines for several weeks.

Agree Strongly

Disagree Strongly

1

2

3

4

5

3. Murderers deserve the death penalty since they took a life.

Agree Strongly

Disagree Strongly

1

2

3

4

5

4. I become angry when a convicted murderer does not receive the death penalty.

Agree Strongly

Disagree Strongly

1

2

3

4

5

5. 16 year olds convicted of first degree murder deserve the death penalty.

Agree Strongly

Disagree Strongly

1

2

3

4

5

6. I believe in the idea of an "eye for an eye, a life for a life.

Agree Strongly

Disagree Strongly

1

2

3

4

5



7. The death penalty is necessary to maintain law and order.
- |  |                |   |   |                   |
|--|----------------|---|---|-------------------|
|  | Agree Strongly |   |   | Disagree Strongly |
|  | 1              | 2 | 3 | 4                 |
|  |                |   |   | 5                 |
8. It costs more money to incarcerate someone for life without parole than it does to execute that person.
- |  |                |   |   |                   |
|--|----------------|---|---|-------------------|
|  | Agree Strongly |   |   | Disagree Strongly |
|  | 1              | 2 | 3 | 4                 |
|  |                |   |   | 5                 |
9. Most convicted murderers would kill again if given the opportunity.
- |  |                |   |   |                   |
|--|----------------|---|---|-------------------|
|  | Agree Strongly |   |   | Disagree Strongly |
|  | 1              | 2 | 3 | 4                 |
|  |                |   |   | 5                 |
10. The death penalty serves little purpose other than to demonstrate society's cruelty.
- |  |                |   |   |                   |
|--|----------------|---|---|-------------------|
|  | Agree Strongly |   |   | Disagree Strongly |
|  | 1              | 2 | 3 | 4                 |
|  |                |   |   | 5                 |
11. Showing mercy is more important than seeking revenge.
- |  |                |   |   |                   |
|--|----------------|---|---|-------------------|
|  | Agree Strongly |   |   | Disagree Strongly |
|  | 1              | 2 | 3 | 4                 |
|  |                |   |   | 5                 |
12. It saddens me when a person is executed, regardless of the crime they committed.
- |  |                |   |   |                   |
|--|----------------|---|---|-------------------|
|  | Agree Strongly |   |   | Disagree Strongly |
|  | 1              | 2 | 3 | 4                 |
|  |                |   |   | 5                 |
13. There is a good possibility that an innocent person will be executed.
- |  |                |   |   |                   |
|--|----------------|---|---|-------------------|
|  | Agree Strongly |   |   | Disagree Strongly |
|  | 1              | 2 | 3 | 4                 |
|  |                |   |   | 5                 |

14. Executions set a violent example that leads to further violence in society.

Agree Strongly

Disagree Strongly

1

2

3

4

5

**INFORMATION SOURCE**

15. Where do you get most of your information about the death penalty?

**(Please mark all that apply)**

- Family             Friends             Neighbors
- Television        Radio               Magazines
- Internet           College/campus newspaper
- Newspapers (city or other than campus)
- Other              religious institution

16. Your sex:     Male         Female

17. Your age at last birthday:

- 18-24 years             25-30 years         31-35 years
- 36-40 years             41-45 years         46-50 years
- 51-55 years             56-60 years         61 & older

18. Do you identify yourself as:

- African American     Caucasian         Asian
- Native American     Hispanic
- Pacific Islander     Other

19. Your student status:

- Freshman         Sophomore         Junior     Senior
- Graduate

20. Do you live on campus?     Yes         No

21. What is your marital status?

- Single             Married             Separated
- Divorced         Cohabiting         Widowed

22. Are you registered to vote?     Yes     No

23. What best describes your political affiliation?

- Democrat             Republican
- Independent         Other               None

24. What is the size of the town or city in which you live?
- Rural       Urban       Suburban
25. What is your school enrollment status?
- Full time     Part time
26. What is your major? \_\_\_\_\_ .
27. What is your cumulative GPA at UTA?
- |  |                                     |                                     |
|--|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> less than 1.5 | <input type="checkbox"/> 1.5 to 2.0 | <input type="checkbox"/> 2.1 to 2.5 |
| <input type="checkbox"/> 2.6 to 3.0    | <input type="checkbox"/> 3.1 to 3.5 | <input type="checkbox"/> 3.6 to 4.0 |

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## BIOGRAPHICAL INFORMATION

The author graduated Magna Cum Laude from the University of North Texas with a Bachelor of Science degree in Criminal Justice in 2003. It was at the University of North Texas where Shirley first developed an interest in the death penalty. Subsequently, the author earned a Master of Arts in Criminology/Criminal Justice from the University of Texas at Arlington in December, 2006. It is her hope to continue to learn more about capital punishment and to advocate for death penalty reform. The author and her husband have one daughter, Brandy, who lives in Austin, Texas. Shirley resides in Grand Prairie, Texas with her husband, David, and their cats Tommy and Callie.