

Perceptions of the Death Penalty: The Effects of Race and Type of Execution

Samantha Solveson

Faculty Sponsor: Kimberly Vogt, Department of Sociology and Archaeology

ABSTRACT

This research is specifically designed to look at various issues involving the use of Capital Punishment. Many studies have shown that there are differences in regards to race; a minority is more likely to be sentenced to death than a Caucasian offender is. This study examines not only the racial aspect of the death penalty but also two other important variables: execution method and state of origin. It was found that agreement to sentence African Americans to death was significantly more likely than Caucasians. Significant differences were also seen in method of execution; support was higher for the more humane form of lethal injection than for hanging. Finally, there was a marginal significance in agreement to sentence prisoners to death between Texans and Wisconsinites.

INTRODUCTION

Between 2004 and 2008, 251 prisoners were executed on death row. Of the 251, 122 (about 49%) were executed in the state of Texas alone. At the end of 2007, there were 3,350 prisoners on death row (U.S. Department of Justice, 2009). Poll data suggest that Americans are equally divided in support and opposition of the death penalty. According to a 2006 Gallup poll, when participants were given the option of choosing between the death penalty and life imprisonment without parole for a person convicted of first-degree murder, 47% supported the death penalty and 48% favored life imprisonment (Gallup News, 2006). Given the split in opinion and variation in policy and law regarding the death penalty, an extensive literature exists regarding the public perception of the death penalty and factors that affect perceptions of the death penalty. This study explores the role of three primary variables on individuals' perceptions of the death penalty: state of residence (WI vs. TX), type of execution (lethal injection vs. hanging), and race of defendant (African American vs. European American).

Capital Punishment Among the States

Of the 50 states in the U.S., 36 utilize the death penalty as a direct consequence of capital murder; the remaining 14 states use the alternative of life in prison (U.S. Department of Justice, 2009). Opponents of capital punishment often use three pervasive arguments to support the abolition of the death penalty: 1) the death penalty disadvantages minorities (Baldus et al., 1998); 2) errors are made in trials and rulings (as evidenced, for example, by exonerations due to DNA evidence) (Scheck et al., 2003); and, 3, the penalty fails to deter murder more so than a lengthy imprisonment (Cochran et al., 1994). Advocates of the death penalty believe that the death penalty effectively acts as a deterrent to future crime and, that the execution of the offender provides justice to the family of the victim of the crime (Best, et al., 2008).

This study compares respondents in Texas and Wisconsin. These two states are virtually polar opposites when it comes to the use of capital punishment. Throughout the history of Texas, capital punishment has always been used and, yearly, that state is the leader in number of executions carried out (U.S. Department of Justice, 2009). Wisconsin is a state that has always opposed the death penalty. In the history of the state, there was only one execution conducted in the 1850's and afterwards the death penalty was ruled unconstitutional and never used again (U.S. Department of Justice, 2009).

Consequently, a comparison of respondents in these two states allowed me to explore research questions regarding type of execution and race in two different "cultures" in terms of the use of capital punishment within the United States. Although pollsters have explored differences between states, there appears to be very little experimental research where state residence has been explored.

Forms of Execution

The United States has executed prisoners since the Europeans settled in the 17th century (U.S. Department of Justice, 2009). Four forms of execution have been common: hanging, electrocution, the gas chamber, and lethal injection (Best et al., 2008). According to Justice Earl Warren, the evolution of the different types of execution is attributed to the “evolving standards of decency” (Trop v. Dulles, 1958). In other words, public opinion regarding the humane-ness of various punishments has affected court decisions. Hanging was the dominant method of execution in the late 19th century. States turned to electrocution in the beginning of the 20th century. Hanging became unpopular and deemed inhumane because it is necessary to calculate the velocity of the fall according to the offenders’ weight and height and the length of rope necessary for a quick death. As a result, many convicts continue to die by strangulation, asphyxiation, or beheading rather than the breaking of the neck (Best et al., 2008).

The most common form of execution used today is death by lethal injection (U.S. Department of Justice, 2009). The United States Supreme Court decision in the matter of *Gregg v. Georgia* deemed that the death penalty, in and of itself, is not an unconstitutional punishment (1976). According to Best et al., lethal injection is viewed as the most humane form of execution because prisoners painlessly drift to sleep rather than hanging from a rope, receiving powerful electrical jolts in a chair, or inhaling toxic air (2008). This study explores perceptions of the appropriateness of a death penalty punishment when the type of execution is varied.

Racial Discrimination

Critics of the death penalty point to the fact that racism is prevalent in the criminal justice system (Baker, Lambert, & Jenkins, 2005). According to a study by Unnever, Cullen, and Jonson, (2008), European Americans in the United States tend to show more support for the death penalty than African Americans. They suggest that Caucasian support for the death penalty may be explained by conflict theory. Their theory argues that the support demonstrated by whites is based on the perceived social threat posed by minority racial, ethnic, and immigrant groups (Unnever, Cullen, & Jonson, 2008). The authors further suggest that African American opposition to the death penalty is best explained by the state threat hypothesis, which asserts that the historically rooted fear of state power is the cause of this opposition.

Baker et al., (2005), found similar results with a sample of college students. White college students were significantly more likely to support the death penalty than black students (Baker et al., 2005). Whites were also more likely to feel anger when the offender was not sentenced to death. They also believe that society has the right to seek revenge, that it is appropriate to take a life for having taken a life, and that the use of the death penalty is necessary to keep law and order in society (Baker et al., 2005). Conversely, the attitudes of black participants were almost exactly opposite. They were more likely to believe that the death penalty leads to more violence (brutalization effect), feel that capital punishment demonstrates cruelty by society, and expressed feelings of sadness when a person was executed (Baker et al., 2005).

The Current Study

This study examines the effects of defendant’s race on whether or not people support the death penalty and includes a variation in the type of method of execution to be chosen. In addition, differences between those who live in states that utilize capital punishment and those that do not may demonstrate entirely different attitudes toward the death penalty. It is predicted that support to sentence minorities to death will be higher than support for sentencing white offenders to death. It is also predicted that the crueler form of execution (death by hanging) will lead to less support for the death penalty than the less cruel form (lethal injection). Finally, it is predicted that those who live in a state which has always utilized the death penalty (Texas) will be more likely to sentence the defendant to death than those who live in a state which has never utilized the death penalty (Wisconsin). An interaction may be seen involving state of origin and method of execution; it is predicted that Texans will sentence the defendant to death regardless of execution method, whereas Wisconsinites will be more likely to sentence to death with the less cruel form (lethal injection) of execution.

METHOD

This study utilized 211 undergraduate students mostly between the ages of 18 and 24. Participants were enrolled in undergraduate courses at two different public comprehensive universities. I solicited 66 participants from the University of Wisconsin-La Crosse and 145 from Texas State University-San Marcos. Participants included 62 males and 146 females. Research traditionally indicates that men are more supportive of the death penalty than are women (Minkes & Vanstone, 2006). Only data from respondents who had not served on any type of jury was used. The Texas sample was more ethnically diverse than the UW-L sample. San Marcos is 22% Hispanic and 5% African American, whereas less than 3% of UW-L students are Hispanic or African American. Approximately 92% of the

Wisconsin sample was Caucasian while only 61% of the San Marcos sample was Caucasian. The San Marcos sample was 28% Hispanic and 8% African American. San Marcos has a larger undergraduate population (24 K compared to 8.5 K) and a lower average ACT score (22 compared to 25). All respondents received a packet of information that included a trial summary that was fictional but based on a real case where the case against the defendant was uniformly believed to be fair and substantial. Two variables were manipulated in the scenario – the type of execution (lethal injection or hanging), and race of the defendant (African American or European American). The Texas and Wisconsin respondents were each randomly assigned to four conditions. After reading the cases, participants were asked a series of questions regarding the extent to which they supported the death penalty outcome in the case. In addition, participants were asked to complete a series of more general attitudinal statements regarding the death penalty based on Baker, et al.'s (2005) work (e.g. society's right to seek revenge, the death penalty's necessity for law and order, the role of the death penalty in increasing violence and/or reflecting a cruel society). Finally, participants provided basic demographic information such as age, gender, and race. After participants completed the questionnaires, they were debriefed regarding the study.

RESULTS

The results of this study showed evidence to support the stated hypotheses. Of the 211 participants, 63.4 percent supported the death penalty while 34.1 percent were opposed to it; the remaining 2.5 percent were undecided. Concerning home state, 47.7 percent of Wisconsin/Minnesota respondents supported the death penalty while 46.1 percent opposed it. Wisconsin and Minnesota respondents were combined in the UW-L sample in order to avoid throwing out several survey responses; Minnesota also uses life imprisonment so the concept remains the same with regards to pro-death penalty versus pro-life imprisonment states. On the other hand, 70.7 percent of Texans supported the death penalty while 28.6 percent opposed it. When compared, the percentage of participants who support the death penalty differed significantly by home state, $\chi^2(2, N=205) = 13.114, p = .001$.

There were 61 males and 142 females whose data were analyzed in this study. Of the males, 65.6 percent supported the death penalty while 31.1 percent opposed it. On the contrary, 62.7 percent of females supported the death penalty while 38.7 percent opposed it. With regards to agreement with the sentence of death, males were significantly more likely to agree with the death sentence than females, $F(1,199) = 6.173, p = .014$. The results suggest that males are more likely to agree with sentencing a defendant to death than are females.

A one-way ANOVA was computed comparing the participants' agreement with the sentence of death in which the race of the defendant was varied. A significant difference was found depending on the race of the defendant, $F(1,201) = 5.726, p = .018$. The analysis revealed that participants who were subjected to an African American defendant scenario agreed more with the sentence of death ($m = 7.041$) than the participants who were subjected to a European American defendant scenario ($m = 5.790$). The results suggest that people are more likely to agree with sentencing an African American to death as compared to a European American.

A one-way ANOVA was computed comparing the participants' agreement with the method of execution in which the execution mode was varied. A significant difference was found by mode of execution, $F(1,200) = 33.638, p < .001$. The analysis of this main effect revealed that participants who were subjected to the Lethal Injection mode of execution scenario were significantly more likely to agree with the method of execution than those who were subjected to the Hanging mode of execution scenario. The results suggest that people are more likely to agree with death by lethal injection than with death by hanging.

A 2 (method of execution) x 2 (home state of participant) between-subjects ANOVA was calculated comparing the agreement with the sentence of death for participants who were either from Wisconsin or Texas and who agreed to the sentence which involved using either lethal injection or hanging. The main effect for home state of the participant (Wisconsin v. Texas) was not significant ($F(1,201) = 2.541, p = .119$). The main effect for mode of execution (Lethal Injection v. Hanging) also was not significant ($F(1,201) = .122, p = .728$). Finally, the interaction was found to not be significant ($F(1,201) = .483, p = .488$). Thus, it appears that those from Texas were not significantly more likely to agree with the sentence of death regardless of the mode of execution when compared to students from Wisconsin.

A one-way ANOVA was computed comparing the participants' agreement with the sentence of death in which home state of the participant was varied. A marginally significant difference was found among the home state of the participant, $F(1,203) = 3.281, p = .071$. This analysis revealed that participants who were from Texas agreed more with the sentence of death ($m = 6.969, sd = 3.534$) than the participants who were from Wisconsin ($m = 6.011, sd = 3.497$). The results suggest that those from Texas are marginally more likely to agree with sentencing a defendant to death compared to students from Wisconsin.

DISCUSSION

According to the data obtained from this study, there is significant evidence to support that race of the defendant changes the likelihood of agreement to a death sentence. This finding supports the results found in the study by Baker and his colleagues (2005) which suggests that racism is prevalent in the criminal justice system. In other words, if an African American and a European American committed the exact same crime, there was more agreement with sentencing the African American to death than there was with sentencing the European American to death. This finding offers an explanation as to why minorities are overrepresented on death row.

There is also significant evidence to support the hypothesis regarding differing support for different modes of execution. This supports Justice Earl Warren's assumption that there are "evolving standards of decency" in regards to mode of execution (*Trop v. Dulles*, 1958). To put it simply, people seem to believe that lethal injection is a more humane and decent form of execution than hanging. Acknowledging that lethal injection is more humane than previous forms of execution (hanging, electrocution, and gas chambers) weakens the argument that executing an individual is a form of cruel and unusual punishment. In fact, this finding suggests that lethal injection is much more acceptable and decent than hanging; thus, it is not a cruel or inhumane form of punishment in the eyes of the public.

Finally, there is marginally significant evidence from this study to support that Texans are more likely to agree with death sentences than Wisconsinites. The study also found significant evidence that those from Texas are more likely to support the death penalty overall than those from Wisconsin. In the state of Texas, the death penalty has always been implemented in the event of first-degree homicide; in Wisconsin the alternate of life-imprisonment has been utilized (U.S. Department of Justice, 2009). It makes sense, then, that those from Wisconsin are not as likely to agree with sentencing a defendant to death when life-imprisonment has been the norm in the state in which they reside.

Finally, the study found gender differences; males are significantly more likely to support sentencing a defendant to death than are females. This is consistent with research by Minkes and Vanstone, which indicates that traditionally men are more supportive of the death penalty than are women (2006).

LIMITATIONS

There are a few key limitations to this study that need to be considered. First, the sample of participants who took the survey should be noted. The individuals in the study came only from two undergraduate universities. The majority of participants are college-aged (between 18 and 22), so the findings cannot be generalized to explain attitudes of older adults. In addition, the sample only included individuals who were psychology majors/minors or those who were enrolled in a psychology course. The sample was not chosen at random and there were quite a few more Texas respondents than there were respondents from Wisconsin. Finally, the state of Texas leads the United States every year in number of prisoners executed accounting for almost half (U.S. Department of Justice, 2009). While the Texas sample was a good contrast to those from Wisconsin who have never utilized the death penalty, the Texans may not necessarily be representative of all other states that implement the death penalty (they may be more extreme). Also, Wisconsin may not be representative of the other states that implement life imprisonment (there are some states that have eliminated the death penalty recently). Finally, the gender and race of participants does not reflect national averages. In other words, the percentage of males and females in the survey should reflect the percentage of males and females in the United States; the same goes for race of the participants in the study.

Using the limitations as a guide, there could be several improvements for future research. First, a sample of participants could be chosen at random. The participants would ideally be of all ages and from a variety of different states. A sample that was more age diverse may yield interesting results because age differences could be looked at more closely. Older generations may remember a time when more states utilized capital punishment and may therefore be more sympathetic to the idea. Of it may be completely opposite; older generations may have been exposed to the downfalls of capital punishment for longer so they are unsympathetic to it. Also, with a sample that is more reflective of the population (in regards to age, gender, race, etc), the results will be more generalizable to the population as a whole.

ACKNOWLEDGMENTS

A special thanks to Dr. Kimberly Vogt, Dr. Betsy Morgan, and Dr. Randall Osborne for help and support throughout this research project. In addition, a special thanks to the UW-L Undergraduate Research Grants Program for funding.

REFERENCES

- Baldus, D. C., Woodworth, G., Zuckerman, D., Weiner, N.A., & Broffitt, B. (1998). Racial discrimination and the death penalty in the post-*Furman* era. *Cornell Law Review*, 83, 1638–1770.
- Baker, D. N., Lambert, E. G., & Jenkins, M. (2005). Racial differences in death penalty support and opposition: a preliminary study of white and black college students. *Journal of Black Studies*, 35(4), 201-224.
- Best, J., Denver, M., & Haas, K. C. (2008). Methods of execution as institutional fads. *Punishment and Society*, 10(3), 227-252.
- Cochran, J. K., Chamlin, M. B., & Seth, M. (1994) Deterrence or brutalization? An impact assessment of Oklahoma's return to capital punishment. *Criminology*, 32(1), 107–34.
- Gallup News Service. (2007, October). *Sixty-nine percent of Americans support death penalty*. USA: Frank Newport.
- Gregg v. Georgia*, 428 U.S. 153 (1976).
- Minkes, J., & Vanstone, M. (2006). Gender, race and the death penalty: lessons from three 1950s murder trials. *The Howard Journal of Criminal Justice*, 45(4), 403-420.
- Scheck, B., Neufeld, P. & Dwyer, J. (2003) *Actual innocence: When justice goes wrong and how to make it right*. New York: New American Library.
- Trop v. Dulles*, 356 U.S. 86 (1958).
- Unnever, J. D., Cullen, F. T., & Jonson, C. L. (2008). Race, racism, and support for capital punishment. *Crime and Justice*, 37, 45-96.
- U.S. Department of Justice. (2009). *Capital Punishment Statistics* [Fact sheet]. Retrieved from <http://www.ojp.usdoj.gov/bjs/cp.htm>