12-2010

Examination of the Death Penalty: Public Opinion of a Northeast Tennessee University Student Sample.

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Examination of the Death Penalty: Public Opinion of a Northeast Tennessee University Student

Sample

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A thesis

presented to

the faculty of the Department of Criminal Justice and Criminology

East Tennessee State University

In partial fulfillment

of the requirements for the degree

Master of Arts in Criminal Justice and Criminology

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by

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December 2010

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Keywords: Death Penalty, Capital Punishment, Public Opinion, Murder

ABSTRACT

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How society views the use of the death penalty as a means of punishment greatly affects the

decisions of lawmakers, politicians who use it as a platform for election, and the criminals who

commit the crime of murder. This study used 40 different vignettes involving real-life murder

scenarios in order for participants to form a more precise opinion of what the correct punishment

for the crime should be. Given a choice between the death penalty, life without the possibility of

parole, a prison term of their choosing, or other, participants were asked to assign a sanction for

each vignette. Respondents were asked to answer demographic questions about themselves in

order for these variables to be regressed to examine how their status relates to their opinion of

the death penalty as a punishment for murder. Statistical analysis showed income level, political

affiliation, and religious affiliation to be significant variables. Analysis of the vignettes

themselves revealed substantial variation in individual's willingness to apply the death penalty

across various types of murder.

ACKNOWLEDGEMENTS

First and foremost, I am thankful to ETSU and the Criminal Justice Department for allowing me the opportunity to further my education. I owe a tremendous amount of thanks to my family, in particular my parents Mark and Beverly Burgason, for their unwavering support.

I would like to thank my committee members for their encouragement and help while writing this thesis. Dr. Whitehead, you gave me the idea for my thesis and were instrumental in helping me to finish; thank you for always being available to help. Dr. Ellwanger, thank you for being flexible with your time, and helping me through all levels of statistics. I am for the first time in my life comfortable with math. Dr. Gillespie, thank you for being a calming influence during a hectic process and for having confidence in my abilities. Dr. Braswell, although he is not on my committee, he was always willing to help me and offer advice during my time at ETSU. Vanessa Woodward, thank you for all your help with the IRB process and for the examples and advice you provided. Derrick Kenwright, thank you for your help on starting my thesis and remembering to keep cool and enjoy the ride.

I would not even be in graduate school without Dr. Marian Whitson. Thank you for pushing me to always improve myself, always being there for me, and most importantly for not letting me settle for the easy way out. A very special thank you from the bottom of my heart goes out to my wife, Daphne Ann Burgason. You put up with me and all of my mood changes throughout this entire process and I know it was not easy. I thank you for assisting me with my surveys and for your constant support and belief in me, I love you so much. Finally, a very special thanks to the man who started it all, Professor Brian Agnitsch, the finest educator I have had the pleasure to know. He took me when I had no direction or purpose in life and introduced me to the world of criminal justice; I am forever indebted to you for that, thank you.

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CHAPTER 1

INTRODUCTION

The death penalty has been an available form of punishment in United States since the

colonial era. According to Bedau (1997) the first colonial execution was that of George Kendall

in the Jamestown Colony, Virginia in 1608. At this hanging undoubtedly there were dozens of

public spectators all with their own opinions of Kendall, the crime he committed, and the

colony's choice of punishment. These days with the exception treason and some states' sexual

assault laws of minors, the death penalty is almost completely reserved for the crime of murder.

Over 3,200 individuals are awaiting execution on death row (*Death Row U.S.A.* 2009).

The death penalty continues to cause debate and argument among the public as to

whether it should be used as a means of punishment. The Gallup poll has measured Americans'

opinions on the death penalty since 1936 (Durham, Elrod, & Kinkade, 1996), however, doing so

in a very abstract way where the participants are unaware of some vital information about the

crimes those who are sentenced to death commit. When presented with real life scenarios, the

public's opinion can alter considerably.

The Problem

Background of the Problem

How the public views the use of the death penalty as a means of punishment greatly

affects the decisions of lawmakers, politicians who use it as a platform for election, and the

criminals who commit the crime of murder in the first degree. Opinion on the death penalty is

measured through the use of polls. The General Social Survey (GSS), Harris, and the Gallup

polls are some major polls that focus on the death penalty. Each of the polls uses an abstract

form of questioning when measuring opinion of the death penalty for murder. The GSS item is,

"Do you favor or oppose the death penalty for persons convicted of murder?" (Bedau, 1997).

The Gallup question is "Are you in favor of the death penalty for a person convicted of murder?"

(Newport, 2009). Harris polls generally ask, "Do you believe in capital punishment or are you

opposed?" (Bedau, 1997). It is the ambiguity and simplicity of the questions themselves that

lead to the inaccurate percentages in these polls.

The polls that measure public opinion on the death penalty should be as precise as

possible because they represent the preferences of the public that law makers serve. Harris

(1986) says the rationale for opinion surveys is that they create a snapshot of the country as a

whole, allowing for comparison of the actions of public officials and the attitudes of their

constituents. Supreme Court justices have used public opinion data in dissenting and majority

opinions as one way to measure "evolving standards of decency." They have relied on polls to

help determine constitutionality of various aspects of the death penalty. Specifically, a 2002

ruling that banned the death penalty for mentally retarded offenders *Atkins v. Virginia*, (536 U.S.

304 (2002) makes it clear that public opinion polls are an important source of data in evaluating

the constitutionality of a given punishment (Mallicoat & Radelet, 2004). Another landmark

decision by the Supreme Court that was fueled by public opinion was *Roper v. Simmons*, (543

U.S. 551 (2005) where precedent was established that execution of a juvenile is

unconstitutional. A May 2002 Gallup Poll found that 69% of the respondents opposed the

execution of juvenile offenders (Mallicoat & Radelet, 2004). At that time 21 states allowed the

execution of individuals 16 or 17 at the time of the crime.

As shown by the afore-mentioned judicial decisions one can see that the public opinion

polls on the death penalty can be quite influential on policy makers, but should they be given in

their abstract form? Simply categorizing people into favoring or opposing capital punishment does not address the vast array of factors and circumstances that are a part of every murder. When juries make a decision on whether to seek the death penalty or not, they are provided with all the details of the murder from both the prosecuting and defending attorneys. The jury is also exposed to all the mitigating and aggravating circumstances of the crime as well as being allowed to listen to the victim impact statements before forming a well informed, complex decision.

Ellsworth and Ross (1983) state that single-questions surveys, like that of the Gallup poll, which only ask the participant if he or she favors the death penalty, provide inadequate information and lack complexity. The late Supreme Court Justice Thurgood Marshall agreed, cautioning that public opinion polls should be taken with a grain of salt because many Americans are happy to express opinions on subjects that they know little about (Mallicoat & Radelet, 2004). Marshall stated "public opinion polls are obviously of some assistance in indicating acceptance or rejection of a specific penalty, but this penalty should be weighed by people who are fully informed as to the purposes of the penalty" (*Furman v. Georgia*, 408 U.S. 238 (1972)).

Purpose of Research

The purpose of this thesis was to obtain citizens' opinions of the death penalty as an acceptable means of punishment for murder cases. Several polls that are taken every year by various companies use very abstract questions about general support for the death penalty rather than providing the participants with real cases to evaluate. This thesis used 40 different vignettes involving real-life murder scenarios with aggravating and mitigating circumstances known to the participants in order for them to form a more precise opinion of what they think the correct punishment for the crime should be. Participants were given a choice between the death penalty,

life without the possibility of parole, a prison term of their choosing, or other. Participants were

asked to answer demographic questions about themselves in order for these variables to be

regressed to examine how their status relates to their opinion of the death penalty as a

punishment for murder. A plethora of research has been conducted on the public opinion of the

death penalty. This study builds directly on the public opinion research of Durham et al. (1996),

Ellsworth and Ross (1983), and Harris (1986).

Durham et al.'s (1996) research indicated that people's willingness to use the death

penalty may be greater than discovered by the abstract "do you favor or oppose the death penalty

for persons convicted of murder?" They also discovered that willingness to apply the sanction

varies across types of murder and in some cases the public seems more willing to apply the

sanction than is presently achievable under law.

Interesting findings from the research of Ellsworth and Ross (1983) are the findings

regarding complexity of polling questions. A simple pro or con question may provide a

misleading over-simplification of public opinion. More complex questions are likely to provide

a more accurate picture of public's support for the death penalty.

In Harris's (1986) study the goal of the research was to clarify the meaning of current

levels of support for the death penalty. Gallup Poll support for the death penalty at the time of

the study was 72%. This was close to the current level of support at the latest Gallup poll which

was 65% (Newport, 2009). The findings indicated that there is considerable danger in relying on

findings drawn from poll questions that over simplify and under-conceptualize the issues

investigated.

Research Hypotheses

The goal of this thesis was to obtain citizens' opinions of the death penalty as an acceptable means of punishment for murder cases. The following hypotheses sought to predict the relationship between respondents support for the death penalty and gender, age, race, education, income, religion, political affiliation, violent crime victim, family or friends violent crime victim, taking a death penalty class, and family or friend ever been on death row.

H1: Being male will be positively related to overall support for the death penalty across all vignettes.

H2: Being 18-30 years of age will be positively related to overall support for the death penalty across all vignettes.

H3: Being white will be positively related to overall support for the death penalty across all vignettes.

H4: Having high school or less education level will be positively related to overall support for the death penalty across all vignettes.

H5: Having an income of less than $20,000 will be positively related to overall support for the death penalty across all vignettes.

H6: Being a Protestant will be positively related to overall support for the death penalty across all vignettes.

H7: Being a Catholic will be negatively related to overall support for the death penalty across all vignettes.

H8: Being a Republican will be positively related to overall support for the death penalty across all vignettes.

H9: Being the victim of a violent crime will be positively related to overall support for the death penalty across all vignettes.

H10: Having friends or family who have been victims of violent crimes will be positively related to overall support for the death penalty across all vignettes.

H11: Taking a death penalty class will be negatively related to overall support for the death penalty across all vignettes.

<u>Limitations of Study</u>

The goal of this thesis was to probe the participants to gauge public opinion of the death penalty as an acceptable means of punishment for murder cases. With that said, it is important to observe the limitations in this study. This study had several limitations. First, the sample was a local sample and not a state-wide or national sample and thus the results are only applicable to the public in Northeast Tennessee. Second, the sample was taken from only classes within the criminal justice department. Consequently, respondents could have had greater knowledge of the death penalty and its inner workings more than the average citizen.

CHAPTER 2

LITERATURE REVIEW

Public opinion on the death penalty is an important topic in the United States. Public

opinion is used in part by law makers to help drive legislation. Being a government of the

people, by the people, and for the people, it stands to reason that opinions of the citizens are

listened to by our elected officials. This is true of opinions on capital punishment. Opinion polls

on the execution of mentally retarded individuals led to the ruling in (*Atkins v. Virginia*, 536 U.S.

304 (2002)) where the execution was banned for those individuals who were diagnosed mentally

retarded.   Again public opinion polls were influential in the case of (*Roper v. Simmons*, 543 U.S.

551 (2005)) where the Supreme Court ruled that the execution of a person under the age of 18

was unconstitutional. These cases indicate one of the main values of public opinion polls on the

death penalty: to help modify legislation. Opponents of the death penalty would argue that many

Americans polled on the death penalty are not well enough informed about it and support it for

retributive reasons and not because it deters any better than life in prison.

<u>Marshall Hypotheses</u>

In the 1972 case of (*Furman v Georgia*, 408 U.S. 238 (1972)) the late Justice Thurgood

Marshall stated the importance of public opinion with respect to the constitutionality of the death

penalty (Bohm, Clark & Aveni, 1991). Being an opponent himself, Justice Marshall stated that

if the public were better informed about the death penalty they would come to the conclusion that

it was cruel and unusual and therefore be unconstitutional. He specified three conjectures: that

the public lacks knowledge about the death penalty and its effects; that an informed public would

oppose the death penalty; and if retribution provides the basis for support for the death penalty,

knowledge will have little effect on public opinion (Bohm et al., 1991).   In a study conducted by

Bohm et al. (1991) three conjectures made by Marshall were set up as research hypotheses. Bohm states this issue is important because public opinion was said to be instrumental in at least four ways: it sways legislators to support death penalty statutes, it likely influences prosecutors to seek the death penalty in cases they would normally plea bargain, it may dissuade some governors from commuting death sentences, and it may be used indirectly by justices of both state supreme and United States Supreme Court in determining what constitutes "cruel and unusual punishments."

Bohm et al.'s (1991) study used a pretest-posttest method with a class on the death penalty being the experimental stimulus. The control group and the experimental group took a general knowledge test about the death penalty. The results showed support for Marshall's first conjecture. Two-hundred seventy-two subjects from the control and experimental groups on average answered only 52% of the general knowledge death penalty questions correctly. The study indicated that the subjects had some knowledge about the death penalty and its effects, but they were not considered well-informed. Results indicate that the experimental manipulation of attending a death penalty class was successful in increasing knowledge about the death penalty. On the pretest experimental subjects answered 54% of the knowledge items correctly, whereas on the posttest they answered 79% of the items correctly. The second hypothesis was supported in some tests but not in others. Bohm et al. (1991) determined that "classroom knowledge" may not produce a majority of subjects opposed to the death penalty, as Marshall had suggested. Specifically, the study states that the likelihood that classroom knowledge about the death penalty will produce a majority of people opposed to the death penalty will likely depend on the demographic composition of the audience, the question asked, and when it is asked. In testing the third hypothesis Bohm et al. (1991) found that after exposure to the death penalty class,

changes in the opinions of the experimental group subjects favoring the death penalty and possessing high retribution scores were not significant, thus supporting Marshall's third hypothesis that knowledge will have little effect on public opinion if retribution is a the basis for support.

In contrast to Marshall's stance, a study by Ellsworth and Ross (1983) argues that because people form opinions about the death penalty without knowing much about the subject, this suggests that for many people opinions come first and the reasons come second. Bohm and Vogel (1994) conducted a study with the hypothesis that factors linked to the death penalty opinions of informed people differ from the factors associated with the opinions of the uniformed, but this was only partly supported by the data. They established two basic factors that have been used to explain trends in death penalty opinions in the United States: (1) demographic characteristics of poll respondents and (2) reasons provided by poll respondents for their opinions. Whether informed or not, the more subjects favored the death penalty, the more likely they were to be white and agree to revenge, incapacitation, and general deterrence, with the opposite being true for opponents of the death penalty. Being knowledgeable about the death penalty only made a difference for crime victims, who were less likely to favor the death penalty. The results of this study suggest that information on the death penalty is not likely to change core factors. The researchers accepted the alternate hypothesis that results of the study indicate that core factors such as general deterrence and retribution are not likely to change in individuals as a result of reasoned persuasion, but instead that information is assimilated biasedly to support the subject's initial positions.

A study by Ellsworth and Ross (1983) concurs stating that most people who support the death penalty would continue to do so even if it were proven to the individual that the death

penalty is no more effective at deterrence than life in prison. Likewise, most opponents of the death penalty would remain opposed even if the death penalty were proven to be a much more effective deterrent than life in prison. People mention it because its importance is obvious, not because its importance is real. The public does not show much evidence of enlightenment. They do not show evidence of careful thought. They over generalize and over assimilate all possible rationales to their emotional position. The study indicated that even though over 60% of the those who favor the death penalty said that the statement "poor people who commit murder are more likely to be sentenced to death than rich people" to be true, only 46% said this was a problem. The majority stated that decisiveness of the death penalty was a good thing because if a legal mistake was discovered later, it would be too late to do anything about it because the individual would have already been put to death. (Ellsworth & Ross 1983).

According to the aforementioned studies general deterrence is a basis for emotionally based opinion and should not be very responsive to reasoned persuasion. According to Bohm and Vogel (1994) reasons for death penalty opinion do not lead to changes in their opinion but rather act as justifications for their strongly held opinions. Consequently, information on the subject is "assimilated biasedly" and only further "polarizes" positions. Bohm and Vogel cite Lord et al. (1979) in explaining how information on the death penalty is not processed impartially: individuals dismiss and discount empirical evidence that contradicts their initial views and derive support from evidence of no greater probative value that seems consistent with their views (Bohm & Vogel, 1994). Emotions clearly pay an enormous role in people's attitudes and opinions toward capital punishment. Ellsworth and Ross (1983) found that 79% of those who favored the death penalty said that they sometimes "felt a sense of personal outrage when a convicted murderer was sentenced to a penalty less than death," and 34% said that the death of a

murderer could give them "a sense of personal satisfaction" (Bedau, 1997). Bohm and Vogel say cognitive conflict is important for understanding why people assimilate biasedly in defense of their opinions. The study suggests that certain reasons are assimilated biasedly to reduce cognitive dissonance. This becomes necessary when factual information conflicts with the individual's strongly held position. So strongly held emotionally-based opinions about the death penalty can lead to cognitive dissonance when factual information challenges those opinions (Bohm, & Vogel, 1994). The study suggest three choices for the individual: (1) they try to live with the conflict; (2) they can reduce the conflict by changing their opinions in light of new evidence; or (3) they can reduce the conflict by holding strong to their initial opinions and assimilating supporting arguments biasedly. The third alternative is the one that was most popular in the study. The results of this study are consistent with Bohm, Clark, and Aveni (1990) in that exposure to knowledge about the death penalty had little influence on changing opinions or on the reasons that individuals gave for their opinions; instead it strengthened individuals' beliefs about their opinions and about their reasons for having those opinions. In short, these studies suggest that knowledge about the death penalty that is obtained through classroom instruction might not play an important role in changing ideas about support or opposition to the death penalty.

Demographics and Support for the Death Penalty

Bohm et al. (1990) identified six reasons for support of or opposition to the death penalty in the form of independent variables; they were general deterrence, retribution, incapacitation, administrative considerations, religious reasons, and support for law enforcement. Using a control group and an experimental group that was exposed to a death penalty class they developed a Likert-type pretest-posttest method and found a significant main effect for

incapacitation and significant interaction effects for general deterrence and administrative considerations. None of the independent variables; group (experimental or control), race (black or white), gender (male or female) were significantly related to retribution, religious reasons, or support for police.

The study indicated that blacks regardless of group agreed more than whites with statements regarding the death penalty as a means of incapacitation. Blacks, both male and female, were more likely to agree with statements about general deterrence and the death penalty than were whites, both male and female. Blacks in the experimental group were more likely to agree that the death penalty was racially discriminatory or that innocent people were put to death than were either blacks or whites in the control group; whites in the experimental group agreed more with statements about the death penalty being discriminatory and that innocent people were being put to death than did blacks in the control group (Bohm et al., 1990). The study indicated that retribution, religious reasons, support for police, incapacitation, and general deterrence were not significantly influenced by the experimental stimuli of the death penalty class. Because retribution is more emotionally based than fact based, this finding was not surprising. Religious reasons also tend to be matters of belief and not logic. The main effect of race found for incapacitation indicates that incapacitation as a reason for death penalty opinions is more influential for blacks than for whites. The findings can be attributed to the greater criminalization of blacks (Bohm et al., 1990).

Keil and Vito (1991) analyzed Kentuckians' attitudes toward capital punishment using a telephone survey of 811 households in Kentucky and fear of crime as a basis for support or opposition to the death penalty. The study indicated as others have that to have a single measure is inadequate for grasping the entire concept of the death penalty. To understand the nature of

support for capital punishment both general and specific beliefs of the respondent must be probed along with other aspects of the penalty considered. The study indicated that fear is influenced directly by a number of exogenous variables. Older respondents are more likely than others to feel that their neighborhoods are not safe, and blacks are more likely than whites to report their neighborhoods are unsafe.

They found safety to be influenced by education. Persons with less than a high school education are more likely to report that their neighborhoods are unsafe, as opposed to people who have an education level of high school or above. Finally, if the respondent or a member of their home had been the victim of a violent crime in the past year, this experience is positively related to expressions of fear about the safety of one's neighborhood. In short, the stronger the fear a respondent expresses about the safety of the neighborhood, the more likely they are to support the death penalty (Keil & Vito, 1991). The study indicated race has a direct negative effect on support of the death penalty: blacks are less likely than whites to support capital punishment. Women are less likely than men to support capital punishment; the same was true for persons of low income.

The Keil and Vito (1991) study also found that fear was not limited to direct effect but was also found to play an important role in mediating the influence of other variables. Age does not have a direct effect on levels of support for capital punishment; it has a statistically significant indirect effect via fear. The effect is positive: the elderly are more likely to support the death penalty because they perceive their environment as more threatening than do younger persons. Like elderly residents, except with a negative indirect effect, persons with less than a high school education are more likely to be supporters of capital punishment because they consider their neighborhoods unsafe. Kentuckians who were victimized by violent crime in the

past year were more likely to express fear of crime; consequently they express more support for the death penalty.

Kei and Vito (1991) concluded that different segments of the population view the death penalty in different ways. Nonwhites, women, and respondents from low income households are more likely to have less direct support for the death penalty, whereas whites, men, and respondents from moderate and upper-level incomes demonstrated stronger support. Further, the study found that perceptions of neighborhood safety influence the level of support for the death penalty. The more fear within the individuals' neighborhoods, the more likely they are to support capital punishment. Fear was also found to play a crucial role in mediating the influence of race, age, education, and the experience of victimization by violent crime. The findings from Kentucky show that segments of the population still differ significantly from this supposedly mainstream opinion that there is overwhelming national consensus of support of capital punishment.

A study done by Britt (1998) examines the combined effects that race and religious affiliation have on views about capital punishment. Putting respondents into race categories of either white or black and breaking the religious affiliation into the categories of fundamentalist Protestant or nonfundamentalist Protestant, the following independent variables were assessed: support for the death penalty for persons convicted of murder, Republican party membership, political conservatism, salience of religion, biblical literalism, views of human nature, and conservative theology index.

Britt (1998) found that blacks indicate lower levels of support for the death penalty than whites do. Blacks also were less likely to identify themselves as members of the Republican Party, but scored higher on religious salience and are more likely to claim a literal interpretation

of the Bible. No direct effect of affiliation with a fundamentalist Protestant church on the level

of support for the death penalty was found. Fundamentalists and nonfundamentalists do not

differ significantly as to membership in the Republican Party; fundamentalists indicated higher

levels of political conservatism. The study shows for group differences that death penalty

support, Republican Party membership, salience of religion, and all measures of religious

ideology vary significantly across combinations of race and religious affiliation. Black

fundamentalists report lower levels of support for the death penalty, followed by black and white

nonfundamentalists. White fundamentalists report the highest support for capital punishment. In

terms of the independent variables across race and religious affiliation, Britt found that whites

are more likely than blacks to claim membership in the Republican Party independent of

religious affiliation. Among whites fundamentalists are more likely to identify as Republicans;

among blacks nonfundamentalists are more likely to claim membership in the Republican Party.

No significant differences in level of conservatism across categories of race and religious

affiliation were found.

Black fundamentalists scored the highest on religious salience, followed by black

nonfundamentalists and white fundamentalists. Blacks in both religious affiliation categories

have a higher level of religious salience than whites. Black fundamentalists were more likely to

hold to a literal interpretation of the Bible. White fundamentalists score higher on conservative

theology, followed by black fundamentalists. Black and white fundamentalists are virtually

indistinguishable on views of human nature (Britt, 1998). The study indicated that the effect of

religious affiliation on support for the death penalty is contingent upon the respondent's race.

Regardless of whether the analysis included measures of the respondent's political views,

salience of religion, or religious ideology, black fundamentalists reported the lowest levels of

support for capital punishment, white fundamentalists reported the highest levels, and black and white nonfundamentalists were indistinguishable.

A study by Vollum, Longmire, and Buffington-Vollum (2004) asked questions in an annual Texas Crime Poll about confidence in the administration of the death penalty, support for the death penalty, and support for a moratorium. The method used to obtain information was a mail out survey to 3,114 selected individuals of which 821 completed surveys were returned. Variables that were tested were *support for the death penalty* in which a single-item response to the question "Do you support the death penalty for the crime of murder?" was obtained. *Confidence in the death penalty system*, they were asked whether they had confidence in the system on a Likert-type scale. Five particular aspects of the death penalty system were addressed. Specifically, they were asked: "How much confidence do you have that the death penalty system in Texas (1) protects innocent people from being executed, (2) is being imposed fairly on poor people, (3) is being imposed fairly on members of minority groups, (4) insures that people charged with capital murder in Texas receive a capable attorney, and (5) insures that people charged with capital crimes in Texas have acceptable access to appeals" (Vollum et al., 2004). A final issue was *support for moratorium*, where respondents were asked if they believed that there should be a period where executions should be stopped in order to determine if the death penalty system is functioning properly by following the afore mentioned five aspects.

Vollum et al. (2004) found that 82% support the death penalty, however, 64% of respondents supported a moratorium and 48% indicated little or no confidence in the death penalty system for at least one of the five reasons. More than one third of the subjects reported little or no confidence that the death penalty is "imposed fairly on poor people" or "imposed fairly on minorities." There were positive correlations between respondents' confidence in the

death penalty and support for this form of punishment and negative correlations between

confidence in the death penalty and support for moratorium. Individuals supporting capital

punishment were less likely to support a moratorium. Significant differences were found

between black and white respondents for both confidence in the death penalty system and

support for a moratorium with whites reporting much more confidence in the death penalty

system in Texas and substantially less support for a moratorium. Similarly, males were

significantly less supportive of a moratorium than females and showed more confidence in the

Texas death penalty system than females. Catholics indicated less confidence in the

administration of the death penalty than Protestants and were more likely to support a

moratorium. Republicans were significantly less likely to support a moratorium than Democrats

and had significantly more confidence in capital punishment. Those from low income

households, below $15,000, reported less confidence in the death penalty system and more

support for a moratorium than those with high household income, above $60,000. Finally, those

with less than a high school education were significantly more likely to support a moratorium

that all other education groups (Vollum et al., 2004). Although a strong majority of Texans

support the death penalty, many are concerned with how it is practiced. This study exhibited that

a significant portion of respondents lack confidence in the death penalty system and that a

majority supports a moratorium in order to ensure that the death penalty is being applied fairly

and properly.

Criminologist Robert Bohm examined the extent to which demographic variables such as

age, gender, education, geographic region, and political affiliation correlated with support or

opposition to the death penalty in the 21 polls on the topic carried out by the Gallup

organizations between 1936 and 1986 (Bedau, 1997). Bohm concluded: whites, wealthier

people, males, Republicans, and Westerners have tended to support the death penalty more than blacks, poorer people, females, Democrats, and Southerners. He cautioned that the ignorance of the public about the administration of the death penalty, the infrequency of executions in the 1970s and 1980s, and the nature of the questions asked by the polls all are were factors that cast doubt on what to make of the apparent widespread support of capital punishment at that time. Bohm concluded that little is known about what the American public really thinks of the death penalty (Bohm, 1991).

Racial Divide

A study conducted by the U.S. General Accounting Office in 1990 examined capital sentencing procedures to determine if the race of either the victim or the defendant influences the likelihood that defendants will be sentenced to death. They evaluated 28 post-Furman studies that covered homicide cases for different time periods through 1988. The quality of almost half the research studies was rated at medium quality or better. The findings of the 28 studies show a pattern of evidence indicating racial disparities in the charging, sentencing, and imposition of the death penalty after the Furman decision.

In 82% of the studies, the race of the victim was found to influence the likelihood of being charged with capital murder or receiving the death penalty; those who murder whites were found to be more likely to be sentenced to death than those who murdered blacks. The evidence for the race of victim influence was stronger for the earlier stage of the judicial process (prosecutors choosing to charge the defendant with a capital offense and decision to go to trial instead of plea-bargaining) than in later stages (Bedau, 1997).

The researchers looked at legally relevant variables such as aggravating circumstances, prior criminal record, heinousness of crime, and number of victims and after controlling for the

variables, differences remain in the likelihood of receiving the death penalty based on race of victim. The evidence for the influence of race of defendant on death penalty outcomes was equivocal. Even though more than half of the studies found that race of defendant influenced the likelihood of being given the death penalty, the relationship between race of defendant and outcome varied across studies. For example one study found that in rural areas black defendants were more likely to receive death sentences, and in urban areas white defendants were more likely to receive death sentences. In a few studies it was revealed that the black defendant and white victim combination was the most likely to receive the death penalty. Finally, 75% of the studies that identified a race of defendant effect found that black defendants were more likely receive the death penalty. In summary the study supports a strong race of victim influence (Bedau, 1997).

Unnever and Cullen (2007) investigated the sources for racial divide in support for the death penalty with specific focus on white racism. The dependent variable was respondent's support of the death penalty measured by the question "Do you favor or oppose the death penalty for persons convicted of murder?" The study examined three types of racism: Jim Crow racism, Symbolic racism, and White racism. Unnever and Cullen defined white racists as those whites that scored above the black mean on the symbolic racist test. This race test looks at how the criminal justice system is used by whites to subordinate minority groups and how prejudiced whites are likely to hold distorted stereotypes that lead them to believe that most violent criminals, including those on death row, are black. Finally, white racists believe that blacks are criminally dangerous despite being given special advantages not offered to whites. White racists were designated if they harbored more racial animosity toward blacks than the average black person held for his or her own race. The results indicated, as expected, that there was a

significant relationship between public support for capital punishment and race, with blacks less likely than whites to support the death penalty. The study next regressed independent variables, minus the racism measures and found that this step only reduced the magnitude of the race coefficient by 2% (Unnever & Cullen, 2007). Further results indicated that Jim Crow racism failed to significantly predict support for the death penalty. Symbolic racism positively predicted the degree to which Americans support capital punishment. Finally, results indicated that the white racism measure positively predicted the degree to which Americans supported the death penalty and was found to be one of the most robust predictors.

Results from Unnever and Cullen (2007) showed that the race coefficient was substantially reduced after including the white racism measure in the regression equation. The racial divide in public support for the death penalty was reduced by 39%. The results suggest that more than one third of the racial divide in public support for capital punishment can be attributed to the unjustified influence of white racist attitudes. They found that the more respondents believe blacks are irresponsible or culturally deficient, the more likely they are to support executing convicted murderers. The analysis also provided insight into why individuals with these attitudes are more likely to support capital punishment than nonracist whites and blacks. The impact of religiosity is less strong among those with racist attitudes, and these individuals do not consider whether the United States is an egalitarian society when forming opinions on the death penalty. They also investigated whether a racial divide exists between nonracist whites and blacks. The results were that the race coefficient did not significantly predict the level of support for the death penalty. The null is true in that blacks and nonracist whites share similar opinions about capital punishment (Unnever & Cullen, 2007). The study

concludes that the death penalty cannot be considered as a race-neutral public policy because white racism is clearly involved in differential public support for the capital punishment.

Vollum et al. (2004) conducted a Texas study about confidence in the administration of the death penalty, support for the death penalty, and support for a moratorium. The researchers found significant differences between white and black respondents both on confidence in the death penalty system and support for a moratorium with whites reporting much more confidence in the death penalty system in Texas and substantially less support for a moratorium. The study analyzed death penalty system confidence and support for a moratorium by measuring support for underlying components of the system like: (1) criminal justice concerns, (2) class-based concerns, and (3) innocence concerns. Compared to other racial and ethnic groups, blacks expressed the lowest levels of confidence in access to counsel and appeals in the equitable administration of the death penalty by class and race and in protection of the innocent from execution. Hispanics had slightly more confidence in criminal justice issues and innocence concerns than in class and race equity, and, not surprisingly, whites expressed the highest level of confidence in all aspects of the system.

A study by Cochran and Chamlin (2006) attempted to understand the basis for the divide in levels of support for the death penalty between blacks and whites that exists in all surveys, over time, and across a variety of methodological designs. The data were gathered from three separate studies; the 1972-1996 cumulative data sets of the NORC General Social Surveys and two local surveys of individuals called for jury duty in Tampa, Florida. It examined racial differences in socioeconomic status, religion and religiosity, political ideology, positions on abortion and other social issues, fear of crime and victimization, experience with the criminal justice system, philosophies of punishment, and attribution styles. Cochran and Chamlin state

once the aforementioned variables are controlled for the divide in support for capital punishment between blacks and whites should be substantially lessened, even to the point of nonsignificance.

In examining the GSS data the first research question asked if there were racial differences in death penalty support. The data report revealed that 72.4% of the white respondents supported capital punishment, while only 43.9% of the black respondents supported it. The difference of over 28 percentage points was statistically significant. The second question asked whether or not the racial divide was enduring. It was concluded that the racial divide could not only be considered enduring but the black and white trends in death penalty support were also parallel. Further enduring support was found in the regression models. Results revealed three relevant findings. First, there were significant differences between blacks and whites in death penalty support. Second, the differences endured over time. Finally, the study was able to confirm the existence and enduring nature of this divide and provide evidence that black and white support for the death penalty appeared to be equally affected by the same linear and nonlinear secular trends, but the tests of the aforementioned explanations for this divide all failed to substantially lessen the direct effects of race on death penalty support.

Addressing the same questions as the GSS data, the second and third group of respondents came from jury selections in Tampa, Florida. The first study indicated that 69.7% of the white respondents supported capital punishment, while 51% of the black and 53% of the Hispanic respondents supported capital punishment. The percentage difference between blacks and Hispanics was not significant, however, both black versus white (18.7%) and Hispanic versus white (16.7%) were significantly different (Cochran & Chamlin, 2006). The second study found that 86.4 % of the whites supported capital punishment; while 77.1% of Hispanics and 64.4 % of black respondents reported that they unequivocally supported the death penalty

(Cochran & Chamlin, 2006). In these findings, there were significant differences in the level of death penalty support across all three race and ethnicity comparisons. In regards to the first research question, there exists evidence of a robust divide in death penalty support between whites between blacks and whites; the study also found a substantial divide between whites and Hispanics. As in the GSS data, the effects of both race and ethnicity on death penalty support continued to be statistically significant, and they failed to substantially lessen the divide once controls for the 11explanations were introduced.

Cochran and Chamlin (2006) conclude that there existed a significant and substantial divide in support for capital punishment between whites and blacks across all three data sets. Second, the two local samples exhibited significant divide between whites and Hispanics in terms of death penalty support. Third, it found that the racial divide in capital punishment support had endured and persisted across the past 3 decades and that controls for secular trends failed to lessen this divide. Finally, across data from three independent studies, the study tested and failed to support each of the 11 explanations for the racial divide in death penalty support.

Life Without Parole

For those opposed to capital punishment the most interesting and encouraging research discovery is that support for the death penalty falls off substantially if its supporters are offered life without possibility of parole (LWOP) as an alternative (Harris, 1986). This finding was first publicized in May of 1990 in the *New York Times* by William Bowers, one of the country's leading experts on the death penalty. He reported that in California 82% of the public supported the death penalty, but only 26% continued to support it given the alternative of LWOP with the addition of some restitution to the surviving members of the victim's family. Reviewing further research in the area, Bowers now concludes that as few as one in four people are staunch death

penalty advocates who will accept no alternative, and that as many as two out of four people are reluctant supporters who accept the death penalty but would prefer an alternative (Bedau, 1997). As to why LWOP is attractive to people, a report in *USA Today* gave several reasons: it is easier to win in court than the death penalty and cheaper by one third or one half; it raises no risk of wrongful execution; it means murderers can be required to live the rest of their lives working to compensate the victim's family; it is constitutional; and it could actually deter crime.

Bedau (1997) reports that in 1995 the Death Penalty Information Center (DPIC) did a survey of police chiefs' opinions about LWOP and found that their attitudes are in line with the general public. When Hart Research Associates randomly polled selected police chiefs, their main finding was: although a majority of the police chiefs support capital punishment in the abstract, when given a choice between the sentence of life without parole plus restitution, versus the death penalty, barely half of the chiefs support capital punishment. A similar opinion poll in 1993 done by the Greenberg/Lake firm and the Terrance Group found that although a majority interviewed said that they favored the death penalty abstractly, their views changed dramatically after a sentence of LWOP with restitution was given as an option. Forty-four percent favored the alternative, while 41% selected the death penalty. The results indicated that support for the death penalty drops 50% with a range of alternative sentences especially those including restitution. Compared to the 77% who favor the capital punishment in the abstract, support drops by 36% when a sentence of life with no possibility of parole with restitution is offered, and it drops the support of the death penalty to a minority position (Bedau, 1997).

Bedau (1997) argues that the existence of a strict life sentence can either partially or completely eliminate the imagined need for capital punishment. In Maryland, for example, the state added the sentence of LWOP in 1987 as a choice for the jury in capital cases. The jury is

plainly told that they can choose LWOP instead of the death penalty. In 5 years since then, only

eight new defendants have been added to the state's death row. Oklahoma has also experienced

a similar drop since adopting LWOP in 1988. That year 18 people were put to death, but in 1992

only five death sentences were handed down. Inside prison many wardens report that the

inmates serving the life without parole sentences are the best-behaved prisoners. They can be a

calming influence on younger inmates and Alabama officials say that LWOP prisoners commit

50% fewer disciplinary offenses per capita that all other types of inmates combined (Bedau,

1997).

Moore's (2004) study done for the Gallup Poll indicated that half of all Americans

choose the death penalty, while just under half opt for LWOP. When Americans are not

presented with LWOP as an alternative, about 7 in 10 support capital punishment. The poll

taken in that year found a margin of 50% to 46% in favor of the death penalty over LWOP as a

penalty for murder. Over the past 20 years, support for capital punishment instead of LWOP has

fluctuated between a low of 49% and a high of 61%. Support for LWOP instead of the death

penalty has been higher over the past several years than it was from 1985 to 2000. During this

time the study indicated that about a third of Americans preferred LWOP as a penalty for

murder, but between 2000 and 2004 the percentage has varied in the low to mid 40% range

(Moore, 2004). A study by Mallicoat and Radelet (2004) cites a 2003 ABC News/Washington

Post poll that found when supporters for the death penalty were given the alternative of LWOP,

support drops from 64% to 49%. In the May 2003 Gallup Poll, support for the death penalty

dropped from 74% to 53% given the LWOP option (Jones, 2003). A March 2003 poll of New

York voters by Quinnipiac University found that supporters of the death penalty outnumbered

opponents by a 57-37 margin, but when given the alternative of LWOP, opponents outnumbered

supporters of executions, 53-38 (New York Law Journal, 2003). A Vollum et al.(2004) study

cited Bowers et al. (1994) reporting that the percentage of citizens favoring the capital

punishment decreased when people were presented with the option of LWOP. They found this

to be true of among both samples of citizens and samples of legislators, although the support

declined more substantially among citizens.

Based on the most recent survey by Gallup, Newport (2009) found that trend is holding

true. Gallup research found that support for the death penalty is lower if Americans are offered

an explicit alternative of "life imprisonment, with absolutely no possibility of parole." In May

2006, for example, 65% of Americans supported the death penalty in general, matching the

figure taken in October of 2009, but that figure dropped to 47% when LWOP was added as an

alternative, with just 47% still favoring the death penalty for the crime of murder (Newport,

2009).

Opinion Polls

The Gallup Poll's death penalty data stretches back more than 70 years making public

opinion of capital punishment one of Gallup's oldest measured trends. The earliest poll, taken in

1936, indicated that 59% of Americans supported the use of the death penalty for the crime of

murder, compared to 36% who oppose it. The all-time high level of 80% support came in 1994

when Americans cited crime as the most important issue facing the nation. The low points in

support for capital punishment as a punishment for murder came in the mid 1950s through the

early 1970s. During some of this time the death penalty was illegal, and support dropped as low

as 42% in 1966 (Newport, 2009). The most recent poll, taken in October of 2009 by Gallup,

found that 65% of Americans continue to support the use of the death penalty for persons

convicted of murder, while 31% oppose it; continuing a trend that has shown little change over

the last 6 years. However, these polls measure public opinion in an abstract way, using over simplistic "do you favor or oppose the death penalty for a persons convicted of murder."

Harris (1986) indicated that a major criticism of these questions is that they are insufficiently complex. Categorizing people as favoring or opposing capital punishment does not take into account the vast differences of views underlying this simple dichotomy. The study cites Ellsworth and Ross (1983) as an example of how to ask more complex death penalty questions such as: (1) differentiating among several types of crimes that are potentially capital crimes; (2) having respondents state what percentage of offenders committing a particular type of crime should receive the death penalty, and (3) asking respondents about reasons for favoring or opposing the death penalty. The survey demonstrated that a simple pro or con question may provide a misleading oversimplification of public opinion. More complex questions are more likely to provide a more accurate picture of the public's support for the death penalty. Poll information discussed in Harris (1986) indicates that there is considerable danger in relying on findings drawn from poll questions that oversimplify and under-conceptualize the issue investigated. Not only can misleading trends in public opinion be created simply by the design of the question asked, respondents to the polls are usually unfamiliar with or not too concerned about the issues that are made the subject of these polls. Therefore, policy-makers need to treat public opinion polls that use abstract, over-simplified questions with skepticism.

Durham et al. (1996) preformed a study that included 17 crime scenarios to examine citizens' willingness to use the death penalty as punishment for the crime of murder. The scenarios contained information similar to that which a jury would consider when making a decision on whether or not to punish the criminal with the death penalty. Respondents were asked to read the scenarios and then choose what they thought was the appropriate punishment.

Variables within the scenarios were taken from a list of aggravating and mitigating circumstances contained within North Carolina's and Florida's sentencing statutes. The study was intended to provide a precise sense of the degree of support for use of the death penalty as a punishment for murder. Second, the survey intended to gather information about the variables that influence the respondent's willingness to use capital punishment. Two versions of the 17 scenarios were used; both versions contained the same basic homicide events; however, they differed slightly as to the descriptions of the events. Generally, in one version the brutality of the killing would be increased or the occupation of the victim or assailant would be different.

Each respondent received only one of the two versions of the questionnaire and provided judgments of the appropriate punishment for those 17 vignettes. The choices for punishment were: death penalty; life in prison with no possibility of parole; prison term of set number of years; and a choice of other punishment. Of the 593 surveys that went out, 366 were returned and analyzed. Durham et al. (1996) found that of the 6,049 punishments assigned by respondents, 60.8% were death sentences. Males were more likely to select capital punishment; they indicated death as the proper sentence in an average of 63% of the 17 vignettes, in contrast to 51% for females. Whites were significantly more likely than Hispanics or blacks to select the death penalty; they chose death in 60.5% of the vignettes, in contrast to 50.5% of the scenarios for Hispanics and 41.2% for blacks. Republicans were more likely than Democrats or Independents to select the death penalty. Respondents with a family member who had been the victim of a violent crime were more likely to choose the death penalty than those without such family members. Ordinary Least Squares regression was implemented to examine the relationship between respondent, offender, victim, and offense characteristics and overall support for the capital punishment across all 17 vignettes. The dependent variable was the total number

of vignettes for which the respondents selected the death penalty to be the appropriate response. The results showed that gender, race, age, and education are significantly related to overall support for the death penalty across all vignettes.

To examine the possibility of considerable variability based on a variety of offender, victim, and offense characteristics in the vignettes, Durham et al. (1996) used logistic regression models for each vignette to examine the variability in predictor variables from vignette to vignette. The dependent variable was the same as OLS and the independent (predictor) variables were: gender, age, race, education, income, religion, political affiliation, victim of violent crime, family and friends' victim of violent crime, and version of the survey received. The results indicated that the strongest predictors of support for the death penalty vary from vignette to vignette. Gender was the most consistently significant predictor, with males favoring capital punishment over females in 12 of the 17 vignettes. Education appeared as a significant predictor in seven vignettes and race was significant in six; minority group members were significantly less likely than whites to support capital punishment. Vignette version was a significant predictor for capital punishment in six vignettes. The versions are important because they contained different mitigating and aggravating circumstances associated with the offense as well as different characteristics of offenders and victims. The analysis showed that certain characteristics of offenders such as being a male prostitute versus being an unemployed man or having a history of previous convictions versus no criminal history were associated with respondents' increased willingness to support the death penalty. Other characteristics such as the offender being 14 years old versus 41 or having an abused childhood versus a normal one are associated with decreased support for capital punishment.

Durham et al. (1996) concluded that there was enormous variation in the willingness to apply the death penalty to different kinds of murders. Most people make distinctions between different kinds of murders and murderers. In some cases the belief that death was the proper punishment was influenced by factors having little relation to the murder itself. This included use of alcohol, being a male prostitute versus being unemployed, a prior record of violence, a childhood of abuse, offender's age, reacting to death threat, and finding one's spouse naked with another person. The study also found that aggravating factors influence sentencing more than mitigating factors. In general the findings of Durham et al. add credence to the claims of death penalty advocates that considerable support exists for capital punishment as a sanction for the crime of murder, even though willingness to apply it varies substantially across types of murders. The study also found that citizens would favor the death penalty even in situations in which the law would not allow it.

Summary and Conclusions

In summary, public opinion on the use of the death penalty has been traced for 80 years and support for its use has fluctuated throughout those years. People have been offering opinions on the subject with little more than revenge on their minds and also being somewhat oblivious to the actual workings of capital punishment. As Justice Thurgood Marshall's hypotheses were tested in numerous studies, one can conclude that the public does lack significant knowledge on the death penalty, that there is little significant evidence that one's support for the death penalty would decrease because of an increase in knowledge about the death penalty, and that a majority of people who either favor or oppose the death penalty do so not because it might be the best deterrent, or the be the best for society, but because of retribution and revenge. Marshall's third conjecture was proven in several studies, if your opinion is based on retribution, then no amount

of knowledge and proof will be able to change your mind about support or opposition to capital punishment. In fact, the opposite was found to be true. Individuals became more entrenched in their opinions when knowledge was offered on the death penalty. Whether it supported their side of the issue or not, it only strengthened their resolve for support or opposition.

It is very evident from the literature that certain demographics are more inclined to support and oppose the use of capital punishment for the crime of murder. In general, white, male, conservative Republicans, and wealthier individuals tend to support the death penalty more than blacks, Hispanics, females, Democrats, and individuals with less wealth. The racial component to the demographics has been one of repeated significance in almost all studies looked at. The racial divide between white people and minorities, especially black people, was found to be significant in all studies and is enduring throughout time. One can almost certainly understand why black Americans show such little support for capital punishment. One need only look to the turn of the century with the thousands of men, women, and children who lost their lives to lynching as a suitable reason to oppose the death penalty. Also, the continued discriminatory sentencing that black people are subject to in capital cases could drive one to oppose such sanctions that put one's own people at extreme risk.

A bright spot for those who oppose the death penalty is the emergence of life without the possibility of parole (LWOP) as a possible alternative to capital punishment in the United States. The literature has shown that support for the death penalty significantly goes down when individuals are given the choice of LWOP as a possible punishment for murder. People who fear offender release and recidivism can rest knowing that the individual will never be released from prison. The prisoners sentenced to LWOP themselves are proven to be some of the most productive and non-problematic prisoners within the penitentiaries.

Finally, opinion polls have been taken by Gallup from 1936 to the most recent poll in October of 2009. Gallup, like many other polls, uses a very abstract question to measure support or opposition to the death penalty. Generally the question reads "Do you favor or oppose the death penalty for persons convicted of murder?" This type of question is oversimplified and does not really address all the mitigating and aggravating circumstances that surround a capital murder case. As the literature has shown, posing more complex questions and giving pollsters examples of actual cases to weigh in on might help them to make a more educated opinion. Because public opinion can and is used by government and the United States Supreme Court in part to make decisions in law making and case rulings, it is vital that the citizens who are responding to these polls are as well informed as absolutely possible as to the correct information and processes that a death sentence brings.

CHAPTER 3

METHODOLOGY

This study used survey research methodology. This tool was used to measure public

support for the death penalty as an appropriate punishment for the crime of murder. The

participants in this research came from a Northeast Tennessee university. All participants were

enrolled in a criminal justice class at the university. All IRB guidelines were followed. Also, all

instructors of the respective classes granted permission for their class to participate in the study.

The subjects in this study completed the survey during the first 10 to 15 minutes of class

at the university. The university enrollment did exceed 16,000. Combining six classes, 150

students were voluntarily asked to participate in the survey process. Out of the 150 students, 144

questionnaires were returned. Two of the 144 questionnaires were returned with missing data, so

142 of the 150 surveys were used giving a 95% response rate.

<u>Data Collection Procedure</u>

The participants voluntarily completed the survey without compensation. It was

estimated that the survey would take between 10-15 minutes to complete. Over a 2-week period

during April 2010, surveys were handed out and collected in classes until it was deemed all

students who wanted to participate in the research did complete a survey.

<u>Questionnaire Compilation</u>

The majority of the questions and vignettes used in the survey were taken from the

research of Durham et al. (1996). Additional questions and vignettes were added and designed

to incorporate more recent themes. I constructed a questionnaire containing 20 murder scenarios

to examine each participant's willingness to use the death penalty for the crime of murder. The

scenarios provide a brief description of a murder and ranged from three to seven sentences in

length. The vignettes contained information similar to what a jury would consider in the

sentencing phase of a capital punishment case. Participants were asked to read the vignettes and

then to indicate what they thought was the appropriate punishment. The variables used in the

scenarios are the same used in Durham et al. that were taken from a schedule of aggravating and

mitigating factors contained in North Carolina's and Florida's capital sentencing statutes.

Vignettes were constructed that referred to offender prior record, whether the murder was

committed in the course of another felony, differing levels of brutality, and involvement of law

enforcement officers as a victim. Vignettes also manipulated information about involvement in

alcohol, gangs, prior offender victimization, as well as victim's and offender's race, age, and

gender.

The survey was designed with two specific objectives. First and more important, it was

intended to provide a more precise sense of the degree of support for the death penalty as a

punishment for the crime of murder. According to Gallup (2009) 65% of Americans indicate a

general willingness to use the sanction and may be willing to impose it in virtually all cases

involving the intentional death of a victim. The survey employed in this research was designed

to discover respondents' degree of willingness to impose the sanction in tangible cases. Unlike

other studies and common opinion polls, this survey provided respondents with some of the

information that an actual jury would take into consideration when hearing a capital murder case.

Second, the survey was intended to gather information about the variables that influence

respondents' willingness to use capital punishment. I prepared two versions of the same

questionnaire; each version contained the same 20 basic homicide events. The two versions

differed slightly as to the descriptions of the incidents. For instance:

Vignette 20, Version 1:

Jeff is a big brother for the YMCA, and has his first child, Dustin, who is 7 years old. The child comes to Jeff's home to spend the afternoon. Jeff begins touching the boy, and eventually rapes and murders the child. It is later discovered that Jeff was sexually abused by his parents for the first 12 years of his life.

Vignette 20, Version 2:

Jeff is a big brother for the YMCA, and has his first child, Dustin, who is 7 years old. The child comes to Jeff's home to spend the afternoon. Jeff begins touching the boy, and eventually rapes and murders the child. There were no previous reports of abuse or neglect found.

Although in both scenarios the crime is a murder perpetrated after a rape, the two scenarios differ. In the second version there is no history of sexual abuse of the perpetrator when he was a child. Although the outcome is the same, the perpetrator was not sexually abused as a child. Other vignettes include versions that vary as to the details of offenders' age, victim's gender, offender's race, heinousness of murder.

There are 20 basic murder vignettes with two versions of each vignette for a total of 40 distinct scenarios. Each respondent received only one of the two versions of the questionnaire, and provided what they thought was the appropriate punishment for 20 vignettes.

After reading the vignette, respondents were asked to indicate "the appropriate punishment" for the offender. Four options were offered:

Death penalty;

Life in prison with no possibility of parole;

Prison term (specify number of years);

Other (please specify).

Subjects partaking in the research were assured of confidentiality. The questionnaires were numbered individually and separated into version one and version two in order to keep track of each version's statistics.

<u>Demographics and Variables</u>

The thesis also examined demographics of the respondents. These demographics not only told the status of the participants but also served as the independent variables in the regression analysis. The initial independent variable on the survey is gender. Previous research has indicated that males are more likely to favor the death penalty than females. The second question asked about the respondents' age. The third variable was the race of the individual and had categories of white, Hispanic or Latino, African-American or black, Asian or Pacific Islander, and other. This question was later recoded into a dichotomous variable: "white" or "minority." Research has shown that younger white males tend to favor capital punishment more so than younger black males, and older black or white males.

Question 4 on the survey asked respondents about their current income level. Five levels of income are present to choose from: less than $20,000, $20,000-$29,999, $30,000-$39,999, $40,000-$49,999, and $50,000 or more. Previous research indicated that individuals within the lower income levels opposed capital punishment more than individuals considered upper class. The fifth question is about the highest level of education that the respondent has completed and the categories are: high school diploma, some college, college graduate, or postcollege graduate. The research on this category is similar to income level in that the more educated an individual becomes the more likely he or she is to support the death penalty.

Political affiliation was the next variable addressed on the survey. The participants were given the choice of: Democrat, Republican, Independent, or other. This question was later

recoded into "Democrat/Independent" or "Republican." The question was recoded in this fashion because one can expect Democrats and Independents to be more liberal in their views on capital punishment as compared to Republicans. The seventh question asked about the type of religion that the participant was affiliated with. Because of the similarities in religion, the responses were listed in three groups: Protestant, Catholic, and other.

The final three independent variables were all simple "yes" or "no" dichotomies. The eighth question on the survey asked respondents whether they have been the victim of a violent crime or not. It is hypothesized that being the victim of a violent crime might lead an individual to seek retribution against criminals and therefore be more inclined to favor the death penalty for crimes of murder. The next variable is whether the participant has ever had a friend or family member who has been the victim of a violent crime. It is thought that if the respondent has a close friend or family member who has been the victim of a violent crime, he or she would be more likely to support capital punishment for the crime of murder.

The opposite may be true for question 10 which asked if the respondent has ever had a friend or family member on death row. It is hypothesized that if the respondent has had a close friend or family member on death row then he or she would be more likely to oppose capital punishment. Having a family member or close friend on death row could possibly give the individual a certain amount of insight into the inner workings of the death row prison. Having first-hand knowledge of the actual experiences of what it is like on death row could allow an individual to view the death penalty as a somber and dehumanizing practice. The final variable in the survey asked the respondents if they have ever taken a class on the death penalty. It is hypothesized that if respondents take a class on the death penalty, much like first-hand experience, they will be more informed to the actual inner workings and feelings associated with

the death penalty process. This could lead to the individual opposing capital punishment because of the dehumanization, or reaffirm to the individual that the death penalty is a hard, cold punishment that is fitting for the crime of murder.

Hypotheses

The primary interest of this thesis was to examine the citizens' opinions of the death penalty as a means of punishment for the crime of murder. The hypotheses predicted significant association related to overall support for the death penalty across all vignettes:

H1: Being male will be positively related to overall support for the death penalty across all vignettes.

H2: Being 18-30 years of age will be positively related to overall support for the death penalty across all vignettes.

H3: Being white will be positively related to overall support for the death penalty across all vignettes.

H4: Having high school or less education level will be positively related to overall support for the death penalty across all vignettes.

H5: Having an income of less than $20,000 will be positively related to overall support for the death penalty across all vignettes.

H6: Being a Protestant will be positively related to overall support for the death penalty across all vignettes.

H7: Being a Catholic will be negatively related to overall support for the death penalty across all vignettes.

H8: Being a Republican will be positively related to overall support for the death penalty across all vignettes.

H9: Being the victim of a violent crime will be positively related to overall support for the death penalty across all vignettes.

H10: Having friends or family who have been victims of violent crimes will be positively related to overall support for the death penalty across all vignettes.

H11: Taking a death penalty class will be negatively related to overall support for the death penalty across all vignettes.

<u>Analysis Methods</u>

The type of analysis used in this thesis was Ordinary Least Squares (OLS) regression. OLS is an ideal tool to use because of the ability to control for the effects of several independent variables on the dependent variable. Another benefit of using OLS is the ability to see the strengths, weaknesses, and direction of each variable by looking at the unstandardized and standardized coefficients. I also analyzed the murder vignettes to see how many respondents selected death sentences and in which vignettes they selected them. This allowed me to gauge the willingness for the participants to use the death penalty for the different circumstances the vignettes possess and get measure of the amount of variability that exists across the different types of murders. Using OLS test and analyzing the vignettes, the significance of the variables tested and breakdown of death sentences per vignette are presented in the next chapter.

CHAPTER 4

FINDINGS

The goal of this research was to examine citizens' opinions of the death penalty as a means of punishment for the crime of murder. While focusing on opinions, another goal of this thesis was to gather information about the variables that influence respondents' willingness to support capital punishment. The principal hypotheses predicted that being male, younger, white, having a high school education or less, making less than $20,000 a year, being Protestant, being Republican, being the victim of a violent crime, and having family or friends who were the victim of violent crime would be positively related to support for the death penalty. Being a Catholic and taking a death penalty class would be negatively related to support for the death penalty.

Of the 2,840 punishments assigned by participants (20 vignettes times 142 survey responses), 1,005 (35.4%) were death sentences. This figure may seem low compared to the 65% support cited by Newport (2009) for the Gallup Poll, but the Gallup Poll asks about general support for capital punishment rather than giving the participants specific cases to examine. In addition, the abstract question of support asked by Gallup does not address the complexities of the evaluative process that citizens use when deciding punishments in specific cases (Durham et al., 1996). The Gallup Poll also does not allow the participants to consider aggravating or mitigating circumstances that are present in most murder cases. Cruelty and brutality of the murder, the offender's mental condition, and whether or not the offender is involved with gangs or on drugs at the time of the offense are examples of factors that jurors use in deciding whether or not the individual who committed the crime deserves the death penalty.

<center>Demographics</center>

The characteristics of the participants are summarized in Table 1. Examining Table 1, the majority of respondents were white, male, 18 to 30 years of age, had some college education, made less than $20,000 a year, were never the victim of a violent crime, and had never taken a class on the death penalty. More specifically the sample was 56.3% male, 88.7% aged 18 to 30, 86.6% with some college education, and 83.8% making less than $20,000 a year. The race and ethnicity information indicates 87% white, 8.5% African-American or black, 3.5% Hispanic or Latino, and 1.4% Asian or Pacific Islander.

Current household income level was divided into five categories. Almost 85% (83.8%) of the respondents reported earning less than $20,000 and 10% reported earning $20,000 to $29,000. About 5% (4.2%) reported an income of $30,000 to $39,000. Less than 1% reported having an income of $40,000 to $49,000 and almost 2% (1.4%) reported having a current income of $50,000 or more.

The next item in the table is education. Nearly 6% (5.6%) of the participants had only a high school education. While the majority of the respondents, 88.6% reported having some college education, almost 8% (7.7%) were college graduates. The political affiliation questions indicated that just under half (44.4%) of the respondents were Republicans. Less than 20% (17.6%) of the participants reported being a Democrat or an Independent, while 21.1% indentified no affiliation with these parties.

The remaining variables reported are being the victim of a violent crime, having a family member or friend who has been the victim of a violent crime, do, or have you ever had a family member or friend on death row, and have you ever taken a class on the death penalty.

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Concerning victimization, nearly 10% (9.2%) had been the victim of a violent crime. Just fewer

than half the participants (46.5%) had a family member or a friend who had been the victim of a

violent crime. No individuals in the respondent pool have ever had a family or friend on death

row. Lastly, nearly 90% (88%) of the respondents had not taken a class on the death penalty.

Table 1.
Characteristics of Respondents

Variable	Frequency	Percent
Gender		
Male	80	56.3 %
Female	62	43.7
Total	142	100
Age		
18-30	126	88.7%
31-40	10	7
41-50	3	2.1
51-60	1	.7
61-70	2	1.4
Total	142	99.9
Race/Ethnicity		
White	123	86.6 %
Hispanic/Latino	5	3.5
African-American/Black	12	8.5
Asian/Pacific Islander	2	1.4
Total	142	100
Current Income		
Less than $20,000	119	83.8 %
$20,000-$29,000	14	9.9
$30,000-$39,000	6	4.2
$40,000-$49,000	1	.7
$50,000+	2	1.4
Total	142	100
Level of Education		
High School diploma	8	5.6 %
Some college	123	86.6
College graduate	11	7.7
Total	142	99.9

Table 1. (continued)

Variable	Frequency	Percent
Political Affiliation		
Democrat	25	17.6 %
Republican	63	44.4
Independent	25	17.6
Total	113	79.6
Religious Affiliation		
Protestant	53	37.3 %
Catholic	4	2.8
Total	57	40.1
Victim of Violent Crime		
No	129	90.8 %
Yes	13	9.2
Total	142	100
Family or Friends Violent Crime Victims		
No	76	53.5 %
Yes	66	46.5
Total	142	100
Have you ever had a Friend or Family Member on Death Row		
No	142	100 %
Yes	0	0
Total	142	100
Have you ever taken a Death Penalty Class		
No	125	88 %
Yes	17	12
Total	142	100

Note: Totals do not sum to 142 for all variables because of omitted data.

Table 2 displays the relationship between respondents' characteristics and selection of the death penalty as an appropriate means of punishment for the crime of murder. It does this by presenting the mean scores for all independent variables. Sample data indicated that females were slightly more likely than males to select capital punishment; they indicated death as the appropriate punishment in 8.2 scenarios or 40.5% of the 20 vignettes, in contrast to 7.9 scenarios or 39.5% for the male respondents. Older respondents aged 61 to 70 years had the highest mean support for the death penalty selecting capital punishment in 10 vignettes or 50% of the scenarios. Eighteen to 30 year old participants on average selected death as the appropriate punishment in 40% of the cases with a mean of 8.0, as did the 31 to 40 year old demographic. Respondents aged 41 to 50 had an average of 35% death penalty selections for the 20 murder vignettes with a mean of 7.0, which was almost double the mean of those aged 51-60 who selected death as a punishment in an average of 20% of the scenarios with a mean of 4.0.

White respondents were only slightly more likely than Hispanics, Blacks, or Asians to select the death penalty. They chose death as a punishment in 8.1 (40.5%) of the 20 vignettes, in contrast to 7.8 (39%) of the vignettes for Hispanics, 7 (35%) for blacks, and 8 (40%) for Asians. Participants who had an income of $20,000 to $29,999 were considerably more likely on average to select the death penalty than any other income group; they selected it in 11.5 (58%) of the scenarios; compared to those who made less than $20,000, who selected death in an average of 7.7 (39%) vignettes. For those respondents whose income was $50,000 a year or more, the average death penalty sentence was handed down in 9 (45%) of the 20 vignettes. Participants in the $30,000 to $39,000 income group chose death in an average of 47% of the scenarios accounting for a mean of 9.4.

Concerning education level and support for the death penalty, respondents who had a high school diploma were more likely than either participants with some college, or college graduates to select the death penalty. Individuals with a high school diploma chose death in 9.7 (48.5%) of the 20 scenarios, in comparison to respondents with some college 7.9 (39.5%) scenarios and college graduates 8.6 (43%) scenarios. The next variable examined was political affiliation. Those respondents who identified themselves as Independents were more likely to choose death (41.5%) than those indentified as Republican (39.5%) or Democrat (34%). Analysis of the variable religious affiliation indicated that Catholics selected the death penalty in 11.8 (59%) of the 20 vignettes. Those identified as Protestants selected death as the appropriate punishment in only 8.5 (42.5%) vignettes.

Respondents who had not been the victim of a violent crime had a higher average of support for the death penalty at 8.1 (40.5%) vignettes out of 20, compared to those participants who had been the victim of a violent crime at 6.3 (31.5%) vignettes. Those respondents who had a friend or family member who was the victim of a violent crime selected the death penalty as punishment in 43.5% of the scenarios. Those without such family members averaged 7.5 (37.5%) death sentences per 20 vignettes. All 142 respondents on the survey had no friend or family member on death row. The average number of death sentences selected by the 125 individuals who chose death for at least one of the scenarios and who had no friend or family member on death row was 8 (40%) vignettes. Lastly, those who had taken a death penalty class were more likely to select capital punishment. They indicated death as the appropriate sentence in an average of 49.5% of the 20 vignettes with a mean of 9.8, in contrast to their counterparts who had not taken a class on the death penalty who chose death in 7.8 (40%) of the 20 vignettes.

Table 2.
Mean Number of Vignettes for Which Death Penalty Was Selected by Respondents

Variable	N	Minimum	Maximum	Mean	Standard Deviation
Gender					
Male	74	.00	20.00	7.9324	4.82951
Female	51	1.00	19.00	8.1961	4.83744
Age					
18-30	110	.00	20.00	8.0182	4.82346
31-40	10	1.00	16.00	8.5000	5.72033
41-50	2	5.00	9.00	7.0000	2.82843
51-60	1	4.00	4.00	4.0000	
61-70	2	8.00	12.00	10.0000	2.82843
Race					
White	111	1.00	20.00	8.1171	4.90220
Hispanic	5	1.00	13.00	7.8000	4.96991
African American/Black	7	.00	14.00	7.0000	4.50925
Asian/Pacific Islander	2	7.00	9.00	8.0000	1.41421
Income					
Less than $20,000	107	.00	20.00	7.6822	4.84592
$20,000-$29,999	11	6.00	18.00	11.4545	4.08323
$30,000-$39,999	5	7.00	12.00	9.4000	2.07346
$40.000-$49,999	1	1.00	1.00	1.0000	
$50,000 or more	1	9.00	9.00	9.0000	
Education					
HS Diploma	7	2.00	16.00	9.7143	5.08967
Some College	107	.00	20.00	7.8692	4.92986
College Graduate	11	4.00	16.00	8.3333	3.74611
Political Affiliation					
Democrat	19	.00	18.00	6.7895	4.57747
Republican	60	1.00	20.00	7.9000	4.76819
Independent	21	1.00	16.00	8.3333	3.74611
Religious Affiliation					
Protestant	49	1.00	20.00	8.4694	5.02121
Catholic	4	3.00	20.00	11.7500	6.99405
Victim of Violent Crime					
No	118	.00	20.00	8.1441	4.90469
Yes	6	2.00	10.00	6.3333	2.73252
Family or Friend Victims of Violent Crime					
No	71	.00	20.00	7.5070	4.99678
Yes	55	1.00	20.00	8.7273	4.47402
Family or Friend on Death Row					
No	125	.00	20.00	8.0400	4.81496
Yes	0				

Table 2. (continued)

Variable	N	Minimum	Maximum	Mean	Standard Deviation
Taken Death Penalty Class					
No	109	.00	20.00	7.8165	4.80965
Yes	15	1.00	19.00	9.8667	4.71876

Note: Each respondent evaluated 20 vignettes.

Ordinary Least Squares Regression

Table 3 shows the results of an ordinary least squares regression (OLS) with the

proportion of respondents selecting death penalty as the dependent variable. Following the

hypotheses of this study, the independent variables are gender, age, race, level of income, level

of education, political affiliation, being a Protestant, being a Catholic, having been the victim of

a violent crime, having a family member or friend who has been the victim of a violent crime,

and having taken a class on the death penalty. The variable "having a family member or friend

on death row" has been excluded from the model because none of the 142 respondents indicated

they had a family member or friend on death row.

Overall, the independent variables explained 15.4% of the variation in the proportion of

the respondents selecting death penalty. The F statistics was .136 and did not indicate

significance. The overall regression model was not significant; however, if it had been, the four

independent variables that would have shown some significance, two at .05 and two at .10, were:

level of income, political affiliation, being a Protestant, and being a Catholic. The relationship

between level of income and proportion of vignettes for which death penalty was selected is

positive. This means that as the individual's level of income increases, the more death sentences

he or she assigned for the crime of murder. The relationship between political affiliation and

proportion of vignettes for which death penalty was selected is positive. This means that those

respondents aligning themselves with the Republican party chose a greater number of death

sentences than respondents not identified with this party. The relationship between being a

Protestant and proportion of vignettes for which death penalty was selected is also positive. This

means that a Protestant assigned a large number of death sentences for the crime of murder. The

relationship between being a Catholic and proportion of vignettes for which death penalty was

selected is positive. This means that respondents who identified themselves as Catholic, as

opposed to Protestant, assigned a greater number of death sentences for the 20 murder vignettes.

Being a Protestant was the strongest of the four variables as indicated by the higher value of the

beta coefficient (.209), compared to the beta coefficients (.201) for level of income, (.170) for

being a Catholic, and (.183) for political affiliation. The independent variables gender, age, race,

level of education, being the victim of a violent crime, having a family member or friend who

has been the victim of a violent crime, and having taken a class on the death penalty were not

significant.

Table 3.
Ordinary Least Squares Regression

	Unstandardized Coefficients		Standardized Coefficients		
Model	B	Standard Error	Beta	t	Sig
1 Constant	-.019	.193		-.099	.921
Gender	.011	.047	.022	.236	.814
Age	-.033	.036	-.094	-.899	.371
Race	.023	.073	.032	.320	.750
Level of Income	.131*	.065	.201	2.005	.048
Level of Education	.081	.075	.117	1.083	.281
Political Affiliation	.090**	.052	.183	1.725	.088
Religion Protestant	.104*	.048	.209	2.152	.034
Religion Catholic	.442**	.260	.170	1.698	.093
Victim of Violent Crime	-.103	.080	-.125	-1.283	.202
Family/Friends Victims of Violent Crime	.059	.047	.120	1.238	.219
Taken a Death Penalty Class	.109	.069	.152	1.571	.119
Vignette Version	.044	.047	.090	.983	.351

a. Dependent Variable: Proportion of Vignettes for which Death Penalty was selected.
* p < .05
** p < .10

Table 4 summarizes the data on level of support for the death penalty for each of the 40 murder scenarios. It is clear that responses varied noticeably across vignettes. For 12 of the 40 vignettes, more than half of the participants said that death was the appropriate punishment for the crime of murder. At the other end of the continuum, for 28 of the 40 vignettes fewer than half of the respondents selected death as the appropriate sanction. For example, 78.3% of the participants stated that the offender's actions in Vignette 18, Version 2 merited death, but only 4.3% said the death penalty was the appropriate sanction in Vignette 6, Version 2.

This analysis found substantial differences in the willingness to use the death penalty across two versions of the same vignette. Examine Vignette 5, Version 1:

> Mark enters a convenience store, pulls a gun, and tells the clerk to give him all the money in the cash register. The clerk tries to resist, and he is shot to death by Mark. Mark is arrested a short time later, and it is discovered that he has a number of previous convictions for violent robberies.

Nearly half of the respondents (44%) indicated that capital punishment was the appropriate sanction in this instance (see Table 4). That percentage, however, fell to a less than 15% (13%) for respondents who read the same vignette, but with a different concluding sentence (Vignette 5, Version 2).

> Mark enters a convenience store, pulls a gun, and tells the clerk to give him all the money in the cash register. The clerk tries to resist, and he is shot to death by Mark. Mark is arrested a short time later. Mark has no record of previous convictions.

Obviously, participants were influenced by the information regarding the offender's criminal history. Similar evidence was present in Vignette 8, Version 2 where the offender raped and murdered a female victim at gun point. It was learned at the offender's sentencing hearing that he had a normal upbringing. Of the 69 respondents who read this vignette, death was handed down 50 (72.5%) times as the appropriate punishment. However, in Version 1, it was learned the offender was sexually molested for the first 13 years of life by his parents, which led to a sharp decline in the number of death sentences. Specifically, of the 73 respondents who read this version, only 23 (31.5%) of them selected death as the appropriate punishment. The participants were influenced here by the offender's childhood abuse. Considerable differences were also found in Vignette 11. In Version 1, the offender who picked up the stranded female motorist and robbed and murdered her was a male. This vignette received a death sentence from 54.8% of the respondents. In contrast, in Version 2 the offender was female and the number of respondents selecting death as the punishment climbed to near 70% (69.6%). It is clear that the respondents were influenced by the gender of the offender. It is possible participants thought the actions of the female offender violated the social norms we hold for females in our society. Because it is not usually thought of for a female to engage in such a murder, respondents react more harshly with their sentencing in an attempt to right a bigger wrong, not the murder itself but the fact that it was committed by a woman. Extensive variation also exists between the two versions of Vignette 17. In Version 1, a gang member shoots and kills a rival gang member in a drive by and this elicits 33% death sentences from the respondents. In Version 2, the gang member shoots but the bullets miss the rival gang member and kill a youth close by. The percentage of respondents selecting death as the punishment jumps by more than 20% to 56.5%. The killing of the child, not the gang affiliation, appears to be the distinguishing characteristic. Lastly, there

exists substantial variation in Vignette 16. In Version 1, the offender returns home to find his

wife naked with another man. The offender goes to a closet to get a gun and shoots and kills his

wife. Less than 10% (6.8%) of the respondents selected death for this version, in contrast to

Version 2 where the offender comes home and finds a love note from the man to his wife. The

wife returns home and the offender retrieves the gun from the closet, shoots and kills his wife.

Almost a quarter of the respondents 24.6% selected death as the appropriate sanction in Version

2. The difference would most likely be attributed to the respondents believing that in scenario 1,

the offender was acting in the heat of the moment, and was consumed with the fury of learning

about his wife's extra marital affair when he committed the crime. As opposed to Version 2

where he simply found a note, read it, and had time to think and react to the information before

his wife eventually comes home.

It seems that individuals support lesser sentences given out to offenders who had no

previous criminal history, had a childhood history of abuse, were intoxicated, were younger in

age as in Vignette 10 (14 years old versus 41 years old), committed crime in order to feed a

family, killed after life was threatened, and returned home to find one's spouse naked with

another person. Apparently unimportant were whether the victim was an off-duty police officer,

offender race, level of brutality of the murder, or weapon type (handgun versus machine gun in

Vignette 15). For some vignettes the support for capital punishment was so strong that it would

be difficult to demonstrate a difference between versions. As Durham et al. (1996) mentions the

level of brutality in both versions of Scenario 7 could have exceeded the threshold at which other

variables might have influenced participants' judgments of appropriate punishment. The same

can be said in this thesis for Vignette 18. About 80% of respondents to both versions selected

death as the appropriate punishment. The high rate of death penalty approved for this vignette

can be attributed to the terroristic nature of the offense and the sensitivity of the issue in view of

the attacks of September 11th 2001. In Version 1 the offender was of Middle Eastern descent,

and in version two the offender was simply a middle class white male. However, 78.1% of

respondents in Version 1 chose death as the punishment, and 78.3% of the respondents in

Version 2 chose death. It is clear that the race of the offender had little to do with the decision to

select capital punishment as the sanction for that particular murder.

These findings indicate respondents are selective in their use of the death penalty as an

appropriate punishment for the crime of murder; they make punishment choices rather than

reacting to murder indiscriminately. These results support the findings of Durham et al. (1996)

and Ellsworth and Ross (1983) in that willingness to apply capital punishment varied

considerably across type of crime.

Table 4.
Percentage of Participants Selecting Death Penalty, by Vignette and Version

Vignette	Version 1			Version 2			Total %
	Percentage	Frequency	N	Percentage	Frequency	N	
1	30.1	22	73	21.7	15	69	25.9
2	15.1	11	73	20.3	14	69	17.7
3	26	19	73	14.5	10	69	20.3
4	21.9	16	73	21.7	15	69	21.8
5	43.8	32	73	13	9	69	28.4
6	6.8	5	73	4.3	3	69	5.5
7	65.8	48	73	65.2	45	69	65.5
8	31.5	23	73	72.5	50	69	52
9	34.2	25	73	33.3	23	69	33.8
10	11	8	73	18.8	13	69	14.9
11	54.8	40	73	69.6	48	69	62.2
12	15.1	11	73	30.4	21	69	22.8
13	28.8	21	73	21.7	15	69	25.3
14	15.1	11	73	27.5	19	69	21.3
15	56.2	41	73	52.2	36	69	54.2
16	6.8	5	73	24.6	17	69	15.

Table 4. (continued)

Vignette	Version 1			Version 2			Total %
	Percentage	Frequency	N	Percentage	Frequency	N	
17	33	24	73	56.5	39	69	44.8
18	78.1	57	73	78.3	54	69	78.2
19	34.2	25	73	33.3	23	69	33.8
20	52.1	38	73	62.3	43	69	57.2

Another way of exploring variation in willingness to apply capital punishment as an appropriate sanction for the crime of murder is by ranking the 40 vignettes in order of support for the death penalty. Table 5 reveals degrees of support ranging from 4.3% to 78.3%. One can summarize the participants' overall willingness to apply capital punishment by examining the percentage willing to use the death penalty for varying numbers of scenarios. Seventeen of the respondents (12%) did not select death was the appropriate punishment for any of the 20 murder vignettes. At the other end of the spectrum, 2 respondents (1.4%) said that death was the appropriate sanction in all 20 vignettes. The remaining 86% fell between these extremes.

In this survey about 90% of the respondents selected the death penalty for at least one scenario, and about 80% (79.6%) selected death for more than one scenario. The data in this research hold consistent with Durham et al. (1996) in that Gallup Polls actually show a conservative number of supporters for the death penalty as a punishment for the crime of murder. Even though this theses respondents' willingness to use the death penalty in some instances may surpass the level found by the 65% Gallup figure, fewer than 60% of the respondents chose the death penalty in 33 of the 40 vignettes. Additionally, in 28 of the 40 scenarios fewer than half of the participants stated that capital punishment was the appropriate sanction for the crime of murder.

Table 5.
Vignettes in Order of Support for the Death Penalty

Rank	Scenario	Number of Death Sentences	Percentage
1	Version 1/Vignette 18	57	78.3
2	Version 2/Vignette 18	54	78.1
3	Version 2/Vignette 8	50	72.5
4	Version 1/Vignette 7	48	65.8
5	Version 2/Vignette 11	48	69.6
6	Version 2/Vignette 7	45	65.2
7	Version 2/Vignette 20	43	62.3
8	Version 1/Vignette 15	41	56.2
9	Version 1/Vignette 11	40	54.8
10	Version 2/Vignette 17	39	56.5
11	Version 1/Vignette 20	38	52.1
12	Version 2/Vignette 15	36	52.2
13	Version 1/Vignette 5	32	43.8
14	Version 1/Vignette 9	25	34.2
15	Version 1/Vignette 19	25	34.2
16	Version 1/Vignette 17	24	33
17	Version 1/Vignette 8	23	31.5
18	Version 2/Vignette 9	23	33.3
19	Version 2/vignette 19	23	33.3
20	Version 1/Vignette 1	22	30.1
21	Version 1/Vignette 13	21	28.8
22	Version 2/ Vignette 12	21	30.4
23	Version 1/Vignette 3	19	26
24	Version 2/Vignette 14	19	27.5
25	Version 2/Vignette 16	17	24.6
26	Version 1/Vignette 4	16	21.9
27	Version 2/Vignette 1	15	21.7
28	Version 2/Vignette 4	15	21.7
29	Version 2/Vignette 13	15	21.7
30	Version 2/Vignette 2	14	20.3
31	Version 2/Vignette 10	13	18.8
32	Version 1/Vignette 2	11	15.1
33	Version 1/Vignette 12	11	15.1
34	Version 1/Vignette 14	11	15.1
35	Version 2/Vignette 3	10	14.5
36	Version 2/Vignette 5	9	13
37	Version 1/Vignette 10	8	11
38	Version 1/Vignette 6	5	6.8
39	Version 1/Vignette 16	5	6.8
40	Version 2/Vignette 6	3	4.3

Summary

      Overall the results of this study were affected greatly by the small sample size that caused

unstable coefficients in the OLS regression model. The OLS regression did find some

significance in identifying sources of support for the death penalty as punishment for the crime

of murder. More importantly, substantial variation was found in applying the death penalty

across each vignette. Based on these findings, conclusions and implications are discussed in the

next chapter.

CHAPTER 5

DISCUSSION

The purpose of this thesis was to examine citizens' opinions of the death penalty as a means of punishment for the crime of murder. Another goal of this study was to gather information about the variables that influence participants' willingness to use capital punishment. Research from Durham's et al. (1996) study found that there was enormous variation in the willingness to apply the death penalty to different kinds of murders. This study used the majority of the vignettes from Durham's et al. (1996) research.

Methodology

A survey was given out at a Northeast Tennessee university for 2 weeks in April 2010. The survey included a questionnaire containing 20 murder scenarios to examine each participant's willingness to use the death penalty for the crime of murder. The scenarios provided a brief description of a murder and ranged from three to seven sentences in length. The vignettes contained information similar to what a jury would consider in the sentencing phase of a capital punishment case. Participants were asked to read the vignettes and then to indicate what they thought was the appropriate punishment.

The method of statistical analysis used in this thesis was Ordinary Least Squares (OLS) regression. OLS is an ideal tool to use because of the ability to control for the effects of several independent variables on the dependent variable. Overall, the analysis methods used helped to identify some significant characteristics of respondents who support the use of capital punishment for the crime of murder.

<u>Findings</u>

Had ordinary least squares regression been significant, it would have shown some promise when examining the proportion of vignettes for which death penalty was selected in relation to gender, age, race, level of income, level of education, political affiliation, being a Protestant, being a Catholic, having been the victim of a violent crime, having a family member or friend who has been the victim of a violent crime, and having taken a death penalty class. However, most of the hypotheses failed in showing significant relationships with support for the death penalty. The hypotheses that were deemed significant did have some interesting results. This thesis examined 11 hypotheses, namely:

H1: Being male will be positively related to overall support for the death penalty across all vignettes.

H2: Being 18-30 years of age will be positively related to overall support for the death penalty across all vignettes.

H3: Being white will be positively related to overall support for the death penalty across all vignettes.

H4: Having high school or less education level will be positively related to overall support for the death penalty across all vignettes.

H5: Having an income of less than $20,000 will be positively related to overall support for the death penalty across all vignettes.

H6: Being a Protestant will be positively related to overall support for the death penalty across all vignettes.

H7: Being a Catholic will be negatively related to overall support for the death penalty across all vignettes.

H8: Being a Republican will be positively related to overall support for the death penalty across all vignettes

H9: Being the victim of a violent crime will be positively significantly related to overall support for the death penalty across all vignettes.

H10: Having friends or family who have been victims of violent crimes will be positively related to overall support for the death penalty across all vignettes.

H11: Taking a death penalty class will be negatively related to overall support for the death penalty across all vignettes.

As noted in Chapter 4, only Hypotheses 5, 6, and 8 were supported. For hypothesis 5, those respondents who reported an income of less than $20,000 per year were less likely than those who made more than $20,000 per year to assign a death sentence for any of the 20 vignettes. Hypothesis 6 and 7 showed a positive relationship between being a Protestant or Catholic and support for capital punishment with Catholics being slightly more likely to support capital punishment. Though hypothesis 7 was not supported, it was found to be interesting in that being a Catholic was positively related to support for the death penalty. In hypothesis 8, respondents aligning themselves with the Republican party were more likely do assign a death sentence for the 20 vignettes.   The other hypotheses were not supported by the Ordinary Least Squares regression reported in Chapter 4. Research by Keil and Vito (1991) had similar findings to that of hypothesis 5 in that respondents from low income households are more likely to have less support for the death penalty when compared to respondents from moderate and upper-level incomes that have stronger support.

Religious and Political affiliation are noteworthy variables for several reasons. For example, Vollum, Longmire, and Buffington-Vollum (2004) found that Catholics indicated less

support for the death penalty than Protestants. This research shows the exact opposite, that Catholics slightly favored the death penalty over those respondents identified as Protestants. This is an interesting observation in view of the fact that the U.S. Catholic Bishops are adamantly against the use of the death penalty. So, the hierarchy and the laity are divergent about this important issue.

Hypothesis 8 mirrors the research of Vollum et al. (2004) in that Republicans had more support for capital punishment than Democrats. This finding supports the majority of all previous research on support for the death penalty and political affiliation. One prominent Democrat, former President Bill Clinton, is in the minority of his party's opinion on capital punishment. Clinton found the death penalty to be a critical issue in his political life. When he ran for President in 1992 he expressed a pro-capital punishment philosophy to attract votes. Not commuting the death sentence of Ricky Ray Rector, a 42 year old man with an IQ of 70, showed voters that Clinton was going to be "tough" on crime. As Governor of Arkansas, he had learned that being "soft" on the death penalty can be harmful to one's political career.

The data analyzed in this research reveals several important factors of citizens' support for the death penalty as an appropriate punishment for the crime of murder. First, citizens' willingness to use the death penalty may be greater than the 65% support offered by Gallup. Although only a small portion of the respondents (1.4%) selected death as the appropriate punishment for all of the offenders, about 90% considered capital punishment appropriate for at least one of the murderers. Consequently, only a small number of citizens (12%) seem opposed to the death penalty as a punishment for the crime of murder. This lends a tremendous amount of weight to the idea that most abstract "Do you favor" questions are not complex enough questions to elicit an accurate response from our nation's citizens on their support for the death

penalty. This research shows an almost 25% jump in support for capital punishment as a

sanction for murder (90%) compared to the Gallup Poll (65%). However, in 28 of the 40

vignettes (70%), fewer than 50% of the respondents said the death penalty was the appropriate

punishment. This shows a substantial amount of variation in assigning the death penalty. If half

of the respondents selected capital punishment in 70% of the scenarios, then one could surmise

that the remaining 30% of the vignettes would have to include very heinous murders with a large

number of aggravating factors in order to garner such a large number of death sentences.

Second, enormous variation was found in the willingness of the citizens to apply capital

punishment to different kinds of murderers. More than 78% of the respondents selected death as

the appropriate punishment for the offender in Vignette 18, Version 1 where the offender was of

Middle Eastern dissent and takes a family hostage in order to get an airplane. The offender

blows up the father at the airport. However, fewer than 5% stated death was appropriate for the

offender in Vignette 6, Version 2 where the offender is struggling with a single man who has no

dependents after stealing his radar detector. A gun accidently fires and kills the victim.

Additionally, only 13.4% percent of the respondents either said capital punishment was not

appropriate for any of the offenders or thought it was appropriate for all offenders. Greater than

85% of the participants said the death penalty was appropriate for some offenders but not for

others.

Finally, in some cases the choice of death penalty as the appropriate sanction for murder

was influenced by factors having little relation to the murder itself. These factors included

previous convictions, childhood upbringing, gender of the offender, the age of the victim, and

finding one's spouse naked with another person. Under current law, each of these aspects of the

crime could be considered an aggravating or mitigating circumstance. Noting that the vignettes

focus very intently on the acts of the crimes this could very well inflate approval for the death penalty, whereas scenarios that focused more on the background of the offender might decrease support. If the scenarios focused on mitigating circumstances as the defense would do in a real case, then approval might not be as high as it is just reading the scenarios. Giving citizens these complex scenarios where they have a chance to take into account these factors instead of abstract "Do you favor or oppose" questions may also be a reason for the increased support of capital punishment as a sanction for murder presented in this thesis.

Limitations

This research has several limitations. First, the sample size is a local sample rather than national or even state-wide and was given to individuals enrolled in a criminal justice class. The sample of 142 participants is also very small and consequently leads to unstable coefficients in the multivariate analysis. Thus the results should be interpreted with caution and are only comparable to individuals within a Northeast Tennessee university setting. Last, the majority of the vignettes were used from Durham et al.'s research (1996). It is possible that another set of murder vignettes would have produced different results.

Implications

The majority of the hypotheses were not supported in the multivariate analysis when examining the proportion of vignettes for which death penalty was selected for the 20 murder vignettes. Although the overall model was not significant, if it had been several variables merit attention, level of income, political affiliation, and being a Protestant or Catholic. The level of income variable mirrored the results of Keil and Vito (1991) and the political affiliation variable is consistent with the majority of previous research in that Republicans favor the use of capital punishment more so than Democrats. This study produced interesting finings for being a

Catholic. This thesis showed that Catholic support for the death penalty was slightly greater than the support offered by Protestants. This shows that some individuals within the Catholic community could be becoming more open to applying the death penalty to a wider variety of capital crimes than the religion's standards themselves show. Again, it appears that the laity are not in agreement with their Bishops.

A final point of interest in this research, as in Bohm et al. (1994), is the lack of opinion change in proponents after taking a college level Death Penalty class. Recalling late Justice Marshall's second conjecture states that an informed public would reject the death penalty and deem it cruel and unusual punishment. If a high level university class is not enough to make proponents change their opinions, then what is? Are the majority of these opinions based in retribution or revenge where information would have no effect as stated by Marshall's third conjecture? Or, could Justice Marshall's second conjecture just be inaccurate?

This thesis showed that support for the death penalty as a punishment for murder mirrored Durham et al. (1996) in that support may actually be higher than the national average indicates. Allowing citizens to base their support on actual murder scenarios as opposed to an abstract "Do you favor or oppose the death penalty for the crime of murder" question allows for a more precise measure of individual support. As learned in Chapter 2, if the Supreme Court is using these public opinion polls as part of their decisions on cases, the polls themselves should be as accurate as possible in order for our lawmakers to make the most informed decisions possible.

Future Research

This research indicates that more work needs to be done in public opinion of death penalty support research even thought a plethora of studies already exists. The results of this

study corroborate Durham et al. (1996). Because the use of capital punishment is used as

political platform by some and used by lawmakers to help determine policy, it is vital that the

individuals who speak for the people of this nation are aware of the opinions of the citizens as

they relate to the death penalty. As shown by polls of the past, opinion about capital punishment

has changed dramatically throughout the years. It is vital that as long as the death penalty is a

sanction for the crime of murder, that the opinion of the nation be heard and known by the

lawmakers.

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APPENDICES

APPENDIX A

Informed Consent

The goal of this research is to examine public opinion of the death penalty as an appropriate means of punishment for murder in relation to certain factors such as age, gender, race, political affiliation, and religious preference. The purpose of this study is to get your perspective towards capital punishment using life like vignettes about murder. The results of this research will help you be more aware of the actual factors that a jury faces when selecting the death penalty as a means of punishment for murder. The data collected will be utilized in a Masters Theses for the researcher. This informed Consent will explain about being a participant in this specific research study. It is important that you read this material carefully and then decide whether or not you wish to participate. Participation in this study is voluntary. You may choose not to participate in this study, and at any time you may decide whether to terminate your participation. The survey should take approximately 15-20 minutes to complete.

You will be asked to read 20 vignettes dealing with different murder scenarios and select what you believe to be the most appropriate punishment. You will also be asked personal questions about your own life such as, political affiliation, religious preference, whether someone you know has ever been on death row, or if you or someone you know has ever been the victim of a violent crime. Since some of the questions ask you about your experiences with violence, this may make you recall certain unwanted memories. However, no specifics are being asked for, and you are free to discontinue the survey at any time

If you decide to complete the survey, please do not put your name or any other identifying marks on the survey. Also, please know that you can refuse and/or suspend participation at any time without penalty. Answers to all questions in this survey are completely confidential, and the answers which you provide will in no way be connected to you specifically. While your rights to privacy and confidentiality will be maintained, the ETSU IRB (Internal Review Board), the Criminal Justice Department at ETSU, and the Secretary of the Department of Health and Human Services will have access to the study records. However, this survey in no way requests that you provide identifying information, therefore, anonymity is ensured.

This study is looking at the current opinions of the death penalty as punishment for the crime of murder. Please answer each question as accurately and truthfully as you can. Also, the dark sheet of paper provided can be used to cover up your answers so that your fellow peers cannot identify you and your answers.

The results of the research will be used in my study for my Master's level thesis in the Criminology/Criminal Justice Department at East Tennessee State University. The research will further help in future research on public opinion of the death penalty as a means of punishment for the crime of murder.

While it is not expected that the survey will cause any negative reactions, the following referrals are provided in case you need to talk to someone about current or past situations that arose from this survey:

Resources:

ETSU Counseling Center: (423) 439-4841

ETSU Department of Public Safety (non emergency): (423) 439-6900

POSSIBLE BENEFITS

While there are no direct benefits, this study may help you become more aware of the actual cases that exist which are subject to capital punishment, and how the mitigating and aggravating circumstances within a murder can lead one to seek the death penalty as punishment. You may acquire a copy of the research upon completion and approval by ETSU.

FINANCIAL COSTS

There are no financial costs of participating in the study.

If you have any questions about the study or in the event of a research-related injury you may call Kyle Burgason (423) 433-1616. You may also contact the Chairman of the Institutional Review Board at (423) 439-6054 for any questions you may have about your rights as a research subject. If you have any questions or concerns regarding the study and would like to talk to someone independent of the research or you if you cannot get a hold of the researchers, you may call an IRB Coordinator at (423) 439-6055 or (423) 439-6002.

APPENDIX B

Survey Instruments

Please answer the questions to the best of your ability

1) Gender	Male_____	Female_____
2) What is your age range?	18-30_____ 41-50_____ 61-70_____ 80+ _____	31-40_____ 51-60_____ 71-79_____
3) What race/ethnicity do you consider yourself?	White Hispanic/Latino African-American/Black Asian/Pacific Islander Other	_____ _____ _____ _____ _____
4) What is your current income level?	Less than $20,000 $20,000-$29,000 $30,000-$39,000 $40,000-$49,000 $50,000 or more	_____ _____ _____ _____ _____
5) What is the highest level of education You have attained?	High school diploma Some college College graduate Post graduate	_____ _____ _____ _____
6) What is your political affiliation?	Democrat Republican Independent Other	_____ _____ _____ _____
7) What is your religious affiliation?	Protestant_____ Other _____	Catholic_____
8) Have you ever been the victim of a violent crime?	Yes _____	No_____
9) Have you ever had a friend or family member that has been the victim of a violent crime?	Yes _____	No_____
10) Do you (or have you ever) had a friend or family member on death row?	Yes _____	No_____
11) Have you ever taken a class on the Death Penalty?	Yes _____	No_____

1. David, a uniformed city police officer, witnesses two young men grabbing an elderly woman's purse. David chases the men into an alley. One of the men turns and fires three shots at David. The last shot hits David in the chest. David dies from the wound.
Death penalty _____
Life in prison with no possibility of parole _____
Prison Term (specify number of years) _____   _____
Other (please specify) _____   _____

2. Robert is a 25-year-old male who one morning discovers that his girlfriend has been having an affair with another man. Later that same day Robert becomes so depressed about his situation that he begins to drink alcohol. He eventually becomes drunk. Robert then goes to the other man's house, rings the doorbell, and then shoots his girlfriend's lover in the chest when the door is opened. The victim dies on the way to the hospital.
Death penalty _____
Life in prison with no possibility of parole _____
Prison Term (specify number of years) _____   _____
Other (please specify) _____   _____

3. Tom is walking down the street late at night when he is approached by another man. The other man, who is a male prostitute, offers to have sex with Tom for money. Tom pushes the male prostitute away, and threatens to "kick his ass." The male prostitute then pulls a knife and stabs Tom in the stomach. Tom bleeds to death.
Death penalty _____
Life in prison with no possibility of parole _____
Prison Term (specify number of years) _____   _____
Other (please specify) _____   _____

4. Phil, a black male, attempts a robbery in the city park. The intended victim tries to run away. Phil quickly catches him, and strikes him with a brick that had been lying on the ground. The victim falls to the ground, then gives up his wallet to Phil, who takes it and flees. The victim gets up and begins to walk home, but collapses on the sidewalk before reaching home. He dies later day as a result of the blow to his head.
Death penalty _____
Life in prison with no possibility of parole _____
Prison Term (specify number of years) _____   _____
Other (please specify) _____   _____

5. Mark enters a convenience store, pulls a gun, and tells the clerk to give him all the money in the cash register. The clerk tries to resist, and he is shot to death by Mark. Mark is arrested a short time later, and it is discovered that he has a number of previous convictions for violent robberies.
Death penalty _____
Life in prison with no possibility of parole _____
Prison Term (specify number of years) _____   _____
Other (please specify) _____   _____

6. Mike is leaving work when he notices a man attempting to break into his car. Mike yells at the man, and he begins to run off with Mike's radar detector. Mike chases and catches the thief. A struggle ensues, and a gun in the possession of the thief goes off, accidentally shooting Mike. Mike later dies in the hospital, Mike leaves behind a wife and three small children.

Death penalty _____
Life in prison with no possibility of parole _____
Prison Term (specify number of years) _____   _____
Other (please specify) _____   _____

7. Patrick drives into a self-service station just after midnight. Patrick approaches the clerk, pulls a gun, then forcers him into a back room. Patrick forces him to open the safe, takes the money, then strikes the clerk in the face with the gun. Patrick then forcers him to kneel, and shoots him once in each leg. Finally, Patrick empties two bullets in o the clerk's head. The clerk dies before the police arrive at the scene.
Death penalty _____
Life in prison with no possibility of parole _____
Prison Term (specify number of years) _____   _____
Other (please specify) _____   _____

8. Mary is coming out of a shopping mall shortly after nightfall. A man approaches May, then forcers her at gunpoint to drive to a secluded area. The man rapes Mary, then strangles her to death. At the sentencing hearing it is learned that the offender was severely beaten and sexually assaulted by both of his parents during the first 13 years of his life, and was eventually taken away from his parents by the state Department of Juvenile Protective Services.
Death penalty _____
Life in prison with no possibility of parole _____
Prison Term (specify number of years) _____   _____
Other (please specify) _____   _____

9. Jim, a married man, is having a love affair with another woman. Jim realizes that his wife will never grant him a divorce. In order to free himself from his marriage Jim stages an accident in which his wife is killed.
Death penalty _____
Life in prison with no possibility of parole _____
Prison Term (specify number of years) _____   _____
Other (please specify) _____   _____

10. Brian is a 14-year-old who desperately needs money to obtain drugs. To obtain his money Brian attempts to rob a person walking down the street. The pedestrian fights back. To subdue him, Brian hits him with a piece of pipe. The pedestrian collapses in the street, and later dies from the blow.
Death penalty _____
Life in prison with no possibility of parole _____
Prison Term (specify number of years) _____   _____
Other (please specify) _____   _____

11. Joan is stranded on the roadside with car trouble. She is eventually approached by a male driver who offers to drive her to a gas station. Instead, the driver steals Joan's money, shoots her, then dumps her lifeless body into the woods along the side of a deserted road.
Death penalty _____
Life in prison with no possibility of parole _____
Prison Term (specify number of years) _____   _____
Other (please specify) _____   _____

12. Bill enters a bank and goes to an available teller. He pulls out a gun, then quietly instructs the teller to put all the money into a bag. The teller follows instructions, and Bill starts to leave the bank. A bank guard sees what has happened, and yells at Bill to stop. Bill tries to escape, but the guard blocks his path and refuses to move out of the way. Bill fires one shot at the guard, killing him immediately. In the subsequent investigation it is learned that Bill was unemployed and needed money to feed his wife and three children, none of whom had eaten for two days.
Death penalty _____
Life in prison with no possibility of parole _____
Prison Term (specify number of years) _____   _____
Other (please specify) _____   _____

13. Richard, a member of the Crips youth gang, breaks into a store late at night. As he is coming out of the store, a passerby sees him. Richard stabs his man, and then runs from the scene. The passerby is discovered on the street 15 minutes later, but he dies while receiving medical attention.
Death penalty _____
Life in prison with no possibility of parole _____
Prison Term (specify number of years) _____   _____
Other (please specify) _____   _____

14. Joe is in a bar talking with his girlfriend. A stranger bumps into Joe, then insults Joe's girlfriend. He then punches Joe, knocking Joe to the ground, and threatens to kill him if he ever sees him again. The stranger hen turns to walk away. Joe, still on the ground, draws a gun and shoots him in the back, killing him instantly.
Death penalty _____
Life in prison with no possibility of parole _____
Prison Term (specify number of years) _____   _____
Other (please specify) _____   _____

15. Henry, who had been fired from his job by his boss two weeks earlier, returns to his former place of employment after business hours. The side door is unlocked, and he walks into the building. Once inside, he confronts his former boss, who is the only person still in the building. Pulling an AK-47 assault rifle from under his coat, Henry opens fire on his former boss, killing him instantly.
Death penalty _____
Life in prison with no possibility of parole _____
Prison Term (specify number of years) _____   _____
Other (please specify) _____   _____

16. The head of Julian's department at work surprises everybody by giving all employees the afternoon off. Julian thus returns home from work earlier than normal. When he walks into his house he finds his wife naked with another man in the living room. In anger, Julian rushes to the hall closet, pulls out his pistol, and shoots his wife. She dies immediately from the gunshot wound.
    Death penalty _____
    Life in prison with no possibility of parole _____
    Prison Term (specify number of years) _____   _____
    Other (please specify) _____   _____

17. Tommy, a member of a local street gang named the Vice Kings, is angered by threats made by the rival Blood Alliance. As a result, Tommy and two other members of the Vice Kings drive through the home neighborhood of the Blood Alliance. They spot two known members of th3 Blood Alliance walking on the sidewalk, and Tommy opens fire on them. One of the Blood Alliance gang members is hit by the gunfire, and dies from his wounds.
    Death penalty _____
    Life in prison with no possibility of parole _____
    Prison Term (specify number of years) _____   _____
    Other (please specify) _____   _____

18. Ahmad, a man of middle-eastern descent, enters an airport with explosive material strapped to his chest. He takes a family of 4 hostage, and is making demands for a private plane. When the request is denied, he straps the explosives on the father, walks away and blows the man up.
    Death penalty _____
    Life in prison with no possibility of parole _____
    Prison Term (specify number of years) _____   _____
    Other (please specify) _____   _____

19. Kelly, a first time, stay at home mother of an 8 month old baby is found crying on the floor of a bathroom with her drown child in the bath tub. Her husband comes home from work, and asks her what happened. All she could say is "he wouldn't stop crying."
    Death penalty _____
    Life in prison with no possibility of parole _____
    Prison Term (specify number of years) _____   _____
    Other (please specify) _____   _____

20. Jeff is a big brother for the YMCA and has his first child who is 7 years old. The child comes to Jeff's home to spend the afternoon. Jeff begins touching the boy, and eventually rapes and murders the child. It is later discovered that Jeff was sexually abused by his parents for the first 12 years of his life.
    Death penalty _____
    Life in prison with no possibility of parole _____
    Prison Term (specify number of years) _____   _____
    Other (please specify) _____   _____

1. David witnesses two young men grab an elderly woman's purse. David chases the men into an alley. One of the men turns and fires three shots at David. The last shot hits David in the chest. David dies from his wounds.
   Death penalty _____
   Life in prison with no possibility of parole _____
   Prison Term (specify number of years) _____   _____
   Other (please specify) _____   _____

2. Robert is a 25-year-old male who one morning discovers that his girlfriend has been having an affair with another man. Later that same day Robert becomes so depressed about this situation that he goes to the other man's house, rings the doorbell, and then shoots his girlfriend's lover in the chest when the door is opened. The victim dies on the way to the hospital.
   Death penalty _____
   Life in prison with no possibility of parole _____
   Prison Term (specify number of years) _____   _____
   Other (please specify) _____   _____

3. Tom is walking down the street late at night when he is approached by another man. The other man, who has been recently laid off from work, asks Tom for money. Tom pushes the man away, and threatens to "kick his ass." The unemployed man then pulls a knife and stabs Tom in the stomach. Tom bleeds to death.
   Death penalty _____
   Life in prison with no possibility of parole _____
   Prison Term (specify number of years) _____   _____
   Other (please specify) _____   _____

4. Phil, a white male, attempts a robbery in the city park. The intended victim tries to run away. Phil quickly catches him, and strikes him with a brick that had been lying on the ground. The victim falls to the ground, then gives up his wallet to Phil, who takes it and flees. The victim gets up and begins to walk home, but collapses on the sidewalk before reaching home. He dies later that day as a result of the blow to his head.
   Death penalty _____
   Life in prison with no possibility of parole _____
   Prison Term (specify number of years) _____   _____
   Other (please specify) _____   _____

5. Mark enters a convenience store pulls a gun, and tells the clerk to give him all the money in the cash register. The clerk tries to resist, and he is shot to death by Mark. Mark is arrested a short time later. Mark has no record of previous convictions.
   Death penalty _____
   Life in prison with no possibility of parole _____
   Prison Term (specify number of years) _____   _____
   Other (please specify) _____   _____

6. Mike is leaving work when he notices a man breaking into his car. Mike yells at the man, and he begins to run off with Mike's radar detector. Mike chases and catches the thief. A struggle ensues, and a gun in the possession of the thief goes off, accidentally shooting Mike. Mike later dies in the hospital. Mike is single and has no dependents.
   Death penalty _____
   Life in prison with no possibility of parole _____
   Prison Term (specify number of years) _____   _____
   Other (please specify) _____   _____

7. Patrick drives into a self-service gas station just after midnight. Patrick approaches the clerk, pulls a gun, then forces him into a back room. Patrick forces him to open the safe, takes the money, and empties two bullets into the clerk's head. The clerk dies before the police arrive at the scene.
   Death penalty _____
   Life in prison with no possibility of parole _____
   Prison Term (specify number of years) _____   _____
   Other (please specify) _____   _____

8. Mary is coming out of a shopping mall shortly after nightfall. A man approaches Mary, then forces her at gunpoint to drive to a secluded area. The man rapes Mary, then strangles her to death. At the sentencing hearing it is learned that the offender had a normal family upbringing.
   Death penalty _____
   Life in prison with no possibility of parole _____
   Prison Term (specify number of years) _____   _____
   Other (please specify) _____   _____

9. Jane, a married woman, is having a love affair with another man. Jane realizes that her husband will never grant her a divorce. In order to free herself from her marriage Jane stages an accident in which her husband is killed.
   Death penalty _____
   Life in prison with no possibility of parole _____
   Prison Term (specify number of years) _____   _____
   Other (please specify) _____   _____

10. Brian is a 41-year-old who desperately needs money to obtain drugs. To obtain this money, Brian attempts to rob a person walking down the street. The pedestrian fights back. To subdue him, Brian hits him with a piece of pipe. The pedestrian collapses in the street, and later dies from the blow.
    Death penalty _____
    Life in prison with no possibility of parole _____
    Prison Term (specify number of years) _____   _____
    Other (please specify) _____   _____

11. Joan is stranded on the roadside with car trouble. She is eventually approached by a female driver who offers to driver her to a gas station. Instead, the driver steals Joan's money, shoots her, then dumps her lifeless body into the woods along the side of a deserted road.
    Death penalty _____
    Life in prison with no possibility of parole _____
    Prison Term (specify number of years) _____   _____
    Other (please specify) _____   _____

12. Bill enters a bank and goes to an available teller. He pulls out a gun, then quietly instructs the teller to put all the money into a bag. The teller follows instructions, and Bill starts to leave the bank. A bank guard sees what has happened, and yells at Bill to stop. Bill tries to escape, but the guard blocked his path and refuses to move out of the way. Bill fires one shot at the guard, killing him immediately. In the subsequent investigation it is learned that Bill was employed but had accumulated enormous gambling debts.
    Death penalty _____
    Life in prison with no possibility of parole _____
    Prison Term (specify number of years) _____   _____
    Other (please specify) _____   _____

13. Richard breaks into a store late at night. As he is coming out of the store, a passerby sees him. Richard stabs this man, and then runs from the scene. The passerby is discovered on the street 15 minutes later, but he dies while receiving medical attention.
    Death penalty _____
    Life in prison with no possibility of parole _____
    Prison Term (specify number of years) _____   _____
    Other (please specify) _____   _____

14. Joe is in a bar talking with his girlfriend. A stranger bumps into Joe, then insults Joe's girlfriend. The stranger then turns to walk away. Joe draws a gun and shoots the stranger in the back, killing him instantly.
    Death penalty _____
    Life in prison with no possibility of parole _____
    Prison Term (specify number of years) _____   _____
    Other (please specify) _____   _____

15. Henry, who had been fired from his job by his boss two weeks earlier, returns to his former place of employment after business hours. The side door is unlocked, and he walks into the building. Once inside, he confronts his former boss, who is the only person still in the building. Pulling a handgun out from under his coat, Henry opens fire on his former boss, killing him instantly.
    Death penalty _____
    Life in prison with no possibility of parole _____
    Prison Term (specify number of years) _____   _____
    Other (please specify) _____   _____

16. The head of Julian's department at work surprises everybody by giving all employees the afternoon off. Julian thus returns home from work earlier than normal. When he walks into his house he does not find his wife at home, but does find a note that had apparently fallen onto the kitchen floor. The note was written to his wife from another man, and it makes clear that his wife is having an affair with this man. As he is finishing reading the note, his wife returns home. Julian rushes to the hall closet, pulls out his pistol, and shoots his wife. She dies immediately from the gunshot wound.
   Death penalty _____
   Life in prison with no possibility of parole _____
   Prison Term (specify number of years) _____   _____
   Other (please specify) _____   _____

17. Tommy, a member of a local street gang named Vice Kings, is angered by threats made by the rival Blood Alliance. As a result, Tommy and two other members of the Vice Kings drive through the home neighborhood of the Blood Alliance. They spot two known members of the Blood Alliance walking on the sidewalk, and Tommy opens fire on them. The shots miss the Blood Alliance gang members but hit a youth playing basketball in a park across the street. The youth dies from his wounds.
   Death penalty _____
   Life in prison with no possibility of parole _____
   Prison Term (specify number of years) _____   _____
   Other (please specify) _____   _____

18. Rodger, a middle class white male, enters an airport with explosive material strapped to his chest. He takes a family of 4 hostage, and is making demands for a private plane. When the request is denied, he straps the explosives to the father, walks away, and blows him up.
   Death penalty _____
   Life in prison with no possibility of parole _____
   Prison Term (specify number of years) _____   _____
   Other (please specify) _____   _____

19. Andrea, a stay at home mother of 4 children under the age of 5, is found on the floor of her bathroom crying by her husband. Andrea had drowned their 8 month old baby in the tub. It was later discovered that the father, a business man spent 6 days a week away from home, thus leaving Andrea and all 4 small children alone with no outside help, or no other adult contact.
   Death penalty _____
   Life in prison with no possibility of parole _____
   Prison Term (specify number of years) _____   _____
   Other (please specify) _____   _____

20. Jeff is a big brother for the YMCA, and his first child, Dustin, who is 7 years old, comes to spend the afternoon with him. Jeff begins touching the boy, and eventually rapes and murders the child. There were no previous reports of abuse or neglect found.
   Death penalty _____
   Life in prison with no possibility of parole _____
   Prison Term (specify number of years) _____   _____
   Other (please specify) _____   _____

VITA

Kyle A. Burgason

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Marital Status: Married

Education: West Marshall High School, State Center, Iowa
A.S. Criminal Justice, Marshalltown Community College,
Marshalltown, Iowa 2006
B.S. Criminal Justice and Criminology, East Tennessee State
University,Johnson City, Tennessee 2008
M.A. Certificate. Forensic Document Examination, East Tennessee
State University, Johnson City, Tennessee 2010
M.A. Criminal Justice and Criminology, East Tennessee State
University, Johnson City, Tennessee 2010

Professional Experience: Graduate Assistant, East Tennessee State University,
College of Arts and Sciences, 2008-2009
Graduate Assistant Instructor, East Tennessee State University,
College of Arts and Sciences, 2009-2010

Honors and Awards: Dean's List. Marshalltown Community College – Fall 2004,
Spring 2005, Fall 2005, Spring 2006.
Outstanding Criminal Justice Student Award, Marshalltown
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Dean's List. East Tennessee State University – Fall 2006, Spring
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Christopher T. Mann Memorial Scholarship, East Tennessee State
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National Scholars Honor Society member, East Tennessee State
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Golden Key International Honor Society member, East Tennessee
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Pi Gamma MU member, International Honor Society for Social
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