

Over the past 5 years, 251 prisoners were executed on death row. Of the 251, 122 (about 49%) were executed in the state of Texas alone. In addition, at the end of 2007, there were 3,350 prisoners on death row (U.S. Department of Justice, 2009). Poll data suggest that Americans are equally divided in support and opposition for the death penalty. According to a 2006 Gallup poll, when participants were given the option of choosing between the death penalty or life imprisonment without parole for a person convicted of first degree murder, 47% supported the death penalty and 48% favored life imprisonment (Gallup News, 2006). Given the split in opinion and variation in policy and law regarding the death penalty, an extensive literature exists regarding the public perception of the death penalty and factors that affect perceptions of the death penalty. The proposed study will explore the roll of three primary variables on individuals' perceptions of the death penalty: state of residence (WI vs. TX), type of execution (lethal injection vs. hanging), and race of defendant (African American vs. European American).

Capital Punishment among the States

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

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

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

Forms of Execution

The United States has executed prisoners since the Europeans settled in the 17th century (U.S. Department of Justice, 2009). Four forms, or types of execution have been common: hanging, electrocution, the gas chamber, and lethal injection (Best et al., 2008). According to Justice Earl Warren, the evolution of the different types of execution is attributed to the "evolving standards of decency" (Trop v. Dulles, 1958). In other words, public opinion regarding the humane-ness of various punishments has affected court decisions. Hanging was the dominant method of execution in the late 19th century, and then states turned to electrocution in the beginning of the 20th century. Hanging became unpopular and deemed inhumane because calculating the velocity of the fall according to the offenders weight and height and the length of

rope can be hard; as a result, many convicts continue to die by strangulation, asphyxiation, or beheading (Best et al., 2008).

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

Racial Discrimination

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

Baker et al., (2005), found similar results with a sample of college students. White college students were significantly more likely to support the death penalty than black students (Baker et al., 2005). Whites were also more likely to feel anger when the offender wasn't

sentenced to death. They also believe that society has the right to seek revenge, that it's appropriate to take a life for having taken a life, and that it's necessary for law and order in society (Baker et al., 2005). Conversely, the attitudes of the black participants were almost exactly opposite. They were more likely to believe that the death penalty leads to more violence (brutalization effect), feel that capital punishment demonstrates cruelty by society, and express feelings of sadness when a person is executed (Baker et al., 2005).

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

Method

This study will utilize 160 undergraduate students between the ages of 18 and 24. Participants will be from undergraduate courses at two different public comprehensive universities. I will solicit eighty participants from each state. A preliminary contact has been made with a faculty

member at Texas State University at San Marcos who has indicated willingness to help with the study (see attached letter). Participants will be male and female; however, research traditionally indicates that men are more supportive of the death penalty than are women (Minkes & Vanstone, 2006) and only data from respondents who have not served on a jury will be used. The Texas sample is expected to be more ethnically diverse than the UW-L sample as San Marcos is 22% Hispanic and 5% African American; whereas less than 3% of UW-L is Hispanic or African American. San Marcos has a larger undergraduate population (24 K compared to 8.5 K) and a lower average ACT score (22 compared to 25). All respondents will receive a packet of information that includes a trial summary that will be fictional but based on a real case where the case against the defendant was uniformly believed to be fair and substantial. Two variables will be manipulated in the scenario – the type of execution (lethal injection or hanging), and race of the defendant (African American or European American). Consequently, there are four conditions to which the Texas and Wisconsin respondents will each be randomly assigned. After reading the cases, participants will be asked a series of questions regarding the extent to which they support the death penalty outcome in the case. In addition, participants will be asked to complete a series of more general attitudinal statements regarding the death penalty based on Baker, et al (2005) work (e.g. society's right to seek revenge, the death penalty's necessity for law and order, the role of the death penalty in increasing violence and/or reflecting a cruel society). Finally, participants will provide basic demographic information such as age, gender, and race. After participants complete the questionnaires, they will be debriefed regarding the study.

If my hypotheses are supported it would suggest that there is a difference between support for the death penalty in the situations of race, method of execution, and state of origin.

This is important because it would point out an obvious flaw in our legal system. If awarded my grant funding, I will present at the UW-L Student Research & Creativity Day and submit to the Journal of Undergraduate Research. In addition, this coming November, I plan to submit a paper to the Psi Chi portion of the Midwestern Psychological Association. If accepted, it will be presented in May of the following year.

References

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