

Should Public Opinion Affect Death Sentencing?

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POLI203.001: Race, Innocence, and the End of the Death Penalty

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I. Introduction

Throughout history, there has been a correlation between public opinion and the death penalty that has fluctuated at different points of time. However, the extent to which the public should be allowed to hold an influence is ambiguous. We are seeing a negative trend in the public's opinion towards the death penalty since the mid-1990s, and the argument that states should mimic that trend in decreasing the use of the death penalty presents itself. That being said, the correlation could follow in the opposite direction as well. During the period of 1972 to the mid-1990s, public opinion was enthusiastic for the application of the death penalty and if an intentional relationship were to be established between the public's opinion and the death penalty, a rise in public opinion's favor towards the death penalty would result in an increased use of the death penalty once again as we saw previously during that time (Baumgartner et al., 2018, p. 264). The extent to which the influence that public opinion should have on the death penalty matters because public opinion is inconsistent and complex, which does not yield equal and fair results amongst all citizens. Therefore, public opinion should not have an effect on the distribution of the death penalty due to the fact that it yields inconsistent results caused by the variation and fluctuation of the public's opinion.

II. Literature Review

In a qualitative report written by Diana L. Falco and Tina L. Freiburger, "Public Opinion and the Death Penalty: A Qualitative Approach," a study was conducted to analyze the consistency within subjects' opinions and the variability between subjects' opinions in an effort to determine the level of reliability that public opinion's views on the death penalty equate. The study's sample included 20 participants, who were adults over the age of 18 years, and had an interest in participating in a discussion regarding the criminal justice system. During the duration

of four months, the participants were assigned to one of six focus groups. Each participant was asked to relay their positive and negative beliefs towards the death penalty, their general death penalty opinions and its distribution towards specific groups of people, their opinion towards the punishment that should be administered in various scenarios, and their feelings towards statements regarding aspects of the death penalty (e.g., wrongful conviction, cost). Once the study had been conducted and the data had been interpreted, it was concluded that the public's opinion towards the death penalty is complex and inconsistent. Referencing the discovery that the participants' responses about their beliefs towards the death penalty were not representative of their actual feelings and the inconsistencies within the participant's opinions when offense and offender characteristics fluctuated, it can be concluded that public opinion is more complicated than a belief stating one supports or opposes the death penalty (Falco & Freiburger, 2011).

In an article written by James D. Unnever, Francis T. Cullen, and Julian V. Roberts, "Not everyone strongly supports the death penalty: Assessing weakly-held attitudes about capital punishment," an analysis of two national surveys that were given to better understand the level of support the death penalty has from the public was conducted in an effort to identify the aspects that lead individuals to hold stronger or weaker support than others. According to Robert M. Bohm and Ronald E. Vogel, the surveys have previously shown that a significant portion of Americans favor the death penalty and "this steady level of support has been used to justify judicial and legislative support for the death penalty" (as cited in Unnever et al., 2005). However, research has now shown that "nearly 30% of Americans reported that their position on the death penalty is weakly-held and the Gallup Poll data showed that 54% of the Americans who reported that they supported the death penalty stated that they had reservations about their support." Research showed that the motivation behind those that claimed to strongly support the death

penalty stemmed from racial resentment and the media. In other words, public opinion's favor towards the death penalty can be partially accredited towards individual emotion and specific biases (Unnever et al., 2005). Therefore, it can be seen that one of the motivations to uphold the use of the death penalty does not demonstrate as strong, or as justified, of a support level that has been previously set in place due to the unreliability of the motivators that may lead to increased death penalty support.

To further establish the idea that the public's opinion towards the death penalty is an unreliable determinant to justify the death sentence, a study conducted by Edmund F. McGarrell and Marla Sandys in Indiana attempted to test whether William J. Bowers (1993) findings that public opinion on the death penalty is heavily influenced by the presence of other harsh punishments, such as life without parole, is replicable in another state. The survey was administered to citizens across 92 counties in Indiana by the Indiana University Public Opinion Laboratory in Indianapolis and resulted in a total of 514 interviews. Participants were asked to reveal their general support for the death penalty, their support towards life without parole and life without parole with the addition of work, their opinion of the level of consistency regarding the death penalty, and other related factors. The study found that public opinion towards the death penalty significantly decreased when given the option of an alternative punishment to the death penalty. When asked whether the participant supported or opposed the death penalty, only 14% of participants expressed opposition towards the death penalty. However, when participants were given the option of life without parole as a punishment, 45% of participants preferred that punishment as opposed to 40% who maintained their support for the death penalty. Furthermore, when participants were offered the option of favoring life without parole in addition to working to earn money that would be given to the victim's family, only 26% preferred that the death

penalty be administered. These results, along with similar surveys conducted in other states, verified Bowers (1993) findings that citizens' support for the death penalty would decrease when another option for punishment is presented (McGarrell & Sandys, 1996). Based on the fluctuation of citizens' support for the death penalty when given numerous punishment options rather than the death penalty alone, it is clear that the public's opinion is an inconsistent factor that has historically been seen to correlate with the distribution of the death penalty.

III. Theory and Hypotheses

When determining whether public opinion should have an effect on the prevalence of the death penalty, it's crucial to recognize that certain circumstances affect public opinion and lead to immense variability as opinions fluctuate. As it was concluded in a study conducted by Falco and Freiburger (2011), offender characteristics impacted the participants' support levels towards the death penalty. This finding demonstrates one of the circumstances that can deter or invoke support for the death penalty that could lead to inconsistent sentencing outcomes between offenders if the correlation between public opinion and the use of the death penalty continues. If the theory that public opinion is unreliable and should be viewed as an inconsistent factor in administering the death penalty, a testable expectation could be to see if there is a lack of a positive relationship between public support for the death penalty and homicide rates in the United States. I hypothesize that there will not be a positive correlation between public support for the death penalty and homicide rates in the United States because I think there are additional factors that drive the public's opinion rather than the motivation to decrease homicide rates.

IV. Data, Results, and Analysis

To determine whether public opinion should affect the prevalence of the death penalty, I examined the rate of support that the public has for the death penalty and contrasted it with the

rate of homicide in the United States to present the idea that public opinion for the death penalty is driven by factors other than the desire to improve homicide rates in the United States. I used the Gallup survey results to identify the trend in public support for the death penalty and contrasted it with the FBI's Crime Data Explorer to see the trend of homicides reported in the United States. The reason I chose to contrast these two trends is to illustrate that public opinion regarding the death penalty is not consistent with homicide rates in the United States and may be driven by outside factors.

After creating a combo chart given the data from the two databases, I found that as rates for public support towards the death penalty are decreasing, the number of homicides in the United States is steadily increasing. Table I demonstrates an inverse relationship between the two variables and leads me to conclude that the number of homicides is not the represented driver behind the change in public opinion towards the death penalty.

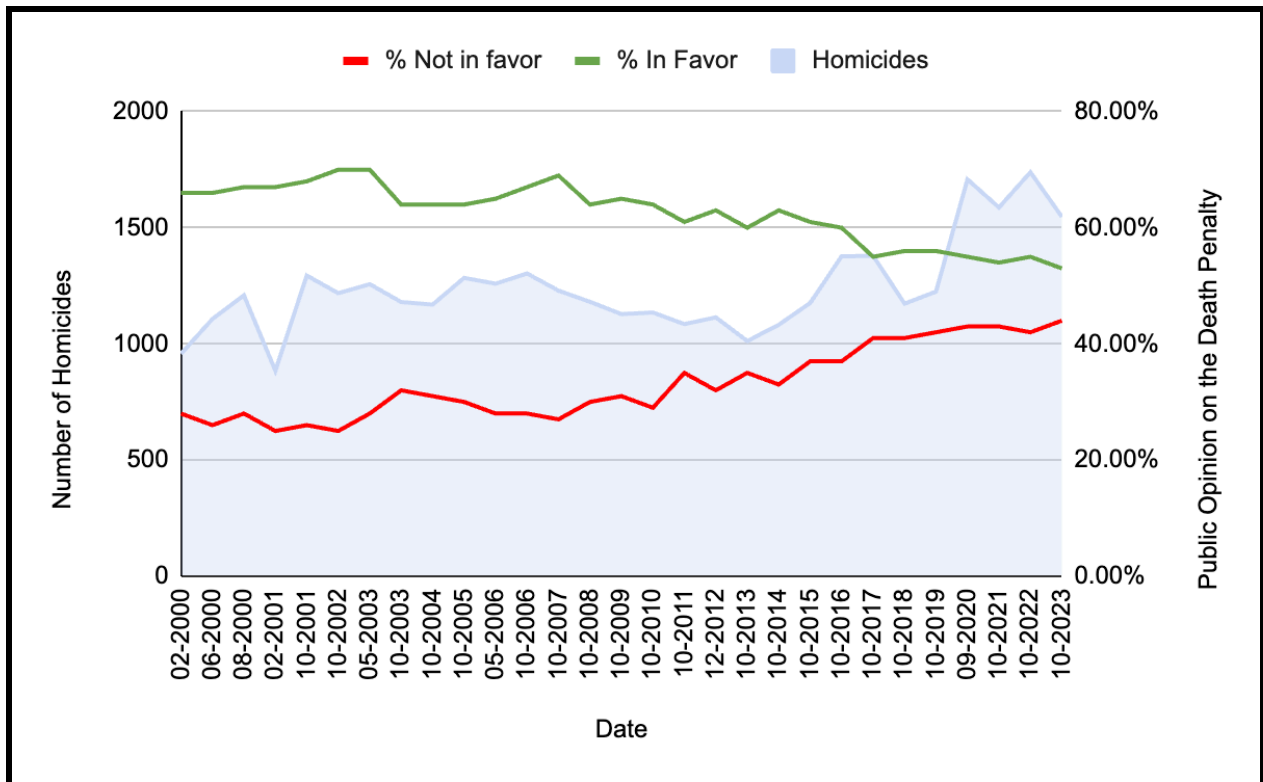
Because my hypothesis was supported that there is a lack of correlation between support for the death penalty and homicides reported in the United States, the theory that public opinion is unreliable and should be viewed as an inconsistent factor in administering the death penalty is validated. If homicide rates are not a driving factor in public support fluctuations, then there must be other leading causes behind these changes. We've seen from previous research that these reasons can be offender characteristics, racial resentment, media coverage, and the presence of other punishment alternatives, which should not legally be taken into account when contemplating the issue of the death penalty. Therefore, public opinion towards the death penalty can be viewed as uncorrelated to the trend in the United States homicide rate and leads to the conclusion that support is determined by other factors.

V. Conclusion

From the contents within Table I and the previous research described in the literature review, it is seen that the homicide rate within the United States does not fluctuate positively with public support for the death penalty. Not only is there an inverse relationship between the two variables, but public opinion seems to be inconsistent in the presence of other factors as well. In other words, in the absence or presence of certain circumstances that otherwise should not affect the distribution of the death penalty, we see a consistent shift in opinion. We care about this lack of correlation between public favoritism and the number of homicides because we can rule out that the desire for a decrease of homicide is a driving force to reduce public support for the death penalty. Furthermore, Table I illustrates that in earlier years a higher support for the death penalty was shown and the homicide rate was much lower, which allows the conclusion to be made that there were other causal factors to increase support outside of the intention to reduce crime. Authors that were described in the literature review expressed similar findings when their research was conducted and established that there are causal factors that lead to inconsistencies in public opinion towards the death penalty outside of reducing homicide rates.

My study can support the theory that public support regarding the death penalty is inconsistent and does not correlate with rates of homicide in the United States. We can conclude from this evidence that public opinion should not affect the death penalty as it is driven by factors that are outside of the range that should affect the distribution of the death penalty. By ruling out a positive relationship between homicide rates and public support, this conclusion is further established and supports previous research conducted to uncover the driving factors that influence the public's opinion.

Table I



(FBI, n.d.) (Gallup, 2024)

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