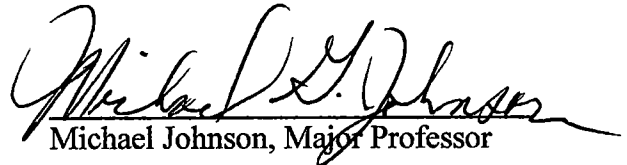
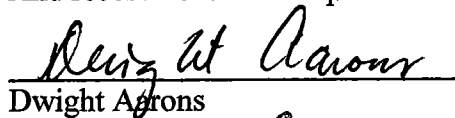


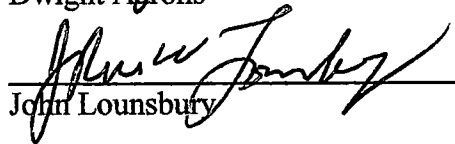
To the Graduate Council:

I am submitting herewith a thesis written by Patrice Carroll entitled "Death Penalty Information: The Effects of Increased Knowledge on Selection of Punishment in Capital Cases." I have examined the final copy of this thesis for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Arts, with a major in Psychology.


Michael Johnson, Major Professor

We have read this thesis
And recommend its acceptance:


Dwight Aarons


John Lounsbury

Accepted for the Council:


Interim Vice Provost and
Dean of The Graduate School

DEATH PENALTY INFORMATION: THE EFFECTS
OF INCREASED KNOWLEDGE ON SELECTION
OF PUNISHMENT IN CAPITAL CASES

A Thesis
Presented for the
Master of Arts
Degree
The University of Tennessee, Knoxville

Patrice A. Carroll
December 2000

ABSTRACT

This study investigates the effects of increased knowledge about the death penalty on subjects' choice of punishment in capital cases. Although public opinion polls consistently demonstrate that Americans strongly support the death penalty in the abstract, support drops drastically as situations become more concrete as well as when suitable alternative punishments are offered. A group of 54 undergraduates (10 men, 44 women) were given a short lecture about the death penalty and then read three cases in which the defendant was found guilty of capital murder. Subjects decided whether the defendant in each case should be sentenced to death or life imprisonment without the possibility for parole. Another group of 48 undergraduates (17 men, 31 women) read the same three cases and decided upon a punishment without being exposed to the death penalty lecture. Although a chi-square analysis failed to demonstrate a significant difference between the two groups with regard to choice of punishment, further analysis revealed that the type of murder committed by the defendant may play a role in determining whether increased knowledge about the death penalty affects sentencing decisions. The findings are discussed in terms of recent writings concerned with public opinion and knowledge about the death penalty as well as possible future implications for legal proceedings.

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CHAPTER I. INTRODUCTION

Opinion polls are often utilized to assess society's attitudes, mores, and values regarding various topics of public concern. Although such polls are used quite frequently and are relied upon by politicians, legislators, and the media, they can be misleading. This is especially true with public opinion polls regarding capital punishment. When pollsters ask whether or not Americans support the death penalty, the majority of American's answer in the affirmative. Further investigation of the meaning of "support the death penalty," however, reveals considerable ambivalence. Well over seventy percent of Americans state that they support the death penalty, but far fewer state that they could actually serve on a jury in which the death penalty is a possible punishment. Furthermore each year less than 250 new death sentences are handed down, which means that jurors return death sentences in less than twenty-five percent of cases in which the death penalty is sought.

Capital punishment is a controversial issue but one in which most Americans have formed a strong opinion. Despite these strong opinions, Americans know very little about the death penalty and in some circumstances are misinformed about the sentence. Thus, a majority of Americans have taken a strong position on an issue with which they are largely ignorant. This may lead one to question the validity and the reliability of public opinion polls that demonstrate strong support for the sentence. These polls do not appear to be tapping into what "support" for the death penalty truly means. Since politicians and legislators frequently rely upon such polls in formulating laws and punishments, these

polls need to determine actual support for the death penalty in concrete situations in order to be effective and to reveal accurate information

Unfortunately, pollsters typically ask whether a person merely supports the death penalty in the abstract and not in particular. Phrasing the question this way can actually inflate the percentage of people who support the death penalty (Costanzo & Costanzo, 1994, Harris, 1986). It is unclear whether expressed opinions indicate invariable support or merely a mild, wavering preference. Social scientific research can provide invaluable information in this respect. Although such research has not always been a preeminent concern of politicians, legislators, or judges, social science can bring further attention to the death penalty debate by uncovering the extent to which Americans support the death penalty. This is becoming increasingly important because support for the death penalty has recently begun to decrease due to concern that innocent people may be executed. If the United States is to retain the death penalty, it is necessary to understand to what extent and under which circumstances Americans support its use. This paper explores the underlying meaning of "support for the death penalty" in one narrow, yet concrete context: whether Americans will choose capital punishment over life imprisonment without the possibility of parole in actual, concrete cases after being exposed to information about the administration and effectiveness of the death penalty as a punishment in the United States.

CHAPTER II. LITERATURE REVIEW

Capital punishment has long been a topic of heated controversy and debate in American society. There has been an extensive amount of literature and research investigating various aspects of the death penalty, such as the issue of deterrence, racial discrimination, jury and individual juror issues, and evidentiary issues. Legal professionals, politicians, social scientists, and others have all contributed to the analysis and understanding of the death penalty in American society. However, unlike other hotly contested issues, such as taxes, crime rate, or illegal aliens, the government's policy regarding capital punishment has relatively little impact on the average citizen (Ellsworth & Ross, 1983). There are hundreds of thousands of men and women in prisons throughout the United States and approximately thirty-seven hundred men and women on death row. Americans have nonetheless developed strong, emotional opinions about capital punishment, despite the relatively small number of people for whom the sentence affects.

Public opinion polls have tracked death penalty attitudes since 1936 (Bohm, Clark, & Aveni, 1991). Although public support for the death penalty has consistently risen since the penalty was reinstated in 1976, support for the death penalty has recently reached a nineteen year low (Wright, Bohm, & Jamieson, 1995; Bohm, 1989, Costanzo & White, 1994; Dieter, 1993). Support for the death penalty reached an all-time high in the late 1980s and early 1990s with nearly eight out of ten people stating that they favored the death penalty for some individuals convicted of murder (Gallup, 1989; Bohm, et al., 1991; Dieter, 1993). Support for the death penalty reached its record low in 1966 when a

Gallup poll showed that only 42% of respondents favored the death penalty, while 47% opposed it, and 11% were undecided (Gallup, 1966, as cited in Bohm, 1991). Although a plurality opposed the death penalty in 1966, not once in the sixty-plus years of polls regarding capital punishment has a majority of Americans opposed the death penalty (Bowers, 1993; Bedau, 1997, Bohm, 1987, Rankin, 1979). Even with a recent decrease in support of capital punishment, it is safe to say that most Americans still favor the death penalty

Public opinion surveys consistently demonstrate that the vast majority of Americans support the death penalty (Bohm, 1991). When asked why they support the death penalty, Americans give a variety of reasons: general deterrence, retribution, cost, and incapacitation. (Firmant & Geiselman, 1997; Ellsworth & Gross, 1994). Deterrence and retribution are often discussed concurrently because they are the two most common reasons for supporting the death penalty and they are often intertwined (Ellsworth & Gross, 1994; Ellsworth & Ross, 1983). People who support the death penalty primarily because of *general deterrence* believe that executing convicted murderers will discourage others in society from committing murder (Bohm, 1987). Social scientists have conducted many studies exploring this idea, and the vast majority have failed to demonstrate any general deterrent effect (Decker & Kohfeld, 1984; Ellsworth & Gross, 1994). In fact, some studies have demonstrated the opposite result, a “brutalizing” effect. That is, the death penalty may actually increase the number of murders (Wallace, 1989). Research has demonstrated that murder rates tend to be lower during periods of abolition than during periods in which the death penalty is a punishment (Bailey, 1984, Bohm,

1987). For example, Archer, Gartner, and Beittel (1983) compared the murder rates of fourteen countries and found that murder rates decreased after abolition; however, after reinstatement of the death penalty, these countries showed an increase in their murder rates. Similar results were found in the United States in California, Arizona, and Oklahoma. Murder rates decreased after abolition of the death penalty, however, after reintroduction of the death penalty, these states demonstrated an increase in their murder rates (Bailey, 1994; Bailey & Peterson, 1994; Dieter, 1993).

Retribution is the belief that the death penalty is a just punishment for someone who has committed murder (Bohm, 1987, Ellsworth & Gross, 1994; Firment & Geiselman, 1997). Retributionists believe that wrongdoers should be punished as compensation for their wrongful conduct. It is unclear, however, who should make the compensation. Should the wrongdoer repay society or should society repay the wrongdoer? Although the two are closely related, there is a fine distinction between revenge and retribution (Wallace, 1989). If the wrongdoer is repaying society, then it is retribution, if, however, society is repaying the wrongdoer then it is revenge. Many people, among them former Supreme Court Justice Thurgood Marshall, believe that in a civilized society, revenge (and even retribution) should not be considered a valid reason for sustaining a particular punishment. The majority of Americans seem to agree with Justice Marshall. In a recent poll, sixty percent of Americans surveyed stated that they did not believe revenge was a legitimate reason for executing a murder (Time Magazine, 1997). Unfortunately most public opinion surveys do not make a distinction between

mere "retribution" and "revenge." Thus, this paper will use the word "retribution" when referring to both concepts, revenge and retribution.

Retribution, is currently the most popular rationale for supporting the death penalty (Ellsworth & Gross, 1994; Haney, Hurtado, & Vega, 1993). This is a relatively recent development, however. Research conducted during the 1970s indicated that deterrence was the most common reason for supporting the death penalty (Thomas, 1977, Thomas & Foster, 1975; Vidmar & Ellsworth, 1974). Researchers argued that because retribution was not considered a socially acceptable, or "legitimate," reason for supporting the death penalty, most people claimed deterrence as the basis for their support (Ellsworth & Ross, 1983; Ellsworth & Gross, 1994; Warr & Stafford, 1984). Ellsworth and Ross (1983) found empirical support for this argument in the results of their survey assessing death penalty attitudes. Results demonstrated that most survey participants declared deterrence as the fundamental reason for their support of the death penalty. Upon closer examination, however, retribution was found to be the underlying basis for support. Ellsworth and Ross asked participants whether they would continue to support the death penalty if research could prove conclusively that the death penalty was no more of an effective deterrent than life imprisonment. The majority of participants who claimed deterrence as the primary basis for their support stated that they would still support the death penalty even if life imprisonment were proven to be as effective of a deterrent (Ellsworth & Ross, 1983; Fox, Radelet, & Bonsteel, 1991; Haney, et al., 1993, Ellsworth & Gross, 1994).

Support for the death penalty has steadily increased since the early studies assessing death penalty attitudes were conducted (Ellsworth & Ross, 1983; Bohm, 1991). It appears that in today's society people are more willing to declare retribution as the basis of their support (Firment & Geiselman, 1997; Ellsworth & Gross, 1994). In their study of contemporary death penalty attitudes, Ellsworth and Gross (1994) commented on this shift to retribution as the proffered reason for support of the death penalty by noting that: "as support for the death penalty has increased, so has the willingness to endorse retribution as a motive" (p 29). Presently it appears that most Americans who support the death penalty are not concerned with rationalizing or defending their position on the basis of socially acceptable reasons. It now seems that Americans defend their position on the basis of emotional considerations rather than on the basis of scientific evidence and rational reasons (Kinder, 1994, Wallace, 1989, Ellsworth & Ross, 1983; Ellsworth & Gross, 1994)

Incapacitation – preventing a particular convicted murderer from murdering again – is another reason for supporting the death penalty. Although it is the most concrete and defensible justification for supporting the death penalty, it is not commonly cited as a fundamental reason for support (Firment & Geiselman, 1997; Ellsworth & Gross, 1994). Bohm (1987) found that less than ten percent of respondents in his study asserted incapacitation as the basis for their support of the death penalty. Other investigators have found that less than twenty percent of death penalty supporters claim incapacitation as the basis for their support (Ellsworth & Gross, 1994). Perhaps one reason few people cite incapacitation as the basis for their support of the death penalty, has to do with society's

beliefs regarding sentencing. The average citizen believes that criminals only serve a small fraction of their sentence (Firmen & Geiselman, 1997; Costanzo & Costanzo, 1994; Dieter, 1993; Dieter, 1996). Specifically with regards to life sentences for murder, several researchers have found that the average estimate of a life sentence is only 15.6 years (Bowers, 1993; Costanzo & Costanzo, 1994; Dieter, 1993; Dieter, 1996). In most jurisdictions, however, a life sentence is just that: the offender is imprisoned for the rest of his or her natural life. For example, California has not released a prisoner sentenced to life without parole in the past twenty-five years (Dieter, 1993). Robert Gold, an assistant public defender, colorfully described Connecticut's life without parole system: "The sentence means what it says. You get carried out of prison in a pine box as your only means of exit. Parole, good time, or other means of shortening the sentence are not available to people who have been convicted of [a] capital felony" (Dieter, 1993). Other jurisdictions have restricted parole in which someone sentenced to life cannot be released on parole for a minimum number of years – typically between twenty and thirty-five. Figures 1 and 2 illustrate the parole systems the various jurisdictions employ.

Although it is not often the primary reason for supporting the death penalty, some people do mention the high *cost* of imprisonment as a reason for their support of the death penalty (Ellsworth & Gross, 1994; Costanzo & White, 1994). Most people convicted of capital murder are in their late twenties to early thirties (Bohm, 1987). It seems only logical, therefore, that executing someone in his or her thirties will be less expensive than supporting that person in prison until he or she dies of natural causes. This assumption is misguided, however. Most research investigating the cost of the death penalty has

LIFE WITHOUT PAROLE JURISDICTIONS (33/38 states)

Alabama	Idaho	Nebraska	Pennsylvania
Arizona	Illinois	Nevada	South Dakota
Arkansas	Indiana	New Hampshire	Tennessee
California	Kentucky	New Jersey	Utah
Colorado	Louisiana	New York	Virginia
Connecticut	Maryland	North Carolina	Washington
Delaware	Mississippi	Ohio	Plus:
Florida	Missouri	Oklahoma	Federal Statute
Georgia	Montana	Oregon	Military Statute

- a sentence of life without parole is available for certain recidivists in South Carolina
- Texas, New Mexico, Wyoming, and Kansas do not employ a life without parole system
- This information was taken from the Death Penalty Information Center and are current as of July 1, 2000 www.deathpenaltyinfo.org

Figure 1. Life Without Parole Jurisdictions

STATES WITH RESTRICTED PAROLE AND STATES WITHOUT A DEATH PENALTY

Hawaii*	West Virginia*	Kentucky 25 years	Ohio 20 years
Iowa*	Wisconsin*	Minnesota 30 years	S. Carolina 30 years
Maine*	District of Columbia*	New Jersey 30 years	Tennessee 25 years
Massachusetts*	Alaska* 33 years	New Mexico 30 years	Texas 35 years
Michigan*	Arizona 25 years	New York 25 years	Virginia 35 years
Rhode Island*	Florida 25 years	N. Carolina 20 years	
Vermont*	Kansas 40 years	N. Dakota 30 years	

*States without a death penalty

**This information was taken from the Death Penalty Information Center website www.deathpenaltyinfo.org and is current as of July 1, 2000

Figure 2. States with Restricted Parole and States without a Death Penalty

demonstrated that it is far more expensive to execute someone than to maintain that person in prison for the rest of his or her life (Costanzo & White, 1994; Ellsworth & Gross, 1994, Dieter, 1994) Because of the irreversibility of the death penalty, due process is the foremost concern. There are complex pre-trial motions, lengthy jury selection process, expenses for juror consultants and expert witnesses, as well as constitutionally mandated appeals which are all factors that increase the costs of death penalty litigation (Dieter, 1994; Costanzo & White, 1994). A study by the New York State Defender's Association demonstrated that the average cost of a capital case in New York is 1.5 million dollars, and that is before any appeals have been filed. Imprisoning that same inmate in New York for fifty years was estimated to cost less than one million dollars (New York State Defender's Association, 1982, as cited in Bohm, 1987). Similar results have been found in other jurisdictions In North Carolina executions cost \$2.6 million more than non-death penalty cases (Dieter, 1994). Florida spends an average of \$3.2 million per execution which far more than non-death penalty cases (Dieter, 1994). In Texas, the state that has executed the most death row inmates since reinstatement of the death penalty in 1976, the costs of executing someone are roughly three times that of imprisoning a convicted murderer in a private cell at a maximum security prison for forty years (Dieter, 1994).

Although polls showed support for the death penalty at nearly eighty percent throughout the 1980s and 1990s, a closer examination of these attitudes revealed more ambivalence than the initial percentages seemed to indicate (Bohm, Vogel, & Maisto, 1993; Bohm, 1991). It appears that Americans favor the death penalty in the abstract, but

as situations become more specific, support declines drastically. For example, support for the death penalty drops dramatically when concrete rather than abstract questions are used (Bohm & Aveni, 1985, as cited in Costanzo & Costanzo, 1994; Ellsworth & Ross, 1983; Ellsworth & Gross, 1994). Similarly, if respondents are required to take an active rather than a passive role in the administration of the death penalty, such as by convicting a defendant in a capital trial or by throwing the switch in an actual execution, only a minority continue to support the death penalty (Bohm, 1991, Costanzo & Costanzo, 1994). Furthermore, actual capital juries return death sentences in less than twenty-five percent of cases in which the death penalty is sought (Haas & Inciardi, 1988). Leading researchers have noted that analysis of the simple question: "Do you support the death penalty?" reveals a marked decrease in support for the death penalty as situations become more concrete and as personal involvement increases. (Costanzo & White, 1994; Ellsworth & Gross, 1994)

Other research has revealed that public support for capital punishment declines dramatically when capital punishment is compared to alternatives such as life without the possibility of parole (LWOP) or life without the possibility of parole plus restitution to the victim's family (LWOP + R) (Costanzo & Costanzo, 1994; Radelet, 1989). In interviews with actual capital jurors, Bowers (1993) found that the majority preferred (LWOP + R) and LWOP over capital punishment. This consistent finding has led several social scientists to conclude that society appears to support the death penalty strongly only when the sole alternative is a prison term which allows for parole (Costanzo & Costanzo, 1994, Bowers, 1993, Paternoster, 1991). For instance, Figure 3 illustrates the

Support for the Death Penalty When Alternatives Are Presented

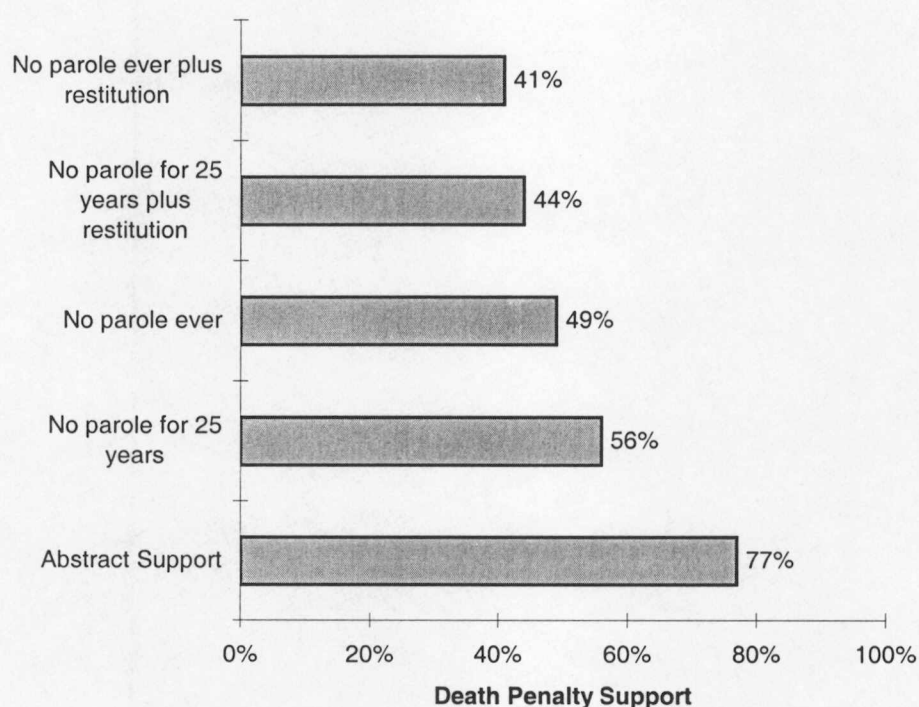


Figure 3. Support for the Death Penalty When Alternatives Are Presented.

frequency of support for the death penalty following possible alternatives. As discussed previously, however, most Americans doubt the certainty of a “life” sentence (Bowers, 1993). This distrust of the criminal justice system to deal effectively with violent criminals causes deep concern that these murders will once again walk free in society. For instance, when asked how long someone sentenced to life without the possibility of parole would actually serve, only eleven percent of respondents believed that the offender would serve the remainder of his natural life in prison (Dieter, 1993). As mentioned earlier, the reality is far different from the public’s perception. Nearly all jurisdictions employ a life sentence in which parole is not an option for at least twenty-five years, and

nearly two-thirds of jurisdictions employ a life without the possibility of parole sentence in which parole is never a possibility. Most Americans, and capital jurors in particular, are unaware of the meaning and certainty of “life” imprisonment. Unfortunately, these jurors are often not advised about the true meaning of the sentence (Dieter, 1993). Some jurisdictions flatly forbid judges from explaining parole possibilities to juries (Dieter, 1993). Dieter (1993) reported that in twenty-three of the twenty-nine jurisdictions which use jurors in capital sentencing, there is an absolute prohibition against any argument on parole. Thus, jurors are often left to rely upon their misinformed belief that a “life” sentence means the defendant will walk free in less than twenty years (Bowers, 1993; Costanzo & Costanzo, 1994; Paternoster, 1991). As a result, capital jurors sometimes sentence a particular defendant to death because of their misguided belief that the defendant will one day be released from prison. In one study of 280 Georgia death penalty cases, researchers discovered that juror deliberations were interrupted in seventy cases simply because jurors tried to ascertain how soon the defendant would be released if given a life sentence. In all seventy cases the court ignored the jurors questions regarding parole and a death sentence was returned. In juror interviews following one such situation, a juror stated, “some of the jurors were wanting to know would he get out in seven years on good behavior . . . If we were gonna put him in prison, we wanted him to stay there But . . . we didn’t really feel like he would. We felt like we didn’t have any alternative” (Lane, note 2, p. 390 as cited in Dieter, 1993). Thus, analysis of public opinion polls and social science research indicates that in order to completely determine

public opinion toward the death penalty, one must perform more than a perfunctory glimpse at the percentage of those who favor and oppose the death penalty.

Public opinion regarding the death penalty also plays an important role in policy-making decisions. For instance, legislatures and politicians often use polls to guide and defend their actions with respect to the issue. Such polls are also used, or misused, by the media to provide the public with some information about society's overall current moral principles. Although only one of many factors, it appears that public opinion regarding the death penalty may be used as an integral part of judicial decision making – which is unlike other legal issues (Vidmar & Ellsworth, 1974; Thomas, 1976). As public opinion changes, society's laws change to reflect contemporary values. What was considered immoral and reprehensible one hundred years ago may be tolerated by society today. For example, judicial decisions regarding the meaning of the eighth amendment's ban on cruel and inhuman punishment have recognized the continuing need to evaluate society's values. In Weems v. U.S. (1910) the Supreme Court acknowledged that our moral values are not fixed. Society's assessment of what constitutes cruel and inhuman punishment may change with the passage of time and as "public opinion becomes more enlightened by a humane justice" (p. 378; Vidmar & Ellsworth, 1974). Years later in Trop v. Dulles (1958) the Court reiterated its position on public opinion and the eighth amendment by asserting that the eighth amendment obtained its meaning from the "evolving standards of decency that mark the progress of a maturing society" (p. 88). Taken together, Weems and Trop demonstrate the long-standing tradition that society's laws should reflect contemporary values.

This continuing theme has been demonstrated more recently in the landmark death penalty case Furman v. Georgia (1972). Most modern death penalty laws are the result of the Court's holdings in Furman (Gregg v. Georgia, 1976; Jurek v. Texas, 1976). The Court, in a 5-4 decision, struck down death penalty laws across the country and held that the law of capital punishment, at that time, was arbitrarily imposed and was therefore unconstitutional. The jury had entirely too much discretion on deciding whether or not a particular defendant should live or die. Neither the law nor the judge delineated the factors that a jury should use in determining whether to impose the death penalty on a particular defendant. The jury could base their decision on whatever information they chose to use, and this often had a discriminatory effect on black individuals (Coyne & Entzeroth, 1994) Justice Stewart in his concurring opinion stated that the defendants in Furman were no more reprehensible than their brethren who were sentenced to prison terms. Stewart went on the claim that the sentences in Furman were, "cruel and unusual in the same way that being struck by lightning is cruel and unusual" (p. 309). Justice Brennan, also concurring, stated that capital punishment, at that time, "smacks of little more than a lottery system" (p. 276).

Throughout Furman, the justices accepted the holdings in Weems and Trop regarding the eighth amendment and public opinion; however, the justices sharply disagreed on the validity and role of public opinion polls deciding current "standards of decency." Justice Marshall argued "where a punishment is not excessive and serves a legitimate purpose, it still may be invalid if popular sentiment abhors it" (p. 332). Marshall's opinion is perhaps the most famous in Furman, at least among social

scientists. In his opinion Marshall asserted that public opinion could be a basis for determining the constitutionality of the death penalty if certain requirements were met (Furman v. Georgia, 1972; Thomas, 1976). First, Marshall believed that public opinion about capital punishment could only be useful in judicial decision-making if opinions were "informed" (Bohm, 1987; Vidmar & Ellsworth, 1974; Sarat & Vidmar, 1976). For Marshall, determining whether capital punishment offended a person's sense of decency was not possible if that person was unaware or misinformed about the issue. For example, someone who initially supports the death penalty because he thinks it is an effective deterrent may come to oppose the death penalty if he discovers conclusive evidence demonstrating a "brutalization" effect. Similarly, someone who supports the death penalty might change his mind if he is made aware of the physical and psychological realities of the sentence (Thomas, 1976). Secondly, Marshall stated that opinions, which reflect revenge or retribution, are not acceptable because revenge is contrary to civilized conduct and humane justice (Vidmar & Ellsworth, 1974). From these two requirements, Marshall set forth two empirical hypotheses regarding the death penalty: (a) the public knows little about the death penalty and its effects, and (b) if given information about the death penalty "the great mass of citizens would conclude . . . that the death penalty is immoral and therefore unconstitutional" (p. 363). Marshall qualified these hypotheses, however, by stating that to the extent that retribution plays a role in support for the death penalty, knowledge would have little effect on public opinion (Bohm, 1987; Vidmar & Ellsworth, 1974; Thomas, 1976).

Several studies have investigated Marshall's hypotheses and results have revealed at least partial support for his theory. Sarat and Vidmar (1976) conducted the first controlled study regarding uninformed death penalty opinions. The researchers surveyed two hundred residents of Massachusetts about their knowledge and attitudes toward the death penalty and assigned the participants to read one of four 1,500 word essays: (a) an essay describing personal arguments and scientific research about deterrence and the death penalty – "utilitarian" essay; (b) an essay describing how the death penalty has been applied and administered along with a description of the psychological and physical facts about executions – "humanitarian" essay; (c) a combination of both utilitarian and humanitarian arguments; or (d) an essay on a legal topic unrelated to the death penalty. Results revealed partial support for Marshall's hypotheses. Marshall was correct in that participants were generally uninformed about the death penalty. Although participants knew that murderers are rarely executed and that capital punishment discriminates on the basis of wealth, few knew that the death penalty does not deter homicides or how many executions had taken place within the past five years. Further analysis revealed only qualified support for Marshall's second hypothesis. Although "the great mass of citizens" did not change their opinion about the death penalty after reading the essays, many of those who read the utilitarian essay changed their opinion somewhat. Only the utilitarian information and not the humanitarian information resulted in *some* participants changing their attitudes toward opposition. Those whose attitudes changed supported the death penalty on deterrence grounds. Those whose attitudes remained unchanged supported the death penalty on retributive grounds. Intuitively this result makes sense, if someone

supports the death penalty because of retribution, it is highly unlikely that person will change his or her mind because of an essay which describes how painful, both mentally and physically, the punishment is. Such a person will probably feel some sense of satisfaction that the criminal "got what he deserved." Before reading the essays, a majority of participants in the utilitarian and combined conditions supported the death penalty, after exposure, however, more participants opposed the death penalty than supported it. In addition, the combined condition produced the most change, followed by the utilitarian, whereas the humanitarian condition did not produce much change in participants' opinions.

Vidmar and Dittenhoffer (1981) conducted a similar study with Canadian residents and found comparable results. In their study subjects, undergraduate college students who were uninformed about the death penalty, were given a 3,500 word essay accurately describing some basic information about the death penalty: deterrence, administrative problems, economic arguments, religious arguments, and moral considerations. Subjects were also given a list of supplementary reading materials that highlighted the information presented in the essay. Subjects were given two weeks to read the materials and then reconvened in small groups to discuss the death penalty. Subjects' attitudes about the death penalty were tested before and after exposure to the readings and group discussion. Results from the post-test indicated that after exposure to the readings and discussion, 71% of subjects opposed the death penalty as compared to 33% at pre-test; 24% favored the death penalty as compared to 47% at pre-test; and 5% were undecided on the issue as compared to 19% at pre-test. Furthermore, although not

statistically significant, results demonstrated that the stronger the support for the death penalty, the more resilient attitudes were to change. Thus, it appears that to some extent Justice Marshall's hypotheses have merit. Increased knowledge about the death penalty can change, or shift, some people's opinions about the death penalty toward opposition; however, if the person supports the death penalty on retributive grounds or strongly supports the death penalty, increased knowledge has little effect.

Recently Robert Bohm has conducted a series of studies investigating informed and uninformed death penalty opinions (Bohm, 1987, Bohm, et al., 1991; Bohm & Vogel 1993; Bohm, Vogel, & Maisto, 1993, Wright, et al., 1995). His results reveal that after twenty years of scientific investigation and literature, Americans still know very little about the effects and application of the death penalty. Bohm, as well as others, claim that brevity of exposure to information about the death penalty is a major weakness of previous research (Bohm, 1987; Vidmar & Dittenhoffer, 1981; Sandys, 1995). Bohm's studies analyze the effects of prolonged exposure to information about the death penalty on death penalty opinions. Bohm created a four-week long undergraduate college course surveying the death penalty. Periodically throughout the course he assessed student attitudes by having students rate their support of the death penalty on a 7-point Likert-type scale: "very strongly oppose" (1) to "very strongly in favor" (7). Students were exposed to various materials about capital punishment: readings, videos, guest speakers, etc. Students were given information about and discussed numerous aspects of the death penalty: deterrence, innocence, administration, etc. His findings reveal that the majority of students reported a slight shift in intensity of their attitude toward capital punishment

following completion of the course. For example, students who at the beginning of the course rated their support of the death penalty as “strongly favor the death penalty” (6), may, after completion of the course, rate their support of the death penalty as “somewhat favor” (5) or “uncertain” (4). Bohm found that, typically, less than thirty-percent of students actually change their attitude to an entirely new position (Bohm, 1989; Bohm & Vogel, 1991; Wright, et al , 1995).

Bohm et al. (1991) analyzed specific topics that produce the most change in his students' attitudes toward the death penalty. His research revealed that students reported administrative considerations, such as executing innocent persons, racial discrimination, and arbitrariness in application, as having the greatest impact on the amount of change (or shift) in their attitudes. Bohm noted, however, that it was the cumulative effect of all the information taken together that produced the change (or shift) in students' attitudes and not specific, individual topics. Furthermore, especially with regards to Caucasian students, the change was gradual; however, for African American students the information regarding executions of innocent persons produced a significant amount of change followed by a gradual decrease in support for the death penalty due to other presented information. Similarly, Dieter (1993) reported that after hearing information about the costs of the death penalty and the absence of any deterrent effect, Americans expressed doubts about the death penalty as an effective punishment. Dieter also found that nearly sixty percent of those polled, expressed doubt about the death penalty after discussing the possibility of executing innocent persons. Thus, a discussion of the death penalty should cover certain topics, such as executing the innocent, racial discrimination,

arbitrariness in application, and cost, if the primary goal of the discussion is to inform and persuade listeners.

Other researchers have investigated the influence of increased knowledge about the death penalty on the strength of death penalty attitudes. Costanzo and Costanzo (1994) reviewed several studies concerning increased knowledge about the death penalty and resulting death penalty attitudes and found that in most situations individuals with moderate or undecided death penalty opinions were more affected by information than individuals with extreme beliefs (Bohm & Aveni, 1985 as cited in Costanzo & Costanzo, 1994; Bohm, et al., 1991; Haas & Inciardi, 1988). Specifically, individuals with moderate or undecided attitudes changed (or shifted) their attitude about the death penalty after exposure to information about its administration, effectiveness, and history to a greater extent than those with firmly held opinions (Costanzo & Costanzo, 1994). This finding was also demonstrated in the Sarat & Vidmar (1976) study discussed earlier. Sarat and Vidmar found that "subjects whose attitudes changed tended to be persons who were moderate in their initial attitudes; those who strongly supported capital punishment were . . . unswayed by the information" (p. 188). Similarly, Ellsworth and Ross (1983) and Bohm and Aveni (1985), found that those with weak to moderate opinions about capital punishment changed (or shifted) their attitude in the direction of opposition after exposure to factual information about the death penalty. Sandys (1995), however, found different results in her study of prolonged exposure to information about the death penalty. Much like Bohm, Sandys conducted an undergraduate course about the death penalty and assessed student attitudes throughout the course. She found that student

attitudes shifted significantly following two particular class discussions:

incapacitation/costs and executions of innocent persons. Unlike prior research, however, Sandys found that students who indicated “strong” support for the death penalty had the greatest amount of attitude change following completion of the course. On the other hand, students who indicated that they very strongly supported the death penalty proved the most resilient to attitude change. Furthermore, the majority of students in Sandys’ study came to oppose the death penalty whereas this majority opposition had not occurred in any of the previous studies (Bohm et al , 1991; Bohm, 1989, Wright, et al., 1995). Sandys stated that this result was perhaps due to the fact that her course took place in the mid-west, in a state with a relatively small death row population, where few actual executions since the reinstatement of the death penalty had occurred. Bohm’s research, on the other hand, took place in the south where death row populations are larger and executions are more frequent (Borg, 1997)

Another major weakness of prior investigation into uninformed opinions about the death penalty has been that researchers have focused on attitudes toward the death penalty in the abstract and not with respect to specific types of murders (Bohm, 1987; Ellsworth & Gross, 1994; Costanzo & Costanzo, 1994). Merely asking someone whether or not he or she supports the death penalty may not truly tap into that person’s beliefs. To date there has not been a controlled investigation involving the effects of increased knowledge about the death penalty with respect to specific cases in which a person was actually sentenced to death or who was eligible for the death penalty for his or her crime. Social science research has revealed that although support for the death penalty is typically quite

high, such support diminishes when participants are asked if they could either personally participate in a trial in which the defendant, if found guilty, could be sentenced to death or if the participant could personally “pull the lever” and execute someone (Bohm, 1987; Ellsworth & Gross, 1994; Haney, et al., 1993). Furthermore, several researchers have demonstrated that when individuals are asked whether or not they support the death penalty, the majority of individuals recall a gruesome and cruel death-eligible crime and base their decision to support the death penalty on that particular crime. For instance, Ted Bundy, and John Gacy often come to mind when people are asked whether or not they support the death penalty (Doob & Roberts, 1984; Gross, 1993, Dieter, 1998). These types of murders, however, are an anomaly in society and there are few such murderers on death row. The decision to retain the death penalty should be based on true societal realities and not societal (mis)perceptions. The most typical capital crime is felony murder – a murder committed during the course of another felony – such as killing a store clerk while robbing a cash register (Gross, 1993, Dieter, 1998). Most of the nearly thirty seven hundred men and women on death row have been sentenced to death for a felony murder and not for a series of grisly murders (Dieter, 1993; Dieter, 1998; Gross, 1993). Thus, exposing individuals to information about the death penalty and subsequently having them assess whether a particular defendant, who committed a “typical” capital crime, should be sentenced to death may affect sentencing decisions with few jurors on such cases actually choosing the death penalty as the appropriate punishment.

In addition to the public perceiving all, or most, capital murderers as Ted Bundy’s or John Gacy’s, public opinion surveys indicate that most individuals perceive the crime

rate as rising and express grave concern about an increase in violent crimes (Rankin, 1979, Doob & Roberts, 1984). Survey research suggests that most people obtain their knowledge about crime and the criminal justice system from the mass media (Doob & Roberts, 1984). Unfortunately, the mass media provides the public with limited information regarding sensationalized crimes. Not all of the details and information regarding such crimes are reported, and more often than not the media will report a sentence that seems lenient than report a sentence that appears appropriate (Doob & Roberts, 1984; Gross, 1993; Deiter, 1998). Mass media are more likely to report dramatic, exceptional crimes than more ordinary, or typical, crimes. Individuals pay attention to dramatic, atypical stories and as a result, such crimes are more readily available in their memories than more "ordinary" crimes (Reyes, Thompson, and Bowers, 1980). The inevitable result is a public which perceives society as exceptionally violent and the criminal justice system as too lenient on violent criminals. Thus, when asked whether or not they support the death penalty, individuals may say yes because that person can quickly recall several, heinous crimes in which the offender received a lenient sentence.

In one fascinating study, Doob and Roberts (1984) explored the effect of media exposure of sensationalized crimes on the public's perception regarding the appropriateness of the offender's sentence. The researchers compared subjects' reactions to a convicted defendant's sentence in four separate cases. Some subjects were given newspaper accounts of a particular crime and the sentence that the offender received while other subjects were given a 1,700-word summary of court-based documents on the

same crime and the sentence that the offender received. Results revealed that, in general, subjects who read the summary of the court documents were more likely to perceive the sentence as appropriate or excessive while subjects who read only the newspaper articles were more likely to state that the sentence was too lenient. Doob and Roberts concluded that the public appears to be receiving inadequate or insufficient information about sentences, which in turn causes the public to believe that the criminal justice system is too lenient on criminals. The researchers discovered, however, that when more complete accounts of the case were provided or explained, subjects who thought the sentences were too lenient became content with the trial court's decisions. This finding may be one explanation as to why people often state that they support the death penalty but when it comes to specific cases, or individual, personal involvement, support for the death penalty declines dramatically. For instance, when asked simply whether or not they support the death penalty, most Americans may answer in the affirmative perhaps because the prototypical image of a capital murder is a brutal and heinous murder that has been frequently reported in the media. If these same individuals were asked whether or not they supported the death penalty in more typical, unreported cases, the answers would most likely reveal far less support for the death penalty because the typical capital murder is far less heinous and gruesome than what the average person envisions.

Many scholars and social scientists have agreed that death penalty attitudes are not based on rational considerations but are based instead on emotion (Kinder, 1994, Ellsworth & Ross, 1983, Bedau, 1997, Tyler & Weber, 1982; Wallace, 1989, Ellsworth & Gross, 1994). When emotions dictate one's beliefs, people tend to recall information,

which supports their beliefs, and discount information that is not in accordance with those beliefs (Lord, Ross, & Lepper, 1979; Roberts, 1984). Thus, merely providing information about the death penalty may not change an individual's attitudes. Roberts (1984) had subjects read newspaper articles that summarized empirical research concerning the general deterrent effects of the death penalty. Subjects were later given an unexpected memory test concerning the information presented in the articles. Results revealed that subjects significantly recalled more information that supported their beliefs than material that was contrary to their position. This phenomenon is known as "biased assimilation" and was first discovered by Lord, Ross, and Lepper (1979). In their classic study, Lord, et al. (1979) examined people's evaluations of arguments about the deterrent effect of the death penalty. The researchers used two groups of participants: one group who believed the death penalty was an effective deterrent to homicide and a second group who did not. The two groups were given a set of fictitious studies which provided some data supporting the deterrence hypothesis and other data strongly refuting the hypothesis. Subjects in each group accepted at face value the information that bolstered, or confirmed, their pre-existing beliefs and rejected, or dismissed, evidence contrary to their beliefs. Thus, the researchers discovered that information about the death penalty is not processed impartially:

Judgments about the validity, reliability, relevance, and sometimes even the meaning of proffered evidence are biased by the apparent consistency of that evidence with the perceiver's theories and expectations. Thus, individuals will dismiss and discount empirical evidence that contradicts their initial view and will derive support from evidence, of no greater probativeness, that seems consistent with their views (Lord, et al., 1979 p. 2099).

Biased assimilation results in “attitude polarization” (Lord, et al., 1979). For most individuals, death penalty attitudes do not change because of persuasive and reasoned arguments. Quite the contrary, such reasoned arguments further “polarize” individuals on the issue. Information which supports, or is ambivalent with, pre-existing beliefs is processed and retained while information not in accordance with pre-existing beliefs is discounted or dismissed which results in individuals developing a stronger, more “polarized,” attitude. If this is actually the case then Marshall’s hypothesis regarding the majority of citizens not supporting the death penalty after becoming informed about it would be incorrect. According to Lord, et al citizens do not weigh death penalty evidence logically but become entrenched in their beliefs based on emotion and evidence which either directly supports their beliefs or evidence which they have interpreted as supporting their beliefs. Ellsworth and Ross (1983) claim biased assimilation as a probable explanation for the results in their study. In their study, participants stated they supported the death penalty because it was an effective deterrent to homicide. After learning about the lack of empirical evidence supporting the deterrence hypothesis, however, participants stated they favored the death penalty on retributive grounds instead of deterrence and rather than abandoning their position altogether. As the researchers noted, attitudes about the death penalty precede reasons for support and “the picture which emerges is one of an emotionally based attitude, tempered by a sense of social desirability” (p. 152).

The basis of public opinion regarding the death penalty is shaped from many different sources. First, simply the way in which the question is asked influences opinion.

Abstract questions reveal a higher percentage of support than personal involvement questions or questions involving concrete, specific cases. Secondly, the media directly influences attitudes. The media frequently reports the percentage of people supporting and opposing the death penalty. Thus, if the media reports an inflated percentage of support, then people are more likely to think that because it is socially acceptable to execute murderers, more murderers should be executed. More importantly, the media controls and shapes society's access to information about crimes by reporting sensational, atypical cases and making it appear like such crimes occur frequently. This results in a public perception of a violent society whose criminal justice system is lenient on offenders. Thus, society perceives a greater "need" or justification for the death penalty. Adding fuel to this fire of misinformation and misperception is the finding that people take at face value information which supports or confirms their pre-existing beliefs and scrutinize and discount information contrary to their position (Lord, et al., 1979). Perhaps the most startling finding is that despite such strong, emotional opinions toward capital punishment, Americans know very little about the sentence and its effects (Bohm, et al., 1991; Ellsworth & Ross, 1983; Sarat & Vidmar, 1976; Bohm, 1989; Wright, et al., 1995). Thus, the majority of Americans has taken a strong position and developed strong beliefs about a topic which they are considerably uninformed or misinformed (Bohm, et al., 1991). Taken together, all of these factors lead to the conclusion that public opinion polls regarding the death penalty can be misleading and may inflate the actual percentage of people who support the death penalty. In addition, the current methods for assessing death penalty attitudes may not truly assess Americans those attitudes.

The present study investigates Marshall's hypotheses in relation to individual juror's sentencing decisions. It is hypothesized that after being exposed to information about the death penalty subjects will choose life without the possibility of parole as the desired punishment for the depicted defendant rather than the death penalty. Because there has been little empirical investigation into which type of punishment Americans would favor in concrete situations, actual cases which have been decided in America's courtrooms are used. The hypothesis is based on several factors, including Marshall's hypothesis that Americans are uninformed about the death penalty and once informed they will choose an alternative. It is also based upon the fact that exposing subjects to actual cases in which a defendant was convicted and sentenced to death will cause people to step outside of their "prototypical" thoughts of a death eligible crime and assess whether in conjunction with the information presented the particular defendant deserves a death sentence.

CHAPTER III. METHOD

Participants

One hundred and two undergraduate students (75 women, 27 men) enrolled in a large, southern university participated in this experiment. All subjects were introductory psychology students who received course credit for their participation upon completion of Phase 2 of the experiment

Materials

In Phase 1 subjects completed a ten-page questionnaire regarding their opinions and knowledge about the death penalty. Pages one through four consisted of a brief survey. The first seventeen questions were designed to assess subjects' knowledge of the death penalty – a “death penalty quiz.” The quiz was the same quiz used by Wright et al. (1995) in their study of informed and uninformed death penalty opinions. Subjects were instructed not to guess and were told that if they did not know the answer to any question they were to answer such questions as “I don't know ” “I don't know” responses were scored as incorrectly answered items. Following the death penalty quiz, were seven questions designed to assess subjects' attitudes toward the death penalty. Subjects were first asked to rate their level of support for the death penalty on a 7-point Likert-type scale from “very strongly opposed” (1) to “very strongly in favor” (7). Subjects were then asked a series of personal involvement questions as well as questions related to their reasons for supporting the death penalty, followed by six demographic questions.

Pages five through ten included three summaries of actual cases in which a defendant had been tried, convicted, and sentenced to death for a first-degree murder.

Following each case subjects were asked to choose a punishment for the depicted defendant: life imprisonment without the possibility of parole or the death penalty. Subjects were told that they had already determined the defendant's guilt, and they were only to decide upon a punishment based upon the information provided in the summary. The first case was a "juvenile" death penalty case (based on Roach v. Commonwealth of Virginia, 1996) in which the defendant was a juvenile at the time he committed the crime. The second case was an "innocence" case (based on People v. Burrows, 1996) in which the defendant had been found guilty and sentenced to death but years later was subsequently found innocent of the crime and released from prison. The third case was a "race" case (based on State v. Houston, 1980) in which the defendant was black and the victim was white. The case summaries are presented in Appendix A.

These particular murders were chosen because the information discussed in the death penalty lecture focused primarily on the topics of the juvenile death penalty, innocence, and race. Prior to the start of the experiment, a separate group of participants read a series of capital murder cases and rated the cases they thought most deserving of a death sentence. These three particular cases were chosen because at least some of the participants rated the crimes as worthy of a death sentence, whereas few of the non-selected cases were deemed worthy of a death sentence. The facts and information contained in the summaries were taken from actual court opinions and were between 400 and 800 words in length. In Phase 2, which occurred between one and two weeks after Phase I, subjects again completed the four-page death penalty quiz which reassessed their

knowledge and attitudes about the death penalty. The complete survey is attached in Appendix B.

Procedure

The experimenter began each session by explaining that the purpose of the study was to assess death penalty attitudes. Subjects in the control group (17 men, 31 women) participated in the experiment as part of a class experiment. Subjects were given the survey and were told to complete each page entirely before moving on to the next. Subjects were given as much time as they needed to complete the entire survey. Subjects were given the death penalty quiz and attitude survey again two weeks later.

Subjects in the experimental group (10 men, 44 women) participated in the experiment in groups of two to eight people. Subjects were informed about the purpose of the study and given the death penalty quiz and attitude survey. After completing the survey, subjects were told that they would listen to a thirty-minute lecture about the death penalty, read three case summaries, and then decide upon an appropriate punishment for the defendant in each case. Subjects were told that if they had any questions about anything related to the lecture, the experimenter would try to answer their questions. The lecture consisted of a brief introduction about the death penalty. The experimenter focused on the topics that Bohm, et al. (1991) and Sandys (1995) found most persuasive in shifting death penalty attitudes in their studies: racial discrimination, executing the innocent, deterrence, cost, and incapacitation. In order to compensate for the brevity of exposure to the stimulus materials, the experimenter tried to capture the subjects' attention by using real-life examples and presenting slides on an overhead projector to

illustrate various concepts. In addition, subjects were given packets containing a photocopy of each slide so that they could easily follow along with the experimenter's lecture. Although not found to be a topic that causes much attitude change (or shift), the experimenter began with a discussion of the juvenile death penalty due to the topic's ability to capture attention. The experimenter then went on to discuss racial discrimination, the possibility of innocent people being executed, deterrence, incapacitation, and finally cost. Each question asked in the death penalty quiz was discussed to some extent during the lecture. After completion of the lecture, students read the cases and decided upon an appropriate punishment. One to two weeks later participants again completed the death penalty quiz and attitude survey. Upon completion of the survey, subjects were thoroughly debriefed, thanked for their participation, and dismissed.

CHAPTER IV. RESULTS

Table 1 presents the number of subjects at each position of death penalty support. The average death penalty attitude for the two groups was mid-way between undecided and somewhat in favor ($M=4.6$). In total, 24.5% ($N = 25$) opposed the death penalty, 13.7% ($N = 14$) were undecided, and 61.8% ($N = 63$) were in favor of the death penalty. This is consistent with current attitudes toward the death penalty. In a recent Harris poll, it was found that 64% of Americans support the death penalty, 25% oppose the death penalty, and 11% are undecided (The Harris Poll, 2000). More specifically, in the current study, 8.8% ($N = 9$) were very strongly opposed, 10.8% ($N = 11$) were strongly opposed, 5% ($N = 5$) were somewhat opposed, 13.7% ($N = 14$) were undecided, 26.4% ($N = 27$)

Table 1

FREQUENCY OF ATTITUDE POSITION

(1) very strongly oppose	9
(2) strongly oppose	11
(3) somewhat oppose	5
TOTAL OPPOSED	25 (24.5%)
(4) uncertain	14
TOTAL UNCERTAIN	14 (13.7%)
(5) somewhat in favor	27
(6) strongly in favor	26
(7) very strongly in favor	10
TOTAL IN FAVOR	63 (61.8%)

were somewhat in favor, 25.4% ($N = 26$) were strongly in favor, and 9.9% ($N = 10$) were very strongly in favor. An independent samples t -test, however, revealed that the two groups differed significantly with respect to their level of support. Specifically, the control group was somewhat in favor of the death penalty, ($M = 4.96$), whereas the experimental group was undecided on the issue, ($M = 4.17$), $t(100) = 2.309$, $p < .05$. Despite this basic difference in death penalty attitudes from the outset of the experiment, further analyses were conducted.

Reasons for supporting the death penalty were divided into four categories: retribution, deterrence, incapacitation, and cost. Of the 63 subjects who stated that they supported the death penalty, 28 (44.4%) supported it on retributive grounds; 17 (27%) supported it on deterrence grounds; 11 (17.5%) supported it due to incapacitation of the murderer; and 7 (11.1%) supported it because they thought the death penalty was more cost effective than life imprisonment without the possibility of parole. Previous research has shown similar results (Bohm, 1987).

An independent samples t -test revealed that subjects in both groups were equally uninformed about the death penalty at the start of the experiment. On average, the experimental group ($M = 7.04$) correctly answered seven of the seventeen questions on the death penalty quiz at pre-test, whereas subjects in the control group ($M = 6.52$) correctly answered just over six of the seventeen questions on average, $t(98) = -.763$, $p > .05$. At post-test, however, the two groups differed significantly with respect to their knowledge about the death penalty. Subjects in the experimental group ($M = 12.5$) correctly answered just over twelve questions on average, whereas subjects in the control

group ($M = 7.8$) correctly answered nearly eight questions on average, $t(88) = -7.749$, $p < .001$. Wright et al. (1995) found similar results at pre-test for both groups and at post-test for the control group. Experimental group subjects in the Wright et al (1995) study, however, correctly answered 15.08 questions at post-test. Thus, in the present study, despite brevity of exposure to the stimulus materials, subjects in the experimental group processed the lecture material and increased their overall knowledge of the death penalty. These subjects, however, did not retain as much information as those in the Wright et al. (1995) study.

A chi-square analysis did not reveal any support for the main hypothesis, however. Subjects in the experimental group did not choose life without the possibility of parole for *any* of the defendants to a greater extent than subjects in the control group. Although results for CASE 2 ($X^2 = 1.39$, $p = .147$) were in the anticipated direction, results for CASE 1 ($X^2 = .846$, $p = .358$) and CASE 3 ($X^2 = .002$, $p = .961$) were not. The hypothesis, however, was tested in a second way. The 54 experimental subjects were divided into two subgroups: those who correctly answered 65% or more of the seventeen knowledge items ($N = 29$) and those who answered less than 65% of the knowledge items correctly ($N = 25$). The breakpoint of 65% was not selected randomly. A median split was performed to determine the median number of questions answered correctly. The median split revealed that one half of the subjects answered eleven (65%) or more questions correctly and the other one half of the subjects answered ten or fewer questions correctly. This breakpoint does not mean to suggest that a person correctly answering 65% of the questions on the quiz is knowledgeable about the death penalty. This

breakpoint simply signifies that individuals answering 65% or more questions correctly on the quiz for this particular group of 54 subjects are more knowledgeable than those correctly answering less than 65% of the questions. Results from an independent samples t-test revealed that the two subgroups did not differ in their choice of punishment; however, results were in the anticipated direction: $t(53) = 1.639, p = .098$. This result is noteworthy, considering this way of testing the hypothesis analyzed all three cases together, including CASE 1 and CASE 3 which did not approach significance through the chi-square analysis. Although not statistically significant, this result provides some support to the proffered hypothesis. This result suggests that people with a substantial amount of death penalty knowledge tend to choose life imprisonment without the possibility of parole as an appropriate punishment for defendants in capital crimes more often than people with less death penalty knowledge. These results are illustrated in Table 2.

Due to the great disparity of chi-square analyses between CASE 3 and CASES 1 and 2, further analyses were performed. A paired samples t-test revealed that CASE 3 differed significantly from both CASE 1 and CASE 2 with respect to the number of subjects who selected the death penalty as the appropriate punishment for the defendant. CASE 1 and CASE 2, however, did not differ significantly in this respect. Specifically, twenty-seven subjects chose the death penalty for the defendant in CASE 1 and twenty-two subjects chose the death penalty for the defendant in CASE 2, $t(99) = .962, p > .05$. CASE 3, on the other hand, differed significantly from both CASE 1 and CASE 2. The majority of subjects selected the death penalty for the defendant in CASE 3: fifty-six

Table 2

EFFECT OF INFORMATION ON SUBJECTS' CHOICE OF PUNISHMENT

CASE 1 (JUVENILE)	LWOP	DP
Control	33	15
Experimental	40	12
$X^2 = .358, p = .244$		

CASE 2 (INNOCENCE)	LWOP	DP
Control	35	13
Experimental	43	9
$X^2 = 2.38, p = .147$		

CASE 3 (RACE)	LWOP	DP
Control	21	27
Experimental	23	29
$X^2 = .561, p = .961$		

subjects selected the death penalty in CASE 3 compared to twenty-seven subjects in CASE 1, $t(99) = -6.359, p < .001$ and twenty-two subjects in CASE 2, $t(99) = -6.344, p < .001$. This result may be due to the fact that CASE 3 may have been perceived as an extreme (or prototypical) example of a capital murder and differed in level of severity when compared to the other two cases. In addition, subjects read CASE 3 last; perhaps subjects compared the three cases, thought CASE 3 was the most egregious, and selected the death penalty for that reason.

Analyses were performed with respect to the demographic characteristics; however due to the relatively small number of minorities participating in the experiment ($N = 12$), no analyses were conducted with respect to race. Similarly, no analyses were conducted with respect to age since 98% of subjects were between the ages of 19 and 27.

The only demographic variable that produced a significant result was gender. This gender difference is consistent with previous research which has demonstrated that men are typically more supportive of the death penalty than women (Bohm, 1991; Ellsworth & Ross, 1983; Costanzo & White, 1994; Ellsworth & Gross, 1994). In comparison to their percentage of participants, more men selected the death penalty as the appropriate punishment than women for the defendant in CASE 1 ($X^2 = 4.177$, $p < .05$), however, no gender differences were found in CASE 2 ($X^2 = .896$, $p > .05$) or in CASE 3 ($X^2 = 2.496$, $p > .05$). With respect to CASE 2, many subjects, regardless of experimental condition, indicated that they thought the defendant was innocent. Because subjects were told that the defendant was guilty and that they only needed to select the appropriate punishment, some may have chosen life without parole because they doubted the defendant's guilt. With respect to CASE 3, perhaps the crime was considered so extreme that factors usually found to decrease the likelihood of a death sentence did not play a role. These results are presented in Table 3.

Not all American citizens over the age of eighteen can serve on capital juries. Certain attitudes (i.e., too strongly opposed or too strongly in favor of the death penalty) can preclude a person from serving on a capital jury. The jury ultimately chosen to serve on a capital case is "death qualified" meaning that those who would automatically choose the death penalty for any defendant found guilty in a capital case or those who are strongly opposed to the death penalty have been excluded through a questioning process called voir dire. Of the 102 subjects in the present study, eleven selected the death penalty in all three cases. These eleven will be referred to as "extreme supporters."

Table 3.

TOTAL NUMBER OF DEATH SENTENCES CHOSEN

CASE	Number of subjects choosing the death penalty	SIGNIFICANCE
(1) Juvenile	27	$t(99) = .496 \quad p > .05$
(2) Innocence	22	

CASE	Number of subjects choosing the death penalty	SIGNIFICANCE
(1) Juvenile	27	$t(95) = -3.958 \quad p < .001$
(3) Race	56	

CASE	Number of subjects choosing the death penalty	SIGNIFICANCE
(2) Innocence	27	$t(95) = -3.472 \quad p < .001$
(3) Race	56	

Although the appropriate questions to determine whether these individuals would be excluded from serving on a capital jury were not asked, due to the small number of extreme supporters, exploratory analyses were nonetheless conducted to determine which attitudinal variables these subjects shared. There were forty participants who did not choose the death penalty in any case. Exploratory analyses were also performed on this group of participants "extreme abolitionists" to see which attitudinal variables these participants shared.

The extreme supporters shared three attitudinal questions in common. Question 18: "Are you in favor of the death penalty for persons convicted of murder?" Ten (91%) answered "yes," none answered "no," and one (9%) answered "I don't know," $X^2(2) =$

6.663, $p < .05$. Of the remaining 91 subjects, 46 (50.5%) answered “yes,” 22 (24.2%) answered “no,” and 23 (25.3%) answered, “I don’t know.” Question 21: “If asked to do it, could you pull the lever that would result in the death of an individual convicted of first degree murder?” Five extreme supporters (45.5%) answered “yes,” two (18.1%) answered “no,” and four (36.3%) answered “I don’t know” $X^2(2) = 16.369$, $p < .001$. Of the 91 subjects who selected the death penalty in two or fewer cases, seven (7.7%) answered “yes,” 62 (68.1%) answered “no,” and twenty-two (24.2%) answered “I don’t know.” Finally, extreme supporters differed from the other subjects in their initial attitude toward the death penalty: two (18.2%) indicated that they were somewhat in favor of the death penalty; six (54.5%) indicated that they were strongly in favor of the death penalty; and three (27.3%) indicated that they supported the death penalty very strongly. Of the 52 remaining subjects who stated that they supported the death penalty, 25 (48.1%) stated that they were somewhat in favor of the death penalty; 20 (38.4%) stated that they strongly favored the death penalty; and 7 (13.5%) stated that they very strongly supported the death penalty $X^2(6) = 12.956$, $p < .05$. Interestingly, one extreme supporter who stated that she was somewhat in favor of the death penalty wrote after each choice of punishment question, “The defendant killed someone, and he deserves to die for his crime.” This same subject also stated that she did not know if she was in favor of the death penalty for persons convicted of murder (Question 1). Similarly, one subject who claimed that she was “strongly opposed” to the death penalty and could not serve on a jury if the defendant would automatically be sentenced to death if found guilty, selected the death penalty for the defendant in CASE 3. Thus, reaffirming the proposition that

CASE 3 is perhaps an extreme (or prototypical) example of a capital murder. If this subject was a potential juror in a capital case, she would most likely be excused for cause due to her strong opinion about the death penalty. Many researchers, however, have demonstrated that some potential jurors who are excused for cause due to their strong opposition of the death penalty can in fact sentence a particular defendant to death in certain, extreme cases (Haney, et al., 1994; Elliott & Robinson, 1991; Cowan, Thompson, & Ellsworth, 1984).

Surprisingly, extreme supporters did not differ significantly from the other subjects with respect to Question 19: "If you served on a jury in a trial where the defendant, if found guilty, would automatically be sentenced to death, could you convict the defendant?" Although not sufficient by itself, this question begins to tap into the belief system which could preclude a person from serving on a capital jury due to his or her strong belief in capital punishment. Results for this question were not significant, however, they were in the anticipated direction. Eight (72.7%) of the extreme supporters answered "yes," three (27.3%) answered "I don't know," and none answered "no" $\chi^2(2) = 5.684, p = .058$. Of the 91 subjects who selected the death penalty in two or fewer cases, seventeen (18.7%) answered "yes," thirty-four (37.4%) answered "no," and forty (43.9%) answered "I don't know." One of the extreme supporters who answered "I don't know" to this question, however, was the same subject who wrote after each choice of punishment question, "the defendant killed someone, and he deserves to die for his crime." Before the study, some subjects may not have given much thought to their position on the death penalty. As a result, participants may not have accurately answered

the opinion items because they may not have been cognizant of their opinion. Thus, such subjects may have answered the opinion questions due to emotional considerations rather than rational considerations. These results are presented in Tables 4a and 4b.

The extreme abolitionists shared several attitudinal variables in common. Not surprising, the extreme abolitionist were more opposed to capital punishment (Question 1) than those participants who selected the death penalty in one or more cases $X^2(2) = 58.418, p < .001$. Similarly, extreme abolitionists were significantly less likely than those who voted for the death penalty in one or more cases to state that they could serve on a jury where the defendant, if found guilty would automatically be sentenced to death $X^2(2) = 36.371, p < .001$. Of the forty extreme abolitionists, thirty-six indicated that they could not pull the lever which would result in the death of an individual convicted of first-degree murder. Five indicated they did not know if they could. This result differed significantly from those who voted for the death penalty in at least one case $X^2(2) = 24.278, p < .001$. The majority of the extreme abolitionists indicated that they supported an alternative to death penalty such as life without the possibility of parole $X^2(2) = 15.627, p < .001$ which differed significantly from those who voted for the death penalty in one or more cases. The extreme abolitionists also differed significantly from the participants choosing the death penalty in one or more cases with regards to their attitude toward Question 5. Extreme abolitionists stated that they supported an alternative to the death penalty that included life without the possibility of parole plus restitution to the victim's family to a greater extent than those who chose the death penalty in one or more cases $X^2(2) = 6.521, p < .05$. Not surprisingly, extreme abolitionists differed

Table 4 COMMONALITIES OF EXTREME SUPPORTERS

4a. CONCRETE DEATH PENALTY ATTITUDE

Attitude Question	Yes (ES)	Yes (ALL)	No (ES)	No (ALL)	I don't know (ES)	I don't know (ALL)
1 Are you in favor of the death penalty for persons convicted of murder?	10 (90 1%)	46 (50 5%)	0 (0%)	22 (24 2%)	1 (0 9%)	23 (25 3%)
2 If you served on a jury in a trial where the defendant, if found guilty, would automatically be sentenced to death could you convict the defendant?#	8 (72 7%)	17 (18 6%)	0 (0%)	34 (37 4%)	3 (27 3%)	40 (44%)
3 If asked to do it, could you pull the lever that would result in the death of an individual convicted of first-degree murder?	5 (45 5%)	7 (0 8%)	2 (18 2%)	62 (68 1%)	4 (36 3%)	22 (24 2%)

This particular question was not significant, but was in the anticipated direction $X^2 = 5.684$, $p = .058$

- Extreme supporters = (ES)
- All others = (ALL)

4b

ABSTRACT DEATH PENALTY ATTITUDE

	1 Very strongly oppose	2 Strongly oppose	3 Somewhat oppose	4 Uncertain	5 Somewhat in favor	6 Strongly in favor	7 Very strongly in favor
(ES)	0	0	0	0	2	6	3
(ALL)	9	11	5	14	25	20	7
Total	9	11	5	14	27	26	10

Significantly from those who chose the death penalty in one or more cases in their strength of support for the death penalty $X^2(6) = 64.856, p < .001$.

V DISCUSSION

Although results of this study do not provide strong support for the hypothesis that increasing a person's knowledge about the death penalty will effect his or her choice of punishment in actual capital cases, results were in the direction anticipated. Results of this study also demonstrate that the percentage of people who state that they support the death penalty in the abstract declines dramatically when actual, concrete cases are used. With the exception of CASE 3, only about twenty-five percent of participants selected the death penalty for a defendant – and these were cases which had already been adjudicated in American courtrooms. Thus, there is considerable ambivalence in American society with respect to actually sentencing a particular defendant to death.

It should be noted, however, that the control and experimental groups differed from the outset with regard to their initial death penalty attitude. The control group was somewhat in favor of the death penalty, whereas the experimental group was undecided. Previous research has shown that information about the death penalty can produce a shift in attitude within the same attitude position (i.e. from strongly support to somewhat support or from somewhat oppose to strongly oppose), however, less than thirty percent of people actually shift to an entirely new position (Bohm, 1991). Furthermore, shifts are more likely to occur for people who are undecided or who do not possess firm beliefs (Bohm, 1991; Ellsworth & Gross, 1983). Although the control group did not possess strong or firm death penalty beliefs, the experimental group was undecided (or less firm) with respect to their attitudes about the death penalty. As such, the presented information may have had a greater effect on the experimental group's attitudes. Thus, one would

expect the two groups to differ with respect to their choice of punishment with the experimental group choosing life without the possibility of parole more often than the death penalty. Although not statistically significant, the data from this study demonstrated this result, so it is not known whether the experimental manipulation caused the difference or whether it was the experimental groups initial attitude. In order to determine more conclusively whether information about the death penalty will affect a person's choice of punishment in actual cases, future studies need to be conducted in which the control and experimental groups have comparable death penalty attitudes at the start of the experiment.

It should also be noted, however, that results approached statistical significance despite the inclusion of CASE 3. CASE 3 differed from CASES 1 and 2 with respect to the number of subjects who selected the death penalty for the defendant. As discussed previously, subjects may have perceived the crime as extreme (or prototypical) and, therefore, the defendant more deserving of the death penalty. Previous research has shown that more severe or extreme cases are typically unaffected by extraneous factors that usually influence whether or not a particular defendant will receive the death penalty (Dieter, 1998). For instance, it is generally recognized that defendants who kill someone white are more likely to receive a death sentence than those who kill someone black. Furthermore, black defendants killing someone white are the most likely to receive a death sentence (Baldus, 1983 as cited in Coyne & Entzeroth, 1994). Dieter (1998) recently discovered that this racial effect diminishes as murders become increasingly severe. This means that if a particular murder is severe enough the defendant will receive

the death penalty regardless of his race or the race of his victim. CASE 3 was a "race" case; however, it was considered more severe than CASES 1 or 2. According to Dieter (1998), because the crime was so severe the lecture material would not have effected subjects' choice of punishment. Thus, results may have reached statistical significance had a less severe case been used.

Before the start of the experiment, a separate group of subjects read summaries of several death penalty cases and rated the cases they thought were most deserving of a death sentence. The cases used in this experiment were selected from that group, however, the cases were not thoroughly analyzed to determine whether the depicted crimes were equally severe. Since severity of the crime is an important factor in selecting a punishment, future studies should thoroughly analyze the cases to be used. Cases which are in the mid-range of severity may produce more clear-cut results, however, experimenters may want to consider using extreme cases as well. Researchers may want to use both types of cases in order to determine whether or not increased knowledge helps jurors distinguish mid-range cases from severe cases. One of the most common criticisms with the death penalty is that it is imposed inconsistently. Perhaps a brief lecture given to jurors before deliberating could assist juries in making consistent sentencing decisions. In order for the justice system to acknowledge and apply the results of future studies investigating this topic, researchers need to demonstrate consistently that increased knowledge about the death penalty affects selection of punishment in death penalty cases.

Although not statistically significant, results of this study suggest that those in the experimental condition with a sufficient amount of death penalty knowledge tended to choose life imprisonment without the possibility of parole as the appropriate punishment for the defendants in the presented cases. Thus, to some extent it appears that increasing one's knowledge about the death penalty sufficiently can influence a person's choice of punishment in death penalty cases. Unfortunately, one cannot control the amount of information a particular person absorbs. Some people are simply not capable of comprehending certain types of information. Not being able to comprehend such information, however, does not disqualify one from serving on a capital jury. Unless the Supreme Court decides that only those with a sufficient amount of death penalty knowledge can serve on capital juries, comparing the results of those with a great amount of knowledge to those with less knowledge, may prove meaningless because, presently, both can serve on capital juries. One of the main criticisms of the death penalty is that it is arbitrarily imposed. The death penalty is supposed to be imposed on the criminals who are the "worst of the worst." While death row is home to many such criminals, the media frequently reports many other criminals, who have committed equally vile and reprehensible crimes, who are not sentenced to death. Furthermore, some murderers end up on death row due to inadequate counsel and not solely due to the heinousness of their crime. Thus, there are other factors which influence a particular defendant's likelihood of receiving a death sentence. Results from future research in this area can have a profound impact on capital litigation. For instance, if future studies consistently demonstrate that informed jurors choose the death penalty in only the most extreme cases, then perhaps the

justice system will either select capital jurors based, at least partially, on their death penalty knowledge or give a brief lecture to potential jurors to increase their death penalty knowledge – much like the lecture employed in this study.

Despite the basic attitude difference between the two groups from the outset of the experiment, the results are still noteworthy because of the time and place in which the study occurred. This study was conducted in Tennessee during the spring of 2000. Tennessee had its first execution in nearly forty years during data collection. Data from the control group was obtained one month before the execution, whereas data from the experimental group was obtained between one week before and two weeks following the execution of Robert Glen Coe. There was an increased interest in the death penalty during this time and the media covered the execution heavily. Like many other death row inmates about to be executed, Coe received several temporary stays in the months preceding the execution. These stays pushed his execution date back on numerous occasions by a few days or weeks. The media frequently interviewed the victim's family, friends, and members of the community regarding their feelings about the stays. In addition, Coe had been convicted and sentenced to death for the rape and murder of an eight-year-old girl – a particularly heinous and severe crime (State v Coe, 655 S W 2d 903). Furthermore, Coe had been sentenced to death in 1981 and had been on death row for nearly twenty years. The public's perception of the criminal justice system in Tennessee during this experiment mirrored Doob and Robert's (1984) research. The mass media provided the public with limited information regarding Coe's crime, the crime was particularly heinous; and the criminal justice system was perceived as weak

because Coe had been on death row for nearly twenty years. In addition, the media's reports of the seemingly endless number of appeals made it appear as if Coe might not be executed. All of these factors combined to create an atmosphere of great frustration. Local residents became frustrated and enraged with the criminal justice system because of the crime, the large number of stays, and the length of time Coe had spent on death row. Thus, many people with little death penalty knowledge, including some of the participants, may have developed a skewed perspective of the death penalty. Moreover, most of the participants in this study had not even been born when Tennessee had its last execution. Many of the participants, such as the one extreme supporter who claimed to be somewhat in favor of the death penalty but stated, "he deserves to die for his crime," may not have been aware of their abstract attitudes toward the death penalty because they may never have thought about it before. When this study was conducted, therefore, participants may not have been cognizant of their death penalty attitudes. As a result, much like Doob and Roberts (1984) and Gross (1993) contend, subjects may have answered the opinion items with Robert Glen Coe in mind.

Subjects also may have attached different meanings to the various levels of support. For instance, one need not be a zealot to "very strongly oppose" the death penalty. In addition, there is a difference between "undecided" and "I do not know enough about the topic to make a decision." When assessing the strength of subjects' attitudes toward the death penalty, future studies should provide a guide as to what the different choices mean. For example, (1) very strongly oppose – I believe the death penalty is cruel and inhumane and should not be used as a punishment for any crime, (2)

strongly oppose – I generally do not believe the death penalty should be used as a punishment; however, there are a few extreme situations in which the death penalty is an equitable punishment; (7) very strongly support – I think that everyone who commits murder deserves the death penalty.

Participants also may have been more rigid in their death penalty attitudes and less receptive to the presented information because some of the information the experimenter discussed may have seemed to contradict information they may have obtained from the media. Since most Americans acquire their knowledge about the criminal justice system from the mass media, subjects may have obtained information from the media which appeared to be at odds with the lecture material. For example, one of the facts the experimenter discussed was the average length of time a defendant spends on death row from the date of sentencing until the date of the execution. Although the length of time from sentence to execution is approximately eight years, this fact may have been difficult for subjects to digest because Tennessee had not had an execution in almost forty years and Coe had been on death row for nearly twenty years. Since media coverage of the Coe execution may have been the only exposure to the death penalty for many of the subjects, some subjects may have doubted the lecture material because the information was incongruent with the Coe case. All of the aforementioned factors were present during data collection and taken together they may have hardened some participants' attitudes toward the death penalty. These factors may have influenced the results with people being less responsive to the presented information. It is encouraging, therefore, to have obtained results in the anticipated direction despite these circumstances. In order to

control for the media possibly influencing death penalty attitudes, future studies need to be conducted at times when there are no pending executions in the jurisdiction where the data is to be collected.

The results are also noteworthy because in the Wright et al. (1995) study experimental group subjects answered 15.08 of the seventeen questions correctly (88.7%), whereas experimental group subjects in the current study answered only 12.5 questions correctly (73.5%). Perhaps a thirty-minute lecture is not enough time to absorb a sufficient amount of information. If this is true, then unlike the present experiment, one would not expect to find results approaching statistical significance. Furthermore, analyses from the median split revealed that the median number of questions answered correctly was eleven. Similar to Wright et al. (1995), Bohm et al. (1991) conducted a four-week long undergraduate course on the death penalty and used the same quiz employed in the present study to assess death penalty knowledge. Their research revealed a significant amount of attitude shift among students. Results also demonstrated a median of just eight questions answered correctly. Perhaps thirty minutes is enough time to present the necessary information and have subjects absorb it, and the observed results were due to other factors (i.e. circumstances surrounding data collection or the incomparable death penalty attitudes between the two groups).

In the present study the experimenter primarily covered the topics found to be most persuasive by Sandys (1995) and Bohm, et al. (1991) and discussed the questions contained in the quiz secondarily. Thus, subjects may have obtained sufficient knowledge about the death penalty regarding the topics presented but not sufficient

knowledge about the death penalty in general. For instance, the experimenter briefly touched upon the topic of a life sentence, but she did not discuss it as thoroughly as racial discrimination or the possibility of executing an innocent person. Since previous research has shown that Americans do not understand the meaning of a life sentence and that jurors sometimes choose the death penalty over life without the possibility of parole because they are afraid the defendant will be released, perhaps this topic should be covered more thoroughly. Future research should investigate whether the lecture should cover broad topics (i.e. racial discrimination, innocence, etc.) or a combination of broad topics and other information (i.e. the length of a life sentence, other countries with a death penalty, etc.). Sandys' (1995) and Bohm et al.'s (1991) research seem to indicate that it is the discussion of the death penalty as a whole and not specific topics which shift attitudes toward opposition. The purpose of the lecture is not to shift attitudes toward opposition but to assist capital jurors in making informed, educated decisions when choosing a punishment. Future research can provide some insight into what types of information capital jurors find most useful in sentencing decisions.

One important factor which might influence the type of information presented or the manner in which the information is presented is biased assimilation. As discussed previously, Lord et al. (1979) contend that people tend to accept at face value evidence or arguments that are congruent with their prior beliefs but scrutinize evidence or arguments that are incompatible with their prior beliefs. Based upon Lord et al.'s (1979) findings, Edwards and Smith (1996) proposed a "disconfirmation model" which states that when people are faced with evidence contrary to their beliefs, they try to undermine, or

disconfirm, the evidence. This occurs because a person stores in his or her memory bank information and examples that are consistent with his or her beliefs. When faced with an incompatible argument, people will search through their memory banks for material that is contrary to the presented argument and consistent with their prior beliefs. Amongst other topics, subjects in the Edwards and Smith (1996) study were presented with arguments for and against the death penalty. The researchers found that arguments compatible with an individual's prior beliefs were judged stronger than those incompatible with the individual's prior beliefs. The subjects apparently searched their memory banks and retrieved material consistent with the argument and this bolstered the strength of the presented argument. The researchers also found that people took longer to evaluate arguments incompatible with their prior beliefs than arguments consistent with their prior beliefs. Perhaps incompatible arguments are merely stored for future recall, whereas incompatible arguments are picked apart for flaws. This analysis seems to make sense considering the researchers also found that subjects generated more refutational arguments when presented with an argument incompatible with their prior beliefs.

Edwards and Smith (1996) conducted another study which specifically examined the effects of compatible and incompatible death penalty arguments for people whose beliefs were associated with strong emotional conviction. Results revealed that as compared to those with weak, undecided, or moderate death penalty opinions (low in emotional conviction) those with strong death penalty opinions (high in emotional conviction) judged incompatible arguments to be especially weak. Furthermore, when presented with an incompatible argument, those high in emotional conviction generated

more refutational arguments than those low in emotional conviction. When applied to research in death penalty attitudes, these findings seem to suggest that for people with strong death penalty attitudes information inconsistent with their prior beliefs will be discounted and disconfirmed. If the disconfirmation model applies to increased knowledge about the death penalty, one would expect that a lecture on the death penalty would polarize a person's attitude. Those strongly opposed and strongly in favor would not be affected by the information; and only those somewhat opposed, undecided, or somewhat in favor would be affected by the information. Sandys' (1995) findings seem to contradict this hypothesis, however. She found that those with strong death penalty attitudes reported a shift in attitude after completing her four-week long course surveying the death penalty. Those with extreme attitudes, on the other hand, did not show any shift in attitude. Perhaps then it is only the relatively few extremists who would not consider information inconsistent with their prior beliefs while deciding upon a punishment. If this is true, then perhaps a brief death penalty lecture would assist jurors in determining which cases and defendants are deserving of a death sentence.

As mentioned previously, one of the criticisms with the death penalty is that it is arbitrarily and unfairly imposed. By merely reading the facts of a particular capital case, it is difficult, if not impossible, to determine whether a jury will sentence the defendant to death. For many people it seems unconstitutional, or unfair, that two people committing comparable murders receive such disparate sentences. A recent poll by Peter Hart Research and American Viewpoint revealed that 64% of Americans support a moratorium on executions until the issue of fairness can be resolved (The Justice Project, 2000.) In

another recent survey, 42% of respondents stated that they thought the death penalty is not applied fairly (NBC News/Wall Street Journal, 2000). A recent Gallup Poll revealed that 65% of Americans agree that a poor person is more likely than a person of average or above average means to be sentenced to death and 91% of those surveyed think that within the past twenty years at least one innocent person was sentenced to death who was actually innocent (Gallup Poll, 2000). Thus, it appears that many Americans recognize and are concerned that the death penalty is unfairly imposed but rather than abolish it, they prefer that the justice system reexamine the current methods and procedures used in capital cases. Future studies can investigate whether increased death penalty knowledge helps jurors discriminate between severe cases and mid-range cases. If one of the purposes of the death penalty is to punish criminals who are the “worst of the worst,” perhaps a brief lecture before jury selection or deliberation would help assist jurors in their decision making process.

The questions then become who should listen to the lecture and when should the lecture be made – before, during, or after jury selection? Jury selection for capital cases can be longer and more difficult than other types of cases. A great deal of responsibility rests on the shoulders of capital jurors. Not only do such jurors decide upon the guilt and sentence of a particular defendant, but also, to some extent, the future of capital punishment is based upon their actions. For instance, if capital jurors discontinue sentencing defendant's to death, this would cause the criminal justice system to reevaluate the death penalty as a punishment in American society. Likewise, if such jurors choose the death penalty in every possible case, then again the criminal justice

system would have to reevaluate its policies and procedures to discern the cause of such behavior. Justice Stevens, among others, have stated that one of the more salient “societal factors” the Court considers in “determining the acceptability of capital punishment is the behavior of juries” (Thompson v. Oklahoma, 1988, p. 831, as cited in Haney, et al., 1994)

Although in some jurisdictions the presiding judge may decide the punishment in capital cases, in many jurisdictions, the jury decides upon the punishment. Capital cases are unique in that they are the only cases in which the jury decides the punishment. Capital cases usually proceed through two stages: guilt phase and penalty phase. The guilt phase of a capital trial is the same as that of any trial. The jury listens to and weighs evidence and then decides upon the defendant’s guilt. Capital jurors are then given the awesome responsibility of deciding upon the defendant’s punishment. Because death is a possible punishment, capital jurors must be at least willing to impose a death sentence. As discussed previously (p. 43), not all members of society can serve on capital cases. Prospective jurors go through a selection process (death qualification) by which certain people are excluded based upon their death penalty attitudes. The Supreme Court has made several decisions regarding which members of society are suitable for capital jury service. Beginning with Witherspoon v. Illinois (1968), the Court stated that prospective jurors who could never impose the death penalty no matter what the facts were (unequivocal opposition) could be constitutionally excluded from jury service on capital cases. Since Witherspoon, social scientists have extensively investigated the process of death qualification (Cowan et al., 1984; Konecny, Ebbesen, & Hock, 1996). Research has

consistently shown that death qualification produces juries that are unrepresentative of the population and that are prone to convict (Cowan et al., 1984; Bersoff, 1987). In Wainwright v. Witt (1985) the Supreme Court significantly increased the size of excludable jurors by altering the standard by which potential jurors are excluded. Under Witt, the standard moved from one of unequivocal opposition to one who merely holds a death penalty attitude that would “prevent or impair the performance of his [or her] duties as a juror in accordance with his [or her] instructions and oath” (p. 852, as cited in Haney et al., 1994). It was not until Morgan v. Illinois (1992) that the Supreme Court finally recognized the legal disqualification of those whose support for the death penalty is so strong that they believe in the death penalty in every capital case. The present study did not differentiate between subjects who are death qualified or excludable due to their death penalty attitudes. The survey employed only contained one question which tapped into the Morgan standard; however, the survey did not contain any questions that tapped into the Wainwright or Witt standards. Since only death qualified persons can serve on capital juries, future studies should investigate death penalty knowledge with respect to death qualified and excludable jurors to ascertain whether a brief death penalty lecture would assist in obtaining both fair and consistent sentencing decisions.

Currently death penalty support is at a near twenty year low, however, complete abolition of the death penalty is very unlikely. Sixty-four percent of the American population support the death penalty – the lowest in nineteen years, yet only 25% of the population support abolition (The Harris Poll, 2000). Furthermore, 94% of Americans believe that innocent people are sometimes convicted of murder, yet only 36% of

Americans would oppose the death penalty if a “substantial number” of innocent persons were convicted of murder (The Harris Poll, 2000). Most Americans support a moratorium on the death penalty in order for changes to be made so that it can be imposed more fairly. Moreover, current public opinion indicates that support for the death penalty declines drastically when options such as life without parole plus restitution are available. Perhaps during a moratorium, the Court can look to social scientific research and apply some of the findings to the justice system. Although the Court has discounted such research in the past (e.g. Lockhart v. McCree, 1986, McCleskey v Kemp, 1987) one way for the Court to satisfy the American public and bring fairness to the application of the death penalty is through acknowledgment and application of social scientific research. In addition, the Court can make public some of its better-kept secrets, such as the meaning of a life sentence. After the public becomes aware of the social scientific research and the arcane meaning of legal terminology is revealed, then perhaps Justice Marshall’s hypothesis that an informed public would oppose the death penalty can truly be tested in the courtroom rather than through contrived experimental settings

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APPENDICES

Appendix A. Case Summaries

CASE 1

Steve Roach, a seventeen-year-old white male, was arrested for the murder of Mary Ann Hughes, a seventy-year-old white female who died as a result of a single gunshot wound to her chest. Defendant was charged with capital murder, use of a firearm in commission of murder, and robbery.

In the early morning hours of December 4, 1993, a deputy noticed Mrs. Hughes's Buick Regal in the parking lot of a mall. The deputy identified Defendant as the operator of the car. Later that morning Defendant attempted to use Mrs. Hughes's credit card at an ATM in North Carolina. A videotape from the ATM showed Defendant attempting to withdraw cash from Mrs. Hughes's account.

On December 5, 1993, a South Carolina trooper observed the driver of a Buick Regal driving in excess of the speed limit. The trooper attempted to pull the car over. The driver of the Buick pulled the car over, got out of the car, ran into the woods, and escaped. The driver was wearing clothes that matched the description of the clothes Defendant had been seen wearing for the previous two days. The trooper impounded the vehicle and traced its registration to Mrs. Hughes. Fingerprints on the automobile and on a plastic bag that was inside the automobile matched Defendant's.

At trial Defendant offered evidence that there was no gunshot residue on his hands or clothes when he was arrested. Also, no footprints at the scene of the crime matched the shoes that he was wearing. A forensic science expert testified that when Defendant was arrested he did not have any blood on his clothing except "a very light stain" on his shirt, despite the fact that the fatal wound perforated one of Hughes's arteries. The expert testified that the person who fired the gun was standing within five feet of the victim.

Defendant had several prior convictions all of which occurred in 1993. He had been convicted twice of grand larceny of an automobile and once of breaking and entering and of grand larceny arising out of the burglary. Defendant was put on probation for those crimes. A psychologist also recommended that Defendant and his family go to counseling and that he go back to school. Defendant had stopped attending school in 1991 when he was fourteen at the request of his parents who said they needed him at home for chores and to help raise his younger siblings. Defendant and his family did attend counseling and Defendant enrolled in G.E.D. classes.

Defendant made several conflicting stories to law enforcement officials concerning his involvement in the crimes. At first he said that he and a friend went over to Mrs. Hughes's house to visit her and on their way out his friend shot Mrs. Hughes. At trial Defendant said that he shot Mrs. Hughes and no one else was present.

Defendant's mother testified that she and Defendant's father had separated and reconciled their marriage four times during Defendant's childhood. His father testified that he was frequently absent from home and his children did not receive parental supervision. He also testified that when his wife left him life "got worse" for his children because he began drinking and bringing young women home.

Several members of Defendant's family and several friends testified on Defendant's behalf. One said that Steve was an "excellent employee," while another said that Steve often helped his neighbors, including Mrs. Hughes, with cutting firewood, cooking, and cleaning their laundry. The pastor of the Defendant's church testified that Defendant volunteered at the church by painting, remodeling, and working at a camp for children. The pastor conceded that while volunteering Defendant was accused of stealing a watch but later settled the matter with the owner of the watch.

At trial the Defendant took the stand and stated that he walked into Mrs. Hughes's house with his shotgun. When Mrs. Hughes opened the door, he fired once, walked passed her body, and took her purse and keys to the car. He said that he knew she had just received her social security check, knew the location of her purse, and intended to steal both items but that he did not intend to hurt her. He stated that he could not explain "what went through his mind." He also testified that he was sorry he killed Mrs. Hughes and wished he could bring her back.

A forensic psychologist appointed by the court testified that Defendant was of average intelligence and had mild depressive symptoms. He also stated that the Defendant had poor "impulse control" and "did not show a very good ability in many situations to control his emotions or behavior like a seventeen-year-old should." The psychologist stated that the Defendant's immaturity related to the fact that he did not have the guidance or the structure that a child needs to mature. The psychologist stated that the murder was the result of poor impulse control and the fact that Defendant had displaced his anger from someone else toward Mrs. Hughes. He concluded by stating that in terms of normal development impulsiveness diminishes as one grows older and does not cause problems for that person in the future.

PUNISHMENT

These are the facts as proven at trial. You and the other members of the jury are convinced of the defendant's guilt and have just convicted him of murder in the first degree. You must now decide on the most appropriate punishment for this defendant.

Please indicate which punishment you think is the most appropriate based on the presented facts:

_____ (1) life without the possibility of parole

_____ (2) the death penalty

CASE 2

Carl Morrow, a black male, was arrested for the armed robbery and murder of William Dulin, a white male in his late eighties, that occurred in the victim's home. There were no signs of forced entry into the residence and no fingerprints linking Defendant to the crime. Blood found at the scene was identified as that of Gayle Potter, who was indicted along with Defendant. Another defendant, Ralph Frye, was also indicted for his involvement in the crime.

Both Potter and Frye testified against Defendant at trial. Potter testified that she was a drug dealer and the Defendant was the "enforcer" of her drug supplier, Steve Poll – meaning that the Defendant would collect money for Poll. She stated that she owed Poll some money from a cocaine deal and Poll told her that she should borrow the money she owed him from the "rich, old farmer," referring to Dulin. Potter knew the victim because her mother had performed housekeeping services for Dulin.

At trial Potter testified that she drove Defendant, Frye, and herself to the victim's house. Potter said that she knocked on the victim's door and Dulin let her in. Defendant and Frye also entered although they had not been invited inside. Once inside Potter asked Dulin for \$3,000, but he refused. Potter testified that Defendant brandished a gun and told Dulin to write a check. Dulin again refused and he and Defendant began to struggle and Defendant shot Dulin. Potter testified that she became hysterical and Defendant struck her on her head causing her to bleed. She testified that Defendant forced her out of the house and into the car and Defendant went back into the house to remove fingerprints and other evidence. Potter testified that the following day Defendant and Poll came to her home with a check for \$4,050 signed by Dulin and told her to cash it. Potter went to a nearby bank to cash the check, but they refused to honor it. Potter said she then burned the check.

Potter admitted that the murder weapon was hers but that it had been stolen from her trailer shortly before the Dulin murder and she believed Defendant had stolen it. She stated that she did not realize until after the incident that Defendant had placed the weapon in the car she was driving. She later told her boyfriend to hide the gun.

Frye's testimony at trial was substantially similar to that of Potter's. Both Frye and Potter acknowledged that they had given prior inconsistent statements to the authorities regarding what had transpired. Both Potter and Frye acknowledged that the two had adjacent cells while in prison and that they communicated on a daily basis through a food slot.

Potter's cousin, Troyer, testified at trial that when Potter returned home on the evening of the murder she had blood on her hair. Troyer testified that Potter placed some money on the table and that Potter said that there was more than \$250 there. Potter explained to Troyer that she injured her head during a drug deal. Troyer testified that she heard Potter

tell her boyfriend that there was a gun in the car, and the boyfriend left the apartment briefly and returned with several gunshot shells, some of which were spent.

Defendant presented the defense of alibi at his trial. Witnesses testified on his behalf in an effort to demonstrate that neither Defendant nor Frye was at the Dulin residence on the night of the murder.

PUNISHMENT

These are the facts as proven at trial. You and the other members of the jury are convinced of the defendant's guilt and have just convicted him of murder in the first degree. You must now decide on the most appropriate punishment for this defendant.

Please indicate which punishment you think is the most appropriate based on the presented facts.

_____ (1) life without the possibility of parole

_____ (2) the death penalty

CASE 3

Defendant Richard Houston, a black male, was arrested for the murder and robbery of Stanley Balsinger, a white male. Mr. Balsinger's body was found in the men's restroom of the service station he operated. The customer who found the body gave the police a detailed description of a man he saw leaving the vicinity of the restroom just moments before he discovered the body. The customer also gave a description of the automobile in which the man left the scene. The customer described a black male approximately six feet tall, 165 to 170 pounds, with a short afro, wearing a brown leather jacket, and driving a white '64 or '65 Ford Fairlane with square tail lights and chrome missing from the passenger's side.

Detectives called to the scene to investigate the crime determined that Mr. Balsinger had been shot three times, once in the mouth and once in the heart and upper abdomen. The nature of the latter two wounds indicated that Mr. Balsinger was lying on his back on the floor of the restroom when these two shots were fired into him at close range. Mr. Balsinger's wallet and credit card receipts were missing.

Approximately three hours later, two detectives from the local police department saw an automobile fitting the description of the get-away car. After a brief chase, it speeds up to seventy miles per hour, the automobile was stopped. There were two occupants in the vehicle. Defendant, who fit the description of the suspect seen leaving the service station except he was not wearing a leather jacket, and his female companion.

The detectives in charge of the Balsinger investigation were called, and they asked Defendant if they could search his vehicle. Defendant consented to the search and the detectives found Mr. Balsinger's wallet and credit card receipts. The detectives also found a gun, later shown by laboratory tests to have been the gun used to kill Mr. Balsinger.

While searching the automobile, Defendant tried to stealthily pass a roll of money to his female companion. The detectives took the money and noticed that several bills were stained with blood. The detectives formally placed Defendant under arrest.

A subsequent search of a motel room rented to Defendant turned up a leather jacket, such as the one worn by the person seen leaving the scene of the robbery and murder. The officers also found trousers and other clothing belonging to Defendant that had been laundered and were still wet. Defendant's female companion said that Defendant had laundered his clothing to remove blood stains.

Defendant gave a statement to the police in which he stated that the robbery was a spur-of-the-moment action, that Mr. Balsinger had grabbed the gun, and that Defendant sought to escape but the gun went off accidentally in the struggle. Defendant admitted to taking Mr. Balsinger's wallet from his pocket after the shooting.

PUNISHMENT

These are the facts as proven at trial. You and the other members of the jury are convinced of the defendant's guilt and have just convicted him of murder in the first degree. You must now decide on the most appropriate punishment for this defendant.

Please indicate which punishment you think is the most appropriate based on the presented facts:

_____ (1) life without the possibility of parole

_____ (2) the death penalty

Appendix B. Attitudes and Knowledge About the Death Penalty

- _____ 1. The majority of Americans currently favors the death penalty.
(1) true
(2) false
(3) I don't know
- _____ 2. The majority of executions in the United States take place in the South.
(1) true
(2) false
(3) I don't know
- _____ 3. On the average, the death penalty costs tax payers more than life imprisonment.
(1) true
(2) false
(3) I don't know
- _____ 4. Currently, there are over three thousand people awaiting execution in the United States.
(1) true
(2) false
(3) I don't know
- _____ 5. Poor people who commit murder are not as likely to be sentenced to death than rich people.
(1) true
(2) false
(3) I don't know
- _____ 6. Over the years, states that had the death penalty have shown lower murder rates than neighboring states that did not have the death penalty.
(1) true
(2) false
(3) I don't know
- _____ 7. Most of the states in the United States do not have capital punishment laws.
(1) true
(2) false
(3) I don't know
- _____ 8. Most Western European nations have abolished the use of the death penalty.
(1) true
(2) false
(3) I don't know

- _____ 9. A Black person is more likely to receive the death penalty than a white person for the same crime.
- (1) true
 - (2) false
 - (3) I don't know
- _____ 10. Studies have shown that the rate of murder usually drops in the weeks following a well-publicized execution.
- (1) true
 - (2) false
 - (3) I don't know
- _____ 11. Lethal injection is the most commonly used method of execution today.
- (1) true
 - (2) false
 - (3) I don't know
- _____ 12. The average prison term served by someone sentenced to life imprisonment is less than ten years.
- (1) true
 - (2) false
 - (3) I don't know
- _____ 13. For premeditated murder, men are more likely to be executed than women.
- (1) true
 - (2) false
 - (3) I don't know
- _____ 14. After the Supreme Court struck down the death penalty in 1972, the murder rate in the U S showed a sharp downturn.
- (1) true
 - (2) false
 - (3) I don't know
- _____ 15. The punishment of death has typically been imposed in only a small fraction of the cases where it is an authorized punishment.
- (1) true
 - (2) false
 - (3) I don't know
- _____ 16. No innocent people have been executed in error in the U.S. this century.
- (1) true
 - (2) false
 - (3) I don't know

_____ 17. The killers of Black people are just as likely to receive the death penalty as the killers of White people.

- (1) true
- (2) false
- (3) I don't know

_____ 18 Are you in favor of the death penalty for persons convicted of murder?

- (1) no
- (2) yes
- (3) I don't know

_____ 19. If you served on a jury in a trial where the defendant, if found guilty, would automatically be sentenced to death, could you convict the defendant?

- (1) no
- (2) yes
- (3) I don't know

_____ 20 If asked to do it, could you pull the lever that would result in the death of an individual convicted of first-degree murder?

- (1) no
- (2) yes
- (3) I don't know

_____ 21 Would you support an alternative to the death penalty where a convicted first-degree murderer is sentenced to life in prison, without possibility of parole ever?

- (1) no
- (2) yes
- (3) I don't know

_____ 22. Would you support an alternative to the death penalty where a convicted first-degree murderer is sentenced to life in prison, with no possibility of parole ever and have him/her work in a prison industry where his/her earnings would go to the victim's family?

- (1) no
- (2) yes
- (3) I don't know

_____ 23 Do you believe that televising executions would make the death penalty a greater deterrent for violent crimes?

- (1) no
- (2) yes
- (3) don't know

_____ 24. Do you believe that televising executions would make the death penalty a greater deterrent for first-degree murder?

- (0) no
- (1) yes
- (2) I don't know

_____ 25. Which of the following statements best describes your position toward the death penalty for people convicted of first degree murder?

- (1) very strongly opposed
- (2) strongly opposed
- (3) somewhat opposed
- (4) undecided
- (5) somewhat in favor
- (6) strongly in favor
- (7) very strongly in favor

_____ 26. Sex:

- (1) male
- (2) female

_____ 27. Race:

- (1) White
- (2) Black
- (3) Asian
- (4) Hispanic or Latino
- (5) Other

_____ 28 Major:

- (1) Psychology
- (2) Business
- (3) History
- (4) Other (specify)

_____ 29. Which statement below best describes how religious you are?

- (1) not a religious person
- (2) somewhat religious
- (3) fairly religious
- (4) strongly religious
- (5) very strongly religious

_____ 30. Please specify the religion you identify with.

_____ 31. What is your age

VITA

Patrice Carroll was born in Mt. Vernon, NY on October 6, 1972. She grew up in Scottsdale Arizona and graduated from Horizon High School in June 1990. She attended the University of California, Los Angeles where in March of 1995 she received a Bachelor of Arts degree in Psychology. She entered the Doctorate program in Experimental Psychology at the University of Tennessee, Knoxville in 1996. She took a leave of absence from the graduate school and enrolled in the University of Tennessee College of Law in 1997 where she received her J.D. in May of 2000. She returned to the graduate school in 2000 where she received her Master of Arts in psychology in December 2000. She is presently pursuing her doctorate in experimental psychology, which she anticipates completing in December 2001.