

**Resistance and Persuasion in Response to Arguments Against the Death Penalty
among Whites and Blacks***

Mark Peffley
Dept. of Political Science
University of Kentucky
Lexington, KY 40506
mpeffl@uky.edu

Jon Hurwitz
Dept. of Political Science
University of Pittsburgh
Pittsburgh, PA 15260
hurwitz@pitt.edu

*An earlier version of this paper was presented at the 2005 meeting of the Midwest Political Science Association, April 7-10, Chicago. This research is supported by NSF Award Number 9906346.

ABSTRACT

Although there exists a large and well-documented “race gap” between whites and blacks in their support for the death penalty, we know relatively little about the nature of these differences and how the races respond to various arguments against the penalty. To explore such differences, we embedded an experiment in a national survey in which respondents are randomly assigned to one of several argument conditions. We find that African-Americans are more responsive to appeals that are both racial (i.e., the death penalty is unfair because most of the people who are executed are black) and nonracial (i.e., too many innocent people are being executed) than are whites, who are highly resistant to persuasion and, in the case of the racial argument, actually become *more* supportive of the death penalty upon learning that it discriminates against blacks. These inter-racial differences in responsiveness to arguments against the death penalty can be explained, in part, by the degree to which people attribute the causes of black criminality to either dispositional or systemic forces (i.e., the racial biases of the criminal justice system).

The conventional wisdom on public opinion toward the death penalty in the United States, as summarized nicely by Elsworth and Gross (1994, 19), is that people “feel strongly about the death penalty, know little about it, and feel no need to know more.” As a consequence of these feelings, the authors argue, attitudes tend to be relatively crystallized and, therefore, unresponsive to question phrasing or arguments that are contrary to an individual’s belief.

We must wonder, then, why views of the death penalty vary so dramatically over time and across contexts. Gallup surveys document a sharp increase in support for capital punishment between 1966 and 1994, quite clearly in response to rising violent crime rates during this period (e.g., Page and Shapiro 1992; Xie 2003). However, with the dramatic surge in arguments questioning the fairness of the sentence (due, in part, to DNA exonerations of death row inmates) in the national media in the late 1990s (Baumgartner, DeBoef and Boydston 2004), support then began to wane, falling from 80% in 1994 to 66% in 2000. Moreover, approval varies substantially depending on the target and the alternatives posed. For example, in a May, 2002 Gallup survey, while 72% supported the death penalty, only 26 and 19% approved of the punishment for juveniles and the mentally ill, respectively. And, when offered the alternative of life imprisonment without the possibility of parole, only 52% remained advocates (Gallup, 2003, Bohm 2003). Quite clearly, attitudes toward this policy are often responsive: to events (e.g., DNA exonerations, the crime rate), to characteristics of the target (e.g., age, psychiatric conditions), and to alternatives (e.g., life without parole). Surely the conventional wisdom—that death penalty attitudes are impervious to change—is overstated. In fact, given the findings that Americans’ views vary significantly over time and across different contexts, any contemporary analysis of death penalty attitudes must be able to account for the *responsiveness* of such attitudes, as well as their reputed *resistance* to change.

Such an analysis is essential because attitudes toward the death penalty are consequential in ways that most other public attitudes are not. According to McGarrell and Sandys (1996), the U. S. Supreme Court has used public support for the policy as its barometer of “evolving standards of decency,” a criterion the Court in turn uses to settle the “cruel and unusual” question (Soss et al. 2003, 398). The decisions of state jurists, as well, have been found to be influenced by public opinion on this issue. For

example, Brace and Hall (Hall 1992; Hall 1995; Brace and Hall 1997) determined that, in states with citizens supportive of capital punishment, supreme court justices are significantly more likely to uphold the death sentence (or less likely to dissent from a pro-death majority) when they face “competitive electoral conditions” (e.g., they are close to the end of a judicial term or they won by narrow margins).

Legislatures are also influenced by the public. Congress (and President Clinton), for example, mandated the death penalty for certain federal crimes as a part of the Violent Crime Control and Law Enforcement Act of 1994, largely as a response to growing public concerns with escalating crime rates. There are also numerous studies finding an impact of public opinion on state death penalty statutes (e.g., Nice 1992, Mooney and Lee 2000) and state implementation rates (e.g., Norrander 2000).

Finally, with this policy there is a form of direct democracy that is found in no other area of public policy. Citizen jurists often make the decision to either take or spare the life of a convict in capital cases, thereby *directly* translating their beliefs into public policy.

Because such attitudes are both responsive and so extraordinarily important, we need to know a great deal more about what, exactly, shapes them. We need to understand the conditions under which these attitudes change, the types of arguments that are most persuasive, and the types of individuals who are most susceptible. But most importantly, we need to understand the differential responses of whites and African-Americans to these arguments. As we will argue, the death penalty has become an extremely racialized policy in the United States, necessitating an analysis that is both inter- and intra-racial. And as we will show, not only do whites and African-Americans hold quite different beliefs about the death penalty, but they also respond quite differently to arguments against it.

ATTITUDES TOWARD CAPITAL PUNISHMENT

The Racial Element

While arguments against the death penalty have ranged from the biblical to the economic, two have been particularly prominent. There is, first, the matter of fallibility. Particularly with the availability of DNA testing, which has exonerated a number of death row inmates (Liebman 2000), we know the legal

system is flawed to the point where an unknown proportion of individuals on death row are innocent. This argument was underscored in dramatic fashion in 2003 when the outgoing Republican Governor, George Ryan, placed a moratorium on the executions of 164 prisoners on death row in Illinois on the grounds that the punishment is both irrevocable and flawed in the sense that at least some individuals are, doubtless, losing their lives for crimes they never committed. And according to Haines (1992), such “flawed convictions” seriously erode public support for the capital punishment.

But there is another, equally compelling, case to be made. It is, according to many of its critics, rife with racial and ethnic discrimination, so much so that, as of this writing, no fewer than 38 states have empanelled commissions to investigate these biases. Death rows are populated with African-Americans in numbers far in excess of their proportions in the broader population. While these statistics do not, by themselves, prove the system to be racially discriminatory, they do lead to the all important *perception* of discrimination on the part of many individuals, particularly those within the African-American community. Further, there is by now a virtual consensus that black assailants convicted of murdering whites are far more likely to face the death penalty than those convicted of murdering minorities (e.g., Keil and Vito 1995; Pasternoster 1991). And much of the bias is more subtle, such as the practice of “jury bleaching,” whereby district attorneys dismiss African-Americans from jury pools in capital cases for reasons other than cause. The discriminatory nature of capital punishment, in other words, is more than a mere perception. It is a reality.¹

¹ Errors associated with the death penalty—regarding both the execution of innocent people and its discriminatory practice—have led to an elite response that has been deafening and that has extended far beyond the state of Illinois. Governors, lieutenant governors, state supreme court justices, or state legislators have urged either moratoria on executions or outright repeals of the sentence in many states, including Maryland, Virginia, New Mexico, and even Texas, the state responsible for 46 percent of all executions in 2002. Individuals as diverse as U.S. Supreme Court Justices Sandra Day O’Connor and Ruth Bader Ginsburg; Democratic Party presidential aspirant John Kerry; former President Jimmy Carter; retired Chief Judge of the U.S. Court of Appeals in Washington, D.C. Abner Mikva; and Harold Koh, former Assistant Secretary of State who led two U.S. delegations to the United Nations Human Rights Commission have all expressed profound concerns about capital punishment and have argued that far more information is needed before we can become sanguine about its efficacy and/or fairness. And, it is important to note, such opposition has spanned the ideological spectrum, making this one of the few issues about which many liberals *and* many conservatives are uneasy. As argued by Sam Millsap, a former county district attorney from Texas who has successfully prosecuted numerous capital cases: “We’re talking about some serious, conservative, pro-prosecution people who have some fundamental questions about whether we know what we’re doing right now” (*Austin American-Stateman*, June 2, 2002).

Moreover, there is considerable evidence that the death penalty has become racialized in the minds of the mass public. Most generally, whites in the U.S. often conflate issues of race and crime, drawing on their racial stereotypes of African-Americans when thinking about matters of punishment (Cohn, et al. 1991; Gilliam and Iyengar 2000; Hurwitz and Peffley 1997; Kinder and Mendelberg 1995; Peffley and Hurwitz 2002, Valentino 1999). More specifically, Soss, et al. (2003) found racial prejudice to be among the most important predictors of whites' attitudes toward the death penalty. And not unexpectedly, to many African-Americans the death penalty is also seen as a highly racialized form of punishment (Young 1991).

It is therefore plain to virtually everyone that it is impossible to think about the death penalty in America without thinking about its racial component. Any examination of the forces that shape death penalty beliefs, consequently, must necessarily analyze the attitudes of whites and African-Americans separately. Cohn, et al. (1991) argue that blacks and whites tend to favor equally punitive treatment of criminals, but for quite different reasons: the former out of fear of victimization and the latter out of racial prejudice. The death penalty, however, presents a notable exception, with, as will be shown, far higher levels of support among whites than among blacks. And to date, we have no convincing explanation of this disparity. More broadly, we know little about interracial differences in crime attitudes, for much of the research has focused almost exclusively on the attitudes of whites (e.g., Soss et al. 2003; Dovidio, et al. 1997). What little we do know about interracial differences (e.g., Cohn, et al. 1991) typically comes from probability surveys that include only small numbers of African-American respondents, thereby limiting the types of conclusions that can be drawn (though see Bobo and Johnson 2004).

Susceptibility to Arguments

Our purpose here is to understand receptivity to argument regarding attitudes that, we have seen, exhibit both resistance and responsiveness, and to determine if blacks and whites respond comparably to arguments against the death penalty. In the main, theories of the survey response and models of opinion leadership in political science have focused largely on the lability of political attitudes, which are

typically described “as highly malleable and responsive to whatever cues are available in survey questions and the political environment” (Kuklinski, et al 2000, 793). In his theory of the survey response, for example, Zaller (1992, 62) argues that “people do not possess preformed, long-term attitudes on most of the issues on which pollsters query them, and so base their attitude reports on the considerations that are immediately salient to them.” By this account, then, the responsiveness of death penalty attitudes to counter-arguments should depend on two factors: the cues contained in the *message* and individuals’ *predispositions* (or considerations) that are activated or made more salient by those cues.

But recent studies of persuasion have recognized the importance of studying both persuasion and its antithesis: resistance (Knowles and Linn 2004). While clearly emphasizing the responsiveness of political attitudes, the possibility of resistance is certainly not overlooked in political persuasion research, particularly when studying policies about which individuals often have intense, almost visceral beliefs, such as welfare and capital punishment. In such arenas, individuals’ attitudes are thought to be far more resistant to persuasion attempts. James Kuklinski, et al. (2000), for example, found it extremely difficult to influence the inaccurate welfare beliefs of their subjects, largely, according to the authors, because when people hold firm beliefs they often engage in a biased processing of information that confirms their prior beliefs. And in Zaller’s (1992) model of opinion leadership, persuasion is likely to fail when engaged (i.e., politically aware) citizens realize the elite message is inconsistent with their predispositions. In other words, once prior predispositions become activated by the content of a message, the success or failure of an argument will depend on the degree to which the message squares with one’s prior attitudes.

Much of the recent literature in social psychology makes a similar claim. In fact, studies indicate how, depending on one’s prior attitudes, arguments can result in either persuasion *or* resistance, with even an occasional backlash of attitudinal movement in the direction *opposite* to the argument (sometimes called a “reactance” or “boomerang” effect). Several theories of attitude change (e.g., the elaboration-likelihood model [ELM, see, e.g., Petty and Cacioppo 1996] and social judgment theory [see Eagly and Chaiken 1993 for a review]), for example, posit that people’s prior attitudes can influence their

perceptions of the quality or strength of the arguments presented, and, consequently, their tendency to accept or resist those arguments. Notably, among “engaged” or “involved” individuals (i.e., those for whom the issue is connected to their values, self-definition, or self-interest), a pro-attitudinal argument is likely to produce the expected movement in the direction of the argument, but a counter-attitudinal argument is likely to be perceived as “weak” and often results in a *negative* (or “boomerang”) attitude change. Most importantly, recent research suggests that people’s assessments of the strength of the argument are not based on a careful weighing of the merits of the appeals, *but are mostly a function of the degree to which the argument fits with their prior attitudes* (Johnson, et al 2004). Thus, an accounting of the processes of persuasion and resistance reduces to the basic question(s): what prior predispositions are activated by the argument and what is the degree of consistency between the argument and the individual’s prior predispositions?

For our purposes, we are less concerned with precise micro-theoretical explanations for the susceptibility of death penalty attitudes to argument. What is important is that, despite the differences between approaches, they share a common focus on the properties of the *message* and the properties of the *recipient*: the nature of the message influences which prior considerations are activated, and once in play, these considerations often influence assessments of the message. Differential assessments, consequently, precipitate very different reactions to arguments made against policies that people care deeply about—in this case, capital punishment.

The Importance of Deservingness

We have already noted two of the most important messages pursuant to the issue—i.e., fallibility and racial discrimination. But what predisposition of the recipient should be most important? We have considerable evidence that, at least for whites, racial beliefs play an important role. It has been shown that prejudice renders individuals more punitive (e.g., Cohn, et al. 1991), as does merely living in areas with higher concentrations of African-Americans (e.g., Smith 2004). And more specifically pertaining to death penalty attitudes, Soss, et al. (2003) demonstrated that race is an important predictor of whites’ support

for the death penalty in 1992—both contextually (living among African-Americans) and attitudinally (being racially prejudiced, as measured by racial stereotypes). Bobo and Johnson (2004) also found that racial resentment was a more important determinant of whites respondents' support for the death penalty than for black respondents.

There seems to be little doubt that, at least for whites, racial attitudes often affect their support for capital punishment. But there is another predisposition that has received far less attention, even though it can potentially explain support among both blacks and whites: the degree to which individuals believe the criminal *deserves* to die. In their seminal article, Schneider and Ingram (1993) argue that public policy is based in large part on the social construction of the targets of a policy, which they define as “. . . stereotypes about particular groups of people that have been created by politics, culture, socialization, history, the media, literature, religion, and the like” (335). As examples of positive construction, they cite images such as “*deserving*,” “intelligent,” and “honest.” As examples of negative construction, they cite images such as “*undeserving*,” “stupid,” and “dishonest” (emphasis added).

In large measure, the perception of deservingness hinges on the degree to which we perceive the targets as responsible for their own actions—i.e., the classic distinction between internal attributions of outcomes/behaviors (or characteristics of the policy target) versus external attributions of outcomes/behaviors (or characteristics of the environment in which such targets operate). And in the economic realm, there is a great deal of evidence (e.g., Applebaum 2001; Gilens 1999; Iyengar 1989) that individuals are substantially more supportive of governmental assistance programs for the poor to the degree that they see the recipients as poor because of external or environmental attributions of poverty (e.g., poor schooling or the unavailability of jobs) rather than to internal or dispositional explanations (e.g., laziness). In short, we are more supportive of government benefits when we see the targets as deserving, and we see them as deserving when we believe their poverty to be environmentally, rather than dispositionally, caused.

When the target is a criminal rather than a potential aid recipient, of course, deservingness takes on an entirely different meaning. Essentially, the question becomes: Does the convicted murderer deserve

to die?,² with the answer to this question largely depending on the extent to which individuals believe the criminal is singly responsible for committing the murder. And there is impressive evidence (e.g., Cochran, et al. 2003; Grasmick, et al. 1993; Young 1991) that support for capital punishment is highest among those who believe crime is due to dispositional factors (such as inherent criminal tendencies) and lowest among those who, instead, attribute crime at least partly to environmental factors (such as poverty or the unfairness of the justice system).

Hypotheses

The analysis below is designed to shed light on the thinking that goes into death penalty attitudes, and, more specifically: a) the degree to which such attitudes are influenced by various arguments against it; b) the role played by attributional beliefs (which are closely related to questions of deservingness) in influencing people's receptivity to different arguments; and c) quite centrally, how these processes differ inter-rationally.

To explore inter-racial differences, we examine the approximately 600 white, and 600 black respondents from the National Race and Crime Survey (to be described below in greater detail). Embedded in the NRCS is a survey experiment in which respondents are randomly assigned to one of three argument conditions: in the *baseline* (no argument) condition, individuals were simply asked about their support for the punishment "for persons convicted of murder" on a four-point scale ranging from "strongly oppose" to "strongly favor." In the *racial* condition, they were asked the same question, but only after exposure to an argument stating that the penalty, according to sources, is unfair because "most of the people who are executed are African-Americans." And in the *innocent* condition, the same question followed the argument that the "penalty is unfair because too many innocent people are being executed."³

² More generally, there is an enormous literature (e.g., Graham, et al. 1997; Grasmick and McGill 1994) documenting a linkage between attributional beliefs and punitiveness toward criminals.

³ By asserting that the death penalty is "unfair," the two arguments are intended to mimic popular claims against capital punishment in clear and simple terms. Other research shows that more subtle and indirect arguments have little discernible effect on death penalty attitudes. Bobo and Johnson (2004), for example, provided respondents with information suggesting (but not explicitly stating) that the death penalty is racially unfair (e.g., "Blacks are about 12% of the US population, but they are almost half (43%) of those currently on death row," and "someone who

In the aggregate, consistent with numerous studies (e.g., Bohm 2003, Bobo and Johnson 2004), we expect whites to support the death penalty more than do African-Americans (H_1). And given the heightened skepticism of many blacks toward the policy, we also anticipate that anti-capital punishment arguments—of either variety—should be more effective with them than with whites (H_{2a}) because, relative to whites, African-Americans are attitudinally predisposed to accept such arguments, which are more consistent with their prior predispositions. Whites, for whom anti-death penalty attitudes are more inconsistent, should be less persuaded.

While we expect African-Americans to be persuaded by both (i.e., discrimination and innocent) arguments, we hypothesize (H_{2b}) that many whites should be particularly unimpressed with the racial argument. While they may, in other words, be *somewhat* persuaded by the argument that innocent individuals are being executed, there is ample research (e.g., Hurwitz and Peffley 2005) documenting a naïve faith among whites that the criminal justice system is racially fair. The racial fairness argument, consequently, is anathema to many whites and may therefore be wholly rejected, perhaps even to the degree that it produces a reactance or boomerang effect.

How exactly should attributional beliefs affect support for the death penalty? Disregarding the race of the respondent and the experimental manipulation, we most broadly expect to find that respondents who believe that individuals engage in crime for dispositional (i.e., internal) reasons should be more supportive of the death penalty than those who attribute crime to environmental (i.e., external) reasons (H_3). Simply put, dispositionalists are more likely to regard convicted murderers as deserving to die. But how, if at all, does the relationship between attributional beliefs and capital punishment attitudes differ across experimental treatments? And do attributional beliefs play the same role for both whites and blacks?

In order to examine the racial elements of death penalty attitudes (and their responsiveness to argument), it is necessary to put both the argument itself and the criminal in a racial context. As noted,

murders a white person is much more likely to be sentenced to death than someone who murders a black person”). Perhaps stronger (or more direct) arguments are necessary to move support for capital punishment.

one of our two anti-death penalty arguments is inherently racialized inasmuch as it suggests that the policy is biased against African-Americans. Additionally, in asking about the causes of criminal behavior, we ask specifically about the perceived causes of *black* criminal behavior—whether African-Americans get into trouble due to some internal failing or, instead, to the biases of the justice system. Specifically, respondents hear the following: “Statistics show that African-Americans are more often arrested and sent to prison than are whites. The people we talk to have different ideas about why this occurs. I’m going to read you several reasons, two at a time, and ask you to choose which is the *more important* reason why, in your view, blacks are more often arrested and sent to prison than whites.

- First, the police and justice system are biased against blacks, OR blacks are just more likely to commit more crimes?
- Next, the police and justice system are biased against blacks, OR many younger blacks don’t respect authority?”

For each comparison, therefore, respondents are instructed to choose between a dispositional (“just more likely to commit more crimes” and “don’t respect authority”) and an environmental (“the police and justice system are biased against blacks”) explanation of black crime.⁴ The resulting additive index, Causes of Black Crime, ranges from 0 to 4, with higher values indicating more dispositional attributions of the causes of black crime. Whites are far more likely than African-Americans to attribute the greater arrest rate of blacks to the failings of blacks who run afoul of the law than to the biases of the criminal justice system, and these sharp inter-racial differences are revealed in both the average (mean = 2.5 for whites vs. 1.5 for blacks; sd = 1.4 for both races) and the modal response of the scale (0 for whites, 4 for blacks).

These interracial differences are not surprising: the failure of many whites to acknowledge the substantial discrimination in the legal system—so obvious to many blacks and well documented in the scholarly literature (e.g., Lauritsen and Sampson 1998)—is reminiscent of whites’ failure to recognize

⁴ For each question, choosing a structural cause was coded as 0, a dispositional cause as 2, and volunteering that both causes are equally important was coded as 1. See Appendix items 1 and 2.

discrimination in the economic realm (e.g., Sigelman and Welch 1991), where such beliefs have been viewed as a more subtle form of prejudice (e.g., Bobo and Kluegel 1997). By denying the existence of racial discrimination, whites are free to assume that that all major obstacles to blacks' economic advancement have been removed, making government sponsored efforts to reduce racial inequality unnecessary. By the same token, by denying the discrimination that blacks face in the CJS, whites are free to "blame the victim" or turn a blind eye toward the many injustices that blacks suffer at the hands of the police and the courts. As we will demonstrate, the tendency of many whites to attribute black crime to dispositional characteristics (a tendency that is likely the result of either racial animus or mere ignorance about the reality of discrimination in the justice system) plays an important role in shaping the views of white respondents toward the death penalty.

More importantly, we also expect interracial differences in the *influence* of these beliefs (i.e., explanations of black crime) across the three experimental groups. For white respondents, the racial argument against capital punishment should prime considerations of the degree to which higher rates of black crime are dispositional or environmental. In the baseline and innocent conditions, beliefs about the causes of black crime are much less germane. We do not expect, consequently, causal beliefs to strongly predict attitudes toward capital punishment in these two treatments. In the race condition, however, causal beliefs are, doubtless, activated by the question itself and should, therefore, become strong determinants of whites' attitudes toward the death penalty (H_{4a}).

Yet, there is abundant evidence that African-Americans regard the U.S. criminal justice system as inherently unfair—i.e., that it discriminates against them on the streets and in the courts (e.g., Lauritsen and Sampson 1998; Cureton 2001). For this reason, blacks do not need any reminder of the racially discriminatory nature of the death penalty, and, consequently, the relationship between causal explanations of black crime and support for the policy should be much less affected by experimental treatment. In other words, regardless of whether black respondents are in the baseline, innocent, or racial

argument conditions, we expect those who attribute black criminality to environmental sources to be less likely to endorse the punishment relative to those who hold dispositional explanations (H_{4b}).

The analysis below unfolds in two stages. First, we investigate the degree to which whites and blacks modify their support for the death penalty in response to arguments against it (H_1 and H_2). Next, we investigate the role of attributional beliefs in influencing blacks' and whites' receptivity to different arguments against the death penalty (H_3 and H_4).

ANALYSIS

Data

The data for the analysis are from the National Race and Crime Survey (NRCS), a nationwide random-digit telephone survey administered by the Survey Research Center (SRC) at the University of Pittsburgh. Between October 19, 2000 and March 1, 2001, the SRC interviewed 603 (non-Hispanic) whites and 579 African-Americans. White respondents were selected with a variant of random digit dialing and an over-sample of black respondents was randomly selected using stratified sampling techniques. The number of completed interviews was 1,182 for an overall response rate (RR3) of 48.64 percent (www.aapor.org). The interviews, which averaged approximately 35 minutes, were conducted using Computer Assisted Telephone Interviewing (CATI) facilities, enabling the interviewers to randomize respondents into experimental treatment groups in an almost infinite number of configurations. Details on the sample are available from the authors on request.⁵

Support for the Death Penalty across Race and Experimental Conditions

How does support for the death penalty vary across the races and the experimental conditions? Table 1 shows the percentage of whites (top portion of the table) and blacks (bottom portion) who favor and oppose the death penalty in the baseline (no argument), racial, and innocent treatment conditions.

⁵ For most respondents (90%), the race of the interviewer was matched to that of the respondent in an effort to minimize social desirability bias from race of interviewer effects (e.g., Davis 1997). The survey instrument was subject to extensive pretesting, consisting of in-depth, face-to-face "cognitive interviews" with a small number of African-American respondents and telephone interviews with 25 white and 25 black respondents.

Focusing first on levels of support in the baseline condition, our study confirms our first hypothesis (H_1); there is a substantial race gap in support for the death penalty, with 65% of whites supporting the policy, compared to only 50% among African-Americans (significant at $p < .01$). Of greater interest is how support changes across the baseline (no argument) and the two (argument) conditions for blacks and whites. Consistent with our second hypothesis, we find that blacks are significantly more receptive to both arguments against the death penalty than are whites. In response to the argument that “the death penalty is unfair because too many innocent people are being executed,” support for the policy drops by 16% among blacks; and support drops by 12% when blacks are exposed to the argument that “the death penalty is unfair because most of the people who are executed are African-Americans.”

[Table 1 about here]

As a whole, however, whites are not receptive to either argument. Not only do they appear resistant to persuasion when presented with an argument against the death penalty, but support for the death penalty actually *increases* in the racial argument condition. Statistically speaking, the trivial decrease (.68%) from the baseline to the innocent condition is not significant. But the more substantial 12% increase in response to the racial argument is significant at the .01 level. To repeat, whites overall not only reject the racial argument against the death penalty, but some move strongly in the direction *opposite* to the argument! For example, whereas 36% of whites strongly favor the death penalty in the baseline condition, 52% strongly favor it when presented with the argument that the policy is racially unfair.

Predicting Death Penalty Support across Race and Argument Condition

But what motivates whites and blacks to respond so differently to arguments against the death penalty? And what role do causal beliefs play in influencing these responses? In the next portion of the analysis, we investigate the antecedents of support for the death penalty in the three conditions for whites and blacks. Although our primary interest is in the impact of causal beliefs, we include a range of

additional “control” variables⁶ in the equation below because support for the death penalty is doubtless shaped by a variety of confounding (attitudinal and demographic) factors.

$$\text{Death Penalty Support} = \text{Causes of Black Crime} + \text{General Causes of Crime} + \text{Anti-Black Stereotypes} + \text{Fear of Crime} + \text{Punitiveness} + \text{Ideology} + \text{Partisanship} + \text{Demographic Factors},$$

where the remaining variables and their measurement are described as follows.

General Causes of Crime. Because support for the death penalty (as well as beliefs about the causes of black crime) is likely to be affected by people’s more global views about the causes of crime in general (e.g., Young 1991), we included an index of General Causes of Crime as a control. Once again, respondents were asked to choose between pairs of dispositional and structural causes, but instead of asking about black crime, we asked whether generic causes —e.g., poverty versus being too lazy to get an honest job—were more important reasons for crime in America these days (see Appendix items 3 and 4).⁷

Anti-Black Stereotypes. As indicated, Soss, et al. (2003) found racial prejudice to be an important predictor of whites’ attitudes toward the death penalty. It is also at least conceivable that blacks’ opposition to the death penalty could be associated with more negative attitudes toward whites, who, for some blacks, may be viewed as part of the power structure that uses the death penalty as a discriminatory tool. *Anti-Black Stereotypes* is a measure of the degree to which individuals view blacks more negatively than whites and is created by subtracting ratings of “most whites” from those of “most blacks” on a series of traits, such as lazy, violent and dishonest.⁸

⁶Although analysts eschew control variables in laboratory experiments, our survey experiment essentially provides three independent treatments of differently worded survey questions on the death penalty. For each question wording condition, the effect of any given predictor of support for the death penalty must be evaluated alongside controls for possible confounds.

⁷ It should be noted that the generic and black crime questions were placed at opposite ends of the survey (with some 40 survey items separating the two batteries) to minimize any tendency to think about one set of items while answering the other. The modest correlation between the two scales ($r = .30$) suggests that responses to the two sets of questions were substantially independent. In addition, a factor analysis of all four items, using principal axis extraction and varimax rotation, uncovered two separate factors of general versus black causes of crime.

⁸ Respondents were asked: “On a scale from 1 to 7, where 1 means that it is a very poor description and 7 means that it is a very accurate description, how well do you think [. . .] describes most whites/most blacks?: 1) lazy; 2) prone

Fear of Crime. Support for the death penalty may also stem from a fear of crime if individuals believe that capital punishment will provide a deterrent to violent crime. Accordingly, the Fear of Crime Index consists of responses to questions asking individuals whether they worry about being a victim of violent crime and whether they feel that the violent crime rate is increasing in the country (Appendix items 7 and 8).

Other Controls. Another potential confound is that some of our predictors may be tied to support for the death penalty because they are associated with a more general desire to simply punish bad behavior, or punitiveness. Thus, we include a measure of *Punitiveness*, which is assessed by agreement with two Likert statements indicating the value of strong punishment to teach people right from wrong and to get children to behave properly (Appendix items 5 and 6). In addition to Partisanship and Ideology, each measured with the standard 7-point scales, several demographic factors (education, income, gender [1 = male], and age) have been linked to support for the death penalty and so are included in the model as well (Bohm 2003).

We report in Table 2 the ordered probit results obtained from estimating the above equation separately for blacks and whites for each of the three experimental conditions. Our principal focus is on the first row of coefficients that gives the influence of people's views of the causes of black crime on support for the death penalty across different argument conditions. Ignoring the differences across columns, we note the empirical support for H_3 —i.e., overall, individuals who hold dispositional beliefs about the causes of black crime are substantially more supportive of capital punishment relative to those who allow for the possibility that the environment may play some role in higher levels of black crime.

Consistent with our expectations, however, the pattern of the coefficients is markedly different for whites and blacks. Among whites, the influence of views of black crime has only a small and statistically insignificant effect on death penalty approval in the baseline and innocent conditions. When

to violence; 3) prefer to live on welfare; 4) hostile; and 5) dishonest. Individual trait items were reverse-coded so that higher values indicate more negative ratings. The Anti-Black Stereotype scale has a theoretical range from -30 (respondent rates blacks *far* more positively relative to whites on all five items) to +30 (rates blacks *far* more negatively on all five items). It should be noted that correlations between Anti-Black Stereotypes and the two causal belief measures among blacks and whites were fairly modest, ranging from .13 to .27.

presented with the argument that capital punishment is racially unfair, however, whites' beliefs about whether black crime is shaped by dispositional or structural forces has a huge impact on death penalty support. Consistent with H_{4a} , when whites are confronted with a racial argument against the death penalty, those who feel that black arrest rates are more attributable to the criminal dispositions of blacks are substantially more likely to support the death penalty than those who attribute blame to a biased justice system.

[Table 2 about here]

Among African-American respondents, we find a very different pattern. As demonstrated by the coefficients in the first row of Table 2.B, attributions of black crime emerge as a robust and statistically significant predictor of death penalty support in *all three* experimental conditions. Whether blacks receive no argument, the innocent argument, or the racial argument, support for the death penalty is significantly lower among those who attribute black punishment more to a racially biased justice system than to the characteristics of blacks themselves. Consistent with our expectations (H_{4b}), blacks apparently need no explicit prompting to view questions about the death penalty as a racial issue. Their support for the death penalty, regardless of argument, is affected substantially by their beliefs about the causes of black crime and punishment.

Table 2 reveals a number of other interesting findings concerning the determinants of death penalty attitudes.⁹ First, anti-black stereotypes are not significant predictors of death penalty attitude among either race, which is contrary to Soss, et al's finding that prejudice against blacks is a powerful determinant of death penalty approval (in 1992) among whites. One possible reason for the difference is that we include several predictors that Soss, et al. do not, including attributions of black crime and generic

⁹ Given the modest correlations between theoretical predictors (i.e., attributions, stereotypes) in our models mentioned earlier, collinearity does not appear to be a problem in reducing the precision of the probit estimates. Calculating the Variance Inflation Factor (VIF) for the independent variables of the 6 equations in Table 2, the highest VIFs are for control variables (1.97 for ideology and 1.86 for party ID in the baseline conditions) and correspond to a modest impact on the standard error of the estimate (decreasing the precision of the estimate by less than 50%). More importantly, among the theoretical variables in the equations, VIF scores range from 1.12 to 1.44, which is well below common problematic thresholds for this statistic (e.g., Fox 1991).

crime, and these variables may carry the effects of racial stereotyping.¹⁰

Another important, though less surprising, finding is that support for the death penalty among both races emanates from a more general desire to punish wrongdoing. In every case but the baseline condition for blacks, Punitiveness plays a statistically significant role in conditioning higher levels of support for capital punishment. Also, consistent with other studies (Tyler and Weber 1982, Xie 2003), fear of crime does not significantly elevate death penalty approval, a result that is constant across all three conditions for both blacks and whites.

Finally, while the impact of Partisanship and Ideology is only occasionally significant, various demographic factors play a more reliable and powerful role, even after controlling for a host of attitudinal measures. One is struck, for example, by the powerful role that gender plays in shaping approval of capital punishment—a role that is fully consistent with findings from much of the extant literature (Bohm 2003). Among whites, males are consistently more supportive of the death penalty than are females, regardless of the presence or type of argument involved. Among blacks, however, we find a very different pattern for gender. Although males express greater support for executing convicted murderers in the baseline condition, when presented with the argument that the death penalty is racially unfair, black men become much *less* supportive of capital punishment than females. Although any explanation of this reversal of gender effects is necessarily post hoc, one could speculate that because black men are the ones who receive the brunt of discriminatory treatment in the CJS—whether in the form of police brutality or death sentencing,¹¹ when they are explicitly reminded of the racial bias in the system, they are much less supportive of the ultimate punishment relative to black women.

¹⁰ For example, as already indicated, there is a modest correlation between anti-black stereotypes and the black causes of crime variable (e.g., .22 for whites and .26 for blacks). Unfortunately, we are not in a position to estimate the indirect effects of anti-black stereotypes on death penalty attitudes via causes of black crime because to do so would require one to assume that stereotypes are causally prior to beliefs about the causes of black crime, a rather heroic assumption in this case. One could just as easily argue that whites' naïve theories about the causes of black crime underlie their stereotypical assessments of, say, whether blacks are more violent or aggressive than whites. We therefore leave this important question to future research.

¹¹ While black women as well as men are subject to numerous forms of negative encounters with police and discriminatory treatment by the CJS, black men clearly bear the brunt of this treatment (e.g., Miller 1996; Walker et al 2003). In an earlier study (xxxxx 2001), for example, black male respondents were almost twice as likely to report being treated unfairly by the police than black females (41% versus 23%), though the numbers are staggering regardless of gender.

[Figure 1 about here]

In Figure 1, we present predicted probabilities of blacks' (and whites') approval of the death penalty across gender and argument (baseline vs. racial argument). It is clear that black women really do not change their support across conditions; the changing coefficient for gender in Table 2 turns on the dramatically different responses of black men when presented with the explicit argument that the death penalty is racially unfair. Support among black men drops from 60% in the baseline condition to only 26% in the racial argument condition, while the support of black men is essentially unchanged at about 43 to 41%.

A Closer Look at the “Backlash” Effect among Whites

In the last portion of the analysis, we take a closer look at the changing influence of whites' beliefs about black causes of crime on death penalty support across the baseline and racial argument conditions in order to account for the aggregate shift in support across these two conditions—i.e., the so-called “boomerang” or “backlash” effect—observed in Table 1. As indicated, one likely source of whites' strong resistance to the racial argument against the death penalty is the tendency for most whites to believe that black criminal behavior is caused by dispositional factors. Figure 2, designed to better document the power of these beliefs to affect death penalty support in the racial argument condition, displays a graph of the predicted probability that whites (*strongly*) approve of the death penalty across the entire range of the black causes of crime scale. One is struck by the steep ascent in support for the death penalty as whites' views on the causes of black crime shift from more structural to more dispositional attributions. At the mean of the scale (2.5), approximately 50% of whites strongly support the death penalty. Moving from the lowest (most structural) to the highest (most dispositional) points on the scale, expressions of strong support more than double, from 28% to 64%.

[Figure 2 about here]

Because whites tend to fall heavily toward the dispositional end of the black causes of crime scale, it is no small wonder that when such views are activated (as in the racial treatment) whites collectively are highly resistant to the argument that the death penalty is racially unfair. Many whites

begin with the belief that the reason blacks are punished is because they deserve it, not because the system is racially biased against them. So when these whites are confronted with an argument against the death penalty that is based on race, they reject these arguments with such force they end up expressing more support for the death penalty than when no argument is presented at all. This result is consistent with studies in persuasion (Johnson and Eagly 1989) that find when people with strong convictions (or who are otherwise highly involved) are presented with arguments that are inconsistent with their prior beliefs, they are likely to reject such arguments so strongly that a negative change occurs—i.e., attitude change runs in the direction opposite to the argument.

SUMMARY AND CONCLUSIONS

In our analysis of death penalty attitudes and their resistance to persuasion, we have focused on two intervening factors: race and causal attributions—i.e., the degree to which individuals believe that internal dispositions of criminals are responsible for their behavior. Not surprisingly, our findings are consistent with those in the extant literature, such that whites are substantially more supportive of capital punishment (e.g., Cohn 1991) than are African-Americans, as are those who attribute murderous behavior to internal, rather than external (e.g., poverty, discrimination in the legal system) considerations (e.g., Graham, et al. 1997).

The real story, however, is more complex, and is to be seen in the differential responses of whites and blacks to persuasive appeals, as well as in the meaning of causal attributions for those of each race. We find, quite clearly, that African-Americans are more responsive to appeals that are both racial and nonracial (i.e., innocence) in nature, likely because such arguments are consistent with their existing predispositions. Whites, in contrast, seem immune to persuasion and, in the case of the racial argument, exhibit a response in the direction opposite of the message. Indeed, our most startling finding is that many whites actually become more supportive of the death penalty upon learning that it discriminates against blacks.

On this count, we believe that the conventional wisdom, which holds that death penalty attitudes

are virtually immune to the types of pressures that give most political attitudes their lability (Ellsworth and Gross 1994), is a far more accurate characterization of whites than of blacks. While we would never label the opinions of African-Americans as flimsy or random, we do believe that many blacks are willing to reconsider their opinions when presented an argument that is consistent with their prior beliefs.

Although the laboratory studies reviewed by Ellsworth and Gross benefit from high levels of internal validity, it is also likely that they failed to include sufficient numbers of minority participants, thereby skewing their results. The limitations of laboratory studies, most of which are based on (mainly white) college students, are well documented (Sears, 1988) and, particularly as applied to race-sensitive topics, must be interpreted carefully.

The interracial differences in the nature and role of causal assumptions are no less intriguing. In the first place, as noted, African-Americans are substantially more likely to attribute the disproportionate black crime rate to external (i.e., a discriminatory justice system) rather than internal causes, a belief that is consistent with the large body of scholarly evidence documenting substantial *de facto* procedural discrimination in our legal system (e.g., Lauritsen and Sampson 1998; Cureton 2001). It is also wholly consistent with the personal experiences of many blacks who are subjected to unfair treatment by police and the courts. Indeed, in an earlier study (xxxxx 2001), nearly a third (29.6%) of all African-American respondents reported being treated unfairly by the police *because of their* race. Importantly, we also found these personal experiences with the justice system to be closely associated with the view that black crime is more due to the biases of the justice system than to anything characteristically criminal among African-Americans.

Not only do blacks and whites make different causal assumptions regarding black crime, but they also employ them in quite different ways when responding to questions about the death penalty. Blacks are more likely to base their attitudes toward the punishment at least partly on these assumptions. Far more than whites, in other words, blacks who believe that African-American criminality is largely attributable to biases in the justice system are less supportive—and this is true regardless of the experimental condition. Even when race is not explicitly mentioned (as in the baseline and innocent

conditions), these respondents are influenced by their causal beliefs, presumably because capital punishment is an inherently racialized issue for many in the African-American community.

Whites, by contrast, employ their causal beliefs more selectively. When confronted with the argument that the death penalty is racially unfair, whites who believe that black crime is due more to blacks' dispositions than to a biased justice system end up rejecting the racial argument with such force that they become even more supportive of the death penalty. As noted, this result is consistent with studies in persuasion that find when people are presented with arguments that run counter to their convictions, they are often rejected so strongly that attitude change runs in the direction opposite to the argument.

While it may be tempting to view this as a wholly "principled" reaction to whites' conservative beliefs about the causes of black crime, a closer look at our instrumentation and findings suggests otherwise. As noted, whites' views about the causes of black crime are correlated ($r = .23$) with their anti-black stereotypes and thus may (indirectly) carry the effects of racial prejudice in the racial argument condition. In addition, the popular belief among whites that black crime is attributable to the failings of blacks, with no real weight given to biases in the criminal justice system, can be interpreted as constituting a more subtle form of prejudice. In the economic sphere, for example, whites' denial of racial discrimination has been termed "laissez-faire racism" (Bobo, Kluegel and Smith 1997) because, it is argued, the maintenance of racial hierarchies no longer requires widespread endorsement of the idea that blacks are genetically inferior. Rather, it presumes that all major obstacles facing blacks as a group have been removed, making government sponsored efforts to reduce racial inequality unnecessary. By the same token, by denying the discrimination that blacks face in the CJS, whites are free to "blame the victim" or turn a blind eye toward the many injustices that blacks suffer at the hands of the police and the courts. Thus, whites' resistance to racial arguments against death penalty is likely motivated, at least in part, by racial animus, or at the very least, a mixture of racial insensitivity and ignorance about the reality of discrimination in the justice system.

Put differently, we do not take exception to the findings generated by Bobo, et al (1997), Bobo

and Johnson (2004), or Soss, et al. (2003), all of whom find racial prejudice to be linked to pro-death penalty attitudes. In one way or another, racism (even if defined as a denial of the de facto discrimination that is rampant in the justice system) surely affects many whites' beliefs regarding this policy. But whatever the precise explanation for our finding, the results are clear—i.e., a majority of whites supports capital punishment, a majority of whites believes that high levels of black criminality can be attributable mainly to dispositional characteristics, and a majority of whites refuses to abandon support for the death penalty even in the face of evidence that the policy is highly flawed.

We must, as always, accept these results alongside the usual caveats, the most important in our case being the fact that we only provided respondents with anti-death penalty arguments. It is always possible that arguments supportive of the policy would catalyze a fundamentally different dynamic, both intra- and inter- racially. It is possible, for example, that African-Americans would have demonstrated greater resistance if they had been “pressured” with pro-capital punishment messages.

Nonetheless, our results are strongly suggestive that future research should further explore the tendency of blacks and whites to respond to the death penalty in quite different ways. To date, we know little about blacks' views on the issue—an unfortunate deficiency because of the unique role that they have played in the criminal justice system, generally, and the administration of the death penalty, specifically. As such, they provide an important contrast group that enables us to understand better the views not just of African-Americans but of whites, as well.

One important implication of our findings is that groups (or politicians) who attempt to mobilize opposition to the death penalty face an acute political dilemma. While such groups clearly need the support of blacks, who are likely to comprise an important part of any anti-death penalty coalition, direct appeals based on the claim that the policy discriminates against African-Americans are likely to create a backlash among whites who see no real discrimination in the criminal justice system. Looking again at Figure 1.A, for example, we see that once a racial argument against the death penalty has been introduced, even a majority (62%) of whites at the extreme liberal (i.e., structural) end of the causes of black crime scale supports capital punishment. Because most whites do not see widespread racial

discrimination in the criminal justice system (or any other domain, see Sigelman and Welch 1999), direct appeals based on claims of discrimination are unlikely to win their support.

Our results suggest that a more effective argument for encouraging opposition to the death penalty is one that frames the unfairness of the policy more generally, without focusing on race, thereby avoiding whites' resistance to more direct racial appeals. The argument that many innocent people are being executed may not move whites in great numbers toward opposition, but neither does it precipitate a white backlash. In addition, as we have seen, such nonracial arguments against the death penalty can and do elicit blacks' opposition to the policy because many blacks already have a deep suspicion about the fairness of the legal system. Thus, making more general arguments against the lack of fairness of the death penalty without making a direct reference to race may constitute a successful "stealth" strategy that appeals to blacks but does not produce counter-mobilization among whites.¹²

In many respects, whites' responses in our study provide a more general rationale for focusing more on resistance in studies of political persuasion. Not only did many whites appear immune to persuasive appeals, but they also exhibited the type of reactance (or boomerang) effect noted in the literature (Johnson and Eagly 1989). We know, if only experientially, that instances of resistance are commonplace—witness the large numbers of supporters of George W. Bush who continued to believe in the existence of weapons of mass destruction in Iraq despite months of media coverage to the contrary. But non-findings seldom receive placement in journals, and students of opinion and persuasion are typically more interested in agents that *are* persuasive than in those that are not.

¹² We do not wish to push the argument for a "stealth" strategy too far, for two reasons. First, whites may be more open to claims of racial discrimination in the criminal justice system over the long haul than they are in a "one-shot" survey experiment. Second, we examine only one racial argument against the death penalty; alternative wording or framing could produce more opposition, though we admittedly are at a loss to imagine how a substantially more effective appeal might be constructed.

Appendix

Survey Items

Attributions of Black Crime:

Statistics show that African-Americans are more often arrested and sent to prison than are whites. The people we talk to have different ideas about why this occurs. I'm going to read you several reasons, two at a time, and ask you to choose which is the MORE IMPORTANT reason why, in your view, blacks are more often arrested and sent to prison than whites.

1. Is it because the police and justice system are biased against blacks (coded 0), OR because blacks are just more likely to commit crimes (2)?
2. The police and justice system are biased against blacks, OR many younger blacks don't respect authority?

General Attributions of Crime:

The people we talk to have different reasons for crime in America these days. I am going to read you several reasons, two at a time, and ask you to choose the one you feel is the MORE IMPORTANT cause of crime.

3. Do you feel crime is caused more by poverty and lack of opportunity, OR by people being too lazy to work for an honest living?
4. Is it due to poverty and lack of opportunity, OR because many younger people don't respect authority?

Punitiveness*

5. Parents need to stop using physical punishment as a way of getting their children to behave properly. (reverse coded)
6. One good way to teach certain people right from wrong is to give them a good stiff punishment when they get out of line.

Fear of Crime

7. Over the last five years or so, would you say that violent crime in our nation has increased (coded 3), decreased (1), or stayed about the same (2)?
8. How worried are you about you or a member of your family being a victim of a serious crime? Would you say very worried (4), somewhat worried (3), only a little worried (2), or not worried (1)?

Demographic Variables

Education: Respondents were assigned into the following categories based on their highest grade or level of education completed: 1) 8th grade or less; 2) 9-11th grade; 3) high school graduate/GED; 4) some college or post secondary school; 5) bachelor's degree; 6) some graduate studies; 7) master's degree; 8) doctoral degree.

Gender: Female = 0, Male = 1.

*Punitiveness items are measured using Likert scales (1 = "strongly disagree;" 4 = "strongly agree").

References

- Appelbaum, Lauren D. 2001. "The Influence of Perceived Deservingness on Policy Decisions Regarding Aid to the Poor." *Political Psychology*, 22:3: 419-42.
- Baumgartner, Frank R., Suzanna De Boef and Amber E. Boydston. 2004. "An Evolutionary Factor Analysis Approach to the Study of Issue-Definition." Paper prepared for presentation at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 15-18, 2004.
- Bobo, Lawrence D. and Devon Johnson. 2004. "A Taste for Punishment: Black and White Americans' Views on the Death Penalty and the War on Drugs." *Du Bois Review* 1: 151-180.
- Bohm, Robert M. 2003. "American Death Penalty Opinion: Past, Present and Future." In James Acker, Robert Bohm and Charles Lanier (Eds.), *America's Experiment with Capital Punishment*, 2nd ed. Durham, NC: Carolina Academic Press.
- Brace, Paul R., and Melinda Gann Hall. 1997. "The Interplay of Preferences, Case Facts, Context, and Rules in the Politics of Judicial Choice." *The Journal of Politics*, 59 (November): 1206-31.
- Cochran, John K., Denise Paquette Boots, and Kathleen M. Heide. 2003. "Attribution Styles and Attitudes toward Capital Punishment for Juveniles, the Mentally Incompetent, and the Mentally Retarded." *Justice Quarterly*, 20:1 (March): 65-93.
- Cohn, Steven F., Steven E. Barkan, and William E. Haltman. 1991. "Punitive Attitudes Toward Criminals: Racial Consensus or Racial Conflict?" *Social Problems*. 38(2): 287-96.
- Cureton, Steven R. 2001. "Determinants of Black-to-White Arrest Differentials: A Review of the Literature." In Michael W. Markowitz and Delores D. Jones-Brown (Eds.), *The System in Black and White: Exploring the Connections between Race, Crime, and Justice*. Westport, CT: Praeger.
- Davis, Darren W. 1997. "The Direction of Race of Interviewer Effects among African-Americans: Donning the Black Mask." *American Journal of Political Science*, 41: 309-22
- Dovidio, John F., Jennifer K. Smith, Amy Gershenfeld Donnella, and Samuel L. Gaertner. 1997. "Racial Attitudes and the Death Penalty." *Journal of Applied Social Psychology*, 27:16 (August): 1468-87.
- Eagly, Alice H. and Shelley Chaiken. 1993. *The Psychology of Attitudes*. NY: Harcourt, Brace.
- Ellsworth, Phoebe C. and Samuel R. Gross. 1994. "Hardening of the Attitudes: Americans' Views on the Death Penalty." *Journal of Social Issues* 50:19-52.
- Fox, John. 1991. *Regression Diagnostics*. Newbury Park: Sage Publication.
- Gilliam, Franklin D., and Shanto. Iyengar. 2000. "Prime Suspects: The Influence of Local Television News on the Viewing Public." *American Journal of Political Science*, 44: 560-73.
- Gilens, Martin. 1999. *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Programs*. Chicago: University of Chicago Press.

- Grasmick, Harold G., and Anne L. McGill. 1994. "Religion, Attribution Style, and Punitiveness Toward Juvenile Offenders." *Criminology*, 32: 23-46.
- Grasmick, H. G., Tittle, C. R., Bursik, R. J., and Arneklev, B. J., (1993) "Testing the Core Empirical Implications of Gottfredson and Hirschi's General Theory of Crime." *Journal of Research in Crime and Delinquency* 30:5-29.
- Graham, S., B. Weiner, and G.S. Zucker. 1997. "An Attributional Analysis of Punishment Goals and Public Reactions to O.J. Simpson." *Personality and Social Psychology Bulletin*, 23: 331-46.
- Haines, Herb. 1992. "Flawed Executions, the Anti-Death Penalty Movement, and the Politics of Capital Punishment." *Social Problems*, 39:2 (May): 125-38.
- Hall, Melinda Gann. 1992. "Electoral Politics and Strategic Voting in State Supreme Courts." *The Journal of Politics*, 54 (May): 427-46.
- Hall, Melinda Gann. 1995. "Justices as Representatives: Elections and Judicial Politics in the American States." *American Politics Quarterly*, 23 (October): 485-503.
- Hurwitz, Jon, and Mark Peffley. 1997. "Public Perceptions of Race and Crime: The Role of Racial Stereotypes." *American Journal of Political Science*, 41 (April): 375-401.
- Hurwitz, Jon, and Mark Peffley. 2001. "Racial Polarization on Criminal Justice Issues: Sources and Consequences of Fairness Judgments." Paper presented at the 2001 American Political Science Association.
- Hurwitz, Jon, and Mark Peffley. 2005. "Explaining the Great Racial Divide: Perceptions of Fairness in the U.S. Criminal Justice System." *Journal of Politics*.
- Iyengar, Shanto. 1989. "How Citizens Think about National Issues: A Matter of Responsibility." *American Journal of Political Science*, 33 (November): 878-900.
- Johnson, Blair, et al. 2004. "Truth or Consequences: Overcoming Resistance to Persuasion with Positive Thinking. In Eric S. Knowles and Jay Linn (eds.), *Resistance and Persuasion*. Mahwah, NJ: Lawrence Erlbaum.
- Johnson, Blair and Alice Eagly. 1989. "Effects of Involvement on Persuasion: A Met-Analysis." *Psychological Bulletin*, 106: 290-314.
- Keil, T. J., and G.F. Vito. 1995. "Race and the Death Penalty in Kentucky Murder Trials: 1976-1991." *American Journal of Criminal Justice*, 20 (xx): 17-36.
- Kinder, Donald R., and Tali Mendelberg. 1995. "Cracks in American Apartheid: The Political Impact of Prejudice among Desegregated Whites." *The Journal of Politics*, 75 (xx), 402-24.
- Knowles, Eric S. and Jay Linn (eds.). 2004. *Resistance and Persuasion*. Mahwah, NJ: Lawrence Erlbaum
- Kuklinski, James H., Paul J. Quirk, Jennifer Jerit, David Schwieder, and Robert Rich. 2000. "Misinformation and the Currency of Citizenship." *The Journal of Politics*, 62 (May): 791-816.

- Lauritsen, Janet L. and Robert J. Sampson. 1998. "Minorities, Crime, and Criminal Justice." In Michael H. Tonry, et al. (Eds.), *The Handbook of Crime and Punishment*. New York: Oxford University Press.
- Liebman, James. 2000. "The Overproduction of Death." *Columbia Law Review*, 100: 2030-2156.
- Lurigio, A.J., J.S. Carroll, and L.J. Stalans. 1994. "Understanding Judges' Sentencing Decisions: Attributions of Responsibility and Story Construction." In L. Heath and S. Tindale (Eds.), *Applications of Heuristics and Biases in Social Issues* (Vol. 3: 91-115). New York: Plenum.
- McGarrell, Edmund F., and Marla Sandys. 1996. "The Misperception of Public Opinion toward Capital Punishment." *American Behavioral Scientist*, 39:4: 500-13.
- Miller, Jerome G. 1996. *Search and Destroy: African-American Males in the Criminal Justice System*. New York: Cambridge University Press.
- Mooney Chris and M.H. Lee. 2000. "The Influence of Values on Consensus and Contentious Morality Policy: U.S. Death Penalty Reform, 1956-82." *Journal of Politics*, 62(1):223-239.
- Nice, David C. 1992. "The States and the Death Penalty." *The Western Political Quarterly*, 45:4 (December), 1037-48.
- Norrander, Barbara. 2000. "The Multi-Layered Impact of Public Opinion on Capital Punishment Implementation in the American States." *Political Research Quarterly* 53 : 771 – 93.
- Page, Benjamin and Robert Shapiro. 1992. *The Rational Public*. Chicago: University of Chicago Press.
- Pasternoster, Raymond. 1991. "Prosecutorial Discretion and Capital Sentencing in North and South Carolina." In R.M. Bohm, et al. (Eds.), *The Death Penalty in America: Current Research*. Cincinnati, OH: Anderson Publishing Co.
- Peffley, Mark, and Jon Hurwitz. 2002. "The Racial Components of Race-Neutral Crime Policy Attitudes." *Political Psychology*, 23 (March): 59-75.
- Petty, Richard E. and John T. Cacioppo. 1996. *Attitudes and Persuasion: Classic and Contemporary Approaches*. Boulder, C: Westview Press.
- Roberts, Julian V., and Loreta J. Stallans. 1997. *Public Opinion, Crime, and Criminal Justice*. Boulder, CO: Westview Press
- Schneider, Anne and Helen Ingram. 1993 . "Social Construction of Target Populations: Implications for Politics and Policy." *American Political Science Review*, 87: 334-347.
- Sears, David O. 1988. "College sophomores in the laboratory: Influences of a narrow data base on psychologists' views of human nature." In Letita Peplau, et al. (eds.), *Readings in Social Psychology*.
- Smith, Kevin B. 2004. "The Politics of Punishment: Evaluating Political Explanations of Incarceration Rates." *Journal of Politics*, 66: 925-38.
- Soss, Joe, Laura Langbein, and Alan R. Metelko. 2003. "Why Do White Americans Support the Death Penalty?" *Journal of Politics*, 65: 397-421.

- Tyler, Tom R., and Renee Weber. 1982. Support for the Death Penalty; Instrumental Response to Crime, or Symbolic Attitude? *Law and Society Review*, 17, 21-45.
- Valentino, Nicholas. 1999. Crime News and the Priming of Racial Attitudes During Evaluations of the President." *Public Opinion Quarterly*, 63: 293-320.
- Walker, Samuel; Cassia Spohn and Miriam DeLone. 2003. *The Color of Justice: Race, Ethnicity, and Crime in America*, 3rd ed. NY: Wadsworth Publishing.
- Xie, Tao. 2003. "Public Support of Death Penalty: Utilitarian Attitude or Symbolic Attitude?" Paper presented at the 2003 meeting of the American Political Science Association.
- Young, Robert L. 1991. "Race, Conceptions of Crime and Justice, and Support for the Death Penalty." *Social Psychology Quarterly*, 54 (1): 67-75.
- Zaller, John R. 1992. *The Nature and Origins of Mass Opinion*. New York: Cambridge University Press.

Table 1. Percentage Support for the Death Penalty across Race and Experimental Condition

	Baseline Condition (No Argument)	Racial Argument	Innocent Argument
	Do you favor or oppose the death penalty for persons convicted of murder?	Some people say * that the death penalty is unfair because most of the people who are executed are African Americans. Do you favor or oppose the death penalty for persons convicted of murder?	Some people say * that the death penalty is unfair because too many innocent people are being executed. Do you favor or oppose the death penalty for persons convicted of murder?
Whites			
Strongly oppose	17.95%	11.38%	20.09%
Somewhat oppose	17.09	11.79	15.63
Somewhat favor	29.06	25.20	29.46
<u>Strongly favor</u>	<u>35.90</u>	<u>51.63</u>	<u>34.82</u>
% Favor	64.96% ^b	76.83% ^b	64.28% ^b
%Favor v Baseline		+12% favor ^{a b}	-.68% favor ^b
N	117	246	224
Blacks			
Strongly oppose	34.17%	43.60%	45.98%
Somewhat oppose	15.83	18.48	20.09
Somewhat favor	22.50	17.54	18.75
<u>Strongly favor</u>	<u>27.50</u>	<u>20.38</u>	<u>15.18</u>
% Favor	50%	37.92%	33.93%
%Favor v Baseline		-12% favor ^a	-16% favor ^a
N	120	211	224

* The experiment also randomly manipulated the source of the argument as either “some people” or “FBI statistics show that,” which had no discernible influence on support for the death penalty.

^a Difference across baseline and argument condition is statistically significant ($\leq .05$)

^b Difference across race of respondent is statistically significant ($\leq .05$)

Note: Statistical significance was computed by estimating an ordered probit equation for the pooled data that regressed support for the death penalty on two dummies for argument condition (baseline vs innocent, baseline vs. racial argument), race of respondent, and two race * argument dummies.

Table 2. Predicting Support for the Death Penalty across Race and Experimental Conditions

Table 2.A. Whites	Baseline (No Arg.)		Racial Argument		Innocent Argument	
Black Crime Attrib	.03	(.08)	.22*** ^a	(.06)	.09	(.06)
General Crime Attrib	.14*	(.08)	.17** ^c	(.06)	.03	(.09)
Anti-Black Ster	.02	(.03)	.03	(.02)	-.02	(.02)
Fear of Crime	-.15	(.13)	.09	(.09)	.06	(.09)
Punitiveness	.20** ^c	(.09)	.19***	(.06)	.18***	(.06)
Party ID	-.09 ^c	(.07)	.07 ^a	(.04)	.08*	(.05)
Ideology	.10	(.08)	-.06 ^b	(.05)	.13***	(.05)
Education	-.15*	(.08)	-.15***	(.06)	-.08 ^c	(.07)
Gender	.58**	(.23)	.52*** ^c	(.17)	.32** ^c	(.16)
Income	.17**	(.08)	.14*** ^b	(.06)	-.01	(.05)
Age	-.01	(.01)	-.003	(.004)	-.003	(.005)
Cutpoint 1	-2.38	(.76)	-3.44	(.58)	-2.60	(.57)
Cutpoint 2	-1.76	(.75)	-2.85	(.57)	-2.05	(.56)
Cutpoint 3	-.83	(.73)	-1.97	(.56)	-1.20	(.55)
N	117		240		223	

Table 2.B. Blacks	Baseline (No Arg.)		Racial Argument		Innocent Argument	
Black Crime Attrib	.15*	(.08)	.15***	(.06)	.16***	(.06)
General Crime Attrib	.08	(.09)	-.03	(.06)	.10*	(.05)
Anti-Black Ster	-.02	(.02)	-.01	(.01)	-.01	(.01)
Fear of Crime	.09	(.11)	-.02	(.02)	.05	(.07)
Punitiveness	.01	(.07)	.15*** ^a	(.05)	.11**	(.05)
Party ID	.10	(.07)	.08	(.05)	.03	(.05)
Ideology	.03	(.06)	-.02	(.04)	.03	(.04)
Education	-.02	(.09)	-.04 ^b	(.07)	.20***	(.07)
Gender	.46**	(.23)	-.42*** ^a	(.18)	-.12	(.18)
Income	.01	(.08)	.04	(.06)	-.08	(.06)
Age	-.005	(.01)	.004	(.005)	.002	(.006)
Cutpoint 1	-1.34	(.64)	-.57	(.49)	-.21	(.56)
Cutpoint 2	-.87	(.66)	-.06	(.49)	.34	(.56)
Cutpoint 3	-.19	(.66)	.52	(.49)	1.01	(.57)
N	118		210		218	

*p < .10, **p < .05, ***p < .01

^a Coefficient is statistically different across baseline and racial argument conditions (≤.05)

^b Coefficient is statistically different across innocent and racial argument conditions (≤.05)

^c Coefficient is statistically different across race of respondent (≤.05)

Note: Entries are ordered probit regression coefficients with standard errors in parentheses. Higher values on the above variables indicate: greater support for death penalty, more dispositional attributions of crime, more negative stereotypes of blacks than whites, more fear of crime, more punitive, more Republican, conservative, educated, male, higher income, and older.

Statistical significance across conditions and race was computed by estimating an ordered probit equation for the pooled data that regressed support for the death penalty on the 11 predictors, two dummy variables representing the argument conditions (baseline vs. innocent, baseline vs. racial argument), race of respondent, and all possible second-order interactions between predictors*race and predictors*argument conditions and third-order interactions for predictors*race*argument conditions.

Figure 1. Probability of Approving Death Penalty across Arguments, Gender and Race

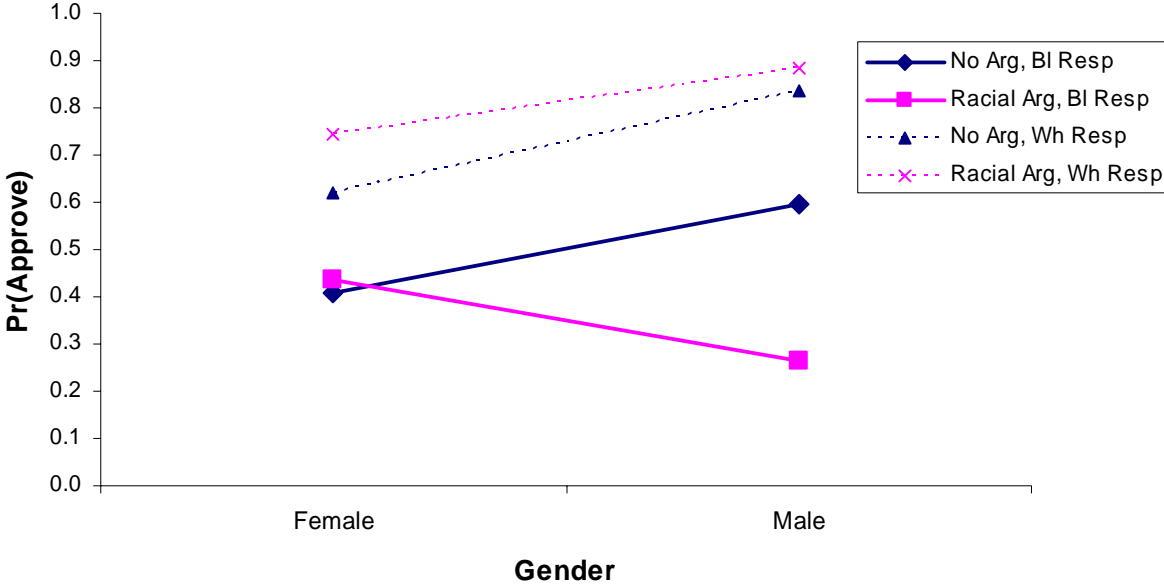


Figure 2. Whites' Probability of Approving Death Penalty for Racial Argument across Causes of Black Crime

