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DEATH PENALTY KNOWLEDGE, OPINION, AND REVENGE:
A TEST OF THE MARSHALL HYPOTHESES IN A TIME OF FLUX

by

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B.S. Kaplan University, 2006

A thesis submitted in partial fulfillment of the requirements
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at the University of Central Florida
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ABSTRACT

This thesis tests the three hypotheses derived from the written opinion of Justice Thurgood Marshall in *Furman v Georgia* in 1972. Subjects completed questionnaires at the beginning and the end of the fall 2006 semester. Experimental group subjects were enrolled in a death penalty class, while control group subjects were enrolled in another criminal justice class. The death penalty class was the experimental stimulus. Findings provided strong support for the first and third hypotheses, i.e., subjects were generally lacking in death penalty knowledge before the experimental stimulus, and death penalty proponents who scored “high” on a retribution index did not change their death penalty opinions despite exposure to death penalty knowledge. Marshall’s second hypothesis--that death penalty knowledge and death penalty support were inversely related--was not supported by the data. Two serendipitous findings were that death penalty proponents who scored “low” on a retribution index also did not change their death penalty opinions after becoming more informed about the subject, and that death penalty knowledge did not alter subjects’ initial retributive positions. Suggestions for future research are provided.

This thesis is dedicated to my children, Sebastian and Caitlin, and my astonishing wife, Miranda. They have all endured my absence for the past 10 months. Without Miranda's unyielding and continuing support of my endeavors none of my achievements, within academia and beyond, would have been possible. Thank you my love.

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CHAPTER ONE: INTRODUCTION

The purpose of this thesis is to test “The Marshall Hypotheses.” These hypotheses were postulated by Justice Thurgood Marshall in his decision in the case of *Furman v. Georgia* (408 U.S. 238, 1972):

1. The American people are largely ignorant about the administration of capital punishment.
2. An informed American public would not support the death penalty.
3. If the primary reason people support capital punishment is based on the principle of retribution, then increased knowledge about the subject would make little or no difference to their death penalty opinions.

This research is important because the death penalty in the United States appears to be driven by public opinion. Indeed, Bohm (2003) states that it would be very difficult to sustain the penalty where the public does not support it. Unfortunately, many studies (described later) have found that public opinion about the death penalty is not only poorly informed, but often misinformed. The problem, as Justice Marshall recognized, is that the public’s decision about whether an individual lives or dies, that is, its choice about the death penalty, should be “a knowledgeable choice” (*Furman v. Georgia*, 1972 at 362, fn.145).

Furman v. Georgia and the Marshall Hypotheses

In 1972, the United States Supreme Court (the Court) decided three cases regarding the constitutionality of the death penalty as it was applied at the time. The cases were *Furman v. Georgia* (408 U.S. 238) consolidated with *Jackson v. Georgia* (No. 69-5-30) and *Branch v.*

Texas (No. 69-5031). The *Branch* and *Furman* cases dealt with the death penalty's constitutionality with respect to murder, whereas the *Jackson* case dealt with the same penalty, but for the crime of rape (in the absence of murder).

The question before the Court was: Does "the imposition and carrying out of the death penalty in these cases constitute cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments" (*Furman v. Georgia*, 1972 at 239). In one of the lengthiest Supreme Court decisions in its history, the Court held, by a 5-4 ruling, that the death penalty was indeed unconstitutional. Every justice wrote an opinion. That the justices were so forceful and singular in their views, and so narrowly split, tended to show that the Supreme Court was a microcosm of the powerfully held and diverse views of the general public. Justices Douglas, Stewart and White wrote that the death penalty was indeed unconstitutional, but not irredeemably so. In contrast, the remainder of the majority, Justices Brennan and Marshall, declared the death penalty to be unconstitutional in all cases. The Court's rationale for the death penalty's unconstitutionality was that the penalty was carried out in an arbitrary and capricious manner, with many of the justices citing racial concerns as particularly troublesome (*Furman v. Georgia*, 1972). The outcome of the Court's ruling was the voiding of all existing death penalty statutes, and the commutation of the sentences of all condemned inmates to either life without the possibility of parole or, in some instances, life *with* the possibility of parole.

In Marshall's *Furman* opinion, he wrote that if the American public's death penalty opinion was going to be probative, it was a constitutional necessity that the public should be knowledgeable of the death penalty and that this knowledge should be discerned (*Furman v. Georgia*, 1972 at 362, fn. 145). Justice Marshall explained, "The question with which we must deal is not whether a substantial proportion of American citizens would today, if polled, opine

that capital punishment is barbarously cruel, but whether they would find it to be so in the light of all information presently available” (*Furman v. Georgia*, 1972 at 362). In clarification, Marshall further remarked, “This is not to suggest that with respect to this test of unconstitutionality people are required to act rationally; they are not. With respect to this judgment, a violation of the Eighth Amendment is totally dependant on the predictable, subjective, emotional reactions of *informed* citizens” (my emphasis) (*Furman v. Georgia*, 1972 at 362).

As noted, in his first hypothesis Marshall presumed that most Americans are not knowledgeable about the death penalty, which begs the question what Americans must know if they are to be considered informed about the death penalty. In *Furman*, he suggested the following:

that the death penalty is no more effective a deterrent than life imprisonment, that convicted murderers are rarely executed but usually sentenced to a term in prison; that convicted murderers usually are model prisoners, and that they almost always become law abiding citizens upon their release from prison; that the costs of executing a capital offender exceed the costs of imprisoning him for life; that while in prison, a convict under sentence of death performs none of the useful functions that life prisoners perform; that no attempt is made in the sentencing process to ferret out likely recidivists for execution; and that the death penalty may actually stimulate criminal activity (*Furman v. Georgia*, 1972 at 364, footnotes omitted).

Marshall believed, as suggested in his second hypothesis, that “[t]his information would surely convince average citizens that the death penalty was unwise” (*Furman v. Georgia*, 1972 at 364).

Regarding his third hypothesis, Marshall recognized that even if Americans knew the aforementioned information, they still may not consider the death penalty morally reprehensible and oppose it. The reason, according to Marshall, is that many Americans support the death penalty primarily for retributive reasons, and retributivists are less likely to respond to knowledge-based claims. On the subject of retribution, Marshall wrote, “Retaliation, vengeance,

and retribution have been roundly condemned as intolerable aspirations for a government in a free society” (*Furman v. Georgia*, 1972 at 343). He went on to posit, “The history of the Eighth Amendment supports only the conclusion that retribution for its own sake is improper” (*Furman v. Georgia*, 1972 at 345) and that “no one has ever seriously advanced retribution as a legitimate goal of our society” (*Furman v. Georgia*, 1972 at 363). Marshall’s view of retribution, which he equated with purposeless vengeance, was so negative that he maintained:

I cannot believe that at this stage in our history, the American people would ever knowingly support purposeless vengeance. Thus, I believe that the great mass of citizens would conclude on the basis of the material already considered that the death penalty is immoral and therefore unconstitutional (*Furman v. Georgia*, 1972 at 363-364).

It is clear from his previous remark he was using the precedent set by the Court’s decision in *Trop v. Dulles* (356 U.S. 86, 1958 at 102) that a punishment must be judged in terms of “the evolving standards of decency that mark the progress of a maturing society.”

Testing the Marshall Hypotheses

The bold statements made by Justice Marshall in such a landmark case drew almost immediate attention and study from many social scientists due to its far reaching scope and originality of thought. A literature review revealed seventeen studies that tested all or part of the Marshall hypotheses. Table 1 shows the studies and what part of the Marshall hypotheses they tested. However, there were problems with the testability of the hypotheses from the start: What constitutes knowledge, and how is it to be measured? What constitutes death penalty opinion, and how is it to be measured? What constitutes retributive reasons for death penalty support, and how are they to be measured? In addition, previous studies of the Marshall Hypotheses faced problems with sampling method, the time and context in which the data were gathered, and the

stimuli used to make subjects more knowledgeable. The review of this literature examines the previous studies in light of these problems and reports the methods they employed, their findings, and their relative strengths and weaknesses.

Table 1

Studies that Tested All or Part of Marshall's Hypotheses

STUDY	HYPOTHESES		
	H1	H2	H3
Sarat and Vidmar (1976)	Y	Y	Y
Lord, Ross and Lepper (1979)	Y	Y	N
Vidmar and Dittenhoffer (1981)	Y	Y	N
Ellsworth and Ross (1983)	Y	Y	N
Bohm (1989)	Y	Y	N
Bohm (1990)	Y	Y	N
Bohm et al. (1990)	Y	Y	N
Bohm et al. (1991)	Y	Y	Y
Bohm and Vogel (1991)	Y	Y	N
Bohm et al. (1993)	Y	Y	N
Sandys (1995)	Y	Y	N
Wright, Bohm and Jamieson (1995)	Y	Y	N
Bohm and Vogel (2004)	Y	Y	Y
Clarke, Lambert and Whitt (2000-2001)	Y	Y	N
Lambert and Clarke (2001)	Y	Y	N
Cochran and Chamlin (2005)	Y	Y	Y
Cochran, Sanders and Chamlin (2006)	Y	Y	Y

Note: Y= yes; N= no.

CHAPTER TWO: LITERATURE REVIEW

Results of Previous Studies

Hypothesis I: The American people are largely ignorant about the administration of capital punishment

At the outset, it is important to note, as Bohm (2003, p. 260) has, that “[w]hat Marshall fails to stipulate is how much information a citizen must know in order to be informed.” Bohm (2003, p. 260) asks, “Must one know all of it or will 50 to 60 percent suffice?” “Without setting a standard,” Bohm asserts, “Marshall leaves unanswered the key question of what it means to be informed or knowledgeable about the death penalty” (p.260). In the first test of the Marshall hypotheses, Sarat and Vidmar (1976) found that, in response to six death penalty-related items, a mean of 46 percent was answered correctly. The authors concluded, “few persons in our sample could be labeled ‘informed’ about the death penalty” (p.171), and further, “subjects knew little about the death penalty, particularly its effectiveness” (p.195).

Ellsworth and Ross (1983) also found their subjects ignorant about the death penalty. They used nine death penalty-related items to test their subjects’ knowledge. There was only one item of the nine that more than 50 percent answered correctly. They concluded, “Our findings of high levels of ignorance, often willingly admitted, are consistent with the findings of Sarat and Vidmar [1976]” (p.144).

Bohm, Clark and Aveni (1990) found that their experimental-group subjects initially answered correctly only 50 percent of 14 knowledge items, while comparison-group subjects answered correctly only 39 percent of the knowledge items. Using a different sample, Bohm,

Clark and Aveni (1991) found that their subjects initially answered correctly, on average, only 52 percent of 14 knowledge items. Whether these results represent being knowledgeable, the authors write, “[W]e choose to regard such a score [52%, 50%, or 39%] as indicative of being relatively uninformed” (p.369).

Wright, Bohm and Jamieson (1995) used 17 knowledge items to measure death penalty knowledge. Their subjects answered correctly an average of only 47 percent of the items. They found that, with two exceptions, “no...knowledge item was answered correctly by more than 61.4% of all subjects, and only seven of the 17 knowledge items were correctly answered by more than half the subjects” (p.64). The exceptions were that 78 percent of their subjects correctly knew or guessed that “poor people who commit murder are more likely than rich people to be sentenced to death,” and 71 percent of their subjects correctly knew or guessed that “for the same crime, men have been more likely to be executed than women” (p.64). Wright et al. concluded that the “students had some knowledge about the death penalty, but they cannot be considered well informed” (p.64).

Cochran, Sanders and Chamlin (2006) only report the amount of knowledge gained as a result of participating in a death penalty class. They measured knowledge on a pretest at the beginning of the class and on a posttest at the end of the class. They report, “The average difference in these scores was a 45.4 percentage point improvement The percent of change in knowledge gain was also substantial (203%). That is, on average these students doubled their time 1 score on the final exam. In terms of their relative knowledge gains, the students, on average, improved their time 1 scores by 71% of what they maximally could have at time 2” (p. 213). These findings indicate that Cochran et al.’s subjects initially were not well informed about

the death penalty (also see Cochran and Chamlin, 2005). Other studies of the Marshall hypotheses did not test hypothesis one.

In sum, seven studies directly tested Marshall's first hypothesis. These analyses led Bohm et al. (1991, p. 361) to claim, "A majority of Americans have taken a very strong position on an issue about which they are substantially uninformed." It appears that Marshall's first hypothesis is supported by the available data.

Hypothesis II: An informed American public would not support the death penalty

The literature review revealed two studies that strongly supported Marshall's second hypothesis, nine studies that provided some support, and six studies that seem to suggest that Marshall was wrong.

Studies that Strongly Support Marshall's Second Hypothesis

Vidmar and Dittenhoffer (1981) and Sandys (1995) found a strong inverse relationship between knowledge about the death penalty and support for it, confirming Marshall's contention. In Vidmar and Dittenhoffer's 1981 study, support of the death penalty decreased from 48 percent to 24 percent, opposition increased from 33 percent to 71 percent, and undecideds decreased from 19 percent to 5 percent, when subjects became more knowledgeable about capital punishment. Sandys' 1995 study found that support of the death penalty decreased from 56 percent to 22 percent, opposition increased from 35 percent to 65 percent, and undecideds increased from 9 percent to 13 percent, again as subjects' capital punishment knowledge increased. The Vidmar and Dittenhoffer (1981) and Sandys (1995) studies are unique in the literature because they are the only studies to find a majority of subjects opposed to the death

penalty after exposure to knowledge about it. A problem with both studies, however, is that they were based on extremely small samples: Vidmar and Dittenhoffer (1981) had 21 experimental group subjects, and Sandys (1995) had 23 experimental group subjects. Other problems with these studies are addressed later.

Studies that Provide Some Support for Marshall's Second Hypothesis

Sarat and Vidmar (1976), Bohm (1989), Bohm, Clark and Aveni (1991), Bohm and Vogel (1991), Wright, Bohm and Jamieson (1995), Clarke, Lambert and Whitt (2000-2001), Lambert and Clarke (2001), Cochran and Chamlin (2005), and Cochran, Sanders and Chamlin (2006) all found some degree of support for the second hypothesis, but none of them reported a majority of subjects opposed to the death penalty after becoming informed about it. However, in a few studies a majority of some subgroups were opposed to the death penalty after becoming more informed. Sarat and Vidmar (1976) found that after exposure to knowledge about the death penalty support declined by 20 percentage points (from 62% to 42%), opposition increased by 11 percentage points (from 27% to 38%), and undecideds increased by 11 percentage points (from 10% to 21%).

Following exposure to knowledge, Bohm (1989) discovered that death penalty support fell 26 percentage points (from 82% to 56%), opposition increased 24 percentage points (from 18% to 42%), and undecideds increased by 2 percentage points (from 0% to 2%). The racial change was an interesting factor. While white support decreased from 88 percent to 72 percent and opposition increased from 12 percent to 29 percent, black support decreased from 72 percent to 28 percent and opposition increased from 28 percent to 67 percent (undecideds are not reported). Two other interesting findings of this study were that females were the group most

resistant to change (support decreased from 74% to 65% and opposition increased from 26% to 35%), and no female was ever undecided.

Bohm et al. (1991) employed four measures of death penalty opinion: 1) death penalty for *some* people convicted of first-degree murder, 2) death penalty for *all* people convicted of first degree murder, 3) whether one could convict if served on a capital jury, and 4) whether one could pull the lever to instigate an execution. After becoming more informed about the death penalty subjects opposed to the death penalty for *some* persons increased from 28.0 percent to 49.5 percent, subjects opposed to the death penalty for *all* persons increased from 28.3 percent to 46.6 percent, persons who could not convict increased from 5.4 percent to 21.5 percent and persons who could not pull the lever increased from 37.6 percent to 40.9 percent. The last change was the only one not statistically significant at $p < 0.05$. Bohm et al. (1991) did not report changes in support of the death penalty or changes in undecideds.

Bohm and Vogel (1991) saw death penalty support decrease from 85.5 percent to 57 percent, opposition increase from 11.5 percent to 33 percent, and undecideds increased from 3 percent to 10 percent, after exposure to death penalty knowledge. Similarly, Wright et al. (1995) found a decrease in support and an increase in opposition after becoming more informed about the death penalty. Support declined from 79 percent to 56 percent and opposition increased from 13 percent to 36 percent. Those with no opinion remained constant at 8 percent.

Clarke et al. (2000-2001) also found some change in death penalty opinion after subjects became more informed about the penalty. Death penalty support decreased from 60 percent to 55 percent, death penalty opposition increased from 28 percent to 32 percent, and the percentage of those who declared themselves to be “uncertain” moved from 12 percent to 13 percent. The authors concluded, “The reduction in support for the death penalty...was not the major reduction

originally postulated by Justice Marshall when he wrote in *Furman* that persons who ‘were fully informed as to the purposes of the penalty and its liabilities would find the penalty shocking, unjust and unacceptable’” (Clarke et al., 2000-2001, p.337, fn.127). In another study, Lambert and Clarke (2001) specifically addressed whether knowledge of deterrence and knowledge of innocence affected death penalty opinions. They found that knowledge about deterrence did not change the death penalty opinions of 55.6 percent of their subjects but changed somewhat the death penalty opinions of 43.6 percent of their subjects and changed a great deal the death penalty opinions of 0.8 percent of their subjects. Similarly, knowledge about innocence did not change the death penalty opinions of 55.6 percent of their subjects but changed somewhat the death penalty opinions of 34.7 percent of their subjects and changed a great deal the death penalty opinions of 9.8 percent of their subjects.

Cochran and Chamlin (2005) and Cochran et al. (2006) showed identical results. (The 2006 sample included the 2005 sample.) After exposure to death penalty knowledge, death penalty support decreased by 14 percentage points (from 64% to 50%), opposition increased by 27 percentage points (from 19% to 46%), and undecideds decreased by 13 percentage points (from 17% to 4%). However, they also found that one-third of their subjects did not change their death penalty opinions, and 13 percent of their subjects increased their level of death penalty support after learning about the death penalty (Cochran et al., 2006). Though some may take issue, the researchers concluded, “[I]mparting knowledge about the death penalty does not work as well as Justice Marshall argued” (Cochran et al., 2006, p. 214).

Studies that Do Not Support Marshall's Second Hypothesis

Six studies failed to support Marshall's second hypothesis: Lord, Ross, and Lepper (1979), Ellsworth and Ross (1983), Bohm, (1990), Bohm et al. (1990), Bohm, Vogel, and Maisto (1993), and Bohm and Vogel (2004). Contrary to Marshall's second hypothesis, Lord et al. (1979) did not find that death penalty knowledge reduced death penalty support; rather knowledge about the death penalty strengthened previously held death penalty opinions. Lord et al. explained, "The net effect of exposing proponents and opponents of capital punishment to identical evidence...was to increase further the gap between their views"—to "polarize" their views (p. 2105). They noted, "Data relevant to a belief are not processed impartially" (p. 2099) but, instead, are assimilated in a biased manner. They concluded:

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 views and will derive support from evidence, of no greater probativeness, that seem consistent with their views. (Lord et al., 1979, p. 2099)

Ellsworth and Ross (1983) and Bohm et al. (1990) likewise reported that "biased assimilation" and "attitude polarization" could account for the results in their studies. (In this thesis, the concepts attitude and opinion are used interchangeably). Ellsworth and Ross (1983) claimed, "The picture that emerges is one of an emotionally based attitude, tempered by a sense of social desirability" (p. 152). Bohm et al. (1990) surmised, "Thus reasons provided for death penalty opinions appear to be primarily rationalizations or justifications for emotionally based opinions, and we ought not to expect them to be particularly responsive to reasoned persuasion" (p. 184).

Bohm (1990) also failed to find support for Marshall's second hypothesis. In this study Bohm asked subjects to publicly announce their death penalty positions at the beginning of each death penalty class (more about the death penalty class later). He discovered that at the end of the semester (after exposure to information about the death penalty) death penalty support decreased only 5 percentage points (from 62% to 57%), and death penalty opposition increased only 5 percentage points (from 31% to 36%). By contrast, death penalty support among comparison group subjects decreased by 12 percentage points (from 67% to 55%), and death penalty opposition among comparison group subjects increased by 14 percentage points (from 22% to 36%). Thus, there was more change among comparison group subjects, who did not receive death penalty information, than there was among subjects who received a semester's worth of death penalty information. Bohm (1990) surmised that having to publicly commit to a death penalty position inhibited either death penalty opinion change or the voicing of death penalty opinion change.

Finally, Bohm et al. (1993) and Bohm and Vogel (2004) conducted panel studies two-to-three years and more than ten years, respectively, after subjects completed a semester-long death penalty class. Both these studies showed that subjects' support for the death penalty decreased between the beginning of the death penalty class and its end. However, follow-up data revealed a "rebound" in death penalty support. That is, after two-to-three years or more than ten years later, subjects' level of death penalty support had returned to, or exceeded, their initial level of death penalty support. The researchers concluded that "classroom knowledge" may not prove especially effective in changing death penalty opinions in the long term. Nevertheless, as Bohm and Vogel (2004, p. 325) cautioned:

This does not mean that death penalty opinions are intransigent. Opinions do change, as evidenced by the more than sixty-five year history of public opinion polls on the death penalty in the United States. This study only indicated that, under one condition [a semester-long death penalty class], most death penalty opinions (and reasons for opinions) might be impervious to long-term change. If Justice Marshall had in mind a stimulus like the one employed in this study, then his belief that death penalty opinions could be changed substantially might be wrong.

Hypothesis III: If the primary reason people support capital punishment is based on the principle of retribution, then increased knowledge about the subject would make little or no difference to their death penalty opinions

Only five of the studies tested Marshall's third hypothesis. Of those that did, all but one (Cochran and Chamlin, 2005) found at least some support for it (Sarat and Vidmar, 1976, Bohm et al., 1991, Bohm and Vogel, 2004, Cochran et al., 2006).

Summarizing their findings, Sarat and Vidmar (1976, p. 194) wrote:

retributiveness is more important in differentiating among supporters and opponents of capital punishment than is any of the kinds of information contained in the three experimental conditions...retributive motives are highly correlated with the extent of change in death penalty support...persons low in retribution, persons whose level of support for the death penalty was initially quite low...showed a further alteration in their positions...[t]he effect of information among respondents scoring high on the measure of retribution was...uniformly minimal...[t]he broad pattern of results thus appears to confirm Marshall's suspicion that even an informed public opinion might not reject the death penalty to the extent that initial support for it is grounded in a desire for vengeance and retribution against those who commit capital crimes.

Bohm et al. (1991) found that those who were highly retributivist did not change their initial death penalty support very much (from 81.8% to 80%), whereas those who were less retributivist did change their opinions to a greater extent (23.3% in support to 6.7% in support).

In Bohm and Vogel's (2004) panel study, the effect of retribution and knowledge on death penalty opinions were ascertained at four points in time. As Marshall predicted, subjects who agreed with the statement, "Society has a right to get revenge when a very serious crime like

murder has been committed,” changed their death penalty opinions little over time. However, subjects who disagreed with the statement also did not change their death penalty opinions very much over time. What Bohm and Vogel (2004) found surprising was that death penalty knowledge had little effect on death penalty opinions regardless of subjects’ belief about retribution.

Likewise, Cochran et al. (2006) reported, “Those students who maintained their level of death penalty support between time 1 and time 2 were also the most retributive; similarly those who maintained their time 1 level of opposition to capital punishment were the least retributive” (p. 223). Thus, these findings not only support Marshall’s third hypothesis about highly retributive subjects, but they also show that death penalty opponents who are not retributivists are unlikely to change their death penalty opinions after becoming more knowledgeable about the subject either.

The one study that did not provide support for Marshall’s third hypothesis was Cochran and Chamlin (2005). They observed that “gains in knowledge, when objectively assessed, did significantly decrease support for capital punishment among those who espoused retribution” (p. 580).

Critique of Previous Studies

Sampling

Experimental / Quasi-Experimental Design

Of all the studies that tested the Marshall hypotheses, only Sarat and Vidmar (1976) used a true experimental design. Sarat and Vidmar randomly selected a final sample of 181 subjects from Amherst, Massachusetts and randomly assigned them to experimental and control groups. All of the other studies are quasi-experimental, because they either do not employ random selection and assignment of subjects to experimental and comparison groups or do not use comparison groups at all.

Geographical and Temporal Aspects

Sarat and Vidmar (1976), Lord et al. (1979), Vidmar and Dittenhoffer (1981), and Ellsworth and Ross (1983) all used data gathered at a time, or in a place where there were no executions being carried out, so in a sense the death penalty was an abstract concept. Data in Sarat and Vidmar's study were collected in Amherst, Massachusetts in 1975. There had not been an execution in the United States since 1968. Although Massachusetts did not abolish its death penalty until 1984, it had not executed anyone since 1947 (Bedau, 1997). In addition, Massachusetts is considered an especially liberal area of the United States and therefore it probably is not representative of the United States as a whole (The Bay Area Center for Voting Research, nd).

Lord et al. (1979) did not report when their data were collected from Stanford University students in California. However, by 1979, the publication year of their research, there could not

have been more than three executions nationwide in more than a decade. The last execution in California was in 1967. Also, although Stanford University draws its students from all over the United States and the world, it is not clear how geographically representative a sample of Stanford University students is.

Vidmar and Dittenhoffer (1981) collected their data in Canada; they did not indicate when their data were collected. Canada abolished its death penalty in 1976 and had not executed anyone since 1962 (Bedau, 1997). Therefore their findings may not be particularly relevant to the United States

Ellsworth and Ross (1983) collected their data in the San Francisco Bay area during the summer and fall of 1974. Like the data in the Sarat and Vidmar (1976) study, the data in the Ellsworth and Ross (1983) study were collected in a liberal area of the country (The Bay Area Center for Voting Research, nd) at a time when executions were not being conducted. However, unlike the Sarat and Vidmar (1976) study, Ellsworth and Ross took pains to reduce any liberal bias in their sample. Specifically, they used “a stratified random sampling procedure based on the precinct voting records of... [four] towns in the 1972 California referendum on the restoration of capital punishment” (p. 123). Two of the towns tended to support capital punishment in the 1972 referendum, and the two other towns tended to oppose capital punishment in the same referendum. To obtain an even more representative sample, each town was divided into five groups, “according to the degree of support for capital punishment they had shown in 1972” (p. 123). From each group, within each town, 25 households were randomly sampled.

All the remaining studies collected data from students at universities in the United States at a time when the death penalty was a salient issue, that is, when people were being executed.

Bohm (1989), Bohm (1990), Bohm et al. (1990), Bohm et al. (1991), Bohm and Vogel (1991), Bohm et al. (1993), and Bohm and Vogel (2004) collected their data from students in Alabama. Wright et al. (1995) collected their data from students in North Carolina. Data for Sandys (1995) study were obtained from Indiana students. Clarke et al.'s (2000-2001) data came from an unidentified university in the Midwest. Lambert and Clarke's (2001) data were from Michigan. Cochran and Chamlin (2005) and Cochran et al. (2006) obtained their data in Florida.

Sample Size and Composition

Sample sizes varied greatly. On the low end, Vidmar and Dittenhoffer (1981) had 21 subjects in an experimental group and 18 subjects in a comparison group. In this study 67 percent were female and only 33 percent were male. No other demographic data were given other than the subjects were English Canadian. It does not appear that Vidmar and Dittenhoffer's sample was representative of the Canadian population. Sandys (1995) had 23 experimental group subjects and no comparison group. Seventy-four percent of Sandys' (1995) sample was male and 91 percent of her sample was white, hardly representative of the general population of the United States. As mentioned previously, these were the only two studies that found a majority of subjects opposed to the death penalty after becoming more informed about it and, thus, the only studies that strongly supported Marshall's second hypothesis.

On the high end, Lambert and Clarke (2001) had 488 experimental group subjects and 242 comparison group subjects for a total of 730 subjects. Ellsworth and Ross (1983) report 500 experimental group subjects but no comparison group. Table 2 provides sample sizes for all of the studies discussed in this thesis.

Table 2

Sample Sizes of Previous Tests of the Marshall Hypotheses

STUDY	E	C	TOTAL
Sarat and Vidmar (1976)	181	45	181
Lord, Ross and Lepper (1979)	48	No	48
Vidmar and Dittenhoffer (1981)	21	18	39
Ellsworth and Ross (1983)	500	No	500
Bohm (1989)	50	No	50
Bohm (1990)	59	54	109
Bohm et al. (1990)	44	27	71
Bohm et al. (1991)	190	82	272
Bohm and Vogel (1991)	70	35	105
Bohm et al. (1993)	106	No	106
Bohm and Vogel (2004)	69	No	69
Wright, Bohm and Jamieson (1995)	38	68	106
Sandys (1995)	23	No	23
Clarke, Lambert and Whitt (2000-2001)	110 dropped and 107 retained	103	324*
Lambert and Clarke (2001)	488	242	730
Cochran and Chamlin (2005)	70	No	70
Cochran, Sanders and Chamlin (2006)	365	No	365

* = The 110 subjects dropped had received experimental stimuli not germane to the study discussed.

As noted in the previous section, all but two of the studies used student subjects. Although student subjects are rarely representative of the general population, they were employed in these studies because it was one of the only ways to expose subjects to the experimental stimulus (death penalty knowledge) over an extended period of time. Brevity of exposure to the experimental stimulus was a weakness of earlier studies (e.g., Sarat and Vidmar, 1976).

Comparison Groups

Only nine of the seventeen studies employed comparison groups. Thus, in those studies without comparison groups it is not possible to determine if any changes in death penalty opinions are a function of the experimental stimulus or some other factor or factors. Table 2 shows the studies that utilized comparison groups and those that did not.

Experimental Stimuli

The first few tests of the Marshall hypotheses used questionable experimental stimuli. For example, after conducting an initial survey, Sarat and Vidmar (1976) administered their experimental stimulus. This was in the form of two different 1,500 word essays. One of the essays consisted of statistical studies, personal experiences, deterrence psychology, and recidivism data for homicide offenders. They dubbed this the utilitarian essay. The second essay—the humanitarian essay—dealt with the physical and psychological aspects of executions. The sample was then split into four groups. These groups received either essays one and two, essay one only, or essay two only. The fourth group—the control group—received an essay on unrelated legal matters with no death penalty ramifications. After reading these essays the

subjects were requested to complete a section of the original survey which examined the “application and effects” of the death penalty. Sarat and Vidmar warned of their study’s limitations, stating that due to the limited manner of informing the subjects and the lack of time given for reflection and discussion, their findings should be interpreted cautiously.

In Lord et al. (1979) subjects read two cards containing synopses of death penalty deterrence study results: one containing pro-deterrent information and the other containing anti-deterrent information. The subjects were then asked if they had changed their belief in the deterrent effect of capital punishment. Subjects were then given methodological analyses of the studies and asked whether or not they found the studies convincing. Then the subjects were asked about their capital punishment views concerning its deterrent effect. A problem with the experimental stimulus was that it was narrowly focused only on the death penalty’s deterrent effect and did not address all of the other information a person would need to know to be considered informed about the death penalty. Another problem, common to these early studies, was that there was little time for subjects to reflect upon the information they had been given.

In the Vidmar and Dittenhoffer (1981) study, the stimulus was 8 papers and a 3,500 word essay about the death penalty, with the option of reading two books by respected death penalty scholars. This was followed by a discussion period, which took place two weeks after the stimulus. The discussion groups consisted of three to four individuals each and were designed to improve the validity of the Sarat and Vidmar study of 1976 in which there was no discussion period. However, despite this improvement, Vidmar and Dittenhoffer’s study did have methodological problems with the experimental stimulus. First, there was no guarantee that subjects read the required material. Second, no attempt was made to measure the amount of information subjects understood and internalized. Third, with regard to the discussion groups,

there were no checks made to see if subjects were even discussing the death penalty and their readings. Fourth, a one hour discussion may not have been long enough to achieve the desired goal.

Ellsworth and Ross (1983) did not use an experimental stimulus. They only gathered information about their subjects' death penalty opinions at one point in time.

In a design similar to the earlier studies, Clarke et al. (2000-2001) and Lambert and Clarke (2001) used three essays as the experimental stimulus. The first essay was a comparison essay which dealt with the philosophical nature of punishment but did not discuss the death penalty itself. The second essay discussed empirical evidence about the death penalty and its deterrent effect. It showed that studies did not support a deterrent effect for capital punishment. The third essay focused on the "frequency and probability of sentencing innocent people to death" (p.328). These essays were distributed randomly to students who were enrolled in criminal justice and general education classes. It does not appear that either study used a death penalty class as a stimulus.

The experimental stimulus in the remaining studies was a semester-long death penalty class because, as Bohm (1990) has stated, "Brevity of exposure to the experimental stimulus is a weakness of previous research" (p.287). The classes consisted of lectures, guest speakers, videos, and assigned readings and were comprehensive examinations of capital punishment in the United States. Although a semester-long class on the death penalty is a far better method for delivering information than reading a few essays or a couple of books, a death penalty class is not the only source of information about the death penalty. Witnessing an execution and talking to co-victims, for example, would be other ways of becoming more knowledgeable about the death penalty.

A problem with using a classroom experience for informing people about the death penalty is the influence of the instructor—the “experimenter effect.” A charismatic or obnoxious instructor, for example, could have an extraordinary influence on students beyond the class material. In the Bohm and Cochran studies, the class instructor was forthcoming about his abolitionist viewpoint but played *advocatus diaboli* to whatever position a student took. Both researchers made it clear that students’ death penalty opinions would have no bearing on their final grades. Other researchers either did not reveal their death penalty positions or, if they did, did not report them in their studies. Bohm (1989) has suggested that having a proponent of the death penalty teaching the class may produce different results.

Measures of Death Penalty Opinion

Many studies have found that the wording of questions and response categories used to ascertain subjects’ death penalty opinions can make a great deal of difference to their response. Williams, Longmire and Gulick (1988), for example, found that as questions become less abstract and more concrete the level of reported support significantly decreases. They also found that the public seemed to be surer about their general support for the death penalty than under what specific circumstances to use it.

Sarat and Vidmar (1976) and Lord et al. (1979) tested opinion before and after the experimental stimuli, as did a majority of the other studies. Sarat and Vidmar (1976) used a seven-point Likert scale (“very strongly agree,” “strongly agree,” “somewhat agree,” “uncertain,” “somewhat disagree,” “strongly disagree,” and “very strongly disagree”) to measure death penalty opinion, but they did not report the question that was asked of their subjects. Also,

Lord et al. (1979) did not report how they nominally or operationally defined death penalty opinion. The subjects, after administration of the experimental stimulus, were asked to simply note their *change* in death penalty opinion on a sixteen-point scale.

Ellsworth and Ross's (1983) survey measured death penalty opinion in a much more thorough way than many of the other studies. The researchers asked one general death penalty attitude question, "Do you believe in capital punishment or are you opposed to it?" (p. 126). Response categories were "believed in," "opposed," and "undecided." Questions were also asked regarding mandatory or discretionary death penalty sentences for a range of scenarios and, finally, questions were asked about the subjects' predicted behavior if they were ever to be on a capital jury. This question specifically dealt with the level of evidence they would require in order to convict. In this study, the questionnaire was administered only once.

Bohm (1989), Bohm (1990), Bohm et al. (1990), Bohm et al. (1991), Bohm and Vogel (1991), Wright et al. (1995), Bohm et al. (1993), and Bohm and Vogel (2004) used a seven-point Likert scale on their surveys to gauge opinion. In Bohm (1989) and Bohm (1990), the survey was administered after each class. In this way Bohm could ascertain the nature and degree of change generated by each specific stimulus (class topic), allowing him to further discern what stimuli had what effect. In these studies, the researcher asked the abstract question about death penalty support for *some* people convicted of first-degree murder. Bohm and Vogel (1991) asked four questions regarding death penalty opinion, measured using a seven-point Likert scale. However, they only reported the results of one abstract question: "Which of the following statements best describes your position toward the death penalty for *some* people convicted of first-degree murder?" (p. 72).

Bohm et al. (1990) adopted and reported a more robust method of measuring death penalty opinion in their sample. Their goal was to explain the reasons for death penalty support and opposition. They asked their subjects' death penalty opinion with respect to general deterrence, retribution, incapacitation, administrative considerations, religious reasons and support for law enforcement. All the responses were recorded and reported on a five-point Likert scale ("strongly agree," "agree," "uncertain," "disagree," and "strongly disagree").

Bohm et al. (1991) also used a more solid approach. The researchers were aware of the potential problems Williams et al. (1988) had highlighted with death penalty opinion measurement. Bohm et al. (1991), Bohm et al. (1993), and Bohm and Vogel (2004) used four questions to measure death penalty opinion in the abstract and concrete. These questions were:

1. Which of the following best describes your position toward the death penalty for *all* persons convicted of first degree murder?
2. Which of the following best describes your position toward the death penalty for *some* persons convicted of first degree murder?
3. If you served on a jury where the defendant, if found guilty, would automatically be sentenced to death, could you convict the defendant?
4. If asked to do it, could you pull the lever that would result in the death of an individual convicted of first-degree murder? (Bohm et al. 1991, p. 368)

Responses were recorded on a seven-point Likert scale.

Wright et al. (1995) used the same four abstract and concrete questions that Bohm et al. used in 1991. In addition, they asked two questions regarding alternatives to capital punishment, again paying heed to Williams et al. (1988). The two additional questions were:

1. 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 (LWOP)?
2. 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?

The subjects answered using a five-point Likert scale.

Sandys (1995) measured opinion over the course of the semester. She asked the same question before every class, "What is your attitude toward the death penalty for *some* people convicted of first degree murder?" (p. 43, fn. 3). This is clearly an abstract question (with no other question types) and therefore vulnerable to the dangers highlighted by Williams et al. (1988). The subjects answered using a seven-point Likert scale. Sandys (1995) then followed up to gauge opinion a year later using the same question.

Clarke et al. (2000-2001) and Lambert and Clarke (2001) used a five-point Likert scale to measure death penalty opinion. However, they do not report the specific death penalty questions they asked.

Cochran and Chamlin (2005) and Cochran et al. (2006) used two death penalty opinion questions. They asked their subjects about the death penalty for "*all* people convicted of first-degree murder" (p. 576-77), and if they would choose "life in prison, without any possibility of parole" (p. 577) as an alternative to the death penalty. As noted previously, a problem with these questions is that both are abstract. They used a seven-point Likert scale to measure responses.

Measures of Death Penalty Knowledge

In the aforementioned studies, death penalty knowledge was measured in one of three ways. Most studies used a pretest-posttest design, with identical questionnaires administered before and after exposure to an experimental stimulus. A section of each questionnaire contained a knowledge index consisting of various numbers of factual items about the death penalty. A few studies simply assumed that subjects were more knowledgeable about the death penalty following completion of a death penalty class than they were prior to it. Finally, the two follow-up studies asked subjects to self report how much death penalty knowledge they had gained along a continuum, ranging from zero (“know absolutely nothing”) to nine (“extremely knowledgeable”).

Studies that employed a knowledge index with a pretest-posttest design were conducted by Sarat and Vidmar (1976), Vidmar and Dittenhoffer (1981), Bohm et al. (1990), Bohm et al. (1991), Wright et al. (1995), Cochran and Chamlin (2005), and Cochran et al. (2006). Sarat and Vidmar (1976, p. 175) used six knowledge items:

1. Are there any people currently awaiting execution in the United States?
2. How many people were executed in the five years prior to the Furman decision?
3. Poor people who commit murder are more likely to be sentenced to death than rich people who commit a similar crime.
4. The punishment of death has typically been imposed in only a small fraction of the cases where it is an authorized punishment.
5. Most scientific studies of the effects of the death penalty show that it is an effective deterrent to crime, do not show that it is an effective deterrent to crime, don't know.

6. Studies have shown that the rate of murder usually drops in the weeks following a well publicized execution.

Vidmar and Dittenhoffer (1981) used ten knowledge items, but did not provide them in their published article (they were “available from the authors, upon request”).

Bohm et al. (1990) and Bohm et al. (1991) used fourteen items to measure death penalty knowledge:

1. The death penalty has been abolished by a majority of Western European nations.
2. Over the years states which had the death penalty have shown lower murder rates than neighboring states which did not have the death penalty.
3. Studies have *not* found that abolishing the death penalty has any significant effect on the murder rate in a state.
4. Studies have shown that the rate of murder usually drops in the weeks following a well publicized execution. (Sarat and Vidmar Q. 6)
5. The average prison term served by someone sentenced to life imprisonment is less than ten years.
6. Poor people who commit murder are more likely to be sentenced to death than rich people who commit a similar crime. (Sarat and Vidmar Q. 3)
7. After the Supreme Court struck down the death penalty in 1972, the murder rate in the U.S. showed a sharp upturn.
8. On the average, the death penalty costs the taxpayer less than life imprisonment.
9. Currently, there are over one thousand people awaiting execution.
10. The punishment of death has typically been imposed in only a small fraction of the cases where it is an authorized punishment. (Sarat and Vidmar Q. 4)

11. The majority of the executions in the United States take place in the South.
12. For the same crime men are more likely to be executed than women.
13. Currently, the leadership of organized religion in the United States (whether Catholic, Jewish or Protestant) has abandoned its traditional support of (or silence on) the death penalty and instead favors its complete abolition.
14. The majority of Americans currently favor the death penalty.

Wright et al. (1995) employed seventeen knowledge items. Twelve of the knowledge items came from Bohm et al. (1990) and Bohm et al. (1991), and five of the items were new. The twelve items from Bohm et al. were numbers 1, 2, 4-12, and 14, and the new items were:

1. Most of the states in the U.S. do not have capital punishment laws.
2. A black person is more likely to receive the death penalty than a white person for the same crime.
3. Lethal injection is the most commonly used method of execution today.
4. No innocent people have been executed in error in the U.S. this century.
5. The killers of black people are just as likely to receive the death penalty as the killers of white people.

Cochran and Chamlin (2005) and Cochran et al. (2006) included four death penalty “truth” statements and seven death penalty “myth” statements as a knowledge measure. Only one of the “truth” statements was original: “There is strong reason to believe that similar offenders convicted of murder often receive dissimilar sentences; that is, some are sentenced to death while others are sentenced to an alternative less than death.” Two of the other “truth” statements were the same as in Wright et al. (1995)—numbers nine and 17—and the other one was the same as Sarat and Vidmar’s (1976) number three. Three of the “myth” statements were original to the

study and four were the same items used in previous studies (numbers five and six in Sarat and Vidmar, 1976 and numbers two and eight in Bohm et al., 1990, 1991). The three original statements were:

1. The death penalty is more effective than life imprisonment without possibility of parole (LWOP) in protecting society from the future actions of those who have already committed capital crimes.
2. Only legally relevant criteria distinguish murderers sentenced to death from those sentenced to a punishment less than death.
3. There is no evidence to support the claim that innocent persons have ever been sentenced to death and executed in error. (Cochran et al., 2006, p. 211-212)

Ellsworth and Ross (1983) provided subjects with nine knowledge items on a pretest only. Questions one through seven and question nine are the same as in Bohm et al. (1990, 1991). Question 8 is the only different one: “In several cases people executed for murder in the U.S. were later proven innocent.”

Studies that only assumed subjects were more knowledgeable at the end of a death penalty class included Lord et al. (1979), Bohm (1989), Bohm (1990), Bohm and Vogel (1991), Sandys (1995), Clarke et al. (2000-2001), and Lambert and Clarke (2001). Bohm et al. (1993) and Bohm and Vogel (2004) asked subjects to self-report their level of death penalty knowledge in their follow-up studies.

Studies that assumed subjects were more knowledgeable at the end of a death penalty class are vulnerable to the criticism that students may not have actually learned much in the class, let alone retained any information that they did learn. Also, research shows that many subjects may have assimilated information they learned in class biasedly. That is, they may have

learned the information that supported their initial death penalty position and ignored the information that contradicted it. Another potential problem is that the class instructor may have delivered factually inaccurate information during the course of the semester. A problem with studies that relied on self-reported knowledge is that subjects may have incorrectly assessed their level of death penalty knowledge. Even studies that provided knowledge indices can be criticized for assuming the correct answers for all of the questions are noncontroversial. For example, in Wright et al. (1995) one of the knowledge items was: “No innocent people have been executed in error in the U.S. this [20th] century.” Although many authorities consider this statement false, as did Wright et al. (1995), there is no incontrovertible evidence that the statement is false.

Measures of Retribution

Only nine of the studies measured retribution, and only five of the studies actually tested Marshall’s third hypothesis. All of the studies that measured retribution used one or more items and asked subjects to respond on Likert-type scales. The studies that tested Marshall’s third hypothesis were Sarat and Vidmar (1976), Bohm et al. (1991), Bohm and Vogel (2004), Cochran and Chamlin (2005), and Cochran et al. (2006). Sarat and Vidmar (1976, p.181, fn. 54) used three retribution items:

1. It is only right that people who hurt others should be hurt themselves.
2. It is simple justice that criminals should be punished for their crimes.
3. The only proper justification for punishing criminals is the punishment has a deterrent or retributive purpose.

Bohm et al. (1991, p. 382) used a series of eight items to measure retribution:

1. If a murderer is not executed for the crime, the friends and family of the victim are likely to take it upon themselves to seek revenge.
 2. The very worst of the Nazi war criminals should have been executed for their “crimes against humanity.”
 3. Those who take a life should forfeit their own in return.
 4. Killing is all right if the right people do it and think they have a good reason for doing it.
 5. Society has a right to get revenge when a very serious crime like murder has been committed.
 6. Sometimes I feel a sense of personal outrage when a convicted murderer was sentenced to a penalty less than death.
 7. There are some murderers whose death would give me a sense of personal satisfaction.
 8. An execution would make me sad, regardless of the crime the individual committed.
- (Reverse scored)

Cochran and Chamlin (2005) and Cochran et al. (2006) both used two retribution statements taken from Bohm et al. (1991):

1. Those who take a life should forfeit their own in return.
2. Society has a right to get revenge when a serious crime like murder has been committed.

Studies by Lord et al. (1979), Sandys (1995), Wright et al. (1995), Clarke et al. (2000-2001), Bohm and Vogel (1991), and Lambert and Clarke (2001) did not measure retribution and, therefore, could not test Marshall’s third hypothesis.

A problem with the retribution measures is that the concept of retribution is ambiguous (Bohm, 2003). Philosopher John Cottingham (1979) contends there at least nine different definitions of retribution. As noted previously, Justice Marshall equated retribution with vengeance, but vengeance is only one type of retribution. Another, for example, is “just deserts.” Therefore, a problem is whether the measures of retribution employed in the studies cited above truly captured Justice Marshall’s conception of retribution. A related problem is that none of the retribution items actually contain the word retribution; consequently, it must be inferred that subjects interpreted the items as retributive.

This thesis is another test of Marshall’s hypotheses. It differs from the previous studies in several ways. First, it is one of the only studies that was conducted in a post-9/11 environment. Second, it was conducted at a time in United States history when lethal injection, the preferred method of execution in the United States, was coming under both greater scrutiny and attack from many areas of American society. Various state legislatures and executive branches are presently acting in response to this nationwide concern. This is shown by the fact that two states (Illinois and New Jersey) have official moratoria in place, five other states (Arkansas, Delaware, Maryland, Nebraska, and North Carolina) have ceased executions to either allow further investigation into the administration of lethal injection executions or to allow the courts to consider Eighth Amendment claims, and California has been enjoined from carrying out lethal injection executions by order of a federal court. No test of the Marshall hypotheses has been carried out at a time of such flux in capital punishment.

In addition, this thesis, unlike previous studies, uses 19 items to measure death penalty opinion. Three of these items ask about abstract support for the death penalty and 16 items ask about support for the death penalty in a number of specific circumstances (e.g., the murder of a

child, the murder of a law enforcement officer, rape in the absence of murder). Two of the items inquire about support for life without the possibility of parole (LWOP) and life without the possibility of parole plus restitution (LWOP +). Research shows that these two measures greatly attenuate death penalty support (see, for example, Gallup, 2006). This thesis also uses a larger sample than Lord et al. (1979), Vidmar and Dittenhoffer (1981), Sandys (1995), and many of the Bohm experiments and employs a comparison group unlike Lord et al. (1979), Ellsworth and Ross (1983), Bohm (1989), Sandys (1995), Cochran and Chamlin (2005), and Cochran et al. (2006). At the very least, this study, which was conducted under different circumstances than previous studies, is another replication of tests of the Marshall hypotheses. As such, it is another check on the reliability and validity of previous tests and the veracity of Marshall's claims. It also provides another check on the generalizability of Marshall's contentions.

CHAPTER THREE: METHODOLOGY

Experimental Design

This study used a pretest-posttest comparison group design. Subjects of the study were undergraduates from a large public university in Florida. One hundred forty-six subjects took the pretest (82 in the experimental group and 64 in the comparison group), and 175 subjects completed the posttest (95 in the experimental group and 80 in the comparison group). The disparity in the number of subjects who took the pretest and posttest is a function of students adding the courses after the pretests were administered. The experimental group was comprised of students enrolled in a semester-long death penalty class, and the comparison group consisted of students from another criminal justice class. Each course was taught during the fall semester of 2006. Subjects in the comparison group had not taken, or were not currently taking, the death penalty class. Most of the subjects were criminal justice majors or minors, and many of them had been exposed to some material on the death penalty in previous classes. None of the subjects was randomly selected or assigned. As noted in the critique of previous studies (e.g., Sarat and Vidmar, 1976), student subjects were used to overcome the problem of other studies that only briefly exposed subjects to the experimental stimulus. Participation in the study was optional, and responses were provided anonymously.

Table 3 shows demographic characteristics of experimental and comparison groups on the pretest and posttest. On the pretest, 53 percent of experimental group subjects were female, and 47 percent were male; 10 percent were black, 12 percent were Hispanic, 71 percent were white, and 7 percent were Asian or other. On the posttest, 45 percent of experimental group

subjects were female, and 52 percent were male; 6 percent were black, 10 percent Hispanic, 71 percent were white, and 13 percent were Asian or other. On the pretest, 45 percent of comparison group subjects were female, and 55 percent were male; 14 percent were black, 16 percent were Hispanic, 67 percent were white, and 3 percent were Asian or other. On the posttest, 45 percent of comparison group subjects were female and 54 percent were male; 13 percent were black, 13 percent were Hispanic, 71 percent were white, and 3 percent were Asian or other. These data show that the experimental and comparison groups were relatively equivalent with regard to gender and race or ethnicity.

Table 3

Demographic Characteristics of Experimental and Comparison Groups on Pretest and Posttest (in percentages)

<u>Pretest</u>	<u>SEX</u>		<u>RACE</u>			
	<u>Male</u>	<u>Female</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Asian or Other</u>
Exp	47	53	71	10	12	7
Comp	55	45	67	14	16	3
<u>Posttest</u>						
Exp	53	47	71	6	10	13
Comp	54	46	71	13	13	3

Both classes met twice a week for one and a quarter hours for an entire semester (16 weeks). The death penalty class text was *Deathquest II: An Introduction to the Theory and Practice of Capital Punishment in the United States* (2003), which was written by the instructor

and is known as a balanced assessment of many aspects of capital punishment (Blecker, 2007). The course consisted of lectures by the instructor, videos, and discussion. Discussion was encouraged at all times by the instructor. The instructor was forthright about his anti-death penalty opinions but presented the information in a manner that was as unbiased as possible. The instructor played “devil’s advocate” when students asked questions, making sure that both sides of the death penalty debate were represented. During the semester many death penalty-related topics were covered including its history, Supreme Court death penalty cases, public opinion, deterrence, incapacitation, religious arguments, retribution, arbitrariness, and discrimination (see Appendix A). This class was the experimental stimulus and, as such, suffers from all of the problems with this type of stimulus discussed in the critique of previous studies. However, it did allow subjects to thoroughly immerse themselves in death penalty knowledge, to discuss the subject, and to reflect upon it over a protracted period of time.

Measurement Procedures

Subjects completed the same survey (see Appendix B) on the first and the final days of the semester. The survey was designed to obtain three kinds of information. Section one contained items that measured subjects’ death penalty opinions. Four of these items asked about abstract support for the death penalty; however, only three of the items were used in the analysis, and 16 items asked about support for the death penalty in a number of specific circumstances (e.g., the murder of a child, the murder of a law enforcement officer, rape in the absence of murder). Two of the abstract items—support of the death penalty for *all* and for *some* people convicted of first-degree murder—have been used in previous research. The “death penalty for

all” item was dropped from the analysis because upon further reflection it was decided that the item was no longer relevant since the Court’s decisions in *Woodson v. North Carolina* (428 U.S. 280, 1976) and *Roberts v. Louisiana* (428 U.S. 325, 1976), which made mandatory death penalty statutes unconstitutional. The other two abstract items dealt with alternatives to the death penalty: 1) support for life in prison without the possibility of parole (LWOP), and 2) support for life in prison without the possibility of parole plus forcing the inmate to work in prison industry and give all his/her earnings to the victims’ family or the community (LWOP+). Subjects responded on a five-point Likert scale (“strongly agree” to “strongly disagree”).

The first section also contained five items used to measure retribution:

1. I believe the government has the right to kill in certain circumstances.
2. The death penalty is “purposeless vengeance” (reverse scored).
3. I believe the main purpose of the death penalty is retribution/vengeance.
4. Sometimes I have a sense of personal outrage when a convicted murderer is sentenced to a penalty less than death.
5. When I hear about an execution it makes me sad, regardless of the crime the individual committed (reverse scored).

All but the second item had been used in previous studies to create a retribution index (see Sarat and Vidmar, 1976; Bohm et al., 1991; Bohm et al., 1993; and Wright et al., 1995).

Cronbach’s alpha coefficient of reliability for the retribution index is .77.

Section two of the survey contained 21 knowledge items with three response categories: “true,” “false,” and “don’t know.” The “don’t know” category was scored as an incorrect answer and was used to discourage subjects from simply guessing and potentially distorting the results.

The 21 knowledge items were combined to form an index. Cronbach’s alpha coefficient of

reliability for the knowledge index is .83. Finally, the third section asked for demographic details about the subjects (See Appendix B)

CHAPTER FOUR: RESULTS

The results of the tests for each of Marshall's hypotheses are presented below.

Hypothesis I: The American people are largely ignorant about the administration of capital punishment

Results of the study support Marshall's first hypothesis. On the pretest, the experimental group answered 39 percent of the knowledge items correctly, and the comparison group answered 33 percent of the knowledge items correctly. Thus, neither group could be considered well informed about the death penalty. Looked at somewhat differently, the experimental group answered a mean of approximately 8 of 21 knowledge items correctly, while the comparison group answered a mean of about 7 of the 21 knowledge items correctly. A two-tailed independent t-test showed the difference in knowledge items answered correctly by the experimental and comparison groups was statistically significant at $p = .009$. These results are displayed in Table 4. However, because the experimental group, on average, answered only one more knowledge item correctly than the comparison group, the difference between the two groups is not considered substantively significant. Either way, neither group could be considered knowledgeable about the death penalty.

Table 4

Comparison of Pretest Percentages and Means of Experimental and Comparison Groups on the Knowledge Index

<u>Group</u>	<u>N</u>	<u>%</u>	<u>Mean</u>	<u>SD</u>	<u>Std. Error Of Mean</u>
Comparison	64	32.5	6.8281	3.22960	.40370
Experimental	82	38.9	8.1707	2.91782	.32222

<u>t</u>	<u>df</u>	<u>Sig. (2-tailed)</u>	<u>Mean Difference</u>
-2.632	144	.009	-1.34261

Hypothesis II: An informed American public would not support the death penalty

The first issue addressed in this section is whether the experimental stimulus was successful in producing informed subjects. The second issue examined was whether increased death penalty knowledge changed subjects' death penalty opinions (Marshall's second hypothesis). After exposure to the experimental stimulus, the experimental group increased the percentage of knowledge items answered correctly about 20 percentage points, from 38.9 percent on the pretest to 58.8 percent on the posttest. The comparison group, on the other hand, increased the percentage of knowledge items answered correctly only six percentage points from 32.5 percent on the pretest to 38.5 percent on the posttest. Looked at in terms of knowledge mean score differences, the experimental group increased its mean score of knowledge items answered correctly from about eight items on the pretest to approximately 12 items on the posttest. This 50 percent increase in death penalty knowledge for the experimental group was statistically

significant at $p < .000$. As for the comparison group, the mean knowledge score increased from about seven items answered correctly to approximately eight items answered correctly. This 14 percent increase in death penalty knowledge for the comparison group was statistically significant at $p = .014$, but the approximately one point difference in means is not considered substantively significant. These data suggest that the experimental group was significantly more informed than the comparison group ($p < .000$) after the experimental group was exposed to the experimental stimulus. Yet, as noted previously, the experimental group cannot be considered well informed even after exposure to the experimental stimulus.

Marshall's second hypothesis was tested using one-tailed independent t-tests. Results show that Marshall's second hypothesis is only partially supported by the data. Increased death penalty knowledge, albeit minimally increased knowledge, did not reduce death penalty support for *some* people convicted of first-degree murder (see Table 5) or for any of the 16 concrete items (see Table 7). Alternatives to the death penalty, however, fared better. Following exposure to the experimental stimulus, support for LWOP and LWOP + increased in the experimental group. As shown in Table 8, the mean score on the LWOP measure in the experimental group increased from about 3.5 on the pretest to approximately 3.9 on the posttest. The difference was statistically significant at $p = .007$. On the LWOP+ measure, the mean score increased from about 3.7 on the pretest to approximately 4.3 on the posttest. This difference was statistically significant at $p < .000$ (see Table 9).

Table 5

Comparison of means: Death penalty support for *some* people convicted of first-degree murder

	COMP		EXP	
	Pre	Post	Pre	Post
N	64	80	82	93
%	44.4	55.5	46.8	53.2
Mean	3.610	3.300	3.451	3.484
sd	1.341	1.479	1.306	1.508
seM	.168	.165	.144	.156
t	1.300		-.152	
df	142		173	
Sig. (1-tail)	.100		.440	
ΔMean	.309		-.033	

Table 6

Experimental Group: Concrete Items

	Pre Mean	Post Mean	t	df	Sig. (1-tail)
I support the death penalty for the adult murderers of children.	4.171	4.258	-.480	173	.316
I support the death penalty for murderers of law enforcement officers.	3.817	3.979	-.866	173	.194
I support the death penalty for murderers of correctional officers.	3.817	4.044	-1.227	172	.111
I support the death penalty for prisoners who murder fellow inmates.	3.210	3.280	-.385	172	.350
I support the death penalty for serial killers.	4.451	4.413	.213	172	.416
I support the death penalty for those who kill during a rape.	4.146	4.280	-.719	173	.237
I support the death penalty for those who kill during a robbery.	3.732	3.742	-.054	173	.479
I support the death penalty for those who kill during a kidnapping for ransom.	3.963	4.141	-.976	171	.166

	Pre Mean	Post Mean	t	df	Sig. (1-tail)
I support the death penalty for rapists who do not kill their victims.	2.890	2.742	.832	173	.204
I could pull the lever to initiate an execution by lethal gas (gas chamber).	3.110	2.989	.552	173	.291
I could pull the trigger in a firing squad.	2.939	2.926	.062	174	.476
I could pull the gallows lever in a hanging execution.	2.744	2.830	-.407	174	.342
I could flip the switch in an execution by electrocution.	2.976	2.957	.085	173	.466
I could inject the chemicals in a lethal injection execution.	2.902	2.946	-.199	173	.421
I could witness an execution.	3.561	3.763	-1.049	173	.148
If I were a member of a jury in a death penalty case, I could sentence a defendant to death if the evidence supported it.	4.000	4.043	-.229	173	.410

Table 7

Comparison Group Concrete Items

	Pre Mean	Post Mean	t	df	Sig. (1-tail)
I support the death penalty for the adult murderers of children.	4.422	4.225	1.062	142	.145
I support the death penalty for murderers of law enforcement officers.	3.938	3.963	-.120	142	.453
I support the death penalty for murderers of correctional officers.	3.828	3.900	-.341	142	.367
I support the death penalty for prisoners who murder fellow inmates.	3.422	3.375	.224	142	.412
I support the death penalty for serial killers.	4.484	4.375	.606	142	.273
I support the death penalty for those who kill during a rape.	4.266	4.238	.142	142	.444
I support the death penalty for those who kill during a robbery.	3.953	3.763	.919	142	.180
I support the death penalty for those who kill during a kidnapping for ransom.	4.125	3.975	.763	142	.224

	Pre Mean	Post Mean	t	df	Sig. (1-tail)
I support the death penalty for rapists who do not kill their victims.	3.206	2.975	.957	141	.170
I could pull the lever to initiate an execution by lethal gas (gas chamber).	2.906	2.813	.377	142	.353
I could pull the trigger in a firing squad.	2.781	2.913	-.527	142	.300
I could pull the gallows lever in a hanging execution.	2.703	2.788	-.340	142	.367
I could flip the switch in an execution by electrocution.	2.828	2.886	-.228	141	.410
I could inject the chemicals in a lethal injection execution.	2.750	2.738	.051	142	.480
I could witness an execution.	3.313	3.250	.264	142	.396
If I were a member of a jury in a death penalty case, I could sentence a defendant to death if the evidence supported it.	4.032	3.838	.952	141	.172

Table 8

Comparison of means: LWOP as an alternative to death penalty

	COMP		EXP	
	Pre	Post	Pre	Post
N	64	80	82	94
%	44.4	55.5	46.5	53.5
Mean	3.500	3.563	3.488	3.926
sd	1.260	1.271	1.250	1.080
seM	.157	.142	.138	.111
t	-.294		-2.493	
df	142		174	
Sig. (1-tail)	.385		.007	
ΔMean	.142		-.438	

Table 9

Comparison of means: LWOP + as a death penalty alternative

	COMP		EXP	
	Pre	Post	Pre	Post
N	64	80	82	91
%	44.4	55.5	47.4	52.6
Mean	4.110	3.888	3.712	4.297
sd	.994	1.158	1.103	.810
seM	.124	.130	.122	.085
t	1.216		-3.949	
df	142		171	
Sig. (1-tail)	.113		.000	
ΔMean	.222		-.577	

Hypothesis III: If the primary reason people support capital punishment is based on the principle of retribution, then increased knowledge about the subject would make little or no difference to their death penalty opinions

As described in the methodology section, a retribution index was employed to measure the level of retribution in the experimental and comparison group. To test Marshall's third hypothesis, experimental and comparison group subjects were divided into those who scored "high" on the retribution measure and those who scored "low" on it. The response categories to the retribution items ranged from "strongly agree" to "strongly disagree" on a five-point Likert

scale. These items were combined into an index, which provided individual scores from zero to 25. The mean and median scores of the four groups (comparison pretest, comparison posttest, experimental pretest, and experimental posttest) were all approximately 17. Therefore, subjects with retribution scores of 17 or less were considered “low” on the retribution scale, and those with scores of above 17 were considered to be high on the retribution scale.

Then, changes between pretest and posttest were examined for each of these groups on the 19 death penalty opinion measures using one-tailed independent t-tests. Results show a statistically significant change for the experimental group on only two items: LWOP and LWOP+. However, contrary to Justice Marshall’s expectation, for LWOP and LWOP+ a statistically significant change occurred for *both* “low” retributivists and “high” retributivists (see Tables 10 and 11).

Table 10

Experimental Group “Low” Retributivists: Pretest v. Posttest

Condition	Pre/Post	N	Mean	SD	Std. Error of Mean
Death Penalty	Pre	38	3.0526	1.31411	.21318
	Post	45	3.5333	1.53149	.22830
LWOP	Pre	38	3.8158	1.13555	.18421
	Post	46	4.2391	.89901	.13255
LWOP +	Pre	38	3.8684	.99107	.16077
	Post	43	4.4186	.79380	.12105

Condition	t	df	Sig. (1-tailed)	Mean Difference
Death Penalty	-1.519	81	.070	-.48070
LWOP	-1.907	82	.030	-.42334
LWOP +	-2.771	79	.004	-.55018

Table 11

Experimental Group “High” Retributivists: Pretest v. Posttest

Condition	Pre/Post	N	Mean	SD	Std. Error of Mean
Death Penalty	Pre	44	3.7955	1.21195	.18271
	Post	48	3.4375	1.50044	.21657
LWOP	Pre	44	3.2045	1.28641	.19393
	Post	48	3.6250	1.16006	.16744
LWOP +	Pre	44	3.5909	1.18750	.17902
	Post	48	4.1875	.81623	.11781

Condition	t	df	Sig. (1-tailed)	Mean Difference
Death Penalty	1.252	90	.107	.35795
LWOP	-1.648	90	.050	-.42045
LWOP+	-2.828	80	.003	-.59659

Marshall did not expect “high” retributivists to change their death penalty opinions. There were no other statistically significant changes for the experimental group on the other death penalty opinion measures or for the comparison group on any of the other death penalty opinion measures (see Tables 10 and 11).

CHAPTER FIVE: CONCLUSION

This thesis tested three hypotheses suggested by former Supreme Court Justice Thurgood Marshall in his *Furman* opinion. Marshall's first hypothesis –“The American people are largely ignorant about the administration of capital punishment” –was supported by the results of this thesis. On average, the experimental group initially answered only about 39 percent of the 21 knowledge items correctly, and the comparison group initially answered only about 32 percent of the 21 knowledge items correctly. Although Marshall did not stipulate how much death penalty knowledge a person must possess to be considered informed about the subject, he surely would not have considered answering only 32 percent or 39 percent of knowledge items correctly as being well informed. This conclusion is more compelling because many of the experimental and comparison group subjects were criminal justice majors or minors and probably were exposed to at least some death penalty information in other criminal justice classes. One wonders how much knowledge would be found in a sample drawn from outside a criminal justice or, indeed, a university environment. This is certainly a subject for future research.

Marshall's second hypothesis –“An informed American public would not support the death penalty” –was only partially supported by the data. The experimental (informed) group did not change their death penalty support (to a statistically significant degree) for “*some* people convicted of first-degree murder” or for the 16 concrete items. The only statistically significant changes in the experimental group were on the two alternative items: LWOP and LWOP +. Although Marshall never discussed these two alternatives in his *Furman* decision, this thesis

shows that informed subjects would support either LWOP or LWOP + as an alternative to the death penalty more than less informed subjects.

The data support Marshall's third hypothesis –“If the primary reason people support capital punishment is based on the principle of retribution, then increased knowledge about the subject would make little or no difference to their death penalty opinions.” After exposure to death penalty knowledge, subjects who scored “high” on the retribution index did not change (to a statistically significant degree) their death penalty opinion for “*some* people convicted of first-degree murder” or for any of the concrete items. What Marshall did not anticipate, and a finding of this thesis, was that subjects who scored “low” on the retribution index also did not change their death penalty opinion for any of those items after exposure to the experimental stimulus. Thus, at least in this thesis, a subject's level of retribution does not appear to be the sole reason that a subject might be impervious to death penalty knowledge for these measures of death penalty opinion. This finding is unique in the literature; thus, further research of it is warranted.

The only statistically significant findings with regard to retribution were for the LWOP and LWOP+ items. Experimental group subjects who scored both “high” and “low” on the retribution index increased their support for both LWOP and LWOP+ to a statistically significant degree. Again, although Marshall did not discuss LWOP or LWOP+ as alternatives to the death penalty in his third hypothesis, the finding about subjects who scored “high” on the retribution index does not support Marshall's general contention about informed retributivists' death penalty opinions being obdurate. The second finding about subjects who scored “low” on the retribution scale being supportive of LWOP and LWOP+ was expected. As noted above, these findings should be researched further.

In sum, results of this thesis provide unqualified support for Marshall's first hypothesis and partial support for his second and third hypotheses. Thus, findings for hypothesis one are consistent with previous studies, while the results for hypotheses two and three differ in some ways from the findings of previous research. Five findings were unique to this thesis. First was the finding that death penalty knowledge did not have a statistically significant effect on any of the 16 concrete measures of death penalty opinion. Second was the finding that death penalty knowledge produced a majority of subjects willing to support LWOP and LWOP+ as alternatives to the death penalty. Third, although the finding that experimental group subjects who scored "high" on the retribution scale did not change their death penalty opinion for "some people convicted of first-degree murder" or for any of the concrete items was expected, the finding that experimental group subjects who scored "low" on the retribution scale also were intransigent on these measures was not expected. The fourth unique finding of this thesis was that experimental group subjects who scored both "high" and "low" on the retribution scale increased their support for both LWOP and LWOP+ as alternatives to the death penalty. Fifth, results of this thesis showed that exposure to death penalty knowledge did not alter subjects' scores on the retribution index. In fact, an examination of retribution score means for both experimental and comparison group subjects showed almost no change between pretest and posttest. In other words, results of this thesis suggest that "once a retributivist always a retributivist."

As noted, three "abstract" and 16 "concrete" death penalty opinion measures were employed in this thesis. Previous research has found that death penalty opinion question type and response categories can affect results (see Ellsworth and Ross, 1983; Williams et al, 1988; Bohm et al., 1991). Specifically, results have been found to vary depending on whether the death opinion question is "abstract" or "concrete." "Concrete" items used in this thesis included

whether a person, as a member of jury in a death penalty case, could sentence a defendant to death if the evidence supported it; whether a person could witness an execution; and whether a person could pull the lever to initiate an execution by lethal gas, pull the trigger in a firing squad execution, pull the gallows lever in a hanging execution, flip the switch in an execution by electrocution, or inject the chemicals in a lethal injection execution. Although these items are not the same as actually serving on a jury in a capital case or participating in an execution, they are more “concrete” than simply asking whether a person favors or opposes the death penalty for *some* people convicted of first-degree murder. Still, research shows that what a person says and what a person does are often very different (see Wicker, 1969).

Another methodological weakness involved the samples. As noted previously, some subjects only took the pretest (e.g., those students who dropped the class before the posttest was administered), and some students only took the posttest (e.g., those students who added the class after the pretest was administered). A problem was that these students could not be identified because questionnaires did not ask for names or any other identifying information. What is known is that 13 more students in the experimental group and 16 more students in the comparison group took the posttest. Thus, the pretest-posttest experimental and comparison groups were not equivalent and caution should be exercised when interpreting changes in means.

Further research on this subject should employ true experimental designs with randomly selected and assigned experimental and comparison groups. The groups should be large enough and diverse enough to be able to more confidently generalize findings. If a classroom experience is used as the experimental stimulus it should be varied from the type of experience used in previous research. For example a class could be team-taught with a death penalty opponent and proponent as instructors, or a class could be taught by a death penalty proponent to compare

findings from that class with classes taught by death penalty opponents. Other experimental stimuli besides a classroom experience also should be utilized in future research, such as extensions to the rudimentary Sarat and Vidmar (1976), Lord et al. (1979), Vidmar and Dittenhoffer (1981) “essay stimuli,” death-row visits, witnessing an execution, witnessing a capital trial, serving on a capital jury, and monitoring pro- and anti-death penalty groups (see Bohm, 1990).

Finally, no previous study has examined a possible “testing threat.” Future research should use a Solomon Four Group design to remedy this problem.

This thesis does not fully support Justice Marshall’s contention that a knowledgeable public would oppose the death penalty, if Marshall had in mind that knowledge would be achieved by participation in a death penalty class such as the one used in this thesis. That does not mean that death penalty knowledge cannot change death penalty opinions. In this thesis, it did for LWOP and LWOP+. Rather, it only means that it likely does not change death penalty opinions significantly under the other specific conditions of this thesis and similar studies. Clearly, more research using different conditions is warranted.

APPENDIX A:
CCJ 4361-0001: DEATH PENALTY FALL, 2006

CCJ 4361-0001: DEATH PENALTY
Fall, 2006

INSTRUCTOR: Professor Robert M. Bohm
OFFICE: Room 362 HPA **PHONE:** 823-5944
EMAIL: rbohmail@mail.ucf.edu
OFFICE HOURS: TR, 12:20-1:20 and 2:50-4:20 or by appt.
CLASS MEETINGS: 4:30-5:45, TR, HPA 112

REQUIRED TEXT: Bohm, Robert M. (2003) *Deathquest II: An Introduction to the Theory and Practice of Capital Punishment in the United States*, Second Edition. Cincinnati, OH: Anderson Publishing Co.

COURSE OBJECTIVES:

1. To learn about the death penalty in the United States, especially its administration under current statutes.
2. To provide an opportunity to discuss issues about the death penalty that the student finds troublesome or about which the student seeks clarification.
3. To help the student develop critical thinking abilities.
4. To allow the student to develop an informed opinion about the death penalty.

COURSE DESCRIPTION AND REQUIREMENTS:

1. Each chapter will be introduced with a PowerPoint presentation, summarizing the main points of the chapter. At the end of each presentation, students should be prepared to respond to end of chapter discussion questions. Other relevant questions will also be addressed. Discussion is encouraged.
2. Satisfactory performance on three examinations. Exams will be given during the class period following the completion of each section as indicated on the course outline. Learning objectives for each chapter /exam are attached to the syllabus and should be used for class and exam preparation. Exams include multiple choice and true-false items and cover reading assignments, presentations, videos, and anything discussed in class. Each exam covers only the material in a particular section. Three raspberry-colored scantron sheets, one for each exam, are required. Use of #2 pencils with good erasers is suggested. Grades are based on the percentage of items answered correctly. A conventional scale (i.e., A = 90-100%, B = 80-89%, etc.) will be employed. No plus or minus grades are given. Each exam counts as one-third of the final grade. Make-up exams are given in only exceptional circumstances (e.g., commitment to a hospital), otherwise missed exams are recorded as zeros.

Students may pick up their exam results from their professor during his office hours anytime during the semester. Students who wish to examine their results with a copy of the exam booklet may do during their professor's office hours anytime during the semester. Alternatively, students may access their exam grades anytime after they have been posted by using "myUCF Grades" on the UCF website. If you need help accessing myUCF Grades, see the online tutorial at <https://myucfgrades.ucf.edu/help/>. Exam grades are not provided by phone or email.

COURSE OUTLINE:

READINGS:

Section 1

1. History of the Death Penalty in the U.S.
2. Capital Punishment and the Supreme Court

Chap. 1
Chap. 2

Exam #1

Section 2

3. Current Data
4. The Federal Death Penalty and the Military
5. Methods of Execution
6. General Deterrence
7. Incapacitation and Costs

None
Chap. 3
Chap. 4
Chap. 5
Chap. 6

Exam#2

Section 3

8. Miscarriages of Justice
9. Arbitrariness and Discrimination
10. Retribution and Religion
11. Death Penalty Opinion

Chap. 7
Chap. 8
Chap. 9
Chap. 10

Exam #3 (Thurs., April 27 @ 4 p.m.)

All UCF students have the responsibility to be familiar with and to observe the requirements of the Rules of Conduct described in *The Golden Rule: A Handbook for Students*, which may be obtained from the Office of Student Rights and Responsibilities, Student Resource Center, Rm. 155, UCF Phone: 407-823-6960.

RECOMMENDED READING:

1. Acker, James R., Robert M. Bohm, and Charles S. Lanier (Eds.) (2003) *America's Experiment with Capital Punishment: Reflections on the Past, Present, and Future of the Ultimate Penal Sanction*, Second Edition. Durham, NC: Carolina Academic Press.
2. Banner, Stuart (2002) *The Death Penalty: An American History*. Cambridge, MA: Harvard University Press.
3. Bedau, Hugo Adam (ed.) (1997) *The Death Penalty in America: Current Controversies*. New York: Oxford University Press.
4. Bedau, Hugo Adam (1987) *Death is Different: Studies in the Morality, Law, and Politics of Capital Punishment*. Boston: Northeastern University Press.
5. Bedau, Hugo Adam and Michael L. Radelet (1987) "Miscarriages of Justice in Potentially Capital Cases." *Stanford Law Review* 40: 21-179.
6. Bohm, Robert M. (Ed.) (1991) *The Death Penalty in America: Current Research*. Cincinnati: Anderson.
7. Bowers, William J. with Glenn L. Pierce and John McDevitt (1984) *Legal Homicide: Death as Punishment in America, 1864-1982*. Boston: Northeastern University Press.
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9. Cabana, Donald A. (1996) *Death At Midnight: The Confession of an Executioner*. Boston: Northeastern University Press.
10. Costanzo, Mark (1997) *Just Revenge: Costs and Consequences of the Death Penalty*. New York: St. Martin's Press.
11. Coyne, Randall and Lyn Entzeroth (2001) *Capital Punishment and the Judicial Process*, Second Edition. Durham, NC: Carolina Academic Press.
12. *The Death Penalty: Opposing Viewpoints*. St. Paul, MN: Greenhaven Press (1986).
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15. Johnson, Robert (1998) *Death Work: A Study of the Modern Execution Process*, 2nd Ed. Belmont, CA: West/Wadsworth.
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19. Nelson, Lane and Burk Foster (2001) *Death Watch: A Death Penalty Anthology*. Upper Saddle River, NJ: Prentice-Hall.
20. Paternoster, Raymond (1991) *Capital Punishment in America*. New York: Lexington.
21. Pojman, Louis P. and Jeffrey Reiman (1998) *The Death Penalty: For and Against*. Lanham, MD: Rowman & Butterfield.
22. Radelet, Michael L. (Ed.) (1989) *Facing the Death Penalty: Essays on a Cruel and Unusual Punishment*. Philadelphia: Temple University Press.

23. Radelet, Michael L., Hugo Adam Bedau, and Constance E. Putnam (1992) *In Spite of Innocence*. Boston: Northeastern University Press.
24. Sarat, Austin (Ed.) (1999) *The Killing State: Capital Punishment in Law, Politics, and Culture*. New York: Oxford University Press.
25. Scheck, Barry, Peter Neufeld, and Jim Dwyer (2001) *Actual Innocence: When Justice Goes Wrong and How to Make It Right*. New York: Signet.
26. Streib, Victor L. (1993) *A Capital Punishment Anthology*. Cincinnati: Anderson
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28. Vila, Bryan and Cynthia Morris (1997) *Capital Punishment in the United States: A Documentary History*. Westport, CT: Greenwood.
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30. Zimring, Franklin E. (2003) *The Contradictions of American Capital Punishment*. New York: Oxford University Press.
31. Zimring, Franklin E. and Gordon Hawkins (1986) *Capital Punishment and the American Agenda*. Cambridge: Cambridge University Press.

INTERNET SITES:

Death Penalty Information Center = www.deathpenaltyinfo.org

Pro Death Penalty Website = www.prodeathpenalty.com

APPENDIX B:
DEATH PENALTY OPINION AND KNOWLEDGE SURVEY

Section I: Opinion Items

Instructions: This first section seeks information about your death penalty opinions. Please draw a line through the letter corresponding to your response for each item. In this section draw a line through the A, if you strongly agree with the item; B, if you agree with the item; C, if you are undecided; D, if you disagree with the item; and E if you strongly disagree with the item.

1. I support the death penalty for all people convicted of first-degree murder.
2. I support the death penalty for only some people convicted of first-degree murder.
3. I support the death penalty for the adult murderers of children.
4. I support the death penalty for murderers of law enforcement officers.
5. I support the death penalty for murderers of correctional officers / prison guards.
6. I support the death penalty for prisoners who murder fellow inmates.
7. I support the death penalty for serial killers.
8. I support the death penalty for those who kill during a rape.
9. I support the death penalty for those who kill during a robbery.
10. I support the death penalty for those who kill during a kidnapping for ransom.
11. I support the death penalty for rapists who do not kill their victims.
12. I support life in prison without the possibility of parole as an alternative to the death penalty.
13. As an alternative to the death penalty, I support life in prison without the possibility of parole plus forcing the inmate to work in prison industry and give all his/her earnings to the victim's family or the community.
14. I could pull the lever to initiate an execution by lethal gas (gas chamber).
15. I could pull the trigger in a firing squad execution.
16. I could pull the gallows lever in a hanging execution.
17. I could flip the switch in an execution by electrocution.
18. I could inject the chemicals in a lethal injection execution.
19. I could witness an execution.
20. I believe the death penalty prevents would-be killers from killing more than a non-capital punishment, such as long-term imprisonment.
21. I believe that an individual who deliberately takes a human life automatically forfeits his/hers.
22. I believe the government has the right to kill in certain circumstances.
23. I believe innocent individuals have been executed in the last 30 years.
24. The possibility of innocent individuals being executed concerns me enough to change my views on the death penalty.
25. I believe the poor generally get good legal representation in death penalty trials.
26. I believe white jurors are more likely to sentence a black man to death than they are to sentence a white man to death.
27. If I were a member of a jury in a death penalty case, I could sentence a defendant to death if the evidence supported it.
28. I believe that black jurors are more likely to sentence a white man to death than they are to sentence a black man to death.

29. I believe lawyers use race in determining who serves on a jury.
30. I believe the number of appeals available in death penalty cases needs to be reduced.
31. The death penalty is “purposeless vengeance”.
32. I support the death penalty because it prevents killers from killing again.
33. I support the death penalty because it prevents many “would-be” killers from killing.
34. I believe the main purpose of the death penalty is retribution / revenge.
35. Sometimes I have a sense of personal outrage when a convicted murderer is sentenced to a penalty less than death.
36. When I hear about an execution it makes me sad, regardless of the crime the individual committed.

Section II: Knowledge Items

Instructions: This section attempts to discover what you know about the death penalty. If you think the statement is true, then draw a line through A; if you think the statement is false, then draw a line through B; and if you don't know whether a statement is true or false, then draw a line through C.

37. It is generally cheaper to pursue a death penalty and execution, than to incarcerate an individual for the rest of his/her natural life.
38. Hanging is still authorized in the United States as a method of execution.
39. More blacks have been executed than whites in the last 30 years.
40. According to the United States Supreme Court, the mentally retarded can be executed in the United States today.
41. According to the United States Supreme Court, 16-year-olds can be sentenced to death in the United States today.
42. In some states, lethal injection is not an option. Electrocutation is the only authorized method of execution.
43. Typically, a capital defendant sentenced to life in prison without the possibility of parole could be released after serving 10 years in prison.
44. Research shows that many police chiefs in the United States believe that the death penalty prevents crime.
45. Research has shown that lethal injection can be extremely painful for the condemned.
46. Research shows states that have the death penalty experience lower homicide rates than states that do not have the death penalty.
47. More than 120 people have been released from death row during the last 30 years because they have been found to be innocent of the crime for which they were originally sentenced.
48. Research shows that less than 10% of the fully reviewed state capital cases between 1973 and 1995 were infected by serious, reversible error.
49. When compared to the number of people sentenced to death, very few people are actually executed.
50. Compared to other types of cases, the United States Supreme Court spends very little time on death penalty cases.

51. As societies evolve, they tend to abolish the death penalty.
52. Since 1994 (to the present day), public support for the death penalty has fallen from about 80% to about 65%.
53. It is much more likely that a black killer of a white victim will receive the death penalty than it is for a white killer of a black victim, or a black killer of a black victim.
54. Defense attorneys in death penalty cases have been known to be drunk or asleep during trials.
55. The majority of the countries of the world have a death penalty.
56. Most murderers who are released from prison do not commit violent crimes again.
57. The official position of most mainstream religious organizations in the United States today is in support of the death penalty.

Section III: Demographic Items

Instructions: In this section we seek information about you as an individual. In this section, draw a line through the letter corresponding to your response for each item.

58. What is your gender? A = Male; B = Female
59. Which of the following describes your religion? A = Catholic; B = Christian, non-Catholic ; C = Jewish; D = Muslim; E = Other (including atheist)
60. How religious do you consider yourself to be? A = Very religious; B = Somewhat religious; C = Not religious
61. What is your political affiliation? A = Democrat; B = Republican; C = Independent; D = Other
62. What race are you? A = Black; B = Hispanic; C = White; D = Asian; E = Other.
63. Does your father support the death penalty? A = Yes; B = No; C = Don't know
64. Does your mother support the death penalty? A = Yes; B = No; C = Don't Know
65. Have you or a close friend/family member ever been the victim of violent crime? A = Yes; B = No; C = Don't know
66. How much do you know about the death penalty? A = Very much; B = Some; C = Very little; D = Nothing.
67. How afraid are you of becoming a victim of violent crime? A = Very afraid; B = Somewhat afraid; C= Not afraid; D=; Don't know

This is the end of the survey. Thank you so much for your participation!

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