
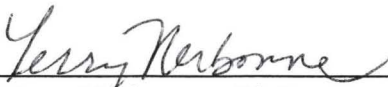


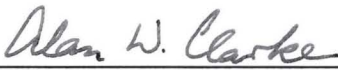
FERRIS STATE UNIVERSITY
Final Report for a Faculty Research Grant

Title: *Attitudes of Ferris State University Students Towards the Death Penalty: A Test of the Marshall Hypothesis*

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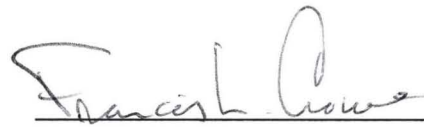
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Abstract

Title: *Attitudes of Ferris State University Students Towards the Death Penalty:
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There is increased attention on the death penalty. Michigan, the first English speaking jurisdiction in the world to abolish capital punishment in 1846, is considering proposals to reintroduce the death penalty. The public, in Michigan and elsewhere, appears to support capital punishment. However, the late Justice Thurgood Marshall argued that “the American people are largely unaware of the information critical to a judgement” and an informed citizenry “would consider it shocking, unjust and unacceptable.” To test the Marshall hypothesis, survey results from 730 students at a Michigan university were used. Students read one of three essays. One essay focused on death penalty deterrence research. Another essay focused on the chances of an sentencing innocent person to death, and the third essay was a control essay. After reading the essay information, there was a small but statistically significant in reduction of support for the death penalty for the innocence group but not for the other two essay groups.

Background

In *Furman v. Georgia* (408 U.S. 238.), Justice Thurgood Marshall ventured two testable propositions that have since come to be known as the Marshall Hypothesis: 1) “American citizens know almost nothing about capital punishment”, and 2) If people “were fully informed as to the purposes of the penalty and its liabilities [they] would find the penalty shocking, unjust, and unacceptable.” The primary objective of this research study was to assess the attitudes of students on the death penalty. Specifically, we tested Justice Marshall’s hypothesis that most students are not fully informed on the subject of the death penalty and if they knew more about the death penalty and how it is administered, there would be a reduction of support for the death penalty.

Prior Research on the Marshall Hypothesis

The literature strongly suggests that the general public is both uninformed about the death penalty and unaware of whether it achieves its desired outcomes (Bohm, 1987, 1989, 1998; Bohm, Clark, & Aveni, 1990, 1991; Bohm, Vogel, & Maisto, 1993; Ellsworth & Ross 1983; Firment & Geiselman, 1997; Sarat & Vidmar, 1976; Vidmar & Dittenhoffer, 1981; Wright, Bohm, & Jamieson, 1995). The same can not be said of the second Marshall hypothesis, which has not been fully studied.

There only have been a handful of studies that have either indirectly or directly attempted to test Marshall’s second hypothesis. Using data from Gallup poll, Zeisel and Gallup (1989) reported that 71% of those polled supported the death penalty. However, when asked if they could be shown convincingly that the death penalty had no deterrent effect on murder, the number of supporters was reduced to 55%. Moreover, if they could be shown convincingly that the death penalty had no deterrent effect and life without parole was available as a sanction, only 43% still indicated that they would support the death penalty. While this is not a direct test of Marshall’s second hypothesis, the results suggest that support for the death penalty would decrease if people were provided evidence of non-deterrent effect of the death penalty on murder.

Sarat and Vidmar (1976) performed the earliest attempt to verify Marshall’s hypotheses. They surveyed 181 residents of Amherst, Massachusetts. Subjects were then given one of four approximately 1500 worded essays designed to provide them with factual information about the death penalty. One essay focused on the deterrence argument; another essay focused on a variety of subjects including racial disparities, the psychological effect of remaining for years on death row, and the horrors that have resulted during past executions. In addition, there was a combined essay and a control essay (i.e., a non-death penalty essay). Testing after the absorption of the factual information demonstrated a substantial reduction in support for the death penalty. However, the introduction of information failed to result in the majority opposed to the death penalty.

The Sarat and Vidmar (1976) study was followed by a much smaller Canadian study by Vidmar and Dittenhoffer (1981). The study consisted of 39 undergraduate students at the University of Western Ontario, and the students were divided into experimental (N = 21) and control (N=18) groups. The respondents in the experimental group were required to read a 3500 word essay on capital punishment and humanitarian, utilitarian, moral, religious, deterrence, and judicial administration issues, and were also required to read supplemental readings on reserve at

the university library. There was a dramatic shift in support for the death penalty after the introduction of information. Approximately half of the experimental and control subjects supported capital punishment in the pre-test. After intensive education on and discussion of the subject, 71 percent opposed capital punishment, while only 24 percent continued to favor it.

With a group of 50 college students, Bohm (1989) found after a four week course on the death penalty that 26% substantially changed their opinions on the death penalty by the conclusion of the course, and that all the change was in a decrease rather than an increase in support of the death penalty. In an expanded study, Bohm et al. (1991) studied 272 students at a medium-sized university in northeastern Alabama. The experimental group consisted of 190 students who took a 2 credit hour, 4 week special topics class on the death penalty. There were 82 students in the control group who took courses other than the special topics death penalty class. Bohm et al. found that support for the death penalty changed only a small amount among the college students compared to before and after they took a four week course on the death penalty. However, there was no majority of students opposed to the death penalty at the end of any of the four courses. Conversely, in another study of 38 students in a death penalty course (i.e., the experimental group) and 68 students in an introduction to criminal justice course (i.e., the control group), Wright et al. (1995) found that after the death penalty course that while there was a decrease among the experimental group after the course in terms of support for the death penalty, the change was not statistically significant.

Of the four studies that directly attempted to test Marshall's second hypothesis, three found small decreases in support for the death penalty after subjects were presented with information concerning capital punishment. However, the effect is neither as profound nor as sweeping as perhaps envisioned by Marshall. Nevertheless, since there is some evidence which supports the Marshall's second hypothesis, it is simply wrong to dismiss Marshall's second hypothesis as spurious. Moreover, the few empirical findings to date on the second Marshall hypothesis are far from conclusive. Despite the increased examination of basis for and against the death penalty, the aforementioned studies did not exhaust all of the possible bases for supporting or opposing capital punishment. It remains possible that some facts or arguments or combination thereof would be more markedly successful in confirming the Marshall Hypothesis. For example, recent polls suggest that death penalty support may be dropping in some jurisdictions as a result of increased information becoming widely and publicly available concerning the executions of innocent people or others about whom doubts remain concerning the justice of a given execution (The Death Penalty Information Center, n.d.). Therefore, it is possible that there will be a reduction in a person's support of the death penalty when he or she is presented information on the issue and possibility of executing innocent individuals. Moreover, the impact of innocence on support for capital punishment has not been directly and independently.

No research could be found that directly tested the effect of providing information on the risks and frequency of sentencing innocent persons to death on support of the death penalty. Nonetheless, two research studies have indirectly looked at the issue of innocence and death penalty attitudes. In a survey of 286 psychology students, faculty and staff at the University of Arizona and citizens in the community, 99 percent felt that it would be inappropriate to execute a person were there is a serious probability that the person is innocent (Taylor, Schwartz, Russek, & Sechrest, in press, as cited in Weinstock & Schwartz, 1998). In a similar survey of 707 undergraduate students, Weinstock and Schwartz (1998) found that the vast majority felt it was wrong to execute an innocent person. Additionally, they found that 65 percent of the university

students felt that innocent individuals have been executed. Finally, they found that 70 percent of the respondents felt that it was unacceptable to execute any innocent person. These findings suggest that when presented with information on the issue of sentencing innocence individuals to death may change many individuals' support of the death penalty.

Neither the research of Sarat and Vidmar (1976) and Vidmar and Dittenhoffer (1981) focused on the issue of innocence and how it impacts support for the death penalty. While Bohm et al. (1991) looked at the issue of innocence as part of the death penalty course, they did not test the effect of innocence alone on support for the death penalty. They covered a wide array of death penalty issues, including U.S. Supreme Court decisions, public opinion, the deterrence (and the lack thereof), inequality of application, religious issues, cost, retribution, and the issue of innocence. They do not provide the amount of time was spent on the issue of innocence. Even if it was covered in-depth (which is doubtful in such a short course), most of the critical works on the issue of innocence were published 1990s, after the completion of their research (Clarke & Lambert, 2000).

In sum, this study seeks to replicate and expand upon past research on whether information on the death penalty in terms of its deterrent effect and the chances of executing an innocent individual changes a person's support for the death penalty. This study is significantly different from past studies. First, a different population is being selected. The research conducted by Bohm and associates mainly involved college students who were criminal justice majors. This study looks at college students across a wide array of majors. Second, this study looks specifically at the effects on support of the death penalty of providing information on the issues and frequency of sentencing innocent individuals to death. Third and last, many of the past studies were conducted over a decade ago. The number of innocent persons released from death row has grown dramatically in the past decade before the issue of innocence was well studied and documented.

Methods and Procedure

A non-random, convenience sampling design was used to select the students to be surveyed (Hagan, 1997). Specifically, over two dozen academic courses in the 1999 Fall and 2000 Winter semesters were selected for administration of the survey. Students in the selected courses were given the opportunity to participate in the study by voluntarily completing the survey during class time. The class size of the courses selected was between 25 to 30 students. Most of the selected courses were Criminal Justice and general education social science and English courses. About 45 percent of those surveyed were Criminal Justice majors and 55 percent were other majors. The selected general education classes represented a wide array of majors at the university since all majors at the university are required to take social science and English courses as part of the general education requirements.

After a brief introduction on the purpose of the survey and that participation was voluntary, the survey was provided to the students in the class. It is estimated that over ninety-nine percent of the students present in each of the selected classes took the survey. A total of 747 surveys were completed and returned. However, 17 surveys were missing responses for variables measuring death penalty support, and, hence, were dropped from the analysis.

The survey consisted of three sections. The first section consisted of questions designed to measure the respondent's knowledge of crime, attitudes towards punishment, degree of support for the death penalty, and demographics. The second section consisted of an essay for the respondent to read. There were three different essays that a respondent could have read.

Each of the three essays were between three to five pages in length and took about 8 to 12 minutes to read. The first was the control essay. It was concerned with why society punishes criminals and consisted of a general, brief discussion of the major ideologies of punishment (i.e., retribution, rehabilitation, etc.). The second essay presented in a simple and concise format the empirical research on the deterrence effect of the death penalty. This essay essentially informed the reader that there is little empirical evidence supporting the position that capital punishment deters a specific offender or the general public from committing violent crimes, such as murder. The third essay presented the issue of the chances of sentencing an innocent individual to death. This essay discussed both the possibility and frequency of sentencing innocent persons to death. The use of the essay format has been used in previous studies of the Marshall hypothesis (e.g., Sarat & Vidmar, 1976; Vidmar & Dittenhoffer, 1981). The third section of the survey consisted of questions that measured the degree the respondent's felt that their attitudes on the death penalty, deterrent effect, and chances of executing an innocent person had changed after reading the essay contained in their survey. In addition, the exact same question asked in section one on the degree of support for the death penalty was asked again.

In the classical experimental design, surveys were randomly sorted so that a respondent had a random chance of receiving a survey containing one of the three essays. In other words, each student in the selected courses had an equal chance of receiving one of the three essays. Thus, while the sample group was not randomly selected, the assignment to the three groups was done in a random fashion. As previously indicated, there was a total of 730 surveys used in this study. Of the 730 surveys, 242 (33.2%) contained the control essay, 243 (33.2%) contained the deterrence essay, and 245 (33.6%) contained the innocence essay (i.e., there is a near equal number of completed surveys for each of the three essays).

Summary of the Findings

The findings indicate that most of the surveyed students were not knowledgeable about death penalty issues. For example, 61 percent of the students felt that it cost more to incarcerate a person for life than it does to execute the person. Actually, the opposite is true. About 44 percent felt that only the person who killed the victim, and not an accomplice, could be executed, and 20 percent were unsure. Only 46 percent knew that the murder rate does not drop after an execution. Ninety-one percent did not know that persons under 18 years of age could be legally sentenced to death. Over half of the students did not know that twice as more people die in car accidents than are murdered each year. Almost 38 percent did not know that Michigan does not have capital punishment. Therefore, the first part of Marshall's hypothesis appears to be true among students at Ferris State University. Specifically, most are not knowledgeable about the death penalty and related issues.

In order to test the second part of Marshall's hypothesis (i.e., information would reduce support for capital punishment), the pre-test measure for the degree of support for the death penalty was measured by asking the degree of support the respondent had towards the death penalty with seven responses categories, ranging from very strongly in favor of the death penalty to very strongly opposed to the death penalty. After reading an essay, respondents were asked their degree of support for the death penalty using the same measure used before the respondents read an essay. There was a decline in support for the death penalty for the deterrence and innocence essay groups, but not for the control group. In order to test if there is a significant decrease among the deterrence and innocence essay groups, but not the control group, an

Analysis of Variance (ANOVA) test was conducted to see if the three essay groups are significantly different from one another after the essays had been read. The results of the ANOVA test suggest that there is a statistically significant difference between the three essay groups ($F = 3.113$, $df = 2$, $p = 0.045$). The results of the Tukey post hoc test show that the difference is between the control essay group and the innocence essay group, and is statistically significant at $p \leq 0.05$. While there was a difference between the control group and the deterrence group, it did not reach statistical significance. Therefore, there is limited support for the second part of Marshall's hypothesis. The issue of innocence reduced support for the death penalty among the students who read the innocence essay.

Implications, Conclusions, and Applications of the Findings

This research provides qualified support for the Marshall hypothesis. This research has found that the issue of innocence does have an impact on support for capital punishment. The impact of innocence on support for the death penalty had never been examined independently until this study. This study presents the stage for further research in this area.

Future Research Enabled By the Findings

As previously indicated, the findings from this study set the stage for additional research in the area of innocence and how it impacts a person's view of capital punishment.

Public Forum in which Findings Will Be Presented

The findings have been and will be presented in several different forms. First, we have presented the results of this study at the last two annual national meetings of the American Society of Criminology. Second, we have submitted an article on the findings of the impact of innocence for publication in a law journal. Additionally, two more articles based upon the study results are being revised and will be submitted for publication in peer reviewed Criminal Justice journals during 2001. Finally, two Criminal Justice graduate students are using part of the data in their Master's theses.