Toward an Understanding of Aggregate Death Penalty Opinion Change: A Possible Role for Popular Music

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Abstract: This study examines the relationship between popular music; specifically, death penalty songs, and aggregate death penalty opinion change utilizing an exploratory time series analysis. An assumption of this study is that the public is made conscious of the death penalty as a salient issue through the popular media, e.g., newspaper stories, magazine articles, movies, television programs, and music. Results of this study support the hypotheses that public consciousness about the death penalty as well as changes in aggregate death penalty opinion are associated with the content of popular media in the form of death penalty songs. As the number of death penalty songs increases in a year, death penalty support decreases two years later.

Keywords: Death penalty opinion, capital punishment, media, death penalty songs, music.

INTRODUCTION

Prior research has reported a link between media content and public opinions toward the death penalty. However, this research has focused mainly on print media. Whether an association extends to other types of media remains an unanswered question. This study examines the relationship between popular music; specifically, death penalty songs, and aggregate death penalty opinion change utilizing an exploratory time series analysis. An assumption of this study is that the public is made conscious of the death penalty as a salient issue through the popular media, e.g., newspaper stories, magazine articles, movies, television programs, and music. This exploratory study contributes to an understanding of aggregate death penalty opinion change by examining an additional previously unexamined possible source of death penalty consciousness.

Aggregate death penalty opinion is important to study and understand because such opinion, perhaps more than any other factor, influences the continued use of capital punishment in many jurisdictions in the United States. If most citizens in death penalty jurisdictions opposed capital punishment, it is unlikely the penalty would be employed. In the 1980s, attorney David Bruck predicted that the death penalty's "political potency" could be effectively neutralized if only a quarter to a third of death penalty proponents could be convinced to oppose the penalty (cited in Haines, 1996: 164).

Strong public support may contribute to the continued use of capital punishment in a number of other ways as well. First, it probably sways legislators to vote in favor of death penalty statutes (and against their repeal) (Dieter, 1996). Second, strong public support likely influences some prosecutors to seek the death penalty for political rather than legal purposes in cases where they might ordinarily plea bargain (White, 1987: 17; also see Dieter, 1996; Callahan *et al.*, 2000). Third, to retain their positions, some trial–court judges feel public pressure to impose death sentences in cases in which such actions are inappropriate, and some appellate–court judges may uphold death sentences on appeal when they should not (Bright, 1998; Dieter, 1996; Bright and Keenan, 1995; Dickson, 2006: 281). Fourth, some governors may be dissuaded from vetoing death penalty legislation and commuting death sentences because of strong public support for the penalty (Baldus and Woodworth, 1998: 388–9; also see Burnett, 2002; Kobil, 2003; Dieter, 1996). Fifth, and arguably most important, strong public support might be used, at least indirectly, by justices of both state supreme courts and the United States Supreme Court as a measure of evolving standards of decency regarding what constitutes cruel and unusual punishment in state constitutions and under the Eighth Amendment of the United States Constitution.[1] Regarding the U.S. Supreme Court, Baumgartner *et al.* claim that "the majority opinion in each major death

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[1]On state constitutions, see Bedau, 1987, Chap. 8; on the Eighth Amendment, see Marshall in *Furman v. Georgia*, 1972:329; also in *Furman*: Douglas, p. 242, Brennan, pp. 269–70; Burger, p. 383, and Powell, p. 409; *Trop v. Dulles*, 1958:101; *Weems v. United States*, 1910:349, 373; *Robinson v. California*, 1962:666; also cf. *Estelle v. Gamble*, 1976:102; *Roberts v. Louisiana*, 1976:336, 352; *Woodson v. North Carolina*, 1976:301; *Gregg v. Georgia*, 1976:173, 227. But see Justice Rehnquist's dissent in *Atkins v. Virginia*, 2002, where he is highly critical of using public opinion as a measure of evolving standards of decency.

penalty decision in the last century cited polling data by Gallup or other major survey houses in support of the ruling, whether for or against capital punishment" (Baumgartner *et al.*, 2008: 169).

RESEARCH ON AGGREGATE DEATH PENALTY OPINION CHANGE

Much of the research on aggregate death penalty opinion change has been conducted at the individual level of analysis where the focus has been the demographic characteristics that distinguish death penalty proponents from death penalty opponents. Based on more than 70 years of this research, whites, males, Republicans, and wealthier people have been more likely to support the death penalty than nonwhites, females, Democrats, and poorer people (see Bohm, 2012: 326-328). Other demographic characteristics have not been shown to consistently align with death penalty support or opposition to the degree of those mentioned above.

Research shows that most Americans have an opinion about the death penalty even though they know little about the subject (see Sarat and Vidmar, 1976: Ellsworth and Ross, 1983; Bohm, Clark, and Aveni, 1990; Bohm, Clark, and Aveni, 1991; Wright, Bohm, and Jamieson, 1995; Cochran and Chamlin, 2005; Cochran, Sanders and Chamlin, 2006).[2] What most Americans think they know about the death penalty, moreover, often turns out to be wrong. If death penalty opinions are not knowledge based or are not based on accurate knowledge, obvious questions are what is their source and how and why do they change?

When people are presented with accurate information about the death penalty, studies reveal that the information can polarize opinions, instead of changing them from in favor to opposed or vice versa (Lord *et al.*, 1979; also see Ellsworth and Ross, 1983; Bohm *et al.*, 1990; Bohm, 1990). In other words, some people who initially favor the death penalty tend to favor it more strongly after receiving information about it, while some people who initially oppose the death penalty tend to oppose it even more after becoming informed. The researchers attribute polarization to biased assimilation, that is, subjects interpret evidence so as to maintain their initial beliefs.

Studies also have shown that people who change their death penalty opinions, as a result of becoming

informed about the penalty, may do so only temporarily. After the passage of time, their changed opinions may rebound to their initial uninformed positions (Bohm *et al.*, 1993; Bohm and Vogel, 2004).

Finally, research shows that people who support the death penalty primarily for retributive reasons generally are impervious to persuasion (Sarat and Vidmar, 1976; Bohm *et al.*, 1991; Bohm and Vogel, 2004, Cochran *et al.*, 2006, but see Cochran and Chamlin, 2005), which also may be true of people who support the death penalty primarily for moral or religious reasons (Baumgartner *et al.*, 2008: 184).

THEORIES OF AGGREGATE DEATH PENALTY OPINION CHANGE

The aforementioned research suggests that death penalty opinion is resistant to change, but it does vary over time, sometimes dramatically. Several theories have been advanced to explain aggregate death penalty opinion change. One theory, for example, posits that death penalty opinion is influenced by developing moral judgment in society, and that eventually society will morally progress to a stage where the public will not support the death penalty (Kohlberg and Elfenbein, 1975).

A second theory suggests that the formation of death penalty opinions begins in the family and is spread by moral crusaders (Gelles and Straus, 1976). However, if death penalty opinions are rooted in the family—conveyed by parents to their children, as Gelles and Straus maintain—one must still ask from where do parents acquire death penalty opinions? Besides their own parents, Gelles and Straus suggest that death penalty opinion is a product of "effective moral crusades by individuals who, for a variety of reasons, advocate [or oppose] use of the death penalty" (Gelles and Straus, 1976: 230). In other words, moral crusaders persuade parents, who teach their children, that the death penalty is or is not a legitimate and appropriate response for certain crimes. Still, why do moral crusaders support or oppose the death penalty, and how do they convey their message to the public? Regarding the first question, Gelles and Straus write, "for a variety of reasons" (Gelles and Straus, 1976: 230). As for the second question, we argue that a significant portion of the message is circulated through the popular media.

More recently, Bohm attempted to explain the dramatic reversal in death penalty opinion in the United

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[2]In none of these studies did subjects, on average, answer correctly more than 52 percent of the knowledge items.

States beginning in the 1966 to 1967 period. From his analysis, Bohm concluded, "The key to understanding temporal variations in death penalty opinions probably lies in the fear and anxiety engendered by the social events of an era" (Bohm, 1992: 539; also see Baumgartner *et al.*, 2008: 184). The strength of death penalty support and opposition, according to Bohm, appears to be both a psychological barometer of the level of dread and angst in a society and a symbolic marker of the social landscape. In particular, levels of support and opposition seem to demarcate the threshold level of people's tolerance of media–reported crime, and, at the same time, serve as an indicator of people's threshold tolerance of social change. As one student of the subject put it, death penalty support declined in the 1960s because, "as practiced, many people found [the death penalty] to be glaringly inconsistent with the ascendant ideas of the times" (Haines, 1996: 161). Bohm believes it is reasonable to assume "that historical changes, such as a political shift away from the conservative social policies of the last [two and a half decades or so], are apt to either produce a dramatic shift in future death penalty opinions or to be marked by changed death penalty opinions as the political shift passes a certain threshold level" (Bohm, 1992; also see Zimring, 2003).

The idea that the death penalty has symbolic importance suggests that death penalty opinion is not really about the death penalty *per se* but rather reflects more fundamental social issues, such as support for law enforcement. Law enforcement officials commonly employ death cases and infamous homicides as "symbolic crimes," which further marries the specific issue of capital punishment with other law enforcement issues. The death penalty as symbol makes sense because the death penalty has limited salience for most people. Few people have had any contact with the death penalty process either as offenders, offender family members, victim family members, jurors, or witnesses. Nor have they had direct contact with others in those situations.

By default, most people are dependent on the media for whatever information they acquire. So, if people give any thought to the death penalty, it is mostly an abstract or theoretical issue with little, if any, practical significance for them. The first time many people may think about the death penalty or develop a death penalty consciousness is when they are asked for their opinion. The question instigates a process by which the person responds based on what would be expected given the person's unique demographic characteristics. Thus, if a person is politically conservative and lacking direct experience with the death penalty, all other things being equal, that person is likely to report that he or she is in favor of the death penalty.

Songs about the death penalty are hypothesized to work in much the same way as questions on a death penalty survey. They are a basis for the formation of a death penalty consciousness. From this expectation it is predicted that the number of death penalty songs circulating will be associated with shifts in death penalty opinion. In this perspective, the presence of death penalty songs does not alter opinion as much as crystalize opinion that would be expected given an individual's demographic characteristics. Furthermore, if the death penalty plays a symbolic role, death penalty songs may embody and bring to public consciousness salient social issues that, themselves, may affect death penalty opinion. At the least, songs about the death penalty probably would not be produced in a social context that was not already primed for them, that is, if the popular media were not already disseminating captivating narratives about the death penalty.

MEDIA INFLUENCE ON AGGREGATE DEATH PENALTY OPINION CHANGE RESEARCH

Initial research on a media–criminal justice policy relationship concentrated on describing the relationship between the media and broad criminal justice policy support. For example, Fishman's (1978) study of a New York City media-constructed crime wave against the elderly detailed how a few incidents were covered extensively in the media, followed by changes in citizens' perceptions about crimes against the elderly, and strong public policy responses involving a special elderly investigation unit and new legislation. The majority of research in this tradition looked at the media as generators of fear of crime, with many studies showing relationships among the level of exposure to crime news, entertainment programming, and consumers' heightened fear of victimization and moral panics (see Chermak 1998, Cohen 2002, Fishman 1978, Jenkins 1998 and Lawrence and Mueller 2003). Roomer and colleagues (2003), for example, found that the more television people watched, the more likely they believed they would be crime victims. Collectively, this body of research supports the argument that sensational media images of crime foster a narrow punitive view of criminal justice policy due to the public accepting a media-constructed hyper-violent crime portrait, perceiving the criminal justice system as soft,

and accepting crime control as the best course of action (Beckett and Sasson, 2000; Claussen, 2004; Dowler, 2003; Kappeler *et al.*, 2000; Kiousis, 2001).

Only a few studies have specifically addressed the media's relation to death penalty opinion. For example, Lipschultz and Hilt (1999) discussed how the portrayal of three Nebraska executions in the news framed death penalty support as unquestioned and not worthy of debate or research. Niven (2002) reported that exposure to print stories containing either a limited or an expanded description of the level of death penalty support appeared to influence death penalty support among his subjects. Holbert, Shah and Kwak (2004) found that viewing three types of television content was associated with death penalty support. They found that viewing police reality shows was both directly and indirectly related to support, that television news viewing predicted fear of crime that in turn contributed to death penalty support, and that viewing crime dramas was positively related to death penalty support. Along similar lines, Slater, Rounder, and Long (2006) found that support for the death penalty was positively influenced by watching a television crime drama-—in their study an episode of *Law and Order* in which capital punishment was a central theme.

More recently, Baumgartner and his colleagues have argued that the decrease in death penalty support (and the number of death sentences and executions) beginning in the mid-1990s was due to the "discovery of innocence," that is, the recognition by the public of fundamental flaws in the administration of the death penalty in general and of miscarriages of justice (e.g., wrongful convictions and, perhaps, even wrongful executions) in particular (Baumgartner *et al.*, 2008: 9-10). The contention that the death penalty process is flawed and that innocent people are wrongly convicted and executed is not new. What is new, according to Baumgartner *et al.*, is that those issues have been "framed" differently by the media. "Framing," writes Baumgartner *et al.*, is "a natural part of the political process" and refers to "defining an issue along a particular dimension (e.g., fairness and innocence) at the exclusion of alternate dimensions (e.g., morality, constitutionality, or cost) (Baumgartner *et al.*, 2008: 4). Baumgartner *et al.* describe how certain events and the innocence frame changed aggregate death penalty opinion: "Successful demonstration of innocence by students [in university-based innocence projects] led lawmakers and governors to take the issue seriously. Official investigations into errors of justice led to further news coverage and news coverage affected public

thinking" (Baumgartner *et al.*, 2008: 101). Regarding the increase in news coverage, the researchers note: "exonerated defendants today receive more than ten times the number of stories, per individual, than those who were exonerated before 1991" (Baumgartner *et al.*, 2008: 101). Based on an elaborate methodological scheme, Baumgartner *et al.* discovered "that net support for the death penalty is strongly affected by both homicide rates and the tone of media coverage [i.e., whether an article "had an overall pro-or anti-death penalty orientation"]. In fact, the overall impact of the net tone of media coverage . . . appears to be equal to that of movements in homicide levels over the last forty years" (Baumgartner *et al.*, 2008: 167). Regarding death penalty opinion, the media's construction of the reality of capital punishment was as important as the reality of homicide.

MEDIA INFLUENCE ON AGGREGATE DEATH PENALTY OPINION CHANGE THEORY

Based on the premise that media can influence death penalty opinion, an important question is by what mechanisms do the media influence opinion. Communication research has delineated three models through which media content can influence public opinion. Two models involve the cognitive processing of media-supplied information by consumers (Shrum, 2002: 71), and the third model involves interaction with media provided narratives (Green and Brock, 2000). In the cognitive processing models, the impact of media on persuasion depends upon an individual's cognitive motivation (his or her willingness to invest time gathering and evaluating information). In these models, individuals are either highly or moderately active participants in the process and relate media content to their pre-existing cache of information. People's cognitive responses to the media-supplied information, rather than learning the information *per se*, determine the extent of media influence (Petty, Priester, and Brinol, 2002: 164; also see Petty and Cacioppo, 1981, 1986; Petty and Wegener, 1999). The cognitive processing models have been applied primarily to news media content and provide an explanatory mechanism for understanding Baumgartner's and colleagues findings.

The two cognitive processing models are "*systematic central processing,*" by which all relevant and available information is collected and assessed before an opinion is formed, and "*heuristic peripheral processing,*" by which opinions are formed and decisions are made based on incomplete information.

When motivation is high and the opinion issue is important to the individual, systematic central processing is followed, as long as the individual has the capability to understand the information gathered. When cognitive motivation is low, heuristic peripheral processing is followed, resulting in more spontaneous emotive-based opinions. The heuristic peripheral processing model appears to better capture the responses of most people, when they are provided factual information about the death penalty. Those comparatively few with deep investment in the issue would follow the systematic processing model.

The third model of media influence is the "*narrative persuasion*" model, which, unlike the two cognitive processing models, captures the phenomenological experience of hearing, reading, or viewing a media-supplied story. Narrative persuasion requires an individual's absorption into the media narrative. While in the cognitive processing models, the critical element is the amount of thought an individual devotes to evaluating a message, in narrative persuasion the individual is temporarily distanced from his or her current beliefs, experiences, and assessments of the validity of media content but not its effects (Green and Brock, 2000: 702). Thus, even when the narrative is clearly labeled as fiction and is delivered *via* "logic-free" media such as commercial films or popular songs, beliefs about the real world can be affected. Once a listener is absorbed in a compelling narrative, the credibility of the media source is less important so that the opinion position implied in a death penalty song, for example, can be influential regardless of how realistic, logical, or factual the narrative is (Green and Brock, 2000: 718-719). An important way in which the narrative persuasion model differs from the cognitive processing models is that the narrative persuasion model precludes counterarguing (the questioning of the credibility and the validity of media-supplied information) by the media consumer. Counterarguing is common in the systematic central processing model and less but still present in the heuristic peripheral processing model. The narrative persuasion model, therefore, provides a means to influence individuals who would ordinarily be resistant to persuasion (Slater and Rouner, 2002: 180).

Lastly, the narrative persuasion model holds that consumer demographic similarity to characters in a narrative is less important than how emotionally involved the consumer becomes with those characters (Slater and Rouner, 2002: 186). Particularly important for this study, the narrative persuasion model predicts that the opinions of initially unsympathetic audience members can be influenced by transitional narratives involving characters who initially espouse counter beliefs but come to model the opinion change for the consumer (Slater and Rouner, 2002: 185). Thus, a media supplied narrative that depicts a charater changing from supportive to unsupportive of the death penalty can influence a narratively engaged consumer to do the same where a logical fact-based argument might not. Whether such effects occur is beyond the scope of this study and before a causal relationship can be empirically researched, it must first be established that a significant association exists betweeen death penalty songs and death penalty opinions. If correlation and time order can be demonstrated and spuriousness can be rejected, a search for causal relationships can follow.

Song and ballad narratives about crime and justice issues have a long history with roots to the Middle Ages (Surette, 2007). Popular music has been a comparatively stable media mainstay over the course of the death penalty debate and the ebbs and flows of public support. While its content regarding how homicide and violence are portrayed has been examined, especially in rap, music has not been studied as a possible contributor to the death penalty debate.[3] In response, this exploratory study tests the hypothesis that popular songs about the death penalty as a widely available source of narrative persuasion are related to death penalty opinion change.

METHODS

Data

Much of the data employed in this study were from files provided by Frank Baumgartner on a web site that is no longer active. The data were used in the research for his book, *The Decline of the Death Penalty and the Discovery of Innocence* (Cambridge University Press, 2008), written with Suzanna L. DeBoef and Amber E. Boydstun. The data covered the period from 1976 through 2006. Where possible, these data were

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[3]A number of content analysis studies have examined how music is related to crime and justice. Studies of song lyrics report that homicide and violence are freqeuntly constructed as glorified and normalized (see for example Armstrong 1993, Binder 1993, Hunnicutt and Andrews 2009, and Kubrin 2005).

augmented with data from 2007 and 2008. The authors of this study collected song data, as described below.[4]

The study began with measures reflecting four conceptual variable groups: death penalty songs, criminal justice activities related to capital punishment, societal crime levels, and death penalty related news. Death penalty song trends were the predictor variables of interest with capital punishment related justice activities, crime levels, and death penalty news utilized as control variables.

Variables

Dependent Variable

The dependent variable is death penalty support, which was measured using the percentage of affirmative responses to the standard Gallup poll death penalty opinion question: "Are you in favor of the death penalty for a person convicted of murder?" Responses were from the 1976 through 2006 polls found in the Baumgartner data files. Percentages for 2007 and 2008 were obtained from the Death Penalty Information Center web site at www.deathpenaltyinfo.org/public-opinion-about-death-penalty.

Independent Variables

Unique to this research effort is the assessment of popular song content regarding capital punishment for each examined year. Three time series about death penalty songs were collected (number of songs per year, song tone—either pro-death penalty, anti-death penalty, or neutral, and song popularity). Death penalty songs were compiled *via* a two-prong search. First, using www.songlyrics.com as the search base, a list was compiled from songs released between 1976 and 2008 that used the keyword *execution*. This search produced 297 songs with the word *execution* in the lyrics. Using www.songlyrics.com, the lyrics as well as the artist, name of song, and album were retrieved. The lyrics for each song were reviewed and 30 of the 297 songs met the criterion of explicitly discussing the death penalty or describing an execution. A second list was compiled using the keywords: *guillotine, noose, electric chair, death row, hanging, gas chamber, and death*. The lyrics to those songs were also reviewed,

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[4]Death penalty-focused commercial films also were considered but for the 1976-2008 period, only 20 death penalty films were found. Moreover, 19 years had zero qualifying films. With only 14 years in which films about capital punishment were released and numerous gaps in the data series, a time series analysis of a possible association between public opinion and film was not feasible. A list of death penalty movies was generated from a search engine keyword search using www.imdb.com.

and an additional 42 songs met the criterion and were selected. Thus, a total of 72 songs made the final list. The 72 songs represented four genres: rock (50), rap (15), folk (2), and other (5).

The lyrics were then reviewed a second time to determine whether the song was a pro-death penalty song, an anti-death penalty song, or a neutral death penalty song. Each song was coded as +1 for pro-death penalty song, -1 for anti-death penalty song, and 0 for songs that were neither pro-death penalty nor anti-death penalty. Each year's value was the average score of all execution songs for that year, which provided the measure for the variable "song tone." Following are examples of pro-death penalty, anti-death penalty, and "neutral" death penalty songs and lyrics:

Example of pro-death penalty song and lyrics: *Death Penalty* by Witchfinder General. "Life in prison is not enough for what they do . . . a life for a life, that's the way . . . the chair is best."

Example of anti-death penalty song and lyrics: *Ride the Lightning* by Metallica. "Guilty as charged, but damn it, it ain't right. Strapped in the electric chair, this can't be happening to me. Who made you God to say I'll take your life from you."

Example of neutral death penalty song and lyrics: *Let the Killing Begin* by Arch Enemy. "On death row, awaiting my fate, sacrificed upon the alters [sic] of justice . . . on my way to depart from life. Let the killing begin, let them end your life of sin."

The third song variable, a death penalty song's popularity, was assessed by whether it was ranked in the Billboard top 100 at any time. This was determined by using information from www.billboard.com. If the song or its album had reached the charts, the number of weeks on the chart and peak listing were recorded. Twenty-two death penalty songs in total reached the top 100 chart: 5 individual songs and 17 albums.

Reflecting the assumption that more popular songs would be heard by more people and therefore potentially be more influential on public opinions, all execution songs were scored 3 if both the song and its album made the top 100, 2 if only the song made the top 100, 1 if only the album made the top 100, and 0 if neither the song nor the album made the top 100. These values were then multiplied by the songs pro or anti-death penalty position as described above to provide a final measure that ranged from -3 to +3,

where negative values denote a song's anti-death penalty position and its popularity and positive values denote a song's pro-death penalty position and popularity. Each year's value was the simple average of the scores for all songs for that year and provided the measure for "song popularity." See Appendix 1 for death penalty song data.

Control Variables

Three capital punishment measures were employed as control variables: the number of death row inmates, the number of death sentences imposed, and the number of death row exonerations. Annual information about crime was the basis for six control variables: the number and the rate of violent crimes, the number and the rate of property crimes, and the number and the rate of murders. Lastly, annual data regarding news media coverage of capital punishment was the basis for nine more control variable series: the number of *The New York Times* death penalty stories, the number of front-page death penalty stories, the number of death penalty efficacy stories, the number of morality stories, the number of fairness stories, the number of constitutionality stories, the number of pro-death penalty and anti-death penalty stories, as well as the number of death penalty stories reported in the *Readers Guide.* A description of the death penalty, crime, and news media variables can be found in Appendix 2.

ANALYSIS AND RESULTS

To avoid a problem frequently encountered in time-series analyses—the problem of variables being related to "time" but not to each other and thereby producing false conclusions about relationships between variable series—variable series were first examined for stationarity or autocorrelation. Because evidence of autocorrelation was found, it was necessary to move the variable series toward stationarity for analysis. To do so, all variable series were "first differenced" (i.e., the value of a year was subtracted from the value of the prior year). Thus, what was empirically examined in the analysis were these "differences" for each variable series using the cross correlation function in SPSS. This function also allowed for the examination of the time order of the variable series by providing the correlations of lagged values to see if changes in music preceded changes in opinion, as opposed to vice versa.

Bivariate Analysis

Following the above logic, time series cross correlations between the annual variations in each independent variable series, each control variable series, and each dependent variable series were examined across rolling six-year time spans. The expectation was that significant associations, if they existed, should emerge within two to three years. In this process, the correlation between the variations in death penalty support with the variations in an expected predictor or control variable were calculated and examined for each instant year with three prior years and three subsequent years.

Cross correlations allowed for a direct examination of the time order among the variables *via* the interpreation of four general outcomes. First, if none of the cross-corrrelations was significant, then shifts in the two variables would obviously not be related. Second, if shifts in songs were significantly correlated with later shifts in death penalty opinion, then a potential for a music-to-opinion effect would exist. Third, if shifts in opinion were significantly correlated with later shifts in songs, then the necessary time order for a music effect would not exist but the possibility of public opinion influencing song production would. Fourth, if significant cross correlations existed both prior to and following opinion shifts than a mixed simultaneous influence would be supported. In sum, the existence of significant later year correlations indicate that variations in death penalty support predict variations in an independent variable—contrary to the time-order relationship of music as an influence on opinion. On the other hand, significant prior year cross correlations would indicate that variations in death penalty songs predict variations in death penalty support—consistent with a possible media effect on opinion.

The aforementioned procedure produced eight statistically significant relationships that were in the necessary time order; that is, where a statistically significant (p < .05) lead correlation for death penalty support was observed within a three-year span. One relationship involving the number of death row inmates was significant but temporally reversed, and the remaining 13 relationships were all insignificant.[5] The cross-correlation functions that revealed a statistically significant lead association with death penalty support were death penalty songs; number of executions; number and rate of violent crimes; number of murders;

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[5]One cross correlation function presented death penalty support as a possible lead variable. Death penalty support preceded the number of death row inmates by three years, see Appendix 3, cross correlation number 3. The additional 13 nonsignificant cross correlation functions are also provided in Appendix 3.

and number of *The New York Times* stories about the death penalty, about the fairness of the death penalty, or with anti-death penalty tones.

Figure **1** provides the cross-correlation function between the number of death penalty songs and support for the death penality. As shown, the number of songs "leads" death penalty support by two years denoting that the number of death penalty songs in one year is related significantly to death penalty support two years later. The negative correlation means that increases in the number of death penalty songs were associated with decreases in death penalty support. Neither the tone of the songs nor their popularity was found to be associated as either lead or lag variables with death penalty support (see Appendix 3, numbers 1 and 2).

Looking next at justice system activities related to capital punishment, only the number of executions was found to significantly lead death penalty support as shown in Figure **2**. Similar to the association observed with number of death penalty songs, the number of executions negatively "leads" death penalty support; in this instance, by one year. In other words, a reduction in the number of executions was associated with an increase in death penalty support one year later. The cross-correlation function between the number of death row inmates and death penalty support produced the sole instance where support signficantly lead any of the candidate predictor variables (see Appendix 3, number

3). In that instance, death penalty support positively lead the number of death penalty inmates by three years. That is, as death penalty support increased, the number of death penalty inmates increased three years later. The other two measured capital punishment justice system activities, the number of death penalty sentences and the number of exonerations, were not correlated with death penalty support (see Appendix 3, numbers 4 and 5).

Looking next at crime levels, the number of violent crimes "leads" death penalty support by two years (see Figure **3**), and the violent crime rate leads death penalty support by two and three years (see Figure **4**). Both variables display positive lead correlations so that when violent crime increases in numbers and rate, death penalty support increases two years later (and three years later for rate).

In a comparable fashion, the number of murders positively leads death penalty support by two years (see Figure **5**). When homicides increase, death penalty support increases two years later. Shifts in the murder rate were just short of significance (see Appendix 3, number 6). Property crime numbers and rates were not associated with death penalty support (see Appendix 3, numbers 7 and 8).

Lastly, the relationship between news coverage of capital punishment and death penalty support revealed three significant associations. The number of death
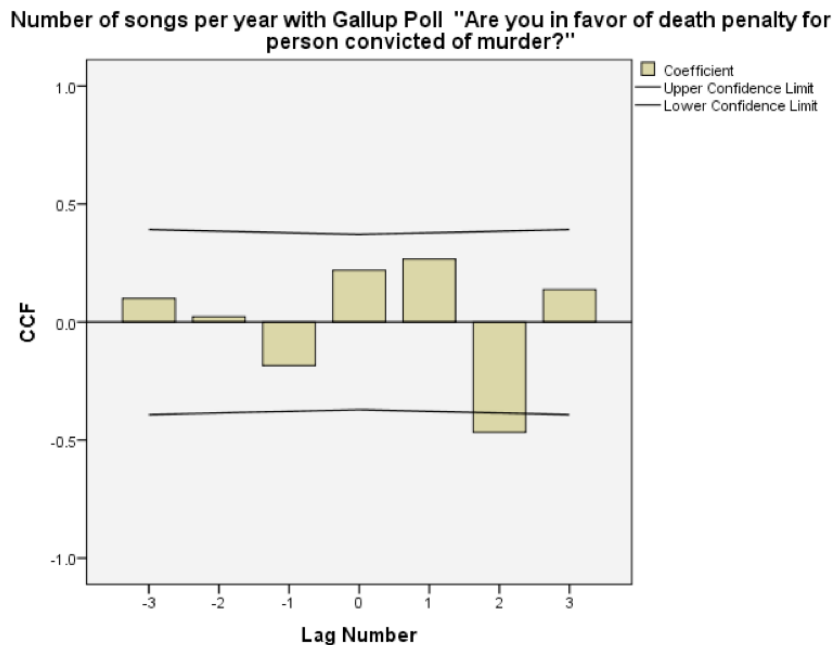

Figure 1: Cross-correlations between Number of Capital Punishment Songs and Death Penalty Support.
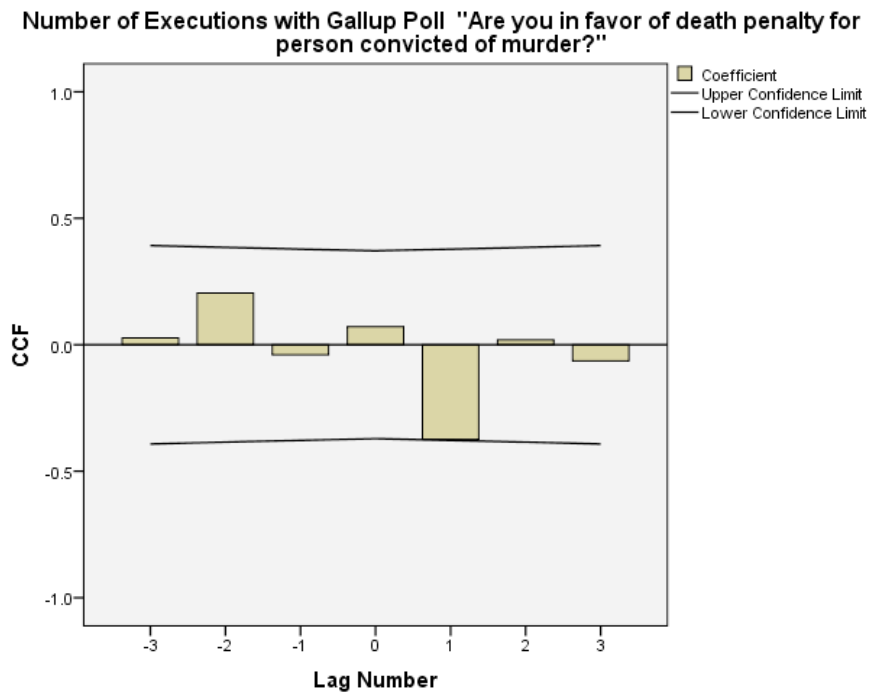
Figure 2: Cross-correlations between Number of Executions and Death Penalty Support.
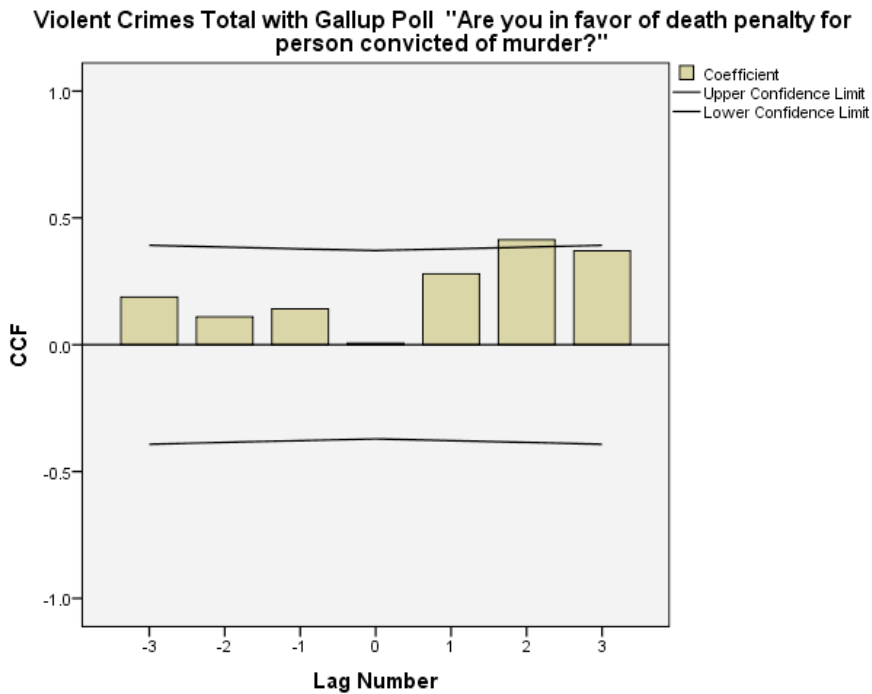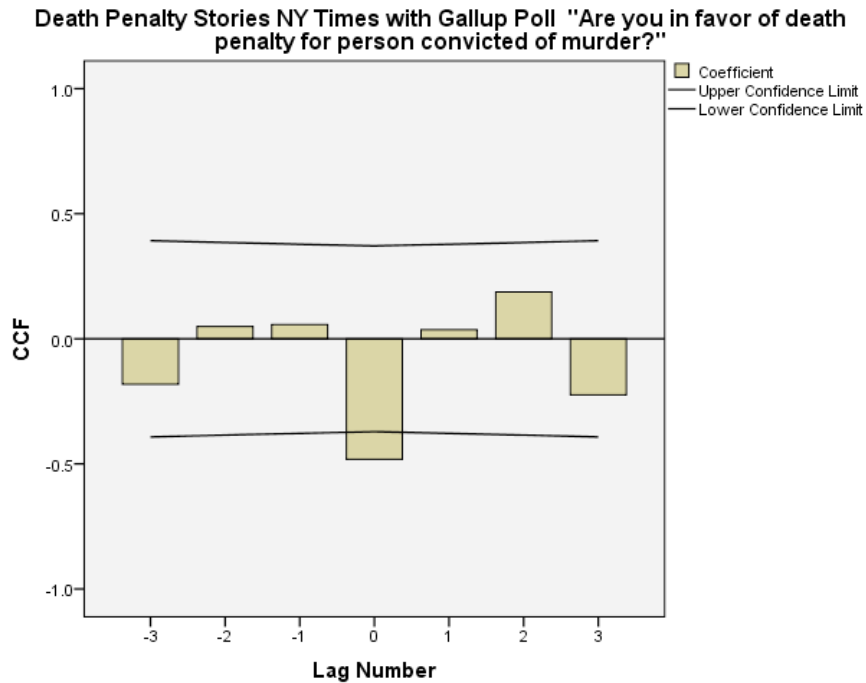

Figure 3: Cross-correlations between Number of Violent Crimes and Death Penalty Support.

penalty stories (Figure **6**), the number of stories about fairness (Figure **7**), and the number of stories assessed as anti-capital punishment (Figure **8**) in *The New York Times* all were negatively correlated with death penalty support in the same year. In other words, increases in these types of stories were associated with same year decreases in death penalty support. The significant correlation with stories about the death penalty's

fairness corroborates Baumgartner and his colleagues's argument about the "discovery of innocence."

The cross-correlation function with pro-death penalty stories just missed same year significance (see Appendix 3, number 9), while the number of front-page death penalty stories; stories about the efficacy,
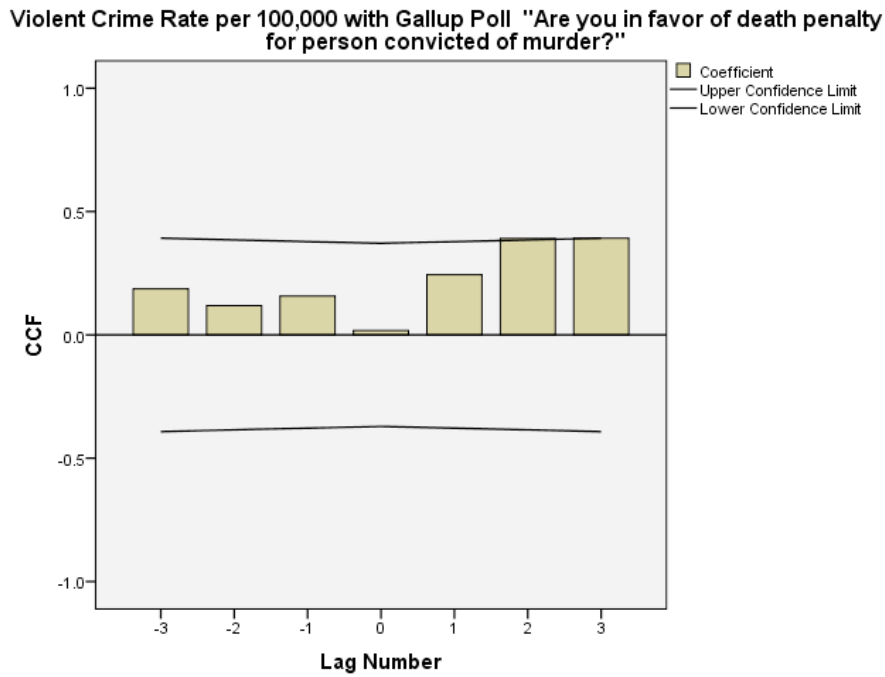
Figure 4: Cross-correlations between Violent Crime Rates and Death Penalty Support.
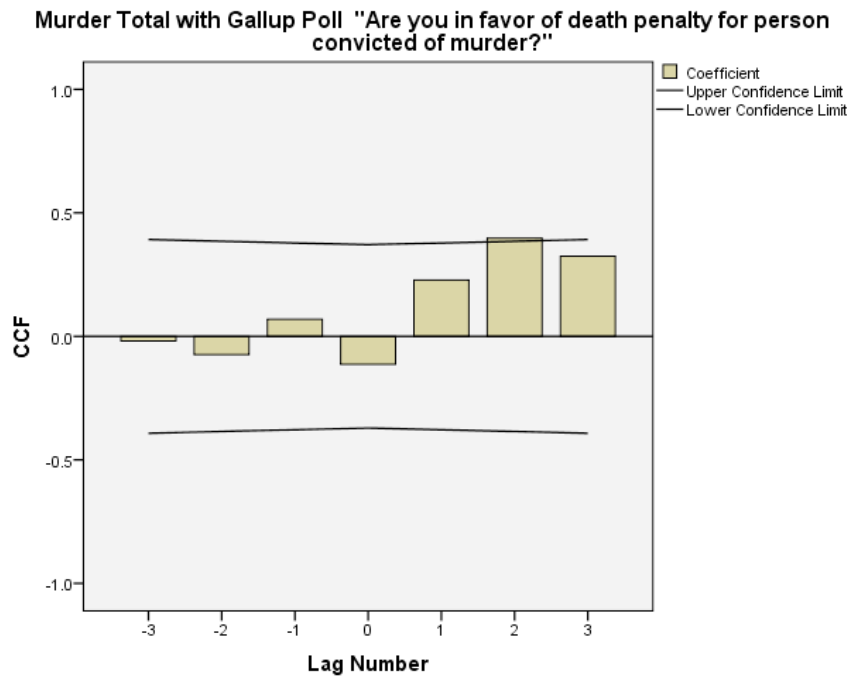
Figure 5: Cross-correlations between Number of Homicides and Death Penalty Support.

morality, or constitutionality of capital punishment; or the number of capital punishment stories in the *Readers Guide* were not significantly associated with death penalty support (see Appendix 3, numbers 10 through 14).

Multivariate Analysis

An additional research question of interest was which lead variables emerged as the better predictors of death penalty support. Because variables within similar conceptual areas were highly correlated with each other, the variable most strongly related to death penalty opinion from each conceptual area of death penalty music, news coverage of capital punishment, crime, and capital punishment-related justice activities was selected and included in a predictive multivariate analysis. Using a stepwise regression procedure, four independent variable series were regressed on the

Figure 6: Cross-correlations between Number of Death Penalty Stories and Death Penalty Support.
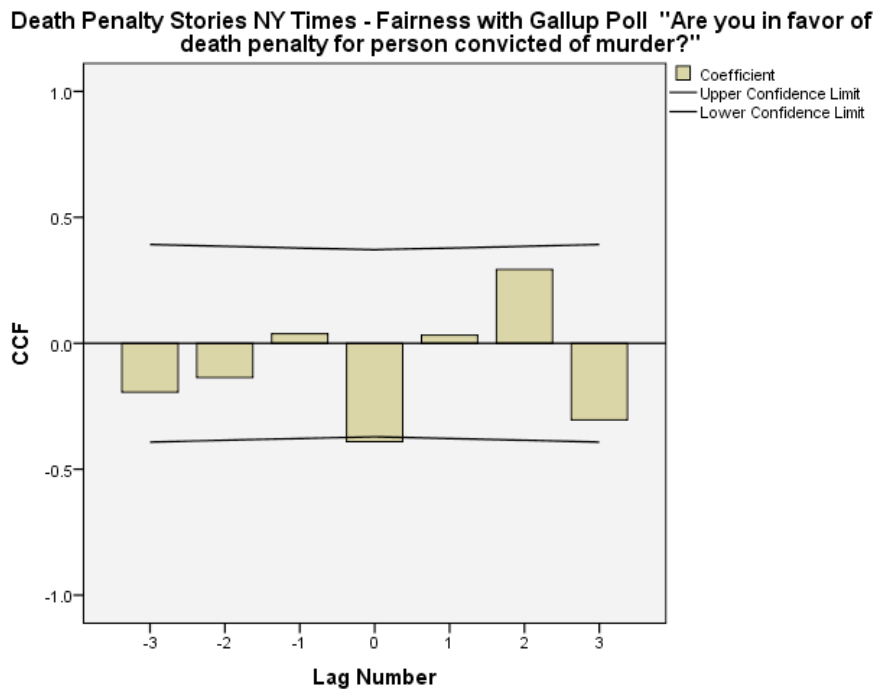

Figure 7: Cross-correlations between Number of Death Penalty Stories Focused on Fairness and Death Penalty Support.

dependent variable series. The independent variable series (in the order in which they entered into the final model) were: (1) number of death penalty songs—2-year lead; (2) total number of murders—2-year lead; (3) number of executions—1-year lead; and (4) number of death penalty stories in *The New York Times* dealing with fairness—in the same years. Output from the regression is provided in Table **1**. As shown, only two

of the variable series were significantly predictive of the dependent variable series. The number of death penalty songs and the number of murders two years prior emerged as the best predictors of death penalty support. As found in the cross-correlation analysis, the number of death penalty songs in one year was inversely related to death penalty support two years later, and the total number of murders in one year was
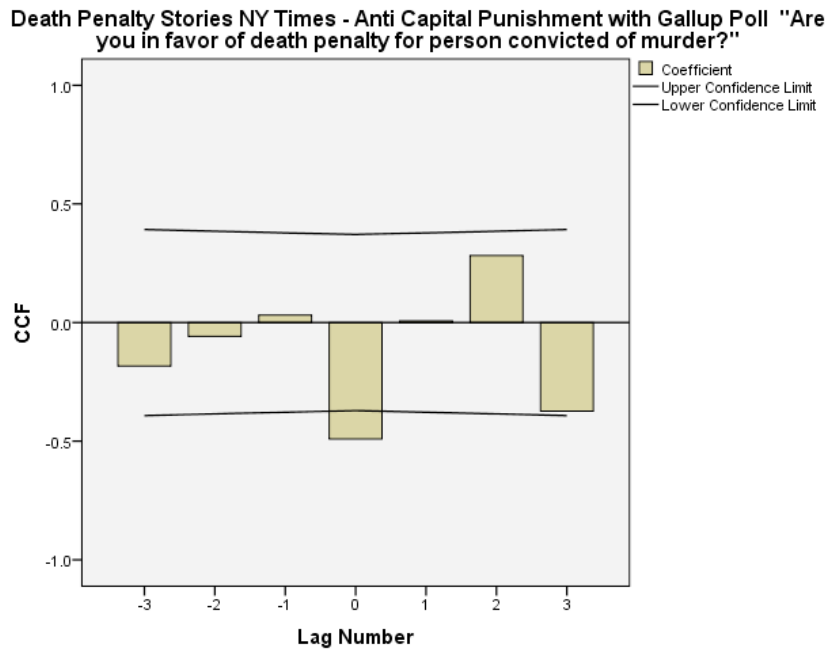
Figure 8: Cross-correlations between Number of Anti-Capital Punishment Stories and Death Penalty Support.

Table 1:   Regression Results (n=27)

Final Model (step 2)	B	Std. Error	Beta	t	Sig.	Tolerance	VIF
Constant	.002	.004		.518	.609		
(*Included Variables*)							
Murder (2 year lead)	.00000856	.000	.428	2.731	.012	.998	1.002
Execution Songs (2 year lead)	-.004	.001	-.500	-3.188	.004	.998	1.002
(*Excluded Variables*)							
Executions (1 year lead)			-.113	-.635	.532	.791	1.264
Fairness (same year)			-.119	-.579	.568	.600	1.666
Final Model Summary Statistics							
F = 8.404 (p = .002), R^2= .412, R^2 Change = .183, Durbin Watson = 1.67							

positively related to death penalty support two years later. In other words, as the number of death penalty songs in one year increased, death penalty support two years later decreased, and as the total number of murders in one year increased, death penalty support two years later also increased. Because of the collinearity problem mentioned earlier, the total number of violent crimes series or the violent crime rate series could be substituted for the total number of murders series with little difference.[6] The final two-variable

model explained 41 percent of the variation in the dependent variable.

The other two variables in the model—the number of executions (1-year lead) and the number of death penalty stories in *The New York Times* dealing with fairness (in the same years)—were not statistically significant. Because Baumgartner *et al.* found that the number of death penalty stories in *The New York Times* dealing with fairness was statistically significant and predicted death penalty opinion change, we tested another model in which the independent variables were entered in this order: (1) *The New York Times'* stories, (2) executions, (3) murders, and (4) songs. Results were the same as with the first stepwise procedure.

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[6]An OLS regression employing the same four predictor variables produced substantially similar results with an R^2 = .43 and death penalty songs and number of murders emerging as the more predictive variables but with the number of murders with a higher beta value than the number of death penalty songs.

Thus, unlike Baumgartner *et al.*, the number of death penalty stories in *The New York Times* dealing with fairness was not statistically significant in this study, but the total number of murders (2-year lead) and the number of death penalty songs (2-year lead) were.

DISCUSSION AND CONCLUSION

Results of this study support the hypotheses that public consciousness about the death penalty as well as changes in aggregate death penalty opinion are associated with the content of popular media in the form of death penalty songs. As the number of death penalty songs increases in a year, death penalty support decreases two years later. Findings also corroborate the findings of Baumgartner *et al.* that as the number of murders in one year decreases, death penalty support decreases two years later. However, this should not be taken to mean that the number of death penalty songs "causes" death penalty support to decrease. One reason is that the tone of death penalty songs, either pro-death penalty, anti-death penalty, or neutral, was not statistically related to death penalty support. A second reason is that many songs, such as punk rock or rap songs, appeal to a relatively narrow demographic. Therefore, many people probably do not hear those songs or, if they do hear them, probably ignore the lyrics. It is speculated that popular songwriters' attention to the death penalty as a lyrical subject reflects the media's attention to the death penalty as well as other social events and the level of social angst at any particular time. We also do not believe that the number of murders in a year "causes" death penalty support or opposition to vary two years later. Rather a more plausible explanation for both findings is that the variables are contextual. We

surmise that largely through a narrative persuasion model process rather than cognitive processing model processes, the number of death penalty songs and death penalty opinion (as well as additional unmeasured social factors) reflect the prevailing social and political climate and, together with the number of murders, as Bohm suggested, the level of dread and angst in a society.[7]

No doubt a small percentage of people, through a cognitive processing model mechanism, are persuaded by evidence of the death penalty's flaws, such as the conviction and execution of the innocent, and the exorbitant costs of the penalty in relation to alternatives, but for most people the evidence, but perhaps not the music, falls on deaf ears.[8] In the main, neither the lyrics, the melody, the genre, or the popularity of death penalty songs makes a difference in changing aggregate death penalty opinion. What seems to matter is that the death penalty song was written in the first place; that the song's subject is the death penalty. In other words, aggregate death penalty opinion changes when the social and political climate is right, and the popular media, it appears, signals when that is.

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[7]Of course, as is the case with all research that examines potential relationships, the statistically significant relationships found in this study may be spurious.

[8]We conservatively estimate that about 40 percent of the American public could be persuaded to change their death penalty opinion (the difference between the 80 percent of aggregate death penalty support in a 1994 poll and the 42 percent in a 1966 poll). That means that about 60 percent of the American public cannot be persuaded to change their opinion. If the 60 percent of the public resistant to change were divided evenly: 30 percent in support of the death penalty and 30 percent in opposition to it, then, as Bruck (cited in Haines, 1996: 164) had predicted, it only would be necessary to convince a quarter to a third of death penalty proponents to oppose the penalty to effectively neutralize the death penalty's "political potency."

APPENDIX

Appendix 1:   Popular Songs about Capital Punishment, 1976-2008

Song	Artist	Year	Genre	Top 100	Tone
Annie Christian	Prince	1981	Pop/Funk	N	For
Burning A Sinner	Witchfinder General	1982	Metal	N	For
Ride The Lightning	Metallica	1984	Rock	Y/Album	Against
Sunset Blvd	Isley/Jasper/Isley	1985	R&B	Y/Album	For
The Eliminator	Agnostic Front	1986	Rock	N	For
Electrocution	Sodom	1987	Rock	N	For
Annihilation Complete	Anacrusis	1988	Metal	N	Against
Drama	Ice-T	1988	Rap	Y/Album	For
Let Him Dangle	Elvis Costello	1989	Soft Rock	Y/Album	For

Last Act of Defiance	Exodus	1989	Metal	N	Against
You Played Yourself	Ice-T	1989	Rap	Y/Album	For
Reduce to Ashes	Pestilence	1989	Rock	N	Against
Electric Chair	Prince	1989	Pop/Funk	N	Against
Midnight On the Murder Mile	Carter : Unstoppable Sex Machine	1991	Alternative Rock	N	For
Confessions of a Serial Killer	Gorefest	1991	Rock	N	For
Pulse of the Rhyme	Ice-T	1991	Rap	Y/Album	For
The Just Law	Alastis	1992	Metal	N	Neutral
Fatadical Date	Alastis	1992	Metal	N	For
No Sunshine	Kid Frost	1992	Rap	Y/Album/Song	Neutral
Banish From Sanctuary	Blind Guardian	1993	Metal	N	Against
The Promise	Johnny Clegg	1993	World	N	For
Heavy Cloud No Rain	Sting	1993	Soft Rock	Y/Album	For
Archives of Pain	Manic Street Preachers	1994	Alternative Rock	N	For
The Snake With Eyes of Garnet	Shane Macgowan And The Popes	1994	Alternative Rock	Y/Album	For
Death Be the Penalty	Shabazz the Disciple	1995	R&B	Y/Single	Against
Death Row	Accept	1995	Metal	N	Against
Down '71	Bone Thugs-N-Harmony	1995	Rap	Y/Album	For
Shadowboxin'	Genius	1995	Rap	Y/Single	For
Unseen Darkness	Sinister	1995	Metal	N	For
Time Taker	Geto Boys	1996	Rap	Y/Album	For
Capital Punishment	Wumpscut	1996	Techno/Goth	N	For
Friends and Executioners	Rosetta Stone	1996	Goth Rock	N	For
Psycho Joe (Goes To The Electric Chair)	Blues Traveler	1997	Rock	N	Against
Adios Hermanos	Paul Simon	1997	Pop	N	Against
Capital Punishment	Big Punisher	1998	Rap	N	Against
Let The Killing Begin	Arch Enemy	1998	Metal	N	Neutral
2000 Volts	Big Bad Voodoo Daddy	1998	Alternative Rock	Y/Album	Neutral
Hang the Bastard	Trey Parker	1998	Musical	N	For
Buckingham Palace	Canibus	1998	Rap	N	For
Overseers	Earth Crisis	1998	Metal	N	Against
Greeny Green	Goodie Mob	1998	Rap	Y/Album	For
Steel Bar Blues	Bret Michaels	1998	Metal	N	Against
A Letter From Death Row	Bret Michaels	1998	Metal	N	For
No Success	Atari Teenage Riot	1999	Electronic/Dance	Y/Album	Against
Sacco and Vanzetti	Against All Authority	2001	Rock	N	Against
A Fury Divine	Amon Amarth	2001	Metal	N	Against
If Only…	Anasarca	2001	Rock	N	Neutral
Resolution	Antiskeptic	2001	Pop	N	Against
Whatcha Gonna Do	Big Punisher	2001	Rap	N	For
Uncivilization	Biohazard	2001	Metal	N	Against
Hang On	3rd Strike	2002	Alternative	N	Neutral

Call Upon Your Gods	Dark Lotus	2002	Rock	N	For
Insecurity Alert	No Use For A Name	2002	Rock	N	For
La Haine	Asian Dub Foundation	2003	Alternative Rock	N	Against
Dead End	Insane Clown Posse	2003	Rock	N	For
Minus One	Jamie Notarthomas	2003	UNK	N	Against
You Know What They Do To Guys Like Us In Prison	My Chemical Romance	2004	Punk Rock	N	For
Waitin' 4 The Hair	Acid Drinkers	2004	Rock	N	Neutral
We Are	Ana Johnson	2004	Rock/Alternative	N	Against
My First Kiss at the Public Execution	The Blood Brothers	2004	Indie Rock	N	Neutral
It's a Hit	Rilo Kiley	2004	Alternative Rock	N	Against
Goddess (of The Sad Man)	Amorphis	2005	Rock	N	For
I Am The Law	Anthrax	2005	Rock	N	For
Punishment Fits The Crime	Ramones	2005	Rock	N	For
I'm A Rocker	Acid Drinkers	2006	Rock	N	Neutral
Violet Execution	Sebadoh	2006	Indie Rock	N	Neutral
Execution	First Blood	2006	Hardcore/Punk	N	Against
Fuel	Ani Difranco	2007	Folk	N	Against
A Hard's Rain	Ann Wilson	2007	Rock	N	Neutral
The Rack	Asphyx	2007	Rock	N	Against
One Little Solider	Patrick Fitzgerald	2007	Punk Rock	N	For
Tightly Wound	MXPX	2007	Rock	Y/Album	For

Note: The years 1976 to 1980, and 2008 were searched with no capital punishment related songs uncovered.

APPENDIX 2: CONTROL VARIABLES

(from Baumgartner *et al*., 2008 + Updated for 2007-08)

The following are descriptions of the operationalization of the variables provided by Baumgartner and his colleagues of the dependent and predictive variables that were utilized in this study.

Death Penalty Measures

1. Death Row Inmates

The number of inmates on death row data series provides the total number of individuals under sentence of death in the United States in each year. Sources: Annual measure. 1976-2005 data from Snell, 2005, Figure **1**; 2006 data from Fins, 2006; and 2007-08 data from the Death Penalty Information Center (DPIC).

2. Death Sentences

The number of death sentences imposed each year. Sources: 1976-2005 data from Snell, 2005, Appendix Table 2; 2006-08 data from the DPIC.

3. Executions

This series provides the number of individual executed in the United States in each year. Annual measure sources: 1976-2005 data from Snell, 2005, Figure 4; 2006-08 data from the DPIC.

4. Exonerations

The annual number of death row exonerations in the United States. Source: 1976-2008 data from the DPIC.

Crime Measures

1. The Number and the Rate of Violent Crimes, Property Crimes, and Homicides

The number and the rate of violent crimes, property crimes, and homicides committed each year in the United States were extracted mainly from the Uniform Crime Reporting Program associated tables "Crime in the United States by Volume and Rate per 100,000 Inhabitants" supplemented from James Fox and Marianne Zawitz (2006) "Homicide Trends in the United States," Bureau of Justice Statistics.
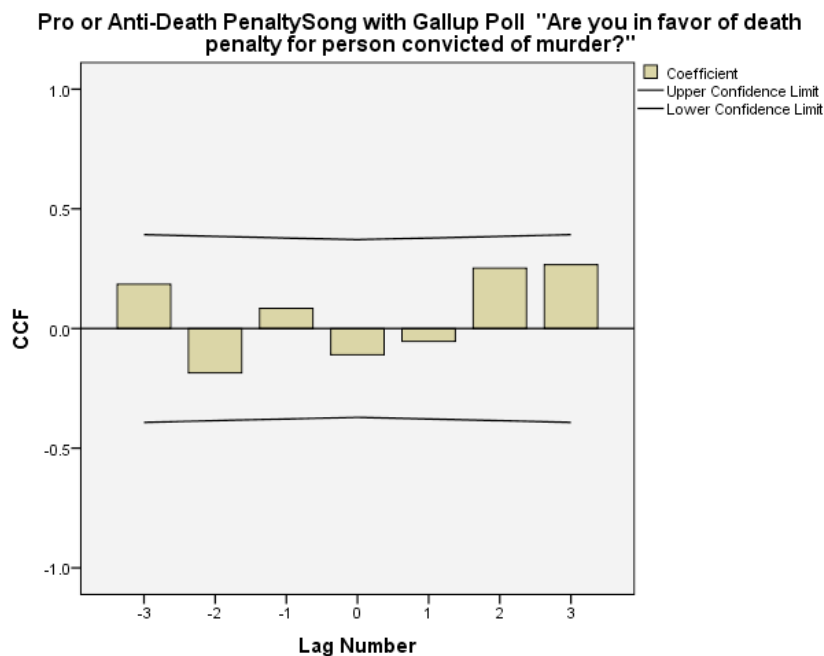
Media Measures

1. The New York Times Capital Punishment Coverage

Baumgartner et al. describe the tracking of how capital punishment was framed in *The New York Times* as the collection of all abstracts of articles on the death penalty listed under the heading "capital punishment." A total of 3,939 abstracts were reviewed and coded regarding the tone of the article and its component arguments regarding capital punishment. Tone is described as "the direction or implication of an article" and was coded as pro-death penalty, anti-death penalty, or neutral (Baumgartner et al, 2008, p. 243-244). From this process, they generated the following time series:

1. The number of *The New York Times* death penalty stories

2. Front-page death penalty stories

3. Death penalty efficacy stories

4. Morality stories

5. Fairness stories

6. Constitutionality stories

7. Pro-death penalty and anti-death penalty stories.

APPENDIX 3: ADDITIONAL CROSS CORRELATIONS

1. Song Tone

Pro or Anti-Death PenaltySong with Gallup Poll "Are you in favor of death penalty for person convicted of murder?"

2. Song Popularity

Pro or Anti-Death Penalty Combined with Popularity with Gallup Poll "Are you in favor of death penalty for person convicted of murder?"
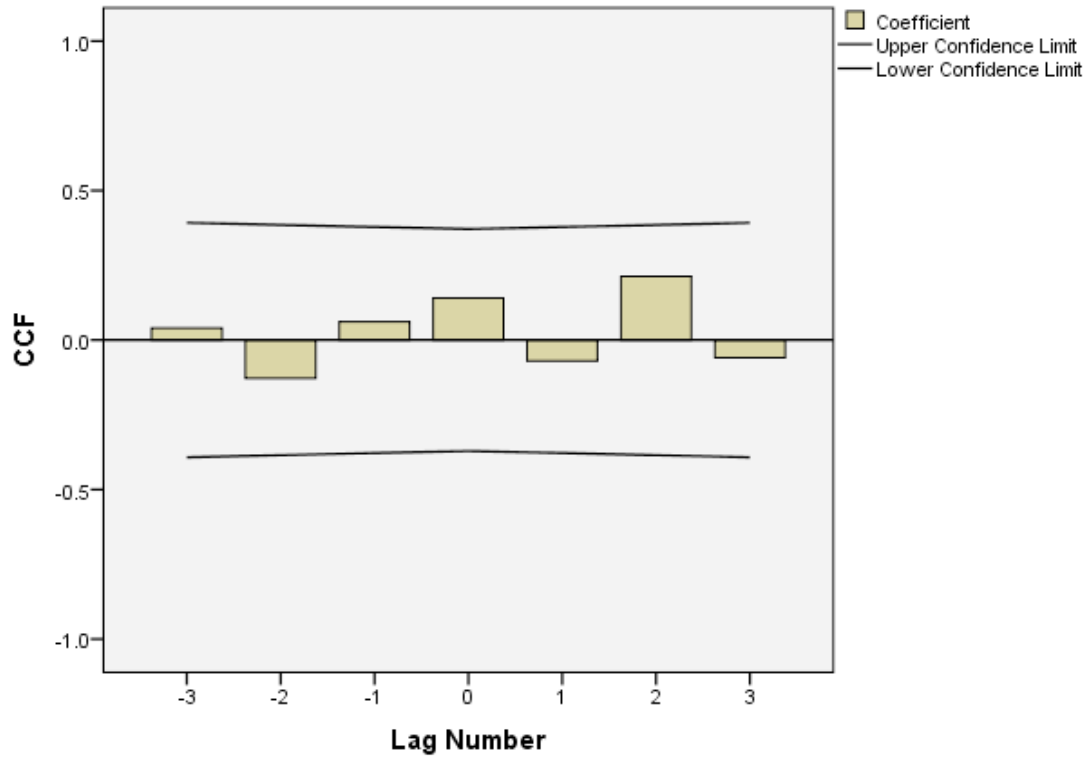
3. Death Row Inmates

Number of Deathrow Inmates with Gallup Poll "Are you in favor of death penalty for person convicted of murder?"
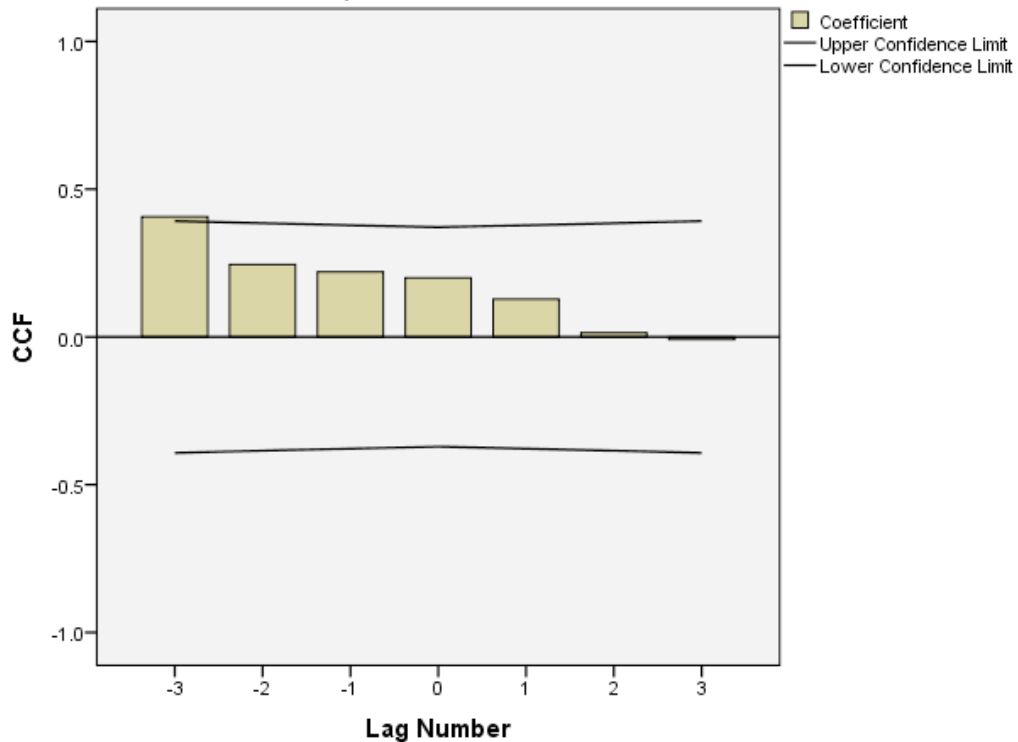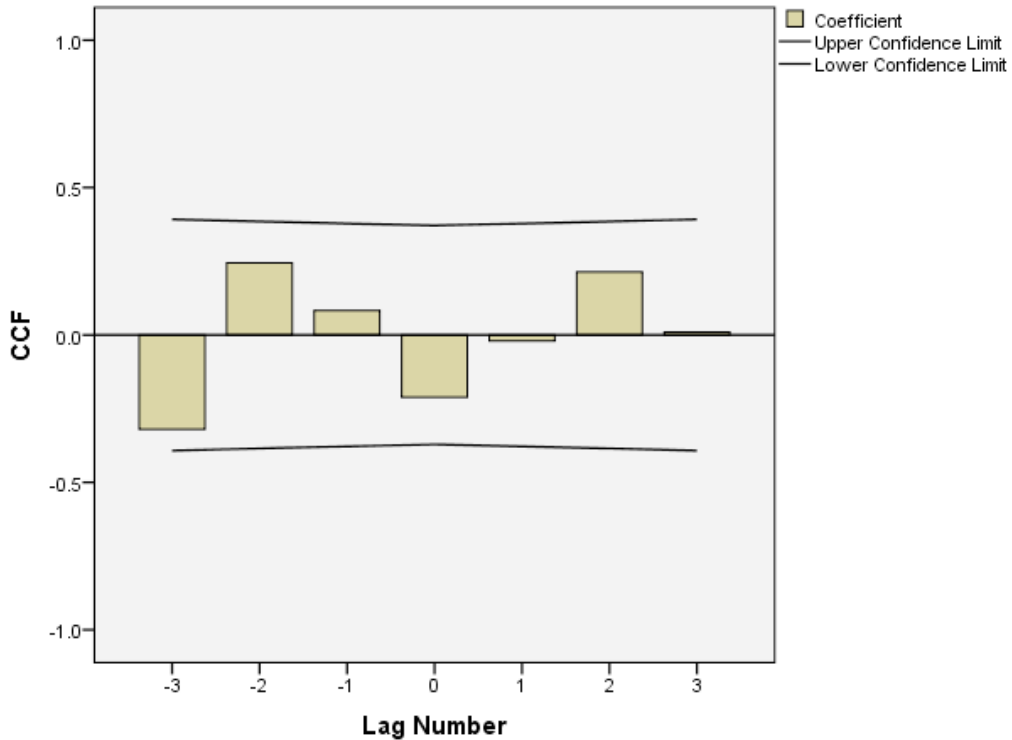
4. Death Penalty Sentences

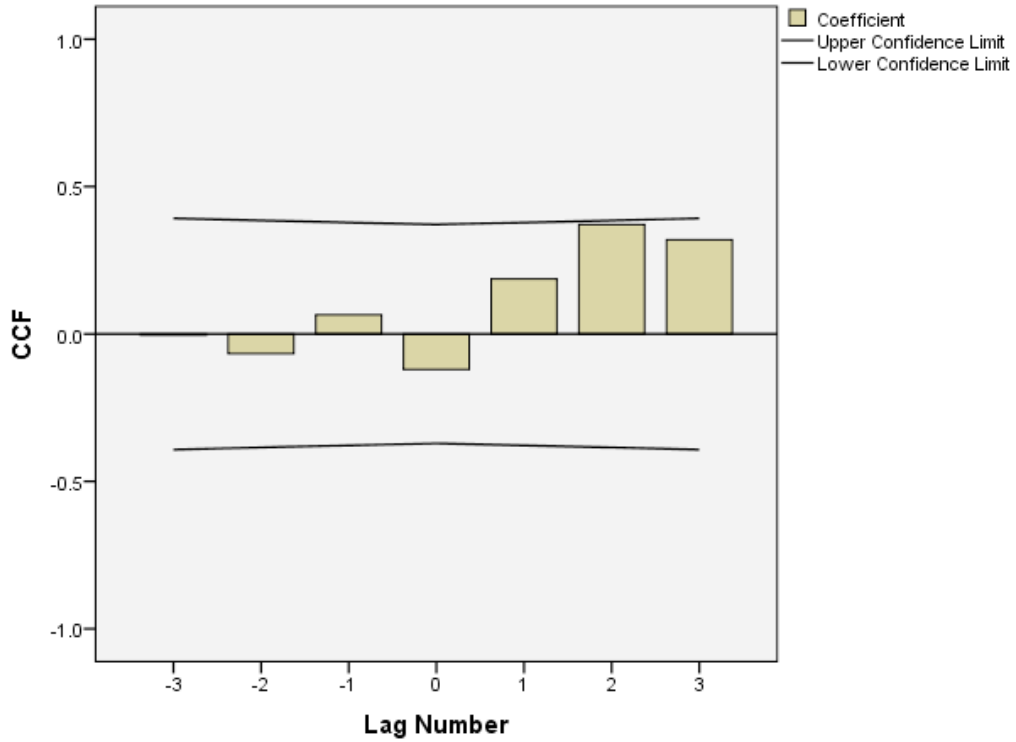**Number of Death Penalty Sentences with Gallup Poll "Are you in favor of death penalty for person convicted of murder?"**
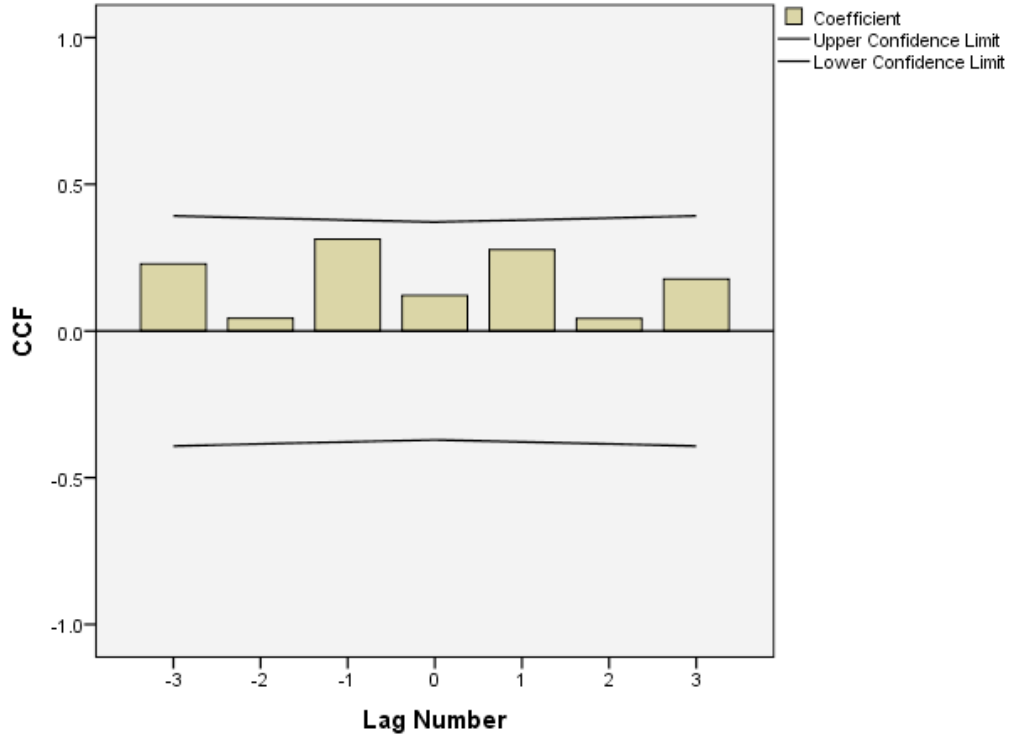
5. Exonerations

Number of Exonerations with Gallup Poll "Are you in favor of death penalty for person convicted of murder?"

6. Murder Rate

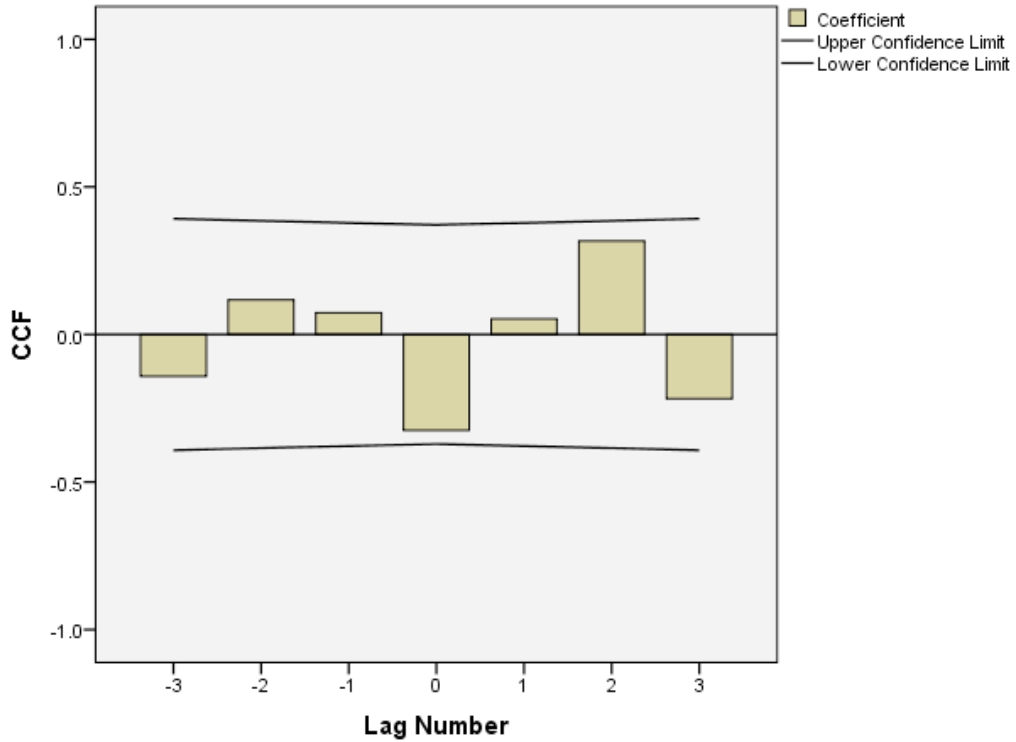**Murder Rate per 100,000 with Gallup Poll "Are you in favor of death penalty for person convicted of murder?"**

7. Property Crime

Property Crime Total with Gallup Poll "Are you in favor of death penalty for person convicted of murder?"
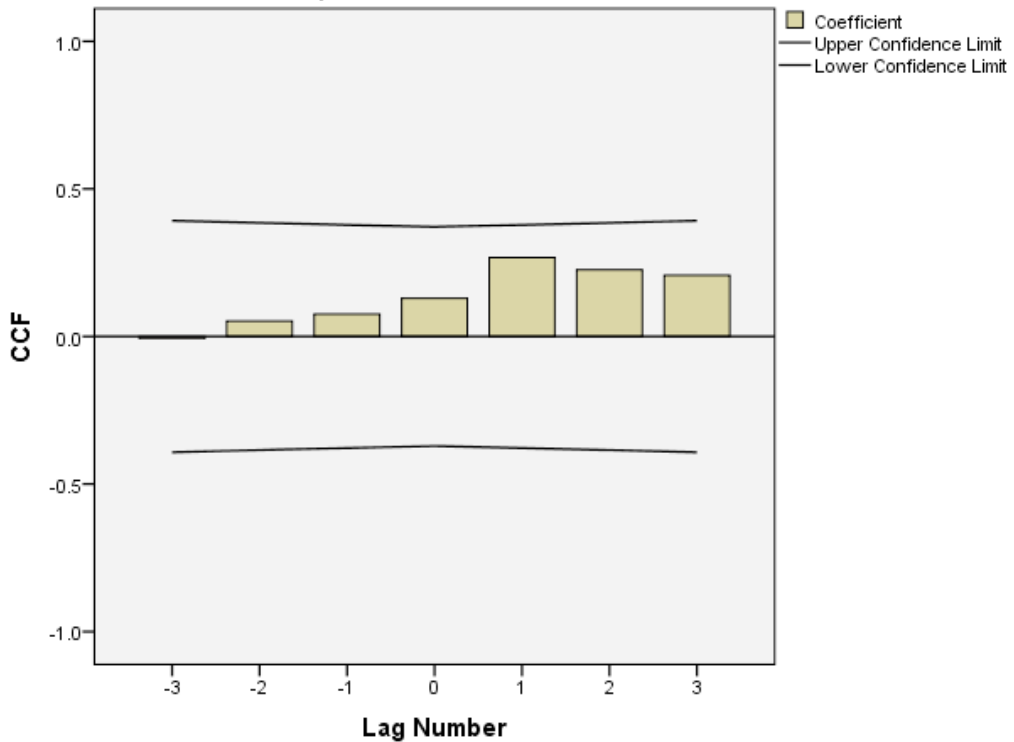
8. Property Crime Rate

Property Crime Rate per 100,000 with Gallup Poll "Are you in favor of death penalty for person convicted of murder?"
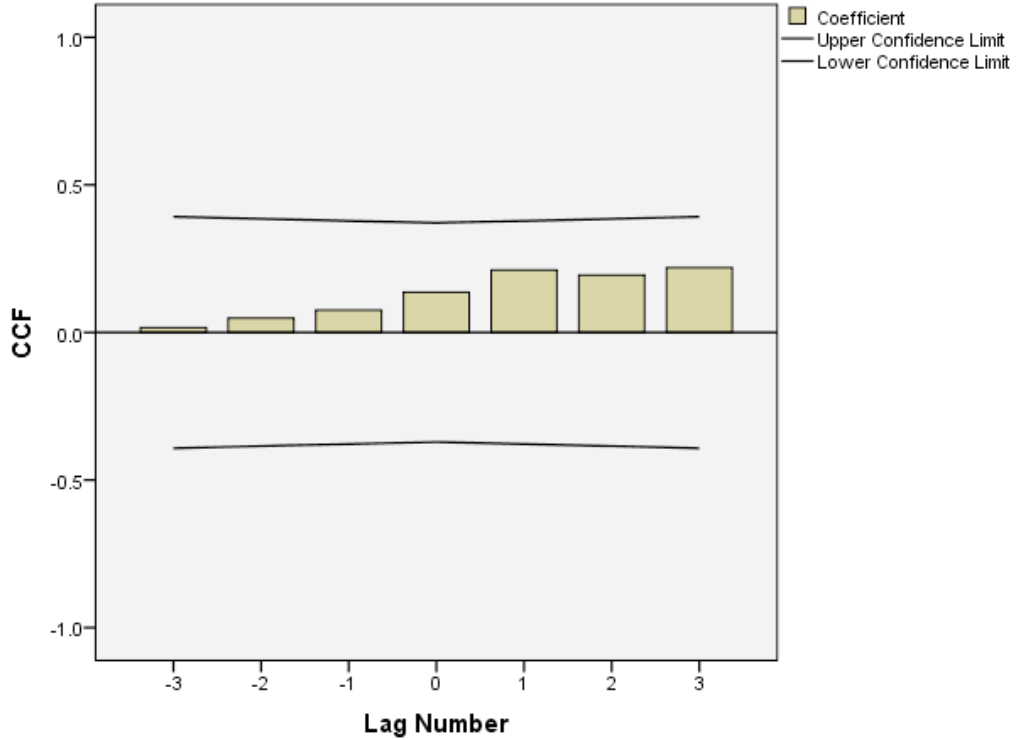
9. Pro Capital Punishment Stories

Death Penalty Stories NY times - Pro Capital Punishment with with Gallup Poll "Are you in favor of death penalty for person convicted of murder?"
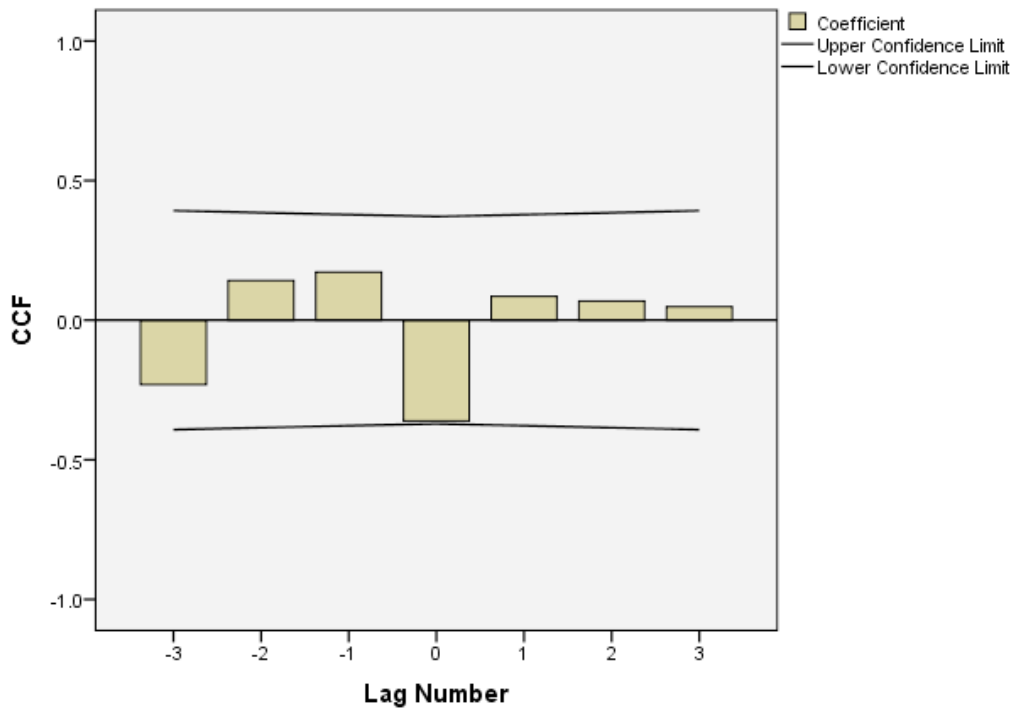
10. Front Page Stories

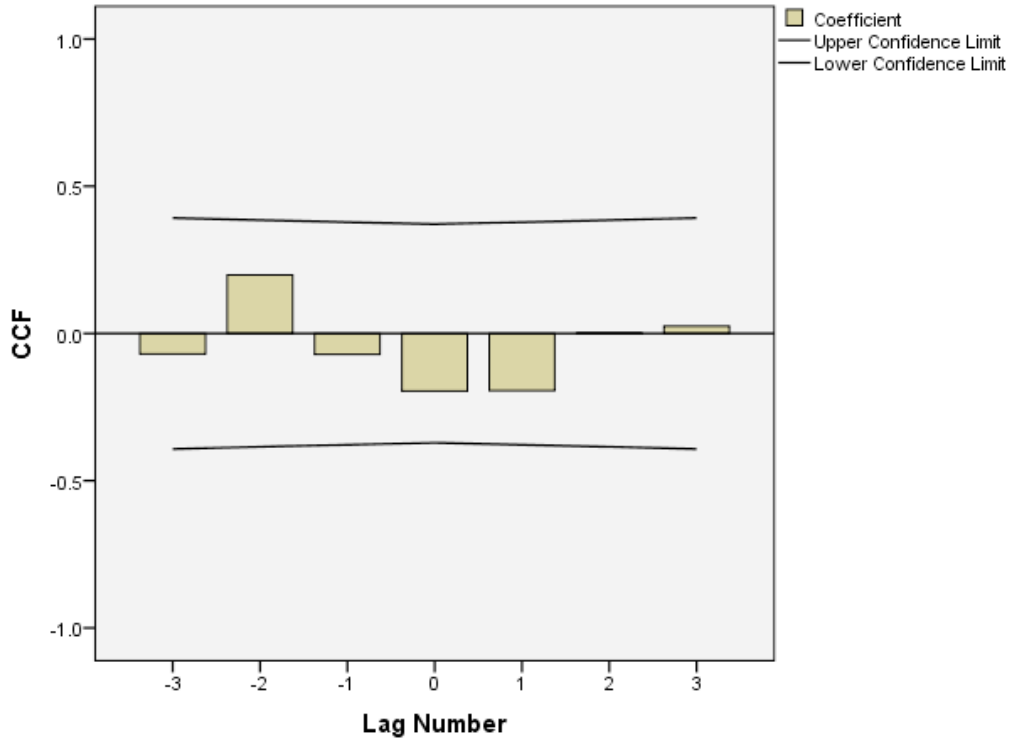Death Penalty Front Page Stories NY Times with Gallup Poll "Are you in favor of death penalty for person convicted of murder?"

11. Efficacy Stories

Death Penalty Stories NY Times - Efficacy with Gallup Poll "Are you in favor of death penalty for person convicted of murder?"
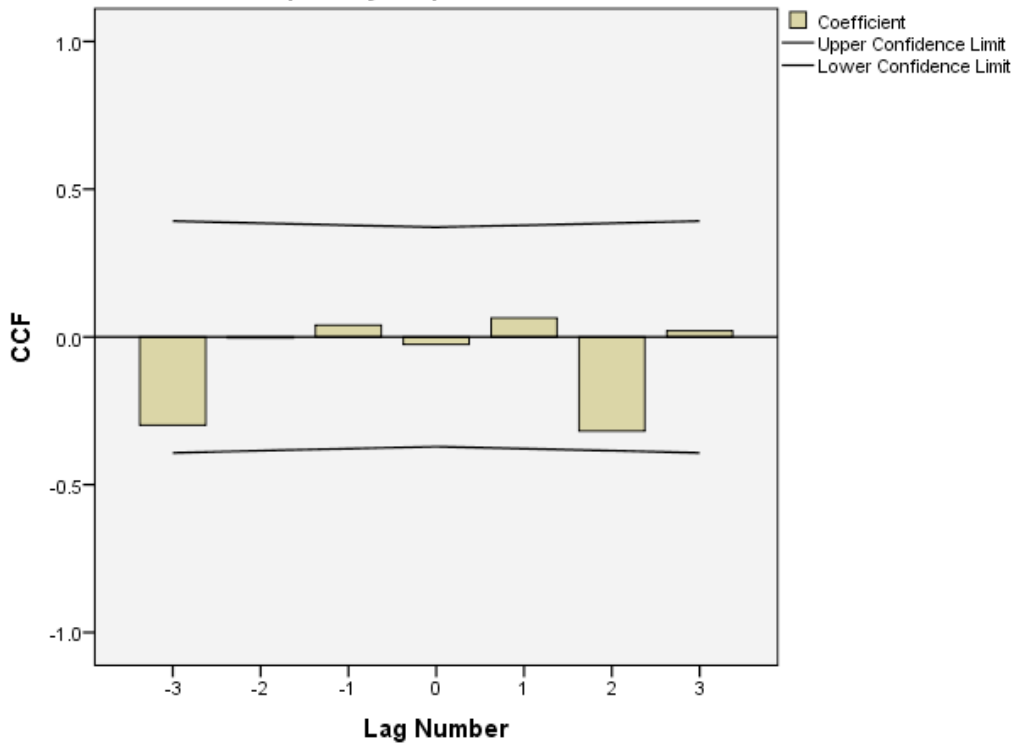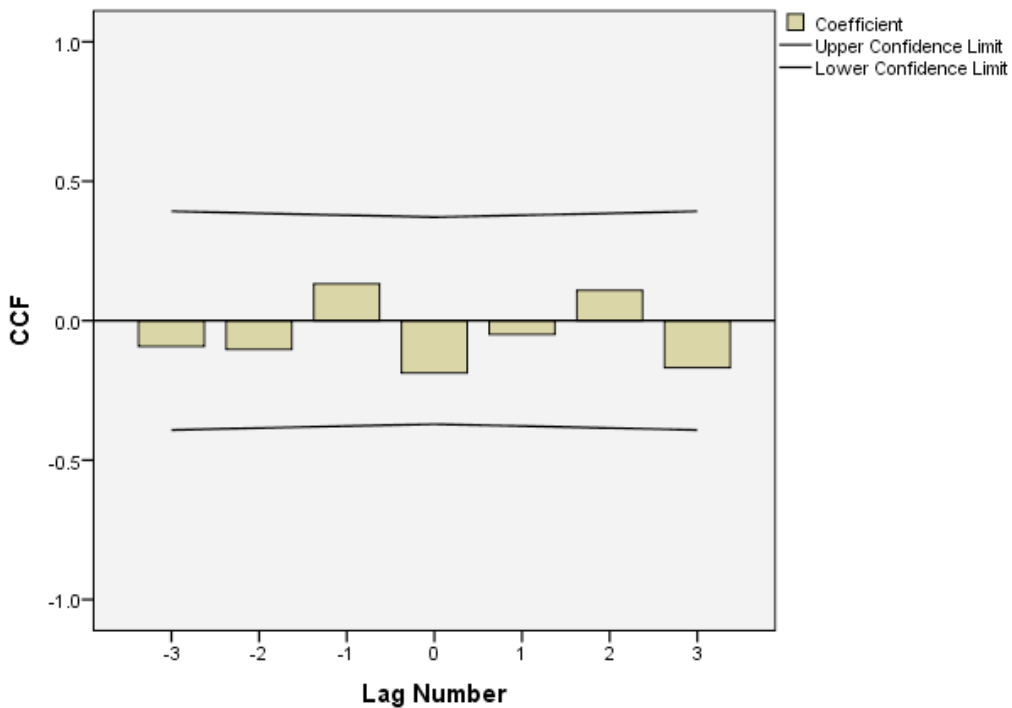
12. Morality Stories

Death Penalty Stories NY Times - Morality with Gallup Poll "Are you in favor of death penalty for person convicted of murder?"
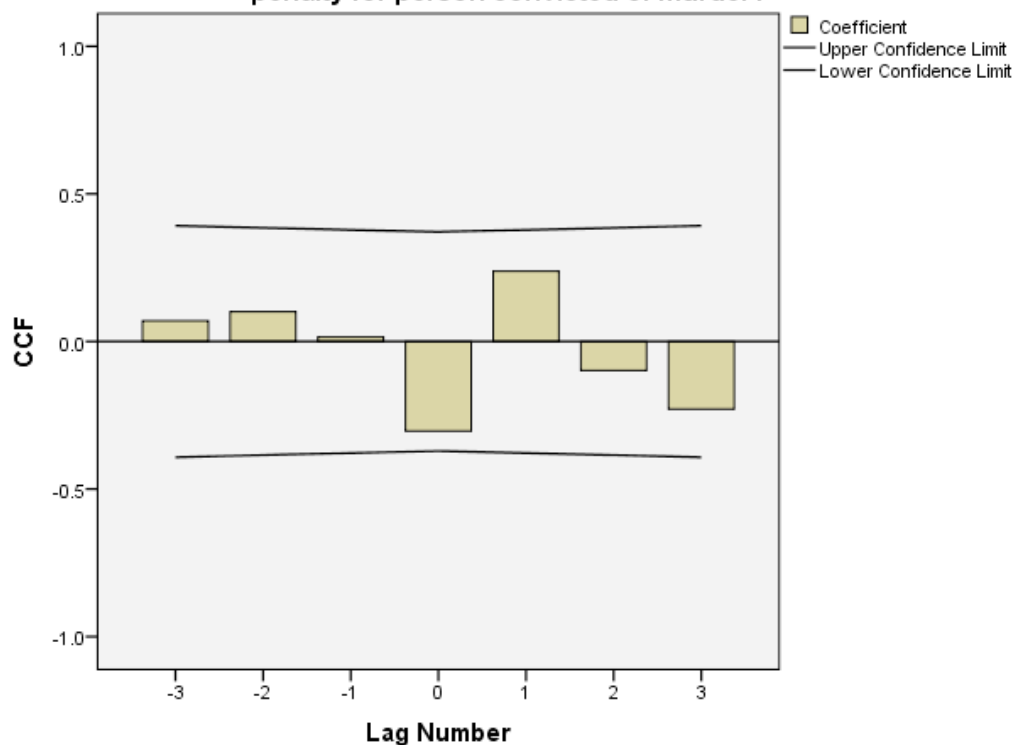
13. Constitutionality Stories

Death Penalty Stories NY times - Constitutionality with Gallup Poll "Are you in favor of death penalty for person convicted of murder?"

14. Readers Guide Death Penalty Stories

Death Penalty Stories Readers Guide with Gallup Poll "Are you in favor of death penalty for person convicted of murder?"

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