

Public Opinion on the Death Penalty
for Youths

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Introduction

The United States is distinctive in several ways on the issue of homicide. First, it has the highest murder rate among developed countries (Killias, 1993; Krug, Powell, and Dahlberg, 1998; Bureau of Justice Statistics, 2001), Second, it is one of the few developed countries that has the death penalty as a punishment for murder ("Abolitionist...", 2001). Third, it is the only developed country and one of only about six countries that applies the death penalty to youths ("USA Set...", 2001; "Death Penalty," 2001).

In 1999 38 states and the federal government imposed the death penalty for murder. At the end of 1999 there were 3,527 federal and state prisoners sentenced to death and during 1999 94 executions were actually carried out. About 2% of those awaiting execution were under 18 at the time of the murder (Bureau of Justice Statistics, 2000; Streib, 1998; Horowitz, 1998).

This report examines public opinion on capital punishment, focusing on attitudes towards the youth death penalty, that is applying the death penalty to those who were under the age of 18 at the time of the crime. It draws on three sources: 1) the National Gun Policy Survey (NGPS) conducted by the National Opinion Research Center (NORC), University of Chicago, which is a RDD, telephone survey of adults conducted from May-October, 2001 with 1176 respondents (Imhof, Kuby, and Hembree, 2001); 2) the General Social Surveys (GSS) of NORC, which are in-person surveys of adults conducted between 1972 and 2000 with a total sample size of over 40,000 (Davis, Smith, and Marsden, 2001), and 3) various public opinion polls that are cited in the text.

Capital Punishment in General

Support for the death penalty for convicted murderers rose from 45% in 1965 until it reached 74% in 1982 (Smith, 1976 and Table 1). Support then generally held at or just below three-quarters from 1982 until 1994 (with top support at 75% in 1985 and 1994). Since 1994 backing for executions has waned, falling to 62% in 2001.¹

Capital Punishment for Youths

Support for the death penalty for murderers who were under 18 at the time of the crime is much lower than overall support for executing convicted murders. While 62% back the death penalty in

¹While there has been speculation that support for the death penalty would rise in the aftermath of the September 11th terrorist attacks, this does not seem to have occurred. In a Gallup survey conducted in mid-October, 2001 support for capital punishment was not significantly higher than the average of five earlier Gallup surveys in 2000-2001.

general, just 34% favor it for those committing murder when under the age of 18 (Table 2). These results are consistent with earlier findings. In a 1991 survey by Princeton Survey Research Associates (PSRA), only 45% agreed that "if a teenager commits a crime that could carry the death penalty for an adult...he or she should receive a death sentence..." Similarly, in a 1995 PSRA survey, only 47% favored the death penalty for a murderer who was "a young teenager at the time of the crime." Likewise, a 1999 poll for NBC/Wall Street Journal found that just 26% endorsed "lowering the age at which the death penalty can be applied to juveniles under the age of fourteen." Finally, in a 2001 PSRA survey in which 72% favored the death penalty for at least the most serious murders, only 38% wanted it applied to "juveniles younger than 18" and just 16% to "children younger than 12."

To test the firmness of opinions about the death penalty for youth the NGPS asked those who favored and opposed a follow-up item that presented information that raised questions about their initial positions. Those who supported the death penalty for youths were told that "the only other countries in the world that apply the death penalty to those who were under the age of 18 are Iraq, Nigeria, and Pakistan."² After hearing this 67% still supported the death penalty for youths, 14% now opposed it, 7% were unsure, and 4% were missing. With these changed opinions taken into consideration, 30% backed the youth death penalty, 62% were opposed, 5% were unsure, and 3% were missing (Table 2).

Those who opposed the youth death penalty were told that "several hundred murders are committed each year by persons under the age of 18." Hearing this changed fewer opinions, 89.5% still opposed executing youth murderers, 7.5% switched to backing the death penalty, 2% were unsure, and 1% were missing. With these changes factored in 38% supported the death penalty for youths, 50% opposed it, 8% were unsure, and 4% were missing (Table 2).

These counter-arguing tests show that opposition to the youth death penalty is firmer (89.5% unchanged) than support is (67% unchanged). They also show that the net impact on opinion is both fairly small and symmetrical with support rising or falling about 4 percentage points (between 30% and 38%).

The Structure of Support for Capital Punishment

Support for the death penalty in general and the youth death penalty in particular is greater among men, Whites, rural residents, and those without any college education (Table 3). Backing for the death penalty in general is marginally higher in

²The list of countries that allow for and/or carry out the youth death penalty varies somewhat according to sources and definitions. The listed countries in the question all have had the youth death penalty at some point since 1985. Other countries that have had it during this period include the Congo, Iran, Yemen, and Saudi Arabia.

New England, but for the youth death penalty it is highest in the South. Support for the general death penalty does not vary significantly by income or age, but the youth death penalty is more favored by those with higher incomes and by older adults. Number of children in the household makes no difference in either situation.

The racial, gender, and residential differences are the most pronounced and follow well-established patterns (Smith, 1976; Stinchcombe, et al., 1980; Longmire, 1996; Stack, 2000; Whitehead and Blankenship, 2000; Cooper, 2000). The educational differences are smaller, but also consistent with other findings (Stinchcombe, et al., 1980 and Longmire, 1996). The relatively high level of support for the general death penalty in New England is questionable, since other studies (Stinchcombe, et al., 1980 and Borg, 1997) and the measure on the youth death penalty show the greatest support in the South.

Support for the youth death penalty is firmest among men and Southerners and does not meaningfully interact with other demographics. Opposition to the youth death penalty is most unchanged among the better educated and those with higher incomes. No other statistically significant differences appeared.

Past criminal victimization is unrelated to support for the general or youth death penalty, but concern about future victimization is associated with more support for both (Table 4). Gun owners are also more in favor of capital punishment. But those who disagree that the police can be counted on are less in favor of the death penalty in both cases. Liberals are least supportive of both the general and youth death penalty and conservatives the most in favor of both.

Only the gun/no gun differentials are appreciable and they are partly related to the gender gap discussed above. The differences by political ideology are consistent with earlier research (Longmire, 1996; Tygart, 1996), but modest. The victimization results were mixed and modest as has been earlier research on whether criminal experiences or fears affect attitudes towards punishment (Tygart, 1996).

The firmest support comes from those who think future victimization is very likely, gun owners, and those who disagree that the police can be counted on. Firmness of opposition to the death penalty does not vary across any of these variables.

Summary

While still backed by over three-fifths of the public, support for capital punishment is waning. The youth death penalty is endorsed by only a third and majorities have consistently opposed it in recent years, but there is no evidence on trends. In addition, support drops off further as the age of the criminal is lowered. Supporters are more easily swayed from their position by counter-arguments than opponents are, but overall public opinion is moved relatively little by providing people with follow-up information.

Capital punishment in general and the youth death penalty in

particular are much less supported by women, Blacks, and those not owning guns than by men, Whites, and gun owners. Support is also somewhat lower among residents of large cities, the college educated, and liberals. Younger adults and those with lower incomes are also less in favor of the youth death penalty, but age and income are unrelated to capital punishment in general. Past victimization also does not affect views on capital punishment, but those who see future victimization as likely are more supportive of the death penalty. Regional differences are not consistent and having children in the household is not related to support for the death penalty.

Table 1

Trends in Support for Capital Punishment

	% in Favor Of	
1972	52.7	(1610)
1973	60.1	(1492)
1974	63.3	(1480)
1975	60.1	(1484)
1976	66.4	(1497)
1977	67.9	(1522)
1978	66.9	(1532)
1980	68.3	(1463)
1982	74.2	(1505)
1983	74.0	(1596)
1984	72.3	(1460)
1985	75.4	(1526)
1986	71.6	(1465)
1987	69.4	(1454)
1988	71.0	(1477)
1989	73.8	(1532)
1990	74.6	(1367)
1991	71.5	(1508)
1993	72.3	(1600)
1994	75.0	(2978)
1996	72.3	(2895)
1998	68.2	(2821)
2000	64.3	(2796)
2001	62.4	(1176)

Question Wording: 1972-1973: Are you in favor of the death penalty for persons convicted of murder? 1974-2001: Do you favor or oppose the death penalty for persons convicted of murder?

Source: 1972-2000 - General Social Surveys (Davis, Smith, and Marsden, 2001); 2001 - National Gun Policy Survey

Table 2

Public Opinion Towards Capital Punishment of Youths

A. Support for Capital Punishment for Murderers in General

Favor	62.4%
Oppose	27.5
Don't Know	6.6
Missing	3.5

B. Support for Capital Punishment When Murderer Was Under 18

Favor	33.7%
Oppose	55.4
Don't Know	6.9
Missing	3.9

C. Support for Youth Capital Punishment After Hearing Which Countries Apply Death Penalty to Youths

Favor	29.9%
Oppose	61.5
Don't Know	5.3
Missing	3.3

D. Support for Youth Capital Punishment After Hearing about Number of Teenage Murders

Favor	37.9%
Oppose	49.6
Don't Know	8.1
Missing	4.4

Source: National Gun Policy Survey, 2001

Questions Wordings: Do you favor or oppose the death penalty for persons convicted of murder who were under the age of 18 when they committed the crime?

IF FAVOR:

The only other countries in the world that apply the death penalty to those who were under the age of 18 are Iraq, Nigeria, and Pakistan. Taking this into consideration, do you favor or oppose the death penalty for persons convicted of murder who were under the age of 18 when they committed the crime?

IF OPPOSE:

Several hundred murders are committed each year by persons under the age of 18. Taking this into consideration, do you favor or oppose the death penalty for persons convicted of murder who were under the age of 18 when they committed the crime?

Table 3

Support for Capital Punishment by Socio-Demographic Variables

	For General Death Penalty	For Youth Death Penalty	Still for Youth Death Penalty after Hearing about Countries	Still Opposed to Youth Death Penalty after Hearing of Teen Murderers
Men	69.7	43.9	75.7	91.8
Women	55.7	24.3	55.2	87.9
	.000	.000	.000	.201
Whites	66.3	36.0	66.5	89.9
Blacks	37.1	19.1	74.8	88.5
	.000	.000	.937	.975
NE	65.3	36.3	70.6	94.4
Midwest	59.9	31.5	64.2	88.9
South	64.0	37.2	73.7	86.9
West	60.2	28.2	54.8	89.8
	.041	.007	.011	.382
Rural	69.7	43.9	80.4	87.8
Sm. Town	67.8	33.3	64.7	87.3
Suburb	57.7	31.2	59.5	88.6
Big City	55.5	30.5	66.4	92.9
	.000	.024	.066	.410
LTHS	68.3	34.5	70.4	85.8
High Sch.	67.6	36.2	66.3	82.6
Some Col.	57.6	33.1	67.7	93.9
College	59.5	28.4	64.2	93.8
	.000	.000	.342	.006
LT 10K	56.9	30.2	53.7	89.1
10-20K	62.7	29.2	65.3	85.0
20-30K	69.6	35.6	83.1	88.5
30-40K	61.8	33.4	78.2	91.0
40-50K	62.3	32.7	59.3	83.7
50-60K	68.1	36.7	72.0	89.1
60-80K	69.0	41.5	77.3	94.8
80K+	63.2	35.4	58.4	94.5
	.177	.011	.001	.011
18-29	61.8	30.2	71.7	82.7
30-39	65.6	30.9	74.0	94.6
40-49	60.3	32.6	70.2	91.7
50-64	60.9	38.9	62.9	89.0
65+	63.4	37.5	59.5	90.2
	.309	.007	.196	.215

Table 3 (continued)

	For General Death Penalty	For Youth Death Penalty	Still for Youth Death Penalty after Hearing about Countries	Still Opposed to Youth Death Penalty after Hearing of Teen Murderers
None	60.9	34.5	64.4	91.9
1	62.9	31.0	61.0	81.8
2	63.3	35.0	77.9	90.9
3	67.5	32.4	87.2	89.0
4+	75.2	27.8	69.5	78.4
	.374	.205	.043	.359

Source: National Gun Policy Survey, 2001

Question Wording: See Table 2.

Table 4

Support for Capital Punishment by Victimization, Crime-Related Variables, and Political Ideology

	For General Death Penalty	For Youth Death Penalty	Still for Youth Death Penalty after Hearing about Countries	Still Opposed to Youth Death Penalty after Hearing of Teen Murderers
Victim	67.2	36.1	73.7	84.8
Not	62.0	33.5	66.3	89.9
	.203	.587	.201	.311
Being Victim				
Very	69.3	51.2	90.2	79.5
Likely	62.4	28.9	62.5	88.6
Not	62.3	34.4	67.2	90.1
	.000	.000	.000	.854
Can Count on Police				
Agree	63.9	34.2	65.4	90.4
DK/Nei.	62.9	25.8	66.3	88.8
Disagree	57.2	33.0	74.3	86.3
	.000	.000	.011	.515
Gun	76.9	45.3	75.1	84.7
No Gun	54.6	28.1	61.3	91.2
	.000	.000	.000	.586
Liberal	56.0	27.6	68.9	88.7
Moderate	63.5	36.5	71.3	91.5
Con.	65.8	35.0	64.6	88.2
	.000	.000	.149	.159

Source: National Gun Policy Survey, 2001

Question Wording: See Table 2

References

- "Abolitionist and Retentionist Countries," Amnesty International, 2001 at www.web.amnesty.org
- Borg, Marian J., "The Southern Subculture of Punitiveness? Regional Variation in Support for Capital Punishment," Journal of Research in Crime and Delinquency, 34 (Feb., 1997), 25-45.
- Bureau of Justice Statistics, "Capital Punishment Statistics," 2000 at www.ojp.usdoj.gov/bjs/cp.htm
- Bureau of Justice Statistics, "Homicide Trends in the U.S.," 2001 at www.ojp.usdoj.gov/bjs/homicide.htm
- Cooper, William C., "The Value of Life: The Effects of Religious Belief upon Opinion on Abortion, Euthanasia, and the Death Penalty," Paper presented at the Southern Sociological Society, 2000.
- Davis, James A.; Smith, Tom W.; Marsden, Peter V., General Social Survey, 1972-2000: Cumulative Codebook. Chicago: NORC, 2001.
- "Death Penalty," Derechos Human Rights, 2001 at www.derechos.org
- Horowitz, Mirah A., "Kids Who Kill: A Critique How of the American Legal System Deals with Juveniles Who Commit Homicide," Law and Contemporary Problems, 63 (2000), 133-177.
- Imhof, Laurie; Kuby, Alma M.; and Hembree, Tina, "2001 National Gun Policy Survey Methodology Report," Chicago: NORC, 2001.
- Killias, Martin. "International Correlations between Gun Ownership and Rates of Homicide and Suicide," Canadian Medical Association Journal, 148 (May 15, 1993), 1721-1725.
- Krug, E.G.; Powell, K.E.; and Dahlberg, L.L., "Firearm-related Deaths in the United States and 35 Other High- and Upper-Middle-Income Countries," International Journal of Epidemiology, 27 (1998), 214-221.
- Longmire, Dennis R., "Americans; Attitudes about the Ultimate Weapon: Capital Punishment," in Americans View Crime and Justice: A National Public Opinion Survey, edited by Timothy J. Flanagan and Dennis R. Longmire. Thousand Oaks, CA: Sage, 1996.
- Smith, Tom W., "A Trend Analysis of Attitudes towards Capital Punishment," in Studies of Social Change Since 1948, edited by James A. Davis. NORC Report 127B. Chicago: NORC, 1976.
- Stack, Steven, "Support for the Death Penalty: A Gender-Specific

Model," Sex Roles, 43 (August, 2000), 163-179.

Stinchcombe, Arthur L.; Rebecca Adams; Heimer, Carol; Scheppele, Kim; Smith, Tom W.; and Taylor, D. Garth, Crime and Punishment: Changing Attitudes in America. San Francisco: Jossey-Bass, 1980.

Streib, Victor L., "Moratorium on the Death Penalty for Juveniles," Law and Contemporary Problems, 61 (1998), 55-87.

Tygart, C.E., "Do Fear of Crime Victimization and or Ideological Orientation Increase Support for Increased Punishment?" International Journal of Group Tensions, 26 (Winter, 1996), 215-224.

"USA Set to Break a Global Consensus," Amnesty International, 2001 at www.amnesty-usa.org

Whitehead, John T. and Blankenship, Michael B., "The Gender Gap in Capital Punishment Attitudes: An Analysis of Support and Opposition," American Journal of Criminal Justice, 25 (Fall, 2000), 1-13.