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## Determinants of Death: State Variation in Capital Punishment Policy

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# Determinants of Death: State Variation in Capital Punishment Policy

Cody Smith

## **Abstract**

This research uses logistic regression analysis to determine how certain variables impact state capital punishment policy. The analysis will specifically focus on the determinants of whether or not a state uses capital punishment. The results should prove to be practically useful to those that support and oppose the use of capital punishment because it can help activists determine where they should focus their efforts and resources to influence capital punishment policy.

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**Determinants of Death:**

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## **Introduction**

Capital Punishment is one issue that Americans firmly agree on. According to a 1995 Gallup Poll, 77% of Americans are in favor of capital punishment for a person convicted of murder (Moore 23). This enormous level of support is amazing when one considers that the United States is the only Western industrialized nation that still continues to use capital punishment (Smith and Wright 122).

An endless number of researchers have analyzed the many different aspects of the use of capital punishment in the United States. Most of this research has focused on the effects of capital punishment. Specifically, much of the existing literature seeks to determine whether it acts as a deterrent to potential murderers and whether it is racially biased in its implementation. While these are necessary questions to examine, one crucial aspect has been neglected. Very few studies have sought to explore the causes of state variation in capital punishment policy.

This research uses logistic regression analysis to determine how certain variables impact state capital punishment policy. The analysis will specifically focus on the determinants of whether or not a state uses capital punishment. The results should prove to be practically useful to those that support and oppose the use of capital punishment because it can help activists determine where they should focus their efforts and resources to influence capital punishment policy.

## **A Brief History**

Any examination of the modern use of capital punishment must begin in 1972. In 1972, the United States Supreme Court made a monumental ruling in *Furman v. Georgia*. The Court held that every death-sentencing statute then in place was arbitrary and potentially discriminatory. Thus, the statutes violated the cruel and unusual punishment clause of the Eighth Amendment (Baldus, Woodworth, and Pulaski, Jr. 1). However, this ruling also spelled out how a state's statute might be deemed constitutional. Essentially, a state must be able to prove that its use of capital punishment is systematic and does not discriminate against certain races. Many states passed new statutes that they felt would prove to be constitutional. In 1976, the Court cleared the way for executions to begin anew. In *Gregg v. Georgia*, the Court upheld Georgia's newly passed statute and thus set the precedent that the use of capital punishment can be constitutional (Russell 20). Public opinion on capital

punishment has shifted drastically since the early 1970s. In 1971, only 49% of the public supported the use of capital punishment. This figure jumped to 65% by 1976. As already mentioned, a 1995 Gallup poll reveals that this percentage has climbed to 77% (Moore 25). Currently, 38 of the 50 states use capital punishment.

## Literature Review

As mentioned earlier, there is very little research that directly examines the determinants of state variation in capital punishment policy. However, there is a lot of research on other aspects of capital punishment that has influenced the design and goals of this research. The connection between the literature and this research should begin to reveal itself in this section. The literature that specifically pertains to the development of the hypotheses will be discussed in a later section.

Much of the recent literature on capital punishment has explored whether or not it is racially biased. Despite the incredible amount of research on this issue, the academic world has still yet to reach a consensus. A lot of this is due to differing perceptions that shape how one views the world. Gregory D. Russell's research directly challenges the rationale the Supreme Court uses to determine the existence of racial bias. He reminds readers that the Court has required defendants to present overt and direct evidence of racial bias. Russell stresses that much of today's racism is less direct and more institutionalized (127). One specific example he gives is that Caucasian support of capital punishment is far greater than that of African Americans. When courts are placing people on juries, they usually dismiss those that admit to being unable to sentence someone to death in all circumstances. Russell's study shows a clear relationship between racial bias and support for capital punishment. Russell maintains that this system inherently leads to proportionally having more racists on juries than exist in the overall population (128).

Those that claim capital punishment is not racist have empirical proof to support their claims. Between 1976 and 1985, 47 people were executed. Twenty-eight were Caucasian, 17 were African American, and 2 were Hispanic. Some claim that these figures show that capital punishment is actually biased against Caucasians. This is because in this same time frame only 35% of those arrested for murder and non-negligent homicide were Caucasian (Johnson 44). Once again, it is clear that one's interpretation of this data is conditioned by how much one attributes an individual's behavior to circumstances that he or she can directly control. Some argue that the fact that African Americans make up only 12% of the population but 50% of the murderers shows that inequality and racism persist in American society. One could argue that in an equal society these two percentages would be equal and the fact that they are not is caused by the poverty, oppression, and despair that results from current prejudices

and the lingering effects of America's racist past. One of the preeminent scholars on urban poverty, William Julius Wilson, discusses the violence caused by the cycle of unfortunate circumstances and inequality. He states, "Neighborhoods plagued by high levels of joblessness are more likely to experience low levels of social organization: the two go hand in hand. High rates of joblessness trigger other neighborhood problems that undermine social organization, ranging from crime, gang violence, and drug trafficking to family breakups and problems in the organization of family life" (21). While this research deals with state policy making and not public opinion, it will become clear in the explanation of the hypotheses that these varying perspectives about racial bias have had a fundamental impact on this research.

The other aspect of capital punishment that has gotten a lot of attention from researchers has been whether or not it deters potential criminals. As M. Watt Espy, Jr. points out, proponents of capital punishment repeatedly fall back on its supposed deterrence effect as a primary reason why it should continue to be used as a form of punishment. He also says that logically this means that executions should be most effective in deterring potential violent criminals when they are as public as possible (537). Studies on the effectiveness of public executions have resulted in mixed conclusions. Steve Stack used a multivariate time-series model to study the effects of publicized executions in Georgia between 1950 and 1965. He found that in this time period a publicized execution was associated with a 6.8% increase in homicides in the month following the execution ("Execution..." 25). However, a later study done by Stack revealed different results. Using data from 1977-1984, he performed a variety of regression analyses to examine the differing effects of publicized executions on Caucasians and African Americans over varying time spans ("The Impact..." 178). He found that publicized executions had no effect on the homicide rates for African Americans, but did result in a significant decrease in the homicide rate for Caucasians (172).

Overall, nearly all studies have found no empirical causal connection between the use of capital punishment and actual deterrence effects on homicides. William J. Bowers and Glenn Pierce studied data from the state of New York between 1907-1963. They found that, on average, there were two additional homicides in the month after an execution (453). William C. Bailey used time-series regression analysis to examine the deterrent effect. He found that sociodemographic factors, such as income, education, race, unemployment, and urban population, are better predictors of a state's homicide rate than use of capital punishment (235).

The final piece of literature that needs to be mentioned at this point is the one that most closely relates to this research. It is the only study that directly aims to analyze state variation in capital punishment policy. Bijou Yang's and David Lester's study titled "Which States have the Death Penalty: Data from

1980” appeared in *Psychological Reports* in 1989. Yang and Lester used data on 37 social characteristics to analyze the social correlates of the presence of capital punishment in the states by using factor analysis. They found that “states with greater social instability (divorce, interstate migration, and low church attendance) and in the south were more likely to have a death penalty” (185). The research to be presented here is not as concerned with the psychological and sociological sources of state policy variation. Yang and Lester left some key variables unexplored. If one seeks to understand the factors that influence a state’s capital punishment policy, one cannot ignore the political variables that almost assuredly impact any type of policy formation.

### **Research Design**

This research specifically seeks to examine the factors that influence state variation in capital punishment policy. Only factors that might affect the legislators that make such policy and the output produced by these elected officials will be examined. The specific aspect of capital punishment policy that this research explores is the determinants of whether or not a state uses capital punishment. Those that do not use capital punishment were coded as a “0” in the data file while those that do currently use it were coded as a “1.” Nebraska is not included in this research because it has non-partisan state congressional elections.

There are eleven separate independent variables that are initially included in the regression model. These variables include a mixture of sociodemographic variables, political variables, and criminal justice variables. A variety of sociodemographic variables are necessary to include because in theory a government’s policy outputs should be in part dictated by the opinions and traits of its constituency. It is reasonable to assume that different groups of people will have different policy preferences and will display varying degrees of political involvement. It is clear that it is vital to include the political variables that Yang and Lester left out of their research because policy making in the state legislatures will inevitably be influenced by political ideologies and partisanship within the government and the population. Criminal Justice variables are included because the actual amount of crime in a state might cause a reaction that directly influences the development of capital punishment policy.

### **Independent Variables**

#### *1. % Non-White*

-The percent of Caucasians in each state was subtracted from 100%.

-*The World Almanac and Book of Facts: 1998*



## 2. Murder Rate

-1994 murder rate per 100,000

-Hovey and Hovey, *CQ's State Fact Finder*

## 3. Crime Rate

-1994 crime rate per 100,000

-Hovey and Hovey, *CQ's State Fact Finder*

## 4. % Urban

-1990 Census of the Population

-Duncan and Lawrence, *Congressional Quarterly's Politics in America 1998*

## 5. Average Income

-The 1995 per capita personal income figures were adjusted for each state's cost of living by dividing the per capita personal income figure by the cost of living index number for each state. This was done to ensure that the fluctuations in average income were not a product of the differences in cost of living.

-Hovey and Hovey, *CQ's State Fact Finder*

## 6. Educational Attainment

-% of the population with college degrees

-Hovey and Hovey, *CQ's State Fact Finder*

## 7. Fundamentalist Protestants

-1974 data indicating the percent of Fundamentalist Protestants in each state.

-Erickson, Wright, and McIver, *Statehouse Democracy*

## 8. 1996 Presidential Vote

-% of the two-party vote for Bob Dole

-Gerald Pomper, *The Election of 1996*

## 9. State Legislative Partisan Split

-The first step was to find the lower House partisan splits between the Republicans and the Democrats for each even numbered year between 1976 and 1998. Then, the percentage of Republicans in office for each state during this time frame was determined. These percentages were then averaged. Next, the distance was measured from 50% so that the data would not be affected by whether the splits favored the Democrats or Republicans. This was done so that only the impact of competition and not partisanship would be evaluated in the regression model.

-*The Book of the States*

## 10. Voter Party Identification

-This variable is taken from 1996 exit polls. It is the percent of Democrats minus the percent of Republicans. This subtraction method was used to weed out some of the effects of varying levels of independent voters.

-*The Roper Center for Public Opinion Research*

## 11. Voter Ideology

-% conservative minus percent liberal

-*The Roper Center for Public Opinion Research*

The analysis will also try to control for the effects of a state's region. It is quite possible that a state's regional "personality" will lead to certain independent variables having different effects on the dependent variable. It is necessary to explore such possibilities because it enables one to get a clearer understanding of the relationships between the independent variables and the dependent variable. This is especially true when dealing with an issue such as capital punishment that is prone to being influenced by a state's overall political culture

## Hypotheses

1. *As the percentage of non-white citizens in a state's population increases, the likelihood of a state having capital punishment increases.*

Americans are divided on how blind justice truly is. A 1995 Gallup poll revealed that 66% of African Americans believe that the American justice system is biased against African Americans (Saad and McAneny 32). M. Dwayne Smith and James Wright show that this racial divide in public opinion on issues pertaining to justice and the legal process holds for capital punishment. In their 1992 study, they found that 75% of Caucasians support the use of capital punishment while only 44% of African Americans do. This indicates that there is a certain sentiment in the African American population that direct racism contaminates the pursuit of justice in the American legal process and/or that the legacies of historical racism have become institutionalized and thus created a social structure that inherently disadvantages the minority population.

It might seem logical to assume from this split in public opinion that states with more minorities should be less likely to use capital punishment. A state with a larger minority population would be comprised of more people that oppose the use of capital punishment. Clearly, this goes against the hypothesis. This is because the logical conclusion just presented assumes that Caucasian voters' opinion on capital punishment is consistent regardless of the percentage of minorities in the population. In *Southern Politics in State and Nation*, V.O. Key, Jr. claims that the presence of minorities affects the political thought and behavior of the Caucasian citizens that live among them. He states, "Whatever phase of the southern political process one seeks to understand, sooner or later the trail of inquiry leads to the Negro" (5). Historically, the racial issues has unified the South politically and given Caucasians of various political persuasions a single issue to rally around. Key, Jr. thinks that it is this racism and the fervent desire to keep the minority citizens of the South out of the political process that have allowed the wealthy members of the southern elite to have a monopoly on power. The poor in the South have been too afraid to form a separate faction in the political structure because they feared that this would increase the voice of the minority population. Key, Jr.'s theory clearly

seems to indicate that some of the political behavior displayed by Caucasians is influenced by their reactions to living among people of different races.

It is Key, Jr.'s theory that has led to the relationship predicted in the hypothesis. Very few would argue that America has completely rid itself of the racist element in its public or private sphere. The research by Smith and Wright indicates that African Americans still feel an element of direct and institutionalized racism pervades the application of true justice. Key, Jr.'s theory of the presence of racial minorities affecting the political outlooks of Caucasian citizens should hold for the issue of capital punishment. Those in states with a higher percentage of minorities in the population will see more news stories about minority citizens who have been charged with and convicted of murder. America's lingering racism and the proportionally high frequency of African American murderers will create a reactionary fear and thus an increasing desire to have the most extreme form of punishment. However, one would expect that the impact of the racial composition of the population will be different for different regions with different political cultures. States such as Rhode Island that come from a different region than a state like Mississippi would seem less likely to be influenced by the presence of a minority population when establishing capital punishment policy. It also is logical to conclude that minorities from these more liberal states will have more access to the political process and thus more influence in the policy making process.

*2. As the percentage of Fundamentalist Protestant citizens in a state's population increases, the likelihood of a state having capital punishment increases.*

In their article "Religion, Punitive Justice, and Support for the Death Penalty," Harold Grasmick, John Cochran, Robert J. Bursik, Jr., and M'Lou Kimpel show that Fundamentalist Protestants' views on human nature lead them to have very unique views on criminal behavior. They hypothesize that Fundamentalist Protestants are more punitive in their criminal justice policy preferences because they attribute criminal behavior to dispositional characteristics, not situational factors (289). To test their hypothesis, they conducted a simple random sample of 395 adults in Oklahoma City (297). They note that punitiveness is also highly correlated with political conservatism. Therefore they included control variables, such as political party identification to control for the possibility that the punitive views of Fundamentalist Protestants are not merely the result of the political partisanship (300). They ran logistic regressions of preferences for five different criminal justice policies. They found that, after controlling for the effects of other variables, liberal/moderate Protestants are significantly less punitive than Fundamentalist Protestants on all of the criminal justice policy preference questions except for the use of deadly force by the police. Two of the four variables in which a significant relationship is shown included the death penalty.

Their research clearly shows that Fundamentalist Protestants are more likely to support the use of capital punishment. However, this does not necessarily mean that it will hold true in this analysis. The research just discussed analyzes only individuals' opinions. This research will explore the connection between public opinion and policy outputs. It should also shed some light on how much of an influence Fundamentalist Protestants have in the policy making process.

*3. As the crime and murder rates in a state increase, the likelihood of a state having capital punishment increases.*

If policy makers believe that capital punishment does in fact act as a deterrent, then it would logically follow that states which have higher murder rates and crime rates would have more incentive to implement it. A higher murder and crime rate might also lead to a state's citizenry developing a punitive attitude towards justice because they are more routinely the victims of such crimes and more frequently hear about such terrible crimes that might warrant the use of capital punishment.

The primary problem with this theory is a causal one. One could argue that it is the state's policy on capital punishment that dictates the criminal behavior of its citizenry. This should especially be taken into consideration due to the fact that the murder and crime rates come from 1994 figures while the states' capital punishment policies have been forming since 1976. While this issue of causality definitely needs to be considered, it does not necessarily mean that this relationship can only flow in one direction. Actions can lead to a punishment, which can then cause certain reactions. Essentially, a cycle begins and it becomes difficult to separate the causes and effects. The one thing that supports the approach taken in this study is that repeated research has shown that the use of capital punishment does not act as a deterrent. Therefore, what becomes more important are the perceptions about its potential effectiveness. In this situation of perceived over actual effects, it appears that high murder and crime rates would encourage policy makers to act on its perceived belief in the existence of a deterrent effect.

*4. As the partisan split in a state's lower house increases, the likelihood of its having capital punishment increases.*

This hypothesis aims to explore the effects political competition in a state's legislature has on policy making. The connection between competition, the representativeness of government, and policy outputs has been an issue of great debate between scholars.

V.O. Key, Jr. is one of the first to be mentioned in any discussion about the effects of political competition on policy outputs. He claimed that the "have nots" lose under representation characterized by non-competitive politics. His

reasoning is that in such cases the dominant party faces no competition and thus no real threat to their electability. Therefore, the dominant party does not need to actively pursue the votes of the "have nots" because they are powerful enough to win elections without their support and can continue to meet the needs and preferences of the wealthy already in power. In areas with highly competitive politics, every vote matters and thus politicians must make overtures to the "have nots." Key, Jr. theorized that competitive politics and the related focus on the "have nots" will result in more emphasis on social issues such as welfare expenditures and regressive tax systems (307). It could be reasonably argued that the death penalty is an issue that is of more importance to the "have nots." This argument is especially convincing when one considers the drastic split in public opinion over capital punishment between Caucasians and African Americans. According to Key, Jr.'s theory, states with less competition should be more likely to use capital punishment because opposition to its usage comes more from the voices of the "have nots."

Many scholars have sought to test Key, Jr.'s theory on competition and policy outputs. One leader in the field that has done so is Thomas R. Dye. In his book *Politics, Economics and the Public*, he presents research that he claims shows that competition and participation do not influence public policy outputs once one controls for the effects of income, urban, and education (293). He essentially claims that the image of partisan politics influencing the direction of policy outputs is all a mirage and that neither the parties' differing political philosophies nor the voters' policy preferences affect the policy outputs produced by elected officials.

One of the more recent researchers to empirically explore this divisive issue is Harvey Tucker. Tucker presents his results in his article "Interparty Competition in the American States" that appeared in *American Politics Quarterly*. He determined that there is a clear connection between competition and policy outputs. Specifically, he found that increased competition in the lower house of a state's legislature leads to increased welfare expenditures (109). This directly supports Key, Jr.'s contention about the need to please the "have nots" in a competitive political system. However, Norman Luttbeg questions Tucker's methodological approach to the issue. He questions Tucker's use of welfare expenditures as a dependent variable because he claims that it is too dependent upon a state's wealth and therefore may be the true driving force behind a state's welfare expenditures. He insists that a better measure of policy outputs that might favor the "have nots" is the regressiveness of the tax system because it is not as influenced by a state's wealth. After substituting the regressiveness of the tax system for welfare expenditures, he shows that no relationship exists with the amount of political competition within a state (178).

Clearly this is an issue that has yet to be answered. This research will add to the existing literature on this issue. The use of capital punishment is a policy

avored more by Caucasians and less by African Americans or the “have nots” described by Key, Jr. Considering the racial division in public opinion, Key, Jr.’s theory seems logical because it is less likely that the minority voice will be heard in non-competitive politics.

*5. As the percentage of Republican voters in a state increases, the likelihood of a state having capital punishment increases.*

Party labels enable voters to categorize their choices and vote for the candidates of their preferred party—the party which they perceive to be closest to their interests (Bibby 12). A 1995 Gallup poll revealed that 89% of self-identified Republicans support the use of capital punishment while only 67% of those that identify themselves as Democrats do (Moore 25). The results from the regression model should reveal what type of influence public opinion and specifically voter partisanship has on state capital punishment policy making. If the results reveal that no relationship exists, then this might be a sign that public opinion, as shown through partisan identification, does not influence legislators when it comes to capital punishment policy. A non-relationship could also simply be due to the fact that capital punishment policy was established at a time when states’ partisan makeup differed from today’s current splits. However, it also must be remembered that if a relationship does exist, it does not necessarily mean that the legislators are making their public policy choices based on public opinion. It might be that a more Republican voting base tends to elect more officials that happen to share similar stances with them. In essence, an elected official’s own opinions may be an intervening variable between the voters’ partisanship and capital punishment policy output.

## Analysis

### *Descriptive Statistics*

The data in Table 1 presents a preliminary comparison between those states that do use capital punishment and those that do not. It provides an efficient and effective way to initially consider what variables show a clear variation between the two groups of states. One of the figures that stands out is that minorities makeup 17.6% of the population in the states that do use capital punishment while they are only 12.5% of the population in those that do not. It is also interesting to note the almost non-existent difference in the level of competition in the state legislatures. Overall, these figures indicate that states that use capital punishment have a larger minority population, higher murder and crime rates, are more urban, have a higher per capita income level, are less educated, have a lower percentage of Fundamentalist Protestants, and have a more Republican and conservative population. While these figures enable one to make a quick comparison between the states, they do not indicate what the true relationships are between the various independent variables and

the use of capital punishment because the data does not control for the effects that the independent variables may be having on each other. It is for this reason that it is necessary to turn to a more complex method of empirical analysis. Logistic regression analysis allows one to control for the effects of the other independent variables and also lets one determine the explanatory power of the independent variables taken as a whole.

**Table 1**  
**Descriptive Statistics**

	Use Capital Punishment N=37		Do Not Use Capital Punishment N=12	
	Mean	Std. Deviation	Mean	Std. Deviation
Minority	17.59	9.07	12.52	17.91
Murder	8.14	4.06	4.25	3.31
Crime	5157.54	1112.17	4361.50	1607.25
Urban	69.51	13.18	65.08	20.13
Income	21906.60	4359.95	21747.83	2396.42
Education	19.73	3.79	19.92	3.93
Religion	18.27	15.18	19.92	3.93
1996 Pres. Vote	48.74	6.72	40.68	6.75
House Partisanship	16.95	10.25	16.02	11.34
Voter Party ID	0.97	10.67	9.33	12.82
Ideology	20.30	10.35	12.58	9.44

### *Logistic Regression Analysis*

The results of the initial logistic regression model is presented in Table 2. It reveals the independent effects and the overall explanatory power of the various independent variables on a state's policy regarding whether or not it uses capital punishment. One thing that immediately deserves to be mentioned is the relatively high R-square of the model. The Cox & Snell R-Squared of 0.4760 and the Nagelkerke R-square of 0.7140 tell us that between 48% and 71% of the variation in whether or not a state uses capital punishment can be explained by these 11 independent variables alone. These high R-squares are even more amazing when one considers that there are only 46 cases in the model.

Another aspect of the results that may seem surprising is that despite the high R-squares, not a single independent variable in the model is statistically

significant. However, this is not too surprising because the low number of cases in the model makes it extremely difficult for any relationship to end up being statistically significant. This lack of statistical significance does not mean that one is unable to examine the individual effects of each independent variable on the dependent variable. The positive or negative direction of the various regression coefficients ( $B$ ) allows one to analyze whether an increase in an independent variable leads to a state being more or less likely to use capital punishment. If an independent variable has a regression coefficient with a negative sign, then any increase in it means that it is less likely to use capital punishment.

The resulting regression coefficients reveal some very surprising relationships. Many of the independent variables reveal relationships to the dependent variable in the direction expected. As hypothesized, Table 2 shows that a state with a higher minority population is more likely to use capital punishment. The "Religion" regression coefficient (0.5489) also shows that a state with a higher percentage of Fundamentalist Protestants in its population is more likely to use capital punishment.

The regression coefficients for the four different political independent variables indicate some very mixed results. The only political variable that had the expected effect on the dependent variable was the 1996 Presidential vote. The positive regression coefficient (0.7095) shows that states with a higher vote for Bob Dole in the 1996 election are more likely to have capital punishment. However, the other political variables did not behave as expected. The regression analysis indicates that as the number of self-identified Democrats and liberals in a state increases, the likelihood of the state having capital punishment increases. This clearly goes against the predictions set forth in the fifth hypothesis. One possible explanation for this is that self-identified partisan and ideological identification may not be true measures of actual partisanship and ideological beliefs. This explanation may be particularly relevant when considering areas such as the South where one's national and local partisanship may not be the same. Many southern conservatives in the South may leave the polls after voting for Bob Dole and still declare themselves a Democrat because locally the Democratic party has maintained its conservatism and separation from the direction of the national party. Another plausible explanation is simply that the conventional connection that has been made between partisanship, ideology, and public opinion on capital punishment has been misunderstood.

Three other independent variables' regression coefficients reveal relationships with the dependent variable in directions opposite than hypothesized. The negative regression coefficients indicate that a state with a lower murder rate, lower crime rate, and less competition in the state legislature is more likely to use capital punishment. Before making any solid conclusions about this data, it is necessary to ensure that this model is as representative of reality as possible.



**Table 2**  
**Use of Capital Punishment**

Independent Variable	B	S.E.	Significance	Exp (B)
Minority	0.5422	0.3507	0.1221	1.7197
Murder	-0.0862	0.5094	0.8656	0.9174
Crime	-0.0018	0.0013	0.1626	0.9982
Urban	-0.0180	0.0786	0.8187	0.9821
Income	0.0003	0.0003	0.2670	1.0003
Education	0.6623	0.4845	0.1717	1.9392
Religion	0.5489	0.4127	0.1835	1.7314
1996 Pres. Voted	.7095	0.4480	0.1133	2.0330
House Partisanship	-0.0891	0.1493	0.5507	0.9147
Voter Party ID	0.1023	0.1349	0.4482	1.1078
Ideology	-0.2682	0.2340	0.2517	0.7647
Constant	-41.8513	20.0274	0.0366	
Cox & Snell R <sup>2</sup>	0.4760			
Nagelkerke R <sup>2</sup>	0.7140			

After running this initial regression model, it became clear that the model needed to be altered. One thing that is troubling about Table 2 is that many of the regression coefficients reveal relationships that go in directions that are opposite than expected and that some of them seem to contradict themselves. One possible explanation for why states with larger Dole voters but lower self-identified Republican and conservative voters are more likely to use capital punishment is that a multicollinearity problem between these variables exists. It is possible that using one political variable in the model produces more valid results because it does not allow the resulting relationships to be contaminated by the fact that the three are all highly correlated. A correlation matrix was run to see what types of relationships exist between the independent variables. The results are presented in Table 3. While the 0.603 Pearson correlation between a state's murder rate and crime rate is statistically significant at the 0.001 level, it does not seem high enough to be producing any false relationships in the model. However, the same conclusion cannot be drawn from the correlations between the various political variables. A state's percentage vote for Bob Dole in the 1996 election is highly correlated with both voter partisan identification and ideological identification (-0.759 and 0.760 respectively). Both correlations are statistically significant at the 0.001 level. These correlations indicate that multicollinearity problems may be playing a role in the conflicting regression

coefficients. It may be that the 1996 Presidential vote for Bob Dole is the most accurate measure of a state's true partisanship and political identification.

**Table 3**  
**Independent Variables' Correlation Matrix**

	1	2	3	4	5	6	7	8	9
Minority	1								
Murder	0.588**	1							
Crime	0.577**	0.603**	1						
Urban	0.354*	0.250	0.597**	1					
Income	0.033	0.127	0.021	0.167	1				
Education	0.073	-0.242	0.099	0.484**	0.060	1			
Pres	-0.077	0.019	0.087	-0.186	-0.261	-0.298*	1		
H.P.	0.455**	0.401**	0.136	-0.096	-0.109	-0.243	-0.047	1	
Party ID	0.315*	0.254	-0.001	0.004	0.156	-0.052	-0.759**	0.440**	1
Ideology	-0.046	0.151	0.004	-0.285*	-0.198	-0.640**	0.760**	0.260	-0.453**

\*= Significant at the 0.05 level

\*\*= Significant at the 0.01 level

Another problem with Table 2 is that it only has 46 cases because three states were left out of the analysis. They were excluded because the figures for the percentage of Fundamentalist Protestants in their population were unavailable. In such a small population, every case has a large impact upon the relationships between the independent variables and the dependent variable. It is also important because the split between states that use and do not use capital punishment is quite large.

It is necessary to run a new regression that addresses the two problems just mentioned. The new model (Table 4) was run without the independent variables for voter partisan and ideological identification. This allows us to weed out any contaminating effect that a multicollinearity problem might be causing. The new model uses the 1996 Presidential vote as its sole measure of voter partisan identification. Table 4 also excludes the religious independent variable because it allows one to see how the inclusion of the three additional states might affect the data.

One of the most obvious effects of altering the model is that two independent variables have relationships with the dependent variable that are statistically significant. The murder rate and 1996 vote for Bob Dole are statistically significant at the 0.05 level. The most interesting discrepancy between the results in Table 2 and Table 4 is that a state's murder rate and the competition in the state legislature were the only two independent variables whose regression coefficients switched directions. The murder rate regression coefficient switched from -0.0862 in Table 2 to 0.6134 in Table 4. According to

Table 4, a state with a higher murder rate is more likely to use capital punishment. Likewise, the regression coefficients for the level of competition in the state legislature went from -0.0891 in Table 2 to 0.0422 in Table 4. Table 4 indicates that as the level of competition in a state's legislature increases, the likelihood of that state having capital punishment increases. These two changes both result in relationships that match the original hypothesis.

**Table 4**  
**Use of Capital Punishment**

Independent Variable	B	S.E.	Significance	Exp (B)
Minority	0.0248	0.0659	0.7062	1.0251
Murder	0.6134	0.2604	0.0185	1.8467
Crime	-0.0006	0.0005	0.2426	0.9994
Urban	-0.0246	0.0634	0.6986	0.9757
Income	0.0002	0.0002	0.3192	1.0002
Education	0.4830	0.2515	0.0548	1.6210
1996 Pres. Vote	0.0400	0.1543	.0095	1.4916
House Partisanship	0.0422	0.0656	0.5200	1.0431
Constant	-29.7267	12.7642	0.0199	
Cox & Snell R <sup>2</sup>	0.4350			
Nagelkerke R <sup>2</sup>	0.6480			

An additional regression was run to explore the possible interactive effects that the region in which a state resides may be having. A primary reason why this possible interactive effect needs to be explored is that it seems likely that the percentage of minorities in the population may have a different impact on whether or not a state uses capital punishment in the non-South. It is an accepted notion that the South is more racist and conservative than the non-South. Due to the lessened presence of racism in the non-South, one could expect that public policy in the non-South will be less influenced by the mere presence of minorities in the population. It is actually reasonable to theorize that the relationship will be negative due to differences in political and social cultures between the South and the non-South. One would expect that minorities are given a stronger voice in policy making outside of the South. Thus, states with larger minority populations are going to have a larger and more vocal coalition of those that do not support capital punishment.

The results presented in Table 5 show that the relationship between the percentage of minorities in a state's population and whether or not a state uses capital punishment changes very little when examining only the non-South. Even in the non-South, a state with a higher minority population is more likely to use capital punishment.

As already stated in the rationale for the fourth hypotheses, V.O. Key, Jr. theorized that the “have nots” suffer in a state characterized by less competitive party system. It is this theory that led to the hypothesis, “As the partisan split in a state’s lower house increases, the likelihood of its having capital punishment increases.” However, it is possible that the nature of this relationship depends on the region a state is in. Key, Jr. remarks about the effects of less competitive politics on the fortunes of the “have nots” were specifically about the South. Table 5 allows us to see if this relationship remains true when the southern states are excluded from the population. The results seem to indicate that region has some sort of interactive effect on the relationship between party competition and the use of capital punishment. Table 4 shows that when all states are considered increased partisan splits (less competition) in a state’s legislature increases the likelihood that a state will use capital punishment. Table 5 reveals that when only non-southern states are considered, this relationship no longer holds. In non-southern states, increased partisan splits (less competition) in a state’s legislature decreases the likelihood that a state will use capital punishment. One possible explanation for the conflicting results may be that there are more Democratic and liberal states in the North. Therefore, sometimes large partisan splits and less competition will favor the Democrats. Democrats are known for being ideologically liberal and thus are more likely to oppose the use of capital punishment. If this explanation is true, it would seem to indicate that the relationship has more to do with what party is holding power than just the level of competition alone.

## Conclusion

This research has revealed many things that allow one to better understand the determinants of a state’s capital punishment policy. The extremely high R-squares of the various logistic regression models indicate that the models do an outstanding job of explaining the variances in state capital punishment policy. The results have the potential to be very practical to activists either opposing or supporting the use of capital punishment in the United States. The relationships between each independent variable and the dependent variables indicate the nature of capital punishment policy. For example, this research indicates that, overall, states with less competition in their state legislature are more likely to use capital punishment. Therefore, public interest groups devoted to fighting the use of capital punishment may want to devote some of their resources to the campaigns of officials in the party holding less power in the state’s legislature. To efficiently summarize the findings of this research, one can return to the five original hypotheses that this research sought to examine.

**Table 5**  
**Use of Capital Punishment**  
**Non-South**

Independent Variable	B	S.E.	Significance	Exp (B)
Minority	0.0401	0.0921	0.6632	1.0409
Murder	0.6081	0.3209	0.0581	1.8369
Crime	-0.0012	0.0007	0.1109	0.9988
Urban	-0.0061	0.0682	0.9284	0.9939
Income	0.0001	0.0002	0.4889	1.0001
Education	0.5700	0.2910	0.0501	1.7683
1996 Pres. Vote	0.4236	0.1689	0.0121	1.5275
House Partisanship	-0.0141	0.0841	0.8672	0.9860
Constant	-30.5285	14.3123	0.0329	
Cox & Snell R <sup>2</sup>	0.4670			
Nagelkerke R <sup>2</sup>	0.6550			

The first hypothesis dealt with the effects that the percentage of minorities in the population has on capital punishment policy. It was hypothesized that states with larger minority populations would be more likely to use capital punishment. Every single regression table supports this hypothesis. In each regression table, the number of minorities in the population had a positive relationship with the use of capital punishment and the extremeness of its usage. This supports V.O. Key, Jr.'s theory that Caucasians' political behavior is partially influenced by their reactions to living among people of different races. Unfortunately, this also indicates that America is not color-blind when it comes to creating criminal justice policy. Prejudices and fear may still be driving forces behind criminal justice policy making. These findings also show that, for minorities, strength in numbers does not equate to increased input in the development of public policy. One result that is surprising is that the relationship between the percentage of minorities in the population and a state's capital punishment policies is almost identical for the model comprised of all states and the model that excluded the southern states. This may hint at some underlying inequalities and prejudices in other states that are not as overtly racist as the South.

The second hypothesis stated that a state with a higher percentage of Fundamentalist Protestants is more likely to use capital punishment. While only Table 2 included the percentage of Fundamentalist Protestants in the population as an independent variable, it does indicate that the hypothesis is correct. These findings clearly support the research done on Oklahoma City

residents' policy preferences by Grasmick, Cochran, Bursik, and Kimpel. It is possible that this means that Fundamentalist Protestants have some influence in state policy making. However, this model can neither establish nor refute this. It is an issue that deserves to be examined in more detail.

The third hypothesis is that states with higher murder and crime rates will be more likely to use capital punishment. It seems logical to conclude that actual crime rates should directly influence the policies legislators produce to combat these problems. This research used murder and crime rates as the independent variables because past research has clearly shown that capital punishment policies do not influence actual murder and crime rates. The results from the regression analysis are mixed. There is a positive relationship between a state's murder rate and whether or not it uses capital punishment. However, the regression coefficients for a state's crime rate reveals a negative relationship.

The fourth hypothesis deals with the level of party competition between the parties in government. Table 4 indicates that less partisan competition within a state's legislature means that a state will be more likely to use capital punishment. This clearly affirms this research's hypothesis that as the partisan split in the State House increases, the likelihood of a state having capital punishment increases. However, the results just mentioned do not fully reveal the true nature of the relationship. Table 5 shows that the nature of this relationship depends upon the region that a state is in. When the regression models include all the states, V.O. Key, Jr.'s theory that the "have nots" will suffer in states with non-competitive politics holds true and in the process supports this research's hypothesis. However, when the regression model is run to include only non-southern states, the relationship no longer holds. The positive regression coefficient indicates that, in non-southern states, states with less party competition are less likely to use capital punishment. Clearly, the results for the non-southern states support Dye and Luttbeg, not Key, Jr. One possible explanation for this difference is simply that the southern states are more Republican and conservative. Thus, it is their partisanship and ideological beliefs driving the relationship as opposed to the actual influence of party competition. This measure does not take into account which party was favored by the partisan splits. Future research should determine a way to control for which party is favored in each state so that the actual role of competition can be isolated even more.

The final hypothesis was concerned with the relationship between voter partisan identification and a state's capital punishment policy. It stated that the likelihood of a state using capital punishment increases when there is a higher percentage of self-identified Republican voters. When using the 1996 Presidential vote as a measure of one's partisan ties, this hypothesis was clearly affirmed. The fact that it was statistically significant in many of the models reveals how strong of a relationship it is. Future research may want to

attempt to analyze whether this relationship is due to elected officials representing the wishes of their constituency or if a politician's own opinions act as an intervening variable in the relationship between the public's partisanship and capital punishment policy.

While this research does set forth a new approach to studying and understanding the nature of capital punishment policy in the United States, there is much that future research needs to address. Many of the limitations and needs for future research have been mentioned throughout the analysis. However, a couple more aspects that need to be explored must be mentioned because they are necessary to further the understanding of the use of capital punishment in America. One independent variable that may have a large impact on the development of capital punishment policy was not included in this study. The amount of involvement various public interest groups put forth in the different states may affect the state legislatures' policy outputs. Another suggestion for future research is to examine any interactive effect that political culture may have on capital punishment policy.

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