



Crime & Punishment

James Alan Fox on criminal behavior and the justice system

CAPITAL PUNISHMENT

Time to kill the death penalty

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The latest [Gallup survey](#) of public opinion concerning the death penalty is encouraging yet somewhat misleading. According to Gallup, opposition to capital punishment stands as high as it has been at any point in time since 1972, when the U.S. Supreme Court ruled that the sanction was unconstitutional in its uneven application against minorities and the poor. Based on 1,005 interviews taken between October 6 and October 9 of this year, 35% of respondents indicated their opposition to capital punishment.

Of course, turning that figure around (as many pro-death zealots will do), it is still the case that a healthy majority remains in favor of capital punishment. Specifically, 61% of the Gallup respondents was in favor of the death penalty, with another 4% offering no opinion on the matter.

Reflecting on the ongoing series of Gallup polls on the topic, this latest indicator of support for capital punishment would be the lowest since the 80% peak was observed 15 years ago in the wake a national surge in homicide. But, as an important caveat noted by Gallup, this most recent poll was taken just after the highly controversial execution of Troy Davis in Georgia.

It is important to view these opinion figures with much more than just a grain of salt. Although the sampling and data collection approaches used by the Gallup organization are scientifically sound, the wording of such questions as Do you favor or oppose the death penalty for murder? may not fully elicit an accurate picture of public sentiment.

First, as I've observed in my own empirical research, public opinion varies considerably based on the exact nature of the homicide. Whereas the rape, torture, and murder of a child, for example, may fully arouse the public's thirst for the supreme penalty of death, felony murders in which robbery victims are shot to death do not quite spark the same level of vehemence and vengeance.

More important, Americans often change their opinion depending on the alternatives--that is, the death penalty compared to what other punishment? Several polls have shown that when presented a choice of death penalty or life without parole, public support is almost evenly divided. In fact, a May 2006 USA Today/Gallup poll determined that although two-thirds of Americans supported capital punishment, by the slightest of margins--one percentage point--respondents preferred life without parole over the death penalty.

There are those who tend to dismiss these and other polling results with a certain degree of distrust. Time and time again, critics resort to overused and tired admonitions: you can prove anything with statistics, or there are lies, damned lies, and then there are statistics. While a certain dose of skepticism is appropriate in interpreting almost any poll or survey, there are still important messages that should not be ignored.

Although we can quibble over the exact metrics, death penalty support in America is clearly on the decline. With decreasing rates of murder and increasing counts of exonerations, it is time for the U.S. to join with almost all other modernized nations, and abolish the barbaric practice of state-sponsored killing. Life without the possibility of parole accomplishes virtually all the same objectives as the death penalty, and at a fraction of the cost.