THE STRATEGIC NATURE OF POLITICS

A Dissertation

by

MARK DANIEL RAMIREZ

Submitted to the Office of Graduate Studies of
Texas A&M University
in partial fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

December 2009

Major Subject: Political Science

THE STRATEGIC NATURE OF POLITICS

A Dissertation

by

MARK DANIEL RAMIREZ

Submitted to the Office of Graduate Studies of
Texas A&M University
in partial fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

Approved by:

Chair of Committee,	David A.M. Peterson
Committee Members,	Patricia A. Hurley
	Paul M. Kellstedt
	Arnold Vedlitz
Head of Department,	James Rogers

December 2009

Major Subject: Political Science

ABSTRACT

The Strategic Nature of Politics. (December 2009)
Mark Daniel Ramirez, B.I.S., Arizona State University
Chair of Advisory Committee: Dr. David A.M. Peterson

Scholarship shows that the social construction of crime is responsible for the public's demand for tougher criminal justice policies. Yet, there remains disagreement over several key issues regarding the relationship between strategic communication and the punitiveness of the mass public. Little is known about the magnitude and direction of changes in punitive sentiment over the last 50 years. Moreover, there is disagreement over when the public began to demand punitive solutions to crime over alternative policies. Many scholars point to the racial turmoil of the 1960s, but none has shown conclusive evidence of any fundamental change in punitive sentiment. Finally, there is disagreement over what type of strategic appeal is most effective at shaping public opinion.

The argument of this research is that the democratic nature of American politics creates an environment where the competition of ideas flourish. Political actors can use several types of strategic communication (agenda-setting, persuasion, priming, framing) to shape political outcomes. The effectiveness of an appeal does not remain constant over time, but should evolve around systematic social changes—environmental conditions and social norms. Thus, there is a time varying relationship between various appeals and public opinion.

A content analysis of crime news in the *New York Times* provides measures of four types of strategic messages. Instrumental factors such as the economy and public policy are also shown to influence the public's desire for punitive criminal justice policies. A Bayesian changepoint model provides a means to test when, if any,

fundamental change occurred in the public's punitive sentiment. Contrary to most accounts, the changepoint model identifies 1972 as having the highest probability of a breakpoint suggesting a public backlash against the Supreme Court's *Furman vs. Georgia* decision to abolish the death penalty.

Estimates from a state-space model show that different types of messages in the media shape punitive sentiment and that the effectiveness of racial primes and presidential attention to crime changes over time. Moreover, these changes are shown to be a function of changes in social context and norms suggesting ways to improve political communication.

ACKNOWLEDGMENTS

I would like to acknowledge the generous amount of time, resources, and encouragement from my advisors: David A. M. Peterson and Paul M. Kellstedt. Dave and Paul contributed immensely to my intellectual and professional development in addition to looking after my general interests. Arnold Vedlitz was also generous with his time and provided valuable comments that helped improved this research.

I also owe a debt of gratitude to the Ford Foundation for funding this research through a doctoral dissertation fellowship for the 2008-2009 academic year. I also want to acknowledge Patricia Hurley who as a Dean, Department Chair, and committee member made sure I was able to take full advantage of the fellowship opportunity and provided both generous funding through the Department of Political Science and College of Liberal Arts and Sciences in addition to her time and comments regarding this research. James Rogers and Carl Richard also donated their time to making the fellowship work.

TABLE OF CONTENTS

CHAPTER Page

LIST OF TABLES

LIST OF FIGURES

CHAPTER I

INTRODUCTION: THE POLITICS OF RACE, CRIME, AND PUNISHMENT

August 2006, Jena High School, Louisiana. Six teenagers attack another teenager, Justin Barker, after gym class. Barker is punched, pushed to the grown, and kicked repeatedly by the six other students. The assault is vicious and brutal. Eventually, Barker loses consciousness and is taken to the emergency room of the local hospital. Barker had to be treated for injuries to his face, hands, and ears and suffered extensive, although not permanent, damage to his right eye. Barker is white. The six teenagers that took part in the assault on Barker, soon to be known nationally as the Jena 6, are black.

The altercation is a result of several weeks of high tension between blacks and whites in Jena that started when a group of black students sat under a tree at the high school. There is nothing special about this particular tree except it is a place where white students normally gather. The next day, three nooses were hung from the tree as a reminder of the days when blacks were lynched for encroaching on the property of white Americans. The altercation between Barker and the six other teenage boys began after Barker allegedly taunted one of the black students about losing a fight at a party over the previous weekend.

The perpetrators of the assault, the Jena 6, were quickly arrested and initially charged with attempted second-degree murder and conspiracy to murder. In order to bring such serious charges—charges with a penalty much more severe than an assault or battery conviction—the prosecuting attorney argued the defendant's shoes were used as deadly weapons. Bail for the Jena 6 was set between $70,000 and $138,000,

---

The journal model is *The American Political Science Review.*

which was seen as an abnormally high amount for juveniles in a fight. One of the Jena 6, 16 year old Mychal Bell, sat in jail for over a year awaiting trial. Under the second-degree murder and conspiracy charges, the Jena 6 were facing up to 22 years in prison.[1]

Rewind a few years back to March 21, 1997. The focus is on Leonard Clark, a thirteen year old black male. Leonard was riding his bike from the predominately black housing projects in Chicago's South Side to play football with a friend in the largely white Bridgeport neighborhood. Unprovoked, the 13 year old is attacked by three white males—Frank Caruso Jr., 19, Victor Jasas, 18, and Michael Kwidzinski, 21. The three young adults knocked Clark off his bicycle and viciously kicked and beat Clark unconscious. Clark's injuries were severe. While laying unconscious in the hospital, doctors realized Clark would lose his basic motor functions and suffer from permanent brain damage due to the beating. Clark spent several months in the hospital following the incident. The thirteen year old would spend the rest of his teenage years undergoing physical, speech, and occupational therapy and will spend the rest of his life in a wheelchair.

Why did these three young adults choose to assault a thirteen year old boy? The motive was racial. The perpetrators of this horrendous crime would eventually brag to friends that they wanted to "keep Bridgeport white." Given the severity of the crime and its racially charged motive, what would be the punishment given to the three assailants? Only one defendant, Frank Caruso Jr., was given any type of jail time. The district attorney was able to convict Caruso of aggravated battery and for committing a hate crime. A judge gave Caruso an eight year prison sentence, primarily for the hate crime conviction. Two of the defendants, Victor Jasas and Michael

[1]These charges were later reduced, but only after a series protests by national leaders over the extreme racial discrimination in the case.

Kwidzinski, pleaded guilty to a lesser charge of aggravated battery—a misdemeanor. They were each sentenced to 24 months of probation and 300 hours of community service. Although these two took equal part in the beating of Leonard Clark, neither would spend a day in jail. For savagely beating a thirteen year old boy just because he was a black in a white neighborhood, these two defendants received an exceptionally lenient sentence.

Nobody condones the actions of any of these individuals. Each of these beatings were severe and the assailants should have to deal with the consequences of their actions. Yet, in each case many observers were outraged with the punishments relative to the crime. In one instance, authorities tried to charge six teenagers with second-degree murder and a possible 22 year prison sentence for what some would consider an out-of-control high school brawl. In the second example, two defendants were allowed to plea bargain with authorities and walk out of the courtroom without serving any time in jail.

The clear differences in the severity of the punishment in each of these incidents could hardly be attributed to the nature of the crimes. The Jena 6 incident revolved around a series of high profile racial disputes in and around the high school. Further, the teenagers were provoked when Barker started taunting one of them about a previous altercation. Leonard Clark, was beaten because of his skin color while he was riding his bicycle. The Clark beating was also more severe. Clark was unconscious for several days and spent months in the hospital. Following his release, he continues to undergo physical and speech therapy to regain basic motor functions. In contrast, Barker spent two hours in the hospital and attended a school ring ceremony the same evening as the attack. It is possible that other factors could have contributed in these different outcomes. The quality of representation, availability of witnesses, and variation in local laws surely played some role in explaining these differences. Yet,

in each community a largely white criminal justice system determined to give some (i.e., black) defendants a severe punishment and other defendants (i.e., white) a more lenient punishment.

1. The duality of American criminal justice

Many scholars and political observers note the duality of the criminal justice system in America. One system seems to prevail for white Americans and another for racial minorities. Mann (1993, xi) states this succinctly:

> Woven throughout the description of the history, lives, and criminal justice experiences of the four primary American racial minorities is the belief that since racial discrimination is endemic to the United States, it permeates the criminal justice system—as well as every other American institution—and results in unjust treatment of these minorities.

Blacks have historically been subject to unfair and racially biased treatment within the U.S. criminal justice system. Racial distinctions in the law—a legal requirement prescribing one mode of conduct for a person of one race and a different rule of conduct for a person of another race—were prevalent in both the North and South following the Civil War (Stephenson 1910). For instance, many states passed laws forbidding blacks to testify in cases involving a white person. Black defendants had no recourse to defend themselves against accusations made by a white person and were often falsely accused, imprisoned, and executed of crimes they probably did not commit. Legal restrictions were also placed on black marriages, property rights, and occupational rights and blacks could not sit on juries or vote. These so-called "black codes" were some of the first forms of post-slavery institutional racism—racism that is built directly into the criminal justice system.

The duality of the American criminal justice system is most visible, and indisputable, when it is made explicit. The convict lease system was a predominate means to maintain social dominance over blacks and subject them to harsh punitive measures for behavior deemed criminal by local authorities. The system allowed individuals or companies to purchase blacks convicted of any crime from the government. The purchaser could then use black Americans as a source of free labor and force them to work for an indefinite amount of time. The convict-lease system essentially reinstituted slavery by forcing many blacks to perform free labor for whites. No similar system or criminal penalty existed for white.

Blacks were also subject to laws that were not enforced on whites. One of the most visible laws that led to the creation of a black, but not white, criminal class were vagrancy laws. A typical vagrancy law allowed local law enforcement to arrest anyone that did not have consistent employment or a permanent residency. This obviously applied to most blacks in the South that were recently freed after the abolition of slavery. These freed slaves never had the opportunity to acquire employment or residency after being released from a lifetime of slavery. In some instances, state vagrancy laws made no racial distinction between blacks and whites. However, racial biases clearly existed in the implementation of these laws and it is evident that in most cases these laws were aimed at creating a black criminal class for use as slave labor. This purpose was made explicit in some state laws. For example, the South Carolina legislation explicitly states that the purpose of its vagrancy law is to "establish and regulate the domestic relations of persons of color and to amend the law in relation to paupers and vagrancy." Subsequently, law enforcement officials were more likely to arrest black vagrants under these laws and rarely arrested white vagrants. Thousands of unemployed and homeless black Americans, recently free from slavery, were arrested and fined under vagrancy laws. Since these individuals could rarely pay the fines

associated with these laws, they were forced under the convict-lease system to work as slave labor. The practice was profitable for both the government who collected revenue from selling black labor and for whites that received free labor from black convicts. Thus, white Americans have historically established a dual criminal justice system that provided more punitive punishments for blacks.

Although some would argue that this duality is no longer in existence, criminal justice policy continues to discriminate against racial minorities. Blacks are more likely than whites to be pulled over while driving, stopped for speeding, and have their vehicles searched. People of color are also more likely to be arrested by the police. Blacks are disproportionately targeted by law enforcement officials, which skews the composition of the population that is ultimately charged, convicted, and incarcerated in the criminal justice system.

Empirical evidence also shows that blacks receive more punitive sentences than whites, even after controlling for other factors such as the nature of the crime (Spohn 1990, Steffensmeier, Ulmer and Kramer 1998). Studies by non-governmental organizations suggest that a third of blacks incarcerated in American prisons would receive shorter or non-prison sentence if they had been white facing similar charges. Blacks with no criminal record are more likely to be incarcerated for their first offense than whites with no criminal record. Black juveniles with no prior criminal record are six times more likely than white juveniles with no criminal record to be sent to juvenile detention facility.

The disparity in sentencing between whites and blacks is most visible in the criminal drug codes. Several scholars have noted that federal cocaine laws are a prime example of institutional racism (Meier 1994, Walker, Spohn and DeLone 1996). The punishment for crimes involving crack-cocaine are much more severe than those involving powder-cocaine despite the same chemical composition of each of these drugs.

Under the 1986 Federal Anti-Drug Abuse Act, judges must consider a given amount of crack the same as a hundred times the amount of powder-cocaine. This hundred-to-one ratio produces sentences for crack defendants that are far more severe than sentences for defendants whose crimes involve powder-cocaine. For instance, five grams of crack cocaine results in a mandatory minimum five year prison sentence, while it takes 500 grams of powder cocaine for the same mandatory minimum sentence.

The racial disparity arises because most crack users are black, while most powder cocaine users are white. Indeed, 84% of all crack cocaine defendants are black, while less than 30% of powder cocaine users are black. Since crack users receive harsher sentences and most crack users are black, the law basically requires tougher sentences for blacks. Subsequently, drug offenses are responsible for the large influx of blacks into the nation's prisons and the growing racial divide in the American criminal justice system.

After reviewing hundreds of studies on race and criminal sentencing, Walker, Spohn and DeLone (1996, 232) conclude that "the American criminal justice system has never been, is not now, color blind." Although they do concede that not all aspects of the criminal justice system are systematically biased against blacks and other racial minorities they do find evidence that that racial minorities are treated more harshly than whites at some stages in the criminal justice system. For instance, law enforcement officials are more likely to arrest, victimize, shoot, and kill racial minorities than white Americans. Racial minorities are also more likely than whites to receive punitive sentences including incarceration and capital punishment.

These racial disparities in the American criminal justice system have a negative influence on African-American communities and the political system as a whole. People of color are more likely to become disenfranchised. Recent figures suggest

that one in seven black Americans are currently or permanently disenfranchised from voting because of a felony conviction. Disenfranchisement limits the ability of the black community to elect candidates to federal, state, and local offices that will represent their community interests. The high rate of imprisonment also leads to the dissolution of family and social structures leading to more incidents of crime in black communities. Having a prison record also makes it more difficult for blacks to earn a living wage. For each property crime conviction, the average income for black families decreases by 7%. Since blacks are targeted more frequently by police and receive harsher sentencing, this 7% decline in income disproportionately affects black communities, increasing well-known disparities in income and social-economic status between blacks and whites.

1.1. The connection of policy to public opinion

Despite the gross racial and social imbalances that punitive policies impose, punitive solutions to crime are supported by a majority of the American public. A series of General Social Survey polls shows that the percentage of Americans who believe the courts are not tough enough with criminals ranges between 65% to 86% from 1972 to 2006. A 1994 ABC/Washington Post poll shows that 73% of Americans support the construction of more prisons to incarcerate criminals. This same poll found that 86% of Americans support mandatory life imprisonment for three time violent felony offenders.

The public's support for punitive policies becomes problematic for two reasons. First, there is some evidence that public support for these policies is a function of racial prejudice and stereotypes that blacks are prone to violence and crime (Hurwitz and Peffley 1997, Jackson and Carroll 1981) and that various public officials influence the public's support of punitive policies by capitalizing on these attitudes

(Beckett 1997, Edsall and Edsall 1992). Second, public opinion indirectly shapes public policy through the election of public officials and directly by influencing how politicians vote (Erikson, Mackuen and Stimson 2002). The aggregate movement of the public's punitive sentiment has been show to directly influence federal criminal justice policy including federal budgets, the number of criminal charges by federal district attorneys, and federal incarceration rates (Nicholson-Crotty, Peterson and Ramirez 2009). Moreover, the courts use public support for individual punitive policies such as the death penalty as a measure to determine if capital punishment is "cruel and unusual." Public sentiment directly influences judicial decisions and forms the basis for legal opinions on these cases. It is therefore important to determine the extent that the public's preference for punitive policies is a function of racial considerations to understand how responsible the public is for supporting the racial disparities in the criminal justice system.

2. The micro-foundations of punitive sentiment

The issue of crime and punishment reflects a deep concern over the safety and security of individual property and well-being. Scheingold (1992, 15) writes:

> Street crime evokes elemental concerns about personal safety that are widely, perhaps universally shared—an insight that goes back at least as far as Hobbesian worries about a society in which life is solitary, poor, nasty, brutish, and short.

The very formation of governments is based on an individual and social need to prevent crimes against oneself and property. Not surprisingly, the public generally finds issues relating to crime and punishment as important.

Given the fundamental significance of security and safety, it is not surprising that a great deal of research exists on how citizens think about crime and punishment. One line of research seeks to understand what types of policies citizens are willing to accept and the extent of public support for these policies. Americans strongly favor punitive policies such as capital punishment, mandatory minimum sentencing, and prison labor. The public also regularly agrees that the nation's judicial system is too lenient in its criminal sentencing (Cullen, Fisher and Applegate 1985). As Warr (2000) concludes, "Americans overwhelmingly regard imprisonment as the appropriate form of punishment for most crimes."

Yet, individual attitudes toward crime and punishment are complex and multifaceted. People also support efforts to rehabilitate criminals, eliminate the social and economic factors that lead to crime, and community service for non-violent offenders (Cullen, Wright, Brown, Moon, Blankenship and Applegate 2002, Payne and Gainey 1999). For example, a 2004 poll by the Gallup organization shows a majority of Americans think "additional money and effort should go to attacking the social and economic problems that lead to crime," but many of these same individuals support building new prisons and tougher criminal sentencing. Additional research shows that people are willing to offer reduced sentencing, parole, and community service when given more information about specific crimes (Cullen, Fisher and Applegate 1985, Roberts and Stalans 1997). These findings lead some to conclude that the public "support[s] multiple correctional goals simultaneously" (Cullen, Pealer, Fisher, Applegate and Santana 2000).

A substantial amount of research is devoted to who supports punitive policies—that is the correlates of policy support. For instance, there is some evidence, albeit mixed, that suggests demographic variables are associated with punitive attitudes. In general, citizens that are older, male, and white are more likely to favor punitive

criminal justice policies (Payne, Gainey, Triplett and Danner 2004, Sims and Johnston 2004). However, Langworthy and Whitehead (1986) suggest these relationships can be explained by differing levels of fear of crime and Cohn, Barkan and Halteman (1991, 287) argue that differences between whites and blacks are a result of different reasons or considerations. The punitive attitudes of blacks tend to be based on procedural justice concerns and fear of crime due to higher victimization rates, while the attitudes of whites are based on racial prejudices and fear of a threatening minority group. There is also evidence that individuals that engage in more religious behaviors and with strong protestant beliefs hold more punitive attitudes (Grasmick and McGill 2006). However, the Judeo-Christian value of forgiveness can also lead these same individuals to favor less punitive policies such as rehabilitation (Applegate, Cullen, Fisher and Vander Ven 2006).

A range of political attitudes also seem to determine individual level attitudes toward punitive criminal justice policies. Authoritarian values are related to punitive policy preferences, while egalitarianism, individualism, and moral traditionalism appear orthogonal to individual preferences for punitive policies (Soss, Langbein and Metelko 2003). In addition, Republicans and ideological conservatives tend to favor more punitive policies to combat criminal behavior than Democrats and liberals. (Sims and Johnston 2004, Soss, Langbein and Metelko 2003). These relationships appear robust—remaining when other variables are included in statistical models.

There are two overarching theoretical frameworks on what leads to individual support for punitive policies. The instrumental approach argues that people are rational individuals and base their support for punitive policies on their experiences with crime, environmental factors such as the economy and poverty, and how effective they believe punitive policies are at solving these social problems. The second approach argues that crime is socially constructed. Political actors use strategic com-

munication to shape public opinions. These constructions may be grounded in reality, but they may also deviate from actual conditions leading many scholars to assume that socially constructed attitudes are an indication of elite manipulation.

A great deal of research focuses on the extent that the public's preferences for punitive criminal justice policies are responsive to changes in criminal activity. Wilson (1975) suggests that government cannot change the fundamental problems of society that lead to crime nor can they alter the individual moral vacancy and psychological dispositions of individuals. Thus, rational public policy should increase the transaction costs of committing a crime. According to this view, enacting more punitive policies will increase the risks of criminal behavior and thus deter potential criminals from engaging in criminal activity. Subsequently, the extent that citizens use actual or their perceptions of criminal activity suggests a rational citizen using a relevant piece of information to inform their policy preference. This instrumental view of punitive policies suggests 1) perceptions that crime is increasing should lead to more punitive policy preferences, 2) increases in fear or anxiety about crime should lead to more punitive policy preferences, and 3) a belief that punitive policies are an effective means to reduce criminal behavior should lead to greater support for punitive policies.

The empirical findings on these relationships are mixed. Some scholars find evidence that punitive attitudes are connected to perceptions of crime. For instance, people are willing to support tougher sanctions and the death penalty when they perceive the crime rate as high, fear being a victim of crime, and believe that punitive policies are a deterrent (Thomas and Cage 1976, Thomas and Foster 1975). Marion (1994) also finds that individual support for punitive policies is a result of rising fear of crime. Moreover, the public has been shown to distinguish among different crimes and support tougher criminal penalties when they perceive the crime to be more

serious (Warr, Meier and Erickson 1983).

These studies, however, are in the minority. A great deal of research counters that there is little, if any, relationship between crime perceptions, fear of crime, the belief that punitive policies serve as a deterrent, and individual support for punitive policies. Tyler and Weber (1982) find that the relationship between fear of crime and punitive policy preferences is reduced after basic political beliefs such as liberalism and authoritarianism are included in statistical models. Other research shows that individuals with a high risk of being a victim of crime—particularly blacks and women—are more likely to oppose rather than support punitive policies (Sears, Lau, Tyler and Allen 2000). There is also no relationship between being a victim of crime and fear of crime (McIntyre 1967) and victimization and support for punitive policies (Cohn, Barkan and Halteman 1991, Secret and Johnson 1989, Taylor, Scheppele and Stinchcombe 1979). Recent scholarship finds no connection between fear of crime and support for capital punishment (Sims and Johnston 2004). Several authors note that rising crime rates or an increase in the public's fear of crime cannot explain the rising punitiveness of public opinion—particularly in periods where there are noticeable decreases in crime (Beckett 1997, Langworthy and Whitehead 1986, Warr 1995). After reviewing the literature, Beckett (1997, 26) concludes that "neither the risk nor actual experience of criminal victimization is consistently correlated with support for punitive policies."

Punitive attitudes are also a function of the information environment leading many scholars to conclude that punitive attitudes are based on the social construction of crime by elite and the news media. Strategic messages linking crime to black Americans are often linked to the punitiveness of the public. Several scholars argue that elite rhetoric connecting crime to blacks became a successful strategy among Republicans to gain public support for punitive policies and themselves (Beckett

1997, Edsall and Edsall 1992).

Scholars have been able to empirically connect the use of racial messages within crime news and public attitudes toward punitive policies. Gilliam and Iyengar (2000) find that exposing people to news stories about crime with a black suspect increases support for punitive policies. Further, they find that when the race of the suspect in the story is absent, about 70% of their sample infers that the suspect is black. They conclude that crime coverage by the news media racializes the politics of crime and punishment (also see Dixon and Linz 2000). Campaign advertisements and rhetoric can also be an effective means to use race in shaping the public's punitive attitudes. Mendelberg (1997), for example, shows that advertisements featuring black criminals result in an increase in punitive sentiment.

Non-racial messages by elite or the news media can also shape public support for punitive policies. Several studies find that news stories that focus on individuals causes citizens to support for punitive policies since citizens attribute causal responsibility for the crime to the individual (Cullen, Clark, Cullen and Mathers 1998, Iyengar 1991, Scheingold 1984, Scheingold 1992). Media stories that focus on the social causes of crime, conversely, lead to less citizen support for punitive policies since society rather than the moral failings of an individual are seen as responsible for crime.

The reason these appeals are so effective is because they lead citizens to rely racial prejudice and stereotypes when formulating their opinions regarding crime and punishment. Individuals that hold negative stereotypes of black Americans are more likely to support increases in criminal justice spending (Barkan and Cohn 2005). Hurwitz and Peffley (1997) find that negative racial stereotypes of blacks as "lazy" or "violent" lead to greater support for punitive, but not preventative criminal justice policies (also see Peffley, Hurwitz and Sniderman 2007). However, when survey re-

spondents were presented with information counter to the predominate stereotypes of blacks as "lazy" or "violent" (i.e., a portrayal of a black man as a model prisoner), negative stereotypes had less influence on support for punitive policies. Thus, counter-stereotypical information appears successful at shaping public opinion. Further studies indicate that these same racial stereotypes lead to greater support for the death penalty and more severe prison sentences among white Americans (Peffley and Hurwitz 2002). In a more subtle experiment, Hurwitz and Peffley (2005) found that simply including the term "inner-city" within a news article about crime led white subjects to rely more on their racial stereotypes toward blacks, which in turn generated greater support for punitive policies. Thus, explicit frames and implicit primes by the news media can activate racial stereotypes and alter individual punitive preferences.

3. What we don't know

Past research has led to a greater understanding of the nature and origins of individual preferences for punitive criminal justice policies. It is becoming clear who supports and opposes such policies and the conditions that lead to more or less support. By contrast, there is only scant literature on the trends of these attitudes over time and very little on the origins of the dynamic movement of the public's punitive policy preferences.

When over time movement in public opinion has been examined, the focus has been on specific policy areas—mainly the issue of capital punishment—rather than the general tenor of the public's punitive policy preferences. We know that support for the death penalty decreased from the 1930s to the early 1960s (Erskine 1970) and that there were dramatic increases in support for capital punishment from the late

1960s to the 1990s (Mayer 1993, Page and Shapiro 1992, Warr 1995) that appear to have waned during the last ten years (Baumgartner, De Boef and Boydstun 2008). Yet, it is unclear if these movements are specific to public opinion regarding capital punishment or if they reflect a larger mass movement toward greater punitiveness. Mayer (1993, 263) does examines survey data throughout the 1970s showing the public increasingly believes that the judicial system is "too lenient" on criminals leading to the conclusion that public opinion made a "clear, substantial, long-term shift to the right" (also see Page and Shapiro 1992). However, this data is limited to the 1970s occurring prior to the rise of public liberalism in the 1980s (Stimson 1999) and the substantial decrease in crime during the 1990s making it unclear if American's made a permanent shift in favoring punitive policies.

As a scholarly community, we have very little sense of how, as a whole, American's punitive policy preferences have varied over time. We know that for most of the post-war era, a majority of Americans have supported punitive policies such as the death penalty and less judicial leniency, but it is unclear if those preferences have become more punitive, less punitive, or relatively stable over time. Have American's held steadfast to the belief that punitive policies are the best solution to crime or have there been periods when punishment has fallen out of favor with the public? Nor do we know the rate of change that these preferences undergo over time. Does the public's punitive preferences move rapidly, changing to short-term events and information, or do they move more slowly as citizens hesitate to update their pre-existing attitudes?

Moreover, there is virtually no empirical research connecting the dynamics of Americans' punitive policy preferences and other macro phenomenon. In other words, what are the correlates of the public's over time preferences for punitive policies? Although some scholars suggest that support for the death penalty is linked to actual criminal conditions and violent crimes (Mayer 1993, Page and Shapiro 1992, Rankin

1979), there is no systematic analysis to test if these relationships exist. Do the over time dynamics of public opinion, in the aggregate, move in response to the same factors that shape individual level attitudes or does public preferences move to an entirely different set of events or information. This latter question is especially important in understanding how factors like the crime rate and the economy influence public opinion, because the crime rate is constant at any single point in time. Thus, there is no variation in the crime rate for scholars who use cross-sectional research designs to study these phenomenon and public opinion.

3.1. A turning point in American criminal justice?

The lack of time series data on American's punitive policy preferences leads to many unanswered questions that are crucial to various theories relating to crime and punishment. An important question debated by scholars is *when* public concern for crime led to a dramatic upturn in public demand for punitive solutions. Reading through the literature there seems to be a consensus that Americans experienced a fundamental change in how they think about crime and punishment during the last half of the 20th century. Instead of trying to solve the antecedent social causes of crime, Americans took on a more punitive approach to dealing with the issue. Many scholars assume that this upturn coincided with the infusion of racial attitudes into the crime issue. Yet, there is no empirical evidence showing that public preferences for punitive criminal justice policies experienced a dramatic turning point that led to a sharp increase in support for such policies. Nor is there evidence that these attitudes became infused with considerations relating to race in a *new or unique* manner during this time period. In fact, the claim that race and crime became tied together in the 20th century ignores the longstanding relationship between crime and race described above.

There is some consensus that a major shift in the public's support for punitive policies occurred during the 1960s. For Erskine (1974), the fundamental shift in American punitiveness began immediately following the assassination of John F. Kennedy and was compounded by the growth in campus protests against the Vietnam War. However, a more conventional view is that the 1964 presidential campaign of Barry Goldwater led to the dramatic upturn in concern over crime and public support for punitive policies.

Hoenisch (2004) provides a clear depiction of the conventional thinking regarding the rise of punitiveness in America:

> During the second half of the 20th century, growing concern over organized crime, drug abuse, and violent crime as well as the advent of the civil rights movement brought a massive increase in federal involvement in law and order issues. And in the mid-1960s, a dramatic shift in national attitude took place: Crime began to be viewed as a national problem warranting a national solution. In fact, it was largely the 1964 presidential campaign battle among Republican Senator Barry Goldwater, Independent candidate George Wallace, and Democrat Lyndon B. Johnson that returned crime to the national spotlight as a policy issue. In reaction to Civil Rights demonstrations and a rising crime rate, both Goldwater and Wallace included a strong law and order plank in their campaigns. Goldwater, in particular, often referred to the "crime in the streets" and the need for "law and order." Both Goldwater and Wallace accused Johnson of fostering a leniency that abetted crime.

Thus, the confluence of events such as increases in drug use, violent crime, organized crime, and civil rights protest came to a tipping point in 1964 leading to a

consensus among the public for a "national solution" that was punitive in nature. Similarly, Finckenauer (1978, 16) begins his examination of the changing debate over crime and punishment in America by also implicating the 1964 election:

> The 1964 presidential campaign was critical in initiating a new political era in the United States. . . . Running on a law and order platform, Goldwater attacked the Kennedy-Johnson administration for its inattention to "crime in the streets." Since that time the crime problem has remained high in public opinion polls concerned with major domestic issues and has been a factor in national politics.

According to Finckenauer (1978, 16), the 1964 election led to a "new political era" that is different from the previous era and "since that time" has remained an important issue among the public. Thus, there is the implication of a major structural change in public opinion regarding crime and punishment. Other scholars share this view that a major turning point occurred during the 1964 election. In a detailed examination of elite rhetoric, crime, and race, Beckett (1997) states, "[w]hat became known as the "crime issue" emerged on the national political scene during the 1964 presidential campaign." Many other scholars share this view that a substantial shift in the nature of how Americans think about crime and punishment began with the 1964 presidential campaign (e.g., Barlow and Barlow 1995, Friedman 1993), but have only provided anecdotal evidence of what led to the increase in punitive sentiment.

Some scholars note that Goldwater was not the initial catalyst for bringing the issue of crime into the 1964 presidential election. Instead, Democratic Governor George Wallace initially brought the issue of "law and order" into the campaign during the Democratic Party primaries. Wallace, like other Southern politicians, maintained that the civil rights movement encourages lawlessness and disorder. Thus, linking

civil rights to crime. Indeed, the linkage of race to crime became a southern strategy among conservatives to realign the electorate along the lines of race and class and shift the allegiance of southern white voters away from the Democratic party (Beckett and Sasson 1999, Edsall and Edsall 1992). By this account, it was not Barry Goldwater that led to national shift, but southern conservatives prior to the 1964 election that began to infuse race, civil rights, crime, and punishment together and bring it onto the national spotlight. Thus, the fundamental change-point might have begun somewhat earlier than the 1964 presidential campaign.

Scholars also argue that the civil rights movement and specifically the passage of the 1964 Civil Rights Act led to a vital transformation in public opinion regarding crime and punishment and led to the linkage between race and crime. Indeed, there is almost a conventional wisdom that the public's rising concern and punitiveness over crime is linked to the civil rights movement and black mobilization (Cronin, Cronin and Milakovich 1981, Feagin and Hahn 1973, Flamm 2005, Furstenberg 1971). Simon (2007, 23) notes the connection between growing dissatisfaction with the welfare state, civil rights, and the rise of punitiveness arguing that civil rights is probably the issue that led to the "recasting of New Deal governance" that was stymied when the "crime agenda decisively sprinted ahead." Even scholars that take a more economic approach to explain the rising demand for punitive policies, arguing they are partly a rational response to rising crime rates, agree that the change in public opinion was also a "response to an upheaval in American race relations in the 1960s" (Western 2006). Murakawa (2005) provides a detailed overview of how race and crime intersected during the 1960s noting the major change in punitiveness was "born race-laden" and began "with the Civil Rights Act of 1964 and the Voting Rights Act of 1965." Thus, there are many accounts that point to 1964 and even 1965 as a turning point in punitiveness.

Contrary to these accounts, Loo and Grimes (2004) find no evidence that white aversion for civil rights and black mobilization are associated with public opinion toward crime and punishment. In their examination of public opinion polls from the 1950s to 1970s, they find little evidence that race, civil rights, and black political mobilization is entangled with issues relating to crime and punishment. Yet, even these authors hint that a fundamental change in public opinion began during the 1960s. For instance, Loo and Grimes (2004, 50) summarize the turning point as follows:

> Crime first emerged as a national political issue in the U.S. in the 1960s. It played a central role in the presidential contests of 1964 and especially 1968. GOP nominee Barry Goldwater raised the "crime in the streets" issue in the 1964 presidential contest, and in 1968 Richard Nixon ran successfully for president touting a "law and order" platform. In conjunction with the 1964 and 1968 presidential races, major media widely and prominently publicized polls that appeared to show that, for the first time in U.S. history, crime had risen to the status of America's number one domestic problem.

Yet some scholars disagree that any substantial change in public concern and punitiveness over crime occurred during the 1960s. This latter point is put forth by several scholars that examine the pre-1960s evolution of crime and public opinion in America. Feeley (2003) provides a recent analysis of crime studies and concludes that the 1960s increase in concern over crime was nothing new. Instead, he argues that crime and public awareness of the problem was already increasing during the 1950s. Gottschalk (2006) argues that the foundation for the modern punitive expansion of the criminal justice system began prior to the 1960s. Instead of elite rhetoric and

race, a series of historical developments that led to new criminal justice institutions and room for the expansion of power by those institutions laid the foundation for the rise in punitiveness. Thus, Gottschalk (2006) denounces the notion that the 1960s led to a "special" or "distinct" change in American punitiveness.

If the 1960s did not lead to a distinct change in how the public thought about crime and punishment, maybe it was a later era that led to this fundamental transformation. Several previous passages point to former President Richard M. Nixon as a potential catalyst. Loo and Grimes (2004) suggest Nixon's 1968 presidential campaign continued to carry the "law and order" theme, which might have led to growing public demand for punitive criminal justice policies. Savelsberg (1999, 188) states that the "new era in U.S. criminal justice began with the 1968 passing of the Safe Streets and Crime Control Act", which occurred during the initial term of president Richard Nixon. Nixon might have been able to capitalize on the events of the late 1960s such as the increase in race riots in 1967, the continuation of Vietnam protests, and the increasing rate of crime. In addition to these events, Nixon's popular support was greater than either Wallace or Goldwater suggesting the public was more receptive to his "law and order" messages. Nixon's ability to stir public interest in crime can be seen in his 1970 state of the union address:

> We have heard a great deal of overblown rhetoric during the sixties in which the word 'war' has perhaps too often been used—the war on poverty, the war on misery, the war on disease, the war on hunger. But if there is one area in which the term 'war' is appropriate it is in the fight against crime. We must declare and win the war against the criminal elements which increasingly threaten our cities, our homes, and our lives. (Nixon 1971, 12).

Button (1978, 135) specifically singles out Nixon as the person who best capitalized on the turmoil (e.g., Vietnam protests, civil rights movement) of the 1960s arguing that Nixon's administration "marked a clear shift in federal strategy toward achieving social order." Others scholars also point to Nixon as the catalyst for the rise in public demand for punitive policies (Baum 1996).

Finally, there is also a possibility that while crime began as a national issue in the 1960s, that it was the 1980s and the "War on Drugs" that really catapulted crime into the national spotlight. Beckett (1997, 60) makes this point suggesting that the use of crack cocaine during the 1980s led to a stronger connection between race and crime and a desire for more punitive policies. Other scholarship also notes the abundance of literature that also speculates that a substantial change in American criminal justice policy and thinking about crime occurred later than the 1960s. Weaver (2007, 32) states that "A canvass of the shelves devoted to criminal justice in a library would reveal a clear pattern: a tacit assumption that criminal justice change began in the late 1970s and early 1980s with the determinant sentencing movement and Reagan's drug policies."

So scholars are left with several basic questions concerning race, crime, and public opinion. When, if at all, did public preferences for punitive policies experience a dramatic structural change? What is the catalyst or catalysts that led to such a turning point, if one exists? Is the connection between race and punitiveness fundamentally different today than it has been in the past or did it change after some event such as the passage of the Civil Rights Act, the presidential campaign of Barry Goldwater, the presidency of Richard M. Nixon, or the growing use of crack-cocaine in the 1980s? Although there is a great deal of qualitative evidence suggesting a major turning point in punitiveness, there is no agreement on when this happened or the extent of the change. Clearly, this empirical question warrants an empirical

answer.

3.2. The social construction of crime and the use of strategic communication

Scholars are also in disagreement regarding the social construction of crime and what type of strategic messages are responsible for shaping the public's punitive sentiment. Criminality is a socially constructed political issue—a political problem that is characterized by a particular culture or society through popular images, symbols, and narratives. Socially constructed issues such as criminality might have some basis in objective conditions, but are frequently construed from popular stereotypes, biased information, and strategic messages from elite actors (e.g., politicians, interest groups, or the news media). Social constructions are therefore dynamic, subject to debate and interpretation, and prone to conflict among competing groups. Strategic actors attempt to influence public opinion by socially constructing target populations—the group that is most effected by the policy (e.g, criminals)—in a manner that distinguishes the target population as an actual group and attributes specific positive or negative characteristics to members of the group (Schneider and Ingram 1993).

Criminals are often discussed in the media as social deviants—lacking moral character, the inability to conform to social norms, and personally responsible for their criminal behavior. The negative social construction of criminals promotes the use of punitive solutions since the public views the target population (criminals) negatively and members of the target population have little recourse to counter such tough sanctions because they lack political power (e.g., resources, organization, credibility). The public is also inclined to support such policies because the most *visible* costs of punitive policies are bestowed on criminals, while the dispersion of the *actual* monetary costs across the public through tax revenues are often less noticeable. Furthermore, punitive policies are argued to bestow specific benefits on the mass public and society

by reducing. Thus, public support for punitive policies is typically high.

The social construction of criminality facilitates the use of strategic communication among entrepreneurial political actors. The lack of political power among criminals and the high level of public support for punitive policies creates an atmosphere where strategic actors can promote punitive policies to gain public approval without alienating a large number of politically powerful constituencies. Research shows that elite actors will try to influence the public in order to achieve electoral support and policy goals and these elite signals can shape the public's policy preferences (e.g., Zaller 1992). Yet, there are multiple views about what type of strategic message is the most effective at shaping the public's punitive sentiment.

One view among scholars and political observers is that the rise of crime as a political issue onto the national stage led to the rise in demand for punitive criminal justice policies among the mass public. In other words, the ability of elite actors to engage in agenda setting—shifting the importance of an attitude object (e.g., issue) in the minds of the public—is what led to the rising demand among the public for more punitive criminal justice policies. Wilson (1975) is perhaps the first to make a connection between agenda setting and changes in public preferences for punitive policies. He notes that on four separate occasions during the 1960s, the public listed crime as the "most important problem" (MIP) facing America. Wilson (1975, 65-66) wrote, "In May 1965 the Gallup Poll reported that for the first time 'crime' (along with education) was viewed by Americans as the most important problem facing the nation." He adds, "in the months leading up to the Democratic National Convention in 1968—Gallup continued to report crime as the most important issue."[2] He goes

[2]Although Wilson (1975) writes that crime became the MIP on these instances, examination of these same data fail to show crime as the MIP. The latter is inconsequential for the point that Wilson believed the rise of crime on the public agenda led to a demand for more punitive policies.

on to argue that the public concern over crime is synonymous with public demand for more punitive policies and that the government should enact those policies which the public demands.

Agenda setting may also be responsible for both the rise in punitiveness and the connection between race and crime. Weaver (2007, 230) presents a theory of *frontlash* which she describes as,

> the process by which formerly defeated groups may become dominant issue entrepreneurs in light of the development of a new issue campaign. In the case of criminal justice, several stinging defeats for opponents of civil rights galvanized a powerful elite countermovement. . . . [I]ssue entrepreneurs articulated a problem in a new, ostensibly unrelated domain—the problem of crime.

In short, frontlash is a preemptive strategic maneuver to shift the political agenda from one issue to another issue. Losing coalitions on one issue have an incentive to change the agenda to an issue where they have a higher probability of forming a winning coalition by mobilizing public support. According to Weaver (2007), once southern conservatives realized they were going to lose the debate over civil rights, they began to shift the debate from civil rights to crime and punishment. In addition to focusing public attention on crime and creating greater public desire for punitive policies, the movement of the debate over civil rights into a debate over crime led to the connection between race, crime, and punishment.

Several studies examine how persuasive arguments shape public support for capital punishment. In a comprehensive examination of the death penalty debate, Gross and Ellsworth (2001) examine the use of six different arguments that have been used for and against the death penalty. These arguments target various dimensions of

the issue such as morality, constitutionality, costs, deterrence, fairness, and innocence. They find that the newest appeal linking capital punishment to the execution of wrongfully convicted individuals has been particularly effective at shaping punitive attitudes. These "innocence" messages have been effective, according to Gross and Ellsworth (2001), because DNA evidence provides convincing "scientific" proof of problems in the criminal justice system (Baumgartner, De Boef and Boydstun 2008, Radelet and Borg 2000).

A different set of research points to the ability of strategic actors to define crime by highlighting different aspects of the issue and ignoring other dimensions of the issue as the cause of the rise in punitiveness. This phenomena is known as issue framing. The ability to define the causes and consequences of an issue often shapes how the mass public thinks about and understands an issue such as crime. Beckett (1997, 5-6) argues that strategic actors "struggle to gain acceptance for preferred ways of framing" the crime issue and "compete to have [their] versions of reality accepted as truth." Instead of a response to increases in crime or fear of crime, Beckett (1997) argues, the public's punitive attitudes are shaped by the exploits of politicians that use framing messages to exacerbate the crime problem.

Murakawa (2005) describes how elected officials have incentives to offer racial framings of the crime problem since the negatively constructed 'black criminals' have little political power to counter the punitive change in crime policy. These racial frames explicitly linked the civil rights movement to black lawlessness and crime. Attempts to reframe the origins of crime as stemming from the lack of civil rights and social opportunities among blacks were less successful. Subsequently, the negative racial frames prevailed and Americans began to support punitive policies.

One reason for the effectiveness of these frames is because they lead to causal attributions. Messages that define crime in terms of racial stereotypes, morality, and

procedural or social fairness can lead citizens to make inferences about the social or individual causes of crime, which have been shown to shape punitive attitudes (Iyengar 1991). For instance, a morality frames define crime as a function of the lack of principles and social values among individuals, which is a clear example of an individualistic attribution frame. Arguments that define crime in terms of the race of the offender also shift attention toward individual responsibility because they focus on traits of an individual or group member. In contrast, procedural fairness or innocence frames focus on the broader institutional problems within the criminal justice system taking responsibility away from the individual and pointing it toward the larger social-political system.

An alternative form of strategic communication to agenda-setting, persuasion, and framing is priming. Priming is the process of making some considerations more accessible and therefore important in the minds of individuals when they evaluate an issue through implicit communication. Several scholars and pundits have argued that various images, symbols, and code words, linking race to crime changed the debate over how to solve crime (Edsall and Edsall 1992, Omi and Winant 1986). These authors claim that the Republican strategy was to use symbols and rhetoric that "refers indirectly to racial themes but do not directly challenge popular democratic or egalitarian ideals" (Omi and Winant 1986, 120).

Gilliam and Iyengar (2000) performed a series of priming experiments to show how implicit racial images affect punitive attitudes (also see Gilliam, Iyengar, Simon and Wright 1996). In one experiment, subjects were shown a crime narrative with either a black or white offender. A third pool of subjects were given a crime story where the race of the offender was not mentioned. The central finding of their research is that exposure to a black offender increases support for punitive solutions to crime such as mandatory sentencing, putting more police on the street, and capital

punishment. They also find that this relationship is mediated by racial stereotypes such as the belief that blacks are violent. Even more surprising is their finding that in 70% of the cases where the race of the defendant was not identified, experimental subjects inferred the race of the offender was black. Kinder and Mendelberg (2000) find more modest effects that covert racial images in media depictions of crime lead to more support for punitive policies such as capital punishment, but that race plays a larger factor in preference formation when race is explicit in policies such as affirmative action and school busing. Thus, priming is seen as a significant form of strategic communication in linking race to punitive attitudes.

Despite all of the attention to the social construction of crime, there is no consensus on the type of strategic communication that is most effective in determining the public's policy preferences in this domain. Most research on strategic communication and criminal justice policy preferences focuses on a single type of strategic message within a controlled experimental setting. Experimental research is ideal to test causal theories at the individual level, but unable to determine the over-time relationships that exist outside the laboratory. Further, there is no attempt to determine if one type of strategic message is more effective than another type of message, what contextual factors change a message's influence, and how the relationship between strategic communication and public policy preferences vary across time. The latter is important in understanding the dynamics of the public's support for punitive policies because past theories of punitiveness point to different forms of strategic communication as a determinant of policy support.

4. The macro politics of public punitiveness

The central argument of this research is that democratic government creates a political system that leads to the competition of strategic messages. Political actors are able to use all four types of strategic communication in order to influence public opinion and often shift between these types of communication as the effectiveness of messages evolve over time. Therefore, studies of strategic communication need to model the relationship between a strategic message and public opinion in a manner that captures the time varying nature of message effectiveness. Furthermore, the effectiveness of strategic messages is not random, but depends on over time factors that either lend credence to strategic appeals or make the public more open to accept an appeal. In other words, the effectiveness of a strategic appeal depends on both competition of other appeals and social context.

Changes in the social environment that makes various messages more or less plausible interact with different messages to influence public opinion. Although most scholars argue that actual conditions in crime fail to shape public opinion, recent political science research suggests contextual variables can influence how citizens think about politics and policy. I argue that the effect of crime on public opinion is indirect, working by given credence to strategic messages. Levels in criminal activity and messages politicizing criminal activity work together to change the public's preferences toward punitive solutions to crime. Furthermore, the effectiveness of racial appeals should change over time in relation to changing norms regarding racial equality and tolerance (Mendelberg 2001).

5. Chapter overviews

Chapter II defines strategic communication and describe how various political actors can use strategic messages to influence political outcomes. Each type of strategic communication—agenda-setting, persuasion, framing, and priming—are defined using the expectancy-value model of an attitude to show how each type of appeal intends to shape public opinion. The model is also able to show the strengths and weaknesses of each type of appeal and provide some guidance into 1) why racial appeals are effective and 2) why the effectiveness of each appeal should vary over time.

Chapter III examines the evolution of each type of strategic appeal in media coverage of crime from 1950 to 2006. A content analysis of strategic messages from the *New York Times* provides an over time measure of the use of agenda-setting, persuasive messages, racial frames, and racial primes. In addition, a simple model of the determinants of strategic messages in crime news is built around the incentives of the media, political actors, and the public. The model predicts the over time variation in the content of media coverage of crime providing evidence that media coverage of crime is grounded in environmental conditions.

Chapter IV defines punitive policies and the concept of public preference's for punitive criminal justice policies. The shared movement of over 240 observations of the public's support or opposition for punitive policies provides a measure of the dynamics of punitive sentiment from 1951 to 2006. This chapter provides details on the over time dynamics of punitive sentiment answering the question of the direction and magnitude of change in the public preferences for punitive policies.

Chapter V takes up the issue of when, if any, did the public experience a fundamental change in their preferences for punitive policies. A Bayesian changepoint model is introduced to examine every potential breakpoint in the punitive sentiment

series. The results show a fundamental change in 1972, contrary to the expectations of many scholars. The breakpoint estimate is consistent with the Supreme Court's decision to abolish capital punishment. A formal test of the relationship between the dramatic increase in punitive sentiment and judicial activism by the Supreme Court using Markov Chain Monte Carlo simulations shows a public backlash against liberal Supreme Court decisions regarding the death penalty.

Chapter VI builds a model of punitive sentiment based on the public's instrumental concerns and the social construction of crime. Punitive sentiment is modeled as a function of each type of strategic communication—agenda-setting, persuasion, framing, and priming. The relationship between these messages and punitive sentiment is shown to vary across time rather than remain constant. Furthermore, the time varying nature of these relationships are shown to be a function of environmental and social conditions such as changes in criminal activity and racial sentiment.

Chapter VII provides a brief overview of the major findings of this research and relates these findings to public policy, representation, and democracy. It also provides some conjecture about what the nature of the public's punitive policy preferences means for the rationality of the public, its ability to learn and integrate new information, and the public's susceptibility to manipulation.

CHAPTER II

THE STRATEGIC NATURE OF POLITICS

Conflict pervades politics. The essence of politics is conflict over the obtainment of political power in order to control the allocation of scarce resources and determine what values prevail in society. For instance, global, regional, and ethnic wars are fought over resources such as land or water rights. Debates regarding abortion, euthanasia, and homosexuality are to determine what values prevail in society. Similarly, debates over criminal statutes and sentencing are to determine what behaviors a society will tolerate and for the protection of property rights. These and other political issues are the manifestation of political conflict over the obtainment of allocative authority.

The opportunity for debate and deliberation (i.e., conflict) concerning the allocation of resources and values is one of the defining attributes of a democratic society (Dahl 1971, Riker 1982). Symbiotically, the ability for multiple viewpoints and ideas to flourish and challenge the status quo within a democracy facilitates political conflict. Elite and citizens alike can express their, often diverging, opinions and attempt to mobilize supporters around their position. In turn, citizens can choose among these competing viewpoints to update their own beliefs and make their own attempts to influence political outcomes.

Some of the most central and important questions in political science revolve around who wins in this ongoing competition. For instance, why do some conflicts lead to widespread social movements and mass participation while other political problems fail to catch the attention of even the most astute political observers? Why do some political strategies allow some ideas to win favor among the mass public while other strategies fail? What institutional structures help preserve the status quo

and which designs facilitate change? Why do some politicians carry favor with the public, while others fail to get their political careers off the ground? The answer to these and related questions derive from the core essence of politics: conflict over the authority and power to allocate resources and values.

One view, although not the only answer to this over-arching question, centers on the ability of political actors to use strategic communication to obtain influence and control over the allocation of who gets what, when, and how. For instance, several scholars note that the ability to define the alternatives within a conflict is synonymous with political power (Polsby 1960, Schattschneider 1960). According to Schattschneider (1960, 66), the "definition of alternatives is the supreme instrument of power" in politics. Riker (1986) elaborates on this view by noting that strategic communication can alter the dimensions of a debate encouraging mass participation and changing the composition of existing alliances as preferences shift around these new dimensions. Altering the meaning of an issue can activate or diminish citizen participation, widening or narrowing the scope of conflict. The current majority has no incentive to change the dimensions of a debate since they are already in a position of power. Majority coalitions usually benefit from the status quo and attempt to bound discourse on a topic along existing lines of debate. Those unhappy with the status quo will often attempt to redefine a political debate to rearrange current alliances or mobilize new groups into the debate. As preferences shift and the scope of conflict changes, the previous minority view can become the new majority leading to a new equilibrium outcome. Thus, according to this view, strategic communication is a driving force behind political power and change.

1. Strategic communication

Strategic communication is a plan of action identifying specific messages and information, mediums to convey those messages, and target audiences to achieve specific goals or outcomes. 'Strategic communication can be any set of messages or arguments—factual information, symbols, images, narratives, metaphors, writings—that are used to achieve some a priori goal or outcome. Strategic communication can derive from a variety of sources: interest groups, politicians, pop-culture icons, individual citizens, grassroots organizations, or foreign nations to name just a few. The target audience can also vary in size from the entire world to a single nation to a single individual. Any formulation and distribution of a signal (message or communication) with an a priori desire to achieve a specific end-state is strategic communication.

At some point, everyone has attempted to use strategic communication to influence a target audience with the intention that the recipient(s) will endorse the message and the desired outcome will be achieved. Political campaigns, marketing agencies, teachers, journalists, social movement leaders, and ordinary citizens all engage in strategic communication. Teachers, for instance, will attempt to craft a lecture comprising of a series of arguments and use various presentation styles (e.g., lectures, blackboard, films, powerpoint, group discussion) to ensure students pay close attention and learn a subject. Politicians often devise a variety of messages over the course of a campaign or policy debate to influence voters and other policy-makers. Members of the mass public will attempt to sway influence over friends or colleagues on topics ranging from important social problems to minor issues such as where to go to lunch. Thus, there are no limitations on who can craft a strategic message and engage in the practice of influence.

Strategic communicators can employ a variety of messages to achieve influence.

Some messages attempt to target individual cognitive facilities by using informative facts and empirical data, while other messages try to evoke emotions such as anger, fear, hope, or enthusiasm thru the use of symbols, images, and sound. Changing the volume of ones voice during a speech, emphasizing certain words or phrases, or wearing certain clothes to evoke emotions are all examples of different types of strategic messages. Appeals may try to get people to make inferences about a desired end-state by making prior beliefs, stereotypes, or feelings accessible in memory or they may directly make a connection between an argument and the desired outcome. Strategic messages can be one-sided making a single argument for or against an outcome or they can be two-sided noting the cons of an alternative outcome before citing the pros of the desired outcome. In fact, these are just a few of the variations in messages that strategic actors can use to gain influence.

Further, these messages can vary in the amount of time and resources used to construct them. Some messages will be devised on-the-spot with little more than a person's intuition about how influential a set of words or images will be in achieving a desired outcome. Other messages will undergo an immense amount of scrutiny being subject to mass opinion surveys, evaluation by experts, or testing by focus groups.

There is also no limit on the size of the target audience. Strategic messages can be crafted to appeal to the entire world or just a single individual. The target audience can consist of the entire nation as when the president makes a speech on national television arguing that "law and order" is necessary to ensure domestic stability and peace. A strategic appeal can be directed at a specific organization or group such as a when criminal justice experts testify or submit amicus briefs before the U.S. Supreme Court about the "cruel and unusual" nature of lethal injection in capital punishment sentences. A target audience can also consist of a few friends that are sitting around a bar arguing about the effectiveness and morality of "three-strikes"

laws that set mandatory lifetime sentences for three time felony offenders. Further, a strategic message can attempt to target multiple audiences at the same time such as blue-collar workers, soccer moms, and religious activists. In fact, a message that is able to target multiple audiences is likely to be more effective at shaping political outcomes than a message that appeals to only a single target audience.

Finally, there is variation in how well a strategic communicator evaluates a message. For marketing agencies, evaluation of an ad campaign is crucial to determine the success of the message and whether or not resources should continue to be spent promoting that message. It is also relatively easy to measure increases in sales pre and post the advertising campaign to determine what changes in sales are normal and what changes can be attributed to the new message. In less formal settings a message's effectiveness can be gauged by whether or not someone engages in a desired behavior or expresses a certain opinion. Within the realm of politics, it can be more difficult to measure and evaluate the effect of a message. Sometimes the only measure of the effectiveness of a message is an election or voting outcome, when the message sender can no longer alter the message. Policy outputs are a possible means to evaluate the effectiveness of a strategic message during a policy debate, but it may be difficult to isolate the effect of the message from other variables that can also shape political outcomes. Politicians can use public opinion poll results to determine if the public or segments of the public are accepting a given message and supporting their position. Yet, often there is no formal means to evaluate the effectiveness of a message and the only way to gauge success is by noting if a desirable outcome was achieved.

The use of strategic communication as a means of social influence, particularly in politics, is often portrayed as manipulative, sinister, and undemocratic. Strategic political appeals are often characterized as attempts to deceive the public and misrep-

resent information. In some instances, these are valid concerns. For instance, during the 1988 presidential election, George H. W. Bush used implicit racial messages portraying crime as a problem among blacks despite the problem of crime transcending race (Edsall and Edsall 1992, Mendelberg 2001). Yet, those that engage in strategic communication can also be ethical and informative, using strategic communication to educate the public. Consider, for example, the constructive role of non-profit organizations such as the Amnesty International in illuminating human rights abuses or the attempts of Smokey the Bear, McGruff the crime dog, and Woodsy Owl teaching children to prevent forest fires, report crime, and to "give a hoot, don't pollute." Few would suggest the latter instances of strategic communication are manipulative and unethical. Often prejudice against strategic communication discredits many legitimate and well-intentioned attempts at social influence. This research will refrain from casting normative judgments on strategic communication, noting that in most instances, the intentions of the message sender and the implications of strategic communication for democratic politics is a subjective judgment. What matters for this research is that strategic communication *is* a common aspect of democratic politics regardless of its overall effect on public life.

1.1. Types of strategic communication

Scholars have identified four key forms of strategic communication: Agenda-setting, persuasion, framing, and priming. Strategic communication attempts to influence the attitudes, opinions, and behaviors of a target audience. Since attitudes form the foundation of subsequent opinions—the verbal expression of an attitude—and behaviors—the physical expression of an attitude—we must understand the relationship between different types of strategic communication and attitudes. Thus, understanding how each type of strategic message attempts to influence an attitude provides the simplest

means to differentiate between agenda-setting, persuasion, framing, and priming.

One of the most common conceptulizations of an attitude is the expectancy-value model (Ajzen and Fishbein 1980). The model suggests attitudes are an additive function of different positive or negative beliefs regarding an attitude object with different weights given to each belief component. The expectancy-value model can be shown by the algebraic expression:

$$a_j = \Sigma\, e_i * w_i \tag{2.1}$$

where an expression of an attitude a towards object j is a function of the sum of all evaluations or beliefs e of attributes i of the attitude object or e_i multiplied by the weight w of all attributes i or w_i. The weight w given to a belief regarding an attribute e_i must be between 0 and 1, while the weight of all attributes must sum to 1. Further, there is no theoretical limit to the amount of evaluative belief components e_i used in formulating an attitude, but empirically human memory is limited to 7 ± 2 items (Miller 1957).

The expectancy-value model is a simple, yet, informative guide to understanding attitude formation and change. For example, a person's attitude about the death penalty a_j,where $j = \textit{death penalty}$, might consist of a combination of positive and negative evaluations e_i. These evaluations (considerations in public opinion lingo) might be racial biases within the system ($i = 1$), the extent capital punishment serves as a deterrent to crime ($i = 2$), the costs of conviction of a capital offense ($i = 3$), and retribution for the crime ($i = 4$). An individual might have two considerations opposing the death penalty (a negative valence), racial biases and high costs, and two considerations in favor of the death penalty (a positive valence), deterrence and retribution. The summary judgment or attitude will then be a result of the relative weight w attached to each attribute i. Some individuals might give the greatest weight

to racial biases ($w_1 = .08$), equal weight to deterrence ($w_2 = .01$) and retribution ($w_4 = .01$), and no weight to the costs of implementing the death penalty ($w_3 = .00$). Thus, this person will oppose the death penalty largely based on the racial biases within the justice system.[1] Another person might place all the weight on retribution ($w_4 = 1$) relative to other considerations and therefore favor the death penalty.

One of the foremost strategies to influence political outcomes is through agenda-setting. Cohen (1963, 13) first noticed the ability of the mass media to set the public agenda:

> The press is significantly more than a purveyor of information and opinion. It may not be successful much of the time in telling people what to think, but it is stunningly successful in telling its readers what to think *about* [emphasis in original]. And it follows from this that the world looks different to different people, depending not only on their personal interests, but also on the map that is drawn for them by the writers, editors, and publishers of the papers they read.

The ability to direct public concern or awareness toward some issues and away from other issues is known as agenda-setting. In other words, "agenda-setting refers to the process by which problems become salient as political issues" (Erbring, Goldenberg and Miller 1980, 17-18). Specifically, scholars classify the ability of strategic actors, particularly the mass media, to transfer the salience or importance of an issue onto the public as agenda-setting.

In terms of the expectancy-value model, agenda-setting attempts to influence the

---

[1] More formally, the individual's opinion would be the result of the following function: $a_j = (-\text{racial bias}) * .08 + \text{deterrence} * .01 + \text{retribution} * .01 + (-\text{costs}) * .00$. Notice the negative signs take into consideration the direction of affective valence each belief has on the overall attitude.

object of an attitude's focus a_j: the object j of an attitude a. More formally,

$$\mathbf{a_j} = \Sigma\, e_i * w_i \tag{2.2}$$

where j in equation 2.2 could be any issue (e.g., the death penalty, social security, health care, civil rights, or foreign policy) and the purpose of agenda-setting is to create a change in j. For instance, a successful attempt at agenda-setting would be to shift a person's attention from thinking about the death penalty (j = death penalty) to thinking about some other issue such as the economy (j = economy).

Studies of agenda-setting begin with the notion that the mass public does not expend a great deal of time and effort to understand public affairs. Instead, people go about their everyday lives focusing their attention on their work, social relationships, and leisure activities. Given the public's lack of attention to politics, agenda-setting research seeks to understand how the public focuses its attention on some problems and policy solutions at the expense of alternative problems and solutions. For instance, why did the public shift its attention to issues of crime and race during the late 1960s instead of other issues like U.S. foreign policy in Latin America or health care? The agenda-setting answer is that the frequency of attention to an issue or political problem by strategic actors such as politicians, interest groups, or the mass media provides a cheap and easily available cue that the public can use to determine which issues or problems to focus their attention on. According to a prominent theory of agenda-setting, the public focuses its attention on some issues or solutions in proportion to the emphasis given to those same issues or solutions by opinion leaders such as the mass media (McCombs and Shaw 1972). The agenda-setting hypothesis derives directly from such theories. The agenda-setting hypothesis states that "those problems that receive prominent attention on the national news becomes the problems the viewing public regards as the most important" (Iyengar and Kinder 1987,

16).

Empirical evidence of agenda-setting is usually shown by the correlation between the frequency a message is transmitted and the ranking of the same issue by the public as important (McCombs and Shaw 1993, McLeod, Becker and Byrnes 1974, Takeshita 2005). For instance, Funkhouser (1973) examines media coverage of 14 issues during the 1960s. He finds that the issue with the most news coverage, the Vietnam War, is also the issue most frequently cited by the public as the nation's "most important problem." The second most covered topic by the news media during this era, race relations, was cited as the second "most important problem" facing the nation by the public. Overall, Funkhouser (1973) shows a high correlation (0.78) between the amount of media coverage of 14 issues and the importance ranking of these issues by the public. Behr and Iyengar (1985) find that news coverage of unemployment, inflation, and energy mirror objective conditions and that both influence the issue priorities of the public. There is also evidence showing a more direct, causal relationship between the frequency of news coverage of a topic and individual ratings of an issue as important. In a series of experiments, Iyengar and Kinder (1987) show that people are more likely to feel an issue is more important after watching a news broadcast featuring a story about that issue. For instance, people that watched a news broadcast featuring a story on national defense or unemployment were more likely to rate those issues as important than people that did not watch those stories. The more stories a person saw about the same topic, the higher importance rating that issue received.

Persuasion is a form of social influence that occurs when a strategic actor attempts to induce attitude change by changing the belief content of an attitude object (Nelson and Oxley 1999, 1040-1041). Similar to other forms of strategic communication, persuasive messages can take many forms (e.g., logic, symbolic), but must

target the belief content of an attitude object. Individual opinions and attitudes will tend to persist until a person learns something new about the attitude object or a previously held belief is rejected in favor of a new bit a knowledge. These new kernels of knowledge can be thought of as beliefs. Sometimes these beliefs change because of new experiences, but other times they change because of the transmission, reception, acceptance, and retention of new information (McGuire 1969). Persuasion is successful when the target audience receives and accepts a message, changes the belief content of an attitude object, and the change in belief content subsequently alters the valence of the attitude.

The effect of a persuasive message can be shown using the expectancy-value model where:

$$a_j = \Sigma\, \mathbf{e_i} * w_i \tag{2.3}$$

Persuasion occurs when a message changes the content of a person's beliefs (e_i) regarding the attitude object a_j. Persuasion does not change the focus of the attitude toward a new object (a_j) as in agenda-setting or the weight attached to the belief component (w_i). Instead, persuasion alters either the valence of a belief component or adds a new belief component to an attitude.

We can gain a better understanding of persuasion by reverting to the example of a person's attitude toward the death penalty (a_j = death penalty). Imagine an individual that opposes the death penalty based on a single consideration or belief—the observation that the criminal justice system discriminates against African-Americans. Also assume that the valence of this consideration is negative since our hypothetical person oppose racial discrimination. The negative valence on the belief component of racial discrimination should translate into an attitude opposing capital punishment.

Formally:

$$-\text{death penalty} = -\text{racial bias} * 1 \tag{2.4}$$

where the negative sign on the attitude object (death penalty) indicates that the individual opposes capital punishment and the negative sign on the belief content (racial bias) indicates a negative belief about the death penalty. Now consider the case where new information is made available that there no longer exists racial discrimination in the criminal justice system. Instead, the criminal justice system is extremely fair and impartial to everyone. If the argument was compelling enough to change the single consideration (racial biases) from a negative to a positive belief about the death penalty (since it's implemented fairly), the resulting attitude toward the death penalty would be favorable. The latter is an example of persuasion. In short, persuasion is akin learning.

When thought about in terms of learning, persuasion is a very effective means of communication. Teachers, advertising agencies, and social leaders spend a great deal of resources attempting to persuade the public. However, the utility of persuasion is often determined by the context of the situation (Mutz, Sniderman and Brody 1996, 5). In early voting studies, partisan identities and group loyalties showed great resistance to persuasive campaign appeals (Campbell, Converse, Miller and Stokes 1960, Lazarsfeld, Berelson and Gaudet 1944). For example, Lazarsfeld, Berelson and Gaudet (1944) realized that most voters had made up their minds about which candidate they were going to vote for prior to the start of the campaign and very rarely found a reason to deviate from their prior beliefs. These studies led to the conclusion that although campaigns are effective at mobilizing voters, they rarely have the ability to persuade people to change their minds about a policy proposal or which candidate they going to vote for.

More recent research suggests that the effectiveness of a persuasive appeal is conditional on the complexity of the argument and the issue domain (Cobb and Kuklinski 1997). These authors find negative arguments tend to be more persuasive than positive arguments and easy to comprehend arguments are generally more persuasive than complex messages. Research also shows that prior beliefs are not only resistant to persuasive appeals, but bias where individuals obtain information and how they process information (Bartels 2002, Broadbent 1958, Lodge and Hamill 1986). People are motivated to accept information consistent with their prior beliefs and reject information contrary to those beliefs (Taber and Lodge 2006). Thus, although persuasion is a common form of strategic communication in marketing campaigns and educational programs, it is less successful as an agent of change within the realm of politics.

As previously noted, the ability to define the essence of an issue is the ability to command political power. The ability to define an issue, to give meaning to a series of events or a political problem, is to engage in what is commonly known as issue framing. Gamson and Modigliani (1987, 143) define an issue frame as the following:

> [a] central organizing idea or story line that provides meaning to an unfolding strip of events, weaving a connection among them. The frames suggests what the controversy is about, the essence of the issue.

Issue frames refer to strategic attempts to define a problem for a target audience. Frames do not necessarily provide false interpretation or meaning to a problem. Instead, a successful frame will often emphasize some parts of reality over other equally plausible and realistic aspects of an issue. As Entman (1993, 52) notes,

> To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such as way as to promote a par-

> ticular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation

A frame does not have to try to give meaning to each of these aspects of an issue. Instead, the definition of one attribute (i.e., the cause of a problem) can often lead members of the target audience to infer other aspects of the the issue (i.e., the appropriate treatment or solution). Iyengar (1991) found that the attribution of a problem to individuals leads people to prefer solutions to the problem that focuses on individuals, while attributions of a problem to larger social conditions leads people to prefer solutions that target those social conditions.

The expectancy-value model is particularly useful in differentiating between framing, persuasion, and agenda-setting. Issue framing attempts to alter the importance attached to each attribute or belief related to an attitude object. Nelson and Kinder (1996, 1073) define an issue frame as a strategic attempt to "alter the weight or importance attributed to certain considerations ... while making other, equally accessible ideas, seem less consequential." Thus, instead of changing the focus of the attitude object a_j (agenda-setting), or the belief content (e_i) of an attitude (persuasion), framing works by altering the weight w attached to each attribute i of an attitude object.

$$a_j = \Sigma\, e_i * \mathbf{w_i} \tag{2.5}$$

Framing effects can be understood by returning the running example of an attitude toward capital punishment. Imagine an individual that has a neutral attitude toward the death penalty based on two beliefs that are weighted equally: the death penalty is a deterrent and the death penalty is implemented unfairly across races.

Thus, each belief is weighted at 0.5. However, the deterrent belief is seen as a positive attribute of the death penalty, while racial biases within the justice system are seen as a negative attribute of the death penalty. As it stands this person will have a difficult time forming a stable opinion on the issue since they have equal reasons to support each side. Now imagine that this individual receives and accepts a strategic message discussing (i.e., framing) the use of the death penalty in terms of its success as a deterrent. Subsequently, we can image that this person now gives more weight or importance to the deterrent belief and reduces his or her reliance on the racial bias belief when formulating their opinion toward capital punishment. A framing effect occurs when the weight attached to the deterrent belief changes, altering the valence of the attitude. In the example, the hypothetical person should support the death penalty because they are placing more weight on the positive belief that capital punishment is a deterrent of crime.

One distinctive feature of framing is that it is a deliberate attempt to alter what considerations are important. The message sender makes no attempt to obscure the frame. Instead, it is imperative to framing that the audience understand exactly how the communicator wishes to define the issue. Thus, frames are explicit attempts to alter what considerations are important when formulating or expressing an opinion toward an attitude object.

A substantial amount of research shows the prevalence of issue framing within politics. In the classic framing experiment, Nelson, Clawson and Oxley (1997) divided students into two equal groups. The first group read a newspaper article about a KKK rally emphasizing the potential for public disorder if the rally took place. The second group read the same news article, but instead of concerns for social order, the article emphasized the right to free speech that should be given to the KKK. The authors found that people in the social order treatment had less support

for the KKK rally *and* that concerns about public safety were more important in their evaluations of the rally. Individuals that read the free speech version of the same article had more support for the rally *and* rated free speech considerations as more important when formulating their evaluation of the rally. Framing effects have also been found to be prominent in public thinking about urban planning (Nelson and Oxley 1999), welfare (Iyengar 1991), foreign policy (Entman 1993), government spending (Jacoby 2000, Schram and Soss 2001), campaign finance reform (Grant and Rudolph 2003), support for the Supreme Court (Nicholson and Howard 2003), affirmative action (Gamson and Modigliani 1987), gun control (Haider-Markel and Joslyn 2001), homesexual rights (Price, Nir and Cappella 2005), and nuclear power (Gamson and Modigliani 1989). Thus, framing is often seen as a premier type of strategic communication.

Strategic communication from public officials and news organizations also influences the standards citizens apply when making political judgments by increasing the accessibility of a belief and subsequently making that belief more important. This is known as priming. Priming is when information influences the weight attached to a belief in the formation of political judgments or evaluations (Iyengar and Kinder 1987, Miller and Krosnick 2000). Most scholars believe priming occurs because frequent media coverage of an issue increases the accessibility of an issue within the minds of citizens (Iyengar and Kinder 1987, Krosnick and Brannon 1993, Krosnick and Kinder 1990, Valentino, Hutchings and White 2002). Citizens will then use this issue in their subsequent political judgments even though the message did not explicitly link the issue with the attitude object of those subsequent judgments. For instance, (Iyengar and Kinder 1987) argue that when the news media covers a particular problem, that problem becomes more accessible in the minds of viewers, therefore having a stronger influence on subsequent political judgments. Recently, however,

attention to an issue has been shown to prime political judgments by increasing the importance, rather than the accessibility, of an issue in subsequent judgments (Miller and Krosnick 2000). If the latter study is correct, the effect of priming is the same as the effect of issue framing. However, it is possible to differentiate priming and framing based on whether the message is explicit or implicit. Framing is an explicit attempt to define an issue by changing what considerations are important. Framing requires the target audience to understand how the message sender is defining the issue. Priming is an implicit message to change what considerations are important. There is no need for the target audience to be aware of the purpose of the prime. Indeed, this is one reason why primes are an effective means of influence. The expectancy-value model is less useful when trying to differentiate priming and framing, but it can still show how priming operates.

$$a_i = \Sigma\, e_i * \mathbf{w_i} \tag{2.6}$$

Priming works when an implicit message, usually a symbol or image, becomes more accessible within the minds of the target audience and increases the importance w_i of the primed attribute in the formulation and expression of the attitude. Assume that there are an infinitely large number of possible considerations (beliefs) that people can use when making an evaluation of an attitude object. The limitations of human memory ensures that the number of considerations relating to an attitude object is itself limited. According to Miller (1957) this number is approximately 7 ± 2. This means that the weight given to all of the other potential considerations is zero because they are not accessible in memory. Priming operates by changing the weight to considerations previously unaccessible in memory to some positive number meaning they are now accessible in memory and subsequently important in the evaluation of the attitude object.

An example of a priming message is a news story about crime that uses a visual image of a black male as an exemplar of a criminal. Although the story does not explicitly say crime is a problem with black men, the image of blacks within the context of the crime story becomes accessible with the minds of the readers. People then began to weigh their opinions or stereotypes about blacks (the belief content) more heavily when deciding if they support or oppose tougher criminal sanctions. Again the key difference between framing and priming is that priming occurs via an implicit message.

Scholars have found priming effects in several areas of American politics. Iyengar and Kinder (1987) find that primes—inserting a news story about defense or inflation—into a 30 minute news broadcast increases the use of those issues, respectively, in how citizens evaluate political leaders such as the president. The prime is implicit because there is never any attempt to link the president with either issue. The more stories subjects were shown about an issue, the more they used that issue in their subsequent political judgments. Mutz (1998) also finds that the number of stories in the Associated Press on the "economy" and "war on drugs" increased the weight given to these issues in evaluations of President Reagan. Simon (2002) finds that the increase in attention to crime during the 1994 campaign season led voters to rely on their attitudes about crime and punishment when voting in the California gubernatorial election between Kathleen Brown and Pete Wilson. Mendelberg (2001) shows that campaign advertisements featuring a black convict, Willie Horton, primed racial attitudes and crime in voters evaluations of the presidential candidates Michael Dukakis and George H. W. Bush. Although there was an explicit attempt to link the issue of crime with presidential vote choice, the strategic prime linking *racial attitudes* with *presidential vote choice* was implicit.

1.2. Summary

Changing the agenda is effective when mobilizing support is likely to shift the balance of power and lead to a new equilibrium outcome. Although agenda-setting does not directly influence individual level support or opposition to an issue because it only changes the object of attention, it still can shift aggregate levels of support or opposition through mobilization. As strategic actors pay more attention to an issue, the distribution of people that care about an issue will change. For instance, people that support punitive policies, but not paying attention to an issue will suddenly care about crime and began to voice their preference for punitive solutions to crime. This increase in people supporting punitive policies voicing their preference can shift the aggregate levels of support for punitive policies despite the inability of agenda-setting to alter individual-level support toward an attitude object. This is similar to the notion of a "silent majority." Yet, when political actors began promoting an alternative issue, the public might also shift their attention to that new issue. The competition of issues on the political agenda results in the foremost weakness of agenda-setting—issue displacement.

Persuasive messages are most effective when those messages are consistent with a core belief component of the attitude object. Yet, persuasion is difficult when a message directly challenges existing stereotypes, self-identies, values, and other predispositions. Such predispositions are stable across time and highly resistant to change. In some instances, a persuasive message can result in a counterargument from the target audience that discounts the persuasive message and shifts opinion in the direction opposite of that desired by the message sender. In addition, persuasive messages require a number of necessary conditions prior to influencing an attitude. McGuire's (1968) theory of persuasion requires attention, comprehension, yielding,

retention, and finally a change in opinion or behavior. Thus, persuasion is often difficult especially when the beliefs being targeted are deeply held. Instead, persuasive messages are most effective at reinforcing existing beliefs making an attitude stronger.

Often, the ability of strategic communication to influence public opinion requires a more subtle approach that does not directly target the belief content of an attitude, but the importance and accessibility attached to various beliefs. Framing and priming messages are most effective when they resonate with existing values and common experiences. Yet, Mendelberg (2001) argues that frames can lose their effectiveness when they directly counter widely held social norms and values. The explicit nature of the framing message means the public can identify and reject a frame counter to their prior beliefs. Primes, on the other hand, are implicit. The target audience is less likely to realize what belief component is being primed and therefore less likely to resist a priming message unless it is made explicit. The weakness of primes is that some belief components are chronically accessible. For instance, people tend to rely on unemployment considerations when evaluating the president. Since these considerations are almost always present when people think about the president an attempt to prime unemployment considerations within this context will be ineffective since those considerations are already accessible. Iyengar and Kinder (1987) find a number of instances in their priming experiments where the priming effect did not occur because, as they speculate, the consideration being primed is chronically accessible among the public.

One expectation from this discussion is that framing and priming should be more effective at shaping public opinion than persuasion. Persuasion is a complex phenomena and persuasive messages often meet resistance. Priming should also be more effective than framing when the consideration being activated is contrary to existing beliefs or values as long as the consideration being primed is not chroni-

cally accessible. Agenda-setting should be the least effective at altering the valence of an attitude since it does not change the belief content or weight attached to beliefs. However, agenda-setting can lead to substantial shifts in aggregate opinion via mobilization that can alter the balance of support for a policy.

2. Democracy and competition

Strategic communication does not operate in a vacuum. Instead, political actors must attempt to shape political outcomes and public opinion within the context of democratic government. Democratic government provides a context where a diverse and wide number of viewpoints must compete for public support. Political actors on all sides of a debate can present arguments supporting their position and opposing the position of political adversaries. In a few instances, there is widespread or unanimous support for a policy or viewpoint. Yet, usually there are competing viewpoints and ideas surrounding a policy debate. Thus, citizens are not merely exposed to a single type of strategic communication or a single point-of-view. Democratic government facilitates competition among ideas and leads to an environment where citizens can pick and choose among various arguments when making a political decision. Indeed, competition among various political actors structures the relationship between information and choice (Dahl 1971, Downs 1997 [1957], Jackson 1975, Chong and Druckman 2007).

Yet, scholars rarely examine the effect of democratic competition on strategic communication. A majority of the research on strategic communication (i.e., agenda-setting, persuasion, framing, priming) examines the effectiveness of these appeals in isolation rather than in a competitive context that resembles American democracy. As a scholarly community, we have very little understanding of how strategic commu-

nication operates within a competitive democratic context. It is unclear how effective various forms of strategic communication are when they are competing against alternative forms of strategic communication and alternative messages.

Most of the research on message attributes focuses on the organization, structure, and to a lesser extent the content of a message. One debate centers around whether it is advantageous to present an argument first (a primacy effect) or last (a recency effect). Miller and Campbell (1959) find that presenting an argument first is more effective when both arguments are presented around the same time and the subsequent judgment occurs at some later time. However, when the first message is temporally removed from the judgment and the second message is temporally closer, the second message is more effective. Yet, Haugtvedt and Wegener (1994) show that primacy and recency effects are moderated by the degree of information processing that the message requires suggesting that the ordering of a message matters less than the content of a message and individual motivations.

The effectiveness of one-sided messages that present a single point-of-view or two-sided messages that contrast two competing perspectives have also been studied. A general consensus is that two-sided messages are more effective, but can lead to polarizing attitudes as people adopt the position closest to their predisposition (Giner-Sorolila and Chaiken 1997, Lord, Ross and Lepper 1979). Two-sided messages are most effective when the opposing side's argument is refuted prior to the second message (Allen 1991).

An alternative to focusing on the organization of a message is to examine how content shapes message effectiveness. Whether or not a message contains positive or negative information can determine the message's effectiveness. Several studies suggest negative messages are better at shaping attitudes because they lead to higher levels of information processing (Maheswaran and Meyers-Levy 1990, Meyerowitz and

Chaiken 1987, Smith and Petty 1996). Negative information has also been shown to have a greater effect on candidate evaluations than positive information (Lau 1982, Lau 1985). Another aspect of message content is whether the message targets the cognitive or affective component of an attitude. Some messages try to shape opinions by appealing to reason by providing factual information on a topic. Other arguments will appeal to emotions and affect by providing symbolic cues and images. Some experiments show that affective arguments are more effective at inducing attitude change (Edwards 1990, Edwards and von Hippel 1995), while other research suggests that matching the message to the base of an attitude (i.e., cognitive message to an attitude formed by cognitive considerations) is the most effective approach. Aside from this research, there is very little emphasis on how the content of a message affects its influence.

2.1. Expectation: Racial appeals matter

What aspects of the content of a message should be effective at shaping preferences for punitive criminal justice policies? Effective messages should target deeply held beliefs such as stereotypes, self-identities, or values. A message that resonates with strongly held predispositions should be more effective than alternative messages. These messages are generally highly relevant to the target audience and result in highly elaboration information processing. Petty and Cacioppo (1998) construct an elaboration likelihood model (ELM) of attitude change. In the ELM, there are two different information processing routes that people use when processing a message. The central route is a process of high elaboration, careful scrutiny of a message, and internal thinking. Peripheral processing is a low elaboration effort where a limited amount of effort is expended to form a judgment. Whereas the central route of information processing results in the analysis of an argument, the peripheral route relies on heuristics

such as source cues, the number or length of arguments, and social identities. An attitude formed through central processing tends to be stable across time, resistant to change, and has the ability to influence other attitudes. An attitude formed through the peripheral route is generally weak and unable to withstand strong counter arguments. Since messages that resonate with deeply held beliefs are processed through the central route, these messages should be effective at shaping public opinion.

What specific type of messages regarding crime and punishment resonate with the public? In a 1993 interview, Jerome Miller, the executive director of the National Center for Institutions and Alternatives, made an observation that is the basis for much research on race, crime, and punishment in the United States. Miller's claim is that,

> There are certain code words that allow you never to have to say "race", but everyone knows that's what you mean and "crime" is one of those ... So when we talk about locking up more and more people, what we're really talking about is locking up more and more black men (Chiricos, Welch and Gertz 2004, 359-360).

Roberts (1993, 1947) also suggests that much of the increasing support for punitive policies stems from a widespread "belief system that constructs crime in terms of race and race in terms of crime." The contemporary dynamics of punitiveness among the public stems from the race-coded rhetoric of public officials and from media coverage that tends to portray crime as a problem among blacks (Beckett 1997, Mendelberg 2001, Peffley, Shields and Williams 2007). Thus, strategic messages that attempt to link crime and race should correlate with the over time dynamics of public opinion regarding crime and punishment. The more communication that makes these linkages, the more punitive the public should become. When the opinion leaders and the

media reduce their rhetoric regarding race and crime, the public should become less supportive of punitive policies.

Message that make a link between crime and black Americans have become an effective form of strategic communication because racial rhetoric, symbols, and images automatically trigger racial stereotypes. Stereotypes are "cognitive structures that contain the perceiver's knowledge, beliefs, and expectations about human groups" (Hamilton and Trolier 1986, 133). Stereotypes are often exaggerated images of the characteristics and behaviors of specific groups that are applied to individual members of the group. Some stereotypes are accurate simplifications that enable people to comprehend complex social situations. Other stereotypes can be gross misrepresentations about the behavior of group members. These mental representations are usually durable and influential generalizations that allow people to understand members of less familiar groups. Once established, stereotypes continue to persist despite new information counter to the stereotype.[2]

Strategic messages that activate racial stereotypes are effective at influencing policy opinions because stereotypes operate automatically (Devine 1989). The latter is significant because it means the use of stereotypes is inevitible once it is triggered. Devine (1989, 6) writes, "[a] crucial component of automatic processes is their inescapabililty; they occur despite deliberate attempts to bypass or ignore them." In other words, stereotypes occur reflexively, almost effortlessly once they are initiated. Mental attempts to control or counteract the stereotype face tough resistance unless the stereotype is explicitly made known to the target audience. In the latter case, a

[2]Some scholars argue that stereotypes can be data driven where new information can influence existing belief structures (Locksley, Borgida, Brekke and Hepburn 1980). However, empirical research indicates that people tend to discount a stereotype only in the specific situation in which the counter-evidence for the stereotype exists (Fiske and Neuberg 1990, Fiske and Pavelchak 1986).

person may recognize and reject the stereotype, but only after it has been activated and had its initial effect. Therefore, attitudes that are based on stereotypes tend to be relatively stable over time.

There are several stereotypes about black Americans that are fairly common among white Americans. Historically, blacks have been explicitly linked to stereotypes that portray them as "violent," "aggressive," and "lacking western morals." Blacks were also directly labeled criminals by many white Americans for most of American history. Biological racism suggested that the genetic makeup of blacks automatically made them prone to engage in criminal behavior. Sloop (1996, 116) notes that the link between racial stereotypes and crime continues today within media coverage of crime that portrays blacks as "irrational, incorrigible, predatory, and dangerous." These stereotypes lead many people to assume that the best solution for reducing crime lay with immobilizing the individual since the problems are inherent in black culture and genetics rather than any adjustment in the social conditions of blacks. Subsequently, negative racial stereotypes have been shown to be a powerful determinant of policy opinions on a host of issues including crime and punishment, social welfare, affirmative action, and housing laws (Gilens 1996, Kinder and Sanders 1996, Hurwitz and Peffley 1997, Sears, Sidanius and Bobo 1980, Sniderman and Carmines 1997). A key expectation from this discussion is that media coverage of crime containing strategic racial appeals linking blacks to crime should be associated with the dynamics of punitive sentiment. Increases in the frequency of racially-based messages within crime news should correlate with increases in the punitive sentiment of the public.

2.2. Expectation: Message effectiveness varies over time

The competition of ideas and strategic messages within a democracy should also shape the effectiveness of a message across time. The effectiveness of a strategic

message should not be constant or static, but instead vary across time. Most research on strategic communication assumes that the effectiveness of a message is constant across time and space. Yet, politics is dynamic. Charismatic leaders come and go, while events such as natural disasters, terrorist attacks, and new institutions can have a dramatic and lasting influence on political relationships.

Indeed, there are many reasons why the effectiveness of a strategic message could change over time. Politicians can craft and refine their messages over time increasing the effectiveness of an appeal. Changes in the social and political environment can also alter the effectiveness of a strategic message. For instance, arguments appealing for government intervention in an economic crisis lose their relevancy once the economic crisis disappears. A message that was once novel and appealing to the public can become old, boring, and outdated after frequent use. The public can become desensitized to a message decreasing the effectiveness of the appeal over time. Yet, these examples suggest that the effectiveness of strategic appeals are not entirely random. Instead, they should move to systematic forces that are identifiable. Specifically, this research intends to show that the effectiveness of racial appeals vary across time in response to changes in social norms toward racial equality and changes in actual criminal behavior.

Within the context of crime and punishment, changes in social norms regarding racial equality should lead to variation in the effectiveness of an appeal over time. Mendelberg (2001) argues that opinion leaders initially framed crime explicitly as a problem among black Americans. However, once racial equality began to evolve as the dominant social norm in America, explicit racial appeals were no longer an appropriate crime frame. Citizens recognizing the conflict between racial equality and stereotyping blacks as violent criminals began to reject the latter message in favor of endorsing the norm of equality. Subsequently, opinion leaders began to

prime negative racial stereotypes with implicit appeals. Thus, according to this view the effectiveness of a message should change over time, but in relation to changes in public support for racial equality.

> 5I predict that in 10 years, the Nation's Capital will be unsafe for them in the daytime. (*Congressional Record*, 1956, 102, pt9: 12946)

The historical record is full of examples of explicit attempts to link crime with black Americans. Specifically, the use of frames to attribute crime to blacks was very common among opinion leaders since there was no norm of racial equality. Although these messages were deemed appropriate arguments for the 1950s, all of these comments would be unacceptable in todays environment of growing racial equality. After the establishment of Civil Rights, the use of explicit racial appeals declines. Instead, opinion leaders began to rely on implicit strategic appeals to link race and crime. These include using images of blacks in stories about crime or code words that target populations understood to refer to blacks, even if the term "black" was not specifically mentioned. For instance, during the 1964 presidential campaign, Republican nominee Barry Goldwater (R-Arizona) would often speak of reducing "crime in the streets" and restoring "law and order" without ever connecting crime to blacks. Yet, many of his supporters knew that these were code words that meant eliminating black crime. Opinion leaders even began to directly dispute that their symbolic language was meant to implicate blacks as responsible for crime. In the 1968 Republican National Convention, Presidential candidate Richard M. Nixon states explicitly that his platform of restoring social order was not targeting blacks:

> The wave of crime is not going to be the wave of the future in the United States of America. We shall re-establish freedom from fear in America so that America can take the lead in re-establishing freedom from fear in

> the world. And to those who say that law and order is the code word for racism, there and here is a reply: Our goal is justice for every American. If we are to have respect for law in America, we must have laws that deserve respect. Just as we cannot have progress without order, we cannot have order without progress, and so, as we commit to order tonight, let us commit to progress.

It is clear that explicit racial messages were no longer acceptable to political leaders or the public. The messages that might have shaped public opinion in one period do not necessarily influence the public in future time periods. Thus, the effectiveness of strategic appeals is time-varying and empirical tests of strategic communication must consider the time-varying nature of relationships between different types of strategic communication and public sentiment.

Another factor that could lead to variation in the effectiveness of racial appeals over time is the amount of actual criminal activity in society. Recent research on contextual theories of politics suggest that environmental factors such as demographic changes, spatial proximity, and social networks can directly shape political behaviors and opinions on important policy issues (e.g., Gay 2006, Huckfeldt and Sprague 1987, Sigelman and Welch 1993). Yet, most scholars reject the notion that the crime rate or similar contextual factors have anything to do with the increasing public sentiment for punitive policies (see Beckett 1997). Instead, most scholars view crime as a socially constructed phenomena where opinion leaders rather than actual crime shapes the opinions of the mass public. What is missing from each of these literatures is the interaction between context and strategic communication. In other words, it seems theoretically likely that strategic communication that enacts upon changing contextual conditions such as an actual increase in crime will have more of

an influence on public opinion than messages that have little or no basis in reality.

People receive an enormous number of messages each day ranging from personal communication to advertisements. A small number of these messages constitute political attempts to influence political preferences. Citizens rarely pay attention to all of these signals and probably pay the least attention to messages relating to politics. Thus, it seems unlikely that strategic messages concerning crime and punishment would have much of an influence on public sentiment alone. Instead, media coverage informing people about actual changing conditions should shape and construct public opinion by emphasizing some messages over other messages. Messages that have more of a basis in reality should be seen as more credible than messages that are completely constructed. When messages have little basis in real world conditions, it becomes easier for alternative viewpoints to dispute such claims and reduce the effectiveness of the original appeal. The messages that people are most likely to devote their attention to are those that have immediate and direct consequences—messages that relate to actual real world conditions. There is some speculation that this is indeed the case. Iyengar and Kinder (1987, 114) suggest that "television news appears to be most powerful when it corroborates personal experience, conferring social reinforcement and political legitimacy on the problems and struggles of ordinary life." Thus, strategic communication provides a means to link actual crime with punitive policy prescriptions.

Gross and Ellsworth (2001, 52) make this clear in their summary of the relationship between persuasive arguments regarding the execution of innocent prisoners and opposition to the death penalty:

> The common wisdom is that the recent decline is support for capital punishment reflects the American peoples distress about the escalating num-

> ber of near fatal mistakes. A system that once seemed to err on the side of caution now seems hasty, careless, and corrupt. However, innocent people have been released from death row for decades and there is no evidence that the system for deciding capital cases has deteriorated recently. The problem is not new; what is new is that people notice and care. It has helped that the use of DNA identification in a small number of cases has made this issue look new and scientifically undeniable, but the main catalyst is timing. Crime and concern about crime are down, capital punishment is no longer a major item on the political agenda, and support for the death penalty had become increasingly reflexive, a matter of habit rather than passionate concern. Attitudes that remain fixed over a long period without reflection can become vulnerable to new information, especially if that information is brought to life with memorable concrete examples. In this context, stories of innocent people who came within days of execution attract attention and raise doubts about the integrity of the system.

It is clear in their conclusion that these messages would not have been effective if not for the decrease in crime that pushed the issue of crime and punishment down on the public's agenda. The "timing" of a strategic message to fit with real world conditions is an important component of whether that message will be accepted by a large number of people.

The politicization of crime via strategic communication fits with evidence that crime is socially constructed, but advances current theories by noting that the effectiveness of strategic communication in constructing an issue partly depends on the messages basis in reality. It also extends contextual theories by showing that changing

social conditions influence policy opinions, but the politicization of these conditions via strategic communication makes context much more relevant to public sentiment.

3. Summary

Strategic communication is an important means of political influence. In a democratic political system where ideas and messages can compete for public approval, political actors must strive to construct the most effective message possible. Politicians are armed with a variety of tools to engage in strategic communication—agenda-setting, priming, persuasion, and framing. Yet, few scholars have tested how these different types of communication work in a competitive context and what makes each type of message effective. The argument presented here is that the effectiveness of a message depends on its ability to resonate with existing values, beliefs, or stereotypes. Within the context of crime and punishment, strategic messages within the media linking crime to black Americans should have a strong relationship with the over time movement in the public's preferences toward punitive criminal justice policies. Furthermore, the effectiveness of these appeals should vary over time. However, this variation should not be completely stochastic, but move in a systematic fashion in relation to changing social norms and conditions.

CHAPTER III

STRATEGIC MESSAGES IN THE MEDIA

A key expectation of this research is that strategic messages within crime news shapes the over time dynamics of public sentiment toward punitive criminal justice policies. The aim of this chapter is to develop measures of strategic messages (agenda-setting, priming, framing, and persuasion) within crime news from 1950 to 2006. In addition, a model of what determines the content of crime news will be developed and tested to understand the extent that media coverage of crime reflects actual conditions relating to criminal activity or if the media over-represents specific types of crime and criminals in its coverage across time.

Although previous research suggests a connection between crime news and public opinion regarding crime and punishment, there does not exist a systematic study of the nature of strategic messages within crime news for an extended period of time. Graber (1980), for instance, examines media coverage of crime from two local and three network television broadcasts and four daily newspapers from 1976 to 1977. Although this study provides a wealth of knowledge of media coverage of crime during that year, it does not provide any indication of the dynamics of media coverage of crime over a longer time period. Other scholars have examined media coverage of crime over time, but focus on a single type of strategic message rather than the vast array of potential messages that might appear in the media. For instance, Iyengar (1991) examines several types of attribution frames, but does not consider the effect of priming, persuasion, or agenda-setting on public attitudes toward punitive policies. Still, other scholars only provide tangental evidence and conjectures regarding how the media portrays crime.

This chapter intends to provide an initial examination of strategic messages in media coverage of crime from 1950 to 2006. This systematic examination should provide insight into questions that have been the sources of much speculation: What is the volume of coverage of crime over time? What strategic messages are the public receiving regarding crime and punishment? Does the frequency of different types of strategic messages change over time? Does the use of one type of strategic message preclude the use of other types of strategic messages? How much do racial appeals permeate coverage of crime? How often are blacks explicitly linked to crime in the media? Did explicit racial frames linking blacks to crime disappear after some time period or do they still remain a prominent means to frame crime? When did the media began to use racial codewords to prime racial attitudes in crime coverage? Finally, are there other types of strategic messages in media coverage of crime that scholars have overlooked?

1. Constructing measures of strategic messages in the news media

The concept of interest in this research is the frequency and type of strategic messages within the news media. Although strategic messages can emanate from public officials, interest groups, or other citizens, it is unlikely that these messages directly influence the public as a whole. Instead, these messages are more likely filtered through the mass media from their original sources and into the public sphere. The media is viewed as an important independent actor within the political system. The term "independent" in this sense, however, does not mean the media is not influenced by external actors or events—it certainly is. Instead, the use of the term independent only means that the media has its own set of goals, objectives, and incentives in reporting the news. These include adhering to journalistic norms, establishing a

professional reputation or niche, increasing readership, and maximizing profits. Thus, the news media makes it's own unique contribution to the political system in choosing 1) what stories to report and 2) the content of those stories. Other actors in the political system can and will sometimes influence both of these, but the media almost always maintains discretion in choosing what stories to cover and what content to include in those stories.

So how do we go about measuring strategic communication within the mass media? Ideally, we could observe each strategic message in all stories about crime from every news outlet and each type of media. In practice, it is impossible to systematically observe the complete range of media coverage on any issue for any single time period. The various forms of media (i.e., radio, newspapers, magazines, television, and the internet), complex and numerous media markets, and the sheer volume of stories make observing media coverage of an issue a daunting task. Examining media coverage across a large time period of over fifty years adds to this complexity. Even if an analyst were to obtain the entire universe of news stories on an issue like crime, sorting through the population of news coverage for each type of strategic message would take an immense amount of time and resources. The solution taken by all researchers that utilize media data is to extract a sample of media coverage, a slice or small portion, that hopefully represents to some degree the population or universe of media coverage.

Unfortunately, a representative sample is impossible due to limitations in data availability in most sources of media data. Scholars have to compromise between the data that they need and the data that is available. For most of this research a relevance sample of *New York Times* stories about crime is taken from the ProQuest Historical Archives of the *New York Times* for the years 1950 to 1969 and the Lexis

Nexis academic database for the years 1970 to 2006.[1] The *New York Times* is one of the longest running media sources in the U.S. having been available in print since 1851 and its online archive spans the entire time period of interest. For each year, the first 1,000 articles with the most relevance to the search term "crime" were downloaded from the ProQuest and Lexis Nexis databases. The stories obtained from ProQuest were scanned using Readiris Pro 11.5 Optimal Character Recognition software in order to produce text files of each article. This procedure yeilded slightly less than 56,000 articles regarding crime from 1950 to 2006.[2] The search was purposively broad to capture the wide-range of articles, editorials, and events relating to crime. The broadness of the search also helps avoid any selection biases that might occur based on contemporary meanings of crime or changes in legal statutes that redefine criminal behavior over time. The decision to use the most relevant 1,000 articles was made to provide a large sample of stories and ensure any changes in message frequency are not simply a function of changes in the frequency of crime news (see Woolley 2000). Note the sample takes entire articles rather than using the *New York Times* indexes of stories or the abstracts since the concept of interest is the content of these stories. However, the stories do vary in length from a single paragraph to multiple pages. Whenever appropriate, the analysis will control variation in the length of crime news by analyzing the frequency of strategic messages per the total amount of text devoted to crime news for each year.

---

[1]The *New York Times* archive in the Lexis Nexis database is not available prior to 1970 requiring the use of the ProQuest Historical Archives of the *New York Times* for the years prior to 1970. In order to ensure that both databases returned equivalent articles, searches were completed for both databases for the year 1970. The comparison of these searches resulted in the same articles supporting the reliability of the searches within both databases.

[2]Articles regarding "war crimes" and book reviews relating to crime were excluded from the analysis due to their lack of relevance.

There are several potential problems with using a sample of stories from the *New York Times*. Using a newspaper ignores other types of media such as television, radio, and the internet. However, data archives for these other types of media outlets are unavailable for the entire time-period of interest. Transcripts of radio archives are almost non-existent and few news radio shows continue to be broadcast consistently over time. Television news media also suffers from these same problems. For instance, the Vanderbilt Television News archives contains television broadcasts from 1968 to the present. Thus, it omits important time periods such as the 1964 presidential campaign, urban unrest in the summer of 1967, and the relatively low crime era of the 1950s. Television also underwent major changes in viewership during this same time period, while newspaper readership has remained fairly constant over-time.[3] Most major newspaper archives are only available from the 1980s, while major news magazines like *Newsweek* are available online from 1975. Finally, the proliferation of the internet as a major news source is a relatively recent phenomenon making it unsuitable as a source for data of the over time coverage of crime. Thus, the *Times* readership is relatively stable across the time period of interest.

Another potential problem is that the *New York Times* may not be representative of all newspapers in the U.S. The coverage of crime may systematically differ in frequency and content from other newspapers in different parts of the country. For instance, there is some evidence that the *New York Times* has a slight tendency to cover local stories around the New York area more than other media outlets (Myers and Caniglia 2004). However, several studies suggest that the *New York Times* is the most reliable and valid newspaper source when using media data because it reports

[3]Newspaper readership has declined over the last several years with the increase in internet news sources. However, the *New York Times* was one of the first major newspapers to establish an online presence receiving 18 million unique readers to its website each month (Bianco, Rossant and Gard 2005).

on the same stories that other national and local media outlets cover and maintains an agenda-setting influence on other media outlets (Taylor and Jodice 1983, Jackman and Boyd 1979, Paige 1975, Olzak 1992). Several studies show that the addition of alternative media sources to measure political events and information do not substantially differ from those obtained if the *New York Times* is the sole media measure (Jackman and Boyd 1979, Jenkins and Perrow 1977) (but see Woolley 2000). For instance, Myers and Caniglia (2004) find that media coverage of urban riots were similar in the *New York Times*, *Washington Post* and several local newspapers. In regards to crime and punishment, Baumgartner, De Boef and Boydstun (2008) compare the coverage of the death penalty in the *New York Times* to ten other newspapers and find no substantial difference in the over-time dynamics of media coverage among the different outlets. Both the amount of coverage and the content of coverage were similar to the *New York Times* for each of the ten newspapers. Thus, the decision to use the *New York Times* is due to both the relevance of its coverage, its tendency to publish stories similar to those in other newspapers, and because it is the single best source of information on crime and punishment news available.

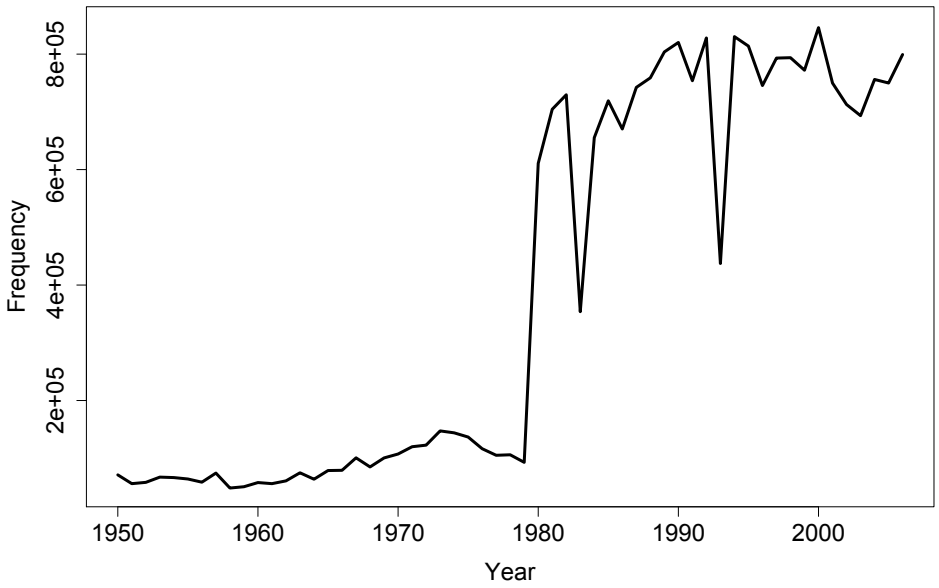
Finally, the use of this single source of media coverage does not assume that the *New York Times* directly influences public opinion regarding crime and punishment. Instead, the *Times* is a measure or indicator of media coverage over time. Like all measures, using the *Times* is not perfect because it contains both random error that is uncontrollable and the systematic errors described above. However, alternative measures of media coverage also contain systematic errors and the arguments above demonstrate that the *Times* is possibly the best measure to minimize those errors. Furthermore, the *Times* is useful as a measure because over half of its readership lies outside of New York unlike most daily newspapers. Since the interest of this research is national public sentiment towards crime and punishment, a media outlet that is

read by a substantial portion of the entire nation is preferable to a media outlet that is local in its readership. As long as these limitations are kept in mind, it is possible to proceed to analyzing the nature of crime coverage.

1.1. Agenda-setting: The frequency of crime coverage

The first type of strategic communication that we need to address is agenda-setting—that is we need to assess the volume of crime coverage over time. The agenda-setting hypothesis states that the more stories about an issue, the more important that issue will become in the minds of the public. We could take the sample of stories in the *New York Times* described above and use the frequency of words in crime stories to measure the frequency of text devoted to crime over time. That is the method used to derive Figure 1, which shows annual data from 1950 to 2006 with the year on the x-axis and the frequency of words in crime stories within the *New York Times* on the y-axis. Using this measure, we see that media attention to crime is relatively stable from 1950 to 1980. After 1980, this measure shows a dramatic increase in the amount of text devoted to crime news. The average amount of text in crime stories went from 100,000 a year from 1950 to 1980 to over 700,000 a year from 1980 to 2006. Thus, according to this measure there are two distinct periods of news coverage that have their own equilibrium means with minor variation around the first period and quite a bit more variation around the second period starting in 1980. Yet, this measure is flawed in several aspects. The selection of the first 1,000 crime stories artificially bounds the number of words devoted to crime each year. Second, the measure does not control for increases in the total amount of space in the *New York Times*. Woolley (2000) notes that the total number of pages in the *Times* has grown over the last 50 years, thus the growth in attention to crime might be misrepresented by this measure. The changes in the amount of text given to crime news might be a function of changes

Figure 1. Text devoted to crime in the *New York Times*, 1950 to 2006

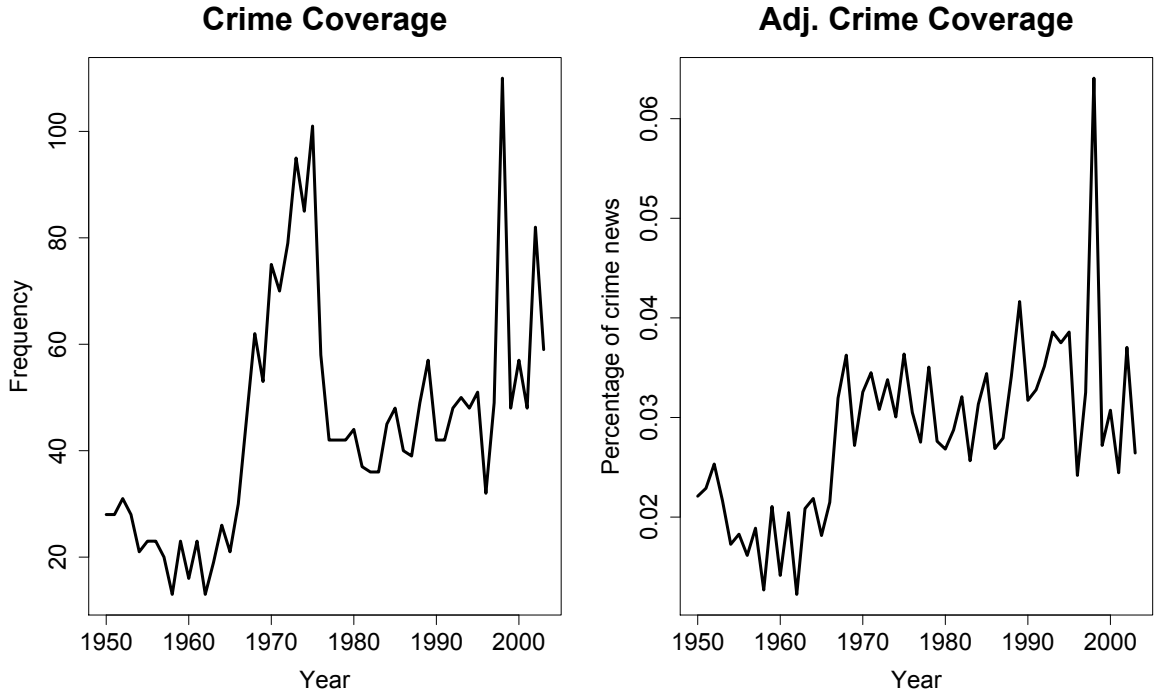


in the amount of space of the entire newspaper.

An alternative measure, and the one used throughout the remainder of this research, samples from the total number of crimes stories in the *New York Times* from the *Times*' index of stories. The sample of crime stories each year is divided by the total number of pages in the *Times* each year to control for changes in newspaper space that might distort how much crime news dominated the agenda.[4] This method controls for the over-time growth in the number of pages in the *Times* providing a sense of how crime fit onto the *Times* agenda relative to other potential issues. Although the measure relies on the *New York Times* index, research shows that the

[4]The data used here were originally collected by Frank R. Baumgartner and Bryan D. Jones, with the support of National Science Foundation grant number SBR 9320922, and were distributed through the Department of Government at the University of Texas at Austin and/or the Department of Political Science at Penn State University. Neither NSF nor the original collectors of the data bear any responsibility for the analysis reported here.

Figure 2. Crime coverage in the *New York Times*, 1950 to 2006



indexes correspond to the full text articles. For instance, Althaus, Edy and Phalen (2001) examine *New York Times* coverage of the 1986 Libya crisis and find that analyzing the indexes and full text stories results in parallel coverage of the issue. Figure 2 shows the attention to crime by the *New York Times* from 1950 to 2006. The data are annual for each plot with the year shown along the x-axis. The first plot shows the raw frequency of crime stories in the *Times* on the y-axis. The second plot shows the proportion of crime stories to the total amount of pages in the *Times* on the y-axis.

Note that our interest is not in the total distribution of stories, but in the over time movement in attention to crime. Crime coverage in the 1950s appears to be relatively modest. The peak of attention to crime occurs right where we would expect it to be—during the first two years of the decade when the Kefauver Committee or

the Senate Special Committee to Investigate Crime in Interstate Commerce first met to deal with organized crime. The committee traveled all over the country and held several prominent hearings regarding crime and corruption in the U.S. After this period, the attention to crime slowly decreases reaching its lowest points in 1958 and again in 1962. The attention to crime shows a small increase in 1964 during the presidential campaign of Barry Goldwater and Lyndon B. Johnson in which crime became a major issue. Despite the elite attention to crime during the mid-1960s, media attention to crime remained at relatively low levels.

The major shift in attention to crime occurs in 1967. Prior to 1967 about 2% of *New York Times* stories focused on crime. After 1967, media attention jumps to over 3% in 1967 and continues to increase steadily into the 1970s. The shift in attention to crime in 1967 is consistent with historical accounts of the urban and racial riots during the long hot summer of 1967 being portrayed as criminal behavior rather than social protest. Following this year, the attention to crime continues to increase as the issue of "law and order" becomes a common feature of the American political landscape. Even the escalation of conflict in Vietnam does not seem to reduce the attention given to crime during this period.

Although the coverage of crime decreases when we examine the raw number of stories, it remains fairly steady throughout the 1980s when we adjust for the total number of pages in print. Increases in attention to crime occur in 1984 and 1985 starting with the second presidential campaign of President Ronald Reagan. This coverage also follows alongside the crack cocaine epidemic that was associated with criminal activity in large urban areas and eventually into rural America. Attention to crime experiences a major increase into 1988 during the presidential campaign of George H. W. Bush and Michael Dukakis. The issue of crime became a focal point of the election when the Bush campaign ran advertisements criticizing Dukakis

as a supporter of state prison furlough programs. The program in Massachusetts where Dukakis was governor was criticized for the temporary release of a convicted murderer, Willie Horton, who committed a rape and assault while on furlough in Maryland. The Horton advertisements brought newfound attention to crime and punishment that superseded other issues during the election.

Attention to crime subsided slightly in 1990 and 1991 as attention probably shifted to the first Gulf War with Iraq. However, the 1992 presidential campaign brought crime back into the national spotlight as both candidates supported "get tough" approaches to crime. In a well publicized political maneuver, Democratic presidential nominee William Jefferson Clinton flew back to his home state of Arkansas where he was governor to oversee the execution of a convicted murderer, Ricky Ray Rector. Rector, a black male, was functionally retarded and the trip by Clinton was largely seen as an opportunistic move to increase his image as a supporter of tough criminal justice policies.

The next major spike in crime coverage, the largest of the entire series, occurs in 1998. This is the same year that 35 death row exonerees met at Northwestern University's School of Law for the National Conference on Wrongful Convictions and the Death Penalty. The conference highlighting the use of DNA to exonerate wrongfully convicted criminals attracting national attention to the death penalty and issues revolving around crime and punishment. Within a few years, Governor George Ryan declared a moratorium on executions in the state of Illinois. Afterwards, attention to crime shows decreases to an equilibrium level as the War on Terrorism and the War in Iraq dominate the news.

Thus, it becomes clear that attention to crime and attempts to put crime on the public agenda is not constant. It contains a great deal of variation over time. Some of this variation is predictable such as the increase attention to crime in the late

1960s and during the 1988 presidential election. At other times, however, the media's attention to crime does not live up to the expectations of conventional wisdom. Perhaps most shocking of all is the large amount of crime coverage in 1998. Very few, if any, scholars have identified this period as a pivotal moment when attention shifted to crime. It remains to be seen if media attention to crime shapes public sentiment toward punitive policies.

1.2. Analyzing strategic messages in media content

To uncover the nature of strategic messages within crime news requires a little more work than sampling the frequency of stories about crime and punishment. Instead, it requires examining the content of each story. An automated content analysis of the sample of *New York Times* stories about crime was conducted to assess the frequency of various strategic messages within crime news. The automated content analysis is the preferred method for analyzing large amounts of text because of its accuracy and efficiency. Hand coding large amounts of texts results in human errors that arise from fatigue or subjective judgments. Automated content analysis eliminates these human induced errors increasing the reliability of the data. The automated process also requires less resources and time to compute through large amounts of text.

An automated content analysis relies on well-constructed dictionaries of each concept. These dictionaries consist of a list of words or expressions that comprise each type of strategic message and extracts each instance of these messages when applied to a text. To ensure the reliability and validity of each measure, dictionaries for each type of strategic message (persuasion, racial frames, racial primes) were constructed in a systematic manner as recommended by Krippendorff (2004). Dictionaries were also constructed for three additional crime frames that were thought to permeate media coverage of crime and may influence punitive sentiment: juvenile delinquency

frames, organized crime frames, and violent crime messages. Thus, a total of six dictionaries were created using the following process:

- An initial list of words and expressions relating to the theoretical concept were compiled for each dictionary using secondary sources such as academic research and historical narratives of crime.

- The initial list of words and expressions were expanded using Webster's Dictionary and Thesaurus leading to the refinement of each dictionary and the addition of alternative words and phrases relating to the theoretical construct.

- A random sample of 655 *Newsweek* articles were downloaded from the Lexis Nexis academic database using the search-word "crime." The articles span the years 1975 to 2006. Each of these articles were hand-coded by the author applying the rules of each dictionary on this sample of text. Any words or expressions that could not be disambiguated across multiple articles were removed from the dictionaries. Thus, any dictionary entry that did not convey a clear meaning within multiple articles was deleted. The reading of these sub-samples of media coverage of crime also led to the discovery of additional words and phrases associated with each concept that were added to the respective dictionary.

- Using an automated content analysis software, Yoshikoder, the final dictionaries were applied to a random sample of 100 *Washington Post* articles taken from the Lexis-Nexis database using the search-word "crime." The results of this automated content analysis were manually examined using the concordance function within Yoshikoder to ensure that each dictionary entry captured the concept of interest correctly, the ability of the dictionaries to pick up on complex variations in strategic messages such as changes in capitalization, hyphenation,

plural usages of words, and that alternative meanings of dictionary entries did not dominate media coverage of crime.

- Once the dictionaries were validated, they were applied to the sample of almost 56,000 "crime" stories from the *New York Times* using the Yoshikoder software developed by the Identity Project at Harvard's Weatherhead Center for International Affairs. The frequency of each strategic message and the proportion of strategic messages per the total amount of text were extracted for each year providing measures of the content of *New York Times* coverage of crime from 1950 to 2006.

1.3. Racial appeals

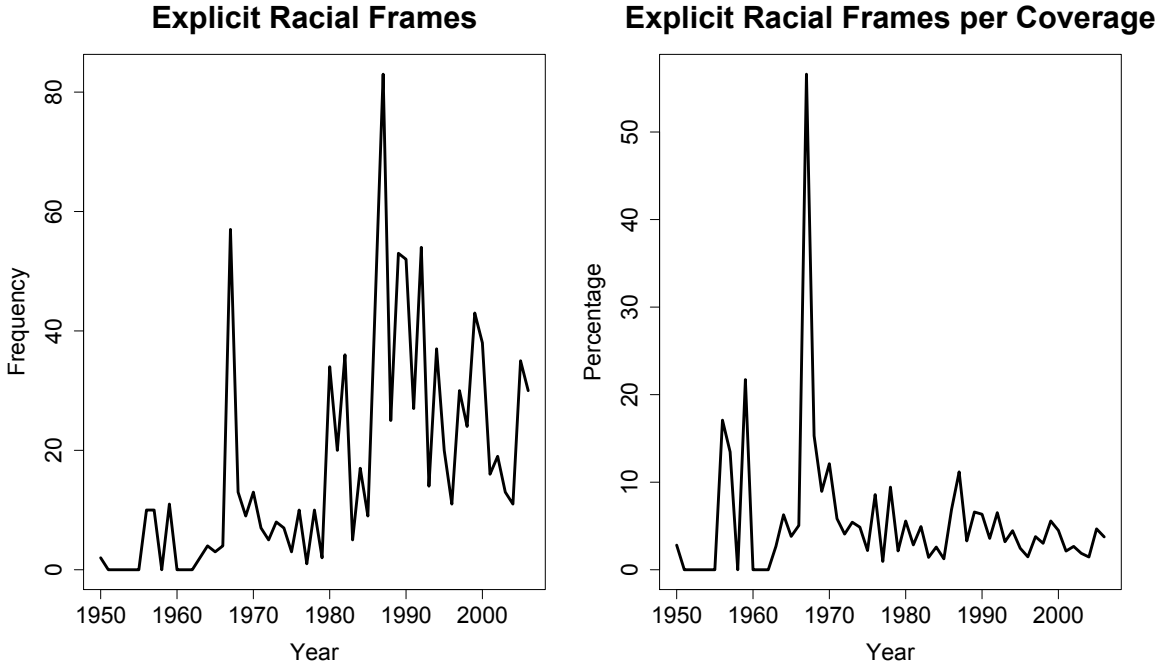
Of particularly interest is strategic messages using either explicit racial appeals that frame crime as a problem among "blacks" and more covert racial appeals that prime race using codewords and symbolic language. Racial frames are explicit attempts to define crime as a problem among black Americans. Racial frames describe criminal behavior as a problem within black communities or connect specific criminal activity to black Americans. The media is using an explicit racial frame whenever it reminds readers that crime is being committed by blacks and is occurring in predominately black neighborhoods. For instance, a *New York Times* story with the opening paragraph stating that "[a]lthough Negroes make up only about 4 percent of Milwaukee's population of 764,000 they committed 43 percent of the city's major crimes" is a good example of a racial frame. The initial dictionary of racial frames was derived from consulting academic research on racial frames (Gilens 2000, Kellstedt 2003, Mendelberg 2001) and historical accounts of racial frames in crime news (Mann 1993, Stabile 2006, Walker, Spohn and DeLone 1996). The racial frame

dictionary was validated according to the previous defined rules. The final dictionary for racial frames included phrases that use the words black, African American, or negro to modify words associated with crime such as criminal, offender, drug dealer, and suspect and phrases such as theft, crime, rape, or robbery by blacks, African Americans, or negros. The construction of specific phrases or word stems helps prevent false-positives by avoiding general terms like "black" that can be used to describe non-criminal actions or objects such as a "black car" or a "black book." It also avoids coding messages where blacks are mentioned in crime news, but not as criminals such as when there are "black victims" or "black witnesses." However, a story mentioning "black-on-black" crime would be included as a racial frame since a black person is being described as the offender.

Racial primes are implicit attempts to covertly connect crime with black Americans through the use of racial codewords or symbols and subsequently prime negative racial stereotypes and beliefs. Racial primes convey a similar meaning as racial frames—that blacks are criminals or blacks are violent—except racial primes do not explicitly use racial nouns or adjectives (Mendelberg 2001, 9). A separate dictionary of racial primes was devised by consulting multiple texts and articles detailing various covert racial primes associated with crime and punishment (Edsall and Edsall 1992, Gilliam and Iyengar 2000, Hurwitz and Peffley 2005, Mendelberg 2001, Stabile 2006, Valentino 1999) and then validated according to the rules in the previous section. The final dictionary of racial primes included words and phrases that have been empirically shown to prime racial stereotypes and attitudes within the context of crime news such as "urban crime," "inner city," "ghetto," "street crime," "crime in the streets," and "slums." None of the racial prime messages explicitly mention blacks, African Americans, or negroes.

Although the dictionaries for each type of racial appeal are not exhaustive of the

Figure 3. Racial frames in the *New York Times*, 1950 to 2006



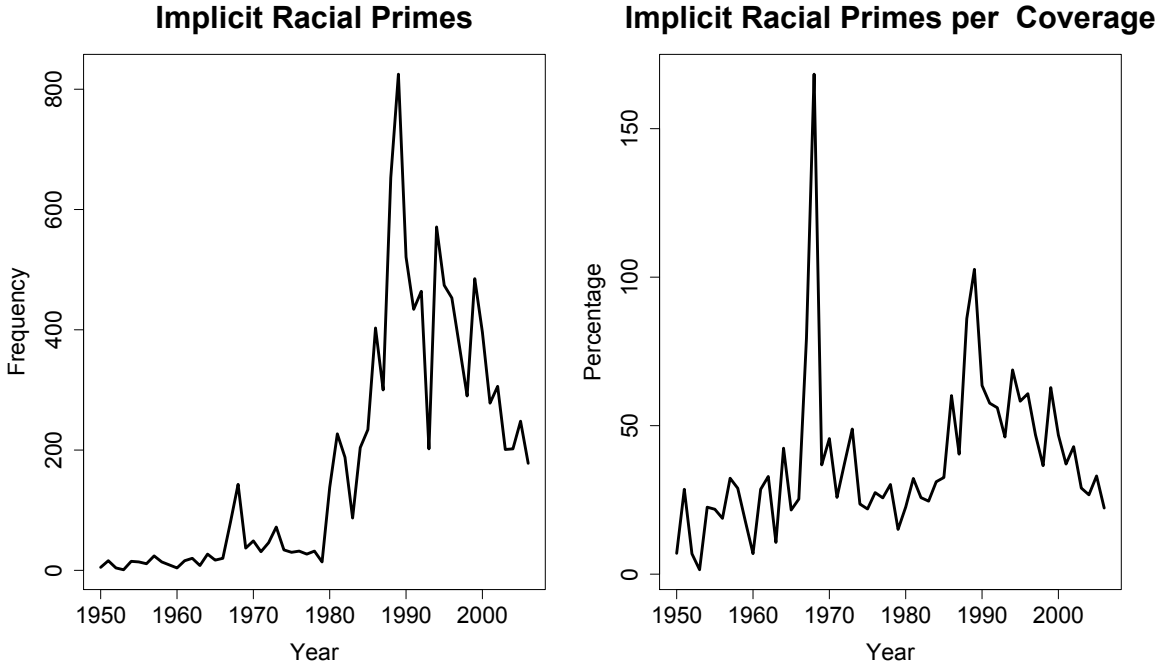
entire universe of possible racial appeals within the news media, these dictionaries seem to cover the most frequently used racial appeals. However, the inability to create a complete list of racial appeals will provide conservative estimates of the total frequency of racial appeals over time. However, the primary interest in this research is how changes in strategic messages over time shape the dynamics of punitive sentiment. Thus, the raw frequency or cross-sectional distributions of strategic messages are less important than the over time variation of various appeals. Thus, these indicators will be valid as long as each measure captures the relative change in each type of strategic message from year-to-year.

Figure 3 shows two plots of racial frames within the *New York Times* coverage of crime from 1950 to 2006. The year is shown on the x-axis for each plot. The frequency and percentage of racial frames are shown along the y-axes, respectively.

What are the dynamics of racial frames in the *Times* coverage from 1950 to 2006? Examining the raw frequency of racial frames there appears to be only few instances of explicit racial frames linking blacks to crime in the 1950s. Although a few years show instances of racial frames in crime news, the modal crime news story does not appear to use explicit racial frames. The 1960s also show very few crime stories that use racial frames. A dramatic increase in the use of racial frames does occur in the late 1960s. The number of racial frames increases from 4 in 1966 to 57 in 1967. However, that number drops down to 13 in 1968 and continues around that low frequency throughout the 1970s. The use of racial frames seems to increase after 1980. The number of racial frames reaches its peak in 1987 with 83 total messages linking crime to blacks which is double the amount of racial frames from the previous year. Between 1998 and 1992 there is an average of 50 racial frames in the *Times* coverage of crime. The use racial frames varies from 11 to 43 between the years 1999 and 2006. Thus, the use of racial frames appears to be more prevalent in crime news after 1980, which is contrary to expectations. There is very little evidence that racial frames were a dominant component of crime news in the 1950s and 1960s by examining the raw frequencies of racial frames.

Yet, when the series is adjusted to control for changes in the amount of text given to crimes news, the dynamics of the series change. Strategic messages linking crime to black Americans become more prevalent in 1956, 1957, and 1960—the same period when Congress was debating Civil Rights legislation. Previous research shows that politicians were using racial frames linking integration and racial equality among blacks to criminal behavior among black Americans (Murakawa 2005, Weaver 2007). The media might have picked up on these messages and transmitted them within their coverage of crime during these years. This series continues to show the same increase in racial frames in 1967 when protests and urban riots where linked to crime

Figure 4. Racial primes in the *New York Times*, 1950 to 2006



and lawlessness among blacks. Unlike the raw frequency series, the number of racial frames does not appear to be a dominant message in contemporary coverage of crime once the series is adjusted for the total amount of text devoted to crime. Thus, the increase in racial frames after 1980 appears to be a function of the increase in the amount of text dedicated to crime news in the *Times*. Regardless of whether racial frames are adjusted for the amount of space dedicated to crime news, the use of racial messages linking blacks to crime remains low across the entire series although it is unclear if social norms for racial equality or some other force is constraining the use of these explicit frames.

The use of racial primes in media coverage of crime, shown in Figure 4, is more prevalent than the use of racial frames. Prior to 1967, the *Times* rarely used racial primes in crime news. The average number of primes in the 1950s is 11.3 per year.

That number increases to an average of 16 per year from 1960 to 1967. It is possible that the majority of racial primes did not have the ability to prime racial attitudes during this era, which could explain their lack of use. After 1967, the *Times* begins to rely on racial primes in its crime coverage. There were a total of 80 racial primes in 1967 and 143 racial primes in 1968. The number of racial primes remains steady during the 1970s at an average of 36 racial primes a year. The proliferation of implicit messages priming racial stereotypes in crime news shows a steady increase during the 1980s. This is during the same era where conservatives began using racial codewords and images to describe welfare recipients as black (Gilens 2000). Compared to the 11.3 annual racial primes in the 1950s, the 1980s saw an average of 325 racial primes in the *New York Times'* crime coverage. Examining the number of racial primes per the total amount of text dedicated to crime news shows similar trends over time. Racial primes were rarely utilized during the 1950s, show a dramatic increase from 1967 to 1968, and have been used steadily since the 1980s. The adjusted series does show a small decline in the number of racial primes in crime stories beginning around 1998 and continuing until the end of the series in 2006.

Does the use of one type of strategic message preclude the use of another type of strategic message? In other words, can political actors like politicians or in this case the news media use both types of strategic messages to connect blacks to crime or do they vary their strategy over time replacing one type of message when another type of appeal seems ineffective? To get a general since of the use of each type of message over time requires a measure of association for the entire period of time. The correlation coefficient between the frequency of racial frames and frequency of racial primes is 0.77 ($p < .01$) suggesting a fairly strong association between the use of racial frames and racial primes. The correlation coefficient between the proportion of racial frames and the proportion of racial primes per the total amount of text dedicated to crime news

is 0.49 ($p < .01$), which also suggests a moderately strong correlation. Furthermore, the visual examination of each series shows dramatic increases in the use of each type of racial message in crime news around 1967 and a more gradual increase starting in the 1980s. It appears that when an actor such as the media wants to connect black Americans to crime, it will engage in both the use of framing and priming to influence the public. Using both types of messages might be more effective at reaching different audiences with the same message or could just reflect objective conditions regarding what is actually happening in the streets—a topic explored further at the end of this chapter.

One shocking conclusion from examining the use of racial messages in crime news is that the use of explicit racial frames directly describing black Americans as criminal, lawless, and engaging in anti-social behavior is not very prominent in media coverage of crime. These findings contradict a great deal of speculation by scholars and popular pundits that blacks are typically portrayed as criminals in crime news. However, these findings are supported by past empirical research. After examining media coverage for a year in multiple print and television outlets Graber (1980) concludes that assertions that the media explicitly show criminals as non-white villains engaging in criminal behavior is erroneous. Sheley and Ashkins (1981) also find race is rarely mentioned in crime news in their study of a New Orleans *Times-Picayune* newspaper. The question of whether or not racial frames disappeared from media coverage of crime after norms of racial equality were established is moot. Racial frame never were that prevalent to begin with and are rarely used. Instead, the dominate form of racial messages in media coverage of crime is implicit racial codewords that prime racial stereotypes. The frequency of racial primes is substantially higher than the use of racial frames across the entire period of this research. When the media were using approximately 30 racial frames per year in crime news, they were also using an average of 200 racial

primes in those same stories. When the number of racial frames increases to an average of 50 per year, the average number of racial primes increases to an average of 400 a year. Thus, the use of racial primes is the dominant form of racial appeal in crime news.

1.4. Persuasive messages in stories about crime

A persuasive message is defined in this research as a direct appeal to change the belief content of an attitude. Persuasive appeals explicitly attach a belief or kernel of knowledge to the valence component—the favorable or unfavorable evaluation—of an attitude object. For instance, the argument that people should support tougher sentencing because it serves as a deterrent to crime is a pro-punitive strategic message. It directly links the deterrent effect of sentencing (the belief content) to support (the valence component) for tougher penalties (the attitude object). An argument asking someone to oppose capital punishment because of biases in the judicial system is an anti-punitive strategic message linking the belief content (biases in the justice system) to a valence component (opposition) of an attitude object (capital punishment). The explicit connection of the belief to the attitude object is important. Sending a message that blacks are criminals is not a persuasive appeal regarding punitive policies because there is no connection between the belief that blacks are criminals to the attitude object of punitive policies. An argument asking someone to favor punitive policies because blacks are criminals is a persuasive appeal for more punitive policies because there is a connection between the belief that blacks are criminals and support for punitive policies.[5]

[5]Note that the belief that blacks are criminals could be an attitude object. In this case, an argument that blacks are lazy or blacks have no morals could be a belief component trying to change the evaluation that blacks are criminals.

The content analysis of persuasive messages in crime coverage of the *New York Times* crime stories examined the count of pro-punitive messages and anti-punitive messages. A pro-punitive appeal is an explicit attempt by the author or a figure highlighted in the article making a specific comment supporting punitive policies for any reason. An anti-punitive appeal is an explicit attempt by the author or a figure highlighted in the article that makes a specific comment opposing punitive policies due to any reason. The connection between the belief content and attitude object must be explicit in the message. The coding of persuasive messages required the construction of twelve general arguments that could be used either for or against punitive policies. These general categories include:

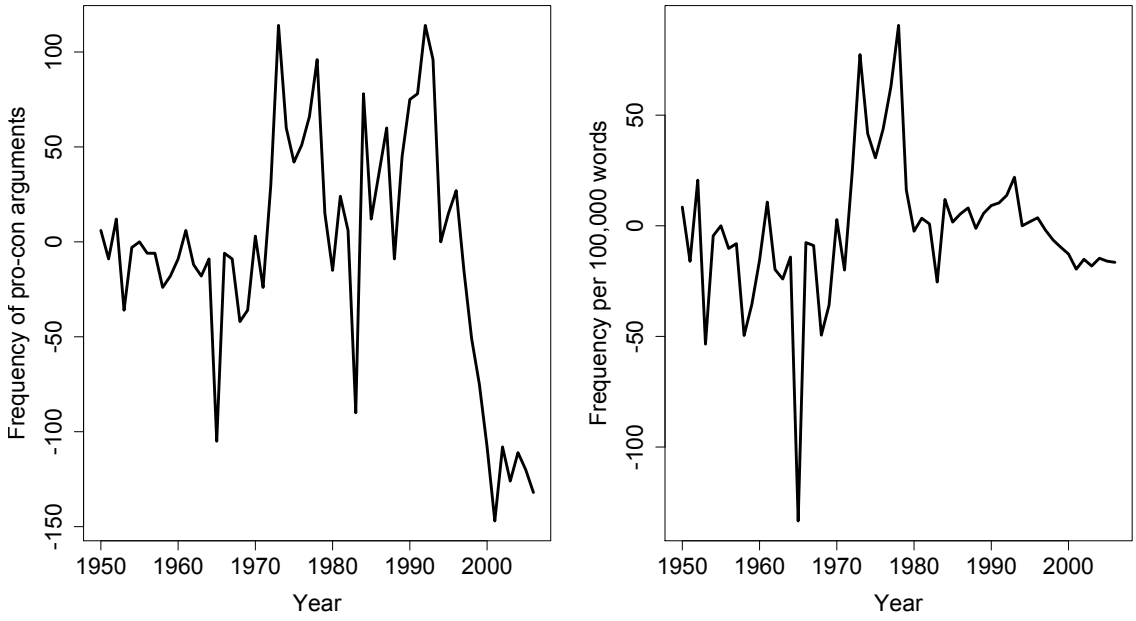
- the ability of a policy to deter future criminal behavior
- the ability of a policy to rehabilitate criminals
- the ability of a policy to provide retribution or vengeance
- the morality of punitive policies (mention of values or religion)
- the ability of a policy to incapacitate criminals
- comparison with other policies
- procedural fairness including racial biases and wrongful convictions
- constitutionality of a policy
- the costs of a policy
- general efficacy or inefficacy statement (i.e., new study finds punishment effective/ineffective)
- miscellanous appeals

Figure 5 shows the net tone of persuasive messages in the *New York Times* stories of crime from 1950 to 2006. The year is shown along the x-axis of both plots. The y-axis of the first plot shows the frequency of pro-punitive persuasive arguments minus the frequency of anti-punitive persuasive arguments. The second plot adjusts for the total amount of text dedicated to crime coverage. The net total of persuasive appeals is analyzed under the assumption that pro and con arguments should cancel each other out within a given time period. Each plot shows similar dynamics with the adjusted series showing less variation than the raw frequency series. During the 1950s and 1960s, persuasive messages tended to be even in news coverage of crime with a slight tendency to favor anti-punitive arguments. However, starting in the 1970s the net tone of persuasive messages tended to favor punitive policies. The latter is consistent with the well-known "law and order" rhetoric of the period and the public backlash against activist judges during this era. The number of pro-persausive messages declines in the early 1980s showing a small increase in the late 1980s. The tone of persuasive messages turns toward an anti-punitive direction in the late 1990s. This change is consistent with the increase in arguments opposing the death penalty because the increase use in DNA analysis has exonerated a large number of previously convicted criminals (Baumgartner, De Boef and Boydstun 2008, Gross and Ellsworth 2001).

1.5. Alternative crime frames

A series of alternative crime frames and narratives were also extracted using individual dictionaries for each frame. The 1940s and 1950s are seen as a time when public fervor over crime committed by teenagers led to an increase in media coverage framing crime as a problem among juvenile delinquents (Bailey and Hale 1998). Recent research suggests that media coverage "blaming children" for social unrest can create a moral panic leading to a more punitive state (Schissel 1997). Estrada (2001) finds that

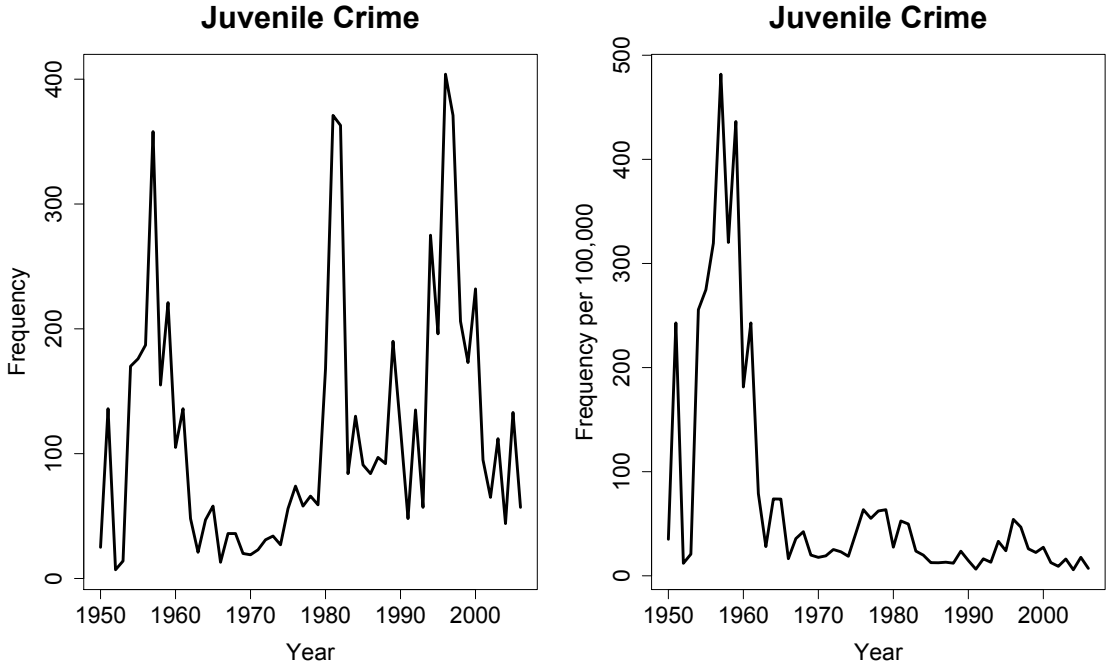
Figure 5. Persuasive messages in the *New York Times*, 1950 to 2006



media coverage of juvenile crime in Western Europe transformed from focusing on petty crimes such as theft to more violent crimes. The shift in coverage has led to a growing concern that juvenile crime is getting out of control and requires a punitive response. A juvenile delinquency frame explicitly attempts to link crime with the behavior of teenagers and younger generations. For example, a *Times* storying stating that "[t]he recent outburst of juvenile violence in New York ... has become a cause of grave concern for the entire community" is a juvenile delinquency crime frame. Juvenile delinquency frames often contain messages pairing words like "juvenile," "teenage(r)," and "youth" with words like "crime," "criminal," "delinquent," and "offender."

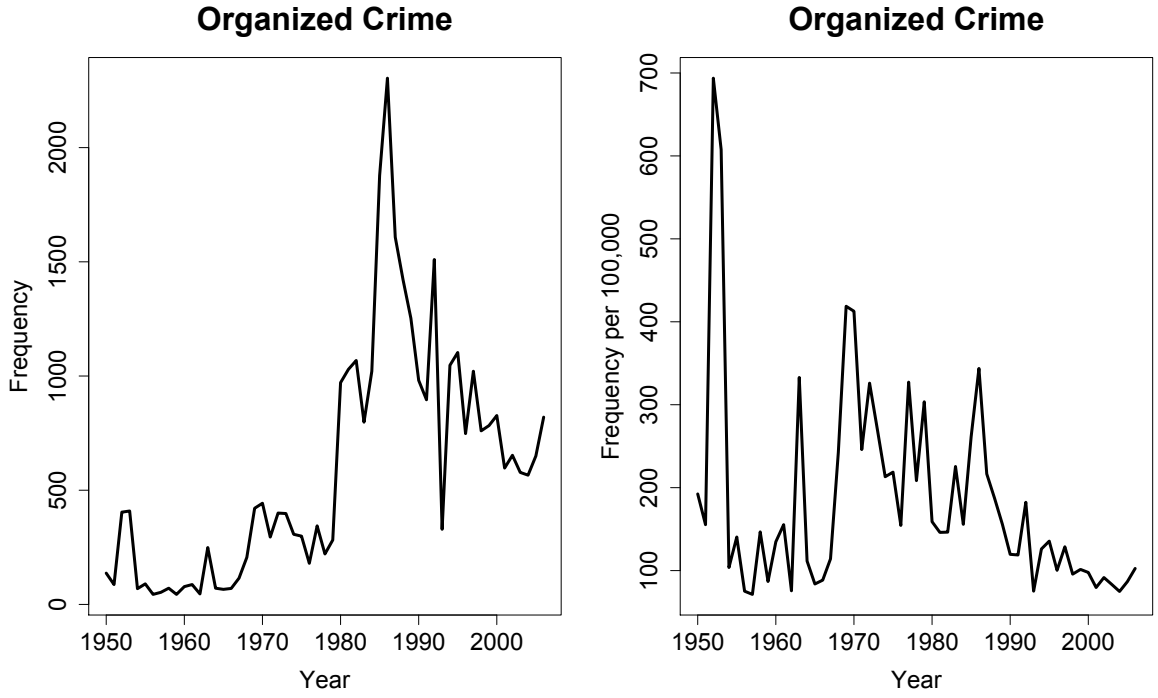
The juvenile delinquency dictionary was applied to the entire sample of *New York Times* crime stories. Figure 6 shows both the raw frequency of juvenile crime messages and the frequency of messages per the total amount of crime coverage in

Figure 6. Juvenile delinquency frames in the *New York Times*, 1950 to 2006



New York Times from 1950 to 2006. The frequencies are shown on the y-axis and the year is shown along the x-axis. The raw frequency plot shows that messages framing crime as a problem among juvenile delinquents is relatively prevalent in the news media. Peaks in the raw frequency of these frames occur in the late 1950s, the early 1980s, and throughout the 1990s. However, when we examine the total number of juvenile crime frames per the total amount of crime coverage the dominance of juvenile delinquency frames in the 1950s becomes clear. Linking crime to the activities of teenagers dominates news coverage of crime in the 1950s and early 1960s. The phrase "youth crime" was a particularly dominant message in the late 1950s crime stories and many stories discuss attempts to curb delinquency with new legislation. After 1965, the use of the juvenile delinquency frame dwindle to trivial amounts and rarely appear in contemporary media coverage of crime.

Figure 7. Organized crime messages in the *New York Times*, 1950 to 2006



Another popular journalist narrative to frame crime is the focus on organized crime. Attributing crime to criminal organizations such as the mafia is a dominate crime frame because it captures the attention of the public by providing an intriguing crime narrative. The abundance and success of Hollywood films focusing on organized crime such as *The Godfather*, *Goodfellas*, *On the Waterfront*, and *Scarface* demonstrates how popular the genre is with the public. Thus, there is a clear incentive for journalists to report stories on organized crime.

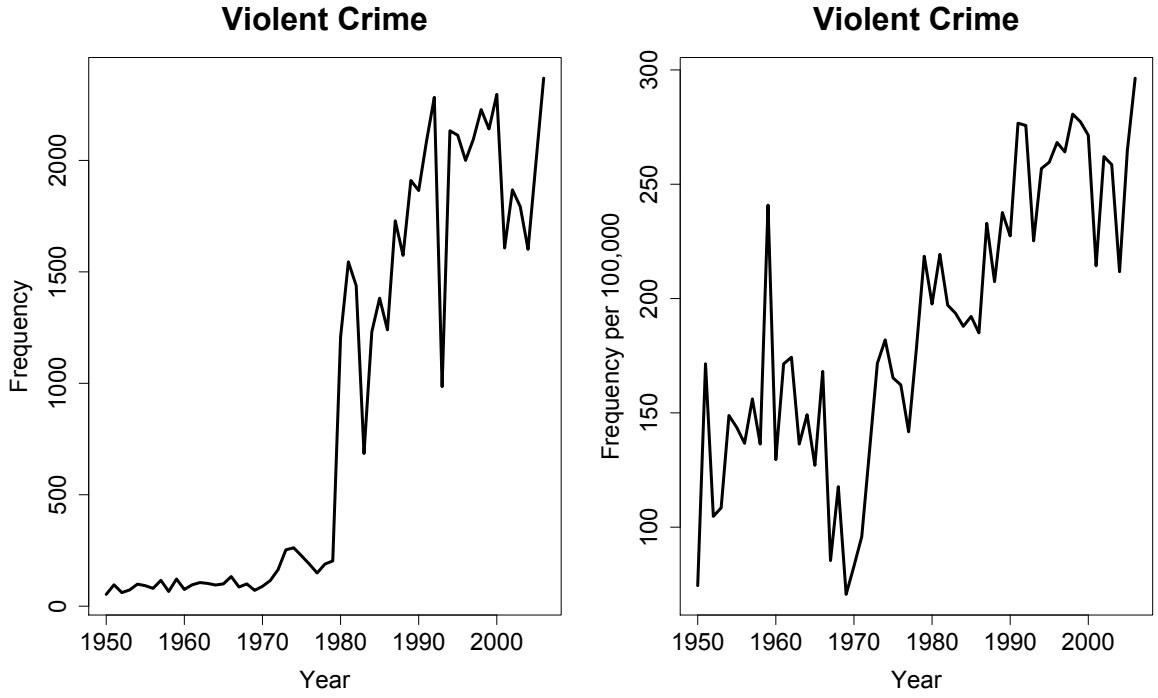
How prevalent are messages that link organized crime to criminal activity? A dictionary of organized crime messages was composed in the same fashion as the other dictionaries. Stories about organized crime contain words or phrases such as "mobsters," the "mafia," "waterfront crime," and "organized crime." The frequency of organized crime messages in the *New York Times* coverage of crime from 1950 to

2006 is shown in Figure 7. The x-axis shows the year. The frequency is shown on the y-axis of the first plot, while the frequency per total coverage is shown on the y-axis of the second plot.

Examining the raw frequency of organized crime messages shows that the peak of coverage occured during the 1980s as the FBI and law enforcement agencies began to prosecute organized crime members on a large scale using the Racketeering Influenced and Corrupt Organizations Act (RICO) statutes. The shakeup and dismantling of organized crime families across the country led to Hollywood style mafia wars and murders that made headlines across the country. John Gotti, in particular, became a darling of the media as he rose to the top of the Gambino crime family by murdering the previous Gambino head Paul Castellano. Gotti's subsequent arrest and conviction in 1992 also contributed to high levels of media coverage of organized crime. The frequency of organized crime frames per the total coverage of crime shows similar inclines in coverage during the 1980s with a decline thereafter, but it also shows a large number of messages in the early 1950s were focused on organized crime. In fact the peak of coverage on organized crime was in the early 1950s. This reflects several high profile government commissions to end waterfront crime at U.S. ports of entry that were infiltrating unions and resulted in several high profile prosecutions and murders.

Another type of strategic message that should permeate crime news is messages about violent crime. The focus on violent crimes in the mass media is believed to have several effects on the mass public. The most prominent is the connection between violent crime in the media and violent behavior among individuals (Anderson, Berkowitz, Donnerstein, Huesmann, Johnson, Linz, Malamuth and Wartella 2004). Moreover, violent crime is overrepresented in media coverage of crime leading the public to think crime is higher and more dangerous than more objective measures

Figure 8. Violent crime messages in the *New York Times*, 1950 to 2006



of crime (Garofalo 1981, Bushman and Anderson 2001). The media construction of crime as violent could also lead to greater support among the public for punitive policies (Brownstein 2000). The violent crime dictionary consists of words describing certain violent crimes such as "murder," "rape," "stabbing," and "shooting," but also phrases such as "violent crime," "high murder rate", and "increase number of shootings." The type of crimes listed in the dictionary are taken directly from the Uniform Crime Reports' Violent Crime Index.

The results of the content analysis of violent messages in *New York Times* coverage of crime from 1950 to 2006 is shown in Figure 8. The x-axis for both plots shows the year. The first plot shows the raw frequency of violent messages on the y-axis and the second plot shows the frequency of violent messages per total coverage on the y-axis. Violent crime messages appear to be the most frequent type of message in

the *New York Times* coverage of crime from 1950 to 2006. The frequency of violent crime messages outnumbers racial primes, racial frames, mentions of organized crime, persuasive messages, and juvenile crime frames. Historically, violent crime messages were relatively low during the 1950s and 1960s. On average, a few hundred violent crime mentions were in crime stories for each year during these decades. By 1990, the *Times* was featuring over 2000 violent messages each year in its coverage of crime. Examining the frequency of crime messages per the total amount of coverage shows that in the 1950s and 1960s, violent crime messages moved around a stable equilibrium of about 1,500 violent crime messages a year. However, the post-1970 series shows a clear break in that equilibrium as the frequency of violent crime messages trends upward. Two conclusions can be drawn from this data: 1) messages that crime is violent is prevalent in media coverage of crime and 2) these violent crime messages have been increasing over time.

2. What determines media coverage of crime?

One last question pertains to the extent that media coverage of crime reflects actual criminal behavior. A common view is that media coverage of crime grossly exaggerates actual criminal conditions. Certain crimes such as violent crimes, drug offenses, and high profile murders are seen as receiving a disproportionate amount of coverage in the media (Fishman 1978, Sherizen 1978, Sorenson and Manz 1998). Media coverage of crime is also criticized for overrepresenting blacks and other minorities as criminals (Dixon and Linz 2000, Entman and Rojecki 2000, Gomes and Williams 1990, Russell 1998, Zilber and Niven 2000). Since the public receives a great deal of its political information from the media, it is important to understand the extent that information reflects reality. Why is there so much variation in the messages reported in the news

media regarding crime? Does crime coverage reflect objective crime conditions or does the media socially construct problems disproportionately to what is occurring in society. How much does the content of media coverage of crime reflect elite attention to crime? Does public concern for crime alter the content of crime news? This next section describes a theory of media coverage based on the goals and incentives of politicians, the public, and the news media. Then a model is derived from this theory and tested using the above media data on racial messages, violent crime messages, and juvenile crime messages in *New York Times* coverage of crime.

2.1. A theory of media attention to crime

The theory of media coverage that I propose posits three actors in the political system: Public officials, the mass media, and the public. Each of these actors has their own set of goals and objectives that lead to various interactions that determine the content of the news. In addition, I assume that each of these actors behave in a manner that they believe will help achieve their objectives. Thus, I employ a soft rational choice approach that posits these actors engage in utility maximizing behavior. The central argument I propose is that the media chooses to cover stories in a manner that fulfills their objectives and goals in relation to the goals of the public and public officials.

What are the goals and objectives that each actor tries to achieve? Public officials desire reelection and to enact their preferred policies into law (Arnold 1990, Mayhew 1974). In their attempt to achieve these goals they must gain popular support. Gaining either electoral or policy support requires disseminating information that a politician believes will benefit his or her agenda. Given the scant attention to politics by the public (Delli-Carpini and Keeter 1996) and the costs of direct advertisements, politicians need to use the news media to transmit their messages to the mass public. However, public officials do not control the news media and cannot guarantee that the

messages transmitted to the public by the media are the same messages that benefit their political agenda. They need some means to increase the probability that their preferred message is the same message the media transmits to the public. Politicians can communicate their messages to the public via paid advertising (Jamieson 1996, Nelson and Boynton 1997), but the ability of a politician to control the free press remains vital to the success of that politicians' objectives (Ansolabehere, Behr and Iyengar 1991). Therefore, public officials will carefully craft their messages and try to transmit them to the media in controlled environments such as speeches, press releases, and pre-organized events.

In turn, the media have an incentive to utilize these elite signals. The news media require reliable and accurate information on a regular basis. Limitations in resources, internal constrains such as deadlines, and the desire for unique stories leads reporters to rely on information from public officials. Public officials can provide reliable information, quickly, and are privy to information that can make a mundane story newsworthy. Thus, government sources serve as a primary source of information on issues relating to politics (Bennett 1990, Gan 1980, Sigal 1973, Soley 1992).

- H1: Media coverage should follow elite attention to a subject

The public has an entirely different goal. The public desires information regarding politics, but wants to make a minimal effort in acquiring that information. Ideally, citizens would be well-informed on all the important policy issues of the day and the positions on each candidate in order to make political decisions and judgments. Yet there are several reasons why citizens have little incentive to engage in such an effort. Citizens must balance the amount of time and resources spent on acquiring political information with other individual and social needs such as working and leisure activities. Further, there is very little payoff from most forms of political behavior

leading Downs (1997 [1957]) to conclude that ignorance about politics is rational behavior. However, sometimes the public does want to be informed about politics for either social desirability purposes, entertainment, because they have a sense of civic duty, or because there is a higher probability of obtaining tangible benefits from a policy. In these instances, the public wants information that will allow them to make decisions as if they were fully informed, but without the effort needed to become fully informed. So the goal of the public is to obtain political information that they *perceive* as reliable, impartial, useful, and entertaining, but that requires very little effort to obtain.

Above all else, the media's goal is to maximize revenue through increasing readership and subsequently advertising space. As the visibility of a news outlet increases, advertisers will pay more to have their products seen by a larger number of consumers leading to more profits for the news organization or parent corporation. Thus, the media must in some respect pander to the desires of the public. Since the public wants news that they *perceive* as objective, accurate, and entertaining, the media will tend to report news that is based on objective conditions and provides an entertainment value to the public. Accurate and objective reporting fulfills the media's goal of "truth in journalism" (Oliver and Maney 2000), but also ensures that the public will return to that source the next time it requires information. The failure to report objective and accurate information is therefore costly to the news media. Alternative media outlets can expose false or misleading information leading to a decrease in public reliance on a media outlet and loss in revenue. Therefore, the media is reliant on objective information and are quick to retract stories with errors or falsifications due to the potential backlash from the public, advertisers, and other media outlets.

- H2: Media attention to an issue should follow objective conditions relating to

that issue

Reporters have individual goals to promote their own values, serve the public interest, and advance in their career, but they must balance these goals with the need to provide stories that will catch the public's attention and remain objective. Journalists also need to produce stories that are likely to catch the attention of a passive media consumer that does not want to spend a great deal of time consuming encyclopedic information. Things like protests, violent crime, natural disasters, scandals, and events involving "novel" populations are seen as "newsworthy" stories that entertain and inform the public (Oliver and Maney 2000). Scholars have found that crime news is particularly newsworthy. Katz (1987) shows that public interest in crime stories is higher than other types of political news and world events. The ability of the public to recall crime news is also substantially higher than that of other topics that regularly appear in the news such as social welfare issues, the economy, healthcare, and the environment (Graber 1980, 50-51). Thus, crime news, particularly violent crime and those involving unique populations or rare events, helps the news media fulfill its goal of high readership with journalism that is interesting to the public.

- H3: Media attention to an issue should follow public attention to an issue

2.2. Data and methods

The theory of media coverage seeks to explain what determines the content of media coverage. To test the theory, I will examine media coverage of crime from 1971 to 2004 in the *New York Times*.[6] I will test the theory using three different types of crime

[6]The time range is limited by the availability of data for the predictor variables.

coverage: racial messages (racial frames and racial primes), violent crime messages, and juvenile delinquency messages in crime news. The racial frames and racial primes measures are shown in Figures 3 and 4, the violent crime news measure is shown in Figure 8, and the coverage of juvenile crime is shown in Figure 6. Thus, I will have multiple tests of the theory within the domain of crime news.

Each of the dependent variables should be associated with objective crime conditions. Racial messages that explicitly or implicitly portray blacks as criminals should be connected to actual crime committed by blacks. Violent crime messages should be associated with the rate of violent crime in society. Juvenile delinquency messages should correlate with the amount of crime being committed by Americans under the age of 18. The percentage of blacks arrested for all crimes each year is used as a measure of crimes committed by black Americans. The data is available for each year from the *Sourcebook of Criminal Justice Statistics*. The juvenile arrest rates from the *Office of Juvenile Justice and Delinquency Prevention by the National Center for Juvenile Justice* are used as a measure of youth crimes committed by teenagers under the age of 18.[7] Finally, violent crimes are measured using the Uniform Crime Report's annual index of violent crimes. The index defines violent crime as any crime that involves force or threat including murder, manslaughter, forcible rape, robbery, and aggravated assault.[8]

In addition to actual crime conditions, crime news should be a function of elite attention to crime. Elite attention to crime is measured using the number of crime related messages in presidential speeches as reported in the *Public Papers of the President*. Although any politician can craft specific messages regarding crime and

[7]Available online: http://ojjdp.ncjrs.org/ojstatbb/crime/excel/JAR_2008.xls.

[8]Note that the dictionary of violent crime messages matches the exact categories of violent crime as described by the Uniform Crime Report.

use the media to transmit these messages to the public, the most visible political actor is the president. The president is also the ad hoc leader of his or her party and able to influence other party members on high profile issues like crime. Furthermore, the use of speeches rather than press releases and advertisements is the primary means that presidents transmit their agenda to the media and the public (Kernell 2006). Thus, presidential attention to crime should signal to other politicians, the news media, and subsequently the public that crime is an important issue.

Finally, crime news should be responsive to public demand for crime news. Although there is no direct measure of what the public wants from the news, we can assume that an issue the public deems is important is also an issue that the public would like to know more about. Thus, the more important an issue is seen by the public, the more media attention should be given to that issue. The percentage of respondents answering that "crime" is the "most important problem" facing the nation each year to the Gallup poll is used as the measure of public concern for crime under the assumption that the more concern for crime among the public, the more demand for news coverage of the issue.[9]

2.3. Results: The content of crime news

A single-equation error correction model (ECM) estimated with ordinary least squares regression is used to test the model of media coverage. The ECM for the bivariate

[9]The data used here were originally collected by Frank R. Baumgartner and Bryan D. Jones, with the support of National Science Foundation grant number SBR 9320922, and were distributed through the Department of Government at the University of Texas at Austin and/or the Department of Political Science at Penn State University. Neither NSF nor the original collectors of the data bear any responsibility for the analysis reported here.

case is:

$$\Delta Y_t = \alpha_0 + \alpha_1 y_{t-1} + \beta_1 X_t + \beta_2 X_{t-1} + \epsilon_t \tag{3.1}$$

where Δ is the difference operator, Y_t is the changes in media coverage modeled as a function of the past value of media coverage Y_{t-1}, the changes $\beta_1 X_t$ and lagged levels $\beta_2 X_{t-1}$ of a predictor variable, and an error term ϵ_t. De Boef and Keele (2008) show that the single-equation ECM is a simple reparameterization of the more familiar autoregression distributed lag model (ADL). There are several benefits of using the ECM versus a variant of an ADL model. First, the ECM does not place invalid restrictions on the dynamics of the model and allows the direct estimation of both long- and short-run relationships. Second, the ECM can be used with both stationary and non-stationary data without leading to problems of spurious inferences.

So how well does the model estimate the dynamics of *New York Times* coverage of crime? Table 1 shows the estimates of racial messages in crime coverage. The first column shows the predictor variables: the lagged value of racial messages, the percentage of blacks arrested for crimes, public concern for crime, and presidential attention to crime. The second column shows the estimates of the number of racial frames in *Times* crime news. Column three shows the estimates of the number of racial prime messages in *Times* crime coverage. Column four shows the estimates of an index of the total number of racial messages (both racial frames and racial primes) in the *Times* coverage of crime.

For all three models, the number of blacks arrested has a positive and statistically significant relationship with the number of racial messages in crime news. An increase in the number of blacks arrested for crime shows up in news coverage with an immediate increase in the number of racial messages implicating blacks as criminals. This relationship is robust showing up in the model of racial frames, racial primes,

and the additive index of all racial messages. Furthermore, a change in the percentage of blacks arrested does not occur entirely in the same year. The news will continue to use messages framing blacks as criminals and using racial primes in future crime news as indicated by the positive and statistically significant coefficients on all the lagged levels of the percentage of blacks arrested measure. This relationship occurs across all three models of racial messages in crime news. Thus, the past actions of black criminals continue to have an effect on crime coverage that could result in a cross-sectional bias towards overreporting blacks as criminals.

Public concern for crime does not appear to have any relationship with crime news. The sign of the public concern coefficients are positive in the racial prime model and the additive index model suggesting that more public concern for crime correlates with more racial messages in crime coverage. However, the coefficients on the changes and lagged levels of public concern for crime are statistically indistinguishable from zero across all three models. This could be a result of the disconnect between a general concern for crime and the specific content of racial messages. However, measures of public concern about "black crime" are unavailable.[10]

Presidential attention to crime also maintains no relationship to racial messages in crime news. Across all three models, the coefficient estimates on changes in presidential attention to crime are positive, but statistically insignificant. The lagged levels on presidential attention to crime are in the wrong direction and indistinguishable from zero.

The consistency of the finding across all three indicators of racial messages suggest that the media does ground its coverage of crime to changes in actual conditions.

[10]Kellstedt's (2003) measure of racial policy sentiment was substituted in each model for the "most important problem" indicator to test if specific attitudes toward blacks shaped the frequency of racial messages in crime news. None of the models show any differences than those reported here.

Table 1. Media coverage of race and crime

Predictor	Δ Racial Frames	Δ Racial Primes	Δ Index
Racial messages$_{t-1}$	-0.92**	-0.56**	-0.54**
	(0.19)	(0.22)	(0.21)
Δ % Black arrests	3.49*	31.93*	16.81*
	(2.03)	(16.40)	(8.62)
% Black arrests$_{t-1}$	5.99**	54.36**	28.37**
	(2.60)	(26.45)	(13.68)
Δ Public concern	-9.10	558.22	287.02
	(66.75)	(584.97)	(300.13)
Public concern$_{t-1}$	-29.06	18.72	6.33
	(48.19)	(365.06)	(192.32)
Δ Presidential attention	0.27	-0.18	-0.07
	(0.07)	(0.51)	(0.27)
Presidential attention$_{t-1}$	-0.05	-0.47	-0.26
	(0.05)	(0.40)	(0.21)
Intercept	-134.81*	-1298.78*	-674.32
	(64.78)	(660.36)	(340.74)
Bruesch-Godfrey (4 lags) χ^2	8.48*	6.81	6.65
ARCH (4 lags) χ^2	0.06	5.24	4.40
N	33	33	33
R^2	0.48	0.37	0.36

Note: *$p < 0.10$ **$p < 0.05$.

The latter does not necessarily contradict previous research showing that media coverage of blacks is disproportionate to the actual distribution of crimes committed by blacks. The latter research concerns the distribution of coverage at any given period of time. Although changes in crime coverage seem to reflect changes in actual crimes, a one-to-one ratio of crimes to coverage may not exist leading to the distributional biases found in cross-sectional research.

Table 2 tests the model on several alternative crime frames. Note that for the violent messages model the lagged "messages" variable corresponds to violent crime messages and in the juvenile crime messages model the lagged "messages' variable corresponds to juvenile crime messages. The estimates for the violent crime messages model are shown in column two and the estimates of the juvenile delinquency messages are shown in column three. Similar to the racial messages models, reported crime conditions show a statistically significant relationship with the content of crime news. The model for violent crime messages shows that an increase in violent crime does not result in an immediate increase in violent crime messages. Instead, the effect is delayed over time as indicated by the statistically significant and positive coefficient on the lagged levels indicator of violent crime. The estimates of the dynamics of juvenile crime messages in crime news shows that an increase in juvenile crime results in an immediate change in the number of juvenile crime messages. Furthermore, this effect is entirely in the contemporaneous period with no lagging effect unlike the racial messages models.

The violent crime model does show a significant and positive relationship between public concern for crime and news coverage of violent crime. The more public concern for crime does not result in an immediate change in the number of violent crime messages, but an increase in the number of violent crime messages occurs in future periods. The statistical significance in this model might be because there is a better

connection between a general concern for crime as measured by the Gallup's "most important problem" question and violent crime. There does not appear to be any relationship between public concern for crime and the dynamics of juvenile crime messages. Similar to the racial messages models, presidential attention to crime does show a positive relationship with crime coverage as predicted in the same time period. However, the coefficients are statistically indistinguishable from zero indicating that no relationship exists in these data.

Table 2. Media coverage of violent and juvenile crime

Predictor	Δ Violent Messages	Δ Juvenile Messages
Messages_{t-1}	-0.60**	-0.53**
	(0.15)	(0.24)
Δ Violent crime	0.01	-
	(0.01)	-
$\text{Violent crime}_{t-1}$	0.00027**	-
	(0.00)	-
Δ Juvenile crime	-	0.16**
	-	(0.07)
$\text{Juvenile crime}_{t-1}$	-	0.06
	-	(0.04)
Δ Public concern	2107.93	247.10
	(1447.73)	(387.33)
$\text{Public concern}_{t-1}$	3767.01**	541.58
	(1274.18)	(352.30)
Δ Presidential attention	0.03	0.35
	(1.39)	(0.49)
$\text{Presidential attention}_{t-1}$	-1.45	-0.56
	(1.12)	(0.38)
Intercept	-2820.90**	-401.00
	(868.93)	(296.87)
Bruesch-Godfrey (4 lags) χ^2	2.46	3.37
ARCH (4 lags) χ^2	3.89	4.63
N	33	24
R^2	0.44	0.54

Note: $^*p < 0.10$ $^{**}p < 0.05$.

Thus, the results of these models provide consistent evidence regarding the relationship between media content of crime stories and reported conditions of crime.

Media coverage of crime does reflect changes in actual crime conditions. The more blacks and juveniles commit crimes, the more messages in crime news indicating blacks and juveniles as criminals. The more violent crime in society, the more media coverage of crime reflects the violence of crime. There is less support for other aspects of the model. It appears that the public and president have little, if any, influence on media content.

3. Summary

This chapter shows that there is a great deal of movement over time in the type of strategic messages embedded within crime coverage—at least within the *New York Times*. Although both racial frames and racial primes can coexist in crime news, these data reveal that racial primes are used much more than explicit racial appeals to frame crime as a problem among black Americans. The data also show that other types of strategic messages dominant crime news from time-to-time. Crime news in the 1950s was dominated by messages linking crime to juvenile delinquents and organized crime. Violent crime, however, is the most prominent type of message in crime news and continues to increase in use over time. Finally, this chapter shows that the dynamics of racial messages, violent crime messages, and juvenile delinquency messages within crime news follow the changes in actual crime conditions relating to each of these categories. Thus, the information in the news media regarding crime is not as biased as previous studies claim providing a little assurance that the public is receiving quality information they can use to make informed political judgments.

CHAPTER IV

A PENCHANT FOR PUNISHMENT: THE DYNAMICS OF PUNITIVE SENTIMENT

The conventional wisdom is that Americans generally prefer punitive rather than preventative policies and that these preferences are highly resistant to change. Many scholars and policy-makers accept the punitive nature of public opinion as a fact of contemporary politics. The recent trend in public approval of policies such as mandatory minimum sentencing, indefinite sentences, three-strikes law, truth in sentencing, boot camps, chain gangs, and capital punishment appears to substantiate this view. It seems the public's demand for punitive policies has been able to withstand a great deal of pressure from those that advocate alternative solutions to the American crime problem. Zimring, Hawkins and Kamin (2001) suggest that public support of punitive policies is a "constant" in U.S. history, rarely wavering under pressure. Recent studies argue public support for specific policies such as capital punishment (Ellsworth and Gross 1994) and tougher sentences (Zamble and Kalm 1990) are crystallized in the minds of the public. Thus, there is a dominant perspective that the public is hostile toward criminals, wanting to see them suffer tough punishment at the hands of the criminal justice system and this support rarely wavers.

Scholars have tied this steadfast preference for a punitive solution to crime to core cultural values and basic human instincts. Aladjem (2008) argues that American's have a "culture of vengeance." Punitive policies are created to satisfy the public's desire for retribution in response to criminal behavior. However, since victimization creates an emotional void that punitive policies can never fill, the public perpetually demands more and more punitive policies. Garland (1996, 460) also argues that puni-

tive polices are "a deep-seated aspect of our culture, embedded in the common-sense of the public." Garland (1996, 460) also specifically connects this culture for punishment with the crystallized nature of public attitudes toward punitive policies noting that, "[d]eliberate attempts by government to modify this culture . . . have shown the resilience of the demand for harsh, custodial penalties." Scholars also note attitudes regarding crime and punishment are connected to emotional rather than rational parts of the human psyche making those attitudes more resistant to arguments targeting instrumental concerns. Thus, scholars at the individual level find little connection between actual crime rates, perceptions of crime, and punitive policy preferences. Instead, scholars connect punitive sentiment with emotional, rather than rational, reactions to crime. Sutton (1997, 17), for instance, argues that alternative strategies for preventing crime will never gain public favor because non-punitive strategies fail to counter the deep, emotional attachment that punitive policies have within the public consciousness. Freiberg (2001) makes a similar argument noting that support for punitive policies are ingrained within human conciousness and attached to emotions and affect.

Yet studies that examine the over-time movement in public opinion often find that opinions are fluid and rational rather than an immutable constant. Page and Shapiro (1992) examine support for capital punishment and judicial sentencing and suggest the public, as a whole, adjust these attitudes to changes in the crime rate. Similarly, Mayer (1993) finds that public support for capital punishment moves in response to changes in the homicide rate at a five-year lag. Baumgartner, De Boef and Boydstun (2008) show that support for capital punishment is responsive to changes in the tone of media coverage regarding the death penalty. The more news stories supporting capital punishment increased public support for the death penalty, while news stories that featured opposition to the death penalty led to a decrease in public

support for the death penalty. Although these studies suggest that public preferences toward punitive policies are far from immutable, they all focus on a subset of punitive policies. All but one study focuses on attitudes toward the death penalty, a policy that might have more to do with moral and religious conviction than punitive sentiment and instrumental considerations. The focus on a single issue, rather than the public's more general sentiment toward punitive solutions to crime limits our understanding of both public opinion and criminal justice policy.

The approach advocated in this research focuses on the underlying sentiment of American's punitive policy preferences rather than specific individual level attitudes toward specific issues. Specifically, this chapter creates an index of the public's preference for punitive criminal justice policies based on multiple indicators toward specific policies over the last 50 years. This index of the public's punitive sentiment shows a dynamic portrait of the public with periods of dramatic increases in punitive sentiment and periods of decline in punitive sentiment. Moreover, it will be shown below that the public's punitive sentiment moves in a rather uniform manner for several sub-groups of the population that have different experiences with the criminal justice system.

1. Conceptualizing punitive policy preferences

Punitive policies seek to increase the disciplinary function of the justice system. The justice system consists of law enforcement agencies, courts, and corrections facilities, which must operate within a framework of laws protecting individual rights. The expansion of punitive policies can occur in any or all of these organizations. The purpose of punitive criminal justice policies are to punish criminals. Punitive policies seek to deter future criminal behavior, provide retribution for crimes already committed, and

prevent future crimes by keeping criminals off the streets. Punitive policies do not seek to rehabilitate criminals although some punitive policies may have side-effects that aid rehabilitation. In addition, punitive policies do not attempt to reduce crime by going after the potential root causes of crime such as poverty, unemployment, and discrimination.

Proponents of punitive policies view crime in terms of rewards and punishments. Punitive policies attempt to reduce crime by increasing the transaction costs of doing crime. Punitive policies increase the potential costs of crime either by imposing harsher penalties on criminals when they are caught or by increasing the probability that a criminal will get caught. There are a variety of policies that increase the potential costs of doing crime, which can be classified as punitive. Increasing the power and authority of law enforcement officials increases the probability of getting caught and thus the cost of crime since criminals have to change their behavior (a costly act) in response to changes in law enforcement tactics. These policies can entail reducing civil liberties for security such as allowing police to do search and seizers without a warrant, expanding the use of wiretaps for law enforcement agencies, and increasing resources for law enforcement agencies. Laws that increase criminal sentencing or set deterministic sentences for crime (by reducing judicial discretion) also increase the cost of crime. The deterrent that sets the ultimate cost for crime is the death penalty.

Rather than view crime as a function of individual will and transaction costs, people that oppose punitive policies often view crime as stemming from social problems such as poverty, unemployment, and discrimination (Bazelon 1976, Cohen and Felson 1979). The latter viewpoint leads to the belief that non-punitive policies are more effective and efficient at reducing criminal behavior. Non-punitive policies include counseling for drug addiction, anger/stress management coaching, increas-

ing education, providing job training both within and outside of the justice system, reducing poverty, reducing unemployment, dealing with racial discrimination, and programs that help former convicts re-enter society.

A preference for punitive policies means the public favors or supports policies that attempt to increase the costs of committing crime rather than policies aimed at rehabilitation or the environmental causes of crime. The emphasis is on the public, as a whole, rather than each individual's preference for more or less punitive policies. Although individual attitudes contribute to the dynamics of aggregate preferences, it is aggregate preferences that have the greatest influence on politics. Politicians obtain political capital from the support of the masses rather than individuals and it is aggregate preferences that determine election outcomes. It is also the preferences of the public, as a whole, that influence national policies (Stimson, Mackuen and Erikson 1995) and specifically federal criminal justice policy (Nicholson-Crotty, Peterson and Ramirez 2009). Politicians are less likely to pay attention to public opinion on a single issue—the death penalty, criminal sentencing, treatment programs, drug abuse treatment, law enforcement spending, judicial discretion, and so forth—since data on these individual issues are rarely available. Thus, politicians do not have a clear signal on these individual issues upon which to react. Instead, it is more feasible for politicians to pay attention to a national mood and respond to this more general sentiment than try to attune into the vast number of individual signals coming from the public (Kingdon 1973). Thus, this research is concerned with the aggregate movement of public punitive sentiment rather than public opinion toward specific policies. This requires aggregation across both individuals and issues.

2. Constructing a measure of punitive sentiment

Almost all research on punitive policy preferences is cross-sectional using a single indicator to describe individual preferences during a specific period in time. A problem with this approach is that cross-sectional data are constrained by well-known survey effects (Schuman and Presser 1981). Responses to any single policy question are prone to influence by question wording effects, interviewer effects, and question ordering effects. Stimson (1999) notes that responses to an individual survey question captures three things: 1) the latent sentiment toward the concept of interest (i.e., punitive policies) 2) systematic variance related to that specific policy or question (e.g., a question wording effect), and 3) random error. Unfortunately, the random error is uncontrollable, but it is inconsequential as long as it remains idiosyncratic. Therefore, the problem reduces to measuring the concept of interest—the public's latent sentiment towards punitive policies—while controlling for indicator specific variance.

The second problem with cross-sectional approaches is that they provide no information regarding opinion dynamics. To understand the dynamic movement of punitive sentiment requires surveys that probe punitive attitudes consistently over time. Unfortunately, surveys rarely ask the same questions at regular intervals needed to perform a time series analysis. Some surveys have asked the same question over time, but at irregular intervals preventing a usable time series of punitive attitudes. For instance, the Gallup organization has asked Americans, "Are you in favor of the death penalty for a person convicted of murder?" 42 times between 1936 and 2007. However, even the Gallup measure does not exist for every year. Even if the question did exist for every year, it does not capture the entire concept of interest. Thus, scholars face real limitations when trying to understand public preferences for punitive criminal justice policies.

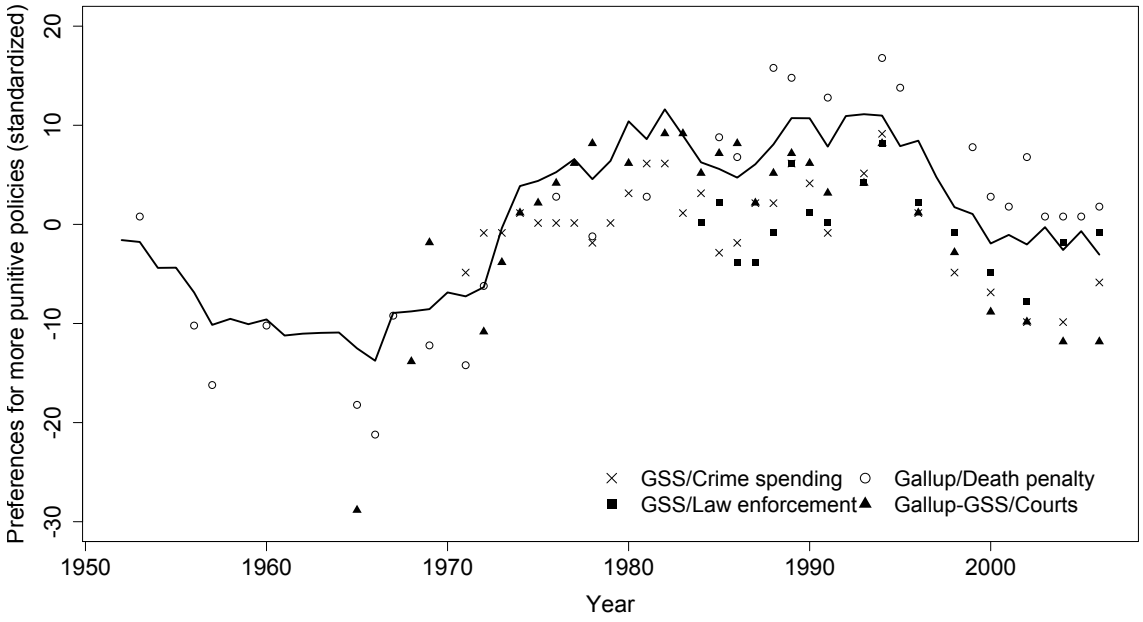
The solution, and methodology adopted here, is a technique developed by Stimson (1999) to examine public preferences for liberal or conservative public policies. Stimson's (1999) WCALC algorithm extracts the common dynamic element from multiple indicators across survey organizations by focusing on the *relative* changes within an item rather than the absolute values of the item. Although the absolute values of survey marginals are incomparable across indicators (due to the aforementioned survey effects), the ratio of change between any two points in time within an indicator is comparable across survey items.[1] For instance, if more people prefer a punitive solution on m indicators at time t relative to some previous period $t - k$, than the algorithm will extract a latent dimension showing Americans becoming more punitive across this time period. Beyond the work of Stimson (1999) and colleagues (Erikson, Mackuen and Stimson 2002, Stimson, Mackuen and Erikson 1995), this measurement strategy has been used for other aggregate analysis of public opinion (Durr 1993, Durr, Gilmour and Wolbrecht 2000, Durr, Martin and Wolbrecht 1997, Flemming and Wood 1997, Keele 2007, Kellstedt 2003).

Aggregating across indicators and extracting the shared variation of those indicators assumes that there is a latent sentiment among the public regarding their preferences for more or less punitive policies that is creating the movement in their preferences toward individual policy proposals. If the concept of "punitive policy preferences" is valid—if this latent sentiment exists and is the driving force behind attitudes toward specific punitive policies—then individual measures of attitudes toward specific punitive policies should move in parallel with each other across time. However, if the concept is invalid, then the survey items should move independently

[1]Exponential smoothing is applied to adjust for fluctuations in sampling error.

of one another.[2] Four survey items regarding public attitudes toward specific punitive policies are taken from the General Social Survey and Gallup poll and plotted in Figure 9. The items include questions about the leniency of the courts, expanding law enforcement, support for capital punishment, and increasing spending to fight crime. The items are standardized—shown as deviations from their mean—and plotted with a WCALC index of the four items. The year is on the x-axis and the standardized preference for policy support is on the y-axis. Higher values on the scale indicate a greater preference for punitive policies.

Figure 9. The shared movement of public attitudes toward individual punitive policies, 1953-2007



[2]Tyler and Weber (1982) argue that support for individual punitive policies such as the death penalty measure a single aspect of a general political-social ideological sentiment regarding punitive policies which is consistent with the argument here.

Figure 9 provides some initial evidence that there is a latent public sentiment for more or less punitive policies. Note, the focus should be on the over time variation of each indicator rather than the absolute levels of support. The individual survey items exhibit similar movement over time despite measuring different policies and being administered by different survey organizations. The 1965 Gallup poll shows 48% of Americans believe the courts are "not harsh enough" with criminals, which rises to 74% in the 1970s and over 80% in the 1980s. Attitudes toward capital punishment also increase during this same era with 45% of Americans supporting the death penalty in 1965, 57% supporting the death penalty in 1972 and over 70% favoring capital punishment in the 1980s. The indicators for spending on crime shows the same over time movement, albeit more subtle, with support rising from 65% in 1973 to 72% in 1982.

Furthermore, all all four items gradually decrease in the late 1990s. The belief that courts are too lenient drops from 85% in the 1994 GSS to 74% in the 1998 GSS to 65% in both the 2004 and 2006 GSS. That's a substantial 20% decrease over a ten year period. The percentage of GSS respondents that believe we are spending "too little" on law enforcement drops almost 10% from 1994 to 2006. The Gallup death penalty and the GSS crime spending series also show declines during this same period. Notice that the aggregated index of these four indicators created from the WCALC algorithm and shown by the solid black line captures these dynamic movements. The index shows a decline in punitive sentiment from the 1950s to the 1960s followed by a large increase in punitive sentiment from the 1970s and into the 1980s. Similar to each of the individual indicators, the punitive sentiment index shows a decline in the public's preference for punitive policies starting in the middle of the 1990s and continuing into the present. Thus, it appears that an underlying latent sentiment toward punitive policies is driving support and opposition to individual punitive policy proposals and

that creating an index from multiple indicators captures that sentiment in a more reliable manner than relying on any single indicator.

Rather than rely on a single indicator, or even four indicators, the final index of public sentiment toward punitive policies is created from a large collection of survey items asked over the last 50 years. A multi-item index that captures the public's latent policy preference is preferable because it captures multiple dimensions of the concept and extracts the latent preference without the idiosyncratic component inherent to any single indicator. Using multiple indicators that contain at least some partially shared variance of the latent concept of interest—punitive policy preferences—should lead to a more reliable measure than any single indicator. It also provides an annual time series of punitive sentiment for the last 50 years.

The construction of the final index of the public's preference for punitive criminal justice policies uses the survey marginals of 242 administrations of 24 different survey items.[3] Aggregation occurs across individuals and survey items. The individual items, shown in Table 3 (details are in the appendix), range from attitudes toward the death penalty to beliefs about the leniency of the courts to spending more on crime to extending the authority of the police to preferences for mandatory sentencing laws. Table 3 shows the survey organization that administered the item, the item description, the number of times the item was asked to the public, and the association between each item and the final index. Note that there is a wide range of survey organizations represented in the construction of the punitive sentiment index. There is also variation in the number of administrations of each question—the minimum requirement is a question be asked twice in order to measure the relative change between administration at time t and $t + k$, $k < 0$. The important aspect of Table

[3]All items are from nationally representative samples and accessed from the Roper Center Public Opinion Archive.

Table 3. Correlation of indicators with the punitive index

Survey House	Item	Observations	Correlation with index
Gallup	courts	7	0.84
GSS	courts	26	0.83
Harris	death penalty	12	0.94
Gallup	death penalty	42	0.93
Gallup	death penalty (under 21)	3	-0.53
Gallup	death penalty (options 1)	11	0.63
Gallup	death penalty (options 2)	8	0.80
Gallup	death penalty (frequency)	6	-0.71
Harris	death penalty vs. prison	3	0.85
Harris	death penalty (circumstance)	3	-0.42
LA Times	death penalty	2	-1.00
GSS	death penalty	26	0.92
Harris	death penalty (rape)	2	1.00
Gallup	death penalty (rape)	4	0.83
ABC	prisons (build)	3	-1.00
Harris	prisons (purpose)	3	0.99
Roper	prisons (purpose)	3	0.91
Roper	law enforcement	3	0.95
Gallup & LA Times	law enforcement	8	0.26
Roper	sentencing	3	0.85
GSS & Roper	crime spending	40	0.70
GSS	law enforcement spending	16	0.63
ABC	“three strikes”	2	1.00
Gallup	marijuna (criminalization)	6	0.05

3 is the fourth column showing the correlation between each item and the index. Most of the items are strongly correlated with the index. The Gallup and GSS items measuring beliefs about the leniency of the courts correlate at .83 with the index. Three of the death penalty items correlate with the index at .90 or greater. Even the desire to increase spending on crime, an attitude that might relate more to ideology than punitive preferences, correlates with the index at .70. As a whole, the index explains 64% of the variance of the individual items (eigenvalue = 1.87). Despite different question wording and being administered by different survey organizations, these items all exhibit a great deal of shared variance capturing the public's desire for more or less punitive policies. A few items show a negative relationship. The lack of association is mostly due to the few administrations of these items. These items are left into the final creation of the punitive index since theory dictates their relation to the concept of interest. However, it does appear that support for the criminalization of marijuana is unrelated to punitive preferences. The Gallup organization has asked this question 6 times between 1977 and 2003. With the exception of 1986, most Americans are evenly split on the issue with slightly more favoring the legalization of marijuana in the late 1970s and slightly more favoring criminalization in 2000 and 2003. It seems more likely that support for legalization of marijuana is strongly connected to moral values and traditionalism rather than punitive sentiment.

3. The dynamics of punitive sentiment

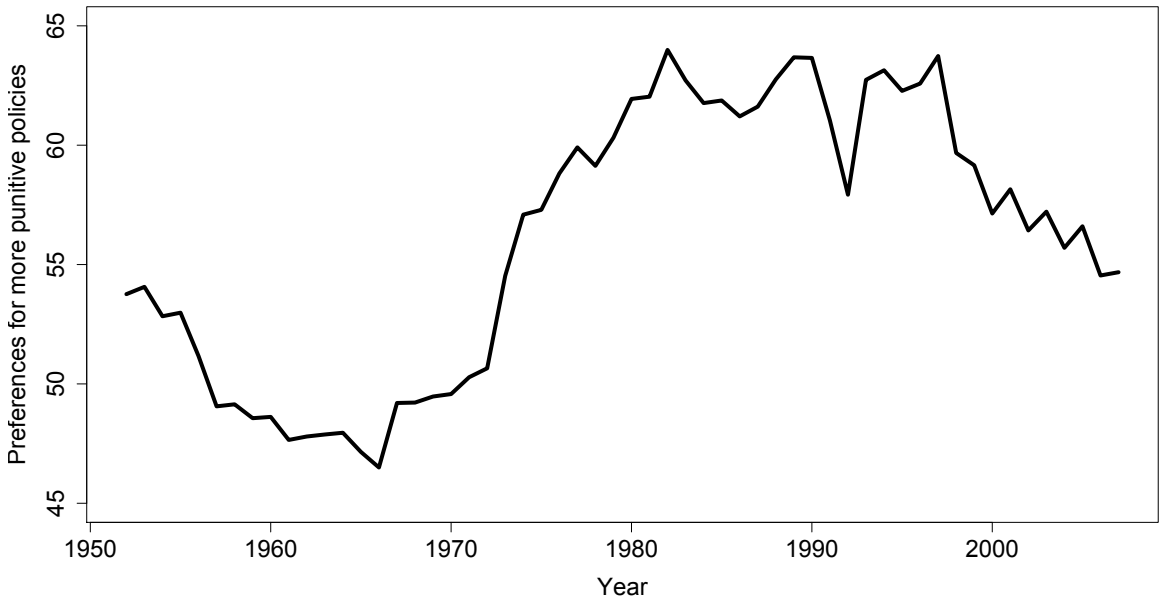
The index of public preferences for punitive policies, shown in Figure 10, extends annually from 1951 to 2007. The index is aggregated into years since there is not enough measures taken each year to obtain reliable estimates at a smaller interval of aggregation. The x-axis indicates the year. Higher values on the y-axis indi-

cate a greater preference for punitive policies. Lower values on the y-axis indicate a preferences for less punitive policies. Overall, Americans tend to favor punishment ($\mu = 55.68, s.d. = 5.09$). Compared to other time series of public opinion, American's punitive attitudes are quite stable. For instance, presidential approval moves in response to current events and can often shift several standard deviations within a short period of time. George W. Bush's approval rating, for example, went from less than 55% approval to over 90% approval on 9-11. His approval subsequently fell to less than 30% by the end of his presidency. Punitive sentiment is not that volatile. The range of the series shows a total movement of 17.5 points—with the lowest level of support for punitive policies in 1966 (46.49) and the highest level of support in 1982 (63.99). Similar high levels of support occur in 1990 (63.65) and 1997 (63.73). Yet, these movements can still have substantial influence over policy outcomes. For example, the public's domestic policy sentiment—the mood of the nation that shapes the policy outcomes of Congress, the President, and the Supreme Court on most issues falling along the dominant liberal-conservative dimension of American politics—has a total range of movement of 19.61 points for the same period (Stimson 1999).

The movement of the series shows that these attitudes are not immutable and resistant to change despite their relative stability. The index shows a minority of Americans—less than 50%—favor punitive policies in the late 1950s and early 1960s. The latter is a decline from the middle of the 1950s when about 55% of Americans supported punitive policies. The low levels of support for punitive policies is consistent with prior research showing a lack of attention and concern for crime around this period (Mayer 1993, Warr 1995). Further, these low levels of support occur during the same period when media coverage of crime focused on juvenile delinquents and organized crime.

By many accounts, the demand for punitive policies began in the late 1950s and

Figure 10. Public preferences for punitive policies, 1953-2007



early 1960s as entrepreneurial politicians—mostly conservative elite—socially constructed the problem of crime in an effort to make electoral gains and retain social control over African-Americans (e.g., Edsall and Edsall 1992, Chambliss 1999, Weaver 2007). That does not appear to be the case according to these data. Also notable in these data is that public preferences did not increase immediately after the 1964 Goldwater-Johnson presidential election despite Barry Goldwater's rhetoric of an increasing crime problem. Nor does the series increase directly in response to the 1964 Civil Rights Act. Instead, American's start to desire more punitive policies during 1967, a time of intense social unrest and racially tinged rioting. The sharpest increase in the index occurs during the 1970s alongside the "law and order" rhetoric of President Richard M. Nixon. In fact, the largest change in the series is a 17-point increase in punitive sentiment—more than three standard deviations of the series—from 1966

to 1982.

Public preferences for punitive policies continue to remain high during the 1980s, showing an abrupt increase during the 1988 election. This is the same year of George H. W. Bush's "get tough" on crime presidential platform and the Willie Horton advertisements. The series takes a quick four point drop in 1992 during a time when the political agenda was focusing on a bleak economy and the Iraq War. The biggest surprise in the series is that public preferences for punitive policies have been declining since 1997, dropping ten points between 1997 and 2006. That ten point decline is almost two standard deviations of the series.

Although popular accounts portray Americans as unwilling to forego punitive policies in lieu of preventative policies, these data suggest a more dynamic opinion. The creation of a dynamic measure of punitive sentiment shows periods of increased support for punitive policies and periods of a decline in support for such policies. There are a few unexpected movements in the series over the last 50 years and the index demonstrates a great deal of face validity. It increases during the 1970s and 1980s when "law and order" rhetoric dominated the political landscape and shows a decline during the last ten years when support for specific policies such as the death penalty has wavered among Americans (Baumgartner, De Boef and Boydstun 2008, Gross and Ellsworth 2001).

4. Summary

This chapter develops a measure of American's support for punitive criminal justice policies and describes the over time movement of these preferences. The results shows that support for individual criminal justice policies such as spending on law enforcement, capital punishment, mandatory minimum sentencing, and tougher judges are

driven by an underlying sentiment for punitiveness. In addition, these data show that the public generally supports punitive responses to crime rather than policies that tackle the root causes of crime. Although the public supports "get tough" policies, there are periods when the public is inclined to accept non-punitive alternatives. For instance, the 1960s saw a decline, rather than increase, in public preferences for punitive policies. More recently, the data suggest a long-term decline in punitive sentiment. Understanding the forces that move punitive sentiment across time is the focus of the next few chapters.

CHAPTER V

DID AMERICANS EXPERIENCE A CHANGE IN PUNITIVENESS?

The creation of an over-time index of the public's sentiment for more or less punitive criminal justice policies provides a means to begin answering questions that have perplexed scholars for decades. One of the most basic questions concerns the timing of the public's penchant for punishment. The dominant consensus is that the public experienced a fundamental change in their attitudes toward crime and punishment in the 1960s. The year 1964 is commonly viewed as the turning point as the presidential campaigns of Barry Goldwater and George Wallace brought law and order rhetoric to the forefront of American politics. Whereas crime had previously been seen as a problem among juvenile delinquents, in 1964 crime became connected to black Americans, civil rights and the Civil Rights Act, and a lack of respect for social order. Subsequently, many scholars conclude that Americans underwent a dramatic change in their attitudes toward crime and punishment in 1964 (Barlow and Barlow 1995, Cronin, Cronin and Milakovich 1981, Edsall and Edsall 1992, Feagin and Hahn 1973, Finckenauer 1978, Flamm 2005, Furstenberg 1971, Western 2006). Yet, other scholars suggest alternative periods of change: the 1968 presidential campaign of Richard M. Nixon (Loo and Grimes 2004), President Nixon's rhetoric during the 1970s (Baum 1996, Button 1978), President Ronald Reagan's "War on Drugs" in the 1980s (Beckett 1997), or prior to the 1960's as a preemptive attempt to alter public attitudes by Southern politicians on the losing end of civil rights legislation (Feeley 2003, Weaver 2007). Although there has been a great deal of speculation concerning when, if ever, fundamental change occurred in public preferences for punitive criminal justice policies, until now there has been no means to formally test these various

conjectures.

At the core of these arguments is the notion that at some point in the 20th century, Americans experienced a fundamental change in their thinking about crime and punishment. Essentially, what the aforementioned scholars are talking about is a structural changepoint. A changepoint signifies a disruption to the equilibrium of a time series. Classical tests for structural changepoints consist of fitting a series of models and using a series of tests based on the generalized fluctuation test framework such as the CUSUM and MOSUM tests (Kuan and Hornik 1995) or tests based on the F statistic such as the Chow and sup$F$ test (Andrews and Ploberger 1994, Hansen 1992). These tests either rely on post-estimation diagnostics that provide little information on the exact changepoint or require the researcher to know in advance where the structural change occurs. Many of the estimation approaches associated with these classical tests only allow for a single changepoint (cf., Park 2007). Competing theories may suggest multiple potential structural breaks leading to confusion about the correct model specification. Specifying a single changepoint requires the analyst to pick-and-choose a point consistent with their own prior theoretical expectations, while ignoring alternative changepoints. For instance, the dominant view in the literature on crime and punishment in America is that events around 1964 led to a structural break in punitive sentiment, but competing theories also suggest fundamental changes due to events in the late 1950s, the racial unrest of 1967, the radical response to Vietnam in the late 1960s, and the rhetoric of President Nixon from 1968 to 1972. Models that use a single dummy variable to capture structural change are inadequate when there are competing theories suggesting multiple potential changepoints.

Alternatively, a number of models have been proposed to estimate structural changepoints when there is an unknown number of possible changepoints and the specific timing of the structural change is undetermined. Although there are frequen-

tist procedures to estimate changepoints (Bai and Perron 2003), a Bayesian approach provides a probability distribution (the probability that a changepoint exists) for each temporal period providing a measure of confidence that the changepoints identified are actual structural breaks. Erdman and Emerson (2007) perform a Monte Carlo experiment to show that Bayesian estimates provide unbiased and consistent estimates of changepoints and outperform frequentist methods when there are short blocks of equilibrium with multiple structural breaks.

1. A Bayesian changepoint model

Barry and Hartigan (1993) develop a model to estimate structural changepoints when there is an unknown partition, p, of sequential blocks of data points such that the means are stable within these blocks. The probability of a change at time t is p. The prior distribution of μ_{tj}—the mean of the series at time $t+1$ and ending at time j—is chosen as $N(\mu_0, \sigma_0^2/(j-t))$. The denominator of the variance component ensures that small changes in the equilibrium of a series that persist for a short time are unlikely to be identified as structural changes.

The MCMC algorithm, implemented in the `bcp` package in `R` (Erdman and Emerson 2007), starts with the partition $p = (U_1, U_2, \ldots, U_n)$ where n is the number of time points or observations in the data and $U_t = 1$ indicates a structural break at time $t + 1$. To initialize the algorithm, Erdman and Emerson (2007) propose setting $U_t = 0$ for all $t < n$, with $U_n = 1$. A value of U_t is drawn from the conditional distribution of U_t given the data and the current partition at each iteration of the Markov chain. Consistent with the notion of Erdman and Emerson (2007), I let b symbolize the number of blocks obtained if $U_t = 0$, conditional on U_j, for $t \neq j$.

The transition probability p for the conditional probability of a changepoint at

time $t+1$ is attained from the following equation:

$$\frac{p_t}{1-p_t} = \frac{P(U_t = 1 \mid \mathbf{X}, U_j, j \neq t)}{P(U_t = 0 \mid \mathbf{X}, U_j, j \neq t)} \tag{5.1}$$

$$= \frac{[\int_0^\gamma p^b(1-p)^{n-b-1}dp][\int_0^\lambda \frac{\omega^{b/2}}{(W_1+B_1\omega)^{(n-1)/2}}d\omega]}{[\int_0^\gamma p^{b-1}(1-p)^{n-b}dp][\int_0^\lambda \frac{\omega^{(b-1)/2}}{(W_0+B_0\omega)^{(n-1)/2}}d\omega]} \tag{5.2}$$

where W_0 is the within block sum of squares when $U_t = 0$, B_0 is the between block sum of squares when $U_t = 0$, W_1 is the within block sum of squares when $U_t = 1$, B_1 is the between block sum of squares when $U_t = 1$, $\mathbf{X}$ is the data, γ and λ are hyper or tuning parameters that can take on values between $[0, 1]$. For estimation, the hyper parameters are set to 0.2, the value recommended by Barry and Hartigan (1993). Altering these values does not alter the changepoint estimates in this research.

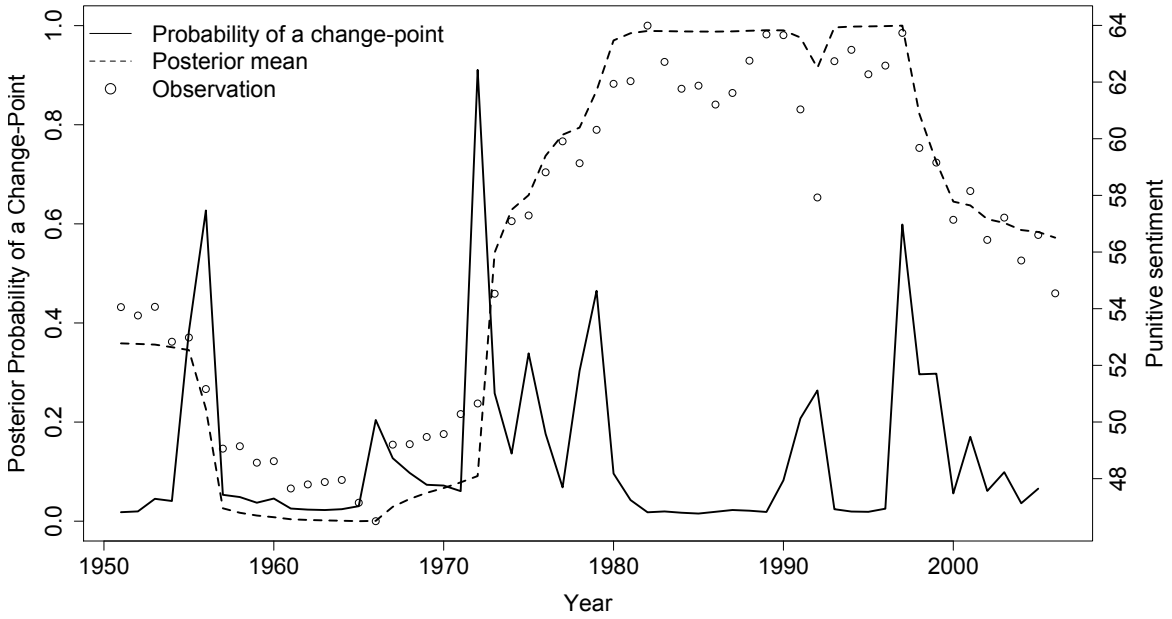
1.1. Results: Changepoint model

The changepoint model is estimated using Markov Chain Monte Carlo (MCMC) simulations. The MCMC sampler consisted of 1,000 burn-in iterations that were discarded to ensure proper mixing. The final posterior sample consisted of 20,000 MCMC iterations. The MCMC algorithm estimates both the posterior distribution around the mean value of the series and the posterior probability of a breakpoint at each time period. The punitive sentiment series is annual and is estimated using the years 1951 to 2006. Figure 11 graphs the changepoint estimates of the punitive sentiment series.[1] The x-axis indicates the year. The y-axis is the probability changepoint. The probability of a changepoint for each time period is shown by the solid black line. The circles indicate the observed data of the punitive sentiment series, while the dashed

[1]The posterior sample of the parameters passes all standard diagnostic tests for convergence. All parameters show no signs of autocorrelation, immediate convergence to a mean level with no signs of non-convergence in the traceplots.

line shows the estimates of the posterior mean.

Figure 11. Posterior probability and mean estimates of the public's punitive policy sentiment



According to the estimates, there is a 0.5 or higher probability that there exists three structural changepoints in the series. Changepoints in the public's preference for punitive policies are detected at the years 1956, 72, and 97. The changepoint in 1956 is the start of a slow decline in punitive sentiment and relatively low levels of punitive sentiment during the 1960s. As shown in the previous chapter, this is an era when media coverage of crime focused on organized crime and juvenile delinquency. The probability of a changepoint is highest, 0.90, for the year 1972. The annual data prevent pinpointing a more exact date or event within 1972, but this year coincides with the peak of President Richard M. Nixon's popularity and his landslide victory over George McGovern in the 1972 presidential election. The issue of crime

and radicalism was the focus of the 1972 presidential election alongside the Vietnam War and marked the beginning of the "War on Drugs" as a catalyst of street crime (Epstein 1977). Nixon had been touting punitive responses to crime since 1968 and implemented largely symbolic punitive justice policies at the Federal level throughout his first presidential term. It seems the public began to wholeheartedly endorsed punitive policies in 1972 consistent with Button's (1978) observation that it was Nixon who had the ability to capitalize on the turmoil of the late 1960s and garner public support for punitive policies.

Yet, why did the public change its attitude toward punishment in 1972, four years into Nixon's presidency? I believe the answer lies not in the office of the presidency or the actions of any single political entrepreneur promoting "law and order," but instead in the actions of the U.S. Supreme Court. In 1972 the Supreme Court voted to abolished the death penalty. The Court ruled by a 5 to 4 vote that the arbitrariness of implementation of the death penalty in the states constituted "cruel and unusual" punishment and violated the eighth and fourteenth amendments. It seems more likely that the fundamental change in public attitudes arose in response to this decision.

Wlezien (1995) suggests that the public, as a whole, moves like a thermostat. When public policy changes in one direction, the public adjusts its overall mood and moves in the opposite direction to slow down rapid policy change. The public backlash against the decision fits with the thermostatic model. The annual punitive sentiment series prevents pinpointing a more precise timing of the changepoint. The individual components of the punitive series do not exist at more refined intervals nor does any single series exist at smaller intervals for the year of 1972. However, there is a great deal of qualitative evidence that suggests a substantial backlash occurred in response to the Supreme Court's decision and led to the rise in punitiveness shown in the data.

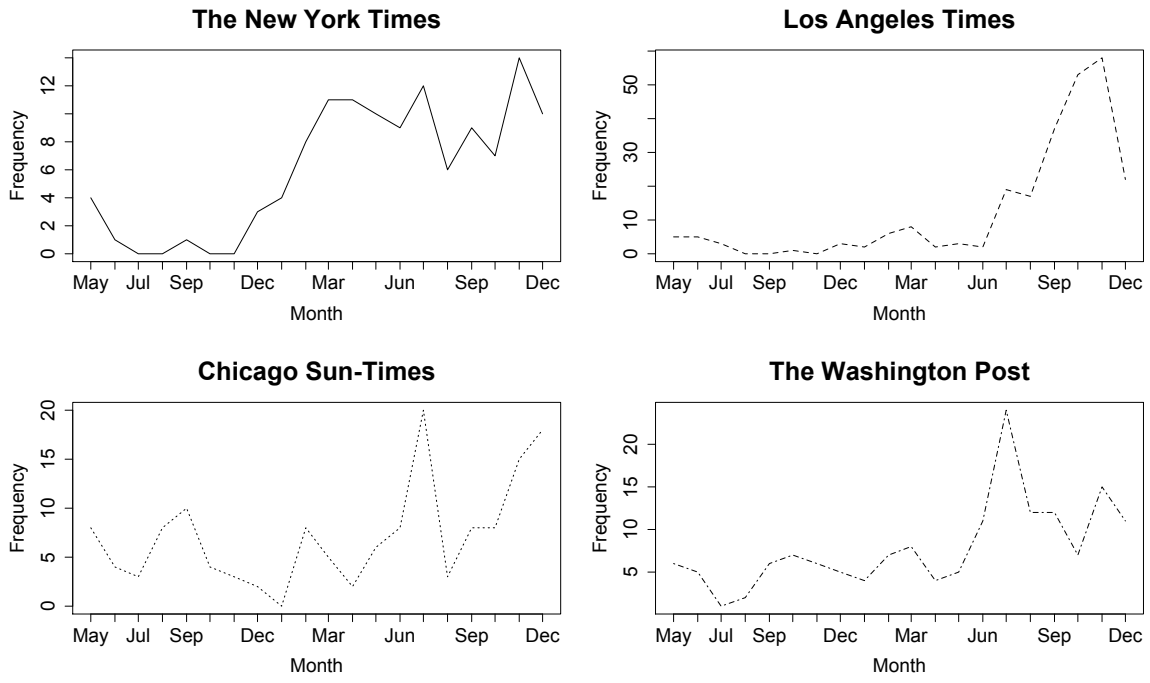
Smith (2008) argues that the Supreme Court's attempt to regulate capital punishment led to the "politicization and entrenchment" of the death penalty and punitive policies in America. Prior to the Court's decision, all indicators pointed to a decline in the use of capital punishment although other punitive solutions were still popular. States were restricting the use of capital punishment to fewer and few crimes, Governors were increasingly commuting capital sentences, and few death penalty sentences actually resulted in executions (Lain 2007). For instance, there were 119 executions in 1944. That number dropped to 85 in 1954. By the year 1964, there were only 15 executions, 7 in 1965, 1 in 1966, 2 in 1967, and none from 1968 to the Court's decision to abolish the death penalty. Yet, most Americans did not notice this decline despite the increasing rhetoric calling for the restoration of law and order. In seems, most Americans and the news media were not paying attention to the case whatsoever. Only 8 Amicus briefs were filed for the case—7 opposed to the death penalty and 1 in favor. Three of the opposing briefs were filed by the complainants (the Court had consolidated three death penalty cases into the *Furman* decision), while the state of Illinois filed the only brief supporting the death penalty. Thus, the decision to restrict the death penalty was a shock to almost everyone, including the petitioners of the case (Meltsner 2006). Thus, for most Americans the decision to abolish the death penalty across the country came as a surprise—perhaps the starkest example of legislating from the bench. The shock resulted in a substantial backlash and rise in punitive sentiment.[2]

It's possible to see the lack of attention given to the death penalty prior to

[2]The general finding of a changepoint at 1972 in punitive sentiment holds when the death penalty items are extracted from the punitive sentiment series although with a lower probability. This is consistent with Finckenauer's (1988, 90) observation that increases in support for capital punishment captures a single aspect of the public's total backlash against the judicial activism of federal Courts in the 1970s.

the Court's decision and the rise in attention after the Court's decision by examining media coverage of the issue. Figure 12 shows newspaper coverage of the death penalty from the *New York Times*, *Los Angeles Times*, *Chicago Sun-Times*, and *Washington Post* preceding and following the Court's decision. The y-axis shows the frequency of stories mentioning the death penalty. The x-axis shows the month spanning from May of 1971 to December 1972. These data were accessed via ProQuest historical newspaper archive. Each newspaper was searched individually using the search term "death penalty" on a month-by-month basis. The newspapers were selected solely on their availability during the time period of interest, but provide a good representation of major national newspaper media from each part of the country.

Figure 12. Newspaper coverage of the death penalty



The Court granted certiorari to *Furman* on June 28, 1971. The newspaper

coverage in Figure 12 begins in May, a month prior to the certiorari decision and provides a baseline level of coverage. In all four newspapers, coverage of the death penalty around the certiorari decision is fairly low—limited to a few stories a month. Oral arguments for *Furman* happened on January 17, 1972. Although there is a spike in coverage, mostly regarding the oral arguments, attention to the death penalty remains low. Coverage does increase after February due to a California Supreme Court decision abolishing the death penalty within that state. However, the *Los Angeles Times*, *Chicago Sun-Times*, and *Washington Post* show a decline in coverage after the March attention to the California case. The *New York Times* continued to increase its coverage of the death penalty leading up to the *Furman* decision, but none of those stories mention the *Furman* case. Overall, attention to the death penalty was relatively low leading up to the Court's decision. After the Court's decision on June 29, 1972 media attention of the death penalty spikes in all four newspapers. Whereas little attention was given to the issue prior to the Court's decision, the aftermath of the Court's unexpected decision was an increase in attention to capital punishment. The largest spike in coverage occurs in the *Los Angeles Times*, which ran almost 60 stories on the death penalty in November—mostly concerning the backlash to the Court's decision. The attention to the death penalty also increases in November for the other three media outlets as many states passed new procedures for administering the death penalty in order to circumvent the Court's *Furman* decision. A total of 37 states enacted new capital punishment laws to overcome the Court's concerns about the arbitrary implementation of the death penalty—always in a more punitive direction. Thus, Smith (2008, 287) concludes that "the politicization of the death penalty in the 1970s was a watershed event." It led to an increase in public support for punitive policies and a rise in efforts by state legislators to make it easier to implement the death penalty. If there was an event in 1972 that led to a breakpoint

in punitive sentiment, the U.S. Supreme Court's decision *Furman* is the most likely explanation for that shift.

Table 4. Probability of a changepoint in punitive sentiment

Year	Posterior mean	S.D.	Posterior Probability
1956	51.58	1.9	0.63
1964	48.44	0.37	0.02
1967	48.82	0.54	0.12
1968	49.03	0.58	0.09
1972	49.69	0.09	0.90
1975	57.53	1.00	0.33
1979	60.42	1.36	0.47
1980	61.84	0.68	0.09
1988	62.10	0.22	0.02
1992	61.16	1.59	0.24
1997	62.25	0.46	0.61
1999	58.44	1.54	0.29
2001	57.23	0.68	0.16

The periods when fundamental changes did not happen are just as interesting as the changepoints identified in the data. Table 4 shows the results of the Bayesian posterior means, standard deviations, and probabilities of a changepoint. The table shows a select number of time-points that have been identified by scholars as possible changepoints along with the estimates of the three changepoints already identified. Although an immense literature from various disciplines points to 1964 as the key year when crime and punishment emerged in the public sphere, these data show no evidence of a fundamental change in punitive sentiment among the public in that year.

The punitiveness of the public did not change in response to the 1964 Civil Rights Act or the presidential campaigns of Barry Goldwater and George Wallace. Contrary to popular accounts, the public became less punitive between 1964 and 1967. These results also shed light onto other periods that have been characterized as periods of pivotal change in American's thinking about crime and punishment. The punitive series begins to increase starting in 1967—a year characterized by "long, hot summers" immersed in racial unrest, protests, and riots. In fact, Weaver (2007) categorizes these incidents as "focusing events"—events that gave credence to elite concern over crime that facilitated mobilization and public support for punitive policies. Yet, these data show no evidence that events in 1967 are responsible for any fundamental change in public sentiment toward punitive politics. Furthermore, there is no evidence of a changepoint at other significant upturns in federal law enforcement policy such as the enactment of the Law Enforcement Assistance Act (LEAA) in 1965, the Omnibus Crime Bill and Safe Streets Act in 1968, or the Kerner commission in 1968. The introduction of the LEAA is significant as President Johnson's first major speech on crime, but it seems that Johnson's newfound attention to crime did not lead to the dramatic upturn in punitive sentiment among the public. Other possible changepoints that fail to show any fundamental change in punitive sentiment are the 1980 presidency of Ronald Reagan (although there is almost a 50% probability of a changepoint in 1979) and the 1988 presidential campaign of George W. Bush with its focus on crime and use of black criminals to prime racial attitudes.

2. Does judicial activism lead to a public backlash?

The changepoint findings above provide an interesting empirical portrait that differs from many historical accounts of crime and punishment in America. Recall that public

sentiment for punitive criminal justice policies experienced a sharp increase starting in the late 1960s, but the data show a fundamental change occurring in 1972—the same year as the Supreme Court's ruling that abolished the death penalty. Yet, the aggregated nature of the data and inability to examine public opinion immediately prior to and after the Court's decision makes it difficult to determine if the rise in punitive sentiment is a result of activist judicial rulings regarding the death penalty. To understand if there was a public backlash against the Court's ruling against the death penalty requires a more systematic examination of the determinants of public support for punitive criminal justice policies.

I propose that the dynamics of the public's sentiment toward punitive criminal justice policies moves in response to both instrumental factors and socially constructed concerns. Economic theories of public opinion posits the public as a utility maximizing actor. In short, the public will respond to objective environmental conditions or at least their perceptions of those conditions and adjust their policy preferences accordingly. Thus, when the perceived need for more punitive policies increases, the public will increase its demand for punitive policies. When perceptions change and the need for punitive policies decreases, the public will react rationally by decreasing its demand for punitive policies. The central premise of this theoretical perspective is that the public prefers policies that will achieve instrumental goals such as reducing crime and punishing those guilty of criminal behavior.

The main instrumental concern in this context is reducing criminal activity, keeping existing criminals off the streets, and providing retribution and justice for criminal behavior. One factor that might influence these instrumental concerns is the crime rate. The public is more likely to demand more policies to reduce criminal behavior when the amount of criminal activity increases. These policies might include preventative policies such as job growth and community outreach programs, but they can

also include punitive responses to crime. Thus, changes in the crime rate should be followed by similar changes in support for punitive policies.

A poor economy, increases in unemployment, and rising poverty have also been shown to contribute to increases in criminal behavior (Cantor and Land 1985, Chambliss 1975, Ludwig, Duncan and Hirschfield 2001, Raphael and Winter-Ebrner 2001). When times are tough, those unable to sustain a living through conventional means often turn to criminal behavior such as property crimes and theft to fulfill basic needs. The public sensing an upturn in crime due to a poor economy might increase their support for punitive policies. Conversely, in good economic times the public should no longer feel threatened by criminal activity and therefore decrease its demand for punitive policies.

Finally, the public should change its policy preferences in response to changes in public policy. When policies that attempt to reduce crime are abolished, such as the death penalty in 1972, the public feeling a sense of injustice or possible vulnerability should demand the return of those policies. More generally, punitive changes in public policy should result in less punitive sentiment and attempts to reduce the punitive nature of criminal justice policy should result in more support among the public for punitive policies. This should be particularly true in regards to judicial activism that overturns legislative policies enacted by democratically elected public officials. When the Supreme Court of the United States overturns a state policy supported by the elected representatives of the people in that state or a majority of states, the public should respond by demanding the reinstatement of that policy.

An alternative theoretical perspective argues that punitive sentiment is not based on instrumental concerns, but is instead socially constructed by elite actors such as politicians and the media. Political actors engage in various forms of strategic communication to alter public opinion in a fashion that meets their own desired goals

and objectives. Although political actors have a variety of strategic messages at their disposal, scholars have identified racial appeals as the most effective type of strategic communication influencing punitive sentiment (Barkan and Cohn 1994, Beckett 1997, Brewer and Heitzeg 2008, Mendelberg 2001, Mullen 2005, Russell 1998, Weaver 2007). Recall racial appeals activate negative racial stereotypes of blacks as criminals and increase public support for punitive policies (Eberhardt, Goff, Purdie and Davies 2004, Peffley and Hurwitz 1998, Peffley and Hurwitz 2002). The more race and crime are connected in the same media stories, the more the public should favor punitive policies.

Elite and media attention to crime can also raise the public's concern for crime and lead to an increase in support for punitive policies. When political actors focus more attention on crime and less attention to other issues, the public will perceive crime as a more important problem (Iyengar and Kinder 1987). Aggregate levels of support can then shift due to changes in individual level preferences or because of the mobilization of new groups with different policy preferences. Thus, an increase in elite or media attention to crime should be associated with an increase in support for punitive criminal justice policies.

2.1. Measurement and Data

A key expectation of instrumental theories is that public opinion should respond to changes in actual criminal activity. People sensing that crime is increasing should increase their demand to combat criminal behavior by favoring punitive and other policies. Yet, it is extremely difficult if not impossible to measure all criminal activity since many crimes will go unnoticed or unreported. The necessity to measure criminal activity in a geographical area as large as the United States compounds this problem. Instead, researchers must rely on several less reliable sources of the amount of criminal

activity that come from either official government sources such as law enforcement agencies or unofficial sources obtained from non-governmental organizations such as interest groups or polling firms.

The Federal Bureau of Investigation's Uniform Crime Report or UCR is the most common official source of crime data used to measure the frequency of crime in the United States. The federal government has been compiling crime data into the UCR from local and federal law enforcement agencies since the 1930s and on a more regular basis since the 1950s. In particular, researchers rely on the the UCR's "crime index" as an official statistic of the amount of criminal activity in the United States. The crime index is a measure of the most visible, frequent, and serious crimes in America. The index reports the number of violent crimes (i.e., murder or manslaughter, forcible rape, robbery, and aggravated assault) and property crimes (i.e., burglary, motor vehicle theft, arson, and larceny/theft). These crimes receive the most attention from the mass media and should be of more concern to the public than petty crimes and misdemeanors. Nonetheless, the crime index does omit a large number of minor crimes such as traffic violations, white collar crimes such as fraud or money laundering, computer crimes, professional malpractice, or workplace violations of national health and safety regulations. However, these crimes should have little connection to punitive sentiment because they do not serve as exemplars of crime among members of the mass public.

Several problems exist with the UCR as a measure of the amount of crime in the United States (see Skogan (1981) for a detailed account of potential problems with both official and unofficial crime data). The UCR does not reflect the actual frequency of crime, but what is defined as a crime, what is reported as a crime, and what is documented by law enforcement officials as a potential crime. First, what constitutes a criminal action can change over time as changes in social norms and

technology alter the scope of legal and illegal behaviors. Something deemed legal today may be illegal tomorrow or vice versa. In addition, there can be inconsistencies between what legislatures and law enforcement officials view as a crime and what citizens believe are crimes that could lead to underreporting of crime. For example, if citizens in a locale do not view illegal drug use as a criminal problem, citizens in that area will be reluctant to report illegal drugs use to law enforcement agencies leading to underreporting of what is technically illegal behavior.

The amount of criminal activity can also be underreported by official statistics because victims may not be willing to come forward and report a crime to law enforcement officials. Victims may fail to report crimes for a variety of reasons: They do not view law enforcement agencies as effective agents of crime control, they may have an existing criminal record or warrants and do not want to get involved with the police, they might have past negative experiences with the police, they might not believe the crime is serious enough to warrant police involvement, or they may experience shame and humiliation of being a victim.

Another potential problem with official sources is that the data is accumulated across a wide range of state and local law enforcement jurisdictions. Different law enforcement agencies have unique biases in investigating and arresting individuals for criminal behavior. Police officers have a high amount of discretion when investigating a crime and charging citizens as criminals. These street level bureaucrats can be partial when implementing policies and often define policies—such as what constitutes a crime—when implementing the law (Lipsky 1983). The most serious discretionary bias that can systematically influence the UCR data are racial biases. Some law enforcement agencies may target specific areas inhabited by minorities relative to white neighborhoods with equal amounts of criminal activity. Racial profiling among law enforcement agencies also leads to systematic biases in the UCR data. Some

law enforcement organizations and personnel are more willing to charge minorities with a crime while letting a white offender go with a warning for the same criminal activity. In addition, minorities are more likely to have minor offenses upgraded to a more serious offense, while reducing major offenses to minor offenses for whites (Mann 1993).

Another classification problem with law enforcement agencies is the incentive to over-report arrests to create a perception among the public that the agency is "getting tough" on crime or to under-report crimes to make their jurisdictions appear safer than reality. The lack of professionalization within law enforcement organizations also reduces the reliability of the UCR data. Local police organizations that lack the proper training, resources, and institutional structure are less accurate in reporting criminal activity according to the FBI's guidelines. Alternatively, individuals in more professional organizations are more likely to collect UCR data consistent with other agencies abiding by the UCR guidelines and across time within a single agency.

Finally, the UCR does not include the amount of criminals convicted by judicial institutions, so even those arrested, but eventually found innocent remain in the UCR database. All of these problems potentially confound the UCR data with a systematic tendency to underreport some criminal behavior and overreport other criminal activity. Thus, scholars who use the UCR data must keep these deficiencies in mind when using the reported crime data as a measure of all criminal activity.

The most common unofficial crime data is the victimization surveys administered by the National Opinion Research Center (NORC) and the National Crime Survey (NCS) administered by the Bureau of the Census for the U.S. Justice Department. Other unofficial sources include historical and anecdotal accounts of crime, newspaper coverage, and participant-observer studies such as those conducted by W.E.B. Du Bois in *The Philadelphia Negro*.

Crime victimization surveys started in 1967 to poll citizens regarding their experiences with crime. Specifically, the victimization surveys poll a rolling panel of Americans living in 26 major metropolitan areas about their experiences as a victim of the same set of violent and property crimes as used in the UCR's crime index. Unlike the UCR data, the crime victimization surveys are collected by a single agency each year, increasing the reliability of the data. However, the victimization surveys rely on individual self-reporting of victimization. Researchers find crime to be about twice as high in victimization surveys relative to the UCR during the same time periods. Thus, the victimization surveys are used as evidence that the UCR suffers from the underreporting problems stated above (Skogan 1981).

Several problems exist with the victimization surveys. The first is the use of a rolling panel from 26 cities rather than a random cross-section of Americans. These surveys leave out rural areas, suburbs, and tourists that might experience different amounts of crimes or different types of crimes than those in cities. The reliability of crime victimization surveys suffers from common survey problems such as interviewer effects, question wording effects, question order effects, and inter-coder reliability (Gove, Hughes and Geerken 1985). They are also reliant on personal reflections of individuals leading some scholars to question the ability of individuals to accurately and completely recall their experiences with criminal activity from the past year (Skogan 1981). Similar to a problem of the UCR, victimization surveys rely on citizens to define what is a criminal act that may not be consistent across individuals or with legal statutes. In addition, victims can underreport crime for reasons of shame or humiliation of being a victim. These biases can be more pronounced in victimization surveys where respondents are not dealing with professional law enforcement officials and unsure of their anonymity. Finally, media coverage of crime may lead citizens to report that crime is higher than what they actually experience.

Both sources of crime data have their pros and cons. They each suffer from potential underreporting and overreporting. However, the victimization surveys also have the potential to be confounded by media coverage of crime and attention given to crime by elite actors—a confound especially troubling for this research. Furthermore, victimization surveys do not exist for the entire time period of interest since they only date back to 1967. Instead, the UCR can be obtained for the entire period of interest and is collected on an annual basis. Thus, the FBI's UCR is used as the measure of criminal activity for each year. The crime rate variable is the number of index crimes per 100,000 citizens as reported in the *Uniform Crime Report* published by the Federal Bureau of Investigation. The crime index is the number of *reported* crimes, but does approximate over time trends in criminal activity.

Public perceptions regarding the health of the economy are also expected to shape punitive sentiment. The public should expect rising crime when economic conditions are bad and therefore seek to limit this increase with more punitive policies. Public expectations regarding the economy are measured using the index of consumer sentiment from the University of Michigan's Survey of Consumers. The index of consumer sentiment is derived from averaging the following five questions regarding personal, national, past, current and future perceptions of the economy:

- "We are interested in how people are getting along financially these days. Would you say that you (and your family living there) are better off or worse off financially than you were a year ago?"
- "Now looking ahead–do you think that a year from now you (and your family living there) will be better off financially, or worse off, or just about the same as now?"
- "Now turning to business conditions in the country as a whole–do you think

that during the next twelve months we'll have good times financially, or bad times, or what?"

- "Looking ahead, which would you say is more likely–that in the country as a whole we'll have continuous good times during the next five years or so, or that we will have periods of widespread unemployment or depression, or what?"

- "About the big things people buy for their homes–such as furniture, a refrigerator, stove, television, and things like that. Generally speaking, do you think now is a good or bad time for people to buy major household items?"

Wlezien (1995) proposes a thermostatic model of public opinion where the public tempers public policy by reacting to changes in public policy by preferring policies contrary to the direction of the previous change in policy. For instance, when the federal government enacts more punitive policies, the public should respond by favoring less punitive policies. When the government senses the public's change in preferences and limits the punitiveness of criminal justice policies, the public responds by demanding more punitive policies.

I incorporate two indicators of federal criminal justice policy into a single index of federal punitive policy. The first indicator measures the extent citizens are actually punished by the federal government using the number of citizens incarcerated in federal prisons each year per 100,000 citizens. However, the number of incarcerations does not perfectly capture the punitiveness of the federal government. I supplement this indicator with a measure of the number of people the federal government attempts to punish each year using the number of charges filed in U.S. District Courts per 100,000 citizens. The latter measure captures the intent of federal agencies to punish citizens, while the former measures the success of those agencies in punishing the public. Each measure is available from the *Sourcebook of Criminal Justice Statistics*

from the Bureau of Justice Statistics (Blumstein and Beck 1999). Since each series is non-stationary, the first difference of each series is averaged into a single indicator of the punitiveness of federal criminal justice policy.

It is unlikely that the public follows these indicators of punitive policies. Instead, the public might respond to policy change that is more visible such as judicial decisions that create rapid shifts in punitive policy. A key expectation from the changepoint model is that the public's punitive sentiment is a function of judicial activism placing limitations on capital punishment. The annual nature of the data prevents pinpointing an exact event such as the Court's *Furman* decision as the catalyst of the dramatic increase in punitive sentiment. However, if it were possible to measure the frequency of judicial activism on capital punishment cases over time, it would be possible to test if these decisions resulted in a public backlash and an increase in support for punitive policies.

Fortunately, this data does exist. The frequency of liberal Supreme Court decisions on capital punishment cases each year is taken from the U.S. Supreme Court Judicial Database.[3] Liberal decisions are those that are in favor of the defendants' rights and seek to limit the use of the death penalty or aspects of the death penalty. For instance, when the Court declares that capital punishment is unconstitutional in cases involving rape, then it decreases the amount of punishment for the crime and is classified as a liberal decision.[4] Further, cases are coded based on the date of the decision rather than the Court term, when the Court agreed to hear the case, or when oral arguments for the cases were heard. It is the public's reaction to the decision of

[3]This data is available online at http://www.cas.sc.edu/poli/juri/sctdata.htm and is maintained by Harold J. Spaeth.

[4]Note that coding of each case as a liberal decision is not done by the author, but is contained in the original coding of the dataset making it consistent with past research.

the Court that is expected to alter their punitive sentiment.

Note that the measure only captures the frequency of decisions and not the degree of limitations imposed by the Court. The Court did not hear any cases regarding capital punishment during the 1950s. The year 1967 shows the largest number of liberal Court decisions on death penalty cases followed by the years of 1971 and 1972 when the Court abolished capital punishment. Although the Court reinstated the use of the death penalty in 1976, it continued to make liberal rulings on similar cases from 1976 to 1980.

Social construction theories propose that various elite actors strategically influence public opinion by attempting to draw attention to crime during campaigns or using their official offices. The more attention elite actors pay to crime, the more the public will believe crime is an important problem and demand more punitive policies. Although any elite actor can engage in strategic communication, the most visible actor in American politics is the president. The president can command attention through official press releases and speeches, but also as the unofficial leader of their political party. Presidential attention to crime can influence the behavior and rhetoric of other political actors that attempt to follow the president's agenda. To measure elite attention to crime I use the frequency of crime mentions in a given year in presidential speeches. The data is obtained from the *Public Papers of the President*.

In addition to elite attention to crime, the media can also provide more or less attention to crime, which in turn might shape the public's punitive sentiment. The agenda-setting hypothesis states that the more attention give to crime in the media, the more important crime becomes as an issue among the public increasing the demand for policies to reduce crime. Recall that media attention to crime is measured by sampling the number of crime stories each year in the *New York Times* index

adjusted for changes in the size of the *Times*.

Finally, negative stereotypes of black Americans as criminals have been shown to increase individual support for punitive policies. In turn, scholars have proposed that the social construction of crime as a problem among blacks is responsible for the overall support among Americans for punitive criminal justice policies. Two types of racial appeals are believed to influence punitive attitudes. The first is explicit racial frames linking criminal behavior to black Americans. The measure of racial frames is the adjusted frequency of explicit racial frames in *New York Times* crime stories from Chapter III. The second type of racial appeal is implicit racial primes—codewords and symbolic language that attempt to trigger racial stereotypes regarding black Americans and crime. The measure of racial primes is the adjusted frequency of racial primes in *New York Times* crime stories from Chapter III. Each of these variables are expected to have a positive relationship with punitive sentiment with an increase in racial appeals resulting in an increase in punitive sentiment.

2.2. Model: Changepoint model with covariates

Recall that the Bayesian changepoint estimates of public preferences for punitive sentiment shows a 90% probability of a changepoint in 1972. This result leads to an expectation that the determinants of punitive preferences will have a different relationship with punitive sentiment in the pre- and post-break time periods. A Bayesian changepoint model of punitive sentiment provides a robust means to test this assertion. For each time period t, punitive sentiment Y is estimated as a function of the following model:

$$Y_t \sim N(\mu_t, \sigma^2), t = 1, \ldots T, \tag{5.3}$$

$$\mu_t = \beta_{1st} + \beta_{2st}\text{Crime}_t + \ldots \beta_{9st}\text{Racial frames}_t, st = 1, \ldots, M \tag{5.4}$$

$$\beta_{1\ldots k} \sim N(\beta_0, B_0^{-1}) \tag{5.5}$$

$$\sigma^2 \sim Inv\,Gamma(c_0/2, d_0/2) \tag{5.6}$$

where s is the current state of the model and M is the total number of states. The use of the term "state" in this context refers to a given time period. Based on the previous estimates it is likely there are two major states—one prior to 1972 and another after 1972. The prior values for the β coefficients are standard improper uniform distributions providing the same estimates as if the model was estimated using more conventional maximum likelihood estimation. However, the Bayesian set-up provides more intuitive results and more efficient estimation. The conditional error variance σ^2 is estimating from draws of an inverse Gamma distribution where c_0 is the shape parameter and d_0 is the scale parameter.

The model is estimated with Markov Chain Monte Carlo simulations with the Gibbs sampler implementation in the `MCMCpack` package in the `R` software. A single MCMC chain was run with 500,000 simulated draws after a burn-in period of 10,000 to provide adequate mixing in the parameter space. None of the estimates show evidence of non-convergence and meet standard diagnostic of Bayesian estimation which are shown in the appendix.

2.3. Results: Changepoint model with covariates

The estimates of the changepoint model are shown in Table 5 with the pre-break estimates for the years prior to 1972 and the post-break estimates for the years after

1972. The table shows the mean of the posterior estimates and the 90% Bayesian credible intervals.

Table 5. Punitive sentiment model estimates pre and post changepoint

	Pre-break		Post-break	
Variable	Mean	90% C.I.	Mean	90% C.I.
Intercept	53.54	[35.00, 71.77]	63.39	[56.08, 70.67]
Δ Crime	0.00	[-0.005, 0.004]	0.00	[-0.005, 0.003]
Economy	-0.09	[-0.25, 0.07]	-0.07	[-0.16, 0.01]
Policy	-0.67	[-1.61, 0.25]	0.11	[-0.70, 0.94]
Judicial activism	-0.16	[-1.12, 0.78]	0.60	[0.09, 1.10]
Pres. attention	-0.01	[-0.03, 0.001]	0.01	[0.003, 0.02]
NYT coverage	235.30	[-45.96, 511]	-23.49	[-132, 85.90]
Racial primes	0.01	[-0.05, 0.08]	0.04	[-0.008, 0.09]
Racial frames	-0.01	[-0.12, 0.09]	-0.23	[-0.58, 0.11]
N	19		33	

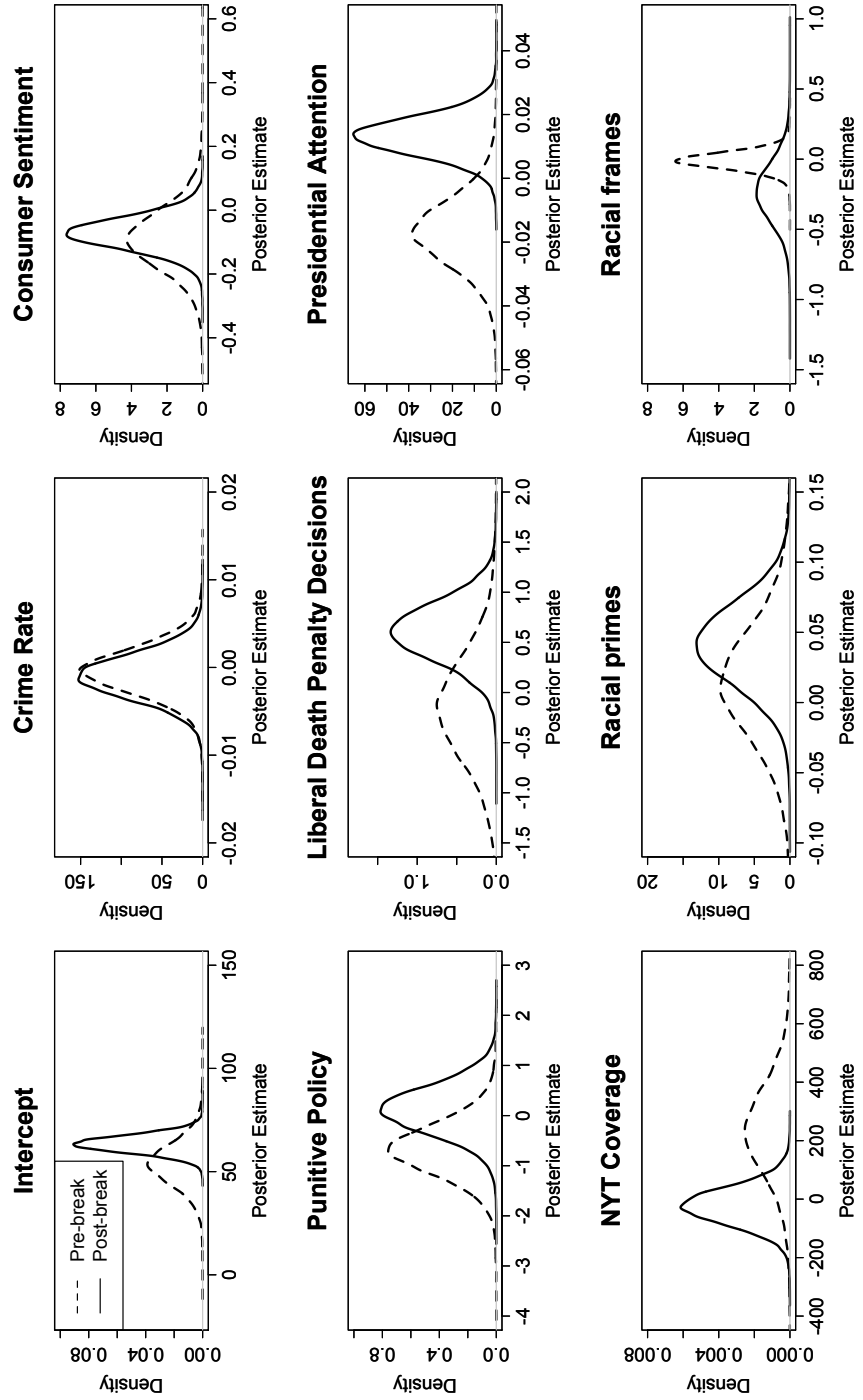
To facilitate interpretation of the results, Figure 13 summarizes the posterior distributions for each estimate. Each window shows the pre-break posterior distribution indicated by the dotted line and the post-break posterior distribution indicated by the solid line. These results show how the relationship of each variable with punitive sentiment changed (or in some instances did not change) after 1972 (the post-break period). The results show several noticeable shifts in the relationship between the covariates and punitive sentiment. Simon (2007) provides the rationale behind these shifts arguing that the Court's *Furman* decision altered the political landscape for not just capital punishment, but punitive policies in general because it shifted the balance of power away from the rights of victims and their families toward criminal defendants. The public saw the Court's decision as failing to deal with the growing crime problem that started in the 1960s. Liberal social policies such as Johnson's "War on Poverty" and the "Omnibus Crime Control and Safe Streets Act of 1968" had failed to curb the growth in crime leading many citizens to doubt the utility of economic and social policies. Instead, citizens were beginning to put more faith

in punitive policies as the only alternative measure to fight crime. When the Court began taking away the most visible means of punishing offenders, a public backlash ensued. The *Furman* ruling shifted the dynamics of the debate regarding crime and punishment making the issue of punitive versus preventative policies more visible, more important, and more contentious among politicians and the public.

The Court's ruling provided a context that validated the arguments of public officials arguing for more punitive policies to combat criminal behavior. The public became more accepting of elite appeals for more punitive policies. The failure of liberal social welfare policies to curb the rising crime rate gave the public more faith in elite appeals that punitive solutions were needed. The Court's decision to abolish the most visible punitive policy and potentially the most effective deterrent to crime gave politicians a firmer bases onto which they could appeal to the public for more punitiveness rather than less. These factors all created an atmosphere where messages that crime was growing and the nation needed to implement more punitive policies had legitimacy.

This is evident when examining the pre- and post-break differences of presidential attention to crime and punitive sentiment. Prior to the 1972, presidential attention to crime did not influence public preferences for punitive policies. A high proportion of the pre-break posterior distribution shows a negative relationship between presidential attention to crime and punitive sentiment, but the 90% credible interval overlaps with zero. However, after 1972 the relationship between presidential attention and punitive sentiment becomes positive and within the bounds of the 90% credible interval. The more attention to crime by the president in the post-*Furman* era, the more public support for punitive policies. This finding is consistent with the notion that the Court's decision politicized the issue giving credence to strategic appeals for "law and order." The estimates of the relationship between media attention to crime and

Figure 13. Pre and post changepoint posterior distributions



punitive sentiment do not show this effect. Although it appears that attention to crime in the *New York Times* had a positive relationship with punitive sentiment prior to 1972 and no relationship with punitive sentiment after 1972, the visual analysis of the posterior distributions are misleading. Inspection of the 90% credible intervals shows that there is no relationship between media attention to crime and punitive sentiment in either the pre- or post-*Furman* eras.

Of particular interest is the posterior distribution of liberal death penalty decisions. The expectation is that more liberal death penalty decisions should have a positive effect on punitive sentiment suggesting more liberal rulings increase public support for punitive policies. Moreover, this relationship should occur after the Court's ruling in *Furman* brought attention to capital punishment and changed the dynamics of the debate over punitive policies. According to the posterior estimates, there is no relationship between Supreme Court decisions regarding capital punishment and punitive sentiment prior to 1972. After 1972, the relationship shifts where more liberal Court decisions limiting the death penalty are associated with increases in punitive sentiment. Previous studies have hinted at possible changes in the dynamic relationship between Court decisions and public opinion. Page, Shapiro and Dempsey (1987) find a negative relationship between Court rulings and public opinion on a range of issues. However, they note that they are "not certain about the negative effect of courts ... because of the instability of coefficients across data sets." These findings enhance our understanding of this relationship showing that the negative relationship within this domain did not exist prior to 1972. Instead, a continued public backlash against liberal Court decisions on death penalty cases occurs after 1972. This relationship exists only after the changepoint, but is consistent with their observation regarding the instability of the relationship across time. The finding of a public backlash to liberal Supreme Court decisions on death penalty cases is also

consistent with the previous speculation that the *Furman* decision led to the dramatic changes in punitive sentiment.[5]

The rest of the posterior estimates suggest the other explanatory variables have a lower probability of influencing punitive sentiment. The pre and post-1972 crime rate posterior distributions show no relationship between criminal activity and punitive sentiment. Both posterior distributions are firmly centered around zero. Consumer sentiment shows a negative relationship with punitive sentiment in both periods, which is consistent with the expectation that citizens prefer more punitive policies when they perceived the economy as declining and are willing to temper their punitive support when the economy is good. Yet, the 90% credible interval for both of these estimates includes zero. The punitiveness of federal criminal justice policies shows a negative relationship with punitive sentiment in the pre-1972 estimates consistent with the thermostatic model of public opinion, but the 90% credible interval of this estimate also includes zero.

Finally, the 90% credible intervals for all the estimates of the relationship between racial appeals and punitive sentiment include zero. The posterior distribution of racial primes does move in a positive direction after 1972, suggesting an increase in the effectiveness of these messages over time. Furthermore, the posterior distribution of racial frames moves in a negative direction after 1972, suggesting the effectiveness of these messages might have declined over time. Yet, substantively any relationship between racial appeals and punitive sentiment appears small.

---

[5]Note the relationship between public opinion and policy is certainly endogenous. However, time series analysis allows us to temporally lag relationships ensuring that the explanatory variables are temporally observed prior to the response variable. The relationships and conclusions drawn here are the same when the Court's rulings are temporally lagged. Furthermore, endogeneity does not provide the same problems in MCMC estimation as it does in ordinary least squares regression.

3. Summary

This research started with the question of when, if at all, did Americans experience a fundamental change in their preferences for punitive criminal justice policies. Scholars have made numerous arguments over the years that different points in time and events led to a dramatic change in punitive sentiment. The results of a Bayesian changepoint model suggest with a 90% probability that 1972 is the year when punitive sentiment underwent a structural change. Evidence was given that the catalyst for this change was the Supreme Court's decision to abolish the death penalty. The decision was unexpected by the public and led to a large punitive backlash among the public and politicians. Many states reacted by passing laws with tougher death penalty statutes. To test the relationship between anti-punitive Supreme Court decisions and punitive sentiment, a Bayesian changepoint model with covariates was estimated. The results shows the public does respond to liberal Court decisions by supporting punitive policies, but only in the post-*Furman* era. In addition, other variables such as presidential attention to crime show a stronger relationship with punitive sentiment in the post-1972 era.

CHAPTER VI

STRATEGIC COMMUNICATION AND PUNITIVE SENTIMENT

The changepoint model suggests that there is a dynamic relationship between some of the explanatory variables and punitive sentiment across time. One limitation of the changepoint model is that it finds the breakpoint with the highest probability and constrains all the parameters in the model to that changepoint (Park 2007). Although the previous analysis suggest a 90% probability that a changepoint exists at 1972, it is unclear if the relationship between all of the parameters and punitive sentiment shift at that time period. The changepoint model also suggests other time periods that have a high probability of a breakpoint, although none as high as the 90% probability around 1972. Regardless, it is unclear from the changepoint estimates if the relationships shown are robust across the *entire* time period of interest or if they wax and wane around some time point other than 1972.

Recall from Chapter II the expectation that the effectiveness of strategic messages should vary across time. Messages may lose their relevancy to current events, the public can become desensitized to an argument, or alternative appeals can lead the public to discount a once popular message. Indeed, the ability of an alternative message to diminish the effectiveness of another argument should be a defining feature of politics in a competitive democratic political system. Political actors have various types of strategic messages and can alter the content within those messages to influence political outcomes. In fact, Chapter II describes the confusion among scholars regarding what type of strategic appeal is responsible for shaping the dynamic of punitive sentiment.

Yet, current studies fail to test how different types of strategic messages shape

public opinion within a competitive framework. Existing research examines the effectiveness of each type of message in isolation of other types of strategic appeals. The focus of this chapter is to build a model of punitive sentiment based on the aforementioned instrumental factors and the social construction of the issue. Whereas the previous changepoint model examined the relationship between racial appeals and punitive sentiment, this chapter will test the relationship between each type of strategic appeal (agenda-setting, persuasion, priming, and framing) and punitive sentiment. A key expectation is that the effectiveness of these appeals will vary over time. Furthermore, this variation is not expected to be completely random, but a function of systematic forces such as changing attitudes towards black Americans and contextual factors such as the crime rate.

1. Model: A state-space model with time varying parameters

Estimation of a dynamic series such as punitive sentiment with time varying parameters is done using a Gaussian state-space model (Beck 1991, Durbin and Koopman 2001). The state-space model simultaneously estimates the latent unknown state of the dependent variable (punitive sentiment) via a measurement or observational equation (equation 6.1) and the relationship between the latent state and a set of covariates with a structural equation (equation 6.2). The observations of punitive sentiment y_t are modeled as a function of the state or value of the latent variable of punitive sentiment S_t and idiosyncratic error ϵ_t. The coefficient of the latent state α_t is the estimate of how well the latent variable correlates with the observed value y_t.

$$y_t = \alpha_t S_t + \epsilon_t, \quad \epsilon_t \sim N(0, E_t) \tag{6.1}$$

The state-space model also consists of a structural or transition equation that

links a set of covariates to the observation equation above. The structural equation estimates the state of the latent variable S_t as a function of past values of the latent variable S_{t-1}, a set of static explanatory variables Z_t, a set of time varying explanatory variables X_t, and idiosyncratic disturbances ω_t.

$$S_t = \lambda S_{t-1} + Z_t\beta + X_t\beta_t + \omega_t, \quad \omega_t \sim N(0, W_t) \tag{6.2}$$

The λ coefficient provides an estimate of the dynamics inherent in the latent state. The β coefficient captures the static relationship between the explanatory variables Z_t and the latent state, while β_t captures the time varying relationship between explanatory variables X_t and the latent state (Dethlefsen and Lundbye-Christensen 2006).

Both equations are estimated simultaneously using the Kalman filter (Beck 1989). The Kalman filter is similar to ordinary least squares regression in that it minimizes the mean of the squared error. However, the Kalman filter seeks to minimize the squared error between the observed data at time period $t-1$ and the predicted value at time period t whereas least squares minimizes the difference between the observed value at time t and the predicted value at time t. The Kalman filter also estimates t different models, one for each time point for the years 1953 to 2006.

The model estimates punitive sentiment as a function of a set of instrumental factors, non-racial strategic messages, and racial strategic messages. Since each of the variables are described elsewhere in this research, the following list provides a brief description of each indicator:

- *Crime rate:* Uniform Crime Report Crime Index
- *Economic perceptions:* University of Michigan's Index of Consumer Sentiment
- *Judicial activism:* Frequency of liberal Supreme Court death penalty decisions

- *Elite attention:* Frequency of crime mentions in presidential speeches
- *Agenda-setting messages:* Percentage of crime stories in the *NYT* index
- *Persuasive messages:* Net-tone of persuasive appeals in *NYT* crime news
- *Racial frames:* Explicit racial appeals in *NYT* crime news
- *Racial primes:* Implicit racial appeals in *NYT* crime news

In the state-space model, the crime rate and economic expectations are estimated as having a static relationship with punitive sentiment since there is no theoretical expectation that the effectiveness of these instrumental concerns will change over time. This point is consistent with the previous Bayesian changepoint estimates that show no evidence of different parameter estimates between the pre- and post-1972 eras. Since a key expectation is that the effectiveness of strategic messages are dynamic, the parameters of each type of strategic message is allowed to vary across time. In addition, the number of liberal Supreme Court decisions is expected to have a stronger influence on punitive sentiment after 1972 and is also modeled as a time varying parameter.

2. Results: State-space model

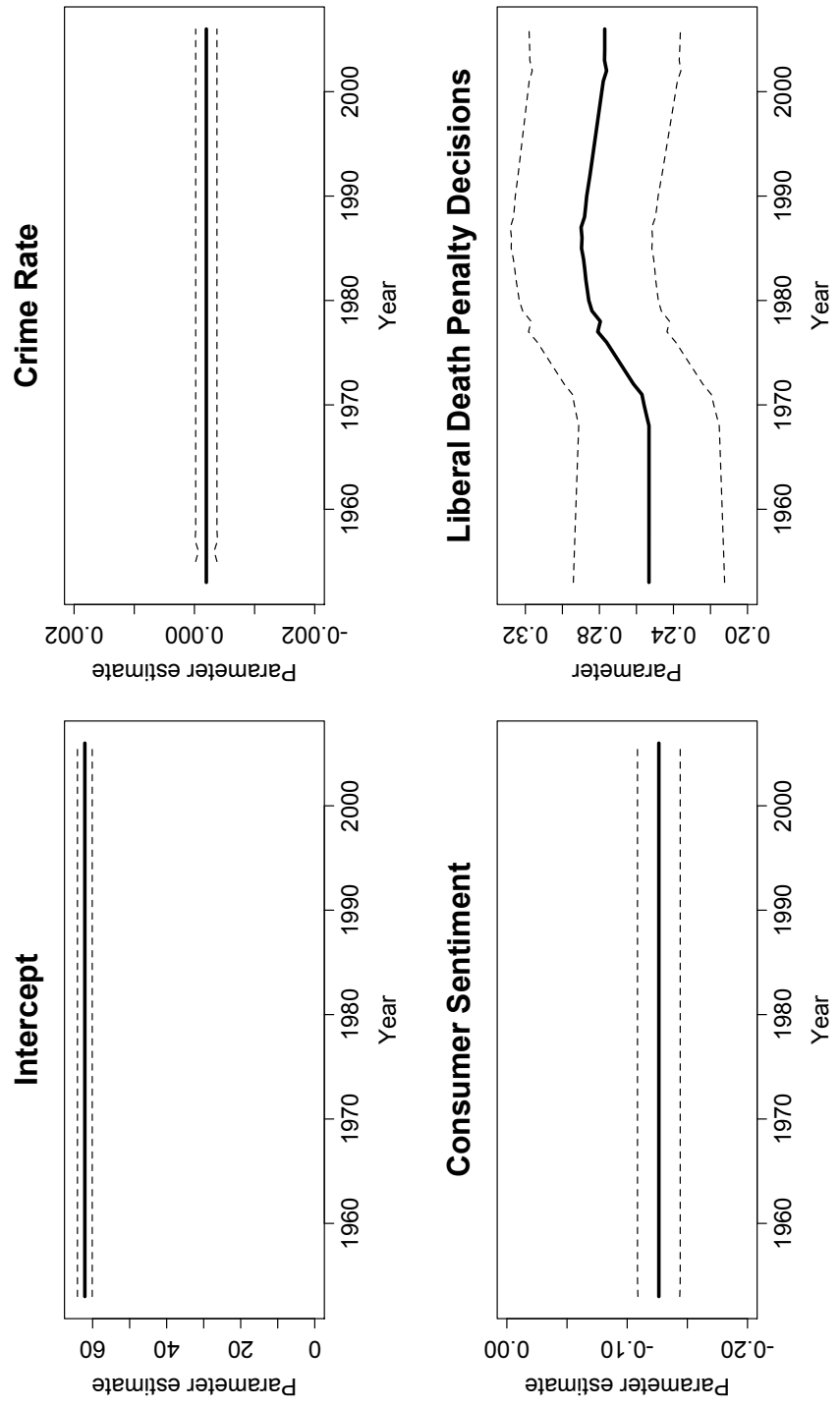
Figure 14 plots the state-space model estimates for each of the instrumental factors that are believed to influence punitive sentiment. The first window shows the intercept is positive and statistically significant which is consistent with the conventional wisdom that Americans tend to support punitive criminal justice policies. The second window shows the relationship between the crime rate and punitive sentiment. Although it is expected that the public's demand for punitive policies will increase as the crime rate increases, the results shows a slightly negative point estimate with

confidence intervals that include zero. Thus, according to these results there is no relationship between the crime rate and punitive sentiment.

Are any instrumental forces driving punitive sentiment? Similar to the change-point estimates, punitive sentiment moves in response to the public's economic expectations. The estimate is negative suggesting that when the public perceives a downturn in the economy, they become more willing to accept punitive policies to combat crime. When the economy starts to improve, the public will began to favor non-punitive solutions to crime. Thus, it is possible the public senses the changes in criminal activity due to an economic downturn and prepares accordingly. This is consistent research showing the public is more willing to support liberal social policies when economic times are good and less likely to support those policies when the economy is bad because the public is able to deduce how future economic conditions will influence their environment (Durr 1993). It makes sense that the public would rely on their perceptions about the state of the economy when formulating their policy preferences given the sheer amount of information regarding the national economy (Mutz 1992). Economic perceptions have become a reliable mechanism for the public to make inferences about the future of other policy domains such as crime and poverty and make adjustments to their policy preferences in those domains.

The results also suggest that judicial activism by the Supreme Court is shaping punitive sentiment. The positive parameter estimate indicates that when the Court restricts the actions of democratically elected lawmakers regarding capital punishment, the public responds by demanding more punitive (and less restrictive) policies. The relationship is fairly constant in these estimates, but there is a noticeable increase in the equilibrium relationship between punitive sentiment and liberal Supreme Court decisions in the early 1970s. At that time, the equilibrium relationship shifts upward to a new mean level that slowly tapers off 20 something years after the Court's *Furman*

Figure 14. Instrumental forces and punitive sentiment, 1953 to 2006



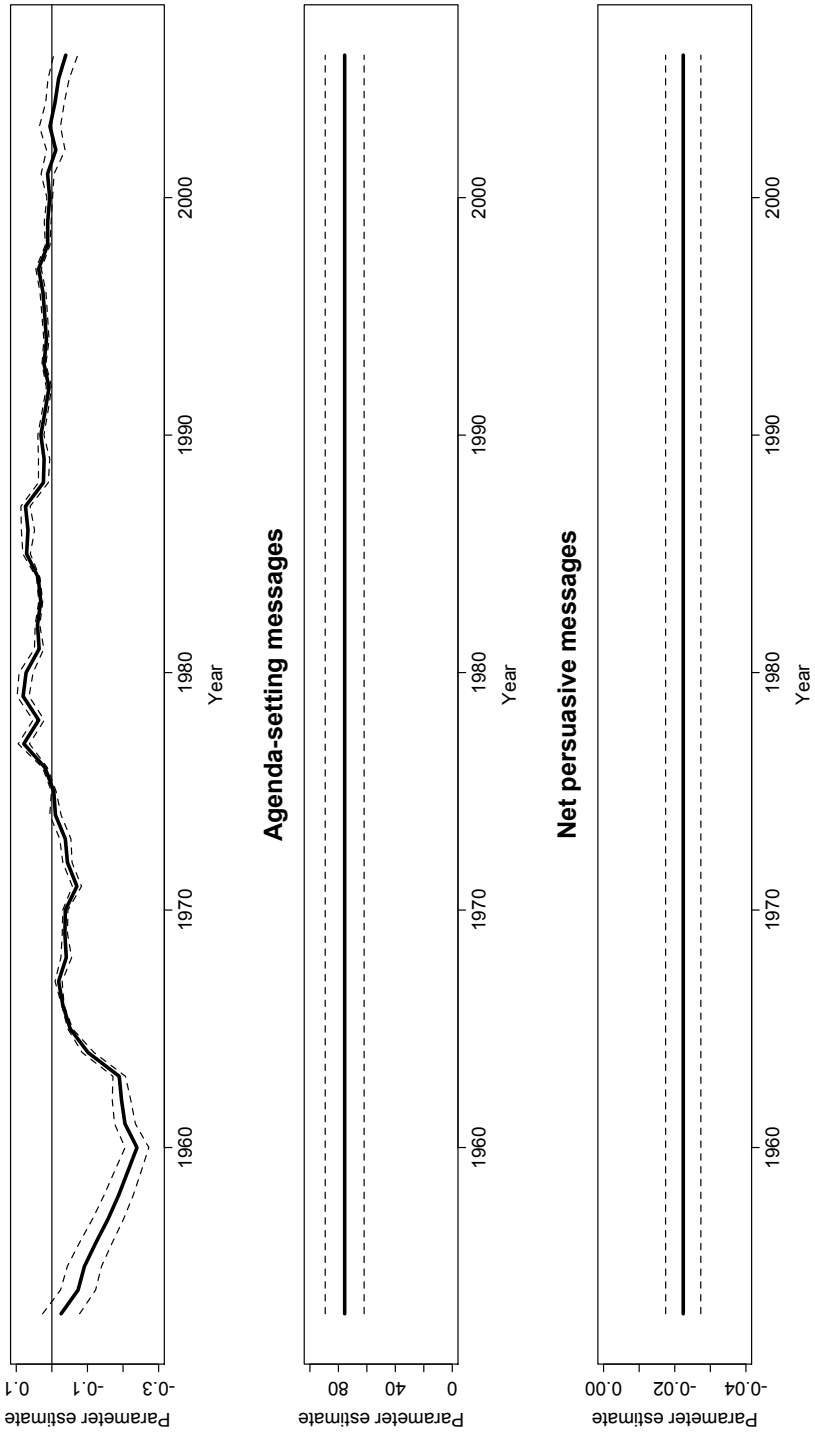
decision.

What does this result say about the relationship between the Court and public opinion? Some scholars argue that the Court has the ability to influence public opinion through its decisions (Dahl 1957). When the Court rules against capital punishment, for instance, its high level of public support and legitimacy as a non-partial institution should give credence to the policy decision of the Court. This legitimacy function has found its supporters and detractors over the years (Bass and Thomas 1984, Franklin and Kosaki 1989, Hoekstra 1995, Johnson and Martin 1998, Marshall 1998, Rosenberg 1991). The results of this research run counter to the legitimacy function of the Court and suggest that within this domain the Court's ruling had the opposite effect of what would be expected if the Court's decisions were automatically supported by the public via the legitimacy function.

Figure 15 shows the over-time coefficient estimates of non-racial strategic messages on punitive sentiment. Three types of non-racial strategic appeals are shown: presidential attention to crime, media attention to crime, and the net-tone of persuasive messages. Presidential attention to crime is shown to have a negative influence on punitive sentiment during the 1950s and 1960s. Yet, this relationship starts to change in the mid-1960s when changes in presidential attention to crime starts to have a small influence on punitive sentiment. By the mid-1970s, presidential attention to crime has a positive correlation with punitive sentiment. The parameter estimate shows presidential attention to crime having the strongest substantive effect on punitive sentiment during the presidencies of Ronald Reagan and George H. Bush. Yet, after these presidencies, the relationship becomes virtually indistinguishable from zero.

In addition to elite attention to crime, the media can also pay more or less attention to crime making the issue seem more or less important among the public. The estimates here are similar to the estimates of the changepoint model showing

Figure 15. Non-racial messages and punitive sentiment, 1953 to 2006



that increases in the *New York Times* coverage of crime is associated with increases in public support for punitive policies. However, unlike those estimates, the time varying approach shows a constant relationship over time. Substantively, agenda-setting appears to be a very effective form of strategic communication. The size of the coefficient estimate is larger than any other types of strategic communication, which suggests that getting citizens to think about crime as a growing problem leads them to support punitive solutions to the crime problem.

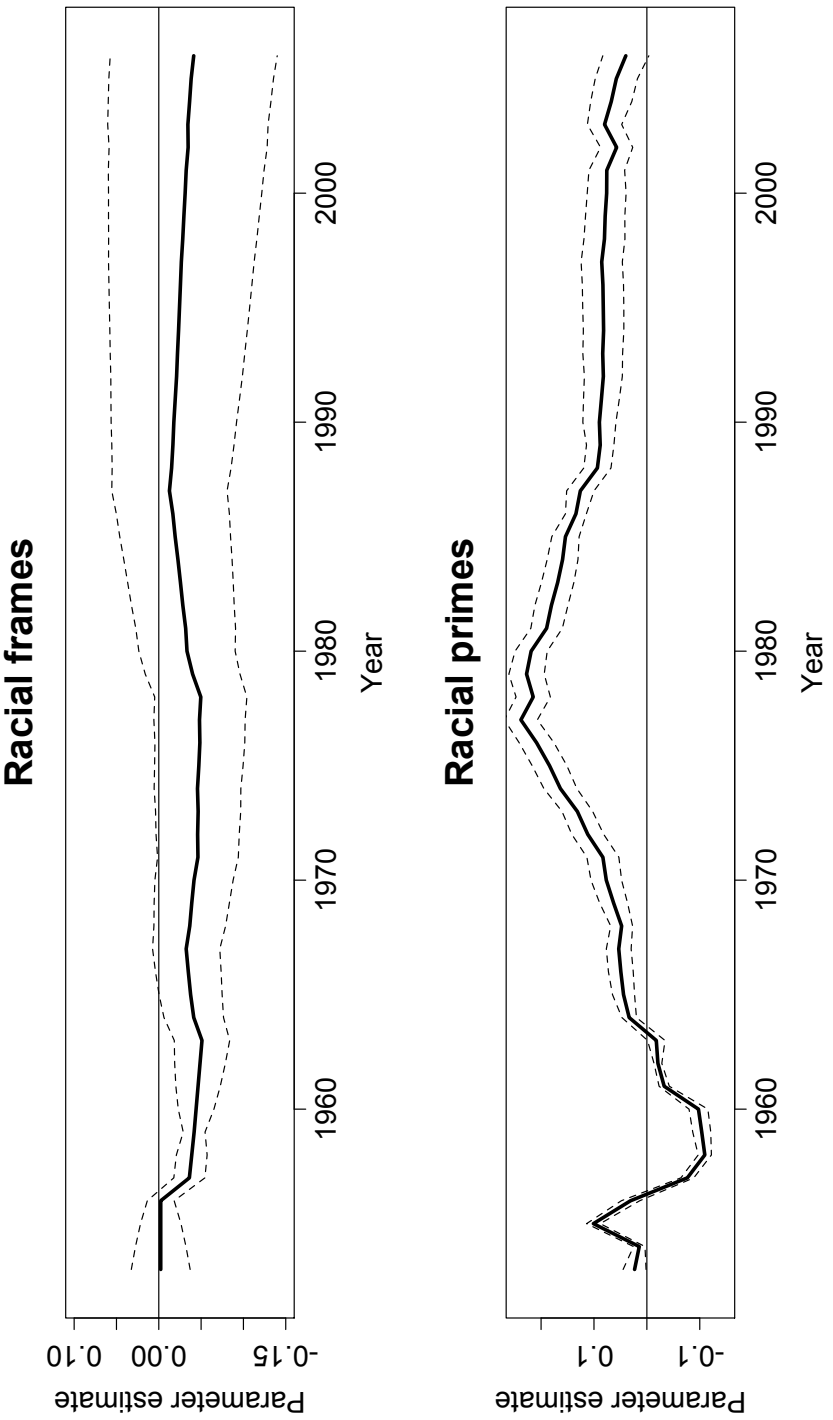
The effect of persuasive messages on punitive sentiment are contrary to expectations. The more pro-punitive messages to con-punitive messages results in a small decrease in punitive sentiment rather than have the desired effect of increasing punitive sentiment (desired from the point of view of the message sender). In other words, persuasive arguments tend to have a "boomerang" or "bolstering" effect leading to an outcome opposite of that intended (see Johnson, Smith-McLallen, Killeya and Levin 2004). The reasons for this effect is believed to be psychological. On issues such as punitive policies where people hold strong convictions and predispositions people are likely to engage in biased information processing and motivated reasoning (Peffley and Hurwitz 1997, Taber and Lodge 2006). Persuasive messages counter to established beliefs are more likely to be scrutinized and discounted by individuals and shift their attitudes in a manner contrary to that of the intention of the message. Thus, it is possible that people are resistant to persuasive messages and the results indicate a backlash among the public when they receive appeals that try to alter their beliefs.

This finding is also consistent with empirical evidence on persuasion and capital punishment. Justice Marshall made a claim that providing factual information about the ineffectiveness of punitive policies (i.e., capital punishment does not work as a deterrent and therefore we should abolish capital punishment) would reduce

public support for punitive policies. Yet, studies show mixed, if any, support that providing people with more information about various aspects of punitive policies leads to more support for those policies (Bohm, Clark and Aveni 1991, Cochran and Chamlin 2005, Ellsworth and Ross 1983, Harris 1986). For instance, Ellsworth and Ross (1983) conclude their study of the Marshall hypothesis by saying that "although most of the people who have made up their minds on the issue of capital punishment believe that factual evidence concerning the relative deterrent efficacy of the death penalty is in line with their position, it appears that their position is not based on the factual belief. The majority are quite willing to admit that a change in the belief would have little influence on the attitude." Thus, it is not surprising in these results that persuasive messages have the opposite effect as their intent. People have a psychological incentive to hold on to their prior beliefs and resist explicit attempts that counter their predispositions (Petty and Wegener 1986).

Figure 16 shows the dynamic relationship between racial appeals and punitive sentiment. A general expectation is that the effectiveness of these appeals will vary over time and that both racial primes and racial frames will increase punitive sentiment by activating negative racial stereotypes. However, an alternative perspective is that the relationship between racial appeals and punitive sentiment will change over time. Mendelberg (2001) argues that the effect of racial frames should decrease over time as norms of racial equality increase and that the effect of racial primes should increase as long as their intention remains covert. The estimates of explicit racial frames shows a negative, but insignificant relationship with punitive sentiment for the entire time period. Several possible reasons could explain the lack of a relationship. First, recall from Chapter III that racial frames were limited in number throughout the time period of this research. It's possible that the news media were hesitant to use racial frames subsequently making their influence on punitive sentiment limited. It's

Figure 16. Racial messages and punitive sentiment, 1953 to 2006



also possible that the public already equated crime with black Americans reducing the effect of these explicit messages linking the two together. Thus, these messages might reinforce existing attitudes, but have little effect in altering those attitudes.

Racial primes implicitly targeting racial stereotypes are shown to have an overall positive effect on punitive sentiment. Moreover, this relationship is dynamic over time consistent with the time varying model of strategic communication. The estimates show a negative relationship prior to the 1960s. However, after the 1960s the relationship shows that racial primes are leading to an increase in punitive sentiment. This relationship increases throughout the 1970s consist with historical accounts that the use of racial primes became a prominent means to shape public opinion. Racial primes are most effective at influencing punitive sentiment around 1980. Edsall and Edsall (1992) have documented the effective use of racial primes by conservatives, particularly President Ronald Reagan, in shaping the public debate over welfare and crime during this era. The empirical evidence presented here is consistent with their historical work. Racial primes remain an effective means of strategic communication into the 1990s alongside the 1988 presidential campaign of George H. Bush. However, racial primes appear to lose their effectiveness after the early 1990s.

What type of strategic messages were most effective at shaping punitive sentiment from 1953 to 2006? The evidence points to agenda-setting. The more stories about crime correlates with punitive sentiment for the entire period. The effect is substantively larger than any of the other coefficient estimates and it persists across time. Racial primes were also effective, but the substantive effect is smaller than agenda-setting and lasted for about a 30 year period from 1970 to 2000. There is some indication that such appeals are no longer effective at shaping punitive attitudes. This could be because racial stereotypes are automatically activated in any mention of crime with or without a racial appeal (Gilliam and Iyengar 2000), the rise

of new strategic messages, or because of changes in society. The results also show that instrumental concerns such as perceptions of the economy and instances of judicial activism also influence the punitiveness of public opinion.

3. Context and strategic communication

The state-space models assume that the time variation in the parameters is a stochastic process. The relationship between an explanatory variable and punitive sentiment varies across time, but not as a function of a systematic factor that can be measured across time. However, there are several systematic factors that might explain the time variation in parameter estimates—particularly among racial messages and punitive sentiment.[1] The first is how much those appeals resonate with existing values and specifically public supports norms of racial equality. The second systematic factor is environmental forces that lend credence to strategic appeals.

3.1. Racial conservatism and racial appeals

Mendelberg (2001) argues that norms of racial equality can alter the effectiveness of racial appeals over time. When racial equality and harmony increases as a social norm, the effectiveness of explicit racial appeals should decrease and the effectiveness of implicit racial appeals should increase. When society no longer endorses a norm of racial equality, the effectiveness of racial frames should increase and the effectiveness of racial primes should decrease. Racial equality moderates the relationship between racial appeals and punitive sentiment because when citizens know a strategic message is racial in nature it is seen as violating social norms. When a message violates social

[1]The emphasis here is on the relationship between racial primes and racial frames since agenda messages and persuasive messages were not shown to have any time variation in their relationship with punitive sentiment.

norms, citizens are more likely to reject that message. When a message resonates with existing norms or values, however, the message should be more effective at shaping an attitude.

The problem facing researchers is that there is no indicator of racial norms of equality that spans a sufficient period of time to test these claims. Mendelberg (2001) relies on qualitative and historical evidence of changing social norms that assumes public support for racial equality is linear in nature and trending upward since the 1950s. A qualitative analysis shows that racial frames were more prevalent in eras where racial equality was probably low, but there is no empirical evidence that these frames were more effective in this era. Instead, we have to equate the frequency of these messages within speeches and the news media with their effectiveness rather than examining the response of public opinion to these messages. Further, the experimental evidence is taken from a period were these norms are constant and cannot be manipulated among experimental subjects. Thus, we are left wondering about the empirical foundation of the moderating relationship of support for racial equality on racial messages and punitive sentiment.

The lack of a valid measure of racial equality across time at regular intervals prevents a formal test of the moderating effect of social norms and strategic messages. However, it is reasonable to assume that a society that supports norms of racial equality is also supportive of specific policies to aid black Americans such as providing them equal housing protection, increasing racial integration, supporting government efforts to achieve racial equality, and opposing school segregation. Conversely, when support for racial equality waivers, so should support for these policies that benefit black Americans.

Kellstedt (2003) creates such a measure of the public's racial policy liberalism.

The data is available for each year from 1951 to 2006.[2] The measure captures the public's sentiment toward policies aimed at helping blacks. Of course, support for these policies depends on more than social norms of racial equality. People have multiple considerations that contribute to their opinions, including their general attitudes toward the role of government in society. Yet, Kellstedt (2003) shows that this measure of racial liberalism moves in response to messages of equality within news coverage of blacks. Furthermore, he shows that this racial liberalism merges with more general public sentiment regarding government spending and this merger is largely a function of race rather than attitudes toward the role of government. Thus, this measure of racial liberalism does capture public sentiment towards black Americans and norms of racial equality. In the analysis that follows, Kellstedt's (2003) racial liberalism index is reflected so higher values indicate more opposition to racial policies (i.e., racial conservatism) and lower values indicate more support for racial policies (i.e., racial liberalism). The index is set on a 0 to 100 scale.

Since the theory specifies that racial norms should moderate the effectiveness of racial messages, the model only includes each type of racial message: racial primes in crime news from the *New York Times* and racial frames in crime news from the *New York Times*. A third measure is taken from extracting the frequency of crime messages in *Newsweek* stories of black Americans. The initial database of stories is described in Kellstedt (2003). A dictionary containing messages of criminal behavior was created and the frequency of crime messages in these stories was extracted using Yoshikoder.

The model can be estimating using a standard fixed parameter method such as

[2]The original series stopped at 1996. An updated series was obtained from the original author.

least squares regression.[3] Table 6 reports the coefficient estimates along with their standard errors and level of statistical significance.

Table 6. Racial conservatism and racial messages

	Model 1	Model 2	Model 3
(Intercept)	-4.94	31.80*	-5.20
	(15.73)	(15.08)	(15.24)
Crime rate	0.01*	0.01*	0.01*
	(0.00)	(0.00)	(0.00)
Consumer sentiment	0.08	0.07	0.01
	(0.05)	(0.06)	(0.05)
Policy	0.10	0.08	0.15
	(0.43)	(0.47)	(0.36)
Racial conservatism	0.95*	0.13	1.04*
	(0.29)	(0.24)	(0.27)
Racial primes	0.94*		
	(0.28)		
Conservatism * primes	-0.02*		
	(0.01)		
Racial frames		-1.15	
		(0.89)	
Conservatism * frames		0.02	
		(0.02)	
Crime in race news			0.04*
			(0.01)
Conservatism * race news			-0.01*
			(0.00)
N	54	54	54
R^2	0.75	0.72	0.83
adj. R^2	0.72	0.68	0.80
Resid. sd	3.03	3.24	2.55

Standard errors in parentheses
* indicates significance at $p < 0.05$

The coefficient on the crime rate represents the effect of crime on punitive sen-

[3]Note that there is a high degree of multicollinearity among all the variables in the state-space model above. Although this is not problematic in the state-space format, it will cause the standard error in an OLS model to increase with the potential to mask important substantive relationships. Therefore, the OLS models are estimated with the most basic model of instrumental control variables and a single indicator of strategic communication.

timent. For each of the three models, the coefficient is positive and statistically significant. A point increase in the crime index results in a .01 increase in punitive sentiment. Multiplying a standard deviation of the crime rate (1,664) by the coefficient estimate (.01) shows that a standard deviation change in the crime rates results in a 16 point shift in punitive sentiment. Substantively, this is almost three times as much as a standard deviation of the punitive sentiment series (5.7). The crime rate is showing a substantial influence on punitive sentiment.

The key test involves the influence of racial messages, racial conservatism, and the interaction of racial messages with racial conservatism. The coefficient estimate on racial conservatism shows the effect of racial liberalism on punitive sentiment when there are no strategic messages linking race to crime. In model 1 and model 3, the coefficient estimate is positive and significant. The public's general sentiment toward blacks is shaping their punitive policy preferences. In model 1, a standard deviation change in racial conservatism (3.9) results in a 3.7 point change in punitive sentiment. In model 3, a standard deviation change in racial conservatism results in a 4 point change in punitive sentiment—slightly less than a standard deviation change in the dependent variable.

The coefficient on each type of racial message shows the relationship between that specific message and punitive sentiment when racial conservatism is zero. In other words, when the public is most willing to support policies that promote racial equality. For racial primes and crime messages in news about black Americans, the coefficient estimates are positive and statistically significant. This means that these messages are effective even when the public is supportive of policies promoting racial equality. This result is not as surprising as it might appear at first glance. The effectiveness of these covert racial messages is because they can target socially undesirable beliefs in a manner that makes the public unaware that these attitudes are being solicited.

The public does not realize their racial attitudes are being primed by these messages and unaware that the message contradicts their support for racial liberalism. When strategic messages explicitly target a belief that is socially unacceptable, such as an explicit racial frame, the appeal is ineffective because the public is aware that the message violates socially desirable standards of racial equality. This is supported by the statistically insignificant racial frames coefficient.

Racial primes have the most substantive effect on punitive sentiment. A standard deviation shift in the number of racial primes in crime news (26.5) results in a 24.9 point change in punitive sentiment. A standard deviation shift in the number of crime mentions in stories about black Americans (557.5) results in a 22.3 point change in punitive sentiment.

The key test is in the interaction coefficients. Mendelberg (2001) argues that the effectiveness of racial primes will increase when social norms of racial equality increase. Thus, an increase in racial liberalism/conservatism should be associated with an increase/decrease in the effectiveness of racial primes. Since the racial liberalism scale is reflected, the coefficient estimate of the interaction of racial primes and racial conservatism should be negative and statistically significant—which is what the estimate shows in model 1 of Table 6 shows. As racial conservatism increases, the effectiveness of racial primes decrease because the public is not inhibited by their contradictory support for racial equality. Implicit racial primes are unnecessary because punitive sentiment is already being driven by anti-black sentiment shown by the constituent term. Instead, when racial conservatism decreases (i.e., when the public begins supporting racial equality) racial primes become more effective at shaping punitive support because these messages target racial attitudes in a covert fashion that does not conflict with racial liberalism. This same relationship holds in model 3 examining crime messages in news coverage of black Americans.

3.2. Crime and racial appeals

The time varying nature of the parameters of racial messages in the state-space model could also be a function of other systematic factors. The crime rate should moderate the relationship between strategic messages and punitive sentiment. When crime is high, strategic messages linking crime to black Americans should be more effective at shaping public opinion as the high level of crime lends credence to these appeals and public concerns about crime. When crime is low, these strategic messages should lose some of their influence as public concerns shift to other issues. Thus, messages that resonate with actual conditions should be more effective at shaping public opinion.

The model testing how crime interacts with each type of racial message can be estimated using a fixed parameter least squares approach. All the variables in the model are described elsewhere. The expectation is that the effectiveness of each type of strategic message will increase when the crime rate is high and decrease when the crime rate is low. The coefficient estimate on the interaction term of the crime rate and strategic appeals should be positive and statistically significant. Table 7 shows the estimates of the model along with the standard errors and level of statistical significance.

The coefficient on racial primes represents the effect of implicit messages linking blacks to crime when the crime rate is zero. Although there is no point in the time where there is no crime, that effect of a racial prime under this hypothetical situation would have a negative effect on punitive sentiment. In other words, strategic messages priming racial attitudes in crime news are not an effective means to increase support for punitive policies when there is no crime. However, racial primes do become effective at shaping punitive sentiment when the crime rate increases. The coefficient on the interaction term is positive and statistically significant. Thus, the time varying

Table 7. Social context and racial messages

	Model 1	Model 2	Model 3
(Intercept)	46.61*	40.95*	49.76*
	(4.97)	(4.69)	(4.41)
Crime rate	0.02*	0.03*	0.07*
	(0.00)	(0.00)	(0.01)
Consumer sentiment	0.03	0.04	-0.01
	(0.05)	(0.05)	(0.04)
Policy	-0.22	-0.24	-0.07
	(0.38)	(0.42)	(0.35)
Racial primes	-0.19*		
	(0.05)		
Crime * primes	0.42*		
	(0.01)		
Racial frames		0.05	
		(0.16)	
Crime * frames		0.00	
		(0.00)	
Crime in racial news			-0.03
			(0.03)
Crime * racial news			0.18*
			(0.01)
N	54	54	54
R^2	0.74	0.71	0.80
adj. R^2	0.72	0.68	0.78
Resid. sd	3.06	3.27	2.72

Standard errors in parentheses
$*$ indicates significance at $p < 0.05$

nature of racial primes is systematically driven by changes in the social environment, specifically the crime rate.

Similar to the rest of the models in this research, racial frames do not show any relationship with punitive sentiment. The constituent term and interaction term with crime are not statistically significant. Also statistically insignificant is the coefficient for crime messages in stories about blacks. This indicates that when the crime rate is zero, the effect of crime messages is stories about blacks does not have any effect on punitive sentiment. Although the absence of crime is an unlikely situation, the result

does show face validity. With no crime there is no reason for the public to believe messages that crime is a problem and thus no reason to support punitive criminal justice policies. When crime is increasing, the effectiveness of strategic messages also increase. This provides more evidence that context moderates the effectiveness of strategic communication if a message is consistent with some degree of objective conditions.

4. Summary

The state-space model provides additional insight into the time varying nature of various strategic appeals. In the changepoint models, presidential attention and racial primes show positive shifts in their relationship with punitive sentiment. In the state-space estimates, the dynamic nature of these shifts are shown in more detail. The effectiveness of both of these types of strategic appeals increased from the 1970s to the 1980s. In addition, the state-space model more accurately captured the competitive nature of democratic politics. Modeling punitive sentiment as a function of four different types of strategic communication shows that some types of appeals are effective (agenda-setting), some are effective in certain periods of time (priming), some are not effective at all (framing), and some have unintended consequences (persuasion). Further, this chapter shows that the effectiveness of strategic communication is dependent on social context. Messages that resonate with social norms and values are more effective than those that try to challenge strongly held predispositions. Implicit racial primes and racial sentiment have direct and interactive effects on punitive sentiment. Messages that are credible due to existing social conditions are also more effective at influencing public opinion. Overall, the results show that punitive sentiment responds to both instrumental forces and the social construction of crime via strategic com-

munication. Moreover, these forces do not always work against each other. Instead, they can interact resulting in more complex relationships with punitive sentiment.

CHAPTER VII

CONCLUSION: WHY SHOULD WE CARE ABOUT PUBLIC OPINION AND CRIMINAL JUSTICE POLICY?

The punitiveness of the American criminal justice system should be of serious concern to scholars, practitioners, and citizens. The ability of the government to take away the freedom and basic rights of its citizens should always be held under close observation. The American criminal justice system is currently experiencing two alarming trends during the post-war era: an exponential increase in incarceration despite decreasing levels of crime and an increase in punitive measures as a response to crime. These trends are often tied to public preferences for government to become more active and punitive in combating crime. Given the importance of the public's preferences translate into public policy, it is of great interest to understand the dynamics of punitive sentiment and the determinants of punitive sentiment. In addition, the results have implications for understanding how information shapes public opinion within a competitive environment that more closely resembles a democracy than previous research designs regarding strategic communication show. The results also speak to the debate regarding the ability of the public to meet its normative expectations within a democratic government. Each of these issues will be taken up in turn within this chapter.

1. Implications for public opinion and democracy

America is widely presumed to have a democratic political system, and various normative theory and scientific scholars have articulated expectations for the behavior of the mass public in a democracy. These various conceptions of demo-

cratic government make it difficult to assess the extent that America and its citizens fulfill their democratic obligations. Some political theories advocate a great deal of citizen involvement with citizens being informed and deliberating on each issue (Habermas 1985). A more minimalist perspective argues the involvement of citizens in governance should be limited to voting in periodic elections under the assumption that citizens do not have clear opinions or knowledge on most political issues (Schumpeter 1950, Schattschneider 1975). Yet, even in this minimalist perspective, citizens should have some information that the representatives they are voting for are going to enact policies that are aligned with their preferences or interests. Thus, most conceptualizations of a democracy insist that the public maintain at least a basic knowledge of the major political issues and be able to express those preferences either through voting or directly to lawmakers.

Given this basic agreement among various normative democratic theorists, we are left with two basic expectations that are useful in assessing democracy in America. The most general expectation is that the public maintains an opinion on the basic political issues of the day and that they communicate these preferences to their government. This communication can be direct via public deliberation, letter writing, and protests or indirect via elections and public opinion surveys. Further, there is a basic expectation that the government listens to the public. If the public sends a clear signal regarding its policy preferences, but public representative fail to listen or act in accordance with those preferences, then American is falling short of the most basic of democratic ideals. Thus, public preferences should translate into public policy. These two expectations form a simplistic view of democracy and a view that cannot fully capture the breadth and depth of all theories of democracy. Further, they lack many of the intricacies and conceptual rigor that various theorists have put forth regarding democratic government. Yet, these two expectations form the core of

most conceptions of democracy and, perhaps more importantly, these expectations can be empirically assessed.

This research is primarily concerned with the first expectation—the ability of the public to have informed preferences that are communicable to government officials. Does the public meet this most basic expectation of this simplistic view of democracy? Is there a clear, coherent signal that the public can send to the government regarding the policies they favor? In other words, does the public, as a whole, have clear and rational preferences? I use the term rational to mean based on reason and logic. A rational public moves systematically in theoretically predictable ways in response to phenomena that are relevant to that opinion rather than moving capriciously throughout time. Thus, if public opinion, as a whole, is moving in a systematic manner in response to theoretically relevant events, then we can characterized that public as rational and able to meet the most basic of democratic expectations. However, if public opinion moves capriciously in response to random events than the public would be failing to meet their democratic obligation. A noisy, random signal would make it difficult, if not impossible, for government officials to translate public preferences into policy. An aggregate public opinion that moves about randomly is the macro equivalent to the micro level concept of individuals possessing a non-attitude toward a political object.

There is some evidence in this research for a rational public. The slow movement of the punitive sentiment series suggests some stability that politicians can rely on—keeping in mind the caveats presented in the previous section. When it comes to punitive policies, the public does not appear to be making up their opinions on the spot. Instead, punitive sentiment has been shown to move in response to both instrumental and socially constructed concerns in theoretically expected ways. Furthermore, the use of both instrumental factors and strategic messages means the public is gather

information from a variety of sources rather. Thus, the public is not simply relying on strategic communication, but leveraging those messages with actual conditions. The interactive relationship between crime and strategic appeals and deeply held beliefs and strategic appeals shows a degree of rationality among the public. The public is not simply forgoing their values or forgetting about what is happening in the streets when they receive strategic messages. Instead, they are weighting those messages accordingly before formulating their opinion. Thus, although citizens are not completely immune to strategic communication and the possibility of elite manipulation, they do not blindly follow these messages.

REFERENCES

Ajzen, Icek and Martin Fishbein. 1980. *Understanding Attitudes and Predicting Social Behavior*. Englewood Cliffs, NJ: Prentice-Hall.

Aladjem, Terry K. 2008. *The Culture of Vengeance and the Fate of American Justice*. New York: Cambridge University Press.

Allen, Mike. 1991. "Meta-Analysis Comparing the Persuasiveness of One-Sided and Two-Sided Messaages." *Western Journal of Speech Communication* 55(4):390–404.

Althaus, Scott L., Jill A. Edy and Patricia F. Phalen. 2001. "Substitutes for Full-Text News Stories in Content Analysis: Which Text is Best?" *American Journal of Political Science* 45(3):707–723.

Anderson, Craig A., Leonard Berkowitz, Edward Donnerstein, L. Rowell Huesmann, James D. Johnson, Daniel Linz, Neil M. Malamuth and Ellen Wartella. 2004. "The Influence of Media Violence on Youth." *Psychological Science in the Public Interest* 4(3):81–110.

Andrews, Donald W. K. and Werner Ploberger. 1994. "Optimal Tests when a Nuisance Parameter is Present only under the Alternative." *Econometrica* 62(6):1383–1414.

Ansolabehere, Stephen, Roy Behr and Shanto Iyengar. 1991. "Mass Media and Elections: An Overview." *American Politics Quarterly* 19(1):109–139.

Applegate, Brandon K., Francis T. Cullen, Bonnie S. Fisher and Thomas Vander Ven. 2006. "Forgiveness and Fundamentalism: Reconsidering the Relationship Between Correctional Attitudes and Religion." *Criminology* 38(3):719–754.

Arnold, Douglas. 1990. *The Logic of Congressional Action*. New Haven, CT: Yale University Press.

Bai, Jushan and Pierre Perron. 2003. "Computation and Analysis of Multiple Structural Change Models." *Journal of Applied Econometric* 18(1):1–22.

Bailey, Frankie Y. and Donna C. Hale. 1998. *Popular Culture, Crime and Justice*. Belmont, CA: Wadsworth Publishing Company.

Barkan, Steven E. and Steven F. Cohn. 1994. "Racial Prejudice and Support for the Death Penalty by Whites." *Journal of Research in Crime and Delinquency* 31:202–209.

Barkan, Steven E. and Steven F. Cohn. 2005. "Why Whites Favor Spending More Money to Fight Crime: The Role of Racial Prejudice." *Social Problems* 52(2):300–314.

Barlow, Melissa Hickman and David E. Barlow. 1995. "Confronting Ideologies of Race and Crime in the Classroom: The Power of History." *Journal of Criminal Justice Education* 6(1):105–122.

Barry, Daniel and J. A. Hartigan. 1993. "A Bayesian Analysis for Change Point Problems." *Journalf of the American Statistical Association* 88(421):309–319.

Bartels, Larry M. 2002. "Beyond the Running Tally: Partisan Bias in Political Perceptions." *Political Behavior* 24(2):117–150.

Bass, Larry R. and Dan Thomas. 1984. "The Supreme Court and Policy Legitimation: Experimental Tests." *American Politics Quarterly* 12(3):335–360.

Baum, Dan. 1996. *Smoke and Mirros: The War on Drugs and The Politics of Failure*. Waltham, MA: LIttle, Brown, and Company.

Baumgartner, Frank R., Suzanna L. De Boef and Amber E. Boydstun. 2008. *The Decline of the Death Penalty and the Discovery of Innocence.* New York: Cambridge University Press.

Bazelon, David. 1976. "The Morality of the Criminal Law." *Southern California Law Review* 49:385–405.

Beck, Nathaniel. 1989. "Estimating Dynamic Models Using Kalman Filtering." *Political Analysis* 1(1):121–156.

Beck, Nathaniel. 1991. "Comparing Dynamic Specifications: The Case of Presidential Approval." *Political Analysis* 3(1):51–87.

Beckett, Katherine. 1997. *Making Crime Pay.* New York: Oxford University Press.

Beckett, Katherine and Theodore Sasson. 1999. *The Politics of Injustice: Crime and Punishment in America.* Thousand Oaks, CA: Pine Forge Press.

Behr, Roy L. and Shanto Iyengar. 1985. "Television News, Real-World Cues, and Changes in the Public Agenda." *Public Opinion Quarterly* 49(1):38–57.

Bennett, W. Lance. 1990. "Toward a Theory of Press-State Relations in the United States." *Journal of Communication* 40(2):103–125.

Bianco, Anthony, John Rossant and Lauren Gard. 2005. "The Future of the *New York Times.*" *Business Week* pp. 12–21.

Blumstein, Alfred and Allen F. Beck. 1999. "Population Growth in the U.S. Prisons, 1980-1996." *Crime and Justice: A Review of Research* 26:17–60.

Bohm, Robert M., Louise J. Clark and Adrian F. Aveni. 1991. "Knowledge and Death Penalty Opinion: A Test of the Marshall Hypotheses." *Journal of Research in Crime and Delinquency* 28(3):360–387.

Brewer, Rose M. and Nancy A. Heitzeg. 2008. "The Racialization of Crime and Punishment: Criminal Justice, Color-Blind Racism, and the Political Economy of the Prison Industrial Complex." *American Behavioral Scientist* 51(5):625–644.

Broadbent, Donald E. 1958. *Perception and Communication*. Oxford, UK: Oxford University Press.

Brownstein, Henry H. 2000. *Social Reality of Violence and Violent Crime*. Needham Heights, MA: Allyn and Bacon.

Bushman, Brad J. and Craig A. Anderson. 2001. "Media Violence and the American Public: Scientific Facts Versus Media Misinformation." *American Psychologist* 56(6/7):477–489.

Button, James W. 1978. *Black Violence: Political Impact of the 1960s Riots*. Princeton, NJ: Princeton University Press.

Campbell, Angus, Philip E. Converse, Warren E. Miller and Donald E. Stokes. 1960. *The American Voter*. Chicago, IL: The University of Chicago Press.

Cantor, David and Kenneth C. Land. 1985. "Unemployment and Crime Rates in the Post-World War II United States: A Theoretical and Empirical Analysis." *American Sociological Review* 50(3):317–332.

Chambliss, William J. 1975. "Toward a Political Economy of Crime." *Theory and Society* 2(1):149–170.

Chambliss, William J. 1999. *Power, Politics, and Crime.* Boulder, CO: Westview Press.

Chiricos, Ted, Kelly Welch and Marc Gertz. 2004. "Racial Typification of Crime and Support for Punitive Measures." *Criminology* 42(2):359–389.

Chong, Dennis and James N. Druckman. 2007. "A Theory of Framing and Opinion Formation in Competitive Elite Environments." *Journal of Communication* 57:99–118.

Cobb, Michael D. and James H. Kuklinski. 1997. "Changing Minds: Political Arguments and Political Persuasion." *American Journal of Political Science* 41(1):88–121.

Cochran, John K. and Mitchell B. Chamlin. 2005. "Can Information Change Public Opinion? Another Test of the Marshall Hypotheses." *Journal of Criminal Justice* 33(6):573–584.

Cohen, Bernard C. 1963. *The press and foreign policy.* Princeton, NJ: Princeton University Press.

Cohen, Lawrence E. and Marcus Felson. 1979. "Social Change and Crime Rate Trends: A Routine Activity Approach." *American Sociological Review* 44(4):588–608.

Cohn, Steven F., Steven E. Barkan and William A. Halteman. 1991. "Punitive Attitudes Toward Criminals: Racial Consensus or Racial Conflict." *Social Problems* 38(2):287–296.

Cronin, Thomas E., Tania Z. Cronin and Michael E. Milakovich. 1981. *U.S. vs. Crime in the Streets.* Bloomington, IN: Indiana University Press.

Cullen, Francis T., Bonnie S. Fisher and Brandon K. Applegate. 1985. Public Opinion About Punishment and Corrections. In *Crime and Justice: A Review of Research*, ed. Michael Tonry. Chicago, IL: University of Chicago Press pp. 1–79.

Cullen, Francis T., Gregory A. Clark, John B. Cullen and Richard A. Mathers. 1998. "Attribution, Salience, and Attitudes Toward Criminal Sanctioning." *Criminal Justice and Behavior* 12(3):305–331.

Cullen, Francis T., Jennifer A. Pealer, Bonnie S. Fisher, Brandon K. Applegate and Shannon A. Santana. 2000. Public Support for Correctional Rehabilitation in America: Change or Consistency? In *Changing Attitudes to Punishment*, ed. Julian V. Roberts and Mike Hough. Portland, OR: Willan Publishing pp. 128–147.

Cullen, Francis T., John Paul Wright, Shayna Brown, Melissa M. Moon, Michael B. Blankenship and Brandon K. Applegate. 2002. "Public Support for Early Intervention Programs: Implications for a Progressive Policy Agenda." *Crime & Delinquency* 44(2):187–204.

Dahl, Robert. 1957. "Decision Making in a Democracy: The Supreme Court as a National Policy Maker." *Journal of Public Law* 6(2):279–295.

Dahl, Robert A. 1971. *Polyarchy.* New Haven, CT: Yale University Press.

De Boef, Suzanna and Luke Keele. 2008. "Taking Time Seriously." *American Journal of Political Science* 52(1):184–200.

Delli-Carpini, Michael X. and Scott Keeter. 1996. *What Americans Know about Politics and Why it Matters.* New Haven, CT: Yale University Press.

Dethlefsen, Claus and Soren Lundbye-Christensen. 2006. "Formulating State Space Models in R with Focus on Longitudinal Regression Models." *Journal of Statistical Software* 16(1):1–15.

Devine, Patricia G. 1989. "Stereotypes and Prejudice: The Automatic and Controlled Components." *Journal of Personality and Social Psychology* 56(1):5–18.

Dixon, Travis L. and Daniel Linz. 2000. "Race and the Misrepresentation of Victimization on Local Television News." *Communication Research* 27(5):547–573.

Downs, Anthony. 1997 [1957]. *An Economic Theory of Democracy*. New York: Addison Wesley.

Durbin, J. and S. J. Koopman. 2001. *Time Series Analysis by State Space Methods*. New York: Oxford University press.

Durr, Robert H. 1993. "What Moves Policy Sentiment?" *American Political Science Review* 87(1):158–170.

Durr, Robert H., Andrew D. Martin and Christina Wolbrecht. 1997. "Explaining Congressional Approval." *American Journal of Political Science* 41(1):175–207.

Durr, Robert H., John B. Gilmour and Christina Wolbrecht. 2000. "Ideological Divergence and Public Support for the Supreme Court." *American Journal of Political Science* 44(4):768–776.

Eberhardt, Jennifer L., Phillip Atiba Goff, Valerie J. Purdie and Paul G. Davies. 2004. "Seeing Black: Race, Crime, and Visual Processing." *Journal of Personality and Social Psychology* 87(6):876–893.

Edsall, Thomas Byrne and Mary D. Edsall. 1992. *Chain Reaction*. New York: W. W. Norton.

Edwards, Kari. 1990. "The Interplay of Affect and Cognition in Attitude Formation and Change." *Journal of Personality and Social Psychology* 59(2):202–216.

Edwards, Kari and William von Hippel. 1995. "Hearts and Minds: The Priority of Affective Versus Cognitive Factors in Person Perception." *Personality and Social Psychology Bulletin* 21(10):996–1011.

Ellsworth, Phoebe C. and Lee Ross. 1983. "Public Opinion and Capital Punishment: A Close Examination of the Views of Abolitionists and Retentionists." *Crime & Delinquency* 29(1):116–169.

Ellsworth, Phoebe C. and Samuel R. Gross. 1994. "Hardening of the Attitudes: Americans' Views on the Death Penalty." *Journal of Social Issues* 50(2):19–52.

Entman, Robert M. 1993. "Framing Towards Clarification of a Fractured Paradigm." *Journal of Communication* 43(4):51–58.

Entman, Robert M. and Andrew Rojecki. 2000. *The Black Image in the White Mind*. Chicago, IL: University of Chicago Press.

Epstein, Edward Jay. 1977. *Agency of Fear: Opiates and Political Power in America*. Revised ed. New York: Verso.

Erbring, Lutz, Edie N. Goldenberg and Arthur H. Miller. 1980. "Front-Page News and Real-World Cues: A New Look at Agenda-Setting by the Media." *American Journal of American Politics* 24(1):16–49.

Erdman, Chandra and John W. Emerson. 2007. "bcp: An R Package for Performing a Bayesian Analysis of Change Point Problems." *Journal of Statistical Software* 23(3).

Erikson, Robert S., Michael B. Mackuen and James A. Stimson. 2002. *The Macro Polity*. New York: Cambridge University Press.

Erskine, Hazel. 1970. "The Polls: Capital Punishment." *Public Opinion Quarterly* 34(2):290–307.

Erskine, Hazel. 1974. "The Polls: Causes of Crime." *Public Opinion Quarterly* 38(2):288–298.

Estrada, Felipe. 2001. "Juvenile Violence as a Social Problem. Trends, Media Attention and Societal Response." *The British Journal of Criminology* 41(4):639–655.

Feagin, Joe R. and Harlan Hahn. 1973. *Ghetto Revolts*. New York: The Macmillan Company.

Feeley, Malcolm M. 2003. "Crime, Social Order and the Rise of Neo-Conservative Politics." *Theoretical Criminology* 7(1):111–130.

Finckenauer, James O. 1978. "Crime as a National Political Issue: 1964-76." *Crime & Delinquency* 24(1):13–27.

Finckenauer, James O. 1988. "Public Support for the Death Penalty: Retribution as Just Deserts or Retribution as Revenge?" *Justice Quarterly* 5(1):81–100.

Fishman, Mark. 1978. "Crime Waves as Ideology." *Social Problems* 25(5):531–543.

Fiske, Susan T. and Mark A. Pavelchak. 1986. Category-Based Versus Piecemeal-Based Affective Responses: Developments in Schema-Triggered Affect. In *Handbook of Motivation and Cognition: Foundations of Social Behavior*, ed. Richard M. Sorrentino and E. Tory Higgens. New York: Guilford Press pp. 167–203.

Fiske, Susan T. and Steven L. Neuberg. 1990. A Continuum of Impression Formation, from Category-Based to Individuating Processes: Influences of Information and Motivation on Attention and Interpretation. In *Advances in Experimental Social Psychology*, ed. Mark P. Zanna. Vol. 23 New York: Academic Press.

Flamm, Michael W. 2005. *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s.* New York: Columbia University Press.

Flemming, Roy B. and B. Dan Wood. 1997. "The Public and the Supreme Court: Individual Justice Responsiveness to American Policy Moods." *American Journal of Political Science* 41(2):468–498.

Franklin, Charles H. and Liane C. Kosaki. 1989. "Republican Schoolmaster: The U.S. Supreme Court, Public Opinion, and Abortion." *American Political Science Review* 83(3):751–771.

Freiberg, Arie. 2001. "Affective versus Effective Justice." *Punishment & Society* 3(2):265–278.

Friedman, Lawrence M. 1993. *Crime and Punishment in American History.* New York: Basic Books.

Funkhouser, G. Ray. 1973. "The Issues of the Sixties: An Exploratory Study in the Dynamics of Public Opinion." *Public Opinion Quarterly* 37(1):62–75.

Furstenberg, Frank F. 1971. "Public Reaction to Crime in the Streets." *American Scholar* 40(4):601–610.

Gamson, William A. and Andre Modigliani. 1987. The Changing Culture of Affirmative Action. In *Research in Political Sociology*, ed. R.A. Braumgart. Vol. 3 Greenwich, CT: JAI pp. 137–177.

Gamson, William A. and Andre Modigliani. 1989. "Media Discourse and Public Opinion on Nuclear Power: A Constructionist Approach." *American Journal of Sociology* 95(1):1–37.

Gan, Herbert J. 1980. *Deciding What's News: A Study of CBS Evening News, NBC Nightly News, Newsweek, and Time*. New York: Random House.

Garland, David. 1996. "The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society." *The British Journal of Criminology* 36(4):445–471.

Garofalo, James. 1981. "Crime and the Mass Media: A Selective Review of Research." *Journal of Research in Crime and Delinquency* 18(2):319–350.

Gay, Claudine. 2006. "Seeing Difference: The Effect of Economic Disparity on Black Attitudes Toward Latinos." *American Journal of Political Science* 50(4):982–997.

Gilens, Martin. 1996. "Race and Poverty in American: Public Misperceptions and the American News Media." *Public Opinion Quarterly* 60(4):515–541.

Gilens, Martin. 2000. *Why Americans Hate Welfare: Race, Media, and the Politics of Antipovert Policy*. Chicago: University of Chicago Press.

Gilliam, Franklin D. and Shanto Iyengar. 2000. "Prime Suspects: The Influence of Local Television on the Viewing Public." *American Journal of Political Science* 44(3):560–573.

Gilliam, Franklin D., Shanto Iyengar, Adam Simon and Oliver Wright. 1996. "The Violent, Scary World of Local News." *Harvard International Journal of Press/Politics* 1(3):6–23.

Giner-Sorolila, Roger and Shelly Chaiken. 1997. "Selective Use of Heuristic and Systematic Processing Under Defense Motivation." *Personality and Social Psychology Bulletin* 23(1):84–97.

Gomes, Ralph C. and Linda Faye Williams. 1990. "Race and Crime: The Role of the Media in Perpetuating Racism and Classism in America." *Urban League Review* 14(1):57–69.

Gottschalk, Marie. 2006. *The Prison and the Gallows: The Politics of Mass Incarceration in America.* New York: Cambridge University Press.

Gove, Walter R., Michael Hughes and Michael Geerken. 1985. "Are Uniform Crime Reports a Valid Indicator of the Index Crimes? An Affirmative Answer with Minor Qualifications." *Criminology* 23(3):451–502.

Graber, Doris A. 1980. *Crime News and the Public.* Westport, CT: Praeger.

Grant, J. Tobin and Thomas J. Rudolph. 2003. "Value Conflict, Group Affect, and the Issue of Campaign Finance." *American Journal of Political Science* 47(3):453–469.

Grasmick, Harold G. and Anne L. McGill. 2006. "Religion, Attribution Style, and Punitiveness Toward Juvenile Offenders." *Criminology* 32(1):23–46.

Gross, Samuel R. and Phoebe C. Ellsworth. 2001. "Second Thoughts: Americans' Views on the Death Penalty at the Turn of the Century." *Public Law and Legal Theory Research Paper* (No. 00-05).

Habermas, Jürgen. 1985. *The Theory of Communicative Action: Reason and the Rationalization of Society.* Vol. 1 New York: Beacon Press.

Haider-Markel, Donald P. and Mark R. Joslyn. 2001. "Gun Policy, Opinion, Tragedy, and Blame Attribution." *Journal of Politics* 63(2):520–543.

Hamilton, David L. and Tina K. Trolier. 1986. Stereotypes and Stereotyping: An Overview of the Cognitive Approach. In *Prejudice, Discrimination, and Racism*, ed. John F. Dovidio and Samuel L. Gaertner. Orlando, FL: Academic Press pp. 127–163.

Hansen, Bruce E. 1992. "Testing for Parameter Instability in Linear Models." *Journal of Policy Modeling* 14(4):517–533.

Harris, Philip W. 1986. "Over-Simplification and Error in Public Opinion Surveys on Capital Punishment." *Justice Quarterly* 3(4):429–455.

Haugtvedt, Curtis P. and Duane T. Wegener. 1994. "Message Order Effects in Persuasion: An Attitude Strength Perspective." *The Journal of Consumer Research* 21(1):205–218.

Hoekstra, Valerie J. 1995. "The Supreme Court and Opinion Change." *American Politics Research* 23(1):109–129.

Hoenisch, Steve. 2004. "Crime Policy of the Republican Party." *Criticism* 1(2):1–17.

Huckfeldt, Robert and John Sprague. 1987. "Networks in Context: The Social Flow of Political Information." *American Political Science Review* 81(4):1197–1216.

Hurwitz, Jon and Mark Peffley. 1997. "Public Perceptions of Race and Crime: The Role of Racial Stereotypes." *American Journal of Political Science* 41(2):375–401.

Hurwitz, Jon and Mark Peffley. 2005. "Playing the Race Card in the Post-Willie Horton Era: The Impact of Racialized Code Words on Support for Punitive Crime Policy." *Public Opinion Quarterly* 69(1):99–112.

Iyengar, Shanto. 1991. *Is Anyone Responsible?* Chicago, IL: The University of Chicago Press.

Iyengar, Shanto and Donald R. Kinder. 1987. *News That Matters.* Chicago, IL: The University of Chicago Press.

Jackman, Robert W. and William A. Boyd. 1979. "Multiple Sources in the Collection of Data on Political Conflict." *American Journal of Political Science* 23(2):434–458.

Jackson, John E. 1975. "Issues, Party Choices, and Presidential Votes." *American Journal of Political Science* 19(2):161–185.

Jackson, Pamela Irving and Leo Carroll. 1981. "Race and the War on Crime: The Sociopolitical Determinants of Municipal Police Expenditures in 90 non-Southern U.S. Cities." *American Sociologial Review* 46(3):290–305.

Jacoby, William G. 2000. "Issue Framing and Public Opinion on Government Spending." *American Journal of Political Science* 44(4):750–767.

Jamieson, Kathleen Hall. 1996. *Packaging the Presidency.* New York: Oxford University Press.

Jenkins, J. Craig and Charles Perrow. 1977. "Insurgency of the Powerless: Farm Workers Movements (1946-1972)." *American Sociological Review* 42(2):249–268.

Johnson, Blair T., Aaron Smith-McLallen, Ley A. Killeya and Kenneth D. Levin. 2004. Truth or Consequences: Overcoming Resistance to Persuasion with Positive Thinking. In *Resistance and Persuasion*, ed. Eric S. Knowles and Jay Linn. Mahwah, NJ: Lawrence Erlbaum pp. 215–234.

Johnson, Timothy R. and Andrew D. Martin. 1998. "The Public's Conditional Response to Supreme Court Decisions." *American Political Science Review* 92(2):299–309.

Katz, Jack. 1987. "What Makes Crime 'News'?" *Media, Culture and Society* 9(1):47–75.

Keele, Luke J. 2007. "Social Capital and the Dynamics of Trust in Government." *American Journal of Political Science* 51(2):241–254.

Kellstedt, Paul M. 2003. *The Mass Media and the Dynamics of American Racial Attitudes*. New York: Cambridge University Press.

Kernell, Samuel. 2006. *Going Public: New Strategies of Presidential Leadership*. 4th ed. Washington, DC: CQ Press.

Kinder, Donald R. and Lynn M. Sanders. 1996. *Divided by Color*. Chicago, IL: University of Chicago Press.

Kinder, Donald R. and Tali Mendelberg. 2000. Individualism Reconsidered. In *Racialized Politics*, ed. David O. Sears, Jim Sidanius and Lawrence Bobo. Chicago, IL: The University of Chicago Press pp. 44–74.

Kingdon, John W. 1973. *Congressmen's Voting Decisions*. New York: Harper and Row.

Krippendorff, Klaus. 2004. *Content Analysis: An Introduction to Its Methodology.* 2 ed. Thousand Oaks, CA: Sage Publications.

Krosnick, Jon A. and Donald R. Kinder. 1990. "Altering the Foundations of Support for the President Through Priming." *American Political Science Review* 84(2):497–512.

Krosnick, Jon A. and Laura A. Brannon. 1993. "The Impact of the Gulf War on the Ingredients of Presidential Evaluations: Multidimensional Effects of Political Involvement." *American Political Science Review* 87(4):963–975.

Kuan, Chung-Ming and Kurt Hornik. 1995. "The Generalized Fluctuation Test: A Unifying View." *Econometric Reviews* 14(2):135–161.

Lain, Corinna Barrett. 2007. "*Furman* Fundamentals." *Washington Law Review* 82(1):1–74.

Langworthy, Robert H. and John T. Whitehead. 1986. "Liberalism and Fear as Explanations of Punitiveness." *Criminology* 24(3):575–591.

Lau, Richard R. 1982. "Negativity in Political Perception." *Political Behavior* 4(4):353–377.

Lau, Richard R. 1985. "Two Explanations for Negativity Effects in Political Behavior." *American Journal of Political Science* 29(1):119–138.

Lazarsfeld, Paul F., Bernard Berelson and Hazel Gaudet. 1944. *The People's Choice: How the Voter Makes Up His Mind in a Presidential Campaign.* New York: Duell, Sloan and Pierce.

Lipsky, Michael. 1983. *Street Level Bureaucracy.* New York: Russel Sage Foundation.

Locksley, Anne, Eugene Borgida, Nancy Brekke and Christine Hepburn. 1980. "Sex Stereotypes and Social Judgments." *Journal of Personality and Social Psychology* 39(5):821–831.

Lodge, Milton and Ruth Hamill. 1986. "A Partisan Schema for Political Information Processing." *American Political Science Review* 83(2):399–419.

Loo, Dennis D. and Ruth-Ellen M. Grimes. 2004. "Polls, Politics, and Crime: The "Law and Order" Issue of the 1960s." *Western Criminology Review* 5(1):50–67.

Lord, Charles G., Lee Ross and Mark R. Lepper. 1979. "Biased Assimilation and Attitude Polarization: The Effects of Prior Theories on Subsequently Considered Evidence." *Journal of Personality and Social Psychology* 37(11):2098–2109.

Ludwig, Jens, Greg J. Duncan and Paul Hirschfield. 2001. "Urban Poverty and Juvenile Crime: Evidence from a Randomized Housing-Mobility Experiment." *The Quarterly Journal of Economics* 116(2):655–679.

Maheswaran, Durairaj and Joan Meyers-Levy. 1990. "The Influence of Message Framing and Issue Involvement." *Journal of Marketing Research* 27(3):361–367.

Mann, Coramae Richey. 1993. *Unequal Justice: A Question of Color*. Bloomington, IN: Indiana University Press.

Marion, Nancy E. 1994. *A History of Federal Crime Control Initiatives, 1960-1993*. London: Praeger.

Marshall, Thomas R. 1998. *Public Opinion and the Supreme Court*. Boston: Unwin Hyman.

Mayer, William G. 1993. *The Changing American Mind*. Ann Arbor, MI: University of Michigan Press.

Mayhew, David. 1974. *Congress: The Electoral Connection.* New Haven, CT: Yale University Press.

McCombs, Maxwell E. and Donald L. Shaw. 1972. "The Agenda-Setting Function of Mass Media." *Public Opinion Quarterly* 36(2):176–187.

McCombs, Maxwell E. and Donald L. Shaw. 1993. "The Evolution of Agenda-Setting Research: Twenty-Five Years in the Marketplace of Ideas." *Journal of Communication* 43(2):58–67.

McGuire, William J. 1968. Personality and Susceptibility to Social Influence. In *Handbook of Personality Theory and Research*, ed. Edgar F. Borgatta and William W. Lambert. Chicago: Rand-McNally pp. 1130–1187.

McGuire, William J. 1969. The Nature of Attitudes and Attitude Change. In *Handbook of Social Psychology*, ed. Gardner Lindzey and Elliot Aronson. Vol. 3 Reading, MA: Addison-Wesley pp. 136–314.

McIntyre, Jennie. 1967. "Public Attitudes toward Crime and Law Enforcement." *Annals of the American Academy of Political and Social Science* 374(1):34–46.

McLeod, Jack M., Lee B. Becker and James E. Byrnes. 1974. "Another Look at the Agenda-Setting Function of the Press." *Communication Research* 1(2):131–166.

Meier, Kenneth J. 1994. *The Politics of Sin.* New York: M.E. Sharpe.

Meltsner, Michael. 2006. *The Making of a Civil Rights Lawyer.* Charlottesville, VA: University of Virgina Press.

Mendelberg, Tali. 1997. "Executing Hortons: Racial Crime in the 1988 Presidential Campaign." *Public Opinion Quarterly* 61(1):134–157.

Mendelberg, Tali. 2001. *The Race Card*. Princeton, NJ: Princeton University Press.

Meyerowitz, Beth E. and Shelly Chaiken. 1987. "The Effect of Message Framing on Breast Self-Examination Attitudes, Intentions, and Behavior." *Journal of Personality and Social Psychology* 52(3):500–510.

Miller, G. A. 1957. "The Magic Number Seven, Plus or Minus Two: Some Limits on Our Capacity for Processing Information." *Psychological Review* 63:81–97.

Miller, Joanne M. and Jon A. Krosnick. 2000. "News Media Impact on the Ingredients of Presidential Evaluations: Politically Knowledgable Citizens are Guided by a Trusted Source." *American Journal of Political Science* 44(2):301–315.

Miller, Norman and Donald T. Campbell. 1959. "Recency and Primacy in Persuasion as a Function of the Timing of Speeches and Measurements." *Journal of Abnormal Psychology* 59(1):1–9.

Mullen, Kevin J. 2005. *Dangerous Strangers*. New York, NY: Palgrave Macmillan.

Murakawa, Naomi. 2005. "Electing to Punish: Congress, Race, and the American Criminal Justice State." Ph.D. diss. Yale University.

Mutz, Diana C. 1992. "Mass Media and the Depoliticization of Personal Experience." *American Journal of Political Science* 36(2):483–508.

Mutz, Diana C. 1998. *Impersonal Influence: How Perceptions of Mass Collective Affect Political Attitudes*. Cambridge, UK: Cambridge University Press.

Mutz, Diana C., Paul M. Sniderman and Richard A. Brody. 1996. Political Persuasion: The Birth of a Field of Study. In *Political Persuasion and Attitude Change*, ed. Diana C. Mutz, Paul M. Sniderman and Richard A. Brody. Ann Arbor, MI: Univeristy of Michigan Press pp. 1–14.

Myers, Daniel J. and Beth S. Caniglia. 2004. "All the Rioting That's Fit to Print: Selection Effects in National Newspaper Coverage of Civil Disorders, 1968-1968." *American Sociological Review* 69(4):519–543.

Nelson, John S. and George Robert Boynton. 1997. *Video Rhetorics: Televised Advertising in American Politics*. Champaign, IL: University of Illinois Press.

Nelson, Thomas E. and Donald R. Kinder. 1996. "Issue Frames and Group-Centrism in American Public Opinion." *Journal of Politics* 58:1055–1078.

Nelson, Thomas E., Rosalee A. Clawson and Zoe M. Oxley. 1997. "Media Framing of a Civil Liberties Conflict and Its Effect on Tolerance." *American Political Science Review* 91(3):567–583.

Nelson, Thomas E. and Zoe M. Oxley. 1999. "Issue Framing Effects on Belief Importance and Opinion." *Journal of Politics* 61(4):1040–1067.

Nicholson-Crotty, Sean, David A.M. Peterson and Mark D. Ramirez. 2009. "Dynamic Representation(s): Federal Criminal Justice Policy and an Alternative Dimension of Policy Mood." *Political Behavior* 3(4):501–532.

Nicholson, Stephen P. and Robert M. Howard. 2003. "Framing Support for the Supreme Court in the Aftermath of Bush v. Gore." *Journal of Politics* 65(3):676–695.

Nixon, Richard M. 1971. "Annual Message to the Congress on the State of the Union, January 22, 1970." *Public Papers of the Presidents of the United States* pp. 8–16.

Oliver, Pamela E. and Gregory M. Maney. 2000. "Political Processes and Local Newspaper Coverage of Protest Events: From Selection Bias to Triadic Interactions." *American Journal of Sociology* 106(2):463–505.

Olzak, Susan. 1992. *The Dynamics of Ethnic Competition and Conflict*. Palo Alto, CA: Stanford University Press.

Omi, Michael and Howard Winant. 1986. *Racial Formation in the United States: From the 1960s to the 1980s*. New York: Routledge & Kegan Paul.

Page, Benjamin I. and Robert Y. Shapiro. 1992. *The Rational Public*. Chicago, IL: The University of Chicago Press.

Page, Benjamin I., Robert Y. Shapiro and Gleen R. Dempsey. 1987. "What Moves Public Opinion?" *American Political Science Review* 81(1):23–43.

Paige, Jeffery. 1975. *Agrarian Revolution: Social Movements and Export Agriculture in the Under-developed World*. New York: Free Press.

Park, Jong Hee. 2007. "Bayesian Analysis of Structural Change: Historical Changes in U.S. Presidential Use of Force Abroad." *Annual meeting of the Society for Political Methodology* State College, Pennsylvania.

Payne, Brian K. and Randy R. Gainey. 1999. "Attitudes Toward Electronic Monitoring among Monitored Offenders and Criminal Justice Students." *Journal of Offender Rehabilitation* 29(3/4):195–208.

Payne, Brian K., Randy R. Gainey, Ruth A. Triplett and Monda J.E. Danner. 2004. "What Drives Punitive Beliefs?: Demographic Characteristics and Justifications for Sentencing." *Journal of Criminal Justice* 32(3):195–206.

Peffley, Mark and Jon Hurwitz. 1997. "Racial Stereotypes and Whites' Political Views of Blacks in the Context of Welfare and Crime." *American Journal of Political Science* 41(1):30–60.

Peffley, Mark and Jon Hurwitz. 1998. Whites' Stereotypes of Blacks: Sources and Political Consequences. In *Perception and Prejudice*, ed. Jon Hurwitz and Mark Peffley. New Haven, CT: Yale University Press pp. 58–99.

Peffley, Mark and Jon Hurwitz. 2002. "The Racial Components of "Race-Neutral" Crime Policy Attitudes." *Political Psychology* 23(1):59–75.

Peffley, Mark, Jon Hurwitz and Paul M. Sniderman. 2007. "Persuasion and Resistance: Race and the Death Penalty in America." *American Journal of Political Science* 51(4):996–1012.

Peffley, Mark, Todd Shields and Bruce Williams. 2007. "The Intersection of Race and Crime in Television News Stories: An Experimental Study." *Political Communication* 13(3):309–328.

Petty, Richard E. and Duane T. Wegener. 1986. Attitude Change: Multiple Roles for Persuasion Variables. In *The Handbook of Social Psychology, Fourth Edition*, ed. Daniel T. Gilbert, Susan T. Fiske and Gardner Lindzey. Oxford, U.K.: Oxford University Press pp. 323–390.

Petty, Richard T. and John T. Cacioppo. 1998. *Communication and Persuasion*. New York: Springer-Verlag.

Polsby, Nelson W. 1960. "How to Study Community Power: The Pluralist Alternative." *Journal of Politics* 22(3):474–484.

Price, Vincent, Lilach Nir and Joseph N. Cappella. 2005. "Framing Public Discussion of Gay Civil Unions." *Public Opinion Quarterly* 69(2):179–212.

Radelet, Michael L. and Marian J. Borg. 2000. "The Changing Nature of Death Penalty Debates." *Annnual Review of Sociology* 26:43–61.

Rankin, Joseph H. 1979. "Changing Attitudes toward Capital Punishment." *Social Forces* 58(1):194–211.

Raphael, Steven and Rudolf Winter-Ebrner. 2001. "Identifying the Effect of Unemployment on Crime." *The Journal of Law and Economics* 44(1):259–283.

Riker, William H. 1982. *Liberalism Against Populism.* Prospect Heights, IL: Waveland Press.

Riker, William H. 1986. *The Art of Political Manipulation.* New Haven, CT: Yale University Press.

Roberts, Dorothy E. 1993. "Crime, Race, and Reproduction." *Tulane Law Review* 67(6):1945–1977.

Roberts, Julian V. and Loretta J. Stalans. 1997. *Public Opinion, Crime, and Criminal Justice.* Boulder, CO: Westview Press.

Rosenberg, Gerald N. 1991. *The Hollow Hope: Can Courts Bring about Social Change?* Chicago, Il: The University of Chicago Press.

Russell, Katheryn K. 1998. *Color of Crime: Racial Hoaxes, White Fear, Black Protectionism, Police Harassment, and Other Macroaggressions.* New York: New York University Press.

Savelsberg, Joachim J. 1999. "Controlling Violence: Criminal Justice, Society, and Lessons from the US." *Crime, Law, & Social Change* 30(2):185–203.

Schattschneider, E. E. 1960. *The Semisovereign People: A Realist's View of Democracy in America.* Austin, Tx: Holt, Rinehart and Winston.

Schattschneider, E. E. 1975. *The Semisovereign People: A Realist's View of Democracy in America*. New York: Holt, Rinehart, and Winston.

Scheingold, Stuart. 1984. *The Politics of Law and Order: Street Crime and Public Policy*. New York: Longman.

Scheingold, Stuart. 1992. *The Politics of Street Crime: Criminal Process and Cultural Obsession*. Philadelphia, PA: Temple University Press.

Schissel, Bernard. 1997. *Blaming Children: Youth Crime, Moral Panic and the Politics of Hate*. Halifax, Nova Scotia: Fernwood Publishing.

Schneider, Anne and Helen Ingram. 1993. "Social Construction of Target Populations: Implications for Politics and Policy." *American Political Science Review* 87(2):334–347.

Schram, Sanford F. and Joe Soss. 2001. "Success Stories: Welfare Reform, Policy Discourse, and the Politics of Research." *Annals of the American Academy of Political and Social Sciences* .

Schuman, Howard and Stanley Presser. 1981. *Questions and Answers in Attitude Surveys: Experiments on Question Form, Wording, and Content*. New York: Academic Press.

Schumpeter, Joseph. 1950. *Capitalism, Socialism, and Democracy*. New York: Harper Perennial.

Sears, David O., Jim Sidanius and Lawrence Bobo. 1980. *Racialized Politics*. Chicago, Il: The University of Chicago Press.

Sears, David O., Richard R. Lau, Tom R. Tyler and Harris M. Allen. 2000. "Self-Interest vs. Symbolic Politics in Policy Attitudes and Presidential Voting." *American Political Science Review* 74(3):670–684.

Secret, Philip E. and James B. Johnson. 1989. "Racial Differences in Attitudes Toward Crime Control." *Journal of Criminal Justice* 17(5):361–375.

Sheley, Joseph F. and Cindy D. Ashkins. 1981. "Crime, Crime News, and Crime Views." *Public Opinion Quarterly* 45(4):492–506.

Sherizen, Sanford. 1978. Social Creation of Crime News. In *Deviance and Mass Media*, ed. Charles Winick. Beverly Hills, CA: Sage pp. 203–224.

Sigal, Leon V. 1973. *Reporters and Officials: The Organization and Politics of Newsmaking*. Lexington, MA: Heath.

Sigelman, Lee and Susan Welch. 1993. "The Contact Hypothesis Revisited: Black-White Interaction and Positive Racial Attitudes." *Social Forces* 71(3):781–795.

Simon, Adam F. 2002. *The Winning Message: Candidate Behavior, Campaign Discourse, and Democracy*. Cambridge, UK: Cambridge University Press.

Simon, Jonathan. 2007. *Governing Through Crime*. New York: Oxford University Press.

Sims, Barbara and Eric Johnston. 2004. "Examining Public Opinion about Crime and Justice: A Statewide Study." *Criminal Justice Policy Review* 15(3):270–293.

Skogan, Wesley G. 1981. *Issues in the Measurement of Victimization*. Rockville, MD: National Institute of Justice.

Sloop, John M. 1996. *Cultural Prison: Discourse, Prisoners, and Punishment.* Tuscaloosa, AL: The University of Alabama Press.

Smith, Stephen F. 2008. "The Supreme Court and the Politics of Death." *Virginia Law Review* 94(2):284–336.

Smith, Stephen M. and Richard E. Petty. 1996. "Message Framing and Persuasion: A Message Processing Analysis." *Personality and Social Psychology Bulletin* 22(3):257–268.

Sniderman, Paul M. and Edward G. Carmines. 1997. *Reaching Beyond Race.* Cambridge, MA: Harvard University Press.

Soley, Lawrence. 1992. *The News Shapers: The Sources Who Explain the News.* New York: Praeger.

Sorenson, Susan B. and Julie G. Peterson Manz. 1998. "News Media Coverage and the Epidemiology of Homicide." *American Journal of Public Health* 88(10):1510–1514.

Soss, Joe, Laura Langbein and Alan R. Metelko. 2003. "Why Do White Americans Support the Death Penalty?" *Journal of Politics* 65(2):397–421.

Spohn, Cassia. 1990. "The Sentencing Decisions of Black and White Judges: Some Expected and Unexpected Similarties." *Law & Society Review* 24(5):1197–1216.

Stabile, Carol. 2006. *White Victims, Black Villains: Gender, Race, and Crime News in US Culture.* New York: Routledge.

Steffensmeier, Darrell, Jeffery Ulmer and John Kramer. 1998. "The Interaction of Race, Gender, and Age in Criminal Sentencing: The Punishment Cost of Being Young, Black, and Male." *Criminology* 36(4):763–797.

Stephenson, Gilbert Thomas. 1910. *Race Distinctions in American Law*. New York: D. Appleton and Company.

Stimson, James A. 1999. *Public Opinion in America: Moods, Cycles, and Swings*. 2nd ed. Boulder, CO: Westview Press.

Stimson, James A., Michael B. Mackuen and Robert S. Erikson. 1995. "Dynamic Representation." *American Political Science Review* 89(3):543–565.

Sutton, Adam. 1997. Crime Prevention: The Policy Dilemmas—A Personal Account. In *Crime Prevention in Australia*, ed. Pat O'Malley and Adam Sutton. Sydney, AU: The Federation Press.

Taber, Charles S. and Milton Lodge. 2006. "Motivated Skepticism in the Evaluation of Political Beliefs." *American Journal of Political Science* 50(3):755–769.

Takeshita, Toshio. 2005. "Current Critical Problems in Agenda-Setting Research." *International Journal of Public Opinion* pp. 1–22.

Taylor, Charles Lewis and David A. Jodice. 1983. *World Handbook of Political and Social Indicators*. 3rd ed. New Haven, CT: Yale University Press.

Taylor, D. Garth, Kim Lane Scheppele and Arthur T. Stinchcombe. 1979. "Salience of Crime and Support for Harsher Criminal Sanctions." *Social Problems* 26(4):413–424.

Thomas, Charles and Robin Cage. 1976. "Correlates of Public Attitudes Toward Legal Sanctions." *International Journal of Criminology and Penology* 4:239–255.

Thomas, Charles and Samuel Foster. 1975. "A Sociological Perspective on Public Support for Capital Punishment." *American Journal of Orthopsychiatry* 45(4):641–657.

Tyler, Tom R. and Renee Weber. 1982. "Support for the Death Penalty; Instrumental Response to Crime, or Symbolic Attitude?" *Law & Society Review* 17(1):21–46.

Valentino, Nicholas A. 1999. "Crime News and the Priming of Racial Attitudes During Evaluations of the President." *Public Opinion Quarterly* 63(3):293–320.

Valentino, Nicholas A., Vincent L. Hutchings and Ismail K. White. 2002. "Cues that Matter: How Political Ads Prime Racial Attitudes During Campaigns." *American Political Science Review* 96(1):75–90.

Walker, Samuel, Cassia Spohn and Mirian DeLone. 1996. *The Color of Justice*. New York: Wadsworth Publishing Company.

Warr, Mark. 1995. "The Polls—Poll Trends: Public Opinion On Crime and Punishment." *Public Opinion Quarterly* 59(2):296–310.

Warr, Mark. 2000. Public Perceptions of and reactions to crime. In *Criminology: A Contemporary Handbook*, ed. Joseph F. Sheley. Belmont, CA: Wadsworth pp. 13–31.

Warr, Mark, Robert F. Meier and Maynard L. Erickson. 1983. "Norms, Theories of Punishment, and Publicly Preferred Penalties for Crimes." *The Sociological Quarterly* 24:75–91.

Weaver, Vesla M. 2007. "Frontlash: Race and the Development of Punitive Crime Policy." *Studies in American Political Development* 21(2):230–265.

Western, Bruce. 2006. *Punishment and Inequality in America*. New York: Russell Sage Foundation.

Wilson, James Q. 1975. *Thinking about Crime*. New York: Basic Books.

Wlezien, Christopher. 1995. "The Public as Thermostat: Dynamics of Preferences for Spending." *American Journal of Political Science* 39(4):981–1000.

Woolley, John T. 2000. "Using Media-Based Data in Studies of Politics." *American Journal of Political Science* 44(1):156–173.

Zaller, John R. 1992. *The Nature and Origins of Mass Opinion.* Cambridge, U.K.: Cambridge University Press.

Zamble, Edward and Kerry Lee Kalm. 1990. "General and Specific Measures of Public Attitutdes toward Sentencing." *Canadian Journal of Behavioural Science* 22(3):327–337.

Zilber, Jeremy and David Niven. 2000. "Stereotypes in the News: Media Coverage of African Americans in Congress." *Harvard International Journal of Press/Politics* 5(1):32–49.

Zimring, Franklin E., Gordon Hawkins and Sam Kamin. 2001. *Punishment and Democracy: Three Strikes and You're Out in California.* New York: Oxford University Press.

APPENDIX 1

MEASURING PUNITIVE SENTIMENT

The over time measure of the public's preferences for punitive policies is constructed from 242 administrations of 24 different survey questions. The survey marginals (percent favoring the punitive response option), along with the date of survey administration, and sample sizes for each item are computed into a single index using the WCALC algorithm by Stimson (1991). The measure explains 64% of the variance of the individual indicators (Eigenvalue = $1.87, \mu = 55.68, s.d. = 5.09$). Listed below is the survey organization for each indicator, the complete question wording, and the range of years the item was administered. Also included is the number of administrations (n) contributing to the final index, the mean and standard deviation of each item and the correlation between each item and the component series. All of the items are taken from national representative samples accessed from the Roper Center for Public Opinion Archive.

Item: courts

Survey organization: Gallup

Question wording: In general, do you think the courts in this area deal too harshly or not harshly enough with criminals?

Administrations: 1965-1993, $n = 7$ ($\mu = 72.5, s.d. = 11.0$); 0.84

Item: courts

Survey organization: General Social Survey

Question wording: In general, do you think the courts in this area deal too harshly

or not harshly enough with criminals?

Administrations: 1972-2006, $n = 26$ ($\mu = 78.5, s.d. = 6.8$); 0.83

Item: death penalty

Survey organization: Harris

Question wording: Do you believe in capital punishment, that is the death penalty (death penalty), or are you opposed to it?

Administrations: 1969-2003, $n = 12$ ($\mu = 64, s.d. = 9.3$); 0.94

Item: death penalty

Survey organization: Gallup

Question wording: Are you in favor of the death penalty for a person convicted of murder?

Administrations: 1936-2007, $n = 42$ ($\mu = 63.7, s.d. = 10.5$); 0.93

Item: death penalty (under 21)

Survey organization: Gallup

Question wording: Are you in favor of the death penalty for persons under 21 (for murder)?

Administrations: 1936-1965, $n = 3$ ($\mu = 41.3, s.d. = 6.6$); -0.53

Item: death penalty (options 1)

Survey organization: Gallup

Question wording: What do you think should be the penalty for murder—death or life imprisonment, with absolutely no possibility of parole?

Administrations: 1985-2000, $n = 11$ ($\mu = 54.3, s.d. = 3.8$); 0.63

Item: death penalty (options 2)

Survey organization: Gallup

Question wording: If you could choose between the following two approaches, which do you think is the better penalty for murder—the death penalty or life imprisonment, with absolutely no possibility of parole?

Administrations: 2000-2006, $n = 8$ ($\mu = 52.0, s.d. = 2.9$); 0.80

Item: death penalty (frequency)

Survey organization: Gallup

Question wording: In your opinion, is the death penalty imposed—too often, about the right amount, or not often enough?

Administrations: 2001-2006, $n = 6$ ($\mu = 47.3, s.d. = 4.7$); -0.71

Item: death penalty vs. prison

Survey organization: Harris

Question wording: Suppose that it could be proven to your satisfaction that the death penalty was not more effective than long prison sentences in keeping other people from committing crimes such as murder, would you be in favor of the death penalty or opposed to it?

Administrations: 1973-1983, $n = 3$ ($\mu = 40, s.d. = 8.0$); 0.85

Item: death penalty (circumstance)

Survey organization: Harris

Question wording: Do you feel that all persons convicted of . . . first degree murder should get the death penalty, that no one convicted of . . . first degree murder . . . should

get the death penalty, or do you feel that whether or not someone convicted of . . . first degree murder . . . gets the death penalty should depend on the circumstances of the case and the character of the person?

Administrations: 1973-1983, $n = 3$ ($\mu = 31.7, s.d. = 5.9$); -0.42

Item: death penalty

Survey organization: LA Times

Question wording: Generally speaking, are you in favor of the death penalty for persons convicted of murder, or are you opposed to that—or havn't you heard enough about that yet to say? (If in favor or opposed) Is that (in favor/opposed) strongly or (in favor/opposed) somewhat?

Administrations: 1986-1989 , $n = 2$ ($\mu = 71.5, s.d. = 2.5$); -1.00

Item: death penalty

Survey organization: General Social Survey

Question wording: Do you favor or oppose the death penalty for persons convicted of murder?

Administrations: 1972-2006, $n = 26$ ($\mu = 68.2, s.d. = 5.4$); 0.92

Item: death penalty (rape)

Survey organization: Harris

Question wording: Do you feel that all persons convicted of . . . rape . . . should get the death penalty, or do you feel that whether or not someone convicted of . . . rape . . . gets the death penalty should depend on the circumstances of the case and the character of the person?

Administrations: 1973-1976, $n = 2$ ($\mu = 19.5, s.d. = 0.5$); 1.00

Item: death penalty (rape)

Survey organization: Gallup

Question wording: Are you in favor of the death penalty for persons convicted of . . . Rape?

Administrations: 1978-1988, $n = 4$ ($\mu = 41.3, s.d. = 7.3$); 0.83

Item: prisons (build)

Survey organization: ABC News

Question wording: Would you approve or disapprove of building more prisons so that longer sentences could be given to criminals?

Administrations: 1982-1994, $n = 3$ ($\mu = 71.5, s.d. = 1.5$); -1.00

Item: prisons (purpose)

Survey organization: Harris

Question wording: Now what do you think should be the main emphasis in most prisons—punishing the individual convicted of a crime, trying to rehabilitate the individual so he might become a productive citizen, or imprisoning him to protect society from future crimes he might commit?

Administrations: 1970-1982, $n = 3$ ($\mu = 14.7, s.d. = 4.8$); 0.99

Item: prisons (purpose)

Survey organization: Roper

Question wording: There are different opinions about the main purpose of prisons. Which one of the statements on this card comes closest to expressing your point of view on prisons? (Punish criminals, rehabilitation, both equally).

Administrations: 1971-1980, $n = 3$ ($\mu = 22.7, s.d. = 7.0$); 0.91

Item: law enforcement

Survey organization: Roper

Question wording: Most people are concerned about the increase in crime and lawlessness that has been taking place across the country. On which would you like to see us rely more heavily: severer penalties, corrective programs, on both, don't know?

Administrations: 1975-1981, $n = 3$ ($\mu = 55.0, s.d. = 2.9$); 0.95

Item: law enforcement

Survey organization: Gallup & Los Angeles Times

Question wording: To lower the crime rate in the U.S., some people think additional money and effort should go to attacking the social and economic problems that lead to crime through better education and job training. Others feel more money and effort should go to deterring crime by improving law enforcement with more prisons, police, and judges. Which comes closer to your view?

Administrations: 1989-2004, $n = 8$ ($\mu = 32.7, s.d. = 5.3$); 0.26

Item: sentencing

Survey organization: Roper

Question wording: Frequently on any controversial issue there is no clear cut side that people take, and also frequently solutions on controversial issues are worked out by compromise. But I'm going to name some different things, and for each one would you tell me whether on balance you would be more in favor of it or more opposed to it? ... Harsher prison sentences for those convicted of crimes?

Administrations: 1978-1984, $n = 3$ ($\mu = 84.3, s.d. = 2.1$); 0.85

Item: crime spending

Survey organization: General Social Survey & Roper

Question wording: (We are faced with many problems in this country, none of which can be solved easily or inexpensively. I'm going to name some of these problems and for each one I'd like you to tell me whether you think we're spending too much money on it, too little money, or about the right amount.)... Halting the rising crime rate?

Administrations: 1971-2006, $n = 40$ ($\mu = 65.7, s.d. = 4.7$); 0.70

Item: law enforcement spending

Survey organization: General Social Survey

Question wording: (We are faced with many problems in this country, none of which can be solved easily or inexpensively. I'm going to name some of these problems, and for each one I'd like you to tell me whether you think we're spending too much money on it, too little money, or about the right amount). Are we spending too much, too little, or about the right amount on ... law enforcement?

Administrations: 1984-2006, $n = 16$ ($\mu = 54.8, s.d. = 4.0$); 0.63

Item: "three strikes"

Survey organization: ABC News

Question wording: Would you favor or oppose a law requiring mandatory life imprisonment for anyone convicted of a violent felony for the third time?

Administrations: 1994-2002, $n = 2$ ($\mu = 84.0, s.d. = 2.0$); 1.00

Item: marijuana (criminalization)

Survey organization: Gallup

Question wording: Do you think the possession of small amounts of marijuana should or should not be treated as a criminal offense?

Administrations: 1977-2003, $n = 6$ ($\mu = 50.4, s.d. = 9.2$); 0.05

VITA

Mark Daniel Ramirez

Department of Political Science

Texas A&M University

4348 TAMU

College Station, TX 77843-4348

Education

2009. Ph.D., Political Science, Texas A&M University

Exam fields: American politics, political methodology

2004 B.I.S., *Summa Cum Laude*, Arizona State University

Publications

Ramirez, Mark D. 2009. "The Dynamics of Partisan Conflict on Congressional Approval." *American Journal of Political Science* 53(3): 680-693.

Ramirez, Mark D. 2008. "Procedural Justice and Support for the U.S. Supreme Court." *Political Psychology* 29(5): 675-698.

Ramirez, Mark D. and James E. Monogan, III. 2008. "Posters in LaTeX." *The Political Methodologist* 15(2): 17-22.

The typist for this thesis was Mark D. Ramirez.