

A Descriptive Analysis of Social Correlates
and Their Influence on Attitudes
Toward the Death Penalty

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Abstract

According to the 1976 Gallup Opinion Index, there is a growing trend in the acceptance of the death penalty as punishment for the capital offense of murder. Even women, who have traditionally been against such punitive measures, have shown a dramatic increase in their approval of the death penalty.

The primary objective of this study was to see if differences exist between the attitudes of males and females, Anglos and non-Anglos, and Catholics and Protestants concerning the use of capital punishment. It was hypothesized that females would favor the death penalty more than males, that Anglos would favor the death penalty more than non-Anglos, and that Catholics would favor the death penalty more than Protestants.

An additional hypothesis concerned the different types of offenses that warrant the use of the death penalty. It was hypothesized that people would favor capital punishment for offenses against persons more than for offenses that were not against the person.

Nine different situations were created in which the respondents, acting as jurors, prescribed either the maximum prison term or the death penalty. The results indicated that males, rather than females were more in favor of the death penalty. The differences between Anglos and non-Anglos is not significantly different. Also, there was very little difference existing between the approval or rejection of the death penalty between Catholics and Protestants.

As predicted, the sample as a whole was more in favor of using the death penalty for offenses against the person than for offenses that were not against the person. Discrepancies were found to exist

between what can actually be done to an offender and the punishment the respondents prescribed. Even though eight of the nine situations were not actually capital offenses, a substantial segment of the sample advocated the death penalty for murder, rape, kidnapping, and perjury.

It was concluded that although females are becoming more tolerant of the death penalty, they still do not favor its use as much as males do. Anglos and non-Anglos do not show any significant differences in attitudes toward the death penalty, but whites and nonwhites do. Religious affiliation does not appear to make any difference in the acceptance or rejection of the death penalty, and crimes against the person warrant harsher punishment than crimes that are not committed against the person.

INTRODUCTION

Because selective factors influence who will actually be punished by death for capital offenses, it is conceivable that certain groups of people will be more in favor of the death penalty than others. This study will attempt to discover if significant differences in attitudes about the death penalty exist among males and females, members of different ethnic groups, and Catholics and Protestants. In addition to looking at attitudinal differences among groups, the study will examine whether or not the punishment legally possible for an offense is in accordance with the punishment seen as appropriate by the public.

Review of the Literature

According to the 1976 Gallup Opinion Index, belief in the use of the death penalty for the capital offense of murder in the United States is at the highest level in nearly twenty-five years (1976:23). The utilization of the death penalty, however, remains a controversial issue for moral, social, legal, religious and other reasons (Lunden, 1967:231-2). Identifying the groups that accept and reject capital punishment could perhaps attempt to explain why the trend toward harsher penalties has developed.

Erskine (1970:290-307) combined statistics from several different public opinion polls, including the Gallup, Harris, Survey Research Center and the Texas Poll. These statistics can be used to examine the trends that existed from the late 1930's to the late 1960's concerning the acceptance or rejection of capital punishment for certain offenses. Of primary interest to the current study is the comparison

by sex and religious affiliation. According to the compiled results of the Gallup poll from 1937, 1960, 1965, 1966, and 1969, males have consistently been more in favor of the death penalty than have females. Although the differences were not great, Catholics have been slightly more in favor of the death penalty than have Protestants (Erskine, 1970:293).

More recently, the 1976 Gallup Opinion Index asked the question, "Are you in favor of the death penalty for persons convicted of murder?" A breakdown of the responses by sex and race show some interesting results. Males and females were very close in agreement on the utilization of the death penalty, whereas in 1972, women were almost equally divided in their attitudes for and against. Their change in attitude is one of the most dramatic. Sixty-nine percent of the males were for capital punishment and twenty-five percent were against. Sixty-three percent of females were for and thirty percent were against capital punishment (Gallup, 1976:23).

The Gallup Poll also reports that with the exception of nonwhites, capital punishment became more acceptable in all groups during the years from 1972 to 1976. A majority of the nonwhite group still opposed the use of the death penalty for convicted murderers, which was in keeping with their previous beliefs.

A study done by Elmer Johnson (1957) offers a possible explanation for the opposition of nonwhites to the death penalty. Johnson suggests that there are certain "selective" factors influencing whether or not a person will be subject to capital punishment. Using official statistics of convicted capital offenders who had entered Death Row in a North Carolina prison since 1906, Johnson examined characteristics of the offenders who were executed. Statistics showed that of those

convicted of a capital offense, very few received the death penalty. Not all of those who received the death penalty were executed. Those who were executed were primarily black males of low educational and occupational levels (Johnson, 1957:168-9). Johnson identified socioeconomic status, sex, and race as being selective factors that increase a person's possibility of being executed for an offense. That is, being black, male or of a lower socioeconomic status increases a person's chance of being a victim of capital punishment.

If the theory of selective factors holds true and the victims of capital punishment are limited almost exclusively to males, as Johnson found, (1957:159) then women are not as personally threatened by the death penalty as are men. If women are not directly affected by capital punishment, it is not surprising that they have not opposed the death penalty more than males. The recent statistics, however, indicate that the trend is toward increased female acceptance of the death penalty.

In a study about humanitarian attitudes, Fischer (1973:157-68) correlated sex with questions dealing with humane treatment of criminals. He found that women were less punitive in their attitudes toward criminals than were men. Comparing the findings from these different studies (Johnson and Fischer) with the 1976 Gallup statistics leads us to ask if women's attitudes toward the death penalty are really different from those of males. Comparing the male and female responses concerning the use of capital punishment will be one of the primary concerns of the current study.

Of additional interest is the difference in legal, actual, and desired penalties for criminal offenses, regardless of whether the offenses are punishable by death. Johnson (1957:166) pointed out

that even though a specific offense is legally defined as a capital offense, there is not consensual agreement by the public that people should be sentenced to death for such offenses.

Rose and Prell (1955:248) hypothesized that discrepancies exist between the penalty that can legally be assigned for an offense and what action is actually taken against an offense or what the public feels is appropriate punishment when different crimes are committed. They found that there are significant differences in what can be done according to law, what action is taken, and what the general public thinks should be done (Rose and Prell, 1955:259). They concluded that there are, however, some crimes that most people agree are serious enough to warrant capital punishment.

Gibbons (1969) conducted a study in which people were asked to specify what punishment they considered appropriate for several different types of crime. Respondents were asked to assign penalties for fictitious crimes with possible penalties ranging from execution to no penalty at all. The punishment the respondents assigned were compared to sentences assigned to actual cases in the state of California. Gibbons used these responses as an indicator to judge whether or not public sentiment concerning specific crimes and their penalties were in agreement with what happens in reality.

When compared to the statistics from the California courts, there were both similarities and differences found between the actual treatment of offenders and what the respondents suggested. There was a high degree of agreement about what should be done and what actually is done to people convicted of murder (nearly all murderers are imprisoned). There was a large discrepancy between actual and desired punishment for burglary, with only twenty-five percent of the offenders

being imprisoned in comparison to ninety-two percent of the respondents desiring incarceration (Gibbons, 1969:397). These findings are in agreement with Rose and Prell's suggestions that there are certain crimes that people consider serious enough to warrant severe punishment. Offenses against persons seem to be considered more serious than offenses against property.

From studying statistics and previous research studies dealing with the death penalty, it is obvious that questions exist that have not been thoroughly answered. What differences, if any, exist in the attitudes of males and females, whites and nonwhites, Catholics and Protestants about the death penalty? Do people advocate the death penalty for crimes committed against a person moreso than for crimes committed against a person? Does the punishment legally possible for an offense correspond with the punishment the public sees as appropriate? This study will attempt to answer these questions.

Hypotheses

There was a lack of agreement between the researchers on the predicted relationship between sex and belief in capital punishment; however, the following are the hypotheses that will be tested:

1. Women are more in favor of the death penalty than are men.
2. Anglos favor the death penalty more than non-Anglos.
3. Catholics favor the death penalty more than Protestants.
4. People are more in favor of the death penalty for offenses against the person than for offenses that are not against the person.

METHODOLOGY

Instrument

A questionnaire consisting of fifteen items was used to collect the data for the study (See Appendix). Background information regarding the respondents' sex, ethnic origin, and religious affiliation was gathered. Responses to ethnic origin were confined to Anglo, Black, Mexican-American, or other. In testing the hypotheses, any response other than Anglo was considered non-Anglo. In addition to the general background information, the questionnaire contained nine situations describing offenses committed by an individual. Respondents were asked to indicate what punishment they would prescribe if they were a member of a jury and had to make a decision. Each situation specified that the offender was actually guilty. There were two options for punishment; sentencing the guilty person to the maximum prison sentence or sentencing the person to death. The respondents were not told if the offenses constituted a capital offense or what the maximum prison sentence actually was.

Situations

The first situation involved a couple who returned home and were murdered by a burglar who had broken into their apartment while they were gone. Situation two took place in the lobby of a movie theater when an unidentified person shot and killed a couple that were leaving the show. The third situation was a kidnapping case in which the victim was the child of a successful businessman. The child of a less successful shopowner was kidnapped in another situation. A government building was burned to the ground in the fifth situation. There were two different rape cases; one of the victims was a young child and the second was an older female. A perjury case involved an innocent person

being put to death as a result of the perjured testimony. A government employee gave out security information to government officials in another country in the last situation.

Gathering the Data

The questionnaire was administered to a total of 113 people (one case was excluded because of inaccurate completion). More than two-thirds (78) of the respondents were enrolled in extension courses that were being offered on two different air force bases in San Antonio, Texas. These people were somewhat older than the typical college student, with approximately fifty percent of them being over forty years of age. In most cases they were employed full-time in addition to being students. The remaining respondents (35) were enrolled in on-campus physical education courses at Southwest Texas State University in San Marcos, Texas.

Testing the Hypotheses

A scale was created for the purpose of testing hypotheses one through three. The number of times each respondent chose to use the death penalty for all offenses was counted. This number had a range from zero to a high of nine. For discussion purposes, this number will be referred to as the Death Scale score.

The mean Death Scale score of males and females were compared and a T-test was used to see if there was a statistically significant difference between the mean scores of the two groups. The mean score on the scale for Anglos, Blacks, and Mexican-Americans were computed and compared to test the second hypothesis. The mean scores of Catholics and Protestants were also computed, compared, and a T-test run to test the third hypothesis.

To test the fourth hypothesis, comparing responses about offenses committed against persons to those that were not committed against persons, the difference of proportions was calculated. The mean proportion of those people favoring the death penalty for offenses against the person and the mean proportion of those people favoring the death penalty for offenses not committed against the person were both computed. The difference of these proportions was tested for statistical significance.

RESULTS

The sample was neither random nor representative, therefore, the reader is cautioned in applying the findings to the general public. Table 1 illustrates the composition of the sample. Of the 112 respondents, sixty-seven (60%) were males and forty-five (40%) were females. The majority of the sample was Anglo with non-Anglos making up about forty percent of the sample. More than half of the respondents were Protestants, and Catholics accounted for thirty-eight percent of the respondents. The sample was almost exclusively limited to people having some college education but not yet having received an undergraduate degree.

The mean score on the scale for males was 4.06 and the mean score for females was 2.67. The T-test showed a probability of less than .05, indicating that the difference in the mean scores was statistically significant. The difference, however, is that males are more in favor of the death penalty than are females. Hypothesis one, "Females are more in favor of the death penalty than are males," must be rejected (See Table 2).

Hypothesis two, "Anglos favor the death penalty more than non-Anglos," was tested in the same way. The mean score on the Death

Scale for Anglos was 3.07. The mean score for non-Anglos was 3.78. The probability was greater than .05, which is not statistically significant. This hypothesis must also be rejected (See Table 2).

Hypothesis three was "Catholics favor the death penalty more than Protestants." The mean score for Catholics on the Death Scale was 3.57 and 3.43 for Protestants. This difference was not of statistical significance, and was rejected also (See Table 2).

Hypothesis four was "People are more in favor of the death penalty for offenses against the person than for offenses that are not against the person." Operationally defined, offenses against the person would be the two murder cases, two rape cases, and two kidnapping cases. Offenses not against the person would be offenses against either property or public administration. The perjury, arson, and treason cases comprise the offenses in this category (Texas Legislative Council:VI). The mean proportion of those answering in favor of the death penalty for both kinds of offenses were calculated. The difference in the proportions was less than .005, indicating that it was statistically significant. The fourth hypothesis, therefore, was not rejected (See Table 3).

Additional Findings

Crosstabulation of Male and Female Responses with Situations

Crosstabulating male and female responses to the individual situations made it possible to examine which offenses each sex group approved or disapproved using capital punishment for. The differences in responses between males and females was significant in five of the nine situations. The percentage of the males and females in favor of the death penalty are summarized in Table 4.

In both murder cases, a larger proportion of males than females issued the death penalty. The difference in both situations was statistically significant. The kidnapping case in which the victim was the offspring of a successful businessman was statistically significant because women consistently chose imprisonment over capital punishment for this case. The majority of males also chose imprisonment for the offense, but not nearly as often as females. The arson case produced the closest agreement between males and females of all the nine situations. The similarity in responses was almost identical, ninety-five percent for imprisonment for both males and females. The rape case in which the victim was a child was statistically significant. The majority of males issued the death penalty, while the majority of females chose imprisonment. There was also a significant difference in the case in which the rape victim was an older female. Females consistently chose imprisonment over death (80%). Males were less in agreement, although a small majority did choose imprisonment for the offender. For both the perjury and the treason cases, there were no statistically significant differences. A small majority of both males and females in both cases chose imprisonment over the death penalty.

Crosstabulation of Ethnic Group Responses

Only three of the situations crosstabulating the prescribed penalties with ethnic origin had statistically significant differences. Table 5 summarizes the percentage of Anglos, Blacks and Mexican-Americans choosing imprisonment and the death penalty for the individual offenses.

The two murder cases and the perjury offense were the only situations in which the differences were significant. The Black respondents' anti-capital punishment responses in all three cases appear to be the reason for the significant differences.

In the capital murder cases, Blacks are almost equally divided between imprisonment and the death penalty (See Table 5). Both Anglos and Mexican-Americans are heavily concentrated in the death penalty category for this offense. In the murder case taking place in the theater lobby, the statistics are very much the same. Blacks divided nearly equally, but Anglos and Mexican-Americans by a large majority issued the death penalty. The perjury situation shows a very large proportion of Blacks choosing imprisonment. A smaller majority of Mexican-Americans chose imprisonment and a small majority of Anglos chose the death penalty. In the other six crosstabulations between ethnic origin and the individual situations, Anglos and Mexican-Americans were very close in agreement in all cases, whether it was for or against using the death penalty. The majority of Blacks, however, consistently chose imprisonment over death penalty in every case with the exception of the burglary-murder (See Table 5).

Crosstabulation of Catholics and Protestants with Situations

In comparing the attitudes of Catholics and Protestants, there were no differences of statistical significance in any of the nine situations. Table 6 illustrates how small the differences actually were. Examining the responses of the two religious groups reveals that in only one of the nine situations did the answers differ by more than five percent.

Discrepancies between Desired and Legal Punishment

Some of the most interesting findings of the study dealt with the discrepancy between the punishment that can actually be given for the nine offenses and the punishment the respondents deemed appropriate. Of the nine situations the respondents were asked to assess punishment for, only two of them were actually punishable by death (the burglary-murder, and treason). Table 7 illustrates the percentage of the entire sample who would have the offenders executed (if it were possible) by specific offense. To demonstrate the discrepancy between desired and legal punishment, Table 8 compares the punishment legally possible in the nine situations with the prescribed punishment of the respondents.

As previously mentioned, the first situation is one of the two that actually are a capital offense in the state of Texas. Favor of the death penalty for this offense was the highest percentage for males, females, and all ethnic groups. A large majority of both Catholics and Protestants also favored the death penalty for this offense.

The second murder case is legally defined as a first degree felony, the penalty by law being five to ninety-nine years or life imprisonment. A high of seventy-two percent of the entire sample would have this offender sentenced to death, if it were possible. This offense shows an obvious difference in what can and what would be done to an offender.

Both of the kidnapping cases fall under the category of aggravated kidnapping, which is also a first degree felony. The two rape cases were aggravated rape offenses which also are felonies of the first degree. Looking at Table 8, it is obvious that several people, even

though not comprising a majority, would take more extreme action than is legally possible for these offenses.

The arson case is a second degree felony which is punishable by two to twenty years and a possible fine of up to ten thousand dollars. A very small percentage issued the death penalty for this offense, approximating what actually happens to an arsonist.

The perjury offense legally constitutes aggravated perjury because it was connected with an official proceeding (Texas Legislative Council: 41). It carries a penalty of two to ten years and a possible fine of up to five thousand dollars, a third degree felony. Unlike the arson case, in which the possible penalty and the penalty prescribed by respondents were fairly similar, over forty percent of the respondents chose the death penalty for the perjury case. This offense had the lightest possible penalty of all the situations, but was assigned some rather harsh punishment from the respondents.

Treason is the only offense in the study that is a federal offense, that is, the laws cited for the other offenses are based on the laws of Texas, whereas treason is handled by the federal system. Treason is an offense that receives the death penalty. Only thirty-two percent of the respondents, however, issued the death penalty for this offense. Even though there is some agreement in what can and should be done to criminals, the results of this study indicate that there is a lack of consensus regarding what should be done in all cases.

CONCLUSIONS

Even though the first three hypotheses were rejected, several interesting observations can be made from studying the findings of this research. First of all, even though the hypothesis that females

are more in favor of the death penalty than are males was rejected, a statistically significant difference between the groups was found. It appears that males are more in favor of the death penalty than are females. Even if acceptance of capital punishment by females is increasing, they are still not as tolerant of severe punishment as males are.

Failure to find a statistically significant difference between the mean score of Anglos and non-Anglos on the Death Scale score does not obliterate the fact that differences between Blacks and non-Blacks were found. If Anglos and Mexican-Americans had been combined and compared with Blacks, the difference most likely would have been of statistical significance. If, as Johnson (1957) suggested in his aforementioned study, Blacks have been disproportionately represented in the Death Row population, it is easy to understand why they would consistently favor imprisonment over the death penalty.

In conjunction with this idea, Rose and Prell (1955:259) hypothesized that how people react to the seriousness of a crime will depend on "relevant" background characteristics such as sex and socioeconomic status. Taking into consideration that Blacks have been consistently victimized by criminal injustice, race could be seen as another relevant characteristic influencing how a person responds to the seriousness of a crime.

As reported in the findings, the perjury case, which had the lightest possible penalty, was assigned the death penalty from nearly half of the respondents. The reason behind this may reflect the justification for capital punishment known as retribution (Sellin, 1967:241). Because an innocent person was put to death as a result of the perjury, people were ready to see "justice" done by taking the life of the perjurer.

A few further observations and speculations can be made about the content of this study. It is interesting to note that in the two rape cases, males were more in favor of having the rapist executed than were females. It would seem that since females are allegedly the exclusive victims of rape, they would much more readily have a rapist put to death. A possible explanation for severe reaction on the part of males to rape is suggested by Toby (as cited in Johnston et al, 1962). He suggests that males who have reason to identify with or are close to rape victims would be expected to be more upset by rape offenses than others. A father, a brother or a husband would relate to or worry about his daughter, sister or wife, therefore explaining the "death wish" males have for rapists.

Rapists are more or less looked upon as being sexual deviants in our society. Male aggressiveness toward rapists might be explained as a defense against being associated with the kind of male that would rape a female, especially a small child. Perhaps females see the necessity of punishing rape offenders, but are not as retributive as are males.

Suggestions for Future Studies

Several possibilities for future studies in the area of capital punishment come to mind in reviewing the literature and this study. One of the most interesting and perhaps most informative projects that could be undertaken would be to identify the reasons why people advocate the use of the death penalty.

Ramsey Clark in his book Crime in America (1970), eloquently speaks out against the death penalty. He points out that innocent people have been executed, rehabilitation has been inhibited, criminal justice has

suffered, and most important, the death penalty has not acted as a deterrent (1970:331). If capital punishment is not deterring crime, if the judicial process is being hindered or damaged, what can possibly be the justification of committing the very act that qualifies people for the death penalty, i.e., murder?

A replication of this study using a representative sample would allow more concrete conclusions to be drawn about the attitudinal differences between groups. Using more professional sampling techniques in a study that investigates the reasons why people choose to use the death penalty would provide explanations for group differences if they actually do exist.

Using more situations that are capital offenses would make it possible to compare people's acceptance or rejection of capital punishment to offenses legally punishable by death. This study and previous studies have illustrated that people favor harsher punishment than is allowed for some offenses. Whether or not they would favor less severe punishment for the offenses that constitute capital offenses would be interesting to investigate.

Summary

In summary, the findings of this study indicate the following:

1. Males are more in favor of capital punishment than are females.
2. Catholics and Protestants are extremely close in their attitudes toward the death penalty.
3. Anglos and Mexican-Americans are fairly consistent in their attitudes toward capital punishment. Blacks, however, are much less in favor of the death penalty than are Anglos and Mexican-Americans.

4. People feel that offenses against persons warrant capital punishment more than offenses against property or public administration.
5. People would have offenders who commit murder, rape, and kidnapping more harshly punished than is legally possible at this time.
6. Some offenses, specifically capital murder and arson in this study, are legally punishable in a way that agrees with the opinion of most people.

Table 1. Background Characteristics of the Sample

<u>Sex</u>	<u>Percent</u>	<u>Ethnic Origin</u>	<u>Percent</u>	<u>Religious Affiliation</u>	<u>Percent</u>
Males	60	Anglos	61	Catholic	38
Females	40	Blacks	17	Protestant	51
		Mexican-Americans	19	Other	11
		Other	3		

Table 2. Mean Death Scale Scores

<u>*Males</u>	<u>*Females</u>	<u>Anglos</u>	<u>Non-Anglos</u>	<u>Catholics</u>	<u>Protestants</u>
4.06	2.67	3.07	3.78	3.57	3.43

* $p < .05$ Difference in Mean Death Scale scores is statistically significant.

Table 3. Percentage of Respondents Favoring Death Penalty for Offenses Against the Person and Offenses Not Against the Person and Mean Proportion of Both Types of Offenses

<u>Offenses Against the Person</u>	<u>Percent</u>	<u>Offenses Not Against Person</u>	<u>Percent</u>
Burglary-murder	16.8	Arson	4.5
Murder(theatre)	12.3	Perjury	42.0
Kidnapping (rich victim)	15.2	Treason	32.1
Kidnapping (middle class victim)	25.0		18.6
Rape (child victim)	49.1		
Rape (nurse)	<u>33.0</u>		
	271.4		
Mean Proportion of Offenses Against Person	45.2	Mean Proportion of Offenses Not Against Person	26.2

*p < .05 Difference in Mean Proportions is statistically significant.

Table 4 . Percentage of Males and Females in Favor of Death Penalty by Specific Offense

<u>Offense</u>	<u>Males Percent</u>	<u>Females Percent</u>
*1. Burglary-Murder	88	82
*2. Theatre-Murder	85	53
*3. Kidnap rich victim	22	1
4. Kidnap-middle class victim	30	18
5. Arson	4	4
*6. Child Rape	58	35
*7. Nurse Rape	41	20
8. Perjury	43	20
9. Treason	34	29

*p < .05

Table 5. Percentage of Anglos, Blacks, and Mexican-Americans
Choosing Death Penalty for Specific Offenses

<u>Offense</u>	<u>Anglos Percent</u>	<u>Blacks Percent</u>	<u>Mexican-Americans Percent</u>
*1. Burglary-Murder	79	52	86
*2. Theatre Murder	78	47	71
3. Kidnap-rich victim	16	5	21
4. Kidnap-middle class victim	29	16	29
5. Arson	3	5	10
6. Child Rape	50	26	57
7. Nurse Rape	35	21	33
*8. Perjury	53	16	33
9. Treason	35	21	21

*p<.05

Table 6. Percentage of Catholics and Protestants For or Against Death Penalty by Specific Offense.

<u>Offense</u>	<u>Catholic</u>		<u>Protestant</u>	
	<u>For</u>	<u>Against</u>	<u>For</u>	<u>Against</u>
1. Burglary-Murder	76	24	76	24
2. Theatre-Murder	69	31	74	26
3. Kidnap-rich victim	24	76	10	90
4. Kidnap-middle class victim	29	71	22	78
5. Arson	5	95	3	97
6. Child Rape	52	48	52	48
7. Nurse Rape	33	67	36	64
8. Perjury	40	60	36	64
9. Treason	29	71	33	67

Table 7. Percentage of Total Sample Favoring Imprisonment or Death Penalty by Specific Offense

<u>Offense</u>	<u>Prison</u>	<u>Death</u>
1. Burglary-Murder	23.2	76.8
2. Theatre-Murder	27.7	72.3
3. Kidnap-rich victim	81.9	15.2
4. Kidnap-middle class victim	75.0	25.0
5. Arson	95.0	4.5
6. Child Rape	50.9	49.1
7. Nurse Rape	67.0	33.0
8. Perjury	58.0	42.0
9. Treason	67.9	32.1

Table 8. Comparison of Legally Possible Penalties with Prescribed Penalties of Respondents (in Texas)

<u>Legal Offense</u>	<u>Maximum Penalty Possible by Law</u>	<u>Percentage of Sample for Death</u>
1. Capital Murder (Burglary-Murder)	death penalty	76.8
2. 1st Degree Felony Murder (Theatre)	5-99 years or life in prison	72.3
3. Aggravated Kidnapping 1st Degree Felony (Rich Victim)	5-99 years or life in prison	15.2
4. Aggravated Kidnapping 1st Degree Felony (Middle class victim)	5-99 years or life in prison	25.0
5. Arson 2nd degree felony	2-20 years, fine up to 10,000	4.5
6. Aggravated Rape 1st Degree Felony (Child Rape)	5-99 years or life in prison	49.1
7. Aggravated Rape 1st Degree Felony (Nurse Rape)	5-99 years or life in prison	33.0
8. Aggravated Perjury 3rd Degree Felony	2-10 years, fine up to 5,000	42.0
9. Treason (Federal offense, not subject to state law)	Federal offense- death penalty	32.1

Source: Texas Legislative Council, 1976, Texas Penal Code as Amended through the 1975 Regular Session of the Legislature. St. Paul, Minn.: West Publishing Co.

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the controversial issue of the death penalty. Please do not put your name on the answer sheet you have been provided with. Read the following questions and respond to each one as accurately as possible. Thank you for your cooperation.

1. Age
 - (1) Below 25
 - (2) 26-30
 - (3) 31-35
 - (4) 36-40
 - (5) 41 or above
2. Sex
 - (1) Male
 - (2) Female
3. Ethnic Origin
 - (1) Anglo
 - (2) Black
 - (3) Mexican-American
 - (4) other
4. Religious Affiliation
 - (1) Catholic
 - (2) Protestant
 - (3) Jew
 - (4) other
5. Highest Level of Education Achieved
 - (1) did not complete high school
 - (2) completed high school
 - (3) some college
 - (4) received Bachelor's degree
 - (5) education beyond Bachelor's degree
6. Occupation
 - (1) civil service employee
 - (2) military dependent
 - (3) military enlisted
 - (4) military officer
 - (5) other

Please read the following situations and indicate what you would do if you were a member of a jury and had to make a decision.

7. A married couple went to see a movie. While they were gone, a burglar broke into the apartment and began taking their personal belongings. The couple returned while the burglar was still there. When the couple entered their apartment, the burglar shot and killed both of them. The burglar was tried and found guilty. If you were a member of the jury would you
 - (1) have the guilty person serve the maximum jail penalty
 - (2) have the guilty person sentenced to death
8. A married couple went to a movie. As they were leaving the theatre, an anonymous person in the lobby shot and killed both of them. The killer was arrested, tried, and found guilty. If you were a member of the jury would you
 - (1) have the guilty person serve the maximum jail penalty
 - (2) have the guilty person sentenced to death

9. The child of a very successful businessman was kidnapped and held for ransom for nearly two weeks. The kidnapper was caught and the child was returned safely. If you were a member of the jury would you
(1) have the guilty person serve the maximum jail penalty
(2) have the guilty person sentenced to death
10. The child of a shop-owner in a small town was kidnapped and held for ransom for a two-week period. The kidnapper was caught and the child was returned to the parents with some evidence of physical abuse. If you were a member of the jury would you
(1) have the guilty person serve the maximum jail penalty
(2) have the guilty person sentenced to death
11. A government-owned building used as a halfway house for reforming drug addicts was burned to the ground by a person who was very much against anything at all associated with drugs. The arsonist was caught and brought to trial. If you were a member of the jury would you
(1) have the guilty person serve the maximum jail penalty
(2) have the guilty person sentenced to death
12. On the way home from school a young child was attacked and raped. The child was not killed, but was physically abused. If you were a member of the jury would you
(1) have the guilty person serve the maximum jail penalty
(2) have the guilty person sentenced to death
13. A nurse was raped in the parking lot of the hospital as she was leaving for home. The rapist was caught and admitted to having committed the act. If you were a member of the jury would you
(1) have the guilty person serve the maximum jail penalty
(2) have the guilty person sentenced to death
14. An individual presented false information under oath at a murder trial. As a result, an innocent man was put to death. Should the person who lied under oath be
(1) sentenced to maximum prison term
(2) be sentenced with the death penalty
15. A government-employed individual obtained some important information dealing with security measures in the United States, which was turned over to government officials in another country. If you were making the decision would you
(1) have the guilty person serve the maximum prison term
(2) have the guilty person sentenced to death

If you have answered all of the above fifteen questions, you have finished the questionnaire. Thank you very much for your cooperation.

END