

The Racial Geography of Public Opinion at the Punitive Turn

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Abstract

The passage of the Civil Rights and Voting Rights Acts represented an historic advance for Blacks in the United States. But the period also marked a critical punitive turn in American history that many have argued was a response to those Black social and political gains. This paper investigates the effect of ending Jim Crow and the enfranchisement of Blacks in driving changes in punitive attitudes. Using public opinion data from 1953-2016, I show that punitive attitudes diverged between Blacks and Whites after 1965. The punitive attitudes of White Southerners—those most directly impacted by the Voting Rights Act and end of Jim Crow segregation—also grew faster than Whites in the non-South. These results provide evidence in support of the oft-made—but difficult to causally substantiate—claim that the contemporary system of race-based mass incarceration in the US had its roots in White reaction to the gains of the Civil Rights movement.

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The United States is one of the most punitive countries in the world, with minorities—and Blacks, in particular—bearing the heaviest burden of state punishment (Bobo and Thompson, 2010). But the U.S. has not always been such a punitive outlier. Instead, the 1960s and 70s witnessed a dramatic *punitive turn* in attitudes and American carceral policy (Beckett and Francis, 2020). One of the most prominent theoretical explanations for this punitive turn is White reaction to the Civil Rights movement (Weaver, 2007; Alexander, 2012; Eubank and Fresh, 2020).

Consistently undergirding contemporary punitive outcomes have been high levels of public support for punitive policies (Gottschalk, 2006; Enns, 2016). In this letter, I consider the roots of this punitive turn by studying how public opinion towards punitive policies responded to Black civil and voting rights using public opinion data from 1953-2016 from Gallup and the General Social Survey (GSS). The temporal scope of this polling data is key. One of the significant challenges in evaluating theoretical claims about the punitive turn is the necessity of data from both before and after significant changes in Black civil and voting rights. While there are numerous frequently-used surveys post-1970 that ask a range of punitive questions, Gallup data offers the only pre-1965 source of nationally-representative individual-level data on punitive attitudes. While later surveys can establish corroborative trends, or helpful cross-sectional relationships, they cannot directly evaluate the claim that punitive public opinion fundamentally changed *because* Blacks obtained civil and voting rights.

I use this data to measure punitive attitudes with a consistently-asked and consistently-worded question on support for the death penalty in the case of murder. I then evaluate how much the pre-to-post-1965 change in White punitive attitudes differs between those residing in the South and non-South. I also consider how those differences in turn differ between Blacks and Whites.

The implication from existing theory, I argue, is that the post-Civil Rights period “treated” Whites with both an instrumental (i.e., resource) threat as well as a status threat from newly enfranchised and no-longer-segregated Blacks (Blumer, 1958; Blalock, 1967), one which was more threatening to Whites in the South as a consequence of the importance of segregation and disenfranchisement (Key, 1950). This treatment was naturally experienced differently for Blacks who obtained new civil equality and political voice, but for whom legacies of state repression, and the emergent political rhetoric of law and order portended a fraught relationship with the state’s punitive apparatus (Muhammad, 2011).

I find that Whites in the South became differentially more punitive in their attitudes from before to after 1965 relative to Whites in the non-South. This increase in punitiveness almost completely closed the pre-1965 gap in death penalty support between Whites in the South relative to the non-South. Finally, I find that suggestive evidence that White attitudes between the South and non-South also differed relative to those differences for Blacks. White

punitiveness grew relative to Blacks, and may have also grown by more in the South.

These findings contribute to scholarly work that consistently finds a racial gap in punitive attitudes—Whites support harsher punishments than do Blacks—and do so even more so when they hold various forms of racial prejudice (Soss, Langbein and Metelko, 2003; Bobo and Johnson, 2004; Unnever and Cullen, 2007; Peffley and Hurwitz, 2007). But these studies examine cross-sectional or survey-experimental implications of an argument with historical roots. Where the literature on race and punitiveness has considered trends in punitive attitudes over time (Jacobs and Carmichael, 2002; Ramirez, 2013*b*; Enns, 2016), I build on this literature by considering trends both before and after 1965, and examining untested co-variation in racial and geographic opinion in ways predicted by existing theory. Although I document an increase in Black punitiveness consistent with Black anxiety about crime (Forman Jr, 2017; Clegg and Usmani, 2018), what I show is that shifts in Black punitiveness were dwarfed by those of Whites in ways consistent with Black civil and voting rights activating White status threat.

Finally, this paper contributes to our understanding of the roots of racial inequalities in carceral outcomes in the US (Alexander, 2012). I build on recent work that shows that Southern states experienced greater increases in state-level incarceration of Blacks after the 1965 Voting Rights Act (Eubank and Fresh, 2020). I document one mechanism that helps to explain that differential change in incarceration: the White public in the South became differentially more punitive in their attitudes in the wake of the Civil Rights movement and its culminating legislation.

1 The Making of Punitive Public Opinion

Punitive attitudes (or “sentiment” or “mood”) comprise support for a variety of policies that punish (Stimson, 2004; Ramirez, 2013*b*). Scholars have consistently identified race as a key factor in punitive attitudinal formation.¹ With substantial consistency, Whites demonstrate more punitive attitudes than do Blacks, and so more when they hold attitudes of Black racial animus (e.g., (Soss, Langbein and Metelko, 2003; Bobo and Johnson, 2004; Peffley and Hurwitz, 2007; Unnever and Cullen, 2010)). Although survey questions about punitiveness rarely ask to *whom* punitive policies would or should apply, the literature has found that racial animus predicts differential belief in Black criminality, and the media and extant racial inequalities within the criminal justice system reinforce perceptions of differential criminality by race (Hurwitz and Peffley, 1997; Chiricos, Welch and Getz, 2004; Pollak and Kubrin, 2007; Unnever and Cullen, 2012).² By contrast, scholars argue that Black attitudes are formed as distinct from Whites as a consequence of Black perceptions of bias within the criminal

¹I discuss a key contextual factor—crime—in Appendix H.

²Appendix D shows that executions in the pre-1968 period were disproportionately carried out against Black prisoners.

justice system and concerns about state repression (Johnson, 2006).

Of course, neither the nature nor salience of race are constant through time. One prominent theoretical explanation for the growth in punitive attitudes from the mid-20th century is White reaction to the social and political gains secured by Blacks as a result of the Civil Rights movement (Beckett and Francis, 2020). Much of this theorizing builds on resource and status threat arguments in the tradition of Blumer (1958) and (Blalock, 1967). White dominance of the pre-Civil Rights racial hierarchy provided Whites instrumental resources, as well as status that was reinforced by the freedoms and powers that Whites enjoyed and Blacks did not. The racial threat of the Civil Rights era is argued to have found an outlet in punitive attitudes because of the deep historical linkages between race and punishment in the US exploited by political entrepreneurs (Weaver, 2007; Muhammad, 2011; Lopez, 2015; Kuziemko and Washington, 2018)).³ And the litany of burdens imposed by carceral contact has meant that the criminal justice has indeed kept subservient—economically, politically and socially—those populations most subject to its use (Western, 2007).

2 The Implications of Civil and Voting Rights for Punitive Attitudes

If this punitive turn can be causally attributed to Black civil and voting rights, we would expect to see several patterns in the data. First, we should expect punitive attitudes to shift after 1965, when the 1964 Civil Rights Act (CRA) had de-segregated the country, and the 1965 Voting Rights Act (VRA) had removed race-based voter qualifications and introduced rigorous provisions for enforcement. Although there were earlier important changes during the Civil Rights movement—e.g., school desegregation—the curtain had not closed on Jim Crow until 1965.⁴

Second, if changes in punitive opinion are related to racial advancements after 1965, we should expect those changes to be larger in those places where the advancements were more threatening in both status and instrumental terms. The history of race and punishment is deeply intertwined with the entirety of American history. But the intensity of segregationist and disenfranchising policies—and by virtue, the intensity of integration and enfranchisement that resulted after 1965—were strongest in the South (Key, 1950).⁵

Finally, the changes in punitive attitudes are likely to differ substantially by race. In line with the racial differences in attitude formation described above, many Whites experienced the

³This is particularly the case in terms of the death penalty (Steiker and Steiker, 2020). Scholars like Garland (2010) connect the legacy in blunt terms: “many of the social and political dynamics that produced lynchings in the early 20th century continue to produce death penalties” to this day (34).

⁴Appendix F considers different definitions of the pre and post period.

⁵I consider the regional distinction of the South (as opposed to Section 5 coverage) because not all of my data sources collect state data.

Civil Rights movement as an activation of status threat, Blacks experienced the movement as the culmination of a multi-century struggle for equality before the law. What changed for Whites in 1965, especially in the South, was not the presence of Blacks—the typical operationalization of racial threat—but the social and political power of Blacks who were already there.

3 Data and Measurement

I collect individual-level data on punitive attitudes from 16 Gallup public opinion polls (1953-1985) and 29 GSS polls (1972-2016).⁶ These data comprise repeated cross-sections of more than 40,000 individuals (1953-1985).⁷ I measure punitive attitudes using responses to the question “Are you in favor of the death penalty for a person convicted of murder?”⁸ I analyze only those respondents who express support or opposition.⁹

I use this question because it is the only question on punitive attitudes asked frequently and with consistent wording by Gallup both before and after 1965.¹⁰ In order to assess the effect of Black civil and voting rights, it’s necessary to know the nature of punitive attitudes *prior* to those changes. The frequency of the question is also essential. Sub-group analysis—comparing trends by region and by race—introduces (random) sampling error. The more often a question is asked, the smaller that error will be.¹¹ Finally, the death penalty question also maintains highly consistent wording throughout the period of study ensuring that changes in observed responses over time are not a function of changes in how the question was asked.¹²

In order to ensure any changes I document are directly attributable to changes in attitudes and not question inclusion, I focus only on support for the death penalty rather than integrate punitive attitude questions introduced in national surveys post-1965 (Ramirez, 2013*b*; Enns, 2016). Of course, for this inferential clarity I trade the ability to capture a latent attitudinal dimension of punitive sentiment or mood beyond the single death penalty issue. However, the salience of the death penalty during the period, and the correlation (in later years) between death penalty attitudes and other survey questions about punishment lead me to believe that this single question is still incredibly relevant for understanding punitiveness

⁶See Appendix B. I focus on Gallup data to 1985 only because, as I describe below, it seems a reasonable time frame to observe changes in public opinion without contaminating inferences from later changes.

⁷More than 70,000 including GSS data to 2016.

⁸The GSS wording is: “Do you favor the use of the death penalty in the case of murder?”

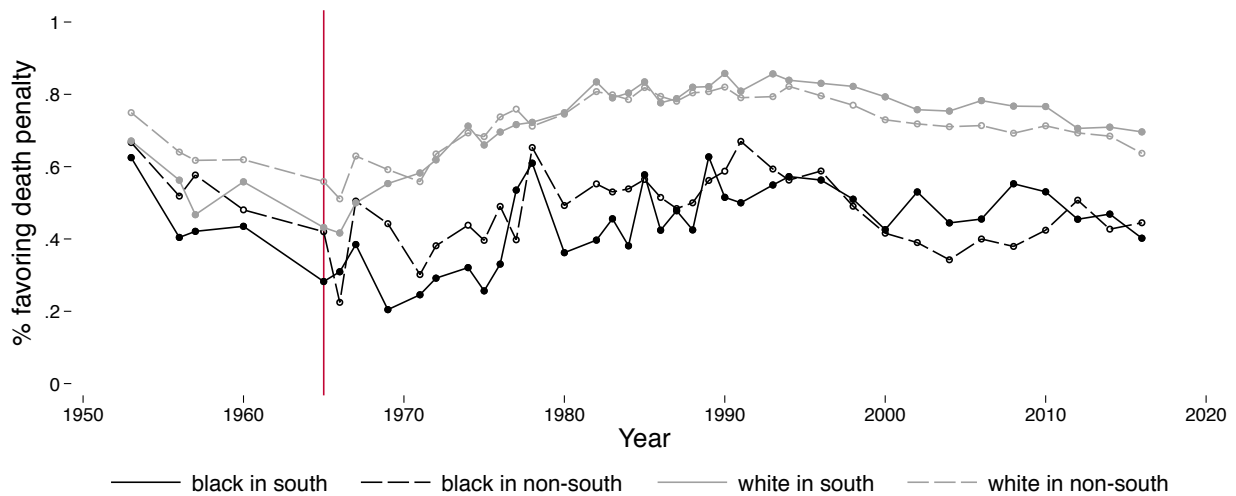
⁹Appendix C shows robustness to including “don’t know” responses.

¹⁰To my knowledge, other punitive questions are not available in the pre-treatment period.

¹¹The death penalty question is asked with what I consider a minimal degree of frequency. For example, as compared to other work, in the 1953-65 period (my study’s pre-period), I have access to 5 surveys that ask the death penalty question, while Cascio and Shenhav (2020) have access to 45 that ask their questions of interest.

¹²I do not, for example, use distinct but related questions about the death penalty; e.g. those that compare it to life imprisonment (see Pickett (2019) for a discussion).

Figure 1: Trends in support for the death penalty by region and race, 1953-2018



Notes: The above figure plots the raw unweighted data trends in the percentage of respondents indicating support for the death penalty in the case of murder. Trends are separate for each (1) Black respondents in the South, (2) Black respondents in the non-South, (3) White respondents in the South, and (4) White respondents in the non-South.

(Enns, 2016). Finally, the death penalty question also has the advantage of asking directly about attitudes towards state administered *punishment* as distinct from questions about adjacent but arguably distinct issues.¹³

4 Estimating the Relationship Between Black Civil Rights and Punitive Public Opinion

I begin by presenting graphical evidence of the raw trends in death penalty support over time for populations defined by both race (Black and White) and geography (South and Non-South) in Figure 1.¹⁴ Prior to 1965, trends in death penalty support were generally declining for all sub-populations. After 1965, however, support amongst Southern Whites rapidly increased, matching levels of support amongst non-Southern Whites by 1972 and moving in near lock-step from that point forward. By contrast, support for the death penalty amongst Southern Blacks—which had exhibited similar levels and patterns to Southern Whites in the pre-1965 period—did not exhibit a sharp increase. Instead, it converged towards the level and trend of non-Southern Blacks whose support increased, but did so more slowly and to a lower absolute level than Whites.

To more formally evaluate these patterns, I use OLS to estimate the change in death penalty

¹³For example, crime anxiety may imply a desire for a more punitive state, or for a more robust welfare apparatus.

¹⁴The South is defined as Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Louisiana and Kentucky.

support for Whites in the South versus the non-South between the pre and post-period:

$$deathpenalty_{irt} = \gamma_t + \beta_1(post_t \times south_i) + \phi X_{zrit} + \epsilon_{irt} \quad (1)$$

for i individual respondent, r region, and t survey. The outcome *deathpenalty* is an indicator equal to one if the respondent is in favor of the death penalty in the case of murder; γ_t are survey indicators that capture shocks to death-penalty support common to all respondents of a given survey; *south* is an indicator for respondents in the South; *post* is an indicator equal to one in any year after 1965;¹⁵ X is a matrix of z covariates, including the separate indicator for *white*, geographic region indicators, and a time-varying measure of crime;¹⁶ finally, ϵ is the idiosyncratic error term. To correct for sampling issues, particularly in the early surveys, I construct weights via poststratification cell-weighting using census data.¹⁷

In addition, I estimate a triple difference that compares differences in death penalty support along three dimensions: (1) between Black and White respondents,¹⁸ (2) before-to-after 1965, and (3) between respondents in the South and non-South respondents:

$$deathpenalty_{irt} = \gamma_t + \tilde{\beta}_1(post_t \times white_i) + \tilde{\beta}_2(post_t \times south_{ir}) + \tilde{\beta}_3(post_t \times white_i \times south_{ir}) + \phi X_{zirt} + \epsilon_{irt}. \quad (2)$$

With the addition of this third dimension of difference, I evaluate whether the *difference between White and Black punitive attitudes* grew by more in the South relative to the non-South from before to after the 1965-VRA ($\tilde{\beta}_3$).

I'm interested in whether the parameters above provide causal evidence that civil and voting rights legislation shifted punitive attitudes. Such inferences require us to assume that—conditional on the covariates—the change in death penalty support would have been the same for our racial and geographic sub-populations in the absence of Black civil and voting rights.¹⁹ It's also necessary to assume that there was no other potential “treatment” that we expect to have affected death penalty support by these subsets of race and geography at the same time. Although it is impossible to consider all alternative potential treatments, the salience of civil and voting rights during these years cannot be overstated.²⁰ Finally, in the

¹⁵A separate parameter on *post* is absorbed in the survey fixed effects.

¹⁶See Appendix H for details on crime. Region is the most disaggregated geographic level available in the non-restricted GSS data. I use a set of individual-level covariates consistently available, and with comparable coding for the period of study: a continuous measure of *age* and *age*², a *gender* indicator, indicators for 4 educational levels, indicators for 5 city population levels, and indicators for 8 regions (including the South). See Appendix A summary statistics.

¹⁷See Appendix E. I also provide estimates using unweighted data.

¹⁸I restrict the sample to only those respondents who identify as White or Black given the paucity of categories for other races collected by early surveys.

¹⁹Appendix G demonstrates that White attitudes in the South and non-South were parallel prior to 1965, and trends in Black-White differences in the South as compared to non-South were also parallel.

²⁰Appendix F considers alternative treatment years.

Table 1: Death penalty support amongst Whites as a function of geography pre to post-1965

	% Favor Death Penalty		
	(1)	(2)	(3)
South	-0.11*** (0.028)	-0.11*** (0.032)	-0.098* (0.047)
South \times Post	0.072** (0.029)	0.11** (0.035)	0.10* (0.054)
Year Period	1953-1985	1953-2016	1960-2016
Survey FE	✓	✓	✓
Controls	✓	✓	✓
Crime Control			✓
Observations	35749	64727	60796

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Notes: The above table presents estimates of equation 1 for the sub-sample of White respondents. Standard errors are clustered at the region. Data are weighted using post-stratification census constructed weights (Appendix E).

case of the Stable Unit Treatment Value Assumption (SUTVA), I must assume that Black civil and voting rights didn't cause people to move from or to the South (the most plausible form of interference).

5 The Results

Table I1 presents the results from estimating equation 1 for White respondents.²¹ Column 1 considers the 20 years post-1965; column 2 considers the results up to 2016; and column 3 adds a time varying control for regional crime rates (which are only available from 1960 forward). The restriction to 1985 allows a potentially slow process of attitude formation to occur, but which also limits the potential contamination of the results from later historical events.²² I find that Whites in the South in the pre-1965 period had lower levels of support for the death penalty—by 10-11 percentage points—than did their non-Southern counterparts (estimate on *South*). However, Southern Whites differentially increased their death penalty support after 1965. The magnitude of that growth is between 7 and 11 percentage points and distinguishable from zero at conventional levels. In relative magnitude, this is a differential increase of nearly the same magnitude as the average pre-1965 difference between Southern and non-Southern Whites. Thus, almost the entirety of the initial pre-period difference was made up after 1965.

Table 2 presents results from estimating equation 2, as well as a model (columns 1 and 4) that just looks at differences by race, not geography. Table 2 shows that White support for

²¹Appendix I shows that in the two decades post-1965 there is no evidence that Black attitudes became more punitive in regionally-defined ways, though they may have in the 1990s on.

²²See e.g., Baumgartner, De Boef and Boydston (2008) and Ramirez (2013a).

Table 2: Death penalty support as a function of race and geography pre to post-1965

	% Favor Death Penalty					
	(1)	(2)	(3)	(4)	(5)	(6)
White	0.13*** (0.013)	0.12*** (0.014)	0.15*** (0.029)	0.14*** (0.015)	0.12*** (0.016)	0.15*** (0.028)
South	-0.060*** (0.0065)	-0.098*** (0.024)	-0.13** (0.048)	-0.020*** (0.0043)	-0.099*** (0.025)	-0.086* (0.043)
White \times Post	0.13*** (0.024)	0.12*** (0.020)	0.093** (0.036)	0.12*** (0.018)	0.13*** (0.023)	0.099** (0.030)
South \times Post		0.015 (0.025)	0.014 (0.042)		0.076** (0.031)	0.072 (0.055)
White \times South		-0.014 (0.024)	-0.0014 (0.030)		-0.014 (0.028)	-0.0084 (0.028)
White \times South \times Post		0.057 (0.030)	0.046 (0.034)		0.031 (0.026)	0.029 (0.032)
Year Period	1953-1985	1953-1985	1960-1985	1953-2016	1953-2016	1960-2016
Survey FE	✓	✓	✓	✓	✓	✓
Controls	✓	✓	✓	✓	✓	✓
Crime Control			✓			✓
Observations	40089	40089	35824	74239	74239	69974

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Notes: The above table presents estimates of equation 1 (columns 1 and 4) and equation 2 (remaining columns). Standard errors are clustered at the region. Data are weighted using post-stratification census constructed weights (Appendix E).

the death penalty grew between 9 and 13 percentage points from 1965-1985 relative to Blacks (estimate for *White \times Post*). The effect of the post-1965 period is to increase differential White support by 1.5 to 2 times (relative to the estimate for *White*). Thus White attitudes diverged by region, and White and Black attitudes diverged as well, both consistent with the theoretical predictions.

Finally, I estimate a positive differential effect for Whites in the South after 1965 (estimate for *White \times South \times Post*), though this is not statistically distinguishable from zero. In magnitude, the effect is between 3 and 6 percentage points, approximately a 25-50% increase from the pre-1965 White support (the estimate for *White*), as well an approximately 25-50% increase relative to the non-South in the post-period (the estimate for *White \times Post*).

These results indicate that 1965 was a turning point in public support for the death penalty, and the pattern of the changes in terms of race and geography are consistent with the predictions of a long line of scholarship claiming that Black civil and voting rights caused a punitive turn.

6 Conclusion

The growth of race-based mass incarceration from the mid-20th century is one of the most significant developments in contemporary U.S. history. As numerous scholars have noted,

undergirding this growth in mass incarceration have been highly punitive public attitudes, particularly amongst Whites.

In this letter, I study the roots of the punitive turn by evaluating how de-segregation and the enfranchisement of Blacks affected punitive attitudes. Consistent with existing theory on the race-based origins of punitiveness and carceral growth, I find that Whites in the South became more punitive relative to their non-Southern counterparts from before to after 1965, White and Black attitudes diverged, and they may have diverged by more in the South relative to the non-South.

Although my results focus on the origins of racial differences, they indicate how changing racial status can activate deeply persistent links between race and punishment in the eyes of the public. Future work might investigate whether and how such linkages might be severed in the public in the interest of reforming the carceral state.

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Online Appendix to
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Appendix is for online publication only.

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A Summary Statistics

This appendix presents summary statistics and source data for the variables used in the analysis in Table A1. Recall that the South is defined as Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Louisiana and Kentucky.

Table A1: Summary Statistics

Variable	Mean	Std. Dev.	Min	Max	N
favor death penalty	0.676	0.468	0.000	1.000	74886
favor death penalty (w/ don't know)	0.583	0.493	0.000	1.000	86796
region south	0.264	0.441	0.000	1.000	86796
region northeast	0.051	0.221	0.000	1.000	86784
region mid-atlantic	0.173	0.378	0.000	1.000	86784
region east north central	0.182	0.386	0.000	1.000	86784
region west north central	0.089	0.285	0.000	1.000	86784
region mountain	0.116	0.320	0.000	1.000	86784
region pacific	0.125	0.331	0.000	1.000	86784
white	0.866	0.341	0.000	1.000	86796
age	46.666	17.199	17.000	94.000	86235
male	0.452	0.498	0.000	1.000	86796
city pop <2,500	0.440	0.496	0.000	1.000	86795
city pop 2,500-50k	0.141	0.348	0.000	1.000	86795
city pop 50k-100k	0.141	0.282	0.000	1.000	86795
city pop 100k-500k	0.151	0.358	0.000	1.000	86795
city pop >500k	0.181	0.385	0.000	1.000	86795
education no high school	0.143	0.351	0.000	1.000	86543
education some high school	0.146	0.353	0.000	1.000	86543
education high school grad	0.305	0.460	0.000	1.000	86543
education some post-high school	0.405	0.491	0.000	1.000	86543

Notes: Summary statistics are calculated for all years using both Gallup and GSS data.

B Gallup Poll Sources

This appendix presents the sources for the Gallup polls that I use between 1953 and 1985.

Table B1: Gallup Polls

Year	Month	Poll Number	Poll Title	Respondents
1953	Nov	#0522	Employment/Korea/Death Penalty/Political Parties	1,498
1956	Mar-Apr	#0562		2,000
1957	Aug-Sept	#0588	Asian Flu/Labor Unions/Teenager's Rights/Automobiles	1,528
1960	Mar	#0625		2,999
1965	Jan	#0704		3,492
1966	May	#0729	Vietnam/1968 Presidential Election	3,519
1967	June	#0746	Vietnam/Middle East/1968 Presiden- tial Election	3,383
1969	Jan	#0774	Israel and Middle East Na- tions/China/Environment	1,503
1971	Oct-Nov	#0839		1,558
1972	Mar	#0846		1,513
1972	Jan	#0860		1,462
1976	Apr	#0949		1,540
1978	Mar	#0995		1,560
1985	Jan	#1248G		1,523
1985	Nov	#0841	Reagan/Death Penalty/Homosexuality	1,008

Notes: Not all polls have a title beyond "Gallup Poll" and the number.

C Results Including Don't Know Responses

This appendix presents estimates measuring the outcome variable of death penalty support as a binary variable where I code 1 for responses in support of the death penalty in the case of murder, and 0 for responses not in support, as well as “don't know” and non-responses.

Table C1: Death penalty support amongst Whites including “don't know” responses as a function of geography pre to post-1965

	% Favor Death Penalty	
	(1)	(2)
South	-0.12*** (0.029)	-0.13** (0.048)
South × Post	0.046 (0.029)	0.033 (0.043)
Year Period	1953-1985	1960-2016
Survey FE	✓	✓
Controls	✓	✓
Crime Control		✓
Observations	23231	19300

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Notes: The above table presents estimates of equation 1 for the sub-sample of White respondents. Standard errors are clustered at the region. Data are weighted using post-stratification census constructed weights (Appendix E).

Table C2: Death penalty support including “don't know” responses as a function of race and geography pre to post-1965

	% Favor Death Penalty (vs. “don't know”)					
	(1)	(2)	(3)	(4)	(5)	(6)
White	0.12*** (0.012)	0.12*** (0.016)	0.14*** (0.036)	0.13*** (0.014)	0.11*** (0.017)	0.14*** (0.034)
South	-0.067*** (0.0057)	-0.10*** (0.019)	-0.13** (0.043)	-0.022*** (0.0053)	-0.099*** (0.019)	-0.093** (0.036)
White × Post	0.12*** (0.019)	0.12*** (0.021)	0.096* (0.044)	0.11*** (0.018)	0.12*** (0.023)	0.095** (0.040)
South × Post		0.026 (0.017)	0.034 (0.048)		0.080*** (0.022)	0.085 (0.048)
White × South		-0.014 (0.023)	0.0049 (0.035)		-0.014 (0.026)	0.0019 (0.034)
White × South × Post		0.042 (0.026)	0.025 (0.043)		0.024 (0.025)	0.011 (0.039)
Year Period	1953-1985	1953-1985	1960-1985	1953-2016	1953-2016	1960-2016
Survey FE	✓	✓	✓	✓	✓	✓
Controls	✓	✓	✓	✓	✓	✓
Crime Control			✓			✓
Observations	45446	45446	40556	85998	85998	81108

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

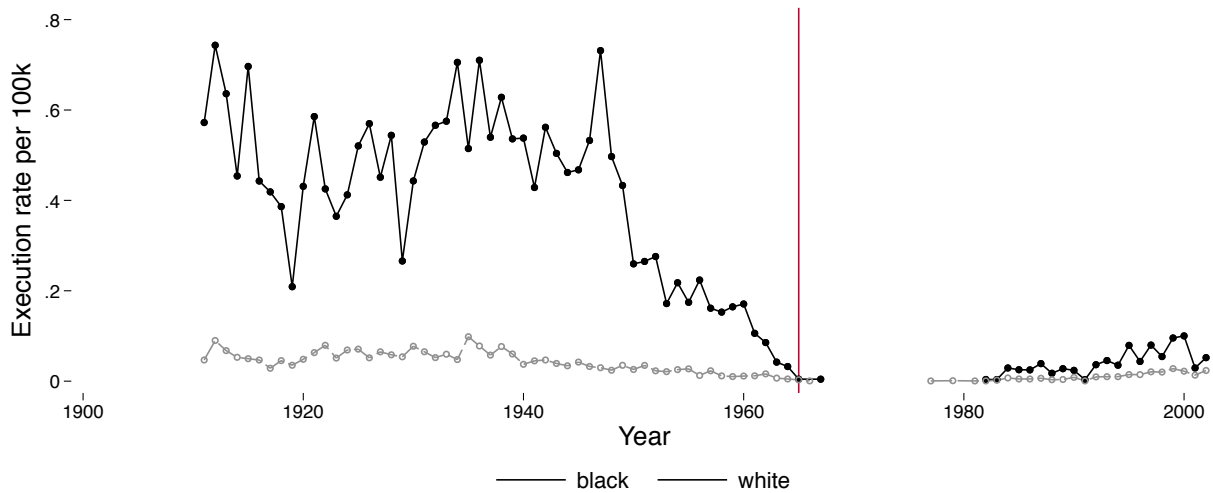
Notes: The above table presents estimates of equation 2. Standard errors are clustered at the region. Data are weighted using post-stratification census constructed weights (Appendix E).

D Executions by Race

Figure D1 presents trends in executions by race since 1910 from Espy and Smykla (2016). The execution rates are presented as the rate per 100,000 using census data.¹ Executions include both those conducted by the federal government and those conducted by the states. As a consequence of the *Furman v. Georgia* Supreme Court decision, no executions were carried out between 1968 and 1976. The *Gregg v. Georgia* Supreme Court decision restored the use of the death penalty in 1976. The data includes only executions that were carried out, not death sentences that were not, or have not been completed.

As Figure D1 illustrates, Blacks are executed at significantly higher rates as a share of their population than Whites in the vast majority of years. In those years where they are not, the rate is equal to that of Whites.

Figure D1: Trends in executions by race, 1910-2010



Notes: The above figure plots the raw data trends in execution rates per 100,000 by race. Executions include all that were carried out by both the states and the federal government. Between 1967 and 1976 no executions took place as a result of the *Furman v. Georgia* Supreme Court decision.

¹Prior to 1970, census race categories are recorded as either White or Non-White.

E Sampling and Weights

Gallup polls constitute the core of the public opinion data used in this paper’s analysis, including all of the crucial pre-1965 data. In the pre-1950 era—before the first survey that I use—Gallup polls were conducted using quota sampling with significant issues in their ability to represent the population as a whole (Berinsky, 2006). Since 1950, Gallup polls have proceeded with random probability sampling using blocs—dividing the US into community size strata, then geographic regions, before pairs of localities are selected, and so forth.

Despite the use of bloc random probability sampling, there are still potential issues with the way the earliest Gallup polls represented the population as a whole, particularly in terms of crucial groups by region (the South) and race (Blacks) that are crucial for the analysis in this paper. The data from some early Gallup polls comes “weighted” via duplicate observations.² While others are not duplicated and do not provide a weight variable.³ I attempt to improve on this by constructing my own weights using the cell-weighting technique of Berinsky (2006). Cell-weighting is a poststratification weighting scheme that is simple to implement and requires minimal assumptions. Recent work using this method and early Gallup poll data is found in Kuziemko and Washington (2018) and Cascio and Shenhav (2020).

I use a cell weighting scheme involving four variables: region (South, not), race (White, Black), education (high school graduate, not), and gender (male, female). I use these variables because they represent important and known ways that early surveys may have deviated in their sampling from population shares. In addition, these four variables are available across all surveys that I use, and return cell sizes that are sufficiently large to construct weights.

I use Census microdata and code provided in the replication package for Cascio and Shenhav (2020). I adjust the authors’ code to reflect their different interest in the voting age population, their interest in post-election years, and their larger sample of surveys allowing them to use year-of-birth cohorts. Their supplemental online appendix provides a detailed description of their data collection and weight construction, and their code is publicly available.

I apply these weights to all data for a consistent weighting scheme, including the GSS data. I find very modest differences between my parameter estimates using weighted and unweighted data (surely reflecting that those variables that I use to weight are also included as regressors).

Tables E1 and E2 present the main results of the paper without any weighting.

²The surveys that I use from 1965-1967 and 1969.

³The surveys that I use from 1953, 1956, 1957 and 1960.

Table E1: Death penalty support amongst Whites as a function of geography pre to post-1965, unweighted

	% Favor Death Penalty		
	(1)	(2)	(3)
South	-0.12*** (0.026)	-0.12*** (0.030)	-0.11* (0.047)
South \times Post	0.074** (0.027)	0.11** (0.033)	0.11* (0.053)
Year Period	1953-1985	1953-2016	1960-2016
Survey FE	✓	✓	✓
Controls	✓	✓	✓
Crime Control			✓
Observations	35749	64727	60796

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Notes: The above table presents estimates of equation 1 for the sub-sample of White respondents. Standard errors are clustered at the region.

Table E2: Death penalty support as a function of race and geography pre to post-1965, unweighted

	% Favor Death Penalty					
	(1)	(2)	(3)	(4)	(5)	(6)
White	0.12*** (0.013)	0.11*** (0.012)	0.12*** (0.025)	0.12*** (0.016)	0.11*** (0.014)	0.13*** (0.026)
South	-0.063*** (0.0073)	-0.11*** (0.029)	-0.13** (0.052)	-0.023*** (0.0064)	-0.11*** (0.031)	-0.093 (0.050)
White \times Post	0.13*** (0.019)	0.12*** (0.019)	0.11** (0.031)	0.13*** (0.019)	0.14*** (0.024)	0.11*** (0.029)
South \times Post		0.020 (0.028)	0.0086 (0.047)		0.077 (0.043)	0.066 (0.065)
White \times South		-0.0060 (0.015)	-0.0086 (0.036)		-0.0046 (0.016)	-0.012 (0.037)
White \times South \times Post		0.053** (0.017)	0.057 (0.035)		0.034 (0.027)	0.043 (0.042)
Year Period	1953-1985	1953-1985	1960-1985	1953-2016	1953-2016	1960-2016
Survey FE	✓	✓	✓	✓	✓	✓
Controls	✓	✓	✓	✓	✓	✓
Crime Control			✓			✓
Observations	40089	40089	35824	74239	74239	69974

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

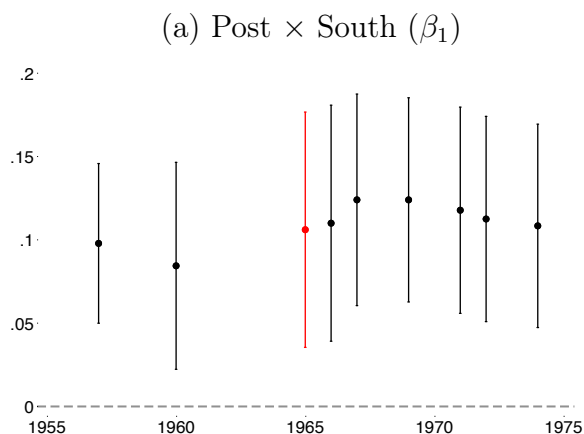
Notes: The above table presents estimates of equation 1 (columns 1 and 4) and equation 2 (remaining columns). Standard errors are clustered at the region. Data is left unweighted.

F Alternative Post-Treatment Periods

One challenge in this paper’s design is considering civil and voting rights together. They were passed in 1964 and 1965, rather than in the same year. But I don’t have death penalty questions from each of these years—only 1960 and 1965. As a consequence, I consider them together.

Figure F1 shows the White’s only results for different definitions of the treatment year. The peak of the difference is in 1967, consistent with the idea that Black civil and voting rights sparked change, but suggesting that the divergence may not have occurred immediately, but may have taken 2 years.

Figure F1: Point estimates and 95% confidence intervals for alternative post-treatment periods, Whites only



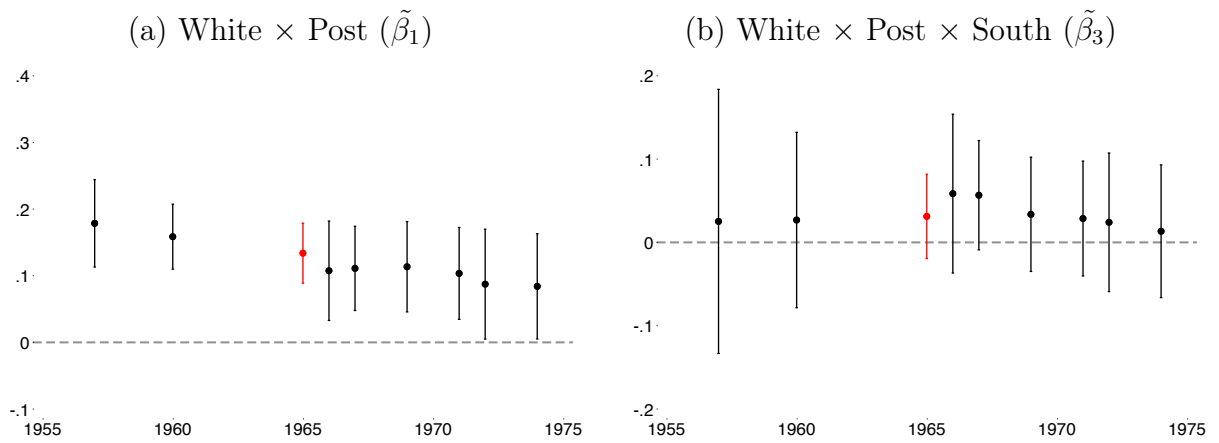
Notes: The above plots present estimates of parameters from equation 1 for different definitions of the post-treatment period.

Figure F2 presents alternative estimates of $\tilde{\beta}_1$ (plot (a)) and $\tilde{\beta}_3$ (plot (b)) from equation ?? with alternative definitions of the post-period. The year used in the paper, 1965, is given in red. All parameters are estimated from the full sample of years. I only present alternative treatments for the 1957-1974 period.

In plot (a), besides the very noisy estimate for 1957, the estimate for 1965 is the largest in magnitude, and (as the main results demonstrate), statistically different from zero.

By contrast, in plot (b) the largest and most statistically significant result is from 1967, two years after the passage of the VRA. This might accord with the notion that the effect of this legislation was not instantaneous, but took time to work its way through public and individual consciousness. Although the estimate for 1967 is distinguishable from zero, as the only estimate of 9 that rises to statistical significance, this is likely an artifact of performing multiple tests.

Figure F2: Point estimates and 95% confidence intervals for alternative post-treatment periods



Notes: The above plots present estimates of parameters from equation 2 for different definitions of the post-treatment period.

G Parallel Pre-Treatment Trends

Here I present the results from a formal test that trends in death penalty support were following similar trends by race and geography in the period prior to 1965. More formally, I use OLS to estimate

$$deathpenalty_{irt} = \beta_1 T + \beta_2(south_r \times T) + \beta_3(white_i \times T) + \quad (1)$$

$$\beta_4(white_i \times south_r \times T) + \phi X_{zirt} + \epsilon_{irt} \quad (2)$$

where T is a linear time trend (centered at zero in 1965), X is a matrix of z covariates including separate indicators for *south* and *white*. The residual category is a non-Southern Black respondent. In addition, I estimate the above restricted to White respondents only (thus dropping the *white* term and its interactions). Various parameters in the models estimated in the paper allow me to see the combined level and trend differences in the pre-period. Here I can separate those level differences from differing *trends* (albeit parametrically assumed linear trends), which are the primary threat to inference.

Table G1: Death penalty support by race and geography pre-1965

	% Favor Death Penalty	
	(1)	(2)
T	-0.0033 (0.0079)	0.0096 (0.0078)
South	-0.0079 (0.036)	-0.042 (0.038)
White	0.21*** (0.020)	
White \times T	0.015* (0.0073)	
South \times T	-0.022 (0.012)	-0.023 (0.013)
White \times South \times T	-0.0013 (0.0046)	
Year Period	1953-1965	1953-1965
Sample	White & Black	White only
Survey FE	✓	✓
Controls	✓	✓
Crime Control	5615	5615

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Notes: The above equation estimates equation 1 for the pre-1965 period only.

Column 1 of Table G1 shows that respondents in the South in the pre-1965 period were, in level terms, less supportive of the death penalty than those in the non-South. While Whites, in level terms, were more supportive of the death penalty than Blacks. Crucially, however, I find no *differential* pre-1965 trends between Whites and Blacks in the South as compared to the non-South. The final interaction with T is very small in magnitude and statistically indistinguishable from zero. This helps lend support to (although cannot confirm, as such confirmation is impossible) the identifying assumption that, had Black civil and voting rights legislation *not* been passed, Black-White differences between the South and non-South would have continued in parallel.

However, the interaction between *white* and T in column 1 is statistically significant, indicating that White punitiveness was trending up slightly in the pre-1965 period. The magnitude

is small—about 1 and a half percentage point increase—but this does warrant caution. This is one reason to consider White attitudes alone (Table 2 in the main paper) and the South versus non-South distinction.

Finally, when I consider the White-only sample in column 2, I find that being in the South does predict *lower* death penalty support in the pre-1965 period on average. In terms of trends, however, once again I find that the magnitude of the differential trend for Whites in the South relative to the non-South is small (a tenth of one percentage point) and statistically indistinguishable from zero. This once again supports the parallel trends identifying assumption.

H Crime Rates

In main specifications in the paper, I use a region-specific time-varying control for crime constructed from the FBI’s Uniform Crime Reporting (UCR) data Kaplan:2021cc.⁴ Geographically-disaggregated indexes of violent and property crime are available from 1960 on.⁵ I use the UCR’s index of (actual) violent crime given the connection between murder and capital punishment (though the results are robust to using property or total crime). Including this measure allows me to account for an important alternative driver of punitive public opinion identified in the theoretical literature.

In this appendix, I present plots for trends in crime rates by region. Existing theory on punitive public opinion posits that race and contextual factors—namely, crime—interact to produce opinion. For both Blacks and Whites, differential crime victimization can increase support for punitive policies Young:1991ua, Ellsworth:1994ve, Meares:1998wg, Unnever:2010wk, Kleck:2017uf.⁶ In the case of Whites, specifically, contextual factors interpretable as racial threat—e.g., the relative size of the proximate Black population—tend to increase White support for punitive policies Jacobs:2002vy, Soss:2003tf, Baumer:2003uj, Stults:2007vb.

If the public responds to national trends in crime, then the time fixed effects in my main analysis account for this. If instead, respondents are influenced crime at the sub-national level—whether regional, state, or more proximate—then different crime trends at these sub-national levels may confound our inferences. Specifically, the inferential concern is that different crime rates are endogenous to Black civil and voting protections achieved in 1964 and 1965 and punitive opinion. If crime rates caused *both* the South to experience these changes differently, and

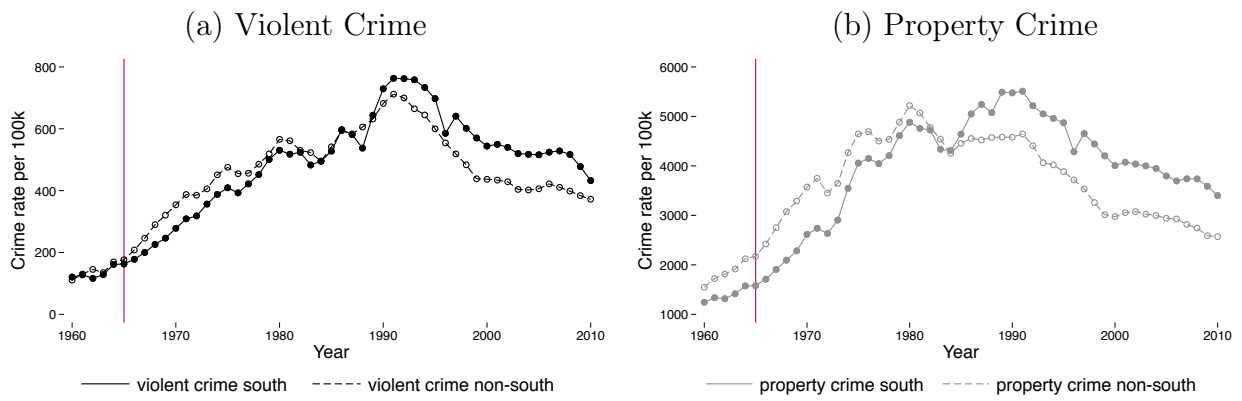
Figure H1 presents the graphical evidence of the trends. I find few differences in trends in either violent crime or property crime between the South and non-South. In the crucial pre-1965 period, the graphical evidence displays no differences in pre-trends. In terms of violent crime, the South and non-South have the same level in the pre-period and trend the same. In terms of property crime, the South had lower crime in the pre-period, but both regions were trending slightly upwards. I conclude that there is little visual evidence of divergent crime trends that would suggest a time-varying confound to the paper’s main analysis.

⁴See Appendix H for more details.

⁵Note that any national trend in crime is already captured by the survey fixed effects, which account for common shocks to all respondents.

⁶Though, as Ramirez (2015) notes, Black concerns about state repression tend to dominate those related to crime, resulting in lower overall levels of support.

Figure H1: Regional crime rates, 1960-2010



Source: Kaplan (2021) .

Notes: Above plots present trends in violent crime index and property crime index for the South and non-South per 100,000. I use the *actual* crime indexes from Jacob Kaplan's cleaned version of the FBI's Uniform Crime Report data. State-level data (to construct regions) are not available prior to 1960. Note the scales are different for plots (a) and (b).

I Blacks Only Results

In this appendix, I consider the South-non-South differences in Black support for the death penalty pre-post 1965. I find that the difference in the 20 years after civil and voting rights legislation was small—1 percentage point—and statistically indistinguishable from zero. When considering the differences up to 2016, I do find a regional convergence statistically different from zero. Because this result is distinct from the early post-period—in magnitude and significance—it is difficult to attribute it to changes in 1965.

Table I1: Death penalty support amongst Blacks as a function of geography pre to post-1965

	% Favor Death Penalty		
	(1)	(2)	(3)
South	-0.072** (0.023)	-0.11*** (0.021)	-0.062* (0.028)
South × Post	0.010 (0.030)	0.069** (0.020)	0.047 (0.044)
Year Period	1953-1985	1953-2016	1960-2016
Survey FE	✓	✓	✓
Controls	✓	✓	✓
Crime Control			✓
Observations	4340	9512	9178

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Notes: The above table presents estimates of equation 1 for the sub-sample of White respondents. Standard errors are clustered at the region. Data are weighted using post-stratification census constructed weights (Appendix E).

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