THE DECLINE OF THE DEATH PENALTY AND THE DISCOVERY OF INNOCENCE

Since 1996, death sentences in America have declined more than 60 percent, reversing a generation-long trend toward greater acceptance of capital punishment. In theory, most Americans continue to support the death penalty. But it is no longer seen as a theoretical matter. Prosecutors, judges, and juries across the country have moved in large numbers to give much greater credence to the possibility of mistakes – mistakes that in this arena are potentially fatal. The discovery of innocence, documented through painstaking analyses of media coverage and with newly developed methods, has led to historic shifts in public opinion and to a sharp decline in the use of the death penalty by juries across the country. A social cascade, starting with legal clinics and innocence projects, has snowballed into a national phenomenon that may spell the end of the death penalty in America.


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This project began with a phone call. Peter Loge, a Washington-based advocate then working with The Justice Project, called Baumgartner in 2002, saying he had read some previous work about the importance of issue-definition and framing and that he was working on framing an issue, and he asked if we could discuss it. “What's the issue, and what's the frame?” Baumgartner asked. “Well, the issue is the death penalty, and the frame is that it's a government program run by bureaucrats, and it is prone to waste, inefficiency, and errors,” Loge responded. With that intriguing beginning, Baumgartner agreed to come down to Washington to meet and find out more. Soon Cheryl Feeley, an undergraduate student at Penn State searching for a topic on which to write her senior honors thesis, had a new topic: investigate the history of how the death penalty has been discussed in America over several decades to see if it had, indeed, been reframed. Boydstun, then a first-year PhD student, got involved. After some time, as our analysis got more and more complicated, De Boef got interested in both the substance of our study and the methodological challenges we faced. Feeley graduated in 2003, having completed her thesis, and took a job in Washington with The Justice Project; she is now in law school, and we thank her first and foremost for her initial work. In the years since then, we three authors have learned a great deal about a topic on which none of us was originally expert; it has been shocking.

During the years we have been working on this project, we have benefited from the opportunity to present our results in many venues and learned greatly from the feedback we have gotten from colleagues. Thanks to colleagues at Aberdeen, Indiana, Manchester, Mount St. Mary's, Oxford, and Wisconsin universities, as well as at the European University Institute and the Public Policy Institute of California, for invitations to Baumgartner to present in departmental seminars. With regard to more applied settings, where we learned tremendously from those actually working in the area, thanks to the NAACP Legal Defense Fund Annual Capital Punishment Training Conference, The Justice Project, the
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Several institutions provided support for the research reported here. Most importantly, the Department of Political Science and the College of the Liberal Arts at Penn State University have housed and supported the project since its beginning. Boydstun has spent her entire graduate career working on this project while simultaneously developing her own dissertation ideas on issues related to framing but not associated with the death penalty (with Baumgartner and De Boef serving as co-chairs of her dissertation committee). Thanks to the department, the college, and Bruce Miller and Dean LaVigne for graduate fellowships that have supported her work. While on sabbaticals during which parts of this book were written, Baumgartner was lucky enough to be hosted by the European University Institute in Florence, Sciences Po (CEVIPOF) in Paris, and the Camargo Foundation in Cassis. Each of these institutions provided tremendous support for scholarly productivity, good colleagues, and a chance to be away from administrative responsibilities; thanks to each of them.

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We appreciate the cooperation of photographer Loren Santow, whose series of portraits of exonerated death row prisoners that we use on the cover and in our epilogue puts into greater clarity than our words can do the human cost of the issues that are at the core of our discussion throughout this book.

It is impossible to write a book on the topic of innocence in the death penalty debate without thinking of the individuals who are at the core of the analysis as either victims of violent crime in America or victims of a broken system. There is truly no greater disservice to society than to condemn the wrong individual for a vicious crime while the guilty party goes free. We dedicate the book to those who have been the victims of crime, to those who have been falsely convicted and punished for crimes they did not commit, and to those who have worked to bring this problem to the public consciousness.