

Gender, Religion and National Origin: Latinos' Attitude toward Capital Punishment

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Abstract: Problem statement: Previous studies on attitudes toward capital punishment are heavily focused on comparisons between blacks and whites with little attention to the Latino population. This is problematic given the rapid growth of Latino population who is now the largest and fastest-growing ethnic minority in the United States. **Approach:** Empirical studies devoted exclusively to studying Latinos' attitude toward capital punishment are few and thus, I focus on exclusively examining the Latino population utilizing 2007 Hispanic Religion Survey, which is the most recent survey that includes questions on Latinos' attitude toward capital punishment. **Results:** I found that Latinos' attitude toward capital punishment is driven by various demographic, religious and cultural factors. The most influential factors were gender, religion and the country of origin. **Conclusion:** Very few studies have examined Latinos' attitude toward criminal justice policies in general and this study should be extended to study other criminal justice policies as well.

Key words: Capital punishment, death penalty, criminal justice policies, latinos

INTRODUCTION

In 1997, a Mexican national, Jose Medellin, was convicted and sentenced to death in the state of Texas for rape and murder of two teenage girls. What seemed like a typical capital case received international attention when Medellin's attorneys appealed his conviction on the ground that he had not been advised of his Vienna Convention right to notify his consulate (Harry, 2000). His conviction was upheld by the appellate courts in Texas but in 2003, Mexico brought a lawsuit against the United States in the International Court of Justice (hereafter, ICJ) on behalf of its nationals, including Jose Medellin, who were convicted and sentenced to death in the United States. Mexico claimed that the United States had failed to notify these defendants of their Vienna Convention right and the ICJ ruled in favor of Mexico ordering the United States to review and reconsider their cases. In response, President George W. Bush signed a memorandum in 2005 affirming that the United States would comply with the binding decision of the ICJ and announced that state courts would be required to review the convictions of those Mexican nationals who had not been advised of their Vienna Convention rights. Interestingly, the United States also withdrew from the Optional Protocol to the Vienna Convention Rights that required governments to accept ICJ decisions in Vienna

Convention disputes. In response to the President's memo, the Texas Court of Criminal Appeals, the highest criminal court in Texas, handed down a decision in November 2006 stating that the President did not have the authority to impose the ICJ-mandated requirements on state courts and dismissed Medellin's appeal for relief. Then in March 2008, the U.S. Supreme Court agreed with the Texas court's decision stating that the President did not have authority to impose ICJ requirements and, further, ruled that the Vienna Convention protocols were not binding because they have not been implemented by Congress in the past. Accordingly, Medellin's appeal was rejected and he was executed in Texas in August 2008.

This case reignited the international controversy surrounding capital punishment in the United States. A majority of western democracies reject capital punishment in law or practice and in 1999, the U.N. Commission on Human Rights called for a worldwide moratorium on executions (Dieter, 1999). Against this backdrop, the United States accounts for a majority of executions with three other countries-China, Iran and Saudi Arabia (AI, 2004). There are many arguments for and against capital punishment in the United States but the most notable standard for determining the constitutionality of capital

punishment was noted by Chief Justice Warren in *Trop v. Dulles* 1958.

In this case, Warren argued that the meaning of “cruel and unusual” punishment should be settled by the “evolving standards of decency” and accordingly, the U.S. Supreme Court has responded to domestic and international pressures in capital punishment cases (McGarrell and Sandys, 1996). Though Medellin and other Mexican nationals’ convictions were not overturned, the Supreme Court has acquiesced to the international pressure on the U.S. by ruling against execution of juveniles and mentally handicapped. In fact, the Supreme Court specifically justified its decision noting that national and international consensus had developed against the execution of these categories of defendants. Nonetheless, the American’s support for the death penalty has remained strong. Public support rate for death penalty has varied in the range of sixty to seventy percent since the 1930s peaking in the 1990s at around 80% (Harry, 2000; Ellsworth and Gross, 1994). The support for capital punishment has dropped slightly in recent years amid concerns over erroneous convictions ultimately resulting in the release of death row inmates who were wrongfully convicted (Dwyer *et al.*, 2000). Nonetheless, the majority of Americans, at around 65%, remains supportive of capital punishment according to the 2006 Gallup survey (Gallup and Newport, 2007). Because of the substantial effect that public opinion has on policy outcomes in the United States, especially regarding death penalty (Norrande, 2000; Sharp, 1999; McGarrell and Sandys, 1996), the scholars have strove to identify the factors that influence public opinion on capital punishment.

Public support for capital punishment in the United States: Previous studies on public support for capital punishment heavily focused on comparison of the patterns of support among whites and African Americans (Peffley and Hurwitz, 2007; Hurwitz and Peffley, 2005; Soss *et al.*, 2003; Barkan and Cohn, 1994) because this has become a racial issue in the minds of the mass public in the United States (Sears *et al.*, 1997; Young, 1991). The Bureau of Justice Statistics record shows that the proportion of African Americans on death rows is far in excess of their general population proportion and the whites tend to express stronger support than African Americans (Cohn *et al.*, 1991). Specifically, Soss *et al.* (2003) examined whether demographics, political values and racial attitudes influence whites’ support for capital punishment and found that racial prejudice and racial contact bore significant impact on whether a white

person will favor the death penalty. Very interestingly, they found that that racial prejudice polarized the whites’ support in the context of racial contact: whites who expressed high levels of prejudice against African Americans showed stronger support for the death penalty when the racial contact increased while the support dropped for those with little prejudice when the racial contact increased (Soss *et al.*, 2003). In addition, Peffley and Hurwitz’s (2007) examination of interracial differences in their responses to issue framing demonstrated that whites and African Americans responded very differently to arguments against capital punishment. Respondents were exposed to racial and general arguments against capital punishment and, as the authors had expected, African Americans were shown to be significantly more receptive to arguments against the death penalty than whites were. Whites appeared to be “resistant to persuasion” when presented with arguments against the death penalty and further, their support for the death penalty actually increased when presented with the racial argument (Peffley and Hurwitz, 2007).

It is unfortunate that the knowledge provided in these studies are limited to two racial groups and not enough scholarly attention has been paid to how other racial groups perceive capital punishment. Thus, I intend to examine the factors that influence Latinos’, the largest and the fastest-growing ethnic minority in the United States, perception of capital punishment.

Latinos’ attitude toward capital punishment: The rapid growth of Latino population in the last several decades has generated interest in the political attitudes and beliefs of Latinos (Hero *et al.*, 2000; Martinez-Ebers *et al.*, 2000; Branton, 2007) but the scholarly attention has largely been focused on Latinos’ view of immigration policies and bilingualism and very few have been devoted to examining Latinos’ perspective of criminal justice policies (Martinez-Ebers *et al.*, 2000). This must be reconciled for several reasons. First, Latinos are the largest ethnic minority group in the United States and thus, our understanding of public support toward death penalty cannot be complete when we exclude Latinos. In addition, the increase in Latino population has inevitably accounted for a non-trivial level of increase in the proportion of Latinos on death row. According to the Bureau of Justice Statistics, which began to differentiate Latinos from the general category of “whites” from the 1990s, Latinos comprised about 8% of defendants on death row in the mid-1990s; it has increased to 10% in 2000, 13% in 2004 and 11% in 2006. Consequently, other countries, e.g. Mexico, are expressing more concerns regarding the execution of

their nationals in the United States and have protested on a number of occasions (see e.g., *Medellin v. Texas*). Thus, although there is no concrete evidence that Latino interest in capital punishment has grown in response to the increasing proportion of Latinos on death row it is nonetheless important to examine Latinos' perspective on capital punishment.

Uhlaner and Garcia's (2002) study is one of few studies that examined Latinos' support for capital punishment and surprisingly, they found Latinos to be more supportive of capital punishment than whites or African Americans. More recently, Sanchez (2006) provided a more systematic analysis of Latino attitudes across various issue areas including death penalty but much of his findings are not consistent with conventional wisdom regarding Latino partisanship. He purported to determine whether "group consciousness" had a significant impact on Latinos' attitudes toward various public policy issues; group consciousness is developed when members of a group develops a sense of affinity and group identification, which leads the group to become more politically active (Sanchez, 2006). Sanchez (2006) predicted the group consciousness to have an impact on the political attitudes of Latinos in salient policy areas, i.e., immigration and bilingual education, since group consciousness generates political activity. He identified abortion and capital punishment as non-salient Latino issues and found that group consciousness did not significantly influence the Latino views on non-salient issues. Instead, he found that Latinos support for capital punishment varied according to some demographic factors. Specifically, he found that the opposition to the death penalty was greater for males, Catholics, U.S.-born, English-proficient Latinos. This is contrary to other studies in several aspects. For example, he found Cuban Latinos to be more opposed to death penalty when compared to other Latino groups but Cuban Latinos are deemed to be more conservative than other Latino groups (Alvarez and Bedolla, 2003; Leighley and Vedlitz, 1999). Given the small number of studies devoted to the examination of Latinos' attitude toward capital punishment and the inconsistency in the findings I delve exclusively into this issue by closely examining the most recent public opinion survey of Latinos.

MATERIALS AND METHODS

The data for this analysis was obtained from the 2007 Hispanic Religion Survey conducted by the Pew Hispanic Center and the Pew Forum on Religion and Public Life. Bilingual telephone interviewing was conducted between August 10 and October 4, 2006

producing a nationally representative sample of 4,016 Latino respondents age 18 and older. This is the most recent and largest Latino survey of attitudes and it contains a section addressing political issues and my dependent variable is derived from the following survey question: Do you favor or oppose the death penalty for persons convicted of murder? This is a dichotomous variable coded 1 for favoring and 0 for opposing death penalty.

Hypotheses: Based on previous literature, I expect Latinos' support for capital punishment to vary by demographic, cultural and ideological factors: gender, education, income, religion, party identification, nativity, primary language and national origin. Public opinion polls of general population routinely find stronger support among men than among women (Lester, 1998) and thus, I expect Latino males to express stronger support for the death penalty. While people with higher education tend to be less supportive of harsh criminal punishments (Hough *et al.*, 1988) I expect high-income people to express stronger support for capital punishment because high-income people are more likely to experience the benefits of state efforts to maintain order and punish violent crime. The impact of religion on political opinion tends to vary considerably across issue areas and in the area of death penalty policy, two specific groups stand out: Catholics and Protestant Christians. The official Catholic doctrine is set against capital punishment whereas Protestant Christians tend to adopt conservative positions on social issues, including capital punishment. A majority of Latinos are Catholics and accordingly, I expect Catholic Latinos to be less supportive of the death penalty. Traditionally, ideological conservatives and Republicans have been more supportive of capital punishment but a majority of Latinos identify themselves as Democrats (Alvarez and Bedolla, 2003; Cain *et al.*, 1991; Nicholson and Segura, 2006). Thus, I expect to see a generally low level of support for death penalty among Latinos and especially for Democrat Latinos.

The investigation of Latinos' attitude toward capital punishment must also account for their unique cultural factors. About a half of Latino population growth is accountable to immigration and previous studies have found that foreign-born Latinos tend to identify with the Democratic Party more than U.S.-born Latinos (Branton, 2007). Additionally, Latino attitudes tend to resemble the ideological values of whites as they become more "attuned to American cultural traits and practices (Hood *et al.*, 1997)." Thus, I expect English-dominant, U.S. born Latinos to express stronger support for capital punishment contrary to Sanchez's (2006) findings-he found that English-

dominant, U.S. born Latinos were less supportive of the death penalty. It would be interesting to see whether his findings hold up in this analysis. Latinos are also notable for their rich and diverse national and cultural backgrounds (Alvarez and Bedolla, 2003; Leighley and Vedlitz, 1999) and most notably, Cuban Latinos' political attitudes diverge substantially from other Latino groups originating from Central and South American nations (Lopez, 2008; Nuno, 2007). Thus, I expect support level to vary across Latino sub-groups, specifically for Cuban Americans to exhibit highest level of support than any other Latino sub-groups.

RESULTS AND DISCUSSION

I first conducted a crosstabulation of survey responses on three variables that I suspect to bear greatest impact: religion, party identification and national origin. Results corresponded with my expectation for party identification and national origin but the opposite was true for religion. Table 1 shows that Catholic Latinos were more favorable toward death penalty while Protestant Catholics were more opposed to death penalty since the Catholic Church officially opposes death penalty. Table 2 shows the breakdown of Latinos' support based on party identification and as expected, the Republican Latinos expressed stronger support for death penalty. As shown on Table 3, Cuban Latinos stood out from other Latino groups by being more supportive of death penalty. Other Central and South American Latinos were more or less evenly divided on the issue. I found that Latinos' support for death penalty is a complex issue that needs to be delved deeper and thus I proceeded to a multivariate analysis.

Table 1: Latinos' support for capital punishment by religion

	Catholic (%)	Protestant (%)	Other religions (%)	No religion (%)	Don't know / Refused (%)	Total (%)
Favor	46.5	40.3	39.6	47.3	47.1	44.4
Oppose	41.9	50.0	47.4	41.4	35.3	44.3
Don't know/ Refused	11.6	9.8	13.0	11.3	17.6	11.3
Total	2025.0	1111.0	285.0	493.0	102.0	4016.0

Table 2: Latinos' support for capital punishment by PID

	Republican (%)	Democrat (%)	Independent (%)	Other (%)	Don't know/ Refused (%)	Total (%)
Favor	56.4	41.8	48.3	41.3	34.8	44.4
Oppose	36.6	48.8	43.2	47.6	42.9	44.3
Don't know/ Refused	6.9	9.4	8.5	11.1	22.0	11.3
Total	732.0	1388.0	835.0	288.0	773.0	4016.0

Table 3: Latinos' support for capital punishment by national origin

	Mexican (%)	Cuban (%)	Other Central/ South American (%)	Other (%)	Don't know/ Refused (%)	Total (%)
Favor	44.4	59.3	40.6	65.8	37.0	44.4
Oppose	45.3	30.4	47.4	15.9	48.3	44.3
Don't know/ Refused	10.3	10.0	11.9	4.0	13.8	11.3
Total	1502.0	460.0	1508.0	126.0	29.0	4016.0

I ran logistic regression to more accurately determine the factors that influence Latino' support for capital punishment and the results are presented in Table 4. The logit estimation results show that five variables-gender, income, Catholics, Cubans and religiosity-are statistically significant. Latino males were more supportive of capital punishment than females and the support for capital punishment increased as the income increased. Mexicans, the largest Latino sub-group, was not distinguishable from other Latino groups in their support for death penalty while Cubans were strongly supportive of death penalty. Interestingly, Catholic Latinos were more supportive of death penalty but I believe this is largely due to the fact that the majority of Latinos identify themselves as Catholics and in fact, two-thirds of respondents in this survey identified themselves as Catholics. To account for this, I have also included a measure of religiosity-church attendance-and found that more "religious" Latinos, i.e., those who attend church frequently, were less supportive of death penalty whether they are Catholics or Protestants. Much of my findings were consistent with my expectations and confirmed conventional wisdom regarding Latino partisanship while discrediting some of Sanchez's findings from 2006. While his study is invaluable in many aspects, it should be noted that his findings regarding Latinos' attitude toward capital punishment, at best, needs to be reexamined.

Table 4: Logit analysis of Latinos' support for capital punishment

Independent Variables	Estimates (Standard error)
Gender	0.377***
Education	-0.101
Income	0.123*
U.S. born	-0.363
Primary language	-0.203
Catholic	0.333***
Church attendance	-0.291***
Party identification	-0.076
Mexican	-0.055
Cuban	0.594***
Constant	-0.157
	-0.116
	-0.158
	-0.150
	-0.254
Number of observations	1710.000
Log-likelihood	-1141.314
Pseudo R ²	0.036

*: p<.05; **: p<0.01; ***: p<0.001

CONCLUSION

Latinos are the largest and fastest-growing ethnic minority in the United States surpassing the number of African-Americans and demographers are predicting Latino populations to triple in size by the year 2050 (Hero *et al.*, 2000; Passel and Cohn, 2008). Accordingly, more scholarly attention is being paid to political attitudes of Latino population (Connaughton, 2005; Hero *et al.*, 2000; Desipio, 1998) but only a few have examined Latinos' perspective of various criminal justice policies (Uhlener and Garcia, 2002; Sanchez, 2006). In this study, I specifically focused on examining the factors that influence Latinos' perspective on capital punishment and found that a complex array of factors-demographic, cultural and religious-influences Latinos' view on capital punishment. Males and Cubans were more supportive of capital punishment and the likelihood of support increased as the income increased. The opposite was true for "religious" Latinos who attended religious services frequently. Most interestingly, I also found that Catholics were more supportive of capital punishment, which goes against the official doctrine of the Catholic Church. This study can and should be applied and extended on various grounds. First, it should be extended to study Latino perspectives on other criminal justice policies, e.g. sentencing disparities and jury selection bias, since most criminal justice literature only include comparisons between blacks and whites paying only a marginal attention to Latinos (Martinez-Ebers *et al.*, 2000). In addition, more surveys should be utilized to confirm my findings. It would especially be helpful to over-sample South and Central American Latinos other than Mexicans to determine possible variation within those groups. Lastly, I want to note that I expect Latinos' interest in capital punishment to intensify in the future for the number of Latinos on death row is increasing in conjunction with Latino population growth; and the pressure from the international community to eliminate capital punishment will probably also intensify as the number of foreign nationals on death row increases.

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