Comments on:
"Lethal Elections:
Gubernatorial Politics & the Timing of Executions"
Jeffrey D Kubik and John R. Moran (Syracuse)

Justin Wolfers

Assistant Professor of Economics

Stanford GSB

`www.stanford.edu/people/jwolfers`

This Paper

◆ Finds an electoral cycle in executions

◆ Large:
  – Prob. of an execution rises about a quarter in a state election year

◆ Robust:
  – To adding rich controls
    » State-specific trends; Governor-specific fixed-effects; Year*division effects
    » Macroeconomic indicators
    » Death Row population
  – Various specifications
    » Probit (Did an execution occur?)
    » Count model (How many?)

◆ Provocative: Result largely driven by:
  – Executing blacks
  – The South
  – States without term limits

◆ Intriguing interpretation
  – Increased executions rather than commutations
  – Shortening the time spent on death row

Theory

◆ Political Business Cycle Theories:
- Myopic or naïve voters: Look only to this year's execution record
  - » Thus rational politicians manipulate by creating a pre-election boom (in executions)
- Rational voters: Motivate electoral cycle as a signaling game
  - » The competent politician does something bad (creates a pre-election boom), as a signal of competence
  - » Why? The signal yields a separating equilibrium because only a competent governor can clean up the mess, post-election. (Clean up an execution?)

◆ Applied to executions: Consider Illinois moratorium
- Myopic model: Good policy from a strong politician
  - » Welfare improving
- Rational model: Failure to execute signals that it is costly for the governor to execute people. Why do this?
  - » His police force is so bad that it cannot gather enough evidence to be sure of guilt.
  - » Or it is cheap for this governor to not execute people: His police force is so good that he can be sure that criminal won't re-offend
  - » Ability to signal may be welfare-improving

Data

◆ Data sources are nicely documented

    – Individual-level execution data

    – Death penalty statutes

    – Gubernatorial election dates

◆ I can fully replicate

      » Execution data (download from Death Penalty Info Center)

      » Death penaly statutes (in the paper)

◆ Get a 95% match on

      » Election dates (this is v.good)

         ◆ Data from Wolfers (2001): "Are Voters Rational?"

Specification

◆ Probit: Does an execution occur?

- – *"for most states, the primary source of variation in their propensity to execute is based on whether they have any executions in a given year."* (p.6, Kubik & Moran)

- – *"if there is an effect of elections on execution propensities, we would expect it to be concentrated on the margin where the political benefit of holding an additional execution is likely to be largest."* (p.7, Kubik & Moran)

◆ Controls:

- – State and year fixed effects

- – *State-specific trends*

◆ Robustness: Later regressions add controls for

- – Macroeconomic conditions

- – Death row population

- – Division*year fixed effects

- – Governor fixed effects

Replication: Main Results

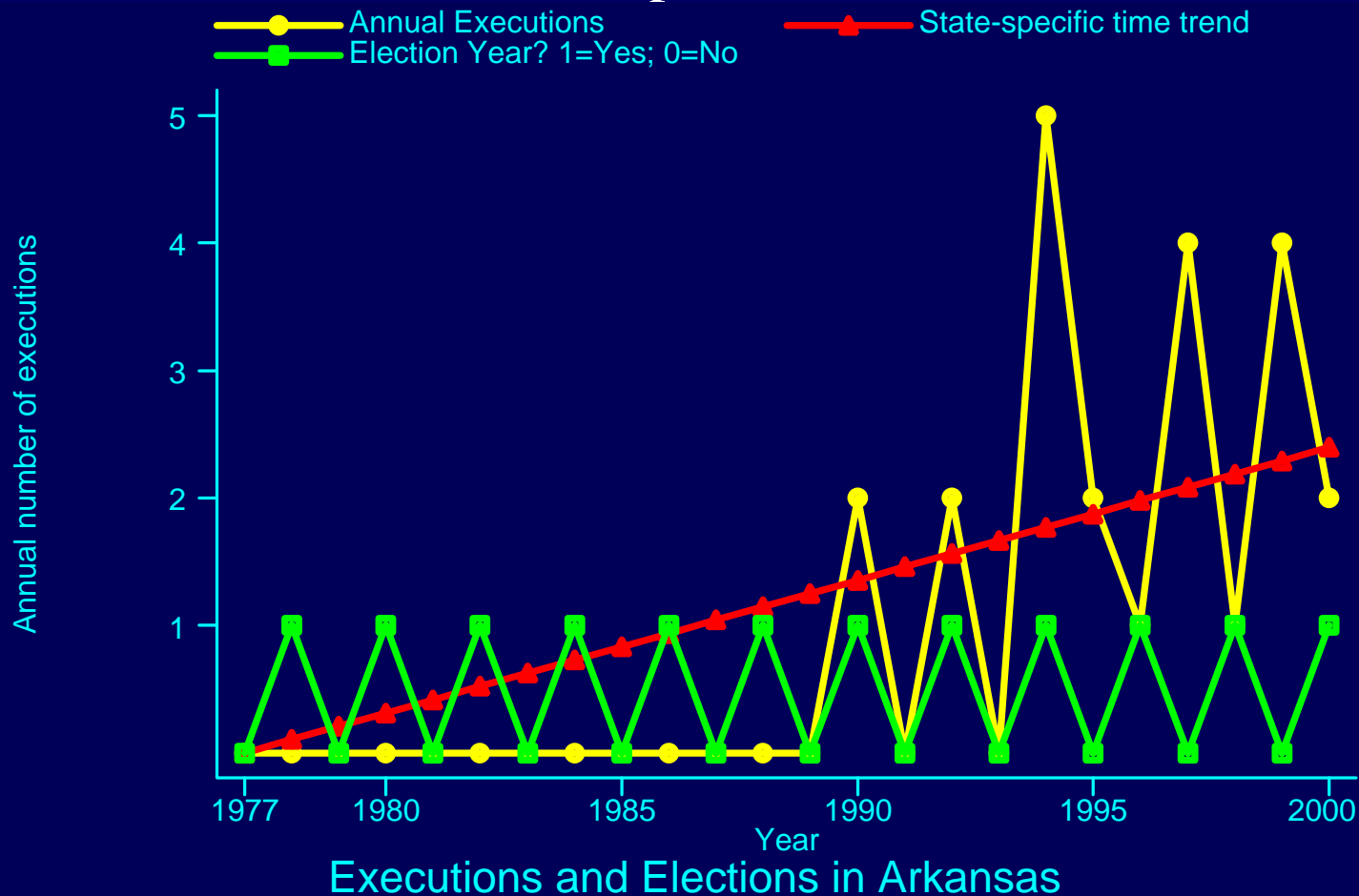| Effect of Elections on the Probability of an Execution		
	Kubik & Moran: Table 4, Column 1	Wolfers: Replication
Probit Coefficient	0.45*	0.42*
(standard error)	(0.24)	(0.24)
Average marginal effect (%-points)	5.9%	6.9%

I will use these data to examine four issues:

1. State-specific trends
2. Aggregate trends
3. "Voluntary" executions
4. Out-of-sample performance

State-Specific Trends

◆ Why control for state-specific trends?

"*State trends control for linear changes over time in the propensity of a state to perform executions that might be correlated with elections*" (p.6 Kubik & Moran)
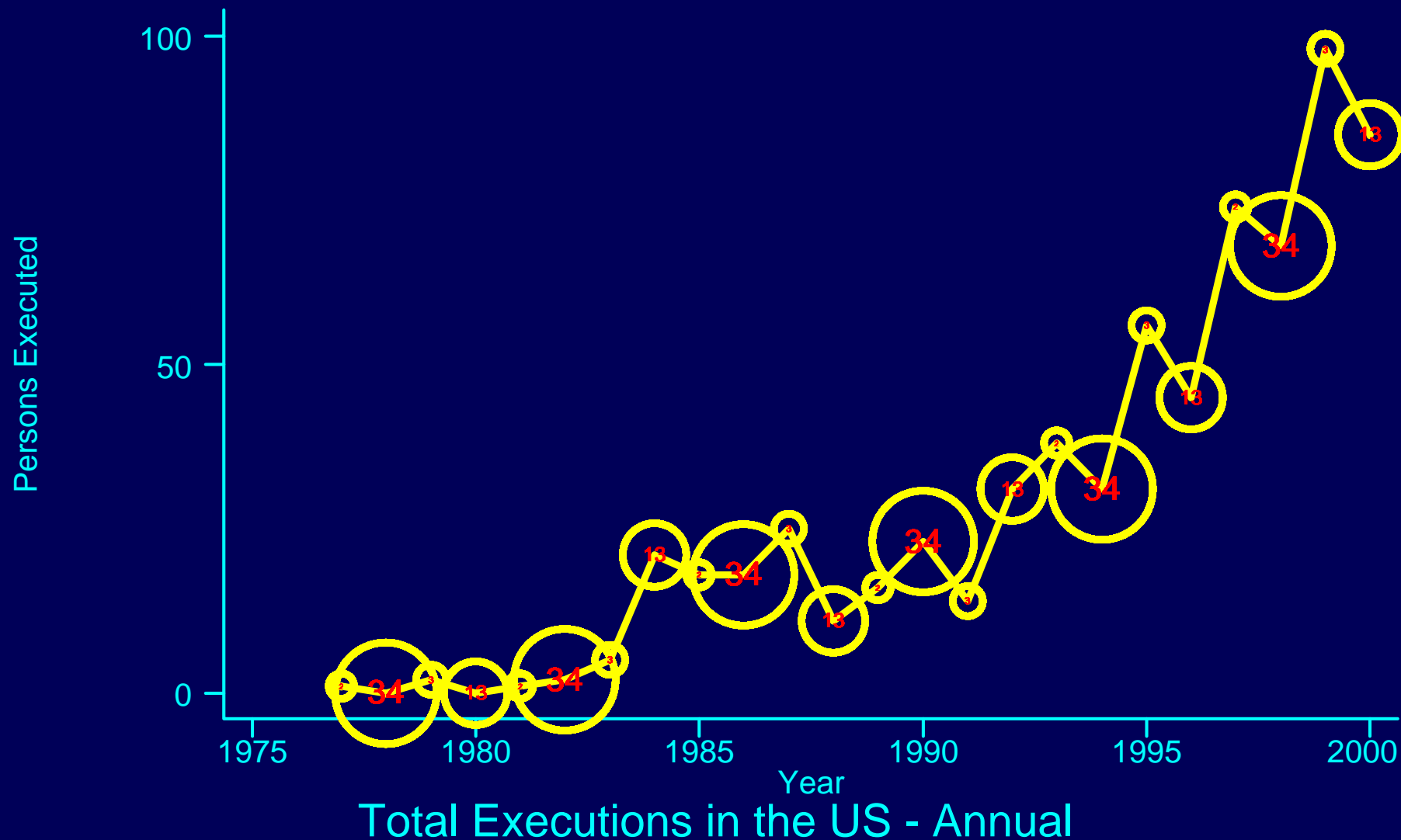

Executions and Elections in Arkansas

Aggregate Time Series

Persons Executed

Year

Total Executions in the US - Annual

Aggregate Time Series

Size of circles proportional to number of elections
Number inside circle=number of elections in that year

Persons Executed

Year

Total Executions in the US - Annual

Volunteers

◆ "Volunteers" are those who choose not to exhaust their appeals

- – That is, they choose to die today when they have the right to delay it until tomorrow

- – Timing primarily reflects decisions of the prisoner, not judicial or political actors

- – Volunteers comprise around 12% of all executions (interestingly, mostly white)

- – In 25% of state-years there is an execution; Without volunteers, this becomes 21%.

Excluding Volunteers

Effect of Elections on the Probability of an Execution				
	Kubik & Moran: Table 4, Column 1	Wolfers: Replication	Exclude Volunteers	Only Volunteers
Probit Coefficient	0.45*	0.42*	0.27	0.63
(standard error)	(0.24)	(0.24)	(0.24)	(0.42)
Average marginal effect (%-points)	5.9%	6.9%	3.9%	14.7%

Interpretation
1. The result is not particularly robust
2. This is the mechanism $\Rightarrow$ Must understand urge to volunteer:
   – Rational suicide
     » Death row is barely living
     » Altruistic sociopaths
   – Impaired judgment
   – Appeals by outsiders regarding competence have failed (Public defender)

Out-of-Sample

◆ Can add data from 2001 and 2002

Effect of Elections on the Probability of an Execution				
	Kubik & Moran: Table 4, Column 1	Wolfers: Replication	Adding data from 2001 & 2002	Also Exclude Volunteers
Probit Coefficient	0.45*	0.42*	0.30	0.17
(standard error)	(0.24)	(0.24)	(0.20)	(0.19)
Average marginal effect (%-points)	5.9%	6.9%	5.1%	2.7%

Conclusions

◆ Suggestive evidence of an electoral business cycle in executions

◆ Suggests serious legal concerns that the death penalty may operate in an arbitrary manner

◆ But without speaking more directly to PE theory, no immediate implications in terms of an economist's view of welfare

◆ Worrying fragility in the empirical results:
  – Aggregate data falsify the model
  – Adding the latest election cycle to the data substantially weakens result

◆ Need more work on interpretation
  – Effects may be due to volunteers (why?)