MURDER VS. ASSAULT: VERDICTS, LEGAL
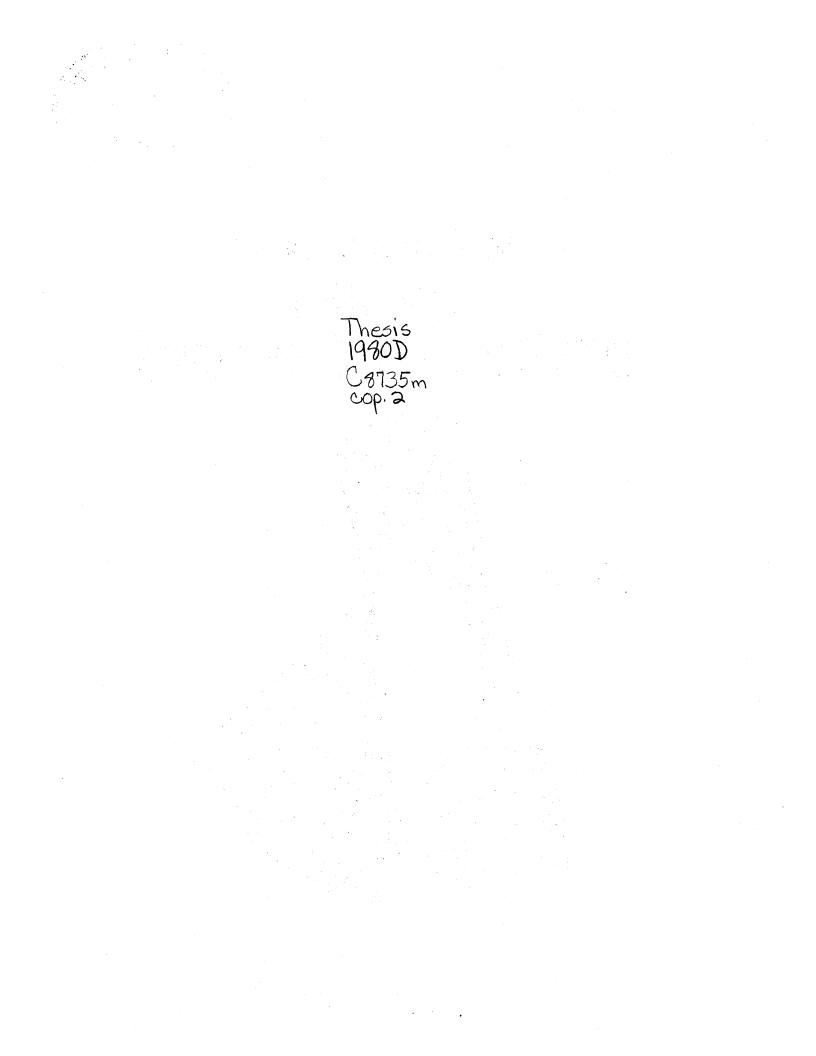
ATTITUDES, AND ATTRIBUTIONS

OF MOCK JURORS

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INTRODUCTION

Less than 10% of criminal offenses and civil lawsuits
proceed as far as a trial by a jury of one's peers (Burger,
1970).   In spite of this finding, the American trial system
has commanded an extraordinary amount of attention in the
popular press and scientific and professional literature.
Several best-selling books (Alexander, 1979; Barthel, 1976;
Bugliosi, 1974; Mailer, 1979; Nizer, 1966; Thompson, 1976)
have recounted the exploits of various criminal defendants
and their subsequent jury trials.   And research by beha-
vioral scientists has grown steadily since the Chicago Jury
Project and Kalven and Zeisel's (1966) The American Jury.

Perhaps the extent of popular interest in the jury
trial is due to its nature as a microcosm of society and its
taboos, values, mores, and formal laws.   In a jury trial, a
group of twelve "average" people, a cross-section of society
and chosen at least partly because of their inexperience,
are asked to sit in judgment of one of their fellow citiz-
ens.

Within the few days or weeks duration of a trial,
jurors and spectators witness a highly ritualistic, institu-

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tionalized conflict between two opposing viewpoints.
Ideally, within this highly structured format, "truth" is
discovered and "good" triumphs over "evil."

Interest by social scientists is at least partly due to
the interesting parallels between legal and scientific meth-
ods (Saks & Hastie, 1978). Both have elaborate rules
detailing which facts/observations are to be considered and
how they are to be presented. Both follow traditional, con-
servative decision-making policies. And both stress the
value of recording past cases and applying them to present
ones.

On the other hand, there are several "fascinating dif-
ferences" (Saks & Hastie, 1978) between the two systems--the
main distinction being that trial conventions such as "pre-
sumption of innocence" and "burden of proof" stand in con-
trast to the statistical decision-making of the scientific
method. Even in these examples, however, there are ana-
logues to the scientific method: "Beyond a reasonable
doubt" is a non-statistical form of "significant beyond the
.05 level," and "presumption of innocence" is analogous to
the "null hypothesis." Probably the greatest distinction
between the two is the requirement of an unanimous jury ver-
dict as opposed to scientific "proof" through statistical
probabilities.

Social psychologists have shown an interest in the jury
if for no other reason than its potential status as a

"group." According to Sherif and Sherif (1953) there are minimum properties that define a group:

> A group is a social unit consisting of a number of individuals who stand in role and status relationships to one another, stabilized in some degree at the time, and who possess a set of values or norms of their own regulating their behavior, at least in matters of consequence to the group (p. 131).

Status as a group is not an all-or-none proposition. "Groupness" is a matter of degree. Depending on the length of interaction and other factors, at least some juries will meet the minimum group properties. Thus, when viewed as a group, a jury could be one of many possible units for the study of interpersonal interaction, decision-making, communication patterns, status and role relations, group formation, cohesiveness, etc.

Some social psychologists, although not particularly interested in the jury as a group per se, are more interested in the individuals who comprise that group. While the jury must attempt to reach a final unanimous group decision (which it does not always do), the group, of course, consists of separate individuals who each bring their own attitudes and behavioral patterns to the group. Thus, a great deal of jury research pertains to an analysis of the effect of various individual attitudes on group behavior, i.e., verdicts and penalties. A sample of attitudes and behaviors which have been examined include attitude toward punishment/rehabilitation of criminals, capital punishment, belief

in a just world, authoritarianism, and perceived locus of
control.

Additionally, a court trial provides a ready-made
applied psychological laboratory. The major problem with _in
vivo_ jury studies is a distinct lack of scientific control.
Juries are rarely a random sample and there is generally no
control group with which to compare a jury verdict. How-
ever, problems of this sort should not preclude scientific
investigation of jury behavior. Rather, these problems
should serve as the impetus to resolve some of the conflicts
between the criminal justice system and the behavioral sci-
ences.

CHAPTER II

REVIEW OF THE LITERATURE

The literature on juror and jury behavior covers quite
a broad sprectrum. Early writings by psychologists and
practicing lawyers tended to be rather anecdotal, emphasiz-
ing which ethnic or socio-economic groups would be partial
to one side or the other (Darrow, 1936). In the 1950's the
Chicago Jury Project studied real judges and jurors trying
real cases. Jury deliberations were tape-recorded and
although the information gained was voluminous, federal
regulations make a research program of this type no longer
possible. More recently, efforts have been made to identify
basic personality characteristics and group processes that
may influence the outcome of a trial. This research has
generally studied mock jurors and mock trials. Generaliza-
bility has therefore been a problem. Within the last ten
years, multidisciplinary efforts have been made to apply
jury research findings and basic psychological priniciples
to the selection of juries in actual trials. These recent
efforts have come partly at the request of attorneys and
partly through the desire of some behavioral scientists to
effect changes in what they see as scientifically-antiquated
practices in the American trial system.

Wall (1966) discussed the "interface" between legal and psychological systems in his book <u>Psychology</u> <u>and</u> <u>Law</u> <u>in</u> <u>Conflict</u>. He found the judicial system unaware of even basic psychological principles. Today psychologists are playing an increasingly greater role in the courtroom: testifying on eyewitness identification, selecting juries, conducting surveys to assess the extent of prejudicial attitudes, and so on. In spite of this, commentators such as Wrightsman (1978) believe that little real reform has actually been accomplished--and that "with respect to the trial jury, these two disciplines remain in conflict" (p. 137).

One goal of the following literature review is to increase the reader's awareness of a few of the conflicts between "the law" and psychological research. As with nearly any behavioral experiment, most jury research is merely an analogous version of the real thing. This inescapable dilemna is partly responsible for the conflict: There are always questions of generalizability based on subject pool, type of trial, mode of presentation, and so on. Although any number of classification schema are possible, the major attention here will be placed on research investigating various factors that may potentially influence a jury's (or a juror's) verdict and sentence. Other research relevant to the jury setting, such as attitude measurement and attribution will also be reviewed. As much as possible, this review will emphasize the subject sample, the type of

crime judged, the presentation mode, the type of decision requested, and any other factors that may potentially influence the generalizability of results.

<div align="center">Factors Influencing Verdicts and

Sentences</div>

Authoritarianism

One of the first studies to apply psychological measuring techniques to the study of conviction-prone jurors was by Boehm (1968). To study bias in jury verdicts, she developed a scale to measure authoritarian legal attitudes. The Legal Attitudes Questionnaire (LAQ) was constructed with the F-scale (Adorno, Frenkel-Brunswik, Levinson, & Sanford, 1950) and the Dogmatism scale (Rokeach, 1960) in mind, but was specifically an attempt to measure attitudes toward various legal issues.

The LAQ was administered to a group of college students who then read a three-page written summary of trial evidence. Subjects were randomly assigned to one of two conditions: In one case evidence was pro-prosecution, in the other it was pro-defense. Additionally, a page of jury instructions outlined the possible verdicts of second-degree murder, manslaughter, and acquittal.

Results indicated that on the average the majority of subjects did view the slanted cases as expected. However, 6/74 acquitted on the guilty version and 44/77 convicted on the not guilty version.

Because everyone expresses the three legal attitudes to some extent, LAQ scores were converted to standard scores. Subjects were then classified as primarily authoritarian, equalitarian, or anti-authoritarian on the basis of their highest standard score. Boehm found that authoritarians tended to give more severe verdicts than were warranted in the pro-defense version, whereas anti-authoritarians tended to give less severe verdicts than indicated by the pro-prosecution evidence. Thus, Boehm showed that authoritarians are conviction-prone and anti-authoritarians tend to acquit, regardless of the evidence. Unfortunately, Boehm reports no results for equalitarians.

While the paper-and-pencil format made it impossible to determine what effect these systematic errors would have on a group deliberation, Boehm reports that authoritarians and anti-authoritarians were more confident of their verdicts than equalitarians. Thus, it is possible that "in a group deliberation, the biased individual, especially the authoritarian, might exert considerable influence" (p. 746).

A study by Jurow (1971) examined the relationship between capital punishment attitudes and verdicts in an attempt to provide empirical data to "force the [Supreme] Court to reconsider its 'Witherspoon' holding regarding the 'death qualified' jury" (p. 568). Subjects were industrial workers in a division of the Sperry Rand Corporation. Although more representative than the average college sample, subjects

were fairly well-educated, had a high median income, and were "overwhelmingly" white. Nearly half described themselves as Republicans or conservatives, and Roman Catholics accounted for neary half of the population. Over a third were engineers. Approximately one-third of subjects had previous experience as actual jurors.

Jurow administered a battery of attitude scales to subjects and presented tape-recorded versions of two trials. The scales included Jurow's Capital Punishment Attitude Questionnaire (CPAQ--Form A measures general attitudes, Form B asks the subject to respond as if he/she were a jury member), Thurstone's (1932) Capital Punishment Attitude Scale, Adorno et al.'s (1950) F-scale, Boehm's (1968) LAQ, and a Conservatism-Liberalism Scale based on the Dogmatism Scale (Rokeach, 1960). Case I was the murder trial of an ex-convict seen running from the vicinity of a liquor store holdup in which the proprietor was killed. Case II was the trial of a narcotics addict accused of robbing, raping, and killing a college girl in her apartment. In both tapes, evidence was weighted equally for acquittal and conviction. The trial script included direct and cross examination of witnesses and judge's instructions to the jury. The liquor store trial was always presented before the rape/murder.

Jurow reports that analysis of the CPAQ data indicated that potential jurors distinguished on the basis of the CPAQ also varied in willingness to convict: A favorable attitude toward capital punishment was related to a tendency to con-

vict. Results were significant only for the liquor store holdup (Case I), although the rape/murder data (Case II) was in the predicted direction.

Jurow additionally compared subjects who voted guilty and those who voted not guilty on each of the various attitude scales. On the average subjects voted to acquit on Case I (56%) and to convict on Case II (58%). The only variable that discriminated between verdicts on both cases was the authoritarian subscale of the LAQ. Subjects convicting had significantly higher scores than those acquitting. However, most other scales were significant for Case I. The Conservatism-Liberalism scale was significant only for Case II; the F-scale surprisingly was significant for neither case.

In summary, Jurow notes that the finding that the LAQ was the best predictor of verdicts suggests that one's orientation toward conviction or acquittal may depend upon one's attitude toward various legal standards such as the presumption of innocence and the burden of proof.

Jurow's study points out the care that must be given to the selection of trial stimuli. It is difficult to know if the general failure to replicate for Case II is due to (a) the case itself (the victim was robbed and raped in addition to being murdered), (b) the inability of the attitude scales to discern differences among subject jurors in all cases, or (c) an order effect due to always presenting Case I before

Case II. The attitude scales were also apparently presented in the same order--to avoid problems, their order should be randomized if possible.

A study by Mitchell and Byrne (1973) compared the verdicts of high and low authoritarians. Mitchell and Byrne studied 139 introductory psychology students. Each subject was administered a six-page booklet containing instructions, a case description, an opinion questionnaire, and a 22-item acquiescence-free version of the F-scale (Byrne & Lamberth, cited in Mitchell & Byrne, 1973). The "defendant," a college student, was accused of stealing exams. Through the use of a pretest, the similarity of the defendant and each subject (0% or 100%) was manipulated by administering one of 44 combinations of statements about the defendant.

Results indicated that authoritarians were less certain of the defendant's guilt in the similar condition, and that in the dissimilar condition, authoritarians recommended more severe punishment than subjects in the other conditions. Subjects in the high attitude similarity condition and low authoritarians attributed significantly more attraction to the defendant.

Mitchell and Byrne note that the effects of attitude similarity and authoritarianism were more complex than originally hypothesized. An authoritarian presented with a similar defendant shows a bias in his/her favor, equalitarians do not. In both groups, attitude similarity was found

to affect evaluative responses (such as defendant morality) but equalitarians did not allow this to influence their decision on verdict or punishment. Further studies showed that neither attitude similarity alone nor a trial situation alone was sufficient to evoke the authoritarian reaction. However, it was quite strong when the two were combined.

A study by Berg and Vidmar (1975) was designed to test the effect of authoritarianism on jurors' recall of evidence. A college student sample responded to Boehm's (1968) LAQ and read two cases involving students charged with violating university regulations (one case was adapted from Mitchell & Byrne, 1973). Authoritarianism scores were achieved by subtracting subjects' equalitarianism score from their authoritarianism score on the LAQ. Subjects responded by indicating certainty of guilt (from 1 to 7), assessing a penalty (ranging from dismissal to permanent expulsion), and indicating personal feelings about the defendant (from "extremely negative" to "extremely positive") and his social status (high or low). The lower the status of the defendant, the more certain jurors were of his guilt. High authoritarians assigned more severe punishment to low status defendants and indicated a more negative attitude to him than other jurors. Therefore, Berg and Vidmar write that "authoritarian discrimination in punitiveness extends to social status characteristics of the defendant as well as belief and general character differences" (p. 152).

Additionally, subjects were contacted between 7 and 10 days later to measure recall of "situational" evidence and "character" evidence. Situational recall included questions such as "Who saw the defendant?" and "What were the clues?" Character recall consisted of questions about the defendant's personal characteristics such as "What was his major?" and "How long had he attended the university?" High authoritarians recalled significantly more character evidence, whereas low authoritarians recalled significantly more pieces of situational evidence. Berg and Vidmar note that the experiment may be criticized because subjects' recall may be affected by their decision about guilt and punishment. Also, the experiment did not test recall differences for high and low status defendants.

A second experiment studied generally older subjects (extension course students) who responded to Byrne & Lamberth's (cited in Mitchell & Byrne, 1973) authoritarianism scale and read a summary of an automobile manslaughter case (modified from Landy & Aronson, 1969). Tested 1 week later in class, high authoritarians again recalled more character evidence and less about situational evidence, although this latter finding only approached significance. Thus, recall results were apparently not due to guilt/punishment decisions or to effects peculiar to only one type of defendant character. Although Mitchell and Byrne (1973) hypothesized that high authoritarians cannot separate affective reactions

to the defendant from legal decisions, Berg and Vidmar propose that verdict and sentencing differences between high and low authoritarians may be based on cognitive differences in interpretation of evidence as well as motivational and affective differences in regard to the defendant.

Bray and Noble (1978) investigated the effects of authoritarianism on both individual juror and jury decisions. Psychology student subjects responded to Byrne's (1974) version of the F-scale earlier in a semester and listened to a 30-minute audio recording of a murder trial in the experimental session. Before and after deliberations, jurors made judgments about whether the defendant was guilty or not guilty. Results indicated that high authoritarians voted guilty significantly more often than low authoritarians, both before and after deliberations, and that after deliberation there was a general shift toward fewer guilty verdicts. Although nearly 80% of jurors did not change their verdicts, high authoritarians were found to change more often than low authoritarians. Significantly longer sentences were given by high authoritarians than low authoritarians. Deliberation seemed to polarize this effect: high authoritarians' sentences became more severe, low authoritarians' more lenient than pre-deliberation.

Sentence data were taken from all subjects, regardless of verdicts. (The range was from 14 years to 99 years.) Innocent voting subjects were asked to assume the defendant

had been found guilty. Although this procedure is of questionable validity, subjects' sentences were not significantly affected by their verdict of guilt or innocence. High authoritarians recommended significantly more years imprisonment than low authoritarians. Analysis of similarity data indicated that jurors generally considered themselves dissimilar to the defendant. Females and high authoritarians judged themselves less similar to the defendant than males and low authoritarians, respectively.

Since jurors were not given a choice of death as a potential penalty, subjects were asked to indicate the likelihood of their returning a guilty verdict if a death sentence was possible. High authoritarians were significantly more likely to vote guilty in this case than low authoritarians. Thus, results generally support Boehm (1968), Jurow (1971), and Mitchell and Byrne (1973).

Centers, Shomer, and Rodriques (1970) interviewed a cross-section of Los Angeles adults to ascertain if authoritarians would be more likely to change their opinion following a communication from an authoritative source. Subjects were asked a broad range of questions, including several about juvenile delinquency. The interviewer then told about a juvenile who had been arrested with several adults for robbery and asked if the juvenile should be treated similarly to or more leniently than the adults. If the subject proposed a harsh sentence, he was told that "leading

experts" have said that harsh treatment starts a juvenile on a life of crime. If the subject proposed a lenient sentence, he was told that "leading experts" say lenient treatment leads to repeated criminal activity. Sandford and Older's (1950) authoritarianism-equalitarianism (A-E) scale was then administered. Although three-fourths of subjects chose a lenient alternative, the higher the A-E score, the more likely the subject initially chose a harsh punishment. Subjects in the upper-third of A-E scores were found to change their mind significantly more often when presented with a "leading expert" than subjects in the lower-third. The middle-third was not significantly different from either of the other groups. These results tend to support Bray and Noble's (1978) finding that high authoritarian jurors were more likely to change their verdict after deliberation than low authoritarian jurors.

Roberts and Jessor (1958) studied the interrelations among authoritarianism, punitiveness, and status. College students responded to the California F-scale (Adorno et al., 1950) and a semi-projective technique based on the Rosenzweig Picture-Frustration Study (Rosenzweig, 1945). Independently of status, high and low authoritarians did not differ with respect to extrapunitiveness (directly hostile response to frustration). When status is considered, high authoritarians responded with more personal hostility to low status frustrators and more displaced hostility to high status

frustrators than low authoritarians. Low authoritarians generally responded to frustrators independently of status. The authors conclude that punitiveness is a function of both individual personality characteristics and the particular social environment.

Verdict and Sentence Alternatives

Vidmar (1972) varied the number and severity of verdict alternatives in a study based on the "Algiers Motel murders" in Detroit, Michigan in 1967. Psychology students read a transcript of a murder trial, indicated individual verdicts, and answered questions about the defendant and trial testimony. Decision alternatives were presented in all combinations of (a) guilty of murder I, (b) guilty of murder II, (c) guilty of manslaughter, and (d) not guilty. The data indicated that restricting possible decision alternatives, especially when the guilty alternative has what may be perceived as a too severe consequence, may increase the likelihood of obtaining a not guilty verdict. Subjects who had at least a "moderate" penalty option chose "not guilty" only approximately 6% of the time, but 54% chose "not guilty" when faced with only a "severe" penalty. Social perception questions indicated that subjects voting guilty said that the defendant should be treated harshly, that his mother's and brother's testimony was biased, and that a customer's testimony was improbable, significantly more often than subjects voting not guilty.

A study by Kaplan and Simon (1972) was also an attempt
to empirically investigate the role of severity options.
College student subjects read about a hypothetical traffic
fatality and judged guilt or innocence of the driver.
Within the scenario, race of victim (white or black),
strength of evidence (high, moderate, mixed, or low), and
latitude and severity of decision structure were manipu-
lated. Decision alternatives were: (a) not guilty or man-
slaughter, (b) not guilty or murder II, (c) not guilty or
murder I, and (d) not guilty, manslaughter, murder II, or
murder I.

Race of victim had no effect on any dependent variable.
The severity of punishment associated with a guilty verdict
was found to be inversely related to the percentage of
guilty decisions. The most innocent verdicts were returned
in the "not guilty or murder I" condition for both black and
white victims.

Thus results tend to support Vidmar's (1972) findings
and suggest that the inclusion of middle-ground verdicts
produces a smaller percentage of not guilty verdicts than do
two-choice structures when the option is greater than man-
slaughter. The two-choice structure tends to produce a
higher level of first and second degree decisions than the
four-choice structure. This trend reverses, however, with
decreasing evidence strength. Kaplan and Simon note that
one explanation for the results could be that the traffic

fatality is seen as incompatible with any guilty verdict other than manslaughter—first degree murder is obviously too severe a verdict. At the same time, however, high guilt evidence makes innocence an unacceptable verdict. The juror is faced with two unsatisfactory alternatives, but the inclusion of middle-ground choices may alleviate this problem.

Larntz (1975) reanalyzed Vidmar's (1972) data with the use of a simple probabalistic model. The model he proposes holds that possible decisions in the various restricted conditions will be distributed in proportion to their occurrence in the unrestricted condition. With use of the model, Vidmar's conclusion that the more severe the most lenient alternative is, the greater the likelihood of a not guilty verdict, is not warranted. Larntz notes "It is not surprising that a relatively large percentage of not guilty verdicts are given when not guilty is compared with another unlikely event," such as guilt of first degree murder (p. 125). It should also be noted that Kaplan and Simon's (1972) data are subject to the same criticisms that Larntz makes of Vidmar's data.

Davis, Kerr, Stasser, Meek, and Holt (1977) varied severity of consequences to victim and sentence severity in a study of both six person juries and individual jurors. Male and female psychology students responded to a questionnaire and read summaries of four newspaper articles, which con-

tained the manipulations of victim consequences and sentence severity. Subjects were then shown a 50-minute videotaped mock rape trial adapted from Norris (1965) and Davis, et al. (1975), and responded to three separate items regarding guilt: a dichotomous "guilty--not guilty" item, a 7-point scale from guilty to innocent, and an 11-point scale from 0/10 to 10/10 chances of defendant's guilt. Six-man juries then deliberated until a two-thirds majority had been achieved, while individuals wrote trial summaries.

The experimental manipulations did not significantly affect predeliberation opinions, although females were more likely than males to return a guilty verdict on all three scales. Postdeliberation analysis of verdicts indicated that no main effect or interaction was significant for either juries or jurors. However, after deliberating, juries were less likely to convict the defendant than the congregate individuals. Females were again more likely to convict, although 18.3% shifted to not guilty and only 5.5% shifted to guilty. Males rarely changed verdicts. This effect is probably due to situational factors present in the study. As in other studies which report this effect, the trial stimulus was a rape case. Davis et al. conclude that "if racial imbalance on a jury can violate the civil rights of a defendant, it is likely that male-female imbalance can violate something of the same" (p. 364).

McComas & Noll (1974) attempted to eliminate the confounding of charge seriousness with sentence severity by crossing three levels of charges (murder I, murder II, manslaughter) with three levels of sentences (1-5 years, 5-20 years, and 25 years-life). College students read trial summaries similar to those of Vidmar (1972), and indicated guilt on a 7-point scale. Only the main effect of charge was significant. The lower the charge, the greater the degree of guilt. No sex differences were analyzed. Although the punishment severity main effect was nonsignificant, subjects were asked "How guilty is the defendant of the charge, with the sentence of (1-5, 5-20, 25-life)?" The two dependent variables, verdict and sentence, should probably have been asked independently of each other as in most criminal trials.

In a study comparing the severity of punishment for cases of rape and robbery, Scroggs (1976) found an interaction of victim resistance with sex for both cases, which were presented in written format. Males gave more lenient sentences when the victim did not resist; females gave harsher sentences when the victim did not resist. Overall, females gave more guilty verdicts than males, and more guilty verdicts were returned for rape than robbery. Subjects in the experiment were both college students and their parents.

In a review of 111 capital murder cases, Kalven and Zeisel (1966) compared actual jury sentences to those the presiding judge would have given. Juries recommended prison 81% of the time and the death penalty 19%. Judges gave a prison sentence in 74% and the death penalty in 26% of the cases. Judge and jury agreed 81% of the time. Judges were harsher in 13% of the cases, juries in 6%. Judge/jury agreement on the death penalty was marked especially by heinous, gratuitous violence. Disagreements included cases of mental and emotional instability; sudden, wild anger; domestic tension; and jury alienation by the defendant and/or attorney.

Defendant Characteristics

Landy and Aronson (1969) varied the social attractiveness of the victim and the defendant in two related studies. College student subjects read an account of a negligent automobile homicide and were asked to sentence the defendant (who they apparently were to assume was guilty). Experiments 1 and 2 indicated that the mean sentence in the attractive victim condition was greater than the unattractive condition, although this difference was not significant. However, when sentence data were standardized and combined for Experiments 1 and 2, the difference was significant. Additionally, Experiment 2 showed that defendant characteristics significantly affected sentencing: Attrac-

tive and neutral defendants were treated more leniently than unattractive defendants. No sex differences were found in Experiment 1 and none are reported for Experiment 2.

The defendant's race and attractiveness and mock jurors' school affiliation were manipulated by Nemeth and Sosis (1973). Jurors were students at either a junior college or a university, both in Chicago. Defendant characteristics and the particular case (negligent homicide) were adapted from Landy and Aronson (1969). The unattractive defendant was sentenced more harshly than the attractive defendant, and the junior college sample was harsher overall than the university sample. The junior college subjects were harsher on the unattractive defendant than the attractive defendant, but the university sample showed no differences. In general, defendant's race had no effect, although the junior college sample was harsher on white defendants than the university sample.

Although the authors mention a measure of "attributed guilt," no results for this variable are reported. Nemeth and Sosis conclude that characteristics of both defendant and juror (such as school attended) are important in determining sentencing behavior. However, as Gerbasi, Zuckerman, and Reis (1977) note, many factors may potentially covary with school attended, such as economic level, race, prior education, etc. Subjects were also recruited by different methods at the two schools.

Barnett and Feild (1978) presented written versions of a trial to randomly selected adult citizens. In the rape case, defendant's race and attractiveness were varied, while in the burglary case, defendant's sex was added. Subjects were not asked to return a verdict, but rather to sentence an obviously guilty defendant.

For the rape case, a strong main effect of attractiveness was obtained. For the burglary case, only the interaction of attractiveness and sex approached significance. This result was mainly due to attractive males being sentenced to longer sentences than attractive females. Race of defendant was not significant for any dependent measure. The authors conclude that attractiveness was significant only for rape due to the incongruity of being faced with an attractive rape defendant. This may have resulted in a denial of guilt, thus leading to more lenient sentences. Such stereotypes probably do not hold for burglary defendants. However, because subjects were not asked to return a verdict, the precise explanation remains unclear. Thus, nature of the crime--person vs. property--appears to moderate the effect of attractiveness on jurors' sentences.

Feild and Barnett (1978) compared the sentences of college subjects and adult citizens for a mock rape trial. Adults were older than students and 31% had served on a jury, whereas none of the students had. Defendant's race and social attractiveness were varied in the study. Sub-

jects indicated only the sentence for the defendant.
Attractive defendants received a significantly shorter sen-
tence than unattractive defendants. College students were
found to be significantly more lenient than adults. Thus,
this study questions the generalizability of all jury stu-
dies using student subjects. However, in spite of the
significant main effect for type of juror, omega-square
revealed that only 3% of the variance of sentences could be
accounted for by the type of juror. Apparently then, the
subject population may have only minimal practical effects
on the generalizability of mock trial results.

Efran (1974) conducted both an opinion survey and an
experimental study in regard to the effect of the defen-
dant's physical appearance on juror behavior. Male and
female college students responding to the survey indicated
that a defendant's character and previous history should
influence judicial decisions (79%), but that physical
appearance should not (93%). In the experimental study
(involving a student-faculty court), however, the main
effect of attractiveness was significant for verdict, pun-
ishment, and attraction. Attractive defendants were consis-
tently judged as less guilty, and less deserving of severe
punishment than less attractive defendants. Further tests
indicated that when males and females are considered sepa-
rately only the differences for males are significant.
Efran concludes that females "may respond less discrimina-

tively [than males] when attractiveness cues are presented incidentally in a task which does not focus on that information" (p. 51).

Griffit and Jackson (1973) varied the similarity of the defendant's attitudes to those of college student jurors, and exposed subjects to a videotaped account (not a mock trial) of a negligent automobile homicide. The degree of defendant-juror attitude similarity significantly influenced judgments of guilt, sentence length, and attraction. Length of sentence until parole eligibility was borderline significant. In all cases, dissimilar defendants were treated more harshly than similar defendants. Overall, females sentenced the defendant to a longer sentence, and required more time to be served until parole than males.

Stephan (1974) had male and female college students read a two-page synopsis of a murder trial in which the sex of the defendant was manipulated. Subjects returned either individual or group verdicts. Results indicated that males' verdicts favored the male defendant, while females' favored the female defendant. Collapsing across sex conditions, females reported more empathy for the defendant than male subjects. Males rendered longer sentences in the group condition while females' sentences were longer in the individual condition. Implications of the results are limited by the fact that groups were composed of only three same-sex members. Stephan does not report the range of potential sentences.

Juror Characteristics

Bridgeman and Marlowe (1979) conducted post-trial interviews with 65 actual jurors following their service on criminal felony juries. The jurors participated in ten different trials including heroin possession, rape, robbery, and murder. The sample was of relatively young, well-educated, middle-class, moderate-to-liberal, infrequent church attenders. Because the emphasis was on jurors' perceptions, conclusions are limited by the self-report data. Jurors learn what is expected of them, and may attempt to justify their verdicts by giving socially-desirable responses. The authors did assure jurors of confidentiality and the lack of "right" or "wrong" answers.

Neither the interview nor the demographic data were related to the first ballot verdict or the final verdict. On the first ballot, 65% of jurors voted to convict, 29% voted to acquit, and 6% voted undecided. After two ballots, 95% of jurors had made an unaltered decision on the verdict. Although 33% reported changing their vote at least once, the minority never changed the majority opinion. On the final verdict, 82% of defendants were convicted. Thus the jury's deliberations did not appear to significantly alter final verdicts. Only 23% reported "deliberation proceedings" as the main reason for their final vote; only 17% stated the other jurors' opinions had influenced them. Most jurors (59%) mentioned a "review of the evidence" as the most influential factor in the verdict.

A ranking of the importance of various verdict factors indicated that jurors attached more importance to the testimony of police, the defendant, and other witnesses than to the attorneys, the judge, experts, the defendant's appearance, or jury deliberations.

Bridgeman and Marlowe conclude that jurors are reasonable, sensitive, and concerned with being fair and just. Jurors rely primarily on evidence presented during the trial and are little influenced by attorney style or defendant's appearance. However, 35% of jurors reported that they had reached a "fairly certain" decision "near the beginning" or "near the middle" of the trial. Another 47% indicated they had reached a verdict after the trial, but before the deliberation. Thus, the authors hypothesize a two-stage decision-making process. First, mainly on the basis of trial testimony a juror reaches a decision on guilt or innocence. Next, the juror seeks consensual validation of his opinion by listening to other jurors.

Mills and Bohannon (1980) mailed surveys to former jurors randomly selected from Baltimore jury panels in order to examine the relationship of verdict and various demographic variables. The response rate was 36%, but respondents' demographic characteristics were generally similar to the panel as a whole. The demographic variables of interest were sex, age, race, and education. Females reported more initial guilty verdicts than males (2/3 of all guilty ver-

dicts were returned by females), especially in rape and murder cases. This sex difference is mediated by race. Black females voted guilty (initially) significantly more often than black males; no differences were found for white males and females.

Jurors' guilty verdicts generally increased with age, particularly for rape. However, females' guilty verdicts remained fairly high, whereas males' significantly increased with age. The same general effect was found for education: Females' guilt verdicts were high overall, but males accounted for the general decrease in guilt verdicts with higher levels of education. Females were chosen as foremen significantly less often and felt significantly less influential in changing other jurors' verdicts than males.

Multiple regression analyses were performed on the four demographic variables. Together, the four variables accounted for 10-16% of the variance in verdicts. In most instances, only one or two variables were correlated to any extent with the verdict. Age was the best verdict predictor for murder cases, with younger jurors more likely to convict. For rape cases, age and education were the best predictors: Older people and less educated jurors were more likely to convict. Sex was the best predictor for robbery with women more likely to convict than men. No significant relationships were found for race and verdict.

The study, of course, is somewhat limited in interpretation due to the self-report data. But, apparently meaningful relationships emerged despite the fact that some effects may have been lessened due to the elimination of "extreme" jurors through voir dire challenges.

Baldwin and McConville (1980) studied the composition of actual juries in Birmingham, England. Although the juries were not very representative of the larger community, no variable analyzed affected verdicts: Sex, age, social class, and foreman characteristics were all nonsignificant in regard to predicting verdicts. Results are not due to any systematic bias by attorneys in selecting jurors. In England, both prosecution and defense are highly limited in questioning potential jurors and therefore are limited in exercising any informed juror challenges.

Evidence Strength

Saks, Werner, and Ostrom (1975) sampled former jurors from Columbus, Ohio. Subjects read several brief, hypothetical cases in which the crime, the amount of evidence, and the strength of evidence were varied. They also responded to a defendant attitudes scale and were classified as "pro-" or "anti-defendant." Anti-defendant jurors rated the defendant as more guilty than pro-defendant jurors. However, the amount of evidence accounted for three times more variance, and strength of evidence seven times more than juror characteristics.

Rumsey & Rumsey (1977) examined verdicts and sentences of college students before and after deliberation under two levels each of evidence ambiguity (high or low) and judge's instructions (present or absent). Group discussions were composed of two males and two females. Subjects read a rape case description and indicated verdict, sentence, and victim and defendant responsibility. Although several analyses approached significance, none were for either verdict or sentence. For example, females were more certain of guilt than males. Overall, females blamed the defendant more than males. Males saw the defendant as more responsible in the low ambiguity condition than the high condition, whereas females saw him as more responsible under high ambiguity. Males blamed the victim more in the high ambiguity condition, females placed more blame in the low condition.

Lack of significance on most verdict results could be due to the method of coding data. Subjects indicated verdicts on a 7-point scale. The combination resulted in a 14-point continuum such that 1="not guilty, very certain"; 7="not guilty, very uncertain"; 8="guilty, very uncertain"; and 14="guilty, very certain." Sex differences are most easily explained by the crime on trial: rape. The authors note that when evidence is in doubt, males tend to exculpate defendants by transferring some blame to the victim, although females rarely do the same. When the evidence against the defendant is less ambiguous, these tendencies are much less apparent.

Kerr, Atkin, Stasser, Meek, Holt, and Davis (1976)
varied the definition of reasonable doubt (undefined, strin-
gent, or lax) and assigned decision rule (unanimous or 2/3
majority). College subjects read news summaries and viewed
a 50-minute videotape of a rape trial. Predeliberation
results indicated a significant effect for reasonable doubt:
The largest proportion of guilty verdicts was obtained in
the lax-criterion condition with smaller proportions in the
undefined and stringent-criterion condtions. There were
also more "no opinion" responses in the undefined condition
than in the stringent or lax conditions. Females more often
convicted than males and less frequently indicated "no opin-
ion" on the first ballot.

Postdeliberation jury verdicts indicated the decision
rule was significant with more guilty verdicts in the major-
ity condition, mainly due to the number of hung juries in
the unanimous condition. Reasonable doubt definition was
found to significantly affect verdicts when hung juries were
excluded, but not when included.

Once again, conclusions (at least in regard to sex dif-
ferences) are limited due to the use of a rape trial stimu-
lus. The authors report that "maximum conflict" situations,
such as an even split of verdicts in the unanimous decision
rule jury, are most likely to be governed by the nature of
the particular case, the subject population, individual
juror characteristics, and other social factors. Subjects

became significantly more lenient on sentence after deliberation, but not on verdict.

Just World Belief

Rubin and Peplau (1975) cite two studies regarding just world belief and reactions to criminal defendants. Izzett compared the reactions of high and low just world subjects to a criminal defendant in a mock negligent homicide case. High just world subjects formed a significantly less favorable opinion of the defendant and tended to assign more severe penalties than low just world subjects. Gerbasi and Zuckerman sampled a population of former jurors. In a mock trial, high just world subjects gave more severe verdicts than low just world subjects. Rubin and Peplau note that

> These results suggest that people who believe in a just world may feel special hostility toward the agents of unjust suffering, at least in those cases in which the agent has already been singled out and accused of a crime (p. 72).

Miscellaneous

A study by Davis, Stasser, Spitzer, and Holt (1976) was mainly concerned with the effect of deliberation on "public" and "private" juries. Juries were composed of college students who saw a tape of a rape trial (Norris, 1965). A public jury was told its decision would be reviewed by a panel of "experts." Public juries more quickly changed opinions than private juries. The distribution of guilty verdicts for public and private individuals did not signifi-

cantly differ. However, the proportion of guilty verdicts was significantly greater for both public and private individuals than for public or private juries. Females were more likely to convict than males although the rape trial stimulus most likely accounts for this difference.

Hendrick and Shaffer (1975) presented to simulated student jurors a brief transcript of a murder trial in which the number of killers and the extent of victim mutilation had been varied. The main dependent measure was the number of years jurors sentenced the defendant(s) to prison. (The alternatives ranged from 5 to 99 years.) The only significant effect was due to the mutilation variable. When mutilation of the victim occurred (after the murder) jurors added approximately 50 years to the sentence. Subjects also tended not to want mutilators released on parole, and in the mutilation condition, indicated a significantly more favorable attitude toward the death penalty. Single killers and mutilators were judged as more likely insane than group killers and nonmutilators. In spite of this, subjects perceived greater intentionality for the murder when mutilation occurred.

Juhnke, Vought, Pyszczynski, Dane, Losure, and Wrightsman (1979) investigated the effect of trial presentation mode on mock jurors' reactions to the trial. The trial for transportation of a stolen vehicle was presented in one of four modes: videotape, audiotape, transcript, or written

summary. Psychology students served as jurors. Results
indicated significant differences in frequencies of dichoto-
mous guilty/not guilty verdicts and probabalistic verdicts.
More guilty verdicts were found in the videotape version
than any of the other three. More guilt verdicts were also
found in the audiotape mode than the summary mode. Other
differences were nonsignificant. Presentation mode also
affected jurors' perceptions of the effectiveness with which
the case was presented, but did not significantly affect
perceptions of witnesses. Analyses of sex differences indi-
cated that males were more confident of their verdicts in
the probabilistic format than females. Additionally,
females relied more heavily on the prosecutor's closing
argument in the audiotape mode than males, and were more
influenced overall.

Attitude Measurement

Boehm (1966) developed the Legal Attitudes Question-
naire (LAQ) as a measure of authoritarian legal attitudes.
The LAQ consists of ten forced-choice triads and gives
scores for three subscales: authoritarianism, equalitarian-
ism, and anti-authoritarianism.

> Authoritarian items expressed right wing philoso-
> phy, endorsed indiscriminately the acts of consti-
> tuted authority, or were essentially punitive in
> nature. Anti-authoritarian items expressed left
> wing sentiments, implied that the blame for all
> antisocial acts rested with the structure of
> society, or indiscriminately rejected the acts of
> constituted authority. Equalitarian items
> endorsed traditional, liberal, nonextreme posi-

tions on legal questions or were couched in a form
that indicated the questions reasonably could have
two answers (p. 740).

Boehm found that the F-scale (Adorno et al., 1950) was posi-
tively correlated with the authoritarian subscale, and nega-
tively related to the equalitarian and anti-authoritarian
subscales. The Dogmatism scale (Rokeach, 1960) was posi-
tively correlated with both authoritarianism and
anti-authoritarianism, but negatively associated with equal-
itarianism. Boehm reports that the degree of statistical
significance was acceptable, though not extremely high.
Thus the LAQ, to some extent, taps the same attitudinal
dimensions as these established measures.

Shaw and Wright (1967) cite several studies which have
analyzed Thurstone's (1932) Capital Punishment Scale. Lorge
reports reliability estimates ranging from .59 to .88; Fer-
guson reports a range of .79 to .88. Thurstone established
a test-retest reliability coefficient of .71. Diggory
reports correlations of +.26 and +.42 between this scale and
Thurstone's Punishment of Criminals Scale.

Moore (1975) administered Thurstone's Attitude Toward
Capital Punishment Scale to college subjects ten days before
the November, 1972, California election in which a proposi-
tion advocating the reinstatement of the death penalty was
on the ballot. The proposition passed. The attitude scale
was able to discriminate those subjects who voted for the
proposition and those who voted against it. Only one sub-

ject who voted against the proposition was rated as having a favorable attitude toward capital punishment. The scale was also administered the day after the election. A product-moment correlation was computed, indicating test-retest reliability. The correlation was 0.92. Thus, Thurstone's scale was both a valid and reliable predictor of subject votes on the capital punishment proposition.

In a review of the Punishment of Criminals Scale, Shaw and Wright (1967) report that Lorge found reliability estimates of .69 to .76, and Ferguson found a range from .57 to .73. Thurstone obtained a test-retest reliability coefficient of .66. Diggory found correlations of +.50 and +.30 with Thurstone's Capital Punishment Scale.

Although little research has been conducted on the development of just world beliefs, there is some evidence in regard to correlates with adult attitudes. Rubin and Peplau (1973) developed a Just World Scale (JWS) and found a correlation of .56 between JWS scores and a 10-item version of the F-scale (Adorno et al., 1950). They also cite Lerner who found a .20 correlation and Zuckerman who found a .35 correlation with other versions of the F-scale.

The belief in a just world is a major component of most Western religions. Therefore relatively religious people should score high on the JWS. Rubin and Peplau (1973) found college students' JWS scores were positively correlated (.42) with church attendance. JWS scores were also corre-

lated with belief in an active God (.31). Rubin and Peplau report that no significant differences were found in males' and females' scores. The authors also discuss the relationship between just world belief and trust, the Protestant ethic, locus of control, and social class.

Attribution

Walster (1966) investigated two related propositions: (a) The worse the consequences of an accident, the greater the tendency for subjects to assign responsibility to someone and (b) A victim of an accident will be assigned increasing responsibility as severity increases. Male and female psychology students listened to tape-recorded descriptions of an automobile accident in which the potentially responsible person suffered inconsequential or considerable damage, and other persons suffered inconsequential or severe damages. Results clearly indicated that more responsibility was assigned to the victim (the car owner) when the accident was severe than when it was inconsequential, regardless of whether other unresponsible people were involved or not. Females assigned more responsibility as the potential consequences increased, although males did not. In at least one condition, it is confusing as to who the actual victim was. In the scenario, a car rolls down a hill into a grocery store, supposedly victimizing the store owner, but also the car owner. Thus it is difficult to determine, as Walster

hoped to do, if responsibility will be assigned to a responsible "nonvictim" (the car owner).

To investigate the perceptual association between reward and virtue, Lerner (1965) had female subjects observe two males working together at a task. Subjects were aware that one of the two had been randomly chosen to be paid for his efforts whereas the other was to get nothing. A pretest showed that one worker was consistently rated as more attractive by the female subjects.

Although both males were perceived as contributing more than the other when paid, the more attractive worker was seen as contributing significantly more than the less attractive worker. Also, when the worker's ratings were combined, the two together were seen as contributing less when the unattractive worker was paid than when the attractive one was paid. The findings therefore support the idea that a person takes into account the outcome of social events when attempting to make sense out of what he has observed, apparently even when chance circumstances are involved.

> People deserve what happens to them. . . . It is
> more comfortable to believe that people . . .
> earned their condition by some personal failing
> than to believe that deprived people are fortui-
> tous victims (Lerner, 1965, p. 360).

In a follow-up study (Lerner & Simmons, 1966), subjects observed a peer victim apparently receiving painful electric shocks (negative reinforcement) for errors in a paired-asso-

ciatè learning task. In one condition, subjects could compensate the victim by reassigning her to a reward condition in which she would be paid rather than shocked. Nearly all subjects took the opportunity to do so—thus justice was restored to the situation. In another condition, subjects could not reward the victim and were led to believe that her suffering was to continue. These latter subjects rated the victim significantly less favorably than the former reward subjects. Apparently subjects in the latter condition felt the victim somehow deserved her fate.

A surprising amount of rejection took place in the "martyr" condition, where subjects were led to believe the victim was continuing merely so that they would receive their bonus participation points. Apparently the martyr's suffering threatens a person's need to believe in a just and good world more than suffering by less noble people.

Additionally it was found that some subjects derogated the experiment rather than the victim. Why this occurred, Lerner and Simmons found difficult to pinpoint. But, it does indicate that not all people indiscriminately relate outcome and personal virtue.

Rubin and Peplau (1975) wrote, "It is clear that not all people tend to react in this way" (p. 68). In addition to possible situational variations they propose relatively enduring individual differences in the extent to which people believe outcomes and worth are related. Therefore Rubin

and Peplau developed a paper-and-pencil Just World Scale
(JWS) to measure individual variations. The scale includes
items on just world beliefs in regard to health, politics,
criminal justice, family, school, etc.

Before the 1971 national draft lottery, Rubin and
Peplau (1973) gave the JWS to a group of 19-year-old males
who later listened to the lottery and rated each other on
several dimensions. Most subjects showed greater sympathy
and liking and less resentment toward "losers" of the lot-
tery (those with high-priority numbers--in actuality, a low
number) than toward "winners." However, those with high JWS
scores resented losers more than winners. Disparagement of
an innocent victim seems an unusual reaction, but is exactly
what is to be expected of people who see victimization in
terms of underlying personal worth. This pattern seemed to
hold regardless of the subjects' own fate in the lottery.

Shaver (1970) conducted three related studies to assess
how an observer attributes responsibility for an accident.
Subjects read descriptions of an automobile accident (based
on Walster, 1966) in Experiments 1 and 2 and a scientific
demonstration accident in Experiment 3. Across experimental
situations results indicated that increased probability of
occurence (especially when defined as high personal similar-
ity to the perpetrator) decreased responsibility attribu-
tions and increased attributions of carefulness to the
perpetrator. It appeared that avoidance of blame was more

relevant to subjects than avoidance of the accident itself.
As Shaver wrote:

> Assign responsibility when personal similarity is
> low, secure in the knowledge that as a different
> kind of person, you are safe. When personal simi-
> larity is high, attribute the accident to unfortu-
> nate, but unavoidable circumstances (p. 108).

Results across experiments consistently failed to replicate
Walster's (1966) finding of severity-dependent responsibil-
ity attributions, although this type of attribution would
appear to be consistent with legal and moral tradition.
Shaver notes that when the subject is alerted to an attribu-
tion task, severity-dependent attributions may be sup-
pressed.

Shaver proposed a category of perceiver response he
calls "defensive attribution" to characterize the tendency
toward motivated attributional errors such as self-protec-
tion. Defensive attribution can occur when either
psychological or physical safety is threatened. When the
perceiver is concerned about having caused pain to others,
as in Shaver's study, chance is the preferred responsibility
attribution. But when the perceiver is a potential victim,

> He can be sure of his own personal worth and can
> be confident that his behavior will be correct, so
> chance becomes the least controllable, and there-
> fore most threatening, cause of suffering. For
> this reason, chance is the cause that must be
> denied (p. 113).

Thus, Shaver maintains that the belief in a just and orderly
world is apparently an example of defensive attribution, and
not an all-pervasive belief, although the present results do
not distinguish between the two.

A study by Chaikin and Darley (1973) investigated responsibility attributions by manipulating severity of consequences and identification with either the victim or the perpetrator. Subjects viewed a videotape of a two-person group working on a task. An accident occurred which was initiated by the "supervisor" and had negative consequences (mild or severe) for the "worker." The subject was told that he would later work on the task, thus making either the victim or the perpetrator situationally relevant.

Results showed that the more severe the consequences, the less responsibility attributed to chance. Perpetrator-relevant subjects attributed responsibility to avoid personal blame and derogated the victim of a severe accident. Victim-relevant subjects acted to avoid future harm and did not derogate victims. Thus results are consistent with both Shaver's (1970) defensive attribution hypothesis and Walster's (1966) and Lerner's (1965) hypothesized need to believe in an orderly, predictable world. The authors, however, write that "where defensive attributition considerations conflict with some of the specifics of the just world hypothesis, defensive attrribution seems to predominate" (p. 273). For example, in the future worker-severe consequence condition, the just world hypothesis says that the victim of the accident should be derogated. But defensive attribution suggests that potential victims would not devalue the victim--that is personally threatening. Data indicated that only future supervisors reported disliking the worker.

Chaikin and Darley note several ambiguities in the data. Subjects may have misunderstood or gone beyond the instructions. Or, watching the videotape, subjects may have developed a certain set in regard to blame, knowing that the tape was not of a "chance" occurrence. Also, the "severe" condition was marked by the victim's loss of less than two dollars.

CHAPTER III

STATEMENT OF THE PROBLEM

Interest in jury trials and jury behavior has been pre-velant since the very beginning of our nation. Throughout the years, a great deal of folklore has developed regarding various jury characteristics, and in the early part of this century, various writers passed this questionably valid information along as immutable fact.

The first and most ambitious jury research undertaken was the Chicago Jury Project which studied a series of real trials in Wichita, Kansas in the 1950's. Legal and beha-vioral scientists combined efforts to investigate variables such as juror status, sex, communication patterns, choice of foreman, evidence recall, and judge/jury disagreements. The Chicago Jury Project provided a much-needed look inside the jury, led to production of a great deal of research (Strodtbeck & Mann, 1956; Strodtbeck, James, & Hawkins, 1957; James, 1959; Kalven & Zeisel, 1966; among others), and assisted other researchers in formulating further empirical enquiries.

However, in order to discover just what occurs when a jury is reaching a decision, the researchers (with full per-

mission) bugged jury deliberation rooms. While a great deal
of valuable information resulted, a public furor arose over
this practice. Senate hearings ensued and efforts by sev-
eral groups, including the American Civil Liberties Union,
were successful in raising several constitutional points.
Subsequently, federal laws were passed in order to prevent
future occurrences and to preserve the constitutionally-
based sanctity of the trial jury. It is now illegal to
observe, listen to, or record grand or petit jury delibera-
tions, and no similar studies have since been attempted.
Thus, even today most legal practitioners' information in
regard to jury behavior remains anecdotal.

Most practitioners have neither time nor adequate
training to systematically investigate the many phenomena
that may influence a jury verdict. And potential investiga-
tions by social scientists are limited by the restricted
access to actual juries. The research possibilities that
remain are:

1. A recreation of a trial can be attempted based on
post-trial interviews with the judge, attorneys, and jurors.
Because each trial is a distinct entity, the researcher may
make only limited generalizations to other trials.

2. "Shadow" juries may be created from excused and
unselected jurors. These "jurors" view the trial from the
gallery and deliberate upon conclusion of evidence presenta-
tion. The verdicts of the actual and shadow juries can be

compared and additional data may be gathered from the shadow jury both before and after the trial. The obvious problem with the shadow jury is finding volunteers to sit through the several days of the actual trial. Of course, shadow jurors could be paid for their services, but this is generally outside the scope of the average research project. Another problem is the lack of control the researcher has over the experimental stimuli and the potential confounding of results. For example, when a real or a shadow jury returns a guilty verdict, is it due to some characteristic of the jurors, or is it that the defendant was obviously guilty?

.   3. Research can be conducted using mock trials and mock jurors, usually college students. There are obvious drawbacks with the student population in terms of life experience, age, education, and so on. And probably no written or videotaped version of a trial fully captures the drama of a courtroom battle. However, the researcher is able to pretest the trial so that evidence is ambiguous or purposely biased.

It would seem that the logical procedure is to attempt to discover some of the basic factors influencing the verdicts of mock jurors viewing a mock trial before attempting to delineate more complex phenomena in a real trial with real jurors. The time, expenses, and tensions are just too great to conduct exploratory studies in real courts using

real jurors. But this should be the eventual goal of most
researchers interested in jury behavior.

Much of the reviewed research has shown that many
extra-evidential factors may potentially influence a jury's
verdict. For example, some subject/jurors may be predis-
posed to return certain verdicts and punishments. Mossman
(1973) advocates the "careful examination of all prospective
jurors, because jurors do not come into the courtroom with
minds like blank pages to be filled with evidence and law"
(p. 78). The problem of jurors' normal psychological ten-
dencies has received added attention in recent years with
the Supreme Court's reimposition of the death penalty, and
three subsequent executions. In "Witherspoon vs. Illinois"
the Supreme Court ruled on the selection of·capital trial
jurors. In Illinois, jurors with scruples against capital
punishment were systematically excluded from service.
"Witherspoon" said that jurors with reservations about the
death penalty could not be excluded unless it was demons-
trated that they were unwilling to equally consider both
life and death sentences. The Court overturned defendant
Witherspoon's death sentence, but let his conviction stand.
As Justice Stewart wrote in the majority opinion,

> We simply cannot conclude, . . . that the exclu-
> sion of jurors opposed to capital punishment
> results in an unrepresentative jury on the issue
> of guilt or substantially increases the risk of
> conviction (p. 517-518).

With Jurow's (1971) and Boehm's (1968) findings that jurors who can inflict the death penalty are also conviction-prone, Mossman's advice becomes increasingly salient.

Suggs and Sales (1979) titled their critical review of systematic jury selection procedures "Jury Selection: An Art or a Science?" As most would agree, jury selection remains mostly art. Few researchers appear willing to change this state of affairs. As a starting point, basic empirical research with mock jurors is indicated. Only when a sound body of empirical data is developed will research advance on more complex jury processes, and make it possible for systematic jury selection to move from the realm of art to that of science.

Obviously, in an actual court trial, jurors must interact with each other during the deliberation phase and attempt to reach an unanimous verdict. Never do actual jurors return individual verdicts. However, it would seem that to eventually increase knowledge of jury processes and jury selection, research should first concentrate on some of the many variables that may affect an individual juror's attribution of guilt or innocence.

Therefore, the present study will investigate several variables that may significantly contribute to an individual juror's verdict and imposition of sentence. Additionally, subjects will be asked the standard death penalty questions that should, according to the Supreme Court in "Witherspoon

vs. Illinois" (1973), be asked of potential jurors in all capital trials.

Multiple regression will be used to analyze the following variables:

Predictor Variables:	Criterion Variables:
Legal Attitudes Questionnaire	Verdict
Just World Scale	(Guilty or Not Guilty)
Capital Punishment Scale	Sentence
Punishment of Criminals Scale	(Assault: # of years
Severity of Crime	Murder: life or death)
Sex of Subject	
"Witherspoon" response	

Based on a review of the literature, the following hypotheses are proposed.

Verdicts will vary as a function of:

I. LAQ scores

A. authoritarianism is a predictor of guilty verdicts

B. equalitarianism is not a predictor of verdicts

C. anti-authoritarianism is a predictor of not guilty verdicts

II. Just World (JW) belief

A. high JW belief is a predictor of guilty verdicts

B. low JW belief is a predictor of not guilty verdicts

III. Punishment of Criminals Scale (PCS)

A. high PCS is a predictor of guilty verdicts

B. low PCS is a predictor of not guilty verdicts

IV. Capital Punishment Scale (CPS)

A. high CPS is a predictor of guilty verdicts

B. low CPS is a predictor of not guilty verdicts

V. Verdicts will not vary as a function of severity of crime

Sentence will vary as a function of

VI. LAQ scores

    A. authoritarianism is a predictor of severe sentences

        a) murder: more death penalties

        b) assault: more years

    B. equalitarianism is not a predictor of sentence

    C. anti-authoritarianism is a predictor of less severe sentences

Additionally, subjects will respond to items measuring attributions of victim suffering; victim, defendant, and circumstantial responsibility; and victim and defendant similarity. Although no formal hypotheses are proposed, the present study appears to provide a test of alternative hypotheses--belief in a just world and defensive attribution--in regards to attributions made by mock jurors. If possible, the alternative that best describes the data will be indicated.

CHAPTER IV

METHOD

Subjects

The subjects were 170 male and female undergraduate
psychology students who received bonus points for partici-
pating. They were recruited in introductory psychology
classes for a research project titled "Jury Study."

Stimulus Materials

Response Booklet

Each subject was given a computer-formated and printed
response booklet. The first part of the booklet contained
the voir dire oath, juror qualifications, and four attitude
scales.

Juror Qualifications

Subjects initially read a "Voir Dire Oath" and sign
their name. They then responded to a written set of
"yes/no" juror qualification questions somewhat analogous to
the voir dire. These items were designed to assess if the
appropriate statutory requirements such as age and residency

were met. The standard "Witherspoon" death penalty questions were asked in both conditions.

Attitude Scales

Subjects were asked to respond to a set of four attitude scales. These were Boehm's (1968) Legal Attitudes Questionnaire, Rubin and Peplau's (1973) Just World Scale, Thurstone's (1932) Attitude Toward Capital Punishment Scale, and Thurstone's (1932) Attitude Toward Punishment of Criminals Scale. The order of presentation of these scales was randomized.

Legal Attitudes Questionnaire. This scale measures authoritarian legal attitudes and provides scores for three subscales: authoritarianism, equalitarianism, and anti-authoritarianism. The scale consists of 30 items arranged in 10 groups of 3 items each. Subjects are asked to indicate which item in each triad they agree with most and which item they agree with least. Each triad consists of one item each from the authoritarian, equalitarian, and anti-authoritarian subscales. "Agree most" items earn three points, "agree least" items one point, and the other item in each group, two points. Scores on the three subscales are interdependent. Total score for the subscales combined always equals 60. Raw scores on the subscales will be standardized for data analysis. (See Appendix B.)

Just World Scale. This scale, based on research by
Lerner (1965; Lerner & Simmons, 1966) consists of 20 items,
half scored positively, half negatively. Subjects indicate
agreement or disagreement with each item on a scale from "1"
(strongly disagree) to "6" (strongly agree). Individual
items are summed for the total just world score. The range
of scores is from 20 to 120. (See Appendix C.)

Attitude Toward Capital Punishment. This 24-item scale
measures attitude toward capital punishment in general.
Items range from advocating capital punishment for all cri-
minals to items which reject capital punishment altogether.
Subjects respond by indicating agreement disagreement. An
individual's score is the median of the scale values of the
items with which he/she agreed. High scores indicate strong
belief in capital punishment. (See Appendix D.)

Attitude Toward Punishment of Criminals Scale. This
34-item scale is concerned with the purpose of and appropri-
ate use of punishment, as well as with the question of
whether or not to punish criminals at all. Subjects indi-
cate agreement or disagreement with each item. The indivi-
dual's score is the median of the scale values of the items
with which he/she agreed. High scores indicate a strong
belief in the value of punishing criminals. Wang and Thur-

stone developed high school and college forms of the scale. The college form was used in the present study. (See Appendix E.)

Juror Decision Forms

After the trial, subjects completed their response booklet. They were asked to (a) indicate their individual verdict (guilty or not guilty), (b) assign a sentence allowable in Oklahoma upon a guilty verdict (murder: life imprisonment or execution; assault: 0-5 years in the state penitentiary), (c) briefly list the factors that led to their verdict, and (d) respond to six attribution items. The attribution items included victim suffering; victim, defendant, and circumstance responsibility; and victim and defendant personal similarity. (See Appendix A.)

Mock Trials

Two black-and-white videotaped mock trials were prepared: (a) a murder trial, and (b) assault with intent to kill. Both were approximately 35 minutes long and were exactly the same except for testimony by a doctor which indicated either (a) that the victim had been stabbed to death or (b) that he had been severely beaten, but had lived. In both tapes, the prosecuting attorney examined (a) an eyewitness, (b) her husband, (c) the state medical examiner, and (d) the bartender at a bar where an argument bet-

ween the victim and defendant allegedly occurred. The defense attorney examined (a) a medical researcher, (b) a person in the bar, and (c) the defendant. Both attorneys cross-examined the other's witnesses. After conclusion of testimony presentation, the judge read instructions to the jury which included the definition of murder or assault with intent to kill. In order that subjects' verdicts would be based on presented testimony, rather than attorney skill, persuasiveness, etc., no opening or closing statements or objections were included on the videotape. Evidence presented in the mock trial was designed to be ambiguous. Several pretests of the trial evidence were conducted with written transcripts in order that guilty and not guilty verdicts would be approximately evenly distributed.

The trial was videotaped in a mock courtroom constructed in the psychology laboratories at Oklahoma State University. The scene taped was of an attorney standing at a podium on the left, interviewing a witness in the witness box, on the right. The judge could be seen at the bench between the attorney and witness.

Procedure

Subjects were recruited from introductory psychology classes to participate in a "Jury Study." Experimental sessions were conducted with 6-12 subjects present. Upon arrival, subjects completed to the "Juror Qualifications"

questions and the four attitude scales. This lasted approximately 20 minutes. When all present had completed these instruments, the trial started. Subjects were informed this was a highly-edited tape of a trial—only the relevant testimony had been included, with irrelevant testimony, objections, opening and closing statements, etc., edited from the tape. Subjects were asked not to take notes, not to discuss the trial among themselves, and to save any questions until completion of the tape. Each trial lasted approximately 35 minutes.

When the trial ended, subjects completed their response booklets. Once again, they were instructed not to discuss the trial among themselves, but rather to return individual verdicts. Approximately 15 minutes were necessary for completion of the verdict, sentence, verdict reasons, and attribution items.

Subjects then returned the booklets to the experimenter who answered questions about the experiment and debriefed them. A pledge of secrecy was obtained.

CHAPTER V

RESULTS

The primary data analyses were conducted with a step-
wise multiple regression analysis (Draper & Smith, 1966).
The predictor variables were subjects' scores on four atti-
tude scales in addition to severity of crime, "Witherspoon"
response, and subjects' sex. The four scales were (a) Legal
Attitudes Questionnaire (Boehm, 1968), (b) Just World Scale
(Rubin & Peplau, 1973), (a) Attitude Toward Capital
Punishment Scale (Thurstone, 1932), and (d) Attitude Toward
Punishment of Criminals Scale (Wang & Thurstone, 1932).
Criterion variables included (a) verdict, (b) sentence, and
(c) responsibility attributions.

Stepwise regression examines each independent variable
individually and identifies the one variable that accounts
for the most variance (R-square) in the dependent variable.
Each remaining predictor variable is then examined to deter-
mine which yields the greatest improvement in R-square when
added to the first variable. In this manner, the best two-
variable model is identified. Remaining predictor variables
which account for significant amounts of variance are then
added one by one, producing the best three-variable model,

the best four-variable model, and so on. At each step the best model may be found by dropping a previous variable and substituting another. Thus, at each step the "best" model is created, regardless of which variables were included in the previous steps.

Additionally, t-tests and correlations were computed when appropriate. Results will be reported for murder, assault, and overall verdicts, murder and assault sentences, and the attribution items.

<div align="center">Verdicts</div>

Overall

The overall conviction rate for the experiment was 44.4% (56/126). For murder, the conviction rate was 47.1% (32/68); for assault, the rate was 41.4% (24/58). Thus, evidence for both trials was sufficiently ambiguous. Conviction rates for the two crimes were not significantly different, t = -.64, df = 124, ns. This supports Hypothesis V.

The stepwise regression analysis indicated that the Capital Punishment Scale (CPS) was the single best predictor of verdicts, regardless of crime, F (1, 122) = 10.29, p < .002. High CPS scores were associated with guilty verdicts and low CPS scores with not guilty verdicts, r = -.28. This finding supports Hypothesis IV. However, the CPS score accounted for only 7.7% of the variance (R-square) in verdicts. When considered with CPS, no other variable contributed a significant improvement in R-square. The analysis

indicated that the Punishment of Criminals Scale (PCS)
yielded the largest improvement in R-square when considered
with CPS, F (1, 121) = 2.55, p < .12. Guilty verdicts were
associated with strong belief in the value of punishing cri-
minals, not guilty verdicts with weaker beliefs, r = -.23.
The two-variable regression model remained significant, F
(2, 121) = 6.48, p < .003, and accounted for 9.7% of the
variance. Although results are in the expected direction,
Hypothesis III therefore was not supported. Hypotheses I-A,
I-C, and II also were not supported by the data. The autho-
ritarian and anti-authoritarian subscales of the LAQ and the
Just World Scale were found to have no significant predicta-
bility for overall verdicts. No verdict predictability was
expected for the equalitarian subscale, lending some support
to Hypothesis I-B.

Thus, for overall verdicts, predictive ability was
weak. The best predictive ability was gained through know-
ledge of a subject's score on the Capital Punishment Scale.
Sex of juror did not significantly affect verdicts, t =
-.85, df = 124, ns; nor, as previously reported, did the
type of crime, t = -.64, df = 124, ns. Thus, males' and
females' verdicts were distributed equallly for both murder
and assault cases. Subjects' verdicts affected several of
the post-verdict attribution items.

Subjects who voted guilty attributed significantly more
victim suffering, t = 2.94, df = 120, p < .004; less victim

responsibility, $\underline{t}$ = -2.24, df = 120, $\underline{p}$ < .03; and more defendant responsibility, $\underline{t}$ = 16.30, df = 111, $\underline{p}$ < .0001; than subjects who voted not guilty. No differences were found for circumstantial responsibility, $\underline{t}$ = .57, df = 120, ns, or victim similarity, $\underline{t}$ = -.38, df = 120, ns. However, defendant similarity approached significance, $\underline{t}$ = -1.82 , df = 120, $\underline{p}$ < .08, with more personal similarity attributed to the defendant by jurors who voted not guilty.

Murder

The murder defendant was convicted by 47.1% of the subjects. As previously reported, this was not significantly different from the conviction rate for assault, $\underline{t}$ = -.64, df = 124, ns.

Stepwise regression analysis for the murder case indicated that the Capital Punishment Scale (CPS) was the single best predictor of verdicts, $\underline{F}$ (1, 66) = 10.41, $\underline{p}$ < .002. Relatively strong belief in capital punishment was associated with guilty verdicts, weaker belief with not guilty verdicts, $\underline{r}$ = -.37. This is in support of Hypothesis IV. A juror's degree of belief in capital punishment accounted for 13.6% of the variance in murder verdicts. No other predictor variable contributed a significant improvement in R-square, when added to CPS. The regression analysis indicated that subjects' response to the "Witherspoon" death penalty question yielded the largest improvement in variance accounted for, when paired with CPS, $\underline{F}$ (1, 65) = 1.27,

p < .27. Subjects who indicated they would not be harmed by inflicting the death penalty tended to vote guilty, r = .12. This variable improved R-square to 15.3%. Although the model remained significant for both variables, F (2, 65) = 5.86, p < .005, the best predictive ability for murder verdicts was gained merely through knowledge of subjects' Capital Punishment Scale scores. Thus, Hypotheses I-A, I-C, II, and III were not supported for murder verdicts. No predictability was expected for the equalitarian subscale of the LAQ, lending support to Hypothesis I-B.

Because of the nonsignificant regression data, no significant t-tests would be expected. Since Boehm's data indicated the direction of authoritarians' and anti-authoritarians' verdicts, however, one-tailed t-tests were computed for these LAQ subscales. No significant differences were found between subjects' verdicts on authoritarianism, t (124) = .91, ns, or anti-authoritarianism, t (124) = .60, ns. Since Boehm did not indicate verdict direction for equalitarians, a two-tailed t-test was computed. This comparison was nonsignificant, t (124) = .60, ns.

T-tests indicated that several attribution items were affected by a subject's verdict. Significantly greater responsibility was attributed to the defendant by subjects voting guilty (M = 7.94) than by jurors who voted not guilty (M = 2.60), t (64) = 14.72, p < .0001. Mean differences for attributions of victim responsibility were borderline significant, t (64) = -1.92, p < .06. The victim was seen as

somewhat more responsible for his fate by subjects who voted not guilty (M = 4.31) than by those who voted guilty (M = 3.35). Although all subjects attributed little similarity to the defendant, relatively more similarity was perceived by subjects voting not guilty (M = 2.63) than by those voting guilty (M = 1.42), t (55.1) = -3.20, p < .003. Mean differences for victim suffering, circumstantial responsibility, and victim similarity did not achieve statistical significance.

Assault

The assault defendant was convicted by 41.4% (24/58) subjects. This was not significantly different from the conviction rate for murder, t (124) = -.64, ns. For assault verdicts, the Punishment of Criminals Scale (PCS) was the single best predictor variable, but was only marginally significant F (1,54) = 3.83, p < .06. PCS score accounted for 6.6% of the variation in assault verdicts. Relatively strong belief in the punishment of criminals was associated with guilt verdicts, r = -.26. This finding therefore provides some support for Hypothesis III.

The anti-authoritarian subscale of the LAQ contributed the next largest, although nonsignificant, improvement in R-square, F (1,53) = 1.29, p < .27, with anti-authoritarians tending to vote guilty. This finding, while nonsignificant, is opposite of the expected direction for anti-authoritarianism, and does not support Hypothesis I-C. The two-varia-

ble regression model, F (2,53) = 2.57, p < .09, accounted for 8.8% of assault verdict variation. Thus, no independent variable achieved strong predictability, although the PCS was identified as the "best" variable for predicting assault verdicts. Hypotheses I-A, II, and IV also were not supported for assault verdicts. Because no predictability was expected for equalitarianism, Hypothesis I-B was supported.

For assault, subjects' verdicts (1 = guilty, 2 = not guilty) were correlated with victim suffering, r = -.75, p < .0001. Thus, attributions of relatively greater victim suffering and defendant responsibility were associated with guilty verdicts. The correlation of verdict with other attribution items did not achieve significance.

Murder vs. Assault

T-tests were computed comparing murder and assault verdicts. As previously reported, the two crimes did not differ on conviction rate, t (124) = -.64, ns, and no significant differences were found for any independent variable. However, several attribution items were affected by the type of crime judged. Subjects attributed significantly more suffering to the victim (on a 9-point scale) in the murder case (M = 7.32) than in the assault case (M = 5.34), t (120) = 5.52, p < .0001. Also, relatively more responsibility was attributed to the victim in the assault case (M = 4.84) than the murder case (M = 3.86), t (120) = -.27, p < .007. Attributions of responsibility to the defendant, t (120) =

-.77, ns, circumstances, $\underline{t}$ (120) = -.02, ns, were not signi-
ficantly different for the two crimes. Additionally, sub-
jects perceived relatively greater similarity to the assault
defendant ($\underline{M}$ = 2.84) than the murder defendant ($\underline{M}$ = 2.06), $\underline{t}$
(120) = -2.40, $\underline{p}$ < .02, although means for both similarity
attributions indicated subjects were generally dissimilar to
the defendant. Assault subjects ($\underline{M}$ = 2.71) indicated
somewhat greater similarity to the victim than murder
subjects ($\underline{M}$ = 2.26), although the comparison was
nonsignificant, $\underline{t}$ (120) = -1.42, ns.

Sentences

Murder

Only subjects who convicted the defendant assigned a
sentence. Appropriate choices for murder were life impri-
sonment or the death penalty. Of the 32 subjects who
convicted the murder defendant, 20 (62.5%) assigned a life
sentence and 12 (37.5%) gave a death sentence. The single
best predictor of murder sentence (coded 1 = life, 2 =
death) was the equalitarian subscale of the Legal Attitudes
Questionnaire, $\underline{F}$ (1,30) = 7.89, $\underline{p}$ < .009. A high equalitar-
ianism score was associated with a lenient sentence (life),
$\underline{r}$ = -.46. Equalitarianism accounted for 20.8% of murder
sentence variance. Since no predictability was expected for
equalitarianism, however, Hypothesis III-B was not sup-
ported. The Punishment of Criminals Scale (CPS) also signi-
ficantly contributed to the regression model, $\underline{F}$ (1,29) =

4.87, p < .04, when considered with equalitarianism. Sub-
jects with relatively strong belief in the value of punish-
ing criminals tended to return life sentences, r = -.14.
The two-variable regression model was significant, F (2,29)
= 6.88, p < .004. When considered together equalitarianism
and PCS scores accounted for 32.2% of the variance in murder
sentences. Response to the "Witherspoon" question addition-
ally contributed to an improvement in R-square, F (1,28) =
6.76, p < .02, when considered with equalitarianism and PCS.
Subjects who before the trial stated they could inflict the
death penalty tended to do so, r = -.33. The three-variable
regression model (equalitarianism, PCS, and Witherspoon), F
(3,28) = 7.75, p < .0006, accounted for 45.4% of murder sen-
tence variance.

The regression analysis indicated that juror sex con-
tributed the next largest, although nonsignificant, improve-
ment in R-square, F (1,27) = 1.14, p < .30. Sex, when
considered with the other variables, improved R-square
minimally to 47.6% of sentence variation. Thus, the three
variable model was indicated as best predicting a subject's
murder sentence. The authoritarian and anti-authoritarian
subscales of the LAQ were expected to be significant predic-
tors of sentences: Hypotheses VI-A and VI-C therefore were
not supported.

T-tests were computed comparing the attributions of
jurors who gave life and death sentences. Those who
returned a life sentence attributed relatively more personal

similarity to both the victim, t (28) = 2.18, p < .04, and the defendant, t (18) = 2.23, p < .04, than subjects returning a death sentence. Actual attribution means indicated general dissimilarity to both victim and defendant, with the greatest similarity (M of 2.79 on a 9-point scale) attributed to the victim by those returing a life sentence. All subjects returning a death sentence attributed the absolute minimum similarity (1.0 on a 9-point scale) to the defendant. Mean differences were nonsignificant for attributions of victim suffering, and victim, defendant, and circumstantial responsibility.

Assault

Subjects who convicted the assault defendant were asked to return a sentence. The potential range was from 0-5 years. The 24 subjects who convicted the assault defendant returned an average sentence of slightly less than 2 years, 8 months (M = 31.9 months, sd = 20.8 months). The range was from 1 month to the maximum 5 years. The single best predictor of assault sentences was the Punishment of Criminals Scale (PCS), F (1,21) = 6.59, p < .02. This variable accounted for 23.9% of sentence variance. High PCS scores were associated with relatively severe sentences, low scores with lenient sentences, r = .49. Anti-authoritarianism, considered with CPS, contributed the largest improvement in R-square, although nonsignificant, with high anti-authoritarians tending to assign more severe sentences, F (1,20) =

.68, p < .42.   This finding, while nonsignificant, is oppo-
site of that to be expected from Hypothesis VI-C.   The model
remained significant with these two variables, F (2,20) =
3.59, p < .05.   R-square accounted for 26.4% of the variance
in assault sentence.   Therefore, the PCS was identified as
providing the best predictability for assault sentences.

No attribution items were significantly correlated with
assault sentence.   Authoritarianism did not significantly
predict assault sentence--thus, Hypothesis VI-A was not sup-
ported.   However, since equalitarianism was not expected to
be a significant predictor, some support was established for
Hypothesis VI-B.

Attribution

Correlations were computed to identify the relation-
ships among the six attribution items and the other varia-
bles.   Results will be reported for murder and assault
cases, and for the two combined.

Victim Suffering

Attribution of victim suffering was correlated with the
crime judged, r = -.45, df = 122, p < .0001, with subjects
in the murder case making attributions of relatively greater
suffering than assault subjects.   Victim suffering was also
correlated with overall verdict (1 = guilty, 2 = not
guilty), r = -.26, df = 122, p < .004, and assault verdicts,
r = -.40, df = 56, p < .003.   Subjects who voted guilty

tended to perceive greater suffering than those voting not guilty, especially in the assault case. Additionally, victim suffering and defendant responsibility were positively correlated for both crimes combined. r = .20, df = 122, p < .03, and for assault, r = .43, df = 56, p < .0009. Especially in the assault case, the greater the degree of suffering by the victim, the more likely the defendant was seen as responsible for the incident. However, for the murder case these correlations, and all others, were nonsignificant.

Victim Responsibility

Attribution of responsibility to the victim was significantly correlated with subjects' overall verdicts, r = .20, df = 122, p < .03, and was borderline for murder verdicts, r = .23, df = 66, p < .06. Subjects returning a not guilty verdict tended to place more blame on the victim than subjects voting guilty. This relationship was not obtained for assault. The type of crime, however, was related to victim responsibility attributions, r = .24, df = 122, p < .007, with the victim perceived as being relatively more responsible for his fate in the assault case than in the murder case. Victim suffering significantly correlated with the authoritarian and equalitarian subscales of the LAQ, combined over both crimes, r = -.25, df = 122, p < .006; r = .31, df = 122, p < .0005; respectively; and for the murder case, r = -.33, df = 66, p < .007; r = .35, df = 66, p <

.005, respectively. These correlations were not significant for the assault case. Thus, subjects low on authoritarianism and high on equalitarianism tended to attribute a relatively high degree of responsibility to the victim for his own fate. (Authoritarianism and equalitarianism were highly correlated, $r = -.65$, df = 126, $p < .0001$.) Additionally, subjects who rated themselves as relatively similar to the defendant tended to place greater responsibility on the victim over both crimes, $r = .18$, df = 122, $p < .04$, and in the murder case, $r = .24$, df = 66, $p < .06$. Circumstantial and victim responsibility were significantly correlated for both crimes, $r = .18$, df = 122, $p < .05$, and for assault, $r = .33$, df = 56, $p < .02$. The greater "circumstances" were seen as responsible for the incident, the greater the responsibility of the victim. This correlation was not significant for the murder case. Victim responsibility was related to just world belief for subjects who voted not guilty, $r = .27$, df = 66, $p < .03$, but not for those who voted guilty, $r = .01$, df = 55, ns. Thus, only for subjects who acquitted, the stronger the belief in a just world, the more blame placed on the victim for the incident.

Defendant Responsibility

Defendant responsibility was correlated with overall verdicts, $r = -.82$, df = 122, $p < .0001$; murder verdict, $r = -.88$, df = 66, $p < .0001$; and assault verdict, $r = -.75$, df = 56, $p < .0001$. Thus, guilt verdicts were clearly related

to strong attributions of responsibility to the defendant. Subjects' scores on the Capital Punishment Scale were significantly related to attributions of defendant responsibility for both crimes combined, r = .26, df = 122, p < .005; and for murder, r = .45, df = 66, p < .0001. The correlation did not achieve significance for the assault case. Defendant responsibility and victim suffering were related for both crimes, r = .20, df = 122, p < .03, and for assault, r = .43, df = 56, p < .0009, but not for murder, r = .14, df = 66, ns. The correlation of defendant responsibility and defendant similarity was borderline significant over both crimes, r = -.17, df = 122, p < .06, and achieved significance for murder, r = -.28, df = 66, p < .03. Thus, especially in the murder trial, subjects who rated themselves as relatively similar to the defendant attributed relatively little responsibility to him. Or conversely, when the defendant was seen as responsible for the incident, subjects did not perceive themselves as very similar to him.

Circumstantial

Attributions of responsibility to "circumstances" were found to be significantly correlated with subjects' Capital Punishment Scale score for both crimes, r = .18, df = 122, p < .05, and was borderline significant for the murder case, r = .23, df = 66, p < .07. Subjects with relatively strong beliefs in capital punishment tended to attribute somewhat more "circumstantial" responsibility than subjects with

weaker beliefs. Circumstantial responsibility was also cor-
related with subjects' response to the "Witherspoon" death
penalty question (1 = yes, 2 = no), r = -.17, df = 122, p <
.07, for both crimes; r = -.24, df = 66, p < .05, for
murder. As with the CPS, "pro" death penalty attitudes were
related to relatively greater attributions of circumstantial
responsibility, especially in the murder case. However,
actual murder sentence was not correlated with circumstan-
tial responsibility, r = -.07, df = 55, ns. Additionally,
attributions of responsibility to the victim and circum-
stances were correlated for both crimes, r = .18, df = 122,
p < .05, and for assault, r = .33, df = 56, p < .02. The
more responsibility attributed to circumstances, the more
the victim was seen as also blameworthy, especially in the
assault case. There was also a weak correlation in the
assault case between circumstantial responsibility and sex
(1 = male, 2 = female), r = -.22, df = 56, p < .10, indicat-
ing that males may have seen circumstances as more responsi-
bile for the "fight" than females.

Victim Similarity

Victim similarity and defendant similarity were
strongly correlated for both cases combined, r = .48, df =
122 p < .0001; for murder, r = .57, df = 66, p < .0001; and
for assault, r = .36, df = 56, p < .007. Means for victim
and defendant similarity were virtually identical (2.47 and
2.42, respectively) and in the direction of dissimilarity.

Possibly because both the victim and the defendant had been drinking in a bar, subjects felt the victim and defendant were similar to each other, but were not very similar to themselves.

For both crimes combined, victim similarity was borderline significant with authoritarianism, $r = -.19$, df = 122, $p < .08$, and anti-authoritarianism, $r = .16$, df = 122, $p < .07$. These correlations achieved significance for the murder case, $r = -.29$, df = 66, $p < .02$; $r = .30$, df = 66, $p < .02$, respectively. High authoritarians tended to perceive the victim as relatively dissimilar to themselves, whereas anti-authoritarians tended to perceive him as relatively similar. As would be expected, authoritarianism and anti-authoritarianism were negativley related, $r = -.38$, df = 122, $p < .0001$. The correlation of victim similarity and Capital Punishment Scale score was borderline significant for both crimes combined, $r = -.17$, df = 122, $p < .06$, and for murder, $r = -.24$, df = 66, $p < .06$. The stronger the belief in capital punishment, the less similarity attributed to the victim. The correlation of victim similarity and murder sentence was marginally significant, $r = -.33$, df = 31, $p < .07$, with guilty verdicts associated with attributions of low similarity. For assault, there was also a weak correlation between victim similarity and defendant responsibility, $r = -.23$, df = 56, $p < .09$, such that the more similar subjects were to the victim, the less responsibility was placed on the defendant.

Defendant Similarity

Subjects' attributions of defendant similarity were
correlated with the crime judged (1 = murder, 2 = assault),
r = .21, df = 122, p < .02, with more similarity attributed
to the defendant in the assault case. Defendant similarity
was also correlated with murder verdicts (1= guilty, 2 = not
guilty), r = .36, df = 66, p < .003, and was borderline sig-
nificant for both cases combined, r = .16, df = 122, p <
.08. Especially in the murder case, subjects voting not
guilty perceived greater similarity to the defendant than
subjects voting guilty. For murder, there was also a weak
correlation of sentence (1= life, 2 = death) with defendant
similarity, r = -.31, df = 31, p < .09, with subjects giving
the death penalty tending to perceive relatively less
similarity to the defendant than subjects giving a life
sentence. Defendant similarity was correlated with authori-
tarianism for both crimes, r = -.19, df = 122, p < .04, and
for murder, r = -.28, df = 66, p < .03, and was borderline
significant with anti-authoritarianism, r = .17, df 122, p <
.06. Thus, the greater subjects' authoritarianism score,
especially in the murder case, the less similarity attri-
buted to the defendant, whereas anti-authoritarianism was
weakly related to attributions of relative similarity to the
defendant. The correlation of defendant similarity and vic-
tim responsibility was significant over both cases, r = .18,
df = 122, p < .05, and was borderline significant for
murder, r = .24, df = 66, p < .06. This would indicate that

the greater subjects perceived similarity to the defendant, the more responsibility placed on the victim. Defendant similarity was also correlated with defendant responsibility for murder, $r = -.28$, df = 66, $p < .03$, and was borderline significant for both crimes combined, $r = -.17$, df = 122, $p < .06$. The greater the responsibility of attribution to the defendant, the less similar subjects judged him to be.

Victim and defendant similarity were strongly related overall, $r = .48$, df = 122, $p < .0001$; for murder, $r = .57$, df = 66, $p < .0001$; and for assault, $r = .36$, df = 56, $p < .007$, indicating that the greater the similarity to the defendant, the greater the similarity to the victim.

Additionally, capital punishment attitude was significantly correlated with defendant similarity, $r = -.26$, df = 66, $p < .04$, but only for the murder case. The stronger the belief in capital punishment, the lower the attribution of similarity.

Attitude Scales

Because the four attitude scales were administered before the trial stimulus and there were no significant differences between murder and assault for the scales, results will be reported for the two crimes combined.

Legal Attitudes Questionnaire

Because of the design of the LAQ, the subscales were highly intercorrelated (see Table I).

TABLE   I

CORRELATION COEFFICIENTS FOR LEGAL
ATTITUDES SCALE SUBSCALES

	Author.	Equal.	Anti-author.
Authoritarianism	--	-.65*	-.33*
Equalitarianism		--	-.45*
Anti-authoritarianism			--

* $\underline{p}$ < .0001

The authoritarian subscale was significantly related to
Punishment of Criminals score, $\underline{r}$ = .19, df = 125, $\underline{p}$ < .04,
and was borderline significant for capital punishment atti-
tude, $\underline{r}$ = .17, df = 126, $\underline{p}$ < .06. The higher the level of
authoritarianism, the more likely subjects were to agree
with capital punishment and severe punishment in general.

The equalitarian subscale was negatively related to
punishment of criminals attitude, $\underline{r}$ = -.23, df = 125, $\underline{p}$ <
.01, indicating high equalitarians tended not to have strong
punishment attitudes. Equalitarianism was borderline signi-
ficant for just world belief, $\underline{r}$ = .17, df = 125, $\underline{p}$ < .07.
The greater the degree of equalitarianism, the greater the
belief in a just world.

Anti-authoritarianism was not significantly related to
any other attitude scale.

Capital Punishment Scale and Punishment
of Criminals Scale

These scales were strongly related, r = .34, df = 125, p < .0001, indicating that severe attitudes tended to coincide. Both scales were related to authoritarianism, r = .17, df = 126, p < .06; r = .19, df = 126, p < .04, respectively. High authoritarians tended to be in favor of relatively more severe treatment of criminals.

Equalitarianism was significantly correlated with the Punishment of Criminals Scale, r = -.23, df = 125, p < .01, but not the Capital Punishment Scale, r = .08, df = 126, ns. Thus, high equalitarian scores were associated with lenient general punishment attitudes, but did not vary with capital punishment attitudes.

Both scales were also related to subjects' "Witherspoon" response, (1 = yes, 2 = no) r = -.62, df = 126, p < .0001; r = -.29, df = 125, p < .001; respectively. Subjects who responded positively to the Supreme Court's death penalty question, tended to have relatively severe punishment attitudes.

Additionally, capital punishment attitude was related to subject sex (1 = male, 2 = female) when measured by the CPS, r = -.30, df = 126, p < .0006, and by the "Witherspoon" question, r = .21, df = 126, p < .02, although general punishment attitudes were not, r = .04, df = 125, ns. Females tended to have less favorable attitudes in regard to capital

punishment, although murder verdicts were not related to sex, r = -.23, df = 32, ns.

Just World Scale

Just world attitude was marginally correlated with equalitarianism, r = .17, df = 125, p < .07, and punishment of criminals attitude, r = .17, df = 124, p < .07. Thus, relatively strong belief in a just world was related to high equalitarianism scores and strong belief in the value of punishing criminals.

Just world belief was significantly correlated with victim responsibility for subjects who voted not guilty, r = .27, df = 66, p < .03, but not for those voting guilty, r = .01, df = 55, ns. Thus, the stronger subjects' belief in a just world, the more likely the victim was blamed for his suffering, but only by subjects voting not guilty.

CHAPTER VI

DISCUSSION

The evidence in both the assault and murder trials was weighted such that it was difficult to tell exactly what had occurred during the incident, yet either a guilty or not guilty verdict was realistically possible. The overall conviction rate (44.4%) indicated that the trial stimuli were sufficiently ambiguous. Altering some evidence in the murder trial to create the assault trial did not affect the conviction rate, nor did sex of juror. Thus, contrary to many other jury simulation studies, results of the present study are not mediated by strong sex effects or unevenly distributed verdicts. Most studies reporting sex differences involved a rape trial, and it is likely that this accounts for the effect. Although trial stimuli in the present study were physical (non-sexual) assaults, they apparently did not differentially affect males and females.

Results for the attribution items indicated little support for just world attributions, but generally supported Shaver's notion of defensive attribution. Defendant responsibility was negatively related to defendant similarity--the greater the defendant's responsibility, the less subjects

felt similar to him. This would seem to be a mechanism for avoiding personal blame: "He is responsible for someone's suffering and is therefore not like me. If I were to cause suffering, it would not be my fault." This relationship was somewhat stronger for murder than assault. Attributions of defendant responsibility therefore may be severity-dependent.

Severity-dependent attributions of victim responsibility were not found. Walster (1966) reported that as severity of consequences increased, attributions of victim responsibility increased. This is essentially a "just-world" response--the victim has gotten what he deserved. In the present study, severity of consequences (defined as either degree of victim suffering or type of crime) was not related to victim responsibility.

However, Lerner (1965) indicated that just world behaviors are most likely to be exhibited when the agent of suffering has not been identified. In the present study, nearly half of the subjects voted guilty--thus identifying the harm-doer and establishing justice. Those who voted not guilty were faced with a seemingly innocent victim who had suffered at the hands of an unknown assailant. This is essentially the situation where just world behaviors should appear. Considering only subjects who acquitted the defendant, severity-dependent attributions of victim responsibility were not found.

There is some evidence supporting the just world position. Just world belief was not correlated with victim responsibility for jurors who convicted--justice was accomplished by the guilty verdict. But, for acquitting jurors, a high need to believe in a just world was related to relatively high attributions of victim responsibility. Thus, when no agent of suffering had been identified, high just world jurors tended to derogate the victim by placing relatively high responsibility for the incident on him.

Based on the pattern of attribution results, it is believed that overall, defensive attribution explanations best account for the data. Defendant similarity and responsibility were negatively related and severity-dependent attributions of victim responsibility were not found. As Shaver (1970) noted, belief in a just world is probably an example of defensive attribution.

Overall predictability in the study was generally minimal. Even when significant, most predictor variables accounted for little variance (R-square) in the dependent variable. The greatest improvement in R-square (45.4%) was found for the 3-variable model (equalitarianism, Punishment of Criminals Scale, and Witherspoon) for murder sentences, but the other four regression models each accounted for less than 25% of the variance. Statistical effects may have been strengthened by various methods; for example, using a 7-point guilt continuum instead of the dichotomous one

employed; varying the defendant's characteristics, such as similarity, race, or age; using less ambiguous trial stimuli; or by having subjects deliberate. In a review of mock trial research, Bray and Kerr (1979) state that they

> are not persuaded that simulation studies must accurately establish the strength of an effect . . . or that their effects must account for a large proportion of the variance of actual jury behavior. . . . If our interest extends to the ability of juries to carry out their responsibilities, even small or infrequently applied juror biases may be important, particularly when they are based on extralegal factors or might be remedied through minor procedural safeguards (p. 116).

Results for the LAQ subscales were disappointing. Boehm (1968), Jurow (1971), and Berg and Vidmar (1975) had reported the conviction proneness of authoritarians. Authoritarianism and anti-authoritarianism afforded no significant predictability for verdicts in the present study and contrary to expectation, anti-authoritarianism was moderately related to severe sentences in the assault case. Because Boehm reported no results for equalitarianism in her study, it was not expected to be related to verdict or sentence. However, the regression analyses indicated the "best" predictor of murder sentences was equalitarianism, with high equalitarians tending to give relatively lenient sentences. This result seems logical if, as Boehm states, equalitarians tend to take "non-extreme positions on legal questions" (p. 734), such as returning a life sentence rather than the death penalty.

Based on Boehm's and Jurow's results, the LAQ seemed to hold promise for investigating potential juror biases: with the equalitarian subscale best predicting murder sentences, it is worthy of future investigation. It is possible that the LAQ may need revision. The scale was constructed during the late 1960's, using social psychology graduate students (apparently from Columbia University) and civil rights workers as subjects, and may not be as valid for Oklahoma subjects in the politically-conservative 1980's.

Several LAQ authoritarianism items were "essentially punitive in nature" (Boehm, p. 734). As would be expected, high authoritarianism was related to strong belief in the need for punishing criminals. However, it was not significantly related to actual sentences, although the results were in the expected direction. Attributions of both victim and defendant similarity were also related to authoritarianism and anti-authoritarianism: Authoritarians tended to distinguish themselves from both victim and defendant, anti-authoritarians tended to identify with both.

Thurstone's Capital Punishment Scale (1932) and Punishment of Criminals Scale (1932) provided relatively good predictability.

The Punishment of Criminals Scale was a significant predictor of both murder and assault sentences and was the "best" (p < .06) predictor of assault verdicts. Interestingly, the Capital Punishment Scale did not significantly

predict murder sentences, but did predict murder and overall verdicts. This lends support to previous research which reports that jurors with strong capital punishment attitudes are conviction-prone. This effect, however, was not obtained for the assault trial. "Death-qualified" jurors are apparently not generally conviction-prone: In the present study, this bias appears only when murder is the crime being judged.

Although the Capital Punishment Scale was not one of the best predictors of murder sentences, the regression model did include the "Witherspoon" response. No subject who said inflicting the death penalty "would do violence to [my] conscience" returned a death sentence (n = 5). Subjects who could give the death penalty were approximately equally likely to return life (n = 15) as death (n = 12). Although n's are small, this data indicates that jurors with reservations on capital punishment may not be able to set their opinions aside, regardless of whether they say they are able to or not. The Supreme Court's "Witherspoon" ruling stated that persons with any scruples on capital punishment could not be systematically excluded from service. However, these jurors can be dismissed if they are unwilling to consider equally both life and death sentences. The present data tentatively suggest that even if these jurors claim to be able to consider both, they may not be capable of doing so. This seemingly contradicts Justice Stewart's majority opinion in "Witherspoon" which said

> A man who opposes the death penalty, no less than one who favors it, can make the discretionary judgment entrusted to him by the State and can thus obey the oath he takes as a juror (to consider both life and death sentences, p. 519).

Although Witherspoon responses did not significantly contribute to the variance for overall verdicts, jurors with capital punishment scruples also were somewhat more likely to find the defendant innocent ($p < .10$).

These results hold implications for attorneys and psychologists involved in jury selection. When defending a capital defendant, special emphasis should be placed on jurors who have capital punishment scruples, but are willing to consider both sentences. These jurors will probably be allowed to remain on the jury and may insure against a death sentence, or if excluded, may increase the chances of receiving one. Further research is needed to investigate if these results are mediated by a group deliberation or by defendant characteristics.

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APPENDIX   A

RESPONSE BOOKLET

VOIR DIRE OATH

DO YOU SOLEMNLY SWEAR TO WELL AND TRULY ANSWER ANY QUESTIONS
ASKED OF YOU CONCERNING YOUR QUALIFICATIONS TO SIT IN THE
CASE NOW ON TRIAL, SO HELP YOU GOD? THIS I AFFIRM UNDER THE
PAINS AND PENALTIES OF PERJURY.

DATE_____   SIGNED_____

      Both the State of Oklahoma and the defendant are
entitled to jurors who approach this case with open minds
and agree to keep their minds open until a verdict is
reached. Jurors must be free as humanly possible from bias,
prejudice, or sympathy. Jurors must not be influenced by
pre-conceived ideas as to the facts or as to the law.

JUROR QUALIFICATIONS

YES   NO   (PLEASE CHECK APPROPRIATE ANSWER)

----   ----   1. Are you over 18 years of age?

----   ----   2. Are you a resident of Oklahoma?

----   ----   3. Have you ever been convicted of a
                           felony?

----   ----   4. Are you or any relative of yours
                           connected with law enforcement?

----   ----   5. If selected as a juror, will you assess
                           punishment in accordance with the law?

----   ----   6. If selected as a juror, will you
                           presume the defendant innocent until
                           proven guilty "beyond a reasonable
                           doubt."

----   ----   7. If selected as a juror, in a case where
                           the law and evidence warrant, can you,
                           without doing violence to your
                           conscience vote for and support a death
                           penalty for a defendant in a case of
                           murder in the first degree?

IF # 7 IS NO, ANSWER # 8, THEN GO TO NEXT PAGE.
IF # 7 IS YES, GO TO NEXT PAGE.

----   ----   8. Are your reservations about the death
                           penalty such that regardless of the
                           law, the facts, and circumstances of
                           the case, you can not inflict the death
                           penalty if you found "beyond a
                           reasonable doubt" that the defendant was
                           guilty of murder in the first degree?

AFTER HEARING THE EVIDENCE, I HEREBY FIND THE DEFENDANT:

-------------   GUILTY

-------------   NOT GUILTY

IF GUILTY, GO TO NEXT PAGE.
IF NOT GUILTY, SKIP NEXT PAGE AND GO TO FOLLOWING PAGE.

HAVING FOUND THE DEFENDANT GUILTY, I HEREBY ASSESS
THE PENALTY IN THIS CASE AS:

_____   YEARS, ---------- MONTHS IMPRISONMENT IN
                                  THE STATE PENITENTIARY.

HAVING FOUND THE DEFENDANT GUILTY, I HEREBY ASSESS
THE PENALTY IN THIS CASE AS:

_____ LIFE IMPRISONMENT IN THE STATE PENITENTIARY.

_____ DEATH BY INJECTION.

GO TO NEXT PAGE.

PLEASE LIST IN ORDER OF IMPORTANCE THE FACTORS THAT LED TO
YOUR VERDICT OF GUILTY or NOT GUILTY . (# 1 should be
most important, # 2 next important, and so on.
1.

2.

3.

4.

5.

PLEASE RESPOND TO THE FOLLOWING QUESTIONS BY PUTTING A CIRCLE AROUND THE DOT THAT BEST CORRESPONDS TO YOUR ESTIMATE.

1. How much do you think William Parks suffered?

    •   •   •   •   •   •   •   •   •

Very   Very
little   much

2. How responsible for the incident is William Parks?

    •   •   •   •   •   •   •   •   •

Very   Very
little   much

3. How responsible for the incident is Jerry Harris?

    •   •   •   •   •   •   •   •   •

Very   Very
little   much

4. How responsible for the incident are "circumstances"?

    •   •   •   •   •   •   •   •   •

Very   Very
little   much

7. How similar are you to William Parks?

·   ·   ·   ·   ·   ·   ·   ·   ·

Very   Very
little   much

8. How similar are you to Jerry Harris?

·   ·   ·   ·   ·   ·   ·   ·   ·

Very   Very
little   much

APPENDIX B

LEGAL ATTITUDES QUESTIONNAIRE

LEGAL ATTITUDES QUESTIONNAIRE

INSTRUCTIONS: On the following pages are ten groups of statements, each expressing a commonly held opinion about law enforcement, legal procedures and other things connected with the judicial system. There are three statements in each group.

Put a plus (+) on the line next to the statement in a group that you agree with most, and a minus (-) next to the statement you agree with the least.

An example of a set of statements might be:

__+__   A.   The failure of a defendant to testify in his own behalf should not be taken as an indication of guilt.

_____   B.   The majority of persons arrested are innocent of any crime.

__-__   C.   Giving an obviously guilty criminal a long drawn-out trial is a waste of the tax-payer's money.

In this example, the person answering has agreed most with statement A and least with statement C.

Work carefully, choosing the item you agree with most and the one you agree with least in each set of statements. There is no time limit on this questionnaire, but do not spend too much time on any set of statements. Some sets are more difficult than others, but please do not omit any set of statements.

SET 1

_____   A. Unfair treatment of underprivileged groups and classes is the chief cause of crime.

_____   B. Too many obviously guilty persons escape punishment because of legal technicalities.

_____   C. The Supreme Court is, by and large, an effective guardian of the Constitution.

SET 2

_____ A. Evidence obtained illegally should be admissable
in court if such evidence is the only way of
obtaining a conviction.

_____ B. Most prosecuting attorneys have a strong sadistic
streak.

_____ C. Search warrants should clearly specify the person
or things to be seized.

SET 3

_____ A. No one should be convicted of a crime on the basis
of circumstantial evidence, no matter how strong
such evidence is.

_____ B. There is no need in a criminal case for the
accused to prove his innocence beyond a reasonable
doubt.

_____ C. Any person who resists arrest commits a crime.

SET 4

_____ A. When determining a person's guilt or innocence,
the existence of a prior arrest record should not
be considered.

_____ B. Wiretapping by anyone and for any reason should be
completely illegal.

_____ C. A lot of recent Supreme Court decisions sound
suspiciously Communistic.

SET 5

_____ A. Treachery and deceit are common tools of
prosecutors.

_____ B. Defendants in a criminal case should be required
to take the witness stand.

_____ C. All too often, minority group members do not get
fair trials.

SET 6

_____ A. Because of the oppression and persecution minority
group members suffer they deserve leniency and
special treatment in the courts.

_____ B. Citizens need to be protected against excess
police power as well as against criminals.

_____ C. Persons who testify in court against underworld
characters should be allowed to do so anonymously
to protect themselves from retaliation.

SET 7

_____ A. It is better for society that several guilty men be freed than one innocent one wrongfully imprisoned.

_____ B. Accused persons should be required to take lie-detector tests.

_____ C. When there is a "hung" jury in a criminal case, the defendant should always be freed and the indictment dismissed.

SET 8

_____ A. A society with true freedom and equality for all would have very little crime.

_____ B. It is moral and ethical for a lawyer to represent a defendant in a criminal case even when he believes his client is guilty.

_____ C. Police should be allowed to arrest and question suspicious-looking persons to determine whether they have been up to something illegal.

SET 9

_____ A. The law coddles criminals to the detriment of society.

_____ B. A lot of judges have connections with the under-world.

_____ C. The freedom of society is endangered as much by overzealous law enforcement as by the acts of individual criminals.

SET 10

_____ A. There is just about no such thing as an honest cop.

_____ B. In the long run, liberty is more important than order.

_____ C. Upstanding citizens have nothing to fear from the police.

APPENDIX   C

JUST WORLD SCALE

INSTRUCTIONS: The following statements deal with common interpersonal and political theories. Please read each statement and decide the degree to which you agree or disagree with the statement.

In the blank space before each statement, place the number which best describes your reaction to each item. If you <u>definitely</u> <u>disagree</u> with an item, place a 1. If you <u>disagree</u> <u>less</u> <u>strongly</u>, place a 2. Place a 3 if you <u>disagree</u> <u>slightly</u>. Place a 4 if you <u>agree</u> <u>slightly</u> with the item. If you <u>agree</u> <u>more</u> <u>strongly</u>, place a 5 in the blank. Place a 6 if you <u>definitely</u> <u>agree</u>.

REMEMBER:
1--definitely disagree
2--strongly disagree
3--slightly disagree
4--slightly agree
5--strongly agree
6--definitely agree

There is no time limit on this questionnaire, but do not spend too much time on any one statement. Some statements are more difficult than others, but please do not omit any statements.

_____ 1. I've found that a person rarely deserves the reputation he has.

_____ 2. Basically, the world is a just place.

_____ 3. People who get "lucky breaks" have usually earned their good fortune.

_____ 4. Careful drivers are just as likely to get hurt in traffic accidents as careless ones.

_____ 5. It is a common occurrence for a guilty person to get off free in American courts.

_____ 6. Students almost always deserve the grades they receive in school.

_____ 7. Men who keep in shape have little chance of suffering a heart attack.

_____ 8. The political candidate who sticks up for his principles rarely gets elected.

_____ 9. It is rare for an innocent man to be wrongly sent to jail.

_____ 10. In professional sports, many fouls and infractions never get called by the referee.

_____ 11. By and large, people deserve what they get.

_____ 12. When parents punish their children, it is almost always for good reasons.

_____ 13. Good deeds often go unnoticed and unrewarded.

_____ 14. Although evil men may hold political power for a while, in the general course of history good wins out.

_____ 15. In almost any business or profession, people who do their job well rise to the top.

_____ 16. American parents tend to overlook the things most to be admired in their children.

_____ 17. It is often impossible for a person to receive a fair trial in the USA.

_____ 18. People who meet with misfortune have often brought it on themselves.

_____ 19. Crime doesn't pay.

_____ 20. Many people suffer through absolutely no fault of their own.

APPENDIX D

ATTITUDE TOWARD CAPITAL PUNISHMENT SCALE

Below you will find a number of statements expressing different attitudes toward Capital Punishment.

Put a plus (+) if you agree with the statement.

Put a minus (-) if you disagree with the statement.

_____ 1. Capital punishment may be wrong but it is the best preventative to crime.

_____ 2. Capital punishment is absolutely never justified.

_____ 3. I think capital punishment is necessary but I wish it were not.

_____ 4. Any person, man or woman, young or old, who commits murder, should pay with his own life.

_____ 5. Capital punishment cannot be regarded as a sane method of dealing with crime.

_____ 6. Capital punishment is wrong but is necessary in our imperfect civilization.

_____ 7. Every criminal should be executed.

_____ 8. Capital punishment has never been effective in preventing crime.

_____ 9. I don't believe in capital punishment but I'm not sure it isn't necessary.

_____ 10. We must have capital punishment for some crimes.

_____ 11. I think the return of the whipping post would be more effective in preventing crime.

_____ 12. I do not believe in capital punishment under any circumstances.

_____ 13. Capital punishment is not necessary in modern civilization.

_____ 14. We can't call ourselves civilized as long as we have capital punishment.

_____ 15. Life imprisonment is more effective than capital punishment.

_____ 16. Execution of criminals is a disgrace to civilized society.

_____ 17. Capital punishment is just and necessary.

_____ 18. I do not believe in capital punishment but it is not practically advisable to abolish it.

_____ 19. Capital punishment is the most hideous practice of our time.

_____ 20. Capital punishment gives the criminal what he deserves.

_____ 21. The state cannot teach the sacredness of human life by destroying it.

_____ 22. It doesn't make any difference to me whether we have capital punishment or not.

_____ 23. Capital punishment is justified only for pre meditated murder.

_____ 24. Capital punishment should be used more often than it is.

APPENDIX   E

ATTITUDE TOWARD PUNISHMENT OF CRIMINALS

SCALE

Below are a number of statements regarding punishment/rehabilitation of criminals.

Put a plus (+) if you AGREE with the statement. Put a minus (-) if you DISAGREE with the statement.

_____ 1. A person should be imprisoned only for serious offenses.

_____ 2. It is wrong for society to make any of its members suffer.

_____ 3. Hard prison life will keep men from committing crime.

_____ 4. Some criminals do not benefit from punishment.

_____ 5. Most prisons are schools of crime.

_____ 6. We should not consider the comfort of a prisoner.

_____ 7. A criminal will go straight only when he finds that prison life is hard.

_____ 8. No punishment can reduce crime.

_____ 9. Prison influence is degenerating.

_____ 10. Only habitual criminals should be punished.

_____ 11. We should employ corporal punishment in dealing with all criminals.

_____ 12. I have no opinion about the treatment of crime.

_____ 13. Punishment of criminals is a disgrace to civilized society.

_____ 14. Solitary confinement will make the criminal penitent.

_____ 15. It is advantageous to society to spare certain criminals.

_____ 16. Only humane treatment can cure criminals.

_____ 17. Harsh imprisonment merely embitters a criminal.

_____ 18. No leniency should be shown to convicts.

_____ 19. Many petty offenders become dangerous criminals after a prison term.

_____ 20. Failure to punish the criminal encourages crime.

_____ 21. Only by extreme brutal punishment can we cure the criminal.

_____ 22. The more severely a man is punished, the greater criminal he becomes.

_____ 23. A criminal should be punished first and then reformed.

_____ 24. One way to deter men from crime is to make them suffer.

_____ 25. Punishment is wasteful of human life.

_____ 26. A bread and water diet in prison will cure the criminal.

_____ 27. Brutal treatment of a criminal makes him more dangerous.

_____ 28. A jail sentence will cure many criminals of further offenses.

_____ 29. Prison inmates should be put in irons.

_____ 30. We should consider the individual in treating crime.

_____ 31. Even the most vicious criminal should not be harmed.

_____ 32. It is fair for society to punish those who offend it.

_____ 33. Humane treatment inspires the criminal to be good.

_____ 34. Some punishment is necessary in dealing with the criminal.

APPENDIX F

REGRESSION SUMMARIES

SUMMARY OF STEPWISE REGRESSION FOR OVERALL VERDICT

Summary of Steps

Step	Variable Entered	Simple R*	Multiple R-square	Sequential SS	F	P
1	Cap. Pun. Scale	-.28	--	2.38	10.29	.002
2	Pun. Crim. Scale	-.29	.10	.58	2.55	NS

Summary of One Variable Model

Source	DF	MS	F	P
Regression	1	2.38	10.29	.002
Error	122	.23		

Summary of Beta Values

Source	Beta Values	Standard Error	Partial SS	F	P
Intercept	2.01				
Cap. Pun. Scale	-.07	.02	2.38	10.29	.002

* Pearson product-moment correlation

SUMMARY OF STEPWISE REGRESSION FOR MURDER VERDICT

Summary of Steps

Step	Variable Entered	Simple R*	Multiple R-square	Sequential SS	F	P
1	Cap. Pun. Scale	-.37	--	2.31	10.41	.002
2	Wither-spoon	.12	.15	.28	1.27	NS

Summary of One Variable Model

Source	DF	MS	F	P
Regression	1	2.31	10.41	.002
Error	66	.22		

Summary of Beta Values

Source	Beta Values	Standard Error	Partial SS	F	P
Intercept	2.17				
Cap. Pun.	-.09	.03	2.31	10.41	.002

* Pearson product-moment correlation

SUMMARY OF STEPWISE REGRESSION FOR MURDER SENTENCE

Summary of Steps

Step	Variable Entered	Simple R*	Multiple R-square	Sequential SS	F	P
1	Equali-tarianism	-.46	--	1.56	7.89	.002
2	Pun. Crim. Scale	-.14	-.32	.85	4.87	.04
3	Wither-spoon	-.33	-.45	.98	6.76	.02
4	Sex	-.23	-.48	.17	1.14	NS

Summary of Three Variable Model

Source	DF	MS	F	P
Regression	3	1.13	7.75	.0006
Error	28	.15		

Summary of Beta Values

Source	Beta Values	Standard Error	Partial SS	F	P
Intercept	5.15				
Witherspoon	-.49	.19	.99	6.76	.02
Pun. Crim.	-.19	.07	1.18	8.08	.009
Equal.	-.10	.03	2.23	15.23	.0005

* Pearson product-moment correlation

SUMMARY OF STEPWISE REGRESSION FOR ASSAULT VERDICT

Summary of Steps

Step	Variable Entered	Simple R*	Multiple R-square	Sequential SS	F	P
1	Pun. Crim. Scale	-.26	--	.90	3.83	.06
2	Anti-au-thoritarianism	-.16	-.09	.30	1.29	NS

Summary of One Variable Model

Source	DF	MS	F	P
Regression	1	.90	3.83	.06
Error	54	.23		

Summary of Beta Values

Source	Beta Values	Standard Error	Partial SS	F	P
Intercept	2.18				
Pun. Crim.	-.12	.06	.90	3.83	.06

* Pearson product-moment correlation

SUMMARY OF STEPWISE REGRESSION FOR ASSAULT SENTENCE

Summary of Steps

Step	Variable Entered	Simple R*	Multiple R-square	Sequential SS	F	P
1	Pun. Crim. Scale	.49	--	2380.34	6.59	.02
2	Anti-au-thoritarianism	.21	.26	250.86	.68	NS

Summary of One Variable Model

Source	DF	MS	F	P
Regression	1	2380.34	6.59	.02
Error	21	361.36		

Summary of Beta Values

Source	Beta Values	Standard Error	Partial SS	F	P
Intercept	-27.72				
PCS	10.92	4.25	2380.34	6.59	.02

* Pearson product-moment correlation

APPENDIX G

MEAN SUMMARIES

DEPENDENT VARIABLE MEANS FOR MURDER, ASSAULT,
AND BOTH CRIMES COMBINED

Variable	Overall		Murder		Assault	
	M	SD	M	SD	M	SD
Verdict (1 = guilty, 2 = not guilty)	1.56	.50	1.53	.50	1.59	.50
Sentence (Murder: 1 = life, 2 = death)	--	--	1.38	.49	31.88	.50
Authoritarianism	21.31	2.68	21.54	2.57	21.04	2.80
Equalitarianism	21.52	2.78	21.23	2.78	21.86	2.76
Anti-authoritarianism	17.17	2.27	17.22	2.23	17.11	2.33
Just World Scale	75.65	8.75	75.28	8.81	76.08	8.75
Capital Punish. Scale	6.87	2.09	7.09	2.05	6.60	2.13
Punish. of Crim. Scale	5.30	1.13	5.47	1.15	5.10	1.09
Victim Suffering	6.41	2.20	7.32	2.02	5.34	1.92
Victim Responsibility	4.31	2.00	3.86	2.07	4.84	1.79
Defendant Responsibility	5.30	2.93	5.11	3.05	5.52	2.78
Circumstance Responsibility	5.94	2.18	5.94	2.33	5.95	2.01
Victim Similarity	2.47	1.78	2.26	1.85	2.71	1.67
Defendant Similarity	2.42	1.82	2.06	1.68	2.84	1.90

VITA ^{2}

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