This dissertation has been
microfilmed exactly as received 68-6958

KLEIN, Helen Elizabeth, 1925-
THE EFFECTS OF EXPERT TESTIMONY IN SANITY HEARINGS ON VERDICTS OF SIMULATED JURIES.

The University of Oklahoma, Ph.D., 1968
Psychology, experimental

University Microfilms, Inc., Ann Arbor, Michigan

Downloaded from SHAREOK. Persistent Handle URL: https://hdl.handle.net/11244/2315

THE UNIVERSITY OF OKLAHOMA

GRADUATE COLLEGE

THE EFFECTS OF EXPERT TESTIMONY IN SANITY HEARINGS ON VERDICTS OF SIMULATED JURIES

A DISSERTATION

SUBMITTED TO THE GRADUATE FACULTY

in partial fulfillment of the requirements for the

degree of

DOCTOR OF PHILOSOPHY

BY

HELEN ELIZABETH KLEIN

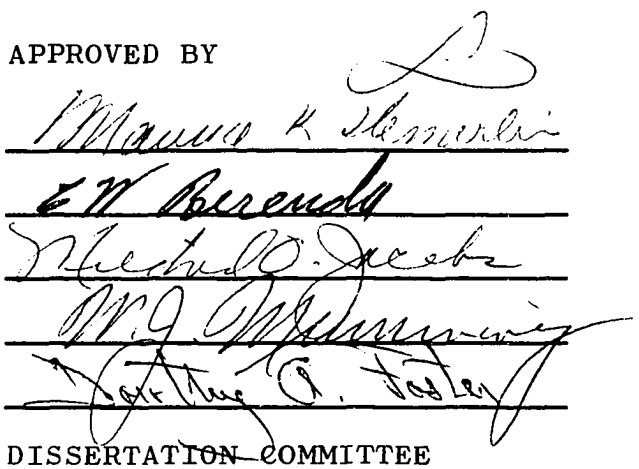
Norman, Oklahoma

1968

THE EFFECTS OF EXPERT TESTIMONY IN SANITY HEARINGS

ON VERDICTS OF SIMULATED JURIES

APPROVED BY



DISSERTATION COMMITTEE

ACKNOWLEDGMENTS

I would like to express my appreciation to Dr. Maurice K. Temerlin, director of the dissertation, for his constructive evaluation and encouragement throughout this research project. I also wish to acknowledge my gratitude to Dr. Dorothy Foster for her assistance in the statistical analyses, and to the other members of the committee, Dr. William J. Mummery, Dr. Mildred Jacobs, and Dr. Carlton Berenda.

Special thanks to G. Dan Rambo, attorney at law, for his assistance and advice on the legal aspects of the study, and to Elvin J. Brown, District Judge, for making available the facilities of his court.

TABLE OF CONTENTS

	Page
LIST OF TABLES	v
Chapter	
I. INTRODUCTION	1
II. PROBLEM	18
III. METHOD	20
IV. RESULTS	28
V. DISCUSSION	47
VI. SUMMARY	55
BIBLIOGRAPHY	57
APPENDIX	
A. LETTER TO JURORS	59
B. SCRIPTS OF TAPES	61
C. INSTRUCTIONS TO JURORS	78
D. QUESTIONNAIRE	83
E. RAW DATA BY GROUPS	86

LIST OF TABLES

Table		Page
1.	Distribution by Groups of Sex and Previous Jury Service of Subjects	23
2.	Experimental Design	25
3.	Votes on Ballot 1 and Ballot 2 Under All Conditions	29
4.	Votes on Ballot 1 Under Conditions I and II	30
5.	The Effects of Conflicting and Absent Prestige Suggestions on Ballot 1	32
6.	The Effects of Prestige Suggestion on Judgments of Sanity and Insanity	34
7.	The Effects of Tape on Judgments of Sanity and Insanity	35
8.	Votes on Ballot 1 and Sex of Jurors	37
9.	Votes on Ballot 1 and Previous Jury Duty	38
10.	Jurors' Experience with Simulated and Actual Juries	45

THE EFFECTS OF EXPERT TESTIMONY IN SANITY HEARINGS ON VERDICTS OF SIMULATED JURIES

CHAPTER I

INTRODUCTION

The jury system is a remarkable institution and an exciting experiment in the conduct of human affairs. This system had its inception in France during the 9th century and was introduced into England after the Norman invasion of 1066 A.D. (Winick, 1961).

Use of the jury as an instrument of justice began with an order from Henry II, king of England from 1154-1189 A.D., that a royal jury could be summoned in a land title dispute. To serve on royal juries men were chosen who were acquainted with the facts of a case. Those who were unfamiliar with the facts were rejected. When a litigant had found twelve men to swear oaths as a "guarantor of veracity" he was considered to have won his case (Devlin, 1956). The rudiments of trial procedure, the requirement of unanimity, and the precedent that a jury consist of 12 men originated in this manner.

Since the time of the French Revolution and the

Napoleonic conquest, the scope of the jury trial has declined steadily outside Anglo-American countries. Kalven and Zeisel (1966) report that currently 80 per cent of all jury trials in criminal cases are held in the United States.

Historically the jury is a symbol of democratic government; however, there has been considerable controversy over its merit. Much of the criticism of the jury system has stemmed from the assumption that it could not be an effective system since it uses laymen and amateurs as participants. For example, Kalven and Zeisel quote Dean Griswold of the Harvard Law School who, in his annual report for 1962-1963, recommended the abolishment of the jury in civil cases. Dean Griswold argued:

> The jury trial at best is the apotheosis of the amateur. Why should anyone think that 12 persons brought in from the streets, selected in various ways, for their lack of general ability, should have any special capacity for deciding controversies between persons? (Kalven & Zeisel, 1966, p. 5).

The defense of the jury system usually becomes a sentimental one, and often the system is equated literally with democracy. For example, Lord Justice Devlin said of the jury:

> . . .no tyrant could afford to leave a subject's freedom in the hands of twelve of his countrymen. So that trial by jury is more than an instrument of justice and more than one wheel of the constitution: it is the lamp that shows that freedom lives (Devlin, 1956, p. 164).

Such emotional attacks and defenses illustrate that the answers to questions of the relative weaknesses and

merits of the jury system lie not in impassioned oratory, but in empirical assessment of the system and its functioning. Many studies of the jury system have been conducted, and those which are pertinent to the present study will be examined.

Research on Jury Functioning

Marston (1924) conducted the first empirical research on jury functioning. Using simulated juries, Marston presented them with both written and verbal evidence. He found that written evidence was recalled more readily and more fully. In addition, Marston reported that a juror's previous professional training and experience are related to his skill in examining and determining facts and arriving at an equitable verdict.

Hunter (1935) questioned jurors immediately following their participation in trials and concluded that the typical juror does not understand the rules of law, and therefore probably does not apply them to the relevant issues.

Hunter's findings were confirmed by Hoffman and Brodley (1952) who conducted a mock trial at the Yale Law School and also interviewed jurors following three actual trials. They concluded that jurors disregard the rules of law and experience extreme difficulty in the recollection of large amounts of testimony. In addition, they found that simply being brought to trial creates a bias against

the accused. One juror is reported to have commented "If he didn't do anything why is he here?"

In the study by Hoffman and Brodley (1952) jurors were asked which of the attorneys (the one for the plaintiff or the one for the defendant) they would prefer if they, themselves, were on trial. Seventy-five per cent of these jurors had cast their ballots in favor of the litigant represented by the attorney they preferred. Such a finding suggests that, psychologically, it may be the attorney who is on trial. In addition, Hoffman and Brodley reported that they found jurors reluctant to tell a judge that they are unable to agree on a verdict, and sometimes casting lots or resorting to comparable means to break a deadlock.

Strodtbeck, James and Hawkins (1957) conducted mock jury deliberations in which they had subjects listen to a recording of a trial. Following this, the subject-jurors selected a foreman, began deliberations, and reached a decision. It was found that foreman selection was made quickly and casually, and yet his opinion had a decided influence on the group decision which was reached subsequently. In every instance the foreman selected was of high socio-economic status, and was male rather than female.

Studies of the psychology of memory are relevant to the understanding of jury functioning, because the verdict of the jury is based in part on the ability of jurors to recall evidence accurately and fully.

Dashiell (1935) examined the individual's ability to remember details and studied the value of discussion in the deliberations of simulated juries. A condition of one study he conducted involved a staged incident before a college class. Two class members were chosen as "witnesses" and reported the details of the incident to seven class members who earlier had been chosen as "jurors" and therefore did not witness the incident. Following the testimony of the witnesses each juror recorded his version of the incident privately. Next, the jury held a discussion and, as a group, formulated a single version which included only those details on which agreement was reached. The two witnesses, respectively, reported 62 and 55 details of the incident and made 5 and 8 errors. The seven jurors individually reported a total of 44 details and averaged 10 errors each. In the subsequent discussion, agreement among the jurors was reached on 32 items and only 4 errors were made. Similar findings were reported when "witnesses" reported details of a film to simulated juries.

Dashiell's studies illustrate both the difficulties inherent in obtaining objective, complete and factual reports from witnesses and the advantages of group discussion in minimizing individual biases and idiosyncratic interpretations of evidence.

Research on Small Groups

Experimental studies of the functioning of small

groups are relevant to an understanding of the behavior of a jury. For example, Allport (1924) demonstrated a relationship between individual and group norms. Allport found that individual judgments are subject to modification in that they converge toward a group norm when several subjects make judgments together.

Asch (1952) asked subjects to match lines of various lengths and arranged that all but one of the subjects would serve as accomplices. These accomplices purposely and unanimously gave wrong answers in order to introduce a conflict between the naive subject's perception and his psychological need to not appear different from the rest of the group. Approximately three-fourths of the subjects yielded to the implicit pressures of group opinion. Asch reported three types of yielding: an actual distortion of perception, in which subjects reported they perceived the majority estimates as correct; a distortion of judgment, in which subjects concluded their perceptions were inaccurate and those of the majority correct; and a distortion of action, in which subjects voiced the majority opinion with full awareness that the majority opinion was wrong. It should be noted that this experiment did not permit interaction and discussion among members of the group. The fact that all subjects but one were accomplices would prohibit both the emergence of an experimental group norm such as Allport demonstrated and consensus of factual agreement as reported by Dashiell.

Unfamiliarity or ambiguity of the object being judged increases the influence of suggestion on a subject's judgment. Sherif and Harvey (1952) demonstrated that the greater the uncertainty of the condition, the greater both the variability of judgment and the influence of others. Hare discussed this phenomenon and certain characteristics of the group which may have an influence on individual judgments.

> . . .an individual is more likely to conform to group opinion in the following cases: when the object to be judged is ambiguous, if he must make his opinion public, if the majority holding a contrary opinion is large, and if the group is especially friendly or close knit (Hare, 1962, p. 30).

The studies cited demonstrate the influence exerted by the majority upon the individual group member. Another consideration is the fact that the group as a whole is vulnerable to external influences in arriving at an opinion or decision. For example, the influences exerted by opposing lawyers have been shown to be related to the verdict of a jury (Hoffman & Brodley, 1952). Furthermore, in addition to factors such as the unfamiliarity or ambiguity of the object being perceived, it has been suggested that many elements which possibly are unrecognized and uncontrolled may have a significant effect on a final verdict in jury deliberations (Marshall, 1966).

Consideration of factors which influence judgment emphasizes the relevance of many aspects of the perceptual process. This process is modified not only by group

interaction but by all aspects of experience.

Orne (1962) and Rosenthal, Persinger, Vikan-Kline, and Mulry (1963) studied types of nonrandom bias which may be introduced into seemingly well-controlled laboratory experiments. Orne (1962) showed that the subject brings certain expectations to the experimental situation which may influence his performance. Orne suggested the subject's perception of the experimental situation may lead him to formulate hypotheses about the meaning of the experiment, hypotheses which are independent of the experimenter's instructions. The subject's hypotheses may be right or wrong, but in either instance they can influence his behavior. Orne labeled these phenomena the "demand characteristics" of the situation. The similarities between the experimental situation studied by Orne and a juror's experience of trial procedures are striking. It seems highly probable that a juror would formulate hypotheses about the opinion of the judge, other jurors, the "juror role", the defendant, and many aspects of the trial situation. Such hypotheses might well influence his opinion and the subsequent verdict.

Rosenthal et al. (1963) examined the expectations which the experimenter holds regarding the outcome of an experiment and showed that results can be biased in the direction of these expectations even though the data are collected by naive examiners. Such a situation is not dissimilar to the circumstances of a trial, and a judge or

expert witness may be thought of as analogous to the experimenter. Like the experimenter, they may also bring certain expectations to the trial situation which could be communicated to a jury. The subjects in the studies by Rosenthal et al. were not immune to such subtle influences and it can not be assumed that jurors are insensitive to such opinions even though they remained verbally unexpressed.

The opinion and testimony of expert witnesses and prestige figures such as professional persons is an especially potent factor which may influence judgments in any instance and which is introduced into a trial specifically to assist the jury in evaluation of evidence. Yet these persons, too, are fallible and subject to error.

Temerlin and Trousdale (1966) studied the effects of prestige opinion on judgments of mental health made by undergraduate students, advanced law students, graduate students in clinical psychology, practicing clinical psychologists and psychiatrists. These groups diagnosed a tape recorded interview, both with and without the expectation, created by a prestige confederate, that the person being interviewed was psychotic. Although the person being interviewed was a normal and healthy man, diagnoses of mental illness ranged from 84% by undergraduates to 100% by psychiatrists. Conversely, diagnoses of normality ranged from 0-16% in the experimental groups and from 53-100% in similar control groups.

Temerlin and Trousdale conclude:

> . . .the differentiation of normality and health from neurosis and psychosis may be grossly inaccurate when made (a) in a clinical setting, (b) under the influence of prestige suggestion, and (c) in the absence of a generally accepted definition of mental illness and mental health. Unfortunately, these conditions characterize diagnostic practice in many clinics, state hospitals and courtrooms, as formal diagnoses are usually made without explicit definition of the categories used, on the basis of consensus derived from discussion led by a clinic director, hospital superintendent, expert consultant, or jury foreman (Temerlin & Trousdale, 1966, p. 18).

Considerations such as these raise the question: when a jury is evaluating the mental condition of another human being, to what extent is its judgment based on factors other than the evidence presented?

As the purpose of this study is the investigation of factors which influence jury decisions in sanity hearings, the historical and legal aspects of commitment procedures merit consideration.

Historical and Legal Aspects of Commitment Procedures

In ancient times consideration of the legal aspects of insanity centered around the disposition of property. All problems related to the care of the mentally disabled person were decided by the head of his family. The fact that a person did not act sane was sufficient reason for relatives to assume legalized control of his person and his property. Such control was not contingent upon a judicial decree or formal pronouncement of a magistrate; rather, it

arose directly by reason of his condition.

Throughout the Middle Ages laws continued to reflect concern for the property of the disabled and little legal attention to his person. Eventually, English laws consigned responsibility in such cases to the king and in the 17th century, for the first time, determinations of mental status were made by a jury of twelve men. If lunacy was found by a jury, the incompetent was committed to a friend who received an allowance for his care from the king.

Community-maintained asylums gradually began to appear in England and the United States. In 1774 Parliament enacted a statute to regulate "madhouses", and a New York statute enacted in 1788 authorized the apprehension and detention of the "furiously madd" and the dangerous. The standard of "detention of the violent" gradually became outmoded and in 1845 the court acknowledged that the United States Constitution prohibits the detention of anyone against his will, unless he is deprived of his liberty by judgment of his peers or the law of the land.

Certainly, legal safeguards governing commitment procedures are of maximal importance when an individual is being deprived of his liberty and civil rights through commitment to a mental institution. Over centuries, such protection has evolved from the right of the individual to trial by a jury of his peers. These legal safeguards merit

review and examination.

Civil action. Only involuntary commitment procedures are relevant to the purposes of the present study and thus under consideration here. The determination of whether a person's mental condition brings him within the statutory criteria for involuntary commitment is made by a court, an administrative tribunal, or a specified number of physicians. Many states, including Oklahoma, provide more than one procedure for involuntary hospitalization. For example, jury trial is mandatory in Oklahoma if demanded by the patient. Otherwise, the decision to hold a jury trial is left to the discretion of the judge. If a jury trial is not ordered, commitment is made by an administrative tribunal consisting of two physicians and an attorney.

The legal criteria for involuntary commitment are not similar in all states. They include in various combinations such considerations as whether the individual is dangerous to himself or others, the person's need for hospitalization and treatment, and whether his disability is such that his own welfare or the welfare of others requires the care or treatment available in a hospital. Several states may hospitalize anyone meeting the statutory definitions of "insane." The criterion for involuntary hospitalization in Oklahoma when no crime is involved is the person's need for treatment.

Criminal action. The legal criteria by which a person's mental status is determined are, at least in theory, simple, clear, and concise, and must be because the law excuses from criminal responsibility persons who are adjudged "insane."

Insanity is a legal concept, the definition of which is based upon the famous M'Naghten decision of 1843. The M'Naghten decision established the test which presently is accepted by approximately 30 states as the sole criterion of criminal responsibility,

> . . .to establish a defense on the ground of insanity, it must be clearly proved that, at the time of the committing of the act, the party accused was laboring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or, if he did know it, that he did not know he was doing what was wrong (Lindman & McIntyre, 1961, p. 332).

Although the original M'Naghten decision provided alternative tests, that is, not knowing the nature and quality of the act, or not knowing that the act is wrong, the most common form in which the M'Naghten test now appears is whether the defendant had the capacity to know right from wrong in respect to the particular act charged.

The irresistible impulse test, which had its genesis in the case of State v. Thomson, 1834, is coupled with the M'Naghten test in many states. Nowhere is the irresistible impulse test relied on as the sole criterion of criminal responsibility, however. This test applies to a defendant who may understand his act and may be aware that it is wrong but

who, nevertheless, is driven to commit a criminal act by an irresistible impulse resulting from a mental condition.

In 1954 the scope of the irresistible impulse test was broadened when the United States Court of Appeals for the District of Columbia in Durham v. United States held that ". . .an accused is not criminally responsible if his unlawful act was the product of mental disease or mental defect." Lindman and McIntyre quote the author of the Durham decision, Judge David L. Bazelon:

> . . .The thesis of Durham is not complicated and it is not revolutionary. It is simply that juries should be told what is known about the dynamics of human behavior. . .The psychiatrist in the courtroom must understand that his function is not to make a legal determination of whether an accused is suffering from a mental disease or defect. That is for the judge and jury to decide. The Psychiatrist's role is to supply the medical data--observed facts or opinions or both--upon which a legal determination can be based. . . (Lindman & McIntyre, 1961, p. 334).

The Durham rule was an attempt both to remove the moralistic shackles of the M'Naghten test and to enlarge the scope of the "irresistible impulse" test to include acts which result from brooding and reflection. Thus relevant legal inquiry is directed toward medical concepts of mental disability rather than conjecture as to the defendant's capacity to make moral judgments.

The criteria which guide the legal processes of defining and determining "mental illness" are poorly defined and ambiguous. For example, Ross quotes the "Draft Act Governing Hospitalization of the Mentally Ill" which

defines a mentally ill person as follows:

> An individual having a psychiatric or other disease which substantially impairs his mental health (Ross, 1959, p. 950).

In the absence of a definition of mental health such a definition does nothing to clarify the issues at hand and is circular and confusing.

A later provision of the Draft Act states that compulsory hospitalization for an indeterminate period can be ordered by a court if the court finds that the proposed patient:

> (1). Is mentally ill, and
>
> (2). because of his illness is likely to injure himself or others if allowed to remain at liberty, or
>
> (3). is in need of custody, care or treatment in a mental hospital and, because of his illness, lacks sufficient insight or capacity to make responsible decisions with respect to his hospitalization. . . (Ross, 1959, p. 950).

Ross states the justification for the use of civil proceedings under conditions which usually are noncriminal:

> The legal profession has emphasized the need to guard against "railroading" by the use of procedures adopted from criminal or civil trials. A fair hearing on notice, the right to counsel, and the right to a jury trial are not mere "technicalities", but represent principles of justice in dealing with human rights which have evolved over the centuries (Ross, 1959, p. 965).

Thus, the safeguarding of the individual's rights would appear to lie in his right to trial by a jury of his peers. However, this may not be the safeguard it is assumed to be despite the ongoing efforts of the courts to make it

so.

The biases and misunderstandings possible when one person sits in judgment of another are great, under even the best of circumstances. When lay persons are asked to render judgment on the mental competence of another person the inherent fallibility of such judgment is obvious: Temerlin and Trousdale (1966) demonstrated that even highly competent professional persons often disagree in similar circumstances.

When consideration is given to the fact that professional persons can be influenced in their diagnostic judgments by a prestige figure, the question arises as to whether the non-professional person, e.g., the juror, is similarly influenced by such suggestion.

In summary, there are many potential sources of error which may influence jury deliberations and the subsequent verdict. Some of these sources of error lie within the individual juror and, by extension, may influence the deliberations and verdict of the jury. These might include, for example, whatever preconceived and stereotypic notions a juror may hold about jury duty, the possible assumption he may make of a correlation between accusation and guilt, ignorance or misunderstanding of rules of law, and difficulty in recalling large amounts of evidence.

The jury may be influenced unduly by one opinionated juror, the jury foreman, or expert witnesses who themselves

are vulnerable to error. The courts attempt to safeguard the rights of the individual by utilizing the knowledge of highly-trained persons as witnesses, and yet studies have demonstrated that witnesses and professional persons alike may be mistaken or misled in their conclusions.

Thus a question exists as to whether jurors, either individually or as a group, can make accurate judgments of mental health under conditions of different or conflicting prestige suggestions.

CHAPTER II

PROBLEM

The present study is an investigation of the influence of prestige suggestion on the determination of sanity in jury proceedings.

Temerlin and Trousdale (1966) demonstrated that prestige suggestion is a highly influential factor in personality diagnoses made by psychiatrists and psychologists, but they did not study the diagnoses of laymen. Although it has not been demonstrated empirically, it seems reasonable that the influence of prestige suggestion might be even greater when non-professional persons determine issues of mental illness. In sanity hearings juries of laymen decide the mental condition of the defendant. These jurors may rely on expert testimony in formulating their opinions, but the jury, not the expert, makes the decision.

The law precludes study of actual jury proceedings within the context of a trial. However, selection of jurors and other trial procedures are well-defined and relatively circumscribed; thus, jury functioning lends itself to being studied by means of simulated juries.

In many ways, a jury resembles any small group

which is assembled with a specified purpose or goal. Experimental studies of small group functioning have revealed aspects of behavior which are consistent and predictable in such situations and which can be expected to occur within the jury situation also. These studies suggest certain hypotheses which are pertinent to the purposes of this study as it relates to the influences of various factors on jury functioning. The determination of mental condition by laymen assembled as a jury entails both a situation and concepts which are unfamiliar and ambiguous and subject to the dynamics of small groups mentioned earlier. Therefore, it was predicted: (1) that the individual juror will be influenced in his decision regarding the mental condition of the defendant so as to be consistent with the prestige suggestion which he receives, and (2) in the absence of prestige suggestion the jurors will be able to accurately identify behavior as "sane" or "insane." It also is expected (3) that jurors' opinions about sanity or insanity will be less accurate when they are given conflicting prestige suggestions than when they are given none at all. That is, their opinions of the mental condition of the person portrayed will reflect the conflict in the prestige suggestions.

Other factors which were examined are sex of the juror, previous jury experience, and selection and opinion of the jury foreman.

CHAPTER III

METHOD

Subjects. To be eligible for jury duty in the State of Oklahoma, the prospective juror must be a property owner and a taxpayer. Names of prospective jurors are obtained from current Homestead Exemption files, and, in the case of married couples, the names of husband and wife are recorded independently. Names of prospective jurors are placed in a "jury wheel" and drawn at random by the County Clerk in the presence of the judge in whose court they are to serve. The prospective juror cannot be a known felon, an alcoholic, or a mental patient. In addition, attorneys, medical doctors, other professional persons, and housewives with minor children may be excused from jury duty.

Current jury lists were screened and only subjects who met the criteria for jury duty established by the State of Oklahoma were contacted for participation in this study. In addition, persons who were not listed in the telephone directories of Cleveland County or who were known to the experimenter were eliminated. Elimination of those persons

not possessing a telephone may have introduced a bias in subject selection which is not present in typical jury selection. However, this was necessary as subjects had to be contacted in person and legally could not be subpoenaed to serve.

Subjects were first contacted by letter from a local attorney (Appendix A) and asked to participate in a study of legal procedures. Terms were avoided which might imply that a study of a psychological nature was being conducted. The letter was followed by a telephone call in which their cooperation was confirmed and the time of the study established. Two hundred thirty prospective subjects were contacted and 101 (44%) of these persons participated.

All subjects who were contacted by letter were used as a subject pool. Names were drawn from this pool at random and subjects contacted by telephone until 8 groups of 12 jurors each were filled. In addition, four alternates were contacted for each group. If one of the regular "jurors" did not appear at the appointed time, he was replaced by one of the alternates. If an alternate did not replace a juror he participated in the experiment insofar as hearing the evidence and casting ballots. However, he was asked not to participate in the discussion. Data obtained from these alternates were not included in any analyses which were made. Every effort was made to have experimental sessions at such times that persons could

attend regardless of occupation. The number of male and female jurors in each group and the number having previous jury service are shown in Table 1.

Materials. Two scripts were prepared, one portraying a mentally healthy and effective man, the other a psychotic man. A professional actor was engaged to depict each role in taped interviews with a clinical psychologist (Appendix B). Each tape employed the same actor, the same interviewer, and approximately the same questions: the interviews were the same length. The tape portraying the normal man was the same as used in the Temerlin and Trousdale (1966) experiments in which the criteria for mental health included psychosexual maturity, ability to establish a warm interpersonal relationship, self-confidence, and logical, coherent verbalization.

The criteria used in preparing the tape portraying a psychotic man included identification with the parent of the opposite sex, inability to establish warm interpersonal relationships, unrealistic self-confidence, illogical and disorganized communication, and "paranoid" or hypersuspicious verbalizations. Before the tape was prepared, the actor was instructed that he was to portray a psychotic man who was evasive, suspicious, defensive, and irrational on certain topics frequently found to be foci of paranoid thought processes, such as communism.

Three clinical psychologists with extensive

Table 1

Distribution by Groups of Sex and Previous Jury Service of Subjects

Group	Males	Females	Subjects with Previous Jury Service
I	4	8	7
II	6	6	7
III	9	3	5
IV	9	3	6
V	9	3	8
VI	7	5	6
VII	8	4	8
VIII	10	2	7
TOTAL N	62	34	54

experience in diagnosis and treatment evaluated the second tape and agreement was unanimous that the portrayal effectively depicted a psychotic individual. The "normal" man was considered to be normal on the basis of control group data reported by Temerlin and Trousdale (1966).

Legal instructions were prepared which were patterned after instructions of a judge in an actual sanity hearing before a jury. They are presented in Appendix C.

Experimental Design. The experimental design is presented in Table 2. The independent variables are the 2 tapes portraying a psychotic and a normal man, and the four conditions of prestige suggestion. The dependent variable is the individual ballots (i.e., sane; insane) of each subject, obtained before and after group discussion.

Insofar as subjects' votes of "sane" or "insane" correspond to the mental condition depicted the votes will be referred to as "accurate." However, it is recognized that accuracy per se is not being measured as this could be interpreted as encompassing the identification of role playing by an actor.

Procedure. Subjects were assembled in the jury room of the Cleveland County Courthouse. They first were given the prestige suggestion and the appropriate tape was played. Subjects then were given the jury instructions which previously had been taped. The jurors were instructed

Table 2

Experimental Design

Prestige Suggestion	TAPE: INSANE		TAPE: SANE	
	Ballot 1	Ballot 2	Ballot 1	Ballot 2
	Group		Group	
Insane	I		II	
Sane	III		IV	
Conflicting	V		VI	
None Given	VII		VIII	

not to discuss the tape until after the first ballot.

After the first ballots were cast and collected, each person was asked to identify himself by name and occupation, and the group selected a foreman. Subjects then were instructed to attempt to arrive at a unanimous decision regarding the mental condition of the person portrayed and a fifteen minute uninterrupted discussion followed and was recorded.

Following the discussion second ballots were cast and collected, and subjects were asked to complete a questionnaire (Appendix D). When they finished they were thanked for their cooperation but no explanation of the actual purpose of the experiment was given. Subjects were asked not to discuss the experiment in order to protect the naiveté of future subjects.

Four conditions of prestige suggestion were tested. Each prestige suggestion was given to two groups; that is, it was given both to a group hearing the tape portraying the psychotic man and to a group hearing the tape portraying the normal man. Thus there were eight groups of subjects in all. The four conditions of prestige suggestion are as follows:

Condition I. Two psychiatrists have agreed in their diagnoses that the man being interviewed is insane.

Condition II. Two psychiatrists have agreed in their diagnoses that the man being interviewed is sane.

Condition III. Two psychiatrists have disagreed in their diagnoses of the man being interviewed. One psychiatrist diagnosed him as "insane" the other as "sane."

Condition IV. No prestige suggestion was given.

Steps were taken to prevent those demand characteristics which can be expected to accompany a psychological experiment from influencing the results of this experiment. The focus was on legal procedures with no reference to the psychological nature of the study, and the experiment was conducted in the jury room of the Cleveland County Courthouse. Finally, in order to assess the demand characteristics of this situation, a questionnaire was administered after all other data had been obtained. This questionnaire included items pertaining to subject characteristics, previous jury experience of each subject, and his opinion regarding the experimental situation as compared with actual jury duty with which he had experience.

Each group was tested separately, and ballots and questionnaires were numbered in order to identify those from each juror. This permitted assessment of any change of opinion which occurred with group discussion.

CHAPTER IV

RESULTS

Regarding the hypothesized relationship between prestige suggestion and jury decision, only votes cast on the first ballots are relevant because only the first ballots are free of the influence of group discussion.

Raw data are included in Appendix E, and a summary of the data is presented in Table 3.

Hypothesis 1. The first hypothesis predicted that judgments of sanity and insanity would be influenced in the direction of prestige suggestion (Conditions I & II). The relevant data are presented in Table 4. Significant differences were found between votes of "sane" and "insane" under the two conditions ($X^2 = 6.9$, $p < .01$); therefore, hypothesis 1 is supported. These data demonstrate that when the jury heard a tape of a "sane" man they tended to judge him as either sane or insane depending on the prestige suggestion they were given. Conversely, when the jury heard a type of an "insane" man they again tended to judge him as either sane or insane depending on the prestige suggestion given.

Table 3

Votes on Ballot 1 and Ballot 2 Under All Conditions

		Tape: Insane				Tape: Sane			
		Ballot 1		Ballot 2		Ballot 1		Ballot 2	
		Sane	Insane	Sane	Insane	Sane	Insane	Sane	Insane
Prestige Suggestion	Insane:	3	9	1	11	7	5	6	6
	Sane:	7	5	8	4	11	1	12	0
	Conflicting:	11	1	12	0	10	2	11	1
	None Given:	7	5	11	1	12	0	12	0

Table 4

Votes on Ballot 1 Under Conditions I and II

		Ballot 1	
		Vote: Sane	Vote: Insane
Prestige Suggestion	Sane:	18	6
	Insane:	10	14

Hypothesis 2. It was hypothesized that in the absence of prestige suggestion (Condition IV) jurors would be able to identify the mental condition of the persons accurately. Hypothesis 2 is not supported; although all subjects under Condition IV judged the normal man "sane", voting was less consistent when the psychotic man was being judged. In this instance, only 5 of the 12 jurors judged him "insane." Data relevant to hypothesis 2 are included in Table 3.

Hypothesis 3. It was further hypothesized that jurors' opinions about sanity or insanity would be less accurate when they are given conflicting information than when they are given no prestige suggestion. Data pertaining to this hypothesis are presented in Table 5. Analysis of these data demonstrated that accuracy of judgment under the two conditions did not differ ($X^2 = 3.08$, $p > .05$). Under Conditions III and IV the normal man was judged "sane" on 22 of the 24 ballots cast; however, only 6 of the 24 ballots cast by subjects hearing the psychotic man were "insane." Thus, hypothesis 3 is rejected.

Tendency to vote sane. As noted above, of the 48 subjects in Conditions III and IV, 22 judged the normal man "sane" and 18 judged the psychotic man "sane" on the first ballot. Such a finding raises a question as to whether there was a general tendency among subjects to vote "sane" which held over all conditions of the study. Examination

Table 5

The Effects of Conflicting and Absent Prestige Suggestions on Ballot 1

		Ballot 1			
		Tape: Insane		Tape: Sane	
		Vote		Vote	
		Sane	Insane	Sane	Insane
Prestige Suggestion	Conflicting:	11	1	10	2
	None given:	7	5	12	0

of this question demonstrated that when all conditions are considered, subjects voted "sane" on 68 of the 96 first ballots cast. The frequency of votes of "sane" (Table 6) was found to be significantly greater than the frequency of votes of "insane" (Mann-Whitney U Test, $p < .05$).

Nonetheless, the tendency to "vote sane" was not overriding for, without prestige suggestion, (Table 7), the psychotic man was judged "sane" less frequently than was the normal man ($X^2 = 6.1$, $p < .02$).

Ballot 2. Subjects were instructed to attempt to reach agreement during group discussion following the first ballot. It was found that some changes in judgment from vote 1 to vote 2 were observed in every group except one (Group VIII) in which unanimity had been obtained on vote 1. In three other groups (Groups IV, V, & VI) agreement approached unanimity on the first vote (see Table 3). A low absolute number of changes from vote 1 to vote 2 was found and was not statistically significant. However, in every group the direction of change was toward the majority opinion or toward the prestige suggestions when they were not conflicting (pertinent data are in Table 3).

Subject variables. Certain subject variables (sex of jurors, previous jury duty of subjects, and opinion of jury foreman) were investigated as possible influential factors in a jury's formulation of an opinion.

Sex of jurors was not found to be a significant

Table 6

The Effects of Prestige Suggestion on Judgments of Sanity and Insanity

		Ballot 1	
		Vote: Sane	Vote: Insane
Prestige Suggestion	Insane:	10	14
	Sane:	18	6
	Conflicting:	21	3
	None given:	19	5

Table 7

The Effects of Tape on Judgments of Sanity and Insanity

		Ballot 1	
		Vote: Sane	Vote: Insane
Tape	Sane:	40	8
	Insane:	28	20

factor in voting; male and female jurors did not differ in the frequency with which they judged the persons portrayed on the tapes to be sane or insane ($X^2 = 3.70$, $p > .05$) (Table 8).

Previous jury duty was not found to be a significant factor in making judgments; opinions as to the sanity or insanity of the persons portrayed on the two tapes did not differ as a function of previous jury duty ($X^2 = .11$, $p > .70$). Data pertaining to this analysis are presented in Table 9.

The opinion of the jury foreman has previously been demonstrated to be a significant factor in jury deliberations (Strodtbeck, et al., 1957). However, in most groups (6 of 8) the vote of the foreman did not differ from the vote of the majority on ballot 1 and the relative influence of these two factors could not be weighed. Despite this fact, the trends of voting in the groups are informative and merit examination.

Group I (Tape: Insane; Prestige Suggestion: Insane). The foreman and one of the two jurors who voted "sane" on ballot 1, contrary both to the majority and the prestige suggestion, subsequently changed their votes to "insane" on ballot 2.

Group II (Tape: Sane; Suggestion: Insane). The foreman voted with the prestige suggestion and contrary to the majority on ballot 1. He did not change his vote on

Table 8

Votes on Ballot 1 and Sex of Jurors

		Ballot 1	
		Vote: Sane	Vote: Insane
Sex	Male:	48	14
	Female:	20	14

Table 9

Votes on Ballot 1 and Previous Jury Duty

		Ballot 1	
		Vote: Sane	Vote: Insane
Previous Jury Duty	Yes:	39	15
	No:	29	13

the second ballot, but two jurors changed their votes to "insane" on ballot 2 in accord with the foreman's opinion; however, one juror changed his vote in the opposite direction; i.e., from "insane" on the first ballot to "sane" on the second ballot.

Group III (Tape: Insane; Suggestion: Sane). The foreman voted "sane" on ballot 1 as did the majority of jurors; however, the foreman changed his opinion during the discussion and voted "insane" on ballot 2. No other juror made this change, but two jurors changed their votes in the opposite direction; i.e., from "insane" on ballot 1 to "sane" on ballot 2 in accord with the majority.

Group IV (Tape: Sane; Suggestion: Sane). The foreman voted "sane" with the majority on both ballots. One juror changed his vote to "sane" in accord with the opinion of the majority.

Groups V and VI (Each tape with conflicting suggestions). When conflicting prestige suggestions were given the foremen voted "sane", as did the majority of the jurors. In neither group did the foreman change his vote on ballot 2; however, in each group one juror changed his vote on ballot 2 to "sane", a vote which then was in accord with those of the majority, including the foreman.

Groups VII and VIII (Each tape with no prestige suggestion). The majority of jurors in each of these groups, including the foremen, voted "sane" on both ballots. It is

possible that the opinion of the foreman had an effect on the judgments of other jurors in Group VII (Tape: Insane), because four votes were changed from "insane" to "sane" in the direction of the vote of the majority, including the foreman. A second interpretation, that these shifts occurred because of group discussion rather than solely because of the foreman's opinion, is equally probable.

In Group VIII, unanimity was found on both ballot 1 and ballot 2.

Group Discussions. Each discussion was recorded and the following comments were selected as representative of each condition. These comments are presented as suggestive and interesting, but they are not conclusive. No quantitative comparisons are possible from group to group because of the inaudibility of portions of several of the recordings. Discussions of the "insane" tape under the four conditions of prestige suggestion are presented first, followed by discussions of the "sane" tape under the four conditions.

Condition I. When both the tape and the suggestion were "insane", jurors' comments appeared to be more judgmental, intolerant, and opinionated.

> This man's definitely sick, I'm of the definite opinion he needs psychiatric care.
>
> You can't take chances.
>
> I'm a religious woman and anyone who says 'God is dead' is crazy.

> He spoke about the gun, there is too much of that, that needs to be stopped. . . .I think he should be committed.

Condition II. When the tape was "insane" and the suggestion "sane", maximizing cognitive dissonance, jurors' comments seemed to reflect more tolerance for the behavior of the person and less dogmatism. Under this condition questions about type of care were raised.

> No doubt he's got a problem. . . .
>
> He sounds like a screwball. You can't say all the people who walk around talking like that are insane.
>
> No doubt that he's mentally ill. . . .question is the extent of mental illness.
>
> Was he to be put into an institution or be an out-patient?
>
> What is care? Out-patient or commitment?
>
> Insecurity involved here. Voluntarily or involuntarily they've got to have help. But it doesn't involve insanity.

Condition III. When the tape was "insane" and the suggestions conflicting, the jurors seemed to become more deeply involved in the discussion. There were more comments which reflected a need for structure and evidence than in other groups. The question "What is insanity?" was raised more frequently. These comments are typical:

> . . .I would need a lot more evidence to say he's insane.
>
> An intelligent jury can't pass judgment because you don't know what the signs are -- what are the boundaries of sanity and insanity? You have to have rules to go by. . . .

We can't make a decision. . . .

No evidence that he mishandled his business or his family either.

It would take a lot more evidence one way or the other.

Condition IV. When the tape was "insane" and no prestige suggestion was given, the jurors appeared more frustrated during the discussion. They often talked at once, and frequently argued with each other, an event which did not occur during any other discussion. The comments of these jurors reflect attention to the experience of the person portrayed, and questions were raised regarding the meaning of commitment.

He kept evading the questions about himself, he wouldn't talk about himself, he didn't seem to keep a train of thought, he kept jumping from one thing to another.

He thinks his neighbors are communists, he thinks they're out to get him.

. . .(there was) conflict in his family which twisted his personality but he loved his mother and father and loved his own family.

How do you determine who should be committed or not?

We all agree the person needs help.

Committing somebody is a pretty serious business.

Discussions of the "sane" tape under the four conditions of prestige suggestion:

Condition I. Tape: "sane"; Suggestion: "insane".

He, himself, went to a psychiatrist and said, "I don't know if I need your help or not."

As far as his attitude, I feel every person is as entitled to feel this way as the next person. A lot of people don't believe in a life hereafter -- and as far as that feeling -- he might have been a little immature -- not any different from a lot of people.

People are getting more accustomed to our mental hospitals and it's not such a disgrace any more, people take it as a sickness.

But to have care, if we do think he needs care we have to say he's insane?

You have to vote sane or insane, you have to make up your own mind.

My idea of insane is somebody who doesn't know what he's doing at all.

Condition II. Tape: "sane"; Suggestion: "sane".

I didn't think he was too different from any other person, I didn't think he was way out on anything. He had his own ideas but. . . .

He has his own ideas but we all do that. If we didn't, you'd have to say that pretty nearly everybody is insane -- because they've got different ideas. You run into that every day.

I might not want him as a friend -- but that doesn't make him insane.

If they didn't say it was a consultation with a psychiatrist you'd just think it was two men talking.

Condition III. When the tape was "sane" and the suggestions conflicting, the comments reflected the conflict in the suggestions.

He's bigoted. . . .

He's confused. . . .

I would not trust my child to somebody like this, I think he's dangerous. He definitely needs help, but whether you call that insanity or not I don't know.

He is neither insane or dangerous.

> What you'd refer to as abnormal sex was in his adolescent stage.
>
> What was he looking for?

Condition IV. When the tape was "sane" and no suggestion was given, jurors agreed unanimously that he was sane, and the discussion was very short. The comments of these jurors reflect attention to the experience of the person portrayed.

> Something is disturbing him, but nothing insane. . .
>
> He's worrying about his relations with other people, and how he appears to other people. I don't know what the significance of that is.
>
> He needs to go to work and work like the rest of us do. He doesn't need treatment, he needs to go to work. He's just as sane as he can be if he'd go to work.
>
> He's as sane as he can be. . . .

Questionnaire data. The questionnaire administered at the end of each experimental session was designed to determine how the experimental situation compared with previous jury duty of the subjects. Fifty-four of the 96 subjects (56%) had previously served on one or more juries. The majority of these subjects (96%) reported that both the jurors and the proceedings of the simulated juries did not differ from the actual juries with which they had experience. The items of the questionnaire which bear on these comparisons and the answers of the subjects with previous jury duty are presented in Table 10.

In addition to the items of the questionnaire presented in Table 10, subjects were asked to discuss the

Table 10

Jurors' Experience with Simulated and Actual Juries

Questionnaire items	Subject N
Previous jury duty?	yes: 54 no: 42
Same kinds of jurors in simulated and actual juries?	yes: 52 no: 2
Comparisons of acceptance of responsibility by simulated and actual juries:	
(a) Previous jurors more serious:	3*
(b) Previous jurors less serious:	10*
(c) No differences:	40
(d) Other comparisons:	0
Omitted answer:	1
Comparison of impartiality of previous and present jurors:	
(a) Previous more impartial	5
(b) Previous less impartial	3
(c) No difference	43
Omitted answer:	3

*These answers are probably a result of ambiguity in the question. Nonetheless, 40 of 54 jurors felt there were no differences between the responsibilities expressed by jurors on actual and simulated juries.

similarities and differences between their experience on the simulated jury and their experiences on actual juries. Since most subjects had responded that there were no differences between the groups, many omitted answering this item on the questionnaire. However, those few who did discuss the item commented as follows:

> All jurors I think are serious and want to do the right thing and try to make the right decision.
>
> More freedom of discussion, more questions (in present study) . . .
>
> Generally the same.
>
> Very similar as regards the nature of participation in discussion after evidence was presented.
>
> Just about the same type of jurors -- perhaps more serious on comments, etc., etc.
>
> Much the same. . . .

Thus, the subjects' answers to the questionnaire and their comments indicate that they found few differences of any magnitude between their experiences on actual juries and on the simulated juries of this study. In addition, they reported that neither the jurors nor the discussions differed significantly between the two situations. Such findings lend support to generalizations from simulated juries to actual jury proceedings and functioning.

CHAPTER V

DISCUSSION

The jury system has been both criticized and defended on the same basis: that the juror is the "epitome of the average man." He is the man who is chosen for his "lack of general ability," his absence of professional training and knowledge, and his layman status and interests.

Legal restrictions have severely limited investigation of the jury process in any context, and, until recently, subjects have been college students serving on simulated juries or jurors interviewed following trials. A third method of investigation has been broad surveys of past jury verdicts, trends in jury decisions, and statements of statistical probabilities of similar decisions in the future (e.g., Kalven & Zeisel, 1966). The present study was planned specifically to replicate jury procedure as nearly as was feasible. Subjects reported that this experience, indeed, was very like their experiences as jurors in actual trial situations. Therefore, cautious generalizations about jury functioning may be permissible

on the basis of these data.

The focus of the investigation was the influence of prestige suggestion (analogous to expert testimony) on judgments of juries, specifically on verdicts in sanity hearings. The purpose of utilizing the testimony of expert witnesses in legal proceedings is to assist the juror in his deliberations; however, the influence of such assistance has not been measured previously.

Prestige suggestion in which there was reported agreement between psychiatrists influenced the judgments of jurors, both when the suggestions were consistent with and contrary to the tape heard. But when jurors were given conflicting or no suggestions the tendency was to vote "sane" on both tapes.

Conflicting prestige suggestion, that is, disagreement between expert witnesses, is that condition which most closely approximates actual trial situations. Almost without exception jurors are presented with conflicting opinions of expert witnesses and varying interpretations of evidence. In a sanity hearing, disagreement between expert witnesses could be interpreted by the juror to mean that the sanity of the person is "borderline" and thus encompasses aspects of both psychosis and normalcy. In this instance, with disagreement between expert witnesses, the jurors demonstrated an overwhelming tendency to judge both men sane.

The question of sanity is raised far more frequently as a defense in criminal action than in civil cases. Three-fourths of the cases in which this question is raised are homicide cases. Kalven and Zeisel (1966) cite a case in which a young man, without apparent motive, killed his employer's pregnant wife and their three-year-old child. The principal defense in this instance was insanity, but the jury found the defendant sane and returned a verdict of first degree manslaughter. Following the trial and sentencing, the judge voiced the opinion that the verdict should have been first degree murder. The judge observed,

> The question of insanity was determined under the M'Naghten rule. Under that rule, I believe he was sane, so did the jury (Kalven & Zeisel, 1966, p. 331).

The judge explained the leniency shown by the jury as an outgrowth of the jurors' fear that conviction of murder would carry the death penalty. He said further,

> . . .the jury is sufficiently responsive to insanity to save the defendant from the death penalty, but no more; it is willing to find him guilty and expose him to the penalties of first degree manslaughter (Kalven & Zeisel, 1966, p. 331).

Kalven and Zeisel conclude,

> Thus. . .(it) is suggested. . .albeit faintly, that the jury inclines toward a concept of reduced or diminished responsibility, under which insanity would mitigate but not exonerate (1966, p. 332).

It must be remembered that the jurors in the present study were instructed that a civil action was being heard and the variable of crime was not examined. The

data indicate that, if error is to occur, jurors prefer to err in the direction of moderation. For example, they were reluctant to return a verdict of first degree murder in the case cited because a question of insanity existed. In the present study, they apparently were reluctant to return a verdict of "insanity" if the question of sanity existed, particularly so when the question of sanity was included in the prestige suggestions. It is of interest to note that no juror in this study refused to cast a ballot, even though evidence was sparse. These jurors have demonstrated a tendency to consider wide ranges of behavior to be within the limits of sanity, and to hold people responsible for their behavior. This balancing of moderation and responsibility seems to characterize the juror as the best instrument which has been found for the administration of justice.

In general, verdicts obtained in the present study reflect the influence of the various suggestions, particularly when the suggestions were not conflicting with each other or with the stimulus material. But the discussions themselves differed. This was an unexpected finding and is only suggestive of a trend rather than conclusive; however, it merits examination in some detail.

The groups which were given a prestige suggestion in accord with the stimulus stated their opinions without equivocation. The data indicate that the influence of expert testimony is greatest when it is not in conflict with

the juror's reported perception of the person being judged (Table 3). Under such circumstances, testimony appears to be interpreted by the juror as confirming his opinion rather than influencing it. That is, when subjects were presented with the "sane" tape and told psychiatrists agreed in their diagnoses of sanity, and conversely, when subjects were presented with the "insane" tape and told psychiatrists agreed in their diagnoses of insanity, the content of the discussions tended to be in accord with the diagnoses and the tape. However, jurors presented their opinions as if they were original and therefore independent of the expert opinion they had heard. It was observed that no juror referred to the expert opinion during discussion.

In sharp contrast, confusion and uncertainty characterized the comments made by jurors who heard a prestige suggestion in direct opposition to the mental condition of the person portrayed. Under these circumstances, accuracy of judgment decreased and the discussions emphasized specific characteristics of the person. His remarks often were quoted, apparently in an effort to justify and confirm whatever vote the juror had cast. Questions were raised during the discussions regarding the meaning of "care", "commitment", and "sanity", and, in each instance, discussion seemed to center on specific behavior of the person in question.

Under the condition of disagreement between experts,

the opinions voiced by individual jurors centered around the sparsity of evidence. Comments of the jurors appeared to reflect an uncertainty of judgment, and, almost without exception, jurors expressed a need for more evidence in order to reach a decision. It is of particular interest to note that, under these circumstances, more jurors were reluctant to judge either man insane than when they received no suggestion at all. As illustrated in Table 3, when no suggestion was given, the psychotic man was judged "insane" on vote 1 by five jurors; however, only one juror judged him "insane" when conflicting suggestions were given.

Under the condition in which no expert testimony was reported, the nature of discussion again shifted. This time the questions tended to center on the disposal of the case: that is, whether the person would be committed if found insane. This was the only condition in which there seemed to be a consistent attempt to understand the internal experiences of both men. Such attempts suggest that, when left to their own devices and not told what to think, jurors attend to the most meaningful level of diagnosis--that of internal experience. This, of course, may be true only in the absence of the defendant, because if he were present, jurors undoubtedly would receive many cues from his appearance, manner, social status, and similar relevant variables.

The results indicate that jurors take cognizance of

expert testimony and opinion to the extent that their judgments shift under varying testimony. However, their own biases and opinions enter into their decisions also and influence the judgments which are made. In general, if a reasonable doubt exists, they tend to demonstrate both a tolerance for the behavior of the person in question and concern for the sentence which is contingent upon their verdict. This is not to imply, however, that aberrant behavior is summarily excused, because it was found that the psychotic man was judged "sane" significantly less often than was the normal man (Table 7). Thus it is suggested that jurors evince a concern and a duty both to the safeguarding of the individual's rights and to the protection of society in general. Certainly such caution is both a demand of the law and its greatest commitment.

Implications for Future Research

The tradition of justice is inherent in the concept of trial by jury. The fact that this concept occupies a central position in the workings of a democratic society leads some persons to the opinion that it is sacrosanct and above question or investigation. Conversely, others are of the opinion that the jury system is a cumbersome and uncontrollable process which should be abandoned. The disparity between such extreme points of view can be resolved only by investigation of jury procedure from the viewpoints of scientific and legal knowledge.

Further study should be given to the effect of defendant variables on jury decision. For example, bias of judgment undoubtedly is introduced by the race and religious views of the person being tried, his physical appearance, sex, and socio-economic status. If a crime is involved, the type of crime would appear to exert a considerable influence on the decisions of jurors, particularly if the crime were sexual in nature, involving a child or several victims, or was unusually cold-blooded or bizarre. One subject in the present study wrote on his questionnaire that his previous jury duty involved a case of indecent exposure. He added a note which said:

> Previous jury became more emotional as time progressed. They were finally more concerned with punishment than with guilt or innocence.

Extensive research should be devoted to understanding the relative effects of varying amounts of evidence. It has been said (Hoffman & Brodley, 1952) that recall decreases as amount of evidence increases, but this effect has not been examined systematically.

Finally, the concepts of mental health and mental illness need to be clarified. Many jurors raised questions regarding sanity and insanity, their boundaries, and their behavioral manifestations. The distance between psychiatric and legal perspectives in the area of mental functioning and legal responsibility is great. Further research, consisting of cooperative efforts between psychiatry and law, is needed to clarify these issues.

CHAPTER VI

SUMMARY

This study was designed to evaluate the influence of prestige suggestion on judgments of sanity by simulated juries. Four "juries" heard a tape portraying a man who met both theoretical and empirical criteria of "normalcy"; four other "juries" heard a tape portraying a man who was judged psychotic by a panel of clinical psychologists. Four conditions of prestige suggestion were studied. Two votes, one before and one following group discussion, were obtained from each juror.

It was hypothesized that jurors' judgments would be influenced in the direction of a definite prestige suggestion; that conflicting suggestions would decrease accuracy of judgment; and, that, in general, accuracy would be obtained when no prestige suggestion was given.

It was found that judgments tended to be in accord with definite suggestions. The influence of definite prestige opinion is greatest when it is in agreement with the reported experience of the subjects and not contrary to the stimulus material. However, when conflicting suggestions were given, accuracy of judgment decreased and judgments

were in the direction of "sane". When no suggestion was given, judgments of "sane" reached 100 per cent when the tape of the sane man was presented. However, only five of the 12 jurors judged the insane man to be "insane" when no suggestion was given. Agreement did not increase significantly after discussion: this was due largely to the fact that, in several juries, consensus was high on ballot 1.

An unexpected observation was that the discussions tended to differ one from another under the different conditions. This tendency merits further systematic examination.

A heartening finding insofar as the jury system, in general, is concerned was the tolerance for wide ranges of behavior as sane, an attitude which was demonstrated by jurors over all conditions.

BIBLIOGRAPHY

Allport, F. H. Social Psychology. New York: Houghton-Mifflin, 1924.

Asch, S. E. Social Psychology. Englewood: Prentice-Hall, 1952.

Dashiell, J. F. Experimental studies of the influence of social situations. In Carl Murchison (Ed.) Handbook of social psychology. Worcester: Clark University Press, 1935, pp. 1097-1158.

Devlin, P. Trial by jury. London: Stevens & Sons Limited, 1956.

Hare, A. P. Handbook of small group research. New York: The Free Press of Glencoe, 1962.

Hoffman, H. M., & Brodley, J. Jurors on trial. Missouri Law Rev., 1952, 17, 235-251.

Hunter, R. M. Law in the jury room. Ohio State Law J., 1935, 2, 1-19.

Kalven, H., Jr., and Zeisel, H. The American Jury. Boston: Little, Brown and Company, 1966.

Lindman, F. T., and McIntyre, D. M., Jr. The mentally disabled and the law. The report of the American Bar Foundation on the rights of the mentally ill. Chicago: The University of Chicago Press, 1961.

Marshall, J. Law and psychology in conflict. New York: The Bobbs-Merrill Company, Inc., 1966.

Marston, W. M. Studies in testimony. J. Amer. Inst. crim. Law and Criminol. 1924, 15, 1-31.

Orne, M. T. On the social psychology of the psychological experiment: with particular reference to demand characteristics and their implications. Am. Psychol., 1962, 17, 776-783.

Rosenthal, R., Persinger, G. W., Vikan-Kline, Linda, and Mulry, R. C. The role of the research assistant in the mediation of experimenter bias. J. Pers., 1963, 31, 313-335.

Ross, H. A. Commitment of the mentally ill: problems of law and policy. Michigan Law Review, 1959, 57, 945-1018.

Sherif, M., & Harvey, O. J. A study in ego functioning: Elimination of stable anchorages in individual and group situations. Sociometry, 1952, 15, 272-305.

Siegel, S. Nonparametric statistics for the behavioral sciences. New York: McGraw-Hill, 1956.

Strodtbeck, F. L., James, Rita M., and Hawkins, C. Social status in jury deliberations. Amer. Soc. Rev., 1957, 22, 713-719.

Temerlin, M. K., and Trousdale, W. W. The social psychology of clinical diagnosis. In preparation, 1966.

Winick, C. The Psychology of Juries. In H. Toch (Ed.), Legal and Criminal Psychology. New York: Holt, Rinehart and Winston, Inc., 1961, 96-120.

APPENDIX A

LETTER TO JURORS

G. DAN RAMBO
Attorney at Law
118 North Peters
Phone JE 6-1333
Norman, Oklahoma

You are aware of the current focus of attention on the court system in Oklahoma and on the administration of justice generally. An evaluation is being sought of the legal system at work and as an attorney I have been asked to assist in this study. Cleveland county has been chosen as one of the sites of study.

Because you are a resident of this county who is eligible for jury duty you are urged to aid in this evaluation by giving, in the near future, not more than two hours of your time. This time will be spent at the Cleveland County Courthouse sitting as a mock jury. Every effort will be expended to set a time and date which will be agreeable to you and the other participants.

You will be contacted by telephone so that we can answer any questions you may have and to establish a date and time which will be convenient for you.

Thank you for your assistance in this matter.

Sincerely yours,

G. DAN RAMBO

GDR/hk

APPENDIX B

SCRIPTS OF TAPES

Figure 1

Transcript of Interview With Normal, Healthy Man

I = interviewer

C = "client"

I 1: My name is Dr. Temerlin. What can I do for you?

C 1: Well, I don't really know. I don't think there's anything wrong with me. I, I've read a lot about psychotherapy--oh, not a lot but I, I've read some about psychotherapy and it may be that psychotherapy can help me so--I, I really came in here to, to talk that over with you I guess.

I 2: Well, where does it hurt? What makes you think you need psychotherapy?

C 2: I'm not really sure I do need it. I'm not crazy you know, I know what other people are saying and doing. I don't hear voices. I'm not a homosexual --nobody's calling me a homosexual and I'm not a Communist. (Laughter.)

I 3: (Laughter.) Well, what makes you think you need treatment then?

C 3: Well, I'm not really sure I do but you, you know, as far as I know, I, I've only got one life to live and it may be that psychotherapy could help me get more out of life. I, I want to live life to the fullest and experience as much as I can. I want to have as good a time as I can. I was raised a Christian but I'm not really a Christian. I don't believe in life after death and a Supreme Being any more. I think that I should just get as much out of <u>this</u> life as I can. Actually, I'm getting quite a bit out of it, I think. I enjoy my work and I think I'm very good at it.

I 4: What is your work? What do you do?

C 4: I'm a graduate student. I'm in mathematics. I've always been good at math or any kind of physical science. I, I enjoy it. I can get off into math and, you know, it's just a, a world of its own. It's got its own symmetry and its own beauty, its own orderly procedures and processes and I'm quite happy with it. I don't mean to imply by this now that I don't get along with people too. I, I get along very well with people--don't really have any trouble with them. I, I suppose I'm somewhat atypical as a math major. I was raised on a farm and I know a lot of the other graduate students over there come from families where their parents were professors or scientists of one sort or another or something like this.

Actually, I guess I get along real well with the graduate students. For that matter, with most people. My wife and I are, are very happy together. We, we do quarrel sometimes though.

I 5: What do you quarrel about?

C 5: Well, we quarrel--I wouldn't say a lot but we fight sometimes. I suspect everybody fights sometimes. A lot of times I have doubts about whether or not we're raising our son right. We've been married about eight, I guess about seven years and have a child five, a boy and, and a lot of little things you know come up in the process of raising a child. I'm sure you know about this better than I do. Well, you want to do one thing--your wife wants to do another. You really don't know what's best for the child. We're raising him as well, as good as we can--not like I was raised or not like my wife was raised.

I 6: You're trying to do as well by him as you can.

C 6: Yeah. We're as modern and progressive as we can. We've read Spock, and we love our child. We give him the best of medical care and all that but, oh, I don't know, sometimes when I come home I'm all preoccupied with studying for general exams or some aspect of mathematics I'm probably not, I probably don't pay as much attention as I ought to, but you can't really say there's anything the matter with that. Aren't most people that way?

I 7: Are they?

C 7: Well, my wife, she loves him. We, we don't punish him at all. Sometimes, well, my wife doesn't punish him either. She found him masturbating the other day and she didn't say anything about it, you know. He was just sitting on the couch in the living room playing with himself and she told him, she told him that he shouldn't do that, but she didn't punish him or anything like that. She probably figures, well, he didn't know what he was doing. He's really too young to know anything about sex and so on, so she told him that this was private, you know, and he ought to do it in the bathroom but not in the living room--particularly when there's anybody about, you know. But, I, I thought she did all right on that. She didn't tell him she was going to cut it off or anything like my mother would have. We do quarrel though over raising the child about one thing though.

I 8: What's that?

C 8: Well, my wife goes to the Episcopal Church and she wants to take him. You know, I was raised in the Church of Christ--you know what that's like--and I had religion crammed into me when I was very, very young. Now, I don't want to force my child to go to the Episcopal, or go to any church. He's only 5½ or 6, I think that's too early really to start a kid in Sunday School or church. He, he's not old enough to make up his own mind. I, I'm a scientist myself and I think you should never indoctrinate a child in religious dogma until he's old enough to examine the evidence for himself. Well, anyway, she wants to take him to church with her and I don't care whether she goes to church or not--she can believe anything she damn well wants to. That's her own business. I just, I wouldn't go myself and I think it's sheer hypocrisy that she wants me to go. I'd rather sleep late on Sunday mornings frankly, and I'd really rather she stay in bed with me and I tell her this but she's just all the time off to church and she wants to take him. Well, we quarrel about this and it's a bone of contention between us and we, we differ on the Viet Nam situation too.

I 9: I know what you mean.

C 9: Well, I'm really worried about what we're doing in Viet Nam. It, it bothers me. I, I don't mean because I'm involved. I've got a deferment because I'm in graduate school, in mathematics--well, I'm

a veteran anyway. The issue is, I just don't think we ought to be over there in the first place and I sure don't think we ought to be fighting a war that we can't win and you know, war never solves any problems anyway, but my wife thinks we ought to be there and we ought to use more force and perhaps even use the A Bomb, you know and she thinks that I'm just a soft-headed humanitarian about this, but I've always been against violence in any form. As a matter of fact I don't even punish my child if there's any possible way to get around it, you know because I think violence is bad--it never leads to anything except more violence and she probably considers that this is weakness.

I 10: And she probably thinks this is weakness and would just incite them to more violence or something like that.

C 10: Yeah, I don't want you to think I'm crazy on the subject of violence or anything like that. I've seen my share of it and I've had my share of it. In fact, that's probably what got me interested in reading and studying. I, I had nothing else to do when I was in the Army except, ah, sit around the PX and read.

I 11: A little earlier, you said you were from a farm background--that this is atypical for a math major and it's my experience too. Was your wife from a farm too?

C 11: Well, I was born on a farm and I was certainly raised on a farm but I was always a very atypical person. I, I think my parents were very atypical people to be farmers. They were actually farmers. My, my father owned a large wheat farm in Iowa and he made his living off of it but he inherited the farm originally from his mother. She was the strong one in that family. She, she really worked it up into a paying operation. My father originally was an engineer but this was during the Depression and he wasn't making a very good living in engineering so he decided he'd better give it up. And, ah, he came to the farm to live there and, and be self-supporting. But as far as that goes, he continued with his reading and his engineering and he was always building things and, ah, making gimmicks on the farm. Well, for instance, I remember--yeah, we had a, we had an automatic baler before anybody, any people in the same county and he went out and fixed

up an automatic milking machine. He made it himself, just, oh, he had all kinds of little automated gimmicks (laughter) and, you know, this was back in the days when most farms were just a matter of hard work and a strong back but, ah, I think our farm was far more modern than any of the others in the county.

I 12: To change the subject slightly here but still on the farm--what were your parents like back on the farm?

C 12: Well, I was always a lot closer to my father than I was to Mother. You know, I liked to, like all kids I guess, I liked to go out on the tractor with him and when he wasn't farming he was always taking me hunting or fishing. I remember we used to go pheasant hunting; when I was just 6 or 7 he got me a .22, my first rifle, then a couple of years later I got a shotgun. But, I suppose he was as good a dad as anybody could ask for. I, I know when he died, when he died about 4 years ago--I was really shook up. I remember I was very depressed over that, very unhappy. Ah, I'd been closer to him than anyone I guess. I really loved him and I remember for several weeks there I couldn't, couldn't work or sleep or do anything--couldn't even read very well at all. I, I was really shook up. I, I stayed at home for a while, helped my mother with the farm and eventually she, she got herself some people you know, to live with her and she's she's still living on the farm. You know, she doesn't really do that much of the work herself but keeps books I think.

I 13: You--I may be putting words in your mouth, but if so you can spit them out, but you seem to feel much differently about her than you did your father.

C 13: Well, I, I guess I was always closer to my father than I was to my mother. She, she's all right in her way. I, I think she loved me. I think--we had a big family, you know, I had three brothers and two sisters. It, it was a big family. She was always taking care of them and I, I always kinda felt that she, I thought she picked at my father a little bit. Oh, she'd always want him to wash up before dinner. He didn't think of anything like that. He'd come in from the field and he'd have dirt on his hands and sit right down and she'd say, "Now, Daddy, you're setting a bad example." She, she always called him "Daddy." She'd say, "You're setting a bad example for the children--go on in the bathroom and wash your hands," just like make him go in the other room

and wash his hands. You know, I always felt about it--I was a kid, I felt about it, you know, hell, my hands are going to get dirty again anyway.

I 14: Well, she did seem a lot different. She was a different kind of person than he was.

C 14: Well, I mean, well, my dad, even though he was a farmer, you know--he always, well he liked to talk science and show me things like how to fix cars and those things, ah, on the farm. We were always tinkering with things. I could always talk to him, you know but I, I couldn't with her so very well. She, she seemed to be mostly interested in taking care of the kids, cooking and baking and (laughter) going to country socials--she, you've heard this about mother, she always had to enter her jams or her relish in some kind of contest or was always making a cake for the fair.

I 15: (Laughter.)

C 15: Well, I wanted to sit around and read or talk to my dad or, or go hunting or fishing or, I wasn't really interested. And besides, Mother was kind of nuts--well, maybe I shouldn't say she was nuts, but she was at least she was pretty fanatical.

I 16: I'll bet I can guess on what subject--sex or religion or both?

C 16: Both, a combination. She was pretty fanatic, you know she was always taking me to Sunday School--I had this religion forced down me and telling me about my "private parts" and how these were "private" and she would always say, "You know the Lord gave us these to reproduce our own kind, but for heaven's sakes, don't touch them," and didn't want us to have any dirty thoughts. I, I remember the first time she, ah, she found me playing with my sex, playing with myself, ah, it was really something. I really didn't, I didn't know a thing about sex or what it was or anything. I, I remember one day, I came out, just as I was leaving the bathroom, I felt this funny sensation--it was actually kind of good, you know, it was kind of funny--I don't remember now exactly how it felt but so without thinking about it I was just rubbing myself as I came out of the bathroom instead of putting my penis back in my pants and Mother saw this and she, boy, she must have thought I was running amuck or something. (Laughter.)

I 17: (Laughter.)

C 17: She got this real funny expression on her face and said, "What are you doing?" you know. Well, I, hell, I didn't even know what to tell her. It was so new, but I, I got the idea all right that I should never do anything like that. And she told me that she never wanted to see me touching my "privates" again. I remember, I was scared. I, I really didn't know what I was doing wrong but, I, I knew from her expression or something, I'd really done something wrong. I was real scared for, for a long time there.

I 18: What happened?

C 18: I don't know what happened. Nothing happened, I guess. I, probably, I probably just forgot about sex for a while. I, I don't think I ever had much to do with it probably then or maybe until I was pretty far along in high school or junior high or something like that. When I started, actually started, you know, started having dates and going with girls I was still scared. You know, I really was. I got so, well, there was this one girl I remember in junior high school. I thought she was, boy, she was the sweetest, prettiest thing I ever saw. She was just too much and I remember I got real interested in her and I really liked her and I was so scared even to ask her over to my house or take her on a date or something. Well, she was the first one I had a date with I guess. I didn't ask her for a long time, you know because I was afraid. I just knew she'd say no. Well, finally I, well, I finally just screwed up my courage I guess and I, I took her out, I took her for a date and we went together--I guess we went steady, I guess you'd call it in those days, for a long time and that was, really that was my first experience with sex. I remember, I was very nervous and I was really anxious about it. She was too and, oh, I don't remember now but we were probably too scared--so scared we couldn't really enjoy it.

I 19: Do you--I wonder if you still feel that way.

C 19: What way?

I 20: So anxious about sex that you can't enjoy it.

C 20: Oh, no, no. This was just in junior high school.

She and I started, just started having intercourse in junior high school. I was pretty anxious for a while. Oh, but it gradually got to where it was much more fun and she and I went together for two or three years, ah, having intercourse all through junior high school and high school. Oh, we got kind of worried once or twice about getting caught, you know, but we never did. It worked out real well. We, the only problem was that we could never get away from her family and from my family and school for long enough to have all we wanted. You know--

I 21: (Laughter.)

C 21: Well, sometimes, looking back at this now, it's just a miracle that she didn't get pregnant because, well, sometimes we took precautions and sometimes we didn't and, ah, I've thought about it a lot and it's just a miracle but I guess maybe we were both so young at the time or something.

I 22: Is this your wife you're talking about?

C 22: Oh, no, no. This, this was my first real sexual experience with a girl. You know, I used to masturbate some in high school and I, I felt real guilty about it. I didn't get married until after I was out of high school--matter of fact, right after I got out of high school, I was drafted, well, I was going to be drafted so I figured I might as well join so I spent two years in the Army.

I 23: What--how was that? What did you do in the Army?

C 23: (Laughter.) Nothing, by and large, really nothing. It was a sheer waste of time on my part. I, I didn't get a thing out of it at all. I doubt that the military got anything out of me either. It really, it was an unrewarding experience for both of us I suppose. You know, I don't like anybody, somebody always telling me what to do. I like to live my own life and do what I want to do when I want to do it and you just can't have that in the military service you know. So, well, I didn't like some sergeant, you know, telling me to go dig a ditch or shine your shoes or clean your rifle or something like that.

I 24: Well, let me interrupt you for a moment. I think we're almost out of time at least for today and I don't think we're anywhere near finished.

C 24: I, I don't either. You know, actually, ah, well, I suppose this is, happens all the time but I kind of enjoyed talking to you. I didn't I really didn't think I would. When, when I came out here I was kinda scared--before I came out here today. Well, I really hated to come out here actually but I've kind of enjoyed it.

I 25: Well, perhaps we should talk some more. Let me tell you the way we normally function when a person comes to the Psychological Clinic. We try to get to know them as well as possible before we come to any conclusions or decisions and this usually involves seeing the person two or three times for an interview like this one and also giving him, you a battery of psychological tests and after this we would be in a position to perhaps talk more intelligently with you. Would you like to arrange an appointment when we both have some more time, you and the Clinic, and we'll try and get to know you as well as possible and then we can see whether we might be of help to you.

C 25: Yeah, yeah. I'd like--if we could do that. You know, like I say, I don't think there's anything wrong with me but I think maybe--

I 26: If you've got doubts or something--

C 26: This, if this can maybe help me live a full life and get more out of life, I'd like to do that.

Transcript of Interview with Psychotic Man

I = interviewer

C = "client"

I 1: My name is Dr. Temerlin, what can I do for you?

C 1: Well, somebody told me to come here, so I'm here. I mean, they said I ought to come. . .

I 2: Oh, tell me about it. . .

C 2: You know, help's a funny thing. How can you, how can you even talk about helping another person. . . but somebody told me I should be here, and, (sigh) life's been hard.

I 3: You feel you might need some kind of help.

C 3: (laugh) Well, it's not getting any easier--what do you want to know?

I 4: Well, you're here, apparently for some reason--why don't you just tell me all about yourself.

C 4: I d[illegible] know what you mean by that. Well, I was born [illegible] a farm in Iowa. My parents were very good people and they reared a good family--are you always like this? Why don't you just ask me some questions? I'll tell you anything you want to know--just ask me some questions. . .

I 5: Oh, just go ahead. Tell me more about yourself.

C 5: They're dead (flatly).

I 6: They?

C 6: They're dead. You know, they were fine--they're dead now. They were farmers--they farmed--good land--they raised crops. Yah, I remember, I remember when my father died, my mother carried on like

a banshee for three weeks, she wouldn't stop crying. . .and then she never mentioned his name again. She was a good woman. You know, whenever I think about that my head starts to ache and my head's started to ache now. Let's talk about something else. . .When I think about that whole business of my father dying and my mother being a banshee I . . .(pause).

I 7: You have strong feelings. . .

C 7: No, NO, its over and done with! I'd rather talk about. . .now. . .about my family. . .now. My family now consists of my wife and my son and myself. . .my wife is a tall, skinny woman. My son's eight. I leave most of the rearing to my wife in some ways. She controls the boy but I don't want her trying to control me. . .she's going to spoil that kid. . .she's going to spoil the boy.

I 8: The boy?

C 8: She's going to spoil him by . . .she's going to spoil that kid. You know, he's not a bad boy I suppose. . .but. . .she likes to keep him weak and he's going to need to be strong in this world. . . this world's a hard place and he's going to need to be strong. . .and she fusses over him and she worries about this and she worries about that. I say what that boy needs is <u>more</u> discipline.

I 9: More discipline?

C 9: He needs to be punished, he needs to be beaten. . . when he does something wrong. Now, I say, be kind to a child. . .when they're doing the right thing, but, if they're doing the wrong thing they need to learn it. And this kid's going to grow up to be a sissy. . .he's going to grow up to be a sissy and he, I mean she is going to make him into a sissy. I can see it coming. So you know that boy is over eight years old and he still likes a teddy bear! But she's mighty hard to control, that woman, and so is he, he's getting hard to control just like her, he's getting just like she is.

I 10: How's that?

C 10: Now mind, I love him. But he shouldn't be like this.

I 11: Like this? What do you mean?

C 11: What do you mean? Well, it's hard to tolerate, (long pause) I, I do love the boy. . .after all, he's my son. Now, I don't want you getting any wrong ideas. . .we all get along fine. You know, when that boy grows up he's going to go to war. We're in war now, and in ten years he's going to be drafted. And he's going to be on the front lines, and if he's a sissy he'll get killed right away. You know, Viet Nam could still be going on ten years from now, and if he goes to Viet Nam I want him to be able to kill gooks with the best of them. Now, my wife doesn't believe in war. You know how women are. . .Good woman! Fine woman! Church going woman! I don't think she's ever had a wicked thought. She's very active in the church.

I 12: She's the religious one in the family. . .

C 12: You know, I'm. . .I'm a mathematician. I like to think of God as a formula. Search for the truth. . . what I'm after is truth. I taught myself math. . . I'm a self-made man and I use it in my business. . . I know more math than most of those professors on that campus. . .and I understand it, and I enjoy it. I can get off into math and it's just a, a world of its own. It's got its own symmetry and its own beauty, its own orderly procedures and processes. . . That's my religion.

I 13: Religion?

C 13: "I see in a particular sense God becoming more alive" in mathematics. "My conviction is that is we can understand God in conjunction with the reality of. . .mathematics we can then understand in a sense the whole tradition in which we live. . .we can really only move into the future by negating and transcending the past. Considering what we are facing we have no ethical principles to guide us. And all. . .we have had, must necessarily be negated. I have observed a number of things about the universe. It is a universe and in it is a certain measure of order more or less predictable by science." ". . .we are coming to know a whole new reality of man, world, time, space. . .we are moving into a form of ions in which these old values are becoming reversed. Now we are coming to know a world which has lost all in relation to its dependency . . .on creation. World becomes all, world becomes absolute.

We can also say this about man, history, time, life, energy. . ."
My parents believed in God, (sigh) they were good people. Now, mind you, they didn't believe in God in a truth-seeking kind of way but as a personal God, a personal savior, with, ah, you know, the long beard and all that. . .and that God is dead.

My mother prayed a lot, yah, mother prayed an awful lot. She always prayed for us and it made me feel terrible, like I had really done something awful. My father was. . .not there very much. . . but my mother was always there. . .good woman. . . she was very kind, very kind in her heart. . .she was always doing things for other people. . . things she thought they needed, like she would take their children to Sunday school. (pause) She was a tough old farm woman, though, and she didn't have too much. . .time. . .for nonsense. And its a good thing too, you know, I would have grown up a sissy, like the boy's going to do. But you know, in her heart she was a good woman. She worked all the time, cleaning and washing, she said she could never stay ahead of the dirt. . .and she beat me when I needed to be beaten. She did it for my own good and she was right.

I 14: Could you tell me something about your father--I didn't understand what you said about him.

C 14: My mother didn't pay much attention to my father. Nobody paid much attention to my father. He was all right, he just wasn't there much--he was out in the fields all day and then after supper he would find some excuse to go to town. . .probably to drink beer with his cronies. You know, you'd have to say I didn't notice him, I didn't really notice him. . .she was always the important one. Nor, my older brother left home. . .he said he hated it there, he said he hated it bad.

I 15: Hated it?

C 15: (sigh). . .I liked my mother. She was a strong woman and I always wanted to be strong like her. I always said when I grew up I was going to be just like my mother. She never took any nonsense off anybody. My father was. . .(long pause), my father, well, my father was a calm man. He never got excited about anything. But you know, even so, he was a weak man. He was nice enough, I suppose, uh, he was a good man and he meant well but, he couldn't ever keep control of his sons or else

that oldest son of his wouldn't have run away from home like he did. . .

I 16: You had a big family. . .

C 16: He ran away from home and my father didn't go after him, no, if that had been me I would have gone after that youngster and I would have pulled him back and I would have beat the hell out of him. When I left home the old man got teary-eyed and I swore I'd never go back. . .but I did. I can't stand to see a man cry, but I went back. . .to see my mother. I went back for his funeral. . .I went back when he died. She was a good woman. He died and she just carried on but she was a good woman, and she was a strong woman. He always called her "mother." They never fought. . .I never heard them argue. Sometimes, when I was a kid I used to wonder about that, when he would come home late and I'd hear mother get up to let him in. . .but that's a long time ago. . .that's water under the bridge. . .you'd rather hear about me, I suppose.

I 17: Well, what about you and your wife. . .is the relationship comfortable?

C 17: I knew you'd get around to that. There are some things I just keep private, but I'll tell you anything you want to know. All you psychiatrists have dirty minds, don't you? You always want to talk about sex.

I 18: Sex?

C 18: Yah, you're always prying into other people's business. You know, lots of people pry into other people's business and they ought to keep out of it. You know, I have some neighbors and they pry and they pry and they pry, and they watch. They watch everything I do.

I 19: You say they watch you?

C 19: I'm not doing anything. But you know, they watch me, and its because they think that I think they are communists. . .and they are.

I 20: What do you make of it?

C 30: I don't care too much if they just peek out from behind their blinds (sigh). I know what they think. But you know, you don't have to pay too much attention to what people think. One of these neighbors

is pretty funny. . .he keeps talking about, about communists around me. Came over the other day, I was just mowing my lawn, Sunday morning, and wanted to know what I thought about communists. I didn't tell him a thing. Communists are dirty rotten people.

I 21: And you've always got to be careful. . .

C 21: You've got to be careful, you've got to protect yourself--These people are dangerous, they really are more dangerous than most people realize. . . and you have every right to protect yourself. . . you know, the police don't care what happens until afterwards, and even then they don't care about the average Joe Blow, and I keep a gun in my closet so that if they do anything I can protect myself. . . now, mind you, I wouldn't use it unless I really had to but everyone has a right to protect himself from those kind of people.

I 22: Those kinds of people. . .?

C 22: You really can't trust anyone. . .you know, communists are so clever about using other people. . . they convert some but they even use those they don't convert. . .like liberals, although I think more of them are communists than people realize. . .communism under Stalin was one thing, under Kruschev was another, and now it is yet another. . .its hard, in my opinion, and I'm no expert, its hard for the average man to realize how dangerous communism is, under any guise. Communism is the same thing as the French revolution when the uneducated realized with their power that they could kill and destroy. . . liberty, equality, fraternity (sarcastically). . . 1795. . .July 14. . .when mobs took over and wrecked France. . .it was horrible. . .and because every move in one direction has a move in the other direction. . . as the communist state exists today it is patterned on any army. . .it is part of the planned policy. . . to undermine the government and to eventually destroy the government. . .that's the way they work. . .they have. . .and then you have a blood bath. If you don't conform you die or go to the salt mines. . . they have to, to win. . .they have to rule by fear, oh! the well-known knock at the door. . .at two o'clock in the morning, they drag you out and you disappear, period. They have one weapon, its fear, and they use it. Dreadful thing! When the state controls you you can call it any name you want,

socialism. . .communism, its all the same thing, and we are going to have to control them and purge our country of them.

I 23: Oh?

C 23: It's part of the planned policy. . .to undermine the government and eventually destroy the government. That's the way they work. . .They have. . . (long pause) When the Bolshevicks took control, and one of them was Trotsky. . .who fled for his life and later was assassinated in Mexico. Korensky, Korinsky, whatever his name was. . .left. . . had to. . .and then our government, among one or two others, thought we should do something about it and made a miserable attempt, failed, and communism took over and then you had a blood bath in Russia. Stalin purged the Russian army, and I mean purged it, he killed them. . .he had to, to win. The secret police were reorganized four times. The purge of 1937 was something. He purged the red army. Oh, he took those officers, by the thousands. . .and got rid of them! Here, the best we do is move the man out of the army (sneering tone). . .we don't kill them...but there, they, they just kill them. One Russian general defected to the Germans and raised a million, <u>one million</u> Russian soldiers who didn't like communism, think of it, one million. So the Russians counter-attacked and lost fifteen million men and. . . their brutality and everything along the way. . . it was rough. They rule by force. The communists, in their invasion of Poland, with the help and aid of Germany, killed ten thousand Polish officers who were prisoners. . .and buried them. I'm talking more about the war than I am about Communism but it's all the same thing, the way they work. They want to win, to rule.

I 24: Well, let me interrupt you for a moment. I think we are almost out of time at least for today and I don't think we're anywhere near finished. . . perhaps we should talk some more. . .

APPENDIX C

INSTRUCTIONS TO JURORS

Instructions to Jurors

Ladies and Gentlemen:

I'm Dan Rambo, an attorney here in Norman, and I'd like first to thank each of you for your cooperation in generously volunteering your time in coming here today. What you all have been asked to take part in is an evaluation of legal procedures, particularly the jury system in sanity hearings. It has been found that psychiatrists frequently disagree on the sanity of the person being tried. For this reason, we are going to consider the possibility that juries might be able to arrive at more accurate decisions if they have an opportunity to hear the actual psychiatric interview for themselves. Today you all will hear a tape recording of a psychiatric interview, and then you will be asked to render an opinion as to the mental status of the person being interviewed. Now, Mrs. Helen Klein is going to be your general manager in this exercise so please assist her by being good and impartial jurors and following her directions.

Klein: In a jury trial you normally would hear the testimony of expert witnesses. That is impossible in this situation; however, I can tell you that (appropriate prestige

suggestion inserted). Please do not discuss the tape while it is being played or until further instructions are given. Simply listen to the tape as closely as you can and form your own opinion as to whether this person is sane or insane. When the tape is over Mr. Rambo will give the jury instructions and you will be given a ballot on which to record your opinion. You are to mark only "sane" or "insane" on the ballot.

PLAY TAPE

LADIES AND GENTLEMEN OF THE JURY:

You are instructed that this matter comes on for trial on this date. In this case, a relative has filed a Mental Health Petition in a County Court wherein it is alleged that the person whom you have heard being interviewed is afflicted with mental illness to such an extent that he is incapable of managing himself and his affairs and for his own welfare and the welfare of others, it is necessary or advisable for him to be under care.

NO. 2

The burden of proof is upon the Proponent, in this case, the State representing the relative who filed the Mental Health Petition, to establish by a preponderance of the evidence facts sufficient to sustain the allegations in the petition, and unless the Proponent has proved these

necessary allegations of the Petition by a preponderance of the evidence, your verdict must be for the Respondent.

NO. 3

You are further instructed that under the law of this State a person who is the subject of a Mental Health Petition has the right to Jury Trial on the sole question of his mental illness where he or some interested party requests that his sanity be determined by a Jury.

NO. 4

You are therefore instructed that should you find by a preponderance of the evidence presented to you for your consideration that this person is afflicted with mental illness to the extent that he is incapable of managing himself or his affairs, and for his own welfare or the welfare of others that it is necessary or advisable for him to be under care, then you shall so say by your verdict.

You are further instructed that should you find by a preponderance of the evidence presented to you for your consideration that this person is not afflicted with mental illness to the extent that he is not capable of managing himself or his affairs and that for his own welfare or the welfare of others, it is not necessary or advisable that he be admitted for treatment, then you shall so say by your verdict.

NO. 5

In determining your verdict in this case you may call to your aid such general knowledge and experience as you yourselves possess in common with all persons of general, average intelligence. You should not let consideration of sympathy, sentiment or prejudice enter into your deliberations, but should discharge your duties as jurors impartially, conscientiously and faithfully and return such verdict as the evidence warrants when measured by these instructions.

You may not use any method of chance in arriving at a verdict but base it on the judgment of each juror concurring therein.

You are not required to surrender your own judgment to that of any person testifying as an expert, or to give controlling effect to the opinion of an expert, for the testimony of an expert, like that of any other witness, is to be received by you and given such weight and value as you may deem it is entitled to receive.

APPENDIX D

QUESTIONNAIRE

QUESTIONNAIRE

Please tell us a few facts about yourself. You do not have to put down your name, therefore your anonymity is protected. We simply need to know a few facts for statistical purposes.

Age:_____ Sex: M_____ F_____

Occupation:_____

Occupation of spouse:_____

Education: Years attended grade school:____High school:____

College:_____

Spouse's education: Years attended grade school:_____

High school:_____College:_____

(Circle one)

1. Have you ever served on a jury before? yes no

2. If yes, what kinds of cases were being tried?

3. Were the jurors in those cases much the same kinds of people you served with on the jury today? (Circle one) yes no

   If your answer was "no," in what way did they differ?

4. Did the jurors in those cases accept their responsibilities as seriously as the jurors in today's proceedings?

   Encircle the correct answer:

   a. they were more serious
   b. they were less serious
   c. they did not differ from today's jurors
   d. others (write in)_____

5. In general, were the jurors with whom you served before as objective and impartial as the jurors with whom you served today?

   Encircle the correct answer:

   a. more impartial
   b. less impartial
   c. no difference

6. In your own words, would you please compare and contrast your experience on the jury today with your experience serving on previous juries.

Thank you for participating in this study.

APPENDIX E

RAW DATA BY GROUPS

		Prestige Suggestion							
		Insane		Sane		Conflicting		None	
	Ss	Ballot 1	Ballot 2	Ballot 1	Ballot 2	Ballot 1	Ballot 2	Ballot 1	Ballot 2
		Group I		Group III		Group V		Group VII	
	1	*S	I	I	I	S	S	*S	S
	2	S	S	S	S	S	S	S	S
I	3	I	I	I	I	S	S	I	S
n	4	S	I	S	S	S	S	S	S
s	5	I	I	S	S	S	S	S	S
a	6	I	I	S	S	S	S	I	I
n	7	I	I	I	I	S	S	S	S
e	8	I	I	S	S	S	S	S	S
	9	I	I	I	S	I	S	I	S
	10	I	I	*S	I	S	S	S	S
	11	I	I	S	S	S	S	I	S
	12	I	I	I	S	*S	S	I	S
		**S=3	S=1	S=7	S=8	S=11	S=12	S=7	S=11
		***I=9	I=11	I=5	I=4	I=1	I=0	I=5	I=1
		Group II		Group IV		Group VI		Group VIII	
	1	I	I	I	S	S	S	S	S
	2	S	I	S	S	*S	S	*S	S
	3	S	S	S	S	S	S	S	S
	4	S	S	S	S	S	S	S	S
S	5	S	S	S	S	S	S	S	S
a	6	S	S	S	S	S	S	S	S
n	7	I	S	S	S	S	S	S	S
e	8	S	S	S	S	I	S	S	S
	9	I	I	S	S	I	I	S	S
	10	I	I	*S	S	S	S	S	S
	11	*I	I	S	S	S	S	S	S
	12	S	I	S	S	S	S	S	S
		S=7	S=6	S=11	S=12	S=10	S=11	S=12	S=12
		I=5	I=6	I=1	I=0	I=2	I=1	I=0	I=0

*=Foreman **S=Sane ***I=Insane