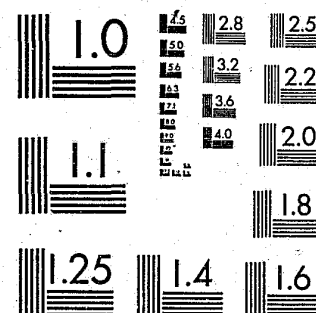


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UNIVERSITY OF CALIFORNIA
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Sociocultural and Personality Perspectives on Jury Behavior
and Decision Making

A Dissertation submitted in partial satisfaction
of the requirements for the degree of

Doctor of Philosophy

in

Psychology

by

Jack Philip Lipton

December, 1979

Dissertation Committee:

Professor Raymond T. Garza, Chairperson

Professor Spencer Kagan

Professor Robert D. Singer

75580

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ACQUISITIONS

The dissertation of Jack Philip Lipton is approved:

Spencer K. ...
...
...
... Committee Chairman

University of California, Riverside
December, 1979

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ACKNOWLEDGEMENTS

I would like to take this opportunity to express my appreciation to some of the people who assisted me with my dissertation project and who have supported me throughout my graduate student career. First, I would like to thank the three professors who served on my dissertation committee for their guidance and assistance: Dr. Spencer Kagan, Dr. Robert Singer, and Dr. Raymond Garza, who was my advisor during my four years at UC Riverside. I would also like to thank the two other members of my Ph.D. qualifying examination committee, Dr. Carlos Cortes and Dr. Thomas Martinez, for their comments and professional expertise.

The staff of the "Inter-campus Grievance Committee" deserves special mention, particularly for putting up with me as an employer. Ms. Glendora Garces competently performed many hours of extremely tedious work for me while brightening my lab with her personality and sense of humor. Although I was unable to find a typewriter element whose size would be indicative of her contributions, Ms. Merril Simon, in addition to being a close friend, provided invaluable help in conducting the study described herein; I would like to especially thank her for keeping things under control on those occasions when it was necessary for me to leave town.

There are a number of University staff members that I would like to individually acknowledge for their help and kindness. Ms. Lucia Millfelt did a tremendous job in typing this dissertation. Mr. John Archibald provided valuable assistance concerning some computer matters. Ms. Betty Quinn in the Graduate Division was particularly helpful to me, especially in administering my grant. I also would

like to thank the Psychology Department office staff, including Ms. Malinda Fulmer, Ms. Dianne Fewkes, Ms. Heather Jorgensen, Ms. Madelaine Dibler, and Ms. Doris Churry for everything they have done for me over the past four years. While I hesitated to mention any graduate students because so many people that have been important to me would necessarily be omitted, I would like to especially thank Ted Knipe, Ron Riggio, the late Alvino Escobar, Bruce Westlund, and Michael Sesma for one thing or another.

Dr. Norbert Kerr, of the University of California, San Diego, very kindly provided me with transcripts which I modified to use as stimulus material. I would also like to thank several professors at other institutions with whom I corresponded and who sent me valuable information: Dr. Martin Kaplan of Northern Illinois University, Dr. Charlan Nemeth of the University of California, Berkeley, and Dr. Harold Sigall of the University of Maryland. I would especially like to thank Dr. Jerry I. Shaw who served as my Masters' advisor at California State University, Northridge for his confidence in me, his continued encouragement, and for providing me with a strong foundation in social psychology.

This dissertation project could not have been carried out in its present form had it not been for a Graduate Research Fellowship that was awarded to me by the Law Enforcement Assistance Administration of the U.S. Department of Justice. I would like to thank the LEAA for their support. I must also mention my appreciation to all the "jurors" who participated in my study; this dissertation would truly not have been possible without them.

There are a few people that I would like to thank whose help to me has been more personal than academic. First, I would like to thank my family for their support and for being there when I needed them: my parents, my grandparents, my brother, Robert, and my sisters, Linda, Margaret, and Suzie. Finally, I would like to mention some people who are or who have been very special friends to me while I was a student; there is no need to elaborate as each is fully aware of the extent of my appreciation: Mr. Raoul Cansino, Mr. Alan Hershaft, Dr. Helen Hendy, Dr. Robin DiMatteo, and Dr. Gail Goodman.

This dissertation is dedicated to my parents
Edward B. Lipton and Jeannette Lipton
and to the memory of my grandfather,
Joseph L. Roy (1895-1976).

ABSTRACT OF THE DISSERTATION

Sociocultural and Personality Perspectives on Jury Behavior and Decision Making

by

Jack Philip Lipton

Doctor of Philosophy, Graduate Program in Psychology
University of California, Riverside, December 1979

Professor Raymond T. Garza, Chairperson

Although the psychology of the jury is not a new area of scientific inquiry, with studies dating back to the 1920's, the last decade has witnessed an enormous increase of interest in the field. However, despite the somewhat exhaustive data and information that has recently accrued dealing with the psychology of the jury, there remain some inconsistencies, ambiguities, and unanswered questions. In addition, the relevance and validity of the vast majority of jury studies is questionable because the methodological approaches employed have been less than adequate.

The empirical jury literature is very sparse on sociocultural issues such as those dealing with sex and ethnicity. The few studies that have dealt with ethnic concerns have invariably dealt only with Blacks; all other minority groups, such as the Mexican American population, have

been completely bypassed in the psychology of the jury literature. In addition, with the exception of authoritarianism, personality variables have also been largely ignored in the jury literature. Concerning methodology, there are some obvious inherent problems involved in studying juries. Primary among these is the inaccessibility of real juries during deliberation which has necessitated the simulation of conditions. However, such simulations have too often consisted entirely of giving people a questionnaire to complete and asking them to "pretend" they are on a jury. Few studies have incorporated any sort of interaction among the "jurors," and virtually no studies have involved an attempt to convince subjects that their decisions will have an impact, indeed, that they are really members of an actual jury. And among the few studies that have involved some deliberation, questions dealing with the ethnic and gender composition of the jury have not been addressed.

The present study represents an attempt to tackle some of the unanswered questions about the psychology of juries while avoiding some of the methodological pitfalls of previous research. An elaborate experimental procedure was undertaken to convince participants that they were members of a jury, deciding upon the fate of a defendant, rather than subjects in a psychological experiment. A total of 16 six-person juries were tested, yielding a grand total of 96 jurors. There were four jury types: predominantly male, predominantly female, predominantly Anglo, and predominantly Chicano. Each jury decided upon two cases, one involving an Anglo defendant and the other involving a Chicano defendant. In addition, a wide variety of demographic, attitudinal, and personality factors were assessed, including self-esteem, authoritarianism, attitude

towards the law, need for social approval, locus of control, attitude towards capital punishment, political ideology, and social class. For each case, jurors first completed a pre-deliberation questionnaire to indicate their decisions as to verdict, degree of guilt, and recommended penalty. Following deliberation, jurors completed another instrument which was identical to the pre-deliberation questionnaire except for the addition of some affective items concerning the rating of the defendant's intelligence, likability, attractiveness, social class, and honesty. At the conclusion of the study, all jurors were fully debriefed as to the true nature of the experiment.

The findings indicated a number of significant effects for juror sex and ethnicity, for the ethnic and sex composition of the jury, and for the ethnicity of the defendant. For example, whether either an Anglo or a Chicano juror was in the ethnic majority or ethnic minority within a jury had a marked effect on juridic decisions. The analyses involving the demographic, attitudinal, and personality variables revealed a great deal of potential value in using such factors to predict jury decisions. The results of the study are discussed in terms of theoretical, methodological, and applied perspectives. A number of theoretical positions were supported as expected, while other findings unexpectedly provided support for some contrary positions. The methodological tactics and statistical techniques employed provided sufficient experimental rigor to insure adequate internal validity while the intricacy of the experimental procedure attests to the study's external validity. Finally, the present work is placed within the framework of the classic conflict between psychology and the law and is discussed

within the context of the moral and ethical implications inherent in research of this type.

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INTRODUCTION

Historians have pinpointed the origins of "trial by jury" to the fifth or sixth century B.C. In fact, jury trials have been an integral part of the criminal justice system in the United States since the establishment of the Republic over two hundred years ago. However, along with the reverence that has been accorded to the jury, there has been substantial criticism and controversy, particularly in recent years, concerning the frailties of the jury system.

While the psychology of the jury is not a new area of scientific inquiry, with studies dating back to the 1920's and 1930's, the last decade has witnessed an enormous increase of interest in the field. If one general conclusion can be drawn from this rather voluminous literature, it would be that a wide variety of "extra-legal" factors of influences juridic decisions. In other words, it may be a fallacy to think of a jury as a computer which carefully, objectively, and systematically evaluates all the evidence and then arrives at a completely fair and unbiased decision. Rather, the overwhelming evidence from the literature indicates that jurors are fallible, and often prejudiced, leading them to render decisions which are biased or otherwise unjust. However, despite the somewhat exhaustive data and information that has recently accrued dealing with the psychology of the jury, there remain some inconsistencies, ambiguities, and unanswered questions. In addition, it should be pointed out that the relevance and validity of the vast majority of jury studies is questionable because the methodological approaches employed have been

less than adequate.

Although jury selection is covered by the Equal Protection clause of the Fourteenth Amendment of the U.S. Constitution, which entitles all litigants to have prospective jurors selected from a cross-section of the community, the exact implications of this in terms of the relationship between the ethnicity of the defendant or of the victim, on the one hand, and the ethnicity of the jurors, on the other, has not been entirely clear. Unfortunately, the literature is very sparse on such sociocultural questions concerning both ethnicity and gender. In addition, with the exception of authoritarianism, personality variables have been largely ignored in the jury literature.

Concerning methodology, there are some obvious inherent problems in studying the psychology of the jury. Foremost of these is the inaccessibility of real juries during deliberation, necessitating the simulation of conditions. However, such simulations have too often consisted entirely of giving people a questionnaire to complete while asking them to "pretend" they are on a jury. Few studies have involved any sort of discussion, deliberation, or interaction among the "jurors," and virtually no study has made an attempt to convince subjects that their decisions will have an impact, indeed, that they are really members of an actual jury.

The present study, then, represents an attempt to tackle some of the unanswered questions about the psychology of juries while avoiding the methodological pitfalls of previous research. More specifically, a wide variety of personality, attitudinal, and sociocultural factors will be scrutinized in terms of their effects on jurors' decisions.

It is hoped that the results will further scientific awareness and provide important information regarding the strengths and limitations of the jury system.

REVIEW OF THE LITERATURE

Trial by Jury: General Considerations

Along with the psychology of eyewitness testimony (cf., Lipton, 1977; Yarmey, 1979), the study of jury behavior is one of the two major areas within what could be called the "psychology of the courtroom," which is in itself a subset of the larger field, "psychology and the law." Although a complete discussion of psychology and the law would be well beyond the scope of the present paper, a number of such reviews are available elsewhere (Bermant, Nemeth, & Vidmar, 1976; Marshall, 1966; Nagel, 1979; Stone, 1966; Tapp, 1969; Tapp & Levine, 1977).

Erlanger (1970), Gerbasi, Zuckerman, and Reis (1977), Kessler (1975), and Shuman and Mowen (1976) all present reviews of the psychology of jury literature while discussions of the jury system from a legal perspective are found in many sources (Brand & Wright, 1947; Brown, 1951; Bryan, 1971; Coffin, 1941; Desmond, 1963; Devlin, 1956; Donovan, 1881; Frank, 1950; Griew, 1967; Joiner, 1962; McCart, 1964; Oglesby, 1967; Vanderbilt, 1958; Viesselman, 1935; Waite, 1937; Wilcox, 1907). Several books have been written by former jury members giving personal accounts of their experiences (Amandes, 1965; Chester, 1970; Kennebeck, 1973). In addition, the history of the jury system has been a popular subject of discourse (Cornish, 1970; Forsyth, 1875; Haralson, 1947; Hyman & Tarrant, 1975; Kenney, 1952; Knox, 1947a; Moore, 1973).

In *Apodaca vs. Oregon*, the Supreme Court pointed out that the "purpose of trial by jury is to prevent oppression by government by providing a safeguard against a corrupt or overzealous prosecutor and against a compliant, biased or eccentric judge" (1971, p. 1628).

Reviews of the general function of juries and jurors are presented by Broeder (1954), Pope (1962), and Wolf (1966). Sarpy (1962), pointing out that it takes 5½ years for a jury trial in a civil case to be heard in court, suggested that juries should not be used for civil trials altogether while Hogan (1964) argued for the opposing viewpoint. Kalven (1964) estimated that a jury trial takes approximately 40% longer in time than a bench trial, underscoring one of the major drawbacks of trial by jury. Galiher (1965) discussed "the crisis of the jury system" from the defense attorney's viewpoint. Richert (1977) provided evidence that many jurors and prospective jurors have negative feelings towards being on a jury and offer innumerable excuses in order to be excused from jury duty. Indeed, while the American public may have generally favorable attitudes about the jury system, they are less than enthusiastic concerning their personal participation.

Within the legal literature, much that is written concerning the psychology of the jury has to do with how an attorney should act in a courtroom, the "art of a jury trial" (Nizer, 1946), such as in questioning or cross-examining witnesses to obtain the desired verdict (Appleman, 1952; Bailey & Rothblatt, 1971; Owen, 1973). In a lengthy law review article, Orfield (1963) discussed the questions of "burden of proof," and rules of evidence as they pertain to jury trials. In discussing the legal meaning and implications of "reasonable doubt," Simon (1970) pointed out that in American courts, the burden of proof for determining guilt in criminal trials is the presentation of evidence which would lead a "reasonable man" to believe "beyond a reasonable doubt" that the defendant did indeed commit the act for which he is charged. Simon, in

quantifying the subjective meaning of "reasonable doubt," provided evidence that being 75% certain of guilt, not the 90% figure that may be assumed by many members of the bench and the bar, is the typical cutoff point for being beyond reasonable doubt.

McBaine (1944) reviewed the legal literature pertaining to the instructions given to jurors (cf., Devitt & Blackmar, 1977). The manner in which a judge phrases the charge against the defendant has also been shown to affect juridic judgments (Cavoukian & Doob, 1978). Cross (1967) lamented about the scant acceptance of social science within the court system, attributing it to the unfamiliarity of the general public with the social sciences. Hanley (1961) discussed the problem of excessive monetary verdicts handed down by juries while Hunter (1935) criticized the practice of "quotient verdicts," the averaging of the 12 individual juror's monetary recommendations to arrive at the group verdict. Green (1968), stating that the weighting of various factors by jurors in coming to a decision may be erratic, suggested that perhaps an explicit scaling system of decisional factors be introduced to jurors.

Although the scientific analysis of jury behavior is not a new area of inquiry, with studies dating back to the 1920's and 1930's (Marston, 1924; Weld & Danzig, 1940; Weld & Roff, 1938), the last fifteen years have witnessed an enormous increase of interest in the field. After reviewing the literature, Gerbasi, Zuckerman, and Reis recently concluded that "it is beyond argument that a variety of extra-evidential factors influence jury decisions" (1977, p. 323). Research dealing with such "extra-legal" factors is systematically discussed in the present review.

The psychology of the jury is an area of inquiry that is well-embedded within established classical methodological and theoretical paradigms in social psychology. Jury studies have particular relevance to the small group literature (cf., Cartwright & Zander, 1968; Davis, 1973; Kelley & Thibaut, 1968) and the literature concerning group risk-taking (cf., Cartwright, 1971; Pruitt, 1962; Wallach, Kogan, & Bem, 1962). Specifically within a psychology of the jury context, a number of studies by Kaplan and his colleagues have examined information integration theory and the opinion-polarizing effect of group deliberation (Kaplan, 1977; Kaplan & Kemmerick, 1974; Kaplan & Miller, 1977; Kaplan, Steindorf & Iervolino, 1978; Myers, 1979; Myers & Kaplan, 1976). Statistical decision-making models of juries are presented by Gelfand and Solomon (1973, 1974), Thomas and Hogue (1976) and Foss (1976). Penrod and Hastie (1979) recently reviewed the literature on juridic decision-making models.

Regarding the "correctness" of jury verdicts, one judge estimated that juries are correct (i.e., in agreement with the judge) in over 85% of the cases (Hartshorne, 1949). Kalven (1964) concluded that juries produce a "thoroughly satisfactory" judgment in 77% of criminal cases and in 64% of civil cases. Barrow (1963) and MacKenna (1967) highlighted issues concerning disagreements between the jury and the judge and outlined possible reasons for such disagreement. The judge-jury relationship is also discussed by Pope (1964).

Leavitt (1962) and Owen (1963) presented a review of the rules and procedures pertaining to jury behavior including discussions of "juror misconduct" and laws regulating the deliberation and the manner in which

the jury decision should be reached. Manchester (1968) discussed the legal ramifications and precedents for cases involving jury misconduct, such as incidents involving the bailiff making unauthorized statements to the sequestered jury, or the jury making unauthorized visits to the scene of the crime. The question of note-taking among jurors has also been of some concern and debate. Scherlis (1964) reviewed the legal evidence concerning note-taking and the bringing of materials into the deliberation room by jurors.

Regarding other theoretical bases, certainly the literature dealing with conformity to group norms and pressures is applicable (cf., Asch, 1956; Kiesler & Kiesler, 1969). The psychology of the jury is also relevant to attribution theory (cf., Jones, Kanouse, Kelley, Nisbett, Valins, & Weiner, 1972), cross-cultural psychology (cf., Brislin, Lonner, & Thorndike, 1973; Price-Williams, 1975; Triandis, 1972), interactionism (cf., Endler & Magnusson, 1976; Magnusson & Endler, 1977), and sex differences (cf., Deaux, 1976; Maccoby & Jacklin, 1974).

Methodology of Psychology of Jury Research

It is an accepted fact that social scientists cannot indiscriminantly observe *real* juries in deliberation ("Jury eavesdropping," 1974). As a result, "mock trials, in which jurors or juries respond to simulated case materials, have become a primary research vehicle" (Davis, Bray, & Holt, 1977, p. 327). Indeed, such mock trials are consonant with established methodological paradigms in social psychology, permitting controlled manipulation and measurement of selected variables. These mock trials have often taken the form of experimental subjects reading about a

hypothetical legal situation and then completing a questionnaire indicating verdict and degree of punishment (e.g., Landy & Aronson, 1969; Sigall & Ostrove, 1975). In addition, these studies have often not involved any sort of group discussion or deliberation, and with very few exceptions, have not made any attempts to convince the subjects that their decisions will have an impact on a defendant.

Many mock juries have attempted to provide as "realistic" stimulus material as possible, with some studies providing audio, or even audiovisual presentations of a trial. In addition to the very likely possibility of subject suspicion and doubt, a phenomenon that has been documented extensively in many research contexts, Bermant, McGuire, McKinley, and Salo concluded that

When one increases the pretense of verisimilitude, however--for example, by using an audiovisual slide show--participants begin to exercise critical analysis of the simulation as judged against the standards of commercial entertainment. The set of the participants changes as a function of the degree of verisimilitude offered, thereby partially offsetting the apparent gain achieved by the work of presenting a more realistic input. (1974, p. 232)

Bermant et al. (1974), in a mock trial study, using as stimulus material a case where the real jury found the defendant guilty of manslaughter, found that the mock juries who read a *transcript* of the case had a higher proportion of manslaughter (i.e., "correct") verdicts than did the mock juries who were given as stimulus material either summaries,

audiotape, or an audiovisual presentation.

As was previously mentioned, many mock juries studies have not involved any sort of group deliberation or discussion. Bray and Struckman-Johnson (1977) reported that there were a relatively large number of cases in which the initial opinion held by a minority of jurors ultimately became the group verdict. Indeed, in such cases, without deliberation, the mere summation of the individual verdicts would not have a great deal of external validity.

In any social psychological study involving groups, getting an adequate number of subjects may be a perennial problem. In a study by Goldman, Maitland, and Norton (1975), for example, only three juries were employed, each in a different experimental condition. London, Meldman, and Lanckton (1970) studied the factors influencing persuasion using the "jury method," consisting of two-person juries. Wilson and Donnerstein (1977), in a questionnaire study, found that those subjects who were led to believe that their decisions would determine the fate of a defendant, had more guilty verdicts than those subjects who were not given such information. As a suggestion for future mock jury research, Kerr, Nerenz, and Herrick (1979) stated that cases, settings, and procedures should be chosen which actively involve the mock jurors in their task in order to reduce the risk of bias.

Although there has been a great deal of archival work done to analyze jury voting trends, most of the psychological work concerning the psychology of the jury has involved mock juries. Diamond and Ziesel (1974), though, set up a rather ambitious mock jury procedure. They obtained the permission of Federal Court judges in Illinois to have mock

jurors sit in the courtroom and listen to a real trial along with the real jury. Of course, the experimental jurors differed from the real jurors on a number of important criteria: the experimental jurors knew their verdict would not have an impact on the outcome of the case, they sat with the spectators rather than in the jury box, their deliberations were tape-recorded, and they completed pre-deliberation questionnaires. The research of Kaplan (1977) provides an example of the use of bogus confederate jurors within the mock jury paradigm.

Memory of Jurors and the Use of Videotape in the Courtroom

In what would appear to be a good argument in favor of allowing jurors to take notes during a trial, Hoffman and Brodley (1952), writing in the *Missouri Law Review*, concluded that the memory of jurors is generally poor, particularly in the case of very long trials. Harris, Teske, and Ginns (1975) stated that the memory of jurors, in terms of recalling testimony and distinguishing assertions from fact, is generally "discouraging." In a survey of real jurors, Moffat (1945) reported that much of the technical and legal proceedings in the courtroom is either forgotten or is not understood by the typical juror.

Considering questions dealing with order of presentation of testimony, Lawson (1968) reported a strong primacy effect among jurors. On the other hand, Walker, Thibaut, and Andreoli (1972) concluded that going second is more advantageous in an adversary legal setting. However, as Walker et al. pointed out, although the plaintiff or prosecution typically is the first to present arguments, the disadvantage of going first can be offset by the plaintiff making a "climactic presenta-

tion," which will be favorably contrasted to the low-key beginning of the defense's climactic presentation.

Partly as a means of dealing with the human limitations and frailties of jurors, some legal theorists have suggested and experimented with the idea of using videotape in the courtroom. Indeed, one of the most heavily researched areas concerning the psychology of the jury in recent years has concerned the use of videotaped trials (cf., Bermant, 1975; Bermant, Chappell, Crockett, Jacoubovitch, & McGuire, 1975; Miller, 1975). In addition, several complete reviews of this area are available (Bermant & Jacoubovitch, 1975; Kornblum, 1972; Miller, Bender, Boster, Florences, Fontes, Hocking, & Nicholson, 1975).

Barber and Bates (1974) advocated extensive usage of videotape in the courtroom, either to have eyewitnesses present testimony on videotape, or to have an entire trial videotaped for later presentation to a jury. As Barber and Bates pointed out, the use of videotape has the advantage over a live trial of being able to be edited for legal errors before presentation to a jury. In a live trial, a judge often has certain remarks "stricken from the record" and asks the jury to "disregard" the remarks, which may be difficult for them to actually do (cf., Wolf & Montgomery, 1977). Barber and Bates further pointed out that extraneous factors are eliminated with videotape by focusing jurors' attention only on relevant factors.

However, there is some evidence that jurors have a somewhat negative reaction to the use of videotape in the courtroom because of the feeling that too much information is lost; there was also the general feeling among jurors that they would not want the trial to be videotaped if they

were the defendant (Bermant et al., 1975). Bermant and Jacoubovitch (1975) discussed the question of whether videotaped trials can provide the "meta communication" that is transmitted in live trials. The attitudes of judges and attorneys towards videotaped trials have been surveyed (comment, 1975), highlighting some of the legal advantages and disadvantages of such a procedure:

While the main disadvantage of using videotaped trials seems to be within the domain of "lost information" in comparison to a live trial, the advantages of videotape are often expressed in terms of efficiency and time savings. McCrystal (1973), for example, after reviewing the legal evidence regarding videotape, concluded that its usage would provide much needed relief for our congested courts. Brennan (1972) discussed the savings in time and money with videotape in an experimental project performed by the Supreme Court of Michigan called Project TAPE ("Total Application of Pre-recorded Evidence").

Bermant (1975) called for more laboratory experimentation on some technical questions regarding the use of videotape such as differences between black-and-white versus color video. Williams, Farmer, Lee, Cundick, Howell, and Rooker (1975) did an extensive series of empirical studies exploring differences in the use of live trials, color video, black-and-white video, and audio presentations. Their conclusion was that the media of presentation significantly affected jurors' perceptions and decisions. Bermant set forth the hypothesis that "the more evenly balanced or ambiguous the legal issues on the two sides of a case, the more influential will be the extralegal factors in the case, including the medium through which the case is presented to the jury" (1975, p. 485).

Voir Dire and Jury Selection

"Voir dire" literally means "to speak the truth" and refers to the questioning of prospective jurors in order to determine their qualifications to serve (Brill, 1964). Reviews of the legal basis for voir dire and jury selection procedures are presented by Berk, Hennessy, and Swan (1977), Knox (1974b), Mossman (1973), Otis (1942), Platchik and Schwartz (1965), Sealy and Cornish (1973), and Shepherd (1965). Much of the literature dealing with voir dire has taken the form of specific suggestions to attorneys (Doherty, 1964; Ganzer, 1959; Kennelly, 1965; Urbom, 1967; Wildman, 1955).

In a lengthy article critical of voir dire, Broeder (1965d), concluded that prospective jurors, either consciously or unconsciously, lie during the questioning. However, Padawer-Singer, Singer, and Singer (1974) felt that voir dire tends to reduce the effects of prejudicial information and pointed out that voir dire should be conducted by the opposing attorneys rather than by the presiding judge, as is done in some courts, since the attorneys are more familiar with the particulars of the case and can ask more specific questions. Padawer-Singer et al. outlined four purposes of the voir dire: to screen out prejudiced jurors, to reduce prejudices introduced by extraneous information such as pretrial publicity, to commit jurors to the importance and meaning of legal procedures, and to sensitize jurors to various aspects of the case. Considering the more general question of jury selection, there is a great deal of anecdotal evidence on what makes a "good" or a "bad" juror, but very little empirical evidence, though the legal and practical considerations surrounding the use of psychological tests

as a means of selecting qualified jurors is discussed by Redmount (1957).

There have been some highly publicized cases that have utilized some very ambitious jury selection procedures. In the trial of the "Harrisburg 7," a group of anti-war activists, former Attorney General Ramsey Clark led the defense team that sampled the community in order to determine the characteristics of the "ideal" juror (Schulman, Shaver, Colman, Emrich, & Christie, 1973). These ideal characteristics included: being under 30 years old, the closer to 18 the better; being Black; possessing "elements of a counterculture style of life;" showing strong opposition to the Vietnam War and sympathy for the defendants; and having a son or close male relative who was of or near draft age.

Broeder (1965b) found that prior jury service, both on a "similar case" or "in general," had a "profound" effect on the attitudes and decisions of mock jurors. Furthermore, Durand, Bearden, and Gustafson (1978), in a survey of real jurors, found that those with previous jury experience had significantly different attitudes towards jury service. In a study where mock jurors made judgments about two separate cases, Pepitone and DiNubile (1976) found that the amount of punishment recommended depended on the order of presentation of the cases, specifically whether the cases were in an ascending or descending order of seriousness; this highlights the possible effects of prior jury experience on juridic judgment.

Despite the evidence concerning the effects of prior jury experience on jury decisions, some legal theorists have suggested the notion of the "professional" or permanent jury who would hear a large number of cases (Richards, 1967; Short, 1967). Among advocates of this idea, the

advantages of a professional jury would be that they would be more seasoned and not easily influenced by dramatic and impassioned orations by counsel and that they would be familiar with jury rules and procedures, thus saving court time in repeating these rules for each trial (Richards, 1967).

Jury Size and the Unanimity Rule

In the early 1970's, several Supreme Court decisions were handed down pertaining to jury size and the need for unanimity. In *Williams vs. Florida* (1970) the Supreme Court ruled that a Florida statute allowing for 6-person juries was constitutional. In *Apodaca vs. Oregon* (1971) and *Johnson vs. Louisiana* (1971) the Supreme Court ruled that state court jury trials need not reach a unanimous verdict for the decision to be binding. These decisions sparked a great deal of controversy among legal writers and also resulted in a sudden outpouring of research into these questions by social scientists.

There are some competent legal and empirical reviews dealing with juror unanimity (Bouchelle, 1942), jury size (Lempert, 1975; Nagel & Neef, 1977), as well as on both of these issues (Friedman, 1973; Grofman, 1976). A number of studies have addressed both the jury size question and the unanimity issue within the same experiment; for example, Davis, Kerr, Atkin, Holt, and Meek (1975), in a mock jury study, found that neither jury size (6 or 12) nor assigned decision rule (unanimous or 2/3) significantly affected verdict distribution. However, in a recent law review article ("In the Wake of Apodaca," 1973), the possibility is discussed of a criminal case being wrongly decided, very hurriedly, by a 4

to 2 vote, pointing to a possible danger of unanimity and small juries.

Some early legal precedents for juries of less than 12 persons is discussed by Pinsley (1936). Nagel and Neef (1977a) offered a logical statistical analysis of the jury size question, relating the number of jurors to the tendency to convict, in addition to discussing methodological issues involved in tackling this question. While it is clear that there are arguments on both sides of the jury size question, with some favoring retaining the 12-person jury and others advocating the 6-person jury, there appears to be greater sentiment in favor of the latter.

Phillips (1956), for example, advocated 6-person juries in terms of their greater efficiency and the monetary savings that would result. Phillips does stop short of advocating the total abandonment of 12-person juries, though, stating that they should still be utilized in capital cases or when a litigant wishes to pay the additional fees to have 12 jurors rather than 6. This view concerning the greater efficiency of 6-person juries has been echoed by Rosenblatt (1972). In a law review article, Hara (1962) pointed to the many advantages of the 6-person jury, saying that it would cut costs and streamline the system. In addition, according to Hara's view, with 6-person juries, the jurors selected would be of a higher caliber, fewer jury facilities would be required, less time would be spent in deliberation resulting in quicker trials, and attorneys could more easily address the jury.

Kessler pointed out that "there is a marked recent trend in the American judicial system to employ juries of six rather than twelve members" (1973, p. 712) and concluded that there are no differences in six- or twelve-person juries in either verdict or the number of issues

discussed. Kiesler did find, though, that members of 6-person juries tended to participate more actively, while members of 12-person juries were more likely to sit around silently. Mills (1973), in an archival study based on real cases, found no significant differences between 6- and 12-person jury verdicts. Icenogle (1961) pointed out that hung juries are expensive, time-consuming, and deprives parties of their constitutional right to a jury trial. Zeisel (1971), also considering the question of hung juries, felt that a 12-person jury is more likely to be hung than a 6-person jury.

Nevertheless, there are a number of researchers and theorists who have opposed the 6-person jury. Pabst (1973), commenting on the Washington D. C. courts that have switched to 6-person juries, disputed the argument that greater efficiency has resulted. Zeisel (1972) argued that 6- and 12-person juries are not functionally equivalent. Walbert (1971) went so far as to state that the 6-person jury is "unconstitutional," while Zeisel and Diamond characterized the switch to 6-person juries as "abandoning half of the American jury" (1974, p. 295). Some empirical work has demonstrated that a 6-person jury is more likely to convict, and that the possibility that an innocent defendant will be convicted is greater, particularly when "apparent guilt" is high (Valenti & Downing, 1975). Friedman (1972) discussed statistical models of decision-making relative to jury size and unanimity requirements, distinguishing between a Type I error, wrongly convicting an innocent person, and a Type II error, letting a guilty person go free.

Concerning the unanimity rule in jury trials, Haralson was one of the first theorists to advocate dropping the rule because "the machinery

of justice will function more efficiently, with less expense, and greater justice to all" (1950, p. 202). Richards pointed out that eliminating the requirement of unanimity among jurors would reduce the number of hung juries caused by 1 or 2 "hard-headed or prejudiced jurors" (1967, p. 100). In empirical research concerning the effects of a unanimity rule, Hans (1978) concluded that the removal of the unanimity requirement decreases the potential for minority participation and influence.

Kerr, Atkin, Stasser, Meek, Holt, and Davis (1976), in a mock jury experiment, found that juries were less likely to reach a verdict with a unanimous rule than with a majority rule. Kerr et al. also concluded that minority members of the juries operating under a majority rule were generally dissatisfied with the group deliberation. Nemeth (1977), studying 6-person mock juries, found no significant differences in verdicts between juries with a unanimous or a two-thirds majority rule; however, Nemeth did observe that the "unanimous jurors," compared to the "majority jurors," were more likely to achieve unanimity, had more "conflict" in their deliberations, reported more confidence in the verdict, changed their individual opinions more often as a result of the deliberation, and had generally stronger feelings that justice had been served.

Some research has looked at specific questions concerning factions within the jury, which is directly related to the unanimity rule. Hawkins (1962) found that minority factions not only get more opportunity to talk, but they are actually forced to talk, even if they don't want to. Zeisel (1973) analyzed the time given to each juror during deliberation as a function of the size of the faction. In working with the

University of Chicago Jury Project, Broeder interviewed actual jurors after trials and concluded that "it did not make any difference who comprised the minority--wealthy persons, poor persons, men or women.... The broad point suggested, of course...is that most criminal cases are decided during the trial and not during deliberations" (1959, p. 747). Finally, Strodtbeck and Hook (1961) provided a detailed analysis of the effects of various seating arrangements among the jury members and discussed the importance of the shape and size of the deliberation table, as well as the significance of the various positions around the table in the communication network.

Demographic Factors and Sex Differences

As has been previously pointed out, there is evidence that juries are not representative of the total population in terms of ethnic factors. There is also evidence that juries are not representative of the total population in terms of sex, age, occupation, and education (Beiser, 1973). Indeed, by relying on voting lists to create jury pools, since voting is not a random behavior, juries do not represent a random sampling of the population. In a study of the Rhode Island Superior Court, it was found that, compared to the population at-large, juries contained proportionally too many men and people aged 40-59, and too few unemployed people and those with less than an eighth grade education (Beiser, 1973).

Mills (1962), analyzing statistics of the U.S. District Court in Maryland, found that the occupations of jurors did not correspond to the distribution of occupations in the general population. For example, professionals were 182% overrepresented on juries, while farmers were

343% underrepresented. In a recent law review article, Handman (1977) discussed the question of underrepresentation in juries of people in low socioeconomic categories. In an archival study involving jurors in Louisiana over a 2-year period, Reed (1965) found that college educated jurors had a high percentage of guilty verdicts while jurors with only an elementary school education had a high percentage of not guilty verdicts. Reed also reported that those in the upper occupational brackets were associated with a greater likelihood of a guilty verdict.

In mock jury studies, Gleason and Harris (1975) found that defendants who were described as being of a high social class were judged to be less guilty than defendants of a low social class. James (1959) reported no difference in high or low educated jurors in either their ability to influence or be influenced. However, Strodtbeck, James, and Hawkins (1957) concluded that jurors with higher status participate more actively in the jury deliberation process, exert more influence on others, and experience more satisfaction from their experience.

In a questionnaire study involving introductory psychology students, the manipulation of SES of the defendant did not affect judgments of guilt (Gordon & Jacobs, 1969). In a more recent study, it was found that longer sentences were given to a high status defendant than to a low status defendant, although status did not affect verdict (Bray, Struckman-Johnson, Osborne, McFarlane, & Scott, 1978). Bray et al., suggested that perhaps a high-status defendant violates our expectations more by misusing the power associated with their status.

In a recent review by Davis, Bray, and Holt (1977), the inconsistent findings concerning sex differences in jury behavior are underscored.

Furthermore, many studies in the area (e.g. Gleason & Harris, 1976) have not even addressed these issues by considering only all-male juries. It is of interest to note that as late as 1966, three states--Alabama, Mississippi, and South Carolina--still barred women from serving as jurors (Nemeth, Endicott, & Wachtler, 1976).

In the context of offering suggestions to lawyers in conducting a voir dire questioning of a prospective woman juror, Rothblatt stated:

Women jurors are desirable if the defendant happened to be a handsome young man...Women are desirable if the principle witness against the defendant is a woman. Women are somewhat distrustful of other women. (1966, p. 18)

Rothblatt went to state that the "heavy, round-faced, jovial-looking person" is more desirable than the delicate underweight type, in a sense promoting the saliency of constitutional psychology (cf., Sheldon, 1942). Rothblatt, writing with the noted criminal lawyer F. Lee Bailey in discussing the questioning of women witnesses, stated that "Women, like children, are prone to exaggeration...they are also stubborn...an intelligent woman will often be evasive and avoid making a direct answer to a damaging question (Bailey & Rothblatt, 1971, p. 191).

Stephan (1974), using three-person same-sex simulated juries, found that jurors were less likely to decide on a verdict of guilty if the defendant was of their own sex than if the defendant was of the opposite sex. Richey and Fichter (1969), however, reported no sex differences in punitiveness if the defendant was male, but found that male jurors were more lenient than female jurors in cases involving a female defendant.

Miller and Hewitt (1978) found that women were more likely to vote for conviction of an accused rapist than were men. In another mock jury study, McGlynn et al. (1976) found that male defendants received significantly longer sentences than did female defendants, across all juror types. In a rare study analyzing the effects of the sex of the defense attorney, McGuire and Bermant (1977), in a mock trial with an audio-visual presentation, found that jurors were more likely to vote not guilty with a male than with a female attorney.

James (1959), in a sociological study, found that male jurors participate more actively in the deliberation than do female jurors. Nemeth et al. (1976) found similar sex differences in terms of participation, but found no sex differences in terms of verdict or persuasiveness. Strodbeck and Mann concluded that male jurors "pro-act, that is, they initiate relatively long bursts of acts directed at the solution of the task problem, and women tend more to react to the contribution of others" (1956, pp. 9-10).

Ethnic and Racial Factors

Although jury selection is covered by the Equal Protection clause of the Fourteenth Amendment which entitles all litigants to have prospective jurors selected from a cross-section of the community (Winick, 1961), the exact implications in terms of the relationship between the ethnicity of the defendant or of the victim, on the one hand, and the ethnicity of the jurors, on the other, has not been entirely clear. Indeed, the Supreme Court reaffirmed that "a defendant may not challenge the makeup of a jury merely because no members of his race are on the jury, but must prove that his race has been systematically excluded" (*Apodaca vs. Oregon*, 1971, p. 1629).

In an article charging "racism in the courts," Crockett (1971) discussed the severe shortage of Black judges, stating that there is a need for more "psychologically Black" judges, not just judges who are "physically Black." Crockett explained this "racism" by concluding that "racism pervades every area and facet of American life...and hence is a characteristic of American law" (1971, p. 386). Indeed, some insight as to ethnic attitudes among the legal community can be attained from the following quotation, taken from a legal symposium in New York in the 1950's:

In many cities and in some rural communities, foreign languages are spoken in the home. Foreign customs and foreign habits of thought prevail. Some came to this country to escape oppression, from nations where trial by jury, so commonplace to us, is unknown and trial by judge frequently is tainted by injustice. Regrettably, many of these people, and their immediate descendants, have no respect for judicial officers that is ingrained in the English people. (Runals, 1956, p. 330)

Brooks and Doob argued that jury bias is due in part to juries' non-representativeness of the community, pointing out that "indeed, if the juries were truly representative of the community, perhaps many of the present prejudices that influence the jury would be removed from their deliberations" (1975, p. 181). In fact, some theorists have looked for the cause of racial underrepresentation of jurors in terms of bias in the

jury pool selection procedure, which is generally done on the basis of voting lists; legal reviews of jury pool selection procedures are discussed by Kaufman (1967) and by Onion (1957).

There is some legal and statistical evidence that Blacks are systematically excluded from jury pools, and thereby from juries, leading to a built-in racial bias in the court system (Finkelstein, 1966; Kuhn, 1968; Robinson, 1950). Hood (1967) presented evidence that women, as well as Blacks, are systematically underrepresented in jury pools by the use of voting lists for recruitment. The idea proposed by Richards (1967) of having "professional juries," composed largely of women in the 50's, after their children have grown, and retired businessmen in their 60's, seems to offer little in the way of alleviating the racial exclusion problem among juries.

Although he reported no information on juries, per se, the importance of considering ethnic variables in jury behavior is implied in the results of Bullock (1961) who reviewed the cases of over 3,500 inmates in a Texas prison, and found that Blacks received longer cases than Whites for similar crimes. Bullock also reported that Blacks generally received a more severe sentence for raping an opposite-race victim than did Whites. Other studies of this type dealing with racial discrepancies are offered by Green (1961), Hogarth (1971), Thornberry (1973), and Wolfgang, Kelly, and Nolde (1962). This line of research has been reviewed by Hagan (1974) while methodological pitfalls in interpretation of such results have been discussed by Nagel and Neef (1977b).

In dealing with an actual Black Panther murder trial, Rokeach and Vidmar (1973) discussed the contention that the race of the defendant

could in itself predispose certain jurors to particular verdicts. Kaplan and Simon, in a mock jury study, concluded that "race of the victim (black or white) seems to have little, if any, effect on either verdict behavior or attitudinal responses" (1972, p. 96). However, as has been typical for studies of this type, only white subjects participated; furthermore, subjects responded to a questionnaire and did not interact or deliberate as a group. In another study involving white subjects only, it was reported that black defendants were given harsher punishments than were white defendants (McGlynn, Megas, & Benson, 1976). Miller and Hewitt (1978), in a questionnaire study, found that subjects were more likely to vote for conviction of a rapist when the victim was of the same race as the jury member.

Gleason and Harris (1975) found that middle-class defendants were judged less guilty and were assigned fewer years in prison than lower-class defendants, regardless of defendants' race. Nemeth and Sosis (1973), in a mock jury study using presumably all or a majority of Anglo subjects (ethnicity of subjects was not specified), found no main effect for race of defendant on severity of sentence, but did report a school (i.e., university vs. junior college subject sample) by race of defendant interaction; however, this interaction is somewhat difficult to interpret because of a lack of reported information concerning any social or psychological differences between the two samples.

In a nonverbal communication study, Dorch and Fontaine (1978), examined gazing behavior among judges during actual trials. Their findings revealed an overall main effect for race of judge, with white judges exhibiting more gazing behavior than black judges. In addition,

there were several interactions involving race: (1) white judges gazed most at police witnesses, while black judges gazed infrequently at police; and (2) black judges gazed frequently at white witnesses, while white judges gazed frequently at black witnesses. In addition, there was a positive correlation ($r = .48$) between a judge's rate of gaze at a defendant and the amount of fine levied if found guilty. It should be pointed out, though, that this study involved only 2 white and 2 black judges.

Within the realm of attribution theory, Lipton and Garza (1977) reported cross-cultural differences in attributing responsibility in various situations. It should be pointed out that many mock juries experiments can be looked upon as an applied attribution study. These studies can be explained within the framework of defensive attribution theory (Shaver, 1970) or just world theory (Lerner, 1970; Rubin & Peplau, 1975).

Social Psychological Factors: Foreman Selection, Pretrial Publicity, and Juridic Choices

Beckham (1978), in an archival study dealing with two federal District Courts in the Southwest from 1971-1974, covering 155 juries and 1,860 jurors, found that only 9% of them were women. In an experimental study, Bevan, Albert, Loiseaux, Mayfield, and Wright (1958) manipulated the prestige of the foreman and whether the leadership was autocratic or democratic. Both of these factors affected the amount of settlement in a negligence case involving an automobile accident.

A number of experiments have looked into the problem of pretrial publicity and its effects on juridic judgments (cf., Kline & Jess; Padawer-Singer & Barton, 1975; Tans & Chaffee, 1966). Indeed, there is ample evidence that pretrial publicity can indeed affect a jury's verdict (Hoiberg & Stires, 1973). This has held true even when jurors claim they are not biased by the publicity (Sue, Smith, & Pedroza, 1975).

Some studies have examined the effects of what choices or options are open to jurors on the ultimate verdict. Vidmar (1972) found that if a middle-choice were available, in between "guilty" and "not guilty," jurors rarely decided upon a not guilty verdict, opting instead for the middle choice. However, with the standard forced-choice guilty-not guilty format, over half of the subjects chose not guilty. Vidmar's study has since been reanalyzed (Roberts, Hoffman, & Johnson, 1978) and expanded to the question of the effects of a mandatory death penalty on jury decisions.

Personality and Attitudinal Factors

There is some controversy surrounding the issue of the use of personality tests to screen out prospective jurors with Emerson (1968) expressing concern about the potential for the invasion of privacy that a large data bank of computerized personality information could create. On the other hand, in an article appearing in the *Yale Law Journal* (note, 1956), issues surrounding the potential use of psychological and other tests to determine juror competence in the following areas is outlined:

- (1) physical well-being, including adequate vision, hearing, and stamina;
- (2) having a fund of general information--sufficient for an elementary

understanding of things and events; (3) a fund of information about legal institutions; (4) critical thinking ability; (5) personality stability--freedom from severe mental illness, marked emotional instability, and morbid pre-occupations; (6) critical behavior judgement; and (7) fair and reasonable attitudes--a willingness to weight honestly and carefully all the evidence.

By far, the specific personality variable that has received the most empirical attention within the context of the psychology of the jury has been authoritarianism (cf., Adorno, Frenkel-Brunskwik, Levinson, & Sanford, 1950). Early research suggested that high authoritarians might be more accurate at recalling evidence about criminal behavior than low authoritarians (Marshall, 1966). Berg and Vidmar (1975) later qualified this general finding by reporting that high authoritarians recall more evidence relating to defendant character and low authoritarians recall more about situational evidence. Using the Patty Hearst case as stimulus material, Garcia and Griffitt (1978) found that high authoritarians recalled more prosecution evidence than defense evidence.

Bray and Noble (1978) found that compared with low authoritarians, high authoritarian jurors reached guilty verdicts more frequently, and imposed more severe punishments. Using a specially designed measure of authoritarianism, the Legal Attitudes Questionnaire, Boehm (1968) found that authoritarians seemed prone to being swayed by the subjective character of the persons involved in the case and implied that if guilt is not certain, the defendant may be found guilty by authoritarians if he is thought to be of "dubious character;" the "anti-authoritarians," on the other hand, were more likely to reason that even if the defendant

were guilty, it was society's fault for making him live a difficult life. Such findings point to differences in the attribution of blame for criminal behavior, an issue related to the work of Phares and Wilson (1972) dealing with locus of control and responsibility attribution.

Mitchell and Byrne (1973) found an interaction between authoritarianism and juror-defendant attitude similarity on the certainty of guilt; among authoritarians, there was greater certainty of guilt if the defendant had similar attitudes than if the attitudes were dissimilar, while among egalitarians, there was greater certainty of guilt if the juror-defendant attitudes were dissimilar. Shepard and Sloan (1979) reported juror-defendant attitude similarity to be inversely related to severity of recommended punishment. Similarly, Griffitt and Jackson (1973) found that when there were dissimilar juror-defendant attitudes on topics such as God, sex roles, hobbies, and social awareness, the defendant was more likely to be found guilty, with more severe punishment and to be rated lower on various subjective measures.

In *Witherspoon vs. Illinois* (1968), the Supreme Court ruled that it was unconstitutional to exclude people from serving on a jury in a capital case who are opposed to the death penalty without determining if they would lay aside their principles and impose the penalty. This decision, which has been subsequently analyzed and discussed by Cucinotta (1969), has led to the evolution of the "death-qualified jury" (Rokeach & McLellan, 1970), jurors who fit the mandates of the *Witherspoon* decision, that is those who favor the death penalty or those who oppose the death penalty but who would be able to vote for the death penalty anyway. Jurow (1971) reported that a death qualified jury is more

conviction-prone. Gleason and Harris (1976), in a mock jury trial involving a fictitious armed robbery case, found that jurors who favored the death penalty for capital offenses were more likely to find the defendant guilty, and were more likely to perceive the defendant as being more blameworthy and less similar to themselves; indeed, attitude towards the death penalty appears to have some predictive validity in cases other than those involving capital crimes.

The only other personality or attitudinal variable that has received even scant attention with regards to the psychology of the jury has been morality. Wyatt and Arbuthnot (1978), using the moral attitudes framework proposed by Hogan (1970), found such attitudes to be significantly related to juridic decisions. Using Kohlberg's (1964) stage analysis of moral development, Arbuthnot and Wyatt (1978) found jurors' stage of moral development to be negatively related to the tendency to vote guilty. Finally, Oliver and Griffitt manipulated the emotional arousal of some mock jurors by showing color slides of a "very badly cut hand, the same hand from the front and back after medical repairs, and a palm view of the hand after infection set in later" (1976, p. 400). Compared to jurors who were not emotionally aroused, the aroused jurors awarded significantly greater monetary verdicts to the victim.

Affective Considerations: Characteristics of the Litigants and the Crime

In analyzing the relationship between type of crime and severity of punishment, Rose and Prell (1955) reported that there is a significant discrepancy between popular opinion of how much punishment should be given for particular felonies and what the law actually stipulates. In

a mock jury study, McComas and Noll (1974) found that the seriousness of the charge--first degree murder, second degree murder, or manslaughter--was directly related to the severity of the recommended punishment. Hendrick and Shaffer (1975b) reported that if a murder involved mutilation of the corpse, a significantly greater number of years of imprisonment was recommended and the mock jurors were more likely to perceive the murder as being intentional.

In a recent jury simulation study dealing with ingratiation, Frankel and Morris (1976) found that if a defendant's testimony was of a favorable nature, such as the explaining of extenuating circumstances surrounding the alleged incident, jurors were more likely to react unfavorably and to feel the defendant was lying or was merely attempting to emotionally manipulate the jury. Hendrick and Shafer (1975a), in a related experiment, found that the frequency that a defendant pleads the Fifth Amendment is directly related to a negative moral evaluation of the defendant by the jury.

Rumsey (1976) reported that juries' decisions varied depending on whether a defendant was characterized as being extremely remorseful for being involved in a traffic accident which killed a pedestrian, or as giving no indication of remorse. Cornish and Sealy (1973) found that a defendant's admission of previous convictions increased the chance of a guilty verdict, but only if those convictions were for an offense similar to the present charge. Broeder discussed the importance of a "scapegoat" in criminal trials defining the term to mean "someone other than the plaintiff or defendant upon whom some or all of the responsibility for the happening complained of can or might be conceivably placed" (1966,

p. 514). On the same theme, DeJong, Morris, and Hastorf (1976) reported that a defendant would be given less punishment if it is known that an accomplice in the crime escaped without punishment; these findings were explained in terms of a concern for equity.

Concerning juridic reactions to "expert" testimony, Jacoubovitch, Bermant, Crockett, McKinley, and Sanstad (1977) reported differential juror perceptions depending on whether the expert testimony is given directly or is read verbatim by a third party. Jurors' reactions to the labeling of a defendant as "mentally ill" is discussed by Kidd and Sieveking (1974). General issues surrounding psychologists or psychiatrists serving as witnesses is discussed by Dershowitz (1969), Halleck (1969), and Liebenson and Wepman (1964).

Many mock jury studies have centered around the variable of "attractiveness," which has been variously defined. Concerning family status, Steffensmeier and Faulkner (1978) found that whether male or female defendants had dependent children affected neither the verdict nor the severity of punishment recommended, although overall, female defendants were treated more leniently than male defendants. Broeder (1965a), on the other hand, found that the plaintiff's family status, including marital status (e.g., widowhood) and family responsibilities did affect the amount of settlement decided upon by jurors.

Much research in this area has involved a rape case as its stimulus material. Jones and Aronson (1973) reported that a defendant in a rape case was subjected to a significantly longer prison term by mock jurors if the victim were "respectable" (i.e., a married woman) than if she were less respectable (i.e., a divorced woman). This original study by Jones

and Aronson generated a great deal of subsequent research, examining additional variables, such as attractiveness of the victim (Kerr, 1978a; Seligman, Brickman, & Koulack, 1977; Thornton, 1977), marital status (Feldman-Summers & Lindner, 1976), social role (Smith, Keating, Hester, & Mitchell, 1976), previous rape history (Calhoun, Selby, & Warring, 1976), victim-juror similarity (Fulero & DeLara, 1976), and victim's resistance (Scroggs, 1976).

In a questionnaire study, Boor (1975) used a fictitious case of a 23-year old defendant who allegedly induced a 72-year old retired executive to invest \$2,200 in a non-existent corporation. The experimental manipulation involved the mental competency of the victim. While victim incompetency was associated with jurors' sympathy, it did not significantly affect the verdict. However, Kerr and Kurtz (1977) found that if a victim is described as having suffered, the jurors will recommend a harsher sentence.

Writing in the *Criminal Law Review*, Heald stated that "it is only human nature to show more sympathy for the attractive personality than the unattractive" (1967, p. 577). Heald felt, though, that this built-in bias can be combated with an attorney's forensic skill. Generally, research has generally supported the notion that jurors will be more lenient towards an attractive than an unattractive defendant (Dowdle, Gillen, & Miller, 1974; Landy & Aronson, 1969; Reynolds & Sanders, 1975; Shaw, 1972; Solomon & Schopler, 1978; Wilson & Donnerstein, 1977).

Sigall and Ostrove (1975) reported that an attractive defendant was given a more lenient sentence when the crime was unrelated to attractiveness, such as a burglary; however, in an "attractiveness-related" crime

(i.e., a swindle), the attractive defendant was given a harsher sentence. Sigall and Landy (1972) manipulated social attractiveness, rather than physical attractiveness, by describing the defendant with terms such as "loving" and "warm" or as "cold" and "unapproachable." The socially attractive defendant was given a shorter prison sentence than the unattractive defendant; this result held true regardless of whether the defendant was also described as having suffered (i.e., by having lost an eye) during the incident.

Kukla and Kessler (1978) found that mock jurors decided on higher monetary awards in a negligence case if the plaintiff were attractive and the defendant were unattractive, as compared to when the attractiveness was reversed; the authors cited evidence that the differential awards are mediated by differential perceptions of the seriousness of the incident itself. Nemeth and Sosis (1973) manipulated social attractiveness by describing the defendant as having had a wife who recently died of cancer and who was an insurance adjuster spending Christmas Eve with his son and daughter-in-law (i.e., attractive defendant) or a janitor spending Christmas Eve with his girlfriend (i.e., unattractive defendant). The unattractive defendant was given a harsher sentence, regardless of his race.

Efran (1974) found that with an attractive defendant, jurors recommended a less severe punishment, but were less certain as to the defendant's guilt. Izzett and Leginski (1974) also found that jurors gave a harsh sentence to an unattractive defendant but also reported that after group deliberation, jurors would have a significant shift towards leniency. Such a finding again underscores the importance of including

group deliberation period in any mock jury study.

STATEMENT OF PROBLEM AND HYPOTHESES

Despite the somewhat exhaustive data and information that has been accumulated dealing with the psychology of the jury, there remain within the literature some inconsistencies, ambiguities, and unanswered questions. These problems are briefly discussed in the present section and formal hypotheses are outlined.

Methodology

In general, the methodological approaches employed in psychology of jury research have been less than adequate. As was pointed out in the Review of the Literature section, the vast majority of "mock jury" research has been lacking in external validity because typically, no attempt is made to convince the "jurors" that their decisions are at all important, that they are deciding the fate of another person, indeed, that they are really jurors. In addition, much of the previous jury research has been questionnaire studies with no interaction or discussion among jurors. The present experiment circumvents the pitfalls of previous studies by the creation of an elaborate analogue jury simulation whereby subjects believe they are actually jurors and not experimental subjects. The details of this procedure are presented in the Methods section.

Sex Differences

It is predicted that sex of juror will be a significant factor, as stated in the first hypothesis:

Hypothesis I. Male and female jurors will differ in their juridic judgements with females tending

to be more lenient and less severe than males.

It is also predicted that this relationship will be qualified by the social context, specifically the sex composition of the jury, leading to the second hypothesis:

Hypothesis II. In a predominantly male jury, female jurors will tend to be harsher than in a predominantly female jury, and male jurors will tend to be more lenient in a predominantly female jury than in a predominantly male jury.

Unfortunately, there is only scant and inconsistent empirical evidence to back up these hypotheses. As was pointed out in a review article by Davis, Bray, and Holt (1977), some research has revealed differences between male and female jurors while other research has not. The question of sex differences has been largely ignored with some studies (e.g., Gleason & Harris, 1976) not even attempting to scrutinize sex differences by considering only male juries.

Not only has the question of sex differences received virtually no attention in the area of the psychology of the jury, it has also been surprisingly overlooked in the more general research areas of conformity and group dynamics. Maccoby and Jacklin (1974), in their landmark book reviewing psychological research dealing with sex differences, not only did not report any research dealing with jury behavior, but discussed very little research with even remote applicability to juries; and of the few studies with even marginal relevance, many did not manifest significant sex differences. Furthermore, in their book dealing with

group dynamics, Cartwright and Zander (1968) make no mention of sex differences in the area. As a result, the rationale for Hypotheses I and II resides largely within anecdotal evidence and common sex role stereotypes.

Although the sex majority of the jury is a factor that has never been empirically investigated, Hypothesis II derives from the general area of conformity research (cf., Kiesler & Kiesler, 1969) where it has been demonstrated the people tend to conform to the norms and expectations of their social environment. Thus, it is predicted that when among mostly male jurors, females will tend to conform and respond more like the men, that is, to be harsher than if they were in a predominantly female jury. Conversely, when among most female jurors, males will tend to conform to the majority by responding more like the women, that is, to be more lenient in their judgements.

Ethnic Factors

The next three hypotheses deal with ethnic factors. Hypothesis III deals primarily with ethnic differences among jurors, Hypothesis IV more specifically centers on the ethnic makeup of the jury, while Hypothesis V is concerned with the ethnicity of the defendant. These hypotheses are formally presented as follows:

Hypothesis III. With a Chicano defendant, Anglo jurors will tend to be harsher than Chicano jurors, while with an Anglo defendant, Chicano jurors will tend to be harsher than Anglo jurors.

Hypothesis IV. Anglo jurors will tend to be more lenient towards a Chicano defendant if they are on a predominantly Chicano jury than if they are on a predominantly Anglo jury, while Chicano jurors will tend to be more lenient towards an Anglo defendant if they are on a predominantly Anglo jury than if they are on a predominantly Chicano jury.

Hypothesis V. Anglo jurors will tend to be harsher on a Chicano defendant than on an Anglo defendant, while Chicano jurors will tend to be harsher on an Anglo defendant than on a Chicano defendant.

In discussing a rationale for the preceding three hypotheses, it should be pointed out that there has been no previous jury research dealing with the Mexican-American population. In addition, what little jury research has been done concerning ethnic issues has not simultaneously examined questions of juror and defendant ethnicity. Hence, the rationale for the hypotheses is necessary tenuous, based largely on tangential evidence.

Even within the small group literature (cf., Ofsche, 1973), little attention is given to ethnic factors. In small group studies that have scrutinized ethnic or racial factors, Blacks have virtually been the only group that has received attention (e.g., Burnstein, & McRae, 1962). In addition, with only negligible exceptions (e.g., Foley, 1955), within

both the psychological jury literature (e.g., Rokeach & Vidmar, 1973) and the legal jury literature (e.g., Broeder, 1965c), Blacks are the only minority group that has received any attention whatsoever. Indeed, the group literature dealing with Chicanos is almost entirely anecdotal (Ramirez, 1977).

Consequently, the rationale for these hypotheses is embedded largely in stereotypic notions of ethnic relations, ethnocentrism, exclusiveness, and prejudice (cf., Allport, 1954; Ehrlich, 1973). In addition, Schachter's (1951) early work dealing with the rejection of the deviant, referring to someone who expresses a minority viewpoint in a group, provides some additional indirect backing for the hypotheses. Admittedly, though, defensive attribution theory (cf., Shaver, 1970) might lead to contradictory predictions.

A more specific rationale for Hypothesis IV would be in terms of conformity, analagous to the line of thought presented in the previous section on sex differences. In addition, within a small group context, Janis' (1972) notion of "groupthink" have some relevance in a juridic context; though a jury would generally not qualify as a "cohesive group," a main precondition for groupthink. Finally, Hypothesis IV is also in congruence with the work of Schneider (1970) who found that in interracial groups, Anglos tended to conform more to other Anglos than to other Blacks.

Predicting Jurors' Decisions

In recent years, there has been a great deal of interest in jury selection procedures (cf., Mossman, 1973). Indeed, the legal lit-

erature is rich with anecdotal advice to lawyers in differentiating between "good" and "bad" jurors. However, there is very little empirical work in the area to corroborate with these intuitive notions that trial lawyers have been harboring for many years.

For example, as was previously mentioned, although there exists a rather extensive literature demonstrating the efficacy of personality variables in predicting or explaining behavior in a wide variety of social contexts (cf., Blass, 1977; Mischel, 1976), personality factors, with the exception of authoritarianism, have been virtually ignored in the psychological jury literature. In the present study, a number of theoretically relevant personality variables, as well as selected attitudinal, demographic, and sociocultural factors, are scrutinized as to their relationship to jurors' decisions. Since this portion of the study is entirely exploratory, no formal hypotheses are presented. However, it is predicted that the regression analyses with the various predictor variables will yield differential results depending on the ethnicity of the juror. This approach is consistent with previous work in a different context by Lipton and Garza (1978b) who reported differential regression equations between Anglo and Chicano college students.

Pragmatically though, in a real jury selection situation, it may not be feasible to administer a lengthy battery of personality tests and attitudinal questionnaires. Such a procedure could be inordinately time-consuming. On the other hand, demographic and sociocultural factors (e.g., age, ethnicity, social class) are much more

readily assessed. In deference to these issues, regression analyses will be done for all predictors combined, as well as separately for selected personality and attitudinal factors, on the one hand, and for demographic and sociocultural factors, on the other.

METHODS

Subjects

Subjects were selected from a computer listing of names, addresses, and telephone numbers of a random sampling of 355 Anglo and Mexican-American undergraduates; this list was obtained from the University Registrar. The subjects were 96 undergraduates at the University of California, Riverside. Of these 96 students, there were 48 Anglos and 48 Mexican-Americans with an equal number of males and females within both ethnic samples. In total, 16 6-person juries participated in the study.

The jurors ranged in age from 18 to 41, with the median age being 21.5. The 96 jurors represented 28 academic majors. The responses to the background questionnaire also revealed that 9% of the subjects had previously been called for jury duty, while 3% had actually served on a jury. In addition, 53% of the subjects were born in California and 70% of all subjects were of either a Catholic or Protestant background.

Intercampus Grievance Committee

In order to enhance the realism of the experimental situation, and to fully convince the subjects that they were really jurors whose decision would have a definite impact, the Intercampus Grievance Committee was created. Indeed, official letterhead and envelopes were printed. All communications that the jurors received, and all forms that they completed, were on the Committee's official letterhead which listed the Santa Cruz, Davis, and San Diego offices (places that have a University of California campus), in addition to the Riverside branch of the Intercampus Grievance Committee. Of course, all aspects of the Intercampus Grievance Committee were entirely fictional.

In order to keep the study as distant from the Psychology Department as possible, which might have raised suspicion in the minds of subjects that the study was in fact a psychology experiment, the official address of the Intercampus Grievance Committee was a post office box in Riverside and the actual jury sessions were held in another part of the campus. An official University sign, with the title "INTERCAMPUS GRIEVANCE COMMITTEE," was placed outside the jury room. In addition, the telephone, the number of which appeared on the Committee letterhead, was always answered "Committee Office."

Every effort was made to keep the actual nature of the Intercampus Grievance Committee secret, the deception being crucial to the study. As will be discussed, subjects were not debriefed until the conclusion of the study. It should also be pointed out that the realism of the study was enhanced by the cooperation of the University Administration including the Vice-Chancellor for Student Affairs, who in actuality has responsibility for student disciplinary matters. In fact, some students who were contacted by the Intercampus Grievance Committee inquired at the Vice-Chancellor's office to get further information. The Vice-Chancellor acknowledged his awareness and approval of the Committee.

Recruitment

A total of 327 students were mailed a letter (see Appendix A) which identified the Intercampus Grievance Committee and solicited their participation in "an experimental program." The letter included a perforated tear-off reply section where the recipient was to indicate the days and times of availability and mail back in the enclosed pre-stamped envelope.

Approximately 56% of the people who received the solicitation, or

about 184 people returned the form. Of these, 36 indicated that they were either not interested in participating or unable to participate at any of the listed times. Of the remaining 148 people, 52 were either unable to be scheduled for a variety of reasons or were scheduled but failed to show up, and 96 actually served as jurors.

Upon receipt of the reply form, the subjects were contacted by telephone by a "representative of the Intercampus Grievance Committee" (actually an undergraduate research helper) to schedule them for a specific date and time. When a date was agreed upon, the prospective juror was sent a Confirmation notice (see Appendix B). Since it was essential to have a specific ethnic and gender proportion of jurors, each session was purposely "overscheduled" with the necessity of some serving as "alternate jurors" who completed the battery of personality tests then returned to serve on a jury. In addition, prospective jurors were reminded (both on the phone and on the Confirmation form) to call the Committee office if they were unable to attend the session. Finally, in most cases, the jurors were called a second time to reconfirm their appointment.

Procedure

Signing in. Upon entering the jury room (a seminar room in a building far from the Psychology Department), the jurors were asked to sign their names on the Intercampus Grievance Committee Sing-In Sheet (see Appendix C). The top portion of the sheet was completed with the following information: date, time, and room number. In addition, the juror identification numbers were stamped on the form. The jurors were instructed to use this number, rather than their names, on all forms they complete.

Introducing jurors to the procedure. Once seated, jurors were given an introduction letter, printed on Intercampus Grievance Committee letterhead, which detailed the purported history, purposes, and functioning of the Committee and outlined the procedures of the jury session (see Appendix D). Some of the major points of this letter are as follows:

- (1) The Intercampus Grievance Committee was originally established in May 1978 at the University of California, Santa Cruz.
- (2) The rationale of the program is to explore alternative means of handling student disciplinary cases at the University of California, specifically by having such cases decided upon by a jury of peers rather than by administrators.
- (3) The student jurors would soon be given to read transcripts of two separate hearings regarding student disciplinary matters.
- (4) All persons involved in the case have given their written consent to have the case submitted to the Intercampus Grievance Committee and have agreed to abide by the decisions of the student jury.
- (5) To avoid possible bias, the cases under consideration are from a University of California campus other than Riverside.

(6) Before considering the actual cases, student jurors will first be asked to complete a number of tests and questionnaires, due to the experimental nature of the program.

(7) The responses of the student jurors would be kept completely anonymous and confidential.

Personality tests and attitudinal measures. The student jurors were then given a "Questionnaire Booklet" to complete which consisted of seven individual instruments. The booklet was made to look official with a cover page on Intercampus Grievance Committee letterhead (see Appendix E). The specific instruments within the Questionnaire Booklet were as follows:

(1) A background questionnaire, a specially designed demographic questionnaire which included questions concerning the following (see Appendix F):

- (a) age
- (b) sex
- (c) place of birth
- (d) ethnicity
- (e) citizenship status
- (f) religious background
- (g) religiosity
- (h) marital status
- (i) birth order
- (j) social class
- (k) prior jury experience
- (l) year in school

- (m) academic major
- (n) Spanish fluency
- (o) importance of ethnic/cultural heritage
- (p) political ideology
- (q) political activeness
- (r) political party affiliation

(2) The Balanced F Scale (Byrne, 1974), a measure of authoritarianism; see Appendix G for scale and Appendix H for scoring criteria.

(3) The Rotter Internal-External Control Scale (Rotter, 1966), a measure of locus of control; see Appendix I for scale and Appendix J for scoring criteria.

(4) The Attitude Towards the Law Scale - Form A (Thurstone, 1931), see Appendix K for scale and Appendix L for scoring criteria.

(5) The Marlowe-Crowne Social Desirability Scale (Crowne & Marlowe, 1960), a measure of the need for approval; see Appendix M for scale and Appendix N for scoring criteria.

(6) The Death Penalty Scale (Jurow, 1971); see Appendix O for scale and Appendix P for scoring criteria.

(7) The Rosenberg Self-Esteem Scale (Rosenberg, 1965); see Appendix Q for scale and Appendix R for

scoring criteria.

Case transcripts. Each jury decided upon two cases, one involving a Chicano defendant ("Horacio Garcia") and one involving an Anglo defendant ("Richard Nelson"). There were two separate case transcripts, one involving an alleged cheating incident on a final examination and the other involving destruction of University property in an alleged beer bottle throwing incident on campus. So in total, there were 4 different transcripts (see Appendices S, T, U, and V), with each of the two defendants being involved in each of the two cases.

The transcripts were reproduced on a Prime Computer, using the Runoff program (Dern, 1978). The transcripts were professionally bound in a soft cover. The first page of the transcript consisted of a "Declaration" form, on Intercampus Grievance Committee letterhead, which provided curcial information about the cases including the name of the defendant, and the date and place of the hearing. The Declaration was "signed" by the Campus Hearing Officer and the Stenographer/Secretary (both bogus names and signatures). In addition, each of the cases were identified by a "Case Number" which the jurors indicated, along with their own identification numbers, on the questionnaires they completed. This served to add a touch of officiality and realism as well as helping in the ultimate coding of the data. The jurors were asked not to write in the transcript booklet, but were told that they could take notes on the provided scratch paper.

Pre-Deliberation decisions. The same procedure was followed for each of the two cases. After reading the transcript, the jurors were asked to complete the "Pre-Deliberation Questionnaire" (see Appendix W) which contained questions pertaining to the following:

- (1) Whether the defendant is innocent or guilty.
- (2) The degree of guilt or innocence (on a 6-point scale).
- (3) Penalty recommendation---(choice of following):
 - (a) no penalty
 - (b) strong letter of reprimand
 - (c) probation (includes being barred from all campus activities such as club meetings, films, concerts, dances, etc.)
 - (d) suspension (includes being barred from above activities and not being permitted to register in any courses.)
 - (e) expulsion (being permanently) barred from all campus activities and courses.)
- (4) Monetary fine to be assessed of the defendant.

If either probation or suspension were recommended, jurors were asked to indicate the length of time to be imposed.

Deliberation. After the pre-deliberation questionnaires were collected, the jurors were asked to discuss the case among themselves in an attempt to arrive at a unanimous group decision. The experimenter said he would leave the room so that his presence would not inhibit or in any way bias the deliberation. The jury was told that once they arrived at a unanimous decision concerning the guilt or innocence of the defendant, or when it became clear that they were deadlocked and would be unable to attain unanimity, they should go notify the experimenter

(who was identified as someone working for the Intercampus Grievance Committee) who was waiting outside the jury room.

Group decision. The jurors were told that at the conclusion of the deliberation, they would be asked for the final group vote. One person was asked to present the group vote; this person was considered to be the jury foreman. The jurors were told that their individual decisions were not of interest at this point, but just the final group vote; it did not matter to us who voted which way.

Post-Deliberation Questionnaire. Once the group vote was recorded, the jurors were asked to complete a post-deliberation questionnaire (see Appendix X). It was stressed to the jurors that their responses need not be consistent with either what they wrote on the pre-deliberation questionnaire or what they may have said during the deliberation. The first page of the post-deliberation questionnaire was identical to the pre-deliberation questionnaire. On subsequent pages, the jurors were also asked to rate the defendant, on a 6-point scale on the following characteristics:

- (1) liking of defendant
- (2) intelligence
- (3) physical attractiveness
- (4) socio-economic class
- (5) honesty
- (6) likelihood of defendant recidivism on a similar offense (rated on 0 to 100 scale)

Concluding the session. Once the post-deliberation questionnaires were collected for the second case, the jurors completed the Acknowledgment of Monetary Compensation form, which was printed on Intercampus

Grievance Committee letterhead (see Appendix Y) and were paid \$10 in cash. (Jurors who were previously alternates and who had returned for a second time were paid \$15.)

Debriefing. In order to avoid subject pool contamination (cf., Lichtenstein, 1970; Lipton & Garza, 1978a; Weubben, 1967) the debriefing was conducted after the final jury session had been completed. All subjects were mailed a detailed debriefing letter which thanked them for their participation in the study, explained the true purpose of the study, and stressed the social and scientific importance of this area of research (see Appendix Z). In addition to the people who actually served as student jurors, the debriefing letter was also sent to all people who received the initial solicitation letter from the Intercampus Grievance Committee and to anyone else who was known to have contact with the Intercampus Grievance Committee.

Experimental Design

Individual variables. The basic design of the study was a 2 x 2 x 2 split-plot factorial (Kirk, 1968) with the factors being sex of subject, ethnicity of subject (Chicano or Anglo), and ethnicity of defendant (Chicano or Anglo), the latter variable being a repeated-measures factor, with all jurors being deliberating on two cases, one involving an Anglo defendant and one involving a Chicano defendant.

Group variables. With the ninety-six subjects, there were sixteen 6-person juries. Specifically, there were 4 jury types, these being the following:

- (1) Predominantly Anglo jury (having an equal number of males and females

- (2) Predominantly Chicano jury (having an equal number of males and females)
- (3) Predominantly male jury (having an equal number of Anglos and Chicanos)
- (4) Predominantly female jury (having an equal number of Anglos and Chicanos)

Four juries of each type were employed. In addition, the order of presentation of the case type and defendant ethnicity was counter-balanced. See Appendix AA for clarification of this counterbalancing procedure.

RESULTS

Overview of Dependent Measures and Statistical Procedures

Overall, as was mentioned in the previous section, there were four pre-deliberation measures and ten post-deliberation measures, the four pre-deliberation questions being repeated in the post-deliberation questionnaire, concerning both the Anglo and the Chicano defendant, yielding a total of 28 primary dependent variables for each of the 96 jurors. Susceptibility to group influence was assessed by taking the difference between each of the four pre-deliberation questions and its corresponding post-deliberation question; thus, there were eight such "pre-post difference" variables for each juror, four for each defendant. Additional variables were created by taking the difference between responses for the Anglo and the Chicano defendant on each of the fourteen pre- and post-deliberation questionnaire items.

Three series of two-way analyses of variance (ANOVA) were performed on each of the dependent variables. The first series consisted of 2 x 2 ANOVAs with the factors being the two primary independent variables, sex of juror and ethnicity of juror. In order to investigate the effects of the sociocultural makeup of the jury, two additional two-way ANOVAs were performed on each dependent measure. These were 2 x 3 ANOVAs with the factors being, in the first instance, sex of juror and sex majority of jury (juror either in sex majority, in sex minority, or in a jury with equal males and females), and in the second instance, ethnicity of juror (Anglo or Chicano) and ethnic majority of jury (juror either in ethnic majority, in ethnic minority, or in a jury with equal Anglos and Chicanos). All post-hoc comparisons among means

were tested using the Newman-Keuls procedure (Kirk, 1968) with alpha set at .05. In general, for the sake of parsimony, only significant effects are discussed.

Though not related specifically to the formal hypotheses, a series of t-tests were performed to further scrutinize differences between the responses for the Anglo and the Chicano defendant; non-parametric tests were conducted to examine the tendency among jurors to change their mind about the verdict after deliberation. Additionally, multiple regression analyses were performed on the dependent variables with the personality, attitudinal sociocultural, and demographic items. A number of findings, then, are presented for which there exists no corresponding hypothesis.

Sex of Jurors and Sex Majority of Jury

Hypothesis I stated that *"male and female jurors will differ in their juridic judgements with females tending to be more lenient and less severe than males."* In the two-way ANOVAs involving sex of juror and ethnicity of juror, the only dependent measure for which there was a significant main effect for sex was for the question involving the estimated recidivism of the Chicano defendant, $F(1,92) = 2.860$, $p < .05$, with female jurors ($M = 40.50$; $SD = 25.28$) indicating a greater likelihood of a repeat offense than male jurors ($M = 50.56$, $SD = 22.22$). There was no significant difference between male and female jurors on this question concerning the Anglo defendant, $F(1,92) = 0.441$, $p > .50$, nor was there a significant sex difference on any other measure. Hence, there was virtually no support for Hypothesis I.

On the other hand, in the analyses involving both sex of juror and sex majority of the jury, a number of significant sex effects emerged, particularly involving the interaction of these two variables. Hypothesis II stated that *"in a predominantly male jury, female jurors will tend to be harsher than in a predominantly female jury and male jurors will tend to be more lenient in a predominantly female jury than in a predominantly male jury."* Considering only the cases with the Chicano defendant, the sex of juror by sex majority of jury interaction was significant for verdict, degree of guilt, and recommended penalty on both the pre-trial and post-trial questionnaires; neither main effect was significant for any of these items.

The sex of juror by sex majority of jury interactions are diagrammatically presented for pre-deliberation measures of verdict (see Figure 1), degree of guilt (see Figure 2), and recommended penalty (see Figure 3), and for post-deliberation measures of verdict (see Figure 4), degree of guilt (see Figure 5), and recommended penalty (see Figure 6). In general, males were most lenient on the Chicano defendant when they were in a predominantly female jury. Female jurors tended to be harshest on the Chicano defendant when they were in a predominantly male jury. On these measures, in cases involving the Anglo defendant, there were no significant main effects or interactions involving either sex of juror or sex majority of jury. Hypothesis II, then, has been supported, though only in the case of the Chicano defendant.

Although not primarily relevant to the hypotheses, on the affective measures towards the defendant, while there were no significant effects involving Anglo defendants, a number of significant findings again

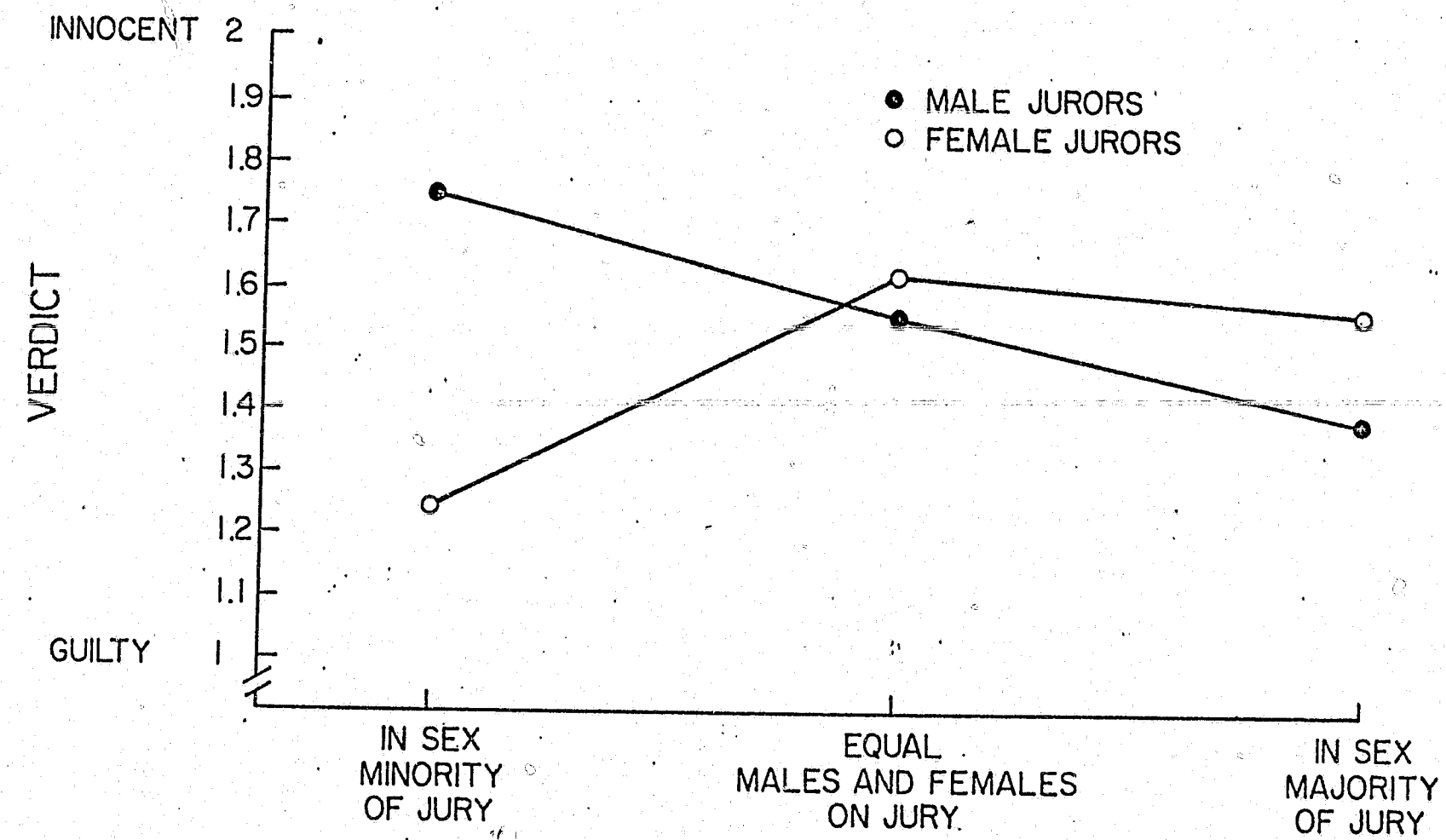


Figure 1. Pre-deliberation verdict as a function of sex of juror and sex majority of jury.

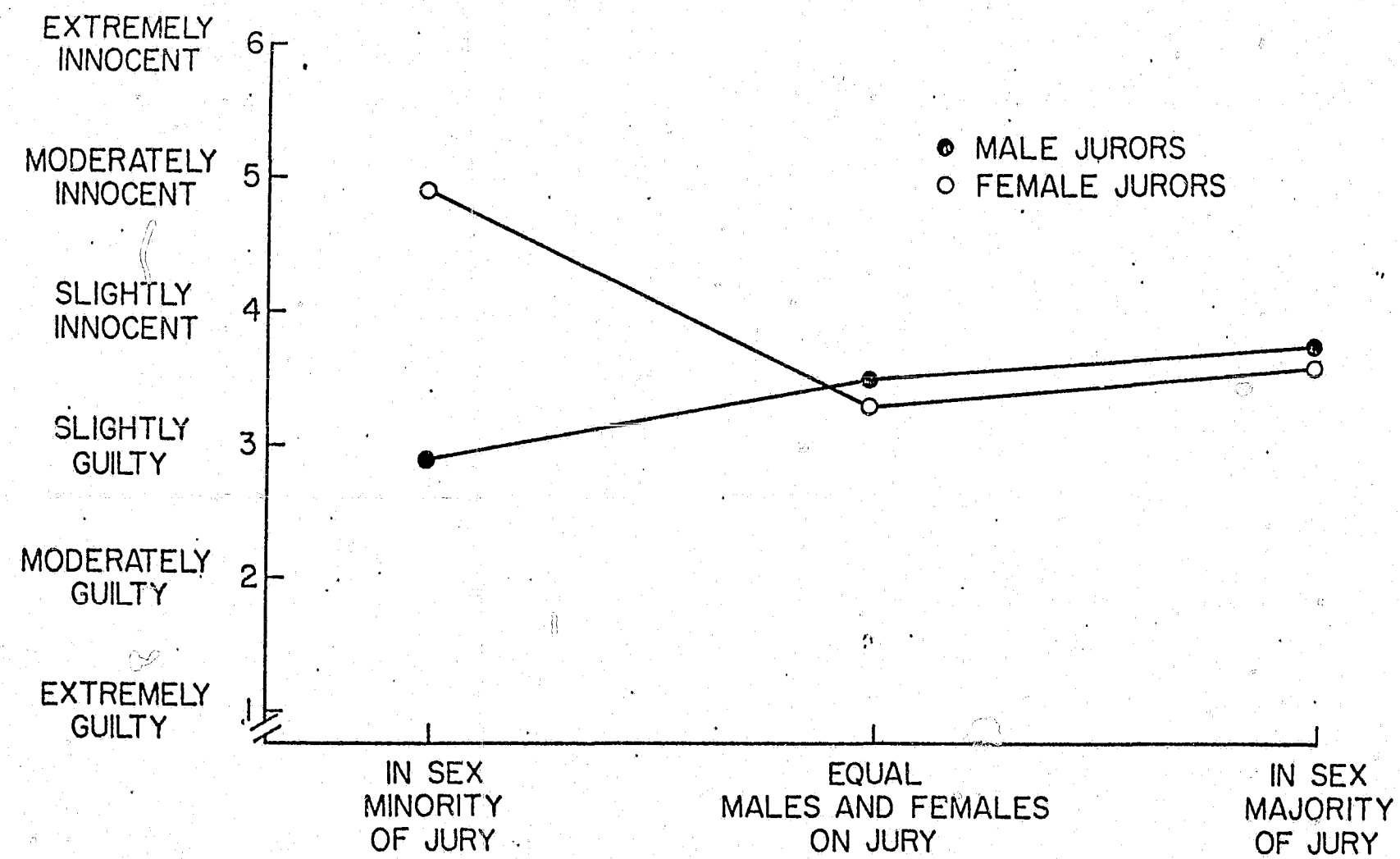


Figure 2. Pre-deliberation assessment of degree of guilt as a function of sex of juror and sex majority of jury.

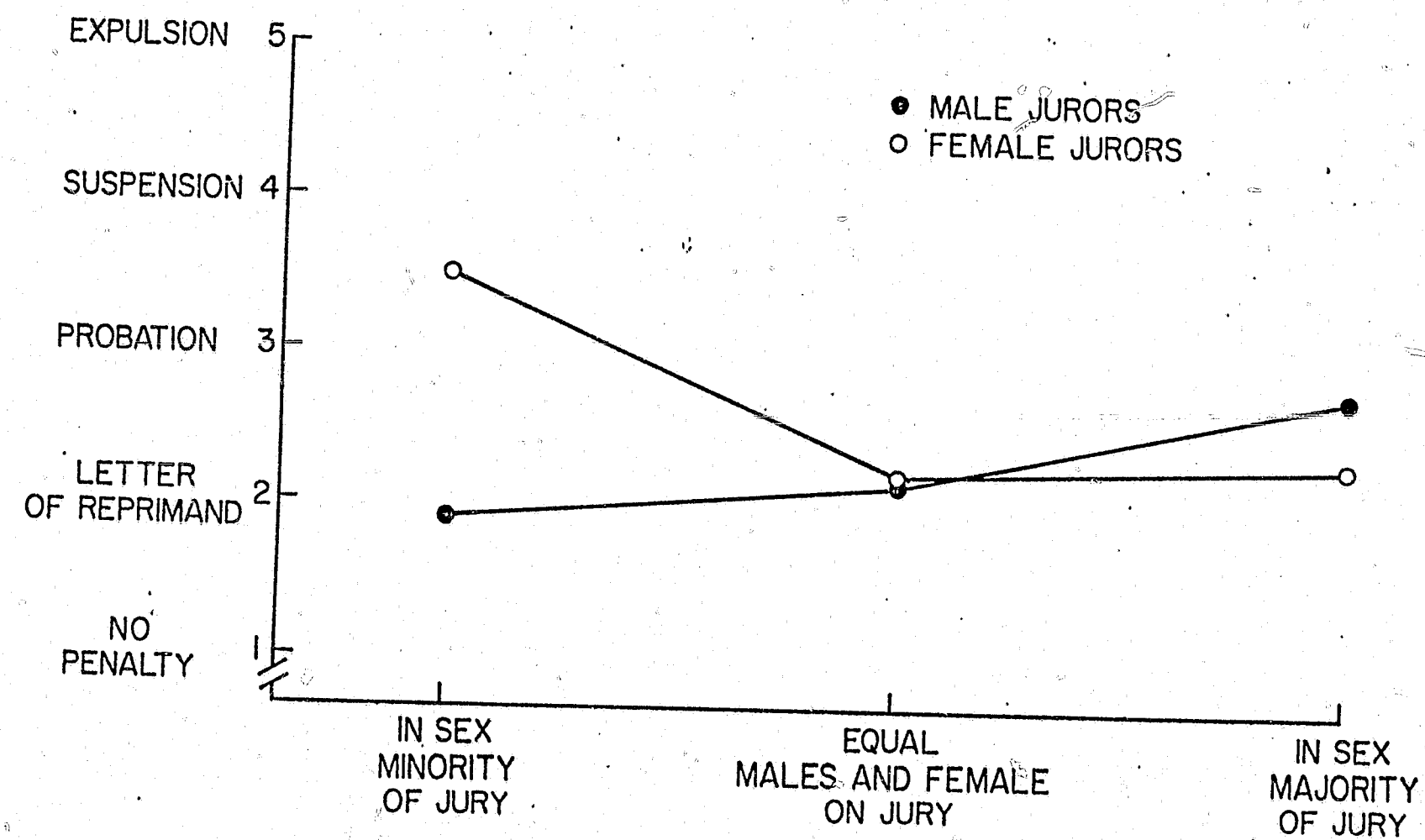


Figure 3. Pre-deliberation recommended penalty as a function of sex of juror and sex majority of jury.

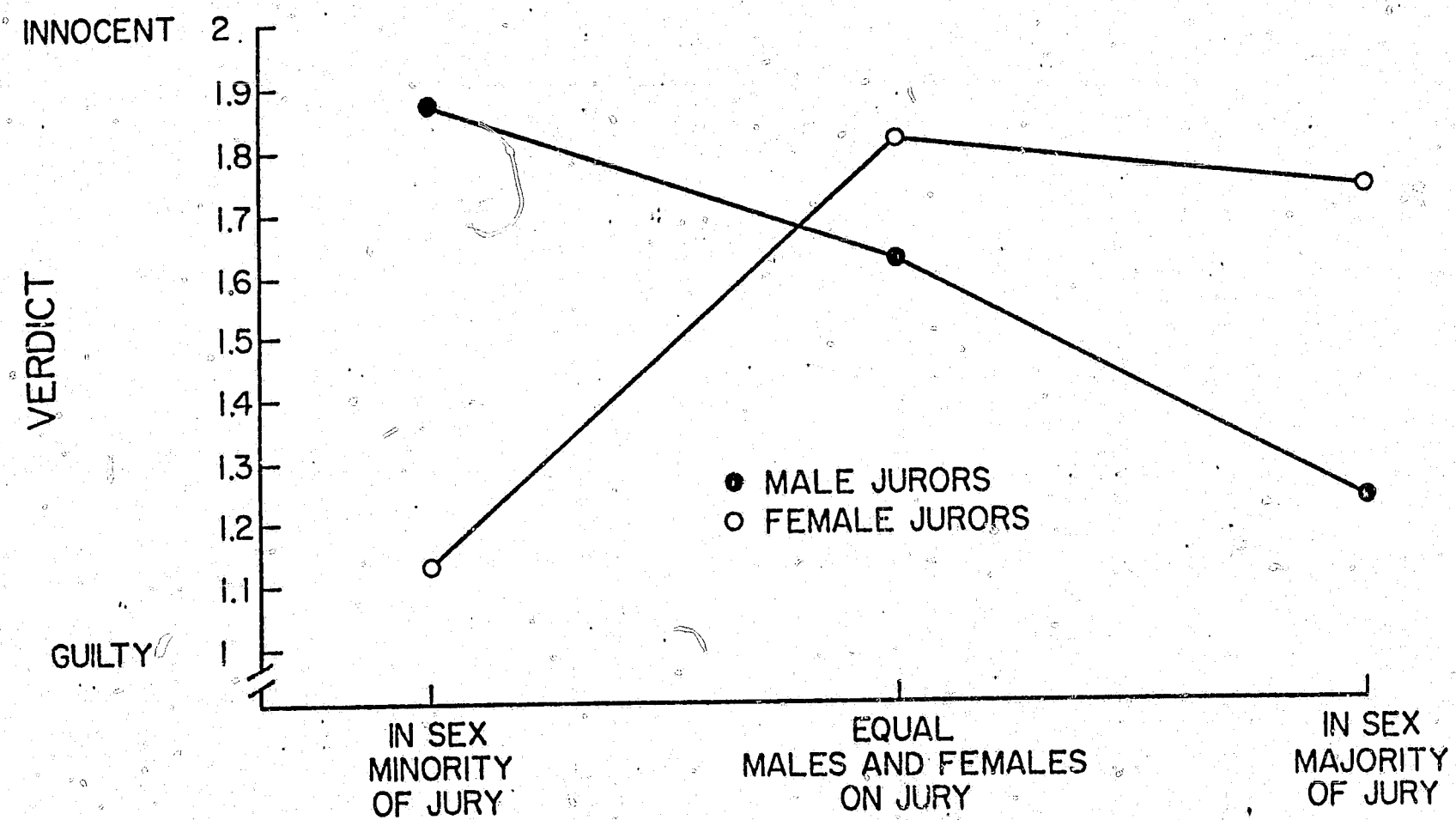


Figure 4. Post-deliberation Verdict as a function of sex of juror and sex majority of jury.

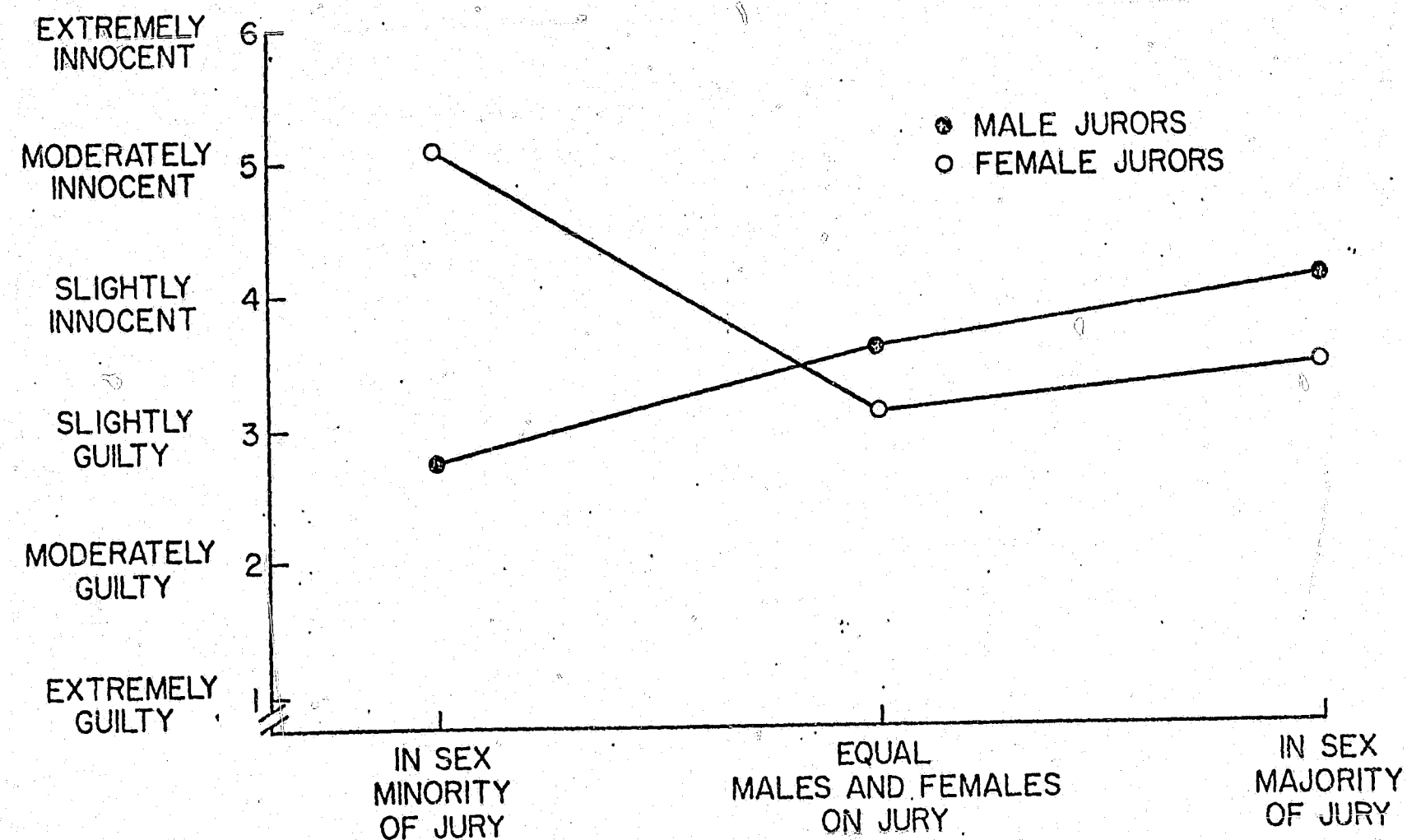


Figure 5. Post-deliberation assessment of degree of guilt as a function of sex of juror and sex majority of jury.

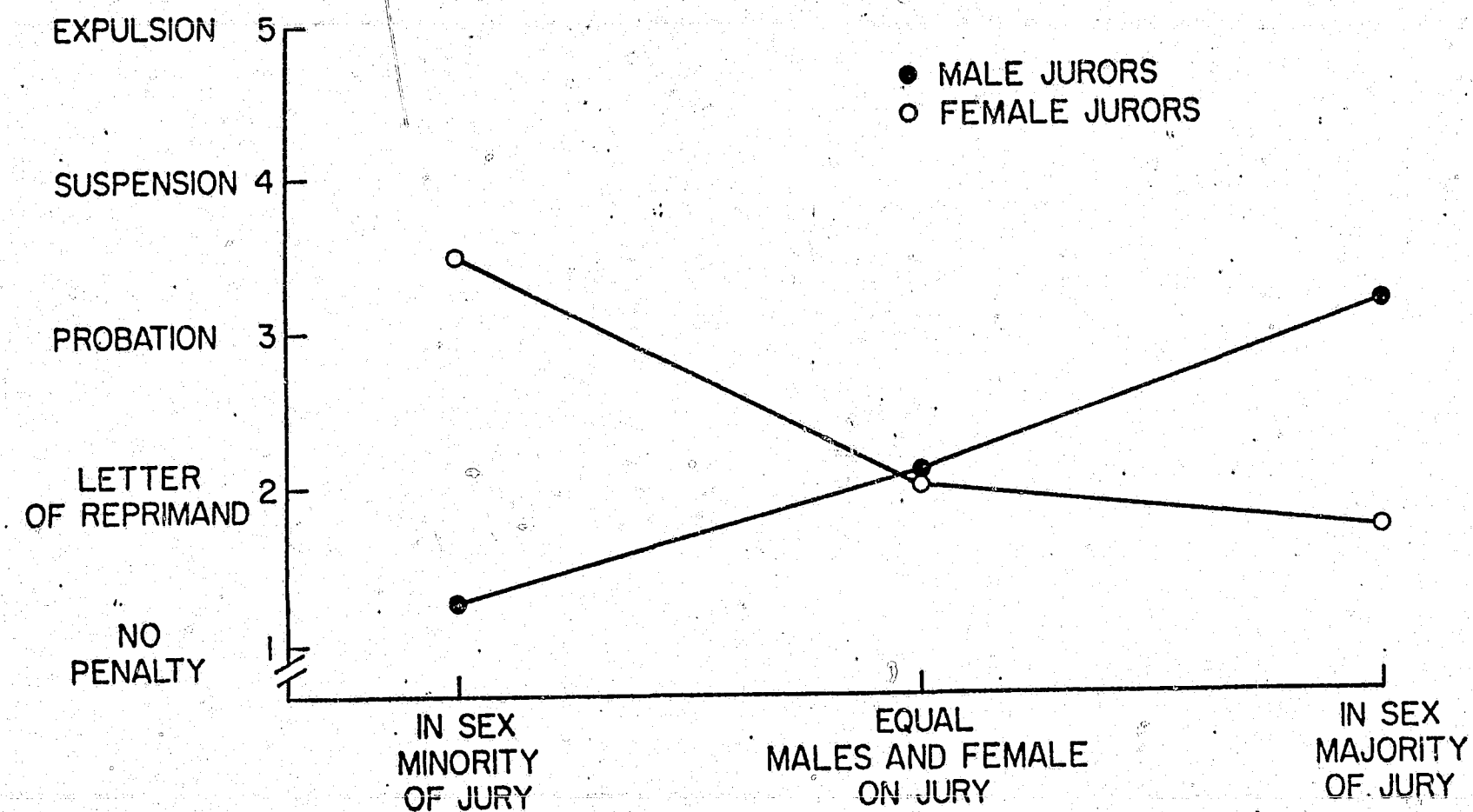


Figure 6. Post-deliberation recommended penalty as a function of sex of juror and sex majority of jury.

emerged in the case of the Chicano defendant. Concerning jurors' liking for the Chicano defendant, the main effect for sex majority of jury was significant, $F(2,90) = 3.336$, $p < .04$, with those jurors, male or female, who were in the sex majority of their jury expressing the greatest dislike for the Chicano defendant ($M = 3.81$; $SD = 0.95$), followed by those in the sex minority ($M = 3.34$; $SD = 0.94$), and with those in a jury with equal males and females expressing the most liking for the Chicano defendant ($M = 3.28$; $SD = 0.96$); the two extreme means differ significantly from each other.

Regarding Jurors' ratings of the honesty of the Chicano defendant, the sex of juror by sex majority of the jury interaction was again significant, $F(2,90) = 6.807$, $p < .002$, and is depicted in Figure 7. As can be seen from this figure, the males in a predominantly female jury rated the Chicano defendant highest in honesty, while female jurors who were in a predominantly female jury had the least favorable ratings of the honesty of the Chicano defendant.

Ethnicity of Jurors and Ethnic Majority of Jury

As there were no significant interactions between sex of juror and ethnicity of juror on any of the dependent measures, and because the main effects for sex are discussed in the previous section, the analyses of variance involving sex of juror and ethnicity of juror will be discussed no further. Instead, the results of the 2×2 analyses involving ethnicity of juror and ethnic majority of jury will be outlined. First, the significant main effects will be discussed, then the interactions.

Hypothesis III stated that "*with a Chicano defendant, Anglo jurors will tend to be harsher than Chicano jurors, while with an Anglo*

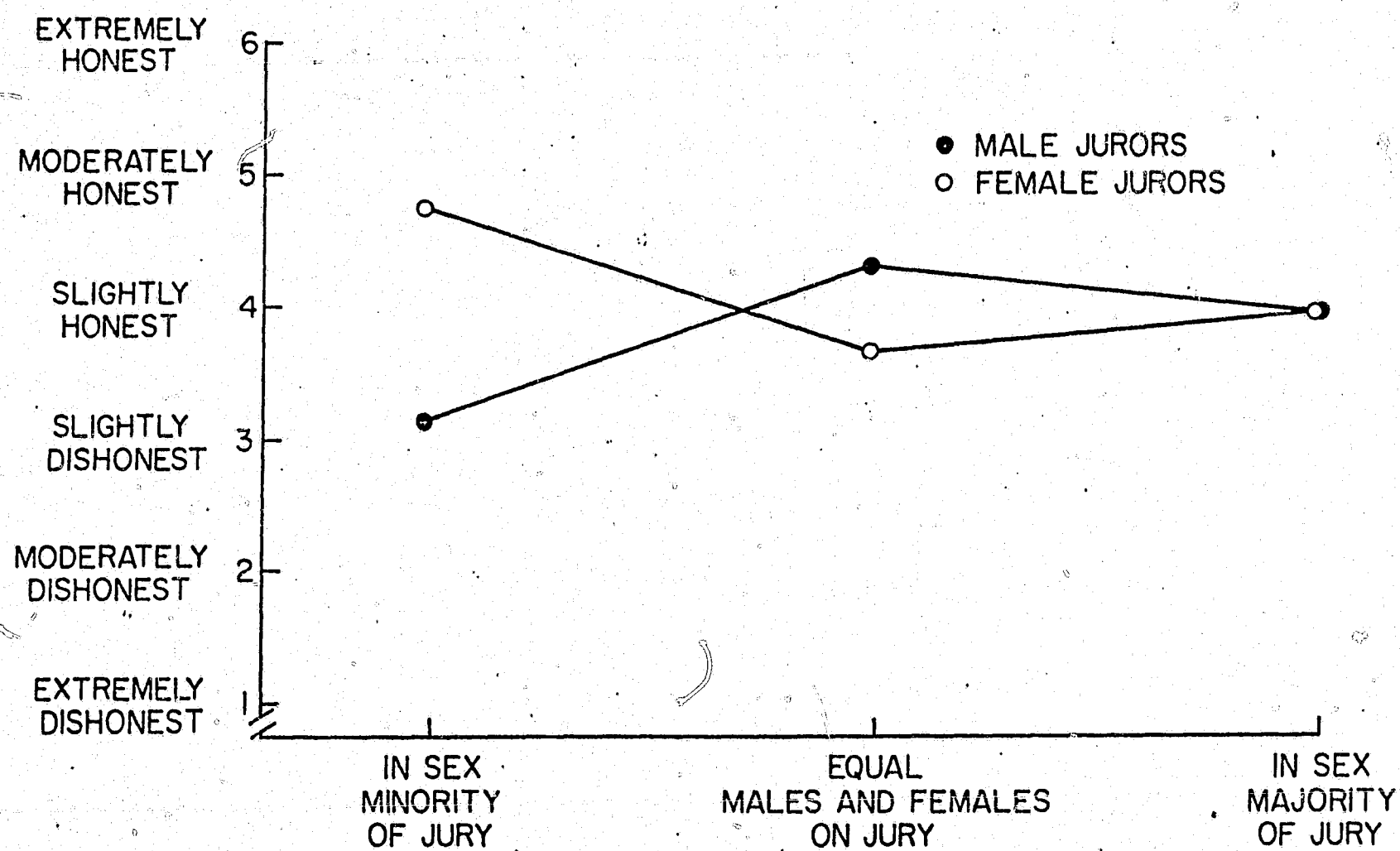


Figure 7. Rating of Chicano defendant's honesty as a function of sex of juror and sex majority of jury.

defendant, Chicano jurors will tend to be harsher than Anglo jurors."

The main effect for ethnicity of juror was significant for many of the measures. Concerning pre-deliberation assessment of the degree of guilt, while the effect was not significant in the case of the Chicano defendant, $F(1,90) = 0.383$, $p > .50$, it was significant with the Anglo defendant, $F(1,90) = 5.825$, $p < .02$, with the Anglo jurors ($M = 4.24$, $SD = 1.41$) attributing more guilt to the Chicano defendant than the Chicano jurors ($M = 3.54$, $SD = 1.50$). However, in the instance of the post-deliberation assessments of degree of guilt, the main effect for the ethnicity of juror was significant for neither the Chicano defendant, $F(1,90) = 0.829$, $p > .35$, nor for the Anglo defendant, $F(1,90) = .089$, $p > .75$. Thus, Hypothesis III was partially supported, in particular, the first part dealing with the Chicano defendant.

In addition, there were a number of other significant findings pertaining to ethnic questions, though these results are not directly relevant to the formal hypotheses. However, in several instances, they do provide at least tangential support for the hypotheses. For example, concerning the affective measures on the post-deliberation questionnaire, first regarding liking for the defendant, the ethnicity of juror was significant in the case of the Chicano defendant, $F(1,90) = 6.608$, $p < .01$, with Anglo jurors ($M = 3.71$, $SD = 0.87$) expressing more dislike for the Chicano defendant than Chicano jurors ($M = 3.23$, $SD = 0.97$). Anglo and Chicano jurors did not differ significantly in their liking for the Anglo defendant, $F(1,90) = 2.121$, $p > .20$.

The main effect for ethnicity of juror on assessment of the intelligence of the Anglo defendant was not significant, $F(1,90) = 0.021$,

$p > .85$, but was significant in the case of the Chicano defendant, $F(1,90) = 5.420$, $p < .021$, with Anglo jurors ($M = 3.31$, $SD = 1.01$) rating the Chicano defendant as being less intelligent than did the Chicano jurors ($M = 2.89$, $SD = 0.85$).

Regarding ratings of the honesty of the defendant, Anglo and Chicano jurors did not differ significantly in their ratings of the Anglo defendant, $F(1,90) = 3.076$, $p < .08$, but they did differ in rating the honesty of the Chicano defendant, $F(1,90) = 4.126$, $p < .045$, with the Anglo jurors ($M = 4.19$, $SD = 1.04$) rating the Chicano defendant as being more dishonest than did the Chicano jurors ($M = 3.73$, $SD = 1.13$).

Concerning the differences between the pre- and post-deliberation measures, there was a significant juror ethnicity main effect for degree of guilt in the case of the Anglo defendant, $F(1,90) = 3.742$, $p < .05$. Anglo jurors ($M = +0.27$, $SD = 1.25$) tended to change their minds towards a guilty verdict for the Anglo defendant, while Chicano jurors ($M = -0.21$, $SD = 1.25$) changed their verdict towards innocence. In the case of the Chicano defendant, there was no significant discrepancy in the difference between the pre-deliberation and the post-deliberation guilt assessments of Anglo and Chicano jurors, $F(1,90) = 0.243$, $p > .60$.

Considering the variables created by taking the difference in jurors' responses between the case involving the Anglo defendant and the one involving the Chicano defendant, the only significant main effect was for juror ethnicity on ratings of defendant social class, $F(1,90) = 3.833$, $p < .05$. Chicano jurors had significantly higher difference scores ($M = +1.46$, $SD = 1.50$), representing a greater ten-

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1 OF 4

dency to rate the Anglo defendant higher on social class, as compared to the Anglo jurors ($M = +0.94$, $SD = 1.06$).

Hypothesis IV stated that *"Anglo jurors will tend to be more lenient towards a Chicano defendant if they are on a predominantly Chicano jury than if they are on a predominantly Anglo jury, while Chicano jurors will tend to be more lenient towards an Anglo defendant if they are on a predominantly Anglo jury than if they are on a predominantly Chicano jury."* The juror ethnicity by ethnic majority of jury was significant for the difference score between the pre- and post-deliberation ratings of the degree of guilt of the Anglo defendant, $F(2,90) = 3.940$, $p < .02$. This interaction is diagrammatically presented in Figure 8. As can be seen from this graph, Anglo jurors were more likely to change their minds after deliberation towards innocence if they were on a predominantly Chicano jury. Chicano jurors were more likely to change their verdict towards guilt of the Anglo defendant if they were on a predominantly Chicano jury. This effect, however, was not significant for the Chicano defendant, $F(2,90) = 0.179$, $p > .80$. Hypothesis IV, then, was marginally supported, particularly in the case of the Anglo defendant.

The ethnicity of juror by ethnic majority of the jury interaction was also significant for several other measures. Although the interactions involving recommendations of fine for the Chicano defendant were significant for both the pre-deliberation, $F(2,90) = 3.249$, $p < .04$, and post-deliberation questionnaires, $F(2,90) = 6.322$, $p < .003$, the findings have limited meaning since the data revealed that a monetary fine was recommended only in the destruction of property case.

CHANGE
TOWARDS
INNOCENT

+1.5
+1.0
+0.5
0
-0.5
-1.0

● ANGLO JURORS
○ CHICANO JURORS

CHANGE
TOWARDS
GUILTY

IN ETHNIC
MINORITY
OF JURY

EQUAL
ANGLOS AND CHICANOS
ON JURY

IN ETHNIC
MAJORITY
OF JURY

Figure 8. Change in assessment of degree of guilt of Anglo defendant from pre-deliberation to post-deliberation as a function of ethnicity of juror and ethnic majority of jury.

However, the juror ethnicity by ethnic majority of jury interaction was also significant for the difference scores for ratings of recidivism between the Anglo and Chicano defendants. This interaction is presented in Figure 9. As can be seen from this interaction, in juries comprised equally of Anglo and Chicano jurors, the Anglo jurors were most likely to rate the Chicano defendant as having the greater likelihood of recidivism ($\bar{M} = +23.33$; $SD = 32.96$) while the Chicano jurors rated the Anglo and Chicano defendants equally in recidivism ($\bar{M} = 0.00$; $SD = 40.40$).

Finally, the main effect for ethnic majority of the jury was significant for the difference scores for ratings of liking between the Anglo and Chicano defendant; $F(2,90) = 3.498$, $p < .03$. Those in a jury comprised equally of Anglos and Chicanos were more likely to express more liking for the Anglo defendant ($\bar{M} = -0.35$, $SD = 0.93$) while those in the ethnic majority--either Anglo or Chicano--were apt to express more liking for the Chicano defendant ($\bar{M} = +0.28$, $SD = 1.35$), with those in the ethnic minority expressing approximately equal liking for both defendants ($\bar{M} = +0.06$, $SD = 0.85$).

Further Differences Between Anglo and Chicano Defendants

A series of t-tests were performed to compare overall responses for the Anglo and Chicano defendants. For all jurors combined, while there was not a significant difference on pre-deliberation verdicts $t(95) = -0.53$, $p > .55$, there was a significant difference on the post-deliberation verdict, $t(95) = 3.20$, $p < .002$, with the Chicano defendants ($\bar{M} = 1.61$, $SD = 6.49$) more likely to be given a verdict of

CHICANO
DEFENDANT
RATED
HIGHER IN
RECIDIVISM

ANGLO
DEFENDANT
RATED
HIGHER IN
RECIDIVISM

+25
+20
+15
+10
+5
0
-5
-10

● ANGLO JURORS
○ CHICANO JURORS

IN ETHNIC
MINORITY
OF JURY

EQUAL
ANGLOS AND CHICANOS
ON JURY

IN ETHNIC
MAJORITY
OF JURY

Figure 9. Difference in assessment of probable recidivism between Anglo and Chicano defendant as a function of ethnicity of juror and ethnic majority of jury.

innocent and the Anglo defendants more likely to be given a verdict of guilty ($M = 1.45$, $SD = 0.50$). However, $t(95) = 2.93$, $p < .004$, Anglo defendants ($M = \$256.88$, $SD = 345.27$) were levied a higher fine than were Chicano defendants ($M = \$113.60$, $SD = 258.13$) on the post-deliberation questionnaire. A similarly significant effect held true in the case of pre-deliberation recommendations of monetary fine, $t(95) = 3.20$, $p < .002$.

Regarding the affective ratings, compared with Anglo defendants, Chicano defendants were rated as being significantly lower in intelligence, $t(95) = 1.98$, $p < .05$ ($M = 3.01$, $SD = 0.95$; $M = 2.85$, $SD = 1.04$; for Chicano and Anglo defendants respectively); lower in social class, $t(95) = 8.90$, $p < .001$ ($M = 3.08$, $SD = 0.953$; $M = 4.28$, $SD = 0.849$; for Chicanos and Anglos, respectively); and more likely to repeat a similar crime, $t(95) = 2.53$, $p < .01$ ($M = 45.53$, $SD = 25.62$; $M = 55.97$, $SD = 33.37$; for Chicano and Anglo defendants respectively).

Hypothesis V stated that *"Anglo jurors will tend to be harsher on a Chicano defendant than on an Anglo defendant, while Chicano jurors will tend to be harsher on an Anglo defendant than on a Chicano defendant."* Considering the Anglo jurors only, there were a number of significant differences in responses to the Anglo versus the Chicano defendant. First, in the pre-deliberation assessments of degree of guilt, $t(47) = 2.16$, $p < .04$, Anglo defendants ($M = 4.24$, $SD = 1.41$) were rated as more guilty than were Chicano defendants ($M = 3.63$, $SD = 1.32$). Anglo jurors also assessed a higher fine in the pre-deliberation questionnaire, $t(47) = 2.28$, $p < .03$, to the Anglo defendants ($M = \$275.52$, $SD = 362.01$) compared to the Chicano defendants ($M = \$113.67$,

$SD = 239.07$); a similar difference was manifested in the post-deliberation assessment of fine, $t(47) = 2.15$, $p < .04$. These findings are in direct opposition to Hypothesis V.

However, Anglo jurors also rated the Chicano defendant lower in intelligence, $t(47) = 2.89$, $p < .006$ ($M = 3.31$, $SD = 1.01$; $M = 2.83$, $SD = 1.02$; for Chicanos and Anglos, respectively); lower in social class, $t(47) = 6.13$, $p < .001$ ($M = 3.18$, $SD = 0.86$; $M = 4.11$, $SD = 0.87$; for Chicano and Anglo defendants respectively); and more likely to commit a similar offense, $t(47) = 2.02$, $p < .05$, ($M = 45.40$, $SD = 23.81$; $M = 57.67$, $SD = 32.36$; for Chicano and Anglo defendants, respectively).

Considering the Chicano jurors only, though there were no differences in verdict, there was a significant difference in their assessment of fines for the Anglo ($M = \$269.69$, $SD = 366.87$) compared to the Chicano defendant ($M = \$110.42$, $SD = 268.56$), $t(47) = 2.23$, $p < .03$; a similar difference was also manifested in the post-deliberation assessment of fine, $t(47) = 1.98$, $p < .05$. There were two other measures where the Chicano jurors made significantly different responses to the Anglo and Chicano defendant, findings which support Hypothesis V. The Chicano jurors, though, rated the Chicano defendant as less attractive than did the Anglo jurors, $t(47) = 2.13$, $p < .04$ ($M = 3.28$, $SD = 0.86$; $M = 2.95$, $SD = 0.86$; for Chicano and Anglo defendants, respectively), and as lower in social class, $t(47) = 6.73$, $p < .001$ ($M = 2.99$, $SD = 1.04$; $M = 4.45$, $SD = 0.80$; for the Chicano and Anglo defendants, respectively).

Changing of Verdict After Deliberation

A series of non-parametric McNemar tests (Siegal, 1956) were performed to detect significant changes in the proportion of guilty verdicts between the pre-deliberation and post-deliberation decisions among various juror groups. With all 96 jurors combined, the effect was not significant for either the Anglo or the Chicano defendant. In the case of the Anglo defendant, 12 jurors changed their mind from guilty to innocent, while eight jurors changed their decisions from innocent to guilty, $\chi^2 = 0.450$, $p > .40$; 41 jurors voted guilty consistently, while 35 jurors voted innocent consistently. Regarding the Chicano defendant with all 96 jurors combined, seven jurors changed their minds from guilty to innocent and 15 jurors changed their minds in the opposite direction, $\chi^2 = 2.227$, $p > .10$; the remainder of the jurors voted consistently before and after deliberation.

The only subgroups that had significant differences in the changes to guilty verdicts versus the changes to innocent verdicts were female (Anglo and Chicano combined) and Chicano (male and female combined) jurors. Among females, the effect was not significant in the case of the Anglo defendant, $\chi^2 = 0.083$, $p > .70$. However, with the Chicano defendant, the effect was significant; $p < .04$, based on the binomial distribution, with eight jurors changing their verdict from innocent to guilty and only one female juror changing her verdict from guilty to innocent; 25 female jurors consistently voted innocent and 14 consistently voted guilty.

Considering the Chicano jurors, again the effect was not significant in the case of the Anglo defendant; $p > .30$, based on the binomial

distribution. However, with the Chicano defendant, the number of guilty-to-innocent changes was significantly different from the number of innocent-to-guilty changes, $\chi^2 = 4.923$, $p < .03$, with 11 Chicano jurors originally voting innocent then changing to guilty, but only two Chicano jurors changing from guilty to innocent; 15 Chicano jurors consistently voted guilty and 20 consistently voted innocent in the case of the Chicano defendant.

Regression Analyses

Regression analyses were performed on the three main dependent measures, namely the post-deliberation assessments of verdict, degree of guilt, and recommended penalty. Separate analyses were performed using all predictor variables together (with all jurors combined, see Tables 1, 2, and 3 for verdict, guilt, and penalty, respectively; with Anglo jurors only, see Tables 4, 5, and 6 for verdict, guilt, and penalty, respectively; with Chicano jurors combined, see Tables 7, 8, and 9 for verdict, guilt, and penalty respectively), using the sociocultural variables only (with all jurors combined, see Tables 10, 11, and 12 for verdict, guilt, and penalty, respectively; with Anglo jurors only, see Tables 13, 14, and 15 for verdict, guilt, and penalty, respectively; with Chicano jurors only, see Tables 16, 17, and 18 for verdict, guilt, and penalty, respectively), and using the personality and attitudinal variables only (with all jurors combined, see Tables 19, 20, and 21 for verdict, guilt, and penalty, respectively; with Anglo jurors only, see Tables 22, 23, and 24 for verdict, guilt, and penalty, respectively; with Chicano jurors only,

see Tables 25, 26, and 27 for verdict, guilt, and penalty, respectively). In addition, each of these 27 tables are subdivided into two parts, "a" and "b," referring to the analyses for the Anglo defendant and the Chicano defendant, respectively.

Information as to which variables were included in each analyses is presented in Appendix BB. In addition, this Appendix outlines how the variables were coded. The regression analyses were performed according to the step-wise procedure discussed by Kerlinger and Pedhazzer (1973). Variables were listed in the table so long as they contributed at least 1 percent of additional explained variance; in other words, the tolerance level of R squared change for inclusion in the table listing was .01. However, a minimum of two variables were listed in each table, even if this minimum inclusion criteria was not met. It should also be noted that each table includes in the last row a "total" entry. This last entry indicates the final regression coefficients after all variables have entered the equation with the tolerance level set at .001. The number of variables included in this total is also indicated in each table.

Several general points can be made about the data presented in the tables. First, it is apparent that not only are the regression coefficients of the Anglo and Chicano jurors generally quite different from each other, as was predicted in the previous section, but the analyses also yielded differential results depending on the ethnicity of the defendant. Secondly, several of the coefficients indicate rather substantial relationships; for example, in Table 5a, it can be

oted that with Anglo jurors only, in the regression analysis on degree of guilt of the Anglo defendant, the multiple R reached .773, corresponding to an R^2 of .599. Finally, it is apparent that several variables by themselves, such as need for social approval, were particularly potent, having remarkably high correlations with jurors' decisions.

Table 1a
Summary of Regression Analysis on Verdict
All Jurors Combined
Anglo Defendant

<u>Variable</u>	<u>Multiple R</u>	<u>R Squared</u>	<u>R Squared Change</u>	<u>Simple r</u>
Need for Social Approval	.200	.040	.040	-.200
Self-Esteem	.264	.070	.030	.099
Authoritarianism	.283	.080	.010	.019
Death Penalty Score	.301	.091	.011	-.092
Attitude Towards Capital Punishment	.330	.109	.018	-.023
Political Activism	.347	.121	.012	-.067
Seventeen Variable Total	.397	.158		

Table 1b
Summary of Regression Analysis on Verdict
All Jurors Combined
Chicano Defendant

<u>Variable</u>	<u>Multiple R</u>	<u>R Squared</u>	<u>R Squared Change</u>	<u>Simple r</u>
Social Class	.183	.034	.034	-.183
Sex of Juror	.232	.054	.021	.150
Juror-Defendant SES Difference	.254	.064	.010	-.039
Age of Juror	.279	.078	.014	-.056
Fourteen Variable Total	.354	.126		

Table 2a
Summary of Regression Analysis on Degree of Guilt
All Jurors Combined
Anglo Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Need for Social Approval	.318	.101	.101	.318
Self-Esteem	.360	.130	.029	-.060
Death Penalty Score	.400	.156	.026	.171
Attitude Towards Capital Punishment	.458	.210	.054	.050
Social Class	.480	.231	.021	.037
Juror-Defendant SES Difference	.496	.246	.015	-.103
Political Activism	.507	.257	.011	.058
Political Ideology	.520	.270	.014	-.121
Importance of Culture	.531	.282	.012	-.093
Seventeen Variable Total	.550	.302		

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Table 2b
Summary of Regression Analysis on Degree of Guilt
All Jurors Combined
Chicano Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Self-Esteem	.164	.027	.027	.164
Political Ideology	.217	.047	.020	-.152
Social Class	.242	.058	.011	.150
Need for Social Approval	.275	.076	.017	.140
Age of Juror	.301	.090	.014	.083
Birth Order	.317	.100	.010	.040
Fourteen Variable Total	.370	.137		

Table 3a
Summary of Regression Analysis on Punishment Recommendation
All Jurors Combined
Anglo Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Need for Social Approval	.401	.161	.161	.401
Death Penalty Score	.444	.197	.036	.226
Authoritarianism	.474	.225	.029	-.023
Self-Esteem	.502	.252	.027	.014
Attitude Towards Capital Punishment	.520	.271	.019	.135
Political Activism	.540	.292	.021	.125
Social Class	.553	.306	.015	.037
Juror-Defendant SES Difference	.575	.330	.024	-.117
Sex of Juror	.586	.344	.013	-.094
Sixteen Variable Total	.613	.376		

Table 3b
Summary of Regression Analysis on Punishment Recommendation
All Jurors Combined
Chicano Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Need for Social Approval	.181	.033	.033	.181
Social Class	.248	.061	.028	.138
Juror-Defendant SES Difference	.284	.081	.019	-.140
Political Ideology	.309	.095	.015	-.140
Sixteen Variable Total	.444	.198		

Table 4a
Summary of Regression Analysis on Verdict
Anglo Jurors
Anglo Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Self-Esteem	.290	.084	.084	.290
Death Penalty Score	.355	.126	.042	-.139
Need for Social Approval	.387	.150	.024	-.125
Social Class	.432	.186	.036	-.078
Birth order	.462	.214	.028	-.277
Importance of Cultural Heritage	.482	.232	.019	.089
Sex of Juror	.501	.251	.018	.126
Attitude Towards the Law	.519	.269	.019	.003
Authoritarianism	.539	.291	.022	-.117
Attitude Towards Capital Punishment	.558	.311	.021	.003
Political Ideology	.571	.326	.014	-.055
Juror-Defendant SES Difference	.584	.342	.016	.005
Sixteen Variable Total	.595	.354		

Table 4b
Summary of Regression Analysis on Verdict
Anglo Jurors
Chicano Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Political Ideology	.274	.075	.075	.274
Fluency in Spanish	.375	.141	.066	.242
Sex of Juror	.442	.195	.055	.254
Social Class	.495	.245	.050	-.260
Locus of Control	.511	.261	.016	-.114
Age of Juror	.521	.272	.010	-.114
Authoritarianism	.534	.285	.013	-.173
Fifteen Variable Total	.565	.319		

Table 5a
Summary of Regression Analysis on Degree of Guilt
Anglo Jurors
Anglo Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Death Penalty Score	.332	.110	.110	.332
Self-Esteem	.425	.181	.071	-.190
Political Ideology	.508	.258	.077	-.323
Need for Social Approval	.574	.329	.071	.240
Attitude Towards Capital Punishment	.632	.400	.070	.197
Social Class	.662	.439	.040	.150
Sex of Juror	.685	.469	.030	-.160
Importance of Cultural Heritage	.705	.497	.028	-.248
Political Activism	.720	.518	.021	.023
Locus of Control	.733	.538	.020	.079
Birth Order	.746	.557	.019	.116
Fluency in Spanish	.755	.570	.013	-.093
Attitude Towards the Law	.771	.594	.025	.145
Sixteen Variable Total	.773	.599		

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Table 5b
Summary of Regression Analysis on Degree of Guilt
Anglo Jurors
Chicano Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Political Ideology	.401	.161	.161	-.401
Social Class	.481	.231	.071	.339
Fluency in Spanish	.553	.306	.075	-.232
Age of Juror	.591	.349	.043	.257
Political Activism	.605	.366	.017	.063
Juror-Defendant SES Difference	.615	.379	.013	.180
Fifteen Variable Total	.654	.427		

Table 6a
Summary of Regression Analysis on Recommended Punishment
Anglo Jurors
Anglo Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Death Penalty Score	.416	.173	.173	.416
Need for Social Approval	.530	.281	.108	.408
Sex of Juror	.596	.355	.074	-.204
Social Class	.631	.399	.044	.192
Self-Esteem	.665	.443	.045	-.036
Attitude Towards Capital Punishment	.685	.469	.026	.356
Juror-Defendant SES Difference	.692	.479	.010	.180
Age of Juror	.700	.490	.011	-.167
Political Ideology	.708	.501	.011	-.056
Sixteen Variable Total	.742	.550		

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Table 6b
Summary of Regression Analysis on Recommended Punishment
Anglo Jurors
Chicano Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Death Penalty Score	.324	.105	.105	.324
Fluency in Spanish	.446	.199	.093	-.283
Attitude Towards Capital Punishment	.501	.251	.052	.157
Political Activism	.566	.320	.070	.131
Authoritarianism	.602	.362	.041	.279
Political Ideology	.615	.378	.016	-.273
Need for Social Approval	.629	.395	.018	.201
Social Class	.642	.413	.017	.249
Fifteen Variable Total	.658	.433		

Table 7a
Summary of Regression Analysis on Verdict
Chicano Jurors
Anglo Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Need for Social Approval	.283	.080	.080	-.283
Authoritarianism	.380	.145	.064	.124
Age of Juror	.467	.218	.073	-.202
Juror-Defendant SES Difference	.506	.256	.038	.240
Birth Order	.532	.283	.028	.146
Political Ideology	.548	.301	.017	-.036
Death Penalty Score	.558	.312	.011	-.040
Locus of Control	.570	.325	.013	.107
Sex of Juror	.580	.337	.011	-.083
Sixteen Variable Total	.606	.367		

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Table 7b
Summary of Regression Analysis on Verdict
Chicano Jurors
Chicano Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Attitude Towards the Law	.221	.049	.049	.221
Birth Order	.299	.089	.041	-.154
Political Activism	.354	.125	.036	.191
Fluency in Spanish	.371	.138	.012	.030
Social Class	.399	.159	.021	-.110
Juror-Defendant SES Difference	.430	.185	.026	.026
Political Ideology	.446	.199	.014	-.125
Age of Juror	.458	.209	.011	.020
Sex of Juror	.469	.220	.010	.044
Fifteen Variable Total	.486	.237		

Table 8a
Summary of Regression Analysis on Degree of Guilt
Chicano Jurors
Anglo Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Need for Social Approval	.419	.175	.175	.419
Birth Order	.483	.234	.058	-.248
Juror-Defendant SES Difference	.545	.297	.063	-.295
Sex of Juror	.560	.314	.017	.144
Authoritarianism	.572	.328	.014	.065
Locus of Control	.582	.339	.012	-.140
Attitude Towards the Law	.596	.256	.016	.136
Fifteen Variable Total	.637	.406		

Table 8b
Summary of Regression Analysis on Degree of Guilt
Chicano Jurors
Chicano Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Need for Social Approval	.311	.097	.097	.311
Political Activism	.390	.152	.055	-.165
Fluency in Spanish	.429	.184	.031	.147
Authoritarianism	.464	.215	.031	.098
Birth Order	.484	.234	.019	.119
Social Class	.497	.247	.013	-.006
Political Ideology	.510	.260	.013	.042
Fourteen Variable Total	.531	.282		

Table 9a
Regression Analysis on Recommended Punishment
Chicano Jurors
Anglo Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Juror-Defendant SES difference	.429	.184	.184	-.429
Need for Social Approval	.551	.304	.120	.425
Authoritarianism	.613	.376	.072	-.081
Birth Order	.669	.447	.071	-.212
Locus of Control	.700	.491	.043	-.060
Attitude Towards the Law	.715	.512	.021	.098
Death Penalty Score	.729	.532	.020	.007
Sixteen Variable Total	.749	.561		

Table 9b
Regression Analysis on Recommended Punishment
Chicano Jurors
Chicano Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Age of Juror	.218	.408	.048	.218
Juror-Defendant SES difference	.279	.078	.030	-.211
Attitude Towards Capital Punishment	.331	.109	.031	-.160
Sex of Juror	.379	.143	.034	-.122
Political Activism	.426	.181	.038	-.187
Need for Social Approval	.451	.204	.023	.182
Fluency in Spanish	.469	.220	.017	.117
Social Class	.514	.264	.044	.034
Self-Esteem	.533	.284	.020	-.109
Authoritarianism	.556	.309	.025	.010
Sixteen Variable Total	.580	.337		

Table 10a
Regression Analysis on Verdict: Sociocultural Predictors Only
All Jurors Combined
Anglo Defendant

<u>Variable</u>	<u>Multiple R</u>	<u>R Squared</u>	<u>R Squared Change</u>	<u>Simple r</u>
Juror-Defendant SES Difference	.119	.014	.014	.119
Social Class	.147	.022	.007	.009
Ten Variable Total	.191	.037		

Table 10b
Regression Analysis on Verdict: Sociocultural Predictors Only
All Jurors Combined
Chicano Defendant

<u>Variable</u>	<u>Multiple R</u>	<u>R Squared</u>	<u>R Squared Change</u>	<u>Simple r</u>
Social Class	.183	.034	.034	.183
Sex of Juror	.233	.054	.021	.150
Juror-Defendant SES Difference	.254	.064	.010	-.039
Age of Juror	.279	.078	.014	-.056
Seven Variable Total	.304	.092		

Table 11a
Regression Analysis on Degree of Guilt: Sociocultural Predictors Only
All Jurors Combined
Anglo Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Political Ideology	.121	.015	.015	-.121
Juror-Defendant SES Difference	.157	.025	.010	-.103
Social Class	.200	.040	.015	.037
Ten Variable Total	.251	.063		

Table 11b
Regression Analysis on Degree of Guilt: Sociocultural Predictors Only
All Jurors Combined
Chicano Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Political Ideology	.151	.023	.023	-.152
Social Class	.210	.044	.021	.150
Importance of Cultural Heritage	.227	.051	.008	.036
Age of Juror	.248	.062	.010	.083
Nine Variable Total	.285	.081		

Table 12a
Regression Analysis on Recommended Punishment: Sociocultural Predictors Only
All Jurors Combined
Anglo Defendant

<u>Variable</u>	<u>Multiple R</u>	<u>R Squared</u>	<u>R Squared Change</u>	<u>Simple r</u>
Political Activism	.125	.016	.016	.125
Juror-Defendant SES Difference	.171	.029	.014	-.117
Social Class	.219	.048	.019	.037
Ten Variable Total	.281	.079		

Table 12b
Regression Analysis on Recommended Punishment: Sociocultural Predictors Only
All Jurors Combined
Chicano Defendant

<u>Variable</u>	<u>Multiple R</u>	<u>R Squared</u>	<u>R Squared Change</u>	<u>Simple r</u>
Political Ideology	.140	.020	.020	-.140
Social Class	.193	.037	.018	.138
Juror-Defendant SES Difference	.240	.058	.020	-.040
Ten Variable Total	.266	.071		

Table 13a
Summary of Regression Analysis on Verdict: Sociocultural Predictors Only
Anglo Jurors
Anglo Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Birth Order	.277	.076	.076	-.277
Sex of Juror	.314	.099	.022	.126
Importance of Cultural Heritage	.354	.125	.026	.089
Age of Juror	.379	.144	.018	.199
Political Ideology	.392	.154	.010	-.055
Social Class	.405	.164	.010	-.078
Eight Variable Total	.414	.172		

Table 13b
Summary of Regression Analysis on Verdict: Sociocultural Predictors Only
Anglo Jurors
Chicano Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Political Ideology	.274	.075	.075	.274
Fluency in Spanish	.375	.141	.066	.242
Sex of Juror	.442	.195	.055	.254
Social Class	.495	.245	.050	-.260
Age of Juror	.508	.258	.013	-.114
Eight Variable Total	.513	.263		

Table 14a
Summary of Regression Analysis on Degree of Guilt: Sociocultural Predictors Only
Anglo Jurors
Anglo Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Political Ideology	.323	.105	.105	-.323
Age of Juror	.365	.134	.029	-.166
Importance of Cultural Heritage	.416	.173	.040	-.248
Fluency in Spanish	.458	.210	.036	-.093
Birth Order	.482	.232	.023	.116
Sex of Juror	.504	.254	.022	-.160
Political Activism	.520	.271	.016	.023
Juror-Defendant SES Difference	.531	.282	.012	.070
Eight Variable Total	.531	.282		

Table 14b
Summary of Regression Analysis on Degree of Guilt: Sociocultural Predictors Only
Anglo Jurors
Chicano Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Political Ideology	.401	.161	.161	-.401
Social Class	.481	.231	.071	.339
Fluency in Spanish	.553	.306	.075	-.232
Age of Juror	.591	.349	.043	.257
Political Activism	.605	.366	.017	.063
Juror-Defendant SES Difference	.615	.379	.013	.180
Eight Variable Total	.623	.389		

Table 15a
Summary of Regression Analysis on Recommended Punishment: Sociocultural Predictors Only,
Anglo Jurors
Anglo Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Sex of Juror	.204	.042	.042	-.204
Juror-Defendant SES Difference	.274	.075	.034	.180
Fluency in Spanish	.314	.099	.024	-.137
Birth Order	.353	.125	.026	.098
Importance of Cultural Heritage	.404	.163	.039	-.090
Political Activism	.438	.192	.028	.117
Age of Juror	.455	.207	.015	-.167
Eight Variable Total	.455	.207		

Table 15b
Summary of Regression Analysis on Recommended Punishment: Sociocultural Predictors Only
Anglo Jurors
Chicano Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Fluency in Spanish	.283	.080	.080	-.283
Political Ideology	.403	.162	.082	-.273
Juror-Defendant SES Difference	.461	.213	.051	.132
Political Activism	.489	.239	.026	.131
Eight Variable Total	.504	.254		

Table 16a
Summary of Regression Analysis on Verdict: Sociocultural Predictors Only
Chicano Jurors
Anglo Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Juror-Defendant SES Difference	.240	.058	.058	.240
Age of Juror	.322	.104	.046	-.202
Birth Order	.365	.133	.030	.146
Political Activism	.388	.151	.017	-.197
Fluency in Spanish	.406	.167	.016	-.023
Importance of Cultural Heritage	.436	.190	.023	-.066
Nine Variable Total	.441	.194		

Table 16b
Summary of Regression Analysis on Verdict: Sociocultural Predictors Only
Chicano Jurors
Chicano Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Political Activism	.191	.036	.036	.191
Political Ideology	.288	.083	.047	-.125
Birth Order	.316	.100	.016	-.154
Social Class	.336	.113	.013	-.110
Fluency in Spanish	.382	.146	.033	.030
Juror-Defendant SES Difference	.399	.159	.013	.026
Age of Juror	.415	.172	.013	.020
Sex of Juror	.435	.189	.017	.044
Nine Variable Total	.438	.191		

Table 17a
Summary of Regression Analysis on Degree of Guilt: Sociocultural Predictors Only
Chicano Jurors
Anglo Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Juror-Defendant SES Difference	.295	.087	.087	.295
Birth Order	.413	.170	.083	-.248
Sex of Juror	.430	.185	.014	.144
Importance of Cultural Heritage	.443	.196	.011	.083
Eight Variable Total	.463	.215		

Table 17b
Summary of Regression Analysis on Degree of Guilt: Sociocultural Predictors Only
Chicano Jurors
Chicano Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Political Activism	.165	.028	.028	-.165
Fluency in Spanish	.269	.072	.045	.147
Political Ideology	.315	.099	.027	.042
Birth Order	.344	.118	.019	.119
Social Class	.374	.140	.022	-.006
Juror-Defendant SES Difference	.374	.158	.018	-.079
Seven Variable Total	.399	.159		

Table 18a
Summary of Regression Analysis on Recommended Punishment: Sociocultural Predictors Only
Chicano Jurors
Anglo Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Juror-Defendant SES Difference	.429	.184		
Birth Order	.508	.258	.184	-.429
Political Ideology	.531	.282	.074	-.212
Nine Variable Total	.557	.311	.024	.156

Table 18b
Summary of Regression Analysis on Recommended Punishment: Sociocultural Predictors Only
Chicano Jurors
Chicano Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Age of Juror	.218	.048		
Juror-Defendant SES Difference	.279	.078	.048	-.218
Political Activism	.317	.100	.030	-.211
Fluency in Spanish	.371	.138	.022	-.187
Social Class	.445	.198	.037	.117
Sex of Juror	.461	.212	.061	.034
Political Ideology	.479	.230	.014	-.122
Eight Variable Total	.482	.232	.017	-.015

Table 19a
Summary of Regression Analysis on Verdict: Personality Predictors Only
All Jurors Combined
Anglo Defendant

<u>Variable</u>	<u>Multiple R</u>	<u>R Squared</u>	<u>R Squared Change</u>	<u>Simple r</u>
Need for Social Approval	.200	.040	.040	.200
Self-Esteem	.267	.070	.030	.099
Authoritarianism	.283	.080	.010	.019
Death Penalty Score	.301	.091	.011	-.092
Attitude Towards Capital Punishment	.330	.109	.012	-.023
Six Variable Total	.332	.110		

Table 19b
Summary of Regression Analysis on Verdict: Personality Predictors Only
All Jurors Combined
Chicano Defendant

<u>Variable</u>	<u>Multiple R</u>	<u>R Squared</u>	<u>R Squared Change</u>	<u>Simple r</u>
Attitude Towards the Law	.081	.006	.006	.081
Authoritarianism	.114	.013	.006	-.038
Seven Variable Total	.183	.034		

Table 20a
Summary of Regression Analysis on Degree of Guilt: Personality Predictors Only
All Jurors Combined
Anglo Defendant

<u>Variable</u>	<u>Multiple R</u>	<u>R Squared</u>	<u>R Squared Change</u>	<u>Simple r</u>
Need for Social Approval	.318	.101	.101	.318
Self-Esteem	.360	.130	.029	-.060
Death Penalty Score	.400	.156	.026	.171
Attitude Towards Capital Punishment	.458	.210	.054	.050
Seven Variable Total	.461	.213		

Table 20b
Summary of Regression Analysis on Degree of Guilt: Personality Predictors Only
All Jurors Combined
Chicano Defendant

<u>Variable</u>	<u>Multiple R</u>	<u>R Squared</u>	<u>R Squared Change</u>	<u>Simple r</u>
Self-Esteem	.164	.027	.027	.165
Need for Social Approval	.188	.035	.008	.140
Six Variable Total	.227	.051		

Table 21a
Summary of Regression Analysis on Recommended Punishment: Personality Predictors Only
All Jurors Combined
Anglo Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Need for Social Approval	.401	.161	.161	.401
Death Penalty Score	.444	.197	.036	.226
Authoritarianism	.474	.225	.028	-.023
Self-Esteem	.501	.252	.027	.014
Attitude Towards Capital Punishment	.520	.271	.019	.135
Seven Variable Total	.526	.277		

Table 21b
Summary of Regression Analysis on Recommended Punishment: Personality Predictors Only
All Jurors Combined
Chicano Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Need for Social Approval	.181	.033	.033	.181
Death Penalty Score	.222	.049	.016	.144
Attitude Towards Capital Punishment	.329	.109	.059	.005
Seven Variable Total	.351	.123		

Table 22a
Summary of Regression Analysis on Verdict: Personality Predictors Only
Anglo Jurors
Anglo Defendant

<u>Variable</u>	<u>Multiple R</u>	<u>R Squared</u>	<u>R Squared Change</u>	<u>Simple r</u>
Self-Esteem	.290	.084	.084	.290
Death Penalty Score	.355	.126	.042	-.139
Need for Social Approval	.387	.150	.024	-.125
Attitude Towards the Law	.407	.166	.016	.003
Authoritarianism	.428	.183	.017	-.117
Attitude Towards Capital Punishment	.448	.200	.017	-.099
Seven Variable Total	.453	.205		

Table 22b
Summary of Regression Analysis on Verdict: Personality Predictors Only
Anglo Jurors
Chicano Defendant

<u>Variable</u>	<u>Multiple R</u>	<u>R Squared</u>	<u>R Squared Change</u>	<u>Simple r</u>
Authoritarianism	.173	.030	.030	-.173
Locus of Control	.215	.046	.016	-.114
Death Penalty Score	.254	.065	.019	-.139
Attitude Towards Capital Punishment	.311	.097	.032	-.050
Seven Variable Total	.341	.116		

Table 23a
Summary of Regression Analysis on Degree of Guilt: Personality Predictors Only
Anglo Jurors
Anglo Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Death Penalty Score	.332	.110	.110	.332
Self-Esteem	.425	.181	.071	-.190
Attitude Towards Capital Punishment	.487	.237	.056	.197
Need for Social Approval	.557	.310	.073	.240
Locus of Control	.566	.320	.011	.079
Authoritarianism	.576	.332	.011	.128
Seven Variable Total	.577	.337		

Table 23b
Summary of Regression Analysis of Degree of Guilt: Personality Predictors Only
Anglo Jurors
Chicano Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Self-Esteem	.237	.056	.056	.237
Attitude Towards the Law	.282	.079	.023	.127
Need for Social Approval	.320	.102	.023	-.026
Locus of Control	.344	.118	.016	.084
Authoritarianism	.360	.129	.011	.151
Seven Variable Total	.406	.165		

Table 24a
Summary of Regression Analysis on Recommended Punishment: Personality Predictors
Anglo Jurors
Anglo Defendant

<u>Variable</u>	<u>Multiple R</u>	<u>R Squared</u>	<u>R Squared Change</u>	<u>Simple r</u>
Death Penalty Score	.416	.173	.173	.416
Need for Social Approval	.530	.281	.108	.408
Self-Esteem	.561	.315	.011	.356
Attitude Towards Capital Punishment	.571	.326	.011	.356
Six Variable Total	.575	.331		

Table 24b
Summary of Regression Analysis on Recommended Punishment: Personality Predictors
Anglo Jurors
Chicano Defendant

<u>Variable</u>	<u>Multiple R</u>	<u>R Squared</u>	<u>R Squared Change</u>	<u>Simple r</u>
Death Penalty Score	.324	.105	.105	.324
Attitude Towards Capital Punishment	.432	.187	.081	.157
Authoritarianism	.519	.270	.083	.279
Need for Social Approval	.541	.293	.023	.201
Seven Variable Total	.555	.308		

Table 25a
Summary of Regression Analysis on Verdict: Personality Predictors Only
Chicano Jurors
Anglo Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Need for Social Approval	.283	.080	.080	.283
Authoritarianism	.380	.145	.064	.124
Death Penalty Score	.392	.153	.009	-.040
Attitude Towards Capital Punishment	.407	.166	.013	.052
Self-Esteem	.422	.178	.012	-.099
Six Variable Total	.430	.185		

Table 25b
Summary of Regression Analysis on Verdict: Personality Predictors Only
Chicano Jurors
Chicano Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Attitude Towards the Law	.221	.049	.049	.221
Locus of Control	.232	.054	.005	-.005
Five Variable Total	.244	.060		

Table 26a
Summary of Regression Analysis on Degree of Guilt: Personality Predictors Only
Chicano Jurors
Anglo Defendant

<u>Variable</u>	<u>Multiple R</u>	<u>R Squared</u>	<u>R Squared Change</u>	<u>Simple r</u>
Need for Social Approval	.419	.175	.175	.419
Self-Esteem	.433	.187	.012	.089
Authoritarianism	.453	.205	.018	.065
Attitude Towards the Law	.466	.218	.012	.136
Seven Variable Total	.485	.235		

Table 26b
Summary of Regression Analysis on Degree of Guilt: Personality Predictors Only
Chicano Jurors
Chicano Defendant

<u>Variable</u>	<u>Multiple R</u>	<u>R Squared</u>	<u>R Squared Change</u>	<u>Simple r</u>
Need for Social Approval	.311	.097	.097	.311
Death Penalty Score	.319	.102	.005	-.079
Six Variable Total	.340	.116		

Table 27a
Summary of Regression Analysis on Recommended Punishment: Personality Predictors Only
Chicano Jurors
Anglo Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Need for Social Approval	.425	.181	.181	.425
Authoritarianism	.502	.252	.071	-.081
Self-Esteem	.542	.294	.042	.064
Attitude Towards the Law	.560	.314	.020	.098
Locus of Control	.570	.325	.011	-.050
Death Penalty Score	.579	.335	.011	.007
Attitude Towards Capital Punishment	.591	.349	.014	-.092
Seven Variable Total	.591	.349		

Table 27b
Summary of Regression Analysis on Recommended Punishment: Personality Predictors Only
Chicano Jurors
Chicano Defendant

Variable	Multiple R	R Squared	R Squared Change	Simple r
Need for Social Approval	.182	.033	.033	.182
Self-Esteem	.280	.070	.045	-.109
Attitude Towards Capital Punishment	.318	.101	.023	-.160
Death Penalty Score	.345	.119	.017	-.073
Seven Variable Total	.359	.129		

DISCUSSION

In general, while not all the formal hypotheses were fully supported, the results did reveal a number of interesting findings, including both those that related specifically to a hypothesis and those findings that were largely exploratory. The results of the study attest to the saliency of the methodological approach that was employed and to the importance of the specific variables that were scrutinized. Indeed, it is believed that the present study represents a substantial contribution to the psychology of the jury literature from theoretical, applied, and methodological perspectives; the present discussion addresses each of these perspectives.

While the hypotheses and results that were outlined in previous sections will not be entirely recapitulated here, some of the key findings will be highlighted. Starting with the first hypothesis, which dealt with sex differences among jurors, there were virtually no data in support of the prediction that female jurors would be harsher than male jurors in their judgements. It should be remembered, though, that this hypothesis was embedded largely within anecdotal and stereotypic notions of sex roles, rather than within solid empirical findings. Indeed, with only one negligible exception, there were no main effects for sex of juror on any of the dependent measures. One explanation for this lack of differentiation between male and female jurors could be in terms of the general homogeneity of the college student sample. Certainly, before the "null hypothesis" of no difference between the sexes is totally accepted, additional experimentation would need to be con-

ducted with a broader sampling base.

However, moving to the findings pertaining to the second hypothesis, it is evident that the "no sex difference" finding is qualified by the interaction of sex of juror and sex majority of the jury on several of the primary measures. Indeed, it can be concluded that the social context--specifically the sex composition of the jury, and also as will be discussed subsequently, the ethnic composition of the jury--are perhaps even more potent determinants of juridic decisions than are factors such as the sex and ethnicity of individual jurors. The most striking findings concerning this issue dealt with differences between male and female jurors when in the sex minority of the jury (see Figures 1 through 7).

Males, on a predominantly female jury, tended to be quite lenient. In fact, the most lenient judgements overall were made by male jurors on a female jury. On the other hand, the harshest and most severe judgements were made by female jurors on predominantly male juries. As was mentioned when the rationale for the hypotheses was discussed, such results can be readily explained by conformity theory. A somewhat different explanation, though, would be in terms of psychological reactance theory (cf., Brehm, 1971). By this theory, males on a female jury, for example, feel a degree of social pressure or expectancy to respond in a stereotypic male fashion (i.e., with harsh judgements), and react by asserting their independence by not responding in the expected manner; an analagous argument would apply to women jurors who rebel against the expectations dictated by the female stereotypes.

That there were significant findings only in the case of the Chicano defendant is admittedly somewhat of a mystery, but perhaps can be explained by considering women as a "minority group." Following this line of reasoning, with the minority group (i.e., Chicano) defendant, the salience of the majority-minority status hierarchy among male and female jurors emerged, leading to the differences found. Certainly, it is not postulated that this awareness of minority status is at the conscious level, but is rather subconscious, corresponding to the theoretical work of Bem and Bem (1975) who discussed the existence of a powerful, yet "unconscious" ideology operating within both men and women that helps to perpetuate the status differential between the sexes.

Regarding ethnic factors, it is apparent that the ethnicity of the jurors, in itself, played an important role under several conditions. Compared to Chicano jurors, Anglo jurors attributed more guilt to the Chicano defendant. This finding was in support of the third hypothesis, although it held true only in the case of the pre-deliberation judgments; after deliberation, there was no significant difference between the ratings of the Chicano and Anglo jurors on this question.

As was mentioned when the rationale for the hypothesis was discussed, the most feasible explanation for this basic finding would be in terms of group stereotypes, exclusiveness, and prejudice. It is possible that after deliberation, Anglo jurors became more cognizant of these inherent prejudices and modified their judgments, bringing them more in line with those of the Chicano jurors. As to why there were no significant effects for ethnicity of juror in the case of the Anglo defendant, the explanation could again lie with the notion of an unconscious

ideology only made salient by the minority defendant. The explanation based on prejudice against the Chicano defendant is bolstered by the findings which indicated that Anglo jurors, compared to the Chicano jurors, rated the Chicano defendant as less intelligent and less honest and indicated a greater dislike for the Chicano defendant, while there were no differences regarding the Anglo defendant.

Concerning the ethnic composition of the jury, one of the most dramatic findings was the ethnicity of juror by ethnic majority of jury interaction that is depicted in Figure 8. As was previously outlined, this interaction involves jurors' changes of ratings of the Anglo defendant's degree of guilt from the pre-deliberation to the post-deliberation assessments. The greatest switch towards innocence of the Anglo defendant was made by Anglo jurors on a predominantly Chicano jury. This finding is contrary to the implications, if not the actual wording of Hypothesis IV. On the other hand, the greatest switch towards guilt of the Anglo defendant was made by Chicano jurors on a predominantly Chicano jury, which is in line with the fourth hypothesis. Basically, it can be safely assumed that this finding reflects the effects of the deliberation, since that is the only significant intervening event that occurred between two judgments.

Perhaps the Anglo jurors on a Chicano jury felt like "lone representatives" of the Anglo defendant, with their minority status on the jury strengthening their identification with the defendant, leading to a higher rating of innocence. On the other hand, it is conceivable that the Chicano jurors on a predominantly Chicano jury felt some "strength in numbers" and tended to rate the Anglo defendant as even more guilty

after deliberation. To discuss why this finding was not significant in the case of the Chicano defendant would be pure supposition, but perhaps the reason lies in the social stigma that is associated with expressing criticism towards a member of an ethnic minority group. Indeed, although there is evidence that college students do harbor ethnic stereotypes, (e.g., Abate & Berrien, 1967; Chandra, 1967; Karlins, Coffman, & Walters, 1969; Katz & Braly, 1935; Richards, 1950; Vinacke, 1949), they may be generally reluctant to allow these stereotypes and prejudices to surface.

This notion of prejudice is also congruent with the findings that overall, with Anglo and Chicano jurors combined, the Chicano defendant, in comparison to the Anglo defendant, was more likely to be given a guilty verdict and to be perceived as being less intelligent, of a lower social class, and more likely to commit a similar crime in the future. It is of interest to note, though, that in the pre-deliberation assessments of degree of guilt, the Anglo jurors rated the Anglo defendant as more guilty than the Chicano defendant. In the Results section, it was pointed out that this finding is "in direct opposition to Hypothesis V;" however, upon closer examination of the data, specifically in light of the results discussed in the preceding paragraph, the implications of this finding become clearer and more congruent with other results. Specifically, although the Anglo jurors may have been severe towards the Anglo defendant in their initial judgments, which would be in support of defensive attribution theory (cf., Shaver, 1970), after deliberation, in their ultimate decision, they modified their judgment substantially towards innocence, thus falling in support of Hypothesis V which stated

that Anglo jurors would be lenient towards an Anglo defendant. And as was pointed out previously, the results pertaining to the Chicano jurors also support Hypothesis V with the Chicanos being more lenient towards the Chicano than to the Anglo defendant in terms of recommended fine, though the Chicano jurors did not render differential verdicts to the Anglo and Chicano defendants.

Indeed, as was alluded to previously, there is evidence that the prejudice towards the minority defendant was manifested by Anglo as well as Chicano jurors, though perhaps for different reasons. Chicano jurors did rate the Chicano defendant as being less attractive and as lower in social class compared to the Anglo defendant. In terms of speculation, perhaps Anglo jurors are harsh towards a minority defendant because of factors such as prejudice and ignorance. On the other hand, it is possible that minority jurors are harsh towards a minority defendant because of a desire to "keep a distance" between themselves and the defendant, or because of a fear that questionable behavior on the part of someone of their own ethnic or racial group might be a "bad reflection" on themselves in the eyes of others. It is also quite plausible that a minority juror might feel the need to "bend over backwards" to avoid the perception by others that the defendant's ethnic membership influenced the decision. Incidentally, a very similar sort of reasoning has been put forth concerning the famous espionage trial of Ethel and Julius Rosenberg (cf., Meeropol & Meeropol, 1975; Wexley, 1955). It has been speculated that if the presiding judge in the Rosenberg case had not been Jewish, then the Rosenbergs, who were also Jewish, may not have received the death penalty.

In the analyses that sought to find out if certain people are more likely to change their verdict after deliberation from innocent to guilty as opposed to from guilty to innocent, it was found that all jurors had substantially the same number of switches in either direction in the case of the Anglo defendant. In the case of the Chicano defendant, however, while male jurors had virtually the same number of verdict changes in either direction, female jurors were significantly more likely to change their verdict from innocent to guilty than vice versa. In addition, also with the Chicano defendant, while Anglo jurors did not differ in their guilty to innocent versus innocent to guilty verdict changes, Chicano jurors had significantly more changes of the latter type than the former. Perhaps a singular explanation can be applied to this similar juridic of between Chicanos and females, relating back to the notion of women as a "minority group." Pursuing this theoretical argument, perhaps it was the initial inclination of the minorities (i.e., the women and Chicano jurors) to identify with the minority defendant and to lean towards a verdict of innocence; however, continuing with this speculation, after deliberation, these jurors became more cognitive and less affective in their judgments, leading to substantial verdict changes to guilty.

Methodologically, the present experiment incorporated several important features which differentiate it from the vast majority of prior studies in the field. The importance of creating an elaborate deception paradigm, including the establishment of the Intercampus Grievance Committee, is not to be minimized. Although the deception paradigm has been the target of some criticism on both methodological and ethical

grounds (e.g., Kelman, 1967; Ring, 1967; Schultz, 1969), it is nonetheless a very widely accepted and utilized tool within social psychology (cf., Aronson & Carlsmith, 1968). It should be re-emphasized that other methodological approaches were explored, but that all others were rejected as being unsatisfactory; the ingredient of having subjects actually believe they were jurors whose decisions would have an impact on a defendant was deemed essential. As a side note, in the present writer's conversations with some of the subjects after debriefing, it was found that these subjects appeared to have enjoyed their participation, understood the necessity for the deception, and harbored no resentment or negative aftereffects.

As another methodological note, just having the subjects deliberate, as was done in the present study, is a surprisingly rare feature of research in the area. In addition, the incorporation of several counter-balanced jury types proved to be a particularly fruitful strategy. Indeed, it is very apparent that if only sex and ethnicity of jurors were scrutinized, without reference to the social context (i.e., the sex and ethnic composition of the jury), many of the most important results of the study would not have been made evident.

In the interests of scientific propriety, a balanced picture should be presented. Indeed, several of the findings did not support the hypotheses, and particularly in these cases, post hoc explanations were put forth. The present writer is fully cognizant of the tenuous and speculative nature of such theorizing. Future research would be beneficial if it geared itself specifically to validate some of the findings and resultant speculations that were generated from the present study,

with particular reference to those findings that were in conflict with the original hypotheses. Of course, replication in itself is an important tool of any science, but is particularly so in the social sciences; in social psychology, one can never fully discount the possibility of spurious findings including Type I and Type II errors.

The regression analyses in the present study were largely exploratory, although it did provide a great deal of insight into the enormous potential value of personality, attitudinal, and sociocultural factors in predicting juridic decisions. Future research could also be directed towards refining and validating such regression equations. Also, as the present study was one of the earliest to investigate ethnic variables, and was the first to concentrate on Chicanos, certainly additional ethnic jury research is warranted, with Mexican Americans as well as with other ethnic and minority groups. Other immediate ideas for future research based on the present study would include the manipulation of the sex of the defendant and the replication of the study with a non-college population, as a further test of external validity. Of course, it must be considered that inasmuch as a courtroom trial is an extremely complex event, many important factors that influence juries' decisions have not yet been scrutinized or thus far have otherwise eluded quantification.

In conclusion, the present study offered a great deal of specific information concerning the behavior and decision-making processes of jurors under various conditions. A number of theoretical positions were supported as expected, while other findings unexpectedly provided support for some contrary positions. The methodological tactics and statistical

techniques employed provided sufficient experimental rigor to insure adequate internal validity. The intricate innovativeness of the experimental procedures attests to the study's external validity. And within the applied domain, it can be concluded that juridic decisions are a function of jurors' sociocultural membership (i.e., their sex and ethnicity), the jurors' attitudes and personality characteristics, the sociocultural membership of the defendant, and the composition of the jury.

To be sure, at the most basic level, it may seem a bit surprising that two cases should result in such dramatically different jury decisions merely because one case involves an Anglo defendant and the other involves a Chicano defendant, this being the only difference in two otherwise identical cases. But after deeper analysis, such a conclusion appears less surprising, reflecting basic human frailties and biases, characteristics that have been documented in many areas of social psychology as well as in other social sciences. If not surprising, then the fact that a jury bases its decisions on extra-legal factors, that is, on largely subjective factors other than the objective facts of a case, is disturbing and places an ominous dark shadow over the American jury system.

The classic conflict between psychology and the law has been discussed in a number of sources (e.g., Marshall, 1966; Tapp, 1969). One of the major problems in this regard is that although there has been substantial improvement in recent years, there has traditionally been very little communication between social scientists studying the criminal justice system, on the one hand, and members of the legal profession,

including judges and attorneys, on the other. In other words, findings of social scientists in this area have typically gone unheard or have been ignored. Of course, social scientists can generally only provide the tools and information on the basis of which the legal profession can initiate action.

As a final issue, it should be brought up that along with the inherent benefits that can be accrued from research such as the present study, there exists the potential for abuse as well. While social psychology has the potential to provide information that can ultimately lead to the betterment of the jury system (or of any social institution being researched), the results of such studies, unfortunately, can also be used towards unscrupulous, mercenary, or otherwise immoral or unethical ends. Indeed, the notion of what precisely constitutes a "fair trial" is somewhat clouded. In an extreme lies the specter of a ruthless, unremorseful, yet completely sane criminal who escapes from justice by being fortunate enough to have at his disposal a skilled, resourceful defense team armed with an arsenal of empirical social psychological findings (e.g., elaborate prediction equations, personality profiles, etc.), which allows them to select a "perfect jury," that is, one that will most likely find their client innocent. While such a scenario may be somewhat of an overstatement, it nevertheless underscores the neglected, and often tenuous relationship that exists between social psychological research, on the one hand, and the potential societal effects and moral implications of the research, on the other.

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APPENDICES

Appendix A

Inter-campus Grievance Committee Recruitment Letter

INTERCAMPUS GRIEVANCE COMMITTEE

RIVERSIDE BRANCH

P.O. BOX 5743
RIVERSIDE, CALIFORNIA 92517

(714) 787-3017

SANTA CRUZ DAVIS RIVERSIDE SAN DIEGO

You have been selected from a random sampling of all undergraduate students at the University of California, Riverside to participate in an experimental program of the newly created Intercampus Grievance Committee.

We are certain that you will enjoy participating and that you will find the experience both interesting and informative. In addition, however, you will be paid \$10.00 for approximately 3 hours of your time!

We are scheduling people on an appointment basis only. Would you kindly fill out the bottom portion of this form and indicate what day(s) and time(s) are convenient for you in the upcoming weeks? We will then contact you by telephone to confirm a specific day and time, and to let you know where to report.

It is important that you return the form below, *even if you are not able to participate in the program at any of the times listed*. We also request that you mail back your reply within *three days* of your receipt of this letter. Note that a pre-stamped reply envelope has been enclosed for your convenience.

Thank you very much.

(Detach this part and return in the reply envelope.)

Name: _____ Home phone: _____
Address: _____ Work/Day phone: _____
(street address)
(city and zipcode) _____
When are best times to reach you?: _____

CHECK ALL THE TIMES THAT YOU WOULD BE ABLE TO ATTEND:

____ Monday 1:00 - 4:00PM ____ Wednesday 7:00 - 10:00PM
____ Monday 7:00 - 10:00PM ____ Friday 12 noon - 3:00PM
____ Tuesday 2:00 - 5:00PM ____ Friday 3:30PM - 6:30PM
____ Tuesday 7:00 - 10:00PM ____ Friday 7:00 - 10:00PM

____ None of the above listed times are convenient for me; however, I am interested in participating and would be able to attend: _____
(list days and times)

____ I am not interested in participating.

Appendix B

Intercampus Grievance Committee Confirmation Notice

INTERCAMPUS GRIEVANCE COMMITTEE

RIVERSIDE BRANCH

P.O. BOX 5743
RIVERSIDE, CALIFORNIA 92517

(714) 787-3017

SANTA CRUZ	DAVIS	RIVERSIDE	SAN DIEGO
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CONFIRMATION

TO: _____

FROM: Intercampus Grievance Committee

This is to advise you that you have been scheduled to participate in the program of the Intercampus Grievance Committee, as per the following:

DAY: _____

DATE: _____

TIME: _____

ROOM: _____

IMPORTANT: If you are unable to attend at the above specified time, please call the Committee Office at 787-3017 (extension 3017 on the UCR campus) as soon as possible.

Thank you very much.

Appendix C

Intercampus Grievance Committee Sign-In Sheet

INTERCAMPUS GRIEVANCE COMMITTEE
RIVERSIDE BRANCH

P.O. BOX 5743
RIVERSIDE, CALIFORNIA 92517

(714) 787-3017

SANTA CRUZ DAVIS RIVERSIDE SAN DIEGO

SIGN-IN SHEET

DATE: _____ TIME: _____ ROOM: _____

ID #	PRINT NAME	SIGN NAME
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____

Appendix D
Intercampus Grievance Committee Introduction Letter

INTERCAMPUS GRIEVANCE COMMITTEE

RIVERSIDE BRANCH

P.O. BOX 5743
RIVERSIDE, CALIFORNIA 92517

(714) 787-3017

SANTA CRUZ	DAVIS	RIVERSIDE	SAN DIEGO
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To All Student Jurors:

Thank you for volunteering to participate in this unique experimental project! We believe that you will find this experience both interesting and informative.

Most of you are probably unfamiliar with the Intercampus Grievance Committee which was originally established in May 1978 at the University of California, Santa Cruz. At present, the Committee is operating, at least on a limited basis, on the Santa Cruz, Davis, Riverside, and San Diego campuses of the University of California. However, if the project proves successful, there are tentative plans to establish the Intercampus Grievance Committee on all the University of California campuses (pending budgetary approval!!).

The primary rationale behind this project is to explore alternate means of handling student disciplinary matters at the University of California. Traditionally, such cases have been handled and decided upon by a University administrator, such as the Dean of Student Affairs, or by a panel of administrators and faculty. It is a contention of our Committee that students should have the right to have any disciplinary case decided upon by a jury of their peers, if they so wish.

Shortly, you will be given transcripts of two hearings that were recently held regarding student disciplinary matters. After you have had an opportunity to read the verbatim transcript, you will convene with fellow jurors to deliberate on the case and arrive at a verdict. Keep in mind that all persons involved in the case have given their written consent to have the case submitted to the Intercampus Grievance Committee and have agreed to abide by the decisions of the student jury. It is therefore imperative that you undertake this task with the utmost sincerity and attention. To avoid possible bias, the cases that you will be considering do not involve incidents from your own school, but rather from another University of California campus.

Before you begin considering the cases, you will be asked to complete a number of tests and questionnaires. Since the project is experimental in nature, it is necessary for us to accumulate as much information as possible concerning the dynamics (psychological, sociological, etc.) involved in student decision-making in order to most effectively and comprehensively evaluate our results. Indeed, after the publication of our final report, we are optimistic that student juries may be routinely set up not only throughout the UC system, but also in other colleges and universities throughout the United States. Keep in mind that your responses to all questionnaire material will be kept completely anonymous and confidential. While there may be some aspects of the project that cannot be discussed at this time for fear of prejudicing your responses, please be advised that at the conclusion of the project, you will be mailed a detailed description.

As a final note, due to possible scheduling problems that may arise, some of you may be asked to serve as an "alternate juror." In this case, you will be asked to complete all the preliminary questionnaire material at this time; you will then serve as a juror as needed today or will be requested to return on another date to complete your participation.

Thank you very much.

Appendix E

Intercampus Grievance Committee
Questionnaire Booklet Cover Sheet

INTERCAMPUS GRIEVANCE COMMITTEE

RIVERSIDE BRANCH

P.O. BOX 5743
RIVERSIDE, CALIFORNIA 92517

(714) 787-3017

SANTA CRUZ DAVIS RIVERSIDE SAN DIEGO

QUESTIONNAIRE BOOKLET

Attached you will find a series of tests and questionnaires for you to complete. Please rest assured that your responses to this material will be handled with the strictest confidentiality. We therefore request that you respond to all questions as completely and accurately as possible.

Specifically, there are seven separate questionnaires in this packet. They are labeled as follows:

1. Background Questionnaire (3-pages - green)
2. Public Opinion Scale (2-pages - yellow)
3. Questionnaire A (3-pages - blue)
4. Questionnaire B (1-page - orange)
5. Questionnaire C (2-pages - pink)
6. Questionnaire D (2-pages - green)
7. Questionnaire E (1-page - yellow)

Please note that each questionnaire has its own set of instructions. Be sure that you read all instructions carefully before responding to any of the questions.

Appendix F

Background Questionnaire

INTERCAMPUS GRIEVANCE COMMITTEE

ID#: _____

Background Questionnaire

Instructions: As we realize that many of these questions may be of a personal nature to you, we would like to stress that this questionnaire (as well as all others you will complete) is anonymous and will be treated with strict confidentiality. Your responses will be used for evaluative and research purposes only. Please respond to all questions as honestly and sincerely as you can.

1. How old are you? _____ (years)
2. What is your sex? (check one) ☐ male ☐ female
3. Where were you born? _____ (city) _____ (state) _____ (country)
4. What is your ethnic background? (check one): ☐ Anglo/White/Caucasian
☐ Chicano(a)/Mexican-American ☐ Asian ☐ Black ☐ Other: _____ (specify)
5. What is your citizenship status? (check one): ☐ U.S. citizen
☐ Other: _____ (specify)
6. What is the religious background of your family? (check one): ☐ Catholic
☐ Jewish ☐ Baptist ☐ Methodist ☐ Protestant
☐ Presbyterian ☐ Christian Scientist ☐ Jehovah's Witness
☐ Moslem ☐ Buddhist ☐ none ☐ Other: _____ (specify)
7. At present, how would you rate yourself in terms of religiousness? (check one):
☒ Not At All Religious ☐ A Little Religious ☐ Somewhat Religious ☐ Moderately Religious ☐ Extremely Religious
8. What is your marital status? (check one): ☐ Never Married ☐ Divorced
☐ Married ☐ Widowed ☐ Separated ☐ Other: _____ (specify)
9. Within your family among your brothers and sisters (if any), what is your birth order? (check one):
☐ Only Child ☐ First Born ☐ Last Born
☐ Not First Born, But Either First Male or First Female ☐ Other

Background Questionnaire - Page 2

10. Regarding your family background, which of the following categories of socio-economic class best describes your situation? (check one):

- ☐ Lower Class (poverty level)
☐ Upper Lower-Class
☐ Lower Middle-Class
☐ Middle-Class
☐ Upper Middle-Class
☐ Lower Upper-Class
☐ Upper Class (extremely wealthy)

11. Have you ever been called for jury duty? (check one): ☐ yes ☐ no
12. Have you ever served on a jury? (check one): ☐ yes ☐ no
13. What is your year in school? (check one): ☐ freshman ☐ sophomore
☐ junior ☐ senior ☐ graduate student

14. What is your major? (From the list below, find your major and indicate its number in the following space. If you have a joint, double, or co-operative major, list only the field of predominant interest.)

(# of major)

- | | | |
|----------------------------|------------------------------------|-----------------------------|
| 1. Undecided/Undeclared | 21. Environmental Sciences | 41. Religious Studies |
| 2. Anthropology | 22. Health and Society | 42. Social Relations |
| 3. Art | 23. History | 43. Sociology |
| 4. Art History | 24. Human Development | 44. Soil Science |
| 5. Biochemistry | 25. Humanities and Social Sciences | 45. Spanish |
| 6. Biology | 26. Latin American Studies | 46. Statistics |
| 7. Biomedical Sciences | 27. Law and Society | 47. Theatre |
| 8. Black Studies | 28. Liberal Studies | 48. Other major not listed; |
| 9. Chemistry | 29. Linguistics | |
| 10. Chicano Studies | 30. Mathematics | |
| 11. Comparative Literature | 31. Music | |
| 12. Dance | 32. Paleobiology | |
| 13. French | 33. Philosophy | |
| 14. Geography | 34. Physical Sciences | |
| 15. Geology | 35. Physics | |
| 16. Geophysics | 36. Plant Sciences | |
| 17. German | 37. Political Science | |
| 18. Economics | 38. Portugese | |
| 19. English | 39. Psychobiology | |
| 20. Entomology | 40. Psychology | |

(specify)

Background Questionnaire - Page 3

15. How well do you speak Spanish? (check one):

☐ not at all ☐ very little ☐ moderately ☐ very well ☐ fluently

16. In your everyday life, to what extent does your ethnic and cultural heritage play a significant role? (check one)

☐ not at all ☐ very little ☐ moderately ☐ very much ☐ extremely

17. If you had to use a label, where would you place yourself on the liberal-conservative political continuum? (check one):

☐ Extremely conservative

☐ Moderately conservative

☐ Somewhat conservative

☐ Middle-of the-road

☐ Somewhat liberal

☐ Moderately liberal

☐ Extremely liberal

18. To what extent do you consider yourself to be "politically active?" (check one):

☐ not at all ☐ very little ☐ moderately ☐ very much ☐ extremely

19. With what political party do you most closely identify? (check one):

☐ Democratic ☐ Republican ☐ American Independent ☐ Peace and Freedom

☐ none ☐ Other party: _____
(specify)

Note: Before going on to the next section, be sure that you have responded to all 19 questions in the Background Questionnaire.

Appendix G
The Balanced F Scale
(Byrne, 1974)

Public Opinion Scale

Instructions: The following sets of items are an attempt to assess the opinions of college students about a number of important personal, academic, and social issues. The best answer to each statement is your personal opinion. We have tried to cover many different and opposing points of view; you may find yourself agreeing strongly with some of the statements, disagreeing just as strongly with others, and being perhaps uncertain with others; whether you agree or disagree with any statement, you can be sure that many people feel the same way you do.

Indicate your opinion about each statement by writing the appropriate number in the spaces provided (along the right-hand column) according to how much you agree or disagree with the statements. Please respond to each statement. Use the following scale:

- 1 = Strongly Disagree
- 2 = Moderately Disagree
- 3 = Slightly Disagree
- 5 = Slightly Agree
- 6 = Moderately Agree
- 7 = Strongly Agree

- | | <u>number</u> |
|--|---------------|
| 1. There is hardly anything lower than a person who does not feel a great love, gratitude, and respect for his parents. | _____ |
| 2. An insult to our honor should always be punished. | _____ |
| 3. Books and movies ought not to deal so much with the unpleasant and seamy side of life; they ought to concentrate on themes that are entertaining and uplifting. | _____ |
| 4. What the youth needs most is strict discipline, rugged determination, and the will to work and fight for family and country. | _____ |
| 5. No sane, normal, decent person could ever think of hurting a close friend or relative. | _____ |
| 6. Young people sometimes get rebellious ideas, but as they grow up they ought to get over them and settle down. | _____ |
| 7. The findings of science may some day show that many of our most cherished beliefs are wrong. | _____ |
| 8. It is highly unlikely that astrology will ever be able to explain anything. | _____ |
| 9. People ought to pay more attention to new ideas, even if they seem to go against the American way of life. | _____ |
| 10. If people would talk less and work more, everybody would be better off. | _____ |
| 11. A person who has bad manners, habits, and breeding can hardly expect to get along with decent people. | _____ |
| 12. Insults to our honor are not always important enough to bother about. | _____ |
| 13. It's all right for people to raise questions about even the most sacred matters. | _____ |

Public Opinion Scale (cont.)

- | | |
|---|-------|
| 14. Obedience and respect for authority are the most important virtues children should learn. | _____ |
| 15. There is no reason to punish any crime with the death penalty. | _____ |
| 16. Anyone who would interpret the Bible literally just doesn't know much about geology, biology, or history. | _____ |
| 17. In this scientific age, the need for religious belief is more important than ever. | _____ |
| 18. When they are little, kids sometimes think about doing harm to one or both of their parents. | _____ |
| 19. It is possible that creatures on other planets have founded a better society than ours. | _____ |
| 20. The prisoners in our corrective institutions, regardless of the nature of their crimes, should be humanely treated. | _____ |
| 21. The sooner people realize that we must get rid of all the traitors in the government, the better off we'll be. | _____ |
| 22. Some of the greatest atrocities in man's history have been committed in the name of religion and morality. | _____ |

Appendix H
Scoring Criteria for the Balanced F Scale

The Balanced F Scale
Scoring Criteria
(Chery & Byrne, 1977)

1. As indicated in the instructions, all 22 items are rated on a 1 to 7 6-point scale with "1" indicating strong disagreement, "7" indicating strong agreement, and with no mid-point.
2. Omitted items receive a score of 4.
3. The following items are scored in reverse, that is a response of "7" is scored as "1", "6" is scored as "2," and "5" is scored as "3," "3" is scored as "5," "2" is scored as "6," and "1" is scored as "7:"

#7	#13	#19
8	15	20
9	16	22
12.	18	

4. The scores of the 22 items are summed, yielding a possible range of scores of between 22 and 154.
5. A relatively high score reflects an authoritarian orientation, while a relatively low score reflects a nonauthoritarian, or equilateral, orientation.

Appendix I

The Rotter Internal-External Control Scale
(Rotter, 1966)QUESTIONNAIRE A

Instructions: This is a questionnaire to find out the way in which certain important events in our society affect different people. Each item consists of a pair of alternatives lettered a or b. Please select the one statement of each pair (and only one) which you more strongly believe to be more true rather than the one you think you should choose or the one you would like to be true. This is a measure of personal belief; obviously there are no right or wrong answers.

Please answer these items carefully but do not spend too much time on any one item. Be sure to find an item for every choice. In some instances, you may discover that you believe both statements or neither one. In such cases, be sure to select the one you more strongly believe to be the case as far as your're concerned. Also, try to respond to each item independently when making your choice; do not be influenced by your previous choices.

For each item, circle either the "a" or the "b" depending on which statement you choose.

1. a. Children get into trouble because their parents punish them too much.
b. The trouble with most children nowadays is that their parents are too easy with them.
2. a. Many of the unhappy things in people's lives are partly due to bad luck.
b. People's misfortunes result from the mistakes they make.
3. a. One of the major reasons why we have wars is because people don't take enough interest in politics.
b. There will always be wars, no matter how hard people try to prevent them.
4. a. In the long run, people get the respect they deserve in this world.
b. Unfortunately, an individual's worth often passes unrecognized no matter how hard he tries.
5. a. The idea that teachers are unfair to students is nonsense.
b. Most students don't realize the extent to which their grades are influenced by accidental happenings.
6. a. Without the right breaks, one cannot be an effective leader.
b. Capable people who fail to become leaders have not taken advantage of their opportunities.
7. a. No matter how hard you try, some people just don't like you.
b. People who can't get others to like them don't understand how to get along with others.
8. a. Heredity plays a major role in determining one's personality.
b. It is one's experiences in life which determine what they're like.
9. a. I have often found that what is going to happen will happen.
b. Trusting to fate has never turned out as well for me as making a decision course of action.
10. a. In the case of the well-prepared student, there is rarely if ever such a thing as an unfair test.
b. Many times exam questions tend to be so unrelated to coursework that studying is really useless.

QUESTIONNAIRE A (cont.)

11. a. Becoming a success is a matter of hard work; luck has little or nothing to do with it.
b. Getting a good job depends mainly on being in the right place at the right time.
12. a. The average citizen can have an influence in government decisions.
b. This world is run by the few people in power, and there is not much the little guy can do about it.
13. a. When I make plans, I am almost certain that I can make them work.
b. It is not always wise to plan too far ahead because many things turn out to be a matter of good or bad fortune anyway.
14. a. There are certain people who are just no good.
b. There is some good in everybody.
15. a. In my case, getting what I want has little or nothing to do with luck.
b. Many times we might just as well decide what to do by flipping a coin.
16. a. Who gets to be boss often depends on who was lucky enough to be in the right place first.
b. Getting people to do the right thing depends upon ability; luck has little to do with it.
17. a. As far as world affairs are concerned, most of us are the victims of forces we can neither understand nor control.
b. By taking an active part in political and social affairs, the people can control world events.
18. a. Most people don't realize the extent to which their lives are controlled by accidental happenings.
b. There really is no such thing as "luck."
19. a. One should always be willing to admit mistakes.
b. It is usually best to cover up one's mistakes.
20. a. It is hard to know whether or not a person really likes you.
b. How many friends you have depends upon how nice a person you are.
21. a. In the long run, the bad things that happen to us are balanced by the good ones.
b. Most misfortunes are the result of lack of ability, ignorance, laziness, or all three.
22. a. With enough effort, we can wipe out political corruption.
b. It is difficult for people to have much control over the things politicians do in office.
23. a. Sometimes I can't understand how teachers arrive at the grades they give.
b. There is a direct connection between how hard I study and the grades I get.
24. a. A good leader expects people to decide for themselves what they should do.
b. A good leader makes it clear to everybody what their jobs are.

QUESTIONNAIRE A (cont.)

25. a. Many times I feel that I have little influence over the things that happen to me.
b. It is impossible for me to believe that chance or luck plays an important role in my life.
26. a. People are lonely because they don't try to be friendly.
b. There's not much use in trying too hard to please people; if they like you, they like you.
27. a. There is too much emphasis on athletics in high school.
b. Team sports are an excellent way to build character.
28. a. What happens to me is my own doing.
b. Sometimes I feel that I don't have enough control over the direction my life is taking.
29. a. Most of the time I can't understand why politicians behave the way they do.
b. In the long run, the people are responsible for bad government on a national as well as on a local level.

Before going on, be sure that you have made a response to all 29 questions.

National Criminal Justice Reference Service

ncjrs

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Copyright Material
Appendix J
"Scoring Criteria for the Rotter-External Control Scale"
pgs. 164-183

National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

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Appendix S

"Cheating on Final Examination"
Richard Nelson Transcript

INTERCAMPUS GRIEVANCE COMMITTEE

SANTA CRUZ DAVIS RIVERSIDE SAN DIEGO

DECLARATION

The following is certified to be an accurate transcript of the

hearing of the case involving Mr. Richard Nelson which

was held on the 7th day of February, 19 79,

in 540 Mark Hall at the Davis

campus of the University of California.

Mildred Thomas
Stenographer/Secretary

Bruce Henderson
Campus Hearing Officer

Transcript

Case 3-124

HENDERSON: First allow me to introduce myself and to make some introductory remarks for the record so that they will be included in the printed transcripts of this hearing. My name is Dr. Bruce Henderson and I have been appointed to serve as a Hearing Officer here for this experimental program of the Intercampus Grievance Committee. Specifically, the case will be decided upon by a student jury from one of the other UC campuses, probably from either UC Santa Cruz or UC Riverside. The student jury at one of these campuses will be provided with an approved edited transcript of this hearing and will make a decision after deliberation. All parties involved in this hearing have agreed to abide by the decision of the student jury. The transcripts will represent a verbatim record of this hearing. None of the names have been changed, with the exception of some of the witnesses who will be identified in the transcripts by their initials only.

The hearing today involves the case of Mr. Richard Nelson who has been charged with cheating on an exam in connection with incidents that took place during the week of December 4th, 1978. During the course of this hearing, in accordance with the procedures outlined by the Intercampus Grievance Committee, we shall follow the protocol of a standard court of law as closely as possible. It will then be the responsibility of the student jury at one of our sister campuses to render a decision concerning the guilt or innocence of Mr. Nelson after reading the transcript of this case.

For the record, let me introduce two members of the senior class of the UC Davis Law School who are serving as "prosecutor" and "defense attorney" at many of these Intercampus Grievance Committee hearings. Both of these appointments have been approved by all parties concerned.

The hearing will proceed as follows: Mr. Murphy will present the case for the University and will call upon witnesses to testify. Then, Mr. Hubbard will be given an opportunity to cross-examine any or all of the witnesses. Next, Mr. Hubbard will present the case for the defense and will call witnesses and Mr. Murphy will be given an opportunity to cross-examine any or all of these defense witnesses. Finally, Mr. Murphy, then Mr. Hubbard will be given opportunities to present a final summary of their cases.

Mr. Murphy, are you ready to present the case for the University?

MR. MURPHY: Yes, Dr. Henderson, the prosecution is ready. We would like to call as our first witness Mr. B. R., a student here at UC Davis.

MR. B. R. IS CALLED UP TO THE WITNESS STAND.

MR. MURPHY: Now would you please identify yourself for the record?

MR. B. R.: My name is B. R.

Transcript

Case 3-124

MR. MURPHY: And weren't you enrolled in General Biology last quarter?

MR. B. R.: Yes, I was.

MR. MURPHY: And you were in the same section of this course as the accused in this hearing, Mr. Nelson?

MR. B. R.: Yes, he usually sat in the seat right next to me.

MR. MURPHY: Prior to the final examination on December 5th, did you have any conversations with Mr. Nelson specifically concerning the exam?

MR. B. R.: Well, I don't really know him very well, but on the last day of class...

MR. MURPHY: On Friday, December 1st?

MR. B. R.: Yeah, that sounds about right. Anyway, Nelson and I were talking for a minute before class and I remember him saying something about wanting to get a hold of a copy of the final.

MR. MURPHY: You mean he wanted to steal a copy of the final exam?

MR. B. R.: Yes, I think so.

MR. MURPHY: Thank you Mr. R. Mr. Hubbard, you may cross-examine.

MR. JAMES HUBBARD APPROACHES THE WITNESS STAND.

MR. HUBBARD: Thank you, Mr. Murphy. Mr. R., I just have one question for you. When Richard Nelson made the comment concerning wanting to get a hold of a copy of the exam, wasn't he laughing and kidding at the time?

MR. B. R.: No, I don't think he was kidding. He's the kind of guy who would do something like that.

Transcript

Case 3-124

MR. HUBBARD: Just how well do you know the defendant, Mr. R.?

MR. B. R.: Well enough!

MR. HUBBARD: Isn't it true though that you have been acquainted with Mr. Nelson only since the beginning of last quarter?

MR. B. R.: Yeah, I guess so.

MR. HUBBARD: And again, isn't it true that Mr. Nelson was laughing when he mentioned about stealing the exam?

MR. B. R.: He wasn't kidding, though.

MR. HUBBARD: Was he laughing?

MR. B. R.: Yes, I think I remember him laughing at the time.

MR. HUBBARD: Thank you Mr. R., that will be all.

MR. B. R. RETURNS TO HIS SEAT.

MR. MURPHY: Our next witness is Ms. A. W.

MS. A. W., A SECRETARY IN THE BIOLOGY DEPARTMENT OFFICE, IS CALLED TO THE WITNESS STAND.

MR. MURPHY: Ms. W., Aren't you the one who is responsible for typing and duplicating the exams for the Biology courses?

MS. A. W.: Well, yes, although I have other responsibilities in the office also.

MR. MURPHY: Didn't you type and mimeograph the examinations for the General Biology course last quarter?

MS. A. W.: Yes, I believe I did.

Transcript

Case 3-124

MR. MURPHY: How many copies did you run off?

MS. A. W.: Three hundred and fifty-five.

MR. MURPHY: And when you returned to the office the next day and were about to deliver the exams to Dr. V., did you recount them?

MS. A. W.: Yes, and there were only three hundred and fifty-four.

MR. MURPHY: Do you have any reason to believe that Mr. Nelson somehow acquired a copy of the examination?

MS. A. W.: Well, of course, I can't say for sure, but when I came back to work the next day, my desk was all messed up and it looked like someone had been there shuffling through things, looking for something.

MR. MURPHY: I see. And isn't also possible that Mr. Nelson could have gotten a hold of a copy of the exam by going through the trash and finding the discarded mimeograph master?

MS. A. W.: It certainly is possible. Quite honestly, we don't watch very carefully what is thrown out in the trash.

MR. MURPHY: So, Ms. W., in your judgement, Mr. Nelson could have entered the office on December 4th sometime between 5:00 P.M., when the office closed, and 8:00 A.M. the next morning, when you opened?

MS. A. W.: Yes.

MR. MURPHY: And Mr. Nelson could have also gotten a hold of the mimeo master that you threw out, either by going through the trashcan in your office or by tracking down where the janitor dumped your trashcan that evening?

MS. A. W.: Yes, that certainly is in the realm of possibility.

MR. MURPHY: Thank you Ms. W. Mr. Hubbard, you may cross-examine.

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MR. JAMES HUBBARD APPROACHES THE WITNESS STAND.

MR. HUBBARD: Thank you, Mr. Murphy. Ms. W., first, regarding the number of copies of the examination that you ran off, isn't it possible that you could have miscounted?

MS. A. W.: I suppose, but I really doubt it. I'm very careful about that sort of thing.

MR. HUBBARD: But it is possible?

MS. A. W.: Yes, anything is possible, theoretically. But the mimeograph machine also has an automatic counter that I set for three hundred and fifty-five copies.

MR. HUBBARD: I see, but I would think that if the automatic counter were perfectly accurate, you would not need to count the exams by hand. Anyway, Ms. W., how do you suppose Mr. Nelson might have entered the Biology Department Office after closing? Were there any signs of breaking and entering? Did you call the police or report the matter to anyone?

MS. A. W.: No, I don't think Nelson broke in. He probably had a key. I didn't call the police, but I did mention something to the Department chairman.

MR. HUBBARD: Now, A., where do you suppose Mr. Nelson could have gotten a key?

MS. A. W.: I don't know.

MR. HUBBARD: And, Ms. W., if you suspected a burglary, wouldn't you have called the police to file a report?

MS. A. W.: I really didn't think of it. But listen, I would like to say that Mr. Nelson is just the kind of person who would steal the exam.

MR. HUBBARD: Ms. W., you seem to have some sort of personal hatred towards Mr. Nelson, don't you?

Transcript

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MS. A. W.: Well, let me just say that he isn't one of my favorite people.

MR. HUBBARD: Thank you, Ms. W. That will be all.

MR. CHARLES MURPHY APPROACHES THE WITNESS STAND. MS. A. RETURNS TO HER SEAT.

MR. MURPHY: Our next witness will be Mr. W. T.

MR. W. T. IS CALLED UP TO THE WITNESS STAND.

MR. MURPHY: Mr. T., weren't you enrolled in the General Biology class last quarter?

MR. W. T.: Yes, I was.

MR. MURPHY: And did you take the final examination on Tuesday, December 5th at 3:00 P.M.?

MR. W. T.: Yes, I did.

MR. MURPHY: And did you notice Mr. Richard Nelson in the room taking the exam there that day also?

MR. W. T.: Yes. We were both sitting in the very last row of the room, near the corner and Nelson was sitting right next to me, one seat over.

MR. MURPHY: And did you notice anything unusual about Mr. Nelson's behavior during the exam?

MR. W. T.: Yes, I certainly did. He had piece of paper on the floor that he kept picking up and looking at. I could see letters on the paper that sort of looked like answers to the exam. The exam was all multiple-choice questions so it would have been easy for him to have the answers somehow.

MR. MURPHY: And you are sure that you saw Mr. Nelson copy from the paper?

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MR. W. T.: Yes, and it also looked like he had things written on the palm of his hand and on his arm under his sleeve.

MR. MURPHY: Thank you, W. Your witness, Mr. Murphy.

MR. JAMES HUBBARD APPROACHES THE WITNESS STAND.

MR. HUBBARD: Mr. T., are you aware of what score Mr. Nelson received on the final examination?

MR. W. T.: Yes, he received ninety-seven percent -- an "A".

MR. HUBBARD: And may I ask what score you received?

MR. W. T.: Yeah, I got sixty-three percent.

MR. HUBBARD: Which is a "C"?

MR. W. T.: Yeah.

MR. HUBBARD: Mr. T., how much time and effort would you say you invested in this Biology class?

MR. W. T.: Quite a bit. I'm a biology major and I wanted to do really well in this class. I must have spent 15 hours a day on the average studying for the final the whole week before. I really studied my ass off!

MR. HUBBARD: And, Mr. T., how did it make you feel knowing that you got a "C" and Richard Nelson got an "A"?

MR. W. T.: It burned me up. It wasn't fair. Why should I get a "C" after putting all that work into the class and then have that Nelson guy get an "A"? It just isn't fair.

MR. HUBBARD: I just have one final question for you. Isn't it true that you really didn't see Mr. Nelson cheat on the examination, that you don't like Mr. Nelson personally and that you were resentful of him getting a higher grade than you? And isn't that the reason you didn't report the incident until four days after the exam--after the

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exams scores had been posted was that you were simply angry at Nelson doing better than you because you had a bet with some friends that you would score higher than Mr. Nelson?

MR. W. T.: That's ridiculous. You're putting words into my mouth. I do admit that I had a bet with some people that I would get a higher grade than Nelson, but that was really a joke. Anyone could do better than him. I don't even know how he got into this school. That guy makes me sick.

MR. HUBBARD: Thank you Mr. T. I think you have proven my point. That will be all.

MR. CHARLES MURPHY APPROACHES THE WITNESS STAND. MR. W. T. RETURNS TO HIS SEAT.

MR. MURPHY: As our final witness, I call Mr. C. C.

MR. C. C., WHO WAS ONE OF THE TEACHING ASSISTANTS FOR THE GENERAL BIOLOGY COURSE, IS CALLED TO THE WITNESS STAND.

MR. MURPHY: Mr. C., would you kindly identify yourself for the record?

MR. C. C.: My name is C. C.

MR. MURPHY: And as one of the TA's for the General Biology course, were you in attendance in the class on December 5th during the final examination?

MR. C. C.: Yes, I was.

MR. MURPHY: And did you notice any irregularities in the behavior of Mr. Nelson during the exam?

MR. C. C.: Well, I don't know if I would use the term "irregularities", but at one point I thought I saw him looking at a piece of paper. I asked him what he was doing and he said "Nothing".

MR. MURPHY: Mr. C., you did say that you saw Mr. Nelson cheating on the test -- copying from another piece of paper?

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MR. C. C.: Well, to be perfectly honest, I don't think I can say that I saw him cheat. I think I saw him copy from a piece of paper, but I wouldn't swear to it.

MR. MURPHY: But you are fairly sure Mr. Nelson was up to something?

MR. C. C.: Well, yes. I guess it was sort of an intuitive feeling I have about him.

MR. MURPHY: Thank you, Mr. C., that's all. Your witness, Mr. Murphy.

MR. JAMES HUBBARD APPROACHES THE WITNESS STAND.

MR. HUBBARD: Thank you. Now, Mr. C., by your own admission, you are not certain that Mr. Nelson did anything during the final examination that could be construed as "cheating", isn't that true?

MR. C. C.: Well, yes, I am not certain.

MR. HUBBARD: Mr. C., when did you first realize that Mr. Nelson had been formally charged with cheating on the exam?

MR. C. C.: Well, not until Mr. Hubbard from the Inter-campus Grievance Committee approached me several weeks ago and asked me if I'd be willing to testify at this hearing.

MR. HUBBARD: In other words, after the final examination, you had no idea that Mr. Nelson would be accused of cheating and asked to appear before a hearing?

MR. C. C.: That's right.

MR. HUBBARD: In other words, you did not report your observations of Mr. Nelson during the final to anybody afterwards such as the professor in charge of the course?

MR. C. C.: No, I didn't. Actually, I didn't give the matter a second thought after the final was over. I was surprised when I found out that the matter had been carried so far.

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MR. HUBBARD: Thank you, Mr. C. That will be all.

MR. C. C. RETURNS TO HIS SEAT.

MR. HUBBARD: Dr. Henderson, the defense will be calling only one witness to testify -- Mr. Richard Nelson.

DR. HENDERSON: Very well. Go right ahead.

MR. RICHARD NELSON, THE ACCUSED IN THIS CASE, IS CALLED UP TO THE WITNESS STAND.

MR. HUBBARD: Would you please state your name for the record?

MR. RICHARD NELSON: Richard Nelson.

MR. HUBBARD: Mr. Nelson, let me start the questioning with a very simple and direct question. Did you do anything that might be construed as "cheating" or do anything else either unethical or contrary to the spirit of ethics of the University during the final examination of the General Biology course last quarter or during the few days immediately preceeding the final?

MR. RICHARD NELSON: No, I definitely did not.

MR. HUBBARD: Well, then, Richard, let me ask you about some of the specific charges and accusations that have been leveled against you here today. What about Mr. W. T. who says he was sitting next to you during the final? He says he saw you looking at a piece of paper during the exam that looked like answers to a multiple-choice test.

MR. RICHARD NELSON: Listen, W. T. and me have never gotten along. He's been in classes with me for over a year now and well, let's just say we're not real close friends. He'd say anything just to get me in trouble. He's a real jerk.

MR. HUBBARD: Well, what about the piece of paper that both Mr. W. T. and the TA in the course, Mr. C. C., say they saw you looking at during the exam?

MR. RICHARD NELSON: Listen, well, it's kind of personal, but

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about five minutes before the exam I checked my mailbox and picked up a letter. It was from my girlfriend. I didn't really have any time to read it. I had to run to class to make it on time for the exam. Anyway, I was real curious about the letter and I took a peek at it right after I sat down. I'd really rather not talk about what exactly the letter was about, except, well, well, it was very upsetting to me. The letter was about ten pages long and I kept taking a look at it. I was really in a bind between the exam and the letter that I wanted to read.

MR. HUBBARD: I see. And what about the charge that you broke into the Biology Department Office or somehow got a copy of the final exam ahead of time?

MR. RICHARD NELSON: That's ridiculous. How would I get into the office? I mean I'm not that desperate.

MR. HUBBARD: Thank you, Richard. I have no further questions. Your witness, Mr. Murphy.

MR. CHARLES MURPHY APPROACHES THE WITNESS STAND.

MR. MURPHY: Now, Mr. Nelson, I'd like to ask you some questions about your personal philosophies. For example, what is your view about cheating? Do you think it is ever justified?

MR. RICHARD NELSON: I'm not sure what you're asking.

MR. MURPHY: Well, let me put it this way. If you hadn't studied for an important examination and you knew of an easy way to cheat without being caught, would you do it?

MR. RICHARD NELSON: Look, I don't think that is a fair question. I don't know. I don't think I would cheat.

MR. MURPHY: But Mr. Nelson, isn't it a fact that you have indeed cheated in the past, and in fact you have been accused of cheating on exams on other courses in the past here at UC Davis?

MR. RICHARD NELSON: Look, I don't know where that's of any importance here.

MR. MURPHY: Well, did you?

MR. RICHARD NELSON: OK, so I might have done some of that before, but I swear I didn't for the Bio exam.

MR. MURPHY: And you didn't break into the office?

MR. RICHARD NELSON: Of course not!

MR. MURPHY: OK, Mr. Nelson, I have one more question. How do you explain getting an "A" on the final after attending less than one-half of the classes during the quarter and after getting a "D" on the midterm? I might also point out Mr. Nelson, that I have found out your overall UC G.P.A. is less than 2.0 and that you are on academic probation.

MR. RICHARD NELSON: Yeah, I have had some personal problems and have been having trouble with some classes lately. But listen, I didn't cheat on that final.

MR. MURPHY: OK, that will be all.

MR. RICHARD NELSON RETURNS TO HIS SEAT.

DR. HENDERSON: Very well, gentlemen. You may proceed with your final statements. Mr. Murphy, you may begin with the statement for the prosecution.

MR. MURPHY: Thank you, Dr. Henderson. I must say that I feel all the evidence in this case points clearly to the guilt of Mr. Nelson. In my own opinion, cheating on an examination in a University class is not a trivial offense, but rather is a very serious charge that should be treated very seriously. Someone who cheats on an exam is not only insulting himself and the other students in the class but is also providing a great disservice to the University and the educational process. While Mr. Nelson is not being tried here today for offenses he may have committed previously, nor should such previous activity have an effect on the verdict of this hearing, I should again like to point out that apparently, Mr. Nelson is no stranger to being the butt of such accusations concerning cheating. In this case, the evidence appears to be quite clear. We have two eyewitnesses who have testified about their observations, both of whom have stated that they saw Mr. Nelson copying something during the final examination in the Biology course. In addition, there is some evidence, based on the

testimony of Ms. A. W., that Mr. Nelson had access to a copy of the final examination prior to its administration. I should also like to point out that the only witness who has testified on behalf of Mr. Nelson has been Mr. Nelson himself. Therefore, I strongly urge the members of the student jury, as part of the Intercampus Grievance Committee program, to find Mr. Nelson Guilty as charged. Thank you very much.

DR. HENDERSON: All right. Mr. Hubbard, you may make a final statement on behalf of the defense.

MR. HUBBARD: Thank you. I would like to point out to the student jury that all of the evidence presented by the prosecution today has been circumstantial in nature, based on opinion, rather than fact. I hope that a reading of the transcript will reveal the personal animosities that the prosecution witnesses have invariably expressed towards Mr. Nelson. Their testimony is based on personal feelings rather than on anything to do with the guilt or innocence of Richard Nelson of the offenses with which he is charged. I believe that a careful reading of the transcripts will reveal that there is not one shred of evidence pointing to the guilt of Richard Nelson. Indeed, the testimony of Mr. Nelson has pointedly refuted every allegation made by the prosecution. I therefore urge a verdict of Not Guilty.

DR. HENDERSON: Thank you. This concludes the hearing. Let me address some final remarks to the student jury who will be reading the transcript of this case. If you feel, beyond a reasonable doubt, that Mr. Richard Nelson intentionally and knowingly cheated on the General Biology final examination you should find him Guilty. If you are not so convinced, you should find him not Guilty. Remember that in order for this experimental Intercampus Grievance Committee program to be successful, we ask that you handle this case with the utmost sincerity, responsibility, and attention.

Appendix T
 "Cheating on Final Examination"
 Horacio Garcia Transcript

INTERCAMPUS GRIEVANCE COMMITTEE

SANTA CRUZ

DAVIS

RIVERSIDE

SAN DIEGO

DECLARATION

The following is certified to be an accurate transcript of the
 hearing of the case involving Mr. Horacio Garcia which
 was held on the 7th day of February, 19 79,
 in 540 Mark Hall at the Davis
 campus of the University of California.

Mildred Thomas
 Stenographer/Secretary

Bruce Henderson
 Campus Hearing Officer

Transcript

Case 6-124

HENDERSON: First allow me to introduce myself and to make some introductory remarks for the record so that they will be included in the printed transcripts of this hearing. My name is Dr. Bruce Henderson and I have been appointed to serve as a Hearing Officer here for this experimental program of the Intercampus Grievance Committee. Specifically, the case will be decided upon by a student jury from one of the other UC campuses, probably from either UC Santa Cruz or UC Riverside. The student jury at one of these campuses will be provided with an approved edited transcript of this hearing and will make a decision after deliberation. All parties involved in this hearing have agreed to abide by the decision of the student jury. The transcripts will represent a verbatim record of this hearing. None of the names have been changed, with the exception of some of the witnesses who will be identified in the transcripts by their initials only.

The hearing today involves the case of Mr. Horacio Garcia who has been charged with cheating on an exam in connection with incidents that took place during the week of December 4th, 1978. During the course of this hearing, in accordance with the procedures outlined by the Intercampus Grievance Committee, we shall follow the protocol of a standard court of law as closely as possible. It will then be the responsibility of the student jury at one of our sister campuses to render a decision concerning the guilt or innocence of Mr. Garcia after reading the transcript of this case.

For the record, let me introduce two members of the senior class of the UC Davis Law School who are serving as "prosecutor" and "defense attorney" at many of these Intercampus Grievance Committee hearings. Both of these appointments have been approved by all parties concerned.

The hearing will proceed as follows: Mr. Murphy will present the case for the University and will call upon witnesses to testify. Then, Mr. Hubbard will be given an opportunity to cross-examine any or all of the witnesses. Next, Mr. Hubbard will present the case for the defense and will call witnesses and Mr. Murphy will be given an opportunity to cross-examine any or all of these defense witnesses. Finally, Mr. Murphy, then Mr. Hubbard will be given opportunities to present a final summary of their cases.

Mr. Murphy, are you ready to present the case for the University?

MR. MURPHY: Yes, Dr. Henderson, the prosecution is ready. We would like to call as our first witness Mr. B. R., a student here at UC Davis.

MR. B. R. IS CALLED UP TO THE WITNESS STAND.

MR. MURPHY: Now would you please identify yourself for the record?

MR. B. R.: My name is B. R.

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MR. MURPHY: And weren't you enrolled in General Biology last quarter?

MR. B. R.: Yes, I was.

MR. MURPHY: And you were in the same section of this course as the accused in this hearing, Mr. Garcia?

MR. B. R.: Yes, he usually sat in the seat right next to me.

MR. MURPHY: Prior to the final examination on December 5th, did you have any conversations with Mr. Garcia specifically concerning the exam?

MR. B. R.: Well, I don't really know him very well, but on the last day of class...

MR. MURPHY: On Friday, December 1st?

MR. B. R.: Yeah, that sounds about right. Anyway, Garcia and I were talking for a minute before class and I remember him saying something about wanting to get a hold of a copy of the final.

MR. MURPHY: You mean he wanted to steal a copy of the final exam?

MR. B. R.: Yes, I think so.

MR. MURPHY: Thank you Mr. R. Mr. Hubbard, you may cross-examine.

MR. JAMES HUBBARD APPROACHES THE WITNESS STAND.

MR. HUBBARD: Thank you, Mr. Murphy. Mr. R., I just have one question for you. When Horacio Garcia made the comment concerning wanting to get a hold of a copy of the exam, wasn't he laughing and kidding at the time?

MR. B. R.: No, I don't think he was kidding. He's the kind of guy who would do something like that.

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MR. HUBBARD: Just how well do you know the defendant, Mr. R.?

MR. B. R.: Well enough!

MR. HUBBARD: Isn't it true though that you have been acquainted with Mr. Garcia only since the beginning of last quarter?

MR. B. R.: Yeah, I guess so.

MR. HUBBARD: And again, isn't it true that Mr. Garcia was laughing when he mentioned about stealing the exam?

MR. B. R.: He wasn't kidding, though.

MR. HUBBARD: Was he laughing?

MR. B. R.: Yes, I think I remember him laughing at the time.

MR. HUBBARD: Thank you Mr. R., that will be all.

MR. B. R. RETURNS TO HIS SEAT.

MR. MURPHY: Our next witness is Ms. A. W.

MS. A. W., A SECRETARY IN THE BIOLOGY DEPARTMENT OFFICE, IS CALLED TO THE WITNESS STAND.

MR. MURPHY: Ms. W., Aren't you the one who is responsible for typing and duplicating the exams for the Biology courses?

MS. A. W.: Well, yes, although I have other responsibilities in the office also.

MR. MURPHY: Didn't you type and mimeograph the examinations for the General Biology course last quarter?

MS. A. W.: Yes, I believe I did.

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MR. MURPHY: How many copies did you run off?

MS. A. W.: Three hundred and fifty-five.

MR. MURPHY: And when you returned to the office the next day and were about to deliver the exams to Dr. V., did you recount them?

MS. A. W.: Yes, and there were only three hundred and fifty-four.

MR. MURPHY: Do you have any reason to believe that Mr. Garcia somehow acquired a copy of the examination?

MS. A. W.: Well, of course, I can't say for sure, but when I came back to work the next day, my desk was all messed up and it looked like someone had been there shuffling through things, looking for something.

MR. MURPHY: I see. And isn't also possible that Mr. Garcia could have gotten a hold of a copy of the exam by going through the trash and finding the discarded mimeograph master?

MS. A. W.: It certainly is possible. Quite honestly, we don't watch very carefully what is thrown out in the trash.

MR. MURPHY: So, Ms. W., in your judgement, Mr. Garcia could have entered the office on December 4th sometime between 5:00 P.M., when the office closed, and 8:00 A.M. the next morning, when you opened?

MS. A. W.: Yes.

MR. MURPHY: And Mr. Garcia could have also gotten a hold of the mimeo master that you threw out, either by going through the trashcan in your office or by tracking down where the janitor dumped your trashcan that evening?

MS. A. W.: Yes, that certainly is in the realm of possibility.

MR. MURPHY: Thank you Ms. W. Mr. Hubbard, you may cross-examine.

MR. JAMES HUBBARD APPROACHES THE WITNESS STAND.

MR. HUBBARD: Thank you, Mr. Murphy. Ms. W., first, regarding the number of copies of the examination that you ran off, isn't it possible that you could have miscounted?

MS. A. W.: I suppose, but I really doubt it. I'm very careful about that sort of thing.

MR. HUBBARD: But it is possible?

MS. A. W.: Yes, anything is possible, theoretically. But the mimeograph machine also has an automatic counter that I set for three hundred and fifty-five copies.

MR. HUBBARD: I see, but I would think that if the automatic counter were perfectly accurate, you would not need to count the exams by hand. Anyway, Ms. W., how do you suppose Mr. Garcia might have entered the Biology Department Office after closing? Were there any signs of breaking and entering? Did you call the police or report the matter to anyone?

MS. A. W.: No, I don't think Garcia broke in. He probably had a key. I didn't call the police, but I did mention something to the Department chairman.

MR. HUBBARD: Now, A., where do you suppose Mr. Garcia could have gotten a key?

MS. A. W.: I don't know.

MR. HUBBARD: And, Ms. W., if you suspected a burglary, wouldn't you have called the police to file a report?

MS. A. W.: I really didn't think of it. But listen, I would like to say that Mr. Garcia is just the kind of person who would steal the exam.

MR. HUBBARD: Ms. W., you seem to have some sort of personal hatred towards Mr. Garcia, don't you?

MS. A. W.: Well, let me just say that he isn't one of my favorite people.

MR. HUBBARD: Thank you, Ms. W. That will be all.

MR. CHARLES MURPHY APPROACHES THE WITNESS STAND. MS. A. W. RETURNS TO HER SEAT.

MR. MURPHY: Our next witness will be Mr. W. T.

MR. W. T. IS CALLED UP TO THE WITNESS STAND.

MR. MURPHY: Mr. T., weren't you enrolled in the General Biology class last quarter?

MR. W. T.: Yes, I was.

MR. MURPHY: And did you take the final examination on Tuesday, December 5th at 3:00 P.M.?

MR. W. T.: Yes, I did.

MR. MURPHY: And did you notice Mr. Horacio Garcia in the room taking the exam there that day also?

MR. W. T.: Yes. We were both sitting in the very last row of the room, near the corner and Garcia was sitting right next to me, one seat over.

MR. MURPHY: And did you notice anything unusual about Mr. Garcia's behavior during the exam?

MR. W. T.: Yes, I certainly did. He had piece of paper on the floor that he kept picking up and looking at. I could see letters on the paper that sort of looked like answers to the exam. The exam was all multiple-choice questions so it would have been easy for him to have the answers somehow.

MR. MURPHY: And you are sure that you saw Mr. Garcia copy from the paper?

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MR. W. T.: Yes, it also looked like he had things written on the palm of his hand and on his arm under his sleeve.

MR. HUBBARD: Thank you, Mr. T. Your witness, Mr. Murphy.

MR. CHARLES MURPHY APPROACHES THE WITNESS STAND.

MR. HUBBARD: Mr. T., are you aware of what score Mr. Garcia received on the final examination?

MR. W. T.: Yes, he received ninety-seven percent — an "A".

MR. HUBBARD: And may I ask what score you received?

MR. W. T.: Yeah, I got sixty-three percent.

MR. HUBBARD: Which is a "C"?

MR. W. T.: Yeah.

MR. HUBBARD: Mr. T., how much time and effort would you say you invested in this Biology class?

MR. W. T.: Quite a bit. I'm a biology major and I wanted to do really well in this class. I must have spent 15 hours a day on the average studying for the final the whole week before. I really studied my ass off!

MR. HUBBARD: And, Mr. T., how did it make you feel knowing that you got a "C" and Horacio Garcia got an "A"?

MR. W. T.: It burned me up. It wasn't fair. Why should I get a "C" after putting all that work into the class and then have that Garcia guy get an "A"? It just isn't fair.

MR. HUBBARD: I just have one final question for you. Isn't it true that you really didn't see Mr. Garcia cheat on the examination, that you don't like Mr. Garcia personally and that you were resentful of him getting a higher grade than you? And isn't that the reason you didn't report the incident until four days after the exam—after the

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exams scores had been posted was that you were simply angry at Garcia doing better than you because you had a bet with some friends that you would score higher than Mr. Garcia?

MR. W. T.: That's ridiculous. You're putting words into my mouth. I do admit that I had a bet with some people that I would get a higher grade than Garcia, but that was really a joke. Anyone could do better than him. I don't even know how he got into this school. That guy makes me sick.

MR. HUBBARD: Thank you Mr. T. I think you have proven my point. That will be all.

MR. CHARLES MURPHY APPROACHES THE WITNESS STAND. MR. W. T. RETURNS TO HIS SEAT.

MR. MURPHY: As our final witness, I call Mr. C. C.

MR. C. C., WHO WAS ONE OF THE TEACHING ASSISTANTS FOR THE GENERAL BIOLOGY COURSE, IS CALLED TO THE WITNESS STAND.

MR. MURPHY: Mr. C., would you kindly identify yourself for the record?

MR. C. C.: My name is C. C.

MR. MURPHY: And as one of the TA's for the General Biology course, were you in attendance in the class on December 5th during the final examination?

MR. C. C.: Yes, I was.

MR. MURPHY: And did you notice any irregularities in the behavior of Mr. Garcia during the exam?

MR. C. C.: Well, I don't know if I would use the term "irregularities", but at one point I thought I saw him looking at a piece of paper. I asked him what he was doing and he said "Nothing".

MR. MURPHY: Mr. C., you did say that you saw Mr. Garcia cheating on the test — copying from another piece of paper?

MR. C. C.: Well, to be perfectly honest, I don't think I can say that I saw him cheat. I think I saw him copy from a piece of paper, but I wouldn't swear to it.

MR. MURPHY: But you are fairly sure Mr. Garcia was up to something?

MR. C. C.: Well, yes. I guess it was sort of an intuitive feeling I have about him.

MR. MURPHY: Thank you, Mr. C., that's all. Your witness, Mr. Murphy.

MR. JAMES HUBBARD APPROACHES THE WITNESS STAND.

MR. HUBBARD: Thank you. Now, Mr. C., by your own admission, you are not certain that Mr. Garcia did anything during the final examination that could be construed as "cheating", isn't that true?

MR. C. C.: Well, yes, I am not certain.

MR. HUBBARD: Mr. C., when did you first realize that Mr. Garcia had been formally charged with cheating on the exam?

MR. C. C.: Well, not until Mr. Hubbard from the Intercampus Grievance Committee approached me several weeks ago and asked me if I'd be willing to testify at this hearing.

MR. HUBBARD: In other words, after the final examination, you had no idea that Mr. Garcia would be accused of cheating and asked to appear before a hearing?

MR. C. C.: That's right.

MR. HUBBARD: In other words, you did not report your observations of Mr. Garcia during the final to anybody afterwards such as the professor in charge of the course?

MR. C. C.: No, I didn't. Actually, I didn't give the matter a second thought after the final was over. I was surprised when I found out that the matter had been carried so far.

MR. HUBBARD: Thank you, Mr. C. That will be all.

MR. C. C. RETURNS TO HIS SEAT.

MR. HUBBARD: Dr. Henderson, the defense will be calling only one witness to testify — Mr. Horacio Garcia.

DR. HENDERSON: Very well. Go right ahead.

MR. HORACIO GARCIA, THE ACCUSED IN THIS CASE, IS CALLED UP TO THE WITNESS STAND.

MR. HUBBARD: Would you please state your name for the record?

MR. HORACIO GARCIA: Horacio Garcia.

MR. HUBBARD: Mr. Garcia, let me start the questioning with a very simple and direct question. Did you do anything that might be construed as "cheating" or do anything else either unethical or contrary to the spirit of ethics of the University during the final examination of the General Biology course last quarter or during the few days immediately preceeding the final?

MR. HORACIO GARCIA: No, I definitely did not.

MR. HUBBARD: Well, then, Horacio, let me ask you about some of the specific charges and accusations that have been leveled against you here today. What about Mr. W. T. who says he was sitting next to you during the final? He says he saw you looking at a piece of paper during the exam that looked like answers to a multiple-choice test.

MR. HORACIO GARCIA: Listen, W. T. and me have never gotten along. He's been in classes with me for over a year now and well, let's just say we're not real close friends. He'd say anything just to get me in trouble. He's a real jerk.

MR. HUBBARD: Well, what about the piece of paper that both Mr. W. T. and the TA in the course, Mr. C. C., say they saw you looking at during the exam?

MR. HORACIO GARCIA: Listen, well, it's kind of personal, but

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about five minutes before the exam I checked my mailbox and picked up a letter. It was from my girlfriend. I didn't really have any time to read it. I had to run to class to make it on time for the exam. Anyway, I was real curious about the letter and I took a peek at it right after I sat down. I'd really rather not talk about what exactly the letter was about, except, well, well, it was very upsetting to me. The letter was about ten pages long and I kept taking a look at it. I was really in a bind between the exam and the letter that I wanted to read.

MR. HUBBARD: I see. And what about the charge that you broke into the Biology Department Office or somehow got a copy of the final exam ahead of time?

MR. HORACIO GARCIA: That's ridiculous. How would I get into the office? I mean I'm not that desperate.

MR. HUBBARD: Thank you, Horacio. I have no further questions. Your witness, Mr. Murphy.

MR. CHARLES MURPHY APPROACHES THE WITNESS STAND.

MR. MURPHY: Now, Mr. Garcia, I'd like to ask you some questions about your personal philosophies. For example, what is your view about cheating? Do you think it is ever justified?

MR. HORACIO GARCIA: I'm not sure what you're asking.

MR. MURPHY: Well, let me put it this way. If you hadn't studied for an important examination and you knew of an easy way to cheat without being caught, would you do it?

MR. HORACIO GARCIA: Look, I don't think that is a fair question. I don't know. I don't think I would cheat.

MR. MURPHY: But Mr. Garcia, isn't it a fact that you have indeed cheated in the past, and in fact you have been accused of cheating on exams on other courses in the past here at UC Davis?

MR. HORACIO GARCIA: Look, I don't know where that's of any importance here.

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MR. MURPHY: Well, did you?

MR. HORACIO GARCIA: OK, so I might have done some of that before, but I swear I didn't for the Bio exam.

MR. MURPHY: And you didn't break into the office?

MR. HORACIO GARCIA: Of course not!

MR. MURPHY: OK, Mr. Garcia, I have one more question. How do you explain getting an "A" on the final after attending less than one-half of the classes during the quarter and after getting a "D" on the midterm? I might also point out Mr. Garcia, that I have found out your overall UC G.P.A. is less than 2.0 and that you are on academic probation.

MR. HORACIO GARCIA: Yeah, I have had some personal problems and have been having trouble with some classes lately. But listen, I didn't cheat on that final.

MR. MURPHY: OK, that will be all.

MR. HORACIO GARCIA RETURNS TO HIS SEAT.

DR. HENDERSON: Very well, gentlemen. You may proceed with your final statements. Mr. Murphy, you may begin with the statement for the prosecution.

MR. MURPHY: Thank you, Dr. Henderson. I must say that I feel all the evidence in this case points clearly to the guilt of Mr. Garcia. In my own opinion, cheating on an examination in a University class is not a trivial offense, but rather is a very serious charge that should be treated very seriously. Someone who cheats on an exam is not only insulting himself and the other students in the class but is also providing a great disservice to the University and the educational process. While Mr. Garcia is not being tried here today for offenses he may have committed previously, nor should such previous activity have an effect on the verdict of this hearing, I should again like to point out that apparently, Mr. Garcia is no stranger to being the butt of such accusations concerning cheating. In this case, the evidence appears to be quite clear. We have two eyewitnesses who have testified about their observations, both of whom have stated that they saw Mr. Garcia copying something during the final examination in the Biology course. In addition, there is some evidence, based on the

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testimony of Ms. A. W., that Mr. Garcia had access to a copy of the final examination prior to its administration. I should also like to point out that the only witness who has testified on behalf of Mr. Garcia has been Mr. Garcia himself. Therefore, I strongly urge the members of the student jury, as part of the Intercampus Grievance Committee program, to find Mr. Garcia Guilty as charged. Thank you very much.

DR. HENDERSON: All right. Mr. Hubbard, you may make a final statement on behalf of the defense.

MR. HUBBARD: Thank you. I would like to point out to the student jury that all of the evidence presented by the prosecution today has been circumstantial in nature, based on opinion, rather than fact. I hope that a reading of the transcript will reveal the personal animosities that the prosecution witnesses have invariably expressed towards Mr. Garcia. Their testimony is based on personal feelings rather than on anything to do with the guilt or innocence of Horacio Garcia of the offenses with which he is charged. I believe that a careful reading of the transcripts will reveal that there is not one shred of evidence pointing to the guilt of Horacio Garcia. Indeed, the testimony of Mr. Garcia has pointedly refuted every allegation made by the prosecution. I therefore urge a verdict of Not Guilty.

DR. HENDERSON: Thank you. This concludes the hearing. Let me address some final remarks to the student jury who will be reading the transcript of this case. If you feel, beyond a reasonable doubt, that Mr. Horacio Garcia intentionally and knowingly cheated on the General Biology final examination you should find him Guilty. If you are not so convinced, you should find him not Guilty. Remember that in order for this experimental Intercampus Grievance Committee program to be successful, we ask that you handle this case with the utmost sincerity, responsibility, and attention.

Appendix U

"Destruction of University Property"
Richard Nelson Transcript

INTERCAMPUS GRIEVANCE COMMITTEE

SANTA CRUZ DAVIS RIVERSIDE SAN DIEGO

DECLARATION

The following is certified to be an accurate transcript of the

hearing of the case involving Mr. Richard Nelson which

was held on the 5th day of February, 19 79,

in 540 Mark Hall at the Davis

campus of the University of California.

Mildred Thomas
Stenographer/Secretary

Bruce Henderson
Campus Hearing Officer

Transcript

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HENDERSON: First, allow me to make some introductory remarks for the record so that they will be included in the printed transcripts of this hearing. I am Dr. Bruce Henderson and have been appointed to serve as a Hearing Officer here for this experimental program set up by the Intercampus Grievance Committee. This hearing is being conducted under the auspices of and guidelines set forth by the Intercampus Grievance Committee. Specifically, the case will be decided upon by a student jury from one of the other UC campuses, probably UC Santa Cruz or UC Riverside. The student jury at one of these campuses will be provided with an approved edited transcript of this hearing and will make a decision after their deliberation. All parties involved in this hearing have agreed to abide by the decision of the student jury. The transcripts will be a verbatim record of this hearing. None of the names have been changed, with the exception of some of the witnesses who will be identified by their initials only.

The hearing today involves the case of Mr. Richard Nelson who has been charged with malicious destruction of University property in connection with an incident that took place on December 9, 1978 at the Chemistry Building at the University of California, Davis. During the course of this hearing, in accordance with the procedures outlined by the Intercampus Grievance Committee, we shall follow as closely as possible the protocol of a standard court of law. It will then be the responsibility of the student jury at one of our sister campuses to make a decision concerning the guilt or innocence of Mr. Nelson, and to recommend a penalty, if any, after reading this transcript and deliberating about the case.

For the record, let me introduce two members of the senior class of the UC Davis Law School who will act as prosecutor and defense attorney in this hearing. Mr. Charles Murphy will be the prosecutor, representing the University. Mr. James Hubbard will be representing Mr. Nelson. Both of these appointments have been approved by all parties concerned.

The hearing will proceed as follows: Mr. Murphy will present the case for the University and will call on witnesses to testify. Mr. Hubbard will be given the opportunity to cross-examine any or all of the witnesses. Then Mr. Hubbard will present the case for the defense and will call witnesses. Mr. Murphy will be given an opportunity to cross-examine any or all of these witnesses. Finally, Mr. Murphy, then Mr. Hubbard, will be given opportunities to present final summaries of their cases.

Mr. Murphy, are you ready to present the case for the University?

MR. MURPHY: Yes, Dr. Henderson, the prosecution is ready. We would like to call as our first witness Professor H.L. of the Department of Chemistry.

PROFESSOR H.L. IS CALLED TO THE WITNESS STAND.

MR. MURPHY: Professor L., would you please describe to us in your own words the incident of December 9, 1978?

PROFESSOR H.L.: Yes. The date in question was a Saturday evening and I was working in my laboratory in the Chemistry Building. Shortly before 8:00, around 7:50 I would estimate, an object was hurled through the laboratory window. It narrowly missed me and crashed into some equipment. I rushed to the window to see if I could see the form of two persons running away. As I said, the light was poor, but I could tell that they were two males.

MR. MURPHY: Professor H.L., were you able to see the faces of either of the two persons?

PROFESSOR H.L.: No, I was not.

MR. MURPHY: But you were sure that there were two persons?

PROFESSOR H.L.: Yes, definitely.

MR. MURPHY: What was the extent of the damage caused by the object hurled through your laboratory window?

PROFESSOR H.L.: Well, besides the damage to the window itself, some expensive electronic equipment was badly damaged. Our estimate is that it will cost seven hundred dollars to replace it. In addition, a shelf of chemicals was upset and a rather large amount of chemical supplies was destroyed.

MR. MURPHY: Did you sustain any injuries, Professor L.?

DR. H.L.: Yes, I suffered some minor cuts on my cheeks and forehead from flying glass, but nothing serious.

MR. MURPHY: Do you personally know Mr. Nelson?

PROFESSOR H.L.: Yes, I do.

MR. MURPHY: How do you know him?

PROFESSOR H.L.: He was a student in my organic chemistry class last quarter.

MR. MURPHY: Have you had any recent interaction with Mr. Nelson?

PROFESSOR H.L.: Yes, I have.

MR. MURPHY: Would you please describe that interaction?

PROF. H.L.: Yes. Mr. Nelson had badly failed the final exam of the organic chemistry class and had come to see me to discuss his failing grade. Mr. Nelson explained to me that he was a pre-med major and the failing mark in the class would seriously affect his chances of being accepted to medical school. He asked me if there were some way he might improve his grade at this point. I told Mr. Nelson that, although I sympathized, at this late date there was nothing I could do. Upon hearing this, Mr. Nelson became quite angry and began to argue that the final examination had been unfair and that he did not deserve a failing grade. After a rather heated exchange, I indicated to Mr. Nelson quite simply that the matter was closed. This ended the conversation.

MR. MURPHY: Where did this discussion take place?

PROF. H.L.: It took place in my laboratory.

MR. MURPHY: So Mr. Nelson definitely knew the location of your laboratory. Is that correct?

PROF. H.L.: Yes, he certainly did.

MR. MURPHY: Prof. L., could someone walking outside the Chemistry Building see that you were in your laboratory on the evening of the 9th of December?

PROF. H.L.: Probably so. Unlike most of the rest of the faculty, my laboratory is on the ground floor and there are no shades on the windows.

MR. MURPHY: Thank you, Prof. L., we have no further questions. Your witness for cross-examination, Mr. Hubbard.

MR. JAMES HUBBARD APPROACHES THE WITNESS STAND.

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MR. HUBBARD: Dr. L., could you identify either of the persons you saw fleeing from your laboratory as Richard Nelson?

PROF. H.L.: No, as I said, it was too dark to identify either of the faces.

MR. HUBBARD: But you were sure that there were two males?

PROF. H.L.: Yes, absolutely.

MR. HUBBARD: Now, Dr. L., about this incident involving Mr. Nelson. Was Mr. Nelson the only person in your organic class who failed the course?

PROF. H.L.: Yes, he was the only one to actually fail the course. There were five other students who failed the exam but still passed the course.

MR. HUBBARD: Did any of these other persons who failed the exam give you an argument about it?

PROF. H.L.: Two of them came in to discuss their grades. However, after we went through the exam they seemed satisfied that their scores were correct. There was certainly no outburst like that of Mr. Nelson.

MR. HUBBARD: Did any of these others know where your laboratory was located, Dr. L.?

PROF. H.L.: Yes, I held all my office hours in the laboratory so everyone in the class knew where it was located.

MR. HUBBARD: Thank you, Dr. L. We have no further questions.

MR. CHARLES MURPHY APPROACHES THE WITNESS STAND. PROFESSOR H.L. RETURNS TO HIS SEAT.

MR. MURPHY: Dr. Henderson, we would now like to call as a witness Mr. F.S.

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MR. F.S. IS CALLED UP TO THE WITNESS STAND.

MR. MURPHY: Now, Mr. S., you are a roommate of Richard Nelson, are you not?

F.S.: Yeah.

MR. MURPHY: Did Richard discuss with you at any time his failure in the organic chemistry course?

F.S.: Yeah. He came back to the room right after he had a talk with his chem prof. He was really burned up. He said the final was ridiculous and he'd been screwed. He said he had a "C" going into the final and had studied quite a bit for the exam, but no one could have passed the test. Like I said, he was pretty angry and told me that the prof was not going to get away with this.

MR. MURPHY: Were those his exact words?

F.S.: Yeah...well, something like that.

MR. MURPHY: Your witness.

MR. JAMES HUBBARD APPROACHES THE WITNESS STAND.

MR. HUBBARD: Mr. S., did Richard Nelson actually threaten Professor L. in his conversation with you?

F.S.: No, I wouldn't say he threatened him. He just said that he wasn't going to get away with it.

MR. HUBBARD: That's all.

MR. CHARLES MURPHY APPROACHES THE WITNESS STAND. F.S. RETURNS TO HIS SEAT.

MR. MURPHY: We now call Mr. G.P. as a witness.

MR. G.P. IS CALLED UP TO THE WITNESS STAND.

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MR. MURPHY: Would you please identify yourself?

G.P.: My name is G.P.

MR. MURPHY: Do you know Richard Nelson?

G.P.: Yeah, I know him. We've had two or three classes together and we play on the same intramural basketball team.

MR. MURPHY: All right. Where were you on the evening of December 9, 1978?

G.P.: I was walking across campus on my way to a movie and I ran into Richard and T. O. We stopped and talked.

MR. MURPHY: How long did this conversation go on?

G.P.: Oh, not long. A minute or two.

MR. MURPHY: About what time did this occur?

G.P.: Well, it must have been shortly before 8:00. The movie began at 8:00.

MR. MURPHY: Where did the conversation take place?

G.P.: It was here on campus.

MR. MURPHY: Was this near the Chemistry building?

G.P.: Yes, not far from there.

MR. MURPHY: What did the three of you talk about?

G.P.: Well, Richard told me about how he was really ticked off at failing his chem class. He thought he'd really be screwed. Besides that, his parents were really going to give him a hard time about it.

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MR. MURPHY: Did you notice anything else about the two of them during your conversation?

G.P.: Well, they were both taking drinks out of a bottle of beer. They said they were, you know, celebrating the end of finals.

MR. MURPHY: What kind of bottle were they drinking out of?

G.P.: It was just a beer bottle.

MR. MURPHY: Did the two of them seem intoxicated?

G.P.: Well, they acted pretty drunk. They were talking awful loud and were really cussing Dr. L. out.

MR. MURPHY: Thank you. Your witness for cross-examination, Mr. Hubbard.

MR. JAMES HUBBARD APPROACHES THE WITNESS STAND.

MR. HUBBARD: Mr. P., did Richard make any threats against his chemistry professor during his conversation with you?

G.P.: No, but he called him every name he could think of.

MR. HUBBARD: When you left them, did you notice them walking by the Chemistry Building, or notice them stop near there?

G.P.: No, I just noticed them going off in that general direction.

MR. HUBBARD: Thank you Mr. P., that will be all.

MR. CHARLES MURPHY APPROACHES THE WITNESS STAND. G.P. RETURNS TO HIS SEAT.

MR. MURPHY: Our final witness will be University Police Sergeant John Burk.

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SGT. BURK IS CALLED UP TO THE WITNESS STAND.

MR. MURPHY: Officer Burk, did you respond to a telephone call from Professor H. L. of the Chemistry Department on the 9th of last December?

SGT. BURK: Yes, I did.

MR. MURPHY: What did you find upon your arrival at the Chemistry Building?

SGT. BURK: A window had been broken and some laboratory equipment had been damaged. Professor L. had also been cut slightly by flying glass. Apparently, a bottle had been thrown through the window of the lab.

MR. MURPHY: What kind of bottle was it, Sgt. Burk?

SGT. BURK: A beer bottle.

MR. MURPHY: At what time did you receive the call from Professor L.?

SGT. BURK: According to our log, we received the call at 7:52 P.M.

MR. MURPHY: Sergeant, how did your investigation lead to Richard Nelson?

SGT. BURK: We did a routine fingerprint check on the bottle and found Mr. Nelson's prints on the bottle.

MR. MURPHY: Thank you Officer. Your witness, Mr. Hubbard.

MR. JAMES HUBBARD APPROACHES THE WITNESS STAND.

MR. HUBBARD: Sgt. Burk, were there any other fingerprints on the bottle besides that of Richard Nelson?

SGT. BURK: Yes we were able to identify a set of prints as those

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of Mr. T.O., who was in the company of Mr. Nelson on the night of this incident. There were no other clear prints.

MR. HUBBARD: You say there were no other clear prints. Were there some unclear ones that you couldn't identify?

SGT. BURK: Yes, there were several other prints which were too smudged to identify.

MR. HUBBARD: Sgt. Burk, is this kind of incident rare on this campus?

SGT. BURK: No, I wouldn't say it was rare. Especially on weekends or right after finals we have a lot of this kind of thing going on.

MR. HUBBARD: Thank you, Sgt. Burk. We have no further questions.

MR. CHARLES MURPHY APPROACHES THE WITNESS STAND.

MR. MURPHY: Dr. Henderson, we would like to clarify a couple of things in redirect questioning.

DR. HENDERSON: Fine. Go ahead.

MR. MURPHY: Sgt. Burk, you mentioned that there were prints on the bottle that you were unable to identify, isn't that right?

SGT. BURK: Yes.

MR. MURPHY: But those prints could still be those of Richard or T.O., couldn't they?

SGT. BURK: Oh yes, that's certainly possible.

MR. MURPHY: At any rate, there were no other identifiable

fingerprints on the bottle except that of Richard and T.O.?

SGT. BURK: That's right.

MR. MURPHY: Finally, Sgt. Burk, isn't it true that the person last handling an object is usually the most likely to leave his fingerprints on that object?

SGT. BURK: Well, yes. The prints are usually clearest for the person who handles the object last. Course, that's not always true.

MR. MURPHY: Thank you, Dr. Henderson, that completes our case.

DR. HENDERSON: O.K. Mr. Hubbard, is the defense ready to begin?

MR. HUBBARD: Yes, sir, we're ready. The defense will call, as its first witness, Mr. T.O.

MR. T.O. IS CALLED UP TO THE WITNESS STAND.

MR. HUBBARD: Mr. O., were you and Richard together on last December 9th?

T.O.: Yes, we went out drinking to celebrate the end of finals week. We went over to Blake's Inn.

MR. HUBBARD: Did you buy a bottle there at Blake's as you left?

T.O.: Yeah, we bought a bottle and took it along.

MR. HUBBARD: Did you meet G. P. as you walked across campus that evening?

T.O.: Yeah, we saw him that night.

MR. HUBBARD: During that conversation, did Nelson make any threats against his chemistry professor, Dr. L., or express any anger

at him?

T.O.: No, he didn't make any threats. He did mention what had happened in his chem class, though.

MR. HUBBARD: How did G.P. reply to Nelson talking about the subject?

T.O.: He said that he had gotten a D in the class and was pretty mad about it. He said he thought the final exam was pretty unfair, too.

MR. HUBBARD: So G.P. was also angry at Professor L.?

T.O.: Sure, there were quite a few taking the class that I'd talked to that were mad at Dr. L.

MR. HUBBARD: Where did you go after you had finished talking to G.P.?

T.O.: We went back to the dorms.

MR. HUBBARD: Did you go by the Chemistry Building?

T.O.: Yeah, but we didn't stop or anything.

MR. HUBBARD: What about this bottle that you had? What did you do with it?

T.O.: As soon as we'd finished it, we just threw it away.

MR. HUBBARD: You say you threw the bottle away somewhere on campus?

T.O.: Yeah.

MR. HUBBARD: Could you have thrown it away around the Chemistry Building?

T.O.: Yeah, I guess so. I don't remember exactly where we threw it away, though.

MR. HUBBARD: But you definitely did not throw it through Prof. L.'s laboratory window?

T.O.: No, sir, we didn't.

MR. HUBBARD: Thank you. Your witness for cross-examination, Mr. Murphy.

MR. CHARLES MURPHY APPROACHES THE WITNESS STAND.

MR. MURPHY: MR. O., you say that you and Nelson finished the bottle together, is that right?

T.O.: Yes.

MR. MURPHY: And the two of you had also each had a few beers before you left Blake's, isn't that correct?

T.O.: Yeah, well, we'd had a few drinks. We were out to celebrate, like I said.

MR. MURPHY: Are you and Richard very good friends, Mr. O?

T.O.: Yeah, we're good friends.

MR. MURPHY: You're sure you wouldn't lie here to protect him?

T.O.: No. We didn't do anything.

MR. MURPHY: Are you sure you weren't too drunk to clearly remember what you did that night?

T.O.: No, I remember that night well enough and we didn't bust any windows!

MR. MURPHY: Aren't you facing similar charges to those facing Mr. Nelson in this case?

T.O.: Yeah, that's right.

MR. MURPHY: I have no further questions.

MR. JAMES HUBBARD APPROACHES THE WITNESS STAND. T.O. RETURNS TO HIS SEAT.

MR. HUBBARD: The defense calls, as its next witness, Mr. Richard Nelson.

MR. RICHARD NELSON, THE ACCUSED IN THIS HEARING, IS CALLED UP TO THE WITNESS STAND.

MR. HUBBARD: Would you please state your name for the record?

MR. RICHARD NELSON: Mr. Richard Nelson.

MR. HUBBARD: Mr. Nelson, would you describe to us in your own words exactly what happened last December 9th?

MR. RICHARD NELSON: Yes. Well, like T.O. said, we'd had a few drinks that night to celebrate the end of finals week. After we'd had a few drinks at Blake's, we bought a bottle and were walking back to the dorms. On our way back, we bumped into G.P. and we talked about various things, including the chem course and the grading. As soon as we finished talking to G.P., we kept on walking and went straight back to the dorms. I had a date at 8:00 and had to get back. Like T.O. said, we'd finished the bottle somewhere on our way back and threw it away.

MR. HUBBARD: Was this anywhere near the Chemistry Building?

MR. RICHARD NELSON: Yes, it was probably in that general area.

MR. HUBBARD: Did you notice as you went by the Chemistry Building whether or not Prof. H.L. was in his laboratory?

MR. RICHARD NELSON: No, I didn't even pay attention.

MR. HUBBARD: So you went straight back to the dormitories after your conversation with G.P.?

MR. RICHARD NELSON: Yes, we went back to the dormitories. T.O. headed back to his dorm and I went over to pick up my girlfriend at her dorm.

MR. HUBBARD: So you didn't stop at the Chemistry building?

MR. RICHARD NELSON: No.

MR. HUBBARD: And you didn't throw any bottle through Prof. L's window?

MR. RICHARD NELSON: No, I definitely did not.

MR. HUBBARD: And you did not run away from there either, did you?

MR. RICHARD NELSON: No.

MR. HUBBARD: What about this grade in the organic chemistry class? Were you angry at Prof. L. as several people here have indicated?

MR. RICHARD NELSON: Sure, I was sore. I still am. I still think the test was completely ridiculous and he wouldn't even discuss it. Getting a good grade in that course was very important to me and so naturally I was disappointed.

MR. HUBBARD: But not to the point of throwing a bottle through Prof. L.'s lab window?

MR. RICHARD NELSON: No.

MR. HUBBARD: What time did you pick up your girlfriend?

MR. RICHARD NELSON: About 8:00.

MR. HUBBARD: How far is it from the Chemistry Building to your girlfriend's dorm?

MR. RICHARD NELSON: Around six blocks or so.

MR. HUBBARD: Prof. L. says that the bottle-throwing incident occurred around 7:50 P.M. that night and Sgt. Burk has said that the call from Prof. L. was made at 7:52 P.M. That means that if you picked up your girlfriend at 8:00, you would have have traveled the six blocks from the Chemistry Building to your girlfriend's dormitory in about ten minutes or less. Do you think that you could travel that far in such a short time?

MR. RICHARD NELSON: Well, I suppose it's possible, but one would have to rush.

MR. HUBBARD: Thank you. We have no further questions.

MR. CHARLES MURPHY APPROACHES THE WITNESS STAND.

MR. MURPHY: Mr. Nelson, didn't you make remarks to your roommate, F.S., that "Professor L. was not going to get away with this!"?

MR. RICHARD NELSON: Well, I may have said something like that, but I certainly didn't mean that I was going to do anything like trying to hit him with a bottle.

MR. MURPHY: Well, what did you mean?

MR. RICHARD NELSON: I thought I would go and talk to the Dean or something.

MR. MURPHY: Did you talk to the Dean?

MR. RICHARD NELSON: No, I didn't get a chance.

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MR. MURPHY: Did you know where Prof. L.'s lab was?

MR. RICHARD NELSON: Yes.

MR. MURPHY: But you say that you did not notice whether or not someone was there on the Saturday night in question?

MR. RICHARD NELSON: No, I didn't.

MR. MURPHY: But you did pass by the laboratory that night, didn't you?

MR. RICHARD NELSON: Yes, I suppose we did.

MR. MURPHY: Did you buy a bottle of beer at Blake's that night?

MR. RICHARD NELSON: Yes, we did.

MR. MURPHY: And you and T.O. had several beers together before you left Blake's?

MR. RICHARD NELSON: Yes, we did.

MR. MURPHY: Would you say that the two of you were drunk?

MR. RICHARD NELSON: No, I wouldn't say that.

MR. MURPHY: Do you remember where you threw the bottle away?

MR. RICHARD NELSON: Well, like I said, I'm not really sure, but I know it was somewhere on campus.

MR. MURPHY: Did you notice anyone else wandering about the Chemistry Building as you passed by that night?

MR. RICHARD NELSON: There were a few people out that night, but I don't especially remember anyone around there.

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MR. MURPHY: We have no further questions.

MR. JAMES HUBBARD APPROACHES THE WITNESS STAND. MR. NELSON RETURNS TO HIS SEAT.

MR. HUBBARD: Dr. Henderson, we would like to call, as our final witness for the defense, Ms. L.B.

MS. L.B. IS CALLED UP TO THE WITNESS STAND.

MR. MURPHY: Ms. B., how close are you and the accused, Richard Nelson?

MS. L.B.: We're very good friends, I'd say.

MR. MURPHY: Is your relationship such that he would naturally tell you what he had been doing if it were of any consequences?

MS. L.B.: Well, not all the time.

MR. MURPHY: You say that Richard was on time for your 8:00 date the evening of December 9th?

MS. L.B.: Yes.

MR. MURPHY: Did you check your watch to be sure that he was on time?

MS. L.B.: No, but he couldn't have been very late or I would have noticed.

MR. MURPHY: You said that he wasn't out of breath when you saw him?

MS. L.B.: No, I didn't notice anything like that.

MR. MURPHY: Don't you live on the upper floor of Gilmore Hall?

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MS. L.B.: Yes.

MR. MURPHY: How long does it take you to get down to the lobby?

MS. L.B.: Anywhere from one to maybe five minutes, depending on how the elevator is running.

MR. MURPHY: How long did it take you to get down to the lobby on the night in question?

MS. L.B.: I don't remember.

MR. MURPHY: At any rate, even if Mr. Nelson was out of breath when he arrived at the dormitory, he had a few minutes between the time he called to your room and the time you arrived in the lobby in which to catch his breath, didn't he?

MS. L.B.: Probably at least a couple of minutes.

MR. MURPHY: Thank you. We have no further questions.

MR. HUBBARD: Dr. Henderson, that concludes the case for the defense.

DR. HENDERSON: Very well. If you both have called all the witnesses you intend to, you may proceed with your final summaries.

MR. MURPHY: Thank you. Although most of the evidence that we have presented in this case is circumstantial nature, it is very, very clear in pointing to the guilt of Mr. Nelson. All of the essential ingredients are present in this case. By the testimony of several persons, we know that Mr. Nelson had a strong motive to commit this act against Prof. L. Furthermore, by his own admission, Mr. Nelson was in the vicinity of Prof. L.'s laboratory on the night of the incident. We have also clearly established that he had in his possession at around the time of the incident a bottle of exactly the same kind as was used in the incident. Mr. Nelson certainly knew where Prof. L.'s laboratory was located. Furthermore, from his own testimony and that of T.O., we know that he was together with T.O. walking across campus that evening. You should recall that Prof. L. testified that he saw two males fleeing from the area around the

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laboratory immediately after the incident.

Finally, the only recognizable fingerprints on the bottle were those of the defendant, Mr. Nelson, and his friend, T.O. The only testimony we have heard today which seems contradictory to the guilt of Mr. Nelson has been that of Mr. Nelson himself and his good friend, T.O., who faces similar charges. Neither could be considered to be an impartial or unbiased witness. We feel the evidence is strong and clearly indicates that Mr. Richard Nelson willfully and intentionally destroyed valuable University property. We believe that he is guilty of this offense and we ask that the student jury, as part of the Inter-campus Grievance Committee program, return a verdict of Guilty.

DR. HENDERSON: Mr. Hubbard, you may proceed with your final argument.

MR. HUBBARD: Thank you. As the prosecutor has just stated, all of the evidence in this case against Mr. Nelson is circumstantial. No one has testified here today that they actually saw Mr. Richard Nelson throw the bottle through Prof. L.'s window. Anyone could have found the bottle that Nelson and T.O. had in their possession and thrown it as a prank. There were certainly other persons in the class with a strong motive for revenge. Also, recall that Officer Burk had said that such incidents occur frequently. From Ms. L. B.'s testimony, it seems unlikely that Richard could have been at the Chemistry Building at 7:52 and at her dormitory by 8:00. The evidence you've heard today does not show conclusively that Richard Nelson destroyed Prof. L.'s equipment and therefore the student jury should return a verdict of Not Guilty. Thank you very much.

DR. HENDERSON: This concludes the hearing, then. Let me address some final remarks to the student jury who will be reading the transcript of this case. If you feel, beyond a reasonable doubt that Mr. Richard Nelson intentionally and knowingly destroyed University property, you should find him Guilty. If you are not so convinced, you should find him Not Guilty. Remember that in order for this experimental Inter-campus Grievance Committee program to be successful, we ask that you handle this case with the utmost sincerity, responsibility, and attention.

Appendix V
 "Destruction of University Property"
 Horacio Garcia Transcript

INTERCAMPUS GRIEVANCE COMMITTEE

SANTA CRUZ

DAVIS

RIVERSIDE

SAN DIEGO

DECLARATION

The following is certified to be an accurate transcript of the
 hearing of the case involving Mr. Horacio Garcia which
 was held on the 20th day of February, 19 79,
 in 540 Mark Hall at the Davis
 campus of the University of California.

Mildred Thomas
 Stenographer/Secretary

Bruce Henderson
 Campus Hearing Officer

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HENDERSON: First, allow me to make some introductory remarks for the record so that they will be included in the printed transcripts of this hearing. I am Dr. Bruce Henderson and have been appointed to serve as a Hearing Officer here for this experimental program set up by the Inter-campus Grievance Committee. This hearing is being conducted under the auspices of and guidelines set forth by the Inter-campus Grievance Committee. Specifically, the case will be decided upon by a student jury from one of the other UC campuses, probably UC Santa Cruz or UC Riverside. The student jury at one of these campuses will be provided with an approved edited transcript of this hearing and will make a decision after their deliberation. All parties involved in this hearing have agreed to abide by the decision of the student jury. The transcripts will be a verbatim record of this hearing. None of the names have been changed, with the exception of some of the witnesses who will be identified by their initials only.

The hearing today involves the case of Mr. Horatio Garcia who has been charged with malicious destruction of University property in connection with an incident that took place on December 9, 1978 at the Chemistry Building at the University of California, Davis. During the course of this hearing, in accordance with the procedures outlined by the Inter-campus Grievance Committee, we shall follow as closely as possible the protocol of a standard court of law. It will then be the responsibility of the student jury at one of our sister campuses to make a decision concerning the guilt or innocence of Mr. Garcia, and to recommend a penalty, if any, after reading this transcript and deliberating about the case.

For the record, let me introduce two members of the senior class of the UC Davis Law School who will act as prosecutor and defense attorney in this hearing. Mr. Charles Murphy will be the prosecutor, representing the University. Mr. James Hubbard will be representing Mr. Garcia. Both of these appointments have been approved by all parties concerned.

The hearing will proceed as follows: Mr. Murphy will present the case for the University and will call on witnesses to testify. Mr. Hubbard will be given the opportunity to cross-examine any or all of the witnesses. Then Mr. Hubbard will present the case for the defense and will call witnesses. Mr. Murphy will be given an opportunity to cross-examine any or all of these witnesses. Finally, Mr. Murphy, then Mr. Hubbard, will be given opportunities to present final summaries of their cases.

Mr. Murphy, are you ready to present the case for the University?

MR. MURPHY: Yes, Dr. Henderson, the prosecution is ready. We would like to call as our first witness Professor H.L. of the Department of Chemistry.

PROFESSOR H.L. IS CALLED TO THE WITNESS STAND.

MR. MURPHY: Professor L., would you please describe to us in your own words the incident of December 9, 1978?

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PROFESSOR H.L.: Yes. The date in question was a Saturday evening and I was working in my laboratory in the Chemistry Building. Shortly before 8:00, around 7:50 I would estimate, an object was hurled through the laboratory window. It narrowly missed me and crashed into some equipment. I rushed to the window to see if I could see the form of two persons running away. As I said, the light was poor, but I could tell that they were two males.

MR. MURPHY: Professor H.L., were you able to see the faces of either of the two persons?

PROFESSOR H.L.: No, I was not.

MR. MURPHY: But you were sure that there were two persons?

PROFESSOR H.L.: Yes, definitely.

MR. MURPHY: What was the extent of the damage caused by the object hurled through your laboratory window?

PROFESSOR H.L.: Well, besides the damage to the window itself, some expensive electronic equipment was badly damaged. Our estimate is that it will cost seven hundred dollars to replace it. In addition, a shelf of chemicals was upset and a rather large amount of chemical supplies was destroyed.

MR. MURPHY: Did you sustain any injuries, Professor L.?

DR. H.L.: Yes, I suffered some minor cuts on my cheeks and forehead from flying glass, but nothing serious.

MR. MURPHY: Do you personally know Mr. Garcia?

PROFESSOR H.L.: Yes, I do.

MR. MURPHY: How do you know him?

PROFESSOR H.L.: He was a student in my organic chemistry class last quarter.

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MR. MURPHY: Have you had any recent interaction with Mr. Garcia?

PROFESSOR H.L.: Yes, I have.

MR. MURPHY: Would you please describe that interaction?

PROF. H.L.: Yes. Mr. Garcia had badly failed the final exam of the organic chemistry class and had come to see me to discuss his failing grade. Mr. Garcia explained to me that he was a pre-med major and the failing mark in the class would seriously affect his chances of being accepted to medical school. He asked me if there were some way he might improve his grade at this point. I told Mr. Garcia that, although I sympathized, at this late date there was nothing I could do. Upon hearing this, Mr. Garcia became quite angry and began to argue that the final examination had been unfair and that he did not deserve a failing grade. After a rather heated exchange, I indicated to Mr. Garcia quite simply that the matter was closed. This ended the conversation.

MR. MURPHY: Where did this discussion take place?

PROF. H.L.: It took place in my laboratory.

MR. MURPHY: So Mr. Garcia definitely knew the location of your laboratory. Is that correct?

PROF. H.L.: Yes, he certainly did.

MR. MURPHY: Prof. L., could someone walking outside the Chemistry Building see that you were in your laboratory on the evening of the 9th of December?

PROF. H.L.: Probably so. Unlike most of the rest of the faculty, my laboratory is on the ground floor and there are no shades on the windows.

MR. MURPHY: Thank you, Prof. L., we have no further questions. Your witness for cross-examination, Mr. Hubbard.

MR. JAMES HUBBARD APPROACHES THE WITNESS STAND.

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MR. HUBBARD: Dr. L., could you identify either of the persons you saw fleeing from your laboratory as Horacio Garcia?

PROF. H.L.: No, as I said, it was too dark to identify either of the faces.

MR. HUBBARD: But you were sure that there were two males?

PROF. H.L.: Yes, absolutely.

MR. HUBBARD: Now, Dr. L., about this incident involving Mr. Garcia. Was Mr. Garcia the only person in your organic class who failed the course?

PROF. H.L.: Yes, he was the only one to actually fail the course. There were five other students who failed the exam but still passed the course.

MR. HUBBARD: Did any of these other persons who failed the exam give you an argument about it?

PROF. H.L.: Two of them came in to discuss their grades. However, after we went through the exam they seemed satisfied that their scores were correct. There was certainly no outburst like that of Mr. Garcia.

MR. HUBBARD: Did any of these others know where your laboratory was located, Dr. L.?

PROF. H.L.: Yes, I held all my office hours in the laboratory so everyone in the class knew where it was located.

MR. HUBBARD: Thank you, Dr. L. We have no further questions.

MR. CHARLES MURPHY APPROACHES THE WITNESS STAND. PROFESSOR H.L. RETURNS TO HIS SEAT.

MR. MURPHY: Dr. Henderson, we would now like to call as a witness Mr. F.S.

MR. F.S. IS CALLED UP TO THE WITNESS STAND.

MR. MURPHY: Now, Mr. S., you are a roommate of Horacio Garcia, are you not?

F.S.: Yeah.

MR. MURPHY: Did Horacio discuss with you at any time his failure in the organic chemistry course?

F.S.: Yeah. He came back to the room right after he had a talk with his chem prof. He was really burned up. He said the final was ridiculous and he'd been screwed. He said he had a "C" going into the final and had studied quite a bit for the exam, but no one could have passed the test. Like I said, he was pretty angry and told me that the prof was not going to get away with this.

MR. MURPHY: Were those his exact words?

F.S.: Yeah...well, something like that.

MR. MURPHY: Your witness.

MR. JAMES HUBBARD APPROACHES THE WITNESS STAND.

MR. HUBBARD: Mr. S., did Horacio Garcia actually threaten Professor L. in his conversaton with you?

F.S.: No, I wouldn't say he threatened him. He just said that he wasn't going to get away with it.

MR. HUBBARD: That's all.

MR. CHARLES MURPHY APPROACHES THE WITNESS STAND. F.S. RETURNS TO HIS SEAT.

MR. MURPHY: We now call Mr. G.P. as a witness.

MR. G.P. IS CALLED UP TO THE WITNESS STAND.

MR. MURPHY: Would you please identify yourself?

G.P.: My name is G.P.

MR. MURPHY: Do you know Horacio Garcia?

G.P.: Yeah, I know him. We've had two or three classes together and we play on the same intramural basketball team.

MR. MURPHY: All right. Where were you on the evening of December 9, 1978?

G.P.: I was walking across campus on my way to a movie and I ran into Horacio and T. O. We stopped and talked.

MR. MURPHY: How long did this conversation go on?

G.P.: Oh, not long. A minute or two.

MR. MURPHY: About what time did this occur?

G.P.: Well, it must have been shortly before 8:00. The movie began at 8:00.

MR. MURPHY: Where did the conversation take place?

G.P.: It was here on campus.

MR. MURPHY: Was this near the Chemistry building?

G.P.: Yes, not far from there.

MR. MURPHY: What did the three of you talk about?

G.P.: Well, Horacio told me about how he was really ticked off at failing his chem class. He thought he'd really be screwed. Besides that, his parents were really going to give him a hard time about it.

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MR. MURPHY: Did you notice anything else about the two of them during your conversation?

G.P.: Well, they were both taking drinks out of a bottle of beer. They said they were, you know, celebrating the end of finals.

MR. MURPHY: What kind of bottle were they drinking out of?

G.P.: It was just a beer bottle.

MR. MURPHY: Did the two of them seem intoxicated?

G.P.: Well, they acted pretty drunk. They were talking awful loud and were really cussing Dr. L. out.

MR. MURPHY: Thank you. Your witness for cross-examination, Mr. Hubbard.

MR. JAMES HUBBARD APPROACHES THE WITNESS STAND.

MR. HUBBARD: Mr. P., did Horacio make any threats against his chemistry professor during his conversation with you?

G.P.: No, but he called him every name he could think of.

MR. HUBBARD: When you left them, did you notice them walking by the Chemistry Building, or notice them stop near there?

G.P.: No, I just noticed them going off in that general direction.

MR. HUBBARD: Thank you Mr. P., that will be all.

MR. CHARLES MURPHY APPROACHES THE WITNESS STAND. G.P. RETURNS TO HIS SEAT.

MR. MURPHY: Our final witness will be University Police Sergeant John Burk.

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SGT. BURK IS CALLED UP TO THE WITNESS STAND.

MR. MURPHY: Officer Burk, did you respond to a telephone call from Professor H. L. of the Chemistry Department on the 9th of last December?

SGT. BURK: Yes, I did.

MR. MURPHY: What did you find upon your arrival at the Chemistry Building?

SGT. BURK: A window had been broken and some laboratory equipment had been damaged. Professor L. had also been cut slightly by flying glass. Apparently, a bottle had been thrown through the window of the lab.

MR. MURPHY: What kind of bottle was it, Sgt. Burk?

SGT. BURK: A beer bottle.

MR. MURPHY: At what time did you receive the call from Professor L.?

SGT. BURK: According to our log, we received the call at 7:52 P.M.

MR. MURPHY: Sergeant, how did your investigation lead to Horacio Garcia?

SGT. BURK: We did a routine fingerprint check on the bottle and found Mr. Garcia's prints on the bottle.

MR. MURPHY: Thank you Officer. Your witness, Mr. Hubbard.

MR. JAMES HUBBARD APPROACHES THE WITNESS STAND.

MR. HUBBARD: Sgt. Burk, were there any other fingerprints on the bottle besides that of Horacio Garcia?

SGT. BURK: Yes we were able to identify a set of prints as those

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of Mr. T.O., who was in the company of Mr. Garcia on the night of this incident. There were no other clear prints.

MR. HUBBARD: You say there were no other clear prints. Were there some unclear ones that you couldn't identify?

SGT. BURK: Yes, there were several other prints which were too smudged to identify.

MR. HUBBARD: Sgt. Burk, is this kind of incident rare on this campus?

SGT. BURK: No, I wouldn't say it was rare. Especially on weekends or right after finals we have a lot of this kind of thing going on.

MR. HUBBARD: Thank you, Sgt. Burk. We have no further questions.

MR. CHARLES MURPHY APPROACHES THE WITNESS STAND.

MR. MURPHY: Dr. Henderson, we would like to clarify a couple of things in redirect questioning.

DR. HENDERSON: Fine. Go ahead.

MR. MURPHY: Sgt. Burk, you mentioned that there were prints on the bottle that you were unable to identify, isn't that right?

SGT. BURK: Yes.

MR. MURPHY: But those prints could still be those of Horacio or T.O., couldn't they?

SGT. BURK: Oh yes, that's certainly possible.

MR. MURPHY: At any rate, there were no other identifiable

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fingerprints on the bottle except that of Horacio and T.O.?

SGT. BURK: That's right.

MR. MURPHY: Finally, Sgt. Burk, isn't it true that the person last handling an object is usually the most likely to leave his fingerprints on that object?

SGT. BURK: Well, yes. The prints are usually clearest for the person who handles the object last. Course, that's not always true.

MR. MURPHY: Thank you, Dr. Henderson, that completes our case.

DR. HENDERSON: O.K. Mr. Hubbard, is the defense ready to begin?

MR. HUBBARD: Yes, sir, we're ready. The defense will call, as its first witness, Mr. T.O.

MR. T.O. IS CALLED UP TO THE WITNESS STAND.

MR. HUBBARD: Mr. O., were you and Horacio together on last December 9th?

T.O.: Yes, we went out drinking to celebrate the end of finals week. We went over to Blake's Inn.

MR. HUBBARD: Did you buy a bottle there at Blake's as you left?

T.O.: Yeah, we bought a bottle and took it along.

MR. HUBBARD: Did you meet G. P. as you walked across campus that evening?

T.O.: Yeah, we saw him that night.

MR. HUBBARD: During that conversation, did Garcia make any threats against his chemistry professor, Dr. L., or express any anger

at him?

T.O.: No, he didn't make any threats. He did mention what had happened in his chem class, though.

MR. HUBBARD: How did G.P. reply to Garcia talking about the subject?

T.O.: He said that he had gotten a D in the class and was pretty mad about it. He said he thought the final exam was pretty unfair, too.

MR. HUBBARD: So G.P. was also angry at Professor L.?

T.O.: Sure, there were quite a few taking the class that I'd talked to that were mad at Dr. L.

MR. HUBBARD: Where did you go after you had finished talking to G.P.?

T.O.: We went back to the dorms.

MR. HUBBARD: Did you go by the Chemistry Building?

T.O.: Yeah, but we didn't stop or anything.

MR. HUBBARD: What about this bottle that you had? What did you do with it?

T.O.: As soon as we'd finished it, we just threw it away.

MR. HUBBARD: You say you threw the bottle away somewhere on campus?

T.O.: Yeah.

MR. HUBBARD: Could you have thrown it away around the Chemistry Building?

T.O.: Yeah, I guess so. I don't remember exactly where we threw it away, though.

MR. HUBBARD: But you definitely did not throw it through Prof. L.'s laboratory window?

T.O.: No, sir, we didn't.

MR. HUBBARD: Thank you. Your witness for cross-examination, Mr. Murphy.

MR. CHARLES MURPHY APPROACHES THE WITNESS STAND.

MR. MURPHY: MR. O., you say that you and Garcia finished the bottle together, is that right?

T.O.: Yes.

MR. MURPHY: And the two of you had also each had a few beers before you left Blake's, isn't that correct?

T.O.: Yeah, well, we'd had a few drinks. We were out to celebrate, like I said.

MR. MURPHY: Are you and Horacio very good friends, Mr. O?

T.O.: Yeah, we're good friends.

MR. MURPHY: You're sure you wouldn't lie here to protect him?

T.O.: No. We didn't do anything.

MR. MURPHY: Are you sure you weren't too drunk to clearly remember what you did that night?

T.O.: No, I remember that night well enough and we didn't bust any windows!

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MR. MURPHY: Aren't you facing similar charges to those facing Mr. Garcia in this case?

T.O.: Yeah, that's right.

MR. MURPHY: I have no further questions.

MR. JAMES HUBBARD APPROACHES THE WITNESS STAND. T.O. RETURNS TO HIS SEAT.

MR. HUBBARD: The defense calls, as its next witness, Mr. Horacio Garcia.

MR. HORACIO GARCIA, THE ACCUSED IN THIS HEARING, IS CALLED UP TO THE WITNESS STAND.

MR. HUBBARD: Would you please state your name for the record?

MR. HORACIO GARCIA: Mr. Horacio Garcia.

MR. HUBBARD: Mr. Garcia, would you describe to us in your own words exactly what happened last December 9th?

MR. HORACIO GARCIA: Yes. Well, like T.O. said, we'd had a few drinks that night to celebrate the end of finals week. After we'd had a few drinks at Blakes, we bought a bottle and were walking back to the dorms. On our way back, we bumped into G.P. and we talked about various things, including the chem course and the grading. As soon as we finished talking to G.P., we kept on walking and went straight back to the dorms. I had a date at 8:00 and had to get back. Like T.O. said, we'd finished the bottle somewhere on our way back and threw it away.

MR. HUBBARD: Was this anywhere near the Chemistry Building?

MR. HORACIO GARCIA: Yes, it was probably in that general area.

MR. HUBBARD: Did you notice as you went by the Chemistry Building whether or not Prof. H.L. was in his laboratory?

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MR. HORACIO GARCIA: No, I didn't even pay attention.

MR. HUBBARD: So you went straight back to the dormitories after your conversation with G.P.?

MR. HORACIO GARCIA: Yes, we went back to the dormitories. T.O. headed back to his dorm and I went over to pick up my girlfriend at her dorm.

MR. HUBBARD: So you didn't stop at the Chemistry building?

MR. HORACIO GARCIA: No.

MR. HUBBARD: And you didn't throw any bottle through Prof. L's window?

MR. HORACIO GARCIA: No, I definitely did not.

MR. HUBBARD: And you did not run away from there either, did you?

MR. HORACIO GARCIA: No.

MR. HUBBARD: What about this grade in the organic chemistry class? Were you angry at Prof. L. as several people here have indicated?

MR. HORACIO GARCIA: Sure, I was sore. I still am. I still think the test was completely ridiculous and he wouldn't even discuss it. Getting a good grade in that course was very important to me and so naturally I was disappointed.

MR. HUBBARD: But not to the point of throwing a bottle through Prof. L.'s lab window?

MR. HORACIO GARCIA: No.

MR. HUBBARD: What time did you pick up your girlfriend?

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MR. HORACIO GARCIA: About 8:00.

MR. HUBBARD: How far is it from the Chemistry Building to your girlfriend's dorm?

MR. HORACIO GARCIA: Around six blocks or so.

MR. HUBBARD: Prof. L. says that the bottle-throwing incident occurred around 7:50 P.M. that night and Sgt. Burk has said that the call from Prof. L. was made at 7:52 P.M. That means that if you picked up your girlfriend at 8:00, you would have have traveled the six blocks from the Chemistry Building to your girlfriend's dormitory in about ten minutes or less. Do you think that you could travel that far in such a short time?

MR. HORACIO GARCIA: Well, I suppose it's possible, but one would have to rush.

MR. HUBBARD: Thank you. We have no further questions.

MR. CHARLES MURPHY APPROACHES THE WITNESS STAND.

MR. MURPHY: Mr. Garcia, didn't you make remarks to your roommate, F.S., that "Professor L. was not going to get away with this!"?

MR. HORACIO GARCIA: Well, I may have said something like that, but I certainly didn't mean that I was going to do anything like trying to hit him with a bottle.

MR. MURPHY: Well, what did you mean?

MR. HORACIO GARCIA: I thought I would go and talk to the Dean or something.

MR. MURPHY: Did you talk to the Dean?

MR. HORACIO GARCIA: No, I didn't get a chance.

MR. MURPHY: Did you know where Prof. L.'s lab was?

MR. HORACIO GARCIA: Yes.

MR. MURPHY: But you say that you did not notice whether or not someone was there on the Saturday night in question?

MR. HORACIO GARCIA: No, I didn't.

MR. MURPHY: But you did pass by the laboratory that night, didn't you?

MR. HORACIO GARCIA: Yes, I suppose we did.

MR. MURPHY: Did you buy a bottle of beer at Blake's that night?

MR. HORACIO GARCIA: Yes, we did.

MR. MURPHY: And you and T.O. had several beers together before you left Blake's?

MR. HORACIO GARCIA: Yes, we did.

MR. MURPHY: Would you say that the two of you were drunk?

MR. HORACIO GARCIA: No, I wouldn't say that.

MR. MURPHY: Do you remember where you threw the bottle away?

MR. HORACIO GARCIA: Well, like I said, I'm not really sure, but I know it was somewhere on campus.

MR. MURPHY: Did you notice anyone else wandering about the Chemistry Building as you passed by that night?

MR. HORACIO GARCIA: There were a few people out that night, but I don't especially remember anyone around there.

MR. MURPHY: We have no further questions.

MR. JAMES HUBBARD APPROACHES THE WITNESS STAND. MR. GARCIA RETURNS TO HIS SEAT.

MR. HUBBARD: Dr. Henderson, we would like to call, as our final witness for the defense, Ms. L.B.

MS. L.B. IS CALLED UP TO THE WITNESS STAND.

MR. MURPHY: Ms. B., how close are you and the accused, Horacio Garcia?

MS. L.B.: We're very good friends, I'd say.

MR. MURPHY: Is your relationship such that he would naturally tell you what he had been doing if it were of any consequences?

MS. L.B.: Well, not all the time.

MR. MURPHY: You say that Horacio was on time for your 8:00 date the evening of December 9th?

MS. L.B.: Yes.

MR. MURPHY: Did you check your watch to be sure that he was on time?

MS. L.B.: No, but he couldn't have been very late or I would have noticed.

MR. MURPHY: You said that he wasn't out of breath when you saw him?

MS. L.B.: No, I didn't notice anything like that.

MR. MURPHY: Don't you live on the upper floor of Gilmore Hall?

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MS. L.B.: Yes.

MR. MURPHY: How long does it take you to get down to the lobby?

MS. L.B.: Anywhere from one to maybe five minutes, depending on how the elevator is running.

MR. MURPHY: How long did it take you to get down to the lobby on the night in question?

MS. L.B.: I don't remember.

MR. MURPHY: At any rate, even if Mr. Garcia was out of breath when he arrived at the dormitory, he had a few minutes between the time he called to your room and the time you arrived in the lobby in which to catch his breath, didn't he?

MS. L.B.: Probably at least a couple of minutes.

MR. MURPHY: Thank you. We have no further questions.

MR. HUBBARD: Dr. Henderson, that concludes the case for the defense.

DR. HENDERSON: Very well. If you both have called all the witnesses you intend to, you may proceed with your final summaries.

MR. MURPHY: Thank you. Although most of the evidence that we have presented in this case is circumstantial nature, it is very, very clear in pointing to the guilt of Mr. Garcia. All of the essential ingredients are present in this case. By the testimony of several persons, we know that Mr. Garcia had a strong motive to commit this act against Prof. L. Furthermore, by his own admission, Mr. Garcia was in the vicinity of Prof. L.'s laboratory on the night of the incident. We have also clearly established that he had in his possession at around the time of the incident a bottle of exactly the same kind as was used in the incident. Mr. Garcia certainly knew where Prof. L.'s laboratory was located. Furthermore, from his own testimony and that of T.O., we know that he was together with T.O. walking across campus that evening. You should recall that Prof. L. testified that he saw two males fleeing from the area around the

Transcript

Case 6-312

laboratory immediately after the incident.

Finally, the only recognizable fingerprints on the bottle were those of the defendant, Mr. Garcia, and his friend, T.O. The only testimony we have heard today which seems contradictory to the guilt of Mr. Garcia has been that of Mr. Garcia himself and his good friend, T.O., who faces similar charges. Neither could be considered to be an impartial or unbiased witness. We feel the evidence is strong and clearly indicates that Mr. Horacio Garcia willfully and intentionally destroyed valuable University property. We believe that he is guilty of this offense and we ask that the student jury, as part of the Intercampus Grievance Committee program, return a verdict of Guilty.

DR. HENDERSON: Mr. Hubbard, you may proceed with your final argument.

MR. HUBBARD: Thank you. As the prosecutor has just stated, all of the evidence in this case against Mr. Garcia is circumstantial. No one has testified here today that they actually saw Mr. Horacio Garcia throw the bottle through Prof. L.'s window. Anyone could have found the bottle that Garcia and T.O. had in their possession and thrown it as a prank. There were certainly other persons in the class with a strong motive for revenge. Also, recall that Officer Burk had said that such incidents occur frequently. From Ms. L. B.'s testimony, it seems unlikely that Horacio could have been at the Chemistry Building at 7:52 and at her dormitory by 8:00. The evidence you've heard today does not show conclusively that Horacio Garcia destroyed Prof. L.'s equipment and therefore the student jury should return a verdict of Not Guilty. Thank you very much.

DR. HENDERSON: This concludes the hearing, then. Let me address some final remarks to the student jury who will be reading the transcript of this case. If you feel, beyond a reasonable doubt that Mr. Horacio Garcia intentionally and knowingly destroyed University property, you should find him Guilty. If you are not so convinced, you should find him Not Guilty. Remember that in order for this experimental Intercampus Grievance Committee program to be successful, we ask that you handle this case with the utmost sincerity, responsibility, and attention.

Appendix W
Pre-Deliberation Questionnaire

INTERCAMPUS GRIEVANCE COMMITTEE

ID#: _____

Pre-Deliberation Questionnaire

Case #: _____

Instructions: After you have read the transcript of the case, please answer the following questions.

1. What is your personal decision concerning the verdict of the defendant? (check one)

_____ Guilty

_____ Innocent

2. How would you rate the degree of guilt or innocence of the defendant? (check one)

_____ Extremely guilty

_____ Slightly innocent

_____ Moderately guilty

_____ Moderately innocent

_____ Slightly guilty

_____ Extremely innocent

3. What is your personal recommendation concerning the penalty to be imposed upon the defendant? (check one)

_____ No penalty.

_____ Strong letter of reprimand.

_____ Probation. (includes being barred from all campus activities such as club meetings, films, concerts, dances, etc.)

If "Probation" is checked, what is your recommendation for the length of the probation? _____

_____ Suspension. (includes being barred from all campus activities in addition to not being permitted to register in or attend any University of California regular or extension courses)

If "Suspension" is checked, what is your recommendation for the length of the suspension? _____

_____ Expulsion. (includes being permanently barred from all campus activities in addition to never being permitted to register in or attend any University of California regular or extension courses)

4. In addition to the above penalty, how much of a monetary fine do you recommend should be assessed the defendant (if any):

\$ _____

Appendix X
Post-Deliberation Questionnaire

INTERCAMPUS GRIEVANCE COMMITTEE

ID#: _____

Post-Deliberation Questionnaire

Case #: _____

Instructions: After you have read the transcript of the case, please answer the following questions.

1. What is your personal decision concerning the verdict of the defendant? (check one)

☐ Guilty☐ Innocent

2. How would you rate the degree of guilt or innocence of the defendant? (check one)

☐ Extremely guilty☐ Slightly innocent☐ Moderately guilty☐ Moderately innocent☐ Slightly guilty☐ Extremely innocent

3. What is your personal recommendation concerning the penalty to be imposed upon the defendant? (check one)

☐ No penalty.☐ Strong letter of reprimand.

☐ Probation. (includes being barred from all campus activities such as club meetings, films, concerts, dances, etc.)

If "Probation" is checked, what is your recommendation for the length of the probation?

☐ Suspension. (includes being barred from all campus activities in addition to not being permitted to register in or attend any University of California regular or extension courses)

If "Suspension" is checked, what is your recommendation for the length of the suspension?

☐ Expulsion. (includes being permanently barred from all campus activities in addition to never being permitted to register in or attend any University of California regular or extension courses)

4. In addition to the above penalty, how much of a monetary fine do you recommend should be assessed the defendant (if any):

\$ _____

Post-Deliberation Questionnaire - Page 2

5. If you were to meet the defendant personally, how much do you think you would like him? (check one)

<input type="checkbox"/> Would like extremely	<input type="checkbox"/> Would dislike slightly
<input type="checkbox"/> Would like moderately	<input type="checkbox"/> Would dislike moderately
<input type="checkbox"/> Would like slightly	<input type="checkbox"/> Would dislike extremely

6. How intelligent would you estimate the defendant to be? (check one)

<input type="checkbox"/> Extremely intelligent	<input type="checkbox"/> Slightly unintelligent
<input type="checkbox"/> Moderately intelligent	<input type="checkbox"/> Moderately unintelligent
<input type="checkbox"/> Slightly intelligent	<input type="checkbox"/> Extremely unintelligent

7. How physically attractive would you estimate the defendant to be? (check one)

<input type="checkbox"/> Extremely attractive	<input type="checkbox"/> Slightly unattractive
<input type="checkbox"/> Moderately attractive	<input type="checkbox"/> Moderately unattractive
<input type="checkbox"/> Slightly attractive	<input type="checkbox"/> Extremely unattractive

8. From which socio-economic class would you estimate the defendant to be? (check one)

<input type="checkbox"/> Lower-class (poverty level)	<input type="checkbox"/> Middle-class	<input type="checkbox"/> Upper-class (extremely wealthy)
<input type="checkbox"/> Upper Lower-class	<input type="checkbox"/> Upper Middle-class	
<input type="checkbox"/> Lower Middle-class	<input type="checkbox"/> Lower Upper-class	

9. In general, how truthful or honest would you estimate the defendant to be? (check one)

<input type="checkbox"/> Extremely honest	<input type="checkbox"/> Slightly dishonest
<input type="checkbox"/> Moderately honest	<input type="checkbox"/> Moderately dishonest
<input type="checkbox"/> Slightly honest	<input type="checkbox"/> Extremely dishonest

10. Regardless of whether you feel the defendant is guilty or innocent of the present charges, estimate the probability that he will commit a similar offense in the future. (Indicate a percentage figure from 0 to 100 with "0" indicating absolute certainty that he will commit a similar offense, "100" indicating absolute certainty that he will not, and with other percentages falling between these two extremes.)

_____ %

Post-Deliberation Questionnaire - Page 3

11. We are interested in determining what factors influenced your decisions concerning the verdict and penalty recommendations. In the spaces provided below, list five specific factors that influenced your decisions, naming the most important first, the next most important second, and so on. (These factors may be based either on objective facts or your subjective feelings; they may include factors such as those related to particular points in the transcript, your personal feelings about the defendant, etc.)

1. _____
2. _____
3. _____
4. _____
5. _____

Appendix Y

Acknowledgement of Monetary Compensation

INTERCAMPUS GRIEVANCE COMMITTEE

RIVERSIDE BRANCH

P.O. BOX 5743
RIVERSIDE, CALIFORNIA 92517

(714) 787-3013

SANTA CRUZ

DAVIS

RIVERSIDE

SAN DIEGO

ACKNOWLEDGEMENT OF MONETARY COMPENSATION

I, _____, have received \$_____ in cash as compensation
(print your name)

for my participation as a juror for the Intercampus Grievance Committee.

Date: _____

Signature: _____

Appendix Z

Intercampus Grievance Committee Debriefing Letter

INTERCAMPUS GRIEVANCE COMMITTEE

RIVERSIDE BRANCH

P.O. BOX 5743
RIVERSIDE, CALIFORNIA 92517

(714) 787-3017

SANTA CRUZ

DAVIS

RIVERSIDE

SAN DIEGO

Dear Student Juror:

This letter is being sent to all people who have received information concerning the Intercampus Grievance Committee. I would like to take this opportunity to especially thank those of you who served as student jurors in the Program. Unfortunately, due to scheduling and methodological concerns, not all people who received our announcement actually did participate as jurors.

Let me give you a little background into this project. I have been involved in research pertaining to the criminal justice system for several years. (For example, see my article, "On the Psychology of Eyewitness Testimony," Journal of Applied Psychology, 1977, volume 62, pp. 90-95.) For my dissertation project, I set out to examine jury decision-making processes. Although during the past five years, there has appeared in the literature a relatively large number of empirical studies dealing with jury behavior, there have remained some important unanswered questions, such as those pertaining to personality and sociocultural factors.

To be sure, there are some rather imposing practical problems that are encountered when venturing to study the behavior of juries, not the least of which is the inaccessibility to social scientists of real juries during deliberation. This situation necessitates the utilization of analogue techniques. In other words, since we are unable to observe and study real juries during their deliberation, we must create a simulated jury situation to study.

In practice, though, while jury simulation research has been fairly common, it has all too often taken the form of asking college students to read a story, typically concerning a murder or a rape, then asking them to "pretend they are on a jury" and to arrive at a decision, such as whether the defendant would be given the death penalty. Clearly, while such studies provide some interesting information, it is obvious that the results have limited generalizability. This is because the "student jurors" knew they were not on a real jury, but rather were merely participating in an experiment and that their decisions would have an impact only for the data of the experimenter. Unfortunately, much of what we know about the psychology of juries is based on just this type of research, studies where "jurors" knew they were not actually jurors, but in reality, experimental subjects.

This is why the "Intercampus Grievance Committee" was created. For my dissertation on the psychology of jury behavior, I felt it imperative to create as realistic a situation as possible, so that the information derived would have more validity and meaningfulness than if the study were simply conducted under the auspices of a "psychology experiment."

-continued-

Inter-campus Grievance Committee
Page 2

In order to attain this degree of realism, then, the Inter-campus Grievance Committee (which has no existence beyond the purposes of my dissertation) was created, complete with official letterhead, envelopes, forms, and a post office box. I should also point out that in order to keep the experimental conditions under scientific control, a standard set of fictional case transcripts was employed.

The proposed title of my dissertation is "Sociocultural and Personality Perspectives on Jury-Behavior and Decision-Making." While it is too early for me to give you any actual data or results, I can tell you what specific factors I have been examining. Each student jury deliberated on two cases, one involving a Chicano defendant and the other involving an Anglo defendant. I will also compare the results derived from juries composed of a majority of either Anglo or Chicano jurors, and of a majority of either male or female jurors. The questionnaire booklet that the student jurors completed, in addition to the demographic items, consisted of standard personality tests and attitudinal measures. The primary purpose of these questions was to determine what traits might predispose people to particular verdicts. In addition, I am interested in group influence and shall compare jurors' pre-deliberation and post-deliberation decisions.

This dissertation project is being funded by the Law Enforcement Assistance Administration of the U.S. Department of Justice. I believe that this project will make substantial and important contributions to our understanding of the American jury system. And again, without your participation, this would not have been possible. Finally, I would like to express my appreciation for the support given to me in this project here at UCR by the Graduate Division and by the Vice-Chancellor for Student Affairs.

Please do not hesitate to contact me if you have any questions or comments. Thank you very much.

Sincerely yours,

Jack P. Lipton
Jack P. Lipton

JPL: mas

Appendix AA

Jury Composition and Counter-Balancing Information

Jury Composition and Counter-Balancing Information

1. The four jury types were as follows:

a. Predominantly Anglo jury

2 Anglo males
2 Anglo females
1 Chicano male
1 Chicana female

b. Predominantly Chicano jury

2 Chicano males
2 Chicana females
1 Anglo male
1 Anglo female

c. Predominantly male jury

2 Anglo males
2 Chicano males
1 Anglo female
1 Chicana female

d. Predominantly female jury

2 Anglo females
2 Chicana females
1 Anglo male
1 Anglo female

2. There were four juries of each type, yielding a total of 16 6-person juries, or 96 total jurors.

3. Within each jury type, each of the four juries were exposed to one of the four possible case transcript conditions. There were two separate cases, the "cheating case" and the "destruction" case; the defendant was either Anglo or Chicano. In addition, the order of presentation was counterbalanced, yielding the four possible conditions as follows:

(a) 1st case: Anglo defendant in "cheating" transcript
2nd case: Chicano defendant in "destruction" transcript

(b) 1st case: Anglo defendant in "destruction" transcript
2nd case: Chicano defendant in "cheating" transcript

(c) 1st case: Chicano defendant in "destruction" transcript
2nd case: Anglo defendant in "cheating" transcript

(d) 1st case: Chicano defendant in "cheating" transcript
2nd case: Anglo defendant in "destruction" transcript

Appendix BB

Variable Listing and Coding Information for Regression Analyses

Variable Listing and Coding Information for Regression Analyses

1. All personality and attitudinal variables listed in the Methods section were included in the regression analyses. These are listed again as follows:
 - (a) authoritarianism - high score reflects authoritarianism, low score reflects egalitarianism.
 - (b) locus of control - high score reflects externality, low score reflects internality.
 - (c) attitude towards the law - the higher the score, the more positive the attitude.
 - (d) need for social approval - the higher the score, the greater the need for social approval.
 - (e) death penalty score - the higher the score, the more favorable the attitude towards the death penalty.
 - (f) attitude towards capital punishment - the higher the score, the more favorable the attitude towards capital punishment.
 - (g) self-esteem - the higher the score, the greater the self-esteem.
2. The above personality and attitudinal variables were included in the analyses summarized in Tables 1 through 9 and 19 through 27.
3. All personality and attitudinal variables are continuous and were coded as described in the appropriate Appendices.
4. Attitude towards capital punishment and the death penalty score were derived from the same instrument, as described in Appendix P.
5. The demographic and sociocultural variables that were included in the regression analyses are listed, along with coding information, as follows:

Variable	Coding Information
(a) ethnicity of juror	0 = Anglo 1 = Chicano
(b) sex of juror	0 = male 1 = female
(c) age of juror	(coded in years)

- (d) birth order
0 = first born
1 = not first born
- (e) social class
1 = lower class
2 = upper lower-class
3 = lower middle-class
4 = middle class
5 = upper middle-class
6 = lower upper-class
7 = upper class
- (f) Spanish fluency
1 = not at all
2 = very little
3 = moderately
4 = very well
5 = fluently
- (g) importance of cultural heritage
1 = not at all
2 = very little
3 = moderately
4 = very much
5 = extremely
- (h) political ideology
1 = extremely conservative
2 = moderately conservative
3 = somewhat conservative
4 = middle-of-the-road
5 = somewhat liberal
6 = moderately liberal
7 = extremely liberal
- (i) political activism
1 = not at all
2 = very little
3 = moderately
4 = very much
5 = extremely
- (j) juror-defendant SES difference
**

6. **Juror-defendant SES difference score was computed by subtracting jurors' post-deliberation ratings of the defendant's social class from the ratings of their own social class. High (or positive) scores refer to jurors who perceived themselves as being higher in social class than the defendant; low (or negative) scores refer to jurors who perceived themselves as being higher in social class than themselves. In analyses involving the Anglo defendant, the "juror-defendant SES difference" variable refers to the perceived difference in social class between the juror and the Anglo defendant, while the analyses involving the Chicano defendant, the

variable refers to the juror-Chicano defendant SES difference.

7. The demographic and sociocultural variables were included in the analyses depicted in Tables 1 through 18.

END