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RACE SALIENCE IN DEFENSE ATTORNEY OPENING AND
CLOSING STATEMENTS: THE EFFECTS OF AMBIGUITY AND
JUROR ATTITUDES

BY

DONALD BUCOLO

BA, Rhode Island College, 2004

THESIS

Submitted to the University of New Hampshire

in Partial Fulfillment of

the Requirements for the Degree of

Master of Arts

In

Psychology

May, 2007

UMI Number: 1443600

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ACKNOWLEDGEMENTS

I would like to thank my thesis committee, Ellen S. Cohn, PhD, Victor A. Benassi, PhD, and Rebecca M. Warner, PhD, for their helpful comments, suggests, and advice in all aspects of this project. A special thank you to my advisor Ellen S. Cohn, PhD for her guidance and support these past two years; her dedication to her graduate students and her constant drive for perfection made this thesis come to life.

I would also like to acknowledge the support of my fellow colleagues, in particular, Melissa Surawski, MA, for her counsel on the project as well as her moral support throughout the entire year. Her friendship and support during the project was immeasurable, and this thesis truly would not have been completed if it were not for her helping hand and understanding heart.

Finally, this thesis would not have been possible without the love and support of my family, my mother and father, Carolyn and Richard Bucolo, and my brother, Richard A. Bucolo II. Throughout my life they have supported me in whatever endeavors I have attempted and they have been there to encourage and congratulate me when I have succeeded, and they have been their to help and console me when I have failed. Their unyielding support of me has always inspired me to do the best I can at whatever I attempt. Their dedication to my education and the multiple forms of support they have provided throughout my education is what truly made this thesis possible.

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ABSTRACT

RACE SALIENCE IN DEFENSE ATTORNEY OPENING AND CLOSING STATEMENTS: THE EFFECTS OF AMBIGUITY AND JUROR ATTITUDES

By.

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University of New Hampshire, May 2007

Two studies were conducted to evaluate if making a defendant's race salient in defense attorneys' opening and closing statements would reduce White juror racial bias towards a Black defendant when evidence against the defendant was strong (Study 1) or weak (Study 2). In Study 1, making race salient did reduce guilty verdicts against the Black defendant. In addition, more racist jurors were more likely to find the Black defendant guilty only when race was not made salient. In Study 2, making a defendant's race salient did not affect White jurors verdicts. Further, in Study 2 participants with more positive views towards Blacks and who were more motivated to not appear prejudiced were more likely to find the defendant guilty regardless of the defendant's race. These results suggested that attitudes were better predictors of juror verdicts when the case against the defendant was weak rather than strong.

CHAPTER I

DEFENDANT RACE AND THE LEGAL SYSTEM

Archival Studies of Defendant Race

One tenant of the American judicial system is the defendant's right to have their fate decided by a jury of their peers. Jurors are expected to enter the courtroom free of any prejudice and bias and render verdicts based solely on the evidence and testimony presented during a trial. However, researchers have found that jurors are not unbiased; instead, jurors often base their decisions on extralegal information unrelated to the facts and evidence presented during a trial (e.g. Sommers & Ellsworth, 2000).

Outside of the courtroom, individuals rely on the physical characteristics (e.g. race, sex, age) of others to make decisions regarding their attributes (Kunda, 1999). Although the legal system is supposed to ensure that all defendants are treated equally, jurors also rely on defendant characteristics and treat certain defendants differently because of their race, sex, age, and physical attractiveness (Mazzella & Feingold, 1994). Of these defendant characteristics, legal scholars have focused on defendant race because archival analyses have routinely found that Black defendants receive longer prison terms than White defendants, even after controlling for multiple factors (see Coker, 2003; Johnson, 1985). In social psychology, researchers have also reported that race is one of the first characteristics individuals use to categorize and make judgments regarding others (Kunda, 1999; Stangor, Lynch, Duan, & Glass, 1992). Therefore, studying how defendant race affects juror decisions can provide researchers from both fields with an

understanding of how and when jurors use defendant race to reach a verdict.

Although Blacks compose approximately 12.3% of the U.S. population (U.S. Census Bureau, 2001), approximately 39% of inmates in state and federal prisons are Black (U.S. Bureau of Justice Statistics, 2005). Although statistics alone do not demonstrate that race affects juror decisions, archival data has routinely shown that Blacks are more likely to be sentenced to death and receive longer prison sentences than White defendants while controlling for multiple factors besides race (Baldus, Pulaski, & Woodworth, 1983; Sorenson & Wallace, 1995). Not all studies have found that Black defendants receive longer prison terms than White defendants (e.g. Myers & Talarico, 1986), but a recent meta-analysis by Mitchell (2005) comparing sentencing rates from 70 studies of racial bias in sentencing concluded that Black defendants receive significantly longer prison terms than Whites, even after the researchers controlled for multiple variables such as prior legal behavior, type and seriousness of crime, and socio economic status.

Although Blacks do receive significantly longer prison terms than Whites, jurors rarely sentence defendants, except in capital cases. There are also many variables that can influence trials that take place in the legal system that can not be statistically controlled for, such as the quality of legal representation. To overcome these limitations, researchers have relied on mock juror simulations to examine how defendant race affects juror decisions.

Defendant Race in Mock Juror Simulations

Researchers using mock juror simulations investigate how defendant race affects jurors' decisions while controlling for extraneous variables found in actual trials.

Researchers examining defendant race and juror verdicts in mock juror simulations have reported that Black defendants are more likely to be found guilty and receive longer prison sentences than White defendants for various crimes including burglary (DeSantis & Kayson, 1997; Gordon, Bindrum, McNicholas, & Walden, 1988), manslaughter (Gray & Ashmore, 1976), rape (Klein & Creech, 1982; Landwehr et al., 2002), sexual assault (Wuensch, Campbell, Kesler, & Moore, 2002) and murder (ForsterLee, ForsterLee, Horowitz, & King, 2006). Black defendants are also more likely to be found guilty than White defendants in studies examining other variables including socio-economic status (Pfeifer & Bernstein, 2003), the insanity plea (McGlynn, Megas & Benson, 1976), inadmissible evidence (Hosdon, Hooper, Dovidio, & Gaertner, 2005; Johnson, Whitestone, Jackson, & Gatto, 1995), and capital punishment cases (Lynch & Haney, 2000). Black defendants are especially more likely to be found guilty of a crime and receive longer prison sentences when they are described as victimizing a White individual (Field, 1979; ForsterLee et al., 2006; Klein & Creech, 1982; Landwehr et al., 2002; Ugwuegbu, 1981) and the tendency for Black defendants to be found guilty more often than White defendants even exists in jurors following jury deliberation (Bernard, 1979; Dovidio, Smith, Donnell, & Gaertner, 1997)

A recent meta-analysis by Mitchell, Haw, Pfeifer, and Meissner (2005) examining racial bias, the tendency for jurors to be more punitive (i.e. more likely to convict and sentence defendants to longer prison terms) towards defendants of a different race concluded that both Black and White jurors exhibit a racial bias towards defendants of a different race. Summarizing the results of thirty-four mock juror studies, Mitchell and colleagues (2005) found that jurors are more likely to find defendants of a different race

guilty and sentence these defendants to significantly longer prison terms when compared to defendants who are the same race as the juror. However, their analysis also revealed that racial bias was attenuated under certain conditions.

Reducing the Biasing Effects of Defendant Race

Although mock juror simulations have shown that White jurors do exhibit a racial bias towards Black defendants, researchers have reduced this bias using judges' instructions. For example, Pfeifer and Ogloff (1991) found that judges' instructions that included a specific charge stating that jurors could not rely on any prejudices when reaching a verdict eliminated White juror racial bias towards a Black defendant. In addition, White juror racial bias does not exist in jurors who comprehend instructions in death penalty cases (Lynch & Haney, 2000). Judicial instructions that reduced White juror racial bias towards Blacks did not reduce the bias these jurors showed to low socio-economic defendants (Pfeifer & Bernstein, 2003, study 2). But, the nature of judges' instructions is complex and not all studies have found that judicial instructions reduced White juror racial bias (e.g. Hill & Pfeifer, 1992).

Jury deliberation reduces White juror racial bias, but only under certain circumstances (Foley & Pigott, 2002; Sommers, 2006). Researchers have found that jury deliberation reduced White juror racial bias only when the deliberating juries were comprised of both White and Black jurors; White juror racial bias was not reduced when White jurors deliberated on all White juries (Foley & Pigott, 2002; Sommers, 2006). But, deliberating on a jury comprised of both Black and White jurors does not always reduce White juror racial bias (see Bernard, 1979; Dovidio, Smith, Donnella, & Gaertner, 1997).

Both judges' instructions and jury deliberation (and jury composition) are unique

trial elements that all jurors experience as part of their role on a jury. The results of the research finding that manipulating these elements reduced White juror racial bias appears to work through a similar mechanism; they direct the juror's attention towards issues of race and prejudice. But, can the same effects occur when issues of defendant race are brought up during the actual trial? Studies examining race salience have found that emphasizing a Black defendant's race during a simulated trial reduced White juror racial bias (e.g. Sommers & Ellsworth, 2000).

Studies of Race Salience

White juror racial bias can be reduced when a Black defendant's race becomes highlighted (i.e. a defendant's race is made salient during) during a trial (Cohn, Bucolo, Pride, & Sommers, 2007; Sommers, 2006; Sommers & Ellsworth, 2000, 2001). In studies of race salience, a defendant's race (either White or Black) has been emphasized during a trial through testimony presented by the defense (Cohn et al., 2007; Sommers & Ellsworth, 2000, 2001) or through voir dire (Sommers, 2006). In these studies, White jurors were more likely to find a Black defendant guilty when race was not emphasized, or not made salient, but this racial bias was removed when a defendant's race was made salient. For example, Sommers and Ellsworth (2001) compared White juror verdicts for a case of an attempted assault where the defendant was either a Black or White man. In addition, race was either made salient through witness testimony which highlighted the defendants' race or was not made salient (the witnesses testimony did not mention the defendant's race). When race was not made salient, White jurors were more likely to find the Black defendant guilty as they convicted the Black defendant 90% of the time when compared to a 70% conviction rate for the White defendant. However, when race

was made salient, there was no difference in the conviction rates for the two defendants (White defendant 69% conviction rate, Black defendant 66% conviction rate, respectively). Making a Black defendant's race salient during a simulated trial has been found to be a reliable way to reduce White juror racial bias; the theory of aversive racism (Gaertner & Dovidio, 1986) suggests, that similar to judges' instructions and jury deliberation, race salience reduced White juror racial bias because emphasizing the Black defendant's race focused the juror's attention to issues of race and prejudice.

Aversive Racism

Following the Civil Rights Movement of the 1960's, White attitudes towards Blacks have generally become more positive, with Whites being less likely to report prejudice towards Blacks (Schuman, Steech, Bobo & Krysan, 1997). However, although individuals are less likely to report that they hold negative views towards Blacks, researchers have also found that negative stereotypes about Blacks still exist in society and that both high and low prejudiced individuals rely on such stereotypes in certain situations (e.g. Devine, 1989; Devine & Elliot, 1995; Lepore & Brown, 1997; for a review of this research consult Dovidio, Kawakami, & Beach, 2002). As Devine (1989) described, there are both controlled and automatic responses individuals make towards Blacks with these two responses being associated with certain behaviors (e.g. Dovidio et al., 1997; Fazio, Jackson, Dunton, & Williams, 1995)

Utilizing the results of attitude research incorporating both implicit and explicit racial attitudes, Gaertner and Dovidio (1986, 2005; see also Dovidio and Gaertner, 1998, 2000) theorized that a more modern form of racism, termed aversive racism, exists among many Whites in modern society. In order to appear not prejudiced, these aversive

racists support racial equality and social programs that promote such equality. Although Whites are socialized to believe that racism and discrimination are wrong, society still reinforces and maintains negative stereotypes regarding Blacks. Even though aversive racists may be motivated to reject racist ideology, repeated exposure to negative stereotypes about Blacks results in feelings of uneasiness and discomfort towards Blacks. To overcome these negative feelings towards Blacks, aversive racists react in socially desirable ways to situations where their actions could be construed as prejudiced.

But aversive racists do harbor negative feelings towards Blacks that are expressed in more subtle or discrete ways (Gaertner & Dovidio, 1986, 2005). Aversive racists are more likely to express their biased beliefs about Blacks when social norms regarding the task are ambiguous, or participants are not reminded about the interracial nature of the situation (Gaertner & Dovidio, 1986). Aversive racists are also more likely to exhibit biased behavior in situations where their behavior can either be rationalized or made to appear uninfluenced by race and prejudice (Dovidio & Gaertner, 2000; Hodson, Dovidio, & Gaertner, 2002; Hodson, Hooper, Dovidio, & Gaertner, 2005). Even when normative structure is clear, aversive racists may search out and find non-racial evidence or factors they can use to justify their biased decisions as not to threaten their non-prejudiced self image (e.g. Hodson et al., 2002; Hodson et al., 2005).

Thus, in the context of studies of race salience, aversive racism suggests that emphasizing a Black defendant's race eliminated White juror racial bias towards a Black defendant because these jurors were made aware that finding the defendant guilty could appear prejudiced. Because White jurors are reminded about the potential for appearing prejudiced, and are motivated to not appear racist, White jurors were less likely to find

the defendant guilty when race was made salient. But, when race was not made salient, jurors relied on implicit racial attitudes about Blacks and were likely to find the defendant guilty.

Therefore, defense attorneys should consider the possibility of “playing the race card” when representing a Black defendant. The current literature on race salience would indicate that attorneys highlight the race of a Black defendant through the types of questions they ask during voir dire as well as the type of testimony they evoke from witnesses. It is also possible for attorneys to make a Black defendant’s race salient during opening and closing statements. However, to date, researchers have failed to examine if making race salient in attorney opening and closing statements reduces White juror racial bias.

In addition, Cohn et al. (2007) found that there was no association between verdict and racial attitudes when a Black defendant’s race was made salient; however, when race was not made salient, more racist jurors had significantly higher ratings of guilt when compared to less racist jurors. Thus, it is also important to consider the role of juror attitudes that previous researchers have found are predictive of juror verdicts.

Juror Attitudes and Juror Decisions

Few researchers have examined the association between juror racial attitudes and verdict, but these researchers have demonstrated that racial attitudes were predictive of juror verdict in cases where the defendant was Black. As previously cited, Dovidio and colleagues (1997) found that explicit racial attitudes were related to participants’ ratings of guilt in two cases involving Black defendants. Likewise, Dovidio, Smith, Donella, and Gaertner (1997) reported that explicit racial attitudes were related to White participants’

ratings of guilt for a Black defendant in a death penalty case, even after these jurors deliberated on a jury that contained Black jurors. Studies of racial attitudes and opinions of the O.J. Simpson trial indicated that racial attitudes were related to Whites' overall feeling that Simpson was guilty (Brigham & Wasserman, 1999; Murray, Kaiser, & Taylor, 1997).

More recently, researchers have found that jurors who score high on Social Dominance Orientation (SDO) (Pratto, Sidanius, Stallworth, & Malle, 1994) are more likely to find a Black defendant guilty when compared to a White defendant (Kimmelmeier, 2005). Those who scoring high on SDO believe that group superiority over other groups is crucial to maintaining the hierarchy of society which keeps less superior groups in check. SDO has been found to be positively associated with measures of authoritarianism, conservatism, and measures of prejudice and racism (Pratto et al., 1994).

Other researchers have found that individual legal attitudes are predictive of juror verdicts. One of the first juror attitudes found to predict juror verdicts was authoritarianism. Individuals high in authoritarianism desire order, adhere to the rules of society, and abhor deviant behavior. Authoritarianism scales are also correlated with measures of prejudice and racism (Narby, Cutler, & Moran, 1993). Researchers have demonstrated that individuals who score higher on measures of authoritarianism are also more prosecution prone and are more likely to find defendants guilty (Cutler, Moran, & Narby, 1992; Hurst & Foley, 2005; Kravitz, Cutler, & Brock, 1993; Landwehr et al., 2002; Narby et al., 1993). To date, only Cohn et al. (2007) has examined the role of juror attitudes in cases where race was made salient. Further studies need to incorporate other

juror attitudes to determine how these attitudes affect juror verdicts

Current Project

The goals of the current project was to build and expand on the current literature regarding race salience to determine the generalizability of the phenomena and if juror racial attitudes are associated with race salience and to examine whether manipulating aspects of the trial interact with race salience. Therefore, two studies were conducted to determine if making race salient the during attorney's opening and closing statements reduces White juror racial bias in a trial where strong evidence suggests the defendant is guilty (i.e. the case is less ambiguous) (Study 1) and in a trial where evidence pointing to the defendant's guilt is less clear (i.e. the case is more ambiguous) (Study 2).

CHAPTER II

STUDY 1

Rationale

First in Study 1, the goal was to replicate the findings of previous research that has examined race salience. Researchers studying race salience have done so through manipulating either testimony presented to the juror (Cohn et al., 2007; Sommers & Ellsworth, 2000, 2001) or through voir dire that emphasizes the minority status of the defendant (Sommers, 2006). Anecdotal evidence would suggest that the presentation of race salient statements during the defense attorney's opening and closing statements would produce similar effects. Thus, race salience was manipulated through the opening and closing statements made by the defense attorney. It was hypothesized that manipulating race salience in opening and closing statements would reduce White juror racial bias such that White jurors would be more likely to find a Black defendant guilty than a White defendant when race was not made salient, but when race was made salient, juror verdicts were not expected to differ as a function of defendant race.

In two of Sommers and Ellsworth's studies (2000, 2001), the trial stimuli used was a brief case summary of approximately two pages. These stimuli lacked the realism of more authentic mock juror simulations that incorporate all trial elements a juror would be exposed too. To determine if race salience effects can be generalized to more realistic mock juror simulations, a simulated trial transcript including all elements of a trial was used. Further, researchers investigating race salience have done so in cases where there

is strong evidence (i.e. the case against the defendant is less ambiguous) pointing to the guilt of the defendant (e.g. Sommers & Ellsworth, 2001). Therefore, to truly replicate the findings of previous research, the trial transcript was developed to have a high baseline conviction rate.

Previous investigations of defendant race in mock juror simulations have found jurors' verdicts are associated with juror attitudes. The current study incorporated measures of juror attitudes to determine if certain jurors are more likely to be influenced by race salience manipulations. These measures were hypothesized to be related to juror verdicts with explicit racial attitudes being related to juror verdicts when the defendant was Black and race was not made salient (see Cohn et al., 2007).

Method

Participants

One hundred sixty-three students were recruited to participate in this study as a part of a course requirement for Introduction to Psychology. Because this was a study of White juror racial bias, only responses from students indicating they were White were analyzed ($N = 155$). This smaller, Whites only sample, was 61 % female ($n = 95$) with ages ranging from 18 -22 ($M = 19.08$, $SD = .99$). Most students reported being Freshmen ($n = 82$, 53%) or Sophomores ($n = 47$, 30%) although students from all classes were represented in the study (Juniors, $n = 20$ (13%), and Seniors $n = 6$ (4%), respectively).

Trial Summary

All respondents received a 12 page trial transcript, which included opening statements from the defense and prosecution, direct and cross-examination of three prosecution witnesses and one defense witness, closing arguments from both the defense

and prosecution, and judges' instructions. The trial transcript described the trial of a defendant accused of a simple assault for starting a fight in a bar after a football game. According to the transcript, while traveling out of town on business, the defendant was having dinner at a local bar while watching a football game. After watching his team lose the game, an altercation with another bar patron occurred where this other patron's nose was fractured. In both transcripts, this altercation was interracial; when there was a Black defendant the victim was White, and when there was a White defendant, the victim was Black. In the transcript, the prosecution presented testimony from the victim of the incident, a bartender from the bar who witnessed the incident, and a police officer who was called to the scene of the incident. The prosecution claimed that the defendant initially started the fight and intended to injure the victim. The defendant claimed that the victim intentionally spilt beer on him and verbally abused the defendant all night and that he reacted to the victim's actions in self defense. The only defense witness who testified in the transcript was the defendant.

To ascertain the conviction rate of the less ambiguous trial transcript, multiple versions of the transcript had been written and edited through small focus groups until a version of the trial transcript had been developed that was believed to favor guilt. A pilot study was then conducted where 48 students were given the trial transcript, with no racial information or race salience manipulation, and asked to provide a verdict and rate the three most crucial pieces of evidence that influenced their verdict (this information was later used to make the trial transcript more ambiguous). Participants took approximately 12.40 ($SD = 2.45$) minutes to read the transcript. In this pilot study, 31 students found the defendant guilty, resulting in a conviction rate of 65%. The results of a Chi Square

analysis revealed that significantly more students found the defendant guilty than not guilty $\chi^2(1, 47) = 4.08, p = .04$. This trial transcript was therefore used as the less ambiguous case.

Independent Variables

Defendant Race. In the trial transcript the defendant's race was described as either Black or White. Previous researchers (Sommers & Ellsworth, 2000, 2001) have also manipulated the defendants' name, using names more representative of each race. A similar manipulation regarding the names of the defendants was used in the trial transcripts (White defendant, Rob Williams, and the Black defendant, Antoine Robbins, respectively).

Race Salience. To manipulate race salience, statements emphasizing the race of the defendant (e.g. "The defendant did what any (Black/White) man in this situation would do") and the interracial nature of the interaction (e.g. "The only reason the defendant, and not the supposed victim, is being charged with this crime is because the defendant is (Black/White) and the victim is (White/Black)") were included in the defense attorney's opening and closing statements. There was no mention of racial issues in the opening and closing statements of the defense attorney in the race not salient conditions (e.g. "The defendant did what any man in this situation would do").

Measures

Cognitive Task. The cognitive task was a timed word completion task in which participants completed as many word fragments as possible to form a complete word in 60 seconds. There were 16 word fragments; eight fragments were racially neutral (e.g. C L _ _ K) such that they could not be completed to make a racially related word and

eight fragments were racially charged (e.g. W H _ _ E) such that they could be completed to make a racially related word. The number of racially related words was recorded as a total score and used as a measure of implicit racial attitudes (see Devine, 1989).

Attitudes Towards Blacks Scale (ATBS). Brigham's (1993) 20 item scale contains 10 positively worded statements (e.g. "If a Black were put in charge of me, I would not mind taking advice and direction from him or her") and 10 reverse coded statements (e.g. "I would rather not have Blacks live in the same apartment building I live in"). All items are measured on a five point Likert scale ranging from 1 (strongly disagree) to 5 (strongly agree). Total scores on the measure ranged from 52 - 98 with higher scores on the scale demonstrating more positive attitudes towards Blacks. In the current study, the scale had good reliability (Cronbach's $\alpha = .87$).

Modern Racism Scale (MRS). McConahay, Hardee, and Batts' (1981) scale measures more subtle racial attitudes with items of the scale designed to reduce socially desirable answers and participant reactivity (e.g. "Discrimination against Blacks is no longer a problem in America"). The scale contains seven items measured on a five point Likert Scale (1 (strongly disagree) to 5 (strongly agree)); scores on the scale ranged from 7 - 25 with higher scores indicating more racist beliefs. In the current study, the scale had respectable reliability (Cronbach's $\alpha = .74$).

The Old Fashioned Racism Scale (OFRS). McConahay and associates' (1981) seven item scale measures explicit, overt racial prejudice (e.g. "It is a bad idea for Blacks and Whites to marry each other") with items scored on a five point Likert Scale (1 (strongly disagree) to 5 (strongly agree)); scores on the scale ranged from 7 - 23, again

with higher scores indicating greater racist beliefs. In the current study, the scale had respectable reliability (Cronbach's $\alpha = .76$).

Social Dominance Orientation (SDO). Pratto et al.'s (1994) scale is a 14 item scale measuring one's acceptance of social inequality (e.g. "Some groups of people are simply not the equals of others"). The scale is scored on a five point Likert scale ranging from 1 (strongly disagree) to 5 (strongly agree); scores ranged from 14 to 50 with higher scores indicating greater acceptance of inequality. The scale had good reliability in the current study (Cronbach's $\alpha = .88$).

Revised Legal Attitudes Questionnaire (RLAQ). Kravitz et al.'s (1993) 23 item scale is measured on a five point Likert Scale ranging from 1 (strongly disagree) to 5 (strongly agree). The scale measures legal authoritarianism (e.g. "Too many obviously guilty persons escape punishment because of legal technicalities"); scores on the scale ranged from 48 to 88 with higher scores indicating greater authoritarianism and a pro conviction bias. In the current study, the measure demonstrated moderate reliability (Cronbach's $\alpha = .67$).

Demographics. Students also completed demographics which included race, age, gender, and class standing (e.g. Freshman, Sophomore, etc).

Dependent Measures

Guilt. Mock jurors rendered both a dichotomous verdict of either guilty or not guilty and also rated guilt on an 11 point quantitative scale ranging from -5 (definitely not guilty) to 5 (definitely guilty). Confidence in verdict was measured on a seven point Likert scale ranging from 1 (not confident) to 7 (very confident).

Sentencing. Participants who found the defendant guilty were also asked to

sentence the defendant to a prison sentence ranging from 1 to 60 months in prison.

Defendant Characteristics. After completing measures of guilt and sentencing, participants rated the defendant along a series of characteristics (e.g. likeable, not believable) on a seven point Likert Scale ranging from 1 (not) to 7 (very).

Manipulation Checks. After completing all dependent variables, participants had to recall the race of the defendant and whether the defense attorney's opening and closing statements made multiple references to the defendant's race.

Procedure

Participants completed the experiment in two different sessions. Each session consisted of approximately 10 to 20 students. The two sessions were spread over at least three days to prevent students from uncovering the nature of the experiment. In the first session, participants reported to the lab and first provided informed consent. Students who agreed to participate then completed a questionnaire containing the attitudinal scales; the order of these scales was randomized. After completing all the scales, students then provided demographics.

In the second session, participants engaged in the mock juror simulation. Upon entering the lab, participants first provided informed consent. Students who agreed to participate in the study were then given one of four randomized trial transcripts where defendant race (Black, White) and race salience (race not salient, race salient) were manipulated. Once all students in a session had finished reading the trial transcript, students completed the timed cognitive task. After this task, respondents completed all dependent measures. After completing both sessions, students were given a debriefing form, asked if they had any questions, thanked for their participation, and then dismissed.

Results

Manipulation Checks

First, to ensure that students were aware of the manipulations, the percentage of students correctly answering the manipulation questions were analyzed. Participants correctly recalled the defendant's race 93.5% of the time ($n = 145$) (Black defendant = 93.5% ($n = 73$), White defendant = 93.5% ($n = 72$), respectively). Students were somewhat less successful in recalling the race salience manipulations. Students correctly recalled whether they had read either a race salient ($n = 68$, 90.6%) or race not salient ($n = 69$, 87.4%) trial transcript 88.4% of the time ($n = 137$). Because there appeared to be no systematic differences in the rates of correctly answering the manipulation check questions, all participants' responses were examined.¹

Preliminary Analyses

Before examining the association between juror verdicts and juror attitudes, the scales were examined to make sure that the manipulations of defendant race and race salience was not associated with scores on any scale. First, the correlations between the measures were calculated; the findings are presented in Table 1. Most measures were correlated, therefore a 2 Defendant Race x 2 Race Salience MANOVA with juror

Table 1
Correlations among Attitudes in Study 1

	ATBS	MRS	OFRS	SDO	RLAQ
ATBS	1				
MRS	-.60**	1			
OFRS	-.69**	.52**	1		
SDO	-.67**	.53**	.64**	1	
RLAQ	.10	.04	-.09	-.01	1

Note: * $p < .05$, ** $p < .005$

¹ Analyses conducted with only participants who answered both manipulation questions correct ($N = 132$) yielded similar results.

attitudes as the dependent variables was conducted. There were no effects for defendant race, Wilks' $\Lambda = .97$, $F(5, 147) < 1$, $p = .46$, race salience Wilks' $\Lambda = .96$, $F(5, 147) = 1.29$, $p = .27$ or the interaction among the two variables Wilks' $\Lambda = .92$, $F(5, 147) < 1$, $p = .85$ on participants' attitudes. Table 2 presents the means and standard deviations for attitudes.

Table 2
Means and Standard Deviation for Attitudes in Study 1

<i>Racial Attitudes</i>	<i>M</i>	<i>SD</i>
ATBS	81.10	11.41
MRS	14.48	3.84
OFRS	11.41	3.92
SDO	29.40	8.67
RLAQ	69.68	7.35

To evaluate if the manipulated variables had any effect on the number of racially related words the participants completed, a 2 Defendant Race x 2 Race Salience between-subjects ANCOVA was conducted with the number of racially related words completed as the dependent variable, and the total number of words completed as the covariate. The total number of words completed was a significant covariate $F(1, 150) = 36.88$, $p < .001$, $\eta^2 = .20$; students who completed more words in general, also completed more racially related words. Controlling for the effects of the total number of words participants completed, there was no effect for defendant race, $F(1, 150) = 1.83$, $p = .18$; however, there was a tendency for students to complete more racially related words when race was made salient ($M = 1.96$, $SD = 1.74$) than when race was not made salient ($M = 1.65$, $SD = 1.49$), $F(1, 150) = 3.61$, $p = .059$, $\eta^2 = .02$. The interaction between defendant race and race salience was not significant, $F(1, 150) = 1.17$, $p = .28$.

To examine defendant characteristics, first a principal component analysis was conducted using a Varimax rotation to determine the underlying factor structure of the

items. The analysis revealed a two component structure, accounting for 56% of the variance in students' ratings of the defendant characteristics. Component loadings are presented in Table 3; a cutoff of .50 was used to categorize items into each component.

The first component, which accounted for 28.65% of the variance following

Table 3
Component Loadings of Principal Component Analysis in Study 1

Character Trait	Component	
	Integrity	Criminality
Not Blameworthy	-.84	-.02
Aggressive	.77	.08
Honest	-.73	-.20
Not Believable	.58	.51
Lazy	-.01	.90
Not Intelligent	.11	.89
Not Trustworthy	.56	.61
Criminal	.46	.50
Likeable	-.41	-.46
Physical Attractive	.02	.05

rotation, was labeled "Integrity" and consisted of 3 items (Cronbach's $\alpha = .74$) which

were related to the defendant's character. The second component, which accounted for

27.51% of the variance after rotation, was labeled "Criminality" and consisted of 4 items

(Cronbach's $\alpha = .81$) related to stereotypes about criminals. Higher scores on both items

indicated more negative views of the defendant. The two items were moderately

correlated ($r(155) = .46, p < .001$); therefore a 2 Defendant Race X 2 Race Saliency

MANOVA was conducted with the two characteristics as dependent variables. There

was a main effect for defendant race only, Wilk's $\Lambda = .91, F(2, 150) = 7.09, p = .001, \eta^2$

$= .09$. Participants rated the White defendant as being more criminal ($M = 12.84, SD =$

3.29) than the Black defendant ($M = 10.72, SD = 3.65.$), $F(2, 150) = 14.26, p < .001$.

There was a tendency for participants to rate the White defendant has having less

integrity ($M = 13.03, SD = 2.71$) than the Black defendant ($M = 12.30, SD = 2.58$), $F(2,$

150) = 2.86, $p = .09$.

Jurors' Verdicts and Sentencing

80 (51.6%) participants found the defendant guilty and 75 (48.4%) participants found the defendant not guilty. Table 4 presents the frequency distribution and percentages of verdict for participants as a function of both defendant race and race salience. To examine if making race salient reduced White juror racial bias towards a Black defendant, a 2 Guilty (Not Guilty, Guilty) x 2 Defendant Race (White, Black) x 2 Race Salience (Not Salient, Salient) Chi Square was conducted. There was no association between verdict and defendant race when race was not salient $\chi^2(1, 154) = 1.27, p = .26$. However, verdict and defendant race were associated when race was made salient $\chi^2(1, 154) = 7.05, p = .008$. Further Chi Square analysis revealed that there was no difference in conviction rates for the White defendant when race was made salient $\chi^2(1, 36) = 2.19, p = .14$, but participants were more likely to find the Black defendant not guilty when race was made salient $\chi^2(1, 37) = 5.13, p = .02$ (see Table 4). Chi Square analysis also revealed that White jurors were more likely to find a Black defendant not guilty than a

Table 4
Verdicts as a Function of Condition in Study 1

Race Salience	Defendant Race			
	Black		White	
	Not Guilty	Guilty	Not Guilty	Guilty
Race Salient	26 (68.4%)	12 (31.6%)	14 (37.8%)	23 (62.2%)
Race Not Salient	20 (50%)	20 (50%)	15 (37.5%)	25 (62.5%)
Total	46 (58.9%)	32 (41.1%)	29 (37.7%)	48 (62.3%)

White defendant when race was made salient $\chi^2(1, 39) = 3.60, p = .058$, but White jurors were just as likely to find a Black defendant not guilty as a White defendant when race was not made salient $\chi^2(1, 34) < 1, p = .40$ (see Table 4).

A 2 Defendant Race X 2 Race Salience between-subjects ANOVA with the dependent variable being the quantitative ratings of guilt was also conducted to evaluate if making race salient affected jurors' ratings of guilt towards a Black defendant. The means are presented in Table 5. There was a main effect for both defendant race $F(1, 151) = 6.47, p = .01, \eta^2 = .04$, and race salience $F(1, 151) = 5.13, p = .03, \eta^2 = .03$, which were both qualified by a two-way interaction among the variables, $F(1, 151) = 4.69, p = .03, \eta^2 = .03$. Ratings of guilt were significantly lower for the Black defendant when race was made salient than when race was not made salient, $t(76) = 3.14, p = .002$. There was no difference among ratings of guilt for the White defendant as a function of race salience (see Table 5).

Table 5.
Means and Standard Deviation for Ratings of Guilt as a Function of Condition in Study 1

Defendant Race	Race Not Salient		Race Salient		Total	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
White	1.10 _a	2.63	1.05 _a	3.14	1.08	2.86
Black	.93 _a	2.87	-1.13 _b	2.91	-.08	3.05
Total	1.01 _a	2.75	-.05 _b	3.20		

Note: Means with different subscripts in a row are significant at $p < .002$.

Although ratings of guilt were influenced by defendant race and race salience, these variables had no effect on participants' confidence in verdict, measured on a seven point Likert Scale (all F s < 1 for race salience, defendant race, and the interaction among the variables, respectively).

A 2 x 2 ANOVA with recommended sentence as the dependent variable was also conducted among the participants who found the defendant guilty ($n = 78$). There were no significant effects for defendant race, $F(1,76) < 1, p = .37$, race salience, $F(1,76) = 1.99, p = .17$, or the interaction between the two variables $F(1,76) < 1, p = .34$.

Juror Attitudes and Verdict

It was hypothesized that juror racial attitudes would only be predictive of juror verdict when the defendant was Black and race was not made salient. To examine hypotheses regarding juror attitudes and race salience, first a standard Multiple Regression with the independent variables and student attitudes as predictors and the quantitative rating of guilt as the outcome variable was conducted. Main effects and the interaction between the two independent variables were dummy coded (defendant race (White = 0, Black = 1) and race salience (not salient = 0, salient = 1)) and entered into the model as categorical predictor variables. The attitudinal scales were entered into the model as quantitative predictor variables. The overall model was significant $F(12, 142) = 2.39, p = .01, R^2 = .12$. Table 6 presents the results of the multiple regression. As expected, the interaction between race salience and defendant race was a significant predictor of guilt. There were no other significant predictors (see Table 6).

Table 6
Results of a Multiple Regression with Defendant Race, Race Salience, and Attitudes as Predictors in Study 1

Predictors	B	Std. Error	β	<i>T</i>
Constant	-4.06	4.83		-.84
Defendant Race (A)	-.11	.66	-.02	-.16
Race Salience (B)	-.11	.67	-.02	-.17
A X B	-2.28	.98	-.33	-2.25*
ATBS	.03	.04	.11	.90
MRS	.10	.08	.12	1.64
OFRS	.02	.09	.02	.17
SDO	-.01	.04	-.03	-.20
RLAQ	.02	.03	.05	.56

Note * $p < .05$

Because Cohn et al. (2007) found that the association between juror attitudes and juror verdicts in cases where race was made salient was complex, four multiple regressions were conducted, one within each condition, with all attitudes entered as predictor

Table 7
Model Summary for Multiple Regressions with Attitudes as Predictors as a Function of Condition in Study 1

Condition	R	R ²	F	p
Black Defendant/Race Not Salient	.52	.27	2.57	.05
Black Defendant/Race Salient	.53	.28	2.46	.05
White Defendant/Race Not Salient	.21	.04	.31	.88
White Defendant/Race Salient	.35	.12	.87	.15

variables and the outcome variable being the quantitative measure of guilt. Table 7

presents the model summaries for the four multiple regressions. The attitudinal scales were predictive of White juror verdicts both when a Black defendant's race was not made salient $F(5, 34) = 2.57, p = .05$ and when a Black defendant's race was made salient $F(5, 32) = 2.46, p = .05$.

Although none of the individual attitudes were significant predictors when the defendant was Black and race was made salient, both the Attitudes towards Blacks Scale and the Old Fashioned Racism Scale were significant predictors of juror verdict when a defendant was Black and race was not made salient (see Table 8). Individuals with less

Table 8
Regression Coefficients for Four Multiple Regressions within Conditions in Study 1

Predictors	Condition							
	Black Defendant Race Not Salient		Black Defendant Race Salient		White Defendant Race Not Salient		White Defendant Race Salient	
	B	β	B	β	B	β	B	β
Constant	-4.82		-9.20		7.97		-3.37	
ATBS	-.12	-.37 _a *	-.01	-.04 _b	-.04	-.15	.08	.30
MRS	.05	.06 _a	.13	.19 _a	-.07	-.08	.19	.25
OFRS	.48	.56 _a *	.08	.10 _b	-.02	-.04	-.25	-.37
SDO	-.07	-.22 _a	.09	.27 _b	-.07	-.23	.06	.19
RLAQ	.11	.21 _a	.05	.14 _a	-.01	-.01	-.05	-.14

Note: * $p \leq .05$

Note: Different subscripts in a row are significantly different at $p \leq .05$ positive attitudes towards Blacks (i.e. lower scores on the ATBS) were more likely to find the Black defendant guilty when race was not made salient. Further, individuals who

were more racist (i.e. higher scores on the OFRS) were also more likely to find the Black defendant guilty when race was not made salient.

To further investigate the role of juror attitudes when the Black defendant's race was not made salient and made salient, a series of *t* tests were performed comparing the standardized beta coefficients for the predictors in the those two regression models (see Edwards, 1984). The Attitudes towards Blacks scale was a better predictor of juror verdict when race was not made salient than when race was made salient, $t(74) = -3.51, p < .001$, as was the Old Fashioned Racism Scale, $t(74) = 1.96, p = .05$ (see Table 8). In addition, the standardized beta coefficient for Social Dominance orientation were significantly different when race was not made salient, than when race was made salient, $t(74) = -4.93, p < .001$ (see Table 8). The standardized beta coefficients for the Modern Racism scale were not significantly different in the two regression models, $t(74) = -.54, p = .59$, nor were the beta coefficients for the Revised Legal Attitudes Questionnaire, $t(74) = .37, p = .71$, respectively.

Cognitive Task

Table 9. Partial Correlation between Racial Words and Ratings of Guilty, Controlling for the Total Number of Words as a Function of Condition in Study 1

Condition	Partial correlation (r_p)
Black Defendant/Race Not Salient	-.21
Black Defendant/Race Salient	-.24
White Defendant/Race Not Salient	-.04
White Defendant/Race Salient	.39*

Note: * $p < .05$

To evaluate the association between juror verdicts and the number of racially related words completed, a series of partial correlations were performed between the quantitative ratings of guilt and the number of racially related words completed,

controlling for the total number of words the participant completed. Table 9 presents the results of the analysis. There was a positive correlation between the number of racially related words completed and jurors' ratings of guilt when the defendant was White and race was made salient (see Table 9) such that higher ratings of guilt were associated with more racially completed words in that condition.

Discussion

Although White jurors in the current study were not more likely to find a Black defendant guilty than a White defendant, manipulating race salience did have an effect on juror verdicts. White jurors were less likely to find a Black defendant guilty when race was made salient than when race was not made salient. There was also no difference in juror verdicts as a function of race when race was not made salient, but when race was made salient, jurors were more likely to find the Black defendant not guilty when compared to the White defendant. These results partly support the first hypothesis as it demonstrated that emphasizing a Black defendant's race during a trial influences White juror verdicts (Cohn et al., 2007; Sommers, 2006; Sommers & Ellsworth, 2000, 2001).

However, the findings of the study suggest that perhaps White jurors do not always exhibit a racial bias towards Black defendants. Although most researchers who investigate defendant race have found that White jurors are more likely to find a Black defendant guilty (Mitchell et al., 2005) this is not always the case (e.g. see Bagby & Rector, 1991; Dean et al., 2000). The research of Sommers and his colleagues (2006; Sommers & Ellsworth, 2000, 2001) reported that making race salient reduced White juror racial bias towards a Black defendant. In contrast, this first study found no racial bias towards the Black defendant; rather, the Black defendant and White defendant were

equally as likely to be found guilty when race was not made salient. But, when race was made salient, the Black defendant was actually more likely to be acquitted by the jurors than the White defendant. Thus, making race salient was actually beneficial for the Black defendant, when compared to the White defendant.

Although defendant race and race salience affected juror verdicts, these variables did not significantly affect jurors' prison sentences among individuals who found the defendant guilty. Interestingly, individual ratings of the defendant were only significantly affected by defendant race as jurors rated the White defendant as more criminal and lacking integrity when compared to the Black defendant.

Similar to previous research that has investigated juror racial attitudes in cases where race was made salient (Cohn et al., 2007) juror racial attitudes were only associated with juror verdict when a Black defendant's race was not made salient. Individuals with less positive attitudes towards Blacks and who were more racist were more likely to find the Black defendant guilty when race was not made salient, however, these scales were not predictive of juror verdict when the Black defendant's race was made salient. Further, juror racial attitudes were found to be better predictors of juror verdicts for the Black defendant when race was not made salient, when compared to when race was made salient. These findings indicated that manipulating race salience reduced White juror racial bias even for individuals who are racist. Juror attitudes therefore may not play a role in jurors' decision when a Black defendant's race is made salient, but, when a Black defendant's race is not made salient, the White juror racial bias found in previous research (e.g. Mitchell et al., 2005) maybe the result of more racist White jurors being more likely to find a Black defendant guilty. Previous researchers

have found that individuals higher in SDO are more likely to find a Black defendant guilty (Kemmelmeier, 2005); unexpectedly, the nature of the association between SDO and juror verdict switched when a defendant's race was made salient such that individuals with higher scores on the variable were more likely to find the defendant guilty when race was made salient, with individuals with lower scores on the scale being more likely to find the Black defendant guilty when race was not made salient.

The analyses examining the role of implicit racial attitudes, as measured by the cognitive task, found that implicit racial attitudes were related to juror verdicts when a White defendant's race was made salient. Although implicit racial attitudes are usually associated with other indirect behaviors (e.g. see Dovidio et al., 1997), this study found that jurors for whom race was more accessible in their minds were more likely to find a White defendant guilty when race was made salient. White jurors in this condition, who were more influenced by the manipulation of race salience, may have sanctioned the White defendant for victimizing a Black by being more likely to find the White defendant guilty.

Though the findings of Study 1 did not completely support the hypotheses offered, the results did suggest that making a defendant's race salient in attorney opening and closing statements was a viable way of reducing White juror racial bias. In fact, in the current study, making race salient was beneficial for a Black defendant as these defendants were less likely to be found guilty than a White defendant. Further, these results indicated that juror attitudes are only associated with juror verdict when a Black defendant's race is not made salient and therefore juror attitudes maybe an important component that researchers need to measure. Therefore, Study 2 was conducted to

determine if the effects found in the current study could be replicated when the case against the defendant was weak. Because researchers have found that juror racial bias towards a defendant of a different race can be exacerbated when the case against the defendant was not as strong (Kerr, Hymes, Anderson, & Weathers, 1995; Sargent & Bradfield, 2004) Study 2 was conducted to determine if race salience can reduce White juror racial bias against a Black defendant when the case against the defendant was more ambiguous.

CHAPTER III

STUDY 2

Rationale

In the trial transcript used in Study 1, pilot testing had found that the transcript had a conviction rate of 65% when neither defendant race nor race salience was included in the trial. This less ambiguous transcript was used because previous researchers studying race salience have used trials where there is a strong conviction rate (Cohn et al., 2007; Sommers, 2006; Sommers & Ellsworth, 2000, 2001).

The amount of evidence against a defendant is the greatest predictor of jurors' verdicts (Devine et al., 2001). When evidence is not as clear (i.e. the case against the defendant is more ambiguous), jurors rely on other cues to make their decisions regarding the defendant such as the physical attractiveness of the defendant (Baumeister & Darley, 1982) and pretrial publicity (Kerr, Niedermeier, & Kaplan, 1999). Researchers studying defendant race have also demonstrated that racial biases towards defendants of a different race can be exacerbated by manipulating the amount of evidence presented during a trial. Kerr and colleagues (1995) reported that under low evidence conditions, where the guilt of the defendant was ambiguous, and both Black and White jurors showed a racial bias, being more likely to convict a defendant of a different race. However, when evidence strength was strong, jurors were actually more likely to convict defendants of the same race. Similarly, Sargent and Bradfield (2004) also reported that the biasing effects of a

defendant's race only occurred when the evidence against the defendant was weak.

As previous researchers have reported, jurors may be more likely to use race as a deciding factor when the case against the defendant is more ambiguous. The first study demonstrated that presenting race salient arguments in the defense attorney's opening and closing statements was a useful way to reduce White juror racial bias when the evidence against the defendant was strong. In Study 2, race salience again was manipulated in the attorney's opening and closing statements. It was again hypothesized that manipulating race salience in opening and closing statements would reduce White juror racial bias such that White jurors would be more likely to find a Black defendant guilty than a White defendant when race was not made salient, but when race was made salient, juror verdicts were not expected to differ as a function of defendant race.

The first study also found that juror attitudes were associated with juror verdicts, only when a Black defendant's race was not made salient. Previous researchers have suggested that individual attitudes maybe more predictive of juror verdict when the case against the defendant is more ambiguous (see De La Fuente, De La Fuente, & García, 2003); therefore this study incorporated additional measures of jurors' attitudes to determine if attitudes were related to juror verdict. Similar to Study 1, it was hypothesized that juror attitudes would be related to juror verdicts when the defendant was Black and race not made salient.

Method

Participants

One hundred seventy-one students were recruited to participate in this study as a part of a course requirement for Introduction to Psychology. Because this was a study of

White juror racial bias, only responses from students indicating they were White were analyzed ($N = 161$). This smaller, Whites only sample, was 64 % female ($n = 103$) with ages ranging from 17 -35 ($M = 18.71$ $SD = 1.54$). Most students reported being Freshmen ($n = 101$, 63%) or Sophomores ($n = 41$, 25%) but students from all classes participated in the study (Juniors, $n = 15$ (9%), and Seniors $n = 4$ (3%), respectively).

Trial Summary

The same case and trial stimuli were used in the current study with some minor alterations made to the transcript to make the case against the defendant more ambiguous. Pilot testing of the first manuscript revealed that the two most important pieces of evidence resulting in the defendant being found guilty were: (1) the extent of the defendant's injuries, and (2) the positioning of the defendant prior to the altercation. In the more ambiguous transcript used in the current study, these two elements were altered to make the case against the defendant weaker. In the less ambiguous transcript, the defendant was not injured during the altercation; in the more ambiguous transcript the defendant received minor bruises and a bloody lip in the altercation (The extent of the victim's injuries were the same in both transcripts). In addition, in the more ambiguous transcript, the defendant testified that he was sitting down, with his back towards the victim when the victim lunged at him; in the less ambiguous transcript, the defendant testified that he got up out of his chair when the victim approached him prior to the altercation. A pilot study consisting of 24 students read this second, more ambiguous trial transcript minus defendant race and race salience. Ten students found the defendant guilty (42% conviction rate). Although the Chi Square was not significant $\chi^2(1, 23) < 1$, $p = .41$, it was clear that the trial transcript no longer favored guilt. Further, the

conviction rate for the more ambiguous case was similar to conviction rates used by other researchers (see Kerr et al., 1999); therefore this transcript was used in Study 2.

Independent Variables

Defendant Race. In the trial transcript the defendant's race was described as either Black or White. Previous researchers (Sommers & Ellsworth, 2000, 2001) have also manipulated the defendants' name, using names more representative of each race. A similar manipulation regarding the names of the defendants was used as in the trial transcript (White defendant, Rob Williams, and the Black defendant, Antoine Robbins, respectively).

Race salience. To manipulate race salience, statements emphasizing the race of the defendant (e.g. "The defendant did what any (Black/White) man in this situation would do") and the interracial nature of the interaction (e.g. "The only reason the defendant, and not the supposed victim, is being charged with this crime is because the defendant is (Black/White) and the victim is (White/Black)") were included in the defense attorney's opening and closing statements. There was no mention of racial issues in the opening and closing statements of the defense attorney in the race not salient conditions (e.g. "The defendant did what any man in this situation would do").

Measures

Previous Attitudes. Similar to Study 1, participants completed the same attitudinal scales including the Cognitive Task (Implicit racial attitude), the Attitudes towards Blacks Scale, ($\alpha = .81$) (Brigham, 1993), the Modern Racism Scale ($\alpha = .73$) (McConahay et al., 1981), Social Dominance Orientation Scale ($\alpha = .89$) (Pratto et al., 1994), and the Revised Legal Attitudes Scale ($\alpha = .65$) (Kravitz et al., 1993), along with

demographics. Unfortunately, because of an error, the Old Fashioned Racism Scale (McConahay et al., 1981) was not included in the questionnaire packet in Study 2. In addition, participants also completed two additional scales measuring motivation to not appear prejudiced.

Internal Motivation to Respond to Prejudice (IMS). Plant and Devine's (1998) scale contains five items and measures respondents internal drive to not appear prejudiced (e.g. "Being non-prejudiced towards Black people is important to me") on a five point Likert scale ranging from 1 (strongly disagree) to 5 (strongly agree). Scores on the scale ranged from 5- 23 with higher scores signifying greater internal motivation to not respond with prejudice. In the current study the scale had modest reliability (Cronbach's $\alpha = .75$).

External Motivation to Respond to Prejudice (EMS). Plant and Devine's (1998) scale contains five items and measures individuals sensitivity to social factors that inhibit the expression of prejudice (e.g. "I try to act non-prejudiced toward Black people because of pressure from others") on a five point Likert scale ranging from 1 (strongly disagree) to 5 (strongly agree). Scores ranged from 9 – 25 on the measure with higher scores representing a greater awareness of external pressures to not appear prejudiced. In the current study the reliability of the scale was good (Cronbach's $\alpha = .89$).

Dependent Measures

Guilt. Mock jurors rendered both a dichotomous verdict of either guilty or not guilty and also rated guilt on an 11 point quantitative scale ranging from -5 (definitely not guilty) to 5 (definitely guilty). Confidence in verdict was measured on a seven point Likert scale ranging from 1 (not confident) to 7 (very confident).

Sentencing. Participants who found the defendant guilty were also asked to sentence the defendant to a prison sentence ranging from 1 to 60 months in prison.

Defendant Characteristics. After completing measures of guilt and sentencing, participants rated the defendant along a series of characteristics (e.g. likeable, not believable) on a seven point Likert Scale ranging from 1 (not) to 7 (very).

Manipulation Checks. After completing all dependent variables, participants had to recall the race of the defendant and whether the defense attorney's opening and closing statements made multiple references to the defendant's race.

Procedure

Similar to Study 1, all participants completed the experiment in two sessions. These sessions consisted of 10- 20 students and were spread over at least three days. In the first session, participants completed an informed consent form, and those who agreed to participate completed a research questionnaire containing all the scales; the order of the scales in the questionnaire packets was randomized. The very last page of the questionnaire packet also included demographics.

In the second session, respondents first completed an informed consent form and those who agreed to participate engaged in a mock juror simulation where they were told to take the role of a juror trying a case. Participants were then given one of four randomized trial transcripts where defendant race (Black, White) and race salience (race not salient, race salient) were manipulated. Once all students in a session had finished reading the trial transcript, students completed the timed cognitive task. After this task, respondents completed all dependent measures. After completing both sessions of the study, students were given a debriefing form, asked if they had any questions, thanked for

their participation, and then dismissed.

Results

Manipulation Checks

Similar to Study 1, the percentage of students correctly answering the manipulation check questions was assessed. For the most part, students correctly recalled elements of the case in rates similar to Study 1. Participants correctly recalled the defendants' race 92.5% ($n = 149$) of the time (Black defendant = 95% ($n = 74$), White defendant 90.3% ($n = 75$), respectively). However, participants in Study 2 were less likely to recall the race salience condition, correctly recalling that they read a race salient ($n = 71$, 87.6%) or not salient ($n = 65$, 81.3) trial transcript 84.4% of the time ($n = 136$). Because there appeared to be no systematic differences in the rates of correctly answering the manipulation check questions, all participants' responses were examined².

Preliminary Analyses

Table 10
Correlations among Attitudes in Study 2

	ATBS	MRS	IMS	EMS	SDO	RLAQ
ATBS	1					
MRS	-.61**	1				
IMS	-.38**	.19**	1			
EMS	.65**	-.55**	-.27**	1		
SDO	-.56**	.46**	.25**	-.47**	1	
RLAQ	.00	-.02	.00	-.12	.05	1

Note: * $p < .05$, ** $p < .005$

Before examining the association between juror verdicts and juror attitudes, the scales were examined to make sure that the manipulations of defendant race and race salience was not associated with scores on any scale. First, the zero-order correlations among the attitudes were conducted (see Table 10). Most measures were associated with

² Analyses conducted with only participants who answered both manipulation questions correct ($N = 128$) yielded similar results.

each other; therefore a 2 Defendant Race x 2 Race Salience MANOVA with juror attitudes as the dependent variables was conducted. There was no difference in participants' attitudes as a function of defendant race, Wilks' $\Lambda = .95$, $F(6, 152) = 1.23$, $p = .30$. However, there was an effect for race salience Wilks' $\Lambda = .92$, $F(6, 152) = 2.13$, $p = .05$, $\eta^2 = .08$, but no effect for the interaction among the two variables Wilks' $\Lambda = .97$, $F(6, 152) < 1$, $p = .56$. Follow-up ANOVAs revealed that participants had significantly higher scores on the External Motivation to Not Appear Prejudiced Scale when race was not made salient than when race was made salient $F(6, 152) = 9.53$, $p = .002$, $\eta^2 = .06$ (see Table 11). There were no other significant differences among the scales.

Table 11
Means and Standard Deviation for Attitudes as a Function of Race Salience in Study 2

<i>Racial Attitudes</i>	<i>Race Salience</i>			
	<i>Race Not Salient</i>		<i>Race Salient</i>	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
ATBS	79.21 _a	10.21	77.94 _a	10.60
MRS	14.85 _a	3.93	14.80 _a	4.63
IMS	14.82 _a	2.96	14.94 _a	3.52
EMS	20.90 _a	2.81	19.19 _b	4.25
SDO	29.06 _a	7.47	31.39 _a	9.78
RLAQ	71.19 _a	5.60	71.73 _a	5.74

Note: Means with different subscript in a row are significantly different at $p < .05$.

Using the same component structure that was revealed in Study 1, participants' ratings of defendant characteristics were assessed using a 2 Defendant Race X 2 Race Salience MANOVA. Similar to Study 1, both components had respectable reliability (Integrity (3 items) Cronbach's $\alpha = .60$, Criminality (4 items) Cronbach's $\alpha = .76$) and were moderately correlated, $r(161) = .60$, $p < .001$. There was a significant effect for defendant race only, Wilk's $\Lambda = .80$, $F(2, 156) = 11.62$, $p < .001$, $\eta^2 = .13$. Follow-up 2 X 2 ANOVAs revealed that White defendants were rated as having less integrity ($M = 12.59$, $SD = 2.29$) than Black defendants ($M = 10.96$, $SD = 2.33$), $F(2,156) = 17.44$, $p <$

.001, $\eta^2 = .10$ and White defendants were rated as more criminal ($M = 12.91$, $SD = 2.92$) than Black defendants ($M = 10.64$, $SD = 3.69$), $F(1,156) = 18.88$, $p < .001$ $\eta^2 = .11$, respectively.

To assess if the manipulated variables had any effect on the number of racially related words completed, a 2 Defendant Race x 2 Race Salience between-subjects ANCOVA was conducted with the number of racially related words completed as the dependent variable and the total number of words completed as the covariate. The total number of words completed was a significant covariate $F(1, 156) = 9.20$, $p = .003$, $\eta^2 = .06$.; students who completed more words in general also completed more racially related words. Controlling for the effects of the number of words completed, there was no effect for defendant race, $F(1, 156) = 2.89$, $p = .10$; however, there was a main effect for race salience with students completing more racially related words when race was made salient ($M = 1.58$, $SD = 1.44$) than when race was not made salient ($M = 1.19$, $SD = 1.38$), $F(1, 156) = 3.99$, $p = .05$, $\eta^2 = .03$. The interaction between defendant race and race salience was not significant, $F(1, 156) < 1$, $p = .40$.

Jurors' Verdicts and Sentencing

Sixty-one students found the defendant guilty (37.8% conviction rate). Table 12 presents the frequency distribution and percentages of verdicts. To examine if making race salient reduced White juror racial bias towards a Black defendant, a 2 Guilty (Not Guilty, Guilty) x 2 Defendant Race (White, Black) x 2 Race Salience (Not Salient, Salient) Chi Square was conducted. Race was associated with verdict when race was made salient $\chi^2(1, 160) = 9.20$, $p = .002$ and when race was not made salient $\chi^2(1, 160) = 7.42$, $p = .006$. As Table 12 demonstrates, the race salience manipulation had little effect

on juror verdicts. Therefore, verdicts were collapsed across the race salience condition and a 2 Guilty X 2 Defendant Race Chi Square was conducted; there was a significant association between juror verdict and defendant race $\chi^2(1, 160) = 16.65, p < .001$. Jurors were significantly more likely to find the White defendant guilty than the Black defendant regardless of the race salience manipulation (see Table 12).

Table 12
Verdicts as a Function of Defendant Race and Race Salience in Study 2

	Defendant Race			
	Black		White	
Race Salience	Not Guilty	Guilty	Not Guilty	Guilty
Race Salient	29 (76.3%)	9 (23.7%)	21 (51.2%)	20 (48.8 %)
Race Not Salient	32 (80%)	8 (20%)	18 (42.9%)	24 (57.1%)
Total	61 (78.2%)	17 (21.8%)	39 (47%)	44 (53%)

A 2 Defendant Race X 2 Race Salience between-subjects ANOVA with the dependent variable being the quantitative ratings of guilt was also conducted to evaluate if making race salient affected jurors' ratings of guilt towards a Black defendant. There was a main effect for defendant race only $F(1, 157) = 13.23, p < .001, \eta^2 = .08$ (race salience and the interaction between the variables $F_s < 1$). Participants' ratings of guilt were significantly higher when the defendant was White than when the defendant was Black, $t(159) = 3.65, p < .001$ (see Table 13)

Table 13
Means and Standard Deviation for Ratings of Guilty as a Function of Condition in Study 2

Defendant Race	Race Salience				Total	
	Race Not Salient		Race Salient		<i>M</i>	<i>SD</i>
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
White	.31 _a	3.32	.27 _a	2.95	.29 _a	3.12
Black	-1.53 _b	2.21	-1.16 _b	2.74	-1.34 _b	2.49
Total	-.56	2.98	-.44	2.92		

Note: Means with different subscript in a column significant at $p < .001$.

A 2 Defendant Race x 2 Race Salience ANOVA with recommended sentence as the dependent variable was also conducted among the participants who found the defendant guilty ($n = 61$); none of the variables had any effect on sentencing (all F s < 1).

Juror Attitudes and Verdict

It was hypothesized that juror racial attitudes would only be predictive of juror verdict when the defendant was Black and race was not made salient. To examine hypotheses regarding juror attitudes and race salience, a standard Multiple Regression with the independent variables and attitudes as predictors and the quantitative measure of guilt as the outcome variable was conducted. Main effects and the interaction between the two independent variables were dummy coded (defendant race (White = 0, Black = 1) and race salience (not salient = 0, salient = 1)) and entered into the model as categorical predictor variables. The attitudinal scales were entered into the model as quantitative predictor variables. The overall model was significant $F(12, 148) = 3.39, p = .001, R^2 = .17$.

Table 14
Results of a Multiple Regression with Defendant Race, Salience, and Attitudes as Predictors and Ratings of Guilt in Study 2

Predictors	B	Std. Error	β	t
Constant	2.75	4.87		.57
Defendant Race (A)	-1.77	.63	-.30	-2.82*
Race Salience (B)	-.20	.31	-.07	-.66
A X B	.38	.44	.11	.85
ATBS	.07	.03	.24	2.07*
MRS	-.07	.07	-.11	-1.07
IMS	.18	.07	.20	2.45*
EMS	-.20	.09	-.25	-2.36*
SDO	.01	.03	.03	.31
RLAQ	.08	.04	.15	2.01*

Note: * $p \leq .05$

Defendant race was a significant predictor of juror ratings of guilt (see Table 14). As the negative standardized regression coefficient suggests, individuals were significantly more

likely to find the defendant guilty when the defendant was White than when the defendant was Black.

Interestingly, some of the scales were significant predictors of juror verdict. For instance, Attitudes towards Black scale was a significant predictor such that individuals with more positive attitudes towards Blacks had higher ratings of guilt than individuals with less positive attitudes towards Blacks. The same association also appeared with the Internal Motivation to not Respond with Prejudiced scale. In addition, the External Motivation to Not Respond with Prejudiced was also a significant predictor, such that individuals with higher scores on the scale had significantly lower ratings of defendant guilt than individuals with lower scores on the scale. The Revised Legal Attitudes Questionnaire was also a significant predictor of juror verdict with participants with higher scores on this measure of legal authoritarianism being more likely to rate the defendant as guilty (see Table 14).

Because race salience had no effect on participants' ratings of guilt, two multiple regressions were conducted using juror attitudes as predictors when both the defendant was Black ($n = 78$) and the defendant was White ($n = 83$). Both multiple regressions were significant, $F(6, 76) = 2.85, p = .02, R = .43, R^2 = .18$, for when the defendant was White and $F(6, 71) = 2.24, p = .05, R = .40, R^2 = .16$, when the defendant was Black, respectively. Table 15 presents regression coefficients for each multiple regression. None of the individual attitudes were predictive of juror verdict when the defendant was Black, but when the defendant was White, the Attitudes towards Black Scale and the Revised Legal Attitudes Questionnaire were significant predictors such that higher scores on both scales were associated with higher ratings of defendant guilt (see Table 15).

Table 15
Regression Coefficients for Multiple Regressions as a function of Defendant Race in Study 2

Predictors	Condition			
	White Defendant		Black Defendant	
	B	β	B	β
Constant	4.350		3.61	
ATBS	.12	.36 _a *	-.01	-.03 _b
MRS	-.10	-.13 _a	-.13	-.24 _a
IMS	.19	.18 _a	.10	.14 _a
EMS	-.14	-.14 _a	-.16	-.28 _a
SDO	-.02	-.05 _a	.04	.16 _b
RLAQ	.16	.28 _a *	.03	.07 _b

Note: * $p < .05$

Note: Subscripts in a row are significantly different at $p < .05$.

To further assess the role of juror attitudes when the defendant was Black and the defendant was White, a series of t tests were performed comparing the standardized beta coefficients for the predictors in the those two regression models (see Edwards, 1984). Attitudes towards Blacks was a better predictor when the defendant was White than when the defendant was Black, $t(157) = 5.78, p < .001$, as was the Revised Legal Attitudes Questionnaire, $t(157) = 2.63, p < .01$, respectively (see Table 15). The standardized beta coefficients for Social Dominance orientation were significantly different in the two regression models, $t(157) = -3.46, p < .001$. However, standardized beta coefficients for the Modern Racism Scale were not significantly different in the two regression models, $t(157) = .73, p = .46$, nor were the regression coefficients different for the Internal Motivation to not Respond with Prejudiced, $t(157) = .24, p = .82$, and the External Motivation to not Respond with Prejudiced, $t(157) = .83, p = .41$, respectively.

Cognitive Task

To ascertain the association between juror verdicts and the number of racially related words completed, a series of partial correlations were performed between the

continuous ratings of guilt and the number of racially related words completed, controlling for the total number of words the participant completed. Table 16 presents the results of the analysis. There was a positive correlation between the number of racially related words completed and jurors' ratings of guilt when the defendant was Black and race was made salient such that higher ratings of guilt were associated with more racially completed words in that condition (see Table 16).

Table 16
 Partial Correlation between the Number of Racial Words and Ratings of Guilty, While Controlling for the Total Number of Words as a Function of Condition in Study 2

Condition	Partial correlation (r_p)
Black Defendant/Race Not Salient	.15
Black Defendant/Race Salient	.36*
White Defendant/Race Not Salient	.06
White Defendant/Race Salient	.03

* $p < .05$

Discussion

Previous researchers have found that bias towards a different race defendant can be exacerbated when evidence against that defendant is weak (Kerr et al., 1999; Sargent and Bradfield, 2004); however, in the current study, participants were actually more likely to find a defendant who was the same race as the juror (in this case White) guilty. Because there was no racial bias against a Black defendant, making race salient in the defense attorney's opening and closing statements had no impact on any of the dependent measures. Similar to Study 1, neither race salience nor defendant race had an impact on jurors' recommended sentences for the defendant among individuals who found the defendant guilty.

Although other researchers have suggested that there is Black sheep effect (i.e. tendency to treat a member of one's group more harshly under certain circumstances, see

Marques, 1990) against a same race defendant when evidence is strong (Kerr et al., 1995), White jurors in Study 2 were actually more likely to find the White defendant guilty when compared to the Black defendant. Not only were participants more likely to find the White defendant guilty in this study, but participants in the current study also rated the White defendant as more criminal than the Black defendant and also believed that the White defendant had less integrity than the Black defendant. It is possible, that because this crime was interracial in nature (the victim of the crime was a different race than the defendant) White jurors sanctioned the White defendant for committing such an act against a Black victim and thus, they were more likely to find the White defendant guilty when compared to the Black defendant who victimized a White. This would seem plausible when examining the association of juror attitudes and juror verdicts.

In Study 1, jurors' attitudes were only associated with juror verdict when a Black defendant's race was not made salient. Previous researchers have reported that juror attitudes are better predictors of juror verdicts when evidence against the defendant is ambiguous (De La Feunte et al., 2003); therefore, juror attitudes were expected to be significant predictors of verdict. In Study 2, juror attitudes were predictive of verdict globally even after controlling for the effects of defendant race and race salience.

In the first study, the Attitudes towards Blacks Scale (Brigham, 1993) was negatively related to juror verdict only when the defendant was Black and race was made salient. Study 2 revealed that positive attitudes towards Blacks were associated with higher ratings of guilt across conditions. However, when examining the regressions within defendant race, it was found that Attitudes towards Black scale was a significant predictor of juror verdict when the defendant was White and not when the defendant was

Black. This would suggest that White jurors with more positive attitudes towards Blacks were more likely to find the White defendant guilty, and therefore punished the White defendant for harming a Black victim when the evidence in the trial was more ambiguous. It would make sense that jurors who have more positive attitudes towards Blacks would be more likely to find a White defendant, who committed a crime against a Black victim, guilty.

Participants' motivation to not appear prejudiced was also a significant predictor of juror verdict. Individuals for whom not appearing prejudiced was personally important (Internal Motivation to Not Appear Prejudice Scale (IMS), Plant & Devine, 1999) were significantly more likely to find the defendant guilty, regardless of the defendant's race or race salience. This may have occurred because jurors were provided with information that a member of one race harmed a member of a different race. Regardless of the race of the defendant, the crime was always interracial, so it is possible that individuals who have an internal drive to not appear prejudiced penalized both the White and Black defendant for committing a crime against someone of a different race. A different picture emerged for individuals who are more aware of situational cues that signal being prejudiced (External Motivation to Not Appear Prejudiced Scale (EMS), Plant & Devine, 1999). Individuals who were more aware of environmental motivations to not appear prejudiced were less likely to find the defendant guilty, again, regardless of condition. Although the crime was interracial, possibly there was not enough information in the trial for these individuals, suggesting that the crime occurred because of prejudice harbored by either the defendant or the victim. However, the association between verdict and external motivation to not appear prejudiced needs to be interpreted cautiously as

jurors reported greater external motivation to not appear prejudiced when race was not made salient.

The Revised Legal Attitudes Questionnaire (Kravitz et al., 1993) was also a significant predictor of juror verdict. When examining the association of this measure of legal authoritarianism and verdict within defendant race, the attitude was only a significant predictor of juror verdict when the defendant was White. This finding again suggests that White jurors were reprimanding the White defendant for harming a Black victim. Previous researchers have reported that authoritarian attitudes are predictive of juror verdicts against defendants similar to the juror when it is believed the defendant violated group norms (McGowen & King, 1982). Therefore, it is possible that individuals higher in legal authoritarianism interpreted the White defendant's actions as inappropriate, and thus, were more likely to find the White defendant guilty.

Similar to Study 1, the implicit racial attitude was a significant predictor of juror verdict. In Study 1, the association between juror verdict and implicit attitude was significant only when the defendant was White and race was made salient. In the current study, there was a positive association between implicit racial attitudes and juror verdict when the defendant was Black and race was made salient. Because individuals completed more racially related words when the defendant's race was made salient, it appears that making race salient actually increased White juror racial bias towards Blacks in some jurors. This would indicate that there are a sub-group of jurors who, when reminded about issues of race, may become more punitive towards a Black defendant and be more likely to find a Black defendant guilty. Even though individuals are willing to report bias using self-report measures, this implicit racial attitude was able to uncover an

underlying prejudice towards the Black defendant that was not revealed with the other attitudinal scales.

CHAPTER IV

GENERAL DISCUSSION

Implications

Goals of Thesis

Previous researchers examining race salience have demonstrated that making a Black defendant's race salient during a trial reduced White juror racial bias towards that defendant (Cohn et al., 2007; Sommers, 2006; Sommers & Ellsworth, 2000, 2001). In this thesis I examined whether this race salience effect could be generalized to other research paradigms by examining if White juror racial bias towards a Black defendant could be reduced when race was made salient during a defense attorney's opening and closing statements. Previous studies of race salience have also used simulated trials where the conviction rate against the defendant is particularly high. Therefore, I wanted to examine if altering the amount of evidence presented in the trial would have an effect on the jurors' verdicts when defendant race and race salience were altered. This was accomplished by conducting two studies; one study where the evidence against the defendant was strong (i.e. less ambiguous case) and a second study where the evidence against the defendant was not strong (i.e. more ambiguous case).

In addition, the role of individual juror attitudes in cases where the defendant's race was made salient was also evaluated. Cohn et al. (2007) had reported that juror racial attitudes were only predictive of juror verdict when a Black defendant's race was

not made salient. This finding indicated that even highly racist jurors are sensitive to manipulations of race salience and alter their verdicts when a Black defendant's race is made salient. Therefore, both studies included multiple measures of juror attitudes to determine if when juror attitudes are associated with juror verdict in these simulated trials.

Making Race Salient In Attorney Opening and Closing Statement

Making a Black defendant's race salient in the attorney's opening and closing statements benefited the Black defendants when the evidence against them was strong, but not when the evidence was weak. In Study 1, Black defendants were less likely to be found guilty when race was made salient than when race was not made salient. Although previous studies had found that making race salience reduced bias toward a Black defendant (e.g. Sommers & Ellsworth, 2001), in Study 1 guilty verdicts were reduced for the Black defendant when race was made salient, when compared to White defendants. When race was not salient, White jurors convicted the Black defendant just as often as they convicted the White defendant. Previous researchers had demonstrated that a bias could be eliminated through making race salient, but, in Study 1 the Black defendant was less likely to be convicted, when compared to a White defendant, when race was made salient. This indicated that "playing the race card" may not only reduce White juror racial bias, it may actually help Black defendants when evidence against them was strong.

However, making race salient in cases where the evidence against a Black defendant was not strong did not influence juror verdicts. Other researchers have reported that individuals were more likely to be biased towards defendants of different

racism when evidence against the defendant was not strong (Kerr et al., 1995; Sargent & Bradfield, 2004). However, in Study 2 jurors were actually more likely to find the White defendant, the defendant of the same race as the juror, guilty. This finding implied that White jurors were sensitive to both issues of evidence quality and defendant race and that these variables may have overridden the effects of race salience.

Aversive Racism

The findings support predictions made by the theory of aversive racism (Gaertner & Dovidio, 1986, 2005). Making race salient reduced White juror racial bias towards a Black defendant by making the White jurors more cognizant of racial issues in Study 1. This was found when analyzing the word completion task; making race salient, when compared to not making race salient, increased the number of racially related words participants completed in both Study 1 and Study 2. This increased racial awareness occurred regardless of the race of the defendant which suggested that highlighting race in an interracial cases increased jurors' awareness of racial issues when the defendant was either Black or White. Therefore, when race was salient, jurors were aware of race in Study 1 and used this information to find the defendant not guilty. Although the theory of aversive racism suggests that when the situation is ambiguous, aversive racists may be more likely to exert their prejudice towards a Black; this was not found in the current thesis. In fact, when the situation was ambiguous, White jurors were more likely to exhibit a bias against the White defendant.

Aversive racism may also account for why there was no racial bias in the current thesis. Previous researchers examining defendant race often use short case summaries that take only a few minutes to read (e.g. Sommers & Ellsworth, 2001). Thus, when

jurors were exposed to these stimuli, they may not have been aware that they could appear prejudiced because they made their verdict decisions in just a few moments. In the current thesis, the transcripts used included all elements of a trial and took the average juror about thirteen minutes to read. In addition, participants were told that they were deciding a case that had already taken place in the state and the transcripts used in the thesis were developed to appear as if they were copied from the state court (many of the participants following the experiment believed that the case was real and wanted more information about the trial). The authenticity of the transcripts and students' belief that the case was real may have made them more sensitive to the manipulations of defendant race and race salience. Because the students were motivated and more engaged in the mock juror simulation, they were probably more aware of how their reactions would be evaluated, and they may have recognized that finding a Black defendant guilty could have appeared racist. Although motivation was not measured, researchers have demonstrated that the bias against a Black defendant was reduced when jurors were highly motivated (Sargent & Bradfield, 2004). So it is possible that there was no racial bias against the Black defendant in this thesis because of the nature of the experiments.

Juror Attitudes and Race Salience

Studies examining individual juror attitudes and verdicts towards a Black defendant have found that explicit racial attitudes were predictive of White juror verdicts towards Blacks (e.g. Dovidio et al., 1997). In Study 1, individual juror racial attitudes were predictive of juror verdict when the defendant was Black and race was not made salient. The findings of Study 1 indicated that jurors with explicit racial beliefs and less positive views towards Blacks were more likely to find the Black defendant guilty, but

only when race was not made salient. When race was made salient, there was no association between juror attitude and verdict, again indicating that making race salient reduced White juror racial bias even in jurors who are racist (see also Cohn et al., 2007).

In Study 2, juror attitudes were significant predictors of juror verdict regardless of condition. Because jurors do rely on other cues in cases where the evidence was more ambiguous (e.g. Kerr et al., 1999), juror attitudes have been found to be better predictors of juror verdict when the evidence against the defendant was weak (De La Feunte, 2003). However, the association between juror attitudes and verdict were not in the hypothesized directions. Recall that there was no racial bias in Study 2 and that race salience had no effect on jurors' verdicts. It had been hypothesized that juror attitudes would be related to juror verdict only in the case where the defendant was Black and race was not salient, similar to the associations found in Study 1. In contrast, juror attitudes were related to juror verdict, even after controlling for the effects of defendant race and race salience. Further, attitudes were more predictive of juror verdicts when the defendant was White than when the defendant was Black. Individuals with more positive views towards Blacks and who were higher in legal authoritarianism had higher ratings of guilt for the White defendant. In addition, motivation to not appear prejudiced predicted juror verdict. Individuals with a personal motivation to not appear prejudiced and individuals who were less sensitive to environmental cues to not appear prejudiced were more likely to find both defendants guilty, regardless of race salience. Therefore, juror attitudes were more important in the second study where evidence against the defendant was weak as attitudes were better predictors of juror verdicts than they were in the first study.

Further, implicit racial attitudes were associated with juror verdict in certain

conditions. Although previous researchers have found that these implicit racial attitudes were related to unconscious behaviors (e.g. Devine, 1989), the fact that individuals for whom race was more cognitively accessible were more likely to find the White defendant guilty (Study 1) or the Black defendant guilty (Study 2) indicated that that making race salient increased jurors' awareness of the racial issues in the trial which lead some jurors to find those defendants guilty. However, future researchers need to examine to what extent these implicit racial attitudes are associated with juror verdict as previous researchers have failed to find the same association between implicit attitudes and verdict demonstrated in this thesis (e.g. Dovidio et al., 1997).

Limitations

The results of the two studies provided evidence that mock jurors are biased and that this bias can be reduced; however, the generalizability of this research to actual courtroom trials is limited. The current set of studies used written transcripts. Although the stimuli here were more realistic than those used by Sommers and Ellsworth (2000, 2001), more authentic research stimuli, perhaps using a recreated video trial (see Sommers, 2006) should be used. Being part of jury is a long process that often includes many hard to replicate experiences such as difficult testimony and long breaks. Researchers have often debated the value of mock juror research that uses materials such as case summaries (e.g. Bray & Kerr, 1982; Kerr & Bray, 2005). Though reading a short trial transcript is drastically different than sitting through days of testimony and evidence in an actual courtroom, the written materials used in the current thesis were comparable to procedures currently accepted in the legal psychology literature (see Bornstein, 1999).

In this thesis, I wanted to examine individual juror bias; therefore, jurors in the

two studies did not engage in jury deliberation. The dynamics of jury deliberation and its effect on jurors' ultimate verdict decisions was not assessed in either study. Preliminary evidence suggests that jury deliberation reduced White juror racial bias when that jury was comprised of both White and Black jurors (Sommers, 2006). What influence jury deliberation would have had in the current thesis is unknown. It is possible that jury deliberation could have increased White juror racial bias towards a Black defendant. Kerr and associates (1999) found that when the amount of the evidence favoring guilt was relatively ambiguous, juries, when compared to jurors, were more likely to be influenced by the biasing effect of negative pretrial publicity. The opposite was true when evidence against the defendant was strong; jurors were more influenced by negative pretrial publicity than juries. Of course, it is possible that the manipulations of race salience in opening and closing remarks may not affect jurors when they enter the deliberation room because they are expected to discuss evidence and testimony, not necessarily the attorneys' opening and closing statements.

Respondents in the current studies were college students from a mid-size state university with little racial diversity. These students are not representative of most jury members who tend to be older, less educated, and are from more racially diverse locales. Previous race salience researchers have used more diverse and representative samples of adult participants (Sommers & Ellsworth, 2000, 2001), including participants who have been called to jury duty (Sommers, 2006). The fact that race salience had an effect on this student sample was quite encouraging as researchers have reported that adult samples are more likely to use extralegal factors when making legal decisions than college student samples (Mazzella & Feingold, 1994). Also, students at the university are required to

participate in these experiments in exchange for course credit, so it is possible that the responses in the studies were not genuine. However, the interactions with students who completed both studies indicated that the students did take their role as a juror seriously.

Future Research

This preliminary research indicated that making race salient affected jurors' decisions regarding a Black defendant when compared to a White defendant. In the current thesis, there was no racial bias towards the Black defendant. A third study should be conducted to determine if the findings of Sommers and Ellsworth (2000, 2001) can be replicated using the materials from this thesis. In this third study, the materials from Study 1 would be altered and considerably shorten. This shorten trial transcript would be pilot tested to ensure a relatively high conviction rate (i.e. it would be less ambiguous) without the independent variables. Then defendant race and race salience would be manipulated the same way they were manipulated in Study 1 of this thesis. It would be expected that the findings of this third study would mirror those of Sommers and Ellsworth (2000, 2001) with White jurors being more likely to find a Black defendant guilty than a White defendant when race was not made salient, but when race was made salient, there should no difference in jurors' verdicts as a function of defendant race.

To date, all researchers who have examined race salience have studied interracial assault cases. Further research needs to examine if making race salient during other trials reduces White juror racial bias when the defendant is accused of different crimes. For example, researchers have found that Black defendants when compared to White defendants, were more likely to be found guilty and received longer sentences for certain race stereotypical crimes, such as armed robbery and drug crimes (see Gordon, 1993;

Gordon et al., 1988). Future studies could manipulate race salience either during the trial or through attorney opening and closing statements to determine if race salience can reduce White juror racial bias towards Blacks in cases besides assault. In addition, research should also consider altering other aspects of the defendant and victim in cases where race salience is also manipulated. Researchers have not examined if making race salient is beneficial for Black, female defendants, nor have researchers examined if a Black defendant accused of a crime against a Black victim receives the same benefit from making race salient. Studies that manipulate these variables could determine under what conditions making race salient benefits Black defendants, and under what situations making a defendant's race salient may actually exacerbate juror racial bias. Further, although Sommers and Ellsworth (2000) did not find that making race salient reduced Black juror racial bias towards a White defendant (Mitchell et al., 2005), future researchers need to investigate if the bias Black jurors exhibit towards White defendants can be eliminated. It is possible that manipulating race salience in attorney's opening and closing statements could reduce Black juror racial bias towards White defendants.

The results of the thesis suggested that future researchers consider the type of mock juror simulation and the mode of trial presentation used when examining race salience and defendant race. Research examining the types of trial simulation (written, videotaped, etc) should be performed to determine if race salience is only limited to certain types of mock juror simulations. Not only should mode of trial presentation be considered, but researchers should examine other trial elements to determine how they influence jurors' decisions in cases where race is made salient. In this thesis, race salience only affected jurors' decisions when evidence against the defendant was strong.

Future studies should replicate this finding to determine if evidence strength interacts with race salience. There are other trial elements and variables researchers need to investigate in conjunction with race salience. For example, the presence of complex evidence (e.g. see Horowitz et al., 2001) could be examined to determine how jurors analyze the case against a Black defendant when evidence is complex and race is made salient.

In the current thesis, juror attitudes were associated with juror verdict in both studies. Future studies of defendant race and race salience need to consider juror attitudes as a dynamic association between juror verdict and juror attitudes exists under certain conditions. In addition, these attitudes should be measured in studies that manipulate other variables along with race salience to better understand the dynamics of juror verdicts in these trials. Other attitudes, such as Belief in Just World, could also be investigated in these studies along with Personality traits, such as the Big Five.

Studies of race salience should also examine if there are other means of manipulating race salience in a trial. To date, researchers have found that making race salient through testimony (Cohn et al., 2007; Sommers & Ellsworth, 2000, 2001), voir dire (Sommers, 2006) and opening and closing statements of the defense attorney (Study 1) reduced White juror racial bias. Researchers should examine if emphasizing a defendant's race in other manners during the trial has the same effects. Race can be made salient in a number of ways, perhaps through expert witness testimony, attorney questions, appearance of the defendant, or through testimony elicited by the defendant. Race can also be made salient through the presentation of extralegal information (see Fein, Morgan, Norton, & Sommers, 1997, for an example). Researchers could examine if

highlighting issues of race in pretrial publicity (e.g. Kerr et al., 1999) or inadmissible evidence (e.g. Hodson et al., 2005) can have the same effect as making race salient during the trial. Researchers may also want to determine if “playing the race card” can be harmful for a defendant when the prosecution raises issues about the trial tactic. It is possible that any benefit a defendant receives from making race salient can be countered or eliminated by other trial procedures that exist in the legal system.

Conclusion

Jurors do not enter the jury box free from prejudice and bias. Although jurors are expected to render verdicts based solely on the evidence presented, often jurors use extralegal cues about the defendant when reaching a verdict (Mazzella & Feingold, Sommers & Ellsworth, 2000, 2001). Currently, few mechanisms exist that the legal system can use to reduce the biasing effects of these elements to ensure that all defendants receive a fair trial regardless of their race, sex, or appearance. As the results of the previous two studies indicated, being aware that jurors with certain attitudes are more likely to find certain defendants guilty, the legal system can develop ways of screening jurors to remove jurors whose attitudes and personal characteristics may bias their evaluation of the testimony and evidence presented at trial. Further, recognizing that altering the presentation of evidence in a case can reduce juror bias, it may be wise for defense attorneys to “play the race card”. By highlighting issues, such as defendant race, attorneys will make these issues salient to jurors and by making jurors cognizant of these issues, they may be less likely to resort to prejudicial thinking (Gaertner & Dovidio, 1986), and may be more likely to render verdicts in line with the evidence presented, and not their stereotyped beliefs.

Although it is difficult to predict juror verdicts in actual trials because each trial in the legal system is unique, mock juror simulations provide the legal system and social psychology with means of trying to understand how certain elements influence jurors when they are asked to reach a verdict. Understanding how and when certain elements do influence juror verdicts will at least provide the first pieces of evidence the legal system needs to institute reforms and procedures to protect certain defendants for whom receiving a fair trial may be more difficult.

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APPENDIX A



UNIVERSITY of NEW HAMPSHIRE

May 1, 2007

Donald Bucolo
Psychology
Durham, NH 03824

Study: Playing the Race Card: Race Salience in Attorney Opening and Closing Statements.
Study 1

Approval Date: 08/25/2006

The Psychology Departmental Review Committee, a subcommittee of the Institutional Review Board (IRB) for the Protection of Human Subjects in Research, reviewed and approved the protocol for your study as Exempt as described in Federal Regulations 45 CFR 46, Subsection 101 (b).

Approval is granted to conduct the project as described in your protocol. Changes in your protocol must be submitted to this committee for review and approval prior to their implementation.

The protection of human subjects in your study is an ongoing process for which you hold primary responsibility. In receiving approval for your protocol, you agree to conduct the project in accordance with the ethical principles and guidelines for the protection of human subjects in research, as described in the Belmont Report. The full text of the Belmont Report is available on the Office of Sponsored Research (OSR) webpage at <http://www.hhs.gov/ohrp/humansubjects/guidance/belmont.htm> or by request from the OSR.

There is no obligation for you to provide a report to this committee upon project completion unless you experience any unusual or unanticipated results with regard to the participation of human subjects. Please report such events to this office promptly as they occur.

If you have questions or concerns about your project or this approval, please feel free to contact a member of the Psychology Departmental Review Committee.

For the IRB,

Julie F. Simpson
Manager

cc: File

**Research Conduct and Compliance Services, Office of Sponsored Research,
Service Building, 51 College Road, Durham, NH 03824-3585 * Fax: 603-862-3564**



UNIVERSITY of NEW HAMPSHIRE

May 1, 2007

Donald Bucolo
Psychology
Durham, NH 03824

Study: Playing the Race Card: Race Salience in Attorney Opening and Closing Statements.
Study 2

Approval Date: 08/25/2006

The Psychology Departmental Review Committee, a subcommittee of the Institutional Review Board (IRB) for the Protection of Human Subjects in Research, reviewed and approved the protocol for your study as Exempt as described in Federal Regulations 45 CFR 46, Subsection 101 (b).

Approval is granted to conduct the project as described in your protocol. Changes in your protocol must be submitted to this committee for review and approval prior to their implementation.

The protection of human subjects in your study is an ongoing process for which you hold primary responsibility. In receiving approval for your protocol, you agree to conduct the project in accordance with the ethical principles and guidelines for the protection of human subjects in research, as described in the Belmont Report. The full text of the Belmont Report is available on the Office of Sponsored Research (OSR) webpage at <http://www.hhs.gov/ohrp/humansubjects/guidance/belmont.htm> or by request from the OSR.

There is no obligation for you to provide a report to this committee upon project completion unless you experience any unusual or unanticipated results with regard to the participation of human subjects. Please report such events to this office promptly as they occur.

If you have questions or concerns about your project or this approval, please feel free to contact a member of the Psychology Departmental Review Committee.

For the IRB,

Julie F. Simpson
Manager

**Research Conduct and Compliance Services, Office of Sponsored Research,
Service Building, 51 College Road, Durham, NH 03824-3585 * Fax: 603-862-3564**



UNIVERSITY of NEW HAMPSHIRE

May 1, 2007

Donald Bucolo
Psychology
Durham, NH 03824

Study: Playing the Race Card: Race Salience in Attorney Opening and Closing Statements.
Pilot Study

Approval Date: 08/25/2006

The Psychology Departmental Review Committee, a subcommittee of the Institutional Review Board (IRB) for the Protection of Human Subjects in Research, reviewed and approved the protocol for your study as Exempt as described in Federal Regulations 45 CFR 46, Subsection 101 (b).

Approval is granted to conduct the project as described in your protocol. Changes in your protocol must be submitted to this committee for review and approval prior to their implementation.

The protection of human subjects in your study is an ongoing process for which you hold primary responsibility. In receiving approval for your protocol, you agree to conduct the project in accordance with the ethical principles and guidelines for the protection of human subjects in research, as described in the Belmont Report. The full text of the Belmont Report is available on the Office of Sponsored Research (OSR) webpage at <http://www.hhs.gov/ohrp/humansubjects/guidance/belmont.htm> or by request from the OSR.

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For the IRB,

Julie F. Simpson
Manager

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**Research Conduct and Compliance Services, Office of Sponsored Research,
Service Building, 51 College Road, Durham, NH 03824-3585 * Fax: 603-862-3564**