### College of Saint Benedict and Saint John's University

# DigitalCommons@CSB/SJU

Honors Theses, 1963-2015

**Honors Program** 

2014

# The Jury Process: Racial Bias, Extraversion, Leadership, & Sex

Amanda Nusbaum College of Saint Benedict/Saint John's University

Follow this and additional works at: https://digitalcommons.csbsju.edu/honors\_theses



Part of the Psychology Commons

### **Recommended Citation**

Nusbaum, Amanda, "The Jury Process: Racial Bias, Extraversion, Leadership, & Sex" (2014). Honors Theses, 1963-2015. 47.

https://digitalcommons.csbsju.edu/honors\_theses/47

This Thesis is brought to you for free and open access by DigitalCommons@CSB/SJU. It has been accepted for inclusion in Honors Theses, 1963-2015 by an authorized administrator of DigitalCommons@CSB/SJU. For more information, please contact digitalcommons@csbsju.edu.

# The Jury Process: Racial Bias, Extraversion, Leadership, & Sex

# AN HONORS THESIS

College of Saint Benedict/Saint John's University

In Partial Fulfillment

of the Requirements for Distinction

in Psychology Department

by

Amanda Nusbaum

May, 2014

# Approval Page

PROJECT TITLE: Jury Bias: Racial Bias, Extraversion, Leadership, & Sex

Approved by:

Dr. Benjamin Faber, Ph.D.

X Benjamin Faber

Associate Professor of Psychology

Dr. Aubrey Immelman, Ph.D.

X Aubrey Immelman

Associate Professor of Psychology

Dr. Pam Bacon, Ph.D.

X Pam Bacon

Associate Professor of Psychology

Dr. Rodger Narloch, Ph.D.

X Rodger Narloch

Chair, Department of Psychology

Dr. Anthony Cunningham, Ph.D.

X Anthony Cunningham

Director, Honors Thesis Program

# Special Thanks

I would like to thank my mentor Ben Faber (Ph.D) my readers Pam Bacon (Ph.D) and Aubrey Immelman (Ph.D). I would also like to thank Robert Hymes (Ph.D) for taking the time to dig up the testimony from his archives. Finally I would like to thank my student assistants Lydia Ricard, Marc Mack, and Ryan Peters for assisting me with leadership coding and data entry.

#### Abstract

This study explored the interactions between individuals' attitudes and group dynamics during the jury deliberation process. More specifically, whether implicit racial bias are correlated with pre-deliberation decision of innocence and which factors contribute to an individual's tendency to take on a leadership role in a mock jury setting. 10 mock juries, consisting of groups of 4 White undergraduate students, participated in this experiment. Each participant completed an Implicit Association Test (IAT) and a self-report survey to examine racial bias, a self-report personality survey to examine extraversion, and then participated in a mock jury deliberation. Results showed that implicit racial bias are negatively correlated with an individual's predeliberation certainty of innocence. Results also showed that regardless of a juror's extraverted or introverted personality typology, participants that were certain the defendant was innocent were most likely to become the leader during the deliberation. This study has implications for the field of Psychology and Law because these trends could potentially impact the way attorneys assess and select individuals during the *voir dire* (jury selection) process.

The Jury Process: Racial Bias, Extraversion, Leadership, Morals and Sex
Jury decisions have large implications for the lives of defendants, for public policy, and
in turn the community. Although the judiciary system has checks and balances, such as the Sixth
Amendment to the Constitution, which states, "In all criminal prosecutions, the accused shall
enjoy the right to a speedy and public trial by an *impartial* jury of the State" (U.S. Const. amend.
VI), the "fairness" of jury trials are often called into question (*U.S. v. Gupta*). The *voir dire*process, in which attorneys are given a chance to question potential jurors, was implemented in
order expose potential biases that may hinder an individual's ability to objectively evaluate the
facts of the court case (*Smith v. Phillips*). Many feel this method is only moderately useful
because it is nearly impossible for an individual to be truly impartial. Discovering how
individual attitudes influence mock jury decision making will help those involved understand the

In previous attempts to understand the jury deliberation process many extralegal factors have been taken into consideration such as implicit and explicit racial bias, extraversion, & leadership tendencies (Lynch & Haney, 2011; Greenwald, McGhee, & Schwartz, 1998; Mitchell, Haw, Pfeifer, & Meissner, 2005; Walker & Hewstone, 2008; Lynch & Haney, 2011; Clark, Boccaccini, Caillouet, & Chaplin, 2007; Judge, Bono, Ilies, & Gerhardt, 2002; Corwell & Hans, 2011; Salekin, Ogloff, McFarland, & Rogers, 1995). Despite the immense amount of research on these topics, it remains unclear as to how these interactions impact the final verdict.

key components of the jury selection and deliberation process.

#### **Racial Bias**

One of the most controversial factors in the jury process is how and to what extent racial bias impact an individual juror's assessment of guilt (Lynch & Haney, 2011; Mitchell et al., 2005). Many feel that the stigma of superiority associated with race impedes an individual's

ability to be both consciously and unconsciously impartial (Dovidio & Gaertner, 2004). Studies have found that people are usually poor predictors of their own reactions towards racist speech and behavior, and that race has a stronger impact on the decision making process than people assume (Kawakami, Dunn, Karmali, & Dovidio, 2009; Sommers & Norton, 2006). This is likely due to the fact that when people make decisions regarding race, they tend to justify their decisions with "race-neutral" explanations (Sommers & Norton, 2006).

This trend is most likely attributed to the fact that overt racism is no longer socially acceptable and therefore aversive racism is the new societal norm (Dovidio & Gaertner, 2004). Aversive racism is defined as supporting the belief of racial equality and sympathizing with victims of inequality, while still holding conscious or unconscious negative beliefs about another race (Dovidio & Gaertner, 2004). Unfortunately, previous research has not yet identified a consistent pattern that can predict situations in which aversive racism is more likely to impact decisions (Dovidio & Gaertner, 2004).

Many mock jury and archival studies support the claim that racism does in fact impact jury decisions more than people expect (Nail, Harton, & Barnes, 2008; Rector, Bagby, & Nicholson, 2001; Sommers & Norton, 2006; ForsterLee, ForsterLee, Horowitz, & King, 2006; Mitchell et al., 2005; Pfeifer, & Bernstein, 2003; Ugwuegbu, 1976; Wuensch, Campbell, Kesler, & Moore, 2002). One study found that racial attitudes have the ability to influence the actual verdict, although there was little evidence that racial bias alone impacted the verdict (Rector et al., 2001). Mitchell (2005) performed a meta-analysis on 116 real-life court cases and found that there was a small but consistent effect of racial bias on jurors' decisions. Other consistent findings were that White jurors tend to rate Black defendants more negatively, White jurors exhibit the most anti-other racial bias in mock jury cases, and Whites are more likely than other

races to ignore mitigating circumstances in a mock jury trial when the defendant is Black (Rector et al., 2001; Walker & Hewstone, 2008; Lynch & Haney, 2011; Wuensch, Campbell, Kesler, & Moore, 2002). Since it is difficult to accurately measure an individual's true degree of racism via self-report, due to potential social desirability effects, researchers attempted to measure implicit racial bias (Musch, Ostapczuk, Klaiber, 2012).

### **Implicit Biases**

One of the men most associated with the investigation of unconscious beliefs is Freud. Freud's controversial theories of the unconscious heightened psychologist's interest in exploring the impact of implicit information processing (Trull & Prinstein, 2013). The underlying goal of Freud's psychoanalytic theory was to make the unconscious conscious (Wedding & Corsini, 2011). Freud felt the unconscious was important to examine because it was a tool used to repress human urges (Wedding & Corsini, 2011; Cortina & Liotti, 2007; Erdelyi, 2006).

Today a wide range of psychological fields are examining the unconscious, less as a defense mechanism and more as a "truth" center filled with an individual's inner most attitudes (Cortina & Liotti, 2007). These attitudes are acquired slowly, are inflexible, and are inaccessible to consciousness (Cortina & Liotti, 2007; Banse, R. & Greenwald, 2007). In an attempt to measure these implicit attitudes Greenwald created the Implicit Association Test (IAT) (Banse & Greenwald, 2007).

The IAT is a computerized assessment that measures implicit attitudes (Greenwald, McGhee, & Schwartz, 1998; Banse & Greenwald, 2007). More specifically, it measures the difference in association between two target concepts and stimuli commonly associated with one of the two concepts (Greenwald et al., 1998). Throughout the series of five tasks, the IAT indirectly calculates a participant's score, based on participant's reaction time to stimuli, to

determine the strength of a participant's attitudes toward the targets (Greenwald et al., 1998). A strong association is marked by a quick reaction time and a weak association is marked by a slow reaction time (Greenwald et al., 1998). After the participant completes the task, their scores are converted into an effect size measure that represents their overall implicit attitude (Greenwald et al., 1998).

Iyengar, Messing, Hahn, Banaji, and Dial (2011) investigated the convergent and predictive validity of the Race IAT and an explicit racial bias measure. They found that the scores on explicit racial bias measures, which consisted of both an overt and resentment racism scale, differed from implicit measures. Significantly more people were categorized as prejudiced by the Race IAT than by the explicit measures. Although Iyengar et al. (2011) investigated the validity of explicit and implicit racial attitudes, they did not look at sex differentials in responses. This experiment used a similar Race IAT (with the exception of pictures of Whites and Blacks) and the same explicit racial bias measure as (Iyengar et al., 2011), but it also examined other factors such as sex and leadership.

#### **Sex Differences**

A person's sex is arguably one of the most easily identifiable characteristics present during the *voir dire* process; therefore researchers have found it valuable to explore how sex differences may influence the way each juror makes decisions. Kohlberg & Hersh (1977) created a hierarchy of three moral levels: preconventional, conventional, and postconventional. He categorized most adult females as Stage 3 individuals who view morality as pleasing others to gain approval and categorized most adult males as Stage 4 individuals who view morality as respect of authority. The fact that Kohlberg (1977) categorized males as higher moral beings

than females inspired Gilligan to investigate this discrepancy (Gilligan & Attanucci, 1982; Gilligan, 1982).

Gilligan wanted to identify the sex characteristics that caused Kohlberg (1977) to categorize males as morally superior to females (Gilligan & Attanucci, 1982; Gilligan, 1982). After doing her own research Gilligan concluded that males and females differ in their moral understanding; males are more concerned with justice principles, while females are more concerned with care principles (Gilligan & Attanucci, 1982; Gilligan, 1982). Further studies found similar trends; Meyers-Levy and Maheswaran (1991) found that males and females differ in how they process messages and You, Maeda, & Bebeau (2001) found that females express more moral sensitivity then males. Males also tend to focus on the big pictures, whereas females occasionally demonstrate a tendency for greater sensitivity to particular details of information when forming judgments (Mevers-Levy & Sternthal, 1991; Meyers-Levy & Maheswaran, 1991). One Midwestern study looked specifically at White males and females' empathy, guilt, and fear towards Blacks. Most females were categorized as Antiracist: displaying the most empathy, feeling the most guilt, having the lowest fear of Blacks, and being the most culturally sensitive. On the other hand white males were categorized as Insensitive and Afraid: having the least empathy and guilt, highest fear, and the least cultural sensitivity (Spanierman, Beard, & Todd, 2012).

Salekin et al. (1995) found that these trends are prevalent in the courtroom as well. In their study, when the defendant exhibited moderate signs of emotionality, females were significantly more likely than males to perceive the accused as not guilty (Salekin et al., 1995). Other studies found that racial biases are overall higher among White males than White females and non-White jurors, and White females are more likely to accept racial minorities and show

care and compassion towards them (Wuensch et al., 2002; Spanierman et al., 2012). White male jurors are also significantly more likely than females or non-White jurors in mock trials to sentence a Black defendant to death (Walker & Hewstone, 2008; Lynch & Haney, 2011).

Females and males appear to differ most on their interpretation of the defendant's guilt in cases of rape. Sinclair and Bourne (1998) found that females usually accept fewer rape myths and males usually have less empathy for victims of rape (regardless of sex of the victim). In this same study, males who were put in a condition in which they read a rape case regarding a not guilty verdict accepted more rape myths after reading the verdict than males who read a rape case with a guilty verdict (Sinclair & Bourne, 1998).

### **Juror Personality**

Although sex differences influence how individuals make decisions, we must also take into consideration how individuals verbalize their opinions in a group setting. During the *vior dire* process it is advantageous for attorneys to select jurors with certain personality characteristics such as individuals high in self-disclosure and high in extraversion (Reinard & Arsenault, 2000; Rotenburg, Hewlett, & Sigwart, 1998). Therefore, examining personality traits of commonly selected jurors' and their impact on group decision making is vital in understanding the jury process.

Studies have examined the impact of personality characteristics on the jury process, but found that the five factors of personality (openness, consciousness, extraversion, agreeableness, and neuroticism) significantly influenced the final verdict (Rotenberg, Hewlett, & Siegwart, 1998). Extraverts appear to have the strongest influence on the jury verdict and are perceived by the other jurors as being the most influential during the deliberation (Rotenberg et al., 1998; Clark et al., 2007). Although, it is necessary to note that Rotenberg et al. (1998) found that a

participant's extraversion subscale score on pretrial Self-Monitoring Scale only correlated with a jury member's tendency to initiate themselves as leaders of the group, but not with the final verdict.

Many studies have found that leadership is most strongly correlated with the personality trait extraversion (Judge et al., 2002; Judge & Bono, 2004; John & Srivastava, 1999; Furtner & Rauthmann, 2010). Judge et al. (2002) and Judge and Bono (2004) ran meta-analyses on multiple types of leadership, and still found this to be true. This trend is also seen in court cases. One meta-analysis of 11 real criminal trials found that extraverted jurors are most likely to take over the leadership role in a group setting (Clark et al., 2007). Thus, it is important not only to identify which individual jurors possess the trait, but how the traits contribute to the group verdict.

### **Hypotheses**

This study acknowledges that individual juror traits play an intricate role in the jury deliberation process. The rationale for exploring a wide range of extralegal factors such as racial bias, sex, and personality characteristics was to see if any complex interactions occurred between these extralegal factors during the deliberation process. Due to previous findings, the researcher hypothesized:

- When the defendant is Black, there will be a strong, significant positive correlation between a juror's pre-deliberation certainty of innocence and implicit racial bias (i.e. jurors who are certain the defendant is not guilty, will have low implicit racial bias towards African Americans). When the defendant is White, there will be no correlation between a juror's pre-deliberation certainty of guilt and their IAT scores.
- Males will have more racial resentment than females.

• Extraverts are more likely to become leaders than introverts.

#### Method

### **Participants**

The participants were a convenience sample of 40 White, undergraduate college students who participated in mock jury deliberations in groups of 4. Participants were recruited via introductory psychology classes and email advertisements at a small, private, Catholic, Liberal Arts College. The students received course credit or extra credit for participation. Of the approximately 3,800 students at the College, about 81% are White and 2.5% are Black, and 53% of the students are females (csbsju.edu).

#### **Materials & Procedure**

Throughout this experiment, participants were asked to complete a series of tasks, including an implicit racial bias test, self-report surveys, and a mock jury trial. Each of the four participants were brought into an individual room with a computer, pen, consent form, large number on an 8x11 sheet of paper (used to identify the participant during the course of the experiment and when coding videos), testimony, a pre-deliberation decision survey, and further directions for the remainder of the procedure.

#### **Part 1- Individual Juror Assessments**

Before the experiment began, participants signed a consent form acknowledging they were comfortable reading and discussing a mock acquaintance rape trial, as well as being recorded during the actual mock trial. Once consent forms were collected, each of the 40 (19 females, 21 males) participants completed a 5 minute Race Implicit Association Test (IAT) in their individual room. The IAT is a cognitive test that is used to assess automatic associations

between two different targets and is currently the most popular implicit measure available (Greenwald et al., 1998; Nosek, Greenwald, & Banaji, 2005).

During each IAT process, participants completed a series of 5 tasks. In the first task, participants were introduced to their initial targets of discrimination. Participants were then instructed to quickly categorize the randomly ordered sample stimuli relevant to the two targets of discrimination, present in the middle of the computer screen, by pressing the corresponding computer key. In the second task, participants were introduced to two attributes of discrimination and instructed to quickly categorize the randomly ordered sample stimuli relevant to their initial attributes of discrimination by pressing the corresponding computer key. In the third task and fifth tasks, the participant was asked to participate in combined tasks in which one target and one attribute were displayed on one side of the screen and the other target and attribute were displayed on the other side of the screen. In these tasks both the target and attribute sample stimuli were randomly ordered, and the participants had to quickly match the mixture of all sample stimuli to the corresponding target or attribute of discrimination by selecting the corresponding key. The fourth task was used to re-orient the participant by flipping the display of the target of discrimination on the screen, which prepared the participant for the fifth reversed combined task (Greenwald, McGhee, & Schwartz, 1998).

In the Race IAT, the initial targets of discrimination were "European Americans" (on the left side of the screen) and "African Americans" (on the right side of the screen). The sample stimuli associated with "European Americans" were images of White males and the sample stimuli associated with "African Americans" were images Black males. Participants had to quickly select which of the randomly ordered sample stimuli corresponded with "European Americans" and which corresponded with "African Americans" by pressing a key on the

computer. In the second task, the initial attributes of discrimination were "Good" (on the left side of the screen) and "Bad" (on the right side of the screen). An example of a corresponding sample stimulus for "Good" was "wonderful." An example of a corresponding sample stimulus for "Bad" was "terrible." [Refer to Appendix A for full list of sample stimuli]. Participants then had to quickly select which of the randomly ordered sample stimuli was associated with "Good" and which sample stimuli was associated with "Bad" by pressing the corresponding key. In both the third and fifth task, participants completed the combined tasks. On the third task, "European Americans or Good" was on the left side of the screen and "African Americans or Bad" was on the right side of the screen; all sample stimuli were randomly ordered in the task. Then, in order to prepare participants for the for the fifth combined task, the fourth task required the participant to repeat step one with "European Americans" now on the left side and "African Americans" now on the right side of the screen. Thus, in the fifth reversed combined task "African Americans or Good" was on the left side of the screen and "European Americans or Bad" was on the right side of the screen. Once again all sample stimuli were randomly ordered and the participant was instructed to quickly select the key that corresponded to the words on either the right or left side of the screen (Greenwald et al., 1998).

Data was collected on a Windows computer, using the DirectRT program (Empirisoft). Each participant's scores were recorded and converted into a D-score to determine the participant's latent racial bias (Nosek et al., 2005). A positive score indicated implicit negative racial biases towards African Americans, and a negative score indicated implicit negative racial bias toward Caucasian Americans. This test was used to determine whether participant's implicit racial bias were significantly correlated with a jurors' pre-deliberation decision of innocence. Other than the pictures of "European Americans" and "African American," the target, attributes,

and stimuli matched the Race IAT that Greenwald et al. (1998) originally created and claims is a valid measure of implicit racism [Refer to Appendix A for list of targets, attributes, and stimuli].

The explicit racial bias measure was taken from Iyengar et al. (2011). The measure was originally used to test the convergent and predictive validity of explicit and implicit racial attitudes (Iyengar et al., 2011). However, this particular self-report survey was chosen because it measured both overt racism and resentment racism (Iyngar et al., 2011). The overt racism instructions stated: "We're interested in your opinions about different groups in our society. Where would you place African Americans?" Then participants selected a number on the scale the 7-point scale that matched their perception of African Americans. For example, a score of 1 meant the participant thinks most African Americans are 'hardworking,' and a score of 7 meant the participant categorized African Americans as 'lazy.'" The participants then rated three other items "violent" vs. "peaceful," "self-reliant" vs. "prefer to be on welfare" and "interact with people of different backgrounds" vs. "stick to themselves," on the same 7-point scale.

The resentment racism scale also had four items and prefaced with the question, "Where would you place African Americans?" The four items were "Over the past few years, Blacks have gotten less than they deserve," "The Irish, Italians, Jews, Vietnamese and other minorities overcame prejudice and worked their way up. Blacks should do the same without any special favors," "It's really a matter of some people not trying hard enough; if Blacks would only try harder they could be just as well off as whites," and "Generations of slavery and discrimination have created conditions that make it difficult for Blacks to work their way out of the lower class." They then selected either "strongly disagree," (1 point) "disagree," (2 points) "agree," (3 points) or "strongly agree," (4 points) in accordance with each statement (Iyngar et al., 2011). [Refer to Appendix B for Self-Report Racism Survey and scoring instructions].

In order to assess the interactions between extraversion, leadership, and sex, the researcher measured each participant's extraversion. The self-report extraversion items used were taken from the Short Form for the International Personality Item Pool Representation of the NEO Personality Inventory (John & Srivastava, 1999). The total reliability of extraversion questions from which the items were taken from was  $\alpha$ =.87 (John & Srivastava, 1999). Participants were instructed to rate themselves on how well each extraversion item described their personality (1 being *strongly disagree* and 5 being *strongly agree*). Typical questions were, "Is talkative," and "Is full of energy" (John & Srivastava, 1999). [Refer to Appendix C for Self-Report Extraversion Survey].

### **Part 2- Jury Deliberation**

The final part of the packet asked the participants to "read the testimony carefully" in their individual room and call the administrator in when he/she was finished. The testimony described a criminal trial regarding an alleged acquaintance rape. This case was taken from Hymes, Leinart, Rowe, and Rogers (1993) who ran a series of pilot studies to assure that the evidence was ambiguous before the race of the defendant was revealed. The only adjustments made to the testimony were the described age (due to change in drinking age since the initial study) and weight (unrealistic) of the parties involved. In order to examine the impacts of racial bias each group received the same testimony, except the defendant in the D1 case was White and the defendant in D2 was case Black [Refer to Appendix D1 and D2 for full testimony].

In the testimony, both the accuser and the defense testified along with three others. An officer and doctor testified on behalf of the prosecution and a neighbor testified on behalf of the defense. The accuser's testimony appealed to jurors' pathos and described the alleged sexual assault that occurred after she left the bar with a classmate to smoke marijuana. The officer

testified that he responded to the call and the doctor said he found evidence that recent sexual activity and drug use had occurred, but the accuser's levelheaded demeanor surprised him. The defendant admitted that he had to convince the accuser to have sex with him but said that she eventually agreed. Lastly, the accuser's neighbor testified about the accuser's bad character and promiscuous reputation. [Refer to Appendix D1 and D2 for full testimony].

When the participant finished reading the testimony, the testimony was removed and the participant was given a pre-deliberation survey. Participants were asked to answer 6 reading comprehension questions taken from Hymes et al. (1993), one of which stated "The race of the defendant was "Black" or "White," in order to determine if their Race IAT and explicit racial bias survey should be analyzed. Participants who answered incorrectly were not included in any data analyses of racial bias.

On the same pre-deliberation survey, participants were asked to decide whether the defendant was "guilty" or "not guilty." Then, participants rated their pre-deliberation decision of innocence of the defendant on a scale from 0-10, 0 being certain the defendant was not guilty at all and 10 being the defendant was guilty beyond a reasonable doubt, and instructed to explain their rationale. [Refer to Appendix E for Pre-deliberation decision and reading check survey].

Once each of the 4 participants completed the pre-trial survey they were moved to a larger room with a video camera. They were instructed that they had 10 minutes to come to a verdict of either "not guilty beyond a reasonable doubt," "not guilty," "guilty," or "guilty beyond a reasonable doubt." The deliberations were videotaped in order for the administrator to code the participant's display of leadership using the Verbal Response Modes (Stiles, 1978; Stiles, McDaniel, & McGauhey, 1979).

The participants were observed for their demonstration of leadership skills during the mock jury deliberation using the Verbal Response Modes (Stiles, 1978). After actively watching each mock jury deliberation twice, but not specifically tallying each of the leadership criteria, the two raters came to a consensus about which two participants demonstrated the most verbal leadership. These participant's statements were then coded into one of four Verbal Response Modes, in accordance with the process detailed in Rotenberg et al. (1998), during a third viewing.

Participants were scored on four of the eight verbal response modes. These included: disclosure (sharing experience/point of view), edification (sharing objective information), advisement (persuading other's behavior), and confirmation (agreeing or disagreeing). The amount of time each leader spent talking was only taken into consideration, if the total number of verbal tallies were within two points of each other (Stiles, 1978; Stiles et al.,1979; Rotenberg et al., 1998). If scores were similar and talk time was within one minute of each other, then both participants were considered leaders. [Refer to Appendix F for full Verbal Response Modes].

After the mock jury deliberation, the participants gave the experimenter their group verdict and the participants were debriefed. [Refer to Appendix G for Individual Mock-Jury Pre and Post Deliberation Results]. The researcher told the participants that the purpose of this study was to evaluate how unconscious racial bias, which we all possess, as well as individual's personality and reasoning abilities, interact during jury deliberation process.

#### **Results**

### IAT Race and Pre-Deliberation Decision of Certainty of Innocence

The first hypothesis stated, when the defendant is Black, there will be a strong, positive correlation between a juror's pre-deliberation certainty of innocence (0 being the defendant is

certainly innocent and 10 being the defendant is certainly guilty) and a juror's Race IAT scores (scores close to 0 meant the juror was not implicitly racist towards African Americans and scores closer to 2 meant the juror was extremely implicitly racist towards African Americans) [Refer to Appendix G for Pre Deliberation Decision and Reading Check Survey]. Before the 6 participants who incorrectly answered the Reading Check question, "The race of the defendant was 'Black' or 'White'" were removed from the data, when the defendant was Black, there was no correlation between IAT scores and pre-deliberation decision certainty of innocence r(20)=-.386, p= .102 and when the defendant was White, there was no correlation between IAT scores and pre-deliberation decision of certainty of innocence r(20)=-.219, p= .353. After the 6 participants were removed from the data, four from the White condition and two from the Black condition, when the defendant was Black, there was a moderate, negative correlation between IAT scores and pre-deliberation certainty of innocence, r(18)= -.497, p<.05. Refer to Figure 1. When the defendant was White, there was no correlation between IAT scores and pre-deliberation certainty of innocence, r(16)= .091, p= .783.

#### **Sex and Race Resentment**

An independent t-test was conducted to compare racial resentment scores in male and female participants. There was a significant effect for sex, t(38)= 2.502, p<.05, d = .79 with males (M=.6595, SD= .0827) scoring significantly higher than females (M=.2552, SD= .1297). Refer to *Figure 2*.

#### Extraversion, Leadership, and Pre-Deliberation Decision Certainty of Innocence

The third hypothesis stated that participants high in self-report extraversion would be most likely to initiate themselves as leaders of the mock jury groups. The first independent t-test, which compared self-report extraversion scores in leaders and followers, found that there

was a significant effect for self-report extraversion t(38)= -2.990, p<.05 with leaders (M=32.571, SD= 4.799) scoring significantly higher than followers (M=28.0769, SD= 4.3902).

Once we knew that leaders were significantly more extraverted, we performed a linear regression of self-report extraversion on leadership ( $R^2$ = .190, F(1,39)= 8.941, p<.01). The residual leadership from this first regression was then used as the dependent variable in a second linear regression, in which pre-deliberation certainty of innocence was the predictor variable. The results ( $R^2$ =.194, F(1,38)= 8.913, p<.01) suggest that even after controlling for self-report extraversion, mock jury participants are more likely to become a group leader if they are confident that the defendant is innocent. Refer to *Figure 3*.

#### **Discussion**

, males had significantly more racial resentment than females, and extraverts were more likely to initiate themselves as the leader of a group. This study also found, when jurors were certain of the defendant's innocence, they were more likely to assert themselves as leaders, regardless of their extraverted or introverted personality typology.

Based on previous research, which found that White jurors tend to assume Black defendants are guilty, and claims that the IAT does in fact measure implicit bias, the researcher hypothesized that there would be a strong, positive correlation between a juror's pre-deliberation decision of innocence and their Race IAT scores (Salekin et al., 1995; Greenwald et al., 1998). However, the results went in the opposite direction of the hypothesis and demonstrated that when a defendant was Black, there was a moderate, negative correlation between a juror's pre-deliberation certainty of innocence and their Race IAT score (i.e. jurors who were certain the Black defendant was innocent, held the highest negative implicit racial bias towards their race). These results could be attributed to one of two things: One explanation is that the participants

attempted to consciously overcompensate for the implicit racial bias they thought the IAT would detect, and therefore they initially claimed they were certain of the Black defendant's innocence (Devine, 1989).

The second explanation calls into question the construct validity and predictive validity of the IAT. Many studies do not support Greenwald's (1998) findings that the IAT is a valid measure of implicit racial bias (Fazio & Olson, 2003; Schmukle, Back, & Egloff, 2008; Richetin & Perugini, 2008). If the IAT does in fact measure an implicit bias, which is acquired slowly, is inflexible, and is inaccessible to consciousness (Cortina & Liotti, 2007), then it does not seem logical to assume that people who have strong, engrained negative racial bias against Blacks would claim they were certain of a Black defendant's innocence.

Hypothesis two, on the other hand, was supported. Results showed that males reported significantly more racial resentment than females. This result coincides with findings in previous literature, that males report and demonstrate racism more than females (Wuensch et al., 2002; Spanierman et al., 2012). For example, White males tend to punish Black defendants with harsher sentences (Walker & Hewstone, 2008; Lynch & Haney, 2011).

Statistically, hypothesis 3 was supported, because extraverts were significantly more likely to assert themselves as leaders. However, this study also found an exception to the rule: if an introvert is certain that the defendant is innocent, they are much more likely to verbally assert themselves as a leader. Although this is contradictory to numerous amounts of research (Rotenberg et al., 1998; Judge et al., 2002; Clark et al., 2007), our legal system may be the source of this uncharacteristic occurrence. The Fifth Amendment (U.S. Const. amend. V) and Sixth Amendment (U.S. Const. amend. VI) were implemented to protect innocent individuals from being punished for crimes they did not commit and shaped the American legal philosophy

"innocent until proven guilty." Therefore, people may feel they have an inherent duty to protect those they feel are truly innocent.

The main implications derived from this study revolve around the defense attorney's strategy during the *voir dire* process (Frederick, 2005). When the defendant is Black; it would be more beneficial for the defense attorney to cease questioning of female jurors, who tend to be "less racist," in order to maximize the chances of exposing potential male juror's bias and in turn increasing the likelihood they will be dismissed. It may also be in the defense attorney's best interest to cease questioning an introverted individual, if he or she feels reasonably confident the potential juror will perceive the defendant as not guilty. This is due to the fact that the introvert may become the leader of the jury behind closed doors and is likely to fight for the defendant's innocence.

#### Limitations

There has been an ongoing debate over the external validity of mock jury trials. Mock juries have an aspect of inauthenticity due to the environment in which they are proctored and how they are proctored (Wiener, Krauss, & Lieberman, 2001). In this study, jurors were sitting in a row of chairs, not facing each other, in a small classroom with a camera on them, instead of a formal jury room. Participants also made comments during the group deliberation that this was clearly not a "real" case and prefaced their claims with "If this was a real trial, I don't know what I'd choose" or "In a real trial we'd have more information." Authenticity is just one of the many limitations of mock jury deliberations.

Due to a limited participant pool, the researcher had to use 4-member juries instead of 6 or 12- member juries (Saks & Marti, 1997). An archival meta-analysis of juries found that larger juries had longer deliberation times than smaller juries (Saks & Marti, 1997). Studies also found

that the probability of a hung jury significantly increased from 6-member juries to 12-member juries (Saks & Marti, 1997; Kerr & MacCoun, 1985). Members in larger groups also shift sides more quickly than those in smaller groups (Kerr & MacCoun, 1985). Although, time allotted for deliberation must also be taken into account when exploring jury size. Kerr's (1981) research showed that when jurors' are given a time limit, they often struggle to reach a verdict (Brunell, Dave, & Morgan, 2009). Unfortunately, participants were only given 10 minutes to deliberate in order to comply with the University's experimental time regulations.

Another aspect of inauthenticity in this particular experiment was that the participants had no extra visual stimuli or information about the case (Pezdek, Avila-Mora, & Sperry, 2010). The jurors were given a written testimony, not a recorded or live testimony, which often impacts the way in which jurors evaluate the defendant (Pezdek et al., 2010). Pezdek et al. (2010) found that mock jury groups who read a testimony are more likely to change their opinions during deliberation, than those who watched a video. This is attributed to the fact that emotionality plays less of a role when individuals read information (Pezdek et al., 2010). Therefore, readers are able to more objectively evaluate material using systematic and heuristic processes as they come to their conclusion (Chaiken & Eagly, 1983).

#### **Future Research**

Future research on personality traits should examine other situations in which introverts may be more likely to take on leadership roles. Future research in Psychology and Law should explore if other, lesser-known implicit racial bias measurements are better predictors of predeliberation decision of innocence and explore the dynamics of exclusively introverted juries.

#### References

- Banse, R. & Greenwald, A.G. (2007). Personality and implicit social cognition research: Past, present, and future. *European Journal of Personality*, 21, 371-382. doi: 10.1002/per.638
- Brunell, T.L., Dave, C., & Morgan, N.C. (2009). Factors affecting the length of time a jury deliberates. *Review of Law and Economics*, *5*(1), 554-578. doi: 10.2202/1555-5879.1334
- Chaiken, S., & Eagly, A. H. (1983). Communication modality as a determinant of persuasion:

  The role of communicator salience. *Journal of Personality and Social Psychology*, 45, 241–256.
- Clark, J., Boccaccini, M.T., Caillouet, B., & Chaplin, W.F. (2007). Five factor model personality traits, jury selection, and case outcomes in criminal and civil cases. *Criminal Justice and behavior*, *34*, 641-658.
- College of Saint Benedict & Saint John's University. Retrieved from http://www.csbsju.edu/.
- Corwell, E.Y. & Hans. V.P. (2011). Representation through participation: A multilevel analysis of jury deliberations. *Law & Society Review*, 45(3), 667-698.
- Cortina, M. & Liotti, G. (2007). New approaches to understanding unconscious processes:

  Implicit and explicit memory systems. *International Forum of Psychoanalysis*, 16, 204-212.
- Devine, P. G. (1989). Stereotypes and prejudice: Their automatic and controlled components. *Journal of Personality and Social Psychology, 56,* 5-18.
- Dovidio, J.F. & Gaertner, S.L. (2004). Aversive racism. *Advances in Experimental Social Psychology*, *36*, 1-52.
- Erdelyi, M.H. (2006). The unified theory of repression. *Behavioral and Brain Sciences*, *29*, 499-551.

Fazio, R.H. & Olson, M.A. (2003). Implicit measures in social cognition research: Their meaning and use. *Annual Reviews of Psychology*, *54*, 297-327. doi: 10.1146/annurev.psych.54.101601.145225

- ForsterLee, R., ForsterLee, L., Horowitz, I.A., King, E. (2006). The effects of defendant race, victim race, and juror gender on evidence processing in a murder trial. *Behavioral Sciences and the Law, 24*, 179-198. doi: 10.1002/bsl.675
- Furtner, M.R. & Rauthmann, J.R. (2010). Relationship between self-leadership and scores on the Big Five. *Psychological Reports*, *107*(2), 339-353.
- Musch, J., Ostapczuk, M., & Klaiber, Y. (2012). Validating an inventory for the assessment of egoistic bias and moralistic bias as two separable components of social desirability.

  \*\*Journal of Personality Assessment, 94(6), 620-629. doi:10.1080/00223891.2012.672505
- Frederick, J. T. (2005, September). Effective Voir Dire. *GP: Solo Law Trends & News*, 2.

  Retrieved April 8, 2014, from

  http://www.americanbar.org/newsletter/publications/law\_trends\_news\_practice\_area\_e\_n

  ewsletter home/effectivevoir.html
- Gilligan, C. (1982). In a different voice. Cambridge, MA: Harvard University Press.
- Gilligan, C. & Attanucci, J. (1982). Two moral orientations: Gender differences and similarities.

  Merrill-Palmer Quarterly, 34(3), 223-237.
- Greenwald, A.G. & Krieger, L.H. (2006). Implicit bias: Scientific foundations. *California Law Review*, 94(4). 945-966.
- Greenwald, A.G., McGhee, D.E., & Schwartz, J.L.K. (1998). Measuring individual differences in implicit cognition: The implicit association test. *Journal of Personality and Social Psychology*, 74(6), 1464-1480.

Hymes, R.W., Leinart, M., Rowe, S., W., Rogers. (1993). Acquaintance Rape: The effect of rape of defendant and race of victim on white juror decisions. *Journal of Social Psychology*, 133(5), 627-634.

- Iyengar, S., Solomon, M., Hahn, K., Banaji, M., & Dial, C. "Explicit and Implicit Racial Attitudes: A Test of their Convergent and Predictive Validity." American Political Science Association 2011 Annual Meeting Paper.
- John, O.P. & Srivastava, S. (1999). The Big-Five Trait Taxonomy: History, measurement, and theoretical perspectives. In L.A. Pervin & O.P. John (Eds.), *Handbook of personality: Theory and research* (2<sup>nd</sup> ed., pp. 102-139). New York: Guilford Press.
- Judge, T.A., Bono, J.E., Ilies, R., & Gerhardt, M.W. (2002). Personality and leadership: A qualitative and quantitative review. *Journal of Applied Psychology*, 87(4), 765-780. doi: 10.1037/0021-9010.87.4.765
- Judge, T.A., & Bono, J.E. (2004). Personality and transformational and transactional leadership:

  A meta- analysis. *Journal of Applied Psychology*, 89(5), 901-910. doi: 10.1037/0021-9010.89.5.901
- Kawakami, K., Dunn, E., Karmali, F., & Dovidio, J. F. (2009). Misreading affective and behavioral responses to racism. *Science*, *323*(5911), 276-278. doi:10.1126/science.1164951
- Kerr, N.L. (1981). Social transition schemes: Charting the group's road to agreement. *Journal of Personality and Social Psychology, 41,* 648-792.
- Kerr, N.L. & MacCoun, R.J. (1985). The effects of jury size and polling method on the process and product of jury deliberation. *Journal of Personality and Social Psychology*, 48(2), 349-363.

Kohlberg, L. & Hersh, R.H. (1977). Moral development: A review of the theory. *Theory into Practice*, 16(2), 53-59.

- Lynch, M. & Haney, C. (2011). Mapping the racial bias of the white male capital juror: Jury composition and the "empathetic divide." *Law & Society Review*, 45(1), 69-102.
- Meyers-Levy, J. & Maheswaran, D. (1991). Exploring differences in males' and females' processing strategies. *Journal of Consumer Research*, 18, 63-70.
- Meyers-Levy, J. & Sternthal, B. (1991). Gender differences in the use of message cues and judgements. *Journal of Marketing Research*, 28, 84-96.
- Mitchell, T.L., Haw, R.M., Pfeifer, J.E., & Meissner, C.A. (2005). Racial bias in mock juror decision-making: A meta-analytic review of defendant treatment. *Law and Human Behavior*, 29(6), 621-637.
- Nail, P. R., Harton, H. C., & Barnes, A. (2008). A test of Dovidio and Gaertner's integrated model of racism. *North American Journal Of Psychology*, *10*(1), 197-220.
- Nosek, B.A., Greenwald, A.G., & Banaji, M.R. (2005). Understanding and using the Implicit Association Test: II. Method variables and construct validity. *Personality and Social Psychology Bulletin*, 31(2), 166-180.
- Pezdek, K., Avila-Mora, E., & Sperry, S. (2010). Does trial presentation medium matter in jury simulation research? Evaluating the effectiveness of eyewitness expert testimony.

  \*Applied Cognitive Psychology, 24, 673-690. doi: 10.1002/acp.1578
- Pfeifer, J.E. & Bernstein, D.J. (2003). Expressions of modern racism in judgments of others: The role of task and target specificity on attributions of guilt. *Social Behavior and Personality*, 31(8), (794-766).
- Rector, N. A., Bagby, R. M., & Nicholson, R. (2001). The effect of prejudice and judicial

- ambiguity on defendant guilt ratings. The Journal of Social Psychology, 133(5), 651-659.
- Reinard, J. C. & Arsenault, D. J. (2000). The impact of forms of strategic and non-strategic voir dire questions on jury verdicts. *Communication Monographs*, 67, 158-177.
- Richetin, J. & Perugini, M. (2008). When temporal contiguity matters: A moderator of the predictive validity of implicit measures. *European Journal of Psychological Assessment*, 24(4), 246-253. doi: 10.1027/1015-5759.24.4.246
- Rotenberg, K.J., Hewlett, M.G., & Siegwart, C.M. (1998). Principled moral reasoning and self-monitoring as predictors of jury functioning. *Basic and Applied Social Psychology*, 20(2), 167-173.
- Saks, M.J. & Marti, M.W. (1997). A meta-analysis of the effects of jury size. *Law and Human Behavior*, 21(5), 451-456.
- Salekin, R.T., Ogloff, J.R.P., McFarlancd, C. & Rogers, R. (1995). Influencing jurors' perceptions of guilt: Expression of emotionality during testimony. *Behavioral Sciences and the Law, 13*, 293-305.
- Schmukle, S.C., Back, M.D., & Egloff, B. (2008). Validity of the Five-Factor Model for the implicit self-concept of personality. *European Journal of Psychological Assessment*, 24(4), 263-272. doi: 10.1027/1015-5759.24.4.263
- Sinclair, H. C. & Bourne, L. E. (1998). Cycle of blame or just world: Effects of legal verdict on gender patterns in rape myth acceptance and victim empathy. *Psychology of Women Quarterly*, 22, 575-588.
- Smith v. Phillips, 455 U.S. 209, 217 (1982)
- Sommers, S.R., Norton, M.I. (2006). Race-based judgments, race-neutral justifications:

  Experimental examination of peremptory use and the Batson Challenge procedure. *Law*

- Human Behavior 31(3), 261-273. doi: 10.1007/s10979-006-9048-6
- Spanierman, L.B., Beard, J.C., & Todd, N.R. (2012). White men's fear, white women's tears: Examining gender differences in racial affect types. *Sex Roles, 67,* 174-186. doi: 10.1007/s11199-012-0162-2
- Stiles, W.B. (1978). Verbal response modes and dimensions of interpersonal roles: A method of discourse analysis. *Journal of Personality and Social Psychology*, *36*(7), 693-703.
- Stiles, W.B., McDaniel, S.H. & McGaughey, K. (1979). Verbal response mode correlates of Experience. *Journal of Consulting and Clinical Psychology*, 47(4), 795-797. doi: 10.1037/0022-006X.47.4.795
- Trull, T. J., & Prinstein, M. J. (2013). *Clinical psychology*. (8 ed., pp. 41-42). Belmont, CA: Wadsworth, Cengage Learning.
- Ugwuegbu, D.C.E. (1976). Black juror's personality trait attribution to a rape case defendant. *Social Behavior and Personality*, *4*(2),193-201.
- U.S. Const. amend. V.
- U.S. Const. amend. VI.
- United States v. Gupta. 650 F.3d 863. (2d Cir. 2011).
- Walker, P.M. & Hewstone, M. (2008). The influence of social factors and implicit racial bias on a generalized own-race effect. *Applied Cognitive Psychology*, 22(4), 441-453.
- Wedding, D., & Corsini, R. J. (2011). *Current psychotherapies*. (10 ed.). Belmont, CA: Brooks/Cole, Cenage Learning.
- Wiener, R.L., Krauss, D.A., & Lieberman, J.D. (2011). Mock jury research: Where do we go from here? *Behavioral Sciences & the Law*, 29(3), 467-479. doi: 10.1002/bsl.989

Wuensch, K.L., Campbell, M.W., Kesler, F.C., & Moore, C.H. (2002). Racial bias in decisions made by mock jurors evaluating a case of sexual harassment. *The Journal of Social Psychology*, *142*(5), 587-600.

You, D., Maeda, Y., & Bebeau, M.J. (2001). Gender differences in moral sensitivity: A Meta-Analysis. *Ethics & Behavior*, 21(4), 263-282. doi: 10.1080/10508422.2011.585591

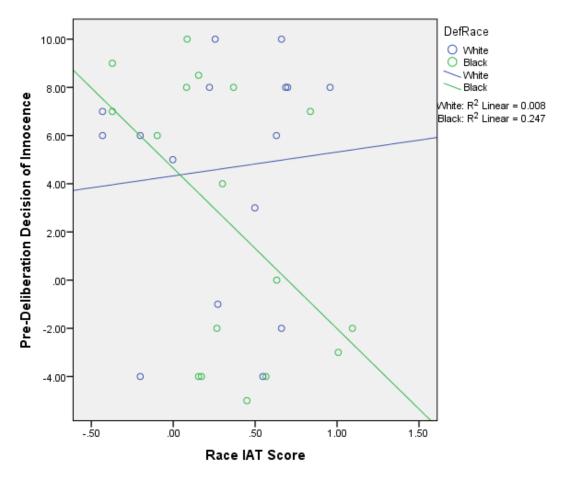
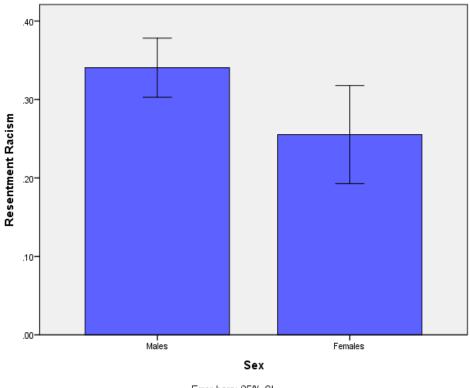


Figure 1. When the defendant was Black, there was a moderate, negative correlation between IAT scores and pre-deliberation certainty of innocence, r(18) = -.497, p < .05. When the defendant was White, there was no correlation between IAT scores and pre-deliberation decision certainty of innocence, r(16) = .091, p = .783.



Error bars: 95% CI

Figure 2. Average male resentment racism vs. average female resentment racism, t(38)= 2.502, p<.05, d = .79 with males (M=.6595, SD= .0827) scored significantly higher than females (M=.2552, SD= .1297).

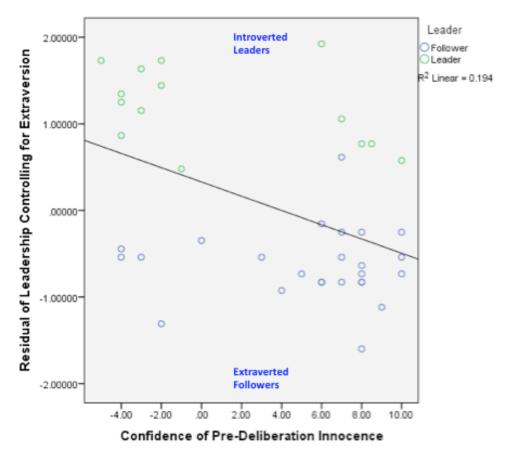


Figure 3. The effect of pre-deliberation decision certainty on leadership, controlling for extraversion. Regression line indicates linear regression,  $R^2$ =.194; n=40.

# Appendix A

# Race IAT

### Instructions:

"Be sure to notice the concept names at the top of the screen. Press "e" FAST for images or words described by the left concept name. Press "i" FAST for images or words described by the right concept name. "X" will appear when you press the wrong key. Whenever the "X appears, press the other key immediately. Press the spacebar to proceed. GO FAST. Some mistakes are OK."

Sequence	1	2	3	4	5
Task	Initial target-	Associated	Initial	Reversed	Reversed
description	concept	attribute	combined task	target-concept	combined task
	discrimination	discrimination		discrimination	
Task	(Left) European	(Left) Good	(Left) European	(Left) African	(Left) African
instructions	Americans	(Right) Bad	Americans or	Americans	Americans or
	(Right) African		Good	(Right)	Good
	Americans		(Right) African	European	(Right)
			Americans or	Americans	European
			Bad		Americans or
					Bad
Sample stimuli	White Picture 1	excellent	Combination of	White Picture 1	Combination of
	White Picture 2	wonderful	initial target-	White Picture 2	initial target-
	White Picture 3	great	concept sample	White Picture 3	concept sample
	White Picture 4	superior	stimuli and	White Picture 4	stimuli and
	White Picture 5	positive	associated	White Picture 5	associated
	Black Picture 1	poor	attribute sample	Black Picture 1	attribute sample
	Black Picture 2	insignificant	stimuli	Black Picture 2	stimuli
	Black Picture 3	terrible		Black Picture 3	
	Black Picture 4	inferior		Black Picture 4	
	Black Picture 5	negative		Black Picture 5	

# Appendix B

# Self-Report Racial Bias Survey

Part 4								Participant Number			
I am interested in your opinions about different groups in our society.											
Where would you place African Americans?											
Hardworking	1	2	3	4	5	6	7	Lazy			
Violent	1	2	3	4	5	6	7	Peaceful			
Self-reliant	1	2	3	4	5	6	7	Prefer to be on welfare			
Interact with people of different backgrounds	1	2	3	4	5	6	7	Stick to themselves			
Where would you place African Americans?											
Over the past few years, Blacks have gotten less than they deserve.											
Strongly Disagree		Disa	Disagree		Agı	Agree		Strongly Agree			
The Irish, Italians, Jews, Vietnamese and other minorities overcame prejudice and worked their way up. Blacks should do the same without any special favors.											
Strongly Disagree		Disa	Disagree			Agree		Strongly Agree			
It's really a matter of some people not trying hard enough; if Blacks would only try harder they could be just as well off as whites.											
Strongly Disagree		Disa	Disagree		Agı	Agree		Strongly Agree			
Generations of slavery and discrimination have created conditions that make it difficult for Blacks to work their way out of the lower class.											
Strongly Disagree		Disa	Disagree		Agı	Agree		Strongly Agree			

### **Scoring**

#### **Overt Racism**

Item number 2 "violent" vs. "peaceful" was reverse scored.

If participants left an item blank in a section, the item was not included in the data. If participants circled two numbers or put a range, the item was averaged.

All items were totaled and then divided by 7 to convert scores to a 0-1 scale.

#### **Resentment Racism**

Strongly Disagree was worth 1 point, Disagree was worth 2 points, Agree was worth 3 points, Strongly Agree was worth 4 points

Item number 6 "minorities overcame prejudice" & item number 7 "people not trying hard enough" were reverse scored

If participants left an item blank in a section, the item was not included in the data. If participants circled two numbers or put a range, the item was averaged.

All items were totaled and then divided by 4 to convert scores to a 0-1 scale.

#### **Total Score**

Once both the overt racism measure and the resentment racism were totaled, the totals were then combined and converted to a 0-1. This represented participant's total racism score.

## Appendix C

## Self-Report Extraversion Survey

Part 5		Participant Number				
Please rate yourself on	the follow	ing:				
1. Is talkative						
Strongly Disagree	1	2	3	4	5	Strongly Agree
2. Is reserved						
Strongly Disagree	1	2	3	4	5	Strongly Agree
3. Is full of energy						
Strongly Disagree	1	2	3	4	5	Strongly Agree
4. Generates a lot of enthusiasm						
Strongly Disagree	1	2	3	4	5	Strongly Agree
5. Tends to be quiet						
Strongly Disagree	1	2	3	4	5	Strongly Agree
6. Has an assertive pers	onality					
Strongly Disagree	1	2	3	4	5	Strongly Agree
7. Is sometimes shy, inhibited						
Strongly Disagree	1	2	3	4	5	Strongly Agree
8. Is outgoing, sociable						
Strongly Disagree	1	2	3	4	5	Strongly Agree

## **Scoring**

Items 2, 5, & 7 were reverse scored.

If participants left an item blank in a section, the item was not included in the data. If participants circled two numbers or put a range, the item was averaged.

Source: John & Srivastava. (1999). The Big-Five Trait Taxonomy: History, Measurement, and Theoretical Perspectives.

## Appendix D1

### Testimony

Part 6-7(1) Participant Number \_\_\_\_\_

#### PEOPLE vs. Clarence Small

## WITNESS FOR THE PROSECUTION

#### A. Denise Winters

(victim of the crime: 22 years old, race: White, 5'4" tall, 105 pounds, brown eyes, brown hair)

Denise Winters testified that on October 17, 2001, 9:30 pm, she went to The Crow's Nest, a local college bar, with her college roommate, Jennifer Owens. At the bar, she ran into the defendant, Clarence Small. She and Mr. Small had been classmates together in several courses at college, and that although she was acquainted with Mr. Small, they were not really friends. Mr. Small was alone at the bar, and she and Ms. Owens decided to have a drink with him.

As the evening progressed, Ms. Winters and Mr. Small conversed about all kinds of topics. Ms. Owens met a group of friends at the bar and decided to join them, leaving Ms. Winters and Mr. Small together. Ms. Winters testified that at approximately 10:45 pm, Mr. Owens invited her to join him in his car in the bar parking lot to smoke some marijuana. She decided to go with him and they left together.

Once in the car, Mr. Small pulled out a marijuana cigarette and he and Ms. Winters smoked it. She said that the marijuana tasted 'funny,' and that she realized that it had been mixed with some other drug, possibly a strong barbiturate. Ms. Winters went on to testify that Mr. Small then attacked and raped her. She stated that Mr. Small turned to her and told her to undress. When she refused, he pulled at her blouse and tore at her skirt. Fearing that he might hit her, she removed her clothing. She further testified that she tried to struggle, but could not free herself from her assailant.

After he raped her, he drove her back to the college and pushed her out of the car into some bushes. She then telephoned the police and reported the rape. At this time, she went back to her dorm and awaited the arrival of the police. When the police arrived she gave them her statement and was taken to the hospital.

#### B. Otis Christopher

(responding officer: 29 years old, race: White, 6'2", 200 pounds, brown eyes, brown hair)

Officer Christopher testified that at about 12:30 am on October 18, 2001, he responded to a call reporting a rape in the parking lot of the Crow's Nest. Upon arriving at the dorm, he saw a young women, Denise Winters, standing outside. He approached her and asked if she had reported a rape. She said that she had and gave Officer Christopher all the information she could. He then escorted her to the police car and took her to the hospital.

#### C. Dr. Frank Barr

(examining physician: 30 years old, race: White, 5'10" tall, 190 pounds, blue eyes, blond hair)

Dr. Barr, a county physician, testified that on the morning of October 18, 2001 he examined Ms. Denise Winters. Tests showed that she had recently smoked some marijuana and had some PCP in her bloodstream. During the examination, she showed no disorientation or listlessness, but was awake and alert. She also showed signs of recent sexual activity.

#### D. Ms. Jennifer Owens

(witness: 22 years old, race: White, 5'5", 126 pounds, hazel eyes, brown hair)

Ms. Owens testified that she and Ms. Denise Winters met Mr. Clarence Small at the Crow's Nest on the night of October 17, 2001. She further stated that she met several other friends at approximately 10:45 p.m. and asked Ms. Winters if she would join them for a drink. Ms. Winters declined and told Ms. Owens that she wanted to continue talking to Mr. Small. At this point, Ms. Owens reminded Ms. Winters that Clarence Small had been convicted several months ago (in a much publicized local trail) of assault in a barroom fight. Ms. Winters stated that she knew about the trail, but the fight was probably not the fault of Mr. Small.

#### WITNESSES FOR THE DEFENSE

#### A. Clarence Small

(defendant: 23 years old, race: White, 6'0" tall, 190 pounds, brown eyes, brown hair)

Clarence Small testified that on the evening of October 17, 2001 he met Ms. Denise Winters and Ms. Jennifer Owens at the Crow's Nest. He further stated that he was attracted to Ms. Winters and around 10:45 p.m. he invited her to join him in his car to smoke some marijuana.

Mr. Small testified that Ms. Winters was wearing provocative clothing consisting of a very short miniskirt, high heels, and that she wore heavy amounts of make-up. While they were in his car, he began to kiss her and caress her. He said that she seemed to enjoy his attention and began to remove her clothes. He then removed his clothing and they had intercourse.

Mr. Small then testified about 12:00 midnight, Ms. Winters asked him to stay overnight at her apartment. When he declined her invitation, she became very angry and said that he was a loser and demanded that he take her back to her apartment immediately. He drove her to her apartment and said goodnight.

Under cross-examination, Mr. Small testified that Ms. Winters seemed reluctant to have intercourse and fought him off at first. But over time, he convinced her to do so, and she was a willing partner.

#### A. Katie Smith

(witness: 21 years old, race: White, 5'6" tall, 140 pounds, brown eyes, blond hair).

Ms. Smith testified that she lived down the hall from Ms. Denise Winters and knew of her involvement with drugs and alcohol. She further stated that Ms. Winters was probably high when she left the bar on the evening of October 17, 2001. Ms. Smith said that Ms. Winter's apartment had the odor of marijuana and that there were several open bottles of alcohol on her table.

Ms. Smith also testified that Ms. Winters had a reputation for being sexually permissive, and that her wardrobe consisted of provocative clothing of the type described by Mr. Small. She further testified that Ms. Winters was wearing a very short miniskirt and heavy makeup on the evening of October 17, 2001.

Source: Hymes, R.W., Leinart, M., Rowe, S., & Rogers, W. (1993). Acquaintance rape: The effect of race of defendant and race of victim on white juror decisions. The Journal of Social Psychology, 133(5), 627-634.

## Appendix D2

### Testimony

Part 6-7(2) Participant Number \_\_\_\_\_

PEOPLE vs. Clarence Small

## WITNESS FOR THE PROSECUTION

#### A. Denise Winters

(victim of the crime: 22 years old, race: White, 5'4" tall, 105 pounds, brown eyes, brown hair)

Denise Winters testified that on October 17, 2001, 9:30 pm, she went to The Crow's Nest, a local college bar, with her college roommate, Jennifer Owens. At the bar, she ran into the defendant, Clarence Small. She and Mr. Small had been classmates together in several courses at college, and that although she was acquainted with Mr. Small, they were not really friends. Mr. Small was alone at the bar, and she and Ms. Owens decided to have a drink with him.

As the evening progressed, Ms. Winters and Mr. Small conversed about all kinds of topics. Ms. Owens met a group of friends at the bar and decided to join them, leaving Ms. Winters and Mr. Small together. Ms. Winters testified that at approximately 10:45 pm, Mr. Owens invited her to join him in his car in the bar parking lot to smoke some marijuana. She decided to go with him and they left together.

Once in the car, Mr. Small pulled out a marijuana cigarette and he and Ms. Winters smoked it. She said that the marijuana tasted 'funny,' and that she realized that it had been mixed with some other drug, possibly a strong barbiturate. Ms. Winters went on to testify that Mr. Small then attacked and raped her. She stated that Mr. Small turned to her and told her to undress. When she refused, he pulled at her blouse and tore at her skirt. Fearing that he might hit her, she removed her clothing. She further testified that she tried to struggle, but could not free herself from her assailant.

After he raped her, he drove her back to the college and pushed her out of the car into some bushes. She then telephoned the police and reported the rape. At this time, she went back to her dorm and awaited the arrival of the police. When the police arrived she gave them her statement and was taken to the hospital.

#### B. Otis Christopher

(responding officer: 29 years old, race: White, 6'2", 200 pounds, brown eyes, brown hair)

Officer Christopher testified that at about 12:30 am on October 18, 2001, he responded to a call reporting a rape in the parking lot of the Crow's Nest. Upon arriving at the dorm, he saw a young women, Denise Winters, standing outside. He approached her and asked if she had reported a rape. She said that she had and gave Officer Christopher all the information she could. He then escorted her to the police car and took her to the hospital.

#### C. Dr. Frank Barr

(examining physician: 30 years old, race: White, 5'10" tall, 190 pounds, blue eyes, blond hair)

Dr. Barr, a county physician, testified that on the morning of October 18, 2001 he examined Ms. Denise Winters. Tests showed that she had recently smoked some marijuana and had some PCP in her bloodstream. During the examination, she showed no disorientation or listlessness, but was awake and alert. She also showed signs of recent sexual activity.

#### D. Ms. Jennifer Owens

(witness: 22 years old, race: White, 5'5", 126 pounds, hazel eyes, brown hair)

Ms. Owens testified that she and Ms. Denise Winters met Mr. Clarence Small at the Crow's Nest on the night of October 17, 2001. She further stated that she met several other friends at approximately 10:45 p.m. and asked Ms. Winters if she would join them for a drink. Ms. Winters declined and told Ms. Owens that she wanted to continue talking to Mr. Small. At this point, Ms. Owens reminded Ms. Winters that Clarence Small had been convicted several months ago (in a much publicized local trail) of assault in a barroom fight. Ms. Winters stated that she knew about the trail, but the fight was probably not the fault of Mr. Small.

#### WITNESSES FOR THE DEFENSE

#### A. Clarence Small

(defendant: 23 years old, race: Black, 6'0" tall, 190 pounds, brown eyes, brown hair)

Clarence Small testified that on the evening of October 17, 2001 he met Ms. Denise Winters and Ms. Jennifer Owens at the Crow's Nest. He further stated that he was attracted to Ms. Winters and around 10:45 p.m. he invited her to join him in his car to smoke some marijuana.

Mr. Small testified that Ms. Winters was wearing provocative clothing consisting of a very short miniskirt, high heels, and that she wore heavy amounts of make-up. While they were in his car, he began to kiss her and caress her. He said that she seemed to enjoy his attention and began to remove her clothes. He then removed his clothing and they had intercourse.

Mr. Small then testified about 12:00 midnight, Ms. Winters asked him to stay overnight at her apartment. When he declined her invitation, she became very angry and said that he was a loser and demanded that he take her back to her apartment immediately. He drove her to her apartment and said goodnight.

Under cross-examination, Mr. Small testified that Ms. Winters seemed reluctant to have intercourse and fought him off at first. But over time, he convinced her to do so, and she was a willing partner.

#### A. Katie Smith

(witness: 21 years old, race: White, 5'6" tall, 140 pounds, brown eyes, blond hair).

Ms. Smith testified that she lived down the hall from Ms. Denise Winters and knew of her involvement with drugs and alcohol. She further stated that Ms. Winters was probably high when she left the bar on the evening of October 17, 2001. Ms. Smith said that Ms. Winter's apartment had the odor of marijuana and that there were several open bottles of alcohol on her table.

Ms. Smith also testified that Ms. Winters had a reputation for being sexually permissive, and that her wardrobe consisted of provocative clothing of the type described by Mr. Small. She further testified that Ms. Winters was wearing a very short miniskirt and heavy makeup on the evening of October 17, 2001.

Source: Hymes, R.W., Leinart, M., Rowe, S., & Rogers, W. (1993). Acquaintance rape: The effect of race of defendant and race of victim on white juror decisions. The Journal of Social Psychology, 133(5), 627-634.

# Appendix E

# Pre- Deliberation Survey and Reading Check

Part 6-7	Participant Number		
1. In your opinion the defendant in this ca	ase is:		
Guilty Not guilty		ilty	
2. Rate the defendant's guilt			
Not guilty 0 1 2 3 4 5	6 7 8 9 10	Guilty	
1. Without looking back at the case you c	considered, please answer	the following questions:	
a) how many witnesses testified for	the defense?		
b) how many witnesses testified for	the prosecution?	<u></u>	
2. The race of the defendant was:			
Black			
White			
3. Did a policeman testify in this case?			
Yes			
No			
4. How old was the victim?	years	no information given	
How old was the defendant?	years	no information given	
Please describe in one to two paragraphs	how you came to your co	nclusion degree of guiltiness:	

Source: Hymes, R.W., Leinart, M., Rowe, S., & Rogers, W. (1993). Acquaintance rape: The effect of race of defendant and race of victim on white juror decisions. The Journal of Social Psychology, 133(5), 627-634.

## Appendix F

## Verbal Response Modes

Disclosure: Speaker reveals his or her own internal thoughts or point of view. Speaker starts sentence with the pronoun "I"

Example: "I thought he was guilty because..."

Edification: Speaker states objective information. Speaker refers to a direct law or objective information from the testimony.

Example 1: "The law says you can't consent when you're drunk."

Example 2: "She said in her testimony..."

Advisement: Expresses what he or she wants and attempts to control conversation. We also included when people tried to force their opinion

Example 1: "Let's go back to talking about the drugs..."

Example 2: "She was raped, and couldn't consent, therefore we're right!"

Confirmation: Expresses agreement or disagreement regarding other's perception of the events.

Example 1: "I agree with you because..."

Example 2: "I disagree with because..."

Talk time: Talk time was only considered when the leaders were tied.

Appendix G

Individual Mock Jury Pre and Post Deliberation Results

Verdict: Guilty

Verdict: Guilty

## White Defendant- Group 1

Participant	1	2	3	4
Pre-deliberation decision	Not Guilty	Guilty	Guilty	Guilty
Post-deliberation	Not Guilty	Guilty	Guilty	Guilty
decision				
Sex	M	F	F	M
Leader/Follower	Leader	Follower	Follower	Follower
Change	None	None	None	None

Participant	1	2	3	4
Pre-deliberation decision	Guilty	Guilty	Guilty	Guilty
Post-deliberation	Guilty	Guilty	Guilty	Guilty
decision				
Sex	F	F	M	M
Leader/Follower	Follower	Follower	Follower	Leader
Change	None	None	None	None

Verdict: Guilty

Verdict: Not Guilty

# White Defendant- Group 2

Participant	1	2	3	4
Pre-deliberation decision	Not Guilty	Guilty	Not Guilty	Guilty
Post-deliberation	Not Guilty	Guilty	Guilty	Guilty
decision				
Sex	M	F	F	M
Leader/Follower	Leader	Follower	Leader	Follower
Change	None	None	Changed	None

Participant	1	2	3	4
Pre-deliberation decision	Not Guilty	Guilty	Not Guilty	Not Guilty
Post-deliberation	Not Guilty	Not Guilty	Not Guilty	Not Guilty
decision				
Sex	M	F	M	M
Leader/Follower	Follower	Follower	Leader	Leader
Change	None	Changed	None	None

Verdict: Hung Jury

Verdict: Hung Jury

# White Defendant- Group 3

Participant	1	2	3	4
Pre-deliberation decision	Guilty	Not Guilty	Guilty	Not Guilty
Post-deliberation decision	Guilty	Not Guilty	Guilty	Not Guilty
Sex	M	F	F	M
Leader/Follower	Follower	Leader	Leader	Follower
Change	None	None	None	None

Participant	1	2	3	4
Pre-deliberation decision	Guilty	Not Guilty	Guilty	Guilty
Post-deliberation	Guilty	Not Guilty	Guilty	Not Guilty
decision				
Sex	M	M	M	F
Leader/Follower	Follower	Leader	Follower	Follower
Change	None	None	None	Changed

Verdict: Guilty

Verdict: Guilty

# White Defendant- Group 4

Participant	1	2	3	4
Pre-deliberation decision	Guilty	Guilty	Guilty	Guilty
Post-deliberation decision	Guilty	Guilty	Guilty	Guilty
decision				
Sex	F	F	M	M
Leader/Follower	Leader	Follower	Follower	Follower
Change	None	None	None	None

Participant	1	2	3	4
Pre-deliberation decision	Guilty	Not Guilty	Guilty	Not Guilty
Post-deliberation decision	Guilty	Guilty	Guilty	Guilty
Sex	F	F	M	M
Leader/Follower	Follower	Leader	Leader	Follower
Change	None	Changed	None	Changed

# White Defendant- Group 5

# Verdict: Guilty beyond a reasonable doubt

Verdict: Not Guilty

Participant	1	2	3	4
Pre-deliberation decision	Guilty	Guilty	Guilty	Guilty
Post-deliberation	Guilty	Guilty	Guilty	Guilty
decision				
Sex	M	F	M	M
Leader/Follower	Follower	Follower	Follower	Leader
Change	None	None	None	None

Participant	1	2	3	4
Pre-deliberation decision	Guilty	Not Guilty	Not Guilty	Not Guilty
Post-deliberation decision	Guilty	Not Guilty	Not Guilty	Not Guilty
Sex	F	F	M	F
Leader/Follower	Follower	Follower	Leader	Follower
Change	None	None	None	None