
Retrospective Theses and Dissertations

1978

The Effects of Persuasive Communication by an Aggressive and Biased Juror in a Simulated Jury Task

Irving Bernard Goodwin
University of Central Florida

 Part of the [Communication Commons](#)

Find similar works at: <https://stars.library.ucf.edu/rtd>

University of Central Florida Libraries <http://library.ucf.edu>

This Masters Thesis (Open Access) is brought to you for free and open access by STARS. It has been accepted for inclusion in Retrospective Theses and Dissertations by an authorized administrator of STARS. For more information, please contact STARS@ucf.edu.

STARS Citation

Goodwin, Irving Bernard, "The Effects of Persuasive Communication by an Aggressive and Biased Juror in a Simulated Jury Task" (1978). *Retrospective Theses and Dissertations*. 289.

<https://stars.library.ucf.edu/rtd/289>

THE EFFECTS OF PERSUASIVE COMMUNICATION BY AN AGGRESSIVE
AND BIASED JUROR IN A SIMULATED JURY TASK

BY

IRVING BERNARD GOODWIN JR.

THESIS

Submitted in partial fulfillment of the requirements
for the degree of Master of Arts: Communication
in the Graduate Studies Program of the College of Social Sciences
of Florida Technological University

Orlando, Florida
1978

Acknowledgments

The list of those who donated their time and energy to this research project is quite lengthy. Without the help of these individuals this project would have been impossible. With sincere regards I wish to thank my committee members, Dr. Albert Pryor, Dr. K. Phillip Taylor, and Dr. David Ingram for their help from the formative through the final stages of the research. I wish to express my deepest appreciation to the Honorable Thomas M. Langston of the Tenth Judicial Circuit who coordinated research efforts at the Polk County Courthouse and whose energy and enthusiasm helped initiate and sustain this work. Additionally, I wish to thank Jack Davis, Court Clerk of Polk County who untiringly arranged for the testing of subjects, Officer Joe Bongiorno who helped prepare the mock case used in the project and helped initiate the pilot work, Sam Scheiner for his coordinating activities in the judicial system in Polk County. I would also like to thank Mrs. Ann Goodwin who contributed many long hours and considerable energy to the project and who did an excellent job in her role as the confederate in the study; and of course to all the volunteer participants who made this project possible.

To my wife, my Mother, and My Father who have never
ceased to believe in me and to whom I owe my
education. This thesis is for all of us.

TABLE OF CONTENTS

	Page
LIST OF TABLES	vi
LIST OF FIGURES	vii
BACKGROUND AND RELATED RESEARCH	1
Research Question	10
Hypotheses	10
METHOD	12
Subjects	12
Procedure	12
Materials and Instrumentation	21
Experimental Design	24
RESULTS	31
DISCUSSION	36
Research Question	36
Hypotheses	38
Limitations	42
SUMMARY AND CONCLUSIONS	45
APPENDIX A	50
Case Summary	51
Evidence Sheets	54
REFERENCES	58

LIST OF TABLES

Table		Page
1	Means for the Two-Factor Anovas	34

LIST OF FIGURES

Figures		Page
1	Postdiscussion Questionnaire	23
2	Experimental Design	25

Background and Related Research

Since the early years of modern social scientific research, investigators have recognized the importance of interpersonal communication and its relationship to the area of group process research. A major emphasis in this body of research has been placed on pressure for uniformity in groups. Several experimental studies have demonstrated that individual psychological processes are subject to social influences (Asch, 1951; Sherif, 1935). The majority of this research examines the individual's conformity to group norms. The level of discrepancy of conflicting opinions in small group communications has been examined in a number of experiments (Schachter, 1951; Sherif, 1935). Previous small group research indicates that during interaction the most deviant members tend to gravitate toward the group norm (Schachter, 1951). Sherif (1935) found that individuals who initially hold more extreme positions in relation to group norms tend to exhibit the greatest change.

Asch (1953) quantified the effects of group pressure by varying the degree of group pressure upon a deviant minority. The findings indicate that a unanimous majority, even if incorrect in its decision, will have a powerful influence on a lone dissenter. This research also shows that beyond the

number three, increasing the size of the majority has little effect in increasing its power to convert the deviant. In contrast, providing an ally to the minority greatly increases his resistance to persuasion by the majority (Asch, 1953; Rosenberg, 1961). Asch (1953) also found evidence that individuals differ significantly in regard to the degree of yielding to group pressure. Tuddenham's (1955) findings are in fundamental agreement with those of Asch (1953) and Crutchfield (1955) that at least some people will report personal judgments which are profoundly inaccurate, provided they are informed that others are making the same judgments.

Deutsch and Gerard (1955) found that group pressure effects are even more striking in situations where individual group members are faced with a common task requiring cooperative effort for the most effective solution. In such cases the collection of individuals become interdependent on each other.

In his review of research relating to small group processes, Hare (1962) observed that some type of social control is necessary if individuals are to carry out concerted action and thus function as a group. Social control was defined as the process by which the individual manipulates the behavior of others or by which group members bring pressure on the individual.

This pressure must be exerted by means of communication

among group members (Festinger, 1950). Schachter (1950) found that the group as a whole directed more communications toward the group member whose opinion deviated most from the group norm opinion in an attempt to bring him more in line with the group. Given the presence of a deviate, Emerson (1950) observed three ways to restore uniformity to the group; (a) by exerting pressure upon the deviate, such that he changes his position on the issue, (b) by rejecting him and thereby reducing the pressure to interact with him, and (c) by changing the group norm in the direction of the deviate. This proposition is in direct support of Schachter (1950).

Festinger (1950) examined the sources of pressures toward conformity in groups. Festinger (1950) observed two main sources which induce deviants to conform to group norms: (a) social reality and (b) group locomotion. Social reality refers to personal opinions, attitudes, and beliefs based on individual experiences. Therefore if a difference in social reality exists among group members, forces to interact will arise. The less "physical reality" available to substantiate the opinion, attitude, or belief, the greater will be the importance of the social referent, the group (Festinger, 1950). Group locomotion represents the pressures toward uniformity which arise because they are desirable or necessary in order for the group to move toward some goal. Forces to locomote may stem from the attractiveness of activities associated

with a different position in the group or from the status of that position (Festinger, 1950).

Tuddenham, McBride, and Zahn (1958) found that yielding to a norm is influenced by beliefs about the competence of those who generate that norm. This research directly supports Mausner's (1953) findings that the prestige of an individual group member may be strengthened when that group member gives specific evidence of competence in the kind of judgment being made and weakened where evidence of incompetence is presented. These findings are further supported by Morris and Hackman (1969) in that a participant's views are dismissed by the group when other members give negative comments in reaction to his contributions or when his contributions are counterproductive.

Other investigators found that the degree of yielding by the deviate can be affected by factors such as prior reinforcement of the responses (Kelman, 1950; Mausner, 1950; Mausner, 1954), by a variation in the psychological method employed (Mausner, 1952), and characteristics of the group and group members (Mausner, 1953).

Although controlled research involving small group behavior has been of empirical interest since the early part of the twentieth century, little of the research has been focused on the American jury. Recently, however, the jury has become the subject of an increasing amount of research among

sociologists, psychologists, and other investigators interested in behavioral science research (Kalven and Zeisel, 1966; Pabst, 1973; Snortun, Klein, and Sherman, 1976; Strawn and Buchanan, 1976; Strodtbeck, James, and Hawkins 1957; Valenti and Downing, 1975). These researchers have yielded a significant body of factual data that documents the existence of various interactional influences affecting juridic judgment.

Several experimental studies have concluded that certain psychological elements such as order of presentation of arguments (Weld and Roff, 1938; Lawson, 1967), or of witnesses (Weld and Danzig, 1940) can affect jury decisions, even when there is major dissenting evidence (Hovland, Janis, and Kelly, 1957). Other studies have determined that the apparent self-confidence of a witness may have a greater impact on a jury than the logic of his testimony (Marston, 1924) and that the prestige of counsel may be influential (Weld and Danzig, 1940). Strawn, Taylor, Pryor, and Buchanan (1976) reported evidence that juror's predisposition toward laws affects jury verdicts.

Several experimental studies have investigated the role of social status in jury deliberations. Strodtbeck, James, and Hawkins (1957) found that participation in the deliberation process is highly related to occupational status, and persons with high status occupations are most frequently chosen as foreman. High status persons also tend to sit at the head of the table, a position which is independently

related to high participation and to being picked as foreman (Strodtbeck and Hook, 1961).

Numerous reviews have continued to focus on the effects of extralegal influences in judicial processes (Efran, 1974; Erlanger, 1970; Friend and Vinson, 1974; Gerbasi, Zuckerman, and Reis, 1976). Shoemaker, South, and Lowe (1974) reported that jurors have preconceived notions about the physical appearance of people who commit certain crimes. Sigall and Ostrqv (1975) pursued this line of investigation by studying the effects of offender attractiveness and nature of the crime on juridic decisions. Their findings suggest that physical attractiveness and type of offense interact to affect sentence severity. More specifically, when an individual utilizes his appearance for illicit ends and his physical attractiveness is positively related to the successful enactment of the offense, such as a swindle, the defendant is viewed as more dangerous and consequently the severity of his sentence is greater. The opposite finding occurred for an attractive-unrelated crime such as burglary. The research of Jacobson and Berger (1974) suggests that physical attractiveness and repentent behavior by the defendant also interact in the process of juridic judgment. More specifically a person with an attractive physical appearance who displays repentent behavior during the course of a trial will receive a lighter sentence than an attractive defendant displaying non-repentent behavior. Finally, Efran (1974) found that attractive

defendants of either sex received ratings indicating less certainty of guilt, milder punishment, and increased attraction in comparison to their unattractive counterparts.

These studies demonstrate the importance of physical attractiveness on juridic judgment. The findings indicate that the interaction of many offender characteristics have a direct effect on juridic decisions.

Jury size became a prominent source of investigation when a divided Supreme Court (1970) declared that the United States constitution does not require juries to be composed of twelve members except in capital or eminent domain cases. Concerned with crowded judicial calendars, proponents of the smaller jury hailed the decision as a positive step toward streamlining the overburdened and cumbersome process. Surprisingly, two recent field investigations (Beiser and Varrin, 1975; Pabst, 1973) found that the anticipated savings in time and expense for six member juries were negligible.

Other investigators have expressed reservations about a reduction in jury size, fearing that this could confine the extent of deliberations and threaten the quality of justice (Beiser and Varrin, 1975; Pabst, 1973; Snortum, Klein, and Sherman, 1976; Valenti and Downing, 1974; Zeisel, 1972). The Supreme Court, however, cited six empirical studies in defense of their ruling that juries composed of six members are functionally equivalent. The Court's position was recently

reinforced by two field investigations (Institute of Judicial Administration, 1972; Mills, 1973) and one laboratory investigation (Kessler, 1973) which found no significant difference between six- and twelve-member juries in the ratio of judgments favoring the defense or the prosecution.

However, the small group communication research literature contains evidence pertaining to the effects of group size on a number of dependent measures. Simmel (1950) found that group size is a significant determining factor in group interaction. Smaller groups are less likely to break into factions (Hare, 1952), more likely to allow for the maintenance of one-to-one relationships (Hare, 1952); and have more equal rates of participation by individuals within the group (Bales, 1970). Therefore, smaller groups are more satisfied with the group discussion, regardless of the final group decision (Hare, 1952). At the same time, the smaller group provides fewer resources and perspectives for determining a just verdict. Hare (1952) also noted that the amount of consensus resulting from group discussion decreases as the number of participants increases. Kalven and Zeisel (1966) found that few juries are unanimous initially. Davis (1973) demonstrated that consensus on jury verdicts increases with deliberation. By the requirement that the verdict be unanimous, members must control the use of their primary group resource, their common time together. Equal and responsible participation in the deliberation process is

an institutionalized expectation. There is particular concern that smaller juries might be more susceptible to intimidation by one or two dominant members (Snortum, Klein, and Sherman, 1976).

Previous research in small groups indicates that rate of participation by an individual in leaderless groups can have a powerful influence on group decisions (Bales, 1953; Ginter and Lindskold, 1975; Jaffee and Lucas, 1969; Norfleet, 1948; Rieken, 1958; Strodbeck, James, and Hawkins, 1957). Bales (1953) found a tendency for the member with the greatest rate of participation to be credited by his fellow members with having contributed most in the completion of the task. Jaffee and Lucas (1969) have also shown that the rate of participation by a group member is more influential in the selection of him as a leader than is the correctness of his contribution.

The present study was designed to assess the susceptibility of six-member juries to persuasive influence by an aggressive and biased member and to obtain the reactions of those jurors to the deliberation process when an aggressive and biased member is present.

Based on the research findings of Bales (1953), Jaffee and Lucas (1969), and Strodbeck, James, and Hawkins (1957) one might expect an aggressive and biased member to have a significant persuasive effect on the jury's final verdict. However, it seems equally possible that a negative effect might

result if the aggressive and biased member interferes with the participation of others in the group (Hare, 1952) or if other group members give negative comments in reaction to his contributions (Morris and Hackman, 1969). Thus a research question was devised to ascertain the effects of an aggressive and biased member on the final verdict by six-member juries when the evidence presented in the case is ambiguous.

Research Question

What effect will an aggressive and biased member have on the final verdict by six-member juries when the evidence presented in the case is ambiguous?

Based upon the existing body of research it was possible to formulate the following predictions.

Hypotheses

- H1: The aggressive and biased member will be credited as having influenced the group most by fellow members of the group (Bales, 1953; Jaffee and Lucas, 1969).
- H2: Juries without the aggressive and biased member will show more covert acceptance of the final verdict. The basis for this prediction is that individuals in the group without the aggressive and biased member should have more equal rates of participation in the deliberation process (Bales, 1970).
- H3: Juries without the aggressive and biased member will be

more satisfied with participation in the discussion and group size than juries where the aggressive member is present. Again, this should occur since individual group members in juries without the aggressive member will have more equal rates of participation (Bales, 1970).

- H4: Juries without the aggressive and biased member will perceive a greater freedom to express personal and divergent opinions than juries where the aggressive and biased member is present. This is based on findings by Snortum, Klein, and Sherman (1976) who show that aggressive or dominant members intimidate others within the group thus confining the extent of deliberations.
- H5: Juries without the aggressive and biased member will be more satisfied with the completeness of the group discussion of the facts than juries containing the aggressive member. The rationale for this hypothesis that more equal rates of participation will occur in the non-aggressive condition, allowing greater use of total group resources (Hare, 1952).

Method

Subjects

To maximize external validity it is important that wide background differences be present within the juror population. This is assured by the fact that in Polk County, Florida where this experimental research has been conducted, venirepersons are selected by a random process from voting registration lists. All research subjects in this study were persons who had been summoned for jury service during a week of criminal trials. After the final jury needed for the week was selected, always on a Friday, the remaining venirepersons were invited to participate in the investigation. Careful explanations were given, informing them that their participation in the project was completely voluntary and they could not be paid. Subjects were then read prepared instructions regarding the experiment.

A total of 80 subjects participated in the project. The subjects participating in all experimental conditions were adults, both male and female, residing in the Polk County area. All subjects were volunteers who had been released from actual venires in Bartow, Florida.

Procedure

Upon arriving at the jury assembly building the subjects

were addressed by the jury clerk. After roll call, prospective jurors were taken to the Hall of Justice for voir dire. After the jury was selected, venirepersons not selected were asked to return to the jury assembly building, at which time the clerk explained to them that their jury service had been completed. He then introduced the experimenter who gave a brief explanation regarding the research project. The explanation was a prepared statement identically given at the outset for each released venire tested. The explanation reads:

Good morning, my name is Bernard Goodwin and I am a representative of Florida Technological University in Orlando, Florida. I am presently working on a Master of Art's degree in Communication at the university and am in the process of conducting research for my Master's thesis the topic of which concerns juries. For the past six months I have been engaged in several studies involving our judicial system, through the University and the Honorable David U. Strawn of Titusville, Florida. Recently, with the help and cooperation of Chief Judge John H. Dewell and Circuit Judge Thomas M. Langston of the Tenth Judicial Circuit of Florida I have initiated my own research regarding the judicial system. It is only through the cooperation of men such as these and concerned persons like yourself that we can better understand and improve our judicial system. As Mr. Davis has explained, you have completed your jury service and are free to leave. If you should decide to participate in the study you cannot be paid, however your time and cooperation would be greatly appreciated.

It was necessary for the experimenter to excuse a number of potential subjects since the research design necessitated exactly five volunteers for each jury. On each occasion, either 5 or 10 subjects (one or two juries) were randomly selected from the venire. Each jury consisted of five subjects plus a confederate who was

posing as a venireperson. The remaining venirepersons not selected for the project were excused.

At this time the volunteer subjects were given the following instructions:

The study in which you are about to participate is one involving juries. You as members of a jury will be asked to weigh facts presented in a case and to arrive at a group decision as to the guilt or innocence of the defendant. The case will be presented in typewritten form. Please read all the evidence before arriving at any conclusions. After you have read the evidence you will see a pre-recorded videotape of Judge Thomas Langston who will give you instructions governing the laws pertinent to this case, you will then deliberate with the other members of your group until a unanimous verdict is reached. You may deliberate as long as you feel is necessary.

All material previously objected to, and found objectionable by the Court, has been removed from the evidence sheet. Everything you will read will be admissible evidence in accordance with the law and may be considered by you. I ask you to give the same careful attention to this trial as you would any trial being tried with live witnesses in your presence.

This is a criminal case. The defendant is charged by information filed in Court on June 3, 1977, with a violation of the laws relating to breaking and entering with intent to commit a felony. It is your solemn responsibility to determine the guilt or innocence of the defendant and your verdict must be based solely on the evidence as it is presented to you in this trial.

The subjects were then presented with the stimulus material which consisted of a typed case summary and evidence sheets. Upon receiving the stimulus materials the subjects were given this prepared statement:

Please read the material carefully. Take as long as you feel is necessary. When everyone has completed the reading the experimenter will show a pre-recorded videotape of the judge's instructions regarding this case.

After all subjects had completed the reading they were asked to view, with careful attention, the videotaped instructions given by Judge Langston. At this time the experimenter started the videotape. The instructions were the pattern jury instructions for a burglary case taken from the Florida Standard Jury Instructions in Criminal Cases. The judge's instructions were as follows:

Ladies and gentlemen at this stage of the proceedings the court has a responsibility of giving instructions as to the laws applicable in this case. The defendant, of course is charged with the crime of burglary. The court will instruct in so far as this particular offense.

It is a crime of burglary for any person to enter or remain in a structure of another with the intent to commit offense therein, unless the premises are at the time open to the public or that person is licensed or invited to enter or remain upon the premises. The essential elements of the offense which must be proved beyond a reasonable doubt before there can be a conviction in this case are as follows: 1) the defendant did enter the structure owned by Acme Drugs, without the knowledge or consent of Acme Drugs, at a time when such structure was not open to the public; 2) the defendant did not have permission or consent of said Acme Drugs or anyone authorized to act for it, to enter or remain in the premises at the time; and 3) at the time of entering the premises the defendant had a fully formed, conscious intent to commit the offense of larceny.

The court would further instruct you that,

as used in this law, the word structure means any building of any kind either temporary or permanent which is enclosed and has a roof over it. Further the court would instruct that proof of entering a structure or conveyance stealthfully and without consent of the owner or occupant thereof may justify a finding that the entering was done with an intent to commit a crime if from all the surrounding facts and circumstances the jury is convinced beyond a reasonable doubt that such intent existed.

The intent with which an act is done is an operation of the mind, and therefore is not always capable of direct and positive proof. It may be established by circumstantial evidence like facts in any other case.

Further the court would instruct that even though an unlawful entering in a structure is proved, if the evidence does not establish that it was done with intent to commit some crime as stated in the information, that is to say in this case, the crime of larceny, the defendant must be found not guilty.

The court would further instruct you at this point as to circumstantial evidence. Circumstantial evidence is legal evidence and any act to be proved may be proved by such evidence. A well-connected chain of circumstances is as conclusive in proving a crime as is positive evidence. Its value is dependent upon its conclusive nature and tendency.

Circumstantial evidence is governed by the following rules: 1) the circumstances themselves must be proved beyond a reasonable doubt: 2) the circumstances must be consistent with guilt and inconsistent with innocence: 3) the circumstances must be of such a conclusive nature and tendency that you are convinced beyond a reasonable doubt of the of the defendant's guilt. If the circumstances are susceptible of two reasonable constructions, one indicating guilt and the other innocence, you must accept that construction indicating innocence. Circumstances which standing alone, are insufficient to prove or disprove any fact, may be considered by you in weighing direct and positive testimony.

The following instructions are usually referred to as general instructions as they are applicable not only to this case but in all criminal case. The court will proceed first with the presumption of innocence following by the instructions as to reasonable doubt.

The defendant in every criminal case is presumed to be innocent until his guilt is established by the evidence to the exclusion of and beyond every reasonable doubt. Before the presumption of innocence leaves the defendant, every material allegation of the information must be proved by the evidence. The presumption accompanies and abides with the defendant as to each and every material allegation as contained in the information, through each stage of the trial until it has been overcome by the evidence. If any of the material allegations of the information is not proved, you must give the defendant the benefit of the doubt and find him not guilty. But if you find from the evidence that all the material allegations of the charge have been proved beyond and to the exclusion of every reasonable doubt then you must find the defendant guilty.

Now to overcome the presumption of innocence of the defendant the law places the burden upon the state to prove the defendant is guilty. The law does not require the defendant to prove his innocence. Accordingly you must assume that the defendant is innocent unless you are convinced from all the evidence in the case that he is guilty beyond a reasonable doubt. You should evaluate the evidence admitted in the case and determine innocence or guilt of the defendant entirely in accordance with these instructions. It is from the evidence introduced at this trial and it alone that you are to determine the guilt or innocence of the defendant.

A reasonable doubt as to the guilt of the defendant may arise from the evidence or lack of evidence. The test you must use is this, if you have a reasonable doubt as to the truth of any charge made by the state you should find the defendant not guilty as to that charge. If you have no reasonable doubt as to the truth of any charge, you should find the defendant guilty as to that charge.

Now as members of the jury you are the sole judges

of the weight and the sufficiency of the evidence and the credibility of the witnesses. You should reconcile any conflicts in the evidence without imputing untruthfulness to any witness. If you can not reconcile any conflicts then it is your duty to reject the evidence you find to be unworthy of belief and to accept and to rely upon the evidence you find to be worthy of belief.

In determining the believability of any witness and the weight to be given his testimony you may properly consider the demeanor of the witness while testifying; his frankness or lack of frankness; his intelligence; his interest, if any, in the outcome of the case; the means and opportunity he had to know the facts about which he testified; his ability to remember the matters about which he testified; and the reasonableness of his testimony considered in the light of all the evidence in the case. From these and all other facts and circumstances in the evidence, you must reach your own independent conclusions and in so doing, you should use the same common sense, sound judgment, and reason you have and use in everyday life.

Further the court would advise and instruct that the defendant may become a witness and testify in his own behalf. In considering his testimony and the weight and credibility which should be given to it, you should consider it just as you would the testimony of any other witness. Also the court would instruct that a witness may be discredited or the weight of his testimony may be weakened or destroyed by proof that the witness has been convicted of a crime.

The court would also instruct that you are here only to determine the guilt or innocence of the defendant. So if the evidence convinces you beyond every reasonable doubt of the guilt of the defendant you should find him guilty even though you may believe one or more other persons are also guilty. On the other hand, if there is a reasonable doubt as to the guilt of the defendant you should find him not guilty. The defendant is not on trial for any act or conduct not charged in the information and you must consider the evidence only as it relates to that charge.

Nothing I have said in these instructions or

at any other time during the trial is any intimation whatever as to what verdict I think you should find. The verdict is the sole and exclusive duty and solemn responsibility of you, the jury, and neither the court nor anyone else can help you in performing that duty.

You are to disregard the consequences of your verdict. You are empaneled and sworn only to find a verdict based upon the law and the evidence. You are to consider only the testimony which you have heard and the law as given to you by the court. You are to lay aside any personal feeling you may have in favor of or against the defendant, or in favor of or against the state. It is only human to have personal feelings or sympathy in matters of this kind, but any such personal feeling or sympathy has no place in the consideration of your verdict. When you have determined the guilt or innocence of the accused, you have completely fulfilled your solemn obligation under your oath.

Now ladies and gentlemen as you go to the jury room, you will take with you verdict forms which have been prepared for your use, wherein you may find the defendant guilty as charged in the information or not guilty as charged.

You will first from among your group choose one who will serve as foreman. Any verdict you reach must be signed by that individual as foreman and any verdict reached must be a unanimous verdict.

At this time ladies and gentlemen we will ask you to retire to the jury room for deliberation of your verdict.

A question that often arose before discussion had started was what to do if a deadlock occurred. The experimenter's standard reply was, "Most groups are able to come to some decision if those who disagree will restate their reasons, and the problem is reread carefully." All subjects were allowed to use the typewritten case summary and evidence sheets during the

deliberation process. Upon leaving the room the experimenter placed the prepared verdict form in the center of the oblong table around which the subjects were seated and instructed, "At this time you may begin your deliberations."

The juries were completely on their own as the experimenter retired from the room. The experimenter was never in the room with the subjects except to distribute and collect materials or to administer instructions.

After a verdict was reached (all groups reached uniformity), the experimenter accepted the verdict form and asked each group member to fill out a postdiscussion questionnaire. Each subject was presented with a copy of the questionnaire and a stand-up cardboard placard with the identification numbers 1, 2, 3, 4, 5, or 6. The experimenter was careful to note the identification number for the confederate.

After all subjects had completed the questionnaire each subject was fully informed of the purpose of the experiment, introduced to the confederate, and thanked for their participation and interest in the investigation. The experimenter then informed each group that it was very important for the content of the experiment to be kept secret since a person knowing that a confederate is employed might tend not to react naturally to the experimental situation. The subjects were therefore requested to avoid discussing the experiment with others. None of the subjects involved in the investigation

reported prior awareness of the research project.

Materials and Instrumentation

The stimulus case used in the present investigation was developed by Officer Joseph Bongiorno, a four-year veteran of the Orlando Police Department, and the experimenter. The selection of burglary (commonly referred to as breaking and entering) as the particular type of crime used in this project was based on information provided by David U. Strawn, Circuit Judge for Florida's Eighteenth Judicial Circuit. In an experiment conducted by Buchanan, Pryor, Taylor and Strawn (1978) it was indicated that the crime of burglary is one of the most common crimes brought to trial in the state of Florida. For this reason, the crime of burglary was selected for the present investigation.

The case was presented by means of a typed case summary and evidence sheets. The case summary was a chronological summary of relevant events occurring the morning of the crime. The evidence sheets included a list of ten arguments in favor of the defense and eleven arguments in favor of the prosecution, with facts for the prosecution presented first.

The case was deliberately designed to be ambiguous, that is, evidence presented in the case was equally weighted to support both guilt and innocence while conclusive evidence proving one or the other was omitted. To assure that the case was ambiguous a pilot study was conducted. Persons from released venires, like

those in the actual experiment, were asked to read the case summary and evidence sheets, watch the videotaped instructions, and record their individual verdicts without benefit of deliberation. Fifty venirepersons participated in the pilot study. The individual verdicts were as follows: 20 guilty, 20 not guilty, and 10 undecided. The pilot data provides strong evidence that the case used in this investigation is ambiguous.

To help maximize internal and external validity a videotape was made of the pattern jury instructions for a burglary case taken from the Florida Standard Jury Instructions in Criminal Cases. The instructions were given by Thomas M. Langston, Circuit Judge of the Tenth Judicial Circuit of Florida. The videotape was recorded by the experimenter in the Hall of Justice in Bartow, Florida. The setting was identical to that of a real trial. The videotaped instructions were shown to each jury before deliberation.

A postdiscussion questionnaire was designed by the experimenter and distributed to each of the experimental subjects. The questionnaire is represented in Figure 1.

Figure 1 Postdiscussion Questionnaire

1. Satisfaction with participation in the discussion.
 Very satisfied +3 +2 +1 0 -1 -2 -3 Very unsatisfied
2. Extent to which the group allowed the expression of divergent opinions.
 Very satisfied +3 +2 +1 0 -1 -2 -3 Very closed
3. Freedom to express personal opinions.
 Very free +3 +2 +1 0 -1 -2 -3 Very closed
4. Satisfaction with group size.
 Very satisfied +3 +2 +1 0 -1 -2 -3 Very unsatisfied
5. Completeness of the group discussion of the facts.
 Very complete +3 +2 +1 0 -1 -2 -3 Very incomplete
6. Agreement with verdict reached.
 Agree strongly — — — — — — — Disagree strongly
7. Rank the top three jurists, in order, who participated most in the group discussion using identifying placards provided by experimenter.
 1 — 2 — 3 —
8. Rank the top three jurists who were most influential in the deliberation process.
 1 — 2 — 3 —
9. Experimental group number provided by the experimenter.

The first six questions were used to obtain the reactions of jurors to the deliberation process. More specifically, individual jurors were asked to rate on 7-point bipolar scales each of the following: satisfaction with participation in the group discussion, extent to which the group allowed the expression of divergent or personal opinions, satisfaction with group size, completeness of the group discussion of the facts, and agreement with the verdict reached.

While the consensual decisions by the group were designed to test the public effect of the deliberation process, question six, which dealt with degree of agreement with the verdict measured individual covert acceptance with the decision.

Question seven required each member to rank the top three jurists who participated most in the group discussion. Question eight asked each member to rank the top three jurists who were most influential in the deliberation process. These two questions provided the information needed for examining possible relationships between rate of participation and degree of influence in the group. In addition, responses to question seven served as a gauge of the perceived aggressiveness of the confederate.

Question nine was included for subject identification purposes.

Experimental Design

The present investigation employed a two dimensional factorial

design. The two independent variables were 1) aggressive behavior and non-aggressive behavior of the confederate who 2) advocated guilt or innocence of the defendant. A diagram of the experimental design is presented in Figure 2.

Figure 2. Experimental Design

<u>Confederate's Behavior</u>	<u>Decision Advocated</u>	
	Guilty	Not Guilty
Aggressive	n=4	n=4
Non-Aggressive	n=4	n=4

The dependent variables were the final verdicts and the reaction of jurors to the deliberation process, including satisfaction with participation in the discussion, freedom to express personal or divergent opinions, satisfaction with group size, completeness of the group discussion of the facts, agreement with the final verdict, and degree of influence in the deliberation process as compared to rate of participation.

The decision advocated by the confederate actually served as a control variable. This facilitated measurement of interaction effects with the confederate's behavior on all dependent measures.

The operationalization of aggressive and non-aggressive behavior posed a challenging problem since previous research has not manipulated the variable for testing in small group

communication. The majority of investigators have focused on conditions that help instigate physical aggression or responses to physical aggression via electrical shocks (Berkowitz, 1962; Epstein and Taylor, 1967). However aggressive behavior may be verbal, non-verbal, direct, indirect, immediately gratified or delayed, conscious or unconscious (Duncan and Hobson, 1977). Due to this complexity some researchers believe the term aggression to be inadequate for use in classifying human behaviors (Tedeschi, Smith, and Brown, 1974), while others maintain that aggressive behavior is not so much a measurable act as it is a label for a series of values and behaviors (Duncan and Hobson, 1977; Wurtzel, 1977). Nevertheless, Duncan and Hobson (1977) found that the populace as a whole viewed aggressive behavior in a relatively consistent manner. Their findings indicate that self-centered, belligerent, loud-mouthed, and self assertive behavior are viewed as common characteristics of aggressive behavior.

It was believed, therefore, that an operationalization of aggression using these behavioral characteristics would achieve some degree of external validity. In the present study the aggressive behavior was displayed both verbally and nonverbally. Often the dialogue used by the confederate in the two conditions was quite similar, but the aggressive or non-aggressive meaning was clearly transmitted through vocal cues and other nonverbal behavior. Since Merabian (1971) and others have shown emotional

meaning to be largely contingent upon the nonverbal channel this approach was believed to effectively distinguish the conditions.

A total of sixteen juries were included in the study. Each jury consisted of five naive participants plus a confederate. The confederate was trained to react differently to the deliberation process according to the experimental condition, supporting guilt or innocence as predetermined by the experimenter.

Prior to the first experimental deliberation session, one female confederate was recruited for use in the study. The confederate was similar in background to many of the naive participants, in that she was a retired dental receptionist, housewife, and mother of two children. The female had participated in an earlier study conducted by the investigator and was selected due to her availability, reliability, interest in the research, and outgoing personality necessary for her role in the investigation.

Before the first experimental session the confederate was informed of the nature of the investigation, the stimulus case being deliberated, and the deviant positions to be maintained. Three initial training sessions were conducted, the duration of each session was approximately two hours. This training consisted of discussions about her role in each of the conditions. Careful explanations were given as to the type of behavior to be employed and examples of such behavior were presented. Examples

of aggressive behavior were presented by means of a pre-recorded cassette tape. The tape was recorded during a previous pilot investigation involving aggressive behavior in six- and twelve-member juries. Included on the tape were examples of disruptive communication techniques and aggressive verbal and vocal behavior used by a previous confederate. The tape may be obtained by contacting the Department of Communication at Florida Technological University. During the sessions tentative problems were discussed and possible defenses for her deviant positions suggested. In addition to the initial training, the confederate met with the investigator for one hour prior to and following the experimental deliberations to discuss problems encountered during the interaction process. The sessions prior to the deliberations allowed the experimenter to inform the confederate as to which condition she would be performing and the position to be maintained. The sessions prior to the deliberation also provided time to review the stimulus case and defenses for her position. The postdiscussion sessions allowed the confederate to discuss problems arising during the interactional process which were not covered in the initial training sessions.

The confederate was aggressive in eight juries and non-aggressive in the remaining eight juries. In each condition, the confederate advocated guilt in four of the deliberations and innocence in the other four. The confederate in both experimental

conditions always spoke second and presented a rehearsed dialogue of about three minutes. In the non-aggressive condition the dialogue was stated mildly and was a simple review of the evidence. In the aggressive condition the confederate spoke forcefully with emotion.

If met with differing opinions regarding her vote the non-aggressive confederate was to mildly state her reasons for her decision. Her nonverbal cues were to be kept to a minimum in an effort to remain passive. However in the aggressive condition the confederate was to respond vigorously when other members tried to counter her opinions. The confederate in this condition was to employ blatant nonverbal cues in an effort to show disgust when faced with opposing views. Examples of nonverbal cues in the aggressive condition consisted of variations in tone of voice, increased volume and rate of speech, rolling of the eyes, blatant head nods, frowns, the pounding of her fist on the table, etc.

Following her initial dialogue, the non-aggressive confederate was to speak only if spoken to whereas the confederate in the aggressive condition was allowed to disrupt and badger any juror opposing her view.

In the case of five dissenting votes, the confederate was instructed to change her vote to coincide with that of the other five members. If however her opinion was in support of another deviate or minority, she was to passively (non-aggressive condition)

or actively (aggressive condition) align herself with that deviate or minority. She was to remain with the minority until the majority changed its opinion or vice versa. If the confederate was in support of the majority she was simply to repeat arguments by the majority, either aggressively or non-aggressively as dictated by her role.

Results

Question seven on the postdiscussion questionnaire dealt with the rank ordering of juror participation in the group discussion. This was designed to validate the perceived aggressiveness of the confederate in the two experimental conditions. Results indicate that the aggressive confederate participated significantly more than the non-aggressive confederate. The aggressive confederate was ranked number one eleven times by her fellow jurors whereas the non-aggressive confederate was ranked number one only twice, $\chi^2(1) = 7.4396$, $p < .01$. Additionally, the aggressive confederate was ranked first or second by 21 jurors as compared to eight for the non-aggressive confederate, $\chi^2(1) = 9.12412$, $p < .01$.

Questionnaire responses (question eight) for hypothesis one indicate that the subjects perceived the aggressive confederate as significantly more influential than the non-aggressive confederate. Using the chi square, results showed that the aggressive juror was ranked most influential by 17 of her fellow jurors whereas the non-aggressive juror was ranked first by only three $\chi^2(1) = 13.0665$, $p < .001$. Consistent with this finding the aggressive confederate was ranked one or two by 24 jurors as compared to 7 such rankings for the non-aggressive confederate, $\chi^2(1) = 9.3411$, $p < .01$.

Questionnaire responses for questions seven and eight

indicated a strong correlation between rate of participation and degree of influence in the group discussion. By comparing the rankings of jurors who participated most in the discussion with rankings of jurists who were most influential in the deliberation process it was possible to correlate rate of participation with perceived influence. Ary and Jacobs (1976) suggest using the Spearman ρ for correlating ordinal data. Results from the Spearman ρ indicate a highly significant correlation between rate of participation and perceived influence regardless of the direction (guilty/not guilty) of the participation, $\rho_s = 0.997$ and $\rho_s = 0.999$ respectively.

The results of the research question regarding the effects of the aggressive member of the final verdict show the aggressive juror achieved the compliance of her associate jurors in six of the eight juries (75%) tested, while the non-aggressive confederate produced agreement in only two of the eight deliberations (25%). The original plan for data analysis was to apply the chi square with Yates' correction factor. However, according to Downie and Heath (1970), "when E values are less than five, and especially when they are around 2, even Yates' corrections for continuity is not good, and a method known as Fischer's exact method must be used." Therefore Fischer's exact test was employed in the data analysis for the research question. The results of this two-tailed test produced a trend ($p < .13$)

which suggested the possibility that the aggressive confederate was more influential than the non-aggressive confederate in regard to the final verdict.

Results for questions one through six on the postdiscussion questionnaire, which contained information concerning the discussion participant's reactions to the deliberation process, are presented in Table 1.

Table 1

Means For The Two-Factor Anovas

Postdiscussion Questions (rated from -3 to +3)	<u>Experimental Condition</u>			
	<u>Aggressive</u>		<u>Non-Aggressive</u>	
	Guilty	Not Guilty	Guilty	Not Guilty
1. Satisfaction with participation.	+2.25	+2.45	+2.50	+2.20
2. Freedom to express divergent opinions.	+2.65	+2.25	+2.30	+2.55
3. Freedom to express personal opinions.	+2.70	+2.95	+2.60	+2.60
4. Satisfaction with group size.	+2.85	+2.70	+2.30	+2.85
5. Completeness of discussion of facts.	+2.40	+2.15	+2.10	+2.00
6. Agreement with verdict reached.	+1.95	+2.45	+5.15	+0.90

Responses to question six, agreement with verdict reached (H2) indicated no significant differences between the aggressive conditions, $F(1,76) = 0.07$. However the guilty/not guilty contrast produced significance, $F(1,76) = 6.55$, $p .05$, with the guilty decisions receiving a significantly higher level of individual agreement with the verdict. Of the 18 main and interaction effects available from the first six questions only the latter result was statistically significant. The interaction effect did not approach significance, $F(1,76) = 0.67$.

Questionnaire responses for hypothesis three indicated no significant difference in satisfaction with participation between the aggressive and non-aggressive conditions, $F(1,76) = 0.04$. Similarly the guilty/not guilty contrast produced non-significance, $F(1,76) = 0.00$. Finally, a non-significant interaction effect was obtained, $F(1,76) = 0.98$. Questionnaire responses for satisfaction with group size (H3) also indicate no significant main or interaction effects.

No support was obtained for hypothesis four which predicted that juries without the aggressive and biased member would experience a greater freedom to express personal and divergent opinions than juries where the aggressive and biased member was present. Similarly, hypothesis five, in which subjects were expected to rate the non-aggressive conditions higher in completeness of discussion of the facts, received no support.

Discussion

Research Question

The major research question considered in this investigation concerned the effects of an aggressive and biased member on the final verdict by six-member juries when the evidence presented is ambiguous. This portion of the paper focuses on interpretations of the results, including explanations, conclusions, and suggested areas for future research.

A non-significant difference between juries containing the aggressive and non-aggressive juror was reported in the results section $p < .13$ (two-tailed test). Even though the data indicated non-significance, there was a noticeable effect favoring the aggressive condition. That is juries with the aggressive confederate tended to exhibit a higher degree of susceptibility to influence than subjects in the non-aggressive condition. In addition, subjects' perceptions of degree of participation and influence provide strong evidence that the aggressive juror was both highly participative and influential. Coupled with the significant positive correlations between perceptions of participation and influence, the findings are in agreement with the bulk of past research on small groups which indicate that amount

of participation by an individual in leaderless groups has a powerful influence on group decisions (Bales, 1953; Ginter and Lindskold, 1975; Jaffee and Lucas, 1969; Norfleet, 1948; Rieken, 1958; Strodtbeck, James, and Hawkins, 1957). This finding also supports previous findings by Snortun, Klein, and Sherman (1976) that six-member juries are highly susceptible to intimidation by one or two dominant members.

In six of the eight deliberations in the aggressive condition the confederate successfully manipulated the final verdict. Explanations regarding the two juries rejecting the confederate's persuasive influence are of interest. In one of the deliberations the group rallied around another highly assertive male member who held the position opposite the confederate. This observation directly supports findings by Strodtbeck, James, and Hawkins (1957) which indicate that males have higher participation, influence, and perceived competence than females for the jury task. In the second deliberation where the confederate was unable to dictate the final verdict, a black assertive female was present. She too opposed the confederate in her support of a not guilty plea. It is possible that the female's race affected the final decision. Such racial influence is suggested by Rosenthal (1963) in his discussion of reverse bias. That is, attempts to be racially unbiased toward the black defendant,

in the presence of a black juror, may have caused the remaining jurors (all white) to unconsciously bias their decisions in favor of the black defendant.

The present results regarding the research question are sufficiently provocative to justify future study on the effects of extralegal influences in the deliberation process. More specifically, a replication of the present investigation using a pre-recorded videotape of a mock trial, including opening and closing remarks by the attorneys and testimony of witnesses, while controlling for sex and race of the confederate may yield worthwhile evidence regarding the effects of an aggressive member in jury deliberations. Such extensions of the present research design would also help increase the external validity of the current findings.

Hypotheses

In addition to the research question, five predictions based upon the existing body of research were made concerning jurors' reactions to the deliberation process. Of the five predictions outlined in the first chapter only one was supported.

The results support hypothesis one in that the aggressive and biased member was credited as having influenced the group most by fellow members. This directly supports findings by previous researchers (Bales, 1953; Jaffee and Lucas, 1969;

and Strodtbeck, James, and Hawkins, 1957). This finding gives strong evidence to the fact that when an individual member displays unyielding confidence in her opinion, others within the group perceive competence in the assertive members opinion. Another explanation for this phenomenon could be that the confederate's continuing association with the case caused her to become overly familiar with it and thus caused her to unconsciously revert to rational arguments in an attempt to persuade the jury, although her training was designed to eliminate this problem. Future research may include the use of several confederates while substituting equivalent and representative cases throughout the study.

Contrary to expectations hypothesis two, concerning individual agreement with the final verdict, was not supported. The data presented in Table 1 indicates that the guilty/not guilty contrast produced significance, with the guilty decisions, receiving a significantly higher level of individual agreement with the verdict. However, this is probably best explained as a chance finding since only one of eighteen contrasts, .F means shown in Table 1, produced significance at the .05 level.

Hypothesis three which examined satisfaction with participation in the discussion as a function of group size was also unsupported. This finding suggests that equal rates of participation are not necessarily determining factors in an

individual's personal satisfaction with his participation in the deliberation or with an individual's satisfaction with group size. It is conceivable that most jurors are satisfied with the group size, as indicated by the means in Table 1, because jury size is governed by the law. In explaining the non-significance between conditions regarding satisfaction with participation, one might consider the possibility that most juries have one or two aggressive members who dominate the discussion. Another plausible explanation for this finding is that an individual may consider the aggressive member to be competent and therefore feel no need to contribute extensively in the discussion. Future research should include a system for measuring the exact number of contributions (both verbal and nonverbal) for each group member and compare these to his individual score on satisfaction with participation in the deliberation.

Hypothesis four was not confirmed. This finding contradicts the fears of Snortum, Klein, and Sherman (1976) that an aggressive and dominant member will intimidate others within the group thus confining the extent of deliberations by disallowing the expression of personal and divergent opinions.

Hypothesis five concerning satisfaction with the completeness of the group discussion of the facts was not

confirmed. This finding indicates that equal rates of participation are not necessary for group discussion of the facts to be complete. It seems plausible that when an aggressive group member displays unyielding confidence in her opinion others perceive her contributions as being competent and helpful in completion of the task.

The findings from the present investigation clearly indicate that the aggressive member (confederate) took charge of the deliberation, effectively manipulated the final verdict, and was perceived as active and influential, while the general affect of the group was not disturbed. Further, the perceived affective climate did not significantly differ between the aggressive and non-aggressive conditions. These findings suggest that the aggressive person has a special effect on a jury. Jury members appear to be quite susceptible to the persuasive appeals of a fellow juror who is willing to accept the responsibility for a tough decision. The jurors not only conform to the position of the aggressive advocate, but are also quite content to reach a verdict in this manner. This evidence suggests that trial lawyers would be well advised to select aggressive individuals who seem to be favorably disposed to their case. While it is possible that an overly aggressive, quasi-logical, juror might sometimes cause boomerang effects, the current data suggest that this risk is minimal.

Limitations

Laboratory studies have many limitations but they do provide opportunities for holding constant some of the variables which confound the findings of research in the natural setting. By carefully controlling the experimental stimulus and then observing the subject's behavior under controlled conditions, laboratory experiments help eliminate uncertainty in interpreting results. While this control permits a more direct inference of causal relationship between the stimulus content and subsequent behavior, this same control results in the use of artificial environments. For this reason, some critics may complain that stimulus materials combined with artificial settings threaten the external validity of the investigation.

However one of the problems in dealing with social science research is the fact that by its very nature, social science is placed in the precarious position of attempting to generalize about human behavior. But social science research is also based on cumulative knowledge gathered via extensive replication of previous and related research which can eliminate many of the problems associated with the generalization of findings across subjects, situations, and operationalizations of the independent and dependent variables. Every effort was made to enhance the external validity of the experiment through the use of realistic

procedures, a representative case, subjects selected from actual venires, the courtroom setting, and the use of videotaped standardized instructions.

Due to the limits of law, the present investigation was necessarily presented to subjects as a simulated jury task which may have caused subjects to react differently than if they actually believed they were making a decision which would dramatically affect the life of a real defendant.

Another obvious limitation was the lack of funds to support the investigation. Since subjects could not be paid for their participation in the project only volunteers were used. Some critics may suggest that volunteers are not a representative juror population because by volunteering the subjects admit an interest in the experiment which could affect their performance. However, no alternative method of subject selection was possible.

Along the same line one might argue that the confederate could bias the juries in subtle ways since she was aware of the variable being manipulated in the experiment. Rosenthal (1963) suggests personal bias can often be a problem in experimental situations. Biasing can be conscious or unconscious when the person involved is aware of what the experimenter expects to find. To minimize the danger of such biasing, the confederate was kept unaware of the research question and experimental

predictions regarding jurors' reactions to the deliberation process.

The final limitation was that of time. Due to the schedule of the investigator, confederate, and the nature of the research design only a small population was tested. External validity would be more impressive had the investigator been able to test 30 or 40 groups rather than just the 16 reported in this experiment.

Summary and Conclusions

The present study was designed to assess the susceptibility of six-member juries to persuasive influence by an aggressive and biased member and to obtain the reactions to the deliberation process when such a member was present.

Eighty volunteers who had been released from actual venires in Bartow, Florida participated in the project. Volunteer subjects were randomly assigned to juries. Each jury consisted of five naive subjects plus a confederate. Each jury was given a brief explanation concerning the investigation and then presented with a typed case summary and evidence sheets. The case used in the present investigation was the crime of burglary. The case summary was a chronological summary of relevant events occurring the morning of the crime. The evidence sheets included both arguments for the prosecution and for the defense. The case was deliberately designed to be ambiguous. That is, evidence presented in the case was equally weighted to support guilt and innocence while conclusive evidence proving one or the other was omitted.

After all subjects had completed the reading they viewed a pre-recorded videotape of the pattern jury instructions for

a burglary case taken from the Florida Standard Jury Instructions in Criminal Cases as presented by Circuit Judge Thomas M. Langston.

Upon completion of the instructions jurors were asked to deliberate the case and to arrive at a unanimous decision regarding the guilt or innocence of the accused. During the deliberation process the confederate was to support guilt or innocence of the defendant as predetermined by the experimenter. The 16 juries participating in the study were separated into 4 conditions, in a 2x2 factorial design.

In the non-aggressive condition the confederate supported guilt in four juries and innocence in the remaining four (as predetermined by the experimenter) in a non-aggressive manner. This was achieved by having the confederate simply review the evidence in a low key, unemotional manner while consciously limiting her nonverbal cues. In the aggressive condition the confederate argued forcefully for guilt in four juries and innocence in the other four juries (as predetermined by the investigator) using disruptive and aggressive communication techniques. These techniques included vigorous responses to opinions contrary to those of the confederate accompanied by blatant nonverbal cues such as the rolling of the eyes, increased volume and rate of speech, and flagrant head nods. The confederate in both conditions always spoke second and

presented a rehearsed dialogue of about three minutes. The variable was manipulated primarily through differences in the manner in which the dialogue was presented, aggressively or unaggressively.

Prior to the first experimental deliberation session the confederate received initial training regarding her role in each of the experimental conditions. During these training sessions careful explanations were given as to the type of behavior to be employed and examples of such behavior were presented. Examples of aggressive behavior were presented by means of a pre-recorded cassette tape. The tape was recorded during a previous investigation involving aggressive behavior in 6- and 12-member juries. Included on the tape were examples of disruptive communication techniques and aggressive verbal and vocal behavior used by a previous confederate. The tape may be obtained by contacting the Department of Communication at Florida Technological University.

After reaching a unanimous verdict the jurors were presented with a postdiscussion questionnaire to obtain their reactions to the deliberation process. Following completion of the questionnaire the subjects were informed about the purpose of the investigation, introduced to the confederate, and requested to avoid discussion of the experiment with others.

Consistent with previous research (Snortum, Klein, and Sherman, 1976), findings from the present investigation suggest that an aggressive and biased member may have a measurable impact on the final decision by six-member juries. The current findings also show a high correlation between juror rankings of the rate of participation and perceived influence of the confederate.

Contrary to expectations, findings from the postdiscussion questionnaire suggest that various reactions of jurors to the deliberation process are not significantly affected by an aggressive and biased member. More specifically the aggressive variable did not produce significant differences regarding satisfaction with participation in the discussion, extent to which jurors were allowed to express personal and divergent opinions, satisfaction with group size, completeness of the discussion of the facts, and agreement with verdict reached.

It is only through the cooperation between social scientists and members of the legal profession that we can continue to learn about and improve the legal process. Such cooperation should allow exploration of many research questions which are logical extensions of the current project. For example, would the influence of an aggressive and biased juror be affected by jury size, the sex make-up of the jury, level

of ambiguity of the case, seating positions around the deliberation table, and different operationizations of aggression. Continued applications of communication research and theory to courtroom procedures should provide useful resource information for understanding the dynamics of the legal system in our changing society.

APPENDIX A

Sample of Case Summary and Evidence Sheets

CASE SUMMARY

Victim: Acme Drugs

Location: Orange Avenue Shopping Center

Date: May 25, 1977

Time: 2:00 a.m.

Predawn (2:00 a.m.)

1. Silent alarm at police headquarters notifies authorities of robbery in progress.
2. Contact officer proceeds to scene.
3. Upon arrival, officer hears commotion in rear; proceeds to rear of store with weapon drawn.
4. As the officer rounds the corner of the building he sees a black male approximately medium build running from the scene.
5. Officer follows but is unable to apprehend the man before he enters a wooded area; while pursuing the suspect the officer notices that the man in question has a peculiar stride, as if dragging one leg; not knowing if the suspect is armed, the officer does not follow but rather returns to patrol car to have the area sealed off.
6. Officer then returns to the crime scene where he is joined by two back-up units.
7. Investigation reveals that the thief entered drugstore

through rear window by sawing steel bars and breaking glass.

8. A hacksaw with the initials "I.D." scratched into the plastic handle is found near point of illegal entry.
9. Further investigation finds pharmaceutical area of store in disarray and approximately \$200 worth of barbituates were found missing from display case which had been broken into.
10. Also found near the broken case was a recently extinguished roll-your-own cigarette butt, another was found near the window.
11. Prints on the hacksaw were smudged so no usable prints could be lifted.
12. When reconstructing the crime, detectives figured the thief tripped the alarm as he was leaving the scene thus unknowingly giving himself enough time to flee the scene before police officers arrived.
13. Later the same morning (3:00 a.m.) uniformed police noticed a black male watching suspects description limping hurriedly along road in a predominantly white residential section approximately 10 blocks from crime scene.
14. The uniformed officers stopped and questioned the man who was then identified as Isiah Dawkins a recent parolee.

15. After further investigation Isiah Dawkins was arrested one week later and charged by information with the breaking and entering of Acme Drugstore with the intent to commit a felony.

EVIDENCE

Prosecution: Allegations and proof

1. Police officer (trained observer) saw man of similar race, height, weight.
2. Police officer testifies that the man he saw running from the scene had a peculiar stride, as if he had a bad leg.
3. Initials "I.D." scratched in the handle of the hacksaw used in the illegal entry are the same as those of the defendant.
4. Pharmacist identifies defendant as being in the pharmacy area the afternoon prior to the burglary.
5. Pharmacist testifies he remembers the defendant because of the length of time he wandered aimlessly through the pharmaceutical department causing himself (the pharmacist) to become suspicious.
6. The prosecuting attorney insinuates the defendant was planning the robbery while in the store.
7. Defendant's fingerprints were found on the glass display case from which the drugs were stolen.
8. Defendant has no alibi.
9. Defendant was seen and in fact questioned in general vicinity of crime.
10. Defendant smokes roll-your-own cigarettes similar to

those found at the scene of the crime.

11. Defendant has previous conviction for possession and sale of illegal drugs.

EVIDENCE

Defense: Denial of Proof

1. Prosecution can not make a positive I.D. from police officer's description.
2. Numerous black males in town match the suspects description.
3. The defendant has no previous record of breaking and entering.
4. Defense attorney argues that a previous drug conviction can in no way incriminate his client in a burglary case. He argues that the two are completely unrelated.
5. Defendant testifies that the hacksaw found at the crime scene had belonged to him but it had been stolen from his garage several weeks earlier along with some of his other tools.
6. Defense attorney argues that it is not a crime for his client to be in a public place (drugstore) and argues that it was merely coincidental that his client should be in the drugstore the afternoon prior to the robbery.
7. In regard to his client's fingerprints on the glass display case, again coincidental. Pharmacist admits seeing his client in the store, so why is it so unusual that his fingerprints could be in the store.
8. In response to being seen in vicinity of the crime - again the defense argues that it is not against the

law for a black man to walk in a white neighborhood.

9. Police did not find stolen drugs on Mr. Dawkins.
10. Defendant admits smoking roll-your-own cigarettes but also testifies that many of his friends do too.
11. Defendant denies burglarizing the Acme Drugstore.

Guilty _____ Not Guilty _____ Undecided _____

References

- Ary, D. & Jacobs, L. C. Introduction to statistics. New York: Holt, Rinehart, & Winston, 1976.
- Asch, S. E. Effects of group pressure upon modification and distortion of judgments. In H. Guetzkow (Ed.), Groups, leadership, and men. Pittsburgh: Carnegie Press, 1951.
- Asch, S. E. Effects of group pressure upon the modification and distortion of judgments. In D. Cartwright & A. Zander (Eds.), Group dynamics. Evanston, Ill.: Row Peterson, 1953.
- Bales, R. F. The equilibrium problem in small groups. In T. Parsons, R. F. Bales, & E. A. Shils, Working papers in the theory of action. Glencoe, Ill.: The Free Press, 1953.
- Bales, R. F. Personality and interpersonal behavior. New York: Holt, Rinehart, & Winston, 1970.
- Beiser, E. & Varrin, R. Six-member juries in the federal courts. Judicature, 1975, 58 (9), 424-433.
- Berkowitz, L. Aggression: A social psychological analysis. New York: McGraw-Hill, 1962.
- Buchanan, R. W., Pryor, A., Taylor, K. P. & Strawn, D. U. Legal communication and investigation of comprehension of pattern instructions. Communication Quarterly, in press.
- Crutchfield, R. S. Conformity and character. American Psychology, 1955, 10, 191-199.
- Davis, J. H. Group decision and social interaction: A theory of social decision schemas. Psychological Review, 1973, 80, 97-125.

- Deutsch, M. & Gerard, H. B. A study of normative and informational social influences upon individual judgment. Journal of Applied Social Psychology, 1955, 60, 629-636.
- Downie, N. M. & Heath, R. W. Basic Statistical Methods. New York: Harper & Row, 1970.
- Duncan, P. & Hobson, G. N. Toward a definition of aggression. Psychological Report, 1977, 3, 545-555.
- Efran, M. G. The effect of physical appearance on the judgment of guilt, interpersonal attraction, and severity of recommended punishment in a simulated jury task. Journal of Research in Personality, 1974, 8, 45-54.
- Emerson, R. M. Deviation and rejection: An experimental replication. American Society Review, 1954, 19, 588-693.
- Epstein, S. & Taylor, S. P. Instigation to aggression as a function of degree of defeat and perceived aggressive intent of the opponent. Journal of Personality, 1967, 35, 265-289.
- Erlanger, H. Jury research in America: Its past and future. Law and Society Review, 1970, 4, 345-370.
- Festinger, L. Informal social communication. Psychological Review, 1950, 57, 271-272.
- Friend, R. M. & Vinson, M. Leaning over backwards. Journal of Communication, 1974, 24, 124-129.
- Gerbasi, K. C., Zuckerman, M., & Reis, H.T. Justice needs a new blindfold: A review of mock jury research. Psychological Bulletin, 1976, 84 (2), 323-345.
- Ginter, G. & Lindskold, S. Rate of participation and expertise as factors influencing leader choice. Journal of Personality and Social Psychology, 1975, 32 (6), 1085-1089.
- Hare, P. A. A study of interaction and consensus in different sized groups. American Sociological Review, 1952, 17 (3), 261-268.
- Hare, P.A. Handbook of small group research. New York: The Free Press, 1962.

- Hovland, C. I., Janis, I. L., & Kelly, H. H. The order of presentation and persuasion. New Haven: Yale University Press, 1957.
- Institute of Judicial Administration. A comparison of six- and twelve-member juries. Trenton, New Jersey: IJA, 1972.
- Jacobson, S. & Berger, C. Communication and justice: Defendant attributes and their effects on the severity of his sentence. Speech Monographs, 1974, 41 (3), 282-286.
- Jaffee, C. L. & Lucas, R. M. Effects of rates of talking and correctness of decisions on the leader choice in small groups. The Journal of Social Psychology, 1969, 79, 247-254.
- Kalven, H. J. & Zeisel, H. The American jury. Boston: Little Brown, 1966.
- Kelman, H. Effects of success and failure on "suggestibility" in the autokinetic situation. Abnormal Social Psychology, 1950, 45, 267-285.
- Kessler, J. An empirical study of six- and twelve-member jury decision-making processes. University of Michigan: Journal of Legal Reform, 1973, 6, 671-711.
- Lawson, R. G. Order of presentation as a factor in jury persuasion. Kentucky Law Journal, 1968, 56, 524-555.
- Marston, W. M. Studies in testimony. Journal of American Institute of Criminal Law and Criminology, 1924, 15, 5-31.
- Mausner, B. The effect of variation in psycho-physical methods on the interaction of observer pairs. Journal of Applied Psychology, 1950, 34, 314-378.
- Mausner, B. The effect of pair reinforcement on the interaction of observer pairs. Journal of Abnormal Social Psychology, 1954, 49, 65-68.
- Mehrabian, A. Nonverbal betrayal of feelings. Journal of Experimental Research in Personality, 1971, 5, 64-73.
- Mills, L. R. Six-member and twelve-member juries: An empirical study of trial results. University of Michigan: Journal of Legal Reform, 1973, 6, 671-711.

- Morris, C. G. & Hackman, J. R. Behavioral correlates of perceived leadership. Journal of Personality and Social Psychology, 1969, 13, 350-361.
- Norfleet, B. Interpersonal relations and group productivity. Journal of Social Issues, 1948, 4 (2), 66-69.
- Pabst, W. R. What do six-member juries really save? Judicature: American Judicature Society, 1973, 57, 6-11.
- Riecken, H. W. The effect of talkativeness on ability to influence group solutions of problems. Sociometry, 1958, 21, 309-321.
- Rosenberg, L. A. Group size, prior experience, and conformity. Journal of Abnormal and Social Psychology, 1961, 63 (2), 436-437.
- Rosenthal, R. On the social psychology of the psychological experiment: The experimenter's hypothesis as unintended determinant of experimental results. American Scientist, 1963, 51 (2), 268
- Schachter, S. Deviation, rejection, and communication. Journal of Abnormal and Social Psychology, 1951, 46, 190-207.
- Sherif, M. A. A study of some social factors in perception. Archives of Psychology, 1935, 27, 187-253.
- Shoemaker, D. J., South, D. R., & Lowe, J. Facial stereotypes of deviants and judgments of guilt or innocence. Social Forces, 1974, 19, 427-433.
- Sigall, H. & Ostrove, N. Beautiful but dangerous: Effects of offender attractiveness and the nature of the crime on juridic judgment. Journal of Personality and Social Psychology, 1975, 31 (3), 410-414.
- Simmel, G. (The Sociology of George Simmel) (K. H. Wolf trans.) Glencoe, Ill.: The Free Press, 1950.
- Snortum, J. R., Klein, J. S., & Sherman, W. A. The impact of an aggressive juror in six- and twelve-member juries. Criminal Justice and Behavior, 1976, 3 (3), 255-262.

- Strawn, D. U. & Buchanan, R. W. Jury confusion: A threat to justice. Judicature, 1976, 59 (10), 478-483.
- Strawn, D. U., Taylor, K. P., Pryor, A., & Buchanan, R. W. Must jurors like the law. The Florida Bar Journal, 1976, 50 (10),
- Strodtbeck, F. L. & Hook, L. Social dimensions of a twelve-man jury table. Sociometry, 1961, 24, 397-415.
- Tideschi, T. D., Smith, R., & Brown, R. C. A reinterpretation of research on aggression. Psychological Bulletin, 1974, 81 (9), 540-562.
- Tuddenham, R. D. The influence of a distorted group norm upon individual judgment. Journal of Psychology, 1958, 40, 227-241.
- Tuddenham, R. D., McBride, B., & Zahn, V. Studies in conformity and yielding. Psychological Review, 1958, 40, 257-289
- Valenti, A. C. & Downing, L. L. Differential effects of jury size on verdicts following deliberation as a function of the apparent guilt of a defendant. Journal of Personality and Social Psychology, 1975, 32 (4), 655-663.
- Weld, H. P. & Danzig, E. R. A study of the way in which a verdict is reached by a jury. American Journal of Psychology, 1940, 53, 518-628.
- Wurtzel, A. Television violence and aggressive behavior. Et cetera (Etc.,), 1977, 34 (2), 212-225.
- Zeisel, H. The waning of the American jury. American Bar Association Journal, 1972, 58, 367-370.