

Factors Influencing Juror Sentencing Decisions:

*Race, Social Economic Status, Attorney Credibility and the
Relevance of Stereotype Attribution Theory*

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Factors Influencing

**Factors Influencing Juror Sentencing Decisions: Race, Social Economic Status,
Attorney Credibility and the Relevance of Stereotype Attribution Theory**

by

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Abstract

148 undergraduate students acted as mock jurors in a study that manipulated the following variables to assess their influence on Subjects' determination of guilt and sentencing severity of a criminal defendant: race of defendant, social economic status (SES) of defendant, race of victim, and credibility of defense attorney. A chi square analysis of the relationship between the four independent variables and verdict found defendant SES and attorney quality/credibility to be significant. A 2 x 2 x 2 x 2 anova for sentence length found a main effect of attorney quality and a significant interaction between defendant race and SES. A factorial anova on the projected likelihood of the defendant to commit a criminal act in the future found main effects for defendant SES and attorney quality. Factor analysis of a ten-item semantic differential questionnaire found that subjects rated defendants of high SES as having significantly more integrity than defendants of low SES. Support for stereotype attribution theory, which asserts that much racial stereotyping derives from an inference of social class, was found.

**Factors Influencing Juror Sentencing Decisions: Race, Social Economic Status,
Attorney Credibility and the Relevance of Stereotype Attribution Theory**

Although the Declaration of Independence states that “We hold these truths to be self-evident: that all men are created equal...,” many have argued that two societal ills have consistently interfered with the total embracing of that ideal throughout United States history (Cole & Wiese, 1954; Parillo, 1980). The first is racial prejudice; the second is class distinction within a social hierarchy. Thomas Jefferson, in framing those famous words in 1776, challenged the subjugation of African Americans through slavery, as well as the commonplace belief of his time that only land owners (the upper classes) should be allowed the right to vote (Brodie, 1974). Much has changed in the past 200-plus years since Jefferson addressed these issues, but race and social class continue to play a role in determining, in George Orwell’s words (1945), “which animals are more equal than others” (Shuey, 1953; Smythe, 1954; U.S. Civil Rights Commission, 1977).

The Civil War, the Emancipation Proclamation, desegregation, affirmative action, and a number of other historical events have brought issues of race to the fore and exposed racial prejudice as a primary source of discrimination in this country (Van Doren, 1991). An area in which much research has suggested the influence of race is in the judicial system’s treatment of minorities, specifically African Americans. Statistics indicate that African Americans are much more highly represented in correctional institutions than any other racial group, with 48% of the prison population in the United States consisting of African Americans despite the fact that they comprise less than 13% of the general population (Lashmar, 1994). African American men in this country are incarcerated at a

rate (3,109 per 100,000) that is seven times higher than the rate for the United States as a whole, and four times higher than comparable rates in South Africa (Mauer, 1991). In some American cities, approximately half of all young (18-35) African American men are either in prison or jail, on probation, parole, or bail, or sought in a search warrant (Miller, 1992). In addition, recent meta-analytic reviews of simulation studies that examine the effect of defendant's race on jurors' sentencing decisions have found that African Americans tend to receive longer sentences than Caucasians for committing comparable crimes (e.g., Dane, 1992; Sweeney & Haney, 1992). Petersilia (1985) found in a review of archival data that even when criminal records were similar, "African Americans not only received harsher minimum sentences, but they also served more time" before being paroled.

The significant overrepresentation of African Americans in the legal system and the disproportionately longer sentences they tend to receive has drawn the attention of numerous researchers interested in unearthing the source of this anomaly. Knowledge of the differential sentencing of African Americans and Caucasians has led to speculation that some participants in the United States system of justice, jurors in particular, allow negative racial stereotypes to bias their judgments against African American defendants. It has been hypothesized that this underlying racial bias is the source of the discrepancies in conviction and sentencing rates of the races. This hypothesis has been supported in research in which there is a manipulation of the race of criminal defendants presented to mock jurors. For example, in a study by Applegate, Wright, Dunaway, and Cullen (1993), subjects were presented with a vignette depicting the murder of an acquaintance during a heated dispute, with the race (African American or Caucasian) of the offender varied. After reading their given vignettes, the subjects were provided with a questionnaire

requesting a sentence recommendation. Subjects were found to propose the death penalty significantly more often for the African American offender than for the Caucasian offender. Analyses of these results suggest that the race of the offender has a significant influence on support for capital punishment. Similarly, in a study by Ugwuegbu (1979), the simulated case was a trial for aggravated and forcible rape. The victim's race (African American or White) was systematically varied. After reading the case transcripts, subjects made quasijudicial ratings on four dependent variables. The four variables were significantly correlated and were summed to yield a culpability score for each subject. Subjects in this study rated the African American as significantly more culpable than the Caucasian defendant.

These studies and others appear to provide support for the hypothesis of an underlying racial bias operating within and undermining the system of justice in the United States, yet problems with their methodology bring into question the validity of their findings. For example, Ashmore and Del Boca (1991) note that in a significant number of studies on conviction and sentencing discrepancies, the crime presented to the subjects as the primary or only offense is rape. Racial stereotypes about African American sexuality, as opposed to racial stereotypes about African American criminality, may have influenced subject decision making in these studies. Similarly, Mazzella and Feingold (1994) found the frequent depiction of criminal acts severe enough to warrant death penalty consideration in many of these studies.

The findings of Sorensen and Wallace (1995) challenge the depiction of such extreme cases when trying to elicit stereotypes and biased responding. In a study of criminological archival data, they found that the effects of race were "strongest in the least aggravated cases, as prosecutors and jurors are freed from the seriousness of the cases to consider

other factors". According to their study, in which they examined the issue of racial disparity in the capital punishment process from 1977 to 1991 using data from Supplemental Homicide Reports and trial judge reports, the criminal acts presented to mock jurors that elicited the greatest sentencing disparities were those that were moderate in severity, but serious enough to warrant a wide range of potential sentences.

Data obtained from Offender-Based Transaction Statistics (OBTS) indicate that although African Americans account for only 30 percent of the arrest population for larceny, they account for 51 percent of those serving time for larceny (Petersilia, 1985). One explanation for the disparity may be that judges and jurors can exercise more discretion in dealing with offenders charged with lesser crimes. If so, the numbers lend some credibility to the charge that discretion leads to discrimination.

Other work demonstrating the subtle yet pervasive influence of stereotypes on judgment includes a study by Banaji (1995). Students were asked to read a list of names and decide which were names of politicians and which were names of criminals. Students more often chose African American sounding names (e.g., Jamal Johnson) as criminals than as politicians. In another study, Devine (1989) unobtrusively led students to think about African Americans or Whites and then asked them to read a paragraph about a man behaving in an ambiguous manner. Students who were led to think about African Americans were significantly more likely to interpret the ambiguous behavior as aggressive or hostile. Sagar and Schofield (1980) demonstrated that even schoolchildren, regardless of race, interpreted ambiguous actions as more hostile when they were committed by African Americans.

Gaertner and Dovidio (1986) attempt to explain how this research documenting the pervasive influence of stereotypes can be reconciled with the sense that most people do

not want to be or appear racist. Their Aversive Racism Theory suggests that most people consciously hold an egalitarian, nonprejudiced self-image. However, most people also have feelings, beliefs, and stereotypes that were ingrained by a racist system and are perpetuated by some aspects of contemporary culture. Caught in this bind, the theory posits that negative beliefs will have their influence when the norms guiding a situation are weak and people can easily justify their actions on the basis of some determinant other than race. In this way, people can act prejudicially while still seeming to be nonprejudiced to themselves and others. Aversive Racism Theory can therefore explain in part why, although overt prejudice seems to have declined, subtle stereotyping is still pervasive (Gaetner & Dovidio, 1986) and may be playing a role in the differential conviction and sentencing rates of African Americans and Caucasians.

A final potential flaw in past studies investigating the role of racial prejudice in the justice system is that often they have failed to control for enough, or any, of the other factors which are confounded with race that might account for the appearance of racial discrimination, such as the effects of the defendant's social economic status, the quality of the defendant's counsel, and the race of the victim (Georges-Abeyie, 1984). A truly comprehensive investigation into the factors contributing to differential outcomes for the races in the criminal justice system must take all of these factors into account.

According to stereotype attribution theory, however, "much racial stereotyping is based on inferred social class", and "extreme prejudicial attitudes towards Blacks are associated with strong beliefs as to their social class attributes", i.e., the belief that they are members of the lower social classes (Feldman & Hilterman, 1974). If stereotype attribution theory is correct, then African American defendants in criminal trials are not being discriminated against solely on the basis of the color of their skin, but also on an

assumption of social class that jurors associate with that skin color. It would therefore follow that social class, actual or perceived, contributes significantly to the disparate sentencing of African Americans and Caucasians, with color of skin serving as a means by which jurors infer this information. Research by Gleason and Harris (1975) lends support to this hypothesis. In their study, subjects acting as simulated jurors judged a defendant on trial for armed robbery after reading trial transcripts and other background information. The social economic status (SES) of the defendant was varied and indicated on the background information form as either lower (janitor) or middle (assistant manager at Merrill, Lynch, Pierce and Fenner). The race of the defendant was varied as well and was also indicated on the background information form as either African American or Caucasian. The result was that higher SES defendants were judged less guilty and assigned fewer years in prison than low SES defendants, regardless of race. Another study which resulted in similar findings (Osborne & Rappaport, 1985) manipulated race (African American or Caucasian) and SES (Advertising executive or janitor) of the defendant in an attempt to assess their influence on mock jurors' sentencing severity. Each subject was presented with a written summary of a murder case. The case was presented as a sentencing procedure following a trial in which the defendant had been convicted of killing a doctor who failed to treat his dying child properly. Only defendant SES predicted sentencing severity: low SES defendants were assigned significantly longer sentences than high SES defendants.

The findings of these studies indicate that results of studies which manipulate only one variable dimension (e.g., race of the defendant or SES alone) may overestimate the influence of that variable dimension in mock jurors' decisions. When using a factor in a study that correlates highly with race, such as SES, it will have the same effect as using

race itself as an indicator. In order to get a true reflection of what factor or factors are influencing juror decision making, it is important to separate out and vary those factors which correlate highly with race. In order to “unconfound” race with SES, a separate manipulation of each is necessary. If one wishes to test the validity of stereotype attribution theory, this separation and varying of SES as well as race is essential.

The current study attempted to accomplish this task, but differed from past studies in that it avoided the methodological pitfalls previously mentioned. The criminal act presented to the subjects was moderate in severity (grand larceny), not capital punishment worthy. This provided them with freedom from the seriousness of the case to consider other factors; a freedom which Sorensen and Wallace (1995) found to be of great importance in their research, cited earlier. Additionally, the bias against black sexuality that may have affected results in other studies where rape had been the crime was avoided by the depiction a non-sexual criminal act. Finally, the present study went further and controlled for the potential confounding effects of other factors shown to impact juror decision-making in criminal trials: the credibility and quality of the defendant’s attorney and the race of the victim, both discussed in further detail below.

Current-day sensational headlines lend themselves well to evaluation from the perspective of stereotype attribution theory. Questions have arisen as to whether the parents of Jon-Benet Ramsey would have been taken into custody or at all been treated differently had they lived in a trailer park rather than a million dollar home. And speculation still abounds as to whether the evidence against O. J. Simpson would have brought a poorer man, of whatever race, a death sentence. However, when presented with such high-profile examples, the question arises as to whether it is the individual’s preferred position in the social hierarchy that results in his favorable legal outcomes, or

whether it is due to his greater ability to hire better quality attorneys than his less wealthy counterparts. This is a very valid consideration and one that deserves to be explored in conjunction with race and SES in any attempt to determine what factors most contribute to the differential outcomes for African Americans and Caucasians in the criminal justice system.

In a recent analysis of archival data by Zeidman (1998), private attorneys were found to be “almost twice as likely as public defenders to receive an acquittal for their clients”. Additionally, criminal defendants were three to four times more likely to receive shorter sentences when represented by a private attorney than when represented by a public defender. Two possible explanations for this phenomenon are that either private attorneys are qualitatively better than public defenders in what they do, or that jurors perceive them as better and create a self-fulfilling prophecy. Focusing on the latter explanation, a potential issue then becomes the effect of credibility of the communicator in influencing sentencing outcomes, with public defenders possibly being perceived as less credible than private attorneys.

Credibility of an information source has been found to have a significant impact on the believability and acceptance of the source’s message. “The higher the credibility of the communicator, the more effective the communicated message” (Topalova, 1974). Numerous experimental studies (Applebaum & Anatol, 1973; Atkinson & Carskadden, 1975; Browning, 1966) have borne out the thesis that prestige as an attribute of the communicator influences the effectiveness of the message. A major empirical contribution to the study of the issue has been made by the Yale University group (Topalova, 1974). Their theory is that the message acts as a stimulus, and the responses of the recipient are conditioned by the features of the various elements of the

communication structure. The effectiveness of the message is determined by attributes of the communicator, features of the message, and attributes of the recipient. The credibility model as developed by the Yale investigators singles out two groups of attributes of the communicator: expertness and trustworthiness. (Topalova, 1974).

A typical example of application of the credibility model is a study by Sinnett, Press, Bates, and Harvey (1975) in which the credentials of speakers were varied but the message remained the same. They found that the perceived “experience and expertise of the communicator greatly influenced the extent to which his message was accepted and held to be true”. Specifically, a speaker with more training, knowledge and experience in the field in which he was speaking was rated as being significantly more believable than a speaker inexperienced in the field with no special training or knowledge, even though their messages were identical.

To investigate the influence of communicator credibility with respect to defense attorneys in criminal trials then, a varying of credentials and expertise is necessary. Since private attorneys are typically very costly and usually only retained by those of higher SES, and public defenders are known as counsel for the indigent, an identification of a defendant’s attorney in a study specifically as private or as a public defender would confound the SES variable through the implicit implication of social class that derives from having one over the other. Therefore, the quality and credibility of the attorney for the defense should be indicated by the varying of attributes associated with a highly credible private attorney (such as a high ratio of wins to losses and graduation from a prestigious law school) and attributes associated with a less credible public defender (such as a low ratio of wins to losses and graduation from an average law school). To obtain a pure effect of communicator credibility, the actual defense argument presented by both would

have to be identical.

In addition to the potential roles that defendant race, SES, and attorney credibility all play in juror sentencing decisions, the role of the race of the victim has been investigated in recent research. Rector and Bagby (1997) found that when the race of the victim was varied in vignettes depicting a criminal act, African American defendants whose victims were Caucasian received significantly harsher punishment than African Americans or Caucasians whose victims were African American. Others have had similar findings (e.g., Gross & Mauro, 1984; Hymes, Leinart, Rowe, & Rogers, 1993). Therefore, to control for the possible assumption on the part of the subjects that the victim in a vignette is the same race as the defendant, it is necessary to vary the race of the victim as well.

The present study examined stereotype attribution theory in the context of mock juror conviction and sentencing of African American and Caucasian criminal defendants. Specifically, an attempt was made to clarify that SES rather than race of the defendant is the more powerful variable external to the criminal act influencing juror sentencing decisions. It was hypothesized that a defendant of low SES (car wash attendant) would be found guilty more frequently and would receive significantly harsher punishment than a defendant of high SES (a chemical engineer for a large California firm), irrespective of their race.

The study further tested whether the credibility of the defense attorney, (as established by a varying of win-loss record, reputation of the law school graduated from, and experience in the field), impacted juror decisions. The hypothesis was that defendants who had an attorney who was depicted as less credible would be found guilty more frequently and would receive significantly harsher punishment than those with the more credible attorney.

In addition, this study examined the impact of varying the race of the victim on juror sentencing. The hypothesis was that the defendant receiving the harshest punishment recommendation would be African American with a Caucasian victim, while the defendant receiving the most lenient punishment recommendation would be Caucasian with an African American victim.

In order to examine the effects of these factors on juror decision-making, the dependent variables in the present experiment included questions assessing guilt, sentencing, and punishment of the defendant. A semantic-differential questionnaire, embedded with items to evaluate jurors' perceptions of the defendants' personal qualities (e.g.; warm versus cold, intelligent versus unintelligent, honest versus dishonest), was also utilized in an effort to examine affective responses to the different defendant attributes (race and SES) presented.

Method

Subjects

Subjects were 148 undergraduate students from Loyola Marymount University who volunteered in return for fulfillment of a course requirement in introductory psychology. The sample consisted of 85 females (57%) and 63 males (43%). The age range was from 17 to 34 with a mean age of 19.24 (SD = 1.95). Ethnic representation was 57% Caucasian, 17% Hispanic, 8% African American, 7% Asian, 2% Pacific Islander, and 9% Other. There were 9 - 10 subjects per treatment group with no drop outs. Subjects were treated in accordance with the "Ethical Principles of Psychologists and Code of Conduct" (American Psychological Association, 1992).

Materials

Vignettes. Sixteen different typed, single-spaced vignettes presented a fictionalized

newspaper account of a male defendant, David Jenkins, on trial for grand larceny for the theft of a gold and diamond watch belonging to an acquaintance of a friend (see Appendices A-P). Though the watch was never recovered, witnesses assert that David commented on its beauty, expressed a desire to have it or one like it, and was the only one in the vicinity at the time it was stolen. Additionally, a witness claimed to have seen Mr. Jenkins with an unidentified shiny object in his hands near the time of the theft. All details were held constant across vignettes except for the varying of race (African American versus Caucasian), SES (Chemical engineer for a large California firm versus car wash attendant), credibility of the defense attorney (A record of 142 wins and 4 losses, graduation from Harvard Law School, and 16 years of experience in criminal law versus no wins and 6 losses, graduation from Yucca Valley Law School, and one year of experience), and race of the victim (African American versus Caucasian).

Dependent Measures. One page consisting of single-spaced typed instructions and questions regarding determinations of guilt, proposed sentence length, parole eligibility, degree of comfort with the decisions made, perceived quality of the defense argument, and a prediction of the likelihood that the defendant would commit crimes in the future (See Appendix Q).

One single-spaced typed page contained of a 10-item, 7-interval semantic differential questionnaire designed to evaluate subjects' impressions of and attitudes toward the defendant (See Appendix R).

For purposes of manipulation check, one single-spaced typed page requesting the subject to recall the defendant's race and social economic status, the race of the victim, and the attorney's win-loss record, years of experience, and law school (see Appendix S).

One single-spaced typed page requesting general demographic information (see

Appendix T).

Procedure

Subjects signed up for the study through the subject pool and arrived at the site of the experiment in groups ranging from 1 to 12 persons. They came knowing that they would read an account of a criminal act and would be asked to make some kind of judgment related to that act. After self-introduction, the researcher distributed informed consent forms and obtained signatures from all participants. Each of the 16 vignettes, with coded questionnaires attached, was handed out randomly to the subjects. Written and oral instructions were provided on how to proceed. Subjects were told to read the vignette provided for them carefully and to move on to the questionnaires when done. When answering the questions that followed, they were not to refer back to the vignette. In addition, they were instructed that nothing would be gained by trying to hurry through the experiment as they would be required to wait for the last person to finish regardless of how soon they were done.

After all subjects finished reading the vignettes and answering the questions that followed, the researcher gathered the materials and placed the completed questionnaires in the coded stacks corresponding to the particular vignettes they related to.

Prior to their release from the experiment, subjects were debriefed and instructed about how to obtain more information about the study upon its completion. Running time of the study from time of subjects' arrival to time of subjects' departure averaged 25 minutes.

Results

Tests for outliers did not reveal any extreme values. There was missing data for two subjects in answer to the question regarding the defense attorney's win-loss record, and

missing data for one subject in answer to the question regarding the race of the victim. A manipulation check revealed that 98 percent of the subjects accurately identified the SES of the defendant; 96 percent accurately identified the race of the defendant; 94 percent accurately identified the university attended by the defense attorney; 92 percent accurately identified the win-loss record of the defense attorney, and 91 percent accurately identified the race of the victim. Therefore, subjects were attuned to the relevant factors involved in this study.

Data processing included four chi square analyses of the relationships between the independent variables of defendant race, defendant SES, victim race, and quality of the defense attorney and the dependent variable of verdict (guilty vs. not guilty). A significant relationship was found between defendant SES and verdict, $\chi^2(1) = 3.99$, $N = 148$, $p < .05$, in which the low SES defendants were found guilty significantly more often than the high SES defendants (see Table 1).

A significant relationship was also found between the quality of the defense attorney and the verdict, $\chi^2(1) = 8.93$, $N = 148$, $p < .05$, in which defendants with the low quality attorney were found guilty significantly more often than the defendants with the high quality attorney (see Table 2).

However, no significant relationship was found between the race of the defendant and verdict outcome, $\chi^2(1) = 2.21$, $N = 148$, $p = .09$.

Similarly, no significant relationship was found between the race of the victim and verdict outcome, $\chi^2(1) = .68$, $N = 148$, $p = .41$.

A 2 x 2 x 2 x 2 factorial analysis of variance, using sentence length as the dependent variable, revealed a significant main effect for quality of attorney, $F(1,132) = 5.60$, $MSE = 338.37$, $p < .05$, $\eta^2 = .04$. Subjects suggested significantly longer sentences for

defendants whose attorney was of low quality ($M = 24.05$) than defendants whose attorney was of high quality ($M = 16.89$).

No main effect was found for defendant SES on sentence length $F(1,132) = 1.34$, $MSE = 338.37$, $p = .25$.

However, there was a significant interaction of defendant SES by defendant race on sentence length, $F(1,132) = 6.55$, $MSE = 338.37$, $p < .05$ (see Figure 1).

Simple effects tests revealed that African American defendants of low SES received significantly longer sentences, in months, ($M = 25.31$, $SD = 17.09$) than Caucasian defendants of low SES ($M = 18.73$, $SD = 13.28$), $t(72) = 2.98$, $p < .05$.

However, Caucasian defendants of high SES were found to receive significantly longer sentences ($M = 23.21$, $SD = 18.14$) than African American defendants of high SES ($M = 14.16$, $SD = 17.09$), $t(73) = 3.01$, $p < .05$.

African American defendants of low SES received the longest average sentences overall ($M = 25.31$, $SD = 17.09$), and received significantly longer sentences than the group receiving the shortest sentences overall, African American defendants of high SES ($M = 14.16$, $SD = 17.09$), $t(73) = 3.45$, $p < .01$.

A factorial anova on the likelihood of the defendant to commit a criminal act in the future found a significant main effect for defendant SES, $F(1,132) = 7.34$, $MSE = 2.39$, $p < .05$. Defendants of low SES were found to be significantly more likely ($M = 3.94$) than defendants of high SES ($M = 3.25$) to commit a criminal act sometime in the future.

A significant main effect was also found for quality of attorney, $F(1,132) = 9.90$, $MSE = 2.39$, $p < .05$. Defendants with a low quality attorney were found to be significantly more likely ($M = 3.99$) than defendants with a high quality attorney ($M = 3.19$) to commit a criminal act in the future.

There was a significant correlation between subjects' rating of the defense argument (determined by their answers to the question, "Please place an 'X' on the 7-point scale below indicating, in your opinion, the quality of the defense provided by Mr. Jenkins' attorney, Mr. Davies"), and the established quality of the attorney, $r(147) = .70$, $p < .01$.

After a median split was performed on subjects' rating of the defense argument, a factorial anova found a significant relationship between these ratings and verdict, $F(1, 147) = 4.42$, $MSE = .23$, $p < .01$. Those subjects rating the defense argument as poor ($M = 1.32$) were significantly more likely to render a verdict of guilty than those rating the defense argument as very good ($M = 1.67$).

Similarly, it was found that subjects' rating of the defense argument was significantly related to the suggested length, in months, of the sentence, $F(1,147) = 3.40$, $MSE = 338.37$, $p < .05$. Subjects rating the argument as poor suggested significantly longer sentences ($M = 25.68$) than subjects rating the argument as very good ($M = 14.22$).

A main effect was also found for subjects' rating of the defense argument and the prediction of the likelihood of the defendant to commit a crime in the future, $F(1,147) = 4.26$, $MSE = 2.39$, $p < .05$. Subjects rating the argument as poor predicted a significantly greater chance of a future criminal act ($M = 4.84$) than subjects rating the argument as very good ($M = 3.02$).

When the dependent variable of verdict was combined with the 7-point scale measuring the degree of comfort in the verdict, a 14-point scale assessing both of these variables resulted. A $2 \times 2 \times 2 \times 2$ analysis of variance found no significant relationship between this new variable and the defendant's race, the defendant's SES, the victim's race, or the quality of the attorney. Thus, degree of comfort with one's verdict appeared

to be unrelated to these four variables.

A principle components analysis was performed using the ten items in the semantic differential questionnaire relating to judgments of the defendant: honesty, warmth, intelligence, trustworthiness, calmness, security, friendliness, sincerity, straightforwardness, and how interesting the defendant is. A varimax rotation was performed on the data.

The scatter plot matrices suggested that a linear relation existed between each pair of variables. The variables were not extremely skewed.

Two factors emerged that had eigenvalues over 1. Component one accounted for 42 percent of the variance, and component two accounted for 21 percent of the variance. Thus, in the final model, 63 percent of the variance was accounted for.

Component one contained the variables trustworthiness of the defendant (with a factor loading of .91), honesty (with a factor loading of .90), sincerity (with a factor loading of .86), straightforwardness (with a factor loading of .84), warmth (with a factor loading of .62), and intelligence (with a factor loading of .59). This was labeled as an "Integrity of defendant" factor.

Component two contained the variables calmness of the defendant (with a factor loading of .77), security (with a factor loading of .73), and friendliness (with a factor loading of .65). This was labeled as a "Demeanor of defendant" factor.

Factor scores, using the regression method, for each factor were saved in the data file. The factor scores were then used as dependent variables in two factorial analyses of variance, where defendant SES, defendant race, victim race, and attorney quality were used as factors.

There was a significant main effect for defendant SES on factor one, "Integrity of the

defendant", $F(1,148) = 4.82$, $MSE = .81$, $p < .05$. Defendants of low SES were judged as having significantly less integrity ($M = .06$) than defendants of high SES ($M = .31$).

However, no significant effect was found for defendant race on Integrity of the defendant, $F(1,148) = 2.04$, $MSE = .81$, $p = .16$.

No significant effect was found for quality of attorney on Integrity of the defendant, $F(1,148) = 1.10$, $MSE = .81$, $p = .36$.

Finally, no significant effect was found for victim race on Integrity of the defendant, $F(1,148) = .67$, $MSE = .81$, $p = .69$.

Discussion

With respect to the first hypothesis, that a defendant of low SES will be found guilty more frequently and receive significantly harsher punishment, irrespective of race, than a defendant of high SES, the results appear to be mixed. Where a determination of guilt is concerned, this hypothesis has been supported: defendants of low SES were found guilty significantly more often than defendants of high SES. This finding is likely related to the subjects' rating of high SES defendants as having significantly more integrity than defendants of low SES. However, where sentencing is concerned, this hypothesis has not been supported. Contrary to what was predicted, African Americans of low SES received significantly longer sentences than Caucasians of low SES. Yet, African Americans of high SES received significantly shorter sentences than Caucasians of high SES. The data indicate that, though the defendant's SES does play a role in influencing sentencing, the defendant's race impacts in what direction, positive or negative, that influence will be. An African American defendant is at a greater advantage if he or she has a high SES, while a Caucasian defendant is at a greater advantage if he or she has a low SES. These results indicate that defendants who violate social stereotypes (i.e.,

African Americans of high SES and Caucasians of low SES) seem to receive more lenient treatment than those who fit the stereotypes. This finding could potentially account for the discrepantly larger percentage of African Americans than Caucasians in United States prisons. If it is true, as Petersilia (1985) suggests, that these prisons predominantly house the lower classes, the group with the highest arrest rate, then it is possible that African Americans from these classes are being judged more harshly than their Caucasian counterparts, as they were found to be in this study. Hence, their disproportionate numbers and lengthy sentences.

The finding that African American defendants of high SES received the shortest average sentence length of all groups while African American defendants of low SES received the longest average sentence length of all groups, is significant in that it implies a great influence of SES for African American defendants. Such a finding lends support to stereotype attribution theory's assertion that much racial stereotyping is based on an inference of social class. When the low SES status of an African American defendant was disclosed, negatively stereotyped responding was amplified. When the high SES status of an African American defendant was disclosed, negatively stereotyped responding was diminished. A real-life example of this phenomenon may be found in the case of O.J. Simpson, in which he (an African American man of high SES) was found not guilty of a double homicide despite overwhelming evidence to the contrary. Another example may be the case of Charles Keating, a wealthy Caucasian man, who received the maximum sentence for his role in savings and loan fraud; or John DeLorean, the wealthy Caucasian auto maker, who also received the maximum sentence for his involvement in the drug trade.

The fact that defendant SES was found to significantly influence subjects' judgment of

whether or not the defendant would commit a criminal act in the future also lends support to stereotype attribution theory. From this information, it would be realistic to infer that subjects perceived low SES as a greater indicator of the potential for criminal activity than color of skin. The predictive strength of defendant SES is consistent with the findings of Gleason and Harris (1975) and with reported statistics on the demographic characteristics of prison populations.

The second hypothesis, that defendants who have a low quality attorney will be found guilty more frequently and receive significantly harsher punishment than those who have a high quality attorney, was supported. The quality of the defense attorney had a significant influence on verdict, sentence length, and the rating of the likelihood of the defendant to commit a criminal act in the future. Since the defense argument in every case was exactly the same and the only variation was in the description of the attorney's win-loss record and alma mater, it can be inferred that the perception of attorney expertness and credibility has a great influence on juror decisions. This finding supports past research in the area of communicator credibility (Atkinson & Carskadden, 1975; Mazella & Feingold, 1994; Sinnott, Press, Bates & Harvey, 1975) in which perceptions of the power and influence of a message have been found to be significantly related to the perceived expertness of the messenger.

These findings suggest that, in order to prevent the potentially biasing influence of communicator credibility on a case, an attorney's background and history in law should not be disclosed to jurors. The common disclosure to jurors that a defendant's counsel is a public defender may not only result in a negative bias based on an assumption of the social class of the defendant, but also a negative bias against any argument presented by that attorney.

Real-life implications of these findings for defense attorneys may be that they could potentially achieve better results for their clients if they worked on devising a more expert or credible style of presentation. As good as a defense argument may be, this “expert” style of presentation could help to deliver the message and affect a more desirable outcome.

The third hypothesis, which predicted that punishment would be harshest in the condition in which the defendant was African American and the victim was Caucasian, and punishment would be most lenient in the condition in which the defendant was Caucasian and the victim was African American, was not supported. No significant effects for the race of the victim were found.

Although many of the findings in this study were significant, caution must be used when attempting to generalize the results to real-life courtroom situations. Unlike actual jurors, the student-jurors did not sit through a trial that would include oral arguments from the attorneys and live witness testimony. Additionally, this research focused on individual juror decision making as opposed to collective jury decision making. Actual jurors often engage in extensive, collective discussion before a vote is taken.

The present study did, however, provide substantial support for stereotype attribution theory by showing that the SES of an African American defendant greatly influences the perceptions and expectations of those judging him or her. An effort to further examine the validity of this theory might be accomplished through a more wide-ranging study sampling a more diverse range of ages and races than are available in a university setting. Furthermore, decision making in areas of life other than criminal proceedings (e.g., the hiring of employees or the selection of baby-sitters), should be examined for the interactions of race and SES on the differential perception and treatment of African