

University of Michigan Law School

University of Michigan Law School Scholarship Repository

Articles

Faculty Scholarship

2000

Race in the Courtroom: Perceptions of Guilt and Dispositional Attributions

Samuel R. Sommers

University of Michigan

Phoebe C. Ellsworth

University of Michigan Law School, pce@umich.edu

Available at: <https://repository.law.umich.edu/articles/1647>

Follow this and additional works at: <https://repository.law.umich.edu/articles>



Part of the [Courts Commons](#), [Law and Psychology Commons](#), [Law and Race Commons](#), and the [Law and Society Commons](#)

Recommended Citation

Ellsworth, Phoebe C. "Race in the Courtroom: Perceptions of Guilt and Dispositional Attributions." S. R. Sommers, co-author. *Personality & Soc. Psychol. Bull.* 26, no. 11 (2000): 1367-79.

This Article is brought to you for free and open access by the Faculty Scholarship at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Articles by an authorized administrator of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

Race in the Courtroom: Perceptions of Guilt and Dispositional Attributions

Samuel R. Sommers
Phoebe C. Ellsworth
University of Michigan

The present studies compare the judgments of White and Black mock jurors in interracial trials. In Study 1, the defendant's race did not influence White college students' decisions but Black students demonstrated ingroup/outgroup bias in their guilt ratings and attributions for the defendant's behavior. The aversive nature of modern racism suggests that Whites are motivated to appear nonprejudiced when racial issues are salient; therefore, the race salience of a trial summary was manipulated and given to noncollege students in Study 2. Once again, the defendant's race did not influence Whites when racial issues were salient. But in the non-race-salient version of the same interracial case, White mock jurors rated the Black defendant more guilty, aggressive, and violent than the White defendant. Black mock jurors demonstrated same-race leniency in both versions of the trial, suggesting that racial issues are generally salient in the minds of Black jurors in interracial cases with Black defendants.

Jury decision making is a complex set of psychological processes in which jurors must attend to information, evaluate theories, resolve inconsistencies, and persuade one another in the pursuit of a verdict. Social psychologists have long recognized the courtroom as a fruitful venue for the study of decision making and for years researchers have investigated the cognitive and motivational processes underlying jurors' decisions and the procedural variables that influence them. One glaring void in the existing research, however, is an issue that seems to be on everyone's minds these days: race.

In the 1990s, race captured the public's attention in a number of high-profile, controversial trials, but the prevalence of racial issues in American criminal law is hardly a new phenomenon. Black defendants have suffered a long history of abuse at the hands of the criminal justice system, and only a few decades ago, White suspects in crimes committed against Black victims were rarely brought to trial, much less convicted (see Kennedy, 1997). Times have changed, of course, but maybe not as

much as we would like to think. Legal scholars have asserted that even in this age of political correctness, White jurors often demonstrate bias against Black defendants (Fairchild & Cowan, 1997; Parloff, 1997b). Black jurors have not escaped criticism either, and the mantra "Blacks won't convict Blacks" has become a journalistic cliché in the wake of a few well-publicized acquittals of Black defendants by predominantly Black juries (Reynolds, 1996; but see Parloff, 1997a, 1997b). The assumption that jurors are affected by the race of a defendant is so widespread that prosecutors and defense attorneys across the country routinely incorporate racial considerations into their jury selection strategies (Reynolds, 1996), even though the Supreme Court has banned the use of peremptory challenges made solely on the basis of race (*Batson v. Kentucky*, 1986).

In light of the societal importance of this issue, the dearth of psychological research on race in the courtroom is surprising. A search on PsycINFO under the keywords "race and (juror or defendant)" yielded only 27 articles written in this decade (e.g., Rector, Bagby, & Nicholson, 1993; Tinsley, 1991; Wittenbrink, Gist, & Hilton, 1997). Almost none of these studies consider the perceptions of Black jurors, and their results are inconsistent and often ambiguous. Most investigators con-

Authors' Note: The authors wish to thank Amy Bradfield, Samuel Gross, James Jackson, Saul Kassin, Mike Norton, Frank Yates, and numerous members of the SPSP listserver for their contributions to these studies and their comments on previous drafts of this article, and Richard Gonzalez for his suggestions and statistical assistance. The authors also thank Karen Lutwin and Rachel Miller for their invaluable assistance in running participants for Study 2. This research was supported in part by a Clara Mayo Grant from the Society for the Psychological Study of Social Issues awarded to the first author. Address correspondence concerning this article to Samuel Sommers, 3225 East Hall, Social Psychology, University of Michigan, Ann Arbor, MI 48109-1109; e-mail: ssommers@umich.edu.

PSPB, Vol. 26 No. 11, November 2000 1367-1379
© 2000 by the Society for Personality and Social Psychology, Inc.

clude that race plays a role in juror verdicts and sentencing¹ but some have found jurors to be biased against defendants of a different race (e.g., Klein & Creech, 1982; Sweeney & Haney, 1992), whereas others have found bias against defendants of the same race (McGowen & King, 1982). Some researchers have concluded that racial effects can be erased by judicial instruction (Pfeifer & Ogloff, 1991), by deliberation (Bernard, 1979), or by the absence of inadmissible evidence (Johnson, Whitestone, Jackson, & Gatto, 1995). Still other studies and meta-analyses find no evidence of racial bias (Mazzella & Feingold, 1994; McGuire & Bermant, 1977).

The few experiments that do include both White and Black participants suffer from methodological and contextual difficulties. For example, Ugwuegbu (1979) used White participants in one study and Black participants in a second study, making the statistical comparison of Whites and Blacks impossible. More recently, Skolnick and Shaw (1997) found that White mock jurors treated White and Black defendants equally but Black mock jurors were more punitive toward a White defendant. However, this study, in which mock jurors were given the trial transcript of a man accused of fatally stabbing his White ex-wife, was conducted in Southern California during the O.J. Simpson civil trial, and the authors emphasize the importance of interpreting their "Black Racism" hypothesis in terms of that unique context.

Although there is little published research comparing White and Black jurors, a large body of work on intergroup interaction provides a psychological framework for the theoretical and empirical consideration of race in the courtroom. One of the most robust phenomena in psychology is ingroup/outgroup bias. Numerous studies have found that even when group assignment is based on the most superficial and trivial of criteria, people demonstrate a strong preference for fellow ingroup members and tend to denigrate outgroup members (Brewer & Brown, 1998; Tajfel, 1982). This ingroup/outgroup bias is manifested both in behavioral terms (e.g., allocation of resources, preference for physical proximity) and in people's perceptions, particularly in their attributions of the behavior of ingroup and outgroup members (Hewstone, 1990).

Pettigrew (1979) has demonstrated that people tend to attribute the positive behavior of ingroup members to inherent dispositions and the positive behavior of outgroup members to situational forces; that pattern is reversed for attributions of negative behavior. This finding suggests a process through which the defendant's race could potentially result in juror bias. Specifically, in some cases jurors may tend to attribute the criminal behavior of a same-race, ingroup defendant to situational pressures and the same behavior of a differ-

ent-race, outgroup defendant to an inherent disposition. For example, a White juror might explain the behavior of a White defendant charged with robbery as the result of pressure to provide financial support for his family. If the defendant were Black, this same behavior might be seen by a White juror as proof that the accused is an aggressive and immoral person. These different attributions imply very different perceptions of the defendant and could potentially lead to different verdicts and/or sentence recommendations. Hewstone's (1990) review of intergroup causal attribution further suggests that White and Black jurors might interpret, integrate, and remember the evidence in a trial differently depending on the race of the defendant (also see Bodenhausen & Wyer, 1985).

Building on research into ingroup/outgroup bias, we designed Study 1 as an initial investigation of the role of race in the courtroom, manipulating the defendant's race in several criminal trial summaries and comparing the decisions of White and Black mock jurors. We were interested not only in traditional psycholegal measures such as guilt ratings and sentence recommendations but also in the attributions that participants would make for the behavior of White and Black defendants. We expected that any racial bias demonstrated by jurors' guilt ratings and sentence recommendations would be present in their attributions for the defendant's behavior as well.

STUDY 1

Method

PARTICIPANTS

Participants were recruited from two fraternities and two sororities at the University of Michigan. One fraternity and one sorority were predominantly White, and the other two houses were historically Black. A total of 64 students served as mock jurors in return for contributions to their house funds. Sixty-two participants (97%) identified themselves as either White or Black, and 2 participants (3%) identified themselves as Asian American. Because our manipulations were intended to compare White and Black mock jurors' decisions, the two Asian participants were dropped from the analyses. Of the 62 remaining participants, 33 were White (53%) and 29 were Black (47%), 38 were women (61%) and 24 were men (39%). Participants read trial summaries and answered written questions in groups solely composed of their fellow, same-race housemates. Four experimental sessions ranging in size from 7 to 20 participants were held, and all sessions were proctored by a White experimenter.

STIMULUS TRIALS

Participants received a packet of 12 trial summaries, each of which consisted of one paragraph describing the prosecution's case and one paragraph describing the defense's case. Five of the trials involved a cross-racial crime; for each such racial trial, half of the participants read about a White defendant and half read about a Black defendant. Preceding each of these racial trials was a filler trial in which race was not mentioned. All participants read the 12 trials in the same order.

The five racial incidents were as follows: (a) a college basketball player who allegedly assaulted a teammate after a heated locker room dispute in which racial language was used; (b) a young man who, along with four friends, allegedly surrounded a stranded motorist, told him that he should not have been in that neighborhood, and robbed him of his wallet; (c) a frustrated law school applicant who was upset about racial policies in the admissions process and allegedly held an admissions secretary hostage at gunpoint; (d) a middle-aged man who allegedly slapped his girlfriend at a bar after she made embarrassing comments about him in front of friends; and (e) an older man who allegedly burned down a church attended by congregants who were not of his race. In all of these trials, the victim (or church congregation) and the defendant were of different races.²

We chose cases that we thought would evoke common racial scripts, and we had no predictions about differences among the five experimental scenarios. For this initial study, our aim was to discover whether White and Black respondents would respond differently to the White and Black defendants across the whole set of interracial trials. Accordingly, we considered the five trials as analogous to five items on a scale. Of course, some differences between the trials were likely and potentially of theoretical interest, but our hypotheses focused on the general effects of a defendant's race on White and Black mock jurors' judgments of trials with similar racial content.

PROCEDURE

Mock jurors were told that they would be participating in a project on legal opinions and that to get a representative sample of the university population, the experimenter had recruited participants from several houses, organizations, clubs, and teams. Participants were instructed to read through the trial materials carefully and to take their role as mock jurors seriously. Each trial summary was followed by the legal criteria for conviction for each crime, adapted from the California State Penal Code. These definitions were included to increase the realism of the task and to provide mock jurors with the same verdict instructions that actual jurors receive.

Participants used 7-point scales (1 = *not at all* and 7 = *very much*) to respond to several posttrial questions. Participants were asked to rate how guilty they believed the defendant was and how convincing the defense's case was. They also rated the extent to which (a) situational pressures and (b) the defendant's personal character were responsible for his behavior. Finally, participants were given information about the maximum sentence allowed by the Penal Code for a defendant convicted of the crime in question and were asked to recommend a sentence for each defendant using options that ranged from probation to the maximum allowable sentence. These recommendations were then converted into a 7-point scale that increased with the severity of the sentence.

Results

Mock jurors' judgments of the five racial trials were analyzed. For half of the mock jurors, three of the racial trials had White defendants and two had Black defendants; for the other mock jurors, three of the trials had Black defendants and two had White defendants. For each mock juror, an average score (for each dependent measure) was computed for the trials with a White defendant and for the trials with a Black defendant. These average scores were then analyzed using a two-way mixed-model analysis of variance (ANOVA), with race of defendant as a within-participant variable and race of mock juror as a between-participant variable. This allowed us to examine the general influence of race of defendant and race of mock juror and their interaction. We did not have specific predictions for differences in mock jurors' responses to the five trial summaries because of their similar racial content.

A 2×2 mixed-model ANOVA of participants' guilt ratings revealed that White defendants were given significantly higher guilt ratings ($M = 5.28$) than were Black defendants ($M = 4.77$), $F(1, 56) = 6.49$, $p < .02$. No main effect was revealed for race of mock juror, $F(1, 56) < 1$. The main effect was qualified by a significant interaction between race of defendant and race of mock juror, $F(1, 56) = 5.53$, $p < .03$, indicating that the race of a defendant influenced White and Black mock jurors differently (see Figure 1). White mock jurors did not differ in their guilt ratings of White and Black defendants, $t(56) < 1$ via planned comparison, whereas Black mock jurors gave White defendants higher guilt ratings ($M = 5.69$) than Black defendants ($M = 4.48$), $t(56) = 3.35$, $p < .005$ (see Table 1 for summary of cell means for all Study 1 dependent measures).

This general pattern of results, that White mock jurors seemed to be evenhanded in their judgments and Black mock jurors seemed to demonstrate ingroup/outgroup bias, was found in four of the five racial trials

TABLE 1: Summary of Cell Means in Study 1

Measure	White Mock Jurors		Black Mock Jurors	
	WD	BD	WD	BD
Guilt rating	5.06	5.02	5.69	4.48
Sentence recommendation	3.20	2.96	3.45	2.52
Strength of defense case	3.77	3.73	2.84	4.40
Attribution to defendant's personality	5.40	5.35	5.68	4.47

NOTE: WD = White defendant, BD = Black defendant; all scales range from 1 to 7.

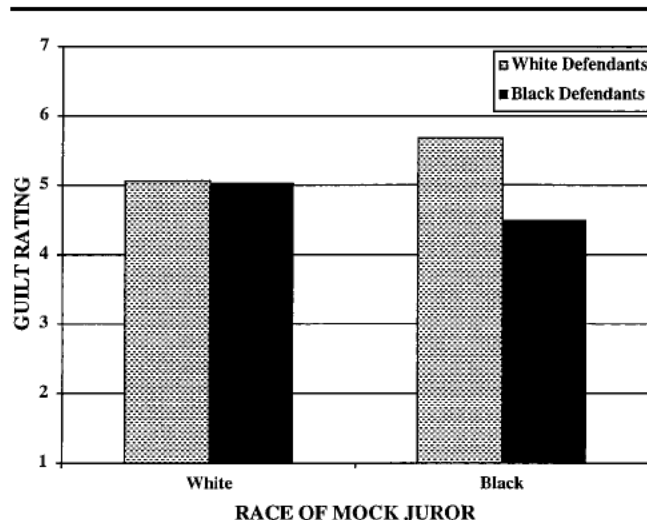


Figure 1 Guilt ratings by race of mock juror and defendant in Study 1.

NOTE: 1 = not at all guilty and 7 = very guilty.

but only reached statistical significance in one: The interaction between race of defendant and race of mock juror was significant in the basketball player assault case; the results for the vengeful law school applicant showed no effects whatsoever. It may be that although race is a salient issue in people's perceptions of academic admissions, the crime itself was too unusual to trigger any racial effects in this case.

A similar but nonsignificant pattern emerged in an analysis of mock jurors' sentence recommendations. A mixed-model ANOVA revealed a significant main effect for race of defendant, $F(1, 57) = 5.72, p < .03$, with White defendants sentenced to longer terms than Black defendants (respective M s = 3.29, 2.70). No main effect for race of mock juror or significant interaction emerged, $F(1, 57) < 1$. Planned comparisons indicated that White mock jurors did not differ in their sentence recommendations for White and Black defendants, $t(57) < 1$. Black mock jurors, on the other hand, recommended longer

sentences for White defendants ($M = 3.45$) than for Black defendants ($M = 2.52$), $t(57) = 2.61, p < .02$. These results were consistent with the guilt ratings, indicating that racial bias was demonstrated by Black but not White mock jurors.

Mock jurors' ratings of the strength of the defense's case followed the same pattern. A mixed-model ANOVA revealed that White defendants were perceived as having weaker cases ($M = 3.35$) than Black defendants ($M = 4.03$), $F(1, 56) = 7.96, p < .01$; no main effect for race of mock juror was revealed, $F(1, 56) < 1$. The main effect of race of defendant was qualified by a significant interaction, $F(1, 56) = 9.01, p < .01$. Planned comparisons revealed that White mock jurors' ratings were not influenced by the race of a defendant, $t(56) < 1$. Black mock jurors, however, viewed Black defendants' cases as significantly stronger than White defendants' cases (respective M s = 4.40, 2.84), $t(56) = 3.98, p < .001$. Once again, the race of a defendant had a greater influence on Black mock jurors than it did on White mock jurors, even though the defense presented identical arguments in both versions of each trial.

We expected mock jurors' attributions for the defendants' behavior to reflect the same biases as their guilt ratings. Mock jurors were asked to what extent each defendant's alleged behavior during the incident reflected his personal character. A mixed-model ANOVA revealed that the alleged crime was perceived as more indicative of the dispositional characteristics of White defendants ($M = 5.54$) than Black defendants ($M = 5.10$), $F(1, 50) = 7.65, p < .01$. No main effect was revealed for race of mock juror, $F(1, 50) = 1.56, ns$. More important, a significant interaction between race of defendant and race of mock juror emerged, $F(1, 50) = 6.55, p < .02$. Once again, the race of a defendant had no discernible effect on White mock jurors because their dispositional attributions for the defendants' behavior were the same in both conditions, $t(50) < 1$. But Black mock jurors viewed the behavior as significantly more indicative of the personal character of White defendants ($M = 5.68$) than of Black defendants ($M = 4.47$), $t(50) = 3.55, p < .001$. The results for Black mock jurors were consistent with the prediction that racial bias would be manifest in participants' attributions of the negative behavior of different-race defendants to stable, dispositional forces; indeed, guilt ratings and dispositional ratings were highly correlated across all five trials (range of r s = .30 to .49, all p s < .05). Contrary to prediction, bias was not present in mock jurors' situational attributions, which were uniformly low across all groups, $F(1, 50) < 1$.

Discussion

The data in Study 1 indicate that Black mock jurors were influenced by the defendants' race, whereas White

mock jurors were not.³ These results are consistent with current popular media alarms about Black jurors' refusal to convict Black defendants (e.g., Reynolds, 1996) and with the findings of Skolnick and Shaw (1997), which the authors attribute to "Black Racism." However, given the long history of injustices suffered by Black defendants at the hands of all-White juries, we were surprised to find no effects for White mock jurors in Study 1.

One plausible explanation involves the nature of modern American racism. According to Gaertner and Dovidio's (1986; Dovidio & Gaertner, 1991) theory of aversive racism, most middle-class White Americans have shifted from "old-fashioned" or "red-necked" racism to a less overt form of prejudice, one that exemplifies the conflict between an egalitarian value system and unacknowledged negative beliefs about Blacks. The theory predicts that when racial norms are salient in a situation, most Whites will respond in an appropriately nonprejudiced manner, but in situations with more ambiguous racial norms, bias will often emerge:

When a situation or event threatens to make the negative portion of their attitude salient, aversive racists . . . vigorously try to avoid acting wrongly on the basis of these feelings. . . . In other situations, however, the underlying negative portions of their attitudes are expressed. (Gaertner & Dovidio, 1986, p. 62)

So, for example, when White people are reminded of the possibility of racial prejudice in an interaction, they may work to inhibit their own racial biases; if they are not reminded, they might not notice, and their biases will often be expressed.

During the course of a trial, racial issues may become salient in any number of ways, including, for example, pretrial publicity, voir dire questioning of potential jurors, opening and closing arguments, the nature of police testimony, attorneys' demeanors, and sometimes the nature of the crime itself, as in a Ku Klux Klan confrontation. O.J. Simpson's murder trial provides a recent example of a trial in which racial issues were made salient by a defense attorney's decision to "play the race card." We argue that emphasizing the racial issues in a case tends to alert White jurors to the possibility of prejudice and make racial norms salient. Accordingly, when racial issues are obvious in a trial, a motivation to appear nonprejudiced is activated in White jurors. This prediction is supported by the results of Study 1, where the racially charged nature of the five experimental trials probably alerted White student jurors to the possibility of prejudice and the importance of avoiding it. A similar process may have occurred in the study by Skolnick and Shaw (1997), where participants were given a racially

charged crime scenario that closely resembled the Simpson case.

We would make different predictions for a run-of-the-mill case in which the defendant happens to be Black but race is not a salient trial issue. In such cases, White jurors should not be on guard against the possibility of prejudice and they should be more likely to demonstrate racial bias. This prediction is supported by the findings of Fein, Morgan, Norton, and Sommers (1997), who, in a study of racial pretrial publicity, reached a similar conclusion about the potential influence of race on White mock jurors: "If the pretrial publicity containing the racial information had been more subtle or in a different context, participants might have been less concerned about race and, paradoxically, more likely to perceive the defendant stereotypically" (p. 499).

The theory of aversive racism is less helpful in explaining or predicting the behavior of Black mock jurors. The "historically racist culture" that Gaertner and Dovidio (1986) describe is White culture, and they do not discuss the social expectations and pressures that might influence the behavior of non-White individuals. Because Black Americans have been victimized by White bias and institutional prejudice so frequently in the past, Blacks' overt expression of racial preference may be more common and considered less unacceptable than similarly biased sentiments voiced by Whites. Many White Americans are taught to believe that racism is unacceptable and are therefore motivated to deny their prejudiced attitudes about Blacks; Black Americans are more likely to be raised in an environment that is mistrustful of the egalitarian claims and promises of White America (Shelton, 2000) and they may have no particular motivation to conceal their anti-White or pro-Black sentiments. Accordingly, racial preference may be more available to consciousness and more likely to be openly expressed by Blacks than by Whites (Jones, 1997, Note 3). Thus, Black participants in Study 1 may not have experienced the conflict between private and public values faced by White participants.

It is also possible that the bias demonstrated by Black mock jurors in Study 1 reflected their perceptions that the "true story" in the trials was different for the cases involving Black defendants than for the identically worded cases involving White defendants. Black participants were certainly aware, perhaps even from personal experience, that police and prosecutors treat Blacks with more suspicion than Whites and they may well have assumed that racial discrimination played some role in the cases of the particular Black defendants they were asked to judge. In other research using the same student population, we have found empirical evidence that Black Americans have little faith in the colorblindness of the criminal justice system.⁴ Blacks are more likely than

Whites to believe that Black suspects suffer discrimination at the hands of White police officers and prosecutors and that Black defendants suffer discrimination at the hands of prosecutors, judges, and juries. As a result, Black Americans may tend to see almost all cases involving Black defendants as racially charged. In Study 1, Black mock jurors' bias may reflect a conscious attempt to level the playing field through same-race leniency (Jones, 1997) or it may reflect less deliberate differences in perceptions of the basic meaning of the events themselves.

These possible explanations for the performance of White and Black mock jurors in Study 1 lead us to believe that the scarcity of published studies of race in the courtroom may partly reflect weaknesses in the standard strategies and assumptions of social psychological research into racial attitudes. In studies of race, concern about prejudice against Blacks has so dominated the field that the attitudes of Blacks usually have not been recognized as relevant (Shelton, in press). In addition, most psychology experiments use college students as participants, and there are often too few minority students available to fill the cells of a complete multifactor design. Beyond the practical limitations of the college participant pool, another concern is that the college campus may not be an environment conducive to valid research on expressions of White racism. College populations are hypersensitized to racial issues and nonprejudiced beliefs and behavior are strongly emphasized on most campuses. The results of Study 1 suggest that it might be difficult to get a realistic, representative measure of Whites' racial attitudes by studying college student participants.⁵ To avoid the potential influence of campus politics in Study 2, we recruited noncollege students of all ages as participants, a strategy that also allowed us to better generalize our findings to the population as a whole.

Furthermore, common sense dictates that a researcher trying to study racial bias in mock jurors should choose stimulus trials that make race a highly salient issue. But given the nature of modern racial norms, the use of such racially charged trial materials could backfire and compel Whites to demonstrate less prejudice than usual. In response to this concern, and because explanations for Black juror decision making also revolve around issues of perceived race salience, Study 2 was designed to further compare White and Black mock jurors by manipulating the salience of racial issues in the stimulus trial. In this study, we manipulated race salience by varying the content of a statement allegedly made by the defendant during the incident in question. We expected that this small change in the testimony of one witness would create, in essence, two very different trials in the minds of White jurors. When presented

with a trial with a salient racial issue, we expected that racial norms would be made salient and White mock jurors would appear nonprejudiced, as they had in Study 1. On the other hand, in a trial that had no blatantly racial issues, we expected White mock jurors to be more punitive toward a Black defendant than toward a White defendant. Our predictions for Black mock jurors were that mistrust of the legal system would lead them to view both trials with Black defendants as race salient and that Black mock jurors would demonstrate some degree of same-race leniency in both versions of the trial.

STUDY 2

Method

PARTICIPANTS

Two White female experimenters approached participants as they waited to depart from gates at a large international airport and asked them to fill out a questionnaire for a class project on legal opinions. Of the 211 participants who volunteered as mock jurors, 156 (74%) identified themselves as White and 55 (26%) as Black. Participants ranged in age from 18 to 89 ($M = 42.6$), and 118 (56%) were men and 93 (44%) women. This study used a 2 (White vs. Black defendant) \times 2 (White vs. Black mock juror) \times 2 (race-salient vs. non-race-salient trial) between-participants factorial design, and White and Black participants were randomly assigned to read one of the four versions of the trial summary.

STIMULUS TRIAL

A modified version of the barroom assault trial summary from Study 1 was given to participants. Demographic information about the defendant and the alleged victim was provided at the top of the page. This allowed us to convey the race of the individuals involved in a relatively subtle manner. In the White defendant groups, the following information was provided:

Defendant: Kevin Richman, 34-year-old White male, 6' 1", 190 lbs., computer analyst
Victim: Tonya Simmons, 26-year-old African American female, 5' 5", 125 lbs., day care worker

In the Black defendant groups, the following information was provided:

Defendant: Albert Barkley, 34-year-old African American male, 6' 1", 190 lbs., computer analyst
Victim: Kelly Simmons, 26-year-old White female, 5' 5", 125 lbs., day care worker

In all versions of the trial summary, the prosecution charged the defendant with assault and battery. The prosecution alleged that the defendant and a group of

coworkers were at a bar celebrating his recent promotion when his girlfriend stood up and started to "roast" him, poking fun at his physique and making jokes about his sexual performance. According to the prosecution, the defendant then yelled at Ms. Simmons, forced her into her chair, and slapped her across the face. This slap knocked Ms. Simmons to the ground and she injured her ankle in the fall. The defense conceded that the defendant slapped his girlfriend but argued that she had been drinking and making a fool out of herself, leading the defendant to try to "talk some sense into her." The defense claimed that Ms. Simmons fell down because she was drunk, and the defendant expressed remorse for playing any role in her injury.

The crucial section of the case was Ms. Simmons's testimony about what the defendant yelled at her. In the race-salient versions of the trial, she testified that the defendant yelled, "You know better than to talk that way about a *White* (or *Black*) man in front of his friends" (emphasis added) before he slapped her. In the non-race-salient versions, she testified that he yelled, "You know better than to talk that way about a man in front of his friends." The only difference between the race-salient and non-race-salient versions was the mention of the defendant's race in this exclamation. In other words, the crime in question was always cross-racial, but only in the race-salient trial did this racial difference play an explicit role in the commission of the crime. We expected that the race-salient statement would make racial norms salient for White mock jurors.

PROCEDURE

Participants were asked to read the trial summary and answer several written questions about the case. To increase the likelihood that participants would take their role as jurors seriously, they were told that the trial summary they were about to read was based on a real case. After reading the case, participants were provided with the Penal Code criteria for conviction for misdemeanor assault and battery.

Participants used 9-point scales (1 = *not at all* and 9 = *very much*) to respond to several posttrial questions. Participants were first asked to rate how guilty the defendant was. To obtain more specific information about perceptions of the defendant's personality (as opposed to the more general attribution measure used in Study 1), we asked participants to rate the extent to which they believed the defendant (a) was an aggressive person and (b) was a violent person. To indirectly measure mock jurors' perceptions of how salient racial issues were in the trials, we asked participants to what extent they believed the incident was the result of a racial conflict.⁶ Participants also were asked to choose a recommended sentence for the defendant from among nine choices

that ranged from *no punishment* to *6 months in jail and a \$2,000 fine* (the maximum allowable punishment for misdemeanor assault and battery according to the Penal Code). These recommendations were then converted into a 9-point scale that increased with the severity of the sentence. Finally, participants were asked for demographic information and were debriefed.

Results

MANIPULATION CHECKS

At the end of the questionnaire, participants were asked to recall the age, race, and occupation of the defendant and victim. All participants correctly identified the defendant's race, and there were no between-group differences on accuracy for the other memory questions, all $\chi^2(7) < 6.8$, $ps > .46$. Participants' ratings of the extent to which the defendant's behavior reflected a racial conflict were used to check our race-salience manipulation (see Note 6). The mean rating of mock jurors in the race-salient conditions was significantly higher ($M = 3.59$) than the mean of jurors in the non-race-salient conditions ($M = 2.02$), $F(1, 194) = 23.04$, $p < .005$. These results provide support for the validity of the manipulation.

GENERAL ANOVA RESULTS

ANOVAs revealed a significant three-way interaction of race of mock juror, race of defendant, and race salience for participants' guilt ratings, $F(1, 203) = 4.64$, $p < .04$, and for participants' sentence recommendations, $F(1, 202) = 9.20$, $p < .005$. Participants were asked to rate how aggressive and how violent a person the defendant was, and these highly correlated measures, $r(n = 209) = .84$, were summed to create a negative trait rating; an ANOVA revealed a significant three-way interaction for this measure as well, $F(1, 194) = 6.39$, $p < .02$. All ANOVAs performed for Study 2 used the regression approach, and all contrasts were run using a one-way ANOVA with eight cells to account for the unequal number of White and Black participants.

RACE-SALIENT TRIAL

Replicating the results of Study 1, in a trial where racial issues were salient only Black mock jurors' guilt ratings were affected by the race of the defendant (see Figure 2). A planned comparison indicated that White mock jurors did not differ in their guilt ratings of the White and Black defendant (respective M s = 6.83, 6.50), $t(203) < 1$. Black mock jurors, on the other hand, gave the White defendant a higher guilt rating ($M = 6.85$) than the Black defendant ($M = 5.40$), $t(203) = 1.82$, $p = .07$. Mock jurors' sentence recommendations also replicated the findings of Study 1: White mock jurors were not influenced by the race of the defendant, $t(202) < 1$,

TABLE 2: Summary of Cell Means in Study 2

Measure	Race-Salient Trial				Non-Race-Salient Trial			
	White Mock Jurors		Black Mock Jurors		White Mock Jurors		Black Mock Jurors	
	WD	BD	WD	BD	WD	BD	WD	BD
Guilt rating	6.83	6.50	6.85	5.40	5.31	7.00	7.69	5.43
Sentence recommendation	3.56	3.18	4.38	3.43	2.64	3.76	5.00	2.14
Aggressive nature of defendant	4.88	4.89	5.54	4.53	3.74	5.39	6.69	4.29
Violent nature of defendant	4.75	4.81	5.08	3.93	3.79	5.18	5.85	3.64
Role played by race in incident	3.48	2.57	4.18	4.15	1.68	1.92	1.31	3.17

NOTE: WD = White defendant, BD = Black defendant; all scales range from 1 to 9.

but Black mock jurors showed a nonsignificant tendency to recommend longer sentences for the White defendant ($M = 4.38$) than for the Black defendant ($M = 3.43$), $t(202) = 1.40$, $p = .16$ (see Table 2 for summary of cell means for all Study 2 dependent measures).

Planned comparisons indicated a similar trend for mock jurors' trait ratings of the defendant. White mock jurors did not differ in their ratings of the personality of the White and Black defendant, $t(201) < 1$. For Black mock jurors, there was a nonsignificant tendency to be influenced by the defendant's race, with the White defendant's personality rated marginally more aggressive/violent ($M = 10.62$) than the Black defendant's ($M = 8.47$), $t(201) = 1.39$, $p = .17$. As predicted, when bias was demonstrated by mock jurors in their guilt ratings and sentence recommendations, it also was present in their trait ratings of the defendant, just as it had been in mock jurors' attribution ratings for the defendants' behavior in Study 1.

Finally, mock jurors' ratings of the race salience of the crimes were analyzed via planned comparisons. As expected, Black mock jurors in the Black defendant condition gave a higher race-salience rating ($M = 4.15$) than did White mock jurors ($M = 2.57$), $t(194) = 2.47$, $p < .02$. This result provided support for our prediction that White and Black mock jurors would differ in their perceptions of the importance and salience of racial issues in the crimes and, by association, the trials of a Black defendant. No significant differences emerged between White and Black mock jurors' race-salience ratings in the White defendant conditions, $t(194) = 1.04$, ns .

NON-RACE-SALIENT TRIAL

Planned comparisons revealed that when race was not a salient issue in the trial, both White and Black mock jurors demonstrated bias (see Figure 3). Unlike in the race-salient conditions, White mock jurors gave the Black defendant a significantly higher guilt rating ($M = 7.00$) than the White defendant ($M = 5.31$), $t(203) = 2.40$, $p < .02$. Black mock jurors once again demonstrated ingroup/outgroup bias, giving the White defendant a

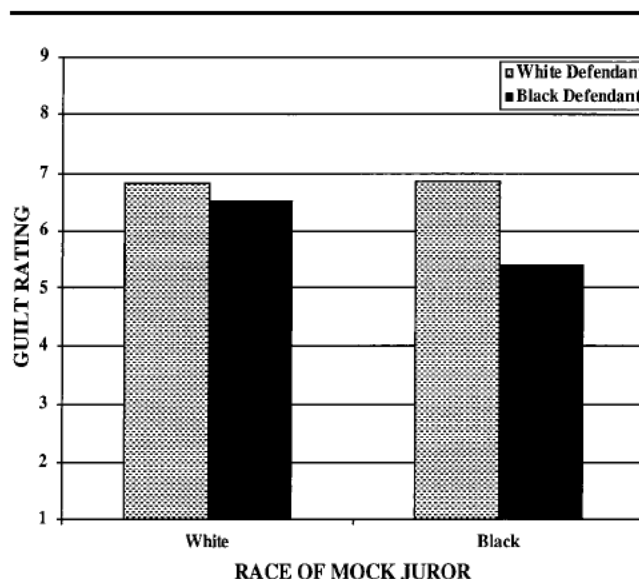


Figure 2 Guilt ratings by race of mock juror and defendant in race-salient trial in Study 2.

NOTE: 1 = not at all guilty and 9 = very guilty.

significantly higher guilt rating ($M = 7.69$) than the Black defendant ($M = 5.43$), $t(203) = 2.80$, $p < .01$. Planned comparisons also indicated that the mean guilt rating of the White defendant was higher among Black mock jurors than it was among White mock jurors, $t(203) = 3.55$, $p < .005$; the mean guilt rating of the Black defendant was higher among White mock jurors than among Black mock jurors, $t(203) = 2.40$, $p < .02$.

Ingroup/outgroup bias also was evident in mock jurors' sentence recommendations; both White and Black mock jurors were more punitive toward the different-race defendant. White mock jurors recommended longer sentences for the Black defendant ($M = 3.76$) than for the White defendant ($M = 2.64$), $t(202) = 2.78$, $p < .01$, and Black mock jurors recommended longer sentences for the White defendant ($M = 5.00$) than for the

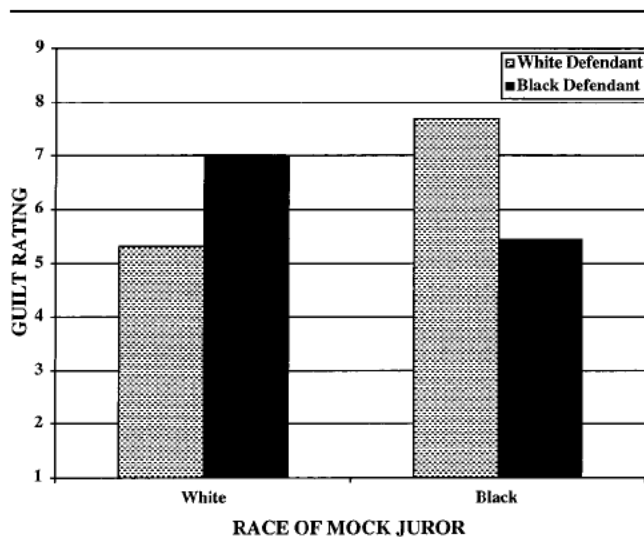


Figure 3 Guilt ratings by race of mock juror and defendant in non-race-salient trial in Study 2.

NOTE: 1 = not at all guilty and 9 = very guilty.

Black defendant ($M = 2.14$), $t(202) = 4.18$, $p < .005$. Planned comparisons also revealed that the mean sentence recommendation for the White defendant was higher among Black mock jurors than it was among White mock jurors, $t(202) = 4.15$, $p < .005$; the mean sentence for the Black defendant was higher among White mock jurors than among Black mock jurors $t(202) = 2.92$, $p < .005$.

Trait ratings for the defendant reflected similar bias. White mock jurors rated the Black defendant's personality as significantly more aggressive/violent ($M = 10.58$) than the White defendant's ($M = 7.54$), $t(201) = 3.28$, $p < .002$. Black mock jurors rated the White defendant's personality as significantly more aggressive/violent ($M = 12.54$) than the Black defendant's ($M = 7.93$), $t(201) = 2.94$, $p < .005$. Once again, the bias in mock jurors' guilt ratings corresponded to bias in their trait ratings and attributional processes.

Race-salience ratings once again indicated that Black mock jurors saw the case of the Black defendant as more racially charged ($M = 3.17$) than did White mock jurors ($M = 1.92$), $t(194) = 1.89$, $p = .06$. Black mock jurors also gave higher race-salience ratings in the Black defendant condition than they did in the White defendant condition ($M = 1.31$), $t(194) = 2.33$, $p < .03$. Compared to Whites, Black mock jurors viewed the case of the Black defendant as somewhat racially charged in both the race-salient and non-race-salient conditions. Combined with other data we have collected (Sommers & Ellsworth, 1998), this result suggests the extent to which racial issues are salient for Black mock jurors who read the trial of a Black defendant, even when the trial stimulus has

been designed to be non-race salient. Mistrust of Whites (Shelton, 2000) and skepticism about the fairness of the criminal justice system provide a plausible explanation for this finding. Once again, there was no difference between White and Black mock jurors' race-salience ratings in the White defendant condition, $t(194) < 1$.

Discussion

The results from the race-salient conditions of Study 2 replicated the overall trends of Study 1. When racial issues were salient in a trial, White jurors appeared nonprejudiced, whereas Black mock jurors demonstrated same-race leniency. In a departure from Study 1, half of the participants in Study 2 were presented with an interracial trial in which race was not explicitly mentioned except in the initial demographic descriptions of the defendant and victim. We predicted that when racial issues were not salient in a trial, racial norms would not be made salient and White jurors would not be alerted to the possibility of prejudice. Indeed, in these interracial trials where race was not an explicit issue, both White and Black mock jurors demonstrated ingroup/outgroup bias. These results indicate that the nonprejudiced responses of White mock jurors in some previous studies might have been triggered by the obvious racial issues in the stimulus trials used (e.g., Skolnick & Shaw, 1997).

Comparing the judgments of White mock jurors in the race-salient and non-race-salient conditions might suggest that the effects are due to leniency toward the White defendant when race is not salient. But this comparison is inappropriate because it implicitly treats the race-salient condition as a baseline. In the race-salient condition, the defendant made a racially provocative remark, which not only introduced a racial issue into the case but also made the defendant less sympathetic. Having been sensitized to norms about prejudice, White mock jurors were equally punitive toward the racially offensive White and Black defendant. The appropriate baseline is the garden-variety non-race-salient case, in which no racially provocative language was used by the defendant. White mock jurors in this condition were predictably not as punitive toward the White defendant who did not use racially offensive language. But Whites judged the Black defendant in the non-race-salient case just as harshly as they did in the race-salient case when he was both aggressive and offensive. A better test of our prediction about White jurors is the comparison between their judgments of the White and Black defendant in the race-salient condition and the same comparison in the non-race-salient condition. These planned comparisons provide support for our hypotheses and our theoretical perspective in a way that comparing judgments of White defendants in the race-salient and non-race-salient conditions cannot; the central finding

of Study 2 is that in a run-of-the-mill trial in which the defendant happens to be Black, White jurors' judgments are influenced by racial bias.⁷

Black mock jurors demonstrated same-race leniency in both versions of the trial, and their judgments were not significantly influenced by our race-salience manipulation. Because previous data have indicated that Blacks have less faith in the fairness of the criminal justice system, we predicted that Black mock jurors, compared to Whites, would view both the race-salient and non-race-salient versions of the trial of the Black defendant as somewhat racially charged. Participants were asked to judge the extent to which the crime was racially charged, and these ratings provided indirect support for our predictions. Further research will be necessary to directly test the hypothesis that in the trial of a Black defendant, race automatically becomes a salient issue for Black jurors. One possibility would be to use an implicit measure of the activation of racial thoughts among mock jurors, such as a lexical decision or word fragment completion task.

Just as in Study 1, where mock jurors' attributions for the defendants' behavior were correlated with guilt ratings, in Study 2, mock jurors' trait ratings revealed the same bias as their guilt ratings, $r(209) = .64, p < .005$. This result sheds light on the process through which race influences juror decision making. Mock jurors did not simply express prejudice through biased guilt ratings; these ratings reflected their different perceptions of ingroup and outgroup defendants' dispositions and hence of the very nature of the crime. Although we cannot claim a causal link between these attributional biases and mock jurors' guilt ratings, the role that dispositional attributions could play in biased decision making is evident. Take, for example, a scenario in which a White juror has come to the conclusion that a Black defendant is guilty and should receive a long jail term. If accused by fellow jurors (or even by his or her own egalitarianism-driven conscience) of racial discrimination, the juror can point to the defendant's aggressive and violent tendencies as the true reason for the guilty vote. But, in reality, this dispositional justification also has been influenced by racial bias, and this "objective evaluation" of the defendant's character should not assuage the racial concerns of the juror or his or her peers.

GENERAL DISCUSSION

The present studies demonstrate that explicit references to racial issues in an interracial trial have different effects on White and Black jurors. When White mock jurors realized that a case had racial overtones, they were on guard against prejudiced responses and maintained the appearance of fairness. But we expected that this racial norm would not be activated in the non-race-salient

trial, and Study 2 confirmed that White jurors tend to demonstrate bias when race is not a salient trial issue. These results qualify the conclusions of researchers who argue that today's White jurors generally are nonprejudiced (e.g., Skolnick & Shaw, 1997) and certainly refute the extreme claim that racial bias in the American legal system is confined to Black jurors (see Reynolds, 1996). Relating aversive racism theory to juror decision making provides a plausible explanation for these results, although further research into the conditions under which White jurors demonstrate racial bias is necessary to confirm the validity of this mechanism. For example, other possible explanations could be that activation of racial norms in a race-salient trial increases Whites' concern about social desirability or that Whites' bias depends on the stereotypicality of the crime in question.

The present studies suggest that it is unlikely that the concept of racial fairness has the same meaning for the victims of discrimination as it does for the perpetrators. White prejudice and discrimination against Blacks is one of the most important and pervasive social problems in America, prompting energetic efforts to maintain awareness of the issue and to instill egalitarian values. The racial attitudes of Blacks have received far less attention from researchers, perhaps because of the fact that Blacks have historically been powerless to act on those attitudes (see Shelton, *in press*). The present results suggest that Blacks and Whites may experience the same tendency toward ingroup/outgroup bias, but perhaps only Whites are explicitly taught to stifle the expression of these attitudes, and perhaps they are only motivated to do so in some situations.

Furthermore, the courtroom might be one of the few settings in which Black Americans see an opportunity to personally contribute to the elimination of racial inequality in society. Because they are likely to view the criminal justice system as inherently biased, Black jurors' conception of fairness may motivate them to demonstrate a measure of same-race leniency to compensate for that bias: "It is probably true that the burden of proof is heavier when the evidence is viewed through counternarrative scenario lenses, and the defendant is a Black man" (Jones, 1997, p. 254). This idea of fairness achieved through discrimination stands in sharp contrast to the beliefs of White mock jurors, who seem to equate fairness in the legal system with colorblindness—a stance that is easier to adopt when one is a member of the more powerful majority group (Jones, 1997).

Of course, the present studies were conducted using only five criminal trial summaries; therefore, it will be necessary to replicate these results using a variety of stimulus trials. The trial used in Study 2 was ambiguous enough to allow racial issues to influence jurors, but

these racial effects might have been attenuated if the evidence in the trial had been more one-sided (either for the prosecution or the defense) or if the crime in question had been considered more severe or heinous by jurors. In fact, strength of evidence (Kerr, Hymes, Anderson, & Weathers, 1995) and type and severity of crime (Sunnafrank & Fontes, 1983) have been found by researchers to be relevant considerations in studies of race in the courtroom.

In addition, the assault trial we used had a few idiosyncrasies. First, issues of gender as well as of race were raised in this case of a man accused of assaulting his girlfriend. We included gender of mock juror as an independent variable in our analyses and found no significant main effects or interactions. Nonetheless, an interracial domestic relationship that sometimes borders on abusive might carry with it cultural and historical baggage that make it a unique situation. Second, in the case we used there was no doubt that the defendant had committed the alleged act; the question of guilt revolved around the severity of his behavior and his mental state. It would be interesting to see whether similar racial effects occur in a case where the defendant claims the police arrested the wrong man. Racial bias (by police or jurors) is possible in both types of case but the nature of the bias might be different. In our case, bias seemed to affect the interpretation of ambiguous behavior. In an identification case, it could affect jurors' judgments as to the validity of the evidence, such as the accuracy of police testimony or the credibility of the defendant's alibi. These considerations lead to several interesting questions about the role of racial bias in juror decisions. For example, does Black jurors' leniency toward Blacks reflect an overt motivation to compensate for probable injustice or a cognitive bias toward believing there is a good chance the defendant truly is not guilty? In other words, do Black jurors demonstrate same-race leniency as an attempt to level the playing field for Black defendants? Or are Black jurors, compared to Whites, more likely to believe in the actual innocence of Black defendants?

Beyond strength of evidence and type of crime, there are other relevant considerations that were not addressed by these initial studies. In Study 2, we manipulated race salience through a statement allegedly made by the defendant, but as mentioned in the Introduction, there are numerous ways in which racial issues can be made salient in a trial. Pretrial publicity, either about the particular case or about issues of racism in similar cases (e.g., Black drivers stopped and searched more often than Whites, Blacks treated more harshly for resisting arrest), might make race a salient issue. Attorneys may consciously or unconsciously emphasize race in voir dire, opening and closing arguments, or the presenta-

tion of evidence. Witnesses may raise racial issues during testimony, and jurors may raise them during deliberation. It also might be possible to experimentally manipulate the salience of racial norms through nonconscious means, such as subliminal priming. Clearly, there is no single criterion method of manipulating race salience among the dozens of possible techniques, and it remains to be seen which of the various techniques have common effects.

In addition to using only one form of race salience, the present research investigated only the effects of the race of the defendant and juror, whereas the racial dynamics of actual courtrooms are obviously much more complex. Our decision to focus on the race of the defendant and juror opens our data to alternative explanations, the most obvious of which is that the race of the victim was responsible for our findings. Race of victim has been identified by researchers (e.g., Foley & Chamblin, 1982; Hymes, Leinart, Rowe, & Rogers, 1993) and historians as an influential factor in jury decisions. Accordingly, our findings in the non-race-salient condition of Study 2 could be interpreted as indicating that White jurors are more punitive toward people who commit crimes against White victims and Blacks are punitive toward those who harm Blacks, regardless of the race of the perpetrator.

However, attributional biases in both of the present studies were correlated with mock jurors' guilt ratings (range of r s = .30 to .64), indicating that participants' impressions of the trial were significantly related to perceptions of the defendant. Furthermore, if the victim's race were driving our results, intuition suggests that White mock jurors would have been extremely punitive toward a defendant accused of a racially motivated crime against a White victim; no such pattern of results emerged in Study 1 or in the race-salient condition of Study 2. The present data indicate that different perceptions of a defendant are significantly associated with different guilt judgments, but the role of the victim's race cannot be determined on the basis of the studies reported here, and it remains a variable that should be considered in future research.

It is also important to consider that participants in the present studies did not deliberate before rendering their posttrial ratings. Full-scale jury deliberation studies are enormously time-consuming and expensive, and it makes sense to begin a line of research with studies of individual jurors to assess which variables are most promising for further investigation. But as Bernard (1979) forcefully argues, the generalizability of many psychological studies of juror decision making is questionable, and most experiments ignore the role of deliberation in the decision process entirely. It is worth noting, however, that distributions of individual juror votes have been

found to be very reliable predictors of jury verdicts (Kalven & Zeisel, 1966), especially for simple guilty-versus-innocent verdicts on a single charge as we used in the present research. But Bernard's (1979) point is well taken, and we plan to investigate how deliberation affects the influence of race on mock jurors. The effects of deliberation will almost certainly vary with the racial composition of the jury (see Kerr et al., 1995), with a plausible initial hypothesis being that biases will be exaggerated in racially homogeneous juries but attenuated in racially mixed juries.

Conclusion

The present studies fill a gap in the psycholegal literature by comparing the decisions of White and Black mock jurors, and they identify a critical variable in juror decision making: race salience. More broadly, our findings suggest that explicit reference to ingroup/outgroup issues might play a role in other types of intergroup interactions, affecting majority and minority group members in different ways. It might be worthwhile for psychologists to consider the role of salience in a variety of ingroup/outgroup scenarios, such as employment interviews, application evaluations, and everyday character appraisals and behavioral predictions. One can easily imagine that explicit reference to issues of gender could have very different effects on men and women in a given situation, that highlighting the relevance of sexual orientation could affect heterosexual and gay people differently, and so on. Based on the results of the present studies, it seems that a group's solidarity and status within society could be an essential variable for predicting the way in which people make decisions about ingroup and outgroup others.

Returning to the original questions of this investigation, have modern White jurors learned to inhibit prejudicial attitudes? The present studies suggest that they must first be reminded of racial norms. Is it true that "Blacks won't convict Blacks?" In the present studies, Black jurors were consistently more lenient toward Black defendants, but our results do not support the conclusion that Black jurors refuse to convict Black defendants. Black mock jurors gave Black defendants higher-than-midpoint guilt ratings in both of the studies reported here, and in pretesting we have repeatedly found conviction rates in the 70% to 80% range among Black mock jurors judging Black defendants. It is important to point out that in spite of any tendency to correct against perceived injustices in the legal system, Black jurors still appear to give Black defendants high guilt ratings and make some dispositional attributions for their negative behavior. It is also worth emphasizing that the present studies suggest that White jurors (and by exten-

sion White police officers, White judges, White lawyers, etc.) still demonstrate bias in cases where racial issues are not emphasized, justifying Black jurors' skepticism about the fairness of the criminal justice system.

NOTES

1. It is difficult to gauge how robust these racial effects are, however. Studies that find no evidence of racial bias are unlikely to be published, creating a "file drawer" problem that has undoubtedly contributed to the inconsistencies in the literature.

2. A more complete $2 \times 2 \times 2$ design that also manipulated race of victim would have been preferable, but this study served as an initial investigation into race in the courtroom, and we chose to focus our resources on the two most central courtroom players: the defendant and the juror. The use of exclusively cross-racial crimes leaves open the possibility that jurors were influenced by the victim's race and not the defendant's race, an issue that we will address in the General Discussion. Our predictions and data, however, are consistent with the assumption that the defendant's race was a significantly influential factor in mock jurors' decisions, and we have obtained similar results in another experiment that used a trial in which the defendant was charged with a "victimless" crime. Another approach in the present study would have been to withhold from participants information pertaining to the victim's race, an alternative we rejected as unrealistic because jurors always have access to this information in an actual trial. To hold the victim's race constant across conditions would have been similarly inappropriate because that would have produced some conditions with cross-racial crimes and some with same-race crimes. We used cross-racial crimes in all conditions because many critiques of Black jurors have focused on their performance in interracial trials (see Reynolds, 1996) and because doing so allowed for the race-salience manipulation used in Study 2. Nevertheless, a systematic analysis of the effects of a victim's race on mock jurors is a necessary future step for the investigation of race in the courtroom.

3. It is statistically difficult to determine the relative influence of ingroup preference and outgroup derogation in jurors' decisions. In Study 1, Black mock jurors' judgments of White defendants do not significantly differ from Whites' judgments of White defendants, and the same is true for judgments of Black defendants. Black mock jurors, however, significantly differ in their own ratings of White and Black defendants. We refer to this result as same-race leniency out of theoretical considerations that are addressed later in the Study 1 Discussion. But we do not rule out the possibility that anti-White sentiment is also responsible for this finding to some degree. To acknowledge this ambiguity, we use the neutral terms *ingroup/outgroup bias* and *racial preference* throughout this article, except in instances when we believe there is reason to conclude that either ingroup or outgroup attitudes are chiefly responsible for the effect.

4. When asked to use a 7-point scale (1 = *not at all* and 7 = *very much*) to rate the extent to which a defendant's race affects whether he or she receives a fair trial, Whites' mean response of 4.69 was significantly lower than Blacks' mean of 6.89, $F(1, 182) = 19.57, p < .001$ (Sommers & Ellsworth, 1998).

5. Of course, many noteworthy experiments involving stereotyping and prejudice have used college students as participants. But, in recent years, a good number of these studies have focused on subconscious priming effects and other implicit measures of prejudice (e.g., Devine, 1989; Dovidio, Kawakami, Johnson, & Johnson, 1997; Wittenbrink, Judd, & Park, 1997). Implicit measures could be used in studies of the legal system to gauge participants' opinions about defendants or interpretations of trial evidence. However, not much is known about the connection between implicit responses and juror behavior, and an initial investigation into the role of race in the courtroom seems best served by the explicit measurement of mock jurors' perceptions used in the present studies. We would also add that college populations may be quite appropriate for understanding other, nonracial aspects of jury behavior, such as the effects of jury size, the order of presentation of evidence, and so forth.

6. A direct measure would have asked, "To what extent did racial issues influence your perceptions of the trial?" But we believed that participants would be unable and/or unwilling to answer this question accurately (see Nisbett & Wilson, 1977). Because our race-salience manipulation involved the racial motivation for the alleged crime, we used perceptions of the racial nature of the crime itself to indirectly gauge how salient racial issues were in the minds of mock jurors as they read the trial.

7. Had we selected a different race-salience manipulation that portrayed the defendant in a more sympathetic light (e.g., pretrial publicity about racial taunts he had endured), we would expect that White jurors would give equally lenient guilt ratings to both defendants in the race-salient condition and to the White defendant in the non-race-salient condition but a higher guilt rating to the Black defendant in the non-race-salient condition. The crucial comparisons, however, would remain those between the White and Black defendant conditions of each version of the trial, with racial prejudice expected only in the non-race-salient version. The finding that the White defendant/non-race-salient cell had the lowest average guilt rating of the four White juror groups in the present study was not one of our predictions, and in a study using a different race-salience manipulation, we would not necessarily expect to replicate that result.

REFERENCES

- Batson v. Kentucky, 476 U.S. 522 (1986).
- Bernard, J. L. (1979). Interaction between the race of the defendant and that of jurors in determining verdicts. *Law and Psychology Review*, 5, 103-111.
- Bodenhausen, G. V., & Wyer, R. S. (1985). Effects of stereotypes in decision making and information-processing strategies. *Journal of Personality and Social Psychology*, 48, 267-282.
- Brewer, M. B., & Brown, R. J. (1998). Intergroup relations. In D. T. Gilbert (Ed.), *The handbook of social psychology* (Vol. 2, 4th ed.). Boston: McGraw-Hill.
- Devine, P. G. (1989). Stereotypes and prejudice: Their automatic and controlled components. *Journal of Personality and Social Psychology*, 56, 5-18.
- Dovidio, J. F., & Gaertner, S. L. (1991). Changes in the expression and assessment of racial prejudice. In H. J. Knopke, R. J. Norrell, & R. W. Rogers (Eds.), *Opening doors: Perspectives on race relations in contemporary America*. Tuscaloosa: The University of Alabama Press.
- Dovidio, J. F., Kawakami, K., Johnson, C., & Johnson, B. (1997). On the nature of prejudice: Automatic and controlled processes. *Journal of Experimental Social Psychology*, 33, 510-540.
- Fairchild, H. H., & Cowan, G. (1997). The O.J. Simpson trial: Challenges to science and society. *Journal of Social Issues*, 53, 583-591.
- Fein, S., Morgan, S. J., Norton, M. I., & Sommers, S. R. (1997). Hype and suspicion: The effects of pretrial publicity, race, and suspicion on jurors' verdicts. *Journal of Social Issues*, 53, 487-502.
- Foley, L. A., & Chamblin, M. H. (1982). The effect of race and personality on mock jurors' decisions. *Journal of Psychology*, 112, 47-51.
- Gaertner, S. L., & Dovidio, J. F. (1986). The aversive form of racism. In J. F. Dovidio & S. L. Gaertner (Eds.), *Prejudice, discrimination, and racism* (pp. 61-89). San Diego, CA: Academic Press.
- Hewstone, M. (1990). The "ultimate attribution error"? A review of the literature on intergroup causal attribution. *European Journal of Social Psychology*, 20, 311-335.
- Hymes, R. W., Leinart, M., Rowe, S., & Rogers, W. (1993). Acquaintance rape: The effect of race of defendant and race of victim on White juror decisions. *Journal of Social Psychology*, 133, 627-634.
- Johnson, J. D., Whitestone, E., Jackson, L. A., & Gatto, L. (1995). Justice is still not colorblind: Differential racial effects of exposure to inadmissible evidence. *Personality and Social Psychology Bulletin*, 21, 893-898.
- Jones, J. M. (1997). Whites are from Mars, O.J. is from Planet Hollywood. In M. Fine, L. Weis, L. C. Powell, & L. M. Wong (Eds.), *Off White: Readings on race, power, and society*. New York: Routledge.
- Kalven, H., Jr., & Zeisel, H. (1966). *The American jury*. Boston: Little, Brown.
- Kennedy, R. (1997). *Race, crime, and the law*. New York: Pantheon Books.
- Kerr, N. L., Hymes, R. W., Anderson, A. B., & Weathers, J. E. (1995). Defendant-juror similarity and mock juror judgments. *Law and Human Behavior*, 19, 545-567.
- Klein, K., & Creech, B. (1982). Race, rape, and bias: Distortion of prior odds and meanings changes. *Basic and Applied Social Psychology*, 3, 21-33.
- Mazzella, R., & Feingold, A. (1994). The effects of physical attractiveness, race, socioeconomic status, and gender of defendants and victims on judgments of mock jurors: A meta-analysis. *Journal of Applied Social Psychology*, 24, 1315-1344.
- McGowen, R., & King, G. D. (1982). Effects of authoritarian, anti-authoritarian, and egalitarian legal attitudes on mock juror and jury decisions. *Psychological Reports*, 51, 1067-1074.
- McGuire, M. V., & Bermant, G. (1977). Individual and group decisions in response to a mock trial: A methodological note. *Journal of Applied Social Psychology*, 7, 220-226.
- Nisbett, R. E., & Wilson, T. D. (1977). Telling more than we can know: Verbal reports on mental processes. *Psychological Review*, 84, 231-259.
- Parloff, R. (1997a). Race and juries: If it ain't broke . . . *American Lawyer*, 19(5), 5-7, 72-74.
- Parloff, R. (1997b). Speaking of junk science . . . *American Lawyer*, 19(1), 5-8.
- Pettigrew, T. F. (1979). The ultimate attribution error: Extending Allport's cognitive analysis of prejudice. *Personality and Social Psychology Bulletin*, 5, 461-476.
- Pfeifer, J. E., & Ogloff, J. R. P. (1991). Ambiguity and guilt determinations: A modern racism perspective. *Journal of Applied Social Psychology*, 21, 1713-1725.
- Rector, N. A., Bagby, R. M., & Nicholson, R. (1993). The effect of prejudice and judicial ambiguity on defendant guilt ratings. *Journal of Social Psychology*, 133, 651-659.
- Reynolds, G. A. (Ed.). (1996). *Race and the criminal justice system: How race affects jury trials*. Washington, DC: Center for Equal Opportunity.
- Shelton, J. N. (2000). *Blacks' mistrust of Whites: Correlates and impact on social interactions*. Unpublished manuscript, University of Michigan, Ann Arbor.
- Shelton, J. N. (in press). A reconceptualization of how to study racial prejudice. *Personality and Social Psychology Review*.
- Skolnick, P., & Shaw, J. I. (1997). The O.J. Simpson criminal trial verdict: Racism or status shield? *Journal of Social Issues*, 53, 503-516.
- Sommers, S. R., & Ellsworth, P. C. (1998). Unpublished raw data, University of Michigan, Ann Arbor.
- Sunnafrank, M., & Fontes, N. E. (1983). General and crime related racial stereotypes and influence on juridic decisions. *Cornell Journal of Social Relations*, 17, 1-15.
- Sweeney, L. T., & Haney, C. (1992). The influence of race on sentencing: A meta-analytic review of experimental studies. *Behavioral Sciences and the Law*, 10, 179-195.
- Tajfel, H. (1982). *Social identity and intergroup relations*. Cambridge, UK: Cambridge University Press.
- Tinsley, K. M. (1991). *Race and jury decision-making*. Unpublished doctoral dissertation, University of Virginia, Charlottesville.
- Ugwuegbu, D. C. (1979). Racial and evidential factors in juror attribution of legal responsibility. *Journal of Experimental Social Psychology*, 15, 133-146.
- Wittenbrink, B., Gist, P. L., & Hilton, J. L. (1997). Structural properties of stereotypic knowledge and their influences on the construal of social situations. *Journal of Personality and Social Psychology*, 72, 526-543.
- Wittenbrink, B., Judd, C. M., & Park, B. (1997). Evidence for racial prejudice at the implicit level and its relationship with questionnaire measures. *Journal of Personality and Social Psychology*, 72, 262-274.

Received November 2, 1998

Revision accepted June 17, 1999