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I am submitting herewith a dissertation written by Steve Robert Pasternack entitled "The Effects of Perceived Community Pressure on Simulated Juror Guilt Attributions: An Experimental Study." I have examined the final copy of this dissertation for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy, with a major in Communications.

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THE EFFECTS OF PERCEIVED COMMUNITY PRESSURE ON SIMULATED JUROR GUILT ATTRIBUTIONS: AN EXPERIMENTAL STUDY

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ABSTRACT

This dissertation explored the possible effects of community pressure on trial juror guilt attributions. The results of the controlled laboratory experiment were then applied to the issue of televised trials using the following scenario: if trials are televised and jurors are shown on television (as they currently are in more than 20 states), the jurors will lose their anonymity and become more susceptible to community pressures. The types of trials chosen for telecasting would generate large doses of pre-trial publicity, and the level of pre-trial publicity is directly related to the level of prejudgment of guilt in a community.

With that background it was hypothesized that subjects treated with community pressure would be more likely to convict a criminal defendant (in a mock trial setting) than would subjects not exposed to community pressure.

The data were gathered in a laboratory experiment in which subjects were given detailed instructions, handed news stories and shown videotaped excerpts of a trial. A questionnaire was distributed to the 145 subjects, undergraduate students at Texas A&M University.

Results suggest that perceived community pressure did play a role in verdicts. The group treated with community pressure was significantly more likely to deliver a guilty verdict and to score the defendant higher on a 10-point guilt intensity scale.

The results of this test of community pressure can be applied to the question of cameras in the courtroom. Opponents of televised

trials say that jurors whose identity can be ascertained might become more susceptible to pressure to conform to community sentiments. Currently, in the aftermath of the Supreme Court ruling in Chandler v. Florida (1981), 38 states allow some form of televised courtroom coverage; many of those states are still formulating policies.

The data from this study, although certainly not conclusive, did suggest that televised trials could have an effect on jurors whose identity is available to the community. It was recommended that states continue to experiment with televised trials, but that they include provisions which prohibit the televising of the jury.

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CHAPTER I

INTRODUCTION

At a time when the extent of news media access to criminal trials was a subject of close judicial scrutiny, the United States Supreme Court ruled unanimously[1] on January 26, 1981 that states are not constitutionally barred from televising trials. The ruling, in Chandler v. Florida, by a Court sometimes perceived as either hostile or indifferent to increased news media access to the judicial process and other public institutions,[2] was warmly received in the nation's broadcast newsrooms. By contrast, the Chandler decision was met with a degree of muted disbelief by a legal establishment still inherently--and instinctively--opposed to the telecasting of criminal trials.

The Chandler decision should not have been a total surprise to the nation's broadcast journalists. Previous Burger Court decisions had, for example, labeled protective orders unconstitutional[3] and held that there is a First Amendment right to attend criminal trials.[4]

The Chandler decision held that a Florida regulation established

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[1]Chandler v. Florida, 101 S. Ct. 802 (1981).

[2]Houchins v. KQED, 98 S. Ct. 2588 (1978); Pell v. Procunier, 94 S. Ct. 2800 (1974) both suggest that the press' access to public institutions to gather news is not guaranteed in the Constitution.

[3]Nebraska Press Association v. Stuart, 96 S. Ct. 2791 (1976).

[4]Richmond Newspapers Inc. v. Commonwealth of Virginia, 100 S. Ct. 2814 (1980).

in 1978 (see Appendix D) which permitted courtroom television--notwithstanding defense objections--does not violate the Constitution. In granting individual states the authority to experiment with cameras in the courtroom and determine their own policies (see Appendix E), the Supreme Court held that two defendants in a Miami burglary case failed to demonstrate that televised coverage of their trial violated their Sixth Amendment right to a fair trial. In effect, the Supreme Court said there is no evidence to suggest that cameras in the courtroom have an adverse effect on trial participants--including jurors. However, at the same time, the Court neither praised nor condemned the practice of televised trials.

Thus, the Chandler ruling in 1981 effectively voided a 1965 Warren Court decision[5] which held that the presence of cameras in court deprives a defendant of the right to a fair trial. Also, Chandler deflated the impact of a 44-year-old non-binding rule of the American Bar Association which forbids most courtroom photography (see Appendices A, B and C).

The morning after the Chandler ruling was announced, The New York Times reported that the decision was likely to accelerate "the trend toward cameras in the courtroom" (Greenhouse, 1981, p. 1). At the time, 22 states were permitting some form of electronic court coverage; by June 1981, the total was up to 30 (Cameras in the courts, 1981), and in July 1982, 38 states were either permitting or experimenting with televised trials (News media coverage, 1982). In fact, in early

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[5] Estes v. Texas, 85 S. Ct. 1628 (1965).

1982, the American Bar Association considered changing its anti-telecast policy and permitting televised trials with the consent of the presiding judge (ABA Panels, 1982).

One key to the determination of individual state policies in the wake of Chandler, according to Chief Justice Warren Burger, is the presentation of empirical data "sufficient to establish that the mere presence of the broadcast media in the courtroom inherently has an adverse effect on that process under all circumstances" (Chandler v. Florida, p. 805). The court added:

> If it could be demonstrated that the mere presence of photographic and recording equipment . . . invariably and uniformly affected the conduct of participants so as to impair fundamental fairness, our task would be simple; prohibition of broadcast coverage of trials would be required. (Chandler v. Florida, p. 810)

But, the court saw no definitive evidence. As Davis (1980) wrote a year earlier: "Not a shred of material evidence has emerged to show that camera access has been incompatible with the right to due process and a fair trial" (p. 86).

This timely combination of increased nationwide interest in courtroom television, plus a definite lack of data for the states to consult in formulating policies, suggests a need for an ongoing program of research to assist these decisionmakers.

Purpose of the Research

This research does not propose to provide answers to the question of whether the presence of cameras in courtrooms has an effect on trial participants. Instead, it will closely focus on one area of

concern which might be significantly related to the problems that televised trials might create.

Specifically, this study looked at the effects that community pressure might have on an individual's attributions of guilt to a criminal defendant. In a controlled laboratory setting, the research sought to discover whether community pressure to conform to a set of expectations--which is likely to accompany televised trials--has any effect on juror decisionmaking.

Of course, the juror in a trial is but one part of the overall courtroom environment. As a group, however, jurors are the most likely ones to become vulnerable to any adverse effects that the telecasting of trials might have. Due to their amateur status as triers of fact and the gravity of their task, the juror emerges as the person most likely to become susceptible to outside influences compared to others involved in the trial.

It has been suggested, for example, that televised trials might strip jurors of the facelessness and anonymity they normally maintain; social psychologists have found that when persons lose their anonymity, they are significantly more likely to conform to the exceptations of others in an effort to gain--or keep--social approval. Community sentiment prior to and during criminal trials--particularly the types of cases that gatekeepers will select for "good" television--often "demands" a conviction. Such a setting, of course, involves a "worst case" approach, but the possibility of a bias against a defendant in a trial--even if only in this setting--would be sufficient cause for concern in the states formulating policies.

Such a result--that community pressure plays a role in juror decisionmaking--even from the sterile confines of a social science laboratory with its low levels of generalizability and high level of artificiality--could become yet another factor in the future of electronic courtroom coverage.

Historical Overview

The court's Chandler decision was the soundest endorsement--even if not intended as such--for courtroom photography in this century.

As far back as the 1920s, there were growing indications that cameras would not be particularly welcome in courtrooms, and that someday courtrooms might be closed to photography. For example, in 1928 the Baltimore City Court urged that still cameras be kept out of the city's courtrooms (Hallam, 1940). Isolated instances of courtroom closures arose in the next several years, but it was not until the 1935 murder-kidnap trial of Bruno Hauptmann that the issue of cameras and courts received national attention. The case was notorious on its face: Hauptmann was accused of kidnaping and murdering the infant son of national hero Charles Lindbergh; most of the case's notoriety stems from the press abusing its privilege in coverage of that trial.

Hordes of reporters swarmed in and around the New Jersey courtroom. Photographers roamed the aisles at will, firing off flashbulbs (Martin, 1978). In fact, the trial judge's order forbidding the taking of pictures was simply ignored (Hallam, 1940). A few newspapers took the highly irresponsible action of publishing photographs of individual jurors in a community already seething with anti-defendant sentiments.

A cutline beneath a photo of one juror stated: "Everytime he (the juror) sees a news photographer's camera lens pointed his way, he ducks, averts or covers his face" (Hallam, 1940, p. 461).

This circus-like atmosphere received massive news coverage and did not go unnoticed by the nation's legal establishment. Two years after the Hauptmann trial, the American Bar Association House of Delegates adopted Judicial Canon 35, which effectively called for a complete prohibition of courtroom photography (see Appendix A).

However, Canon 35's bark was greater than its bite. States maintained the adoption, modification or rejection of the ABA rule. For example, the Oklahoma Supreme Court called Canon 35 "nothing more than a system of principle of exemplary conduct . . . recommended to the bench" (Rogers, 1963, p. 739). At the time of that 1958 declaration, Oklahoma was one of three states (Colorado and Texas being the others) which allowed courtroom television.

However, voluntary as adoption of Canon 35 may have been, its spirit spread rapidly across the nation. In Minnesota, for example, judges went one step beyond, enacting court rules that prohibited photography not only in the courtroom, but in the entire courthouse as well (Hallam, 1940). In 1946, the canon was extended to include the federal courts (Martin, 1978) and six years later to include television coverage (White, 1979). Perhaps those 1952 additions (see Appendix B) were a direct reaction to an experimental trial telecast in California in which the state's highest court publicly condemned the use of cameras at the trial, but, significantly affirmed the lower court

conviction finding no evidence that jurors at the trial were affected by the presence of cameras (Martel, 1959).

Meanwhile, in Texas, the decision regarding telecasting of a trial was left to the presiding judge on a case-by-case basis. In Waco, a judge gave a local television station the green light to do a live telecast of a murder trial with the understanding that there would be only one camera and one camera operator allowed in the courtroom. Following the trial, the jury foreman was quoted as saying he did not think the presence of cameras affected the jury (McCall, 1956; Seals, 1956).

The success in Texas echoed in Colorado, as that state rejected Canon 35 and adopted a plan similar to Texas' (Wolf, 1978). And, by the early 1960s, as equipment used by photographers became less obtrusive and the need for additional courtroom lighting decreased, at least a dozen states were permitting--or at least experimenting with--courtroom television (White, 1979).

However, while the technology had improved somewhat, behavior of some journalists had not. Reporters covering a trial in Baltimore convinced several jurors at a murder-kidnap trial to re-enact their deliberations on camera; and, in New York, a trial witness who had recently lost a leg was being wheeled out of court when overzealous photographers, eager to shoot closeups, tumbled onto his stretcher causing him greater injuries (Gillmor & Barron, 1974). And, of course, one of the most flagrant examples of press misbehavior in court was at the murder trial of Sam Sheppard in Ohio. Cameras flashed, reporters harassed witnesses, and one local radio station in Cleveland broadcast

live reports from just outside the jury room during deliberations (Neubauer, 1979).

Such antics led to the so-called Reardon guidelines governing press performance on a voluntary basis as well as ethics guidelines for courtroom journalism. In fact, the Radio-Television News Directors Association even told its photographers how to dress for court (Gillmor & Barron, 1974).

The status of courtroom television was in flux in 1965 when the case of Billie Sol Estes arrived at the U.S. Supreme Court. In a landmark ruling, the court ruled that the presence of cameras at Estes' fraud trial in Texas denied him due process. Despite the fact that the trial judge was quoted as saying he was pleased with the behavior of photographers at the trial (Gillmor & Barron, 1974), the Supreme Court ordered a new trial in a decision not intended to be--but nonetheless interpreted as--a sweeping constitutional mandate against cameras in court.

In his majority opinion, Justice Clark said that cameras in court could adversely affect jurors by suggesting a special notoriety for those cases chosen for television. Noting that cameras themselves are distracting, he was careful not to rule out the possibility of future courtroom television: "Television in its present state and by its very nature reaches into a variety of areas in which it may cause prejudice to the accused" (p. 544; emphasis added).

In a concurring opinion, Justice Harlan warned that trial jurors might act in such a way as to give "a satisfactory television performance" (p. 591). Indeed, the court made it clear in Estes that juror

awareness of cameras' presence could be just as distracting as their physical presence (Cleary, 1966).

The Estes impact was immediate and wide-ranging. In a next-day news analysis, a New York Times reporter wrote: "If yesterday's Supreme Court ruling throwing out the swindling conviction of Billie Sol Estes did not kill television coverage of criminal trials, it left it hanging by a thread" (Zion, 1965, p. 30). In an editorial that same day, the Times said the problem of televised trials could be alleviated if the courts would allow them to become more routine and if hidden cameras could be used (No right to courtroom TV, 1965).

States which were considering allowing cameras in court abandoned their plans, and most with programs intact disposed of them following Estes. Once the dust settled, only Colorado continued to allow televised trials (Martin, 1978); by 1972, when Canon 35 was amended to permit limited photography (see Appendix C), the future of trials on television appeared bleak.

But by the mid-1970s, as memories of Estes faded and as the portable minicam replaced bulkier film equipment, courtroom television made another comeback--this time in Florida. Two television stations petitioned the state Supreme Court in 1975 to modify the ban on courtroom television, stressing technology advances that had occurred in the decade since the Estes decision (Kreeger, 1978). The court decision in that case[6] resulted in a one-year experiment in Florida in which trials went on television while television went on trial. In fact, it

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[6]In re Petition of Post-Newsweek Stations, Florida, Inc., 327 So. 2d 1 (1976); the rule was made permanent at 370 So. 2d 764 (1979).

was during the experiment that the murder trial of Ronnie Zamora was televised; in that case, the teenage defendant claimed that watching violent police shows on television "caused" him to kill an elderly woman. It was also during this experimental period that Chandler, a former Miami policeman, and a co-defendant went on trial.

The prospective jurors at the Chandler trial were each asked whether the presence of television at the trial would affect their consideration of the case; all said it would not affect them. In all, only two minutes and 50 seconds of the Chandler case were televisied publicly.[7]

Under the provisions of the Florida experiment, broadcasters arranged for pooled coverage limited to one portable moving camera and two still cameras. Microphones had to be turned off during bench conferences, additional lighting was prohibited and jurors could not be photographed entering or leaving the courtroom (Whisenand, 1978).

In April 1979, the Florida Supreme Court declared the experiment a success and voted to permit full televised coverage of state and appellate courts (Craig, 1979). See Appendix D for the Florida revised canon for courtroom television.

The Florida revised canon, it should be noted, did not surface without controversy. Several defendants' requests to prevent the telecasting of their trials were denied by judges. For example, Theodore Bundy, on trial for murder, said after his trial that the presence of cameras in the courtroom damaged his case (Cameras rolling, 1979). The

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[7]101 S. Ct. 820 (1981).

two defendants in the Chandler case sought to have the canon declared unconstitutional, but their repeated motions were denied. In fact, the presiding judge rejected a motion by Chandler's attorney that would have ordered prospective witnesses not to watch televised accounts of the trial.

Support for the canon came overwhelmingly from the Florida judiciary; 65 of 68 judges polled said they did not think cameras distract jurors (Whisenand, 1978). Other polls done over the past quarter century, however, suggest that feelings on the subject are mixed. One found that about 97 percent of judges opposed the presence of cameras in court (Siebert, 1970), while another earlier study found that 100 percent of judges--in this pre-Estes era--said cameras would be psychologically distracting to jurors (Cashman & Froke, 1958). Meanwhile, a 1982 poll of 600 attorneys found that 61 percent disapprove of televised trials (Majority of attorneys, 1982).

In 1979, the American Bar Association's Standing Committee on Association Standards for Criminal Justice recommended that television, radio and still-photograph coverage of court proceedings be allowed if it was deemed nondisruptive and unobtrusive. Despite the 44-1 vote of that committee, the ABA's House of Delegates rejected the proposal (Tate, 1979). In August 1982, the ABA dropped Canon 35, suggesting instead that judges control televised trials carefully (Barbash, 1982).

Current Status of Electronic Coverage

Of the 38 states permitting electronic coverage as of July 6, 1982, 24 had permanent plans and 16 had experimental programs. Kansas

and Maryland fell into both categories. Of those 38 states, 29 allowed trial coverage.

In addition, four other states had petitions pending in the courts for experimental programs.

Of the 29 states allowing trial coverage, 8 require juror consent before the jury may be shown on camera. For example, Colorado empowers the trial judge to prohibit coverage of objecting jurors. Several other states do not require juror consent, but either limit or prohibit jury coverage. For example, Arizona, Connecticut and New Jersey forbid coverage that would result in recognition of individual jurors; Arkansas and Ohio do not allow any jury coverage. While in some states an individual juror objection to coverage results in the entire jury being off-camera, in some others objections by a juror suspend coverage as to that person only (News media coverage, 1982).

Of the 38 states with programs, 28 permit both trial and appellate coverage, one allows trial coverage only and none permit coverage of the appellate courts only. All 38 states require the judge's consent. For a complete state-by-state listing of policies, see Appendix E.

CHAPTER II

REVIEW OF THE LITERATURE

This chapter will review the literature relating to effects of cameras in the courtroom, with emphasis on the impact that electronic coverage might have on trial jurors. Next, it will focus on the role of pre-trial publicity in criminal cases, and how availability of such information might affect a juror's perception of a defendant's guilt or innocence.

The third section of this chapter will review the literature of social psychology relating to theories of conformity, anonymity, social approval and the psychological theory of authoritarianism.

Trials, Cameras and Jurors

Perhaps the day will never arrive when handsome professional actors will replace attorneys and trials will be scheduled for prime time telecasts as Sage (1968) predicted, but cameras in the courtroom would likely effect great changes in the conduct of trials, numerous authors contend. Griswold (1962) predicted that the presence of cameras and photographers in courtrooms would frighten witnesses, cause attorneys to ham it up and offer elected judges a platform from which to run for a new term in office. The late Supreme Court Justice William O. Douglas (1960) argued that cameras could make a witness so nervous that in some cases they wouldn't even show up in court. And, Underwood (1966) claimed that since trial jurors often evaluate a witness' truthfulness based on the witness' demeanor on the stand, a witness unnerved

by cameras but telling the truth could be perceived by the jury as lying. Of course, as O'Mara (1972) said, jurors can be influenced by the behavior of the judge; Welsh (1978) added that since jurors are often confused about their task, they rely heavily on the character of other trial participants to help them in reaching a verdict.

Not only do jurors look at others. Fatzer (1979) said televised jurors would be quite self-conscious of how they appear to the viewing audience. In fact, a 1981 poll of jurors found that 48 percent said the presence of cameras in court made them self-conscious (Day, 1981). As Nesson and Koblenz (1981) wrote, jurors could be affected by the knowledge that if they did something newsworthy, they might make the evening news. Members of one Florida jury reportedly asked the trial judge if they could watch themselves on television during a recess to see how they looked (Block, 1978). Some of these dire forecasts are discounted by Graham (1975) who doubts that jurors in a televised trial would behave like fans at a ball game, waving at the cameras as they pan the crowd.

Rather than being distracted, jurors in televised trials might actually be more alert (Hoyt, 1977). In an experimental study, Hoyt found that mock jurors who were told they were being televised retained more information than those in the non-televised group. Blashfield (1962) concurs, pointing out that cameras in trial courtrooms would make the juror more aware of being under close public scrutiny, thus bringing a higher sense of responsibility to the jury member (Television and newsreel, 1958).

Simon (1980), who has extensively studied jury behavior over the past two decades, concluded:

> Experiments to date indicate that for the most part, jurors are able and willing to put aside extraneous information and base their decisions on the evidence. Results show that when ordinary citizens become jurors, they assume a special role in which they apply different standards of proof, more vigorous reasoning and greater detachment. (p. 117)

Thus, Simon suggests that televised trials would not adversely affect jurors, but instead would be cast aside as yet another part of the overall trial setting. Most significantly, she predicts that cameras in court would not play a role in determination of a verdict. Netteburg (1980) concluded that as people come to accept, and even expect cameras in court, they will treat sensational trials more routinely. His prediction, directed at the community, could certainly apply as well to jurors.

While even the most vehement proponents of courtroom television would admit that the problems of electronic trial coverage demand additional study, opponents are certain to concede that reasonable steps are being taken to minimize whatever problems might surface. For example, photographs of jurors are not permitted in California (Bass, 1981), and Alabama coverage is halted whenever a witness, party, juror or attorney expressly objects (News media coverage, 1982). Iowa presumes the validity of objections to coverage by police informants, undercover agents and relocated witnesses and several states do not permit coverage when victims of sex crimes are testifying (News media coverage, 1982).

Beisman (1981) proposed that all states adopt systems in which

consent of jurors is required before the jury may be photographed, but also suggested that jurors have absolutely no say in the decision of whether the trial is to be televised.

Of course, the physical intrusion problem cited in Estes is no longer a major concern. Noiseless and portable cameras make the photographers less obtrusive (D'Alemberte, 1974). The newer equipment can adequately photograph court proceedings without additional lighting being required and with a minimum of wiring necessary across the courtroom floor. Most states forbid the use of extra lighting (White, 1979) and others prohibit changing of lenses or cameras in the courtroom except during recesses (White, 1979).

Another suggestion to reduce possible negative effects of televised trials would be to permit television stations to videotape the case, but not broadcast the trial until the verdict is rendered. This suggestion, made to Oregon jurists by Tornquist and Grifall (1981) would, the authors contend, reduce the case's newsworthiness and at the same time lessen possible outside influences on jurors.

Such safeguards by the courts and the news media are aimed not only at gaining electronic access into courtrooms, but also at increasing public confidence in the judicial system (Bass, 1981), educating the public about the least understood branch of government (Roberts & Goodman, 1976) and dignifying court proceedings (Wolf, 1978).

The claims of benefits are met head-on by arguments that it would be almost impossible to impanel an impartial jury for a re-trial if the original trial was televised (Television and newsreel, 1958). According to Craig (1979), it may even be difficult the first time

around. He cited a Florida case in which the defense attorney said prospective jurors might conceal their biases in order to get on television; Loewen (1978) said some prospective jurors might actually be embarrassed to admit during voir dire that the presence of cameras in court would distract them.

In any event, a variety of surveys have shown varying degrees of distraction among jurors. In one study, 77 percent of the jurors polled said cameras at the trial they heard did not distract them (Mixed blessing, 1978), while another study found that half of the jurors polled said they were distracted (Day, 1981). In any event, studies continue to suggest that large percentages of jurors favor the idea of televised trials (Tate, 1979).

The Role of Pre-Trial Information

Pre-trial information is nothing more than information about a case released before the trial begins. It may include demographic details such as a defendant's name and age, or arrest information based on the police report. It may also consist of information that could sway a reader for or against a defendant. Positive information surfaces occasionally; reporting that someone is a good family man, or quotes from neighbors expressing shock at an arrest are examples. Negative information is more common, taking the form of publication of test results, confessions or prior criminal record.

Of course, the amount and nature of pre-trial information can play a role in the guilt attribution of jurors. As Hoiberg and Stires (1973) said, "The legal system is confusing ideals with realities if it

assumes that jurors exposed to pre-trial publicity enter the courtroom with completely open minds" (p. 270).

Most observers, such as Richardson (1966), claim that pre-trial publicity is generally calculated to prevent an accused from receiving a fair trial; Sohn (1976) and Connors (1975), however, both note that even neutral pre-trial information serves as a biasing factor against the defendant. In Estes, Justice Clark said that when a trial is televised, members of a community are likely to automatically view that case as a cause célèbre, and jurors would thus find it difficult to maintain an impartial stance in the face of community hostility toward the accused. Craig (1979) said that asking prospective jurors about their feelings toward televised trials might actually serve to intensify their perception of the case as a cause célèbre.

Even without the prospect of a televised trial, pre-trial publicity has gnawed for years at the delicate balance between the First Amendment guarantee of speech freedom and the Sixth Amendment right to a fair trial. In a 1961 case,[1] the U.S. Supreme Court for the first time overturned a criminal conviction because of the prejudice created by pre-trial publicity. In the renowned Sheppard case,[2] the Court noted numerous incidents of press misbehavior both prior to and during the trial in Ohio, and overturned a murder conviction. In 1976, the Court made it clear that it was committed to granting the press access to

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[1] Irvin v. Dowd, 81 S. Ct. 1639 (1961).

[2] Sheppard v. Maxwell, 86 S. Ct. 1507 (1966).

publishing pre-trial information, except in extraordinary circumstances.[3]

Despite much ado about pre-trial information, social science research has generally found that most jurors are simply not aware of the influence pre-trial publicity might have on them. For example, one week before the start of a murder trial in Illinois, 65 percent of prospective jurors polled said they favored a conviction in the upcoming case; despite that, 59 percent of the sample said they felt they could serve as impartial jurors (Simon, 1977).

Goggin and Hanover (1965) made an extensive study of the effects of pre-trial publicity on an individual's belief structure and discovered that people form beliefs and interpret information so as to best satisfy their own needs. One of these needs is social approval. That need, combined with general juror ignorance about the legal process and perceived reliability of news media reports about a case, makes the prospective jury member generally resistant to distinguishing between accusations and convictions. Goggin and Hanover conclude that such evidence makes it extremely difficult to assume juror impartiality.

Meanwhile, Tans and Chaffee (1966) found that there is a strong human tendency to prejudge a criminal defendant guilty and that the likelihood of such a prejudgment is directly related to the amount of pre-trial information generated about the case. Grady's (1972) study of simulated jurors found that those who presumed guilt prior to the trial were more aware of news media coverage of the case than were those

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[3]Nebraska Press Association v. Stuart, 96 S. Ct. 2791 (1976).

who presumed innocence. Sue and Smith (1974) discovered in their study that prejudicial pre-trial information is more likely to lead to a verdict of guilty than is neutral, demographic pre-trial information.

In an exhausive review of 17 studies dealing with the effects of pre-trial publicity, Buddenbaum, Weaver, Holsinger and Brown (1981) concluded: "Pretrial publicity usually increases both knowledge about a crime and willingness on the part of jurors to form opinions about the guilt or innocence of the defendant" (p. 5).

Other studies of pre-trial publicity have found that information about a defendant's prior record in a too-close-to-call (Padawer-Singer & Barton, 1975) or particularly heinous case (Hoiberg & Stires, 1973) increases the likelihood of a guilty verdict. Hines, Bachman and Starr (1973) found that news reports can function to slant reader attitudes against a defendant, while Connors (1975) significantly concluded that when a community is exposed to pre-trial publicity which is prejudicial in nature, the publicity itself constitutes a hostile community sentiment, similar to what Furcolo (1968) called the "thirteenth juror"--the climate of public opinion in the community.

Conformity

Conformity necessarily involves group pressure and yielding behavior. In order for conformity to occur, a person must undergo either a behavioral or attitudinal change as a result of real or imagined group pressure (Kiesler & Kiesler, 1969). By contrast, uniformity does not involve group pressure, but is predicated upon societal agreement. For example, most Americans are "uniform" in the belief

that a good diet is essential for good health; but in deciding that, they have not yielded to group pressure, i.e., conformed.

At the core of conformity theory is the so-called group norm, which is a set of expectations held by members of a group concerning how one ought to behave (Rommetveit, 1955). In order for conformity to occur, there must be an initial conflict between group norms and the forces within an individual (Krech, Crutchfield & Ballachey, 1962). However, such group pressure need not be explicit (McGuire, 1968).

For the most part, conformity appears to be targeted at gaining social approval (Allport, 1924). Persons who feel accepted by a group are more likely to adhere to group standards (McDavid & Harari, 1968); thus, people who wish to gain social approval and acceptance by a group will adopt its norms and adhere to them.

These "groups"--such as peers in a community--need to be distinguished from reference groups which can also influence a person's attitudes and behavior. Reference groups accomplish that without sanction or pressure, serving instead as a standard for beliefs and values, although not necessarily belonged to.

Greenspoon (1955) found that disapproval by a primary group, such as peers in the community, modifies behavior, leading him to conclude that social approval acts as an incentive toward which human behavior is unconsciously directed. Social approval is based on a desire to gain reward and on a distaste for negative sanction. People generally expect that they will be approved of if they meet the expectations of significant others (Berkowitz, 1972). Those with the highest needs for social approval tend to show the greatest susceptibility to

group pressure and are most likely to be conformists (Crowne & Marlowe, 1964; McLaughlin & Hewitt, 1972).

While the focus in this research is on conforming behavior, it is nonetheless useful to distinguish between two levels of conformity--behavioral and attitudinal (Jahoda, 1959). Conforming behavior is labeled "compliance" and conforming attitudes are generally called "private acceptance" (Kielser & Kiesler, 1969). As Jahoda outlined in her conformity model, persons can comply publicly to gain social approval, while at the same time not changing their private opinions on a matter. Once the group pressure which generated the conforming behavior is removed, those who complied are likely to return to their original position, but those who ventured beyond that to private acceptance are likely to retain the "conformed" viewpoint (Worchel & Cooper, 1976).

Conformity actually can be the result of situations which either have or lack group pressure. McGuire (1968) said that true conformity exists in the absence of social pressure, and is based on the presumed expertise of a significant other functioning as the conformity catalyst. For example, a juror might yield because he is impressed by the legal know-how of another juror, although that individual has made no overt attempt to make others conform to his views. This type of conformity has been called "informational social influence" (Deutsch & Gerard, 1955) since it is based on a belief that others are correct. The second type of conformity is "suggestibility" in which a persuasive message is used to foster yielding behavior and in which some degree of pressure is exerted. An example might be the front-page newspaper

editorials prior to the trial of Sam Sheppard which called for his arrest and conviction without delay. A juror reading those accounts would be aware of a desire for a certain behavior by others in the community. This type of conformity--"normative social influence"--is based on the perceived expectations of others and a desire to fulfill those expectations by adhering to group norms.

Early conformity research was based mainly on the behavioral component, generally not heeding attitudinal changes that may or may not accompany the conative aspect. Sherif (1956) pioneered modern conformity research in the 1930s with his series of autokinetic experiments, results of which generally supported the belief that groups establish norms to which individuals in the group will adhere. Asch (1951) developed the well-known line-matching test for conformity and found that naive subjects often went along with "wrong answers" offered by confederates, perhaps out of a fear of appearing deviant.

Throughout the relatively brief history of research into conformity, two basic schools of thought have surfaced. To some, conformity is a trait possessed by certain individuals and to varying degrees; to others it is a behavior governed by situational variables. Crutchfield (1955) found that conformists are less intelligent, possess less ego strength and have greater feelings of inferiority than do non-conformists. Other "traitists" suggest that prejudiced persons are more likely to be conformists (Malof & Lott, 1962), that women conform more readily than do men (Tuthill & Forsyth, 1982; Janis & Field, 1959; Tuddenham, 1958; Whittaker, 1965) and that people who are generally insecure about

themselves are more likely to be conformists than are secure individuals (McLaughlin & Hewitt, 1972).

Meanwhile, others claim it is foolhardy to suggest such a thing as a conforming personality. Allen (1965) and Willis and Hollander (1964) point out that people who do not conform are not necessarily non-conformists. Instead, a failure to conform may be a result of independence, feelings of anti-conformity or the current situation. Situationalists approach conformity from a social psychological perspective, suggesting that conformity is governed more by external incentives (Kelman, 1958) than by internal traits. For example, conformity has been found to be a result of one's relationship with a group (Kiesler & Kiesler, 1969); the more accepted a person feels by a group, the more likely that person is to conform to group norms (Dittes & Kelley, 1956). In general, people are increasingly likely to conform to the expectations of groups which hold a high level of attraction for them (Schacter, 1951).

The situations under which conformity is likely to occur vary widely. At times, it is a result of the belief that others are correct (Deutsch & Gerard, 1955), or the result of some intimidation (Fried, Kaplan & Klein, 1975). Most often, however, it is guided by a desire to gain and maintain social approval (Greenspoon, 1955; Crowne & Marlowe, 1964).

Groups can expect certain behavior from an individual member--or aspiring member--because most people will do what is expected to gain approval; in fact, the higher a person's need for approval, the more able that person seems to be able to alter normal behavior and adopt

behavior situationally defined as socially acceptable and desirable (McLaughlin & Hewitt, 1972). One explanation for that lies in a strong human tendency to prefer to blend in with a group rather appearing distinctive (Singer, Brush & Lubin, 1965).

Conformity behavior can also be a function of the task involved. When a person does not feel competent at a particular task, the likelihood of conformity generally increases (Rosenberg, 1961; Fagen, 1963). When a person is at first uncertain about something, susceptibility to real or perceived group pressure is likely to increase. A study by Coleman, Blake and Mouton (1958) found, in fact, that subjects with high initial certainty were significantly less likely to conform to group norms. Of course, inextricably linked to certainty levels is the amount of information available on a subject; Snyder, Mischel and Lott (1960) found that the more information a person has, the more likely that person is to resist pressures to conform.

Conformity and Anonymity

In their brief to the United States Supreme Court, the attorneys for Chandler argued that when a trial juror loses anonymity, there is increased pressure to conform. The brief stated:

> The more public a trial is, the more the jurors will tend to distort the content of the trial and change their opinions in the direction of the group or the community norm, even if the jurors' individual opinions are to remain anonymous. (p. 29)

Since conformity is strongly linked to the need for social approval, it seems evident that some people would be more prone to exhibit yielding behavior when their personal identity is either

revealed or made public to others. Berkowitz (1975) said that people in an anonymous setting are not concerned about how others will judge them and thus are less likely to conform. Therefore, conformity is more likely to occur when one's behavior is observable by those in a position to apply sanctions, either positive or negative (Newcomb, Turner & Converse, 1965). This view is shared by Kelman (1958), who said that in order for such compliance to take place, the person or group exerting the influence must know who the target of the influence is, must be in a position to monitor the activities of the target and must have the power of sanction over the target. Also, when one's activities are kept anonymous, the person is released from a commitment to maintain views similar to those of others (Tajfel, 1969).

One of the early mentions of anonymity in social research was by Allport (1924) who said that people tend to offer less extreme judgments in public than in private. Later studies and commentary have suggested that anonymity may indeed foster behavioral change. For example, students were found to offer significantly different teacher evaluations in an anonymous setting than they did when their names were known (Lee & Schurian, 1977), and people were found less likely to help others in anonymous settings (Wilson, 1976). Others have found that anonymity encourages violations of norms (Solomon et al., 1981) and that hooded (i.e., anonymous) subjects were more aggressive (Zimbardo, 1969) and more self-conscious (Becker-Haven & Lindskold, 1978). Meanwhile, DiVesta (1959) found that the effect of social information on anonymous and non-anonymous subjects was about the same.

Perhaps the most relevant research concerns the relationship

among conformity, anonymity and need for social approval. Social approval is an inherent human need and quite often there is social pressure applied on those seeking the approval, aimed at modifying their behavior to achieve clearly defined goals (Fairchild, 1944). Persons in search of social approval will conform to social pressure to avoid unpleasant consequences (Theodorson & Theodorson, 1969), and such behavior is more likely to occur in public than in private (Dittes & Kelley, 1956). When the same person is studied publicly and privately, there was significantly greater yielding behavior in the public condition (Krech, Crutchfield & Ballachey, 1962). Raven (1959) found that opinion deviates were more likely to change their stated views in the direction of what the group wanted and expected when the opinions were offered in public.

The effects of social influence, i.e., pressure, are greatly reduced in anonymous settings when a person becomes aware that judgments made cannot be identified (Deutsch & Gerard, 1955). While people are more likely to conform in public than in private, they are more likely to admit that they have conformed while in an anonymous setting (Gerard, 1964). For example, Gerard found that none of his experimental subjects would admit conforming when they were asked in public; when asked privately whether they had conformed, one in four admitted doing so against his/her own free choice.

Meanwhile, it has also been found that yielding behavior is a direct result of disclosure of personal identity (Mouton, Blake & Olmstead, 1956). They found that a loss of anonymity is accompanied by an increased likelihood of being recognized, criticized or held

accountable for actions taken. Thus, the authors noted, anonymity facilitates the maintenance of independent judgment, a finding confirmed by Propst (1979).

In contrast to anonymity, deindividuation suggests that when people join groups, they obtain a degree of release and feel freer to indulge in behaviors that they would rule out if they were alone (Festinger, Pepitone & Newcomb, 1952). Deindividuation, therefore, is a force counter to the loss of anonymity. As White (1977) wrote, the customary inhibitions for normative violations are lowered through deindividuation as the individual becomes submerged within the group; this causes the very anonymity (Mathes & Guest, 1976) that televised trials might strip from trial jurors.

However, since in most cases juries are required to achieve unanimity of verdict in order to convict a criminal defendant, deindividuation is not a significant factor for this study. Instead, jurors will be studied as individuals without this sense of group (i.e., jury) membership. This approach is supported by research which indicates that about 90 percent of jurors decide on their verdicts individually, prior to deliberations (Kalvan & Zeisel, 1966).

Authoritarianism

In the first voluminous study of the authoritarian personality Adorno et al. (1950) defined authoritarians as anti-democratic, conventional, rigidly ethnocentric, punitive and condescending toward those regarded as inferior.

Theodorson and Theodorson (1969) pointed out that authoritarians are characterized by high levels of conformity behavior.

Studies seeking to link authoritarianism with jury performance have resulted in a consistent pattern. Persons scoring high on authoritarianism tend to be significantly more likely to render guilty verdicts than those scoring low on authoritarianism. Mitchell and Byrne (1973) discovered that high authoritarians in their study were more likely to attribute guilt and recommend severe sentences than persons who were rated low authoritarians. Findings such as that one led Gerbasi et al. (1977) to conclude that authoritarians are more severe jurors than non-authoritarians.

Meanwhile, some studies have found that authoritarians are generally more susceptible to group influences than non-authoritarians (Canning & Baker, 1959) and that high conformity subjects score higher on authoritarianism scales than do low conformity subjects (Vaughn & White, 1966).

One major problem in measuring authoritarianism has been in the construction of scales. The California F-Scale used in The Authoritarian Personality has been widely criticized; Sanford (1956) for example, claimed the F-scale measures prejudice rather than authoritarianism. Others have claimed that the F-scale taps only the political right, resulting in left-leaning authoritarians scoring artificially low on it (Shils, 1954; Barker, 1963; Christie & Jahoda, 1954). For a thorough critique of the F-scale, see Hyman and Sheatsley (1954).

Refinements of the F-scale in recent years have eliminated some of the problems. Rokeach's (1960) dogmatism scale is not linked to any political ideology and therefore has wider applicability (Kirscht & Dillehay, 1967). Webster, Sanford and Freedman (1955) developed a

149-item scale which correlates highly with the F-scale. The utility of the Webster scale lies in its simplicity for research subjects and the sections relating to conformity behavior. A practical feature of the scale is that one may use any or all of the 149 items (Kirscht & Dillehay, 1967). A problem with the scale, as with most others purporting to measure authoritarianism, is in the response bias; 138 of the 149 items have a response of "true" being the "authoritarian" response (see authoritarian items in questionnaire, Appendix I).

Discussion

In a 1979 ruling, the United States Second Circuit Court of Appeals said that the trial judge in a criminal case did not err in maintaining juror anonymity throughout the trial. The appellate court stated: "If the anonymous juror feels less pressure as the result of anonymity, this is as it should be--a factor contributing to his impartiality."[4]

Of course there are two types of conformity pressure a trial juror can be confronted with. One can originate in the outside community; the other can come from within the jury itself. Forston (1968) said that juries, like other small, task-oriented groups, experience pressures to conform from within, but other research cautions that other small group data cannot automatically be applied to juries. As Kessler (1975) said, juries are a special group with a unique task and relatively short-term status.

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[4]United States v. Barnes, 604 F 2d 121 (1979).

Of particular interest here are the pressures that originate outside the courthouse--in the outside community. Fulton (1981) discounts such concerns relating to the televising of trials, pointing out that jurors will feel equal pressure in a case that generates intense public sentiment whether the case is televised or not. However, high levels of pre-trial publicity--likely to occur in televised trials--may make jurors more aware of the community sentiment in a given case. A juror's mind, Kline (1979) said, is often filled with the expectation that the local situation has emphasized, and exacerbating the problem is the common perception that a person on trial is guilty until proven innocent (Gordon & Temerlin, 1971); such a perception is likely to be enhanced by the notoriety of cases chosen for television.

Pressure of community upon juror simply cannot be ignored; nor can it be downplayed. As far back as 14th Century Europe, jurors who rendered verdicts which displeased authorities were subject to a loss of their property and freedom (Bloomstein, 1968).

In more modern settings, authors have linked jury verdicts to community sentiments. One author suggests that the "correctness" of a jury verdict is often determined by how well it corresponds to the sentiments of the relevant community. The author notes that if a trial were telecast and more than half the community indicated a preference for a particular verdict, then a jury verdict with that outcome is "correct" (On instructing deadlocked juries, 1968). Of course, as Day (1981) pointed out, jurors in televised trials might become subject to unwelcome attention, harassment and even coercion. Long before there was television, concern about massive pre-trial publicity or any

controversy about courtroom cameras, Justice Oliver Wendell Holmes wrote that juries are likely to:

> Introduce into their verdicts a certain amount--a very large amount so far as I have observed--of popular prejudice, and this keeps the administration of the law in accord with the wishes and the feelings of the community. (Holmes, 1899, p. 460)

Of course, in some trials television cameras and any concomitant pressure from the community that might be resultant become purely academic. In a so-called "open and shut" case, the evidence may be so heavily weighted in one direction that neither the presence of cameras or other extraneous influences could alter the outcome.

That is not the issue here. Rather it is the close case that could turn either way and could do so on a factor not related to evidence. That extra factor is not likely to be the equipment or camera operator (Zimmerman, 1980). However, little is known about the effects of one's psychological awareness of their presence, combined with community pressure favoring a guilty verdict. There is no evidence that such a scenario would damage the Sixth Amendment guarantees of the defendant; nor is there any evidence that if such a situation arose, it would not have an effect.

CHAPTER III

METHODOLOGY

Introduction

Empirical studies of juror performance present unique methodological concerns. Numerous attempts to simulate trials in a laboratory setting have produced, with troubling consistency, data of questionable generalizability (Weiten, 1980; Streufert & Suedfeld, 1977). Sealy (1981) stated adamantly: "It almost goes without saying that any study claiming to establish bias in jurors' decisions that draws it jurors from a very limited population is irrelevant" (p. 190).

Often, a problem with mock jury studies is that they employ trial transcripts instead of oral testimony; rarely do they approach the true length of complexity of a real trial (Bray, 1976). A 1974 study found that mock juries establish a different standard for guilt than do real jurors, leading Diamond and Zeisel (1974) to conclude that the difference is attributable to the varying impact a verdict has in the laboratory and the real courtroom. Bray (1976) also criticizes the bulk of jury research for its tendency to focus on individual rather than group decisionmaking; such criticism is mediated somewhat by data which indicate that most jurors make up their minds individually before they retire to deliberations (Kalven & Zeisel, 1966).

Simon (1980), a leader in studies of juror behavior, claims that mock jury studies contain three basic weaknesses:

1. The subjects are often students or persons chosen from voter lists, rather than actual jurors (see Berbasi et al., 1977).

2. Stimuli presented in the research laboratory setting fail to adequately characterize the stimuli that are presented at real trials.

3. The research setting is more often an unnatural university lecture hall than a trial courtroom.

Nonetheless, Simon notes that jury studies provide useful data; she says that overcoming the shortcoming of jury studies is no simple task due to the problems of access to the judicial system.

Previous jury studies have used verdicts, sentences and attitudes toward the criminal defendant as dependant variables. Weiten (1980) suggests that a more useful dependant variable might be guilt intensity. He notes that most sentencing is done by the judge rather than the jury, and that attitude toward the defendant does not approximate a real-trial decision. Verdict intensity provides the researcher with an interval level variable which can more precisely gauge possible treatment effects than can a simple verdict.

Weiten proposes the use of a 10-point interval scale with varying degrees of guilt probability ranging from "absolutely not guilty" to "absolutely guilty."

The use of videotaped rather than live trial testimony does not create any major problems, according to data gathered by Miller, Florence, Bender and Nicholson (1974); certainly, the presentation of a videotaped trial is preferable to the use of written trial transcripts which subjects are told to read.

Saks (1977) suggests that the trial evidence used in jury

research be carefully pre-tested to determine whether the evidence is sufficiently two-sided to give the mock jurors a reasonable opportunity to vary on their verdicts.

Of course, all of the above suggestions result in data of very limited generalizability. Studies of real jurors participating in a real trial in a real courtroom are the ideal, but not realistic.

As Davis (1980) notes, to discover the effects of the presence of cameras in court on juror behavior:

> The development of measured, objective evidence may be impossible to obtain because what ultimately is required is somehow to determine the psychological impacts on the participants in a trial with the cameras present and then to measure impacts on the same participants in the same trial circumstances without the camera. (p. 90; emphasis added)

Researcher access into courtrooms, plus the unrealistic possibility of re-enacting trials both present unwarranted intrusions on the very system to be studied (Wilcox, 1970).

Beyond that, rules of court often do not allow access to jury lists in many jurisdictions, thus often forcing the researcher to select a sample either from lists of registered voters, service groups or university students. Since experimental studies of juror performance require at least two "jury" groups, it becomes necessary to either videotape a trial, re-enact it live or provide transcripts. Under any of these settings, external validity is sacrificed.

Problems with jury studies are significantly compounded in research attempting to examine the effects of televised trials on jury verdicts.

First of all, some states still do not permit televised trials,

despite the Chandler go-ahead. Among those which do allow trial coverage, few cases are actually televised and those which are telecast may be excerpted for viewers.

It is simply not feasible to adequately simulate an experimental "televised" group and a control "not-being-televised" group. The best a researcher can hope to do in the absence of better alternatives is to treat the experimental group with an "awareness of being televised" variable, while withholding it from the control group. That seems highly artificial and inadequate. Instead, subjects in the experimental group will be treated with a community pressure variable.

One final limitation of the study is slight subject awareness of the project. Both The University of Tennessee and Texas A&M University require that human subjects sign forms before the experiment granting the researcher consent to use them in the study. Texas A&M University also requires that experiment subjects be debriefed about the study following the experiment (see Appendix J).

Hypotheses

The following hypotheses were tested for statistical significance at the .05 level:

H1: Persons in the experimental group exposed to community pressure for a criminal conviction are more likely to render a guilty verdict than are persons in the control group.

GUILT LIKELIHOOD (experimental) > GUILT LIKELIHOOD (control)

H2: Persons in the experimental group exposed to community pressure for a criminal conviction will score higher on the guilt intensity scale than persons in the control group.

GUILT INTENSITY SCORE experimental > GUILT INTENSITY SCORE control

H3(a): In the control group, persons who score high on the authoritarianism scale will be more likely to deliver a guilty verdict than persons who score low on the authoritarianism scale.

GUILT LIKELIHOOD high auth. control > GUILT LIKELIHOOD low auth. control

H3(b): In the control group, persons who score high on the authoritarianism scale will score higher on the guilt intensity scale than those who score low on the authoritarianism scale.

GUILT INTENSITY SCORE high auth. control > GUILT INTENSITY SCORE low auth. control

H3(c): In the experimental group, persons who score high on the authoritarianism scale will be more likely to deliver a guilty verdict than persons who score low on the authoritarianism scale.

GUILT LIKELIHOOD high auth. experimental > GUILT LIKELIHOOD low auth. experimental

H3(d): In the experimental group, persons who score high on the authoritarianism scale will score higher on the guilt intensity scale than those who score low on the authoritarianism scale.

GUILT INTENSITY SCORE high auth. experimental > GUILT INTENSITY SCORE low auth. experimental

Independent Variable

The independent variable, community pressure, was presented to the experimental group and withheld from the control group. Community

pressure is a dichotomous, nominal level variable which is operationally defined as subject awareness that the community's sentiment strongly favors a guilty verdict in the present case. Subjects in the experimental group were made aware of the community pressure when they read a newspaper clipping about the case; the newspaper clipping presented to control group subjects did not mention community sentiment.

Intervening Variables

In addition to the independent variable which was manipulated by the researcher, subjects were asked to provide other information to assist in the analysis of their verdicts. These intervening variables are: demographic data, such as respondent sex, year in school, age, and political affiliation; responses to attitudinal questions relating to the use of cameras in courtrooms (see Likert-type items in questionnaire, Appendix I), and an authoritarianism score between 1 and 25, based on responses to 25 items from the Webster scale. The authoritarianism score is an interval-level variable operationally defined by the score on the scale.

Dependent Variables

There are two dependent variables: verdict and guilt intensity.

Verdict is a nominal level, dichotomous variable which Wilcox (1970) called the "single clear and unequivocal segment in the trial process that can be aligned against its behavioral science counterpart--decisionmaking behavior." Subjects were asked to indicate either that they believed the defendant was guilty or not guilty, similar to the choices that face a real juror. "Guilt" was defined using the same

general standard used in real trials: in order for the subject to find the defendant guilty, he/she must be convinced beyond a reasonable doubt that the defendant is the person who committed the crime with which he is charged. Subjects were instructed that any finding short of the "reasonable doubt" level should result in a verdict of not guilty.

The second dependant variable, guilt intensity, is on the interval level, and is based on a 10-point scale suggested by Weiten (1980). The guilt intensity variable permits the researcher to more precisely gauge treatment effects. Thus, for example, a subject could indicate an "8" on the guilt intensity scale, meaning he is not absolutely convinced of guilt, but is convinced beyond a reasonable doubt. The polar descriptors on the scale are "absolutely not guilty" and "absolutely guilty."

Population and Sample

The population for this study consisted of undergraduate students at Texas A&M University in College Station, Texas, a university of 36,000 students. The students, all enrolled in a basic psychology course at Texas A&M, are part of a "psychology pool." Students in the pool are required by their professors to participate in a specified number of experiments each semester. The pool consists of students from all university disciplines.

The students in the pool were selected using a simple probability sampling method. They were then randomly assigned to either the treatment or control group. One-hundred and forty-five students

participated in the study; of those, 72 were assigned to the control group and 73 to the experimental group.

Research Design

This study was designed as a post-test only controlled laboratory experiment using comparative treatments (see Figure 1). The design was selected in light of two considerations:

1. The high level of internal validity inherent in a controlled laboratory experiment, from which inferences of causality can be made for the population from which the sample is selected.

2. The fact that actual trials are post-test only in nature, without before-and-after verdicts.

Laboratory experiments allow the researcher to deliberately create a behavioral setting designed to highlight certain behavioral processes and conditions related to those processes. While the artificiality of the laboratory setting and manipulations forces the researcher to sacrifice external validity (Haskins, 1977), the laboratory offers advantages in the maximized control of possible contaminants and the ability to attain a high degree of measurement precision. In effect, the laboratory is a social system in itself with agreements between actors and researcher that neither one is going to behave naturally (Runkel & McGrath, 1972).

The relation of the subjects to the artificially created setting is a problem in all laboratory experiments, but becomes compounded in mock jury studies where the motivation level in the lab is significantly different from the motivations facing real jurors whose verdicts "count."

Notational Design

	t1	t2	t3
P1a	---	T1(fx); T3(fx)	M1-13
P1b	---	T2(fx); T3(fx)	M1-13

Legend

P1 = students in Texas A&M University psychology pool, summer 1982
P1a = random sample from P1, n=72 (control group)
P1b = random sample from P1, n=73 (experimental group)
t1 = time prior to experiment
t2 = treatments administered
t3 = measures taken
T1(fx) = treatment without community pressure
T2(fx) = treatment containing community pressure
T3(fx) = videotaped trial excerpts
M1 = verdict
M2 = guilt intensity score
M3 = respondent sex
M4 = respondent year in school
M5 = respondent age
M6 = respondent political affiliation
M7 = respondent authoritarianism score
M8 = attitude toward physical distraction
M9 = attitude toward psychological distraction
M10 = attitude toward televising jurors
M11 = attitude toward jurors and community sentiment
M12 = general view on televised trials
M13 = attitude if respondent was on trial

Figure 1

Notational Design and Legend

Given the limitations of the laboratory, this research design appears to be the most viable approach. Steps such as random sampling and assignment effectively serve to "equalize" the two groups and result in a study which examines treatment effects.

Preparation for the Experiment

Preparation for the experiment involved three major processes: selection of a suitable trial, the writing of newspaper stories about the trial and the videotaping of trial excerpts.

The trial which was chosen is a relatively uneventful and simple burglary case involving a break-in at a jewelry store, allegedly by the store's former assistant manager. The case was selected from a law text which offers trials suitable for mock jury studies (Saks, 1977). As such, the case is sufficiently two-sided to allow the defendant to straddle the line in a juror's mind between guilt and innocence. The trial transcript (see Appendix H) is eight pages long and includes testimony by three witnesses--the jewelry store owner, a police officer and an alleged accomplice.

Newspaper stories were prepared for the two groups. The story for the control group contained no mention of community sentiment or pressure for a guilty verdict, instead informing subjects of basic information such as the defendant's biographical data, the fact that the trial would be televised locally. The other clipping, prepared for the experimental group, contained the above information, plus a 19-line segment which strongly indicated community sentiment for a conviction. Because of the presence of the additional information, one story is

noticeably longer than the other. In order to make the two stories as equal-appearing as possible, the shorter story was typeset in slightly larger tape and set on a slightly narrower column width. The shorter story (for the control group) is set in 10-point type on a 12-pica column, resulting in a story 40 lines long (5.5 inches). The community pressure story is set in 9-point type on a 15-pica column, and is 45 lines long (5.8 inches). Both stories use the same headline, set in 36-point type (see Appendix G).

The third step in the preparation for the experiment was the videotaping of a trial segment to be shown to subjects in the experiment. Students majoring in theater arts at Texas A&M University volunteered to play the various roles in the mock trial. The roles included: a judge, two attorneys, a jewelry store owner, a police officer and an accomplice. To minimize bias, it was determined that the attorneys for the two sides (defense and prosecution) would be of the same sex. The trial was rehearsed several times in late May and early June 1982. It was videotaped on June 16, 1982 in the courtroom of Brazos County District Judge Tom McDonald in Bryan, Texas. The taping, and subsequent editing, was completed with the assistance of a student employed by the local Public Broadcasting Service affiliate, KAMU-TV. The tape was 18.5 minutes long.

Pretesting

Once all of the materials were prepared, the study was pretested on June 23, 1982 at Texas A&M University. This was accomplished using a focus group discussion of the materials, including the news story,

the trial itself (see Appendix H) and the questionnaire (see Appendix I). Following the focus group discussions at which minor suggestions were made, a group of student volunteers simulated the experiment. Some phrasing changes were made in the questionnaire as a result.

The Experiment

The experiment was conducted on July 9, 1982. Upon arrival, students were assigned to either the control or experimental room. The two groups were seated in practically identical rooms in a classroom building at Texas A&M. Both rooms were equipped with a television monitor and videocassette recorder.

The author administered the experiment to the control group, and an assistant administered the experiment to the experimental group. Both had identical instruction sheets and agreed not to deviate from those steps to be taken.

Subjects in both groups were immediately informed that they would participate in a research project involving three stages:

1. The reading of a news story about a trial.
2. The viewing of excerpts of a burglary trial.
3. The completing of a questionnaire.

At that point, subjects were asked for their consent to participate; they were informed that they were free to leave the experiment at any point without prejudice.

The next step was the distribution of a detailed set of instructions to the subjects (see Appendix F), followed by distribution of news stories to the subjects. Once the subjects finished reading the stories,

they were shown excerpts of the trial on the television monitor. Both groups viewed identical copies of the same videotape.

Once the subjects viewed the trial, they were informed once again of the "reasonable doubt" standard for guilt or innocence that they were to use (see Appendix F, paragraph 4), and asked to complete the questionnaire (Appendix I).

The final step in the experiment was the reading of a "Subject Debriefing Form" to the subjects (see Appendix J) in which the students were informed of the purpose of the study.

The experiment lasted slightly less than one hour.

Data Analysis

Data were tabulated and then analyzed using statistical procedures available through the Statistical Package for the Social Sciences (SPSS) (Nie et al., 1975).

Data were presented using the subprograms frequencies, crosstabs and t-test of SPSS. Nominal level data were analyzed using the chi square test of independence which determines the relationship between variables; corrected chi square values would be used for any 2x2 tables. Interval level data, such as guilt intensity scores and authoritarianism scores, for which means and variances could be calculated were analyzed for statistical significance using the t-test for comparing two group means.

CHAPTER IV

RESULTS

The principal question to be examined in this chapter was whether the presence of the community pressure variable in the experimental group increased the likelihood of guilty verdicts and high guilt intensity scores as was hypothesized.

However, before reporting the results of the hypothesis testing, it is first useful to describe the characteristics of the sample groups. This section includes demographic data about the subjects, including sex, age, year in school, political affiliation and authoritarianism score.

The last section of this chapter will report results of attitudinal questions of the subjects relating to the use of television cameras in court. Those attitudes will be cross-tabulated with verdict and guilt intensity data for further analysis.

Characteristics of the Sample

The sample included 145 undergraduates at Texas A&M University. Of those students, 79 (54.5 percent) were male and 66 (45.5 percent) were female. In the 72-member control group, there were 40 males (55.6 percent) and 32 females (44.4 percent); in the 73-member experimental group, there were 39 males (53.4 percent) and 34 females (46.6 percent).

The modal year in school was junior. Overall, the sample consisted of 10 freshmen (6.9 percent), 58 sophomores (40 percent), 66 juniors (45.5 percent) and 11 seniors (7.6 percent). The control group

consisted of 5 freshmen (6.9 percent), 33 sophomores (45.8 percent), 30 juniors (41.7 percent) and 4 seniors (5.6 percent). In the experimental group, there were 5 freshmen (6.8 percent), 25 sophomores (34.2 percent), 36 juniors (49.3 percent) and 7 seniors (9.6 percent).

The mean age for the subjects was 20.8 years with 91 percent of them 22 or younger. In the control group, the mean age was 20.7, with 93.1 percent of the subjects younger than 23; in the experimental group, the mean age was 20.9, with 89 percent of the subjects younger than 23.

About one subject in six was not a registered voter. Among those who said they were registered, 49 (33.8 percent) said they were Democrats, 45 (31 percent) said they were Republicans, 27 (18.6 percent) said they were not affiliated with a party and 1 (.7 percent) was registered with a third party.

The control group consisted of 26 registered Democrats (36.1 percent), 22 Republicans (30.6 percent), 13 registered independents (18.1 percent), 1 third party registrant (1.4 percent) and 10 persons who were not registered (13.9 percent). The experimental group was composed of 23 Democrats (31.5 percent), 23 Republicans (31.5 percent), 14 registered independents (19.2 percent) and 13 unregistered persons (17.8 percent).

On the 25-point authoritarianism scale (where a score of 25 indicates highest authoritarianism), the mean score for all 145 subjects was 12.9. The modal score was 17 and scores ranged from 4 to 22. In the control group, the mean authoritarianism score was 13.1, the modal score was 17 and scores ranged from 4 to 20. In the experimental

group, the mean score was 12.7, the mode was 12 and scores ranged from 5 to 22.

Verdict and Guilt Intensity Results

Subjects were almost evenly split between verdicts of guilty and not guilty. Overall, 74 subjects said they would have found the defendant guilty and 71 said they would have found him not guilty. In the control group, 30 of the 72 subjects (41.7 percent) found the defendant guilty and 42 (58.3 percent) returned a not guilty verdict. In the experimental group, 44 subjects (60.3 percent) said the defendant was guilty and 29 said he was not guilty (see Table 1).

Table 1. Verdict Results

Group	Percent Finding Guilty	Percent Finding Not Guilty
Control (n=72)	41.7	58.3
Experimental (n=73)	60.3	39.7
Total (n=145)	51.0	49.0

On the 10-point guilt intensity scale, where a score of "1" means "absolutely not guilty" and a score of "10" indicates a ruling of "absolutely guilty" the mean score for all 145 subjects was 5.45, with a variance of 7.67. The modal scores were 3, 7, and 8.

The mean guilt intensity score for the control group was 4.86,

with a variance of 7.34. The modal rating was 3. In the experimental group, the mean guilty intensity score was 6.03, the variance was 7.34 and the modal scores were 7 and 8 (see Table 2).

Table 2. Breakdown of Guilt Intensity Scores

Score		Control n=72	Experimental n=73	Total n=145
1	Absolutely not guilty	5.6%	4.1%	4.8%
2		15.3	6.8	11.0
3		27.8	16.4	22.1
4		8.3	11.0	9.7
5		1.4	1.4	1.4
6		2.8	1.4	2.1
7		15.3	20.5	17.9
8		13.9	20.5	17.3
9		5.6	9.6	7.6
10	Absolutely guilty	4.2	8.2	6.2

Testing of Hypotheses: Results

H1: Persons in the experimental group exposed to community pressure for a criminal conviction are more likely to render a guilty verdict than are persons in the control group.

This hypothesis, dealing with nominal level of measurement variables (group and verdict) was tested using the non-parametric chi square

test of independence. Since the two variables fell into only two categories each, resulting in a 2x2 table, the corrected chi square value for 2x2 tables was used. Data indicate that the two groups differ on the variable "verdict." The null hypothesis of no difference between groups is not accepted and the directional research hypothesis H1 is accepted (Table 3).

Table 3. Verdict by Group Membership

Group	Guilty	Not Guilty
Control (n=72)	30	42
Experimental (n=73)	44	29

Chi square value (corrected) = 4.31; df=1; $p<.05$

H2: Persons in the experimental group exposed to community pressure for a criminal conviction will score higher on the guilt intensity scale than persons in the control group.

This hypothesis compared mean scores of two samples on the interval level of measurement. The appropriate statistical procedure is the t test.

The mean scores for the two groups were: control, 4.861 and experimental, 6.027. The means were found to be significantly different at the predetermined .05 level. Thus the null hypothesis is rejected and research hypothesis H2 is accepted (see Table 4).

Table 4. Guilt Intensity Scores: Comparison of Means

Group	N	Variance	Mean	t value	df	One-tailed Probability
Control	72	7.361	4.861	2.59	143	$p<.05$
Experimental	73	7.360	6.027			

H3(a): In the control group, persons who score high on the authoritarian scale will be more likely to deliver a guilty verdict than persons who score low on the authoritarianism scale.

To test this hypothesis, scores on the authoritarianism scale were divided into categories of "high" (13 or greater) and "low" (less than 13). With this categorization, there were 32 subjects who scored "low" and 40 who scored "high." With the authoritarianism data reduced to the ordinal level of measurement, the chi square test of independence was used to test the hypothesis. The calculated value of the chi square statistic was corrected for the 2x2 table; the chi square was 22.38 with one degree of freedom. The null hypothesis of no difference between the groups is rejected at the .05 level of significance (Table 5).

H3(b): In the control group, persons who score high on the authoritarianism scale will score higher on the guilt intensity scale than those who score low on the authoritarianism scale.

Once again, high authoritarians were operationally defined by a score of 13 or higher on the Webster scale, and low authoritarians by scores of less than 13. Among the 72 members of the control group, the

Table 5. Authoritarianism by Verdict: Control Group

Authoritarian Score	Verdict	
	Guilty	Not Guilty
Low	3	29
High	27	13

Chi square value (corrected) = 22.38; df=1; $p<.05$

32 "low" authoritarians had a mean authoritarianism score of 9.0 and the 40 "high" authoritarians had a mean authoritarianism score of 16.32.

The low authoritarians in the control group had a mean guilt intensity score of 3.22, compared to a mean guilt intensity score of 6.18 for the high authoritarians. The t-test for comparison of means revealed that the two groups (high and low authoritarians) indeed were different on their guilt intensity scores (see Table 6).

The null hypothesis of no difference between groups is rejected and research hypothesis H3(b) is supported.

Table 6. Guilt Intensity Scores by Authoritarianism: A Control Group Comparison

Group	N	Variance	Mean	t	df	One-tailed Probability
Low authoritarians (control)	32	3.21	3.22			
				-5.67	70	<.05
High authoritarians (control)	40	6.86	6.18			

H3(c): In the experimental group, persons who score high on the authoritarianism scale will be more likely to deliver a guilty verdict than persons who score low on the authoritarianism scale.

Using the same breakdown as in hypothesis 3a, there were 36 low authoritarians and 37 high authoritarians in the experimental group of 73 subjects. The chi square test of independence was used to test the relationship between the variables; the calculated chi square value, corrected for a 2x2 table, was .33. In this case, the null hypothesis of no difference between the groups cannot be rejected. There is no difference between high and low authoritarians in the experimental group on the variable of "verdict" (see Table 7).

Table 7. Authoritarianism by Verdict: Experimental Group

Group	Verdict	
	Guilty	Not Guilty
Low authoritarians (experimental)	20	16
High authoritarians (experimental)	24	13

Chi square value (corrected) = .33; df=1; p=.57

H3(d): In the experimental group, persons who score high on the authoritarianism scale will score higher on the guilt intensity scale than those who score low on the authoritarianism scale.

Among the 73 members of the experimental group, the 36 low

authoritarians had a mean authoritarianism score of 9.88 and the 37 high authoritarians had a mean authoritarianism score of 15.46. (These scores compare to 9.0 and 16.32 respectively in the control group, indicating that authoritarianism between groups does not vary significantly.) The low authoritarians in the experimental group had a mean guilt intensity score of 5.97 (compared to 3.22 in the control group), and the high authoritarians in the experimental group had a mean guilt intensity score of 6.08 (compared to 6.18 for high authoritarians in the control group). Using the t-test, it was found that the groups (high and low authoritarians in the experimental group) did not differ on their guilt intensity scores as shown in Table 8.

Thus the null hypothesis cannot be rejected; there is no difference between the groups.

Table 8. Guilt Intensity Scores by Authoritarianism: An Experimental Group Comparison

Group	N	Variance	Mean	t	df	One-tailed Probability
Low authoritarians (experimental)	36	7.74	5.97			
				-.17	71	p=.87
High authoritarians (experimental)	37	7.19	6.08			

Attitudes Toward Televised Trials

Subjects were asked six questions dealing with the use of televised trials. Generally, they did not favor the presence of cameras in court.

As Tables 9 and 10 suggest, there were rather wide differences between the control and experimental subjects on their attitudes toward physical and psychological distractions and whether jurors should appear on television. Since the experimental group was faced with a treatment that presented a "worst-case" scenario, it is possible that their awareness of such a setting may have tilted their responses to the first three questions in those tables against the use of cameras in court.

Among all 145 subjects, 23.4 percent said the televising of criminal trials has more advantages than disadvantages; 67.6 percent said televised trials have more disadvantages.

Subjects generally agreed that the presence of cameras in court would be a physical distraction (67.6 percent), a psychological distraction (64.9 percent), and that jurors in televised trials might become more susceptible to community pressures than jurors in non-televised trials (62.8 percent).

That resulted in 76.5 percent of the subjects agreeing that if trials are televised, jurors should not be shown on camera; 86.2 percent said that if they were a defendant on trial, they would object to their trial being telecast.

See Tables 9, 10 and 11 for a complete breakdown of responses to these questions.

Other Results

Verdict by sex. Among male subjects, 55.7 percent delivered a verdict of guilty and 44.3 percent said the defendant was not guilty.

Table 9. Control Group Attitudes Toward Televised Trials

Statement	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Total*
The presence of television cameras in courtrooms is likely to be a physical distraction to a juror.	18.1%	38.9%	8.3%	30.6%	4.2%	100.1%
Even if a juror cannot see the cameras, awareness of their presence would be distracting to the juror.	16.7	41.7	9.7	23.6	8.3	100.0
If states permit trials to be televised, they should never allow jurors to be shown on camera.	38.9	33.3	20.8	6.9	---	99.9
A juror in a televised trial will be more susceptible to community pressure and sentiments than would a juror in a non-televised trial.	18.1	37.5	34.7	9.7	---	100.0
Overall, the televising of criminal trials has more advantages than disadvantages.	5.6	20.8	13.9	44.4	15.3	100.0
If I was on trial for murder, I would object to my trial being on television.	62.5	20.8	2.8	11.1	2.8	100.0
				n=72		

*Totals may not equal 100 percent due to rounding error.

Table 10. Experimental Group Attitudes Toward Televised Trials

Statement	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Total*
The presence of television cameras in courtrooms is likely to be a physical distraction to a juror.	26.0%	52.1%	2.7%	16.4%	2.7%	99.9%
Even if a juror cannot see the cameras, awareness of their presence would be distracting to the juror.	28.8	42.5	9.6	16.4	2.7	100.0
If states permit trials to be televised, they should never allow jurors to be shown on camera.	38.4	42.5	11.0	6.8	1.4	100.1
A juror in a televised trial will be more susceptible to community pressure and sentiments than would a juror in a non-televised trial.	21.9	47.9	17.8	8.2	2.7	98.5*
Overall, the televising of criminal trials has more advantages than disadvantages.	4.1	16.4	2.7	57.5	17.8	98.5*
If I was on trial for murder, I would object to my trial being on television.	57.5	31.5	4.1	4.1	2.7	99.9
				n=73		

*Totals may not equal 100 percent either due to rounding error, or because of one missing case.

Table 11. Total Sample Attitudes Toward Televised Trials

Statement	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Total*
The presence of television cameras in courtrooms is likely to be a physical distraction to a juror.	22.1%	45.5%	5.5%	23.4%	3.4%	99.9%
Even if a juror cannot see the cameras, awareness of their presence would be distracting to the juror.	22.8	42.1	9.7	20.0	5.5	100.1
If states permit trials to be televised, they should never allow jurors to be shown on camera.	38.6	37.9	15.9	6.9	.7	100.0
A juror in a televised trial will be more susceptible to community pressure and sentiments than would a juror in a non-televised trial.	20.0	42.8	26.2	9.0	1.4	99.4*
Overall, the televising of criminal trials has more advantages than disadvantages.	4.8	18.6	8.3	51.0	16.6	99.3*
If I was on trial for murder, I would object to my trial being on television.	60.0	26.2	3.4	7.5	2.8	99.9
				n=145		

*Totals may not equal 100 percent either due to rounding error, or because of one missing case.

Among females, 45.5 percent said the defendant was guilty and 54.5 percent said he was not guilty. The difference between the sexes on verdict was not statistically significant. The calculated chi square value, corrected for a 2x2 table, was 1.13 with one degree of freedom, yielding a probability of .29.

Verdict by authoritarianism. Authoritarianism scores were recoded for this analysis into categories of low, medium and high. Among the 43 subjects classified as "low" authoritarians, 25.6 percent delivered a guilty verdict, compared to 57 percent among "medium" authoritarians and 87.5 percent among "high" authoritarians (see Table 12).

Table 12. Verdict by Authoritarianism Score

Authoritarian Level	Verdict	
	Guilty	Not Guilty
Low (n=43)	25.6%	74.4%
Medium (n=86)	57.0	43.0
High (n=16)	87.5	12.5

Chi square value (corrected) = 20.9; df=2; $p<.05$

Guilt intensity by sex. Guilt intensity data were collapsed for this analysis into ordinal categories. The categorization of data revealed that while 43.1 percent of male subjects scored 4 or lower on the scale, 53 percent of the females were in that group. Guilt

intensity scores among males were higher than guilt intensity scores among females (see Table 13).

Table 13. Guilt Intensity Scores by Sex

Guilt Intensity Score		Male n=79	Female n=66
1 or 2	Absolutely not guilty	8.9%	24.2%
3 or 4		34.2	28.8
5 or 6		3.8	3.0
7 or 8		34.2	36.4
9 or 10	Absolutely guilty	19.0	7.6

Chi square value = 9.2; df=4; $p<.05$

Verdict by physical distraction. Among those who found the defendant guilty, 71.6 percent agreed that cameras in courtrooms would physically distract a juror. Among those who found the defendant not guilty, 63.4 percent said cameras would be a physical distraction in court.

Guilt intensity by physical distraction. Subjects who scored 4 or lower on the guilt intensity scale were no different from those who scored 7 or higher in their view as to the possible physical distractions. Among those scoring 4 or lower, 63.7 percent said cameras would be a physical distraction, compared to 70.4 percent who scored 7 or higher and 80 percent of those who scored 5 or 6.

Verdict by psychological distraction. Among those who delivered a guilty verdict, 67.5 percent said the presence of cameras in court would distract jurors psychologically; among those who found the defendant not guilty, 62 percent said cameras would be a psychological distraction.

Guilt intensity by psychological distraction. Among respondents scoring 4 or lower on guilt intensity, 60.9 percent said cameras would psychologically distract trial jurors, compared to 67.6 percent of those who scored 7 or higher and 80 percent of those who scored 5 or 6.

Verdict by showing jurors on camera. Among those subjects who found the defendant guilty, 75.7 percent said that if trials are telecast, jurors should not be covered. Among those who found the defendant not guilty, 77.4 percent shared that view.

Guilt intensity by jurors on camera. Almost four in five (78.3 percent) subjects who scored 4 or lower on guilt intensity said that trial coverage should not include jurors; among those who scored 7 or higher on guilt intensity, 76 percent shared that view.

Verdict by role of jury and community. There was no difference between those who found the defendant guilty and those who found him not guilty on attitudes toward the role community pressure might play in televised trials; 64.8 percent of the subjects who found the defendant guilty said that televised trials could increase community pressure on jurors, compared to 60.6 percent of those who found the defendant not guilty.

Guilt intensity by role of jury and community. Of the 69 subjects who scored 4 or lower on guilt intensity, 60.9 percent said that televised trials might increase community pressure on jurors, compared to 64.8 percent of those who scored 7 or higher on guilt intensity.

Verdict by overall evaluation of cameras in court. Among those who found the defendant guilty, 21.6 percent said the televising of criminal trials had more advantages than disadvantages. That compares to 25.3 percent of those who found the defendant not guilty.

Guilt intensity by overall evaluation of cameras in court. Among the subjects who scored 4 or lower on guilt intensity, 24.6 percent said that televised trials present more advantages than disadvantages. Among those who scored 7 or higher, 21.1 percent shared that view.

Overall, there were no differences between those who found the defendant guilty and those who found him not guilty on attitudes toward cameras in courtrooms.

CHAPTER V

CONCLUSIONS

This research was designed with two purposes in mind: to test the possible effects of community pressure on juror guilt attributions in criminal trials and to provide a link between those data and the televising of such trials.

Of course, data collected in the artificial and sterile confines of a controlled laboratory setting have extremely limited generalizability. The setting is unnatural; a natural setting to test the hypotheses would have been a real trial in a real courtroom with a real community. That was not possible. Results presented in Chapter IV can be generalized only to the population from which subjects were selected for participation.

As noted earlier, the problem of ascertaining whether the presence of cameras in courtrooms actually biases jurors is not answerable in a controlled laboratory setting. Perhaps there should be some type of compromise in which the judicial system permits greater research access to courtrooms, to allow real jurors in real trials to render real verdicts. Given the constraints of experimental research, that would not solve the problem completely, but instead afford a greater variety of research in this area. Future research should also seek greater cooperation from the judicial system in gaining access to better samples--such as actual jurors--instead of college students.

It was certainly not "proven" here that perceived community

pressure caused the experimental subjects to return a higher rate of convictions than the control subjects; nor was it proven that community pressure in a real world situation would have an effect on juror verdicts. However, the results suggest that community pressure cannot be ignored or downplayed as a factor in the juror's decisionmaking process.

The results surface somewhere between those two extremes. They thus become worthy of additional research employing a variety of methodologies with, it is hoped, greater access to real trials; they also become worthy of additional consideration by officials in the various states currently contemplating policies relating to courtroom television.

Like the massive injections of saccharin into laboratory rats leading to reports linking saccharin to cancer in humans, data in this study can serve as a starting point. They are not intended to be cause for alarm nor policy shifts. They are intended to constitute another thread of evidence in a complicated scenario concerning trials, television and jurors.

The community pressure treatment was apparently effective. With experimental and control subjects randomly selected and randomly assigned to groups, and with high degrees of similarity both demographically and on the attitudes measured, the fact that they differed significantly on verdict and verdict intensity indicates that perceived community pressure may have been the cause for the gap in scores between groups. Persons exposed to an admittedly artificial set of circumstances and asked to play the role of a juror were more likely to find the defendant guilty when treated with community pressure than

were those who received a neutral news report. A comparison of sample means found that the guilt intensity scores in the experimental group were "more guilty" than those in the control group.

Authoritarianism scores were employed as a within-groups check. Since the authoritarianism literature indicates that persons with authoritarian tendencies and personalities are more likely to both conform and convict, it was anticipated that the highest conviction rate would come from high authoritarians in the experimental group, since the possibility for conforming behavior was available with the presence of community pressure.

Mean authoritarianism scores for the control and experimental groups were quite similar; thus it was expected that in the experimental group the guilt/innocence gap between high and low authoritarians would be greater than it was in the control group. That was not the case. In fact, in the control group there was a significant statistical difference between high and low authoritarians on guilt intensity scores, while no such difference existed in the experimental group. Guilt intensity scores in the experimental group were nearly identical for high and low authoritarians.

The data thus raise questions about the level of conforming behavior that may have occurred in the experiment. Certainly, there was an artificial "community" without the ability to provide sanctions or grant social approval. In a real trial setting, with an actual community exerting pressure and having the power of sanction over jurors, the results might differ. That is to say, high authoritarians might consistently render more prosecution-oriented verdicts in a case than

low authoritarians; the gap might be a function of the climate of community sentiment. Certainly, one weakness of the research here is the lack of a community. Future endeavors in this area should certainly focus on the use of a more realistic pressure-generating entity.

Nonetheless, authoritarians who scored high on the Webster scale consistently found the defendant guilty in both the experimental and control groups. Men were more likely than women to convict in both settings. The finding of a gap between the sexes raises another question that future research can deal with. While men are generally more likely to be authoritarian personalities and therefore more law-and-order oriented, women have been viewed in the literature as more likely to be conformists. In true-to-life community pressure-laden trial settings, would there actually be a difference between the sexes based on that scenario? Of course, this study did not examine whether individual subjects actually conformed. Since there were no deliberations nor interactions between subjects, there could be no pressure from within. And, as noted earlier, the outside "community" may have lacked the authority to compel yielding behavior.

The data in this study at best, serve as a starting point in the controversy of televised trials. Extrapolation and conjecture become handy devices here. Results suggest that community pressure could play a role in juror decisionmaking. In a televised trial where no-longer-anonymous jurors are shown on television, the possibility of conformity to community pressure and expectations could be increased. The effect need not be great. If the pressure affects one juror and changes a hung jury into a convicting jury, that is significant, statistics aside.

Imagine a televised trial with 12 jurors. A unanimous verdict of 12 findings of guilt is needed for a conviction. One of the 12 jurors is undecided; the other 11 favor a conviction. If the presence of community pressure has any biasing effect to the extent that such an outside influence supersedes in-court testimony and results in the lone juror agreeing to convict, the effects could be tragic. The likelihood of such a scenario is not great, but neither is it non-existent. Community pressure has yet to be shown to be an element in the outcome of a televised trial. Yet, there is little reason to suspect it could not be.

When the justice system deals with protecting the fair trial rights of every criminal defendant, it would be a sad commentary if a person lost freedom due to the presence of outside influences on non-anonymous jurors.

Of course, there are other factors that would work alongside community pressure as elements affecting the outcome of a trial. For example, the size of the community involved might play a role; in smaller communities, where loss of anonymity could result in sanctions more readily, the problem of community pressure could be greater. Jurors in televised trials in larger cities would still remain relatively anonymous.

A second factor that could affect trial outcomes is the nature of the trial. Trials that are particularly notorious or heinous would tend to arouse community sentiments to a greater degree than would less sensational trials. Such trials are the type likely to be broadcast by television program directors playing the ratings game.

The subjects in the study agreed strongly that when trials are telecast, jurors should not be shown on camera; and that jurors in televised cases could become more vulnerable to outside pressures.

The questions surface quickly: Would a blanket prohibition on juror coverage in televised trials serve as an effective deterrent to whatever role community pressure might play? Does such a prohibition violate the media's First Amendment rights as an unconstitutional prior restraint?

The Supreme Court has already said that there is no evidence that televised trials are inherently unconstitutional. In the Chandler ruling, the high court left it to the states to determine policies relating to electronic court coverage. Certainly, a major consideration for these states is the question of juror coverage: Should viewers at home see jurors or not?

It is believed here, without sufficient empirical support, that the granting of anonymous status to jurors in criminal trials would significantly decrease the likelihood of community pressure playing a significant role in the decisionmaking process. Of course, in some smaller communities, everyone will know who's on the jury panel anyway. But in larger communities, jurors could be shielded by a blanket of anonymity and protected from outside influences to a degree.

A prohibition of juror coverage would certainly not detract significantly from televised trials. Practically, courtroom newsworthiness is more likely to come from witnesses, judges and attorneys. Jurors are usually seated, pensive and unexciting. They don't make for good television. Allowing jurors to be shown on camera adds little;

it may lead to the harassment of citizens who already face the pressures of missed work and sometimes extensive periods apart from their families. It may additionally distract them psychologically. They may look at the camera as it pans the jury box. Even if jurors are not psychologically distracted by the cameras, persons in the outside community may be, to the extent that they let that face they saw at the trial know how the case should be decided or what they thought of the verdict. Community pressure for the non-anonymous juror can come either during the trial--in the press or at the supermarket checkout counter--or after the trial in a "How did you let that man go free . . ." scenario.

Clearly, a compromise is called for. Allowing televised trials is entirely consistent with the First Amendment guarantee of freedom of the press. Allowing juror coverage may be inconsistent with the Sixth Amendment right of a fair trial for a defendant and a common law right to privacy for the trial juror.

Some states recognize this and should be commended. Too many have, in the post-Chandler ado, ignored the core question of impact on jurors. As noted earlier, several states either limit or prohibit jury coverage. The key concept comes from the states which limit coverage to the extent that individual jurors cannot be recognized. Iowa, for example, prohibits any coverage of the jury until the returning of the verdict, but juror coverage is expressly permitted at that time. By that point in the trial, the decision is made and outside pressures--but not sanctions--become minimal.

The trend toward limiting juror coverage while extending general court coverage is encouraging. It has not been empirically demonstrated that televised trials with juror coverage would bias a defendant; nor has it been shown that a ban on juror coverage would significantly hamper a station's ability to telecast a trial. The real world of jurisprudence is not a university classroom; instead it is an arena where the stakes can be very high. Policymakers in eight states now require juror consent before jurors can be shown on screen; in nine other states juror coverage is limited or prohibited.

In the rush to implement policies and televise trials, state officials should carefully consider the juror and not rule out court coverage that maintains juror anonymity to protect the juror--and more importantly, the defendant.

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APPENDICES

APPENDIX A

AMERICAN BAR ASSOCIATION'S CANON 35

Canon 35 of the Canons of Judicial Ethics

Improper Publicizing of Court Proceedings

Proceedings in court should be conducted with fitting dignity and decorum. The taking of photographs in the courtroom, during sessions of the court or recesses between sessions and the broadcasting of court proceedings are calculated to detract from the essential dignity of the proceedings, degrade the court and create misconceptions with respect thereto in the mind of the public and should not be permitted.

APPENDIX B

AMENDED CANON 35 (1952)

Canon 35, as Amended in 1952

Proceedings in court should be conducted with fitting dignity and decorum. The taking of photographs in the courtroom during sessions of the court or recesses between sessions and the broadcasting OR TELEVISING of court proceedings are calculated to detract from the essential dignity of the proceedings, DISTRACT PARTICIPANTS AND WITNESSES IN GIVING TESTIMONY, degrade the court and create misconceptions with respect thereto in the mind of the public and should not be permitted.

PROVIDED THAT THIS RESTRICTION SHALL NOT APPLY TO THE BROADCASTING OR TELEVISING, UNDER THE SUPERVISION OF THE COURT, OF SUCH PORTIONS OF NATURALIZATION PROCEEDINGS (OTHER THAN THE INTERROGATION OF APPLICANTS) AS ARE DESIGNED AND CARRIED OUT EXCLUSIVELY AS A CEREMONY FOR THE PURPOSE OF PUBLICLY DEMONSTRATING IN AN IMPRESSIVE MANNER THE ESSENTIAL DIGNITY AND THE SERIOUS NATURE OF NATURALIZATION.

(Sections which are capitalized are those added in 1952.)

APPENDIX C

CANON 3(A) (7)

Code of Judicial Conduct: Canon 3

(7) A judge should prohibit broadcasting, televising, recording or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions except that a judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record or for other purposes of judicial administration.

(b) the broadcasting, televising, recording or photographing of investigative, ceremonial or naturalization proceedings.

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings.

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording or reproduction.

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

APPENDIX D

FLORIDA EXPERIMENTAL CANON 3(A) (7)

Subject at all times to the authority of the presiding judge to (i) control the conduct of the proceedings before the court (ii) ensure decorum and prevent distractions and (iii) ensure fair administration of justice in the pending cause, electronic media and still photography coverage of public judicial proceedings in the appellate and trial courts of this state shall be allowed in accordance with standards of conduct and technology promulgated by the Supreme Court of Florida.

APPENDIX E

Table 14. Status of Electronic Court Coverage: July 1982.

State	Trial	Appellate	Permanent	Experimental	Plans Pending	Consent Required[1]					Effective Date
						Judge	Witness	Juror	Defendant	Prosecutor	
Alabama	x	x	x			Yes	LC	LC	Yes	Yes	Feb. 1976
Alaska	x	x	x			Yes	LC	LC	LC	Yes	Nov. 1979
Arizona	x	x		x		Yes	No	No[2]	No	No	May 1979
Arkansas	x	x		x		Yes	LC	No[3]	Yes	Yes	Jan. 1981
California	x	x		x		Yes	No	No	No	No	July 1980
Colorado	x	x	x			Yes	LC[4]	LC[4]	Yes	No	Feb. 1956
Connecticut	x	x		x		Yes	No	No[2]	No	No	Apr. 1982
Delaware		x		x		Yes					May 1982
District of Columbia	NONE										
Florida	x	x	x			Yes	No	No	No	No	May 1979
Georgia	x	x	x			Yes	LC	No	Yes[5]	Yes[5]	May 1977
Hawaii	x	x			x	Yes	LC	No	Yes	No	Pending
Idaho		x[6]	x			Yes					Aug. 1979

State	Trial	Appel-late	Perm-anent	Experi-mental	Plans Pend-ing	Consent Required					Effective Date
						Judge	Wit-ness	Juror	Defend-ant	Prose-cutor	
Illinois	x	x			x	Yes					Pending
Indiana	NONE										
Iowa	x	x	x			Yes	LC[7]	No[8]	No	No	Jan. 1982
Kansas		x[6]		x		Yes					Sept. 1981
Kentucky	x	x	x			Yes	No	No	No	No	July 1981
Louisiana	x	x	x			Yes	No	No	Yes	Yes	July 1979
Maine		x[6]				Yes					Apr. 1982
Maryland	x	x	x[9]	x[9]		Yes	LC[10]	No			Jan. 1981
Massachusetts	x	x		x		Yes	No	No	No	No	Apr. 1980
Michigan	NONE										
Minnesota		x		x		Yes					Jan. 1978
Mississippi	NONE										
Missouri	NONE										
Montana	x	x	x			Yes	No	No	No	No	Apr. 1980
Nebraska	NONE										
Nevada	x	x		x		Yes	No	No[11]	No	No	Apr. 1980
New Hampshire	x	x	x			Yes	No	No[12]	No	No	Jan. 1978

State	Trial	Appellate	Permanent	Experimental	Plans Pending	Consent Required					Effective Date
						Judge	Witness	Juror	Defendant	Prosecutor	
New Jersey	x	x	x			Yes	No	No[2]	No	No	Oct. 1980
New Mexico	x	x		x		Yes	No[13]	No[3]	No	No	July 1980
New York		x	x			Yes					Jan. 1981
North Carolina	x	x			x	Yes	No	No	No	No	Pending
North Dakota		x	x			Yes					July 1980
Ohio	x	x	x			Yes	LC	No[3]	No	No	Jan. 1982
Oklahoma	x	x	x			Yes	LC	LC	Yes	No	Feb. 1982
Oregon	NONE										
Pennsylvania	x[14]			x		Yes	LC				Oct. 1979
Rhode Island	x	x		x		Yes	LC	LC	LC	No	Sept. 1981
South Carolina	NONE										
South Dakota	x	x[6]			x	Yes					Pending
Tennessee	x	x	x			Yes	LC	LC	Yes	Yes	Feb. 1979
Texas[15]	NONE										
Utah[16]	NONE										
Vermont	NONE										
Virginia	NONE										

State	Trial	Appel-late	Perm-anent	Experi-mental	Plans Pend-ing	Consent Required					Effective Date
						Judge	Wit-ness	Juror	Defend-ant	Prose-cutor	
Washington	x	x	x			Yes	LC	LC	LC	No	Sept. 1976
West Virginia	x	x	x			Yes	No	No	No	No	May 1981
Wisconsin	x	x	x			Yes	No	LC	No	No	July 1979
Wyoming		x[6]		x		Yes					Aug. 1981

Source: News media coverage of judicial proceedings with cameras and microphones: A survey of the states. Radio-Television News Directors Association report, July 1982.

[1]A "yes" indicates that consent of the party indicated is an absolute precondition. An "LC" indicates that consent is a limited condition, meaning that if the party indicated objects or does not grant consent, that party may not be covered, but the rest of the proceedings may be.

[2]Does not allow coverage that would result in recognition of individual jurors.

[3]Juror coverage prohibited.

[4]Consent of witnesses not required, but judge shall prohibit coverage of objecting witnesses or jurors by court order.

[5]Program does not explicitly require consent of the defendant, but the state supreme court plans have provision mandating such consent.

[6]State supreme court only.

[7]Witnesses in sexual abuse cases must grant consent to coverage of their testimony. Objections of certain witnesses are presumed valid, including victims/witnesses in forcible felony cases, police informants, undercover agents and relocated witnesses.

[8] Coverage of jury selection and the jury itself is prohibited except to the extent that it is unavoidable in covering the proceedings. Coverage of the jury returning its verdict, however, is expressly permitted.

[9] Maryland has a permanent plan for appellate court coverage and an experimental plan for civil trials.

[10] Applies to victims only.

[11] Individual jurors are not to be covered deliberately.

[12] In criminal cases, prior express approval of the Presiding Justice of the Superior Court is needed to allow jury coverage.

[13] Judge has discretion to ban coverage of certain witnesses, including juveniles and those witnesses referred to in note 7.

[14] Non-jury civil trials only.

[15] Allows audiotaping of appellate proceedings.

[16] Still photography is permitted.

APPENDIX F

INSTRUCTIONS TO STUDY SUBJECTS

Dear participant:

Thank you very much for agreeing to take part in this study.

For the next hour, you will be asked to play the role of a juror at a trial. Please immerse yourself in that role as fully as possible. Assume that you are a resident of the community in which the trial is occurring.

The man on trial has been charged with burglarizing a local jewelry store. Your task as a juror is to determine if the person on trial is guilty or not guilty of the crime he has been charged with.

Please use the following standard in determining guilt: The defendant is GUILTY if you are convinced beyond a resonable doubt that he is the person who committed the crime. Anything short of that should result in a verdict of NOT GUILTY.

In an effort to provide you with some background about the case, you will receive a newspaper story giving you some information about the upcoming trial. Please read the story carefully and completely. After you have read the story, you will view trial excerpts on the television monitor.

Once the trial has ended, you will be asked to complete a questionnaire.

The entire study will last about one hour. If you have any questions about the study, do not hesitate to ask.

Your name will not be used in connection with any of the results of the study. You are free to withdraw your consent and discontinue your participation in the project at any point without penalty or prejudice.

Once again, thanks for your assistance.

--Steve Pasternack
Assistant professor, Communications

APPENDIX G

NEWS STORIES ABOUT THE TRIAL

Bennett to go on trial for burglary

The burglary trial of Ira M. Bennett, 2752 Oak Rd., Perryton, will begin today in Davis County Criminal Court.

Bennett, 34, is charged with the burglary of Karron's Jewelry Store, 613 Third St., where he worked as an assistant manager.

The trial will be televised locally on Channel 6, beginning at 1:30 p.m. Trial highlights will be shown on Channel 6 at 10:30 tonight following the local news.

This will be the fourth criminal trial televised in this area this year since the state supreme court voted to allow full television coverage of criminal trials. This policy includes full coverage of all trial participants, including witnesses and jurors.

The county grand jury indictment charged Bennett with breaking into Karron's on March 6 after the store had closed and attempting the theft of rings, watches and necklaces valued at more than $4,000.

The Bennett case has aroused much controversy here in Perryton. Community activists, upset at the rising crime rate here, demonstrated outside the courthouse yesterday carrying signs such as "Put Burglars Where They Belong" and "Make Perryton Safe Again."

Sunday's edition of the *Herald* reported that the burglary at Karron's was the 200th in town this year, breaking the record set in 1974. An editorial in the Sunday paper called for judges, jurors and prosecutors to stop their excessive leniency and to start prosecuting and convicting more criminals.

"The people of this town will not stand any longer for Perryton becoming an unsafe area to live. We must restore law and order in this community," the editorial stated.

Jury selection begins at 9 a.m. today before Criminal Court Judge Joseph Lurie. Assistant States Attorney Mary H. Feld will prosecute the case and Susan E. Sutherland will represent Bennett.

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APPENDIX H

TRIAL TRANSCRIPT

IN THE CRIMINAL COURT OF

DAVIS COUNTY, STATE OF

INDIANA

The People v. Ira M. Bennett Criminal action 82-094

The defendant is charged with the burglary of Karron's Jewelry store on March 6, 1982.

Before Lurie, J.
and a jury

Appearances: L. Feld, Esq. Prosecutor
D. Sutherland, Esq. for defendant

Witnesses: Arnold Karron, Jr., store proprietor
Daniel R. Huggins, arresting officer
Phillip Ricker, witness

First witness: Arnold Karron, Jr.
Direct examination by Feld

Q: Do you know an Ira M. Bennett?
A: Yes I do. He was assistant manager of the jewelry store.
Q: How long did he work for you at the store?
A: He started in 1975 and was made assistant manager in 1980 and stayed in that post until March.
Q: What caused the termination of his job?
A: Soon after the incident of Ira entering the store, we discussed the incident and his gambling. I guess I lectured him a bit. He got pretty huffed up and finally said it's best that he stop working at the store. So I gave him a month's pay and that's the last I saw of him.
Q: Were you friendly with Bennett socially?
A: No. I'm married with kids and he's a bachelor so we did not socialize after hours.
Q: Did Bennett ever mention financial problems to you?
A: Yes, the month before the burglary he asked for an advance on his salary. I saw nothing wrong with it, but I was a bit concerned how he had been acting so I asked him what the problem was. He said he had lost some money gambling and needed help to make ends meet. I became a bit upset at him for gambling.
Q: What was Bennett's salary?
A: As assistant manager, he earned $18,000. That includes commissions.
Q: Do you know a Marsha Mather?
A: No.
Q: Did Bennett ever mention his girlfriend, I should say fiancee, to you?
A: No.
Q: Did Bennett ever mention coming down to the store at night to pick out a ring?
A: No.
Q: Do you know a Phillip Ricker?
A: No.
Q: Do you recognize the person in this picture marked Exhibit D?
A: No.
Feld: I take it this will serve as a sufficient identification, Your Honor.
Judge: Yes.
Q: What was your policy about allowing Bennett to enter the store after hours?
A: I never forbade him to come in. He and I were the only ones with the key to the door or the alarm. Occasionally, we would come to the store at night to do some bookkeeping or to let the watch repairman, Mr. Mura, in to work. Sometimes Bennett and I would come in together and some times separately. I never objected to his coming in at night. So I guess I could be considered as giving him permission.

Q: Did he ever go in on personal business or to purchase something for a friend?
A: Not that I know of.
Q: What type of alarm system does the store have?
A: It's an old fashioned one with a large bell. The bell is wired so that it goes off if the windows or doors are opened if the alarm hasn't been turned off. You can turn off the alarm only with a special H-shaped key. The alarm is pretty loud and can be heard for several blocks. It just rings loudly at the store, and cannot be heard automatically in the police station as some of the newer systems can.
Q: How do you set the alarm?
A: Every night before closing, I would set the switch in the back of the store and when the front door is closed it's all set.
Q: Thank you Mr. Karron. No further questions.

The next witness is Daniel R. Huggins, a member of the Perryton police force for seven years and currently a Detective Sergeant. The questioning continues with Feld:

A: On March 6, 1982, where was your beat?
A: I was downtown, in the area bounded by Third and Seventh and Prince and Market Streets.
Q: What time did you go on duty that night?
A: 10 p.m.
Q: Where were you at approximately 11 p.m. on that night?
A: I was on Prince Street, making a routine check of stores.
Q: In what direction were you walking on Prince Street?
A: I was on Prince walking toward Third Avenue.
Q: Then, you were heading in a westerly direction on Prince Street?
A: Yes.
Q: Thank you. Now, as you were walking along Prince Street checking the stores, let me ask if you observed anything on Third Avenue?
A: As I was coming up Prince, I noticed a car going very slowly along Third Avenue. That is not all that unusual at that time of night; a lot of people are window shopping.
Q: In which direction was the car going?
A: It was headed north on Third Avenue.
Q: Toward Queen Street?
A: That is correct.
Q: Did you observe any other traffic on Third Avenue at that time?
A: No. It was very quiet.
Q: Was there any other traffic on Prince?
A: No sir.
Q: Is this common, that is not to have any traffic on those streets at 11 p.m.
A: Quite common at that hour.
Q: What did you do next?
A: Well, I really did not pay much attention to that car; I just continued checking stores.

Q: What did you do next?
A: When I got to the corner of Third, I turned...
Q: What way did you turn?
A: To the right.
Q: All right.
A: I noticed the car had stopped approximately in front of Karron's, the door on the right side was open, the engine was running and the car lights were out. That was rather suspicious for that time of the night so I quickened my pace and started to head toward the car.
Q: Just stop there for a moment please Detective Huggins. Can you identify the make and type of car?
A: Yes, it was a 1980 Ford.
Q: Sedan?
A: Yes.
Q: All right, continue. What happened then? Were you able to see who, if anyone, was in the car?
A: No I could not tell.
Q: All right. Go on.
A: I kept quickening my pace and started to run toward the car. Just as I was doing that a person came out of the doorway and headed toward the car. I called for him to halt and he fired two shots at me.
Q: What did you do then, officer?
A: I ducked in the doorway.
Q: Then what happened?
A: Well, I heard a scream. It was from a woman, but it was far off in the background so I continued on.
Q: How long did you remain ducked in the doorway?
A: Until I drew my gun, oh about a minute or so.
Q: Just enough to draw your gun?
A: To draw my gun.
Q: Then?
A: I headed for the car and it started to pull away quite rapidly.
Q: What happened to the car?
A: It continued down Third Street and then went around Queen Street.
Q: When you emerged with your gun drawn, approximately where would you say the car was located?
A: Oh, right in front of Jill's Clothing Shop?
Q: Okay, then what happened to the car?
A: The car, well, there were no lights on so I couldn't get the license number; it just turned and went down Queen Street, right down the street.
Q: I take it that at no time were you able to identify how many people were in the car?
A: That is correct.
Q: What happened after the car disappeared?
A: I ran down the street and noticed the door to the jewelry store open.

Q: Then what did you do?
A: I went inside the store, just to look things over and I saw Ira Bennett crouched down by the counter.
Q: What lights were on in the jewelry store at the time?
A: The regular night lights that are always on.
Q: Do you recall where they were?
A: Yes. I patrolled that best for some time. There's one over the safe and one in the opposite end of the store.
Q: Now you said you saw Ira Bennett in the store?
A: Yes.
Q: Where did you see him, exactly?
A: Right by the desk, between the desk and the counter area.
A: Could you see him from the street?
A: Oh yes. It's glass....
Q: Did you see him front the street?
A: No, I didn't see him until I went inside the door.
Q: What happened after you spotted him there?
A: Well, I see him crouched there. I told him to stand up and asked, "What are you doing here?"
Q: You said, "What are you doing here?"
A: Yes.
Q: Did he reply?
A: He said, "I work here."
Q: By the way, Officer, had you ever seen him before?
A: Yes, several times in the store.
A: Did you know him to be an employee of the store?
A: Yes, he's been there for some time.
Q: Did you know his name at the time you saw him that night?
A: No.
Q: Then what?
A: Well, I handcuffed him to the radiator and made sure he wasn't armed.
Q: Which did you do first?
A: Handcuffed him.
Q: Was there any further conversation?
A: No.
Q: What did you do after you handcuffed him to the radiator?
A: I called headquarters.
Q: Where was the telephone?
A: On the desk in the store.
Q: Was the phone in good working order?
A: Yes, it was.
Q: You had no trouble putting the call through?
A: None.
Q: And you called, in effect, for help?
A: Yes.
Q: After the call, what did you do?
A: There was a bag alongside Mr. Bennett and I moved it down by the safe, just glanced in it and I could see jewels in it. I just left it there and went back into the street.

Q: What kind of a bag was it?
A: A briefcase.
Q: A briefcase...and you looked inside it and saw that there was jewelry?
A: Yes, jewelry. That's all I could tell.
Q: Did you say you put it in the safe?
A: No, by the safe.
Q: What did you do then?
A: I wanted to check on the scream, so I left and ran down Third Avenue.
Q: Tell us what happened after that.
A: Well, as I ran down Third Avenue I noticed a man lying there with a woman kneeling over him.
Q: How far down the street was that?
A: Approximately halfway down the next block.
Q: Where you had been, the block between Prince and Stone?
A: That's correct.
Q: Go on now and tell us what you did.
A: I knelt down and saw the man was bleeding and the woman was rather upset and crying, so I said, "I'll get an ambulance right away," and she said something to the effect that an ambulance had been called. So I just got their names and went right back to the store to my prisoner.
Q: Did you leave the door to the store open or locked when you left?
A: I pushed the button so I could get back in again.
Q: You mean you released the lock?
A: Yes.
Q: So this knob was then unlocked?
A: Yes.
Q: Then what happened?
A: The prowl car showed up.
Q: How soon was that?
A: Oh, within a minute.
Q: Of when you returned to the store?
A: No, within a minute of my call.
Q: Within a minute?
A: Oh yes. We can get a prowl car to any part of downtown within a minute.
Q: That would be when with reference to your return to the store?
A: Oh about 30 seconds or so.
Q: After the prowl car came, what did you do?
A: The other officers--one went to check on the man who was injured, and I released Bennett from the radiator and put the handcuffs back on him and then we checked the jewels in the case and called Mr. Karron the owner of the store.
Q: No further questions. (To defense attorney) Your witness.

Questioning now begins by defense counsel, Sutherland.

Q: Officer, you told us a few moments ago that you had no connection with the case except for a matter that you mentioned after the events of March 6. If it not the case that on March 7 you make a written report to your superiors in the police department?
A: Yes.

Q: Your report was made on a subsequent date?
A: The shift started at 10 p.m. and ended at 6 a.m. the next morning. That would account for the difference in dates.
Q: Would you glance at this document marked Exhibit A and tell the jury whether this is the report to which you have referred?
A: Yes, it is.
Q: Was your recollection of the events of that evening better in the early morning of March 7 than it is now?
A: I believe so.
Q: So that when you said to your superiors in the police department "On the way in Bennett told us that he had not wanted to break into the store but that he had been made to do so by some hoodlum and that his girlfriend was still held as a hostage," that is a correct account of events, is it not?
A: Yes.
Q: So, it is a fact that on the way in the prowl car to the police station, the defendant, Mr. Bennett, spoke of the word "hoodlum" and said that his girlfriend was still held as a hostage?
A: Yes.
Q: And, this was the point at which you said, "Nuts" as you testified in direct examination?
A: Yes.
Q: At the time, you had been a police officer for how long?
A: Five years.
Q: You were, in the course of your duties, familiar with kidnapping as a mode of compulsion by hoodlums?
A: Yes.
Q: This is a fairly common practice by thugs, is it not?
A: It has happened, but I would not call it a common practice.
Q: It has happened with a reasonable frequency in the history of crime, has it not?
A: Yes.
Q: When you went into the station house with the defendant on that evening, did you report to any of your supervisors pertaining to statements by Mr. Bennett that a young woman was held as hostage by thugs in order to compel him to get into the store?
A: As I said earlier, he was telling that to the sergeant, but I didn't pay attention because I really did not believe it was true.
Q: Wasn't your reason for not reporting this the fact that Mr. Bennett was reporting it in your hearing?
A: Partly.
Q: Partly, and so when you testified on direct examination about Mr. Bennett's statements, "I believe he may have...", your recollection is now quite definite that Mr. Bennett did complained that his fiancee...
A: I only heard part of the conversation. I would have when I finished booking the person, I would have immediately contacted the sergeant, but in the course of talking it over I would have said something to him, but not in the sense of reporting it. I would just have said that Bennett said he was compelled, but also indicating that I do not believe that. But naturally, the full decision would have been left to the sergeant.

Q: Is it the case then that you did tell the sergeant that Bennett complained of coercion and that his girlfriend was being held as a hostage?
A: No I did not.
Q: You didn't tell the sergeant that?
A: No.
Q: And you say your reason for not telling the sergeant that was twofold: first that you heard Mr. Bennett say it and secondly that you did not believe it. Is that correct?
A: Yes.
Q: Your practice as a police officer is to report only those things that you believe?

(At this point, Feld rises and states:)

Feld: I object. That is an unfair question. He has already said he would have reported it to the sergeant if he hadn't heard Mr. Bennett do so.

Judge: (To Sutherland) Do you press the question?
Sutherland: No, your honor.

Q: You testified definitely on your direct examination that the only words uttered by Mr. Bennett during the time you were in the store were, "I work here." Are you entirely certain that was all he said in the store while you were in there with him?
A: I did not say they were the only three words. It was more like, "What are you doing to me? Why are you handcuffing me? I work here."
Q: Ah, so he did say other things besides "I work here." He said, What are you doing to me and why are you handcuffing me?
A: Something like that.
Q: You are not quite sure what he did say, are you?
A: No, I cannot recall whether he said those words at that time.
Q: I just have been saying that your memory of what was said is naturally a bit uncertain. Am I correct in that?
A: No, I remember quite well. It was just that I do not remember exact words. But, I do remember the gist of what he said to me.
Q: No further questions.

(At this point, Phillip Ricker is sworn as witness)
Questioning by Feld

Q: Mr. Ricker, were you involved in any way in the burglary of Karron's Jewelry Store last March 6?
A: I pleaded guilty to the burglary in court last week.
Q: Did you commit the burglary yourself or did you have an accomplice?
A: Ira Bennett and his fiancee planned the burglary with me and Ira participated with me in the job.
Q: That's all. Thank you, Mr. Ricker.

(Cross examination of Ricker by Mr. Sutherland)

Q: Other than working with you on the burglary, it it not true that you forced Ira Bennett to let you into Karron's Jewelry Store?
A: No, he was my accomplice. He wanted us to rob the store.
Q: No further questions.

Judge's instructions:

Judge Lurie: Ladies and gentlemen of the jury, your role is essential to providing justice. You sit as triers of fact. Your task is to decide what are the true facts, to decide if the defendant is guilty or innocent of the crimes of which he is accused.

The task before you is to decide in your own mind if the state has proven to you beyond a reasonable doubt that the defendant did commit burglary. You are to deliver a verdict of guilty or not guilty of that charge.

Cast your vote in accordance with your own conscience, and based on the evidence presented in court.

APPENDIX I

QUESTIONNAIRE

QUESTIONNAIRE

Please respond to the following questions by placing an x in the space that best reflects your answer.

1. Do you, as a juror, feel that the verdict in the trial of Ira M. Bennett should be GUILTY or NOT GUILTY?

1. _____ Guilty
2. _____ Not guilty

2. Using a 1-10 scale, where a score of 1 indicates that you are absolutely convinced that Bennett is not guilty and a score of 10 indicates that you are absolutely convinced he is guilty, how would you rate Bennett's guilt probability?

ABSOLUTELY NOT GUILTY										ABSOLUTELY GUILTY
1	2	3	4	5	6	7	8	9	10	

My score would be: _____

At this point, we would like to learn a little about you to help us analyze your responses.

3. Are you:

1._____Male

2._____Female

4. What is your current class in school?

1._____Freshman

2._____Sophomore

3._____Junior

4._____Senior

5._____Graduate

5. What was your age on your last birthday?

_____years old

6. What is your political party affiliation?

1._____Democrat

2._____Republican

3._____Registered with some other party

4._____Registered independent

5._____Not registered

questionnaire--page 3

For the following questions, in which we seek to measure some of your general attitudes, please indicate if you agree or disagree with the following statements.

AGREE	DISAGREE	
_____	_____	Once I have my mind made up, I seldom change it.
_____	_____	I don't like things to be uncertain and unpredictable.
_____	_____	I favor strict enforcement of all laws, no matter what the consequences.
_____	_____	I get pretty discouraged with the law when a smart lawyer gets a criminal free.
_____	_____	Lawbreakers are almost always caught and punished.
_____	_____	Parents are much too easy on their children nowadays.
_____	_____	Disobedience to the government is never justified.
_____	_____	I think I am stricter about right and wrong than most people.
_____	_____	I never make judgments about people until I am sure of the fact.
_____	_____	I would be uncomfortable in anything other than fairly conventional dress.
_____	_____	A person should adapt his ideas and behavior to the group that happens to be with him at the time.
_____	_____	Before I do something, I try to consider how my friends will react to it.
_____	_____	I would be uncomfortable if I accidentally went to a formal party in street clothes.
_____	_____	I dislike persons who always follow the usual social conventions, such as manner, customs and etiquette.
_____	_____	I like unconventional language.
_____	_____	Every family owes it to the city to keep their sidewalks cleared in winter and their lawn mowed in summer.
_____	_____	I would dislike being a member of a leaderless group.
_____	_____	I am fascinated by fire.
_____	_____	I have a tendency to give up easily when I meet difficult problems.
_____	_____	I am bothered by people outside watching me.
_____	_____	I think a great many people exaggerate their misfortunes in order to gain the sympathy and help of others.

questionnaire--page 4

_____ _____ There are certain people whom I dislike so much that I am inwardly pleased when they are catching it for something they have done.

_____ _____ Men who look as though they could be brutal are repelling to me.

_____ _____ I feel that I have often been punished without cause.

_____ _____ My mother or father often made me obey even when I thought that it was unreasonable.

Please respond to the following questions by CIRCLING THE RESPONSE WHICH BEST REFLECTS your position on the statement.

If you STRONGLY AGREE circle SA; if you AGREE circle A; if you are NEUTRAL, circle N; if you DISAGREE, circle D; if you STRONGLY DISAGREE, circle SD.

	STRONGLY AGREE	AGREE	NEUTRAL	DISAGREE	STRONGLY DISAGREE
The presence of television cameras in courtrooms is likely to be a physical distraction to a juror.	SA	A	N	D	SD
Even if a juror cannot see the cameras, awareness of their presence would be distracting to the juror.	SA	A	N	D	SD
If states permit trials to be televised, they should never allow jurors to be shown on camera.	SA	A	N	D	SD
A juror in a televised trial will be more susceptible to community pressure and sentiments than would a juror in a non-televised trial.	SA	A	N	D	SD
Overall, the televising of criminal trials has more advantages than disadvantages.	SA	A	N	D	SD

questionnaire--page 5

	STRONGLY AGREE	AGREE	NEUTRAL	DISAGREE	STRONGLY DISAGREE
If I was on trial for murder, I would object to my trial being on television.	SA	A	N	D	SD

APPENDIX J

SUBJECT DEBRIEFING FORM

About 18 months ago, the Supreme Court ruled that states may begin experimenting with the telecasting of trials. While television newscasters were delighted, critics of televised trials claimed that cameras in court will bias jurors.

One area of concern is that jurors in a televised trial would lose their anonymous status to the rest of the community and therefore be more likely to conform to what the rest of the community wants and expects in terms of a verdict. In the types of cases that may be chosen for television, perhaps full of large doses of pre-trial publicity, jurors could enter trials with presumptions of guilt and then act accordingly in an effort to gain social approval. If such is the case, that becomes unfair to the defendant and is a cause for great concern.

In an effort to bite off one small chunk of this complex puzzle, this study is attempting to examine what effect the presence of perceived community pressure for a guilty verdict might have on one's perceptions of a defendant's guilt. As simulated jurors, you were divided into two groups. One group was aware of intense community pressure for a conviction; the other was not.

Community pressure was the study's independent variable; your verdict and guilt intensity scores on the 1-10 scale were the dependent

variables. Now, your responses will be tabulated and analyzed to see if the community pressure had any effect.

It is hoped the results will have practical use. While certainly not conclusive, they could offer assistance to persons around the country who are currently considering policies relating to televised trials. Currently, 29 states allow trials to be televised, and several others are considering adopting plans.

Certainly more research is needed in this area as televised trials become more common. The key question that arises from this study may indeed revolve around one question: if trials are televised, should jurors be shown on television?

Thank you again for your assistance. If you have any questions, please feel free to ask them.

VITA

Steve Robert Pasternack was born in New York City on December 3, 1949. He attended secondary schools in New York, graduating from high school in 1967. He received the Bachelor of Arts degree in English and Interdisciplinary Studies from Queens College, Flushing, New York in 1972.

After graduation, he worked for the Daily News and Long Island Press as a reporter, covering politics, education and general assignment. In 1974, he joined the staff of The Albuquerque Tribune as a reporter. In 1976, he enrolled in the graduate program at Iowa State University's Department of Journalism and Mass Communication, receiving the Master's degree there in 1978. He then joined the faculty in the Illinois State University Department of Communication as an instructor. After one year, he enrolled in the doctoral program in Communications at The University of Tennessee, Knoxville, where he received the Ph.D. in December 1982.

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