

What Makes an Impartial Jury?
Perceptions of Jury Impartiality and Court
Legitimacy



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Abstract

In light of decreasing trust in courts at all levels of the American justice system, it is more important than ever to understand what affects people's perceptions of the courts as fair, just, and legitimate. The Black Lives Matter protests highlighted a racial element to perceptions of impartiality in the jury system. Existing literature reveals a complex historical relationship between race and the jury, but little research has been done on public perceptions of race in the jury box.

With a novel two-experiment design using a survey instrument and a half White-half Black respondent sample pool fielded using Prolific, I examine the relationships between race, jury impartiality, procedural justice, and court legitimacy. I find that descriptive representation is important in the crafting of impartial juries for Black defendants, with the experimental provision of a Black defendant resulting in a statistically significant increase in the number of Black jurors that respondents select to compose an impartial jury. However, a basic conception of descriptive representation that juries should look like the defendant they are judging does not hold. By employing a conjoint vignette design, I find a significant negative effect on perceived fairness when a jury is composed of mostly one race regardless of defendant race. This negative penalty is stronger for White juries than for Black juries. Mixed race juries are seen as more fair than both mostly one race juries and in cases where juror race is withheld. The effects of perceived fairness generally fail to carry over to support for the courts as legitimate institutions, suggesting a durable diffuse support for the courts.

1 Introduction

In the wake of recent events such as the Supreme Court’s overturning of abortion precedent and the 2020 Black Lives Matter protests, public trust in American legal institutions is at an all time low, with only 40% of respondents saying they approve of how the current Court is handling its job (Jones, 2022). A Washington Post-ABC poll from April 2021 revealed that 60% of Americans believe the country should be doing more to hold police accountable for the mistreatment of Black people (Clement and Guskin, 2021). Another recent Pew poll shows a growing number of Americans view the Supreme Court as being too involved in politics (Nadeem, 2022). These trends are not unique to the Supreme Court. The results from the 2022 National Center for State Courts “State of the State Courts” survey, fielded yearly with a nationally representative sample, reveals a clear trend in diminishing faith in state courts, with only 43% of Americans believing that their state courts are good at providing equal justice for all (NCSC, 2022). While political affiliation moderated the trends seen, conservatives, liberals, and moderates all indicated a decrease in confidence in the court system over the past ten years as well. What factors influence trust and confidence in the American justice system, and thus have the power to repair the public’s trust — or harm it further? Theories of procedural justice provide us with one way to rebuild the public’s perception of the courts as legitimate impartial institutions.

Procedural justice theory posits that when people view procedures as fair, they are more likely to view the decision-issuing authority as legitimate, regardless of unfavorable outcomes (Tyler, 2006*b*). One dimension of judicial procedure in American courts is a jury of peers. The Sixth Amendment of the U.S. Constitution guarantees a defendant’s right to “a speedy and public trial, by an impartial jury” in criminal cases. A study by the American Bar Association in 2020 showed that by large margins, lawyers and judges viewed jury trials as fairer than alternate methods of adjudication, including arbitration and bench trials, where the judge makes a decision in the absence of a jury (Diamond and Salerno, 2020). Indeed, the study found that respondents’ rating of the fairness of jury trials was the strongest

predictor for their overall preference for jury trials, suggesting that concerns about procedural justice were driving preference for jury trials over other adjudication methods, rather than respondents' ratings of a method's predictability, speed, and cost effectiveness. However, while criminal defendants have the right to a jury, the same ABA study reported a decreasing prevalence of jury trials, with the percentage of federal criminal cases decided by jury trial dropping from 8.2% in 1962 to 3.6% by 2013 (Diamond and Salerno, 2020). In 2018, less than 2% of nearly 80,000 defendants in federal criminal cases had a trial by jury, with nearly 90% of defendants entering plea deals (Gramlich, 2019).

Nearly half of Americans believe that the right to a speedy trial with an impartial jury is threatened (Ipsos, 2021). Media coverage of jury trials in high profile cases related to the 2020 Black Lives Matter (BLM) protests highlights how public perceptions of juries can at times incense the population and harm the legitimacy of the courts, but also promote appearances of justice and a functioning system. When a grand jury decided to not bring charges against several of the police involved in the deadly shooting of Breonna Taylor, protests erupted in anger at the decision and the city of Louisville (where Taylor was killed) declared a state of emergency (Wood, 2020). In particular, media coverage highlighted a racial dimension to the proceedings, often explicitly stating the racial composition of the jury when covering the jury selection process for several cases including those surrounding the murders of Ahmaud Arbery, George Floyd, and Daunte Wright (Bynum, 2022; Karnowski and Forliti, 2021). The November 2021 acquittal of Kyle Rittenhouse by a jury of "seven White women, four White men and one man of color" was blasted as a miscarriage of justice by the Milwaukee Independent newspaper (Tarm, Bauer and Forliti, 2021). Rittenhouse's acquittal sparked protests nationwide, with some turning to violence and rioting, holding signs saying "No Justice in Capitalist Courts" (Deliso, 2021).

The most highly publicized case was that of police officer Derek Chauvin who was found guilty of murdering George Floyd by a split jury of half White jurors and half jurors of color (Karnowski and Forliti, 2021). In response to Chauvin's conviction, people in cities across

the nation celebrated a “step towards accountability” although local and national political leaders shared the sentiment that holding one man accountable is not an “indicator that our system is just” (Witte et al., 2021). The Fraternal Order of Police, the nation’s largest police union, voiced its support for the trial’s outcome, saying “our system of justice has worked as it should” and “the trial was fair and due process was served” (Witte et al., 2021).

Cases such as Rittenhouse’s and Chauvin’s emphasize the potential of jury trials and, in particular, of the racial composition of juries, to have significant effects on public trust in the American justice system. Perceptions of fairness regarding the BLM-related jury trials had clear racial dimensions. Was this unique to the circumstances of the Black Lives Matter movement and the national moment, or does the racial composition of juries have a persistent effect on perceptions of fairness in court proceedings? If so, does any effect of race on the perceived fairness of proceedings carry over to the assessment of the legitimacy and fairness of the American justice system as a whole?

In this study, I aim to answer these questions through two preregistered survey experiments and a half White–half Black respondent sample to explore how people perceive impartiality in the courts. First, I experimentally determine what exactly people perceive as impartial juries with regards to race, gender, and education. Then, using a conjoint design, I examine the potential marginal effects of jury and defendant race, and the interaction of the two, on perceived procedural fairness and explore a possible carry-over effect on public trust in the American justice system. While previous research has examined the effect of race in the jury box and, through polls, looked at people’s perceptions of juries, the literature suffers from a hyper-fixation on the Supreme Court and a lack of experimental research at the intersection of race, juries, and procedural fairness. This study fills a gap in the literature by applying theories of procedural justice to the context of an impartial jury, and experimentally testing for effects of race on perceptions of fairness and legitimacy. By utilizing an experimental design and drawing on a large sample of Black and White respondents, I aim to make causal claims about how people use racial cues to form perceptions of jury impar-

tiality and court legitimacy. I find across these two experiments that the racial composition of a jury is crucial in creating perceptions of impartiality, with juries composed of mostly one race associated with severe penalties on perceived fairness regardless of defendant race, while mixed race juries are associated with increases in perceived fairness. While race has a significant impact on perceived fairness, these results do not carry over to assessments of the courts as legitimate authorities and have mixed effects on trust and confidence in the fairness of the American justice system. My results suggest people have clearly formed views of what constitutes impartiality, and assess different cases with different levels of fairness, but that assessments of court legitimacy and institutional trust in courts are relatively stable, at least in a survey environment.

2 Literature Review

To understand the possible links between race, jury impartiality, and court legitimacy, I examine the literature on these topics. Existing work has looked at topics of procedural justice, court legitimacy, and race and juries in various contexts but there is a clear methodological and substantive gap when it comes to studies that seek to tie ideas of legitimacy, fairness, and race together, especially in an experimental setting. I examine the literature on procedural justice as a theoretical mechanism, next exploring the various ways past researchers have sought to understand the legitimacy of American courts, and finally I look at the existing work concerned with the impact of race on the jury process.

2.1 Procedural Justice

Procedural justice theory is based on the idea that people's perceptions of fairness are not only formed by an outcome but by the process to achieve that outcome. The theory holds that when people perceive a process as fair, they are more likely to accept an outcome and rate the system in which the process occurred favorably, regardless of whether the outcome

favors them (Tyler, 2006*b*). Importantly, procedural justice theory doesn't deny the impact of outcome favorability on perceived fairness, but rather holds that the subjective assessment by individuals of the fairness of a process has an independent effect on how people feel about the results (Tyler and Hollander-Blumoff, 2011). Four critical factors play into the assessments of individuals about whether they were treated fairly: whether the individual was given voice; whether the third-party authority was impartial; whether the authority was trustworthy; and whether the individual was treated with respect (Tyler and Hollander-Blumoff, 2011). It is the dimension of impartiality that I focus on as it relates to a jury trial.

Much of the current literature on procedural justice concerns civilian-police interactions. One mixed methods interview-based study ($N = 110$) found that higher perceived antecedents of procedural justice in police interactions were a stronger predictor of outcome fairness than the achievement of a desired outcome, and were a stronger predictor of legitimacy than the respondent's criminal history (Elliott, Thomas and Ogloff, 2011). One survey study out of Australia ($N = 2611$) showed that people who believe police use just procedures when they exercise their authority are more likely to view police as legitimate (Hinds and Murphy, 2007); a follow up study ($N = 1462$) demonstrated that this correlation is strengthened in police-initiated interactions over citizen-initiated ones (Murphy, 2009). Procedural justice could be a potential mechanism for increasing legitimacy in an institution and authority despite unfavorable outcomes.

While these studies are not explicitly applied in a courtroom context, the theories of procedural justice are transferable. One recent study ($N = 1000$) found that in an experimental setting, people could be motivated to comply with an authority as a consequence of changes to the authority's perceived legitimacy, holding constant purely instrumental motivations (Dickson, Gordon and Huber, 2022). A 1997 study by Tom Tyler, a leading researcher and professor in the psychology of procedural justice, identified a relational component of legitimacy, suggesting that authorities draw an important part of their legitimacy from their

social relationship with group members (Tyler, 1997). This is particularly of interest, and leads me to hypothesize the existence of an in-group effect in the perception of race, fairness, and legitimacy in jury trials. The study suggests that when decision making authorities are members of the same in-group as an individual receiving the decision, the authorities can be seen as more fair and legitimate. This has clear applications to descriptive representation in the jury box as it relates to the race of the defendant. While there have been many quantitative and qualitative studies done on procedural justice, examining alternative frameworks of litigation for dispute resolution systems such as mediation and arbitration, there remains a substantial gap in the literature regarding the precise mechanisms of procedural justice (Tyler and Hollander-Blumoff, 2011). The presence of an impartial jury is a procedure that I hypothesize will contribute to the bedrock of procedural justice on which the American justice system can build its legitimacy.

2.2 Legitimacy and Courts

Professor Tyler defines legitimacy as “a psychological property of an authority, institution, or social arrangement that leads those connected to it to believe that it is appropriate, proper, and just. Because of legitimacy, people feel that they ought to defer to decisions and rules” (Tyler, 2006*a*). This idea of legitimacy is crucial to the American justice system; without it, court rulings have no meaning as they have no enforcement powers of their own. How does the public attribute legitimacy to courts? Several studies have sought to tackle this question, focusing primarily on the Supreme Court. Professor Walter Murphy in 1973 delineated between the concepts of specific support for the Court (approval for particular decisions and actions of the Court) and diffuse support for the Court as an institution. His concept of diffuse support runs parallel to conceptions of legitimacy, allowing people to have support for the Supreme Court as an institution despite specific unfavorable rulings (Murphy, 1973). From interview data ($N = 1285$), Murphy found that specific support drove diffuse support, i.e., people supported the Court if they were ideologically aligned with its

recent decisions.

Caldeira and Gibson challenged this result in a 1992 study, revealing resilient support for the Court as an institution outside of opinions on individual cases. They defined this support through questions asking about respondents' willingness to abolish or substantially change the Court's structure (Caldeira and Gibson, 1992). Franklin and Kosaki's 1985 study highlighted the episodic nature of the Supreme Court news cycle, and noted how certain decisions can be given more coverage as a result of "sustained elite reaction" to a decision. Their results also illuminate the nature of diffuse support, revealing that by and large, the general public is unaware of the majority of Court decisions, but is reactive to focused coverage of polarizing issues (Franklin and Kosaki, 1989). Franklin and Kosaki's findings are supported by recent attitudes towards the Supreme Court after the overturning of *Roe v. Wade*. Their findings can also explain the discrepancy between the public outrage surrounding jury decisions related to BLM court cases and the otherwise public ambivalence towards the right to an impartial jury. One issue with the extant literature regarding court legitimacy is its hyper-fixation on the Supreme Court, a court whose rulings surely have massive ripple effects, but which ultimately is not the main point of contact with the American justice system for most people.

In my study, I aim to explore further avenues by which people form perceptions of legitimacy of the courts outside of substantive policy goals and Supreme Court decisions. My study examines perceptions of jury impartiality based on race as a potential factor for forming perceptions of courts and the assessment of these courts as legitimate. It provides an alternative mechanism for the creation of Murphy's diffuse support outside of specific support for policies and political goals, exploring whether evidence of procedural justice can be a better predictor of diffuse support for courts over specific policy achievements.

2.3 Race and Jury Selection

As the BLM protests highlighted, race is a crucial dimension that factors into perceptions of fairness in juries. As previously noted, the Constitution guarantees criminal defendants an impartial jury of one's peers, but how do courts interpret this assurance and how does the law operationalize a jury of peers? I inspect the process of jury selection, driven by precedent and legal theory, to assess modern legal attitudes towards race and juries. The modern-day process of jury selection has been criticized for contributing to a lack of representation in the jury box (Semel et al., 2020). The process of jury selection has a long history of racialized effects perpetuated by prosecutorial strategies. This history began with the original interpretation of the Sixth Amendment, which promised only a jury of White peers, given that many states prevented the service of Black jurors. It was not until the 1879 ruling of *Strauder v. West Virginia* that the Supreme Court found these provisions unconstitutional, stating that Black jurors must be allowed in order to fulfill the Sixth Amendment's promise. Prosecutors and local officials abided by this ruling on its face while continuing to ensure the exclusion of Black potential jurors through discriminatory tests requiring that individuals meet arbitrary standards of moral character or intelligence to be jury-eligible. Though the Supreme Court has since ruled that race cannot be a determining factor for selecting jurors in the 1986 case *Batson v Kentucky*, the racialized manipulation of the jury selection process has become ingrained in case procedures (Butler and Moran, 2007).

During jury selection (a process known as *voir dire*), the State and the defense are presented with two options for striking potential jurors: they may employ a "for cause" exclusion, arguing that an individual is not legally qualified to serve on the jury, or they may use peremptory strikes to strike potential jurors for any reason, so long as these are not motivated by the individual's race, gender, or ethnicity (Butler and Moran, 2007). Excusals for cause are unlimited and are used to eliminate individuals who express biases against the State or the defense, or the criminal justice system in general, if it the judge decides these opinions may significantly influence their conduct as jurors. While excusals due to

race are not technically allowed, there is a wealth of data revealing a pattern of Black underrepresentation in and exclusion from the jury box (see Benokraitis, 1982; Fukurai, Butler and Krooth, 1991; Quattrocchi, 2022).

In the past, excusals for cause have included those who voiced beliefs in systemic racism or police brutality. However, several recent cases indicate a changing legal perception of what it means to be an impartial juror. In 2016, a Black woman by the name of Crishala Reed was struck from the jury pool for a double homicide case by use of a prosecutorial peremptory strike, with her support for the Black Lives Matter movement listed as the cause for the strike. At the time, the presiding judge allowed the strike. The ACLU and Ms. Reed sued, alleging that striking her for her support of BLM was essentially striking her for her race, given the disparate levels of support for BLM by race. In 2020, the California Court of Appeals vacated the 2016 judgment and demanded a new trial on the grounds that the prosecution violated *Batson* (Craig et al., 2020). Similarly, in the Derek Chauvin trial, jurors who expressed support for BLM in the jury questionnaire were allowed to stay in the jury pool (Chakravarti, 2021). This opens the door for potentially more diverse juries in the future. Professor Chakravarti argues that “revitalizing the jury as a critical node of procedural justice through changing the way Black jurors and jurors who support BLM are included could open a path to civic trust.” With the possibility of increasing diversity in the jury box and a reversal of long held trends of Black exclusion from juries, it is crucial to understand what effect this change in the racial composition of juries will have on people’s perceptions of impartiality and legitimacy.

2.4 Race in the Jury Box

When it comes to race and the jury, there is significant empirical support that race has an impact on impartiality. One 2007 literature review found that the extant literature is not always consistent but clearly demonstrates that race, both of the jury and the defendant, has the potential to impact trial outcomes (Sommers, 2007). One study examining felony trials

in Florida from 2000 to 2010 found that juries formed from all-White jury pools convict Black defendants significantly (16%) more often than White defendants, and that this difference in conviction rates is entirely eliminated when the jury includes at least one Black member (Anwar, Bayer and Hjalmarsson, 2012). Another study found that jurors did not believe that racial bias had an impact upon their own ability to serve on juries, but did not examine the perceptions of racial composition of juries from the public standpoint (McGuffee, Garland and Eigenberg, 2007). While these studies show substantive effects of race on outcome, they do not capture the effect of juror race on an outsider's perception of impartiality.

The 1995 trial of O.J. Simpson provides anecdotal evidence for public perceptions of race in jury trials. Media coverage of the trial hyper-fixated on the racial dimensions of the case, with many media outlets making the claim that Simpson's acquittal was due to the presence of Black people on the jury (Lassiter, 1996). A mock-jury study in the wake of the O.J. Simpson acquittal found that Black mock jurors sitting in judgment of a hypothetical defendant on trial for murdering his wife were significantly more likely to vote to acquit the Black defendant over the White defendant (Skolnick and Shaw, 1997). Also following the O.J. Simpson trial, researchers conducted a random digit dialing telephone survey, obtaining 327 respondents and asking them questions about their perceptions of race and the criminal justice system. The study found that over three-quarters (79%) agreed that the racial makeup of the jury should reflect the racial makeup of the community and two-thirds (67%) agreed that "decisions reached by racially diverse juries are more fair than decisions reached by single race juries" (Fukurai and Davies, 1997). These results are significant but were not experimentally derived and do not provide insight into more nuanced details of cases such as the relationship between jury and defendant race. Additionally, respondents were primed with information regarding the OJ Simpson trial. My research builds on these results by looking to find experimental evidence for race as a predictor for perceptions of impartiality and legitimacy, using a novel conjoint design that allows for estimates of marginal component effects of different trial attributes.

3 Theoretical Expectations

Based on the above research, I conceive of the racial composition of the jury as a dimension of procedural justice and ask the following questions. First, do perceptions of impartial juries actually vary by the race of the defendant? Second, how do juries composed of different races influence overall perceptions of fairness as well as trust and perceptions of legitimacy?

The reactions to juries during trials related to Black Lives Matter and the polling results in the wake of the OJ Simpson verdict suggest that the racial composition of the jury can have a strong influence on whether the jury is perceived to be impartial. It is not clear, however, what an impartial jury looks like. The anecdotal evidence from BLM protests suggests that people want to see more people of color on juries. The polls relating to the OJ Simpson trial call for a jury representative of one's community. However, with cases that receive coverage at the national level, people do not necessarily have knowledge of the demographics of a given defendant's community and instead must make judgements based on the limited information they have. Given the fixation on the race of the defendant in the coverage of BLM-related trials, I theorize that the perceived descriptive representativeness of juries is directly tied to the race of the defendant. Prior research shows that descriptive representation can translate into substantive outcomes in judicial and congressional decisions (see Grossman et al., 2016; Lowande, Ritchie and Lauterbach, 2019). The literature on race in the jury box reveals similar effects of descriptive representation translating to preferential outcomes, but fails to examine the perceptions of such representation.

I predict that a jury perceived to be impartial will be one that descriptively represents a defendant, thus creating a jury of one's peers. Descriptive representation can come in several forms (e.g. race, education level, gender). I focus on race as a particularly salient dimension of descriptive representation that can influence perceptions of impartiality. Based on a hypothesized correlation between descriptive representation and perceived impartiality, I expect that the knowledge of a defendant's race would result in a person's preference for a racially representative jury. In particular, I predict that people want White defendants

to have more White representation present on an impartial jury and for Black defendants to have more Black representation on their jury, relative to a defendant of nondescript race (H1a and H1b respectively). However, as seen in the responses to Kyle Rittenhouse’s trial, a descriptively representative (White) jury did not lead to increased perceptions of fairness. I predict that the race of an observer is the primary driver of this divergence in the perceived fairness of a descriptively representative jury. While people might support more descriptive representation in a jury for someone of the same race as them, the substantive preferential representation implied by descriptive representation (as seen in Grossman et al., 2016) may lead them to be suspicious of juries of a different race from them. I thus predict that the race of an observer moderates the perceived impartiality as it relates to descriptive representation, such that the importance of descriptive representation is diminished when an observer’s race is different from that of the defendant (H1c).

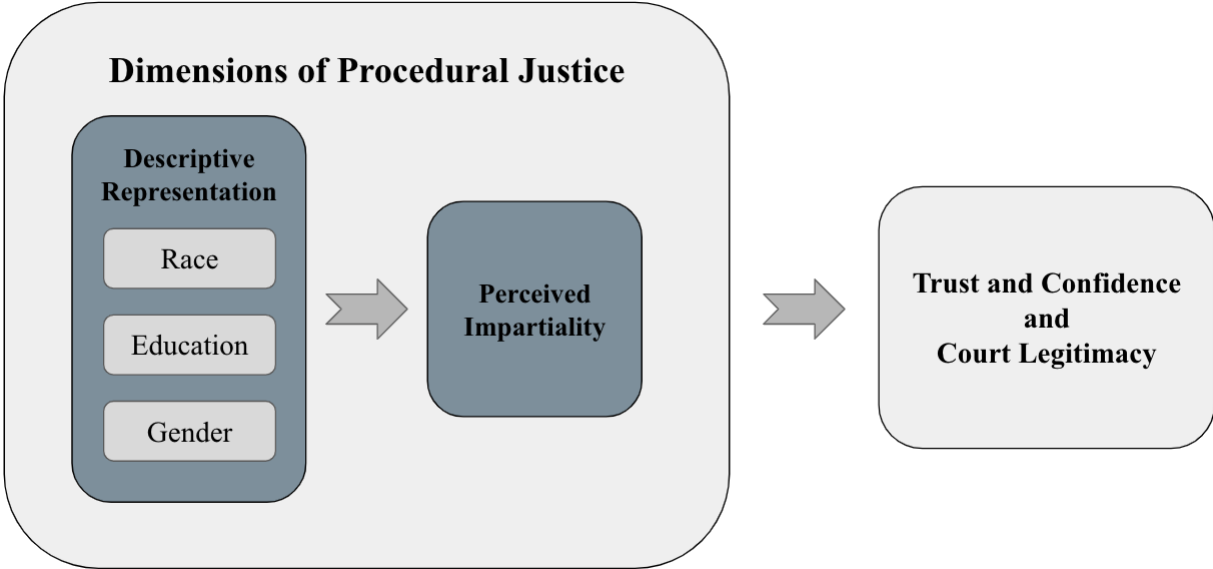


Figure 1: Theoretical Mechanisms of Impartiality, Procedural Justice, and Court Legitimacy

Showing that the race of a jury affects perceptions of impartiality of the jury (H1) allows me to situate this relationship within the framework of procedural justice (see Figure 1). Impartiality is a crucial dimension of procedural justice; when individuals see an authority as impartial and neutral, procedural justice theory holds that they are more likely to accept

a decision as just and to view the process as fair (Tyler and Hollander-Blumoff, 2011). By establishing a link between descriptive representation and perceptions of impartiality, I predict that the descriptive representation of juries leads to increased perceptions of jury fairness (H2a). As a dimension of procedural justice, descriptively representative juries, i.e. juries composed of members that match the race of the defendant, should also increase perceptions of overall procedural fairness (H2b). I again predict that the race of the observer moderates these effects. In the case of the Kyle Rittenhouse and Ahmaud Arbery trials, majority White juries for White defendants were seen as potential sources of bias for many in the public (see Emba, 2021; Knowles and Coker, 2021). When people of a race other than the defendant's see a jury that descriptively matches the defendant, I hypothesize that they are less likely to see the jury and overall procedure as more fair (H2c).

Finally, I theorize a link between procedural justice in trial settings and court legitimacy. As the above literature on procedural justice shows, procedural justice can increase an individual's acceptance of authority. Other research shows that people's interactions with the criminal justice system have significant impacts on their political socialization, harming democratic participation and resulting in negative views of the government (Weaver and Lerman, 2010). As seen in Figure 1, once perceived procedural fairness is established, I predict a trickle over effect into people's trust and confidence in the courts, and in their assessment of the courts as legitimate. Tracing the mechanisms back to the initial trigger, I predict that descriptively representative jury panels will increase the perceived legitimacy of the courts (H3a) and increase respondents' trust and confidence in courts (H3b). I predict that respondent race will moderate these effects (H3c).

4 Data and Methods

4.1 Experimental Design

In order to experimentally examine the relationship between impartiality, procedural justice, and court legitimacy and answer my research questions, I fielded a novel survey experiment (see Appendix A for the complete survey materials).¹ I designed the survey on Qualtrics. Respondents answer a set of baseline measures, demographic characteristics, and pretreatment levels of variables of interest and are then subjected to experimental treatment. The survey design includes two experiments.

4.1.1 Experiment 1: Composition of an Impartial Jury

First, I measure what each respondent believes to be an impartial jury. I do this by conducting a between-subjects experiment, simulating a jury selection environment and instructing respondents to indicate the composition of an impartial jury for a given defendant along the dimensions of race, education, and gender. Respondents are provided with the following instructions (without mention of a "particular defendant" for the control condition:

The U.S. Constitution guarantees people a right to an impartial jury. Typical juries are composed of 12 members selected by both the prosecution and defense teams. Given a particular defendant, please select what you think an impartial jury panel would look like.

Respondents are randomly assigned to one of three conditions with equal probability using simple randomization in Qualtrics — they receive a defendant with the description of a middle-aged White man, a middle-aged Black man, or do not receive any defendant information as a control. Below is an example of what respondents placed in the White defendant treatment group would see.

¹This survey experiment was approved on 25 January 2023 by the Dartmouth College Committee for the Protection of Human Subjects. It was assigned study number 00032669.

The U.S. Constitution guarantees people a right to an impartial jury. Typical juries are composed of 12 members selected by both the prosecution and defense teams. Given a particular defendant, please select what you think an impartial jury panel would look like.

Imagine that the defendant is a middle-aged white man. Please slide the scale to indicate the composition of an impartial jury for this defendant.

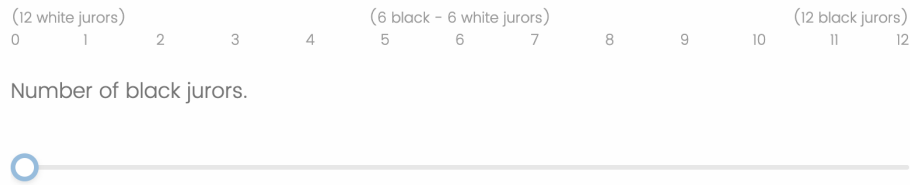


Figure 2: Example of Jury Selection

Sliders begin at zero to prevent bias towards the middle and response is requested, but not forced. The levels of race are kept to a White and Black dichotomy in order to simplify analysis and design, at the loss of some generalizability of results. The assignment of treatment groups allows for regression analysis of the average effect of a defendant's race on a person's perception of an impartial jury. The results of jury education and gender are of secondary interest to the survey and are explored in appendices.

4.1.2 Experiment 2: Conjoint Vignette

The second experiment contained in my survey instrument is a within-subject conjoint design where respondents are treated with a series of vignettes detailing a hypothetical court case with randomized jury composition, defendant race, and verdict. Conjoint experiments are commonly used in the social sciences to help understand how people value different attributes of possible choices (Bansak et al., 2022; Hainmueller, Hopkins and Yamamoto, 2014). They have the added experimental benefits of giving respondents several tasks to

complete, thus getting more data and higher statistical power, while minimizing satisficing or demand effects (Bansak et al., 2018). The conjoint design allows me to hold all other factors constant and estimate the Average Marginal Component Effect (AMCE) of the different levels of each attribute included in the design.

The vignettes deal with a case regarding the breaking and entering of a convenience store. The breaking and entering court case narrative was chosen as a medium level crime that should avoid strong biased effects from people with strong personal connections to the choice of crime (as opposed to murder, drunk driving, vehicular manslaughter, or other more incendiary topics). To further control for bias, respondents are asked post-treatment if they have had any personal experience with a breaking and entering case, and are asked to elaborate if yes. Only 3% of respondents indicated that they have had personal experience with a similar case. The vignette is as follows:

*In a recent court case, a [**randomized race**] defendant was charged with breaking and entering a convenience store. The judge in the trial instructed a [**randomized race**] jury to only consider the evidence entered in trial when deciding on a verdict. After deliberations, the jury found the defendant [**randomized verdict**] of the crime.*

The race of the defendant is randomized between “black” and “white” or is not included as a control. The makeup of the jury is randomized between “mostly black,” “mostly white,” “mixed race,” or is not included as a control. The framing of the racial composition of the jury is similar to the framing in news articles that mention the race of jury panels in cases related to Black Lives Matter (see Karnowski and Forliti, 2021). This is in order to increase external validity of the experiment. Some respondents commented at the end of the survey that they would have liked more information about the trial; however, the information provided about the jury mirrors the amount of information provided to individuals via readily accessible news articles and headlines. The verdict is randomized between “guilty” and “not guilty.” The result is a 3x4x2 factorial design.

Each respondent reads five vignettes with features re-randomized with each new vignette.

After each vignette, respondents answer several questions, capturing treatment effects on perceptions of fairness and assessment of court legitimacy. Additionally, measures of court legitimacy and trust in the American justice system are captured pretreatment. I collect demographic information from respondents about their age, gender, zip code, race and ethnicity, education level, and political affiliation (see Appendix B to see how these questions appeared in the survey instrument). Order of response options for these questions was randomized. For the conjoint design, all attribute levels appear randomly with equal probability. I force respondent choice on screening questions of consent and age. Otherwise, for variables of interest (potential covariates), I employ Qualtric’s “request response” feature to prompt participants to respond if they attempt to skip a question.

4.2 Sample Characteristics

I recruited my survey sample using Prolific, which is an online crowdsourcing platform for surveys. Prior research has shown that online crowdsourcing can be legitimately used for collecting data, even replicating results from lab experiments (Buhrmester, Kwang and Gosling, 2011; Casler, Bickel and Hackett, 2013). Prolific, in particular, has been found to be better suited for scientific research than competitors such as Amazon’s MechanicalTurk, with more diverse and less dishonest respondent pools (Peer et al., 2017). Prolific also offers flexible pre-screening options. I took advantage of this and recruited a sample of half White, half Black respondents in order to strengthen the power of tests that examine the moderating effect of respondent race. The survey was fielded on February 21, 2023. The sample screening for White identifying participants filled within the day, and the second sample screening for Black identifying participants finished February 22, 2023.

Following the preregistration, I collected 1322 responses through two studies, screened for race. Prolific flagged 22 respondents as suspicious and I screened those respondents from my survey, resulting in a sample of 1300 respondents. While, per Prolific’s screening procedures, the sample should be 650 White respondents, 650 Black respondents, I also

Table 1: Balance table: Covariates by condition

	Control	Black Defendant	White Defendant	Total
Male	0.53	0.53	0.52	0.53
College graduate	0.56	0.53	0.55	0.55
Non-Hispanic White	0.45	0.45	0.49	0.47
Age (18–24)	0.12	0.15	0.12	0.13
Age (25–34)	0.33	0.34	0.30	0.32
Age (35–44)	0.27	0.35	0.30	0.27
Age (45–54)	0.15	0.15	0.16	0.15
Age (55–64)	0.08	0.08	0.09	0.08
Age (65+)	0.06	0.03	0.03	0.04
Republican	0.17	0.16	0.15	0.16
Mostly White Community	0.53	0.51	0.49	0.51
N	460	429	411	1300

collected racial identity via a question in my survey. Respondents were able to select multiple identities. I then coded the variable as a binary variable with a value of 1 if a respondent solely identifies as non-Hispanic and 0 otherwise.² Of the remaining 1300 respondents, 53% were male, 55% were college graduates, 47% were White, and 72% were 25–44 years old. 16% identified as Republican which leads any regression analysis exploring the moderating effect of political affiliation to be under-powered. Using demographic data collected from the 2017-2021 American Community Survey along with respondents’ reported zip code, I create a binary variable indicating whether a respondent is from a community with a higher percentage of Non-Hispanic White residents than the national percentage of 59.3% (Bureau, 2021). About half of my sample live in zip codes that have a higher than average share of White people. Prolific allows for limited attention checks. I include a nonsensical attention check per their guidelines. I found respondent attentiveness to be high, with 92% of respondents passing the attention check. I do not exclude inattentive respondents but

²I use Non-Hispanic White per current U.S. census guidelines that consider racial minorities to be anyone who does not solely identify as Non-Hispanic White. Future research should restrict this definition of Whiteness to exclude MENA individuals, who, despite currently being classified as White by the Census, still face racial discrimination in the U.S. as an ethnoracial minority.

I do check for the robustness of results by comparing them to calculated treatment effects with a restricted attentive sample.

4.3 Variables

4.3.1 Independent Variables

The independent variables of this study are the indicators for experimental treatment conditions and the randomized attribute levels within the vignette. For the first experiment, I create indicator variables for the random assignment to the Black defendant, White defendant, and control. These are represented as follows:

- black-defendant (1 if person assigned to the Black defendant treatment, 0 otherwise)
- white-defendant (1 if person assigned to the White defendant treatment, 0 otherwise)
- control-defendant (1 if person assigned to the control treatment, 0 otherwise)

And in the conjoint experiment:

- defendant (“Control,” “Black,” “White”) (factor variable)
- jury (“Control,” “Mostly Black,” “Mostly White,” “Mixed Race”) (factor variable)
- verdict (“Guilty,” “Not Guilty”) (factor variable)

4.3.2 Dependent Variables

In the first experiment, I consider three primary dependent variables in my analyses: number of Black jurors selected by the respondent (0–12); number of college-educated jurors (0–12); and number of female jurors (0–12). I examine these responses as linear continuous variables as well as aggregate them as binary variables — majority Black (0–1); majority college-educated (0–1); and majority female (0–1).

In the second experiment, respondents are asked to rate the fairness of various parts of the trial that they read about in the vignette treatment. Respondents rate the jury, the verdict, and the overall procedure, on a four-point scale from “Extremely unfair” (1) to “Extremely fair” (4). Measurements of perceived fairness are derived from previous studies such as

Blader and Tyler (2003). Trust and confidence in the American justice system is measured on a four-point scale from “None at all” (1) to “A great deal” (4) based on the amount of trust and confidence that respondents have in the American justice system when it comes to treating all people fairly. This rating scale is consistent with previous research and polling methodology that seek to capture individuals’ trust and confidence in various institutions (Freitag et al., 2023). Various studies have attempted to measure individual perceptions of legitimacy using different question wording and different conceptions of what legitimacy is. Levi et al. (2009) measured legitimacy in an international setting by asking questions regarding people’s willingness to defer to different authorities such as the police, courts, and tax services (Levi, Sacks and Tyler, 2009). I derive my measure of court legitimacy from this study to approximate respondent’s assessment of the courts as legitimate. Court legitimacy measures the extent to which respondents believe that courts should have the right to make decisions that people must abide by, measured on a four-point scale from “Strongly disagree” (1) to “Strongly agree” (4). Court legitimacy and trust and confidence in the American justice system are measured before and after experimental treatment. 40.1% of the sample expressed some or a great deal of trust and confidence in the American justice system when it comes to treating all people fairly pre-treatment. 80.1% sample said they somewhat or strongly agree that courts should have the right to make decisions people must abide by pre-treatment.

4.3.3 Potential Moderators

The primary moderator I examine in my main results is race of the respondent, coded as Non-Hispanic White (1 if a respondent identifies solely as White, 0 otherwise). Given the role of race in my experimental treatments and literature showing the effects in-group relations on perceived legitimacy, I hypothesize that respondent race will play a significant role in moderating the effects of perceived impartiality of juries of different racial compositions. With a half White-half Black respondent sample, I have sufficient statistical power to

explore heterogeneous effects by respondent race, and can test my hypotheses. I also test the moderating effects of the racial makeup of a respondent’s community using a binary variable (1 if a respondent’s zip code has a higher percentage of White people than the national average, 0 otherwise). This exploratory analysis allows me to examine different mechanisms of descriptive representation and jury impartiality and is included in the Discussion section.

Given the polarizing nature of the Black Lives Matter protests, with many people taking stances along political party lines, I also predict that party affiliation and belief in systemic discrimination in courts against Black people will be significant moderators. However, my study of these potential moderating effects is under-powered due to my sample being mainly non-Republican (84%) and showing wide-scale belief in systemic discrimination (78% of respondents indicate some level of belief in systemic discrimination). I examine the effects of these secondary moderators in Appendix B: Additional Results.

4.4 Analytic Strategy

According to my preregistration, I will run the following analyses. For the first experiment, I will estimate the effect of defendant race on impartial jury composition by regressing the jury racial makeup on the experimental condition dummy variables in an Ordinary Least Squares (OLS) regression with robust standard errors using listwise deletion in cases of item nonresponse. This allows me to calculate the Average Treatment Effects (ATEs) of receiving each experimental condition. I use a significance threshold of $p < 0.05$; I will also report if $p < 0.01$ and $p < 0.005$. Control variables are selected for each outcome variable using Least Absolute Shrinkage and Selection Operator to maximize precision (Bloniarz et al., 2016). Control variables considered are:

- Pre-treatment measures of outcome variables
- Education (college graduate indicator) (factor variable)
- Age group (18–24, 25–34, 35–44, 45–54, 55–64, 65+) (factor variable)
- Male (1/0) (factor variable)

- Non-Hispanic White (1/0) (factor variable)

If one or more levels (e.g., age group “18-24”) are selected from a factor variable, I will include only the selected level(s) in the model. All analyses follow my pre-registration unless otherwise specified (<https://osf.io/97qya/>). For the second experiment, I compute the Average Marginal Component Effects (AMCEs) via OLS with robust standard errors, clustered at the individual level. AMCEs allow me to estimate the marginal effect of a given attribute averaged over the joint distribution of all other attributes. After wrangling the data for the conjoint analysis, the new unit of analysis is no longer the individual respondent but each individual vignette, thus increasing my sample size to $n=6500$. I cluster the standard errors at the individual level. Because AMCEs can be biased via their neglect of subgroup effects (Abramson, Kocak and Magazinnik, 2022), I will include an analysis of marginal means of outcome variables in my appendices to test for robustness of my results. By employing a non-forced choice, ratings-based conjoint design, my analysis has increased external validity and potentially reduces bias in aggregated preferences. The other primary effects of interest are the Average Component Interaction Effects (ACIEs). By regressing the outcome variables on the interaction of different attributes, I can determine whether attribute effects vary depending on the different levels of other attributes. This is particularly of interest in terms of jury and defendant race, to explore if perceptions of fairness and legitimacy change when the jury and defendant share the same race. I conduct my analysis in R using the *estimatr* and *cregg* packages (Leeper, 2020).

5 Results

Looking first at the results from Experiment 1, the baseline of an impartial jury as selected by the control group is seen in Table 2. The mean number of Black jurors selected by those in the control group was 5.08 with a standard error of about 0.09. The number of Black jurors selected varies by race, with White respondents selecting on average 4.81 Black

jurors and non-White respondents selecting on average 5.31 Black jurors. I run a Welch Two Sample t-test and find that the difference in these means is significant with a p-value of 0.004. Histograms showing the distribution of the number of Black jurors selected, broken down by treatment group and respondent race, can be found in Appendix B.

Table 2: Impartial Jury Composition Selected by Control Group, by Respondent Race

Juror Dimension	Mean Jurors Selected	Non-White Respondents	White Respondents	Difference in Means
Black	5.08 (0.09)	5.31 (0.12)	4.81 (0.13)	0.51*** (0.17)
Female	5.75 (0.06)	5.71 (0.10)	5.80 (0.07)	-0.09 (0.12)
College-Educated	5.98 (0.10)	6.09 (0.14)	5.85 (0.13)	0.24 (0.19)
N	460	251	209	

Standard Errors are shown in parentheses under each mean. Welch Two Sample T-test difference in means, * $p < 0.05$, ** $p < 0.01$, *** $p < .005$ (two-sided). Juror selection is measured using a 12-point sliding scale

Turning to the results by experimental treatment group, seen in Table 3, I find that the provision of a Black defendant increased the number of Black jurors selected by respondents relative to the control group by 0.91 ($p < 0.005$), that is, by nearly one Black juror, when controlling for lasso-selected covariates. This finding supports my hypothesis that descriptive representation on a jury panel contributes to increased perceptions of impartiality (H1b). However, I do not find the same results for White defendants (H1a). I find no significant change in the number of Black jurors selected by respondents who are treated with a White defendant, which would appear as a significant negative coefficient.

Turning to Table 4, I examine the moderating effects of respondent race on selection of an impartial jury. I find that race of the defendant has a significant effect on the selection of juror race (H1c). Specifically, I find that White respondents in the control group selected on average 0.50 ($p < 0.005$) fewer Black jurors than non-White respondents. However, when treated with a Black defendant, White respondents over-correct for this lower baseline,

Table 3: Treatment Effects on Selection of Juror Race

	Black Jurors	Black Jurors
Intercepts	5.08 (0.09)	5.27 (0.17)
Black Defendant	0.90*** (0.13)	0.91*** (0.13)
White Defendant	0.01 (0.13)	0.02 (0.12)
Control variables		✓
N	1297	1289

OLS with robust standard errors; * $p < 0.05$, ** $p < 0.01$, *** $p < .005$ (two-sided). Juror selection is measured using a 12-point sliding scale. Controls: age (18–24, 25–34, 35–44, 55–64, and 65+), gender, education, and race.

Table 4: Treatment Effects on Selection of Juror Race by Respondent Race

	Black Jurors	Black Jurors
Intercepts	5.31 (0.12)	5.39 (0.18)
Black Defendant	0.60*** (0.18)	0.61*** (0.18)
White Defendant	−0.10 (0.18)	−0.08 (0.18)
White	−0.51*** (0.17)	−0.50*** (0.17)
Control variables		✓
<i>Respondent Race × Treatment Group</i>		
White × Black Defendant	0.66* (0.26)	0.66* (0.26)
White × White Defendant	0.26 (0.25)	0.22 (0.25)
N	1294	1287

OLS with robust standard errors; * $p < 0.05$, ** $p < 0.01$, *** $p < .005$ (two-sided). Juror selection is measured using a 12-point sliding scale. Controls: age (18–24, 25–34, 35–44, 55–64, and 65+), gender, and education.

selecting 0.66 ($p < 0.05$) more Black jurors on average than White respondents in the control group. Therefore, I do not find a decrease in the treatment effect size as predicted in H1c when the race of a respondent is different from the race of the defendant. Rather, White respondents actually increase the treatment effect, selecting slightly more Black jurors than non-White respondents when treated with the Black defendant. Non-White respondents have a higher baseline number of Black jurors selected relative to White respondents, and also see a significant increase in the selection of Black jurors by 0.61 ($p < 0.005$) when treated with a Black defendant. I again find that the provision of a White defendant does not have a significant effect on the number of Black jurors selected (or White jurors since it is a linear scale), regardless of respondent race.

Looking now at the results of Experiment 2, Table 5 shows the Average Marginal Component Effect of the attribute levels included in the conjoint vignette. Black defendants resulted in a -0.07 ($p < 0.005$) decrease in perceived jury fairness and overall procedural fairness. Both mostly Black and mostly White juries led to a significant decrease in perceived jury fairness (-0.22 and -0.45 , $p < 0.005$) and procedural fairness (-0.14 and -0.30 , $p < 0.005$). The magnitude of the mostly White jury's effect is double the size of the mostly Black jury, indicating a harsher penalty for White juries on perceived fairness. Meanwhile, mixed race juries led to an increase in both fairness measures, raising jury fairness by 0.15 ($p < 0.005$) and overall procedural fairness by 0.11 ($p < 0.005$). A verdict of guilty increased perceived procedural fairness by 0.05 as well. Several levels were also associated with a decrease in trust and confidence in the American justice system to treat all people fairly. Black defendants, White defendants, and mostly White juries each led to a significant decrease in trust and confidence of -0.05 ($p < 0.005$ for Black and White defendants, $p < 0.01$ for mostly White juries). None of the attribute levels had significant effects on the assessment of the courts as legitimate authorities.

The Average Component Interactions Effects of Jury–Defendant Interactions on perceived fairness are seen in Table 6 and Figure 3. Contrary to my hypotheses, all jury–

Table 5: AMCEs of Attribute Levels

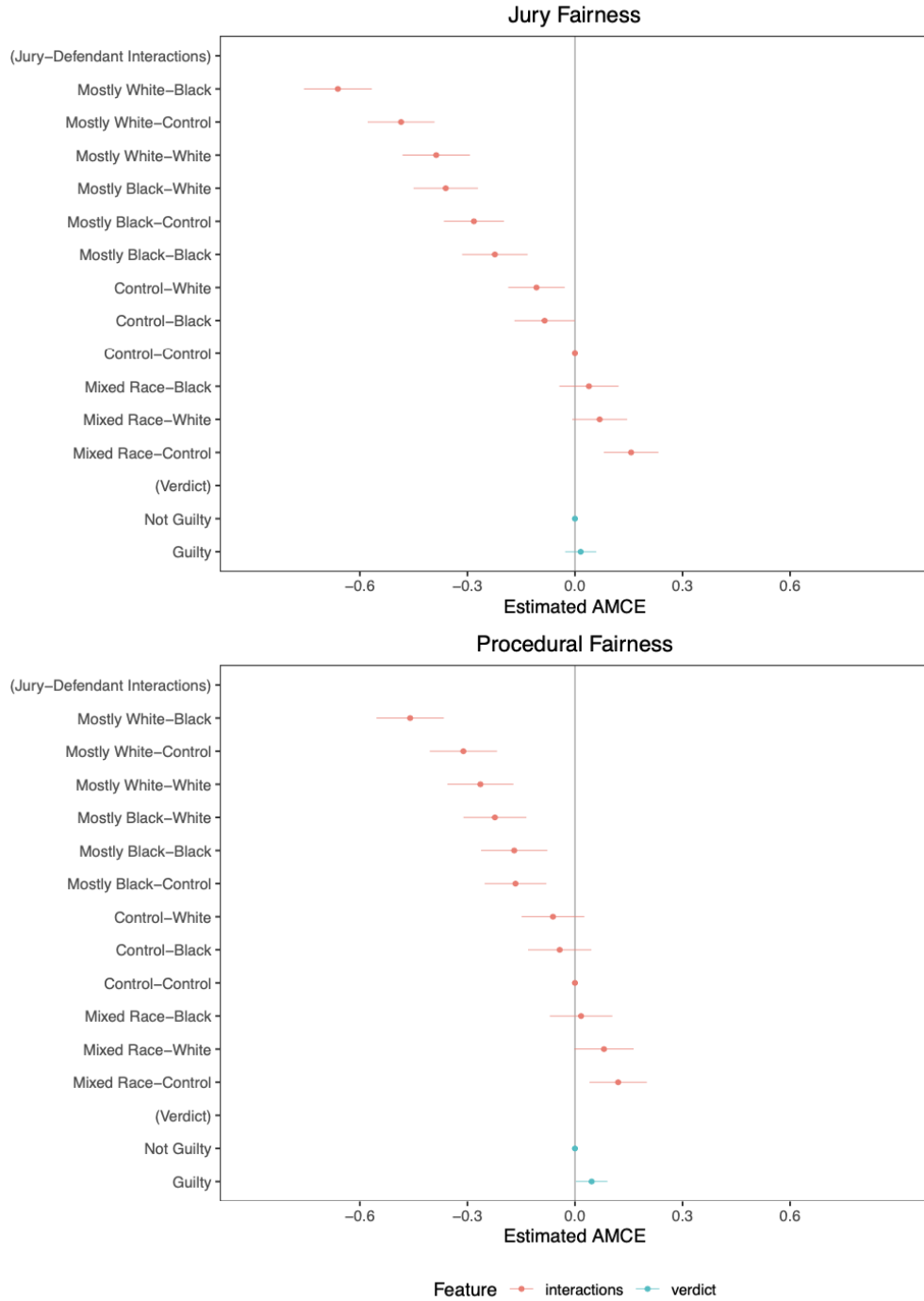
Attributes	Jury Fairness	Procedural Fairness	Trust in Courts	Court Legitimacy
<i>Defendant</i>				
Black	-0.07*** (0.02)	-0.07*** (0.02)	-0.05*** (0.02)	-0.01 (0.01)
White	-0.04 (0.02)	-0.03 (0.02)	-0.05*** (0.02)	-0.01 (0.01)
<i>Jury</i>				
Mixed Race	0.15*** (0.03)	0.11*** (0.03)	0.03 (0.02)	0.01 (0.02)
Mostly Black	-0.22*** (0.03)	-0.14*** (0.03)	-0.02 (0.02)	-0.01 (0.02)
Mostly White	-0.45*** (0.03)	-0.30*** (0.03)	-0.05** (0.02)	-0.02 (0.02)
<i>Verdict</i>				
Guilty	0.02 (0.02)	0.05* (0.02)	0.00 (0.01)	0.01 (0.01)
Control variables	✓	✓	✓	✓
N	6483	6434	6478	6477

OLS with robust standard errors; * $p < 0.05$, ** $p < 0.01$, *** $p < .005$ (two-sided). Court Legitimacy, Jury Fairness, overall Procedural Fairness, and Trust in Courts are rated on a 4-point scale. Jury Fairness and Procedural Fairness controls: college education, gender, age (levels selected by LASSO), political affiliation, and race. Trust in Courts controls: pre-treatment trust, college education, age (levels selected by LASSO), political affiliation, and race. Court Legitimacy controls: pre-treatment court legitimacy, college education, gender, age (levels selected by LASSO), political affiliation, and race.

defendant configurations that include a jury composed of mostly one race, even when paired with a defendant of the same race, are associated with a significant decrease in perceived fairness of the jury and of the overall procedural fairness relative to the control levels (H2a and H2b). The strongest decrease is when a mostly White jury is paired with a Black defendant resulting in a -0.65 ($p < 0.005$) decrease in procedural fairness, followed by pairings of White juries with control defendants and with Black defendants with decreases in fairness of -0.48 ($p < 0.005$) and -0.38 ($p < 0.005$) respectively. Mostly Black juries also see a decrease in fairness; mostly Black juries paired with White defendants result in a decrease in -0.35 ($p < 0.005$) in procedural fairness, followed by pairings with control and Black defendants

with decreases in fairness of -0.27 ($p < 0.005$) and -0.21 ($p < 0.005$) respectively.

Figure 3: ACIEs of Jury-Defendant Interactions on Perceived Fairness



Black and White defendants when matched with juries of nondescript race result in a decrease in perceived fairness, although when controlling for covariates, this effect is not

Table 6: ACIEs of Jury–Defendant Interactions on Perceived Fairness

Attributes	Jury Fairness	Jury Fairness	Procedural Fairness	Procedural Fairness
<i>Jury–Defendant Interactions</i>				
Jury Control–Black	−0.08* (0.04)	−0.08 (0.04)	−0.04 (0.05)	−0.04 (0.04)
Jury Control–White	−0.11** (0.04)	−0.11** (0.04)	−0.06 (0.04)	−0.06 (0.04)
Mixed Race–Black	0.04 (0.04)	0.05 (0.04)	0.02 (0.04)	0.03 (0.04)
Mixed Race–White	0.07 (0.04)	0.07 (0.04)	0.08 (0.04)	0.08 (0.04)
Mixed Race–Control	0.16*** (0.04)	0.16*** (0.04)	0.12*** (0.04)	0.12*** (0.04)
Mostly Black–Black	−0.22*** (0.05)	−0.21*** (0.05)	−0.17*** (0.05)	−0.16*** (0.05)
Mostly Black–White	−0.36*** (0.05)	−0.35*** (0.05)	−0.22*** (0.04)	−0.21*** (0.04)
Mostly Black–Control	−0.28*** (0.04)	−0.27*** (0.04)	−0.17*** (0.04)	−0.15*** (0.04)
Mostly White–Black	−0.66*** (0.05)	−0.65*** (0.05)	−0.46*** (0.05)	−0.45*** (0.05)
Mostly White–White	−0.39*** (0.05)	−0.38*** (0.05)	−0.26*** (0.05)	−0.26*** (0.05)
Mostly White–Control	−0.48*** (0.05)	−0.48*** (0.05)	−0.31*** (0.05)	−0.30*** (0.05)
<i>Verdict</i>				
Guilty	0.02 (0.02)	0.02 (0.02)	0.05* (0.02)	0.05* (0.02)
Control variables		✓		✓
N	6477	6428	6436	6428

OLS with robust standard errors; * $p < 0.05$, ** $p < 0.01$, *** $p < .005$ (two-sided). Jury Fairness and Overall Procedural fairness are rated on a 4-point scale. Jury Fairness and Procedural Fairness controls: college education, gender, age (levels selected by LASSO), political affiliation, and race.

significant for Black defendants with control juries. On the other hand, mixed race juries when included in the same profile as the nondescript control defendant led to an increase of 0.16 ($p < 0.005$) in perceived fairness of jury and procedure, and the presence of a mixed race jury seems to mitigate the negative effects of Black and White defendants, with a insignificant positive correlation between the panels mixed race juries and defendants of specified race and perceived fairness.

I next examine the Average Component Interaction Effects of jury–defendant interactions on trust and confidence in the American justice system and on the assessment of the courts as legitimate, as seen in Table 7 and Figure 4. I find a statistically significant decrease in trust and confidence when mostly White juries are paired with Black defendants (a decrease of -0.11 , $p < 0.005$) and White defendants (a decrease of -0.09 , $p < 0.05$). There is no significant increase in trust and confidence or court legitimacy when juries are mostly the same race as the defendant (H3a and H3b).

Finally, I examine the effect of race as a moderator of Average Component Interaction Effects. Looking at Figure 5, I do not find, as predicted, that respondent race changes the direction of the effect of jury–defendant profiles on perceived fairness (H2c). I do find evidence that race of the respondent has a moderating effect on magnitude of ACIEs; mostly White juries have a larger negative effect on perceived fairness of the jury and overall procedure for non-White respondents than White respondents. Similarly, looking at Figure 6, I do not find any significant moderation effects of race on court legitimacy (H3c). Respondent race does have limited moderating effects on trust and confidence in courts. Specifically, non-White respondents exhibit lower trust and confidence in courts when treated with profiles that include White defendants or mostly White juries.

To test the robustness of my results, I run several additional analyses included in Appendix B. I exclude participants who failed the attention check and calculate the ACIEs on all primary outcome variables with this restricted sample (see Figure A8). I also calculate the ACIEs based on round 1 of the conjoint vignette (Figure A9) and round 2 (Figure A10)

Table 7: ACIEs of Jury–Defendant Interactions on Trust and Court Legitimacy

Attributes	Trust in Courts	Trust in Courts	Court Legitimacy	Court Legitimacy
<i>Jury–Defendant Interactions</i>				
Jury Control–Black	–0.04 (0.05)	–0.03 (0.03)	–0.02 (0.04)	0.00 (0.03)
Jury Control–White	–0.04 (0.05)	–0.04 (0.03)	0.00 (0.04)	0.01 (0.03)
Mixed Race–Black	–0.01 (0.05)	–0.02 (0.03)	–0.02 (0.04)	0.00 (0.03)
Mixed Race–White	–0.06 (0.04)	–0.01 (0.03)	0.00 (0.04)	0.01 (0.03)
Mixed Race–Control	0.00 (0.05)	0.04 (0.03)	0.01 (0.04)	0.04 (0.02)
Mostly Black–Black	–0.09 (0.05)	–0.05 (0.03)	–0.04 (0.04)	–0.01 (0.03)
Mostly Black–White	–0.09 (0.05)	–0.06 (0.03)	–0.04 (0.04)	0.00 (0.03)
Mostly Black–Control	–0.07 (0.05)	–0.01 (0.03)	–0.06 (0.04)	0.00 (0.03)
Mostly White–Black	–0.14*** (0.05)	–0.11*** (0.03)	0.00 (0.05)	0.01 (0.03)
Mostly White–White	–0.14*** (0.05)	–0.09* (0.03)	–0.04 (0.04)	–0.04 (0.03)
Mostly White–Control	–0.05 (0.05)	–0.04 (0.04)	0.00 (0.05)	–0.02 (0.03)
<i>Verdict</i>				
Guilty	0.01 (0.02)	0.00 (0.01)	–0.01 (0.02)	0.01 (0.01)
Control variables		✓		✓
N	6480	6428	6480	6471

OLS with robust standard errors; * $p < 0.05$, ** $p < 0.01$, *** $p < .005$ (two-sided). Court Legitimacy and Trust in Courts are rated on a 4-point scale. Trust in Courts controls: pre-treatment trust, college education, age (levels selected by LASSO), political affiliation, and race. Court Legitimacy controls: pre-treatment court legitimacy, college education, gender, age (levels selected by LASSO), political affiliation, and race.

Figure 4: ACIEs of Jury-Defendant Interactions on Trust and Court Legitimacy

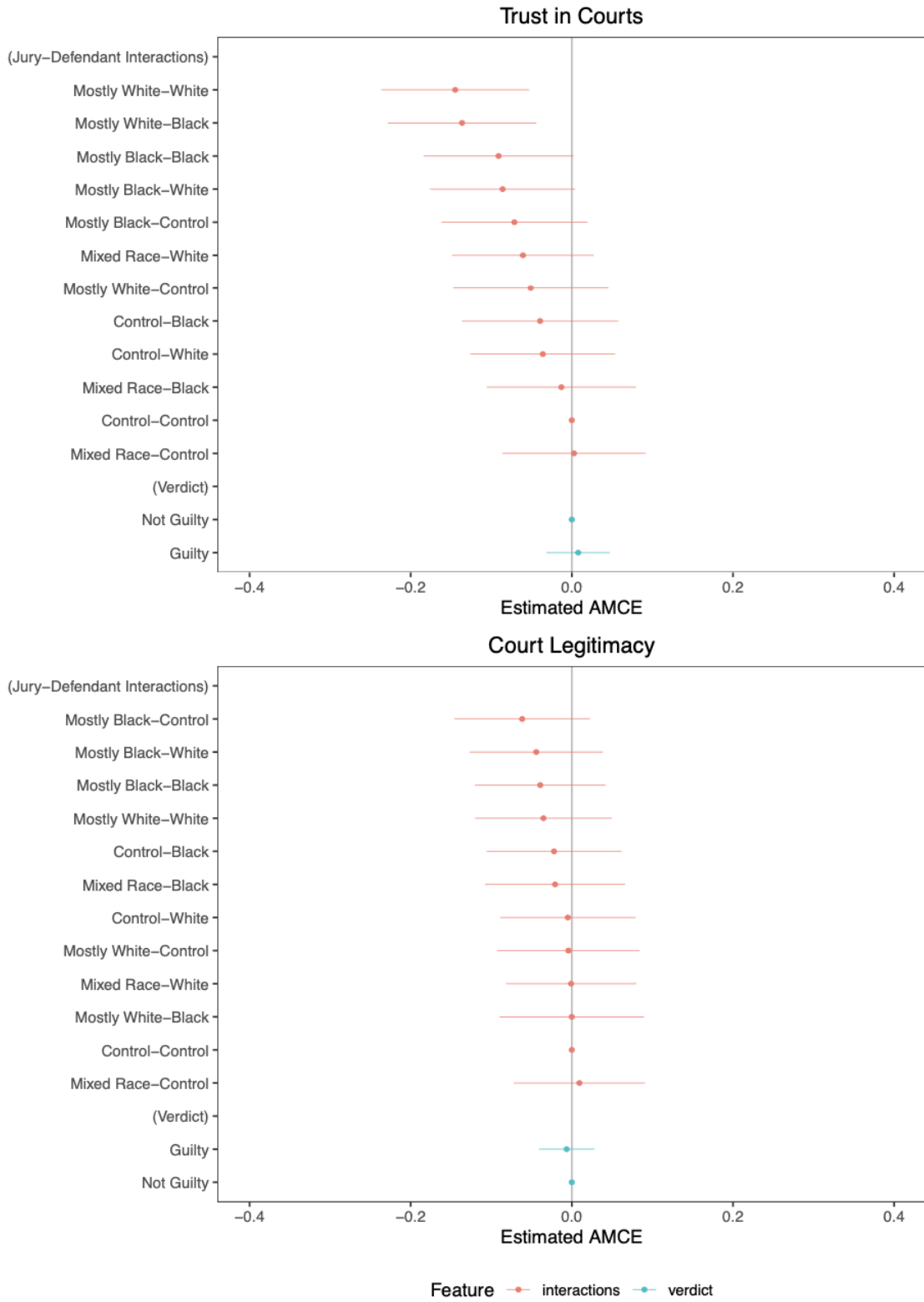
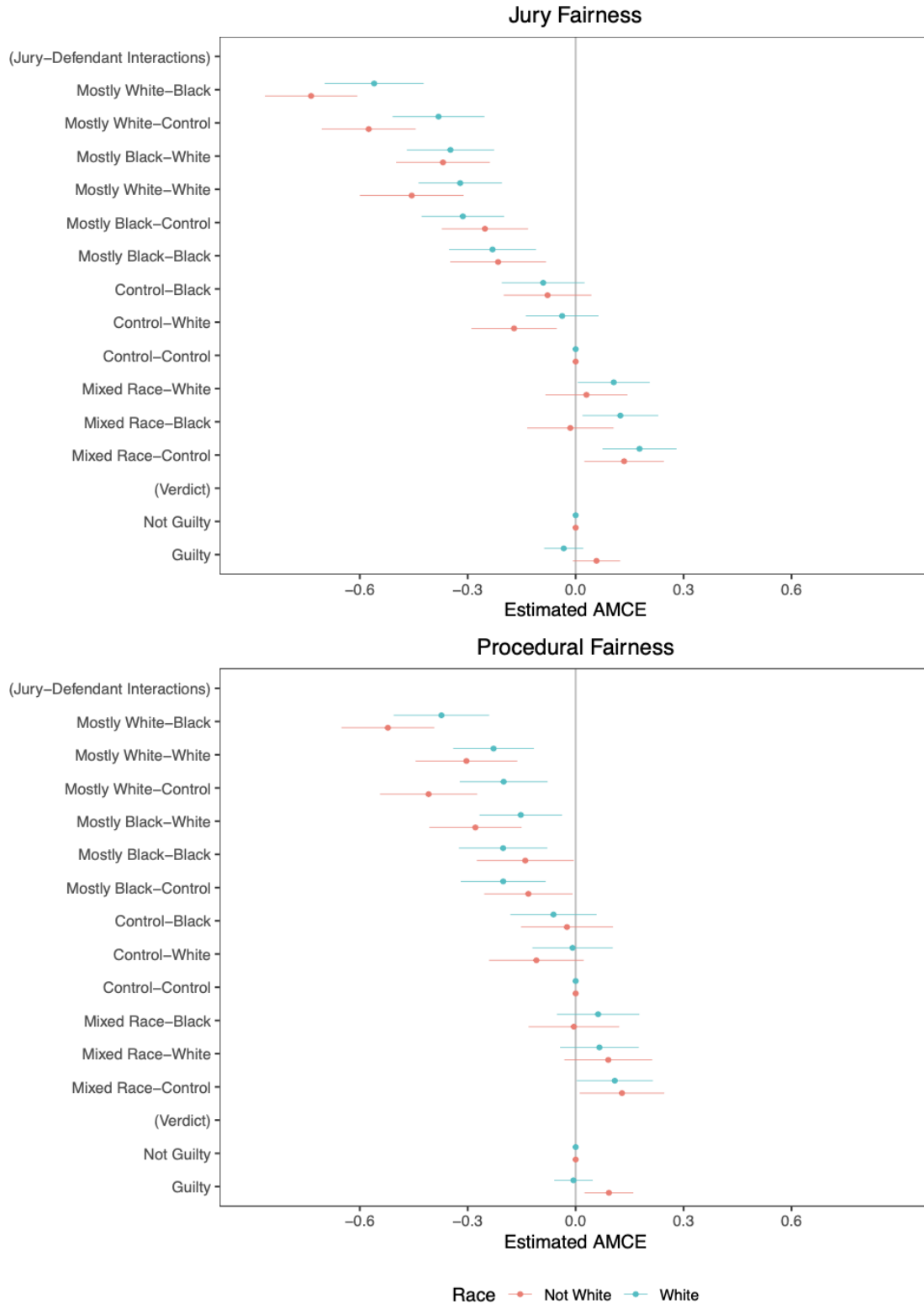


Figure 5: ACIEs of Jury-Defendant Interactions on Perceived Fairness by Race



to see whether responses vary by which number of vignette respondents are answering. I finally plot the marginal means of each attribute level on Procedural Fairness (Figure A11), and of Jury–Defendant interactions for each primary outcome variable (Figure A12). My results are robust to all of these tests.

6 Discussion

6.1 Descriptive Representation and Jury Impartiality

The results of this survey experiment provide mixed support for my hypotheses regarding the relationship between descriptive representation and jury impartiality. Most clearly, the results from Experiment 1 demonstrate a connection between race of the defendant and what is viewed as an impartial jury with regards to its racial composition. Notably, I find that the provision of a Black defendant increases the number of Black jurors selected by respondents but I do not find similar results with the provision of a White defendant. Rather, the number of Black jurors selected for a White defendant is not significantly different than the number selected for the control group (about 5.08 Black jurors). This suggests that perceptions of the jury system, and perhaps the justice system at large, are tuned to a White default. While the number of Black jurors selected is moderated by respondent race in the control group, respondent race does not explain variation in the Black Defendant treatment group, and White respondents in this group actually select slightly more Black jurors than do Black respondents (6.07 vs. 5.91). Additionally, although the provision of a Black defendant does result in a significant increase in the mean number of Black jurors selected, the median number of Black jurors selected by each treatment group, regardless of respondent race, is six Black jurors. This results in a 50-50 split race jury, in which defendants do not have a majority of jurors which descriptively represent them.

My findings suggest that descriptive representation as seen in electoral politics does not translate to the courtroom. A basic conception of descriptive representation in juries,

by which more jurors of the same race as the defendant lead to better assessment of the procedure, is dispelled by the results of Experiment 2. In fact, I find that descriptive representation, at least with regards to the race of the defendant, can have a negative effect on perceived impartiality. Both mostly Black and mostly White juries are associated with decreased ratings in jury fairness and overall procedural fairness. In the context of literature that shows that descriptive representation can lead to substantive representation of preferred outcomes (Grossman et al., 2016), this makes sense; people are not just worried about bias against a defendant, but are worried for bias in favor of a defendant. In this light, a jury that descriptively represents a defendant can be seen as biased in favor of the defendant.

However, there is some wiggle room here. Descriptive representation does appear to have a small mitigating factor on the negative effects on perceived fairness that appear when there is a jury of a specified one race majority. That is, mostly White juries are seen as more fair (or rather, less unfair) when they are paired with a White defendant than when they are paired with a Black defendant. Similarly, mostly Black juries are seen as less unfair when paired with a Black defendant than when they are paired with a White defendant. This indicates that although juries composed of predominately one race are seen as unfair, descriptively representative juries might still have the possibility of mitigating these negative effects on fairness. Supplemental results (see Table A1 in Appendix B) reveal the importance of other dimensions of descriptive representation such as education, supporting the idea that descriptive representation in some shape or form is important for perceptions of jury impartiality.

Mixed Race Juries

The real winners of jury impartiality, though, are mixed race juries. The results of Experiment 1, while demonstrating the marginal importance of the relationship between the race of the jury and of the defendant, also support the ideal of an impartial mixed race jury. Even with the significant increase in Black jurors for those who are in the Black defendant

treatment group, the jury pool become roughly half-and-half White and Black.

My results from Experiment 2 indicate a positive effect of mixed race juries on perceived jury fairness and overall procedural fairness. The only jury-defendant interaction with significant positive effects on perceived fairness is a mixed race jury with a control defendant. Of note, mixed race juries with Black defendants and White defendants are also positively correlated with perceived fairness but not at a statistically significant level. Mixed race juries are seen as more fair than majority single race juries regardless of respondent race as well.

Unpacking Descriptive Representation in the Jury Box

The mechanism by which mixed race juries are seen as more fair is unclear. Are mixed race juries seen as more fair than juries of majority one race and juries of nondescript race because respondents value diversity? The idea of a mixed race jury can be reconciled with descriptive representation of the defendant in the context of the United States adversarial legal system. In a sense, mixed race juries mirror the adversarial system (and can be the result of it through Defense and Prosecution juror back-and-forth strikes and selections during the *voir dire* proceedings). Respondents may see diversity in jury panels as leading to mixed substantive representation with some jurors biased in favor of and some biased against the defendant, exchanging ideas, opinions, and experiences, and balancing out to leave some semblance of impartiality.

While descriptive representation of the defendant does not seem to be driving perceptions of jury impartiality, it is possible that mixed race juries are operationalizing a different conception of descriptive representation, one with a different unit of analysis. Jury panels may not be descriptively representing the defendant but rather the larger community, reflecting its racial makeup (this is a notion supported by 79% of poll respondents in a study by Fukurai and Davies (1997)). In assessing whether a jury is fair, individuals might be thinking not of the defendant's race but of the racial composition of the community that the defendant is from. However, as with the respondents in my survey, individuals do not necessarily have

knowledge of the demographics of the defendant’s community, but I still find evidence in my study that mixed race juries are perceived as more fair. When a defendant’s community is unknown, individuals may use their own community as a proxy for what constitutes a fair jury of one’s peers. In order to test this alternative theory of descriptive representation, I conduct an exploratory analysis testing for heterogeneity in results by demographics of respondent zip code. Specifically, using U.S. Census data, I separate respondents by whether they live in a zip code community with a higher than average percentage of Non-Hispanic White people (compared to the U.S. total share of Non-Hispanic White people).

Figures 7 and 8 show the results of my exploratory analysis. While overall trends in perceived fairness do not differ from the main results as seen in Figure 3, it does appear that support for mixed race juries is driven slightly by respondents from more diverse communities. Still, are these respondents rating mixed race juries more positively because they believe a jury should descriptively represent their community, or simply because they have a greater valuation of diversity? Both of these mechanisms could explain the preference for mixed race juries in my study. Further research is needed to tease apart the mechanisms by which mixed race juries are perceived as more fair. Other possible moderators that could illuminate the drivers of perceived fairness, including political affiliation and belief in systemic racial discrimination, are explored in Figures A6 and A7 in Appendix B but are under-powered and do not reveal any trends different from the main results.

The White Penalty

If mixed race juries are the winners of jury impartiality, White juries are the losers. The results of Experiment 2 indicate a penalty on perceived fairness associated with mostly White juries. Mostly White juries are seen as more unfair than juries of other racial compositions, even under similar jury–defendant interactions. Mostly White juries paired with White defendants are correlated with a -0.38 ($p < 0.005$) decrease in perceived jury fairness while mostly Black juries paired with Black defendants see a smaller decrease of -0.21 ($p < 0.005$).

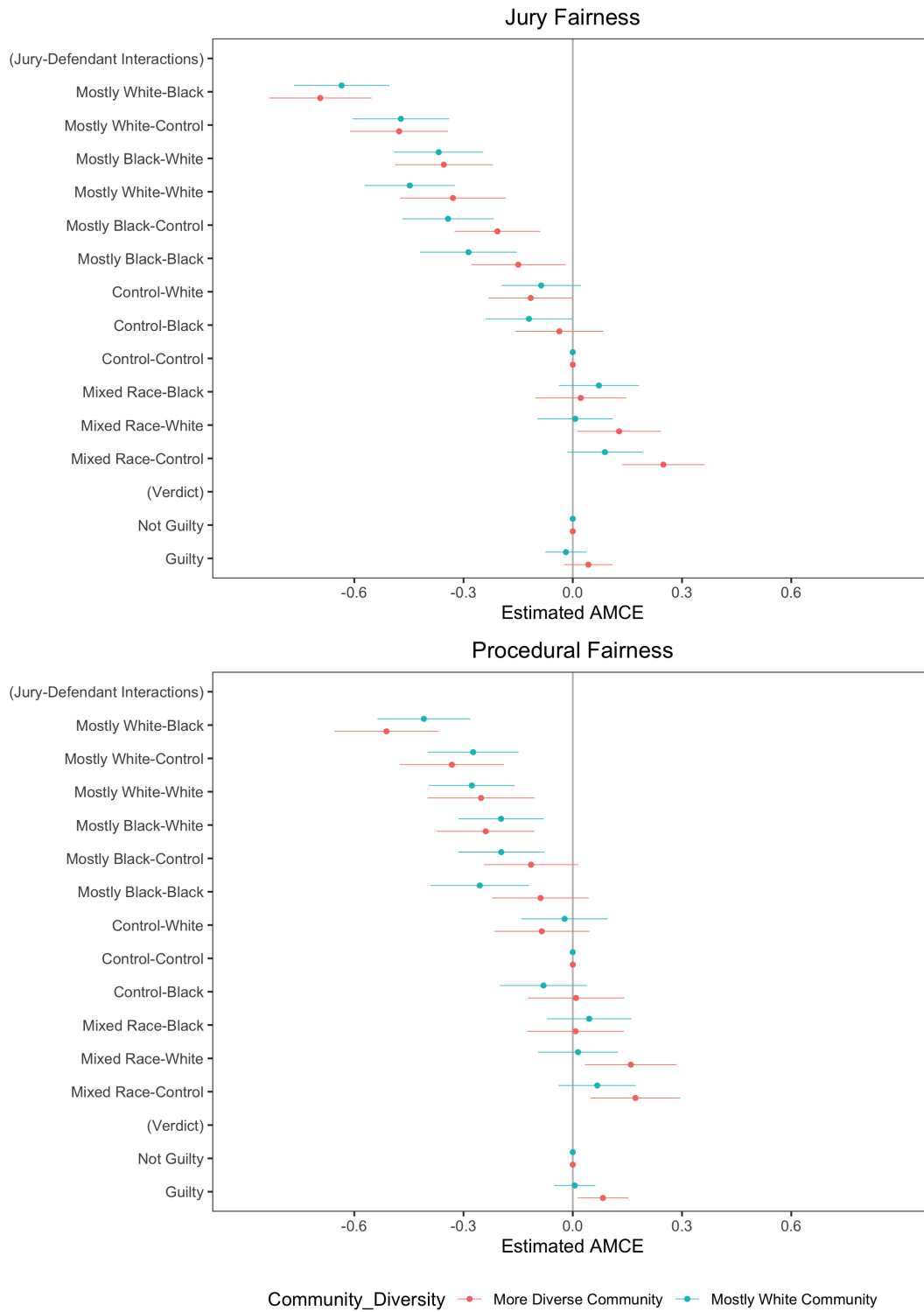


Figure 7: Moderation by Community Demographics on Perceived Fairness

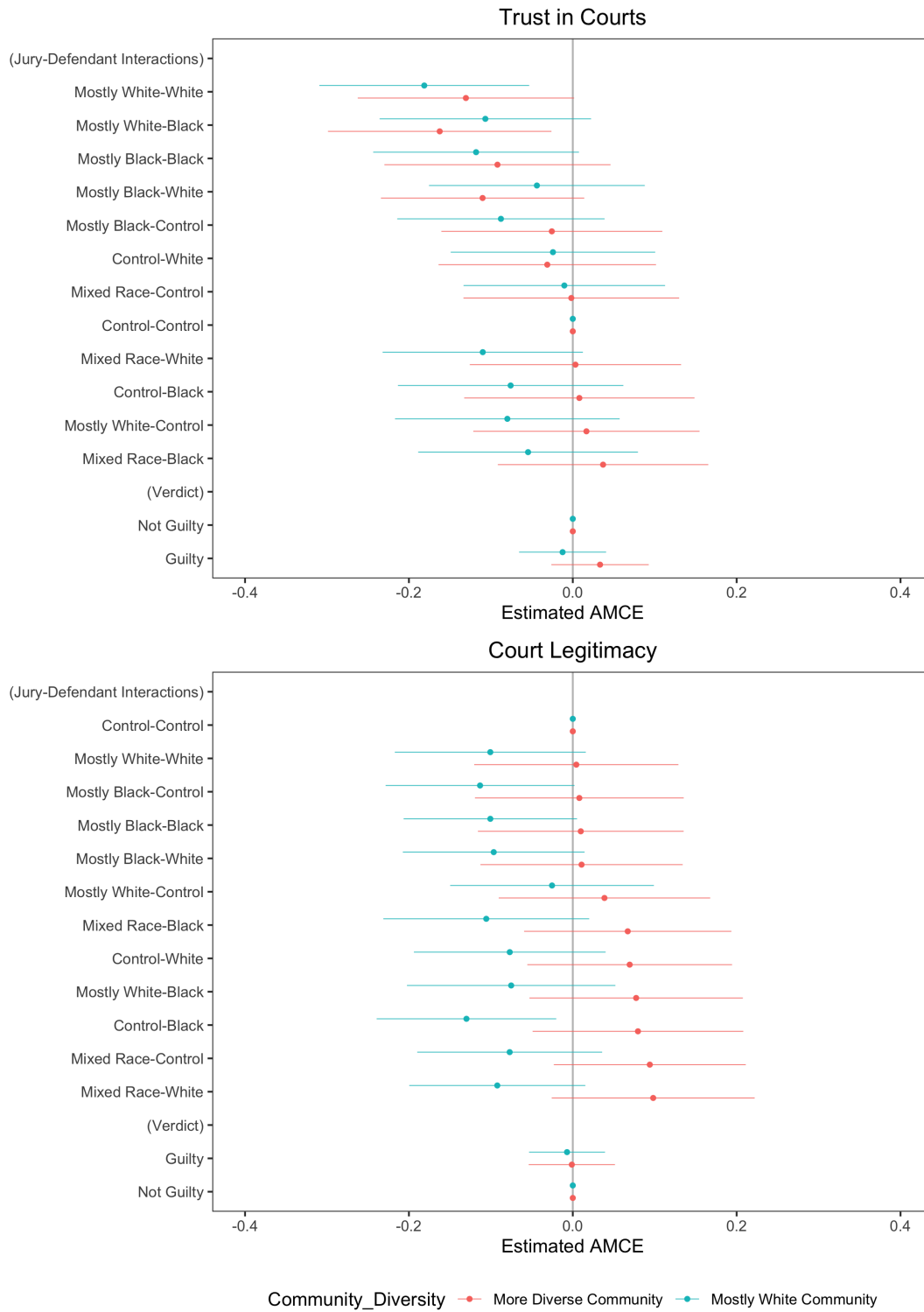


Figure 8: Moderation by Community Demographics on Trust/Legitimacy

The difference is more drastic when the jury and defendant races do not match; while mostly Black juries paired with White defendants result in a -0.35 ($p < 0.005$) decrease in perceived fairness, mostly White juries paired with Black defendants face a penalty of -0.65 ($p < 0.005$), nearly twice that of the Black juries. This discrepancy is moderated somewhat by respondent race as seen in Figures 5 and 6, driven primarily by non-White respondents. However even White respondents tend to penalize White juries more harshly than Black juries, particularly when White juries are paired with Black defendants. These findings mirror opinions voiced during the Black Lives Matter protests which primarily condemned mostly White juries selected for trials regarding Black victims. These results are consistent with the fact that 78% of respondents expressed belief in discrimination against Black people in the court system. The results suggest a view that mostly White juries are more likely to discriminate against members of another race than mostly Black juries. This is supported by Figures A6 and A7 which show a decrease in the fairness penalty on Whiteness by Republicans and respondents who don't believe in systemic racial discrimination, although these groups still perceive mostly White juries as less fair than the control jury of no race.

6.2 Procedural Fairness

I measure both perceived jury fairness and procedural fairness. While parallel, the effects of jury-defendant interactions on procedural fairness are smaller across the board than the effects on perceived jury fairness. The parallel directions of jury fairness and procedural fairness ratings indicate a correlation between the two ratings, but the difference in magnitude supports the idea that impartiality of the jury is just one dimension that people consider when assessing procedural fairness. The lesser effects on procedural fairness are suggestive of a buffer of belief in procedural fairness outside of jury procedures. These results experimentally support a conception of procedural justice where impartiality of a process is one dimension among many that contributes to an individual's perception of a process as fair.

An important aspect of procedural justice theory is that the perception of whether a

process is fair is independent of a preferential outcome. I find that verdict does moderate negative perceptions of fairness (certain pairings such as Mostly White juries and White defendants are seen as less unfair when found the defendant is found guilty rather than non guilty). However, the primary driver of perceived fairness still seems to be the racial composition of juries, with mixed race juries having a positive correlation with perceived procedural fairness regardless of verdict (see Figure A13 in Appendix B). This supports the idea that mixed race juries are seen as the most procedurally fair jury with regards to racial composition. The literature on procedural justice is largely theoretical and experiments are scarce. Although my results do not demonstrate the expected carry over of procedural fairness into assessments of courts as legitimate, they do show experimental evidence that people take into account perceptions of impartiality when forming perceptions of procedural fairness.

6.3 Court Legitimacy and Trust

I do not find evidence for the predicted positive trickle over of procedural fairness into respondents' assessments of the courts as fair and legitimate. I do find that mostly White juries are associated with a decrease in trust and confidence in the courts to treat all people fairly by -0.11 ($p < 0.005$) when paired with a Black defendant and -0.09 ($p < 0.05$) when paired with a White defendant. These results strengthen the above implications that simply the presence of mostly White juries are indicative of systemic discrimination.

The null result of jury-defendant interactions on respondents' assessments of court legitimacy supports the notion that individuals have a diffuse support for the American judicial system resistant to specific instances of injustice or non-preferred outcomes. This mirrors findings by Murphy (1973) regarding diffuse support for the Supreme Court as an institution, separate from specific unfavorable rulings. My results importantly expand on Murphy's findings by generalizing them to state courts and the American justice system as a whole. This null result also offers a defense against the critique of social desirability bias in surveys,

since I would expect the bias to affect both perceived fairness and the legitimacy questions.

6.4 Limitations

One limitation of my design is my sample. My conclusions are limited in their generalizability by the fact that my sample is not representative of the larger U.S. population. My sample, sourced via the Prolific survey platform, skews heavily (84%) non-Republican. Additionally, while valuable for providing opportunities for experimentally testing hypotheses, Prolific has a college-educated skew, and further research could explore different ways of reaching a more nationally representative sample.

I decided to focus on heterogeneity by race and collected a half White–half Black sample. This gave my analyses sufficient power to find limited significance in the moderating effects of respondent race, with particular relevancy to nationally salient discussion regarding race and the American justice system. However, there are drawbacks to a Black–White binary. This is for simplicity of experimental design reasons, in addition to the salience of this binary in the wake of the Black Lives Matter protests. However, ethnoracial identities, both self-identified and as racialized by others, are more complex than simply saying a jury is mostly White or a defendant is Black. Further research into examining how perceptions of race shape perceptions of impartiality could benefit from a more nuanced approach to race and ethnoracial identity. Further research should also look to sample a more representative sample, specifically with regards to political affiliation, in order to examine more closely heterogeneity in perceptions of impartiality by ideological leaning. Experimental design should also incorporate avenues to examine interaction effects between race and gender.

Another possible avenue for future research, and a limitation of my design, is exploring differences in perceived fairness by crime and victim. The Black Lives Matter protests were not just about the race of those on trial, but also the race of the victims of crime. Additionally, it could be expected that public views might vary depending on the severity of the crime, or with regards to certain crimes that have been racialized along socioeconomic

lines (drug dealing vs. embezzlement, e.g.). My research avoids these added dimensions in order to maintain design simplicity and to provide generalizable results that stay away from particularly incendiary crimes, but further research should examine how different crimes are racialized and when the identity of the victim is important to forming perceptions of fairness.

With survey experiments, specifically regarding race, there are always concerns of external validity, social desirability bias, and measurement error. In particular, my design uses the perhaps heavy handed statements of the race of juries as "mostly white", "mostly black", and "mixed race". These do not lend themselves to precise calibrations of the racial composition of juries — mostly white could be read as 7 of 12 jurors are white, or 11 of 12 jurors are white. However, my first part of my survey experiment mitigates this by allowing for precise selection of juror composition. Additionally, the language used in the conjoint vignettes is similar to those used in news media, and mirrors the treatments of race that people will receive in the external world.

7 Conclusion

This study dives into the relationships between race, impartiality, procedural justice, and court legitimacy, seeking to untangle the threads that tie them together. Trust in courts has suffered in recent years and it is crucial to understand how perceptions of jury impartiality might harm or help perceptions of the courts as fair and legitimate and the assessments of courts as legitimate authorities. My results underscore the importance of the racial composition of juries in the perceptions of jury impartiality, showing that juries with a single race majority (both White and Black) are perceived as less fair, and that mostly White juries have the potential to harm trust and confidence in the American justice system's ability to treat all people fairly. Race is not allowed to be considered in the jury selection process, but while it may be legal to have an all White jury, my research demonstrates that it has serious implications to the perceived fairness of courts. Adding to previous research

on the substantive negative effects of majority White juries on actual outcomes (see Anwar, Bayer and Hjalmarsson, 2012), I show that they have additional effects on public perceptions of fairness. It is clear from my results that a basic conception of descriptive representation in which a jury should mirror the race of the defendant does not stand. While this form of direct descriptive representation might be favorable in electoral politics, where impartiality is not the goal, my results show that descriptive representation has a more nuanced role in the court room.

My research suggests a solution to perceptions of unfairness due to the racial composition of juries: mixed race juries. How exactly do mixed race juries increase perceived fairness? It's possible that people see the racial biases of jurors canceling out in a manner befitting of the American adversarial legal system. Mixed race juries could also be seen as descriptively representative of a person's community, that of the defendant or of the individual watching the trial. The perceived fairness of mixed race juries may also be an endorsement of diversity in the jury box. Previous research shows the substantive benefits to diverse juries, particularly the benefit of reducing the bias of White jurors (Sommers, 2006). When White jurors are seated on a jury with people of color, they are less likely to find a defendant of another race guilty. Further experimental research is needed to examine the mechanisms of how mixed race juries promote impartiality.

These findings have implications for the jury selection process for attorneys and judges. These actors have a vested interest in preserving the legitimacy of courts and reinforcing people's trust and confidence in these public institutions. They should take into account how juries will be received by the public during the jury selection process. As Sommers (2006) shows, diversity has a substantive impact on court decisions, and it seems like the public recognizes this in some way by attributing greater perceived fairness to mixed race juries. Further research should explore other factors that contribute to perceptions of jury impartiality. The Crishala Reed case and Professor Chakravarti's research has interesting implications for what opinions and views are permitted in the jury box, including belief in

systemic racism and support for the Black Lives Matter (Craig et al., 2020; Chakravarti, 2021). While the Supreme Court's decision in *Batson v Kentucky*, which denied the consideration of race in jury selection, was intended to protect minorities, the opposite has occurred in recent decades with jury panels across the U.S. being whitewashed (Semel et al., 2020). So long as racial disparities exist in the jury box, and these disparities result in a unequal distribution of justice, courts should be conscious of race in the jury selection process and steer the process towards creating a diverse jury. Judges should be cautious of attorneys' peremptory strikes that use proxies for race, like an individual's support for the BLM movement, to block diversity in the jury box, and make the process more transparent to the larger public.

Finally, news organizations should be cognizant of the power they hold to shape people's perceptions of public institutions. My findings clearly show that the language used in reporting on trials has an impact on how people perceive the fairness of them. News organizations should consider the potential effects on perceived impartiality when reporting on the racial dimensions of trials, particularly as they relate to the race of the jury. Reporting on mixed race juries, or the lack thereof, can help the public make informed perceptions of fairness in court proceedings and may shape their trust in the system as a whole.

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Appendices

Appendix A: Survey Instrument

Thank you for your time. This research survey will take less than ten minutes to complete, and your participation is entirely voluntary.

We take your confidentiality extremely seriously, and any answers you provide in this research survey will be completely confidential. We know of no risks to you from participation. We cannot and do not guarantee or promise that you will receive any benefits from this study.

The purpose of this survey is to understand what people view as an impartial jury.

The information collected will be recorded anonymously. Questions about this project may be directed to:

Joshua Freitag

HB 1516

Hanover, NH 03755

joshua.p.freitag.23@dartmouth.edu

You may refuse to answer any particular questions. You are free to end your participation at any time by closing this window (although any answers you have already entered may still be submitted).

By clicking the “yes” button below you agree to participate in this confidential research study.

- Yes
- No

Demographics

How old are you?

- Under 18
- 18–24
- 25–34
- 35–44
- 45–54
- 55–64
- 65–74
- 75–84
- 85 or older

What is your five-digit zipcode?

[Open-ended response box]

What is your gender?

- Male
- Female
- Nonbinary/Two spirit
- Other
- Prefer not to say

Please check one or more categories below to indicate what race(s) you consider yourself to be.

- White
- Black or African American
- American Indian or Alaska Native
- Asian or Pacific Islander
- Multi-racial
- Other

Are you of Spanish or Hispanic origin or descent?

- Yes
- No

What is the highest degree or level of school you have completed?

- Did not graduate from high school
- High school diploma or the equivalent (GED)
- Some college
- Associate's degree
- Bachelor's degree
- Master's degree
- Professional or doctorate degree

Generally speaking, do you usually think of yourself as a Republican, a Democrat, an Independent, or something else?

- Republican
- Democrat
- Independent
- Something else

If respondent selected "Independent" or "Something else" Do you think of yourself as closer to the Republican Party or to the Democratic Party?

- Closer to the Republican Party
- Closer to the Democratic Party
- Neither

If respondent selected "Democrat" Would you call yourself a strong Democrat or a not very strong Democrat?

- Strong Democrat

- Not very strong Democrat

If respondent selected "Republican" Would you call yourself a strong Republican or a not very strong Republican?

- Strong Republican
- Not very strong Republican

Attention check

Please indicate whether you agree or disagree with each statement below.

- People convicted of murder should be given the death penalty
- World War I came after World War II
- Gays and lesbians should have the right to legally marry
- In order to raise the budget deficit, the federal government should raise taxes on people that make more than \$250,000 a year
- The Affordable Care Act, passed by Congress in 2010, should be repealed

Response options:

- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree

Pre-treatment questions

In general, how much trust and confidence do you have in the American justice system when it comes to treating all people fairly?

- None at all
- Not very much
- Fair amount
- Great deal

To what extent do you agree that courts should have the right to make decisions that people must abide by?

- Strongly disagree
- Somewhat disagree
- Neither agree nor disagree
- Somewhat agree
- Strongly agree

To what extent do you agree that black people in your community are treated less fairly than white people in the courts?

- Strongly disagree

- Somewhat disagree
- Neither agree nor disagree
- Somewhat agree
- Strongly agree

How much confidence do you have in state courts?

- None at all
- Not very much
- Fair amount
- Great deal

How well do state courts provide equal justice to all?

- None at all
- Not very much
- Fair amount
- Great deal

First Experiment - Jury Selection

Condition 1 - White Defendant

The U.S. Constitution guarantees people a right to an impartial jury. Typical juries are composed of 12 members selected by both the prosecution and defense teams. Given a particular defendant, please select what you think an impartial jury panel would look like.

Imagine that the defendant is a middle-aged white man. Please slide the scale to indicate the composition of an impartial jury for this defendant.

Condition 2 - Black Defendant

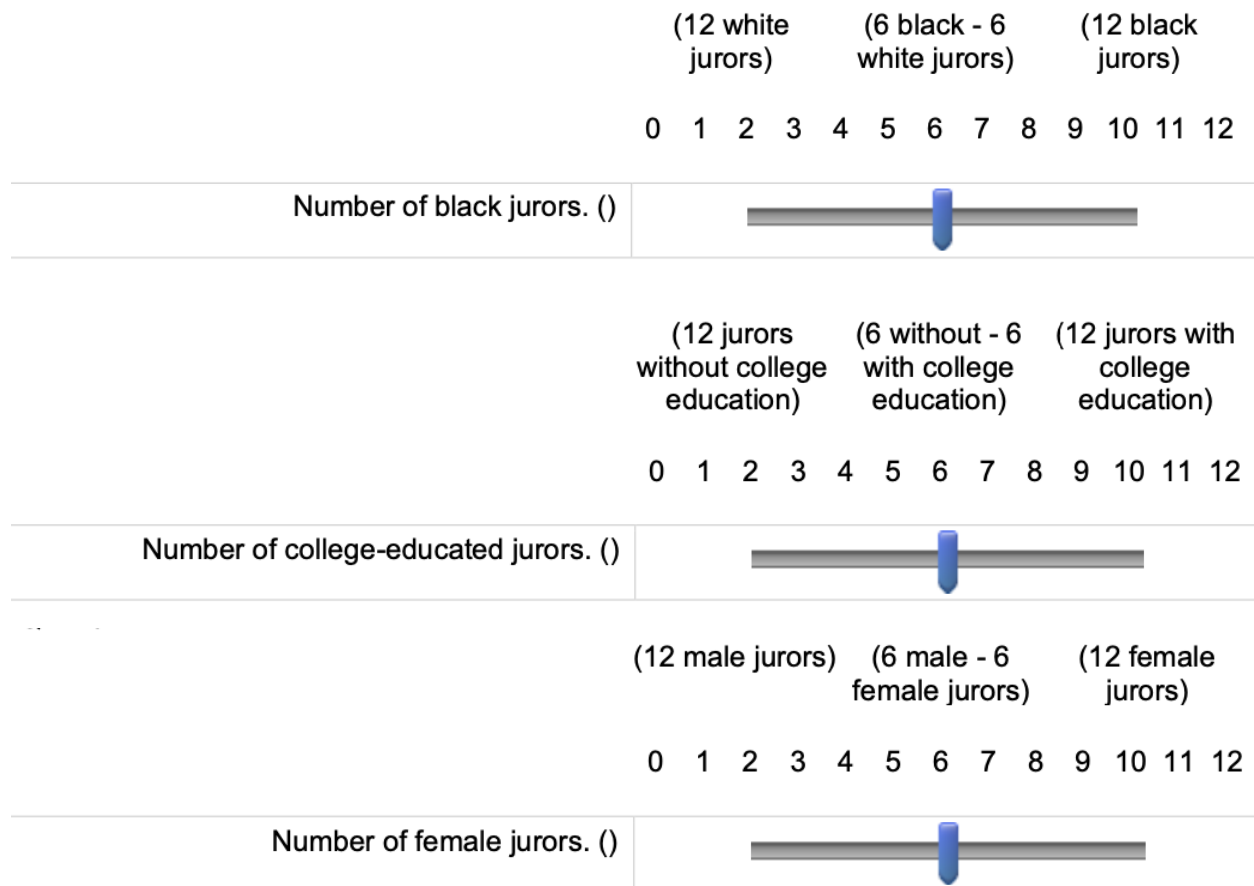
The U.S. Constitution guarantees people a right to an impartial jury. Typical juries are composed of 12 members selected by both the prosecution and defense teams. Given a particular defendant, please select what you think an impartial jury panel would look like.

Imagine that the defendant is a middle-aged white man. Please slide the scale to indicate the composition of an impartial jury for this defendant.

Control Condition

The U.S. Constitution guarantees people a right to an impartial jury. Typical juries are composed of 12 members selected by both the prosecution and defense teams. Please select what you think an impartial jury panel would look like.

Please slide the scale to indicate the composition of an impartial jury.



Second Experiment - Conjoint

In a recent court case, a (*black, white, control*) defendant was charged with breaking and entering a convenience store. The judge in the trial instructed a (*mostly black, mostly white, mixed race, control*) jury to only consider the evidence entered in trial when deciding on a verdict. After deliberations, the jury found the defendant (*guilty, not guilty*) of the crime.

How fair were the following aspects of this trial?

- The jury
- The verdict
- The overall procedure

Response options:

- Extremely unfair
- Somewhat unfair
- Somewhat fair
- Extremely fair

In general, how much trust and confidence do you have in the American justice system when it comes to treating all people fairly?

- None at all
- Not very much
- Fair amount
- Great deal

To what extent do you agree that courts should have the right to make decisions that people must abide by?

- Strongly disagree
- Somewhat disagree
- Neither agree nor disagree
- Somewhat agree
- Strongly agree

Post-treatment questions

The vignettes detailed a hypothetical breaking and entering of a convenience store. Do you have any personal experience with such a scenario?

- Yes
- No

What real life experience do you have with a breaking and entering case?

- Juror in a similar case
- Witness
- Victim of breaking and entering
- Defendant
- Other

Please elaborate on any past experiences you've had with a breaking and entering case.
[Open-ended response box]

We sometimes find people don't always take surveys seriously, instead providing humorous, or insincere responses to questions. How often do you do this?

- Never
- Rarely
- Some of the time
- Most of the time
- Always

Do you have any comments on the survey? Please let us know about any problems you had or aspects of the survey that were confusing.
[Open-ended response box]

Debrief

Thank you for answering these questions. The purpose of this study was to understand what people believe constitutes an impartial jury and how jury composition affects perceptions of institutional legitimacy. The vignette you were shown was manufactured for the sake of the survey and was not derived from any real life instance. If you have any questions regarding the content or intent of this research, please contact Joshua Freitag at joshua.p.freitag.23@dartmouth.edu. Thank you again for your participation. Please do not share any information about the nature of this study with other potential participants. This research is not intended to support or oppose any political candidate or office. This research has no affiliation with any political candidate or campaign and has received no financial support from any political candidate or campaign. Once you have read the above, please click the next button below to complete the survey!

Appendix B: Additional Results

State Court Results Comparison

The National Center for State Courts reported that 43% of respondents to their national survey believed state courts do a good job at providing equal justice to all (Figure A1). 36% of my sample reported the same beliefs. 50% of my sample reported a fair amount or a great deal of confidence in courts.

Q: “Does the following word or phrase describe [state] courts very well, well, not very well, or not well at all?”

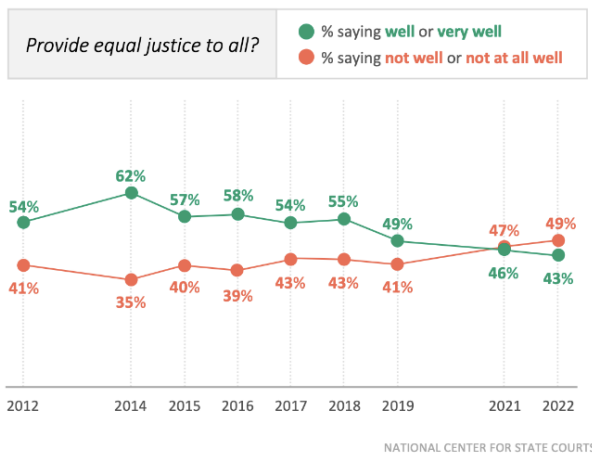


Figure A1: Access to Justice in State Courts

Q: “How much confidence do you have in each institution?”

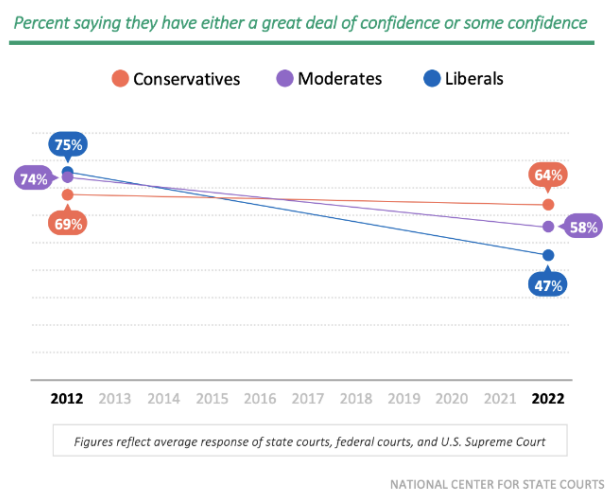


Figure A2: Confidence in Courts

Exploratory Analysis on Education and Gender

Table A1: Treatment Effects on Juror Selection - Supplementary Results

	Black Jurors	Female Jurors	College Educated Jurors
Intercepts	5.31 (0.12)	5.80 (0.07)	5.75 (0.11)
Black Defendant	0.60*** (0.18)	-0.18 (0.09)	0.24 (0.14)
White Defendant	-0.10 (0.18)	-0.10 (0.09)	0.23 (0.14)
Non-Hispanic White	-0.51*** (0.17)		
Male		-0.09 (0.08)	
College Educated			0.42*** (0.11)
Interaction Effects			
White × Black Defendant	0.66* (0.26)		
White × White Defendant	0.26 (0.25)		
N	1294	1296	1296

OLS with robust standard errors; * $p < 0.05$, ** $p < 0.01$, *** $p < .005$ (two-sided).

Histograms of Juror Selection

Below are histograms depicting the distribution of responses for how many Black Jurors should be included in a hypothetical jury. Figure A3 shows the distribution of responses across the entire sample. Figure A4 shows the distribution of responses in the control group broken up by race of respondent, revealing a slightly higher proportion of respondents on the left side of the distribution for White respondents (correlating with an overall lower mean number of selected Black jurors). Figure A5 shows response distributions by treatment group. While the distributions of the control and White defendant groups are similar in

their leftward skew, the Black defendant treatment group has a more balanced distribution of responses. The median and mode for all of these distributions is six Black jurors selected for the jury by large margins.

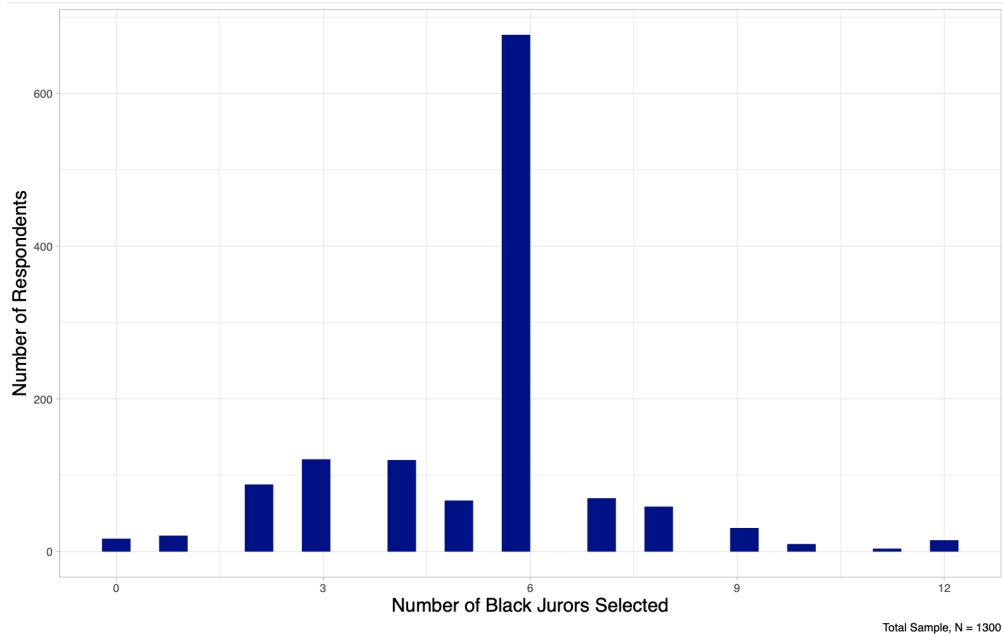


Figure A3: Distribution of Number of Black Jurors Selected

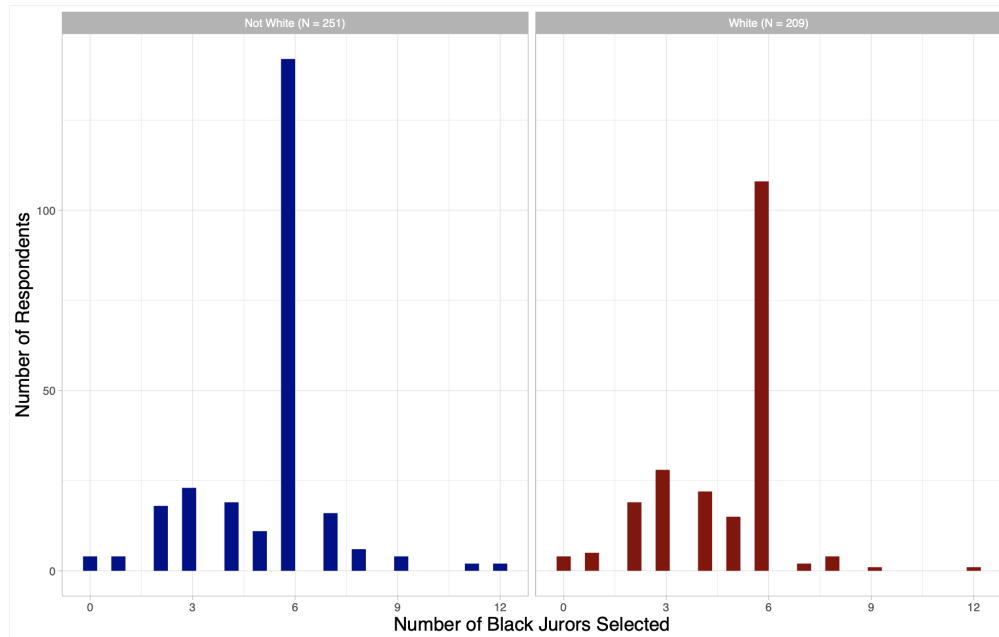


Figure A4: Number of Black Jurors Selected in Control Group by Respondent Race

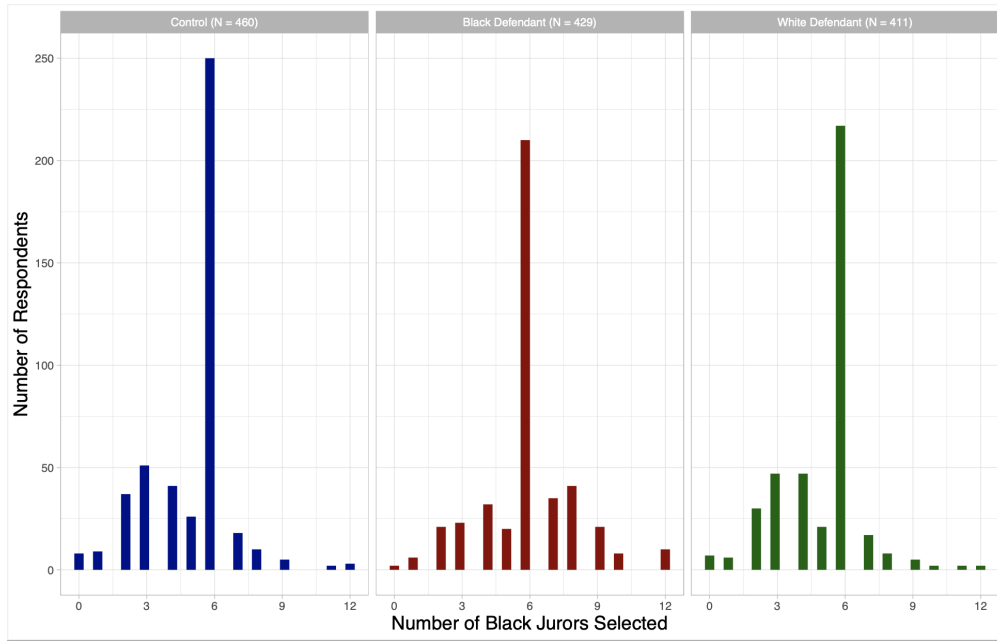


Figure A5: Distribution of Number of Black Jurors Selected by Treatment Group

Moderators

In addition to my main outcome variables, I investigate the potential moderating effects of two other variables:

- Republican (1 if identify as Republican or lean Republican, 0 otherwise)
- discrimination (1 if respondent indicates belief that black people are treated less fairly than white people in courts, 0 otherwise)

ACIEs of jury-defendant interactions moderated by political affiliation are seen in Figure A6 and by belief in systemic racial discrimination in Figure A7. The results do not reveal any severe divergence in the perceptions of fairness of Republicans and non-Republicans, nor in those who believe in systemic racial discrimination; notably, the ACIEs are in the same direction for nearly every interaction, and for cases in which the signs of the ACIEs are different by moderator, the difference is not statistically significant. The regression analysis provides modest evidence that the white penalty observed in the overall trends is driven by non-Republicans and those who believe in systemic discrimination.

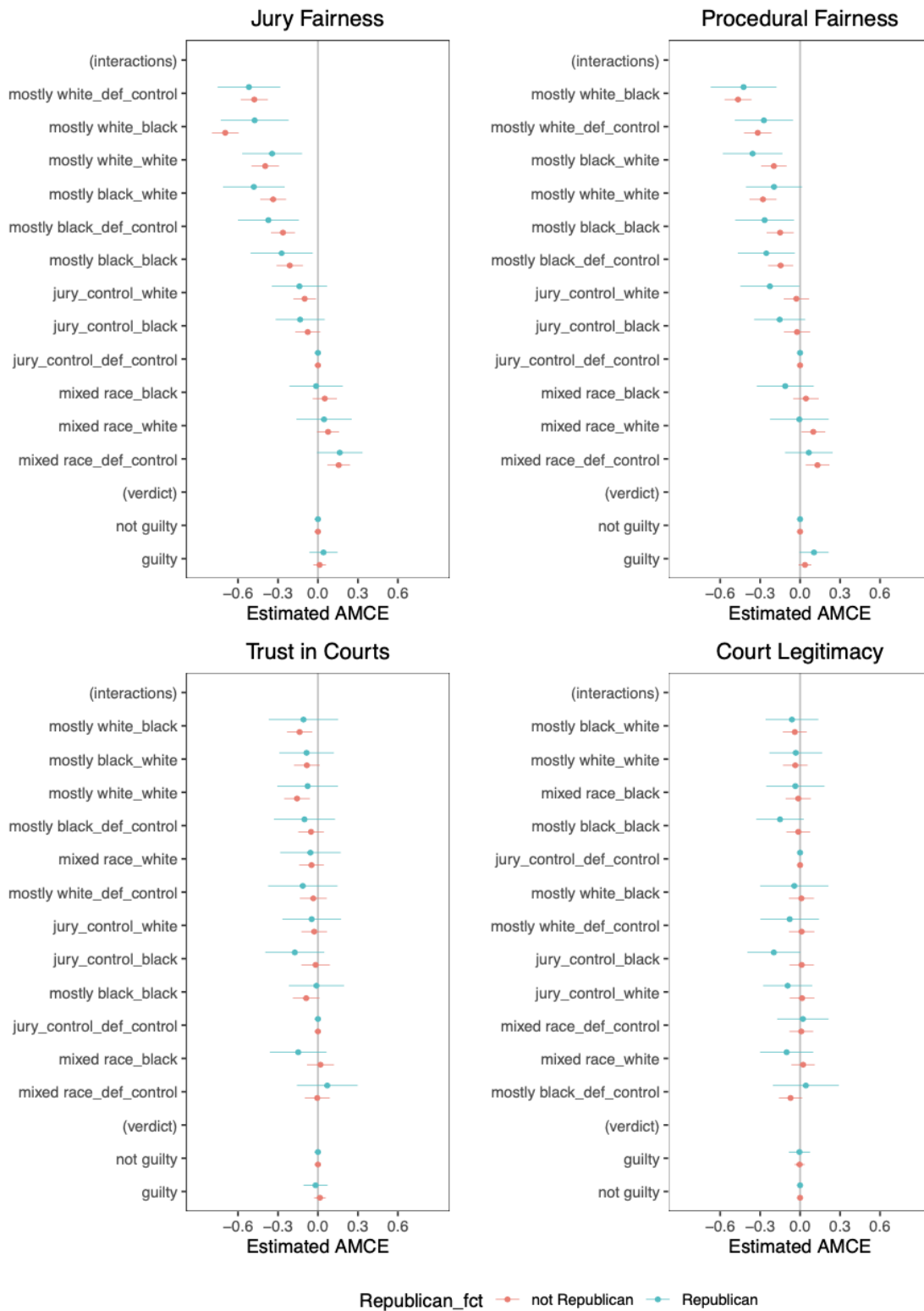


Figure A6: Moderation by Political Affiliation on ACIEs

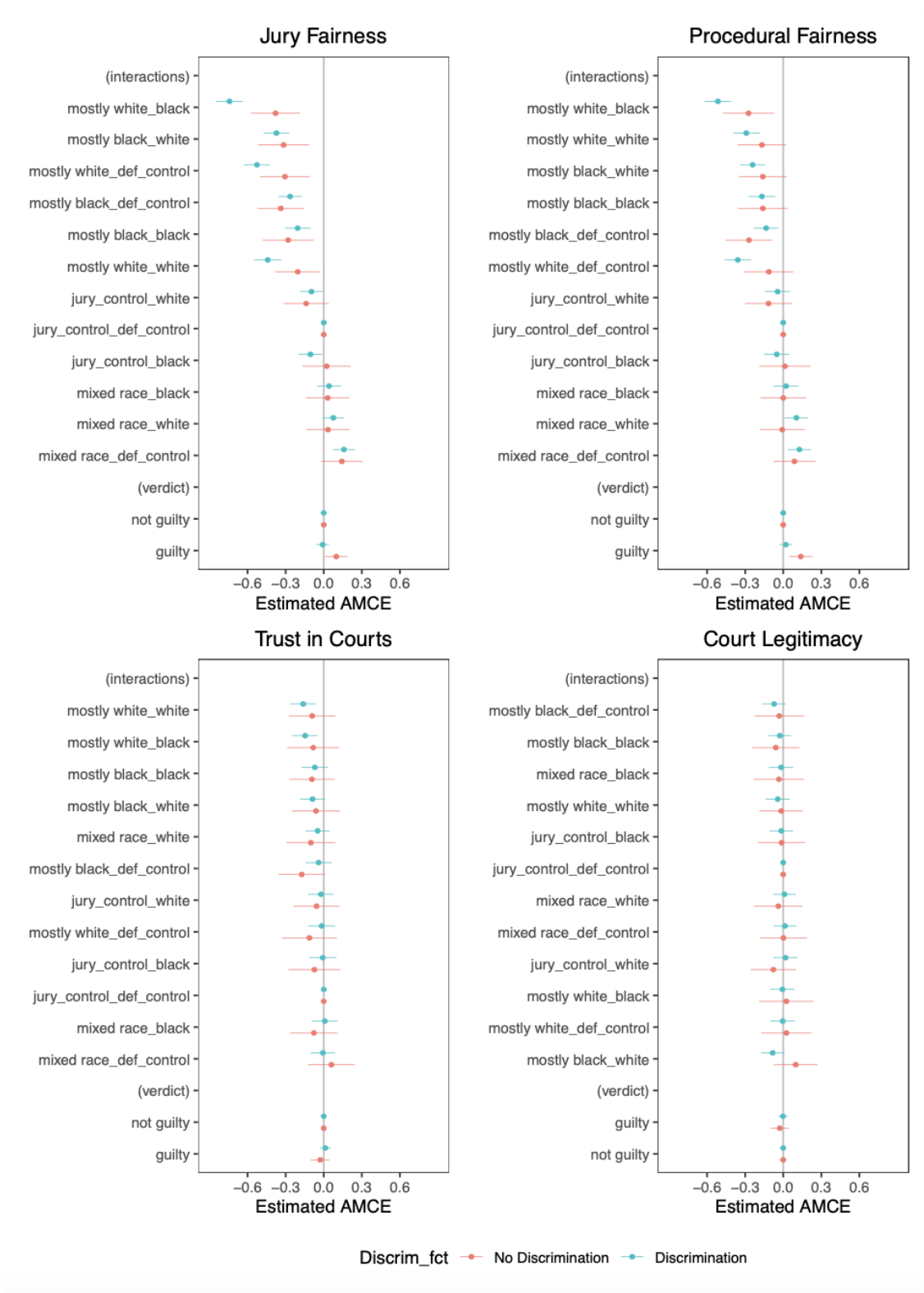


Figure A7: Moderation by Belief in Systemic Racism on ACIEs

Robustness Checks



Figure A8: ACIEs of Attentive Sample

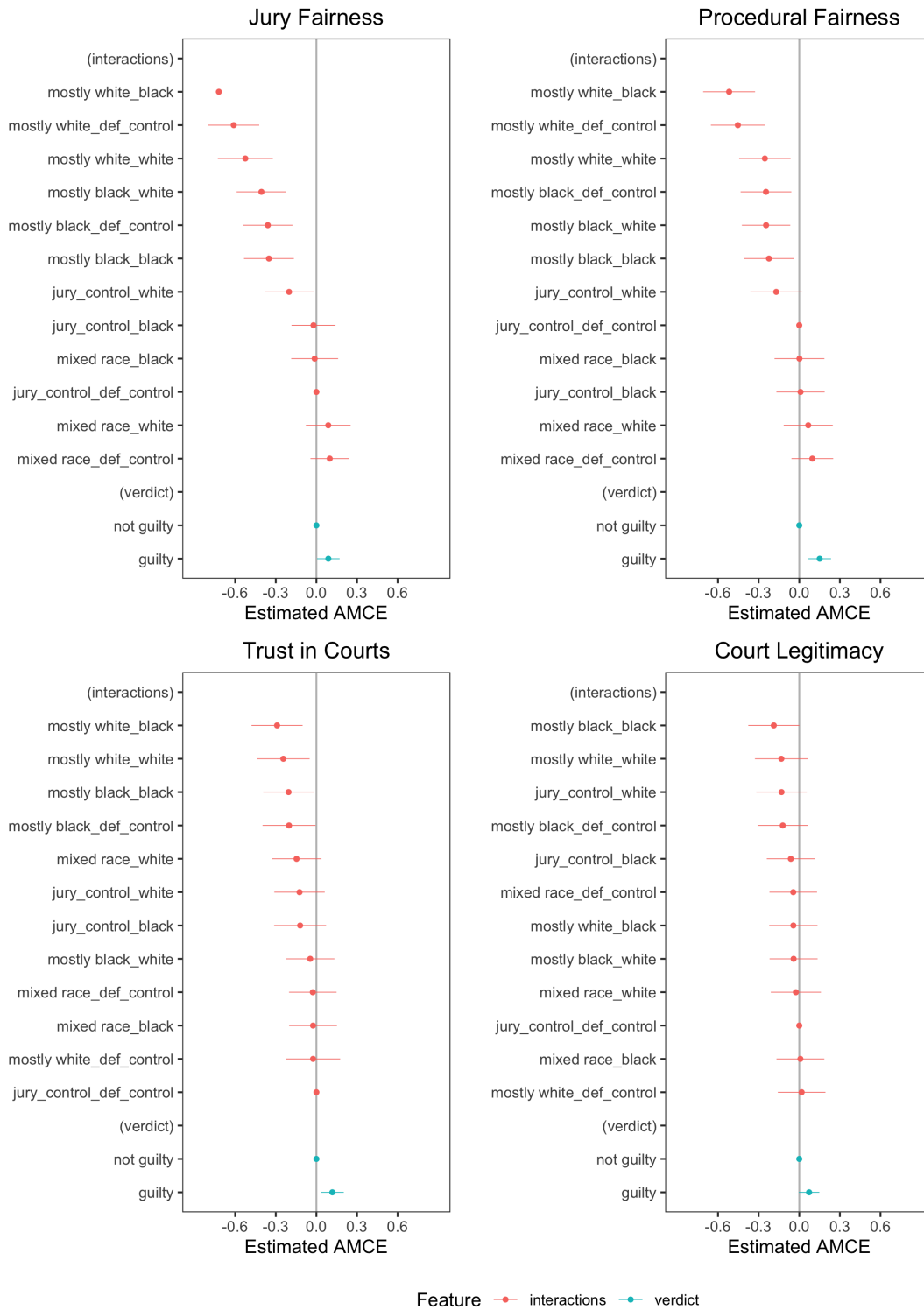


Figure A9: ACIEs of Conjoint Vignette Round 1

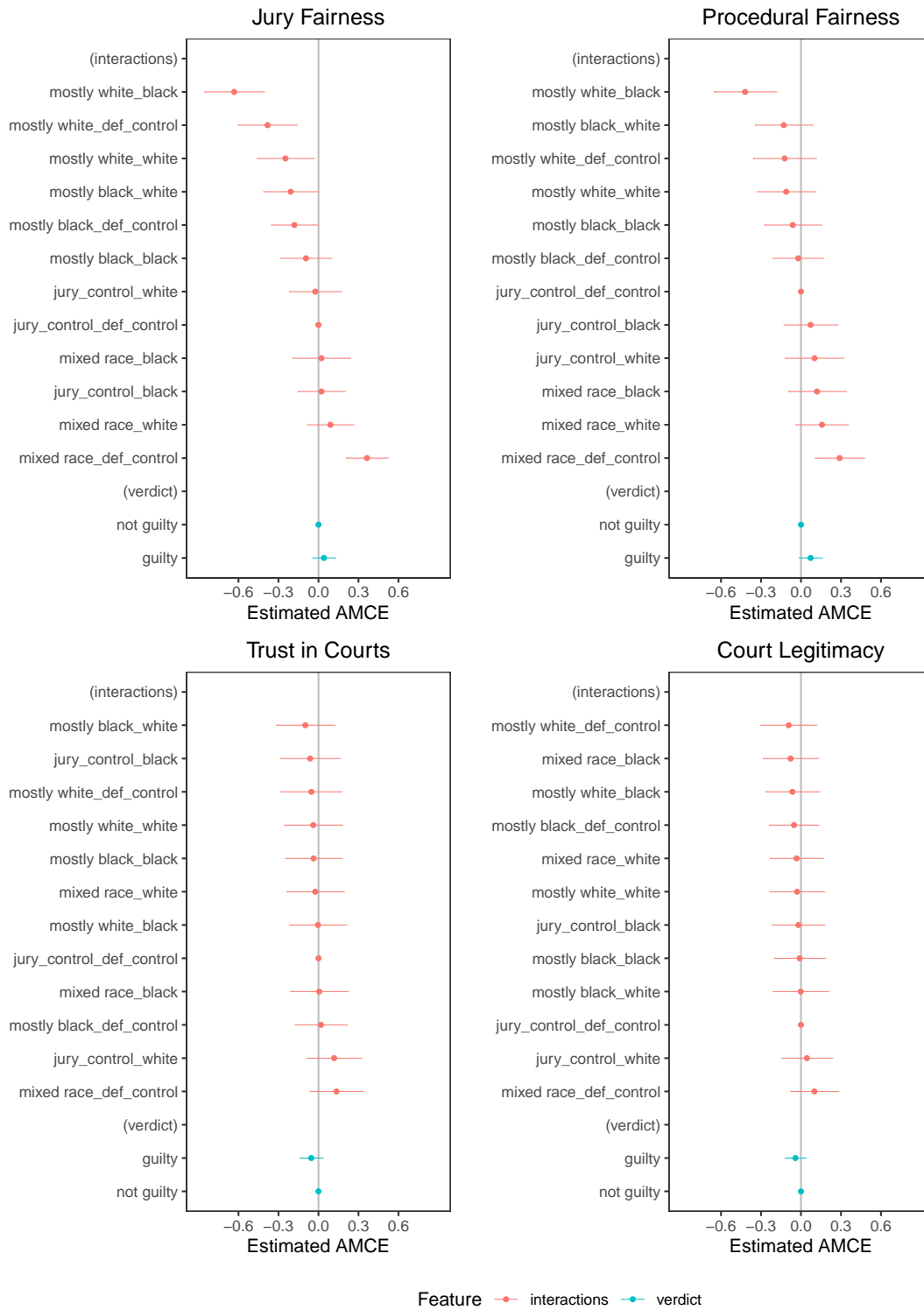


Figure A10: ACIEs of Conjoint Vignette Round 2

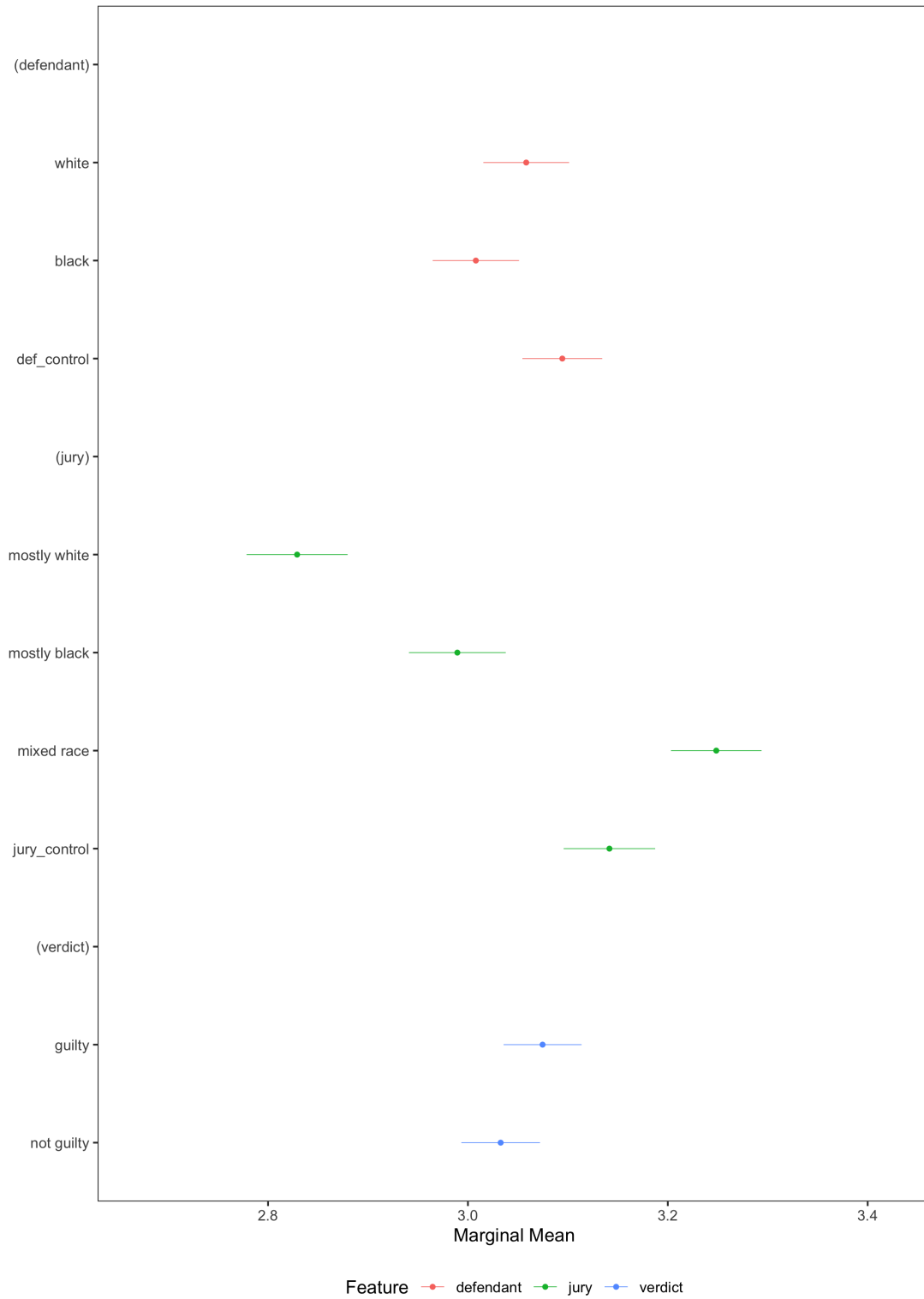


Figure A11: Marginal Means of Perceived Fairness of Overall Procedure

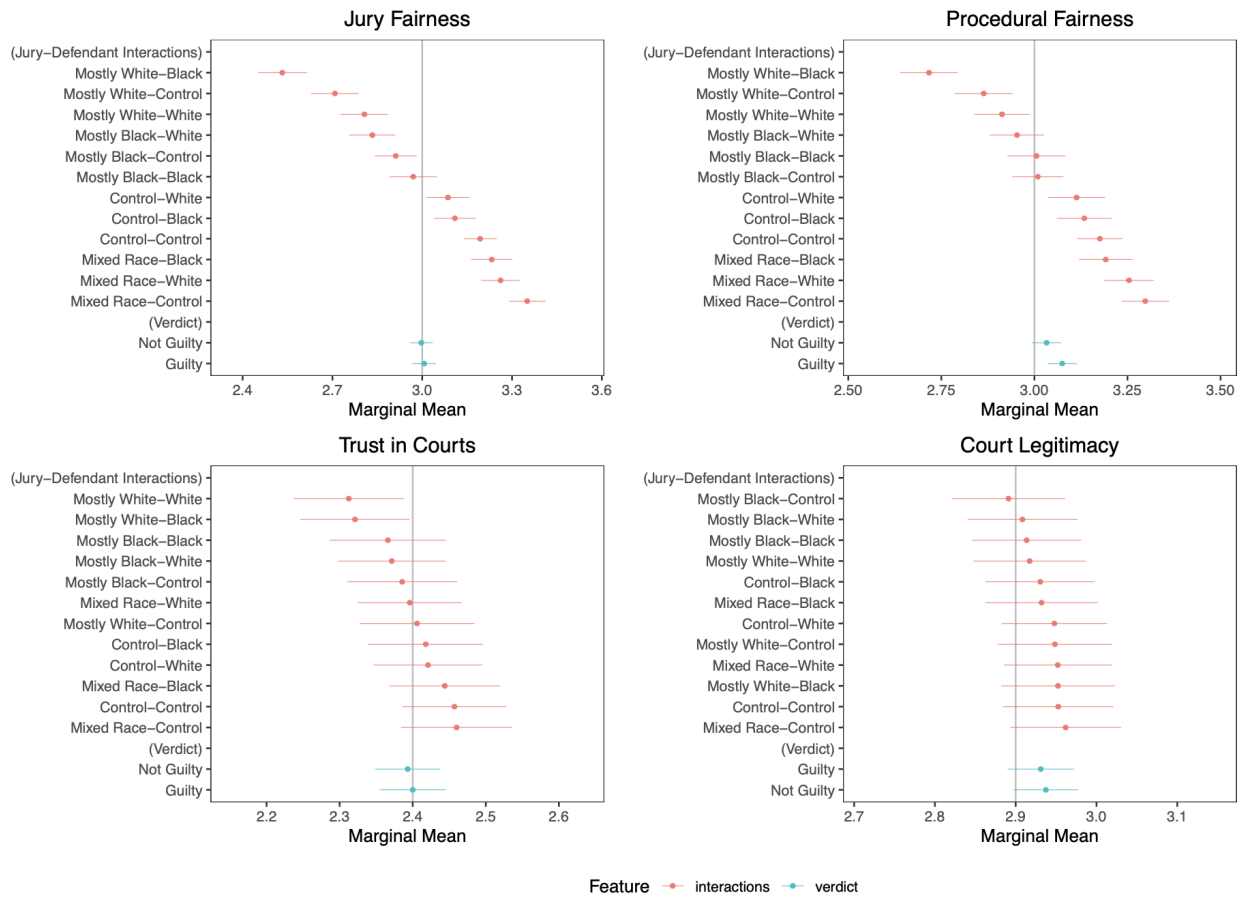


Figure A12: Marginal Means of Jury-Defendant Interactions

Full Profile Effects

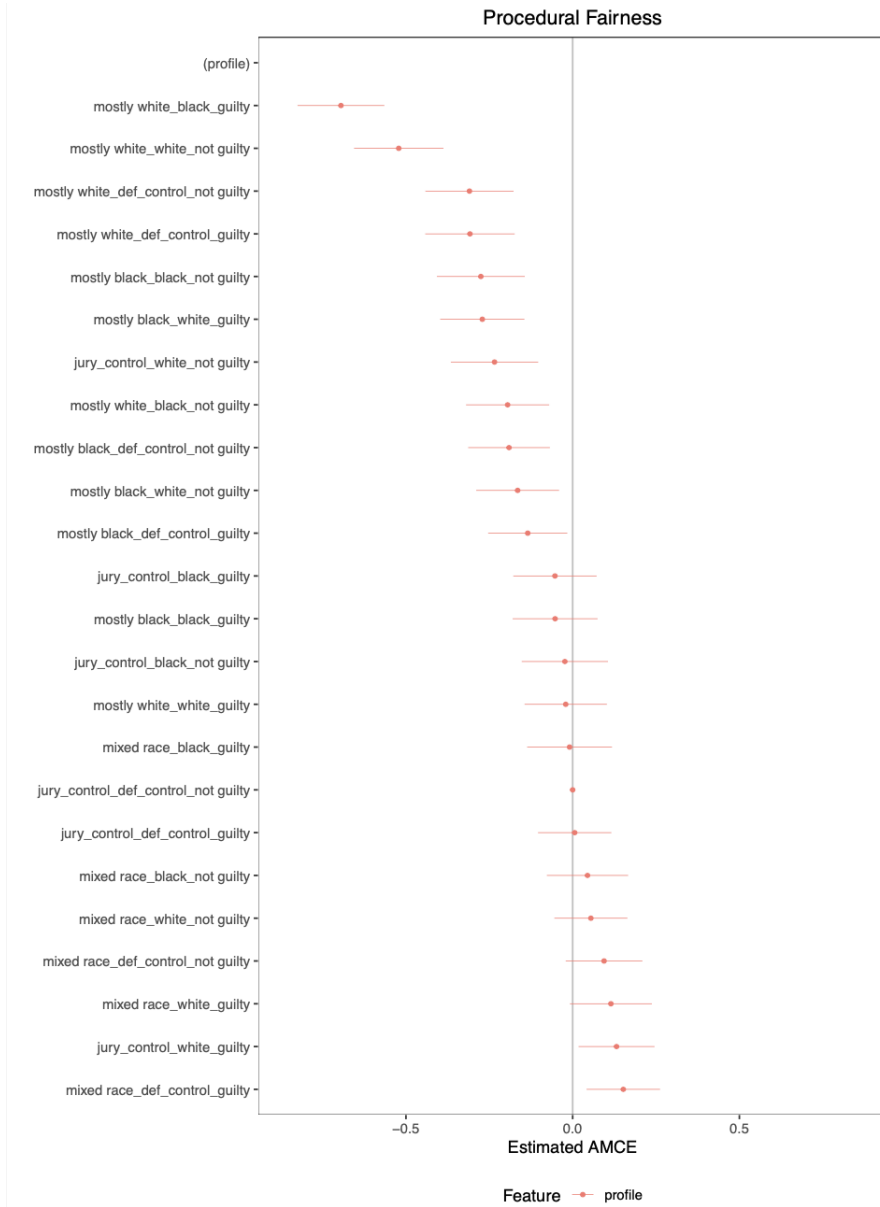


Figure A13: Full Profile Interaction Effects on Procedural Fairness