Television and the American Juror

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TELEVISION AND THE AMERICAN JUROR

BY

KATHARINE A. NATHAN
B.A., Stetson University, 1966

THESIS

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Orlando, Florida
1976
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CHAPTER I
BACKGROUND AND THEORETICAL FRAMEWORK

Few institutions of the western world have given rise to as much controversy as the jury system. This conflict ranges from Herbert Spencer's terse description of the jury, "a group of twelve people of average ignorance" to Alexis De Tocqueville's rhapsodic praise of American jurisprudence:

Jury service imbues citizens with the qualities and character of a judge, an excellent method of preparing them for freedom. It spreads respect for law and teaches a practice of fair dealing. It teaches man not to shrink from responsibility for his own acts, providing a strong character, without which there is no political virtue. It makes citizens realize their responsibility to society and that they share in the government; it forces men to occupy themselves with something outside their own affairs and combats individual selfishness, which is the rust of the community and a danger to the democratic form of society.

The actual origin of the jury system is unclear though there is general agreement that it is evident as far back as the eleventh century. It appears that judicium parium (literally judgement by peers) emerged as an alternative to the insanity of Trial by Ordeal after Pope Innocent III ordered the clergy to cease officiating at such public spectacles.

Erlanger notes that while some attribute the English concept of a trial by one's peers to Chapter 39 of the Magna Carta, it is now generally accepted that Chapter 39 in fact provided for a purely
baronial privilege: trial by one's fellow barons when charged with a high crime. He goes on to point out that this privilege was based upon feudal suits in which it was assumed that one's peers knew better than anyone else the condition of the relationship between lord and vassal, the law of the fief, and probably the facts surrounding the point in dispute.5

The feudal nature of the origins of the jury and the fact that members were frequently witnesses in the trial led to judicial abuse and control of the jury's verdict -- most frequently enforcing the will of the King and the court. "Jurors were confined, often without food, drink, fire, or light except by permission of the court. If they failed to reach an acceptable verdict before the judge moved to the next town, the jury was carried along in a cart in disgrace."6 This unfortunate state of affairs gave rise to juror revolts which were carried through the 17th and 18th centuries. Famous cases which reflected this struggle between the court and the jury were the trials of William Penn and "Poor Mrs. Lisle" in England the case of John Peter Zenger in the colonies.7 Precedents set by such cases established the power of jurors to enforce their verdicts regardless of the law. Even today, experts in the U.S. point out that "no authoritative answer has yet been given to the question whether the jury should decide issues of fact that are involved in the application of choice-of-law rules."8
The jurors of yesteryear functioned in a set of circumstances which varied radically from today's venire:

In contrast to our present day practice, the jurors of the fourteenth and fifteenth centuries, in both civil and criminal litigation, passed judgement on the basis of what they personally knew.

Today, with larger populations concentrated in urban centers and a highly mobile society, it is unlikely that jurors know the people involved in a case. Indeed, any practicing attorney today would undoubtedly exclude a person with such knowledge for cause.

The change in jurors' roles has given rise to a heated controversy over the relative advantages and disadvantages of the jury system. On the plus side Rosenblatt and Rosenblatt assert:

Every trial lawyer will affirm that the strength of any jury lies in its reflecting the attitudes and mores of the community from which it is drawn. Juries are, by their very nature, impervious to the kinds of pressures other political institutions can be subjected to, they are ephemeral. They live for the day, then the members return to the general populace.

other observers have pointed to additional advantages of the jury system such as the "considerate treatment afforded to accused and witnesses by both judges and counsel." The use of lay jurors may offer the defendant more objectivity than the repetitious use of a judge who is overexposed to felons. As Knittel and Seiler have noted: "A judge in a criminal court is constantly confronted with criminals. This can become a routine job that in spite of conflicting evidence he may reach a quick decision, thinking it is
a run-of-the-mill case."

On the other side of the controversy, it has been observed that despite the theoretical fact-finding role of the jury, it may be tempted to substitute its perception of justice for the actual point of law. In "The Case Against the Jury," Justice Steuer has pointed out that "the repeated recurrence of such verdicts results in the application and acceptance of principles that are widely at variance with the law as it is enunciated." Judge Steuer, who serves in the Appellate Division of the Supreme Court of New York, has also observed that the legal system has never determined whether the community really desires trial by jury. Moreover he concludes that:

...it must be admitted that of all the methods of ascertaining the truth (and I do not mean this in the philosophical sense but rather in reconstructing past events) this ranks among the least scientific products of the mind of man.

In fact, the general consensus is that juries do, in fact, interpret the law according to their own values. Businesses have such a high degree of "general distrust and complete dissatisfaction" with jury decisions that it has become common business practice to submit contracts to arbitration rather than peril the vagueries of a trial by jury. This sheer unpredictability may even serve as the basis for the demand for a trial by jury: "A defendant electing to be tried by a jury sometimes does so in the hope that jury values will affect the operation of the law under which he is charged."
The extent to which such independent, extra-legal decisions occur has been documented by Kalven and Zeisel. After a monumental study of 3,576 cases they determined that the jury's verdict is in opposition to the judge's opinion 24.6% of the time. In addition, they determined that in "50 per cent of the cases there is found a jury sentiment at odds with the law." One of the earliest studies of jury behavior concluded:

According to statements of the jurors, judgements were sometimes affected by admiration for or antagonism toward certain members of counsel... All jurors did not reach decisions through logical analysis of the case; some could not explain or justify their conclusions.

If jurors are not making decisions which are consistent with the law, what standards guide their deliberations? Observers have concluded that personal predispositions toward any number of variables manifested by the accused shape jurors' decisions. For example, Friend and Vinson have found a significant indication that perceived attractiveness or unattractiveness plays a role in jury behavior such that "physically unattractive defendants may receive less severe sentences than attractive and neutral defendants." Family and/or marital status can have a similar causative affect. Racial identity also plays an intervening role. As Bullock has pointed out, blacks are most likely to receive longer sentences for a crime than whites.

In addition to the influence of the attributes of the accused, the individual juror's make-up also plays a key role in his/her
judgemental behavior. A 1973 study found that "manual workers are the most ready to convict when the evidence against the accused is very substantial." These researchers also concluded that there is a statistically significant relationship between age and verdict, "higher proportions of not guilty verdicts occur amongst the youngest age groups."25

One of the most important personality variables for the observer of the jury to take under advisement is authoritarianism. As Boehm has observed: "It would appear from the psychological (if not the legal) point of view that there is some reason for considering it quite possible that conservatives are more prone to convict."26 The punitive inclination of authoritarian persons has been well documented.27 Some recent research has shown that sentences for the same crime can vary as much as 5.5 years between authoritarians (whose average delivered sentence was 10 years) and nonauthoritarians (whose average delivered sentence was 4.5 years.)28 There is also evidence that authoritarian persons order noticeably more severe punishment for persons whom they perceive dissimilar to themselves.29

Given the obvious importance of authoritarianism in any consideration of juror behavior, it was determined that analysis of this personality trait should be incorporated into the proposed research effort. To do so required a close look at the concept and the various measuring devices available for field research.

Authoritarianism was first studied in the light of emerging
fascism prior to World War II. Fromm became involved with the problem in *Escape From Freedom* in which he observed:

For the authoritarian character, there exist (sic), so to speak, two sexes: the powerful ones and the powerless ones. His love, admiration and readiness for submission are automatically aroused by power, whether of a person or an institution. Power fascinates him not for any values for which a specific power may stand, but just because it is power. Just as his "love" is automatically aroused by power, so powerless people or institutions automatically arouse his contempt. The very sight of a powerless person makes him want to attack, dominate, humiliate him.

Carrying on from Fromm's work, Maslow conceived of a "world-view" of the authoritarian personality:

Like other psychologically insecure people, the authoritarian person lives in a world which may be conceived to be pictured by him as a sort of jungle in which man's hand is necessarily against every other man's, in which the whole world is conceived of as dangerous, threatening, or at least challenging, and in which human beings are conceived of as dangerous, threatening, or at least challenging, and in which human beings are conceived of as primarily selfish or evil or stupid. To carry the analogy further, this jungle is peopled with animals, who either eat or are eaten, who are either to be feared or despised. One's safety lies in one's own strength and this strength consists primarily in the power to dominate. If one is not strong enough, the only alternative is to find a strong protector. If this protector is strong enough and can be relied upon, then peace of a certain sort is possible to the individual.

In addition to the concept of an authoritarian "world-view", Maslow determined that this personality type possessed observable characteristics:

1. A have-have not hierarchy in which the "haves" are to be feared, resented, bootlicked and admired and the "have-nots" are to be scorned, humiliated and dominated.
2. The generalization of "superiority-inferiority."
3. Drive for power
4. Hostility, hatred, prejudice.
5. Judging by externals.
6. Single scale of values.
7. Identification of kindness with weakness.
8. The tendency to use people.
9. The sadistic-masochistic tendency.
10. Incapable of being ultimately satisfied.
11. Strong guilt feelings and conflicts.\(^{33}\)

While this work shed a great deal of light upon the authoritarian personality, the most ambitious effort in the area appeared in book form in 1950. The Authoritarian Personality represented the first large-scale research project which stemmed from existing theory, employing a well-developed research design, and measuring devices which would lend themselves to precision, rigor, statistical evaluation and generalizability. The most important tool to emanate from this study was the F (Fascism) Scale or the California F Test.\(^{34}\)

The F Scale was much used for personality testing during the 1950's. With the composit test results it became increasingly evident that while the F Scale correlates well with other paper-and-pencil measurements, it is difficult to describe the measurement in behavioral terms "unless we are willing to accept the circular logic which suggests that the F Scale is behaviorally valid because it correlates with behaviors that are authoritarian because they correlate with the F Scale."\(^{35}\)

Rokeach identified further problems with the F Scale by noting that "confusion begins when the F Scale is first used to measure 'Fascist authoritarianism' and, later, 'general
authoritarianism." Rokeach recognized the necessity of identifying forms of intolerance which were not only characteristic of bigots on the right of the political spectrum, but also forms of intolerance which may be non-ethnic in origin, e.g. strong opposition to bigotry which could be identified with persons on the left of the political spectrum. A 1968 jury study described this possibility as follows:

There is also reason to suspect that there are overly-lenient jurors as well as overly-severe ones. Rigidity is not the exclusive property of the right wing authoritarian . . . This group consists of persons who may well acquit any defendant merely to thwart authority.

Refining the concept of authoritarianism Rokeach determined that:

. . . no matter how much a person's system closes up to ward off threat and anxiety, it can still serve as a cognitive frame-work for satisfying the need to know. For the closed mind is subjectively experienced by the person who has it no differently from the way it is experienced by a person with an open mind. In this way the person's belief system may be thought of as a mechanism for having one's cake and eating it, too. One can distort the world and narrow it down to whatever extent necessary, but at the same time preserve the illusion of understanding it. And if the closed or dogmatic mind is extremely resistent to change, it may be so not only because it allays anxiety but also because it satisfies the need to know . . . Dogma serves the purpose of ensuring the continued existence of the institution and the belief-disbelief system for which it stands.

Rokeach proceeded to develop his own measurement of dogmatism through an exhaustive series of tests. The test, or D Scale, has been utilized by many social scientists and has proved
itself to be reliable. More significantly for the application to juror behavior, the D Scale has proved itself a good predictor of behavior.40

In one of the few prior tests of authoritarianism and juror behavior, Boehm determined that authoritarian jurors and non-authoritarian jurors could be recognized in behavioral terms:

The Authoritarian seemed prone to using subjective impressions of the character of the persons involved in the case that they had gleaned in some fashion from the evidence presented as the basis of their verdicts. One Authoritarian commented on the defendant's grammar. Another went so far as to state that while the defendant's guilt was uncertain the defendant was a "dubious character" and should be removed from society.

The Anti-authoritarians tended to use the same kind of impressionistic evidence to conclude that even if the defendant were guilty as charged, it was not his fault but society's, because he had led a difficult life. One Anti-authoritarian bluntly stated that he did not believe in punishment and acquitted the defendant on that basis alone.41

In addition to the implications for sentencing, authoritarianism also triggers other behaviors which could conceivably interfere with the function of an impartial juror, for example:

1. A polarized view of individuals as either "good" or "bad".
2. Inability to allow inconsistent behavior in others; their attitudes show a radical, mostly negative reaction to incongruent information after their attitudes have been formed.
3. Tolerance of fewer undivided impressions; they generally exhibit strong opinions on a subject.
4. The authoritarian may avoid ambiguity by seizing one interpretation and denying or repressing the information which conflicts with that interpretation.
More complications in the functioning of authoritarians as jurors can be observed with the recognition that within juries there is pressure toward uniformity due to the fact that "seeing things differently from others makes a person uncomfortable. People have been known to conform to a majority even against the evidence of their own senses." Recalling the work of psychological investigators which indicates a strong desire to conform on the part of high authoritarians, the implications for jury deliberations support conformity by high-authoritarians to high-status individuals.

One additional study by McCarthy and Johnson describes an interesting aspect of authoritarian behavior which could be highly influential among jurors. In 1962, an incident occurred at the City Hall of San Francisco which pitted the police against a group of dissident students. This served as the basis of a correlational study conducted among college students at a state university and a city college. The students were given Rokeach's D Scale with the result that:

Subject's low in dogmatism, as compared with the remainder of their sample, generally accepted the student account of the disturbance while subjects comparatively high in dogmatism more often accepted the police version of the events leading to the incident.

The most interesting point to be observed in this study is that authoritarians appear to exhibit a bias toward authoritarian
sources of information. This leads one to wonder if television might serve this function for the authoritarian juror.

Padawer-Singer of Columbia University's Bureau of Applied Social Research has measured the effects of news items on the jury and has concluded that in a case based on circumstantial evidence, the juror who has heard information about the defendant's past criminal record is most likely to convict. The same phenomenon occurs when the jury hears a media report of an alleged confession even though that confession may be non-existent and no mention of a confession occurs during the subsequent trial.46 Obviously the media can activate bias in these circumstances.

The major question to be answered by this research project is whether or not television programming can activate juror bias and whether or not there is any connection between television viewing habits and authoritarianism. There is evidence that suggests this type of video influence in other areas of American life. Robinson recently conducted a study entitled "American Political Legitimacy in an Era of Electronic Journalism: Reflections on the Evening News" in which he contended that "our doubts about ourselves and hostility toward our institutions would be far less severe were it not for the images we receive from the electronic media, more specifically network journalism."47 According to Robinson's survey 33% of the Americans who rely on television as their only source of news believe their government
Liebert, three prerequisites must be met in order for this type of learning to occur: 1) exposure to modeling cues; 2) the ability to acquire and reproduce the observed behavior; 3) acceptance or rejection of the model's behavior as a guide.57

There can be little doubt on the question of an affirmative answer to the subject of exposure. In the government's 1972 report on Television and Social Behavior it was observed:

...over 96 percent of our homes contain at least one-set -- but audience rating services indicate that the amount of daily use made of these sets is truly staggering. The average home set is said to be turned on more than six hours per day.58

By 1973, 99.9% of the homes in America owned a black-and-white television set. In addition, 67.1% owned a color television.59 According to the A.C. Nielsen Company, in the Florida cities measured in this research project television ownership was: 98% for Clearwater and St. Petersburg (Pinellas County); 97% for Jacksonville (Duval County); and 97% for Orlando (Orange County).60

The other aspect of exposure revolves around the question of whether the set is turned once it is on the home. Research indicates that Americans spend a greater proportion of their leisure time watching television (28% of leisure time for the total population) than in any other singly activity. It should be noted that figure is higher for men (32%) and quite a bit lower for employed women and housewives (25%).61 The only other activity that comes close to that proportion is the time spent visiting and entertaining friends and
relatives (17%). In the government study on Mass Media and Violence researchers observed that "the average American spends between one-quarter and one-half of his waking day attending to the mass media." And the proportion of that time devoted to television per se is on the rise. A 1975 study published in Broadcasting shows that people of all major age groups, educational levels and income brackets are watching television more than they utilize any other type of mass media. There can be little question about whether or not the public is exposed to television on a wholesale basis. All the evidence points in that direction.

The second requirement for observational learning to occur is the ability to acquire and reproduce the observed behavior. In extensive experiments involving young children, Bandura, Ross and Ross not only observed a consistent ability among children to reproduce the filmed aggression of a female model, but also photographed subjects exhibiting highly accurate re-enactments of the model's aggression. There is evidence which indicates that such learning occurs even without visual cues. This can be exemplified by brutal murders modeled after media accounts of sensational killings. A case in point being that of Robert Smith, an 18 year old New Yorker, who shot four women and a young child in a beauty parlor after learning of Richard Speck's murders of eight Chicago nurses. Numerous sky-jackings and bomb threats have also been patterned after headline-making stories. A psychiatrist has
observed that one of the most dangerous characteristics of violent television programming is that it provides the potential aggressor a modus operandi for acting out his hostility.67

The third, and most difficult, requisite for observational learning to occur from television is the question of whether or not individuals accept the behavior depicted by television as a guide. Although the research completed to date is not extensive, there is evidence that modeling does result from television viewing. Certainly the criminal cases resulting from television programming attest to the credibility ascribed to media dramatizations. For example, Susan Atkins, a member of the Manson Family stated that the Sharon Tate killings were inspired by a television program which depicted police confusion following two killings conducted along an identical pattern and the release of a suspect held in custody following the second killing. According to Atkins, the Manson followers hoped that the careful duplication of an earlier slaying in the Tate killings would result in the release of Manson Family members held in police custody.68

Experimental evidence suggests the existence of modeling cues derived from television in other aspects of societal behavior. Television has been influential in the formulation of early stereotypes of blacks and later in accelerating changing racial attitudes.69 Mass media in general have spread a common notion of what constitutes "the good life" making it appear not only desirable, but also
attainable for the masses.\textsuperscript{70} Mass media has been consciously relied upon by many adolescents, especially those from low-income families, for learning how to cope with real-life roles.\textsuperscript{71} Television, through portrayal of traditionally stereotyped-sex-roles, is "clearly associated with stronger traditional-sex-role development."\textsuperscript{72}

There are, in addition, other factors which make adoption of behavior seen on television increasingly likely. Television provides the viewer a desirable relationship which replicates the child-parent ego state in which the viewer is able to take from the television set "without deference to the reciprocal needs of the giver."\textsuperscript{73} Models presented to viewers via television are highly effective in holding attention and instructing because they are selected on the basis of greatest interpersonal attraction.\textsuperscript{74} Since the earliest years of its existence television has had a "sacrosanct and 'official' aura" due to its ability to bring Presidential messages, on-the-spot coverage of major events and foreign names and places into people's homes.\textsuperscript{75} This aura has been enhanced by the institutional, one-way direction of television messages.\textsuperscript{76} In 1960, three out of five persons named television as one of the new inventions from the past 25 years which had done the most to make their lives enjoyable.\textsuperscript{77} A national poll by the Gallup organization in 1973 yielded the following response to the question: "Would you tell me how much respect and confidence you, yourself,
have in **TELEVISION** a great deal, quite a lot, some or very little?"

<table>
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<th>Response</th>
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<td>Great Deal</td>
<td>16%</td>
</tr>
<tr>
<td>Quite a lot</td>
<td>22%</td>
</tr>
<tr>
<td>Some</td>
<td>39%</td>
</tr>
<tr>
<td>Very Little</td>
<td>17%</td>
</tr>
<tr>
<td>None</td>
<td>5%</td>
</tr>
<tr>
<td>No opinion</td>
<td>2%</td>
</tr>
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</table>

Today, Americans give television stations higher confidence ratings than most other institutions including schools, local government, newspapers, churches and the police.79

The majority of learning responses displayed by human beings are the result of the deliberate, or inadvertent effect of behavioral examples.80 Television lends itself to this type of learning and personality development by stimulating the process of interaction in primary groups. Furthermore, learning of this nature may occur when television only appears to be entertaining or informing.81 Thus, the appropriation of behavioral examples via television may be effortless and unconscious.

There are two unfortunate side-effects of this phenomenon. First, "television substitutes its own image of reality (usually made to the specifications of adult media executives.)"82 Experts in the study of media affects have observed that when television viewers attempt to distinguish between television and reality, "reality often surrenders to television."83 In other words, viewers are unable to recognize discrepancies between reality and televised dramatizations. This becomes problematical when content analysis
of television programming reveals the industry's reliance upon conventional personality stereotypes, the amount of program content replication, habitual use of programming relying upon criminal violence more than any other type of programming (54% of adult prime-time TV dramas), and, the general tendency of television to support the status quo and promote social conformism.

Secondly, while learning may occur from television viewing, information received is filtered through an individual's selective perception of and exposure to such content and, programming will generally be interpreted in the light of an individual's personal conception of reality. This trend may result in the formation of predictable behavior:

...through cutting off feedback, through dealing in stereotypes, through specializing in a manipulative (both directly through advertising and indirectly through the plot structures and motivation portrayed in entertainment and other program material) the media are capable of molding us more and more into authoritarianism.

Moreover, it is unlikely that broadcasting of corrected messages would bring about substantial learning among viewers to counter previously received messages.

Having observed the existence of conflict over the quality of jury decisions, the role played by dogmatism and the pervasive influence of television in our society, it was concluded that productive research could and should be done to determine if an interrelationship exists between these variables. As it was not
possible to obtain measurements of jurors as well as measurements of the same jurors' behavior in the decision-making process due to limitations of time and financial resources, it was decided to substitute test scores which reflected jurors' understanding of the legal process in three key areas: knowledge of the law; knowledge of the role played by participants in the trial; and, knowledge of proper conduct and limitations on participants in the trial. Beyond the three key variables of dogmatism, knowledge and television viewing habits, the project was specifically designed to answer the following research questions:

1. Will dogmatic personalities prefer television programs which extol law and order exhibiting a marked preference for police-legal-action programming over situational comedies?

2. Will jurors select television programs that reinforce their attitudinal positions; e.g. subjects with low dogmatism scores selecting programs ranked low in appeal to the dogmatic personality?

3. Does television create dogmatic misconceptions about the roles of participants in the proceedings of a trial (e.g. the role of the prosecutor)?

4. Does television create misconceptions about courtroom procedure (e.g. speeches being delivered to the court by observers of the proceedings)?

5. Does television create misconceptions about the conduct of participants in the proceedings (e.g. whether or not attorneys urge their clients to tell as much as they know)?

6. Do persons with greater misconceptions tend to react more negatively to the jury system than those with fewer misconceptions?
7. Do persons called to jury duty, but not selected to serve on a jury have more negative attitudes toward the jury system than those who have been selected for a venire?
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CHAPTER II
PROCEDURES

As summarized in the preceding chapter, four types of measures appeared to be central to the research: a measure of dogmatism; a measure of legal knowledge; a reflection of juror attitudes toward the jury system; and, a measurement of television viewing preferences and habits. In addition, instead of testing television programming which has been traditionally looked upon as prejudicial (such as pre-trial publicity) the present study was designed to measure residual affects from entertainment programming.

The measure known as the F Scale was rejected due to its emphasis on conservative authoritarianism. Rokeach standardized his dogmatism scale after developing five different versions of the test. The final version (Form E) repeatedly provided a mean reliability of 87% in 10 trials. Unfortunately, Form E contained 40 items. This number was judged excessive due to the limitations of the field setting and the amount of additional information required from the subjects. In addition to the actual D Scale, several demographic questions were also necessary to identify linked characteristics such as education, sex, and geographic area of origin. A shorter form of the D Scale (Appendix A) developed by Troldahl and Powel was substitu-
ted for Form E to facilitate information gathering. The short form contains a total of 20 items and was determined by its developers to predict reliably at 79% confidence levels.\textsuperscript{2} As most subjects would be unable to identify the purpose of the questions in the short form D due to their apparent lack of interrelation or application to the judicial process, it was placed at the beginning of the questionnaire to obscure the intent of the study as long as possible.

The legal portion of the questionnaire was difficult to assemble. Because of the nature of the research project, such a questionnaire had to be a synthesis of legalese and television cliche expressed in unbiased layman's terms. It was also important to state the questions in a way that would not suggest the answer to the subjects and would require some analysis by the respondents. There were no pre-existing studies to provide direction. However, some articles written by lawyers provided input\textsuperscript{3} as well as a study conducted at the University of Massachusetts\textsuperscript{4} and the literature of television viewing of programs such as *Kojak*, *Petrocelli*, *S.W.A.T.*, and the *Streets of San Francisco*, as well as several trips to the Orange County Circuit Court to sit in on trial proceedings, interview several lawyers and a judge. Two attitudinal measures were incorporated into the study to measure feelings about the jury system. The simplest measure was a five-place Likert Scale. A more complex questionnaire containing 10 questions was completed by those
respondents who served on a jury. The legal portion of the questionnaire was placed before the television portion to avoid the tendency to answer the questions under the influence of preferred television programs and to keep the purpose of the study from the subjects as much as possible.

It was determined that the television programs to be studied should be those with the greatest viewing audience. Through the cooperation of the Orlando ABC affiliate, WFTV, a copy of the most recent Nielsen Station Index (February-March, 1975) was obtained and the top ten legal/action shows and top ten situation comedies were identified by their Nielsen audience share of total adults and program audience averages between the hours of 7:30 p.m. and 10:30 p.m. during the average week in the Central Florida area:

<table>
<thead>
<tr>
<th>All in the Family</th>
<th>272*</th>
<th>Rockford Files</th>
<th>205</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sanford and Son</td>
<td>264</td>
<td>NBC Mystery Movie</td>
<td>198</td>
</tr>
<tr>
<td>Chico and the Man</td>
<td>253</td>
<td>Cannon</td>
<td>194</td>
</tr>
<tr>
<td>The Waltons</td>
<td>236</td>
<td>Streets of S.F.</td>
<td>192</td>
</tr>
<tr>
<td>Wild Kingdom</td>
<td>234</td>
<td>Petrocelli</td>
<td>178</td>
</tr>
<tr>
<td>Little House on the Prairie</td>
<td>215</td>
<td>Hawaii 5-0</td>
<td>174</td>
</tr>
<tr>
<td>M<em>A</em>S<em>H</em></td>
<td>206</td>
<td>The Rookies</td>
<td>172</td>
</tr>
<tr>
<td>W.W. World of Disney</td>
<td>186</td>
<td>Policewoman</td>
<td>163</td>
</tr>
<tr>
<td>Good Times</td>
<td>182</td>
<td>S.W.A.T.</td>
<td>162</td>
</tr>
<tr>
<td>Mary Tyler Moore</td>
<td>181</td>
<td>Kojak</td>
<td>143</td>
</tr>
</tbody>
</table>

*Program Audience Averages of Total Adults (000)*

News shows, quiz shows and musical variety shows were excluded to narrow the field of study to the two types of programming which appeared to be most opposite of each other. Televised movies were also excluded from consideration as it was impossible to classify
them on the basis of content from one week to the next. It was
decided to allow the central part of the state, the Orlando viewing
area, to stand for the total viewing population to be measured as it
was necessary to have a common index for all cities participating in
the study. The names of the television shows were mixed up and
drawn at random to obviate any identification of pattern or purpose
in the television questionnaire. In addition, supporting information
on amount of viewing time was also included to provide an idea of how
the viewing habits of jurors compared to the population at large as
represented by the Nielsen ratings.

The initial version of the questionnaire (Appendix B) was pre-
tested July 7, 1975 on a class of 16 students from a freshman communi-
cation course at Florida Technological University. Scores on the
tests ranged along a normal distribution and no major changes were
indicated as a result of the pre-test. However, a problem surfaced
in the categorization of mass media sources of information. An
inexplicably high number of students selected personal experience as
the source of their information. A follow-up interview with the class
indicated that only four had actually been in the courtroom: three
had served on jury duty and one had been with a friend who had been
arrested. This pointed out two problems with the category which had
been labeled "personal experience/observation." First, it appeared
likely that persons who had seen television programs were selecting
the category because they had "personally observed" television,
secondly, it suggested the possibility that television viewers confuse what they have seen on television with their real-life experiences. In the final questionnaire (Appendix B) the category was changed to read simply "personal experience."

In order to achieve consensus on the classification of television programs as legal/action or situation comedy/family viewing, a class of 32 radio-television students at the University completed a questionnaire (Appendix C) which asked them to place the top 40 Nielsen-rated programs in one of the two categories. (Results are reported in Appendix C). The class was also used to develop an authoritarian index for the same top 40 programs (Appendix D). Research has shown that situation comedies like All in The Family can serve as supportive content for the authoritarian personality. The class was given a thorough description of the authoritarian personality (see pages 7-10, Chapter I) and asked to ascribe each program a numerical score ranging from a non-appealing score of one to a highly appealing score of 100. None of the programs was given an extreme score. The mean scores for all programs ranged from a low of 10.94 to a high of 84.12. Results of the scored programs are indicated in Table 1. The number of subjects responding to the questions varied as they were instructed not to evaluate programs they had not watched. These index scores were given to each subject's program selections and compared to dogmatism scores to determine if a relationship existed between the two variables within the jury sample.
TABLE 1

Authoritarian Index Scores for Top 40 Television Programs

<table>
<thead>
<tr>
<th>Program</th>
<th>N</th>
<th>Index Mean Value</th>
<th>Program</th>
<th>N</th>
<th>Index Mean Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Karen</td>
<td>16</td>
<td>10.94</td>
<td>Maude</td>
<td>30</td>
<td>51.36</td>
</tr>
<tr>
<td>W.W. of Disney</td>
<td>28</td>
<td>20.43</td>
<td>Christie Love</td>
<td>19</td>
<td>51.79</td>
</tr>
<tr>
<td>The Waltons</td>
<td>28</td>
<td>23.54</td>
<td>Rockford Files</td>
<td>23</td>
<td>58.13</td>
</tr>
<tr>
<td>Carol Burnett</td>
<td>28</td>
<td>25.50</td>
<td>Petrocelli</td>
<td>26</td>
<td>58.50</td>
</tr>
<tr>
<td>That's My Mama</td>
<td>30</td>
<td>26.43</td>
<td>Great Mysteries</td>
<td>13</td>
<td>58.62</td>
</tr>
<tr>
<td>Good Times</td>
<td>28</td>
<td>31.32</td>
<td>Policewoman</td>
<td>27</td>
<td>61.00</td>
</tr>
<tr>
<td>Chico &amp; the Man</td>
<td>30</td>
<td>32.53</td>
<td>Khan</td>
<td>6</td>
<td>62.83</td>
</tr>
<tr>
<td>Hot L. Baltimore</td>
<td>18</td>
<td>33.39</td>
<td>Six Million $ Man</td>
<td>30</td>
<td>63.43</td>
</tr>
<tr>
<td>Mary Tyler Moore</td>
<td>29</td>
<td>34.10</td>
<td>Sunday Mysterie Movie</td>
<td>25</td>
<td>64.60</td>
</tr>
<tr>
<td>New Can. Camera</td>
<td>24</td>
<td>34.83</td>
<td>Cannon</td>
<td>27</td>
<td>67.19</td>
</tr>
<tr>
<td>Happy Days</td>
<td>31</td>
<td>35.00</td>
<td>All in the Family</td>
<td>32</td>
<td>68.42</td>
</tr>
<tr>
<td>Wild Kingdom</td>
<td>30</td>
<td>35.70</td>
<td>The Rookies</td>
<td>29</td>
<td>70.17</td>
</tr>
<tr>
<td>Odd Couple</td>
<td>29</td>
<td>37.00</td>
<td>Baretta</td>
<td>28</td>
<td>71.72</td>
</tr>
<tr>
<td>Marcus Welby</td>
<td>30</td>
<td>40.23</td>
<td>Harry O</td>
<td>26</td>
<td>72.04</td>
</tr>
<tr>
<td>Sanford &amp; Son</td>
<td>30</td>
<td>42.10</td>
<td>Streets of San. Fran.</td>
<td>28</td>
<td>72.14</td>
</tr>
<tr>
<td>Barney Miller</td>
<td>18</td>
<td>43.00</td>
<td>FBI</td>
<td>27</td>
<td>76.59</td>
</tr>
<tr>
<td>M<em>A</em>S<em>H</em></td>
<td>32</td>
<td>44.25</td>
<td>Hawaii 5-0</td>
<td>28</td>
<td>77.18</td>
</tr>
<tr>
<td>Nite Stalker</td>
<td>26</td>
<td>48.92</td>
<td>Kojak</td>
<td>31</td>
<td>83.74</td>
</tr>
<tr>
<td>Medical Center</td>
<td>27</td>
<td>49.48</td>
<td>S.W.A.T.</td>
<td>26</td>
<td>84.12</td>
</tr>
<tr>
<td>Evil Touch</td>
<td>17</td>
<td>50.18</td>
<td>Little Hs on Prairie</td>
<td>26</td>
<td>23.62</td>
</tr>
</tbody>
</table>
To evaluate subjects' responses to the legal portion of the questionnaire, a panel of five lawyers were individually polled and their responses tallied. (Lawyers participating in the study are recognized in Appendix E). A tally of their responses is reported in Appendix F. Due to the strong divergence of opinion among these experts on certain items, questions 6 and 7 in section III and question 1 in section IV were omitted from the data analysis.

The cities selected for participation in the study were major metropolitan centers in Florida in which the Chief Judges of the Circuit Courts were willing to cooperate with the research effort and which utilized jury pools. All Courts used were Circuit Courts drawing jurors from the country population. The subjects were registered voters who had been summoned to jury duty. Populations varied as follows: 52,074 in Clearwater; 99,006 in Orlando; 216,232 in St. Petersburg; and, a high of 528,865 in Jacksonville. In Duval County, 230,846 people are registered to vote in and around Jacksonville. Two of the cities studied (Clearwater and St. Petersburg) were in Pinellas County. The County claims a population of 670,000 of those, 368,764 are registered to vote. In Orange County, out of a population of 444,100 only 160,705 are registered voters.

The testing format was the same in each courthouse. In Orlando, Clearwater and St. Petersburg jurors are assembled in a
central jury room. On the last day of their week of service, generally a Thursday or Friday, the jury clerk who had been with them all week told them that a research project was being conducted by an F.T.U. student with which the Court had agreed to cooperate. They were told that the questionnaire was a survey of opinion and that there were no right or wrong answers. This was done to reduce anxiety about completing the questionnaire. Subjects were informed that participation in the research was purely voluntary and that their responses would remain anonymous. Those who agreed to respond to the questionnaire were provided a copy and they completed it in the jury room prior to leaving the courthouse. In Jacksonville, crowded conditions in the Circuit Court have left jury clerks without a central jury room in which to process jurors when they are called to duty. As a result, the researcher did the testing in an empty courtroom. Jurors from the circuit civil and criminal divisions were brought by the jury clerks to the courtroom after being excused from further duty. They were again informed that participation was voluntary but that their cooperation would be appreciated. They completed the questionnaires in the courtroom prior to leaving the courthouse. Questionnaires required between 15 and 25 minutes for subjects to complete. Testing was conducted between the end of July and September 1, 1975. The September cut-off date was necessitated by the change in television programming brought about by the start of the new season.
The study was conducted in natural field settings to maximise the impact of situational variables and to use subjects who were actual venire members. Many studies of jurors depend upon the creation of mock-juries deliberating mock-trials and are considered suspect on those grounds. It was deemed essential to this study that actual jurors be utilized to determine if a correlation exists between juror attitudes, knowledge and television viewing habits. By being conducted in the field setting, however, it is inevitable that some undesirable deviations occurred. For example, it was impossible to check the statements made by jury clerks to jurors before testing as the testing was simultaneously conducted in three cities. It is also difficult to be completely certain that generalizations based on this type of data are entirely accurate. Unfortunately, these risks are inherent in this particular method of data collection and there is no better way to test the applicability of empirical research to natural situations. Moreover, these hazards must be faced if the researcher is to identify and study the relationships among variables existing in natural groups in natural settings.14

Questionnaires collected in the study were key-punched and analyzed at the Computer Center of Florida Technological University utilizing IBM 360/75 equipment. Statistical analyses were based on designs described in Statistical Packages for Social Sciences (SPSS), second edition.15
REFERENCES


"Reality and Television: An Interview with Dr. Edmund Carpenter," Television Quarterly 10 (Fall 1972): 42-46.

6 Nielsen Station Index, Viewers in Profile February-March 1975 Orlando-Daytona Beach, FL (Northbrook, Ill.: A.C. Nielsen Co., 1975), pp. 8-20.


8 Interview with Mrs. C. Stocksdale, Department of Local History and Genealogy, Orlando Public Library, Orlando, Florida, 17 November 1975.

9 Interview with Mrs. Tommie Bell, Office of the Supervisor of Elections, Jacksonville, Florida, 17 November 1975.

10 Interview with Mrs. C. Stocksdale.

11 Interview with Miss Stacey Cotis, Office of the Supervisor of Elections, Clearwater, Florida, 17 November 1975.

12 Interview with Mrs. C. Stocksdale.


CHAPTER III

RESULTS

In order to complete the statistical analyses called for in the first two research questions, it was necessary to generate groupings which would place subjects in one of three categories of relative dogmatism: high, medium or low. It was decided to utilize subjects' scores on the Rokeach D Scale to provide these groupings. The groupings were divided into thirds based on the performance of all subjects. The category assignments are presented in Table 2.

**TABLE 2**

Group Dogmatism Based on D Scale Performance

<table>
<thead>
<tr>
<th>Category</th>
<th>Score</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Dogmatism</td>
<td>9 through 62</td>
<td>129</td>
</tr>
<tr>
<td>Medium Dogmatism</td>
<td>63 through 81</td>
<td>130</td>
</tr>
<tr>
<td>High Dogmatism</td>
<td>82 through 121</td>
<td>130</td>
</tr>
<tr>
<td>Group Mean Score</td>
<td>68.32</td>
<td>389</td>
</tr>
</tbody>
</table>

The first two research questions were assumed to be complementary. If the first question was to be answered affirmatively, persons who
scored in the upper third on the D Scale would exhibit a preference for police-legal-action programming whereas subjects low in dogmatism would prefer situation comedies. As indicated in Table 3, there was no statistically significant trend to support this conclusion.

**TABLE 3**

<table>
<thead>
<tr>
<th></th>
<th>H</th>
<th>M</th>
<th>L</th>
</tr>
</thead>
<tbody>
<tr>
<td>Situation Comedy</td>
<td>85</td>
<td>78</td>
<td>62</td>
</tr>
<tr>
<td>Legal-Action</td>
<td>33</td>
<td>37</td>
<td>40</td>
</tr>
</tbody>
</table>

$x^2 = 3.17; \ df = 2; \ p = 0.20$

In addition to their classification as situation comedy-family entertainment or legal-action-police drama, programs were also assigned numerical values based upon their appeal to the dogmatic individual as reported in Chapter II. It was assumed that individual viewers selected television programs which supported their particular value system. Thus, high dogmatism subjects were expected to select programs high in dogmatic appeal regardless of whether they were situation comedies or legal-action shows. Comparisons were made to determine if a subject's dogmatic position influenced his program selection. As shown in Table 4, findings were statistically non-significant for persons with low D Scale scores but approached
significance for those with high scores.

**TABLE 4**

Analysis of Variance, Group Mean Scores, and t Tests
For Program Preference as Reflected by the Authoritarian Index

<table>
<thead>
<tr>
<th>Source</th>
<th>df</th>
<th>MS</th>
<th>F</th>
<th>p</th>
</tr>
</thead>
<tbody>
<tr>
<td>Between</td>
<td>2</td>
<td>8553.08</td>
<td>1.17</td>
<td>.31</td>
</tr>
<tr>
<td>Within</td>
<td>386</td>
<td>7291.83</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Group Mean Scores**

<table>
<thead>
<tr>
<th>Group</th>
<th>( \bar{x} )</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Dogmatism</td>
<td>136.15</td>
<td>152</td>
</tr>
<tr>
<td>Medium Dogmatism</td>
<td>143.42</td>
<td>141</td>
</tr>
<tr>
<td>High Dogmatism</td>
<td>120.92</td>
<td>96</td>
</tr>
</tbody>
</table>

**Summary Table**

<table>
<thead>
<tr>
<th>Comparison</th>
<th>( \bar{x}_1 - \bar{x}_2 )</th>
<th>t</th>
<th>p</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low-Medium</td>
<td>-7.26</td>
<td>-0.73</td>
<td>.47</td>
</tr>
<tr>
<td>Low-High</td>
<td>15.23</td>
<td>1.52</td>
<td>.13</td>
</tr>
<tr>
<td>Medium High</td>
<td>22.49</td>
<td>1.83</td>
<td>.07</td>
</tr>
</tbody>
</table>
Three pages of true-false questions were used to test jurors' knowledge of legal procedure, the roles of participants in the trial and the proper conduct of trial participants. Scores on the tests were mixed as indicated in Appendix G. In order to clarify the scores in terms of the study, an analysis of variance was conducted based on the sources of information subjects selected as compared to their knowledge scores. The t-test, which is ordinarily used in computing difference scores, was used in this analysis of mean changes emanating from the source of information. Statistically significant and near-significant results were obtained for those who relied upon television for their information. For those who called upon personal experience or any of the other six sources of information listed in the questionnaire, no inter-relationship was apparent. Results are reported in Tables 5 and 6.
### TABLE 5

Analysis of Variance of Knowledge Scores

<table>
<thead>
<tr>
<th>Source</th>
<th>df</th>
<th>MS</th>
<th>F</th>
<th>p</th>
</tr>
</thead>
<tbody>
<tr>
<td>Between</td>
<td>2</td>
<td>13.576</td>
<td>2.52</td>
<td>0.08</td>
</tr>
<tr>
<td>Within</td>
<td>279</td>
<td>5.396</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### TABLE 6

Group Knowledge Means and t Test Comparison For Indicated Source of Information

<table>
<thead>
<tr>
<th>Group</th>
<th>$\bar{x}$</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Television</td>
<td>5.0135</td>
<td>74</td>
</tr>
<tr>
<td>Personal Experience</td>
<td>5.3511</td>
<td>131</td>
</tr>
<tr>
<td>Other</td>
<td>5.1318</td>
<td>129</td>
</tr>
</tbody>
</table>

Summary Table

<table>
<thead>
<tr>
<th>Comparison</th>
<th>$\bar{x}_1 - \bar{x}_2$</th>
<th>$t$</th>
<th>p</th>
</tr>
</thead>
<tbody>
<tr>
<td>TV-Personal Experience</td>
<td>.72</td>
<td>2.28</td>
<td>.02</td>
</tr>
<tr>
<td>TV-Other</td>
<td>.50</td>
<td>1.52</td>
<td>.13</td>
</tr>
<tr>
<td>Personal Experience-Other</td>
<td>-.22</td>
<td>-0.49</td>
<td>.63</td>
</tr>
</tbody>
</table>
Similar tests were conducted on the question of knowledge of the roles performed by participants in the trial with different results. Source of information played no statistically significant role in this analysis as shown in Table 7.

**TABLE 7**

Analysis of Variance on Knowledge of Participants' Roles

<table>
<thead>
<tr>
<th>Source</th>
<th>df</th>
<th>MS</th>
<th>F</th>
<th>p</th>
</tr>
</thead>
<tbody>
<tr>
<td>Between</td>
<td>2</td>
<td>3.072</td>
<td>1.26</td>
<td>0.28</td>
</tr>
<tr>
<td>Within</td>
<td>331</td>
<td>2.440</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Finally, the same tests were applied to subjects' understanding of the conduct permitted participants in the trial. Results were similar to those obtained on the knowledge test with television emerging as a significant factor in the score received by the subject as reported in Tables 8 and 9.
<table>
<thead>
<tr>
<th>Source</th>
<th>df</th>
<th>MS</th>
<th>F</th>
<th>p</th>
</tr>
</thead>
<tbody>
<tr>
<td>Between</td>
<td>2</td>
<td>12.429</td>
<td>3.56</td>
<td>0.03</td>
</tr>
<tr>
<td>Within</td>
<td>291</td>
<td>3.492</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
TABLE 9

Group Knowledge Means and t Test Comparison
For Permitted Conduct of Trial Participants
For Indicated Source of Information

<table>
<thead>
<tr>
<th>Group</th>
<th>$\bar{x}$</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Television</td>
<td>8.1304</td>
<td>69</td>
</tr>
<tr>
<td>Personal Experience</td>
<td>8.8446</td>
<td>148</td>
</tr>
<tr>
<td>Other</td>
<td>8.7403</td>
<td>77</td>
</tr>
</tbody>
</table>

Summary Table

<table>
<thead>
<tr>
<th>Comparison</th>
<th>$\bar{x}_1 - \bar{x}_2$</th>
<th>t</th>
<th>p</th>
</tr>
</thead>
<tbody>
<tr>
<td>TV-Personal Experience</td>
<td>-.71</td>
<td>-2.46</td>
<td>.01</td>
</tr>
<tr>
<td>TV-Other</td>
<td>-.61</td>
<td>-1.91</td>
<td>.06</td>
</tr>
<tr>
<td>Personal Experience-Other</td>
<td>.10</td>
<td>0.44</td>
<td>.66</td>
</tr>
</tbody>
</table>

An additional research question dealt with the issue of whether a subject who has greater misconceptions tends to view the jury system more negatively than those who exhibited greater knowledge of the system. In order to measure this contention knowledge scores on the first true-false test and Likert Scale responses were subjected to Chi-Square analysis. No statistically significant difference was apparent as indicated in Table 10.
### TABLE 10

Chi Square Analysis of Likert Scale Response Compared to Low and High Knowledge Test Scores

<table>
<thead>
<tr>
<th>Likert Scale Position</th>
<th>Low</th>
<th>High</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>61</td>
<td>81</td>
</tr>
<tr>
<td>2</td>
<td>47</td>
<td>82</td>
</tr>
<tr>
<td>3</td>
<td>16</td>
<td>40</td>
</tr>
<tr>
<td>4 &amp; 5</td>
<td>5</td>
<td>8</td>
</tr>
</tbody>
</table>

\( x^2 = 3.73; \) \( df = 3; \) \( p = .29 \)

Finally, the last question under consideration dealt with the effect of actual service upon a jury; specifically whether being called for duty but not being selected to serve produced a negative reaction from the individual involved. Results indicated that those who were selected for a venire were more positive than those not selected but significance did not reach the .05 level as shown in Table 11.
**TABLE 11**

Chi Square Analysis of Likert Scale Response Compared to Venire Selection

<table>
<thead>
<tr>
<th>Likert Scale Position</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4&amp;5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Did Not Serve</td>
<td>58</td>
<td>68</td>
<td>26</td>
<td>9</td>
</tr>
<tr>
<td>Did Serve</td>
<td>74</td>
<td>53</td>
<td>24</td>
<td>3</td>
</tr>
</tbody>
</table>

$x^2 = 6.73; \ df = 3; \ p = .08$
CHAPTER IV
DISCUSSION

In the past ten years a substantial body of research has been gathered to evaluate the effectiveness of the jury system -- a once sacred cornerstone of American jurisprudence. At the heart of the controversy is the question of whether the jury system contributes to the conduct of an impartial, fair trial or whether it contributes to the miscarriage of laws it was intended to serve.¹ Along with this upsurge of interest and study of the judicial system by sociologists has come an increased awareness of the fact that "mass media offers more content than schools in transmitting society's moral values."² This research project revolved around the possibility that television acts as an intervening variable in the minds of jurors attempting to reach a verdict and that dogmatism, which has been identified as a key variable in juror behavior, would reflect behavioral patterns extant in video program selection.

One of the major problems encountered in this study stemmed from the difficulties inherent in gathering data in the field. The questionnaire was not difficult to complete but due to the amount of information being sought it was longer than is generally desirable. As a result, subject responses on the questionnaire's last page with
the television sampling information was quantifiable only for the top three program choices. Results obtained based on the first research question dealing with the possibility of a correlation between dogmatism and preference for one of two program genres were insignificant indicating that highly dogmatic individuals do not prefer legal-action shows more than did the low dogmatics. However, on the second area of inquiry which questioned the possibility of a predilection for programs high in dogmatic appeal (regardless of genre) results approached the required level of confidence within .02 percentage points in the category of comparison between the medium dogmatism group and the high dogmatism group. While the link cannot be established with certainty, the data imply that the possibility of such a link cannot be ruled out altogether. This is particularly true of highly dogmatic individuals.

One additional observation should be made to facilitate understanding of these results. Mass communication behavior is part of our social behavior such that "mass communications have been absorbed into the social life of local groups." Hence program selection tends to be less a reflection of an individual's personality and more a manifestation of a social group. Television programming may, in fact, be a focal point around which the leisure time of a group revolves. Examples of this may be seen in the behavior of children who typically share the enthusiasm of their peers for particular television programs and in the industry created to serve
Star Trek buffs who attend conventions to buy and sell artifacts generated by a purely fictional television program. While it is possible that personality factors may play an intervening role (as with highly dogmatic subjects), "personality factors will account for relatively little variance of media usage and will generally operate to produce minor perturbations in overall patterns of preferences based on other determinants." \(^4\)

From results obtained on the true-false portion of the questionnaire it appears that legal-action shows may convey information on numerous aspects of the same subject simultaneously. Results for the knowledge portion of the test were significantly lower than the tests dealing with the roles of participants in the trial and the conduct of participants in the trial (shown in Appendix G). Respondents failed to select the correct response 45.5% of the time. Further analysis of the results indicated that there was a highly significant difference between the scores of persons who relied on television as their source of information and those who relied on personal experience or other sources of information. The television-reliant-subjects were the poorest performers on this test. Similar test results were achieved in the sample dealing with subjects' knowledge of the conduct permitted participants in the trial. Again, as on the knowledge test, the television group emerged as significantly different from subjects who relied on personal experience and other sources of information.
This pattern was not confirmed by the test of familiarity with the roles served by various participants in the trial. Results did not reach significant-or near-significant levels in any of the three categories. These findings do not necessarily disagree with the previous results. Although the pattern was not always apparent, when the trend emerged it was consistently reflected in the categories which compared television-dependent subjects to subjects who relied upon personal experience or other media.

There is no longer any question that television can teach. It can stimulate intellectual activity. Moreover, television "can also elicit verbal behavior and gross physical acts, from modifying the viewers performance on tests of attitudes and achievements to encouraging him to imitate televized models." The question raised by these various findings revolves around the simultaneous messages emitted by television programming. It is possible that television does a good job of providing information about one subject but not about others. For example, experimental evidence indicates that television can induce temporary increases in vocabulary and improve discrimination and taste. At the same time, television has also been found to produce confusion, cynicism and estrangement. One of the most important implications for further research in the present study is the development of an evaluative measurement of the numbers of simultaneous messages conveyed by various programs and an analysis of their congruence with or distortion of reality.
In addition, analysis of these test results indicates that those involved in the legal profession have justifiable cause for concern about probable juror-performance and points to the need for an adjustment of broadcaster responsibility. In the past broadcasters have considered their mission accomplished when their messages were released. Their concern with the overall implications of their work has been limited to buying responses and audience size. This lack of follow-up may have engendered a potentially hazardous condition within various institutions in the United States. This crisis of confidence and understanding has been well documented by Robinson, Gerbner, Bandura and many other well respected researchers. While the industry has played down the implications of their findings, federal officials such as former FCC Commissioner Nicholas Johnson has expressed concern about the direct affect of television upon the attitudes and opinions of its users. In addition, the results support the suspicion that jurors do not act with the objectivity required by law.

While additional research needs to be undertaken to clarify the results achieved in this study, there can be little question about the importance of pursuing this line of inquiry. Today, 98% of the persons brought to trial in this country are not convicted. A juror faces the risk of two grave errors: depriving an innocent man of liberty or turning a criminal loose on society. The more serious the crime, the greater are the adverse consequences of either error.
The final two research questions taken under study dealt with juror attitudes toward the legal system. In the sample the group as a whole was very positive about the jury system. Only 13 persons out of the total sample of 389 placed the jury system within the last two positions of the Likert Scale.

The first of these two questions attempted to determine if persons with greater misconceptions (low knowledge scores) reacted more negatively to the jury system than those with fewer misconceptions. Results were nonsignificant. This finding raises some interesting questions. Are individuals aware of their confusion about the legal proceedings in which they are involved? If they are not, and test results indicate that there is no difference between the two groups, then correcting their impressions becomes more difficult as the burden of discovery lies with the lawyer during *voir dire*. Which raises the question of whether or not misinformation can be corrected by *voir dire*. These and other questions demand further inquiry.

Reports of studies across the country indicate that, on the whole, Americans favor the use of juries. The Florida sample remains consistent with the national report. Yet critics of the jury vocally point to the absurdities of the jury system and *post facto* interviews with disgruntled jurors summon images of numerous areas which evoke highly negative attitudes toward the jury system.
For example, prolonged questioning during *voir dire* has caused some jurors to conclude that only "vegetables" qualify for service. 17

The greatest area of inefficiency cited in the jury system is the waste of manpower. Courts vary in their ability to efficiently utilize manpower. In New York City, for example, the cost of jurors' fees runs 5.2 million dollars annually and yet 58% of the jurors called never serve on a panel and those who serve spend 62% of their time in the waiting room. 18 The final area of inquiry undertaken in this study questioned whether or not being called to duty but not being selected to serve produced negative reactions. While results did not reach the .05 level of significance there was a distinct trend in this direction despite the overall positive attitude of the jurors.

It is difficult to assess the lasting value of the results achieved by this study. There is no standard against which to compare them. In spite of the fact that Gerbner and Cross have amply demonstrated that heavy reliance on all types of television programming results in a distorted perception of social reality; 19 despite the fact that we recognize that "television substitutes its own image of reality (usually made to the specifications of adult media executives)"; 20 and, despite the existence of centers for research on mass communications "substantial advances on broad fronts are only occasionally to be found." 21 One of the most difficult tasks awaiting researchers in this area is finding approp-
riate models and prior case studies. Perhaps the most significant contribution made by this study is its addition to the existing body of literature.

Regardless of all the problems inherent in this method of data collection, the lack of existing theory, and guidelines for procedure, efforts such as the one reported in this study must be made to facilitate our understanding of and ability to control what is truly a mass medium. As Gerbner has observed, "The media's chief impact stems from their universality as the common bond among all groups in our culture." Television defines the common perspectives of our society.

It is not an easy task. Robinson's critique makes the reality of the obstacles apparent:

Social scientists may not see or admit the impact of television because they themselves are in its midst. Social scientists are especially vulnerable to this weakness -- to deny an effect which may exist in them as well as in their subjects and respondents. But those who deny the possibility of any effects and plead their own sophistication as defense may in themselves prove to be the last to know what is happening around them.

Social scientists have a real contribution to make to the improvement of the quality of life in America. The ability of research to clarify the variables extant in the function of our institutions is one of the most important aspects of that contribution. It is to that purpose this research is dedicated.
REFERENCES


Interview with Senator Edward Kennedy, The Today Show (NBC), Washington, D.C., 19 November 1975.


Murray Teigh Bloom, "Here Comes the Six-Man Jury!" Reader's Digest 103 (September 1973): 126.


Ibid.


CHAPTER V
SUMMARY

The study centered on the question of whether or not television programming figures as an intervening variable in the behavior of jurors. In addition, as dogmatism has been identified as a key variable in the sentencing behavior of jurors, the study included gathering of data to determine if a link existed between dogmatic individuals and program selection. Positive and negative attitudes toward the jury system were also assessed.

Several research questions were proposed based on existing studies of dogmatism and television viewing. A total of seven questions were incorporated into the study:

1. Will dogmatic personalities prefer television programs which extol law and order exhibiting a marked preference for police-legal-action programming over situation comedies?

2. Will jurors select television programs that reinforce their attitudinal positions; e.g. subjects with low dogmatism scores selecting programs ranked low in appeal to the dogmatic personality?

3. Does television create misconceptions about the roles of participants in the proceedings of a trial (e.g. the role of the prosecutor)?
4. Does television create misconceptions about courtroom procedure (e.g. speeches being delivered to the court by observers of the proceedings)?

5. Does television create misconceptions about the conduct of participants in the proceedings (e.g. whether or not attorneys urge their clients to tell as much as they know)?

6. Do persons with greater misconceptions tend to react more negatively to the jury system than those with fewer misconceptions?

7. Do persons called to jury duty, but not selected to serve on a jury have more negative attitudes toward the jury system than those who have been selected for a venire?

In order to maximise the validity of the study and the results, subjects tested were jurors who had been called to jury in four major Florida cities: Clearwater, Jacksonville, Orlando, and St. Petersburg. A total of 389 returned questionnaires were quantifiable and tallied in the results.

A questionnaire was prepared which incorporated survey and correlational study techniques. The questionnaire consisted of four major selections: a short form Dogmatism test; a three-part knowledge test which measured working knowledge of the judicial system, a test of understanding of the roles of the participants and a test of knowledge of permissible conduct in the courtroom; a measure of attitudes toward the jury system; and a survey of television viewing preferences. The questionnaire was pretested on a group of freshmen at Florida Technological University.
In addition three concomitant measurements were made to be used as criteria in evaluating the results of the jury study: a panel of five lawyers were polled to develop an answer key for the three-part knowledge test; and, a large group of radio-television students were tested to generate two scales (one to categorize the programs examined as either legal-police-action or situation comedy/family programming; the other a test of potential appeal to the dogmatic personality regardless of genre).

All subjects, except those in Jacksonville, were tested in the jury rooms on the final day of their duty. The questionnaires were distributed and collected by jury clerks who had worked with the subjects all during their week of service. In Jacksonville, the researcher conducted the testing in an empty courtroom. All questionnaires were collected before jurors left the courthouse. No questionnaires were permitted to leave the testing area. Test results were tabulated at the Computer Center of Florida Technological University which utilized IBM 360/75 computers. Statistical analyses were based on designs described in Statistical Packages for the Social Sciences.

Results of the study were mixed. Findings indicated that dogmatic personalities do not automatically select programming which extolls law and order. A trend did appear to indicate that jurors (particularly the highly-dogmatic group) did select programming which reinforced their attitudinal positions. However, results
did not reach .05 level of significance. In two of the knowledge tests results were achieved which lead to the conclusion that the performance of the television-reliant group differed significantly from the performance of subjects who responded based upon personal experience or any one of six other media for their information. This showing was consistent for the test of working knowledge and knowledge of participants roles; in this sample the television-reliant group did not differ significantly. This score was not seen as a counter-indication for the previous findings; rather it was taken as confirmation of the contention that television provides information about a number of aspects of a situation simultaneously.

There was no significant indication that subjects with greater misconceptions reacted more negatively to the jury system than those with fewer misconceptions. There was noticeable evidence that being called to jury duty but not being selected to serve produced negative attitudes toward the jury system; however, the level of significance reached only the .08 level.

Several problems were encountered in the study which may have affected results achieved. Subjects did not respond to the television sample consistently. As a result, questionnaires could be quantified for the top three program preferences only. As with every field study testing conditions could not be rigidly controlled. Remarks made by jury clerks could not be standardized as testing was conducted simultaneously in all four cities and there was insufficient
funding to provide for data collection by trained researchers in all cases. In addition, the data was essentially a paper-and-pencil measurement which may or may not parallel subjects' behavior.

The research pointed out significant differences in the test performance of subjects who relied upon television and those who relied upon other sources of information. In addition subjects failed to select the correct response on the knowledge portion of the competency tests 45.5% of the time indicating justifiable cause for concern about the ability of jurors to perform their task.
APPENDIX A

Short-Form Dogmatism Scale Developed by
Verling C. Troldahl and Frederic A. Powell

1. In this complicated world of ours the only way we can know what's going on is to rely on leaders or experts who can be trusted.

2. My blood boils whenever a person stubbornly refuses to admit he's wrong. There are two kinds of people in this world: those who are for the truth and those who are against the truth.

3. Most people just don't know what's good for them.

4. Of all the different philosophies which exist in this world there is probably only one which is correct.

5. The highest form of government is a democracy and the highest form of democracy is a government run by those who are most intelligent.

6. The main thing in life is for a person to want to do something important.

7. I'd like it if I could find someone who would tell me how to solve my personal problems.

8. Most of the ideas which get printed nowadays aren't worth the paper they are printed on.

9. Man on his own is a helpless and miserable creature.

10. It is only when a person devotes himself to an ideal or cause that life becomes meaningful.

11. Most people just don't give a "damn" for others.

12. To compromise with our political opponents is dangerous because it usually leads to the betrayal of our own side.
13. It is often desirable to reserve judgement about what's going on until one has had a chance to hear the opinions of those one respects.

14. The present is all too full of unhappiness. It is only the future that counts.

15. The United States and Russia have just about nothing in common.

16. In a discussion I often find it necessary to repeat myself several times to make sure I am being understood.

17. While I don't like to admit this even to myself, my secret ambition is to become a great man, like Einstein, or Beethoven, or Shakespeare.

18. Even though freedom of speech for all groups is a worthwhile goal, it is unfortunately necessary to restrict the freedom of certain political groups.

19. It is better to be a dead hero than to be a live coward.
APPENDIX B
Questionnaire Form

I. Personal Opinion Inventory

The following questions are asked to determine how the general public feels about a number of important social and personal problems. The best answer to each statement below is your own personal opinion. You may find yourself agreeing strongly with some of the statements and disagreeing just as strongly with others; this is the reaction of many who have taken this test.

Mark each statement in the left margin according to how much you agree or disagree with it. Please be sure to mark each item. Use the point system described below to evaluate your feelings:

<table>
<thead>
<tr>
<th>Agree</th>
<th>Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 = I agree very much</td>
<td>1 = I disagree very much</td>
</tr>
<tr>
<td>6 = I agree on the whole</td>
<td>2 = I disagree on the whole</td>
</tr>
<tr>
<td>5 = I agree a little</td>
<td>3 = I disagree a little</td>
</tr>
</tbody>
</table>

1. In this complicated world of ours the only way we can know what's going on is to rely on leaders or experts who can be trusted.

2. My blood boils whenever a person stubbornly refuses to admit he's wrong.

3. There are two kinds of people in this world: those who are for the truth and those who are against the truth.

4. Most people just don't know what's good for them.

5. Of all the different philosophies which exist in this world there is probably only one which is correct.

6. The highest form of government is a democracy and the highest form of democracy is a government run by those who are most intelligent.
7. The main thing in life is for a person to want to do something important.

8. I'd like it if I could find someone who would tell me how to solve my personal problems.

9. Most of the ideas which get printed nowadays aren't worth the paper they are printed on.

10. Man on his own is a helpless and miserable creature.

11. It is only when a person devotes himself to an ideal or cause that life becomes meaningful.

12. Most people just don't give a "damn" for others.

13. To compromise with our political opponents is dangerous because it usually leads to the betrayal of our own side.

14. It is often desirable to reserve judgment about what's going on until one has had a chance to hear the opinions of those one respects.

15. The present is all too often full of unhappiness. It is only the future that counts.

16. The United States and Russia have just about nothing in common.

17. In a discussion I often find it necessary to repeat myself several times to make sure I am being understood.

18. While I don't like to admit this even to myself, my secret ambition is to become a great man (or woman) like Einstein, Madame Curie, Beethoven, Mimi Pons, Shakespeare or Elizabeth Barret Browning.

19. Even though freedom of speech for all groups is a worthwhile goal, it is unfortunately necessary to restrict the freedom of certain political groups.

20. It is better to be a dead hero than a live coward.

PLEASE CHECK THE CORRECT DESCRIPTION OF YOURSELF INDICATED BELOW:

Sex: Male ____  Female ____
II. Legal Procedure

Please circle the answer which best reflects your opinion. (Select only the ONE best answer.)

1. The arrest of a suspect usually solves a crime and closes a case. T F
2. The prosecutor's job is to obtain convictions. T F
3. The jury's job is to pass sentence upon the defendant. T F
4. The defense attorney's job is to prove the defendant innocent. T F
5. If an individual watching a trial has a contribution to make, he/she can stand up at any time and make a statement. T F
6. Witnesses who have not been subpoenaed by the prosecution or defense will be allowed to testify if they ask permission of the judge. T F
7. Evidence, no matter how it is obtained, will be permitted during the trial. T F
8. Bailiffs are free to talk about lawyers appearing in a trial and answer questions about the trial from members of the jury. T F
9. Judges are required to undergo special training for their jobs. T F
10. Witnesses at a trial are encouraged to tell as much as they know about a case. T F
11. All evidence not sworn to by an eye-witness is circumstantial. T F

Examine the information sources listed below. Which one of them provided you with most of your information about legal procedure? (Please select ONLY ONE main category.)
III. Role of Participants

Please circle the answer which best reflects your opinion.

1. The defendant is usually unjustly accused.  
2. Prosecutors are usually political conservatives and defense attorneys are usually liberal.  
3. Most jurors are impartial.  
4. The defense attorney who feels his client is innocent will usually work harder than the defense attorney who feels his client is guilty.  
5. It is possible that a judge alone may produce decisions which are as good as jury decisions.  
6. Police officers are trained to be thorough in their investigations.  
7. A jury trial is an effective means of determining an individual's guilt or innocence.  
8. Prosecutors generally graduate in the lower portion of their law school graduating class.  
9. Defense attorneys will represent clients for a lower fee to insure that they have representation.  
10. If the police have used physical violence in the questioning of an individual, that person will automatically be freed on the grounds of violation of his/her constitutional rights.

Examine the information sources listed below. Which one of them provided you with most of your information about the role different participants in the trial setting fulfill? (Please select ONLY ONE main category.)
1) I heard it on radio
2) I saw it on TV news
3) I saw it in a TV show
4) a friend/relative told me
5) personal experience
6) I learned it in a classroom
7) I saw it in a movie
8) I read it in a book
9) I read it in the newspaper
10) I read it in a magazine

IV. Conduct of Participants

Please circle the answer which best reflects your opinion.

1. If the defendant is guilty he/she will not confess to the crime in open court. T F
2. The police usually use physical coercion to get their information. T F
3. If a guilty person is present at a trial, he/she will usually confess at some time during the trial. T F
4. A defendant who testifies on his own behalf is less likely to be guilty than a defendant who does not testify. T F
5. A policeman is more likely to know the facts surrounding a case than an ordinary witness. T F
6. If a defendant's family testifies on his/her behalf the defendant is probably guilty. T F
7. A doctor is less likely to know the facts involved in a case than an ordinary person who may be involved. T F
8. The judge usually does not know whether a defendant is innocent or guilty before a trial. T F
9. If a participant in a trial has an emotional breakdown during his/her testimony, it is most likely that he/she is telling the truth. T F
10. The judge is more interested in the protection of the rights of the individual defendant than the protection of society. T F

Examine the information sources listed below. Which one of them provided you with most of your information about the conduct of participants in a trial? (Please select ONLY ONE main category.)
V. In your opinion, how good a job does the jury system do in determining the guilt or innocence of a person. (Please check your position on the scale below.)

<table>
<thead>
<tr>
<th>VERY GOOD</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>NOT VERY GOOD</th>
</tr>
</thead>
</table>

In what part of the country have you lived the majority of your life? (Please select the ONE best answer.)

1) the southeast  3) the midwest  5) the northwest
2) the northeast  4) the southwest  6) another country

On the average, how many hours do you watch television each day?

1) one to three hours  3) five to ten hours  5) none
2) three to five hours  4) ten hours or more

During my week of jury duty I was selected to serve on a jury panel:

1) not once  3) two times
2) one time  4) more than twice

If your answer to the above question was 1. "Not once" turn the page and go on with the next portion of the questionnaire. If your answer was b,c, or d please fill in the remaining questions below. Circle the answer which best represents your opinion."

1. If I were a defendant on trial, I would want to have a trial by jury rather than a decision by a judge. T F
2. I feel that serving on the jury is an important part of my responsibility as a citizen. T F
3. If I am called again to jury duty I will try to obtain an excuse if possible. T F
4. I feel the time I spent on the jury was wasted. T F

5. I feel some of the other members of the jury were biased and should have been excused by one of the attorneys. T F

6. If I had an opportunity, I would vote for major changes in the jury system in this country. T F

7. I wish I had been given more information about what I was expected to do as a juror. T F

8. I think the other people I served with were intelligent and well-equipped to make a decision about the defendant's guilt or innocence. T F

9. There must be a better way to conduct our legal system than our current use of ordinary people as jurors. T F

10. I feel I was able to be objective and impartial about my decision in the case(s) in which I was involved. T F

VI. In the column of blank spaces to the left of the television programs listed below, please indicate your preference by numbering them in the order of best liked (number 1) to least preferred (number 20). If you have never seen one of the programs listed below, do not place any number in the blank to the left.

In the columns to the right of the listed programs, you will find that there are choices for programs you watch every week, those you watch two or three times a month, once a month or less, and those you do not watch at all. Please make a small x in the column to the right which best reflects your viewing habits or how often you watch any of the programs listed below.
<table>
<thead>
<tr>
<th>NUMBER</th>
<th>Petrocelli</th>
<th>Sanford and Son</th>
<th>Rockford Files</th>
<th>Mary Tyler Moore</th>
<th>Kojack</th>
<th>Little House on the Prairie</th>
<th>Good Times</th>
<th>Wonderful World of Disney</th>
<th>Hawaii 5-0</th>
<th>All in the Family</th>
<th>M<em>A</em>S*H</th>
<th>Cannon</th>
<th>Streets of San Francisco</th>
<th>S.W.A.T.</th>
<th>Wild Kingdom</th>
<th>Sunday Mystery Movie (NBC)</th>
<th>The Rookies</th>
<th>Police Woman</th>
<th>The Waltons</th>
<th>Chico and the Man</th>
</tr>
</thead>
</table>
APPENDIX C

TV Program Classification Test

INSTRUCTIONS

In the blank to the left of each television show listed below, mark the letter L for those programs dealing with crime, the police and the law; mark the letter S for those programs which you would classify as situation comedies, family programs and dramas.

<table>
<thead>
<tr>
<th></th>
<th>S.W.A.T.</th>
<th></th>
<th>Kojak</th>
</tr>
</thead>
<tbody>
<tr>
<td>L</td>
<td>Little House on the Prairie</td>
<td></td>
<td>Marcus Welby</td>
</tr>
<tr>
<td>L</td>
<td>Khan</td>
<td></td>
<td>M<em>A</em>S<em>H</em></td>
</tr>
<tr>
<td>L</td>
<td>Sunday Mystery Movie (NBC)</td>
<td></td>
<td>Harry O</td>
</tr>
<tr>
<td>S</td>
<td>All in the Family</td>
<td></td>
<td>Sanford &amp; Son</td>
</tr>
<tr>
<td>L</td>
<td>Six Million $ Man</td>
<td></td>
<td>Maude</td>
</tr>
<tr>
<td>L</td>
<td>The Rookies</td>
<td></td>
<td>Rockford Files</td>
</tr>
<tr>
<td>S</td>
<td>New Candid Camera</td>
<td></td>
<td>Petrocelli</td>
</tr>
<tr>
<td>L</td>
<td>Great Mysteries</td>
<td></td>
<td>Happy Days</td>
</tr>
<tr>
<td>S</td>
<td>Odd Couple</td>
<td></td>
<td>Hawaii 5-0</td>
</tr>
<tr>
<td>S</td>
<td>Carol Burnett</td>
<td></td>
<td>Streets of San Francisco</td>
</tr>
<tr>
<td>S</td>
<td>That's My Mama</td>
<td></td>
<td>Cannon</td>
</tr>
<tr>
<td>S</td>
<td>Wonderful World of Disney</td>
<td></td>
<td>Baretta</td>
</tr>
<tr>
<td>S</td>
<td>Hot L. Baltimore</td>
<td></td>
<td>Barney Miller</td>
</tr>
<tr>
<td>S</td>
<td>The Waltons</td>
<td></td>
<td>Good Times</td>
</tr>
<tr>
<td>L</td>
<td>Nite Stalker</td>
<td></td>
<td>Policewoman</td>
</tr>
<tr>
<td>S</td>
<td>Chico and the Man</td>
<td></td>
<td>Karen</td>
</tr>
<tr>
<td>S</td>
<td>Mary Tyler Moore</td>
<td></td>
<td>Wild Kingdom</td>
</tr>
<tr>
<td>L</td>
<td>Christie Love</td>
<td></td>
<td>Medical Center</td>
</tr>
<tr>
<td>L</td>
<td>FBI</td>
<td></td>
<td>Evil Touch</td>
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</table>
APPENDIX D

Authoritarian Index Test

INSTRUCTIONS

Below is a list of television shows which you are to evaluate on the basis of their appeal to the authoritarian personality for which you have heard the definition. You are to assign each program a numerical position on a continuum of 1 to 100 as follows:

1------------------------------------100
Not Appealing                           Highly Appealing

Please be sure to assign numbers for each program you have seen, even if only once. You may assign the same number more than once but try to avoid repetition. Be sure your ratings span the entire range of the continuum.

Six Million $ Man
Chico and the Man
S.W.A.T.
Rockford Files
Marcus Welby
The Waltons
Medical Center
That's My Mama
Baretta
Mary Tyler Moore
Petrocelli
Barney Miller
Policewoman
Maude
All in the Family
FBI
Streets of San Francisco
Carol Burnett
Cannon
Little House on the Prairie
Odd Couple
APPENDIX E

Members of the Legal Panel
Assembled for the Evaluation
of Knowledge Test

Mrs. Winifred Sharp, Senior Partner
Johnson, Munsinger, Trismen & Sharp
100 East Robinson
Orlando, Florida

Mr. Charles R. Trulock, Jr., Senior Partner
Reiss & Trulock
First Federal Building - Suite 302
Orlando, Florida

Mr. Michael Cycmanick
Michael Cycmanick
First Federal Building - Suite 441
Orlando, Florida

Mr. J. Wesley Howze, Jr.
Assistant Public Defender
18th Judicial Circuit
Titusville, Florida

Mr. Richard Hyatt
Office of the State's Attorney
18th Judicial Circuit
Titusville, Florida
II. Legal Procedure

Please circle the answer which best reflects your opinion. (Select only the ONE best answer).

1. The arrest of a suspect usually solves a crime and closes the case.  
   T  F 0 5
2. The Prosecutor's job is to obtain convictions.  
   1  4
3. The jury's job is to pass sentence upon the defendant.  
   0  5
4. The defense attorney's job is to prove the defendant innocent.  
   1  4
5. If an individual watching a trial has a contribution to make, he/she can stand up at any time and make a statement. 
   0  5
6. Witnesses who have not been subpoenaed by the prosecution or defense will be allowed to testify if they ask permission of the judge.  
   0  5
7. Evidence, no matter how it is obtained, will be permitted during the trial.  
   0  5
8. Baliffs are free to talk about lawyers appearing in a trial and answer questions about the trial from members of the jury.  
   0  5
9. Judges are required to undergo special training for their jobs.  
   1  4
10. Witnesses at a trial are encouraged to tell as much as they know about the case.  
    0  5
11. All evidence not sworn to by an eye-witness is circumstantial.  
    0  5
III. Role of Participants

Please circle the answer which best reflects your opinion.

1. The defendant is usually unjustly accused.  
   1 4

2. Prosecutors are usually political conservatives and defense attorneys are usually liberal.  
   1 4

3. Most jurors are impartial.  
   1 4

4. The defense attorney who feels his client is innocent will usually work harder than the defense attorney who feels his client is guilty.  
   1 4

5. It is possible that a judge alone may produce decisions which are as good as jury decisions.  
   5 0

6. Police officers are trained to be thorough in their investigations.  
   2 3

7. A jury trial is an effective means of determining an individual's guilt or innocence.  
   3 2

8. Prosecutors generally graduate in the lower portion of their law school graduating class.  
   1 4

9. Defense attorneys will represent clients for a lower fee to insure that they have representation.  
   1 4

10. If the police have used physical violence in the questioning of an individual, that person will automatically be freed on the grounds of violation of his/her constitutional rights.  
    1 4

IV. Conduct of Participants

1. If the defendant is guilty he/she will not confess to the crime in open court.  
   2 3

2. The police usually use physical coercion to get their information.  
   0 5

3. If a guilty person is present at a trial, he/she will usually confess at some time during the trial.  
   0 5
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<th>F</th>
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<td>4.</td>
<td>A defendant who testifies on his own behalf is less likely to be guilty than a defendant who does not testify.</td>
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<td>5.</td>
<td>A Policeman is more likely to know the facts surrounding a case than an ordinary witness.</td>
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<td>6.</td>
<td>If a defendant's family testifies on his/her behalf the defendant is probably guilty.</td>
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<td>A doctor is less likely to know the facts involved in a case than an ordinary person who may be involved.</td>
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<td>8.</td>
<td>The judge usually does not know whether a defendant is innocent or guilty before the trial.</td>
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<td>9.</td>
<td>If a participant in a trial has an emotional breakdown during his/her testimony, it is most likely that he/she is telling the truth.</td>
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<td>10.</td>
<td>The judge is more interested in the protection of the rights of the individual defendant than the protection of society.</td>
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**APPENDIX G**

Knowledge of Legal Procedure  
As Reflected by Testing

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<td>32.45</td>
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<td>3</td>
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Knowledge of Participants’ Roles  
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*Omitted from further analysis due to divergence of expert opinion.

82
## Knowledge of Permitted Conduct of Participants
As Reflected by Testing

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*Omitted from further analysis due to divergence of expert opinion.


"Reality and Television: An Interview with Dr. Edmund Carpenter." Television Quarterly 10 (Fall 1972): 42-6.


Stocksdale, C. Department of Local History and Genealogy, Orlando Public Library, Orlando, Florida. Interview 17 November 1975.


"Tate Killings -- 'Right Thing To Do.'" San Francisco Chronicle, 11 February 1971, p.21.


