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The Effects of Ethnicity, SES, and Crime Status on Juror Decision Making

A Cross-Cultural Examination of European American and Mexican American Mock Jurors

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In two studies, a defendant's ethnicity, socioeconomic status (SES), and crime status were varied for effects on verdict decisions, sentencing recommendations, culpability assignments, and trait assessments. In Study 1, European Americans ($N = 221$) provided a low SES Mexican American defendant with more guilt verdicts, a lengthier sentence, and higher culpability ratings, compared to a high SES Mexican American or a European American defendant, regardless of crime status. Higher negative trait ratings occurred for a low SES Mexican American who committed a low status crime. In Study 2, Mexican Americans ($N = 136$) showed no differences for guilt verdicts, recommended sentence, or culpability assignment. These findings demonstrate that European American bias toward Mexican Americans may operate in all phases of the legal process, and future research should address specific contexts where bias applies.

Keywords: *juror decision making; ethnicity; crime status; Mexican American jurors; Euro-American jurors; defendant's socioeconomic status; legal process*

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In the United States, it is presumed that jurors' decisions are based solely on the presented evidence, but research has demonstrated that jurors are influenced by extralegal factors (Mazzella & Feingold, 1994). Perhaps, the largest contributor to the legal system bias is race, or ethnicity.¹ Race negatively influences verdict outcomes (Perez, Hosch, Ponder, & Trejo, 1993; Sommers & Ellsworth, 2001), length of sentence (Demuth & Steffensmeier, 2004), and culpability assignment (Daudistel, Hosch, Holmes, & Graves, 1999).

Although race bias in the legal system has been studied, the primary focus has been on African Americans, with minimal attention paid to other minority groups (Haney-Lopez, 2000; Luna, 2003). Hispanics² are the largest and fastest growing minority group, representing 14% of the U.S. population (U.S. Census Bureau, 2000) and are the fastest growing prison population (U.S. Department of Justice, 2005). The present research was designed to investigate bias against Mexican Americans in a legal decision-making framework.

Bias Against Mexican Americans

Biases against Mexican Americans in the United States's justice system are noteworthy (U.S. Commission on Civil Rights, 1970; Valencia, Garcia, Flores, & Juarez, 2004). Racial profiling has occurred for Mexican American United States's judges, mayors, and attorneys of Mexican descent (Aguirre, 2004), and for a variety of reasons (Willis Esqueda, 2007). Mexican Americans' jury participation is limited (Munoz, Lopez, & Stewart, 1998; Sheridan, 2003), and the Supreme Court has heard jury discrimination cases (*Hernandez v. State*, 1954). Not surprisingly, in the Southwest Hispanics have expressed negative views of the legal system in general and law enforcement in particular (Torres & Applewhite, 2004).

In Arizona, Hispanics were found more likely to receive the death penalty, compared to European Americans (Thomson, 1997). However, in localities where Hispanics are the majority such culpability biases may not occur. In noncapital felony cases in El Paso, Texas, Daudistel et al. (1999) found no direct relation between ethnicity and jury trial verdicts. European American defendants received longer sentences, especially when the crime was a sex offense and the jury had more Mexican Americans. Empirical studies have demonstrated culpability biases against Hispanics (Bodenhausen, 1990; Cowan, Martinez, & Mendiola, 1997), and sentencing disparities have been noted (Demuth & Steffensmeier, 2004).

Although the history of bias against Mexican Americans is not well known (Mirande, 1987), Mexican Americans have been depicted as uneducated, poor, illegal aliens, innately criminal, lower class, and ambitionless

(Niemann, Jennings, Rozelle, Baxter, & Sullivan, 1994). Stereotypes of Mexican American criminality have existed within popular culture since first contact with European Americans (Takaki, 1993), and such images have been pervasive in the media since the early 1900s (Svenningsen, 1990). Based on prior research and disparities in Mexican Americans' legal treatment, we predicted that European Americans' negative stereotypes about Mexican Americans would produce biased decisions by mock jurors.

Biases toward Mexican Americans are not based solely on ethnicity. Short and Magana (2002) found bias only when negative stereotypes of Mexican Americans were activated. Participants' exposure to an illegal Mexican immigrant with parking tickets produced more negative immigration attitudes than with exposure to an illegal Mexican with no tickets or an English Canadian with or without tickets. Other factors that activate negative stereotypes concerning Mexican Americans have not been identified.

Socioeconomic Status (SES) of Defendant

SES is one characteristic that has been examined. Poverty influences justice issues and legal access (Weissman, 2002). A defendant's SES can influence culpability perceptions and guilt decisions (Perez et al., 1993). Mock jurors have assigned lengthier sentences to low SES defendants than high SES defendants (Osborne & Rappaport, 1985), and mock jurors have perceived low SES defendants as less attractive and representing a "typical offender" status (Hoffman, 1981).

The importance of the intersection of race and class has been noted as an important research area (Weeks & Lupfer, 2004). In one study, for example, a low SES defendant was thought to be more guilty than a high SES defendant, regardless of race (African American or European American), but a low SES African American defendant was found more blameworthy than any other condition (Gleason & Harris, 1976). If low SES affects jurors' decisions, there are two possible outcomes when it is associated with Mexican Americans. With European American mock jurors, both a Mexican American defendant and a European American defendant could receive high culpability ratings with low SES. In contrast, if a negative ethnically congruent stereotype was activated, this information would predict that a low SES Mexican American defendant would receive higher culpability ratings, compared to a low SES European American, because low SES is stereotypically congruent with being Mexican American. Subsequently, we would expect no difference between high SES Mexican American and European American defendants.

Status of Crime

The status level of a crime could influence culpability ratings, above and beyond a defendant's ethnicity or SES. For example, a high SES Mexican American may or may not be assigned more culpability than a high SES European American when charged with embezzlement. A low SES Mexican American may or may not be assigned more culpability than a low SES European American charged with car theft. We could find no direct research that examined perceived crime status and effects on culpability assignment. Research has demonstrated that if there is information that ties the defendant and the type of crime together (i.e., a stereotypical crime for the defendant's social group), a jury may be more likely to find the defendant guilty and recommend a harsher punishment (Gordon, Michels, & Nelson, 1996). Thus, stereotypic crimes (i.e., white-collar crimes committed by European Americans and blue-collar and violent crimes committed by minorities) produce higher culpability ratings for defendants who match the expected social group (Jones & Kaplan, 2003).

A meta-analysis indicated that there are sentencing disparities between African Americans and European Americans and a combination of negative factors contributed to discrimination (Mazzella & Feingold, 1994). African Americans were found not guilty more often than European Americans based on just crime type or race of victim. They received harsher punishments when the type of crime appeared to be stereotypic (e.g., violent crime for African Americans).

A similar situation may occur for Mexican Americans. The single most prominent television news mention of Hispanics is in crime stories (Dixon & Linz, 2000). They are believed to commit violent crimes, crimes involving drugs, and theft (Willis Esqueda, 1997). Thus, it may be that Mexican Americans are perceived as more culpable, because they are thought to commit low status crimes. High status crimes (art theft, embezzlement, insider trading, corporate fraud) may be perceived as less blameworthy and result in fewer guilt verdicts and shorter sentences, regardless of the defendant's race or SES. We hypothesized that the low SES Mexican American defendant who commits a low status crime would be found more culpable, guilty more often, and given lengthier sentences than for all other conditions. In addition, we hypothesized that a low SES Mexican American defendant who commits a low status crime would be rated more negatively on trait assessments, as part of the reasoning for such bias.

A pilot study was conducted to determine which crimes varied by perceived status, while maintaining comparable levels of rated seriousness

(high status: embezzlement, low status: grand theft auto). Subsequently, in Experiment 1, we varied the defendant's race (Mexican American or European American), SES (high or low), and the perceived crime status. Experiment 1 was conducted to determine whether biases against Mexican American defendants are based on ethnicity alone or result from additional negative characteristics, like SES and crime status. Ethnicity alone may not produce bias. A Mexican American defendant would receive higher culpability and guilt ratings when other negative variables (i.e., low SES of defendant or low crime status) are present.

Experiment 1

Method

Participants. Two hundred forty undergraduate psychology students earned extra credit in psychology courses for participation (Females = 151 and Males = 89, M age = 20.33 years). With a focus on European Americans' bias against Mexican Americans, only those who identified as European American (or "White") were included in the analyses. From a total of 221 participants (141 women and 80 men, M age = 20.21 years, with a range of 18-58 years), 19 participants were excluded (4 "Hispanics," 6 Asians, 8 African Americans, and 1 Native American).

Procedure and materials. Groups of approximately 15 participants were in each session. Upon arrival, they were told they were to act as jurors in an actual criminal case. They were randomly assigned to one of eight conditions in the 2 (Defendant Race: Mexican American or European American) \times 2 (SES of Defendant: high or low) \times 2 (Crime Status: embezzlement or grand theft auto), between-participants factorial design.

After giving consent, participants read a case summary³ that described the defendant's background (SES manipulation), the crime, and the defendant's plea (not guilty in all conditions). Within the summary, the defendant's ethnicity (Miguel Hernandez or Michael Henderson), SES (low or high), and the crime status (grand theft auto or embezzlement) were varied. On the cover page, a 2" \times 3" head and shoulders photograph of the defendant was included. The pictures were pretested on trait measures, and no differences emerged on trait ratings (all t -test p values $>$.05). In each of the eight case summaries, the defendant was 25 years old, male, and ethnicity was listed as either "White" or "Mexican American."

After reading the summary, a jury instruction page stipulated that in order to prove the charge it must be shown that the defendant was in possession of the car/embezzled money, had purposely and willfully committed the act with which he was charged (grand theft auto or embezzlement), and that he was not acting under coercion. Next, participants provided a verdict. If participants found the defendant guilty, they were asked to recommend a sentence. The sentence could be (a) probation with a repayment of \$12,500 and a 10% fine, (b) 6 months jail with a repayment of \$12,500 and a 10% fine, and (c) 1+ years in jail with a repayment of \$12,500 and a 10% fine.

Participants rated the defendant on culpability measures. All culpability ratings were based on a 9-point rating scale (from 1 = *disagree strongly* to 9 = *agree strongly*). These measures were chosen to tap various aspects of culpability. For example, if one believes that prior behavior and current behavior predicts future behavior (i.e., consistency), then assessments of past and future criminal behavior are meaningful culpability indicators. Moreover, blame, responsibility, and situational influences are all elements of causality (Alicke, 2000; Shaver & Drown, 1986). For the European American sample, the Cronbach's alpha for the seven culpability items was .62.

Participants rated the defendant on trait assessments. The traits were from a scale developed by Wiggins (1979) and were based on a semantic differential with a 9-point rating scale. Lower ratings on the scale indicated less of the trait. The trait continuums were *untrustworthy/trustworthy*, *unlikable/likable*, *incompetent/competent*, *unethical/ethical*, *selfish/unselfish*, *unattractive/attractive*, *unintelligent/intelligent*, *cold/warm*, *insensitive/sensitive*, *lazy/industrious*, and *nonaggressive/aggressive*. After completion of trait ratings, participants answered manipulation check questions and then provided information on their sex, age, and ethnic identification.

Results

Three participants were excluded from the analyses because of misidentification of the defendant's race. Two hundred twenty-one participants correctly answered the remaining manipulation check questions. Manipulation checks indicated that participants rated the high SES defendant significantly higher on perceived SES ($M = 7.80$, $SD = 1.30$) than the low SES defendant ($M = 2.20$, $SD = 1.18$), regardless of ethnicity, $F(1, 219) = 1,119.02$, $p < .001$. There was no interaction effect between the defendant's ethnicity and perceived SES level, $p = .32$.

Table 1
Mean Culpability Ratings as a Function of the Defendant's Ethnicity and SES by the European American Sample

SES Level	Ethnicity of Defendant			
	Mexican American		European American	
	Low SES	High SES	Low SES	High SES
Responsibility	6.87 ^a	4.54 ^b	5.37 ^b	4.39 ^b
Blame defendant	6.97 ^a	4.79 ^b	5.07 ^b	4.63 ^b
Believe defendant	3.35 ^b	4.98 ^a	5.05 ^a	4.61 ^a

Note: Means in the same row that do not share a superscript differ at the $p < .05$ in the Tukey honestly significant difference comparison. SES = socioeconomic status.

There were four types of defendant measures in the study—the culpability measures, the verdict decision (not guilty or guilty), the length of sentence, and personality trait measures.

Culpability Measures

A power analysis for the full model multivariate test with seven culpability measures indicated a power of .89 (M. B. Waxman, personal communication, May 15, 2005). For the culpability measures, a multivariate analysis of variance for the culpability measures indicated that the 3-way interaction was not significant, $p = .43$. However, there was a significant 2-way interaction between the defendant's ethnicity and SES, Wilks's lambda $F(7, 207) = 2.34, p < .03, \eta^2 = .07$.

Follow-up univariate analyses of variance on the interactive effects for the culpability measures showed significant differences for the defendant's responsibility, $F(1, 213) = 4.01, p < .05, \eta^2 = .02$; the defendant's blame, $F(1, 213) = 5.90, p < .02, \eta^2 = .03$, and belief in the defendant's version of the crime, $F(1, 213) = 11.84, p < .001, \eta^2 = .05$. As shown in Table 1, the low SES Mexican American was found more responsible, blamed more, and believed less than the high SES Mexican American or the European American defendants.

The multivariate analysis of variance indicated a main effect of the defendant's SES on culpability ratings, Wilks's lambda $F(7, 207) = 6.10, p < .0001, \eta^2 = .17$. Follow-up univariate analyses indicated that, compared to the high SES defendant ($M = 6.36$), participants felt more confident in

the guilt decision for the low SES defendant ($M = 7.03$), $F(1, 220) = 24.05$, $p < .001$, $\eta^2 = .03$. They believed that the low SES defendant ($M = 4.37$) would be more likely to repeat the crime than the high SES defendant ($M = 3.18$), $F(1, 213) = 16.14$, $p < .001$, $\eta^2 = .07$, and the low SES defendant ($M = 4.48$) was thought more likely to have committed the same crime in the past than the high SES defendant ($M = 3.67$), $F(1, 213) = 6.29$, $p < .01$, $\eta^2 = .03$. Finally, the situation was thought to influence the low SES defendant's behavior more ($M = 9.50$) than the high SES defendant's behavior ($M = 4.35$), $F(1, 213) = 9.50$, $p < .01$, $\eta^2 = .04$.

In addition, the multivariate analysis of variance indicated a main effect for crime status on the culpability ratings, Wilks's lambda $F(7, 207) = 5.07$, $p < .001$, $\eta^2 = .15$. Follow-up univariate analyses of variance indicated that a defendant with a low status crime was thought to be less responsible ($M = 4.87$) than with a high status crime ($M = 5.74$), $F(1, 213) = 6.31$, $p = .01$, $\eta^2 = .03$. A defendant with a low status crime were more likely to be believed ($M = 4.87$) than a defendant with a high status crime ($M = 4.12$), $F(1, 213) = 6.03$, $p = .02$, $\eta^2 = .03$. A low status crime produced less blame for the defendant ($M = 4.93$), compared to a high status crime ($M = 5.81$), $F(1, 213) = 5.49$, $p = .01$, $\eta^2 = .03$, and the defendant with a low status crime was less likely to be influenced by the situation ($M = 4.26$) than the one with a high status crime ($M = 5.26$), $F(1, 213) = 15.27$, $p < .001$, $\eta^2 = .07$.

As expected, the multivariate analysis of variance for the culpability ratings produced no significant main effect for ethnicity.

Verdict Measures

For the verdict measures, a hierarchical log linear analysis for the full model (Defendant's Ethnicity \times SES of Defendant \times Crime Status) was conducted. A significant interaction was obtained between the defendant's ethnicity and SES. A low SES Mexican American defendant received more guilty verdicts compared to the other conditions, $\chi^2(5, N = 221) = 15.17$, $p = .01$ (see Table 2). A Tukey's HSD post hoc analysis for the SES by defendant race interaction demonstrated that low status Mexican American defendants were found guilty significantly more often than for all other conditions (see Table 2).

If the defendant was found guilty, participants were asked to recommend a sentence. A hierarchical log linear analysis for the full model (Defendant's Ethnicity \times SES \times Crime Status) was conducted in order to examine sentence recommendations. There was an interaction between the defendant's ethnicity and SES, Pearson $\chi^2(N = 105) = 80.55$, $p < .001$. A Tukey's HSD post hoc

Table 2
Verdicts as a Function of the Defendant's Ethnicity and SES by the European American Sample

SES Level	Defendant Ethnicity			
	Mexican American		European American	
	Low SES	High SES	Low SES	High SES
Not guilty	16 ^a	33 ^b	32 ^b	35 ^b
Guilty	39 ^a	19 ^b	25 ^b	22 ^b

Note: Numbers indicate verdict counts. Verdicts in the same row that do not share a superscript differ at the $p < .05$ in the Tukey honestly significant difference comparison. SES = socioeconomic status.

Table 3
Sentence as a Function of the Defendant's Ethnicity and SES by the European American Sample

SES Level	Defendant Ethnicity			
	Mexican American		European American	
	Low SES	High SES	Low SES	High SES
Probation	11 ^a	5 ^b	12 ^a	6 ^b
6 months	14 ^b	10 ^b	9 ^b	11 ^b
1 year	14 ^a	3 ^b	4 ^b	5 ^b

Note: Numbers indicate sentencing count. Sentences in the same row that do not share a superscript differ at the $p < .05$ in the Tukey honestly significant difference comparison. SES = socioeconomic status.

analysis for the defendant ethnicity and SES interaction demonstrated the low status Mexican American defendant was given significantly lengthier sentences than all other conditions (see Table 3). The interaction between the defendant's ethnicity and crime status was not significant, $p = .31$ nor was the interaction between the defendant's ethnicity, SES, and crime status, $p = .46$.

Trait Measures

Trait ratings for the defendant were examined, as shown in Table 4. A multivariate analysis of variance for the trait measures revealed a 3-way interaction between the defendant's ethnicity, SES, and crime status, $F(11, 203) = 2.19$,

Table 4
Mean Trait Ratings as a Function of the Defendant's Ethnicity, SES,
and Status of Crime by the European American Sample

SES Level	Defendant Ethnicity							
	Mexican American				European American			
	Low		High		Low		High	
Crime Status	Low	High	Low	High	Low	High	Low	High
Likable	3.71 ^a	6.07 ^b	5.81 ^b	5.48 ^b	5.39 ^b	5.59 ^b	6.24 ^b	6.04 ^b
Competence	3.21 ^a	6.04 ^b	6.56 ^b	6.72 ^b	6.04 ^b	5.66 ^b	7.24 ^{b,c}	6.86 ^b
Ethical	2.96 ^a	4.41 ^{ab}	5.63 ^{b,c}	5.12 ^{b,c}	5.57 ^{b,c}	4.17 ^{ab}	6.34 ^c	5.54 ^{b,c}
Unselfish	3.46 ^a	4.85 ^{ab}	5.33 ^b	4.96 ^{ab}	4.14 ^{ab}	3.90 ^{ab}	4.69 ^{ab}	5.18 ^b
Warm	3.36 ^a	5.30 ^b	4.96 ^b	4.64 ^{ab}	5.36 ^b	4.62 ^{ab}	5.07 ^b	5.25 ^b
Sensitive	3.36 ^a	4.96 ^b	5.37 ^b	4.68 ^{ab}	5.29 ^b	4.62 ^{ab}	5.75 ^b	5.13 ^b

Note: Means in the same row that do not share a superscript differ at the $p < .05$ in the Tukey honestly significant difference comparison. SES = socioeconomic status.

$p < .02$, $\eta^2 = .11$. The follow-up univariate analyses for the 3-way interaction for trait ratings indicated significant differences for unlikable/likable, $F(1, 213) = 5.91$, $p = .02$, $\eta^2 = .03$, incompetent/competent, $F(1, 213) = 6.57$, $p = .01$, $\eta^2 = .03$, unethical/ethical, $F(1, 213) = 6.14$, $p = .02$, $\eta^2 = .03$, selfish/unselfish, $F(1, 213) = 6.25$, $p = .02$, $\eta^2 = .03$, cold/warm, $F(1, 213) = 12.34$, $p = .001$, $\eta^2 = .06$, and insensitive/sensitive, $F(1, 213) = 6.75$, $p = .001$, $\eta^2 = .03$. The lowest ratings for likable and competence were given to the low SES Mexican American defendant with a low crime status compared to all other conditions (see Table 4). Although not statistically significant, all trait ratings were lowest for the low SES Mexican American defendant with the low crime status. Ratings for trustworthiness, attractiveness, intelligence, laziness, and aggression were not significantly different.

Discussion

For the culpability measures, the predicted 3-way interaction between defendant ethnicity, SES of defendant, and crime status did not occur. However, the expected interaction between the defendant's ethnicity and SES was found. As predicted by stereotype activation theory, the interaction demonstrated that participants found the low status Mexican American defendant more

responsible, more blameworthy, and believed the defendant's version less than for any other condition. In addition, the low status Mexican American defendant was also found guilty more often and given lengthier sentences than for any other condition. Trait ratings provided additional insight into biased culpability ratings for the Mexican American defendant, and the expected 3-way interaction between the defendant's ethnicity, SES, and crime status did occur for the trait ratings. For example, compared to the low SES European American defendant with a low status crime, the low SES Mexican American defendant with a low status crime was attributed more negative traits. This finding is indicative of stereotype activation as well. With the introduction of negative characteristics, European American participants showed biases in culpability, guilt, sentencing, and underlying trait ascription decisions for the Mexican American defendant.

At the same time, the defendant's SES level did influence culpability ratings. Regardless of ethnicity or crime status, confidence in guilt, likelihood of repeating the crime, likelihood of similar crime commission in the past, and situational influences were higher for the low SES defendant than the high SES defendant. Given that more Mexican Americans are of low SES, this finding provides additional insight into disparities between Mexican Americans and European Americans in the legal system treatment. Low SES may activate negative stereotypes about Mexican American defendants and produce biased treatment, leaving Mexican American defendants vulnerable to disparate treatment, compared to European American defendants.

Regardless of ethnicity or SES level, differences in culpability ratings were found for the defendant with a low status crime compared to one with a high status crime. Contrary to expectations, with a low status crime, defendants were thought to be less responsible, more likely to be believed, blamed less, and less likely to be influenced by the situation than those with a high status crime. Although we anticipated that low status crimes might carry higher culpability ratings (and result in higher culpability decisions for those who commit them), the lower ratings can be explained with reference to the attribution theory (Heider, 1958). This finding may indicate perceived effort and ability differences between the high and low status crimes. Embezzlement may require more effort and ability than grand theft auto. Consequently, those who commit embezzlement (a high status crime) are more responsible, blamed more, believed less, and the situation is perceived as more influential (i.e., opportunity) for behavior. Thus, crime status is a separate element, above and beyond a defendant's SES, in making culpability decisions.

After finding evidence of stereotype activation influencing juror bias against the low SES Mexican American defendant, compared to a high SES

Mexican American defendant or European Americans of low or high SES, it was still unclear whether the bias was a product of racism by European American participants or a product of societal biases in general. In Experiment 2, we examined this issue.

In Experiment 2, a sample of Mexican American participants served as mock jurors. Experiment 2 was conducted at a university with predominantly large number of Mexican American students in a predominantly Mexican American community. According to the United States Bureau of the Census (2000), approximately 80% of the population in El Paso, Texas, is Hispanic (Experiment 2), whereas in Lincoln, Nebraska, approximately 89% of the population is White, non-Hispanic (Experiment 1). In both locations the major industry is agribusiness, and campus sizes are comparable. The purpose of Experiment 2 was to examine whether societal biases against Mexican American defendants are consistent across different ethnic communities. Regardless of location, minority group members are exposed to the same dominant cultural icons and biases as the majority group, and Hispanics have been shown to incorporate biases against their own group into their belief systems (Mason, 2004; Uhlmann, Dasgupta, Elgueta, Greenwald, & Swanson, 2002).

However, regional differences in bias exist, based on the psychological environment (Wong, Eccles, & Sameroff, 2003), and population density can buffer the effects of dominant culture biases. In Experiment 2, then, we examined whether bias exists for European Americans only, or whether Mexican Americans share the biases of the larger culture. If ethnic bias was only demonstrated by European American mock jurors, we would expect no effect for the defendant's race on culpability and trait ratings by Mexican American mock jurors. In addition, Mexican American mock jurors could show bias against the European American defendant, given the possibility of biased culpability attributions for the out-group (Sommers & Ellsworth, 2000).

Experiment 2

Method

Participants. One hundred seventy-one undergraduate psychology students earned extra credit points in their psychology courses for participation (95 women and 76 men, M age = 20.57 years). Only those who categorized themselves as "Mexican American" were included in the analyses. A total of 35 participants were excluded because they reported their ethnicity as something other than Mexican American (26 European Americans or "Whites,"

2 Asians, 3 African Americans or “Blacks,” and 4 “Other”). This left 136 participants (75 females and 61 males, mean age = 20.14 years with a range from 18 to 40 years).

Materials. The materials used for this experiment duplicated the materials from Experiment 1. For the Mexican American sample, the Cronbach’s alpha was .63 for the seven culpability-rating items. Also, we assessed the degree of assimilation to U.S. culture, in order to determine whether participants were aware of and exposed to dominant cultural icons and biases. The demographic form contained the questions: “How long have you lived in the United States?” “Is English your primary language? If not, what is?” “Are you a U.S. citizen?” and “Are you registered to vote in the United States?” These items were meant to provide information on whether the sample was composed of foreign students (i.e., Mexican National students who might not possess cultural knowledge of the stereotypes of Mexican Americans taking classes) or U.S. students of Mexican descent who had been exposed to and possessed knowledge of the dominant culture (and, hence, biases).

Design and procedure. The design and procedure duplicated those from Experiment 1.

Results

As in Experiment 1, a manipulation check on the defendant’s ethnicity and status revealed that all participants correctly identified the defendant’s ethnicity. Participants rated the high SES defendant significantly higher ($M = 8.17$) than the low SES defendant ($M = 2.42$) on perceived SES, $F(1, 132) = 855.54, p < .0001$. No significant interaction effects emerged between the defendant’s ethnicity and perceived SES, $p = .92$.

A multivariate analysis of variance for measures of culpability revealed no significant 3-way interaction, $p = .59$. No other main effects and interactions were significant. A power analysis indicated a power of .82 for the multivariate test.

In order to more accurately present a comparison between both experiments’ participant samples, we conducted analyses for Experiment 2 in identical manner to Experiment 1. Univariate analyses between the defendant’s ethnicity and SES confirmed no significant effect for defendant’s responsibility, $p = .71, \eta^2 = .06$, for defendant’s blame, $p = .96, \eta^2 = .05$, or for belief in the defendant’s version of the crime, $p = .49, \eta^2 = .10$.

Hierarchical log-linear analyses were conducted to examine verdicts and sentencing differences with the full model. Results demonstrated no significant relationship between defendant ethnicity, SES of defendant, and status of crime for influences on verdicts, $p = .31$, or for sentencing, $p = .35$. It should be noted that analyses including all participants ($N = 171$), regardless of self-identified ethnic group, also yielded no significant results.

An examination of items to determine degree of participation in and knowledge of U.S. culture revealed that both the European American and Mexican American samples had participants of the same age, but more importantly, 80% of the Mexican American participants had English as their first language, 89% were U.S. citizens, and 74% were registered voters. The mean number of years they had lived in the United States was 18 years. Thus, the Mexican American sample was comparable to the European American sample in terms of opportunity to learn the dominant culture of the United States and to incorporate the dominant culture's belief system concerning defendants.

Finally, an additional multivariate analysis of variance was conducted with both sets of participants (European Americans and Mexican Americans). The 4-way interaction between participants' ethnicity, defendants' ethnicity, SES, and crime status was not significant, $p = .58$, $\eta^2 = .35$.

Discussion

The purpose of Experiment 2 was to determine whether bias against Mexican Americans is limited to European American mock jurors or whether this bias exists among Mexican American mock jurors as well. We found Mexican American jurors showed no such bias against a low SES Mexican American defendant or against one who commits a low status crime. Moreover, no bias against the European American defendant emerged, regardless of SES or crime status. Thus, the Mexican American participants, living in the United States and having access to the cultural icons and majority culture biases, did not respond negatively to the Mexican American or the European American defendant.

General Discussion

Previous research found that mock jurors look for a combination of race/ethnicity and other negative characteristics against which to discriminate (Daudistel et al., 1999). We hypothesized that European Americans would

show bias against low SES Mexican Americans in legal decision making, compared to low SES European American defendants, or high SES Mexican American, or European American defendants. The current findings supported that notion. European American participants showed bias against the Mexican American defendant only when ethnicity was coupled with another negative characteristic—low SES. In addition, jurors rated a low SES Mexican American defendant who committed a low status crime more negatively on trait assessments. Thus, SES may play a role in bias against Mexican American defendants in other areas, such as civil cases, educational opportunities, housing location, and employment.

For the European American sample, SES and crime status independently influenced culpability notions. European American mock jurors had more confidence in guilt decisions for the low SES defendant, compared to the high SES one. They believed that the low SES defendant would be more likely to repeat the crime, more likely to have committed the same crime in the past, and the situation was thought to be more influential for the low SES defendant, compared to the high SES defendant.

In contrast to expectations, defendants with a low status crime (grand theft auto) were thought to be less responsible, more likely to be believed, blamed less, and less likely to have been influenced by the situation, compared to the defendant with a high status crime (embezzlement). Recognition of the independent contributions of SES and crime status are important, given that SES and crime type are often confounded (i.e., low status crimes are assumed to be committed by low SES perpetrators and high status crimes are assumed to be committed by high SES perpetrators). Results here indicated that bias does exist against the low SES defendant, and this bias is not necessarily predicated on crime type. Rather, the defendant who committed a low status crime was perceived as less culpable, than the defendant who committed a high status crime. This finding can be explained with reference to ability and opportunity. The commission of high status crimes involves more ability and access to specific opportunity than commission of low status crimes. Thus, mock jurors reflect this difference in their culpability decisions.

Experiment 2 was conducted to determine whether Mexican Americans would show the same biases as European Americans, or whether Mexican American mock jurors would demonstrate bias against the European American defendant, based on out-group derogation. In other words, were the European American participants, as members of the dominant culture group, uniquely showing bias, or would any group within the United States show such bias against an out-group defendant? The Mexican American sample provided one possible answer. Mexican American jurors did not demonstrate

bias, compared to the European American jurors, even with negative characteristics such as low SES and low crime status, which provided non-race-based justification to do so. The Mexican American sample demonstrated no biases against the Mexican American or the European American defendant.

It would have been informative to examine a Mexican American sample from the majority dominant location, and a European American sample from the minority dominant location. Unfortunately, the samples for these groups were too small. Future research should examine such regional samples. Mexican Americans from another locale might show bias against the Mexican American defendant. In a strongly European American locale, the psychological environment may condone negative stereotypes about Mexican Americans. Due to their minority status, European Americans in a Mexican American locale may not show bias against Mexican Americans. Their numerical minority status may ameliorate biases and offer opportunities to perceive themselves as part of a common group that includes Mexican Americans (Gaertner & Dovidio, 2008).

Biases against Mexican Americans continue to be reflected by an overrepresentation in the criminal justice system and even by violent hostility (Moser, 2005). In order to promote equal legal treatment, a clear understanding of which social features bias legal outcomes for minorities should be known. Hopefully, by encouraging an awareness of such biases disparities within the legal system can be eliminated.

Notes

1. The authors acknowledge that race is a socially constructed means to categorize humans and is not a biological description. We have chosen to use the term ethnicity to signify the commonly held history, traditions, culture, and religion of a group.

2. The term "Hispanic" is not meant to replace the significant cultural and historical differences among the various groups who were colonized by Spain (i.e., Mexican Americans, Cuban Americans, and Puerto Rican Americans, etc.) within the Americas. Though the authors prefer the term Latino, Hispanic was used in accordance with cited references.

3. Stimulus materials were similar in construction to that of Skolnick and Shaw (1997). Copies of the stimulus materials may be obtained by contacting the first or second author.

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