THE PARTIAL JUROR: CORRELATES AND CAUSES OF PREJUDGMENT

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Data from two 1979 potential juror surveys concerning three criminal cases in Yolo County, California, form the basis for an analysis of opinions indicative of prejudgment in those cases. Strong bivariate relationships are demonstrated between knowledge about a specific case, general attitudes on crime, gender, and education level, on the one hand, and two measures of propensity to prejudge a defendant's guilt, on the other. Further, multivariate discriminant function analysis is used to show that these four independent variables taken together are able to produce significant increases in the ability to make predictions of prejudging opinions on the part of the respondents and that knowledge about a specific case is by far the most important variable in determining such predictions.

I. INTRODUCTION

In May, 1979, the trial of Luis Rodriguez for the murder of two highway patrolmen on a freeway in Yolo County, California, a few miles west of Sacramento, was moved to another part of the state on the grounds that pretrial publicity about the case made a fair trial impossible. In November, 1979, Dirrell Meddock's motion to move his murder trial out of Yolo County was denied. Meddock was charged with killing a young dental hygienist and member of a prominent family in Woodland, the county seat. In January, 1980, Norman Whitehorn's motion for a venue change was also denied in Yolo County Superior Court. Whitehorn is a former death-row inmate accused of raping his twelve-year-old stepdaughter, and his case had come to assume special significance because of the testimony he offered to give at the trial of Rodriguez, with whom he had shared a cell six months earlier.

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In each of these instances the court was called upon to evaluate pretrial publicity bearing on the case and introduced by the defense to demonstrate the existence of the sort of community prejudice which would make a fair trial impossible.[1] Central to the argument, and standard fare in pretrial deliberations of this kind, were certain assumptions about the relationship between pretrial information concerning a case and the public's propensity to prejudge the guilt of the accused. Such assumptions are not without their skeptics. California's Attorney General, George Deukmejian, has opined: "I consider the issue of prejudicial pretrial publicity to be largely a myth. There has never been any empirical evidence to show adverse affects of pretrial news coverage" (*Sacramento Bee*, November 18, 1979). Media scholar Doris Graber comes to a similar conclusion: ". . . scientific evidence proving that media publicity actually influences the parties to a trial is scant" (1980: 107).

Notwithstanding such reservations, pretrial publicity has significantly affected judicial deliberations in recent years. Such publicity has led to reversal of verdicts in some notable cases (*Sheppard* v. *Maxwell*, 1966; *Estes* v. *Texas*, 1965; *Rideau* v. *Louisiana*, 1963; *Irvin* v. *Dowd*, 1961), and its presumed relationship to prejudgment has been the basis for motions for venue change, continuance, mistrial, and dismissal in innumerable routine cases. As one analysis of the matter concluded, the issue of pretrial publicity has led to:

> [P]rotracted selection of jurors, to various motions which in turn create more delays, to greater costs, to mistrials with additional burdens in the already congested court calendars, and possibly to public loss of confidence and alienation from the legal system (Padawer-Singer and Barton, 1975: 126).

In addition, concern over the prejudicial potential of pretrial publicity has led to attempted restrictions on public access to,

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[1] The California Supreme Court (*Maine* v. *Superior Court*, 1968) has identified the methods of proof trial courts in the state may use when considering motions for a change of venue. Relying on the Reardon Report (American Bar Association Project on Minimum Standards for Criminal Justice, 1968), the Court stated: "a motion for change of venue or continuance shall be granted whenever it is determined that because of the dissemination of potentially prejudicial material, there is a reasonable likelihood that in the absence of such relief, a fair trial cannot be had. This determination may be based on such evidence as qualified public opinion surveys or opinion testimony offered by individuals, or on the court's own evaluation of the nature, frequency, and timing of the material involved. A showing of actual prejudice need not be shown."

In each of the three cases under consideration here, available information relevant to venue change motions include not only direct evidence of potentially prejudicial pretrial publicity in the form of newspaper clippings and transcripts of news broadcasts—not considered in these pages—but also the opinion surveys upon which the present analysis is based.

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and press coverage of, criminal proceedings and to pretrial "gag orders" (*Nebraska Press Association* v. *Stuart*, 1976; *Philadelphia Newspaper Inc.* v. *Jerome*, 1978; *Sigma Delta Chi* v. *Martin*, 1978; *Gannett Co. Inc.* v. *De Pasquale*, 1979).[2]

While neither extensive nor conclusive, some empirical evidence is available to justify these developments by suggesting a link between pretrial information and juror partiality (Kline and Jess, 1966; Tans and Chaffee, 1966; Padawer-Singer and Barton, 1975; Goggin and Hanover, 1965). Further, as the tools of empirical research have been brought to bear on the subject of such partiality—particularly as counsel have sought to perfect their use of peremptory challenges in jury selection (Schulman *et al.*, 1973; Kairys, 1975: Ch. 3; Van Dyke, 1977a; Bonora and Krauss, 1979: 111-221; McConahay *et al.*, 1977; Saks, 1976)[3]—factors other than pretrial information have also been found to be associated with prejudgment. Thus, we have come to know much about the relationship between the social characteristics of potential jurors and their propensity to render certain kinds of verdicts (see, for example: Adler, 1973; Blauner, 1975; Broeder, 1959; Strodtbeck *et al.*, 1957; James, 1959; Hermann, 1970; Kallen, 1970).[4]

The present analysis seeks further to illuminate the causes and correlates of juror prejudgment. We rely on data generated by public opinion surveys undertaken with the cooperation and assistance of the Yolo County District Attorney's office and

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[2] Whereas Gannett involved pretrial proceedings and the exclusion of press and public from such proceedings upon agreement of both prosecution and defense, the Supreme Court has recently considered the permissibility of such exclusion at trials as well (*Richmond Newspapers, Inc.* v. *Virginia*, argued February 19, 1980 as reported in 48 LW 3549, 1980). The Court's July, 1980, decision in this case upheld the right of access by the press and public to trial proceedings, although it acknowledged that under certain circumstances that right may have to yield to the defendant's fair trial rights.

[3] Most empirical studies of the correlates of juror prejudice and of the impact of pretrial publicity involve simulation experiments and the use of mock jurors. These studies generally suffer from the fact that the participants (e.g., students and affluent volunteers) are unlikely to serve as actual jurors and engage in their "deliberations" in noncourtroom experimental settings. On the other hand, survey-based studies—such as this one—are unable to take into account the impact of juror deliberations no matter how faithful they may be to the task of assuring a representative sample of potential jurors as their research base. Yet surveys are the best available technique for exploring partiality in a particular case, whether related to venue change motions or the effective use of peremptory challenges. (See, for example, Zeisel, 1960.)

[4] Kallen's survey of practicing lawyers finds "a high degree of disagreement" concerning the social background-jury behavior relationship, notwithstanding their stated confidence in using background criteria for distinguishing favorable from unfavorable venire members. Indeed, the literature exploring this relationship using systematic techniques presents its own examples of disagreement, to which—as will be seen—this study makes a modest contribution.

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designed to provide information relevant to the question of venue change in the three cases identified above. While having case-specific objectives, these surveys provide an excellent data base for addressing the questions we wish to pose. Is prior knowledge about a case a reliable indicator of one's capacity to serve as an impartial juror at trial; i.e., are the "best" jurors uninformed jurors? Can juror prejudgment be predicted from his/her general attitude toward issues of crime and punishment? Is the social background of the juror associated with his/her propensity to prejudge guilt? Most important and perhaps what most distinguishes this study from others in the same genre, we address the following question: to the extent that all of these factors—knowledge of the specifics of a given case, general attitudes, and social background—are associated with prejudgment, what is the relative contribution of each to such prejudgment?

The application of multivariate analysis techniques to the data at hand may not only contribute to our understanding of the origins of juror partiality, but may help unravel the dilemma seemingly associated with our simultaneous commitment to free press and fair trial rights. If, for example, pretrial information is linked to prejudgment but, in addition, that linkage is found to be spurious, indirect, or a result of prior background and/or attitude linkages to prejudgment, then the reservations expressed by such persons as Deukmejian and Graber would be afforded policy-relevant vindication.

II. PROCEDURE

The data upon which the analysis is based derive from telephone surveys of two independently drawn, representative samples of the approximately 12,000 members of the 1979 Yolo County, California jury roster. For each survey, respondents were selected from that roster in accordance with a probability sampling technique designed to give each roster member an equal chance of being included. In the May, 1979, survey, 323 persons were interviewed through the use of a 45-item schedule comprised largely of forced-choice questions focusing on the *Rodriguez* case. A similar, 57-item schedule was used in the second survey—focusing on both the *Meddock* and *Whitehorn* cases—conducted in October, 1979, and involving 369 respondents.[5]

[5] Interviews were conducted by approximately 90 students enrolled in undergraduate courses on Public Opinion and/or Mass Media and Politics at the University of California, Davis. Their energy and effort in executing the

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The survey questions with which we deal here fall into the following categories: (1) opinion questions which delve into the respondent's propensity to prejudge the guilt of the accused and which serve throughout as dependent variables; (2) information questions regarding the respondent's recall of each of the three cases and knowledge of their details; (3) questions measuring the respondent's exposure to news media; (4) questions—included only in the second survey—dealing with the respondent's general attitude toward crime and punishment issues; and (5) questions dealing with the respondent's demographic characteristics or social background.

We will proceed sequentially through these categories, indicating as appropriate to our purpose relationships between responses to items in one category and those in another category and, in particular, identifying the correlates of prejudging propensity. Once having identified the variables that are significantly associated with prejudgment, we will turn finally to discriminant function analysis as a means of further illuminating the process by which prejudging opinions are formed.[6]

The analysis benefits greatly from the similarity in the content of the two surveys and from the unusual opportunity for replication provided by the multi-case character of the data available to us.

III. OPINIONS ABOUT THE CASES: THE DEPENDENT VARIABLES

Two items on each of the cases at issue serve in these pages as measures of the respondent's propensity to prejudge guilt. In the first, the respondent was asked if he/she believed the accused to be guilty of the crime as charged. Responses to these items suggest a substantially higher incidence of prejudging opinion in the *Rodriguez* case than in the other two cases. Thus, 48 percent of the May respondents answered affirmatively when asked, "Do you believe Rodriguez actually committed the murders" of the two highway patrolmen? In

survey, in contributing to its design and engaging in preliminary analysis of the data, are much appreciated.

Given the sample and population sizes, and given the probability design, we may estimate the reliability of the statistics obtained in the surveys as follows: the chances are about 19 in 20 that if the entire jury roster had been surveyed with the same interview schedules, the results of the complete census would not have been found to deviate from the obtained survey findings by more than plus or minus five percent.

[6] In all of the data analysis presented in this paper we used programs from SPSS. For a description of the program, see Nie (1970).

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contrast, 26 percent of the October respondents believed "Dirrell Meddock actually committed the murder of the dental hygienist," and 22 percent of these same respondents believed "Norman Whitehorn is guilty of the attempted rape of his twelve-year-old stepdaughter."

It might be noted that the same sort of inter-case differences emerged when the respondents were asked to assess the strength of the evidence against the accused. About three-quarters of the May respondents believed the evidence against Rodriguez was strong (49 percent) or very strong (26 percent), while of those interviewed in October, about one-third believed the evidence against Meddock was strong (19 percent) or very strong (16 percent), and about one-fourth believed the evidence against Whitehorn was strong (19 percent) or very strong (8 percent). In all cases, less than 10 percent believed the evidence to be weak or very weak, with substantial numbers of respondents unable or unwilling to express an opinion on the matter. Responses to the items on the guilt of the accused and the strength of the evidence against him are so highly correlated in each case and so similarly related to the independent variables considered below that to treat them as separate measures of propensity to prejudge guilt would be redundant.

The fact that one of the three cases under analysis is distinctive regarding the pervasiveness of perception of the defendant's guilt adds to the importance of the evidence which follows. The opportunity to replicate findings within the same research program by presenting data on three cases, each inevitably unique in certain central respects, takes on special significance when we note the great range in public levels of prejudgment across the cases.

The second item measuring the propensity to prejudge guilt utilized as a dependent variable throughout these pages did not produce significant inter-case response differences. The respondent was asked whether he/she could be an impartial juror in the case at issue. Thirty-eight percent of the May respondents felt that they could not be impartial jurors at the trial of Luis Rodriguez, and in the October survey 36 percent believed they could not be impartial in the *Meddock* case, and 38 percent held such a belief with reference to the *Whitehorn* case.

The relationship between the two measures of the propensity to prejudge is indicated in Table 1. Clearly, responses to the items were highly associated—particularly

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with respect to the cases considered in the May survey. Such an association is desirable if they are both to be considered as measures of prejudging opinion. On the other hand, the responses are not so highly correlated as to suggest redundancy.[7] Thus, for example, approximately one-half of those believing Meddock to be guilty did not feel incapable of serving as an impartial juror at his trial, and 15 percent of those who did not indicate a belief in his guilt nevertheless could not affirm their impartiality.[8]

Table 1. The Relationship Between Dependent Variables

Respondents Believing the Accused is Guilty	Respondents Believing Themselves Unable to be Impartial Jurors in the Case		
	Yes	No	
Rodriguez			
Yes	37% (58)	63% (97)	
No	24% (41)	76% (127)	**
Meddock			
Yes	51% (49)	49% (47)	
No	15% (42)	85% (231)	*
Whitehorn			
Yes	48% (38)	52% (42)	
No	18% (52)	82% (237)	*

* $p \leq .01$ ** $p \leq .05$

NOTE: In this and all subsequent tables tests of significance are based on the Chi Square statistic.

It would not be appropriate to conclude from the foregoing opinion data that any of the three defendants could or could not receive a fair trial in Yolo county. True, inter-case variation in perception of guilt and strength of evidence does suggest that if there were to be a single change of venue among the cases, the court chose well when it ordered the *Rodriguez* trial moved. Even here, however, the survey fails to indicate a level of community consensus as to the defendant's guilt which

[7] The distinction between a prospective juror's affirmation that he/she can be an impartial juror and other measures of impartiality has not been lost on the courts. See, for example, *United States* v. *Dellinger* (1972), and *Irvin* v. *Dowd* (1961). Said the Court in reviewing Irvin's conviction by a jury which included eight members who had indicated during *voir dire* that they believed he was guilty: "No doubt each juror was sincere when he said that he would be fair and impartial to petitioner, but psychological impact requiring such a declaration before one's fellows is often its father."

[8] In each case, less than five percent of the respondents indicated a belief that the defendant was actually not guilty. Even among those not asserting a belief in the defendant's guilt but also claiming they could not be impartial jurors, the vast majority were uncertain as to guilt or innocence.

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would make other considerations irrelevant when assessing the question of trial site. Similarly, it cannot be claimed that responses to our two measures of prejudgment allow us to predict with certainty who would or would not be able to serve fairly as a juror. Prejudgment at the jury-roster level and/or at the individual-member level may be overcome by intervening factors before final judgment is rendered. The use of extensive individual *voir dire* or particularly strong language in instructing the jurors are among the measures available, short of venue change, for protecting against partial juror problems.[9] The solemnity of the courtroom setting, the effectiveness of the trial lawyers, and the jury's deliberative process may likewise prevent preconceptions from working their way to verdict.[10]

Indeed, the Sixth Amendment has never been held to require the exclusion from jury service of persons with any sort of preconception about a given case. John Marshall, sitting as trial judge in the treason trial of Aaron Burr, did establish an important American legal principle when he agreed that a potential juror could be successfully challenged for cause if he had preconceptions about a case (above and beyond personal knowledge or a prejudicial personal relationship), since such an individual "will listen with more favor to that testimony which confirms, than to that which would change his opinion" (*United States* v. *Burr*, 1807).[11] However, Marshall also concluded:

> It would seem to the court that to say that any man who had formed an opinion on any fact conducive to the final decision of the case would therefore be considered as disqualified from serving on the jury, would exclude intelligent and observing men, whose minds were really in a situation to decide upon the whole case according to the testimony, and would perhaps be applying the letter of the rule requiring an impartial jury with a strictness which is not necessary for the preservation of the rule itself.[12]

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[9] On the potential effect of judge's instructions, for example, see Kline and Jess (1966). Van Dyke concludes: "some recent studies have shown that most jurors—if carefully instructed by a judge—can put aside what they have read and heard and limit their decision to the evidence presented in court" (1977b: 160).

[10] On the potential effects of jury deliberations, for example, see: Zeisel (1973), Erlanger (1970), Kessler (1975), Sonaike (1978). Judge Charles Joiner has concluded: ". . . the process of deliberation is a process through which the biases of individual jurors are exposed and isolated or controlled" (1975).

[11] *Cf.* the Court's view in *Irvin* v. *Dowd* that "the influence that lurks in an opinion once formed is so persistent that it unconsciously fights detachment from the mental processes of the average man. . . ."

[12] Mark Twain came to a similar conclusion: ". . . when a gentleman of high social standing, intelligence, and probity swears that testimony given under solemn oath will outweigh, with him, street talk and newspaper reports based upon mere hearsay, he is worth a hundred jurymen who will swear to their own ignorance and stupidity, and justice would be far safer in his hands than in theirs. Why could not the jury law be so altered as to give men of brains and honesty an *equal chance* with fools and miscreants?" (1901: 277).

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The appropriate standard for John Marshall, as it is for Thurgood Marshall (*Murphy* v. *Florida*, 1975), is not whether prospective jurors hold prejudging opinions but whether those opinions are of such strength that they cannot be set aside when confronted with evidence that may be offered in opposition to them.[13]

However, our purpose here is broader than determining fair trial possibilities in a given case or set of cases, and it is likewise broader than identifying individuals incapable of serving fairly as jurors in a given case or set of cases. Rather, it is to explore the correlates and causes of opinions suggesting a propensity to prejudge a defendant's guilt.

IV. KNOWLEDGE OF THE CASES

Are those who are most likely to be fair and impartial jurors in a given case the least likely to be informed about the facts of that case? It is tempting to believe that the answer is self-evident, particularly in the absence of the only evidence—survey data—which could validate the presumed link between information and prejudgment. Indeed, in the *Sheppard* and *Rideau* cases the Supreme Court based its reversals solely on pretrial publicity, thereby departing from the traditional view that actual prejudice must be shown for a defendant to obtain relief. And such a presumption tends to underlie decisions of lesser courts to issue "gag orders" limiting public and press access to information on cases coming before them.

Yet the answer is *not* self-evident. Few of us have escaped a situation where, as we become better informed about a matter of controversy, initial certitude evaporates in a sea of ambiguity and complexity. Further, it may well be that persons who are particularly attentive to the media and public affairs—including crime news—are also more likely than others to withhold judgment when the norms of good citizenship require it. In an attempt to shed more light on this question, we turn our attention to the relationship between knowledge of the cases and prejudging opinions.

The same sort of sentiment may have led Judge John Sirica to wonder if the members of the jury panel involved in the first Watergate indictments who had not heard of the scandal were actually the *least* qualified to sit on the jury.

[13] See also *Reynolds* v. *United States* (1878), where the partial juror problem came to the Supreme Court for the first time.

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Recognizing the Crimes

In each of our two surveys, respondents were read statements about four different crimes—one fictitious—which "occurred in this area" and were asked if they remembered hearing or reading about each. The order in which the statements were presented was rotated among the respondents to reduce response set problems. Each statement presented the basic facts of a crime in concise, neutral, and nonprovocative terms. The names of the accused (e.g., Rodriguez) were not included in the statements, and no questions involving crime preceded these in the interviews. In sum, these two sets of items—one in each survey—were designed to provide a straightforward opportunity for the respondent to indicate his/her recognition of the events described—including, most importantly, those leading to Rodriguez's, Meddock's, and Whitehorn's arrests—and to do so in such a way that factors which might differentially stimulate that recognition would be absent.

Over 99 percent of the May respondents claimed to have heard or read about "the murder of two highway patrolmen on the freeway near Sacramento." In contrast, 43 percent of the October respondents claimed familiarity with the crime which Meddock is accused of committing, recapitulated in the questionnaire as follows: "a murder of a 22-year-old Woodland dental hygienist, shot in the head, whose body was found outside Knight's Landing two-and-a-half years ago." Forty-five percent claimed to have heard or read about the crime allegedly committed by Norman Whitehorn, namely: "an attempted rape of a twelve-year-old girl near Dunnigan in the presence of the child's natural mother, which was allegedly committed by the girl's stepfather. The suspect in this case has agreed to testify in a case involving the murder of two highway patrolmen."[14]

The case enjoying distinctively high respondent recognition is thus also the case where the respondents were most likely to have concluded that the accused (Luis Rodriguez) is guilty. While this simple relationship may be relevant to the question under consideration, the present data presents far better

[14] Twelve percent of the May respondents and eight percent of the October respondents claimed to have read or heard about the fictitious crime described to them—"the beating and murder of an Air Force officer in his home during a robbery attempt in Vallejo"—figures suggestive of the extent to which our respondents may have reported hearing or reading about the three crimes of interest here by guessing or out of a desire to impress the interviewers with their knowledge.

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opportunities to explore the opinion-knowledge nexus, opportunities involving all three cases and involving more promising measures of knowledge of those cases.

Information Indices

Specific knowledge of each of the three cases was probed in our interviews through a series of seven questions inquiring into the respondents' familiarity with details concerning the given crime, the subsequent arrest, or the defendant. Two questions appeared in all three sets of knowledge items, one asking how many persons were finally arrested for the crime at issue and the other asking the respondent to identify the name of the person arrested. The relatively high recognizability of the *Rodriguez* case is reflected in the responses to both items. Almost 90 percent of the May respondents knew that two persons were arrested for the murder of the highway patrolmen. In contrast, only one in every three of the October respondents correctly indicated "one" when asked how many persons were arrested for the dental hygienist murder and for the rape of the twelve-year-old. Following the question on the number of persons arrested for the given crime, respondents were read four names, real and fictitious, and asked to "indicate which of these persons . . . was finally arrested?" Whereas 16 percent were able correctly to associate Norman Whitehorn with the rape case and 28 percent recognized Dirrell Meddock as the person accused of the dental hygienist killing, 85 percent identified Luis Rodriguez as defendant in the highway patrolmen case.

Upon completion of the name recognition item, the respondents were informed of the true name of the person arrested for the crime and were then read a series of statements—some false—concerning that person (e.g., "Dirrell Meddock confessed to the murder," "Luis Rodriguez is said to have been involved in a crime spree prior to the killing of the highway patrolmen," "Norman Whitehorn was once on death row") and were asked to indicate whether each was true or false.

To facilitate analysis of the contention that the fairest jurors are uninformed jurors, the foregoing specific knowledge items—the question inquiring into the number of persons arrested for the given crime, the item asking the respondent to identify the person arrested for that crime, and the true-false questions—have been selected to comprise an "Information Index" for each of the three cases under consideration. An

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individual's index score is derived by summing his/her number of correct answers to the seven items and may thus range from zero to seven. Cross-tabulating each of the seven items against the other six appearing in the same index and also against the index reveals that in all cases the relationships are statistically significant at or beyond the .01 level. The mean inter-item correlation (Pearson's r) for the *Rodriguez* Case Information Index is 0.33. Item-index correlations range from 0.473 to 0.679, with the mean of the seven such correlations being 0.564. With respect to the *Meddock* Case Information Index, the mean inter-item correlation is 0.50. Item-index correlations range from 0.729 to 0.822, with the mean of the seven such correlations being 0.755. The *Whitehorn* Case Information Index achieves a mean inter-item correlation of 0.30. Item-index correlations range from 0.558 to 0.739, with the mean of the seven such correlations being 0.629. For each Information Index, then, there is every reason to believe that the seven items are differentiating—that is, they all measure what the index measures—and that the index is internally reliable.[15]

Respondents have been grouped on the basis of their index scores as follows:

	Index Score	Distribution
Rodriguez Case		
Poorly informed	0-4	17% (54)
Moderately informed	5-6	39 (125)
Well informed	7	45 (144)
Meddock Case		
Poorly informed	0	43% (159)
Moderately informed	1-3	28 (103)
Well informed	4-7	29 (107)
Whitehorn Case		
Poorly informed	0	42% (155)
Moderately informed	1-3	40 (146)
Well informed	4-7	18 (68)

Placement of respondents in one of the groups associated with a given index signifies, of course, only that respondent's position on the index relative to others in the sample; whether a person who correctly responded to only four items on the *Meddock* Information Index is truly well informed, for

[15] It might be noted that at least one item on each of the three Information Indices involved information which would not have been admissible at trial. The knowledge-prejudgment association is strong for both kinds of items.

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example, is necessarily a subjective judgment. For each index, cutting points between groups have been determined with a view toward making each of the three groups as balanced in number of members as the overall distribution of scores would permit. Given this objective, cutting points on the *Rodriguez* Case Information Index differ from those on the other indices, since level of information on that particular case was relatively high.

Information Level and Media Use

Before turning to the relationship between Information Index scores and the items measuring prejudgment, let us first examine whether information level is associated with media use. Such an examination would have bearing on any assumptions about links between media coverage and pretrial prejudice.

The data in Table 2 support the conclusion that media attentiveness is related to information level. Respondents were asked if they regularly watch local news on television and if they regularly read a daily newspaper. They have been grouped in terms of whether they respond affirmatively to both these questions, to only one, or to neither. The relationship between this variable and placement on each of the Information Indices achieves statistical significance at or beyond the .01 level. Those highly informed are more likely than other respondents to attend to both media and least likely to attend to neither.

Table 2. Information Level and Media Use

	Media Attended		
	None	Single	Both
Rodriguez Case Information Index			
Poorly informed (53)	9%	37	54
Moderately informed (125)	3%	28	68*
Well informed (144)	0%	27	73
Meddock Case Information Index			
Poorly informed (156)	14%	39	47
Moderately informed (102)	6%	46	48*
Well informed (106)	6%	30	64
Whitehorn Case Information Index			
Poorly informed (150)	10%	37	53
Moderately informed (146)	12%	45	43*
Well informed (68)	2%	26	72

* $p \leq .01$

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Respondents were also asked to identify the newspaper(s) they regularly read, and have been grouped in terms of whether they read at least one of the two daily newspapers published in Yolo County, read a newspaper but not one of the local papers, or do not regularly read a newspaper. As Table 3 indicates, the relationship between this variable and placement on the Information Index again achieves statistical significance in each case. Those who regularly read a local newspaper tend to be better informed about the crimes at issue than those whose newspaper reading does not include a local paper, and the latter are better informed than those who do not read any newspaper on a regular basis.

Table 3. Information Level and Newspaper Reading

	Newspapers Read		
	None	Non-Local	Local
Rodriguez Case Information Index			
Poorly informed (54)	22%	37	41
Moderately informed (125)	12%	31	57*
Well informed (144)	6%	19	75
Meddock Case Information Index			
Poorly informed (159)	25%	26	49
Moderately informed (103)	12%	39	49*
Well informed (107)	11%	11	78
Whitehorn Case Information Index			
Poorly informed (155)	16%	28	56
Moderately informed (146)	23%	22	55*
Well informed (68)	6%	27	67

* $p \leq .01$ ** $p \leq .05$

Media use, then, does affect the extent of respondent information on the cases in question. Knowledge increases with the number of media attended and with newspaper reading, especially local newspaper reading.

The Information-Opinion Nexus

Table 4 brings us to the heart of the matter: is information level related to propensity to prejudge? The data displayed indicate the percentage of respondents in each of the Information Index groups who believe that the accused is guilty and that they could not serve as impartial jurors at his trial. The relationship between variables is unambiguous. For each of the six comparisons, information is positively

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Table 4. The Information-Prejudgment Relationship

Information Index	N's** a	b	c	Respondents Believing the Accused to be Guilty: *Rodriguez* Case	*Meddock* Case	*Whitehorn* Case	Respondents Believing Themselves Unable to be Impartial Jurors: *Rodriguez* Case	*Meddock* Case	*Whitehorn* Case
Poorly informed	(54)	(159)	(153)	30%	2%	4%	22%	12%	15%
Moderately informed	(125)	(103)	(146)	49%	22%	22%	31%	19%	26%
Well informed	(144)	(107)	(68)	54% *	66% *	61% *	33%	50% *	40% *

* $p \leq .01$

** a = May, 1979 survey concerning the *Rodriguez* case.
b = October, 1979 survey concerning the *Meddock* case.
c = October, 1979 survey concerning the *Whitehorn* case.

NOTE: While the data on the Information Index have been collapsed for this presentation, it may be noted that the same relationships between the index and the dependent variables shown above obtains when product moment correlations are calculated using uncollapsed index scores. In the *Rodriguez* case the Information Index correlates with the two dependent variables (regarding the defendant's guilt and regarding ability to serve as an impartial juror) at 0.220 ($p \leq .01$) and 0.091 ($p \leq .05$), respectively. In the *Meddock* case these correlations are 0.663 ($p \leq .01$) and 0.386 ($p \leq .01$), and in the *Whitehorn* case they are 0.494 ($p \leq .01$) and 0.233 ($p \leq .01$).

associated with prejudgment; and in five of these that association achieves statistical significance at or beyond the .01 level. In the October survey, for example, almost none of those poorly informed about the *Meddock* case believed Meddock to be guilty, while one-fifth of the moderately informed and two-thirds of the well informed held that opinion. The item regarding the respondent's belief that he/she could be an impartial juror shows somewhat less variation between Information Index categories for each of the three cases, and in the *Rodriguez* case the relationship between variables fails to achieve the minimum level of significance (.10) we set for ourselves. Nevertheless, the same pattern tends to emerge as in the assessment-of-guilt item. Thus, for example, three in twenty of the poorly informed, compared to five in twenty of the moderately informed and eight in twenty of the well informed, felt incapable of serving as impartial jurors in the *Whitehorn* case.

In general, then, the evidence is strong and consistent. Respondents well informed about a case are substantially more likely than other respondents to express prejudging opinions. In this sense the present data do indeed suggest that the best jurors are uninformed jurors.

V. ATTITUDES TOWARD CRIME AND PUNISHMENT

We turn now to another possible correlate of prejudgment, the respondent's general attitude toward issues of crime and punishment. The conclusion to be drawn from the data presented in the previous section seems clear and straightforward: assumptions regarding the link between public information about a case and pretrial prejudice which underlie trial site determinations are valid. It is conceivable that the data to be presented in this section (and the next) will undermine this conclusion in that the knowledge-prejudgment relationship shown above may prove to be spurious. In particular, persons holding "law and order" views may evince a high propensity to prejudge guilt and also be more likely than others to seek out news of important crimes in their vicinity, thereby becoming better informed about them. Attitude toward crime and punishment, not level of information, would thus be the direct antecedent of prejudgment. Moving a trial site under such circumstances offers no remedy for a defense concerned with pretrial prejudice, since potential jurors at the new site, while inevitably less informed about the case, could be no less likely to hold attitudes associated with prejudgment

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than the potential jurors residing at the vicinity of the crime. Unraveling the causal relationships of interest here requires then that we ask: is there an attitude-prejudgment nexus?

Respondent attitude toward crime and punishment is measured in the May survey by a series of four items which comprise an "Attitude-on-Crime Index." The respondent was asked whether he/she agreed strongly, agreed, disagreed, or disagreed strongly that (1) "the death penalty should be abolished"; (2) "arrested persons are probably guilty"; (3) "there is too much concern for the rights of the accused and not enough for the victim"; and (4) "prisons should be more concerned with rehabilitation and not punishment." Each of the four response categories was assigned a value from one to four. For analysis purposes low values were assigned to what may be termed the "liberal" position on each item (a value of one and two to agree strongly and agree responses, respectively, for statements one and four, above, and to disagree strongly and disagree responses for statements two and three) and high values to the "conservative" position. Each respondent who had answered at least three of these questions was given an Attitude-on-Crime Index Score which was the mean (or average) score for all of the items measured. The relationship between the items comprising the index, and the relationship between each of the items and the index itself, indicates that the index is valid. The mean inter-item correlation (Pearson's r) is 0.251. Item-index correlations range from 0.563 to 0.761, with the mean being 0.661. All correlations are statistically significant at or beyond the .01 level.

We were able to assign index scores for 346 respondents who were then grouped on the basis of their scores as follows:

Liberal (Score: 2 or less)	14%	(48)
Moderate (Score: between 2 and 3)	52%	(181)
Conservative (Score: 3 or more)	34%	(117)

As with the Information Index discussed in the previous section, establishing the cutting points for the Attitude-on-Crime Index is a matter of subjective judgment. Likewise, the liberal/conservative labels assigned to this variable are used to facilitate data interpretation. However, use of these labels is validated by relating index placement to the respondent's ideological self-identification. As Table 5 indicates, to know how a respondent describes his/her general political ideology is, to a large extent, to know that respondent's attitude toward issues of crime and punishment.

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Table 5. The Attitude on Crime-Ideological Self-Identification Relationship

	Attitude on Crime		
	Liberal	Moderate	Conservative
Ideological Self-Identification	(46)	(175)	(110)
Liberal	54%	21%	20%
Moderate	33	55	42*
Conservative	13	24	48

* $p \leq .01$

Respondents in each of the three Attitude-on-Crime Index categories are grouped in Table 6 by the opinions they hold with respect to Dirrell Meddock's and Norman Whitehorn's guilt and with respect to their assertion that they would be unable to serve as impartial jurors in each of these cases. Three of the four relationships between dependent and independent variables achieve statistical significance at or beyond the .05 level. With respect to the first dependent variable, the evidence is clear. The more "conservative" the respondent's general attitude, the more likely he/she is to have concluded that the defendant is guilty. Thus, for example, moderates were twice as likely as liberals, and conservatives twice as likely as moderates to have prejudged the guilt of Whitehorn. The same sort of relationship emerges with respect to the *Meddock* case when we turn to the second dependent variable, the respondent's belief that he/she could not be an

Table 6. The Attitude on Crime-Prejudgment Relationship

	Respondents Believing the Accused to be Guilty		Respondents Believing Themselves Unable to be Impartial Jurors	
	Meddock Case	*Whitehorn* Case	*Meddock* Case	*Whitehorn* Case
Attitude on Crime Index				
Liberal (48)	13%	8%	19%	27%
Moderate (181)	22%	18%	21%	23%
Conservative (117)	40% *	35% *	35% *	27%

* $p \leq .01$

NOTE: Zero-order correlations between the uncollapsed Attitude-on-Crime Index scores and the two dependent variables in the *Meddock* case are 0.178 ($p \leq .01$) and 0.114 ($p \leq .05$). In the *Whitehorn* case they are 0.236 ($p \leq .01$) and 0.038 ($p > .10$).

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impartial juror. However, the relationship is neither strong nor consistent when we turn to the *Whitehorn* case, although conservatives are somewhat more likely than the remaining respondents to believe themselves incapable of being impartial.

Despite the latter caveat, the evidence does support the contention that general attitude toward crime and punishment is related to propensity to prejudge guilt (Jurow, 1971; Bronson, 1970; Boehm, 1968). The strength of this relationship compared to that between knowledge and prejudgment will be considered in Section VII below. First, we turn to another set of respondent characteristics which, like general attitude but unlike knowledge of case, are not place-specific but which could be significantly related to prejudging opinions.

VI. SOCIAL BACKGROUND

A limited number of demographic or social background items were included in the present interview schedules—items involving the respondent's age, marital status, and education. Additional background information was available without requiring the inclusion of specific questions in the survey—information involving the respondent's gender, general place of residence within Yolo County, and whether he/she had a Spanish surname.

We are thus permitted to address this question: are certain kinds of respondents, socially defined, more likely than others to display a propensity to prejudge the guilt of our three defendants? The first three columns of Table 7 indicate the percent of respondents in each social grouping who believe each defendant to be guilty. The second three columns present the same array of social groupings in relation to our second dependent variable, the claim of the respondent that he/she could not be an impartial juror in the case at issue.

While our central concern is to discern relationships between independent and dependent variables with substantial strength across the three cases, notable group differences lacking such generality may help illuminate the bases of juror prejudgment in particular cases. The present social background data suggest the sort of impact on prejudgment of geographic considerations under certain circumstances. Place of residence proves to be significantly related to both dependent variables in the *Meddock* case, and only in the *Meddock* case. For example, three times as many Woodland residents as other county residents believed Meddock to be guilty of the dental hygienist murder. Indeed, the percentage

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Table 7. Social Background and Prejudgment

	Ns		Respondents Believing the Accused to be Guilty			Respondents Believing Themselves Unable to be Impartial Jurors		
	a	b	*Rodriguez* Case	*Meddock* Case	*Whitehorn* Case	*Rodriguez* Case	*Meddock* Case	*Whitehorn* Case
Sex								
Male	(183)	(172)	45%	24%	17%	24%	21%	18%
Female	(140)	(197)	51%	27%	25% ***	39% *	28%	30% **
Marital Status								
Married	(236)	(269)	48%	29%	22%	32%	26%	26%
Unmarried	(85)	(91)	49%	19% ***	22%	28%	21%	23%
Age								
Under 30	(75)	(103)	55%	21%	23%	32%	24%	26%
30-49	(131)	(159)	50%	29%	17% ***	28%	22%	23%
50 or over	(115)	(99)	43%	26%	28%	33%	28%	26%
Education								
Not a college graduate	(195)	(224)	47%	30%	25%	38%	28%	29%
College graduate	(127)	(139)	50%	19% **	17% **	20% *	19% ***	19% ***
Spanish Surname								
Yes	(20)	(29)	35%	21%	24%	45%	17%	21%
No	(300)	(340)	49%	27%	22%	30%	25%	25%
Residence								
City of Woodland	(91)	(121)	46%	48%	25%	37%	37%	22%
City of Davis	(153)	(159)	53%	17%	18%	27%	20%	21%
West Sacramento area	(54)	(71)	39%	13% *	25%	28%	14% *	35%
Rural area	(24)	(18)	42%	11%	17%	33%	28%	28%

* $p \leq .01$ ** $p \leq .05$ *** $p \leq .10$

**** a = May 1979 Survey concerning the Rodriguez case.
b = Oct 1979 Survey concerning the Meddock and Whitehorn cases.

of Woodland residents holding prejudging opinions regarding this case is greater than the percentage of persons holding such opinions in any other social grouping identified in Table 7. If Woodland residents alone (one-third of the October sample) entered our calculations, prejudgment as measured by our two dependent variables would approximate the levels reached countywide in the *Rodriguez* case where, as we have seen, levels of prejudgment were twice those found in both the *Meddock* and *Whitehorn* cases. Why would respondents from this community of 30,000 be so prone to prejudgment in the *Meddock* case? This was the only case whose essential ingredients were localized in character. The abduction leading to the murder of Anna Probst occurred in Woodland; Meddock is a Woodland resident; and Ms. Probst was a member of a socially prominent Woodland family.[16]

The way in which case-specific characteristics may impact on patterns of prejudgment is also illustrated by turning to the social background-prejudgment relationship in the *Rodriguez* case. Respondents with a Spanish surname (seven percent of the May sample) were substantially less likely to believe Rodriguez guilty than other county residents, and were less likely to take such a position than the members of any other social grouping identified in Table 7. At the same time, Spanish surname respondents were the group most likely to feel unable to serve as impartial jurors at Rodriguez's trial, with a 15-percent difference between Spanish surname and non-Spanish surname respondents on the question of Rodriguez's guilt being matched by the differences between these two groups on the question involving ability to serve as an impartial juror. Spanish surname respondents were the only group where the relationship between the two dependent variables found to exist overall was reversed. Perceived partiality in their case may have been a consequence of their tendency, relative to others, to assert that Rodriguez was actually not guilty of committing the murders of the two highway patrolmen. A total of nine of the October respondents made such an assertion, including one-quarter of those with a Spanish surname and

[16] These data tend to support the requirement that the court examine the unique features of the crime with which the defendant is charged when a venue change motion is made. The California Supreme Court has identified a number of questions to be considered by the trial court in making its determination. Was the victim of the crime a "prominent local citizen" ? Was the defendant a "stranger" in the community? Was the "size and nature of the community" such that prejudice was unlikely to dissipate over time? Was the crime "shocking" or "sensational"? Has there been widespread prejudice against the defendant because of his/her membership in an unpopular class or social grouping? See *Frazier* v. *Superior Court* (1971).

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only one percent of those without a Spanish surname. It would be difficult to escape the conclusion that the simultaneous failure of an exceptionally large proportion of Spanish surname respondents to conclude that Rodriguez was guilty and to believe they could serve as impartial jurors was related to the fact that the defendant had such a surname.

If the place factor seems to have affected the response pattern in the *Meddock* case and the background of the defendant seems to have affected that pattern in the *Rodriguez* case, the nature of the crime may have affected responses in the *Whitehorn* case. As Table 7 indicates, prejudgment in the latter case is gender-related—the only case where male-female differences on both dependent variables achieve statistical significance. The *Whitehorn* case is the only one involving rape, a child victim, and intrafamily violence; and we can merely speculate that these factors may have contributed to the greater tendency of female respondents to believe Whitehorn guilty and to believe themselves incapable of serving as impartial jurors (Davis *et al.*, 1977; Rumsey and Rumsey, 1977).

The gender variable—unlike place of residence and ethnic origin (Spanish surname)—has special importance for the present analysis, because it is related to both dependent variables in a consistent way in all three cases. The male-female difference achieves statistical significance in three of the six comparisons. The conclusion to be drawn from Table 7 is unmistakable and inconsistent with conventional findings on the subject: women are more likely to prejudge than men in that they are more likely to believe each of the three defendants to be guilty and to believe that they could not be impartial jurors at their trials.[17] None of the other social background variables achieves so consistent a pattern. The female prejudging propensity is particularly interesting because the relationship between gender and attitude-on-crime (not shown in tabular form) is counterindicative. That is, women are more likely than men to hold the liberal beliefs in this issue domain which have been shown to be negatively related to prejudgment.

Only one other social background variable considered in Table 7—education level—is strongly related to prejudgment.

[17] One review of the relevant literature concludes: "Virtually all studies of juror behavior in criminal cases have found that women are more lenient toward the accused. . . . The data on differences in verdicts rendered by women and men are in most cases so small, however, that they cannot be considered statistically significant" (Van Dyke, 1977b: 41-42).

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College graduates are less likely to hold prejudging opinions than the remaining respondents—again inconsistent with much previous literature—and the difference between the groups proves statistically significant in each of the five comparisons where the pattern emerges.[18] Education level is unrelated to belief in Rodriguez's guilt, but it is inversely related to belief in the guilt of both Meddock and Whitehorn, and the better-educated also indicate a greater capacity to serve as impartial jurors at their trials as well as at the Rodriguez trial.

Two of the six social background characteristics about which we have information, then, prove to have had a strong, overall relationship to the dependent variables.[19] Gender and education must be included in the equation of factors leading to prejudgment. The relative weight to be given these characteristics and to attitude-on-crime and information-on-case in such an equation is the matter to which we now turn.

VII. PREDICTING PREJUDGMENT

Having demonstrated the relationship between prejudgment, on the one hand, and knowledge about the specific case, attitude on crime, gender, and educational level, on the other, we turn now to determining which of these latter variables best predicts and how well they cumulatively predict such prejudgment. Discriminant function analysis is the statistical technique selected for this purpose. This technique is particularly appropriate, since each of our four dependent variables—questions regarding the perceived guilt of Meddock and Whitehorn and questions regarding the respondent's belief

[18] Persons of relatively high socioeconomic status, including those with high educational achievement, have usually been found to be more likely than others to render guilty verdicts, at least where the defendant is of low socioeconomic status—as in the three cases under consideration here (Reed, 1965; Adler, 1973). Stephan's (1975) review of the literature leads her to believe that "higher-status jurors may be more punitive than low-status jurors." Van Dyke observes that prosecutors prefer middle-class jurors "on the assumption that this type of juror identifies with the government rather than the defendant and will thus be more likely to convict" (1977b: 152). Such an assumption helped lead defense lawyers at the 1974 John Mitchell-Maurice Stans conspiracy trial to use their twenty peremptory challenges to excuse college-educated panel members (Zeisel and Diamond, 1976).

[19] The lack of association between some of the social background measures and prejudgment may be as notable as instances where such association obtains. For example, in *United States* v. *Butera* (1970), the court agreed that young adults are a cognizable group for the purpose of a defendant's case for discrimination in jury pool composition since they have a "different outlook" and a "different sense of justice" than older people. The present data do not support such a contention.

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that he/she cannot be an impartial juror in these two cases[20]—is dichotomous in character. These relationships are estimated by forming linear combinations of the independent variables which are used to distinguish between those respondents who have the attribute measured by the given dependent variable and those respondents not having the attribute (Aldrich and Cnudde, 1975).

It might be noted that the results of a discriminant function analysis can be interpreted in much the same manner as those of multiple regression. In fact, it has been shown that the weights applied to the independent variables (discriminant function coefficients) are a mathematical function of the regression coefficients which would be obtained if a multiple regression were calculated on the same data.[21] Consequently, when the discriminant function coefficients are standardized, they can be compared in order to determine their relative strength in distinguishing between the two groups formed by the dependent variable, i.e., prejudgers and non-prejudgers.

Since the discriminant function can be used to predict the response category of the dependent variable for each respondent, and since the actual response category is known from direct observation, we are able to calculate the proportion of the cases which can be correctly classified on the basis of the discriminant function. This procedure will give us a sense of how well our discriminant function is able to perform the overall task of distinguishing between the groups formed by our dependent variable. By calculating the proportion of cases we would expect to classify correctly by chance and comparing our results to this estimate, we can determine how much proportional-reduction-of-error our discriminant function is able to accomplish.[22]

The first step in the analysis is to evaluate the potential for interpretation problems which would result if there were

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[20] We are limited to the two cases from the October survey since the questions regarding the respondents' general attitudes on crime were not asked in the May survey.

[21] The discriminant coefficient is a mathematical function of the regression coefficient given by the formula:

$$d_i = \frac{N}{N_1 N_2} b_{ii}$$

where d_i is the discriminant coefficient, N is the total number of cases, N_1 is the number of cases in the first group, N_2 is the number of cases in the second group, and b_i is the regression coefficient. For a detailed explanation, see Kort, 1973.

[22] For the proportional chance criterion, see Morrison, 1969. The calculation of proportional reduction of error is discussed in Costner, 1965.

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serious multicollinearity among the independent variables. The zero-order correlations between all pairs of the independent variables indicate little relationship. Of the nine correlations of interest, only one exceeds the .20 level (*Meddock* Case Information Index and Attitude-on-Crime Index at .26), and the average is only .11. However, in the case where there are more than two independent variables, multicollinearity can be the result of various combinations which will not be revealed in the zero-order correlations (Johnston, 1972: 163). To check for this possibility we examined the second-order partial correlations (i.e., the unique pair-wise correlations while controlling for the other two independent variables). They also indicated little association among the variables. In fact, the magnitude of these correlations very closely paralleled their respective zero-order counterparts. In addition, we also calculated a coefficient of multiple determination, R^2, between each independent variable and the remaining independent variables. In no case was R^2 higher than .10, and in general the variables displayed little association.

The discriminant analysis of the data was performed using a direct approach (i.e., all of the independent variables were entered into the analysis at the same time for each of the dependent variables), with the results presented in Table 8. It is clear that Information Index score is the most important discriminating variable in each of the analyses. In fact, with the question of Meddock's guilt as the dependent variable, it is ten times more important than any of the other three independent variables and four times as important as the other three combined. The Attitude-on-Crime Index is only an important discriminator with the question of Whitehorn's guilt as the dependent variable. This may be linked in some way to the specific nature of the crime (the rape of a child). General attitude on crime seems to play relatively little role in determining a respondent's belief about his or her ability to be an impartial juror. As noted above, gender is more closely linked to the rape case than to the murder case. This is supported by the discriminant function coefficients where the weight of the gender variable is higher with respect to the question of Whitehorn's guilt than to the question of Meddock's guilt. Gender is also related to the respondent's perception of his or her ability to be an impartial juror. Therefore, gender weighs most heavily when the dependent variable is the question of impartiality in the *Whitehorn* case. Education is

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Table 8. Discriminant Function Analyses

Dependent Variables	Standardized Discriminant Coefficients of Independent Variables		Classification Results	
Belief in Meddock's Guilt	*Meddock* Case Information Index	.98	Correctly Classified	83.8%
	Attitude on Crime Index	.09	Proportional Reduction in Error	58.9%
	Sex	.09		
	Education	.04		
Belief in Whitehorn's Guilt	*Whitehorn* Case Information Index	.91	Correctly Classified	81.7%
	Attitude on Crime Index	.41	Proportional Reduction in Error	47.9%
	Sex	.26		
	Education	.02		
Belief in Inability to be Impartial Juror: *Meddock* Case	*Meddock* Case Information Index	.95	Correctly Classified	78.3%
	Attitude on Crime Index	.12	Proportional Reduction in Error	43.3%
	Sex	.23		
	Education	.04		
Belief in Inability to be Impartial Juror: *Whitehorn* Case	*Whitehorn* Case Information Index	.80	Correctly Classified	75.7%
	Attitude on Crime Index	.05	Proportional Reduction in Error	41.0%
	Sex	.55		
	Education	.23		

relatively unimportant except in the instance where the perceived ability to serve as an impartial juror in the *Whitehorn* case serves as the dependent variable. Here, its strength may be a function of its relationship (even though small) to gender.

In summary, we must stress that for both cases and for each dependent variable it is the Information Index score which is most important in discriminating between those who have prejudged the case and those who have not. While other variables would be necessary to fully predict prejudgment (our discriminant functions were able to classify correctly a high of 84 percent and low of 76 percent with a proportional-reduction-in-error ranging from 41 percent to 59 percent), it is hard to imagine any variable which would have so strong an impact on prejudgment as one's knowledge about the specific case involved.

VIII. SUMMARY

Predicting juror partiality is an inevitable interest of those intimately involved in jury trials. Courtroom adversaries make such predictions as they seek to protect and promote the interests of those they represent. For the court, the hovering presence of the Sixth Amendment dictates determining the potential for or presence of partial juror problems so as to decide if preventive or remedial steps need to be taken, steps entailing costs in time and money and occasional clashes with First Amendment values no less sacred than those embraced by our fair trial commitments. With the decision-making consequences so great, it is fortunate that methods of data generation and interpretation are now available which permit the systematic exploration of the roots of juror partiality and the testing of assumptions, intuitions, and reasonable guesses based on past experience which have been the traditional predictive tools in this area.

The present study puts one such method to the task. It is based upon surveys made of two systematically drawn samples of the jury roster in a single county in California and conducted in May and October, 1979. These surveys focus upon respondent prejudgment regarding three criminal trials due to be held there—one of which was subsequently moved to another county—and the correlates and causes of such prejudgment. Respondents indicating partiality in a given case—by believing the defendant to be guilty or by believing themselves incapable of serving as impartial jurors—are

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compared to those evincing no such partiality in terms of three sets of variables putatively associated with such partiality.

The three cases evoke substantially different levels of prejudgment among the jury roster members. The proportion of respondents in the May, 1979, survey believing Luis Rodriguez to have committed the murders with which he was charged was approximately twice the proportion of the October, 1979, respondents believing Norman Whitehorn or Dirrell Meddock to be guilty of the crimes they allegedly committed. The fact that this intercase difference in level of prejudgment is paralleled by a difference in the level of recognition accorded the crimes associated with the three cases only anticipates the much more powerfully demonstrated association between pretrial information and propensity to prejudge a defendant. A strong statistical relationship exists for each of the three cases between, on the one hand, respondent scores on an Information Index devised for that case and, on the other hand, both dependent variables—particularly the measure of prejudging propensity involving belief in the defendant's guilt.

In addition, there is a strong connection between a respondent's level of information about a specific case—as measured by the Information Indices—and media usage. Those attentive to both newspapers and television news proved more highly informed about the cases than did single media attenders, and they, in turn, were more highly informed than were those who attended to neither medium. Newspaper readers who read a local newspaper tended to be better informed about the three cases than those who did not. Thus, the present data do suggest a linkage between prejudgment and pretrial information and the publicity upon which that information is inevitably based.

However, propensity to prejudge is related to variables other than level of information about the specific crime. General attitudes toward crime and punishment issues were probed in the second of our present surveys through the use of an Attitude-on-Crime Index. Respondents holding "conservative" attitudes in this domain proved to be more likely than "liberal" respondents to hold prejudging opinions regarding the *Meddock* and *Whitehorn* cases, particularly as measured by the first dependent variable.

The third set of independent variables considered here involves the respondent's social background or demographic characteristics, where strong relationships to prejudgment are

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again found to exist. Some of these relationships are case-specific, with the present evidence suggesting that the distinctive features of a given crime (e.g., involving the defendant's background, the character of the crime, or its locus) bear on the distribution of prejudging opinions among socially defined groups.

Two social background variables are associated with the propensity to prejudge across all three cases. While the relationship between gender and the dependent variables was strongest in the rape case, women were also more likely to evince such a propensity in the other cases as well. Additionally, respondent education displayed a clear relationship to the dependent variables in all three cases, with college graduates less likely to hold prejudging opinions than other potential jurors.

The finding that each set of independent variables—information on the case at issue, general attitude toward crime and punishment issues, and social background—is associated with prejudgment leads naturally to the question of their relative contribution to such prejudgment. The bivariate relationship shown between pretrial information and prejudgment speaks to the reservations expressed, for example, by California Attorney General Deukmejian (*supra*, page 10). However, the present data provide a substantially more compelling means of resolving those doubts. Since the propensity to prejudge is associated with variables in addition to pretrial information, the prejudgment-information relationship may be spurious. If so, venue changes and pretrial gag orders are of questionable value, particularly given their social and other costs, since the central cause of juror partiality might not be pretrial information, against whose presumed effects these measures are designed to protect, but factors not place-specific and largely unaffected by publicity.

Discriminant function analysis has been used to assess the relative strength of each of the variables which had been shown to be associated with prejudgment. The discriminant functions were able to provide 40 to 60 percent improvement over chance in distinguishing between prejudgers and nonprejudgers among the October respondents, with the first survey being inappropriate for such analysis since it did not include the items comprising the Attitude-on-Crime Index. For both cases considered and for both dependent variables, the Information Index accounted for by far the largest part of the variation in prejudgment.

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No attempt is made here to determine how much pretrial information is too much, the extent to which the prejudgment it generates may lead ineluctably to eventual trial verdicts, or in which of the many ways available to them the courts should protect against its effects. However, the evidence here is clear. While other factors may be associated with a potential juror's propensity to prejudge, pretrial information is easily the most serious cause.

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