

Race and Criminal History as Determinants of Sympathy toward Exonerated Persons

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## Abstract

Research has shown that people choose to believe information in spite of it being proved inaccurate and that inadmissible evidence in criminal trials has a harsher effect on Black defendants than White defendants. Similarly, it has been found that White men with criminal records have more employment opportunities than Black men without criminal records. This study is a 2x2 (Race: Black or White x Criminal History: Criminal History and No Criminal History) between-subject design which sought to expand on research already conducted by exploring the interaction between race and criminal history on sympathy felt toward exonerated persons. The participants were undergraduate students ranging in age from 18-22 and randomly assigned to conditions. I hypothesized that participants placed in the group where the exoneree was Black with a criminal history would have the least amount of sympathy, while those in the group where the exoneree was White without a criminal history would have the greatest amount of sympathy. Furthermore, I hypothesized that both White conditions would have higher sympathy levels than both Black conditions. One of the significant findings showed that a criminal record led to lower scores of moral outrage as well as the defendant being seen as more to blame for the wrongful conviction and more likely to commit a crime in the future. Overall, the results highlighted the impacts of race and criminal history on levels of sympathy as well as the need for more research to be done on the subject.

### Race and Criminal History as Determinant of Sympathy toward Exonerated Persons

In 1967 Rubin “Hurricane” Carter was convicted of murder and sentenced to two consecutive and one concurrent life sentences. John Artis, who was convicted alongside Carter, was sentenced to three concurrent life sentences. I sat with these two men in Carter’s office as they recounted the story of their conviction and exoneration, as well as the lasting friendship that has developed since and it was clear how both their race and prior criminal history played a role in their wrongful conviction. The racial climate in America coupled with Carter’s criminal background allowed for both men to be convicted and spend twenty-one (Carter) and seventeen (Artis) years in prison without any initial eyewitnesses, little physical evidence, and the testimony of two men who acted as paid informants for the police. Despite the blatant injustice and misconduct evident in this case, it was not the only one of its kind and it surely wasn’t the last.

There is no argument that there are flaws within the criminal justice system. Among the many flaws is the issue of wrongful incarceration. While this is not a new issue, current advances in DNA technology makes it one that cannot be ignored. Since the founding of the Innocence Project, an organization dedicated to the exoneration of wrongfully convicted people using DNA, in 1992 there have been 289 exonerations (Innocence Project, 2012). Exonerations occur when new evidence reveals the innocence of someone who was previously convicted of a crime. It is also important to note that there are many other cases of wrongful conviction that go unchallenged because of a lack of DNA evidence.

My research explored whether the race and criminal history of an exoneree affect the sympathy that is felt towards them. This is an area of research which has not been explored within psychological literature. However, it is one that is of great importance because how the

members of society view exonerated people dictates how they will be treated. This extends to job opportunities, housing options, as well as legislation put in place on their behalf. Furthermore, this line of study is important because of the overrepresentation of Blacks both in the Innocence Project and in the criminal justice system as a whole. More than 60% of the Innocent Project's cases involve Black defendants (Innocence Project, 2012). Even more, an analysis of current trends in the criminal justice system indicates that one in three Black men can expect to be incarcerated at some point in his lifetime (Mauer & King, 2007). This speaks to the research by Eberhardt, Goff, Purdie, and Davies (2004) which revealed the bidirectional association of Blacks and crime. This biased association serves as an explanation to the racial disparities evident in our criminal justice system.

The current popularity of wrongful convictions in literature also points to the importance of this research. There have been several books and studies describing the realities and shortcomings of the criminal justice system related to wrongful incarcerations, its causes and consequences (Thompson-Cannino, Cotton & Torneo, 2009; Grisham, 2006; Cutler, B. L., 2012; Garrett, 2011; and Dwyer, Neufeld & Scheck, 2003; Westervelt & Humphrey, 2001). There are several factors that are responsible for wrongful convictions, among them are prosecutorial misconduct, jailhouse snitches and—most often—eyewitness misidentification (Dwyer, et al., 2003). However, simply identifying the issues that lead to wrongful convictions does not specifically address the factors that can potentially influence how the defendants are perceived after their release. It was this aspect of wrongful convictions that my research addressed.

Lastly, as previously mentioned, society's view of exonerated people directly affects the policies that are implemented on their behalf. An example of this can be seen in the Clean Hands

Provisions within Florida's compensation law. This provision states that an exoneree who has a criminal record before their wrongful conviction is ineligible for state compensation. This law is indicative of a lack of sympathy for those who have a criminal record, implying that they are at least partly to blame for their wrongful conviction.

This lack of sympathy occurs on an individual level as well. For example, when DNA evidence proved that someone other than Danny Brown was guilty, the prosecutor in the case refused to accept this and instead stated "I don't think little kids lie" (Feehan, 2010). Although Brown has been exonerated he is still seen as a suspect by the District Attorney because of the testimony of a six-year old, preventing his name from fully being cleared. However, there have been several psychological research studies showing that children make less than ideal witnesses due to the fact that they are highly suggestible (Bottoms & Davis, 1997; Ceci & Huffman, 1997; Pozzulo & Lindsay, 1998). Similarly, in the case of Charles Fain, prosecutor Richard Harris stated that in spite of exonerating information "it doesn't really change [his] opinion that Fain is guilty (Bonner, 2001). Finally, upon George Rodriguez's exoneration District Attorney Chuck Rosenthal refused to accept his innocence making it so that Rodriguez could not be pardoned, preventing him from receiving state compensation (Falkenberg, 2011). These examples reveal the crucial effects that public perception can have for exonerated people upon their release.

The lack of psychological research, the overrepresentation of Blacks in the criminal justice system, the research that has shown that race and criminal history affects Whites and Black differently, as well as the research and actual examples of how some exonerated people are perceived are all factors which point to both the importance of and rationale behind conducting this research which asked the question: Does the race and criminal history of an exonerated person affect sympathy felt towards him?

While there has not been psychological work that has directly addressed how the race and criminal record of exonerees impact the degree of sympathy that is felt towards them, there is research that has informed my own hypotheses on a broader level. Anderson, Lepper, and Ross (1980) found that even when people are told that previous information is accurate they still choose to believe it. This is relevant to my research question because in instances of exonerated cases the evidence that led to the conviction is oftentimes found to be inaccurate. Similarly, there has been research to show judges' instruction to the jury that information heard during a trial is inadmissible does not negate the prejudicial effects of that information (Greene & Dodge 1995; Johnson, Whitestone, Jackson & Gatto, 1995; Kassin & Sommers, 1997; Wissler & Saks, 1985). These results show that not all jurors disregard information when instructed to and that there are other factors such as race and previous criminal history that make it even more likely that they will not disregard the information. Together these show how one might hold on to information in the face of evidence to the contrary even when being instructed not to. It also addresses how the race and prior criminal history of the defendant might play a role in that (Greene & Dodge 1995; Johnson, Whitestone, Jackson, & Gatto, 1995; Wissler & Saks, 1985).

Johnson, Whitestone, Jackson, and Gatto (1995) found that inadmissible evidence in criminal trials has a harsher effect on Black defendants than White defendants. The study was a 2(Information Admissibility: Admissible, Inadmissible, Control) x 2(Defendant's Race: Black, White) design. Their results showed that the race of the defendant had no significant effects on the verdict scores given by participants in the control condition and the *admissible information* condition (Johnson, et al., 1995). However, as stated before, race had a significant effect for participants in the *Black* and *inadmissible information* condition in that they had higher verdict scores than participants in the *White* and *admissible information* condition. The verdict scores

were on a 9-point scale (*1 = definitely innocent, 9 = definitely guilty*). These results highlight the ways in which racial biases prevent people from letting go of information that has been deemed inadmissible. In the case of exonerees all the evidence that led to their conviction is, in a sense, deemed “inadmissible” in light of their exoneration.

Additionally, research conducted by Green and Dodge (1995) revealed that defendants are more likely to be convicted of a crime if they have a criminal history. This shows a decrease in sympathy for those with a criminal history. This decrease in sympathy that accompanies a criminal history is also made evident in the sociological research done by Pager (2004). However, her research goes beyond Green and Dodge’s (1995) in that it included findings on both criminal history and race. In her research she had two Black men and two White men apply for job positions. Within each pair one had criminal record and the other did not; this was rotated every week. Her findings revealed that White men with criminal records had more employment opportunities than Black men without criminal records (Pager, 2004). It also shows an important, though troubling interaction: the presence of a criminal history has more of an impact for Blacks than Whites. This illustrates how Blacks are stigmatized for both their race as well as the presence of a criminal record leading to a lack of sympathy which, in this case, manifested itself in the refusal of employment opportunities. Pager’s (2004) findings coupled with Anderson et al.’s (1980) allows us to assume that in at least in some cases the same prejudice will be evident for Black exonerees. Participants in my study may show more sympathy for white exonerees with a criminal record than for Black exonerees without one.

Research done directly on exonerations and wrongful conviction, while limited include data gathered by the Angus Reid Groups (1995). The polls taken showed that 65% of respondents believed that the government should increase its efforts to deal with people who



claim they have been wrongly convicted. They also found that 90% of respondents believed that it was the government's responsibility to compensate individuals who had been wrongfully convicted. While important, these questions only focused on the role of the government in wrongful conviction rather than on attitudes toward wrongfully convicted persons. This is exactly what my research sought to expand on.

In addition there has also been some empirical research done on wrongful convictions. McWade, Leach, and Clow (2009) found that participants who were partnered with people who they believed to be convicted or wrongfully convicted of a crime perceived them more negatively than did participants who were partnered with people who they believed to have no criminal record. Similarly, Newman, Takarangi and Garry (2009) found that participants were more comfortable with the wrongful conviction rate when innocents had a serious criminal history, and least comfortable when innocents had no criminal history. Both of these studies highlight the role that prior criminal history has on the perceptions of exonerated people.

My study adds to the limited psychological research that has been done on wrongful convictions as well as shed light on how certain factors, such as race and past criminal history, play a role in how exonerees are viewed in society. Specifically I looked at whether or not the race and criminal history of an exonerated person affected the levels of sympathy felt towards them. For the purposes of my research sympathy was measured in several different ways. Moral outrage was used through Montada et al.'s (1986) moral outrage scale. Sympathy was also based on whether participants thought the defendant was guilty or somehow to blame for his conviction, as well as whether they believed he was deserving of compensation or likely to commit a crime in the future. Based on previous research (Anderson, et al., 1980; Greene & Dodge, 1995; Johnson, et al., 1995; Pager, 2004; Angus Reid Group, 1995; McWade et al., 2009 and Newman,

et al., 2009) I hypothesized that there would be a main effect of race where participants in the *Black* conditions would report lower levels of sympathy than participants in the *White* conditions. Furthermore, I hypothesized there would be a main effect of criminal history where participants in the *no criminal history* conditions would report higher levels of sympathy than participants in the *criminal history* condition. Lastly, I hypothesized that there would be an interaction between race and criminal history where participants in the *Black* and *criminal history* condition would report the least amount of sympathy, while those in the *White* and *no criminal history* condition would report the greatest amount of sympathy.

## **Method**

### **Participants and Design**

One hundred and twenty undergraduates (76 females, 44 males) at Tufts University participated in this experiment in return for partial credit toward a class requirement. I used a 2 (Defendant Race: Black vs. White) x 2 (Past Criminal History: Yes or No) between-subject design. There was also a within-subject component regarding a question asked of about perceived guilt in questionnaires completed after the first and second prompt. The responses given by the five Black participants were excluded from analyses in order to prevent skewing of the results.

### **Materials**

*Race of Defendant.* Race was manipulated with the usage of photographs. Both passages given to participants contained, in the top left-hand corner, a picture of a Black or White man depending on the condition. A separate online survey was conducted to ensure that there were no significant differences between the men in the photographs.

*Criminal History.* Participants were presented with two different passages, both concerning the same crime. The first passage detailed the events of a crime and the subsequent conviction. Participants in the *no criminal history* condition read that the crime involved a woman who was sexually assaulted and later identified the defendant while shopping in a grocery store. The defendant was arrested and his blood samples were determined to be consistent with the samples found at the scene. His alibi was unsubstantiated and a police search of his home revealed clothes that matched the victim's description. Participants also read that defendant did not have a criminal record. And finally, that he was found guilty and sentenced to 30 years in prison.

Participants in *the criminal history* condition read a very similar passage. However, instead of mentioning that Simmons had no criminal history, a new statement read that "A police investigation also revealed that John Simmons had been arrested five year earlier, on charges of domestic abuse brought against him by his girlfriend at the time."

The second passage given to the participants introduced new information about the case. Participants in both conditions read that the defendant was proven innocent due to advances in DNA technology that showed that the blood at the scene did not belong to the defendant but the victim and that the loss of evidence led to his exoneration 18 years after his conviction.

## **Procedure**

After reading and signing the consent form, participants were given a sheet of paper detailing the events of a crime and subsequent conviction. Depending on the condition, which was randomly assigned, participants read about either a Black or White man who had a criminal history prior to the conviction or did not. Once participants informed the experimenter that they were done they completed the first questionnaire on the computer. Following this they were given a sheet a paper with a map of the United States of America and were told that they would

have five minutes to fill it in with all fifty states. In actual cases there is a significant period of time between the conviction and exoneration, allowing beliefs based on the outcome of the case to form. As a result, this distraction was done in order to allow time to pass from reading the first prompt and second prompt, which included new and contradictory information. After five minutes the participants were told that time was up and were given another prompt detailing the exoneration of the defendant mentioned in the previous prompt. After reading this they were instructed to complete another questionnaire that also took place on the computer. This included all three remaining question sets.

The end of the study included a deceptive measure of sympathy. After telling participants that they had completed the experiment, the experimenter said, *“If you would like to learn more about wrongful convictions and help prevent them, you can sign up to receive information from The Innocence Project, which is a national litigation and public policy organization that works to help people like the one you read about in the passages. Would you like to provide your email address?”* Participants who agreed to this wrote their name and e-mail address on the sign-up sheet that the experimenter handed to them. At this point the experiment was over and the participants were thanked for their time and given debriefing forms that outlines the nature of the study in which they were engaged.

### **Measures**

*Moral Outrage.* Participants completed the moral outrage scale (Montada, 1986). The scale includes 10 items that measure feelings of distress over injustice and inequality (e.g., I feel really angry when I learn about people who are suffering from injustice, I rarely feel burdened by the unfairness of this world; Issues of social justice rarely cross my mind). They rated the 10

questions using a 6-point scale from “that is exactly what I am thinking or feeling” to “that is not at all what I am thinking or feeling” ( $\alpha = .82$ ). Four of the questions were reverse-coded.

Two questionnaires addressed the details discussed in the prompts. The first asked, on a 5-point scale (1 = *disagree completely*, 3 = *neither dis/agree*, 5 = *agree completely*) questions about the content of the crime (i.e., I believe Smith is guilty, I believe the sentence was fair, If the participants did not agree with the sentencing they were asked to choose whether they thought it should be lower or higher).

The second questionnaire addressed the second prompt and was on the same 5-point scale (1 = *disagree completely*, 3 = *neither dis/agree*, 5 = *agree completely*) as the first questionnaire. This questionnaire was intended to look at how sympathetic participants were to the defendant (i.e., I believe Smith is partly to blame for his conviction, I believe Smith deserves compensation). If participants agreed with the last question they were instructed to explain the kind of compensation they thought Smith deserves.

The demographic questions ask for the sex, age, class year, major, and racial and ethnic background of the participants.

## Results

### Moral Outrage

The results of this analysis can be found in Figure 1. Participants in the *no criminal history* condition ( $M = 4.4$ ,  $SD = .442$ ) recorded a higher level of moral outrage than did the participants in the *criminal history* condition ( $M = 4.2$ ,  $SD = .492$ ),  $F(1, 116) = 4.395$ ,  $p = .038$ . There was no significant difference between the levels of moral outrage after being exposed to a Black or White defendant,  $F(1, 116) = .025$ , *ns*. The results showed that there was a significant interaction between criminal history and race,  $F(1, 116) = 3.79$ ,  $p = .05$ . Simple effects tests

showed that participants in the *no criminal history* condition reported slightly higher levels of moral outrage when reading about the Black defendant ( $M = 4.5$ ,  $SD = .49$ ) than when they read about the White defendant ( $M = 4.3$ ,  $SD = .38$ ),  $t(61) = -1.62$ ,  $p = .11$ . Although not significant, participants in the *criminal history* condition reported slightly higher levels of moral outrage when reading about the White defendant ( $M = 4.3$ ,  $SD = .47$ ) than when they read about the Black criminal ( $M = 4.1$ ,  $SD = .51$ ),  $t(55) = 1.17$ ,  $p = .248$ .

### **Perceived Guilt (Prompt II – Prompt I)**

There was no significant difference between levels of perceived guilt between the *no criminal history* and *criminal history* conditions,  $F(1, 116) = .002$ , *ns*. There was no significant difference between the participants' levels of perceived guilt after being exposed to a Black or White defendants,  $F(1, 116) = .025$ , *ns*. The results also showed that there was not a significant interaction between criminal history and race in participants' perception of guilt,  $F(1, 116) = .237$ , *ns*.

### **Blame**

The results of this analysis can be found in Figure 2. Participant in the *criminal history* condition ( $M = 2$ ,  $SD = 1.07$ ) believed that the defendant was more to blame for his conviction than did participants in the *no criminal history* condition ( $M = 1.46$ ,  $SD = .643$ ),  $F(1, 119) = 11.50$ ,  $p = .001$ . The results showed that race did not cause a significant difference between participants' belief that the defendant was to blame for his conviction,  $F(1, 119) = .184$ , *ns*. *Criminal History x Race*—The results showed that there was not a significant interaction between criminal history and race,  $F(1, 119) = .387$ , *ns*.

### **Compensation**

The results showed that criminal history did not lead to a significant difference between participants' belief that the defendant deserved compensation,  $F(1, 116) = 2.8, ns$ . There was no significant difference between the participants' belief that the defendant deserved compensation after being exposed to a Black or White criminal,  $F(1, 116) = .209, ns$ . The results showed that there was not a significant interaction between criminal history and race in participants' belief that the defendant deserved compensation,  $F(1, 116) = .820, ns$ .

### **Future Crime**

The results of this analysis can be found in Figure 3. Participants in the *no criminal history* condition ( $M = 2.11, SD = .9$ ) recorded a lesser likelihood that the defendant would commit a future crime than did participants in the *criminal history* condition. ( $M = 2.91, SD = .99$ ),  $F(1, 116) = 21.9, p \leq .05$ . Participants in the *White defendant* condition ( $M = 2.71, SD = 1.05$ ) recorded a higher likelihood that the defendant would commit a crime in the future than did the participants in the *Black defendant* condition ( $M = 2.26, SD = 1.02$ ),  $F(1, 116) = 7.14, p = .01$ . The results showed that there was not a significant interaction between criminal history and race on the participants' belief that the defendant would commit a crime in the future,  $F(1, 119) = 1.872, ns$ .

### **General Discussion**

The results of this study show that, for certain forms of sympathy, the race of the defendant and the presence of a criminal history does have a significant effect. This was evident for moral outrage, blame, and future crime. The effects of criminal record within these definitions of sympathy were consistent with my hypothesis. Participants who believed that the defendant had a criminal record reported lower scores of moral outrage, thought the defendant was more to blame for his wrongful conviction, and thought that he was more likely to commit a

crime in the future than participants who believed the defendant didn't have a criminal record. These results suggest that the presence of a criminal history negatively affects levels of moral outrage and increases the blame placed on the defendant. These findings are also supported by past research (Angus Reid Group, 1995; Greene & Dodge, 1995; Johnson, et al., 1995; Pager, 2004; McWade et al., 2009. and Newman, et al., 2009).

However, race, when it had significant effects, produced results contrary to my hypotheses. This was evident for moral outrage and future crime. I hypothesized that when participants read about a White defendant there would be higher levels of moral outrage than with a Black defendant because of the past literature and the racial biases that are present in American society. The results, however, showed that there were greater levels of moral outrage for the Black defendant than the White defendant. Similarly, participants believed that there was a greater likelihood of the White defendant committing a crime in the future than the Black defendant. Both these results are inconsistent with my hypothesis as well as some of the research done on the topic (Johnson, et al., 1995; Pager, 2004; Eberhardt et al., 2004). There are several explanations that could be offered for these findings.

Participants may have shown more sympathy for the Black defendant over the White defendant with regard to moral outrage and future crime because of the knowledge of the current racial climate of the country, as well as the specific climate at Tufts University. While running the experiments the case of Troy Davis was the subject of much attention and debate. Davis, a Black man, was convicted in Savannah, GA for the murder of a police officer. Despite the presence of exculpatory evidence he was executed on September 21, 2011. Because of the timing of my study it is possible that this highly publicized and controversial case could have affected the outcome of the results. As a result of this, participants who were knowledgeable of this case



may have been more sympathetic to the Black defendant in the study. The climate at Tufts University is one that promotes the importance of diversity and deplors any expressions of biases. This too could have affected the results given by participants.

It is also important to discuss the lack of significant effects of race and criminal history on perceived guilt or compensation. I hypothesized that participants would have thought the White defendant less guilty and more deserving of compensation than the Black defendants. Furthermore, I hypothesized that presence of the criminal record would be more prejudicial for the Black defendant leading him to receive the least amount of sympathy. Perceived guilt and compensation are very significant factors for exonerated people because it has the most direct effect of how they fare once released from prison. Therefore, the lack of significant finding is very interesting. Again, it could be as a result of the climate on Tufts campus. It could also be the participants attempt to giving socially desirable responses in order to not be viewed as racially biased.

The attempts at not appearing racially biased may have also occurred as a result of the race of the experimenter. As a Black person, it is possible that my race could have influenced participants' responses and possibly could have led them to assume the racial basis of the experiment. Considering that the race of the experiment can affect the results given by participants (Danso & Esses, 2001; Marx & Goff, 2005) it can be reasoned the results of my research were influenced by my race. Participants may have thought that I would see the results and become offended and so they altered their responses to be more desirable.

#### *Limitations and Future Direction*

There were several limitations in this study. As mentioned, the significant coverage surrounding the Troy Davis case may have influenced the results of the participants. In order to

control for this I could have asked participants at the end of the study if they were familiar with the case. Additionally, the influence of the race of the participant could have been limited by using all White experimenters, because as the dominant group their presence is less likely to arouse suspicions that the experiment is about race. Probing for suspicion at the end of the experiment, which was not done, may have highlighted important patterns in the results.

Another limitation of this study was the sample, both the size and the population. There were only 120 participants in total. It can then be assumed that with a larger one there would have been more significant results. In addition, the culture at Tufts, which purports a very pro-diversity mentality, makes it so that the responses may not have been representative of the greater population. Beyond the school specifically, the use of college students in general may have also skewed the results.

In addition, within the sample there was an overrepresentation of women (76 female, 44 males). It is possible that the gender make-up as well as the nature of the crime influenced the responses that females made as compared to males. A sample with a more even gender distribution may have yielded different results. It is also possible that the crime given in the *criminal history* condition for the defendant's prior record, because it was similar to the current crime he was convicted of, may have played a role in the participants' responses. The results of Wissler and Saks (1985) research showed that participants were more likely to find the defendant guilty if they were previously convicted of a crime that was the same as the one they were on trial for. Considering this, future research done on the topic may include conditions with a criminal history that is both similar to and different than the crime for which the defendant is being exonerated. This would help to specify the conditions under which sympathy for exonerated persons is affected.

Another factor to take into account when evaluating the results is the ways in which I set out to define sympathy (moral outrage, perceived guilt, blame, and future crime). It is possible that if I had expanded on the ways that I defined sympathy there would have been more significant results. Additional research on the topic could include statements in a questionnaire such as *I would hire Smith for a job*, or *I think Smith is a violent person*. Statements such as these also address the factors that influence the ways in which exonerated people are treated in society as well the legislation that is passed on their behalf.

### *Conclusion*

It is evident that there is still work that needs to be done in addressing this issue in psychological research. The results of this study show that the racial and criminal background of a defendant affects the levels of sympathy he receives, depending on how it is defined. Therefore, this research, as well as the many others that reveal the racial and other disparities that take place within the legal context, is invaluable because of the real-world implications that they have.

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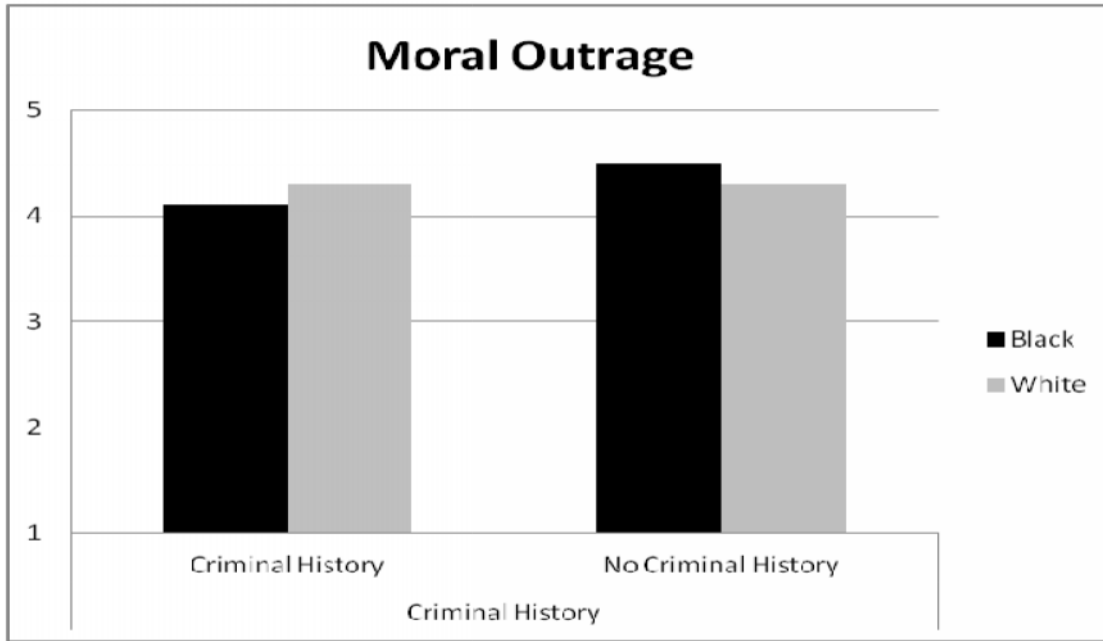


Fig. 1: Participants in the no criminal history condition ( $M = 4.4$ ,  $SD = .442$ ) reported a higher level of moral outrage than participant in the criminal history condition ( $M = 4.2$ ,  $SD = .492$ ),  $F(1, 116) = 4.395$ ,  $p = .038$ . Participants in the no criminal history condition reported slightly higher levels of moral outrage when reading about the Black defendant ( $M = 4.5$ ,  $SD = .49$ ) than when they read about the White defendant ( $M = 4.3$ ,  $SD = .38$ ),  $t(61) = -1.62$ ,  $p = .11$ .

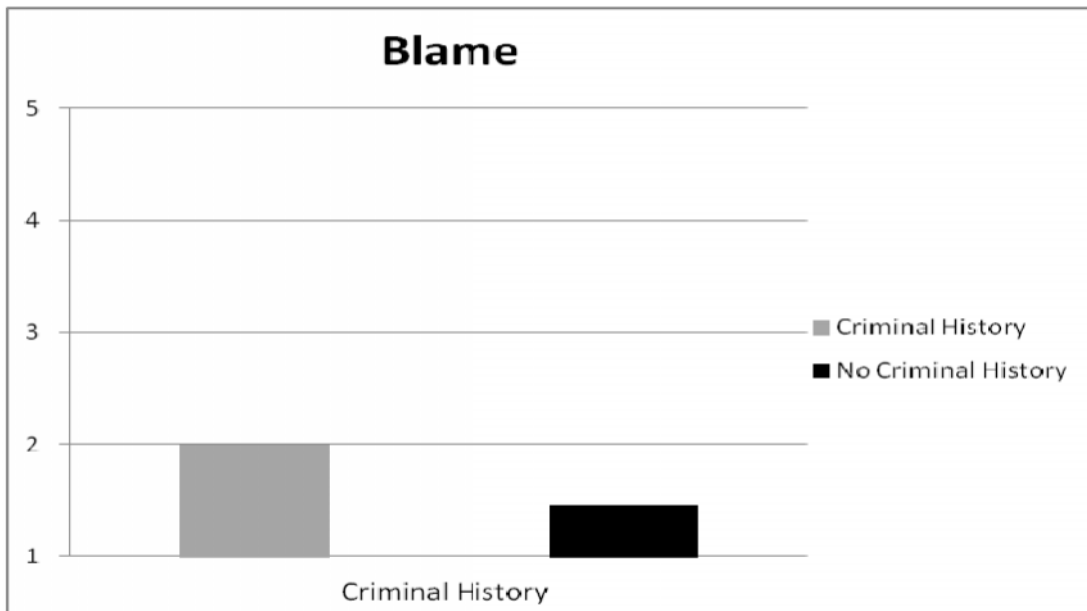


Fig. 2: Participants in the criminal history condition ( $M = 2$ ,  $SD = 1.07$ ) believed that the defendant was more to blame for his conviction than did participants in the no criminal history condition ( $M = 1.46$ ,  $SD = .643$ ),  $F(1, 119) = 11.50$ ,  $p = .001$ .

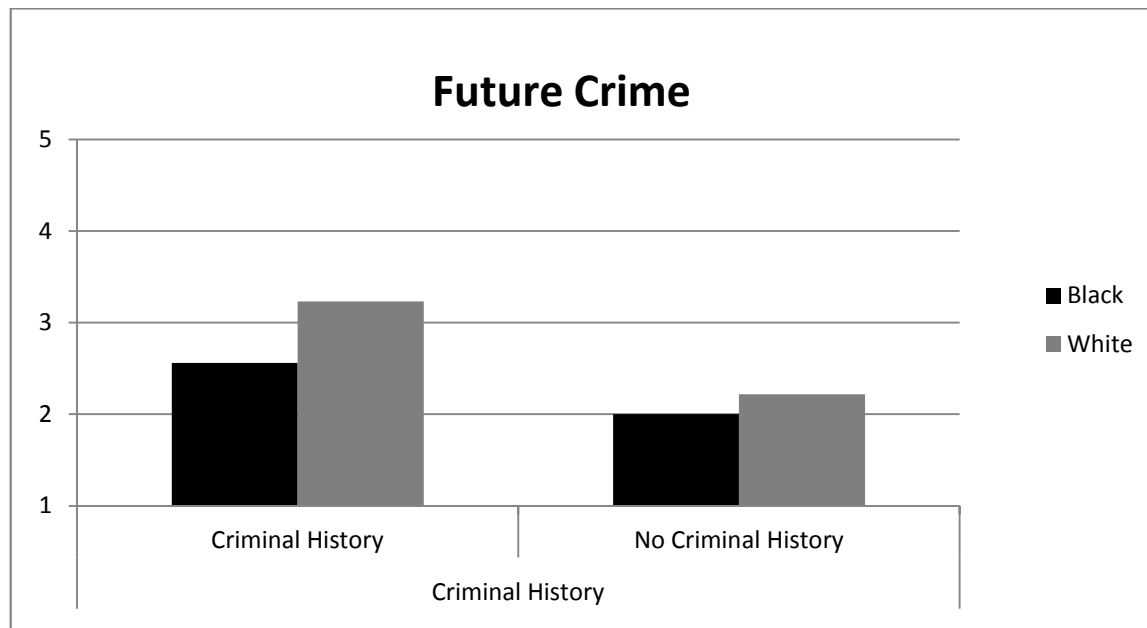


Fig. 3: Participants in the no criminal history condition ( $M = 2.11$ ,  $SD = .9$ ) recorded that there was a lesser likelihood that the defendant would commit a future crime than did the participants in the criminal history condition ( $M = 2.91$ ,  $SD = .99$ ),  $F(1, 116) = 21.9$ ,  $p \leq .00$ . Participants in the White defendant condition ( $M = 2.71$ ,  $SD = 1.05$ ) recorded a higher likelihood that the defendant would commit a crime in the future than did the participants in the Black defendant condition ( $M = 2.26$ ,  $SD = 1.02$ ),  $F(1, 116) = 7.14$ ,  $p = .01$ .

## Appendix A

### INFORMED CONSENT FORM

#### Principal Investigators

Keli Young	Jennifer Schultz	Samuel Sommers, Ph.D.
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*Study Title:* Perseverance of Thought

*Purpose and Duration of the Study:* The purpose of the study is to determine the nature of the relationship between decision-making and the introduction of new information. We expect that it will take no more than 30 minutes of your time.

*Procedures:* You will be asked to read a passage and answer questions. You will then read a second passage and answer more questions.

*Risks and Discomfort:* There are no major risks associated with this study, but there may be slight discomfort while reading about criminal situations.

*Benefits:* There are no direct benefits to you besides the educational experience of participating in the study. For your participation in this study, you will receive 1 credit per hour of participant through the subject pool for the Psychology course in which you are enrolled.

*Confidentiality:* If you consent to participate in this research, your personal information will be kept confidential. Your name will be kept confidential and will not be recorded with your responses. Your responses will be identifiable only through a code number, not by your name. Your personal information shall be stored separately from your consent form and responses. The results of this study may be published in a scholarly book or journal, presented at professional conferences or used for teaching purposes. However, your name and other identifiers will not be used in any publications or teaching materials.

*Rights of Research Subjects:* This study has been reviewed by the Human Subjects Review Board at Tufts University. The Board is responsible for making sure that risks (if any) to the subject will be outweighed by the potential benefit to the subject and/or to the importance of the information to be gained, that the rights and welfare of each person is adequately protected and that informed consent will be obtained.

*Withdrawal of Participation:* Your participation is voluntary. Should you decide at any time during the study that you no longer wish to participate, you may withdraw your consent and discontinue your participation without penalty or loss of benefits.

*Request for More Information:* You may ask more questions about the study at any time. If you have any questions on your rights as a research subject, you can call the Institutional Review Board at (617) 627-3417 for information. A copy of this consent form will be made available for you to keep upon your request.

*Statement of Consent:* By signing below, you are indicating that you are 18 years old or older, that you understand this form, and that any questions you have about the study have been answered. You are indicating that you understand the ways the data may be used and how your privacy will be protected. By signing this form, you are agreeing to participate in the study at this time only. You are indicating that you understand your participation is voluntary, that you can withdraw from the study at any time, and that you can choose not to respond to any question in the study.

Participant's Name (print): \_\_\_\_\_ Date: \_\_\_\_\_

Participant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Investigator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## **Appendix B**

### **Prompt I (Black/White x No criminal record)**

Janet Dennis' home was broken into and she was sexually assaulted. Janet called the police and provided them with a description of the assailant. Based on this description, police put together a photo line-up men matching Janet's description. However, Janet was unable to identify any of them as her attacker. Two days later, while shopping in a grocery store Janet saw a man and she was sure he was her attacker. Janet immediately called the police.

The man Janet identified, John Simmons, was arrested. Blood samples were taken to match the blood found at the scene of the crime. Since the assailant used a condom, there was no semen for DNA evidence. However, testing found that John Simmons' blood samples were consistent with those at the crime scene. This proved to be a major piece of evidence in the prosecution's case against John Simmons. Simmons' told officers that he was home sleeping on the night of the crime, but since John lived alone there was no one to corroborate his alibi. A search of his house revealed clothing similar to the description given by Janet Dennis. Based on this evidence, Simmons, who had no prior criminal record, was convicted of breaking and entering and rape. John Simmons was sentenced to thirty years in prison.

### **Prompt 1 (Black/White x Criminal Record)**

Janet Dennis' home was broken into and she was sexually assaulted. Janet called the police and provided them with a description of the assailant. Based on this description, police put together a photo line-up men matching Janet's description. However, Janet was unable to identify any of them as her attacker. Two days later, while shopping in a grocery store Janet saw a man and she was sure he was her attacker. Janet immediately called the police.

The man Janet identified, John Simmons, was arrested. Blood samples were taken to match the blood found at the scene of the crime. Since the assailant used a condom, there was no

semen for DNA evidence. However, testing found that John Simmons' blood samples were consistent with those at the crime scene. This proved to be a major piece of evidence in the prosecution's case against John Simmons. Similarly, the police investigation revealed that Simmons had been arrested five years earlier, due to charges of domestic abuse brought against him by his girlfriend at the time. Simmons' told officers that he was home sleeping on the night of the crime, but since John lived alone there was no one to corroborate his alibi. A search of his house revealed clothing similar to the description given by Janet Dennis. Based on this evidence, Simmons was convicted of breaking and entering and sentenced to thirty years in prison.

**Prompt II (All conditions)**

After 18 years of trying to prove his innocence, John Simmons was finally exonerated in 2003. This happened as a result of advances in DNA testing technology. The blood found at the scene of the crime which was originally thought to be consistent with Smith's blood sample, was revealed to belong to Janet Dennis. The loss of major incriminating evidence against John Simmons led to the overturning of his conviction and his subsequent exoneration.

**Appendix C**

Prompt I Questionnaire

1	2	3	4	5
Disagree Completely	Disagree	Neither Dis/Agree	Agree	Agree Completely

1a. I believe Smith’s sentence was fair

1b. If you disagree (circle one)

I believe Smith’s sentence should have been:

Lower

Higher

2. I believe eye-witness testimony is a good source of evidence

3. I believe Smith is guilty

Prompt II Questionnaire

1	2	3	4	5
Disagree Completely	Disagree	Neither Dis/Agree	Agree	Agree Completely

1. I believe Smith is guilty

2. I believe Smith is partly to blame for his conviction

3. I believe Smith is likely to commit violent crime in the future

4a. I believe Smith deserves compensation (monetary, education, housing, etc.)

4b. If so how much \_\_\_\_\_

Moral Outrage Scale

1	2	3	4	5	6
That is exactly what I am thinking or feeling			That is not at all what I am thinking or feeling		

1. I feel really angry when I learn about people who are suffering from injustice

2. I believe that we should all work together to help those who are disadvantaged

3. I feel morally outraged by social injustice

4. I resent the fact that people have to suffer unjustly the consequences of unemployment

5. I think it's shameful that people allow injustice to occur
6. I don't worry very much about the problems in the world
7. I rarely feel burden by the unfairness of this world
8. Issues of social justice rarely cross my mind
9. I tend to tune out when people talk about problems in our society
10. I am horrified when I hear about the filthy living conditions, which some people live in just because they are poor.

### Demographics Questionnaire

1. Sex:

Female

Male

2. Age: \_\_\_\_\_

3. Class Level:

Freshman

Sophomore

Junior

Senior

Major (or undeclared): \_\_\_\_\_

Please select any of the following that best describe your racial and ethnic background:

Asian

American Indian and Alaska Native

Black or African American

Native Hawaiian and other Pacific Islander

Spanish/Hispanic/Latino)

White

Not Listed (please write in): \_\_\_\_\_

**Appendix D**

White Defendant



Black Defendant



Appendix E

Distraction

**United States of America**  
Name the State!

www.graphicmaps.com

1 _____	13 _____	25 _____	37 _____
2 _____	14 _____	26 _____	38 _____
3 _____	15 _____	27 _____	39 _____
4 _____	16 _____	28 _____	40 _____
5 _____	17 _____	29 _____	41 _____
6 _____	18 _____	30 _____	42 _____
7 _____	19 _____	31 _____	43 _____
8 _____	20 _____	32 _____	44 _____
9 _____	21 _____	33 _____	45 _____
10 _____	22 _____	34 _____	46 _____
11 _____	23 _____	35 _____	47 _____
12 _____	24 _____	36 _____	48 _____
49 _____	50 _____		

**Appendix F****DEBRIEFING FORM**

**Study Title:** *Perseverance of Thought*

**Principal Investigators**

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Keli.Young@tufts.edu	Jennifer.Schultz@tufts.edu	Samuel.Sommers@tufts.edu

Thank you for participating in this research experience. The purpose of this study was to examine race and criminal history affected sympathy towards exonerated persons. Sympathy is determined based on the answers given after the second passage as well as the participants' decision to sign up for Innocence Project notifications. If you provided your e-mail address please note that it will not be given to the Innocence Project but feel free to sign up at [www.innocenceproject.org](http://www.innocenceproject.org)

I predict that the condition where the exoneree was black and had a criminal record would be the one in which there is the least about of sympathy, whereas the condition where the exoneree was white and had no criminal record would yield the most sympathetic responses.

If you are interested in learning more about this area of study, you may find the following articles of interest:

Anderson, C.A., Lepper, M.R., & Ross, L. (1980). The perseverance of social theories: The role of explanation in the persistence of discredited information. *Journal of Personality and Social Psychology*, 39, 1037-1049

Wissler, R. & Saks, M.J., (1985). On the inefficacy of limiting instructions: When jurors use prior conviction evidence to decide on guilt. *Law and Human Behavior*, Vol. 9, No. 37, 37-48.

Once again, your responses will remain anonymous and confidential. If you have any questions or concerns about the study you have just completed, please contact the Principal Investigator. Thank you once again for your participation in this study.

If you experienced any emotional distress as a result of this study please feel free to contact Tufts Counseling Services at 617.627.3360 located at 120 Curtis Street, Medford, MA 02155