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The Impact of Ethnicity, Immigration Status, and Socioeconomic Status on Juror Decision Making

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Abstract:

The purpose of this research was to examine how ethnicity, immigration status, and socioeconomic status (SES) may contribute to juror bias. A total of 320 Euro-American venire persons were assigned to 1 of 8 criminal court trial transcript conditions that varied defendant ethnicity (Mexican or Canadian), immigrant status (undocumented or documented), and SES (low or high). Dependent measures were verdict, sentencing, culpability, and trait attributions. Results indicated that the low-SES undocumented Mexican defendant was found guilty more often, given a more severe sentence, thought to be more culpable, and rated lower on a number of trait measures compared with all other conditions. Subtle bias theories, such as aversive racism, appear to best explain the biases in juror decisions.

Key terms: Immigration status, ethnicity, socioeconomic status, juror decisions

In 2010, the number of immigrants in the United States reached an all-time high (Camarota, 2012), and with this rise in the number of immigrants also came a rise in prejudice toward immigrants (Falomir-Pichastor & Frederic, 2013). Though prejudice toward immigrants is not a new area of research, the events of September 11, 2001, began a new era of research that focused on terrorism and immigration (Zarate & Quezada, 2012). However, before these events and again more recently, the bulk of research on immigrants and immigration primarily focused on one group—Hispanics, or Latinos¹ This makes sense given the fact that Latinos are the largest immigrant group and the largest ethnic minority group in the United States (U.S. Census Bureau, 2010). Within the Latino immigrant population, those from Mexico comprise the largest single group of both documented and undocumented immigrants (Ennis, Rios-Vargas, & Albert, 2011; Passel, 2005). However, no known research has examined the theoretical understanding of prejudice toward this immigrant group in applied settings such as the legal system. The purpose of the research reported here was to examine how biases against immigrant defendants who vary in country of origin and immigration status (Mexicans undocumented or documented and White Canadians undocumented or documented) may be predicted by the use of non-race-related cues, such as socioeconomic status (SES), in accordance with aversive racism and modern forms

of bias against people of color in legal contexts (Brown, Akiyama, White, Jayaratne, & Anderson, 2009; Dovidio, 2001; Dovidio & Gaertner, 2000, 2007; Dovidio, Gaertner, Penner, Pearson, & Norton, 2009; Gaertner & Dovidio, 2005).

Latinos, Legal Bias, and Immigration

Latinos and African American men are disproportionately represented in the U.S. criminal justice system. Latinos comprise the largest ethnic group of offenders with U.S. federal sentences, and they are mostly convicted of immigration violations (Lopez & Light, 2009). In general, Latinos are 2.6 times more likely and African American men are 6.5 times more likely to be incarcerated compared to White men (Walker, Spohn, & Delone, 2012). Moreover, Whites are underrepresented in every state prison system in the United States compared to the state population, while minority overrepresentation is regionally based (Bureau of Justice Statistics, 2012; Eason, 2010; Willis Esqueda, Whitfield, & Dorsey, 2003). This form of institutionalized race bias remains a significant concern in the United States (Holland, 2012; Neely, 2004; Schanzenbach & Yaeger, 2003), and research efforts to determine the causal connections leading to disparities in punishment are imperative (Haney Lopez, 2003).

Research indicates that race bias intrudes into the jury decision-making process (Ayres & Waldfoegel, 1994; Baldus & Woodworth, 1998; Barnett, Brodsky, & Manning-Davis, 2004; Brewer, 2004; Daudistel, Hosch, Holmes, & Graves, 1999; De Genova, 2004; Demuth & Steffensmeier, 2004). Most of the focus has been on bias affecting African Americans (Espinoza & Willis-Esqueda, 2008; Sommers, 2007), but there is a history of prejudice toward Latinos within the legal system as well (Haney Lopez, 2003; Logue, 2009; Luna, 2003; Perez, Hosch, Ponder, & Trejo, 1993; Ramos, 2001; Schuck, Lersch, & Verrill, 2004; Turner & Johnson, 2005; Valencia, Garcia, Flores, & Juarez, 2004). For example, civil rights equality for Mexican Americans required multiple legal challenges that addressed a myriad of issues, such as racial profiling (Aguirre, 2004; Willis Esqueda, 2007). Recent passage of anti-immigrant laws that specifically target the Latino community, such as Arizona's Senate Bill 1070, is a primary reason not only that prejudice toward Latino immigrants is on the rise but that there are specific laws targeting this group.

In addition, there is a criminal stereotype of Mexican Americans and Mexican immigrants (Haney Lopez, 2003; Martinez & Lee, 2000). Mexican American immigrants are not only believed to be in the United States illegally but also believed to be more prone to criminal behavior compared with U.S. citizens and immigrants from other countries (Valencia et al., 2004; Vargas & DePyssler, 1998; Warner, 2005). Research on culpability decision making has indicated biases against Hispanics as well (Flores Neimann, 2001; Perez et al., 1993; Willis-Esqueda, Espinoza, & Culhane, 2008). Hispanics who are stereotypically thought to commit crimes are found more culpable and given lengthier sentences compared with other ethnic minority groups (Espinoza & Willis-Esqueda, 2008). Thus, criminal stereotypes against Latino immigrants may produce biases in culpability assignment.

Discrimination and Immigration Status

As Telles (2012) has stated, "Whether you call them Latinos or Hispanics, Americans often voice strong feelings about their presence" (p. 1), and a sizeable portion of non-Latinos believe that the majority of Latinos are undocumented immigrants (Lilley, 2012). The Im

migration and Nationality Act of 1965 altered immigration that had resulted in race-based preferences (Ay-ers, Hofstetter, Schnakenberg, & Kolody, 2009). These legal changes facilitated an increase in documented immigration from Latin American countries to the United States. In fact, Hispanics, particularly persons emigrating from Mexico, are the largest documented and undocumented immigrant group in the United States (Hofer, Rytina, & Baker, 2010; U.S. Census Bureau, 2010; Walters & Trevelyan, 2011). Although there is a long history of Mexican immigration to the United States (Telles & Ortiz, 2008), the undocumented are not the majority of the Latino population. Nevertheless, media representations fail to make this clear and focus on negative aspects of Latino undocumented immigrants rather than positive aspects (Steinberg, 2004; C. O. Stewart, Pitts, & Osborne, 2011).

Concerns about undocumented Mexican immigrants have resulted in the passage of restrictive laws against them. Several states, such as Arizona (*Arizona v. United States*, 2011), Alabama (Easton, 2013), and California (Hovey, Rojas, Kain, & Magana, 2000), have passed laws to restrict undocumented immigrants' behavior, although components of these laws have been overturned by the Supreme Court (Robertson & Preston, 2012).

In addition to restrictive laws, biased attitudes against Latino immigrants have been on the rise (Diaz, Saenz, & Kwan, 2011). Few studies have examined biases against undocumented Mexican immigrants. However, Cowan, Martinez, and Mendiola (1997) determined that Whites who scored high on negative attitudes about illegal immigrants also scored high on negative attitudes about Mexican Americans, and they blamed illegal immigrants more than police when police brutality occurred, compared to Latino participants. Moreover, Latino immigrants with legal permanent residency face discrimination, particularly if they are darker in skin tone (Frank, Redstone Akresh, & Lu, 2010).

As the two nations contiguous to the United States and with differences in ethnic majority populations, Mexico and Canada provide a meaningful comparison for legal biases based on ethnic immigration status. Again, although Mexican Nationals compose the bulk of the undocumented and documented immigrants in the United States, Canadians do make up a portion of undocumented and documented immigrants (Passel, 2005). Biases against the Mexican immigrant compared to the White Canadian one have been demonstrated. Short and Magana (2002) had participants read about a Mexican or Canadian immigrant who did or did not have parking violations. The scenario containing the Mexican with parking violations resulted in more negative immigration attitudes compared to the other conditions. Thus, ethnic bias was demonstrated. Short (2004) examined the degree of perceptions of criminality for a "legal" or "illegal" Mexican or White Canadian, and results indicated a greater belief in criminality for the illegal Mexican immigrant compared to other conditions and more harsh immigration attitudes toward illegal immigrants. However, although the Short and Magana and the Short studies provide intriguing findings regarding bias, the immigration measures were derived from newspaper accounts of politicians' notions of Mexican immigration (i.e., legality, economics, and nativism). It is not clear whether measures derived from notions about one group (i.e., Mexicans) can accurately measure bias against another immigrant group (i.e., White Canadians). We utilized measures to ascertain attributions of culpability and guilt in a trial that would apply to both immigrant group members charged with a serious crime. Based on prior historical bias and current negative responses to Mexican Nationals (even spilling onto Mexican Americans), we anticipated higher culpability assignment to a Mexican immigrant defendant, particularly an undocumented one, or not.

SES

SES is an important consideration in modern immigration debates, as the foreign born in the United States are more likely to be in poverty than the native born (Motel & Patten, 2013). SES is an important issue to consider when examining culpability for Mexican Americans and Mexican immigrants, because regardless of immigration status (native born, documented, or un-documented) those of Mexican descent have lower incomes compared to Whites (Brick, Challinor, & Rosenblum, 2011; Q. T. Stewart & Dixon, 2011). Willis-Esqueda et al. (2008) examined whether SES would act as a non-race-related cue to produce differential mock juror decisions. Findings indicated that Euro-American mock jurors assigned the SES Mexican American defendant who committed a stereotypical crime (carjacking) gave more guilty verdicts, lengthier sentences, and higher culpability ratings in comparison to the low-SES Euro-American defendant or high-SES defendants, regardless of their ethnicity. Espinoza and Willis-Esqueda (2008) duplicated these findings and manipulated defendant and defense attorney ethnicity (Euro-American or Mexican American) and defendant SES (low or high). When the Mexican American defendant was of low SES and represented by a Mexican American defense attorney, Euro-American mock jurors demonstrated bias. In a demonstration of real-world consequences, Q. T. Stewart and Dixon (2011) found that race and immigrant status combine to produce negative SES outcomes. Latino immigrants' SES is lower than that of their White immigrant counterparts, and length of time in the United States does not correct the inequity. Consequently, SES is important to consider in culpability assignments, and we hypothesized that low SES would influence the culpability ratings to a greater degree for the Mexican defendant than for the White Canadian defendant.

Though prior research has shown that prejudice toward Latinos exists in the legal system, recent research has shown that this bias is more subtle and incumbent on other perceived negative variables besides race or ethnicity (Espinoza & Willis-Esqueda, 2008; Willis-Esqueda et al., 2008). However, no known research has yet to examine bias toward Latinos in the legal system when immigration status is examined. In addition, no known research has examined this potential bias with actual jurors or venire persons. The purpose of this study is to examine how defendant race, immigration status, and SES combine to influence juror decisions with a sample derived from an actual venire. If bias does exist toward immigrant defendants, then the next step would be to begin to ameliorate this bias by educating triers of court cases and policymakers where immigrant status is relevant.

Hypotheses

The theory of aversive racism, introduced by Dovidio and Gaertner (1986), postulates that racial prejudice is subtle and exists even for persons who believe they are egalitarian. According to this theory, where blatant racism based solely on race is no longer espoused, today more subtle bias emerges when non-race-related factors are present to mask biased responding. Consequently, it was hypothesized that the low-SES undocumented Latino defendant would be found guilty more often and receive a lengthier sentence compared with the other conditions. It was also hypothesized that the low-SES undocumented Latino defendant would be found more culpable and receive more negative trait ratings compared to the other conditions. These results would be in alignment with the theory of aversive racism where modern forms of race bias are shown when non-race constructs, like SES or immigrant status, are also present.

Method

Participants

A total of 320 Euro-American venire persons called for jury duty at a Southern California courthouse acted as mock jurors and read through a trial transcript (women, $n = 188$; men, $n = 132$; M age = 35.13 years, $SD = 9.12$).

Materials and Procedure

Participants were asked to volunteer as they were dismissed from a venire at a county courthouse. Nearly all venire persons complied, and they were shown to a room within the courthouse. Data were collected with groups of 4 to 10 participants. They were told that they were in a study about juror decision making and that they should treat this study as if they were an actual juror attending a court trial. They were also informed that they would make decisions regarding the case, such as rendering a verdict and recommending a sentence, and answer other questions relevant to the case. The participants were given time to ask any questions, provided consent, and then were randomly assigned to one of eight conditions in a 2 (ethnicity: White Canadian or Mexican) \times 2 (immigrant status: documented or undocumented) \times 2 (SES of defendant: low or high) between-participants design.

A file with study information (transcript, questionnaires) was randomly provided to each participant within a session; thus, all conditions could be represented within a single session. The participants read a criminal trial court transcript that was comparable to an official legal document and conformed to California Penal Code 948-973. A 2 \times 3" picture of the male defendant was printed on the first page of the indictment. The pretested pictures did not differ in attractiveness. The trial transcript provided definitions of the charged second-degree murder crime, described the crime (murder of an ex-girlfriend), contained opening and closing statements, presented the defendant's plea (always not guilty), and presented an explanation of sentencing options. Evidence for the crime consisted of a fingerprint at the scene of the crime, a murder weapon, and an eyewitness who saw the suspect enter the victim's home around the time of the crime. Another witness described that the couple had a volatile relationship. In addition, the defendant's ethnic immigration status (a White Canadian or Mexican who was undocumented or documented) and name (Michael Henderson or Miguel Hernandez) were varied in the transcript. Given that notions of immigrants, particularly Mexican immigrants, are tied to illegal status, we coupled ethnicity and immigration status to make clear the immigrant status of documented or undocumented.

Within the transcript, the SES of the defendant was described as low or high. The low-SES defendant was described as a 25-year-old male who lived in a studio apartment in a rundown South Los Angeles neighborhood. He dropped out of 10th grade and was employed as a car wash attendant. The high-SES defendant was described as a 25-year-old male who owned and lived in a four-bedroom house in a well-to-do Los Angeles neighborhood. He was described as highly educated and owned a software company.

After reading the transcript, participants were asked to provide a verdict of guilty or not guilty. If the defendant was found guilty, they recommended a sentence severity. We also allowed participants to provide a determination of the possibility for parole or no parole. Measures were included to ascertain underlying differences in guilt determinations: the defendant's intentionality in committing the crime, the viciousness of the crime, and the degree to which immigration status influenced participants' verdict decision. These measures were rated on 7-point Likert-type rating scales.

Participants completed questions regarding defendant culpability (responsibility, blame, likely to recommit, believe defendant, criminal past, lied to police) on 7-point Likert-type rating scales, and then they rated 10 traits (e.g., trustworthy, likeable, competent, ethical, considerate, intelligent, warm, sensitive, industrious, aggressive) on a 9-point semantic differential scale (Wiggins, 1979). Cronbach's alpha was .80 for the culpability items and .84 for the personality trait items.

Finally, we included manipulation check questions for the crime, defendants' ethnic immigration status, and defendants' SES. Participants were also asked to provide demographic information (e.g., age, sex, ethnicity, and SES). When participants had completed the measures, they were debriefed and thanked.

TABLE 1 Verdict by Ethnicity, Immigration Status, and SES

Verdict	ME Undoc		ME Doc		CA Undoc		CA Doc	
	Low SES	High SES	Low SES	High SES	Low SES	High SES	Low SES	High SES
Guilty	31* (76%)	22 (55%)	17 (56%)	21 (53%)	22 (55%)	16 (40%)	19 (47%)	15 (37%)
Not guilty	9 (24%)	18 (45%)	23 (44%)	19 (47%)	18 (45%)	24 (60%)	21 (53%)	25 (63%)

Note. SES = socioeconomic status; ME = Mexican; CA = Canadian; Undoc = undocumented status; Doc = documented status.

* $p < .05$

Results

We measured verdict, sentences, perceived defendant culpability, and trait rating measures to understand the effects of ethnicity, immigration status, and SES on juror decision making. Participants correctly perceived the SES manipulation, with the low-SES condition ($M = 2.74$) rated significantly different from the high-SES one ($M = 7.37$), $F(1, 317) = 644.56$, $p < .001$, $\eta^2 = .67$. All participants correctly listed the ethnic immigration status of the defendant across all conditions.

Verdict

Overall, the case did not produce a guilt-prone response. There were 157 not guilty verdicts (49.1%) and 163 guilty verdicts (50.9%). Verdict decisions did not differ by participants' sex ($p = .95$), age ($p = .59$), or own rated SES ($p > .73$). Verdicts did differ by the intentionality attributed to the defendant, $F(1, 318) = 78.41$, $p < .01$, $\eta^2 = .20$. Those who voted guilty believed that the defendant had more intention ($M = 5.33$) than those who voted not guilty ($M = 3.44$). Those who voted guilty believed that immigration status influenced their decision more ($M = 2.42$) than those who voted not guilty ($M = 1.97$), $F(1, 318) = 5.96$, $p < .01$, $\eta^2 = .05$. Finally, those who voted guilty perceived the viciousness of the crime as greater ($M = 4.98$) than those who voted not guilty ($M = 3.33$), $F(1, 318) = 80.01$, $p < .001$, $\eta^2 = .20$. Seven-point rating scales were used for all of these ratings (1 = *not at all* to 7 = *very much so*). However, as hypothesized, there were significant differences based on defendant

ethnicity, immigration status, and SES. Venire persons ($N = 163$) found the illegal Mexican defendant of low SES guilty significantly more often compared with all other conditions, Pearson $\chi^2(7) = 17.99, p < .012$ (see Table 1).

TABLE 2 Parole Possibility by Ethnicity, Immigration Status, and SES

Parole	ME Undoc		ME Doc		CA Undoc		CA Doc	
	Low SES	High SES	Low SES	High SES	Low SES	High SES	Low SES	High SES
Parole	8 (26%)	11 (65%)	12 (55%)	12 (63%)	15 (68%)	12 (75%)	13 (62%)	8 (53%)
No parole	23* (74%)	6 (35%)	10 (45%)	7 (37%)	7 (32%)	4 (25%)	8 (38%)	7 (47%)

Note. SES = socioeconomic status; ME = Mexican; CA = Canadian; Undoc = undocumented status; Doc = documented status.

* $p < .05$

Sentence

If participants voted guilty ($N = 163$), they could assign a sentence. The sentence severity measure was based on a 7-point rating scale (1 = 1 year to 7 = life in prison). The overall mean was 5.04 ($SD = 1.05$), and no differences emerged for rated sentence severity ($p = .65$). However, we also included a measure for whether parole should ever be granted. A log-linear analysis of variance (logit) for the effects of ethnicity, immigration status, and SES for parole indicated a significant difference, Pearson $\chi^2(7) = 16.40, p < .02$. The illegal Mexican immigrant of low SES was significantly more likely to receive a preferred sentence with no parole compared to the other conditions, as shown in Table 2.

For those voting guilty, we wondered whether differences in culpability attributions were aligned with a higher penalty for the illegal Mexican immigrant of low SES. The culpability and trait measures were included to help explain what biases were operating to produce differences in guilty verdicts.

TABLE 3 Mean Defendant Culpability and Criminal Type Measures by Ethnic Immigration Status and SES

Measure	ME Undoc		ME Doc		CA Undoc		CA Doc	
	Low SES	High SES						
Culpability	29.91 _a	25.85 _b	27.64 _b	27.42 _b	27.68 _b	28.56 _b	24.94 _c	28.00 _b
Criminal type	8.81 _a	6.62 _b	7.04 _b	7.26 _b	7.36 _b	7.81 _a	6.35 _b	7.88 _a

Note. Different subscript letters indicate significant differences at the $p < .05$ level. SES = socioeconomic status; ME = Mexican; CA = Canadian; Undoc = undocumented status; Doc = documented status.

TABLE 4 Mean Trait Ratings by SES

Trait	Low SES	High SES	<i>p</i>	η^2
Trustworthy	2.65	3.51	.001	.08
Likeable	3.14	4.17	.001	.07
Competent	3.44	5.17	.001	.14
Ethical	2.56	3.21	.02	.04
Intelligent	3.26	5.57	.001	.27
Lazy ^a	4.48	5.98	.001	.12
Aggressive	3.77	2.90	.01	.04

Note. SES = socioeconomic status.

^aReversed ratings, with lower means indicating more of the attribute.

Culpability Measures

For those voting guilty, a principal-component factor analysis with varimax rotation of the culpability measures (responsibility, blame, likely to recommit, believe defendant, criminal past, lied to police) indicated that two factors were warranted: defendant culpability (responsibility, believe defendant, blame, and lied to police) and criminal type (likely to recommit and criminal past), with factor loadings all over .77 and with 71% of the variance accounted for.

As hypothesized, the interaction between ethnicity, immigrant status, and SES was significant for defendant culpability, $F(3, 153) = 4.16, p < .01, \eta^2 = .08$. As shown in Table 3, a Student-Newman Keuls post hoc examination of means indicated that the Mexican who was undocumented and of low SES was believed more culpable compared to all other conditions, $F(7, 153) = 2.82, p < .01, \eta^2 = .11$.

In addition, the interaction between ethnicity, immigrant status, and SES was significant for the attribution of a criminal type, $F(3, 153) = 3.39, p < .05, \eta^2 = .06$. And, as shown in Table 3, a post hoc examination of means indicated that the low-SES Mexican undocumented defendant was rated higher as a criminal type compared to the other conditions, except the high-SES Canadian defendant, regardless of immigrant status, $F(7, 153) = 2.05, p < .05, \eta^2 = .08$.

Trait Ascriptions

For those voting guilty, the multivariate analysis of variance for the interaction between ethnic immigration status and SES on trait measures was not significant ($p = .56$). However, the main effect of SES was significant, $F(10, 138) = 6.79, p < .001, \eta^2 = .33$. In univariate follow-up tests, the traits of ethical, selfish, cold/warm, and sensitive were not significantly different based on SES. However, as shown in Table 4, for all other traits, the low-SES defendant was rated more negatively compared to the defendant of high SES.

Discussion

The purpose of this study was to examine bias in juror decision making for defendants who differed in ethnicity, immigration status, and SES among Euro-American venire persons in order to better understand when modern forms of bias will occur and to reduce such bias in the legal system. We chose to examine only Euro-American venire persons for this study because of previous findings regarding juror ethnicity for Latinos and Euro-Americans (Willis-Esqueda et al., 2008). Based on the previous work in this area, we hypothesized that

the low-SES undocumented Mexican defendant would be more likely to receive a guilty verdict than the other defendant conditions. As hypothesized, the results confirmed this and provided evidence of modern bias operating in legal decision making by actual venire persons. Guilt was assigned more frequently to the low-SES undocumented Mexican defendant compared to the other conditions. If race bias were not an issue, then the Canadian of low SES and undocumented status would have suffered a similar verdict assignment. This confirms that modern bias may be focused on particular immigrant groups and stereotyped connections to wrongdoing (Dingeman & Rumbaut, 2010).

In addition, it was hypothesized that participants would recommend more punitive sentences for the low-SES undocumented Mexican defendant compared to the other conditions. Although sentencing severity (i.e., sentencing length) did not indicate bias, the option for parole did. Participants chose the no parole option more often for the low-SES undocumented Mexican defendant than for the other defendant conditions. Thus, once sentenced, the low-SES undocumented Mexican would never be released from prison, whereas the other defendants (including the low-SES undocumented Canadian) would be deported to their country of origin and have the chance to reenter society. Modern bias, then, operates to produce both more guilty verdicts and less chance of societal reentry for the Mexican defendant of low SES who has either lost entry status (e.g., overstayed a visa) or arrived without documents.

As a means of understanding the biased guilt notions, our hypotheses regarding culpability were confirmed. As predicted by aversive racism theory, in terms of defendant culpability, the low-SES undocumented Mexican defendant was found more culpable than any other condition. This replicates earlier findings for the low-SES Latino defendant, but it extends the bias to issues of immigration status. Given that a sizeable portion of the public believes that most Latino/as are illegal immigrants (Lilley, 2012), the importance of working against this bias becomes noteworthy. Biased notions of the undocumented Latino immigrant leave these individuals vulnerable to exploitation and violence (Anti-Defamation League, 2007; Arce & Ponz, 2010; Kessler, 2009; Melia, 2010; Nontgomery, 2007; Norrell, 2006; Oppenheim, 2007; Pereira, Vala, & Costa-Lopes, 2010; Salazar, 2010) and, from the findings here, victims of distorted attributions in legal decision making compared to their Canadian counterparts. These attributions promote the continued emphasis on Latino immigrants as a criminal element (Wadsworth, 2010) and could explain in part the growing Latino prison population.

Lastly, we hypothesized that low-SES illegal Mexican defendants would receive significantly lower trait ratings compared with Euro-American defendants and defendants of higher SES regardless of ethnicity. Results did not support the notion that traits would be differentially attributed to defendants based on ethnic immigration status and SES. In contrast to what would be predicted by the stereotype content model (Fiske, Cuddy, Glick, & Xu, 2002), we did not find that the cold/warmth or competence traits were significantly different based on ethnic immigrant status or SES. However, the importance of SES was shown in the differential assignment of other traits, with less positive trait assignment to the low-SES defendant compared to the high-SES one. Latino immigrants, particularly Mexicans, are more likely to be in poverty (Casas & Cabrera, 2011; Hanson, 2007; Pena, 2010) and have low SES over several generations (Telles & Ortiz, 2008) compared to other ethnic groups. In addition, Latinos of low SES are more likely to experience long-term discrimination (Brondolo et al., 2009). Thus, although the findings here did not indicate bias in trait ascriptions based on ethnic immigration status, certain groups of immigrants may be more vulnerable to a myriad of biased assessments based on low SES prevalence.

Limitations and Future Directions

In this study, we assessed responses from Euro-American venire persons called for duty at a Southern California courthouse. California is densely populated with Latinos and shares a border with Mexico, and immigration is often at the forefront of public debate. It is reasonable to suspect that Euro-Americans in California have had some contact with immigrants—both documented and undocumented. These interactions could affect views on ethnic immigrants, and our results may be a regional phenomenon. At the same time, more Latinos are moving to the central rural United States (Cromartie, 2011), and formal opposition to Latino immigrants has occurred in even small Great Plains towns (“Fremont, Nebraska,” 2010). Numerous stressors are present for such immigrants (Magana & Hovey, 2003). Future studies might examine whether those in different locations are more prone to bias toward certain ethnic immigrant groups (e.g., southwest locations against Latinos vs. northeast locations against Canadians), as different forms of threat (and hence sources of bias) may occur based on the immigrant context (Stephan, 2012).

Likewise, the current study did not examine guilt decisions by Latinos, although their decision making may be influenced by an ethnic experience. There is a history of mistrust between the Latino community and the legal system (Haney Lopez, 2003; Valencia et al., 2004). Consequently, research has demonstrated less bias by Latino jurors based on defendant ethnicity (Willis-Esqueda et al., 2008), and Daudistel et al. (1999) found that Latino jurors did not favor Latino defendants but gave longer sentences to Anglo defendants. Future studies should examine whether Latinos differ in terms of perceptions of culpability based on ethnic immigrant status and SES, given that bias against Latino immigrants by Latinos has been demonstrated (Diaz et al., 2011; Mendez, Bauman, & Guillory, 2012).

In addition, recent research has examined the “American-ness” of different ethnic groups and has found that Euro-Americans view Asian Americans and African Americans as somewhat less American compared with Euro-Americans (Devos & Banaji, 2005). In their series of studies, Devos and Banaji (2005) examined Euro-Americans’ implicit and explicit views on what it is to be American. They found that African Americans, Asian Americans, and Euro-Americans implicitly rated Euro-Americans as being more American than all other groups. It was also found that participants even rated “White” Europeans as more American than Asian or Black Americans, which may have serious implications for people of color, who may be viewed as less American regardless of their status. Trial by jury is a constitutional right in America, and perceived attributes of the defendant, including the American-ness of the defendant, may play a pivotal role in juror decisions. Future studies may wish to examine this issue further.

Finally, we believe that the use of actual venire persons enhances the veracity of our findings, but we acknowledge that we did not use jury members with jury deliberations. Although the findings are consistent with earlier research on biased decision making and race disparities in incarceration, different outcomes may emerge with jury deliberations (Caprathé, 2011). The next step in elucidating the decision making surrounding ethnicity, immigration status, SES, and crime should expand to include closer approximations to the actual jury process (Wiener, Krauss, & Lieberman, 2011). The inclusion of research on bias and ethnicity, immigrant status, and SES with jury-based decision making would further cement researchers’ understanding of the means by which immigrants, particularly Latino immigrants, experience justice in the United States.

Note

1. We recognize the historical, legal, and cultural differences among groups that are categorized as Hispanic or Latino, but we use the term *Latino* to refer to those groups whose origins derive from a common Spanish colonial experience within the Americas. We use the masculine form of *Latino* to include women or Latinas. Here, the immigrant defendant was portrayed as Mexican, the predominant Latino group in the United States. In addition, we used the term *White Canadian* to designate an immigrant defendant from Canada who was of European descent.

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