PERSONALITY TRAITS AS FACTORS IN JURORS’ DECISIONS REGARDING THE DEATH PENALTY

by

Brie L. Whisler

An Abstract
of a thesis submitted in partial fulfillment
of the requirements for the degree of
Master of Science
in the Department of Psychology
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ABSTRACT

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Death-qualification is based on the notion that outside factors contributing to juror sentence decision-making have no effect. However, these factors may be important and should be included in the *voir dire* process to create a true representation of death-qualified jurors. One such factor is difference in personality traits. It was hypothesized that individuals with the tendency to choose a death penalty sentence are highly extraverted, while individuals tending not to select the death penalty score highly on openness. In order to test the hypotheses, individuals who selected the death penalty were compared with individuals who did not select the death penalty on each of five personality trait scores using independent samples $t$-tests. Participants were asked to read material covering capital murder, make and explain decisions, and fill out surveys. Although results did not support either of the hypotheses, suggested modifications and further investigations of the current research are provided.
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CHAPTER 1  
NATURE AND SCOPE OF  
THE STUDY

Purpose of the Study

The objective of the present study was to examine the relationship between death penalty sentencing and personality trait scores of participants. Specifically, the purpose was to compare participants who did or did not select to sentence the death penalty after being provided with information revealing a defendant was guilty of murder on each of the “Big Five” (Costa & McCrae, 1992b) (i.e., neuroticism, extraversion, openness, agreeableness and conscientiousness) personality trait scores.

Rationale

Although a breadth of literature focuses on possible explanations as to why individuals either support or oppose the death penalty, research examining the relationship between juror sentence decisions and the factors contributing to their support or opposition to the death penalty is almost nonexistent (O’Neil, Penrod & Patry, 2004).

Today’s judicial system is criticized for ignoring empirical research that indicates extraneous factors play a role in decisions made by members of the jury. Although instructions relevant to sentencing are given to jury members and are expected to be followed, it is imperative to be cognizant of the idea that other factors play a part in the decision. Considering jury member selection is thought of as the most crucial element prior to the trial, it is vital that extraneous factors be examined and identified (Boyll, 1991).
Personality traits have been identified as external factors that may contribute to jury members’ support or opposition to the death penalty. Although previous research suggests a relationship between death penalty decision-making of jurors and personality traits, the existing research in this area is minimal. Therefore, further expansion to this area of study is necessary. The literature pertaining to death penalty support and personality traits indicate that individuals most supportive of the death penalty have been found to be neurotic (Robbers, 2006) and extraverted (McKelvie, 1983; Robbers, 2006). In comparison, research suggests opposition to the death penalty is related to openness and agreeableness traits (Robbers, 2006).

Determining a relationship between death penalty sentence decisions and personality traits can more easily identify death-qualified jurors. Presently, potential jury members are deemed death-qualified through the use of voir dire. *Voir dires* for capital cases merely consist of questions composed in a manner to reveal whether potential jury members will be inclined to allow personal biases to affect their sentence decision (e.g., a voir dire question might ask if the potential jury member had ever experienced a murder in the family. For potential jury members who had experienced murder in the family, this may cause them to view a capital crime differently from potential jury members who had not). In the event that potential jury members are able to respond to voir dire in such a way that suggests their ability to remain impartial, the individuals are considered most qualified to make decisions regarding sentencing in a capital case. They are then referred to as “death-qualified”. Potential jury members not meeting this requirement are excluded from serving on the jury (Fulero & Wrightsman, 2009).
In addition to a personal, perhaps biased interpretation by the legal system of potential jury members’ responses to *voir dire*, it only seems beneficial that a scientific procedure (e.g., a personality assessment) be used as an indicator of death-qualification as well. If it is determined there is a relationship of death penalty enforcement with an individual’s personality trait score (e.g., individuals who tend to vote yes when determining a sentence are highly extraverted), individuals with particular scores (i.e., high or low scores) on certain personality traits should be excluded from serving on the jury; individuals with average scores could be considered death-qualified. Therefore, in addition to *voir dire* implying one is death-qualified, the use of a personality assessment to associate personality traits with sentencing decision could be used to better represent a death-qualified jury member.

Determining the fate of another human’s life is a powerful position, thus, identifying measures for distinguishing the most qualified jurors to serve in this decision-making position is necessary. Hence, it seems evident that outside factors should aid current *voir dire* procedures in order to better recognize death-qualified jurors.

*Hypotheses*

1. There will be a significant difference among participants whose sentence decisions are “yes” versus those whose sentence decisions are “no” on extraversion (i.e., participants sentencing the death penalty will have high extraversion scores). This hypothesis relates to research indicating death penalty supporters’ tendency to be extraverted (McKelvie, 1983; Robbers, 2006).
2. There will be a significant difference among participants whose sentence decisions are “yes” versus those whose sentence decisions are “no” on openness (i.e., participants not sentencing the death penalty will have high openness). This hypothesis relates to research indicating open individuals’ tendency to significantly oppose the death penalty more, in comparison to other personality traits also opposed to the death penalty (Robbers, 2006).
While jury members are instructed to base sentencing decisions solely on following the rules of law qualifying a defendant to be sentenced to death, it cannot be ruled out that other factors are involved in the decision-making process. A variety of reasons exist pertaining to why individuals support or oppose the death penalty. Unfortunately, research on differences in contributing factors (e.g., personality traits) between those who recommend the death penalty and those who do not is almost nonexistent (O’Neil, Penrod & Patry, 2004).

*Crimes Punishable by Death*

The reasons for which offenders are sentenced to death in the United States are unique to each case (i.e., offenders are not always sentenced to death for the same crime). Furthermore, the reasons for which offenders are presently sentenced to death certainly differ from the reasons for which offenders were sentenced in the past. Historically, the first documented death penalty case occurred in 1608 resulting in the execution of a man who was a Spanish spy. Throughout the 1600’s, the death penalty was enforced as punishment for crimes including but not limited to stealing grapes, killing chickens, hitting a parent and denying God (Randa, 1997). Currently, the most common offense resulting in a death sentence in the United States is murder (Death Penalty Information Center, 2009).

*Methods of Execution*

Although a particular crime may be punishable by death, some jurors may be
more apt to vote for the defendant to serve a life sentence versus being sentenced with the death penalty; this might be due to jurors believing the methods of execution to be extremely morbid. A variety of methods can be used in order to carry out the execution. In an effort to find a way to make the death penalty more humane and less difficult, methods of execution have drastically changed over the years. Until the late 19th century, hanging was the most common method of execution in the United States. At the turn of the century, electrocution (commonly referred to as the electric chair) became the main method of execution. By the mid-20th century, the most dominant form of carrying out a death sentence was the gas chamber (Denver, Best & Haas, 2008). Presently, lethal injection is the most common form of execution carried out. In the past, executions were open to the public, whereas now, executions take place in prisons and few people come to watch (Lofland, 1975).

Although lethal injection is the most common method of execution used today, hanging, electrocution, uses of the gas chamber and firing squad still exist. Similar to the 1600’s when the death penalty was only permissible by certain colonies, today, certain states permit the death penalty while others do not (Randa, 1997). Of the states accepting the death penalty as a form of capital punishment, determining which method to use also varies. Some states provide only one method of execution, while others may offer multiple methods (DPIC, 2009).

While some states allow multiple methods of execution to be carried out, each state also has its own primary method(s). Currently, lethal injection accounts for 24 states’ primary method of execution. Additionally, five states account for either lethal injection
or electrocution as the primary methods of execution. Furthermore, two states account for the use of lethal injection or gas chamber as primary methods of execution, as well as two different states accounting for lethal injection or firing squad as primary methods. Finally, of the last two states enforcing the death penalty, one state accounts for electrocution as the primary method of execution while the other state accounts for either lethal injection or hanging as the primary methods of execution. Often, states providing more than one form of execution allow the inmate to choose which method is performed (Office of the Clark County Prosecuting Attorney, 2009).

*Lethal injection.* Lethal injection procedures involve pumping various drugs into the individual’s vein, ultimately resulting in death. In order to carry out this method of execution, the individual is first restrained to a gurney. Three different drugs are passed through the veins by an IV. First, sodium thiopental or sodium pentothal is administered through the IV, causing the individual to become unconscious. Second, pancuronium bromide, a muscle relaxant causing the lungs and diaphragm to become paralyzed is administered. Finally, potassium chloride is administered, resulting in cardiac arrest of the individual (Office of the Clark County Prosecuting Attorney, 2009).

*Electrocution.* In order for the electrocution process to be carried out, individuals are restrained in a wooden chair. The chair is placed atop a rubber mat, and secured to a concrete floor. The restraints are connected to an electrical current, and a sponge and electrode are fastened around the individual’s right calf and scalp. Three cycles with different voltages are then administered to the individual. The first shock consists of 2,300 volts given for eight seconds. The second shock consists of 1,000 volts given for 22
seconds. Finally, the third shock uses 2,300 volts for another eight seconds, resulting in
the individual’s death (Office of the Clark County Prosecuting Attorney, 2009).

*Gas chamber.* The gas chamber is an airtight room in which the individual is
enclosed and restrained to a chair. A metal container filled with sodium cyanide pellets is
placed underneath the chair. Another container placed directly below the sodium cyanide
container sits on the floor and is filled with sulfuric acid solution. In order to release the
sodium cyanide pellets into the sulfuric acid solution, an electrical switch is activated.
The mixture creates a gas, upon which the individual inhales, resulting in death. This
process usually takes from six to 18 minutes for the individual to be pronounced dead
(Office of the Clark County Prosecuting Attorney, 2009).

*Hanging.* Hanging involves snapping the individual’s neck, rather than
strangulation, resulting in immediate death. To ensure this form of execution is properly
completed, calculations are done in reference to the individual’s body weight and a rope
is prepared with the appropriate length and drop distance (Trombley, 1992). The rope is
also stretched to avoid spring, stiffness and coiling from occurring during the execution.
Then, the rope is treated with a substance (e.g., wax) allowing it to slide smoothly.
Finally, the rope is tied into a submental knot, better known as a hangman’s knot. The
knot is placed around the individual’s neck behind one of the ears; the other end of the
rope is fastened to a metal t-shaped bracket attached to a reinforcing loop. The individual
stands over a trap door, and the door is released. The result of the drop involves
dislocation of the third and fourth cervical vertebrae, in turn, eliminating oxygen access
(Office of the Clark County Prosecuting Attorney, 2009).
**Firing squad.** The firing squad consists of three to six shooters. This method of execution first involves the individual being restrained to a chair. A pan is then placed beneath the chair in addition to sandbags placed behind the individual to absorb blood and fluid after the shooting occurs. The individual wears dark clothing with a white circle placed over the heart area. A shot to this area will cause rupturing of the heart, major vessels and lungs, making it the main target. The firing squad stands behind a wall, approximately 20 feet from the individual and simultaneously shoots at the white circle with 30-30 caliber rifles. The ultimate cause of death is due to hemorrhage and shock. In instances in which the individual is not pronounced dead after the firing squad has completed, a pistol shot to the head takes place (Office of the Clark County Prosecuting Attorney, 2009).

**Jury Selection**

Ultimately, for a capital crime, the fate of a defendant’s life rests in the hands of each jury member. Therefore, jury members need to be properly and fairly selected. The jury selection process involves randomly selecting individuals to serve as jury members from the community in which the trial is to be held. Random selection of potential jury members requires representative lists (e.g., registered voters) providing names of individuals living in the local area to be compiled. Specific names are then chosen from the compiled lists (Abramson, 1994).

**Voir dire and death-qualification.** After randomly selecting potential jury members from lists, the jury selection process begins. Both the prosecution and defense attempt to exclude certain individuals through the use of *voire dire*. *Voir dire* consists of
a series of questions pertaining to the trial in which potential jury members are required to respond. Once the *voir dire* process has been completed, potential jury members who do not meet the criteria are excluded from serving on the jury. The remaining individuals are what is referred to as death-qualified, and are allowed to serve as jury members (Fulero & Wrightsman, 2009).

In order to assume a potential jury member is death-qualified, *voir dire* must reveal two key components. First, if *voir dire* revealed a potential jury member was opposed to the death penalty to the extent that he or she would refuse selecting a guilty verdict out of fear the death penalty would be imposed, the potential juror would be excluded. Similarly, if *voir dire* revealed that a potential jury member would, without a doubt, sentence the defendant to death simply because a guilty verdict was reached, the potential juror would be excluded as well. In other words, a potential jury member is considered death-qualified providing *voir dire* indicates the individual is able to set aside personal issues regarding the death penalty and strictly base decisions according to laws that require an offender to be sentenced to death (Conrad, 2001).

Unfortunately, potential problems exist within the current *voir dire* procedure, and the extent to which a truly death-qualified jury is established remains questionable. First, the *voir dire* process is not entirely standardized. Questions in which open-ended responses are required are permissible (e.g., “Do you believe you will make a good juror for this case? Please explain.”), and determining which open-ended questions to ask is often based upon the distributor’s (e.g., the judge’s) discretion; additionally, there is not a standardized scoring guide to interpret the potential jury member’s responses. It is also
important to be aware that questions in which “yes” or “no” responses are required (e.g., “Have you ever sat as a grand juror?”) are permissible as well; however, the distributor is allowed to select the order of presentation of these questions, and a standardized scoring procedure remains absent (Carchman, 2007). Unfortunately, without standardized scoring procedures, response interpretations are left to the distributor; in turn, responses may be interpreted differently from one distributor to another and may contain bias. Furthermore, if potential jury members are familiar with the intent of voir dire, responding accordingly to ensure being able to serve on the jury becomes an issue. Non death-qualified individuals serving as jury members allow inaccurate sentencing to occur after a guilty verdict has been made. These types of flaws constitute major glitches in the legal system.

**Tasks of the Death-Qualified Jury**

Once a death-qualified jury is assembled, certain tasks are required of its members. It is important to note that being found guilty of a capital crime does not always require a death sentence. Therefore, juries in capital cases serve two purposes: determining the verdict (referred to as the guilt-determination phase) and determining the punishment (referred to as the sentencing phase). This two step trial process by the jury is known as a bifurcated trial (Fulero & Wrightsman, 2009).

*Laws requiring a death sentence.* After jury members are able to establish that the defendant is guilty of a capital crime, certain laws indicate a death sentence should be applied. Reasons to enforce the death penalty include but are not limited to murder committed during a drug-related drive-by shooting, first-degree murder, murder during a kidnapping or murder related to rape or child molestation (Bureau of Justice Statistics,
2007).

*Aggravating and mitigating factors.* Although certain laws suggest enforcing the death penalty as an appropriate sentence, aggravating and mitigating factors must be taken into consideration as well. *Gregg v. Georgia* case (1976) ruled aggravating and mitigating factors are allowed in the courtroom in order to assist the jury in determining whether to penalize the defendant with death (U.S. Courts Educational Outreach, n.d.).

Aggravating factors are those that cause the crime to be more heinous. For example, if a defendant on trial for murder had also been torturing the victim, the torturing would be considered an aggravating factor. Other examples of aggravating factors include but are not limited to the defendant being previously convicted of other offenses or murdering more than one person. Typically, the jury as a whole agrees that one or more aggravating factors were present prior to sentencing the defendant to death (Fulero & Wrightsman, 2009).

In addition, mitigating factors must be taken into account during trial as well. Often times, mitigating factors lessen the negative outlook of the crime. For example, if the defendant was a woman brutally beaten by her husband and in the event of self-defense murdered him, the beating would be considered a mitigating factor. Other examples of mitigating factors might include the defendant being a child or having mental incapacities (Fulero & Wrightsman, 2009).

*Support of and Opposition to the Death Penalty*

Reasons for which potential jury members support or oppose the death penalty are numerous. As previously mentioned, the purpose of *voir dire* is to address these areas in
order to filter out which potential jury members are unable to assist in a fair trial; total support of or complete opposition to the death penalty are legitimate reasons to exclude potential jury members from serving. Honeyman and Ogloff (1996) identified arguments that support and oppose the death penalty; these include deterrence, moral issues and retribution, rehabilitation and incapacitation, economic issues and possibility of mistake.

**Deterrence.** Support of the death penalty has been associated with deterrence when individuals believe execution will cause enough fear in offenders that they will refrain from committing murder, as well as supporting the notion that once an offender receives the death penalty murder cannot be committed again. However, it is also suggested the outcome of the death penalty (i.e., death) serves as a model for offenders, desensitizing them to execution (Bowers, 1988).

**Moral issues and retribution.** Individuals may also decide to support or oppose the death penalty based upon moral issues and retributions. Some may support the death penalty based upon the notion that execution allows for the homicide offender to be punished, resulting from the same motive in which the crime was committed (i.e., vengeance), as well as suffering while doing so (Reiman, 1988). Others may oppose the death penalty due to the belief that killing is never acceptable and that life is purposeful, regardless of the offender’s wrongdoings (Honeyman & Ogloff, 1996).

**Rehabilitation and incapacitation.** Again, it is common that individuals support the death penalty because it ensures the offender will never commit murder again. However, it is not uncommon that individuals oppose the death penalty because it is accepted that prison time serves as a sort of rehabilitation and, in turn, can also prevent
offenders from committing heinous crimes again (Radelet & Bedau, 1988).

**Economic.** Individuals often base their support of or opposition to the death penalty based upon their beliefs regarding cost-effectiveness. Often, the death penalty is supported based on the notion that it is cheaper to execute than to keep an offender in prison for the remainder of his/her life. On the other hand, individuals tend to oppose the death penalty due to their belief that carrying out an execution can be more costly than a life sentence because of the appeals processes (Johnson, 1990).

**Possibility of mistake.** As previously mentioned, the death penalty is supported by a number of individuals due to vengeance. However, apprehensive individuals may oppose the death penalty. This opposition is to ensure there has been no conviction error and that innocent people are not executed (Reid, 1987).

***“Big Five”***

Personality, as a whole, is a broad area within the realm of psychology. A particular area of interest within personality psychology is that of personality traits (i.e., “pervasive consistencies in thoughts, feelings and behaviors” (Costa & McCrae, 1992b, p. 39). In order to categorize personality type, five main traits (i.e., factors) have been constructed. These traits include neuroticism, extraversion, openness, agreeableness and conscientiousness, commonly referred to as the “Big Five”, and are used to define differences among people in personality (Costa & McCrae, 1992b).

In efforts to measure the “Big Five”, personality assessments have been created and expanded. The Neuroticism-Extraverted-Openness Inventory (NEO Inventory) was first created in 1978 and was used to measure neuroticism, extraversion and openness; the
assessment included three domain and 18 facet scales. In 1983, the NEO Inventory was revised, and agreeableness and openness traits were able to be measured by adding 18-item domain scales; in 1985, this scale was published and renamed the Neuroticism-Extraverted-Openness Personality Inventory (NEO-PI). By 1990, minor changes were made to the neuroticism, extraversion and openness trait items as well as facet scale completion for agreeableness and conscientiousness of the NEO-PI; this was then referred to as the Revised Neurotic-Extraverted-Openness Personality Inventory (NEO PI-R). Creation of the NEO PI-R included both rational and factor analyses. Constructs of interest were first developed and items were created to measure them; the items were then administered to a large sample of participants and the responses to the items were factored. Based upon the factor loadings of each item, in addition to the ability to maintain a balanced number of positive and negative items, specific items were selected to be used. In order to ensure convergent and discriminant validity, the scales were compared to other scales and methods and sometimes revised (Costa & McCrae, 1992b).

**Neuroticism.** Neurotic individuals generally develop strong senses of fear, sadness, embarrassment, anger, guilt and/or disgust. Furthermore, neurotic individuals are also more likely to have irrational ideas, be less in control of their impulses and lack the ability to cope with stress in comparison to individuals without the neurotic personality trait. Individuals low in neuroticism tend to be calm, even-tempered, relaxed, and able to handle stressful situations with ease (Costa & McCrae, 1992b).

**Extraversion.** The extraverted individual usually tends to be sociable, assertive, active, upbeat, energetic and optimistic. Additionally, excitement and stimulation are
things extraverts find enjoyable. Individuals considered introverted tend to be reserved, independent and even-paced, in addition to preferring to be alone. It is important to note that introversion should not be considered the exact opposite of extraversion; for example, while extraverts tend to be optimistic, this does not imply that introverts are pessimistic (Costa & McCrae, 1992b).

**Openness.** Openness is most commonly associated with creative intelligence and encompasses factors such as active imagination, aesthetic sensitivity, attentiveness to inner feelings, preference for variety, intellectual curiosity and independence of judgment. Individuals acquiring the openness trait also tend to be open to novel ideas and unconventional values; they are curious of worlds similar and different from their own, allowing them to fulfill a positive experiential lifestyle. In comparison to closed individuals, open individuals are better aware of their positive and negative emotions. Individuals with low openness have lessened areas of interest, and tend to be more socially and politically conservative in comparison with highly open individuals (Costa & McCrae, 1992b).

**Agreeableness.** Agreeable individuals tend to be altruistic, sympathetic, eager to help others and believe others are just as eager to help in return. In comparison, individuals low in agreeableness tend to be egocentric, skeptical of others’ intentions and competitive. While disagreeable individuals are associated with narcissistic, antisocial and paranoid personality disorders, highly agreeable individuals are associated with dependent personality disorder (Costa & McCrae, 1992b).

**Conscientiousness.** The conscientious individual tends to be purposeful, strong-
willed and determined. Conscientiousness also entails active processes of planning, organizing and carrying out tasks in terms of self-control. Individuals high in conscientiousness tend to be scrupulous, punctual, reliable, and perform well academically and occupationally. However, highly conscientious individuals may be annoyingly fastidious, compulsively neat or engage in workaholic behavior. Low conscientious individuals are less concerned with applying the aforementioned tasks, as well as less inclined to work towards their goals (Costa & Mcrae, 1992b).

**Death Penalty and Personality Traits**

Although the “Big Five” is commonly used in research, the literature examining the relationship between death penalty decisions made by potential jurors and personality is lacking. An early contribution to the death penalty as it correlates with personality traits was McKelvie’s (1983) research, which essentially replicated McKelvie and Daoussis’ (1982) work. A sample of 91 participants were administered the Eysenck Personality Questionnaire (EPQ) consisting of 100 items in which participants responded either “yes” or “no” to assess personality (Eysenck & Eysenck, 1975), and the Questionnaire on Capital Punishment (QCP) consisting of 18 items in which participants responded on a 5-point Likert scale ranging from +2 (strongly agree) to -2 (strongly disagree) to assess death penalty beliefs (McKelvie & Daoussis, 1982). Results indicated highly extraverted individuals scored higher on the QCP in comparison to individuals scoring low on extraversion (McKelvie, 1983; McKelvie & Daoussis, 1982).

Additional efforts to examine death penalty attitudes and personality trait includes research conducted by Robbers (2006), indicating four of the “Big Five” personality traits
Factors in Jurors’ Decisions

yielded significant results when correlated with death penalty decisions. Participants were given the NEO PI-R consisting of 50 items (10 items per personality trait) in which participants responded on a 5-point Likert scale from strongly agree to strongly disagree to assess personality (Costa & McCrae, 1992a), as well as an assessment consisting of 10 items (e.g., “Adults who are convicted of first-degree murder generally deserve the death penalty.”) in which participants responded on a 5-point Likert scale ranging from 0 to 4 (higher scores representing pro-death penalty attitudes) to assess attitudes towards the death penalty (Lowenthal, 2002). Correlational analyses indicated that neuroticism ($r = 0.48; p < 0.01$) and extraversion ($r = 0.35; p < 0.01$) were significantly related to support of the death penalty, while openness ($r = -0.19; p < 0.01$) and agreeableness ($r = -0.16; p < 0.01$) were significantly related to opposition of the death penalty (Robbers, 2006).

Perhaps McKelvie’s (1983), McKelvie’s and Daoussis’ (1982) and Robbers’ (2006) research indicating extraversion being related to support of the death penalty is due to the nature of the extraverted individual being expressive and able to manage what others may find as strenuous. In comparison, perhaps Robbers’ (2006) research indicates the fact that such personality traits as openness relate to opposition of the death penalty due to the ability of individuals possessing this trait to reflect on given situations and later stem decisions from there. Finally, Robbers’ (2006) research also indicated that conscientiousness was not related to either support for or opposition to the death penalty. Perhaps conscientious individuals have a difficult time making sentence decisions in comparison to individuals scoring high in other personality traits because of their tendency to have control; once a sentence decision has been made, it is irreversible and
out of their hands in the event the individuals should change their minds.

Summary

Throughout history, crimes punishable by death and methods of execution have changed and developed. Currently, individuals can be sentenced to death for a crime (e.g., murder), and be executed in a number of ways. In order to make decisions regarding the defendant’s guilt, as well as whether the defendant should be sentenced to death, it is important that jury members be death-qualified (DPIC, 2009).

Jury members in capital cases are selected through the use of voir dire to ensure they are death-qualified (Fulero & Wrightsman, 2009). However, the voir dire process is not thoroughly standardized (Carchman, 2007). Regardless, once a potential jury member is considered death-qualified, it is assumed that he or she is able to take aggravating and mitigating factors into account (U.S. Courts Educational Outreach, n.d.) and follow the laws suggesting imposition of the death penalty when necessary (DPIC, 2009).

Although being death-qualified seems fairly straightforward, research indicates it is illogical to assume outside factors do not contribute to juror sentence decisions (Boyll, 1991). While there are a variety of reasons as to why individuals support or oppose the death penalty (Honeyman & Ogloff, 1996), awareness of contributing factors that can determine differences between those who recommend the death penalty and those who do not is important.

One contributing factor in sentence decisions is an individual’s personality trait (McKelvie, 1983; McKelvie & Daoussis, 1982; Robbers, 2006). However, the existing research is dated and minimal. Determining whether there is a significant difference in
each personality trait among those who support the death penalty and those who do not
could aid in establishing a true representation of a death-qualified jury. Individuals
scoring certain scores on particular personality traits that are associated with the tendency
to always enforce or not enforce the death penalty would be excluded from serving as
jury members. Incorporating ways to assess outside factors contributing to sentence
decisions, in addition to the current *voir dire*, is beneficial because it allows for a more
true representation of a death-qualified jury to be established. In turn, this creates a more
fair trial for the defendant, which is mandated by the 6th amendment of the United States
Constitution (Independence Hall Association, 2010).

It is important to note that only two of the five personality traits were addressed in
the hypotheses. This is due to the results of previous research indicating a significant
difference among death penalty decisions and personality (i.e., the hypotheses were based
upon results found by other researchers). For example, the first hypothesis suggests
participants who choose to sentence the death penalty will have high extraversion scores.
This hypothesis was extracted from McKelvie’s (1983) research which indicated that
highly extraverted individuals supported the death penalty, in addition to Robbers’ (2006)
research indicating extraversion and neuroticism were related to death penalty support.
Therefore, it is hypothesized in the current research that death penalty support is
significantly related to highly extraverted individuals because of McKelvie’s (1983) and
Robbers’ (2006) research both indicating a significance between death penalty decision
and extraversion. The second hypothesis suggests participants who choose not to
sentence the death penalty will have high openness scores. This hypothesis was extracted
from Robbers’ (2006) research indicating both openness and agreeableness traits were related to death penalty opposition. Because Robbers’ (2006) research found the relationship between openness and death penalty opposition to be more significant than the relationship between agreeableness and death penalty opposition, it is hypothesized in the current research that death penalty opposition is significantly related to highly open individuals. In terms of independent and dependent variables, sentence decision served as the independent variable and personality trait served as the dependent variable; this was due to the assumption that the sentence decision would change based upon the individual’s personality trait score.
CHAPTER 3
METHODOLOGY

Participants
The total number of participants involved in the study was 80, mainly enrolled at a midsized Midwestern university. Recruitment for participation was done via classroom visitations by the researcher in the psychology department and by word of mouth. Those participating for course credit received three points for their participation (i.e., one point per 10 minutes of participation). The demographics survey (see Appendix A) resulted in the following for participants: ranged from ages 18-80 years old with a mean age of 27.01 ($SD = 11.25$); included 27 (33.8%) males and 53 (66.3%) females; there were 67 (83.8%) White individuals making up a majority of the sample, followed by six (7.5%) Black individuals, three (3.8%) Hispanic individuals, three (3.8%) Asian or Pacific Islander individuals, one (1.3%) individual in the Other category and zero (0.0%) American Indian or Alaskan Native individuals; included 26 (32.5%) psychology majors, 39 (48.8%) other majors (e.g., nursing) and 15 (18.8%) non applicable majors (e.g., undecided); death penalty opposition/support included 12 (15.0%) individuals that were strongly opposed, 17 (21.3%) individuals that were somewhat opposed, nine (11.3%) individuals that were neither opposed or supportive, 22 (27.5%) individuals that were somewhat supportive and 20 (25.0%) individuals that were strongly supportive.

Materials
Personality traits of each participant were measured using the Neuroticism-Extroverted-Openness Five-Factor Inventory (NEO-FFI) Form S (Adult), which is a
highly correlated shortened version of the NEO PI-R. The NEO-FFI Form S consists of 60 questions measuring the “Big Five” personality traits which include neuroticism (N), extraversion (E), openness (O), agreeableness (A) and conscientiousness (C). Specifically, each personality trait was measured by 12 questions to which participants responded on a 5-point Likert scale from *Strongly Disagree* (SD) to *Strongly Agree* (SA) (see Appendix B). An additional three questions (i.e., “Have you responded to all of the statements?”, “Have you entered your responses in the correct boxes?” and “Have you responded accurately and honestly?”) required the participant to respond either “yes” or “no” to check for validity and ensure that the assessment could be scored (Costa & McCrae, 1992b; see Appendix B). Internal consistency coefficients are .86, .77, .73, .68 and .81 for N, E, O, A and C, respectively. Convergent correlations range from .56 to .62 while divergent correlations exceeding .20 are zero when comparing to the NEO PI-R. In terms of reliability, retest reliability coefficients of the NEO-FFI for N, E, O, A and C were found to be .79, .79, .80, .75 and .83, respectively (Costa & McCrae, 1992b).

A written case scenario was also distributed to participants. The scenario described an event in which a capital crime (i.e., murder) had taken place. Simple background information of the individuals involved in the case was provided. In addition to revealing the weapon used to carry out the murder, the means by which the homicide occurred was described. A mitigating factor was suggested in the defendant’s defense, and refuted by a psychologist (case scenario was extracted from McKelvie, 2006; see Appendix C). The scenario was selected by the researcher with the intent of having a case that was ambiguous as to whether the death penalty should be used.
Participants also received a list of federal laws providing for the death penalty (list was extracted from Bureau of Justice Statistics, 2007). Each law exemplified appropriate means by which a defendant could be punished with the death penalty. The list was categorized into 41 different sections and participants were to use them as a basis for their sentence decision, much like jury members in real murder cases (see Appendix D).

A ballot provided participants with information regarding the trial, as well as the opportunity for sentence decisions. The ballot first provided participants with a particular verdict (i.e., guilty). Once a guilty verdict was revealed, the ballot provided a place for the participant to indicate a sentence decision; the words “yes” and “no” were listed with a box next to each so that participants could select a sentence by placing a check mark in the corresponding box (see Appendix E). An additional page was inserted so that participants could explain the reason behind their sentence decision (see Appendix F). By having participants explain their sentence decisions, it was thought by the researcher that underlying factors as to why the death penalty was or was not enforced would emerge (e.g., an individual might find it necessary to enforce the death penalty in order to seek revenge on the guilty defendant).

The demographics survey was used to provide the researcher with information such as age, sex (i.e., male or female), racial/ethnic background (i.e., White [not Hispanic], Black [not Hispanic], Hispanic, Asian or Pacific Islanders, American Indian or Alaskan Native or other), major (i.e., psychology, other or not applicable) and death penalty opposition/support (i.e., strongly opposed, somewhat opposed, neither opposed or
supportive, somewhat supportive or strongly supportive) of each participant. Research has determined that demographics have often been used as a criterion to determine death-qualified jurors (Boyll, 1991).

A final component included the debriefing statement, in which the purpose for the research was thoroughly explained to the participant (see Appendix G).

Procedure

Informed consent forms (see Appendix H) were administered to all participants. One consent form was voluntarily read and signed and returned to the researcher, and the other was retained by the participant. The signed consent form allowed the researcher to use the data provided by the participant. All data were anonymous. The participant was allowed to ask the researcher questions in order to clarify the research procedure before continuing the study.

Administration of the research was done in one of two ways. Directly after signing the informed consent form, half the participants first completed the NEO-FFI Form S, read the case scenario, read the federal laws providing for the death penalty, selected a sentence on the ballot and then answered the open-ended question. In order to counterbalance, the other half of participants followed the same procedure, but completed the NEO-FFI Form S after answering the open-ended question. Completing the demographic survey was the last component to both routes of administration; this was done because the affect of the responses to the survey were not a main focus of the research.

Finally, participants were given the debriefing statement to ensure no deception.
was involved, which is important so that participants are aware of the research’s intent. Thereafter, another opportunity for questions was allotted to the participant. Providing all questions were addressed, the participant was allowed to leave.
CHAPTER 4
RESULTS

Analyses were used to determine relationships between sentence decisions and personality trait. Additional analyses were used to determine relationships between sentence decisions and demographics. While some results were significant, others were not. Regardless, all findings serve as a basis for future research to expand.

An independent samples $t$-test was used to analyze the relationship between death penalty sentencing and scores on each of the five NEO-FFI personality traits. Specifically, an independent samples $t$-test was conducted five times (once each for neuroticism, extraversion, openness, agreeableness and conscientiousness) in order to determine whether there was a significant difference in each personality trait between those who recommended the death penalty and those who did not.

For each $t$-test, participants’ sentence decisions (“yes” or “no” in recommending the death penalty) served as the independent variable, while the individual test scores for each personality trait were classified in one of five categories (1 = Very Low, 2 = Low, 3 = Average, 4 = High and 5 = Very High) and served as the dependent variable. Those whose death penalty decision was “yes” ($M = 2.71$, $SE = .18$) and those whose death penalty decision was “no” ($M = 2.93$, $SE = .14$) did not differ on neuroticism, $t(78) = 1.04$, $p = .30$, $r^2 = .01$ (see Figure 1).
Figure 1

![Figure 1 image]

**Mean Neurotic Scores for Yes and No Sentence Decisions**

Those whose death penalty decision was “yes” \((M = 3.62, \ SE = .16)\) and those whose death penalty decision was “no” \((M = 3.70, \ SE = .15)\) did not differ on extraversion, \(t(78) = .36, p = .72, r^2 = .00\) (see Figure 2).

Figure 2

![Figure 2 image]

**Mean Extraverted Scores for Yes and No Sentence Decisions**
Those whose death penalty decision was “yes” ($M = 2.91, \text{SE} = .20$) and those whose death penalty decision was “no” ($M = 3.22, \text{SE} = .17$) did not differ on openness, $t(78) = 1.17, p = .25, r^2 = .02$ (see Figure 3).

![Figure 3](image)

**Mean Open Scores for Yes and No Sentence Decisions**

Those whose death penalty decision was “yes” ($M = 2.71, \text{SE} = .17$) and those whose death penalty decision was “no” ($M = 2.76, \text{SE} = .15$) did not differ on agreeableness, $t(78) = .24, p = .81, r^2 = .00$ (see Figure 4).
Figure 4

Mean Agreeable Scores for Yes and No Sentence Decisions

Those whose death penalty decision was “yes” \((M = 2.91, \text{SE} = .15)\) and those whose death penalty decision was “no” \((M = 2.93, \text{SE} = .15)\) did not differ on conscientiousness, \(t(78) = .11, p = .92, r^2 = .00\) (see Figure 5).

Figure 5

Mean Conscientious Scores for Yes and No Sentence Decisions
Due to the results not approaching significance at the .05 alpha level, a Bonferroni correction was not needed to ensure $p < .01$.

When looking at whether the assumptions for the independent samples $t$-test were met, personality trait scores were an interval level variable. For each participant, the five personality traits were able to be rank ordered, as well as quantified and compared. Furthermore, observations were independent in that one observation did not influence another (e.g., death penalty decisions were made separately by each participant). In reference to the independent samples $t$-tests meeting assumptions for homogeneity of variance, the Levene’s test for all five personality traits (neuroticism, extraversion, openness, agreeableness and conscientiousness) were not significant. As the $p$-values for all five personality traits were greater than .05, there was no significant difference between the group’s (i.e., participants’ sentence decisions) variances. Frequency distributions were not highly skewed.

Exploratory analyses with the demographic information suggested the following. Independent samples $t$-tests were run for age and death penalty support/opposition while chi-square tests for independence were run for sex, race and major. Those whose death penalty decision was “yes” ($M = 28.09$, SE = 2.02) and those whose death penalty decision was “no” ($M = 26.22$, SE = 1.61) did not differ on age $t(78) = .73$, $p = .47$, $r^2 = .01$; those whose death penalty decision was “yes” ($M = 4.29$, SE = .18) and those whose death penalty decision was “no” ($M = 2.50$, SE = .18) differed on death penalty support/opposition $t(78) = 7.06$, $p = .00$, $r^2 = .39$; those whose death penalty decision was “yes” ($N = 15$ for males; $N = 19$ for females) and those whose death penalty decision
was “no” \((N = 12\) for males; \(N = 34\) for females) did not differ on sex, \(\chi^2(1, N = 80) = 2.84, p = .09\); those whose death penalty decision was “yes” \((N = 30\) for Whites; \(N = 2\) for Blacks; \(N = 0\) for Hispanics; \(N = 1\) for Asians; \(N = 1\) for Other) and those whose death penalty decision was “no” \((N = 37\) for Whites; \(N = 4\) for Blacks; \(N = 3\) for Hispanics; \(N = 2\) for Asians; \(N = 0\) for Other) did not differ on race, \(\chi^2(4, N = 80) = 4.02, p = .40\); those whose death penalty decision was “yes” \((N = 9\) for Psychology; \(N = 17\) for Other; \(N = 8\) for Not Applicable) and those whose death penalty decision was “no” \((N = 17\) for Psychology; \(N = 22\) for Other; \(N = 7\) for Not Applicable) did not differ on major, \(\chi^2(2, N = 80) = 1.40, p = .50\).
The goal of the current study was to determine whether there was a significant difference among participant sentence decision and personality traits. However, neither Hypothesis 1 (i.e., a significant difference among participants whose sentence decisions are “yes” versus those whose sentence decisions are “no” will emerge on extraversion), nor Hypothesis 2 (i.e., a significant difference among participants whose sentence decisions are “yes” versus those whose sentence decisions are “no” will emerge on openness) were supported. Whereas results of the current study were not significant, previous studies found significance between sentence decisions and personality trait. First, it is important to consider that although studies such as Robbers’ (2006) yielded significant results, the level of significance hardly exceeded the standard. It is also important to take into account the different methodology among the present and past research; no two used the same assessments when measuring death penalty support/opposition or personality trait. The researcher selected use of the NEO-FFI Form S versus the NEO PI-R because it took a shorter amount of time to administer. Furthermore, the NEO-FFI Form S has consistently demonstrated reliability and validity, just as the NEO PI-R; therefore, it seemed feasible to use this form due to the multitude of other requirements asked of participants during the research. It was hoped that the results would indicate a relationship among a particular sentence decision with certain personality traits; however, in this case, it did not. In the event further research indicates a significant relationship between the two and is recognized as important in courtrooms, use of the NEO-FFI Form
S would be more time effective since the *voir dire* is already a lengthy process. Additionally, the intent of having participants respond to the open-ended question “Why did you make the sentence decision you did regarding the death penalty?” was to qualitatively allow the researcher to determine the underlying reasons for why the participants did or did not decide to sentence the defendant with the death penalty. Participants’ responses revealed a variety of reasons for their sentence decisions; however, two common reasons included not sentencing the death penalty due to moral values or supporting the death penalty as revenge to the defendant.

Participants were required to be 18 years or older. To serve on a jury in real life situations, jury members must be at least 18 years of age. Hence, it seemed most logical to have the age limit the same for the sample in order to keep the research as similar as possible to an actual jury member. In addition, requiring participants to be at least 18 years old eliminated the research proposal from having to undergo further review.

The current research was counterbalanced by having half the participants complete the NEO-FFI Form S prior to reading the case scenario and having the other half completing it after answering the open-ended question. This was done in order to measure the effects in all possible situations (i.e., in order to make sure the NEO-FFI Form S scores were not influenced by the procedure). In comparing the current research with the existing research that measures the relationship between personality and death penalty support/opposition, in terms of validity, it is concerning that none of the previous methods were counterbalanced; therefore, it is difficult to determine whether there were any influencing factors. This is unfortunate because previous research on this topic is
minimal, leaving little for future researchers to expand upon.

The demographic survey used in the current research targeted areas in which literature had previously associated with jury members (i.e., age, sex, racial/ethnic background, major and death penalty support or opposition). Specific to age, research by Boyll (1991) suggests jurors under the age of 25 are not as harsh in both the guilt-determination or sentence decision phases. In regards to sex, males who are not very socialized but are empathetic and autonomous and females who are extremely socialized but autonomous, tend to vote not guilty in the guilt-determination phase of a trial when serving as jury members (Mills & Bohannon, 1980). In terms of racial/ethnic background, juries consisting of the same race do not provide sentence decisions that are as ideal as a jury consisting of different races (Sommers & Norton, 2008). Additional research indicated that not being highly educated does not affect the ability for an individual to follow simple rules, but does leave tendency to be more prone to empathy and autonomy (Mills & Bohannon, 1980). According to Lanier and Acker (2004), regardless of the extent to which an individual supports or opposes the death penalty, both stances elicit emotion. Therefore, it is important that factual information be a key component when making capital crime decisions. Interestingly, although the present study only yielded significant results for death penalty decision with ones support/opposition to the death penalty, all the elements making up the demographics survey have previously proved to be associated with decisions made by jurors in capital cases.

Limitations

For purposes of the current research, 80 participants were used to provide 20 to 30
participants for each condition (i.e., either voting “yes” or “no” to utilize the death penalty) and 20 additional participants in hopes of ensuring significance for an independent samples $t$-test. Although the results were not significant, modifying the research by having a larger sample size might have resulted in significant data (e.g., a larger sample size could result in more participants obtaining high scores on the extraversion and openness personality traits; thus, allowing more comparison by sentence decision on personality trait scores).

In reference to age, a majority of participants were fairly young. The mean age was only around 27 years. Generally, the average age of a jury is probably much larger. This makes the current study not quite as life-like in comparison to a real jury.

It is important to consider the ecological validity for the current research method as well as the suggestive future research. In both cases, the participants are not actual jury members making permanent decisions for another’s life (i.e., the participants’ sentence decision is not the determining factor as to whether a defendant will live or die). Ultimately, the participant’s sentence decision is not as meaningful, because there is not a real consequence.

**Further Investigations**

By further investigating the current research, additional findings may arise. First, modifying the research so that half the participants receive the list of federal laws providing for the death penalty while the other half does not, might result in different sentence decisions (e.g., participants who did not receive the list of federal laws providing for the death penalty may choose not to sentence the defendant to death based
on personal morals versus justifying voting to sentence the death penalty because the
defendant’s crime was on the list). In turn, it would be interesting to see whether this
manipulation would interact with any of the personality traits.

Furthermore, inserting a video clip portraying individuals acting as lawyers giving
closing statements for both the defense and prosecution, as done in court, may be
beneficial. This would illustrate a more life-like setting after the case scenario is read by
the participant. Additionally, providing participants with closing statements may result in
more considerable sentence decisions.

Finally, formulating a mock jury would be a practical extension to the current
research that could possibly result in more realistic sentence decisions by the participants.
In an actual murder trial, a unanimous sentence decision made by a jury is used to
sentence the defendant on trial. Once participants had made individual sentence decisions
(as done in the current research), the researcher could assemble a mock jury of
participants containing some whom voted “yes” to sentencing the defendant with the
death penalty as well as some whom voted “no” to the death penalty. After a unanimous
decision was made by the mock jury, a comparison could be done to determine the
difference between sentence decisions of the participants individually versus as a jury.

Closing Statement

Ensuring that jury members are death-qualified is a crucial component of a trial.
Previous research has found it unrealistic to believe that no contributing factors assist
jurors when making their decision. Mills and Bohannon (1980) suggest it is important to
investigate how individuals are influenced differently. One contributing factor that prior
research has found to show a relationship with sentence decisions is that of personality trait. Although the present study did not yield significant results, it is hopeful future researchers can elaborate on the current research method to determine whether there are relationships between personality factors and sentence decisions on death penalty cases.
REFERENCES


APPENDIX A
DEMOGRAPHIC SURVEY

Please answer the following questions as accurately and honestly as possible. If you do not wish to answer a specific question, please leave it blank.

Age (enter in years): _____

Sex (check appropriate box):

□ Male
□ Female
□ Transgender

Racial/Ethnic Background (check appropriate box):

□ White (not Hispanic)
□ Black (not Hispanic)
□ Hispanic
□ Asian or Pacific Islanders
□ American Indian or Alaskan Native
□ Other (please specify): ______________

Major (check appropriate box):

□ Psychology
□ Other (please specify): ______________
□ Not applicable

Death Penalty (circle appropriate number):

1                        2                                3                               4                           5
Strongly Opposed         Somewhat Opposed         Neither Opposed or Supportive         Somewhat Supportive         Strongly Supportive
APPENDIX B
NEO-FFI FORM S ITEMS

The 60 questions measuring neuroticism, extraversion, openness, agreeableness and conscientiousness making up the NEO-FFI Form S are listed below. Respondents select an answer for each question from the following: Strongly Disagree (SD), Disagree (D), Neutral (N), Agree (A) or Strongly Agree (SA). Completion of the NEO-FFI Form S will result in a personality trait being prevalent for the respondent.

1. I am not a worrier.
2. I like to have a lot of people around me.
3. I don’t like to waste my time daydreaming.
4. I try to be courteous to everyone I meet.
5. I keep my belongings clean and neat.

6. I often feel inferior to others.
7. I laugh easily.
8. Once I find the right way to do something, I stick to it.
9. I often get into arguments with my family and co-workers.
10. I’m pretty good about pacing myself so as to get things done on time.

11. When I’m under a great deal of stress, sometimes I feel like I’m going to pieces.
12. I don’t consider myself especially “light-hearted”.
13. I am intrigued by the patterns I find in art and nature.
14. Some people think I’m selfish and egotistical.
15. I am not a very methodical person.

16. I rarely feel lonely or blue.
17. I really enjoy talking to people.
18. I believe letting students hear controversial speakers can only confuse and mislead them.
19. I would rather cooperate with others than compete with them.
20. I try to perform all the tasks assigned to me conscientiously.

21. I often feel tense and jittery.
22. I like to be where the action is.
23. Poetry has little or no effect on me.
24. I tend to be cynical and skeptical of others’ intentions.
25. I have a clear set of goals and work toward them in an orderly fashion.

26. Sometimes I feel completely worthless.
27. I usually prefer to do things alone.
28. I often try new and foreign foods.
29. I believe that most people will take advantage of you if you let them.
30. I waste a lot of time before settling down to do work.
31. I rarely feel fearful or anxious.
32. I often feel as if I’m bursting with energy.
33. I seldom notice the moods or feelings that different environments produce.
34. Most people I know like me.
35. I work hard to accomplish my goals.

36. I often get angry at the way people treat me.
37. I am a cheerful, high-spirited person.
38. I believe we should look to our religious authorities for decisions on moral issues.
39. Some people think of me as cold and calculating.
40. When I make a commitment, I can always be counted on to follow through.

41. Too often, when things go wrong, I get discouraged and feel like giving up.
42. I am not a cheerful optimist.
43. Sometimes when I am reading poetry or looking at a work of art, I feel a chill or wave of excitement.
44. I’m hard-headed and tough-minded in my attitudes.
45. Sometimes I’m not as dependable or reliable as I should be.

46. I am seldom sad or depressed.
47. My life is fast-paced.
48. I have little interest in speculating on the nature of the universe or the human condition.
49. I generally try to be thoughtful and considerate.
50. I am a productive person who always gets the job done.

51. I often feel helpless and want someone else to solve my problems.
52. I am a very active person.
53. I have a lot of intellectual curiosity.
54. If I don’t like people, I let them know it.
55. I never seem to be able to get organized.

56. At times I have been so ashamed I just wanted to hide.
57. I would rather go my own way than be a leader of others.
58. I often enjoy playing with theories or abstract ideas.
59. If necessary, I am willing to manipulate people to get what I want.
60. I strive for excellence in everything I do.
APPENDIX C
CASE SCENARIO

Imagine you are a jury member in a capital case. The defendant, on trial for murder, will be referred to as H. E. The victim, whom will be referred to as C. W., was an accountant. On C. W.’s way home, he was openly approached and shot twice in the head and killed, allegedly by H. E. Attorney’s indicated prior to C. W.’s homicide, he had only recently been appointed to his accountancy position. Furthermore, it was noted that H. E.’s brother was also a candidate for the same position. Upon receiving the news he had not been selected for the position, H. E.’s brother became upset; during this upset stage, he had a sudden heart attack and died. It was suggested that H. E. blamed C. W. for his brother’s death, in turn, murdering him. Psychiatrists were asked to examine H. E., and later testified he was not suffering from any form of mental disorder.

*Aggravating factors are those that cause the crime to be more heinous (e.g., torturing the victim prior to their murder).

*Mitigating factors are those that lessen the negative outlook of the crime (e.g., a woman being brutally beaten by her husband prior to murdering him).
APPENDIX D
FEDERAL LAWS PROVIDING FOR THE DEATH PENALTY


<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 U.S.C. 1342</td>
<td>Murder related to the smuggling of aliens.</td>
</tr>
<tr>
<td>18 U.S.C. 37</td>
<td>Murder committed at an airport serving international civil aviation.</td>
</tr>
<tr>
<td>18 U.S.C. 844(d), (f), (i)</td>
<td>Death resulting from offenses involving transportation of explosives, destruction of government property, or destruction of property related to foreign or interstate commerce.</td>
</tr>
<tr>
<td>18 U.S.C. 924(i)</td>
<td>Murder committed by the use of a firearm during a crime of</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>18 U.S.C. 1114</td>
<td>Murder of a Federal judge or law enforcement official.</td>
</tr>
<tr>
<td>18 U.S.C. 1120</td>
<td>Murder by an escaped Federal prisoner already sentenced to life imprisonment.</td>
</tr>
<tr>
<td>18 U.S.C. 1121</td>
<td>Murder of a State or local law enforcement official or other person aiding in a Federal investigation; murder of a State correctional officer.</td>
</tr>
<tr>
<td>18 U.S.C. 1503</td>
<td>Murder of a court officer or juror.</td>
</tr>
<tr>
<td>18 U.S.C. 1512</td>
<td>Murder with the intent of preventing testimony by a witness, victim, or informant.</td>
</tr>
<tr>
<td>18 U.S.C. 1513</td>
<td>Retaliatory murder of a witness, victim, or informant.</td>
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<tr>
<td>18 U.S.C. 1716</td>
<td>Mailing of injurious articles with intent to kill or resulting in death.</td>
</tr>
<tr>
<td>Statute</td>
<td>Description</td>
</tr>
<tr>
<td>-------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>18 U.S.C. 1751</td>
<td>Assassination or kidnapping resulting in the death of the President or Vice President.</td>
</tr>
<tr>
<td>18 U.S.C. 2113</td>
<td>Bank-robbery-related murder or kidnapping.</td>
</tr>
<tr>
<td>18 U.S.C. 2119</td>
<td>Murder related to a carjacking.</td>
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<td>18 U.S.C. 2245</td>
<td>Murder related to rape or child molestation.</td>
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<tr>
<td>18 U.S.C. 2280</td>
<td>Murder committed during an offense against maritime navigation.</td>
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<tr>
<td>18 U.S.C. 2281</td>
<td>Murder committed during an offense against a maritime fixed platform.</td>
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<td>18 U.S.C. 2332a</td>
<td>Murder by the use of a weapon of mass destruction.</td>
</tr>
<tr>
<td>21 U.S.C. 848(e)</td>
<td>Murder related to a continuing criminal enterprise or related murder of a Federal, State, or local law enforcement officer.</td>
</tr>
<tr>
<td>49 U.S.C. 1472-1473</td>
<td>Death resulting from aircraft hijacking.</td>
</tr>
</tbody>
</table>
APPENDIX E
BALLOT

Please read the following ballot carefully. Before selecting a sentence, please refer to the case scenario and list of federal laws providing for the death penalty you previously read. If you do not wish to select a sentence, please leave it blank.

- The defendant previously described in the case scenario has been found **GUilty** of the aforementioned crime. It is now your duty to make a sentence decision.

- Do you wish to sentence with the death penalty (check appropriate box)?:
  - □ Yes
  - □ No
APPENDIX F
OPEN-ENDED QUESTION

Please answer the following question as accurately and honestly as possible. If you do not wish to answer, please leave it blank.

Why did you make the sentence decision you did regarding the death penalty?
APPENDIX G
DEBRIEFING STATEMENT

Please read through the following debriefing statement. Once you have completed reading, please keep the information to yourself. If you have any questions, please feel free to ask.

Your participation in this research was necessary in order for the researcher to determine whether there is a significant difference in each personality traits between those who recommend the death penalty and those who do not. Currently, the judicial system excludes individuals from serving as jury members who are unable to be impartial in capital cases. In other words, potential jury members who claim they would always enforce the death penalty if a guilty verdict was returned are excluded from serving as jury members. Likewise, potential jury members who claim they would never enforce the death penalty under any circumstances would be excluded from serving as jury members as well. Therefore, if results from this research indicate complete support of or opposition to the death penalty being related to specific personality traits, it is suggested that individuals most prevalent in these personality traits should not serve as jury members. Furthermore, individuals most prevalent in personality traits at neither extremity would be considered death-qualified, making them appropriate candidates to serve as jury members.
APPENDIX H
INFORMED CONSENT FORM

Researcher(s): Brie L. Whisler, a graduate student in Psychology at the University of Central Missouri will be conducting the following research as a part of the programs graduate requirements. Dr. Jon Smith, Ph.D. is supervising the research.

Exclusion: You must be 18 years or older to participate in the research.

Purpose of the Research: The purpose of the research is to identify outside factors that contribute to formulating a better representation of death-qualified juries.

Request for Participation: You are being asked to participate in a research study. Please read through the following informed consent form and feel free to ask any questions before consenting. Your participation in this study is strictly voluntary and there is no penalty for declining to partake. You can terminate participation at any time upon your request without penalty as well as eliminating your data at the end of the session.

Procedures and Duration: Upon consenting to participate in the research, you will be asked to complete a variety of tasks including the Neuroticism-Extraversion-Openness Five Factor Inventory (NEO-FFI) Form S, reading a case scenario and list of federal laws providing for the death penalty, being assigned a verdict and asking to determine a sentence, questioning about sentence decision and filling out a demographic survey. Before leaving, you will be debriefed. Participation in this study will take approximately 30 minutes of your time.

Confidentiality: All information collected will be held strictly confidential. Responses to the items will remain anonymous and any identifying material will be destroyed.

Explanation of Risks: Risks involved with this study include exposure to violent material and could cause some discomfort. In the event you need psychological assistance feel free to contact the university’s Counseling Center at (660)543-4060.

Benefits of the Research: You will benefit from participating in the study by gaining firsthand experience in psychological research. In addition, you may be a candidate for fulfillment of a course requirement or earning extra credit. Please contact your professor to discuss whether these compensations apply.

Questions about the Research: If you have any questions involving the study you will be participating in, please contact Brie Whisler via e-mail at blw51550@ucmo.edu or telephone at (573)473-7661. Dr. Smith is also available via e-mail at jsmith@ucmo.edu or telephone at (660)543-4378. If you have any questions about your rights as a research
participant, feel free to contact the Human Subjects Protection Program at (660) 543-4621.

**Signature and Acknowledgement:** My signature below indicates my awareness of what the following study will entail. I have had opportunities to ask questions and am aware of my rights as a participant. I understand a copy of the informed consent form will be provided to me as well.

SIGNATURE OF PARTICIPANT ______________________  DATE _____________