



The Harris Poll® #9, January 21, 2008

Just Under Three in Five Americans Believe Juries Can Be Fair and Impartial All or Most of the Time

Plurality of Americans have Attended Jury Duty and One-Quarter Have Served on a Jury

One of the civil duties many people dread, or try to get out of, is jury duty. And many do seem to get out of it – while two-thirds (65%) of Americans have been called to serve jury duty, two-thirds of that (68%) actually attended, leaving one-third (32%) who did not. Of those who have attended jury duty, just over half (55%) have actually served on a jury. Bringing this back to the population as a whole, a plurality of Americans (44%) has attended jury duty and one-quarter (24%) has actually sat on a jury.

These are some of the results of a Harris Poll of 2,335 U.S. adults conducted online between December 4 and 12, 2007 by Harris Interactive®.

Certain groups are more likely to be called to jury duty, attend it and actually serve on a jury. Just over half (56%) of those in the Midwest have ever been called to jury duty compared to almost seven in ten of those in the East (68%) and West (69%). While those in the West are more likely to get called to jury duty, they are least likely to attend. Just over half (56%) of Westerners called actually attended jury duty compared to three-quarters (75%) of those in the South who were called. There is also a gender difference in attendance, most likely due to the "motherhood exemption" almost all states have – almost three-quarters (72%) of men who were called have attended jury duty compared to 65 percent of women who were called.

Of those who have been called, however, men and women have served in similar numbers (56% and 53% respectively). The more education one has, the more likely one seems able to avoid serving on a jury. Over half (57%) of both those with a high school or less education and some college who have attended jury duty have actually served on a jury. Yet this number drops to just over half (52%) of those with a college degree and 48 percent of those with a post graduate education.

Deliberations

Most of the time, those who were on a jury deliberated. Just over three-quarters (78%) say they reached a verdict, while one in five (19%) said the case was settled before they had to deliberate. Interestingly, cases seem to settle more in the East than other regions. While over one-third (37%) of cases settled in the East, that number drops to 17 percent in the South, 13 percent in the Midwest and just one out of ten (9%) in the West.

Juries and fairness

Overall, Americans believe juries are able to be fair and impartial. A majority (58%) of adults say people on trial have a jury that is fair and impartial all or most of the time while one in five (21%) say the jury is fair and impartial occasionally. Just eight percent say juries are rarely or never fair and impartial. There is a racial disparity in this belief. Almost two-thirds (63%) of Whites and over half (55%) of Hispanics believe people who are on trial have a jury that is fair and impartial all or most of the time compared to just 37 percent of Blacks.

In looking at a judge versus a jury and who would give a fair verdict in a trial, half of Americans (50%) would trust a jury to give a fair verdict while just under one-quarter (23%) would trust a judge and 27 percent are not sure. Again, Whites and Hispanics are more likely to trust a jury than Blacks

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are (51% and 54% versus 44%). But this doesn't mean that Blacks are more likely to trust a judge, they are more likely to be not sure (38%).

When it comes to sentencing, however, the edge moves to the judges. Just under half (48%) of Americans would trust a judge to give a fair sentence if someone is found guilty while three in ten (31%) would trust a jury and one in five (21%) are not sure. Again, there is a racial disparity. Half of Whites (50%) and Hispanics (52%) would trust a judge compared to 41 percent of Blacks. And, again, juries are not trusted more by Blacks to be fair and impartial in sentencing. It is that they are not sure who to trust.

So What?

When one is said to be judged by a "jury of one's peers", most realize that this is probably not exactly the case. The fact that one-quarter of the population has served on a jury and a plurality has attended jury duty can be examined two ways. On one hand, those numbers are somewhat surprisingly robust. One-quarter of the U.S. population of adults translates into 54.1 million people (based on July 2006 U.S. Census estimate released January 2007 (225,600,000 total U.S. adults aged 18 or over). But, the reverse can also be said – three-quarters of Americans have never served on a jury and over half have never even attended jury duty. Unfortunately, looking at the numbers this way clearly shows a civic duty that many may be ignoring.

TABLE 1
CALLED TO JURY DUTY

"Have you ever been called to serve jury duty?"

Base: All adults

| | Total | Region | | | |
|-----|-------|--------|---------|-------|------|
| | | East | Midwest | South | West |
| | % | % | % | % | % |
| Yes | 65 | 68 | 56 | 65 | 69 |
| No | 35 | 32 | 44 | 35 | 31 |

TABLE 2
ATTENDED JURY DUTY

"The last time you were called, did you attend jury duty?"

Base: Called to Jury Duty

| | Total | Region | | | | Gender | |
|-----|-------|--------|---------|-------|------|--------|--------|
| | | East | Midwest | South | West | Male | Female |
| | % | % | % | % | % | % | |
| Yes | 68 | 72 | 66 | 75 | 56 | 72 | 65 |
| No | 32 | 28 | 34 | 25 | 44 | 28 | 35 |

TABLE 3
SERVED ON A JURY

"Have you ever served on a jury?"

Base: Attended Jury Duty

| | Total | Education | | | | Gender | |
|-----|-------|------------|--------------|--------------|-----------|--------|--------|
| | | HS or less | Some College | College Grad | Post Grad | Male | Female |
| | % | % | % | % | % | % | % |
| Yes | 55 | 57 | 57 | 52 | 48 | 56 | 53 |
| No | 45 | 43 | 43 | 48 | 52 | 44 | 47 |

TABLE 4

VERDICT REACHED?

"Did you deliberate and reach a verdict or was the case settled before you could deliberate?"

Base: Served on a Jury

| | Total | Region | | | |
|-------------------|-------|--------|---------|-------|------|
| | | East | Midwest | South | West |
| | % | % | % | % | % |
| Reached a verdict | 78 | 59 | 81 | 81 | 89 |
| Case was settled | 19 | 37 | 13 | 17 | 9 |
| Not sure | 3 | 4 | 6 | 2 | 2 |

Note: Percentages may not add up to exactly 100% due to rounding

TABLE 5

A FAIR AND IMPARTIAL JURY?

"How often do most people who are on trial have a jury that is fair and impartial?"

Base: All adults

| | Total | Race | | | Served on Jury | |
|-----------------------------------|-----------|-----------|-----------|-----------|----------------|-----------|
| | | White | Black | Hispanic | Yes | No |
| | % | % | % | % | % | % |
| ALL/MOST OF THE TIME (NET) | 58 | 63 | 37 | 55 | 70 | 65 |
| All of the time | 3 | 3 | - | 5 | 5 | 3 |
| Most of the time | 55 | 59 | 37 | 49 | 65 | 62 |
| Occasionally | 21 | 19 | 37 | 21 | 16 | 22 |
| RARELY/NEVER (NET) | 8 | 6 | 14 | 11 | 6 | 5 |
| Rarely | 7 | 5 | 12 | 11 | 4 | 4 |
| Never | 1 | 1 | 2 | * | 1 | 1 |
| Not sure | 13 | 13 | 13 | 13 | 8 | 8 |

Note: Percentages may not add up to exactly 100% due to rounding

Note: * indicates less than 0.5% and "-" indicates no response

TABLE 6

JUDGE VERSUS JURY

"Who would you trust more to give a fair verdict?"

Base: All adults

| | Total | Race | | | Served on jury | |
|----------|-------|-------|-------|----------|----------------|----|
| | | White | Black | Hispanic | Yes | No |
| | % | % | % | % | % | % |
| A judge | 23 | 25 | 18 | 19 | 26 | 20 |
| A jury | 50 | 51 | 44 | 54 | 53 | 56 |
| Not sure | 27 | 25 | 38 | 27 | 21 | 25 |

Note: Percentages may not add up to exactly 100% due to rounding

TABLE 7

JUDGE VERSUS JURY IN SENTENCING

"If someone is found guilty, who would you trust more to give a fair sentence?"

Base: All adults

| | Total | Race | | | Served on jury | |
|----------|-------|-------|-------|----------|----------------|----|
| | | White | Black | Hispanic | Yes | No |
| | % | % | % | % | % | % |
| A judge | 48 | 50 | 41 | 52 | 54 | 45 |
| A jury | 31 | 31 | 34 | 28 | 32 | 35 |
| Not sure | 21 | 19 | 25 | 20 | 15 | 20 |

Note: Percentages may not add up to exactly 100% due to rounding

Methodology

This Harris Poll® was conducted online within the United States December 4 and 12, among 2,335 adults (aged 18 and over). Figures for age, sex, race/ethnicity, education, region and household income were weighted where necessary to bring them into line with their actual proportions in the population. Propensity score weighting was also used to adjust for respondents' propensity to be online.

All sample surveys and polls, whether or not they use probability sampling, are subject to multiple sources of error which are most often not possible to quantify or estimate, including sampling error, coverage error, error associated with nonresponse, error associated with question wording and response options, and post-survey weighting and adjustments. Therefore, Harris Interactive avoids the words "margin of error" as they are misleading. All that can be calculated are different possible sampling errors with different probabilities for pure, unweighted, random samples with 100% response rates. These are only theoretical because no published polls come close to this ideal.

Respondents for this survey were selected from among those who have agreed to participate in Harris Interactive surveys. The data have been weighted to reflect the composition of the adult population. Because the sample is based on those who agreed to participate in the Harris Interactive panel, no estimates of theoretical sampling error can be calculated.

These statements conform to the principles of disclosure of the National Council on Public Polls.

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