Reconsidering the Impact of Race on Jury Decisions*

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Abstract

This paper uses a novel dataset from the U.S. Naval Academy's Honor Court to test the impact of race on judicial outcomes. Unlike the U.S. criminal justice system, jurors are randomly selected, allowing us to isolate the effect of jury composition. Our findings challenge existing literature, showing that defendants do not benefit from jurors of the same race. Race becomes significant only when jurors and defendants share the same socioeconomic class, particularly for low-income defendants. Additionally, we find no evidence of racial bias among white jurors toward minority defendants, suggesting a more nuanced causal channel in jury decision-making.

*The views expressed here are those of the authors and do not reflect the official policy or position of the U.S. Naval Academy, Department of the Navy, the Department of Defense, or the U.S. Government.

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1 Introduction

The principle that defendants have the right to an impartial jury of their peers is fundamental to the U.S. criminal justice system. However, the definition of "peer" is debated, particularly regarding race. If jurors of the same race as the defendant rule differently than others, "peer" implies more than just shared citizenship. Minority defendants are less often judged by minority peers than White defendants, raising concerns about the impartial application of justice. Testing the impact of race on trial outcomes is challenging because jury selection is inherently biased, as peremptory challenges allow attorneys to shape juries based on the charges, evidence, and defendant's demographics.

There are currently two approaches to overcome the problem of selection bias. The first is to conduct experiments with "mock" trials, where the subjects who serve as mock jurors are selected at random. These experiments suffer from a lack of incentive compatibility since experimental subjects know that their decisions have no consequences.[1] They also suffer from increased scrutiny. Subjects are keenly aware that their decisions are being observed and may potentially want to provide the researcher with what they believe to be the "right" answers. More recently, in a series of papers Anwar, Bayer, and Hjalmarsson (henceforth ABH) have focused instead on the jury pool—which is randomly drawn—instead of the seated jury. Their methodology solves the two problems of the experimental approach. In estimating the causal impact of composition of the jury pool on trial outcomes they achieve both random selection and are measuring real decisions in the US criminal justice system. The jury pool, however, is not the same thing as the seated jury. And therefore, the demographic composition of the seated jury may be very different from that of the jury pool. Since only the seated jury come to a verdict, the causal channel that this procedure estimates remains unclear.

In this paper we introduce a third approach. We analyze outcomes in a judicial system that is analogous to the US criminal justice system, but with the crucial difference that juries are selected at random. The judicial setting we study is the Honor Court system at the United States Naval Academy. The Honor Concept at the Naval Academy (see Appendix A), states that students will not cheat, lie or steal. Any student accused of violating the Honor Concept faces the Honor Board—analogous to a trial in the US criminal justice system—where a randomly-selected jury of nine peers votes whether to retain, or separate them from the Academy. Being separated from the Academy effectively comes with a penalty that can reach into the hundreds of thousands of dollars. Students attend the Naval Academy for free in exchange for five years of service as naval officers upon graduation; if they are separated they must pay back the cost of their education. Although the stakes are not as high as those in criminal proceedings, they are by no means trivial.

[1] Incentive compatibility is usually understood as subjects experiencing real consequences for their actions. In the case of juries, incentive compatibility is about the consequences for the defendant and potentially the wider public. Even in real trials, jurors do not personally face any consequences for their decision.

As with the previous two approaches, our own approach has advantages and drawbacks. The obvious advantage is that jurors are randomly assigned to consequential cases in a judicial setting that is purposefully patterned after the US criminal justice system. The disadvantage is that the population from which jurors are drawn is not representative of the US population along many dimensions. Only 30 percent of the students are female. The age of our population ranges from 17 to 28, leading to significantly younger juries than in the criminal justice system. There is also no variation in educational attainment or profession: all jurors are college students who will become officers in the US Navy. Our data cannot capture how variation along these dimensions directly affects trial outcomes, nor how variation along these dimensions might mediate the impact of race on trial outcomes.

We examine how race influences Honor Board outcomes at the Academy through both "peer" effects and racial attitudes. The peer effect, widely studied in the literature, refers to whether defendants benefit from having jurors of the same race. We find no evidence that the number of retention votes changes based on the number of jurors who share the defendant's race, nor that this effect varies by race or gender. Specifically, Black defendants do not receive more retention votes from Black jurors. These findings contrast with ABH (2012) and Flanagan (2018), who report that more Black jurors reduce Black defendants' conviction rates.

We refine our definition of "peer" to include jurors who share both race and socioeconomic status, measured by income, with the defendant. We call these "race-class" peers. Our findings are both significant and striking: defendants benefit from having more race-class peers on the jury. Each additional race-class peer increases the likelihood of receiving an extra retention vote by 25% on average. This effect holds across all racial groups and only applies to low-income defendants. High-income White defendants gain no advantage from White jurors, whereas low-income White and Black defendants benefit from having jurors who share their race and income level.

Race matters, but in a socioeconomic context. Our results challenge the assumptions that race alone drives disparities in trial outcomes, highlighting the critical link between race and class in judicial decision making. By isolating the effects of shared race and class in a random jury selection system, our study provides new insights into the mechanisms driving trial disparities. Although race and class are often studied independently, our findings highlight their interaction. Jurors may be more likely to favor defendants with whom they share multiple dimensions of identity, suggesting that a purely racial or economic lens may overlook key dynamics in jury decision making. Our results suggest that the findings in the literature are driven by the correlation between income and race. According to our results, the reason ABH (2012) and Flanagan (2018) find that Black defendants benefit from having potential Black jurors in the pool is because Black defendants and Black jurors are both more likely to be low-income.

Finally, we turn our attention to estimating the racial attitudes of the jury on the outcome of the trial. To our knowledge, we are the first to attempt such an estimate. It is not clear how to elicit true racial

attitudes from jurors. Our strategy relies on the geographic variation of racial attitudes. We measure racial attitudes using two kinds of variation. First, we test whether jurors from the South, both Black and White, are more lenient with defendants of their own race. We find no such disparities. Second, we test whether the exposure that White jurors have to racial and ethnic diversity in their hometowns impacts the number of retention votes for minority defendants. Once again we find no impact.

Although our paper is part of a growing literature on the impacts of the demographic composition of the jury, it is most closely related to three studies: ABH (2012) and (2022), and Flanagan (2018). The reason is that the channel we identify offers a unified explanation for their findings. ABH (2012) and Flanagan (2018) exploit the random variation of the jury pool to show that Black defendants benefit when the jury pool has more Black members. ABH (2012) uses data from Sarasota County, Florida, whereas Flanagan uses data from North Carolina. ABH (2022) instead focuses on the unequal representation of jurors from different zip codes in Harris County, Texas. They find that zip codes that are predominantly low-income and with more minorities are overrepresented among the defendant population but underrepresented among the jury pool population. They then show that additional jurors from these zip codes benefit Black defendants when included in the jury pool. But because race and income are not the only correlates, they are unable to pin down the reason for their findings. Our results offer one. Both jurors and defendants from these zip codes are more likely to be Black and low-income, precisely the peers that matter. One concern with results from data generated in specialized settings is whether they apply more broadly beyond those settings. In our case, they do. Our main result explains the findings of three different papers that use data from the criminal justice system.

The remainder of this paper is organized as follows. Section 2 provides an overview of the Naval Academy's Honor Court system and explains its similarities with the US criminal justice system. Section 3 describes the dataset and the empirical approach used in our analysis. Section 4 presents the results of our study, and Section 5 discusses the implications of our findings in the context of the existing literature. Section 6 concludes.

2 The Naval Academy Honor System

The Naval Academy is a four-year undergraduate institution with the dual mandate of preparing students both as college graduates and as naval officers. Its stated mission is the moral, mental, and physical development of its students. In 1953, as part of its commitment to the first of these goals, the Academy introduced the Honor Concept (Appendix A), which outlines three primary types of honor violations: lying, cheating, and stealing. To enforce this concept, the Academy established the Honor Court, responsible for adjudicating these offenses.

The Honor Court is patterned after, and functions similarly to, the US criminal justice system. Both

systems function according to a similar set of procedures, offer defendants a nearly identical set of rights—including the right to a trial by a jury of their peers—and display the same types of racial biases, with minorities comprising a larger share of the defendant population than the population at large. Importantly, the honor court at the Academy also has high stakes. Although the possible outcomes in an honor court are of course far less severe than those in a criminal court, they are nonetheless very serious. Jurors vote on whether the defendant can remain at the Academy. A student separated from the Naval Academy may face significant financial penalties, including repayment of their education costs, which can range between $200,000 and $400,000. It can also alter their career path, precluding them from commissioning as officers in the Navy. Jurors on the honor board are making highly consequential—not merely hypothetical—decisions when they cast their vote.

The two judicial systems differ in one crucial way: the jury selection process. While juries in the US criminal justice system are selected via the voir dire process, which biases the composition of the jury by design, juries in the honor board system at the Academy are selected at random. This difference allows us to test the causal effect of the seated jury composition on the outcomes of the trial.

2.1 Rights and Procedures

The honor adjudication process at the Academy begins by advising the defendant of their rights, much as it does in the US criminal justice system. Table 1 compares the rights of defendants in the two judicial systems. Each right afforded to a defendant in the US criminal justice system (left column) has a counterpart afforded to a defendant in the honor system at the Academy (right column). These fall into four broad categories. First, rights regarding evidence: the right to remain silent, to compel witness testimony and to examine the incriminating evidence. Second, rights regarding representation: the right to an attorney. Third, rights regarding the trial: that it be public, speedy, and by a jury. Fourth, rights regarding the aftermath: protection against double jeopardy and the right of appeal.

After an accusation is submitted, an investigating officer is assigned to the case. Similar to how attorneys gather evidence in preparation for a criminal trial, the investigating officer collects and compiles all relevant information, conducting interviews and preparing a report that outlines the facts of the case. This report, known as the evidence packet, is reviewed by a military attorney and shared with the defendant, who has the right to review, refute, and contribute to it. This stage of the process is analogous to the discovery phase of a criminal trial, where both sides share evidence.

The presiding officer and the Academy's legal team review the evidence packet to ensure it is fair, neutral, and limited to the relevant facts of the case. A presiding officer, also a student, oversees the proceedings but does not vote. This role is akin to that of a judge. The goal is to present the jury with an unbiased and complete picture, allowing them to make an informed decision about guilt or innocence. However, unlike a

Table 1: Comparison of Rights: US Criminal Trial vs. Honor Board

US Criminal Trial	USNA Honor Board
Right to remain silent No adverse inference shall be drawn from a defendant's decision to remain silent.	**Right to remain silent** No adverse inference shall be drawn from a defendant's decision to remain silent.
Right to confront witnesses Defendants have the right to confront witnesses against them.	**Right to confront and question their accuser and witnesses** Defendant may confront and question their accuser and witnesses.
Right to a public trial Criminal trials must be open to the public.	**Right to a public board** The Honor Board is open to faculty, staff, and the entire student body.
Right to a jury trial Defendants have the right to a trial by jury.	**Right to a Honor Board** The defendant has the right to a trial by nine randomly selected and impartial jury members.
Right to a speedy trial Defendants have the right to a speedy trial.	**Right to a timely Honor Board** The Honor Board process is subject to procedural timelines.
Right to be represented by an attorney Defendants have the right to be represented by an attorney.	**Right to seek consultation** The defendant can consult with a student Honor Advisor and/or a lawyer (military or civilian).
Right to adequate representation Defendants are entitled to adequate legal representation.	**Right to choose a Student Honor Advisor** The defendant may choose their Student Advisor from among Company or Battalion Honor Advisors.
Right to examine evidence Defendants have the right to examine evidence against them.	**Right to examine and object to evidence** The defendant has the right to examine and receive a copy of all evidence presented to the Board. They may also object to the evidence prior to the Board.
Protection against double jeopardy Defendants cannot be tried twice for the same offense.	**Protection against double jeopardy** The defendant cannot be tried twice for the same offense and will not be adjudicated under any other school disciplinary system for the same offense.
Right to compulsory process for obtaining witnesses Defendants can compel witnesses to appear in court to testify in their favor.	**Right to present evidence** The defendant may present physical, documentary, or testimonial evidence and call witnesses.
Right to appeal Defendants have the right to appeal a conviction.	**Right to appeal** The defendant has the right to appeal an Honor Board's decision to higher authorities.

prosecutor in a criminal trial, the investigating officer does not advocate for a specific outcome, but instead presents the facts in an objective manner. This difference is not crucial to our results, since most students plead guilty, and the jury's sole decision is whether to vote for retention or separation from the Academy. The key similarity is that both judicial proceedings prioritize protecting the rights of the defendant while ensuring only pertinent facts are presented to the jury.

2.2 Racial Biases

Another similarity between the honor system and US criminal justice system is the racial biases that arise at the accusatory stage of the process. According to the Federal Bureau of Investigation (2019), 26 percent of those arrested in 2019—the most recent year for which data are available—were Black, while Blacks comprise only 14 percent of the population of the United States. Similarly in our sample, Black students make up 22 percent of defendants but only 6.5 percent of the student jury population while White students are nearly 70 percent of the jury population but only 50 percent of the defendants[2]. The racial disparities in our sample mirror those in the justice system. While we do not explore why these disparities arise, we highlight them because they show that the honor system at the Academy is similar to the US criminal justice system not merely in form but also in function. Both judicial systems exhibit similar racial disparities between Black and White defendants before the trial begins.

2.3 Jury Selection

Each Honor Board consists of a nine-member jury. A jury pool of roughly 20 students is randomly selected from the student body and summoned to appear for jury duty. The composition of the jury pool depends on the grade of the defendant. The jury is structured to include a proportionate number of freshmen, sophomores, juniors, and seniors, depending on the grade level of the defendant. Importantly, all jurors must be of the same grade or higher than the defendant. If the defendant is a freshman, then the jury will consists of freshmen, sophomores, juniors and seniors; if the defendant is a senior, however, the jury will consist only of other seniors. This system ensures that peers of similar experience are involved in the decision-making process. Similar to the US criminal justice system, the jury selection process at the Academy is designed to allow individuals of equal standing in the jury room, despite varied backgrounds.

Of the 20 students in the jury pool, nine are selected at random to sit on the jury. At this point, the jurors enter the courtroom and the jury-selection process—voir dire—begins. While individual jurors are selected at random, they are nonetheless screened to ensure that they can remain impartial. Jurors are disqualified for cause if they have any prior knowledge of the case, or know the defendant or any of the witnesses. During the voir dire both the defendant and the investigating officer may challenge a jury member's ability to remain

[2]See table 2 in the following section

impartial. If any jury members are dismissed by the presiding officer, they are replaced at random from the remaining jury pool.

Potential jurors in the US criminal justice system can also be removed for cause—the inability to render an impartial verdict. As in the honor system at the Academy, this determination can be made by the presiding officer, or at the request of the defendant, or the investigating officer. Unlike the honor system at the Academy, however, the US criminal justice system also allows for peremptory challenges. Peremptory challenges do not require any justification. It is precisely this feature of the justice system that generates selection bias in the jury. If challenges for cause are aimed at ensuring that the jury is unbiased, peremptory challenges give attorneys the ability to reintroduce some bias.

3 Data

We digitized the paper archive records of 538 Honor boards from the academic year ending in 2016 to the academic year ending in 2024. Every Honor Board is recorded in an official memo and these documents are referred to by the entire Chain of Command when making a decision on whether to retain or recommend separation. For context, if a student is recommended for separation by the Commandant and Superintendent, this memo will eventually be forwarded to the Assistant Secretary of the Navy for the final decision.

We observe the following characteristics of the jurors and the defendant: race, ethnicity, gender, age, class year, congressional district, and hometown. We match the race and hometown data with data from the 2000 Census and assign each individual the median income of their hometown conditional on their race. For example, an Asian student from San Francisco gets matched with the median income for Asians in San Francisco in the 2000 Census data. We also observe the following characteristics of the case: number of charges, type of offenses, whether the student has had previous offenses, and the number of retention votes. At the time of the honor board, jurors observe race, ethnicity, gender, class, hometown, number of charges, type of offense and whether the student had any previous offenses.

Before we consider any descriptive statistics of our data, we begin by testing the assertion, by the Naval Academy, that jurors are chosen at random. To test that the characteristics of accused are not correlated with the characteristics of the jury, we regress jury characteristics on the characteristics of the accused. We test whether the race, income or offense of the defendant help explain the racial, socioeconomic or gender composition of the jury. Table 2 displays the p-values of the relevant coefficients for each of these regressions. None of the p-values are statistically significant at the five percent level and only two are statistically significant at the ten percent level. Our results in Table 2 corroborate the Academy's own stated procedure that jurors in honor board cases are selected at random.

Table 2: Balance Table

	p-values				
	Mean Income of Jury (1)	Male Proportion of Jury (2)	Black Proportion of Jury (3)	Hispanic Proportion of Jury (4)	Non-White Proportion of Jury (5)
Black defendant	0.853	0.194	0.872	0.599	0.861
Asian defendant	0.417	0.275	0.329	0.284	0.982
Hispanic defendant	0.067	0.940	0.778	0.127	0.892
Non-White defendant	0.943	0.439	0.403	0.662	0.730
Income of defendant	0.405	0.081	0.563	0.137	0.937
Multiple offenses	0.086	0.131	0.671	0.397	0.217
Lying	0.206	0.205	0.615	0.163	0.520
Stealing	0.608	0.291	0.311	0.750	0.855
Constant	0.000***	0.000***	0.007***	0.002***	0.000***
Observations	506	506	506	506	506
R^2	0.078	0.099	0.041	0.065	0.070

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

3.1 Descriptive Statistics

Table 3 presents descriptive statistics for the jury population and the defendant population in the 538 cases that we analyzed. We categorized race into five main groups: Asian, Black, multiracial, Pacific Islander/Native American, and White. The Black and Asian categories include Black/White and Asian/White students respectively. Hispanic students were divided into two racial categories: White and Non-White. As in other institutions of higher education, there is an over-representation of White and Asian students and an under-representation of Black and Hispanic students. As column (1) shows, 77 percent of the jurors in our sample are White, versus 61 percent of the US population. Asians are also over-represented; while only six percent of the US population is Asian, nearly 12 percent of the jurors in our sample identify as Asian. Although 6.4 percent of the jurors are Black, this number is 14 percent for the US population. Finally, 19 percent of the US population identify as Hispanic, around seven percentage points higher than the jurors in our sample.

As noted in the previous section, column (2) in table 3, shows the racial disparities at the accusatory stage of the system. This disparity is driven almost entirely by the differences in the share of Black and White students between the juror and defendant populations. Only half of the defendants are White, in

Table 3: Descriptive Statistics

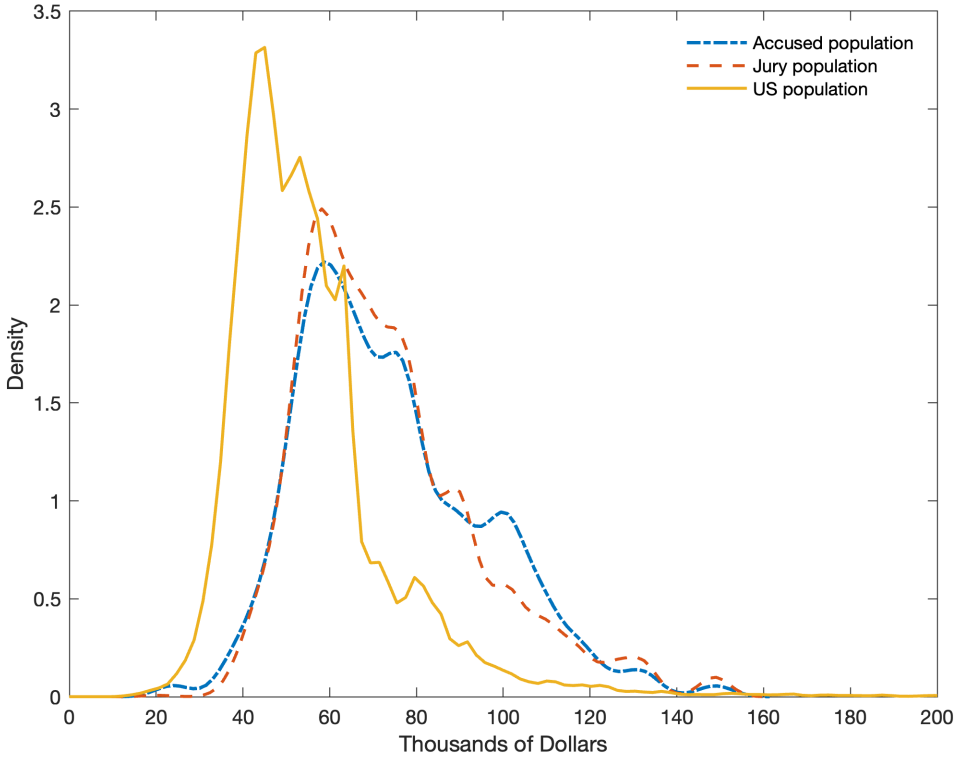
Characteristics	Jurors (4842 obs.) (1)	Defendants (538 obs.) (2)	Retention Votes (538 obs.) (3)	Number of Offenses Mean (SD) (4)
Male	70.55%	77.30%	7.02 (2.76)	1.53 (2.07)
Female	29.45%	22.70%	6.46 (3.01)	1.56 (0.85)
Race	(4738 obs.)	(512 obs.)	(512 obs.)	
Asian	11.84%	12.89%	6.54 (3.00)	1.61 (1.13)
Black	6.40%	28.71%	6.71 (3.00)	1.59 (1.66)
Multiracial	3.29%	5.28%	6.55 (3.00)	1.50 (2.01)
Pacific or Native American	1.01%	1.56%	6.67 (2.40)	4.56 (10.30)
White	77.46%	51.56%	7.22 (2.64)	1.41 (0.76)
Non - Hispanic	86.86%	86.43%	6.86 (2.88)	1.56 (1.98)
Hispanic - White	9.89%	8.70%	7.13 (2.66)	1.45 (0.72)
Hispanic - Non White	2.40%	4.50%	6.75 (2.79)	1.25 (0.53)

contrast to 77 percent of the jurors. Including multiracial students, a little over 30 percent of the defendants identify as either partly or wholly, Black. Compared to only eight percent of the jurors. We do not observe a bias against Hispanic students. The share of the jurors and defendants who are non-Hispanic is nearly identical: 86.9 of jurors and 86.4 of defendants.

Figure 1 displays the distributions of income in the US population, and the jury and defendant populations in our sample. As with race, the income distribution of students at the Academy shares features with other institutions of higher learning. The distribution of income at the Academy has a higher median, and a higher standard deviation than the distribution of income for the US. Unlike with race, we do not see bias on the basis of income at the accusatory stage. The distributions of income for defendants and jurors are very similar. The median income among defendants is $69,984 while the median income among jurors is $69,072. The similarities between the income distribution of jurors and defendants at the Academy contrasts with the documented dissimilarities between the two distributions in the US criminal justice system. ABH (2022), for example, report that in Harris County, Texas, zip codes with higher average incomes are overrepresented in the jury pool. Whereas zip codes with lower average incomes are overrepresented among the population of defendants. The Honor system at the Academy has a similar bias as the US criminal justice system when it comes to race, but not when it comes to income.

Our data have a broad variation across race, ethnicity and income. It does not necessarily match the

Figure 1: Distribution of Income



distributions in the US population, but we would not have that expectation if were analyzing data from the criminal justice system in a single county. In fact, given the congressional mandate that the Academy enroll students from every congressional district in the US, one advantage of our population is that it is more geographically diverse than the populations in many counties. However, the student population at the Academy differs in important ways from both the country as a whole, and many counties in particular. The most obvious is gender. As table 3 shows, seventy percent of the students at the Academy are male. Although there is socioeconomic variation, there is no variation in educational attainment; our population consists entirely of college students. Finally, students at the Academy also all share the same professional goal of becoming Naval Officers.

3.2 Variables of Interest

Our unit of analysis is each case, not each juror. Since we only observe the total number of retention votes, not how each juror voted, we construct our independent variable by aggregating the number of jurors in a given case who share the same type. For each case, c, we generate an identifier variable, I, that takes a value

of one if the juror, j, displays type, t:

$$I_{c,j}^{t} = \begin{cases} 1 & \text{if juror } j \text{ is type } t \\ 0 & \text{otherwise} \end{cases} \tag{1}$$

Our independent variable is the sum all of the jurors in the case who share that type:

$$N_c^t = \sum_{j=1}^{9} I_{c,j}^{t} \tag{2}$$

We are interested in the causal effect of N_c^t on the total number of retention votes, R_c.

For example, in our dataset we define ethnicity as either Hispanic or not. If we are interested in whether the number of Hispanic jurors has an impact on the number of retention votes for *any* defendant, then $I_{c,j}^{t} = 1$ if the juror is Hispanic and N counts the number of Hispanic jurors in the jury. In this case the type, t, is independent of the case, c. However, if we are interested in whether the number of Hispanic jurors has an impact on the number of retention votes for *Hispanic* defendants, the type now depends on the case, specifically the defendant's ethnicity. $I_{c,j}^{t} = 1$ if both the juror and the defendant are Hispanic, and N counts the number of Hispanic jurors in the jury, conditional on the defendant being Hispanic. When jurors are classified as sharing a characteristic with the defendant, we refer to them as peers. Our analysis focuses mainly, though not exclusively, on the causal effect of peers on the decision of the jury.

We consider types along three main categories: ethnicity, race, and socioeconomic status. Ethnicity is the most straightforward to classify. All students, whether jurors or defendants, are either Hispanic or not. We observe 18 unique race profiles mainly due to students who identify as multiracial. Since it is unclear how these students see themselves and how they are seen by others—both of which are relevant to our analysis—we take a broad approach and classify a peer as any jury member who shares at least one race with a multiracial defendant, except if they are White. For example, if the defendant identifies as Pacific Islander, Asian and White, they will match with any jurors who identify as Pacific Islander or Asian, but not any jurors who identify as White. The independent variable in that honors case will count the number of jurors who identify as either Pacific Islander, Asian, or both. There are 74 cases with multiracial defendants.

To ensure that our results are not being driven by how we assign peers to multiracial defendants, we conduct our analysis at three different levels of inclusion. The first includes all 512 cases for which the defendant has listed a race. In the second iteration, we keep only Black/White and Asian/White multiracial defendants, but drop all others. This leaves us with 486 cases. Finally we keep only single-race defendants, which further reduces our sample to 438 cases. While we report only the first iteration, our results are the same in all three.

We do not observe student incomes directly. We match their race and hometown to data from the 2000

US census. To each student we then assign the average income that corresponds to their FIPS code, the standard federal identifier for geographic areas, by race. Since the Academy is mandated by law to enroll students from all 435 congressional districts in the United States, there is a large geographic variation in the student body and our methodology of assigning average incomes generates significant income heterogeneity, as seen in in Figure 1.

Our interest is not in identifying income peers per se, but rather socioeconomic peers, and use income as a proxy. Income is correlated within census tracks; so students whose hometowns at the time of their birth had similar average incomes are more likely to belong to the same socioeconomic class. Because we are interested in class, we want a wide enough bin to classify peers. Too wide a window and the distinction becomes meaningless as nearly everyone becomes a peer. Too narrow a window and everyone ends up becoming the only member of their unique socioeconomic class. We consider a range of windows to classify socioeconomic peers. At the lower end we classify as a peer any juror whose income is within 20 percent of the income of the defendant; at the upper end we classify as a peer any juror whose income is within 30 percent. We report our results for the median window: jurors whose income is within 25 percent. Our results do not depend on which window we use. As an additional robustness check we also use an alternative definition of race-class peer as those jurors who fall in the same quintile of the income distribution as the defendant. Our results are the same.

4 Results

Since the seated juries at the Academy are randomly selected, our empirical strategy consists of running variations on the following simple OLS regression:

$$R_c = \alpha + \beta N_c^t + \delta D_c N_c^t + Controls \tag{3}$$

where R_c is the total number of retention votes, N_c^t, is the total number of jurors of a particular type, and D_c, is a dummy variable that identifies a particular demographic characteristic of the defendant such as race or gender. Our parameters of interest are β and δ. A positive β tells us that increasing the number of jurors of a given type increases the number of retention votes, on average, for all defendants. δ tells us whether different kinds of defendants are impacted differently from increasing the number of jurors of type, t. For example, to test whether male defendants benefit differentially from having jurors of the same race, $D_c = 1$ if the defendant is male, and a positive δ would say that they do.

We control for defendant-specific characteristics and case-specific characteristics. The characteristics of the defendant include race, gender, class year and whether they have any prior cases. Of these the two most important are prior cases and class year. Prior cases is by far the most significant; repeat offenders receive,

on average, four fewer retention votes. Class year also matters as juries are more lenient with underclassmen than they are with upperclassmen. Case-specific characteristics include the number and types of offenses—lying cheating or stealing.

We estimate different versions of equation (3) to tease out the different ways that the racial composition of the jury impacts the number of retention votes in each case. The most obvious way that race can impact how jurors vote is when jurors are of the same race as the defendant; what we call a racial peer. We do not find any evidence that defendants benefit from having racial peers on the jury. We then consider a more specific definition of peer that includes both race and socioeconomic status. In this case, defendants receive more retention votes when there are more jurors who share both their race *and* socioeconomic class. As is the case with race, socioeconomic status alone is not enough. It is the interaction of race and class that matters.

The racial attitudes of the jurors is another potential channel through which race can affect the number of retention votes. It is of course impossible to observe racial attitudes directly. Instead we leverage the unique geographic variation in our data to proxy for "racial attitudes" in several ways. We first test whether jurors who come from the South behave differently toward different races. We also test whether jurors who come from more diverse hometowns behave differently toward different races. In both cases, the answer is no.

4.1 The Impact of Racial Peers

We report the estimates of the causal effects of racial peers on the number of retention votes in table 3. Racial peers are jurors who have the same race as the defendant. The first row of the table reports our estimates of β from equation (3). In all specifications we find that the number of racial peers in the jury has no effect on the number of retention votes, and the standard errors are all of similar magnitude. Columns (1) and (2) are our baseline regressions without any differential effects (no δ term); they simply measure whether the number of racial peers in the jury have a causal effect on the number of retention votes for any defendant. Column (1) consists of our entire sample, whereas column (2) consists of only Asian, Black, and White (ABW) students. In this specification we classify students who identify as White and Asian as Asian and similarly classify students who identify as White and Black as Black. The point estimates in both columns are nearly identical and not significant.

Columns (3) through (6) report the differential impact of racial peers on different types of defendants: Black, Non-White, Male and Hispanic. The subsequent rows in these columns report the coefficient δ from equation (3). The second row in column (3) reports the effect that the number of Black jurors have on the number of retention votes if the defendant is Black. We find no effect. The third row in column (4) reports the effect when we consider any defendant of color, not just Black defendants. Once again, we find

Table 4: Differential Race Peer Effects

	Baseline		Black	Non-White	Male	Hispanic
	Full Sample	ABW Sample				
	(1)	(2)	(3)	(4)	(5)	(6)
Peer (β)	0.0223	0.0212	-0.00264	-0.00536	-0.0454	0.0206
	(0.0941)	(0.0956)	(0.0983)	(0.109)	(0.112)	(0.0944)
Defendant Type (δ)						
Black			0.242			
			(0.227)			
Non-White				0.111		
				(0.213)		
Male					0.0874	
					(0.0738)	
Hispanic						0.0289
						(0.0475)
Constant (α)	6.277***	6.275***	6.469***	6.478***	6.535***	6.257***
	(0.725)	(0.740)	(0.756)	(0.826)	(0.761)	(0.731)
Observations	512	477	512	512	512	512
R^2	0.347	0.338	0.348	0.348	0.349	0.348

Standard errors in parentheses.

Note: A jury member is classified as a peer if they share the same race as the accused.

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

no effect. As an additional robustness check, we replicate the empirical strategy of ABH (2012) in Appendix B. Unlike them, we find no evidence that having at least one Black juror in the *seated jury* has any effect on the outcome.

4.2 The Joint Impact of Class and Race

We now turn to a different dimension along which jurors might see themselves as "peers" of the defendant. To proxy for socioeconomic class, we consider jurors whose hometown at the time of their birth had similar median incomes to the hometown of the defendant. Our dataset has the advantage that both our jurors and the defendant come from across the United States. This overcomes the correlation that arises from the fact that Americans segregate by race and class. As Figure 1 shows, there is a wide variation of income at the Academy. This additional source of variation allows us to test the differential effects of class and race. In this section we set to answer the following question: Do jurors see themselves as peers of the defendant if they share the same class, the same race, or both? We have already shown that the number of racial peers has no

Table 5: Income Race Peer Match

	Baseline		Black	Hispanic	Median Income
	Income	Income & Race			
	(1)	(2)	(3)	(4)	(5)
Income Peer (β)	0.0436				
	(0.0572)				
Race-Class Peer (β)		0.175**	0.167**	0.165**	
		(0.0745)	(0.0749)	(0.0773)	
Defendant Type (δ)					
Black			0.240		
			(0.397)		
Hispanic				0.0476	
				(0.0887)	
Above Median Income					0.116
					(0.0833)
Below Median Income					0.255***
					(0.0878)
Constant (α)	6.378***	6.055***	6.089***	6.054***	6.100***
	(0.485)	(0.484)	(0.490)	(0.485)	(0.484)
Observations	506	506	506	506	506
R^2	0.346	0.352	0.352	0.352	0.354

Standard errors in parentheses.

Note: Jury peers share same race and income (within 25 percent) with the accused.

Note: Median income of the accused sample is above $56460.5.

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

effect on the number of retention votes. In this section we will show that the same is true for socioeconomic class peers, as assigned by income. We will also show that when the jury has peers who share both the same race and socioeconomic class, the defendant gets more retention votes. Our findings suggest that the focus on race alone is perhaps too simplistic. To the extent that it matters, it is mediated by class.

Table 4 reports our findings. Columns (1) and (2) report baseline regressions that do not test whether there is any differential impact and hence have no δ terms. Column (1) shows the causal impact of the number of socioeconomic peers on the number of retention votes for any defendant. Like race, it is not significant. Column (2) shows the causal impact of the number of *socioeconomic and race* peers on the number of retention votes for any defendant. These are jurors who share both race and socioeconomic class with the defendant. We will call these race-class peers. We find that defendants benefit from increasing the number of race-class peers in the jury. In contrast to the point estimates for the causal effect of racial peers

alone, which are about 0.02, the point estimates here are around 0.17, whereas the standard errors remain the same.

Columns (3) and (4) report whether the number of race-class peers has a differential effect on Black and Hispanic defendants, respectively. We find no differential impact, and the point estimates for the total number of peers do not change. The fact that the point estimates on β remain the same while the estimates for δ are not significant suggest that this effect is not being driven by either a racial or ethnic group. Having race-class peers benefits members of all races and ethnicities. However, it does not benefit all socioeconomic groups. Column (5) reports the differential effect of race-class peers by income. In this specification we eliminate the number of race-class peers variable and replace it with two orthogonal variables: number of race-class peers when defendants' income is below the median and the number of race-class peers when defendants' income is above the median. Column (5) shows that defendants whose income is below the median are the ones who benefit from having race-class peers on the jury.

4.3 The Impact of Racial Attitudes

The presence of racial peers is the clearest way in which race can impact the jury's decision. But it is not the only one. The way jurors perceive defendants of a given race—what we call racial attitudes—can also impact how they vote. Racial attitudes, however, are hard to measure and hard to quantify. One of the critiques of using mock juries with hypothetical defendants to test the impact of race on trials is that the subjects would not want to be perceived as being prejudiced when they know their decisions are being scrutinized.[3]

Our strategy exploits the fact that racial attitudes can be clustered in, and shaped by, location. And the random variation in the hometown of jurors. Perhaps the place with the clearest legacy of charged racial attitudes is the US South. First we test whether Black or White defendants—regardless of their hometown—benefit from having jurors of their same race who come from the South. We then test whether minority defendants receive fewer retention votes when there are White jurors who come from the South.

Table 5 reports our findings. We define Southern peers for White and Black defendants. If a juror is Black and from the South, they are identified as a Southern peer for any Black defendant regardless of their geographic origin. Similarly for a White juror. Column (1) shows whether defendants benefit from having Southern peers of any race. There is no effect. Columns (2) and (3) test whether this effect is different along racial lines. Column (2) tests whether Black defendants benefit from Black, Southern jurors and similarly for White defendants in column (3). Column (4) combines both tests in a single regression. There is no causal effect from Southern peers for any race or differentially among Blacks or Whites. Finally we test whether the number of White Southerners in the jury affects the total retention votes when the defendants are Black, Column (5), or Non-White, Column (6). The number of Southern Whites has no effect on the number of

[3]Levitt and List (2007) offer a comprehensive account of these types of issues in surveys and lab experiments.

Table 6: South Race Peer Match

	Baseline (1)	Black (2)	White (3)	Both (4)	SW on Black (5)	SW on NW (6)
Peer	0.0366	0.0287	-0.0156			
	(0.101)	(0.104)	(0.103)			
White Southern Peer			0.169	0.161		
			(0.116)	(0.116)		
Black Southern Peer		0.147		0.165		
		(0.405)		(0.394)		
White Southern jury on Black					-0.0425	
					(0.173)	
White Southern jury on NW						-0.184
						(0.129)
Constant (α)	6.197***	6.262***	6.244***	6.168***	6.402***	6.426***
	(0.777)	(0.801)	(0.782)	(0.486)	(0.454)	(0.422)
Observations	411	411	411	411	411	538
R^2	0.329	0.329	0.331	0.331	0.328	0.346

Standard errors in parentheses.

Note: Jury peers share same race as the accused and are from the south.

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

retention votes for Non-White defendants.

Another way that racial attitudes can be affected by place is exposure to diversity. We test whether the exposure of White jurors to racial and ethnic diversity has an impact on the total number of retention votes for Non-White defendants. If a White juror was more exposed to the race of the defendant when growing up, are they more likely to vote in favor of retention? We measure exposure as the percent of the population that is comprised by the same race as the defendant in the hometown of each White juror. This is admittedly a rough measure; cities are themselves often racially segregated. However, a White juror from a town that is 60 percent White is more likely to have had exposure to other races—even if the town is segregated—than a White juror from a town that is 100 percent White. A student who comes from a congressional district in Miami, regardless of the neighborhood, is almost certainly more exposed to Hispanics than a student who comes from the congressional district of North Dakota.

Table 6 shows that exposure to racial diversity has no impact on the total number of retention votes. We measure the exposure of the jury in two ways. We denoted a juror as "exposed to diversity" if the percentage of the Black, Non-white, or Hispanic population in their hometown is higher than the median for all White jurors. We then counted the number of jurors who we classified as exposed to diversity. These results are

Table 7: Exposure to Diversity

	Number of jurors exposed			Average exposure		
	Black	Non-White	Hispanic	Black	Non-White	Hispanic
	(1)	(2)	(3)	(4)	(5)	(6)
Black	0.0569			1.533		
	(0.0805)			(2.776)		
Non-white		0.0285			-1.612	
		(0.113)			(2.647)	
Hispanic			0.0783			0.371
			(0.0729)			(3.358)
Constant	6.438***	6.420***	6.371***	6.422***	6.449***	6.398***
	(0.422)	(0.423)	(0.427)	(0.423)	(0.425)	(0.429)
Observations	512	512	538	512	512	538
R^2	0.348	0.347	0.344	0.348	0.348	0.343

Standard errors in parentheses

* $p < 0.10$, ** $p < 0.05$, *** $p < .01$

reported in columns (1)-(3). Alternatively, we measure the share of population from the juror's hometown that is of the same race as the defendant and average across all jurors. These results are reported in columns (4)-(6). Columns (1) and (4) report the effect of exposure to Blacks, columns (2) and (5) to Non-Whites and columns (3) and (6) to Hispanics. None are significant.

Our results suggest that there are no systematic differences in the racial attitudes that jurors hold. Or to the extent that there are differences, the behavior of the jury does not reflect them. One potential explanation is that jurors who hold racial biases nonetheless hide them to avoid unwanted scrutiny from other jurors. Another potential explanation that is unique to our data is the age of the jurors. All of the jurors in our data are younger than 27 years old. As racial biases continue to decline with subsequent generations, it is possible that jurors from older generations serving in the criminal justice system do display these biases. To the extent that racial biases continue to affect jury decisions, however, we would expect these biases to decline with generational turnover.

5 Discussion

Our results in the previous section contrast with other results in the literature regarding the impact of race, both in the criminal justice system and in other areas. We find no evidence of disparities between Black and White Americans based on race alone. The disparities that we do find align with class more than they do with race. And we also find no evidence that cultural exposure affects racial attitudes in the particular context we study. In this section we discuss how the correlation between income and race might nonetheless

lead to disparate outcomes across races. In particular, we discuss how the mechanism that we observe at the Academy can explain the findings in ABH (2012) that Black defendants have higher conviction rates and benefit from Black jurors in the jury pool, and the findings in ABH (2022) that defendants benefit when the jury pool includes jurors from certain underrepresented zip codes.

The correlation between income and race, and the de facto spatial segregation by class and race, means that jurors drawn from specific geographic areas of a particular race will also likely share the same socioeconomic status. ABH (2022) document that defendants in Harris County, Texas, disproportionately come from zip codes that are themselves disproportionately Black and low-income. ABH (2022) go on to show that the higher the proportion of potential jurors in the jury pool who are from these zip codes, the lower the sentences handed down to Black defendants. Because other factors, such as educational attainment, are also correlated with income and race, they are unable to isolate the mechanism behind their findings. The homogeneity of the student population at the Academy along these other dimensions—defendants and jurors have the same level of education, for example—allows us to rule out these potential correlates and isolate the joint effect of income and race for low-income jurors. The mechanism that we uncover offers an explanation for their results. Black defendants are more likely to be low-income, and jurors from these zip codes are more likely to be both low-income and Black. Therefore, jurors from these zip codes are more likely to see themselves as racial and socioeconomic peers.

Our findings, in combination with those of ABH (2022), suggest a counterproductive consequence of the Supreme Court's Batson v Kentucky decision, which outlaws the use of race as a criterion for striking potential jurors. In lieu of race, prosecutors often use zip codes as justification for striking jurors. The segregation of socioeconomic class and race by zip code opens the possibility that these strikes are more effective in denying defendants a jury by their peers than the use of race alone would.

We now consider how our findings shed light on those of ABH (2012). Using data from criminal trials in Sarasota County, Florida, ABH (2012) offer two important results: first, that Black defendants have higher conviction rates than White defendants and, second, that having at least one Black person in the jury pool wipes out the difference in conviction rates between Black and White defendants. The fact that low-income defendants benefit from having other low-income jurors of the same race can also explain these findings. The correlation between race and income is once again key. The higher conviction rate for Black defendants arises because Blacks form a small minority of the population of potential jurors. Sarasota County is 90 percent White. Mechanically, it is simply more likely that low-income White jurors find themselves seated in cases with low-income White defendants than it is for low-income Black jurors to find themselves seated in cases with low-income Black defendants. Since low-income White defendants are more likely to have race-class peers in their jury than low-income Black defendants, they are more likely to be acquitted. Conditional on being Black, both jurors and defendants are more likely to be low-income. This explains the second result

that having at least one Black member in the jury pool can lead to a decrease in the probability of conviction for Black defendants.

ABH (2012) offer an explanation for why the presence of Blacks in the jury pool alone can affect the composition of the seated Jury in a way that is favorable to the defendant even if the seated Jury contains no Black jurors. They suggest that prosecutors who strike down Black jurors are then unable to strike down more lenient White jurors whom they would otherwise have dismissed from the Jury pool. Their explanation and our mechanism work together to explain their result. Although prosecutors are not able to strike members of the Jury pool on the basis of race, they can do it on the basis of correlates of race, including socioeconomic status and zip code. When a potential juror in the pool is Black, they are more likely to be a race-class peer if the defendant is also Black. If that potential juror ends up in the seated jury they are more likely to acquit. If they are struck down by the prosecution, the remaining White jurors are more likely to be more lenient than they would otherwise have been if the jury pool was all White.

Our results not only help explain the findings in ABH (2012) and (2022), they also help interpret those findings. According to our results, the difference in conviction rates between Black and White defendants does not arise because White jurors are generally tougher on Black defendants than they are on White defendants. Nor is it the case that White jurors show bias against minorities. Our results suggest that Black defendants and White defendants of all incomes would have the same unconditional likelihood of conviction if facing a jury composed of only high-income White jurors. Low-income jurors of *all* races are more lenient with low-income defendants who share their race. The fact that Whites are the majority, however, makes it so that low-income White defendants are more likely than low-income defendants of other races to face sympathetic jurors, creating disparities in the conviction rates of White defendants relative to minorities.

6 Conclusion

In this paper we have introduced a novel approach to test the impact of race on the outcome of jury trials. Instead of measuring the effect of the composition of jury pools, we have instead measured the effect in an analogous judicial system where jurors are selected at random. The concern that the racial composition of the jury may have an effect on the outcome of a judicial proceeding has animated both a growing literature and even judicial opinions. This concern grows out of two implicit assumptions. First, that when jurors see themselves as peers of the defendant, they behave more favorably toward that defendant than they would otherwise. And second, that race is the crucial metric by which jurors perceive themselves as peers. Our result suggests that the second of these assumptions is too simplistic.

We find that while jurors who perceive themselves as peers do behave more favorably toward defendants, race alone is not enough to animate this perception. Rather, it is the combination of both race and socioeconomic status that changes jurors' behavior. Furthermore, this effect is not race-specific but income-specific.

Low-income jurors of all races see themselves as peers of other low-income defendants who share their race. The absence of evidence supporting the impact of racial attitudes suggests that jurors are influenced more by a bias toward their peers than by hostility toward others.

Importantly, the mechanism we uncover here helps clarify recent findings in the literature. Our findings give further support to the policy suggestion of ABH (2022) that focusing on the geographic representation according to zip code can help mitigate the disparities between Black and White defendants. By increasing the representation in the jury pool from zip codes that are both low-income and have more minorities, minority defendants are more likely to face a jury of their peers.

Our findings raise several questions for future research. Why do these attributes matter? Are there other joint attributes that also matter? And what is it about being a "peer" that benefits defendants?

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Appendix A: Honor Board at USNA

Honor Concept

The Honor Concept of the Brigade of Midshipmen states:

"Midshipmen are persons of integrity: They stand for that which is right. They tell the truth and ensure that the truth is known. They do not lie.

They embrace fairness in all actions. They ensure that work submitted as their own is their own, and that assistance received from any source is authorized and properly documented. They do not cheat.

They respect the property of others and ensure that others are able to benefit from the use of their own property. They do not steal."

Honor Instruction

The honor instruction, which is an official publication of the United States Naval Academy, outlines the rights of an accused midshipman. Midshipmen have the right:

(a) To be treated with fairness, dignity, and respect at all times. This includes the strict observation of the privacy rights of the accused in accordance with applicable laws and regulations.

(b) To remain silent. No adverse inference shall be drawn from an accused's decision to remain silent.

(c) To seek consultation. This includes a midshipman Honor Advisor, see section 0303(2), to assist with the procedural aspects of the honor investigations process and any resulting Brigade Honor Board. The accused may also consult with a lawyer to prepare their defense. This lawyer may be a personal representation military lawyer (PERSREP) at no cost to the accused, or a civilian lawyer retained by the accused at no cost to the United States, or both.

(d) To choose their Midshipman Advisor from among Company or Battalion Honor Advisors.

(e) To examine and to receive a copy of all evidence that may be presented to the Brigade Honor Board.

(f) To object to evidence prior to a Brigade Honor Board (BHB).

(g) To be present at the board of their case.

(h) To challenge members of the BHB for cause; that is, for a reason which could prevent a member from being impartial.

(i) To confront and question their accuser and the witnesses against them. This requires that, absent unusual circumstances, the accuser and witnesses appear at the BHB rather than the Board relying

upon written statements. Although an in-person appearance is preferred, such appearance may be telephonic.

(j) To present physical, documentary, or testimonial evidence at the BHB. The accused may call witnesses, provided they are reasonably available.

Appendix B: Replication Results

Table 8: Differential Race Peer Effects

	Nine Retention Votes		Majority RV	
	Full sample	B&W only	Full Sample	B&W only
	(1)	(2)	(3)	(4)
Black defendant	-0.166	-0.358	-0.0527	-0.0774
	(0.323)	(0.335)	(0.0505)	(0.0522)
Any black in jury	0.0388	-0.00323	0.0131	-0.00515
	(0.239)	(0.269)	(0.0359)	(0.0402)
Black defendant × Any black in jury	-0.0199	0.0533	0.00972	0.0296
	(0.459)	(0.478)	(0.0718)	(0.0740)
Constant	6.229***	6.414***	0.670***	0.682***
	(0.445)	(0.479)	(0.0697)	(0.0780)
Observations	512	411	512	411
R^2	0.343	0.327	0.271	0.244

Standard errors in parentheses

Note: If the jury contains ≥ 1 black members, peer = 1.

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

ABH (2012) test whether Black defendants benefit from having at least one Black member in the jury pool. They regress the trial verdict (guilty versus innocent), on three key variables: an indicator for whether the defendant is Black, an indicator for whether there is at least one Black member in the jury pool, and an interaction between the two. Table 7 reports the results from their empirical strategy using our data. One important difference is that we are looking at whether Black defendants benefit from having a Black member of the *seated jury*, rather than the jury pool. Another difference is that their outcome variable is binary (guilt or innocence) whereas our outcome variable is the number of retention votes. Columns (3) and (4) report a specification where we consider a binary outcome: whether the majority of the jury voted to retain. Finally, their data focused only on the difference between Black and White defendants since most defendants in their dataset are either Black or White. The defendants and jurors in our data are more racially diverse. Columns (1) and (3) report results using our entire sample. Columns (2) and (4) report results using only the subsample of Black and White defendants. In all our specifications we control for the type of Honor offense, the class year of the defendant, as well as whether the defendant has any prior offenses.

Regardless of what specification we use, we cannot reject the null that none of these variables are significant. Although the point estimates on Black defendants are negative, suggesting fewer votes to retain, and consistent with the bias against Black defendants that ABH (2012) find, none of them are significant. Except for the estimate in column (1), which is significantly smaller, most point estimates are about one standard

error away from zero. More importantly, we find no effect that Black defendants benefit from having at least one Black juror. The point estimates in all specifications are all very close to zero, and much smaller than their associated standard errors. In column (1) the point estimate is negative, which would mean that Black defendants receive fewer retention votes when at least one member of the jury is Black. Just as in our preferred specification in table 3, we find no evidence that defendants benefit from having jurors who are racial peers.