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DISCRIMINATORY BEHAVIOR IN NEW YORK RESTAURANTS:
1950 AND 1981*

(Received 16 November, 1982)

ABSTRACT. Survey techniques are combined with behavioral observations in this attempt to replicate a 1950 baseline study in order to examine trends in racial discrimination. In the 1950 study, treatment of black and white couples was compared in a sample of 62 restaurants drawn from a population of all restaurants in a large area of East Side Manhattan. In 1981 we carried out similar comparisons in a sample of 20 restaurants (plus four replications) drawn from the same area, following as closely as possible the procedures used in the baseline study. A substantial amount of discrimination was found in 1981, though somewhat less than in 1950. The difficult problems of determining when discrimination has and has not occurred are discussed from the standpoints of both black customers and social science investigators.

Relatively extensive survey data are available to document trends in white racial attitudes in the United States over the past 40 years, with the broad movement having been in a more liberal direction for most of that period. Yet the even more extensive literature on the attitude-behavior problem alerts us, if indeed such alerting were necessary, to the possibility that other behavior may not have changed in the same way as verbal responses in interviews (cf. Schuman and Johnson, 1976). Unfortunately, it is much more difficult to obtain systematic data on trends in non-interview behavior, and even such seemingly obvious changes as the elimination of the marks of formal segregation (for example, disappearance of segregated seating on southern buses) is not fully documented. Only a handful of baseline studies provide quantitative estimates of discriminatory behavior from an earlier point in time, and no study that we know of provides such behavioral data at two widely separated points in time.¹ This paper reports a small attempt to replicate three decades later one of the few systematic sample surveys of racial behavior reported in the social science literature.

The original study (Selltiz, 1955) was carried out in 1950. It involved sending black and white customers to a sample of restaurants on the east side of midtown Manhattan; having them observe the way they were treated; and then synthesizing their independent written reports so that conclusions could be drawn regarding the amount and nature of discrimination that occurred.

The original population, sampling and observational procedures, and other methodological features of the 1950 study were documented in enough detail to allow us to carry out a reasonably exact replication in 1981. No attempt was made to study the same restaurants, which no doubt had changed ownership or disappeared entirely in many cases, but rather to sample essentially the same population of restaurants as was sampled in 1950, just as is done in most survey replications that are employed for trend studies of social change (cf. Duncan, 1969).

In undertaking this behavioral replication we knew from the start that there were likely to be two important limitations. First, funds were available for only a small sample of restaurants in 1981 — in the end 20 restaurants were tested once and four of these were retested later for reliability purposes. The small sample precludes more than a rough estimate of the amount of discrimination in the total population of restaurants sampled in 1981 and in its comparison with 1950. Nevertheless, we believe the data have some quantitative value, as well as providing qualitative insights into important but difficult issues involved in the measurement of discriminatory behavior.

A second possible limitation that concerned us was the danger of judging overall black-white relations in 1981 on the basis of the special type and location of behavior we observed. Midtown Manhattan is a highly cosmopolitan area and fair treatment of black customers in restaurants does not necessarily indicate a high degree of acceptance. It seemed possible, even probable, that we would discover no discrimination at all in our 1981 sample of restaurants; yet this would hardly say much about the level of discrimination met by, say, black home-buyers in a predominantly white suburban area. Thus we thought it necessary to consider customer treatment in these restaurants as a kind of limiting case, where the presence of discrimination would be more meaningful than its absence with respect to forming conclusions about the prevalence of discrimination more generally in American life.

THE BASELINE STUDY (1950)

The original 1950 study was carried out by volunteer members of the 'Committee on Civil Rights in East Manhattan'. Restaurants were first listed systematically over a 150 block area (bounded by Fifth Avenue, the East River, Thirty-fourth Street, and Fifty-ninth Street), yielding a total population of 364 restaurants. The sample was then drawn using a random method, but one

that eliminated both the cheapest and the most expensive restaurants: it resulted in a final sample of 62 restaurants, with average dinner prices ranging from \$1.30 to \$3.75. (The full price range had been \$0.75 to \$10.00, but the exact number excluded at either end is not clear from the report.)

The testers were 68 blacks and 85 whites, almost all of whom were above average in education and socioeconomic status and "of pleasing appearance, quiet in manner, and well but not ostentatiously dressed." In June of 1950, each restaurant was patronized between 6.30 p.m. and 7.30 p.m. by a two-person black team, followed within a minute by a separate two-person white team. Each team acted as though it did not know the other, but so far as possible each observed the treatment given to the other. After eating, each team returned to the Committee's headquarters and independently filled out a questionnaire describing its experience. Final classification of a restaurant as having discriminated was left to an independent committee of coders who were instructed to reach such a conclusion only where there was clear and convincing evidence that the black team had received inferior treatment and that this was not accidental. Throughout the testing an attempt was made to standardize the non-racial appearance, behavior, and observations of the testers. For example, teams were matched in terms of sex composition; the general type of meals to be ordered was prescribed; testing was restricted to week-nights, avoiding Saturday and Sunday; and the post-test questionnaire was designed to elicit objective reports of treatment so far as possible.

Discrimination against the black team was judged to have occurred in 26, or 42%, of the 62 restaurants tested. (No case of clearly inferior treatment of the white team was found.) None of these cases involved refusal of service, either explicitly for racial reasons or by a transparent device such as saying "reservations needed" to the black team only. The discrimination that occurred was of two types: assignment of the black team to a more undesirable location than the white team (5 restaurants), poorer service to the black team (9 cases), or both (12 cases). Poorer service was said to include rudeness, delayed service, or excessively hurried service. Undesirable locations included isolated or hidden seating and placement near the kitchen or lavatory.

Analysis of instances of discrimination by type of restaurant revealed no association with restaurant size, foreign vs. American ownership, number of customers at the time of testing, or geographic section within the survey area. However, when the restaurants were classified by price category, discrimination was significantly more frequent in the two higher price ranges than in the

lowest third: A majority of restaurants in the medium (58%) and high (53%) price ranges discriminated, as against only 14% in the low-priced range.

THE 1981 REPLICATION

Within limits of time, money, and other resources, we attempted to repeat the essential features of the 1950 study. Because the East Side restaurant area had expanded over the years, we extended the northern boundary to 69th Street. We lacked sufficient volunteer help to list all restaurants in the area, as had been done in 1950; instead we drew a random sample of 46 blocks from the total area. The 1981 procedures are described in more detail below.

Recruitment and Training

Participants were recruited among students at Columbia University, through the Racial Desegregation Assistance Center at Teachers College, and among friends and colleagues of the investigators. Forty-nine volunteers, 25 black and 24 white, most between the ages of 25 and 35, took part in the study, which was carried out between March 25 and April 15, 1981. (Four replications, discussed later, were carried out after the 15th.) Most of those participating brought a partner with them; those who did not were assigned one on the bases of age, sex, and race.

Before going out to test, volunteers took part in one of two afternoon training sessions, in which instructions for the actual test were carefully rehearsed, questionnaires were gone over item by item, and participants' questions were answered. Both the questionnaires and the training materials were the same as those used in the original study of restaurant discrimination, supplemented by some instructions developed specifically for the new study. For example, because of the greater permissible variation in dress in 1981 than in 1950, we specifically requested that all women wear skirts or dresses, and all men jackets and ties, in order to standardize as much as possible visual cues indicative of social class and appropriate to the restaurants visited.

Selection of Restaurants and Observational Procedures

Prior to the beginning of field work, a sample of 46 blocks falling in the area between 34th and 69th streets and between Fifth Avenue and the East River

was drawn, and all restaurants located on all four sides of these blocks were enumerated.² For each restaurant, we obtained the price of an 'average' meal consisting of a first course, main course, and coffee (if prices were à la carte), or of a *prix fixe* dinner if the restaurant offered one.³ Restaurants were then arranged in order of price or, if two or more had the same price, in alphabetical order within price.

As in the original study, drugstores, cafeterias, fast food places, luncheonettes, coffee shops, and bars were excluded from the universe to be enumerated. After enumeration, 5 restaurants with estimated per person prices of more than \$35 were eliminated, as were four restaurants with estimated prices below \$9 — a procedure approximately similar to the 1950 exclusions. This left 78 restaurants ranging in estimated price (including tax and tip) from \$9.75 to \$35 (median — \$17), of which 20 were selected for testing.⁴

Black and white teams assigned to test a particular restaurant were matched exactly on the basis of sex and approximately on the basis of age. About half the restaurants were tested with same-sex teams (all but one consisting of women); the rest, with male-female couples. Most teams went to two restaurants during the field period, though some went as often as three times and others only once. However, no team was matched against the same team more than once. As in the 1950 study, week-ends were not used and we attempted to schedule the time of the test early enough in the evening so that a choice of tables would ordinarily be available to a headwaiter.⁵

After dinner, all participants returned to the project office, where each team completed a questionnaire about its treatment in the restaurant. These questionnaires, virtually identical to those used in the earlier study, asked about such things as the size of the restaurant and the nationality of its cooking, how full it was at the time of the test, and the number and kind of employees; about the time at which various courses were served and the location of the team's table; about the treatment accorded the team by various employees and the reactions of other diners; about the charge for the meal and whether or not there were any overcharges; and a summary judgment about whether or not discrimination had occurred, and if so, the specific evidence for it.

Each team filled out a questionnaire independently of the other team that had gone to the same restaurant. When both teams had finished, a supervisor went over the questionnaires with the participants, reconciling discrepancies so far as possible and obtaining additional details where needed. The ques-

tionnaires were later coded for discrimination by five coders (four white and one black). There was generally excellent agreement, with the main difficulties being within coders rather than between coders. That is, certain cases seemed ambiguous to everyone, though some leaned one way and some the other in final coding. The final decisions reported here represent consensual views in almost all cases and are organized to reflect the degree of ambiguity in the reports.⁶

Results in 1981

Six of the 20 restaurants (30%) showed at least some signs of discriminatory treatment of black customers, as summarized in Table I. These six cases differ in the degree of evidence available, as indicated in the table, and also in whether we were able to repeat the test a second time. In addition to these six instances of inferior treatment for blacks, one of the 20 restaurants (5%) showed fairly clear signs of what could be interpreted as inferior treatment of whites, and this restaurant is also included in Table I. The remaining 13 restaurants showed essentially no signs at all of differential treatment by race of testers.⁷

As in 1950, there were no instances where blacks were openly discriminated against in the sense of being refused service or given such blatantly bad service as to amount to being openly turned away. We must therefore deal mainly with the same indicators of discrimination which appeared in the 1950 study and which necessarily involve matters of judgment: location of seating and type of service provided. We shall review the evidence in Table I and attempt to show that: (a) there is strong evidence that discrimination against blacks is a continuing problem in this population of restaurants, though its frequency cannot be estimated closely from our relatively small sample; and (b) the indicators of discrimination are often so fraught with ambiguity that it is difficult for black customers to be certain when discrimination has occurred and when it has not.

The two cases showing discrimination most clearly are Restaurants A and Q, since there was evidence on two occasions separated by several weeks and using different testers. In Restaurant A this involved isolated and poor seating both times, plus an even more striking denial of use of the coat room on one occasion. However, note that even in this instance there is one contradictory bit of evidence (blacks but not whites were told of house specialties), and

TABLE I
Restaurants where differential treatment occurred^a

Type of restaurant	Actual price of meal and tip per person	Differential treatment	Final classification
<i>I. Definite cases of discrimination, two occurrences</i>			
A Italian	\$23 (Black) \$22 (White)	(1) Black team seated in quite isolated location and too near large ice bucket. (2) Rainy night: black team told coat room closed; white team invited to check coats in coat room.	Discrimination
AA —	\$27 (Black) \$23 (White)	(1) Black team seated in hidden location near kitchen. (However, blacks but not whites were told about specialties of house.)	Discrimination
Q Italian	\$27 (Black) \$32 (White)	(1) Black team separate and hidden. (2) Waiters seemed 'shaken', 'befuddled' by presence of blacks. (3) Service at first slower for blacks, then when restaurant filled up it became too fast. (4) Whites heard manager remark about avoiding 'colored people' in discussing seating of others.	Discrimination
QQ —	\$30 (Black) \$26 (White)	(1) Blacks seated in hidden location (2) Blacks felt constantly scrutinized. (However, white male asked to fix tie more neatly and white team felt generally oppressed by atmosphere.)	Discrimination
<i>II. Probable cases of discrimination, but not replicated</i>			
P French	\$24 (Black) \$22 (White)	(1) Included 15% gratuity as part of check for blacks; not for whites. (2) Check given to blacks without asking if they wished dessert or coffee. (3) Dishes continuously reversed for blacks, but corrected also.	Discrimination

Table I (continued)

Type of restaurant	Actual price of meal and tip per person	Differential treatment	Final classification
PP -	\$23 (Black) \$22 (White)	No evidence of discrimination	No discrimination
F Italian	\$14 (Black) \$15 (White)	(1) Seated in isolated location, near serving station and next to only other black couple in restaurant. (2) Delay (40 minutes) in receiving first course. (However, whites felt they themselves were treated poorly because of their young age.)	Discrimination
FF -	\$17 (Black) \$17 (White)	No evidence of discrimination. (On this visit, several other black customers present also)	No discrimination
III. Possible discrimination			
X French	\$22 (Black) \$20 (White)	(1) Blacks surcharged for two courses included in 'special'. Corrected when called to attention of Maitre d'. (2) Blacks possibly rushed. (Not clear.)	Discrimination (?)
IV. Uncertain about discrimination			
I French	\$30 (Black) \$41 (White)	(1) Blacks seated in isolated area near serving station, but treated graciously and they were not sure seating was discriminatory.	Uncertain
V. Treatment of white team inferior			
N Italian	\$15 (Black) \$17 (White)	(1) Blacks asked where they wished to sit, whites assigned seating at undesirable corner table crowded by other (empty) tables. (2) Blacks invited to check coats, whites not. (3) Blacks invited to see dessert menu, whites not. (4) Blacks offered more coffee, whites not.	(Favored black team)

^a Only those restaurants are included here that were judged to have shown signs of differential treatment according to race of customers. Letters on the left refer to our identification of sample restaurants. Double letters (e.g., AA) indicate a second visit using different teams.

there was no evidence either time of poor service in terms of the waiter's behavior. Both tests of Restaurant Q also produced isolated seating, plus more visible evidence that the staff was upset by the appearance of the black customers. Overall, we feel considerable confidence in our judgment that discrimination occurred both times in both restaurants, and can therefore conclude that at a minimum 10% of the restaurants in our sample showed discrimination against the black customers.

Restaurants P and F present a more difficult picture, since there is strong evidence in each case for discrimination on the first visit but not on the second. The forced gratuity for the black team in the case of restaurant P was an important indicator, but we must also note that an exact record of the bill was not obtained from any of the restaurants and it proved difficult in this and other cases to reconstruct with complete confidence all the charges and reasons for them.⁸ If both these restaurants (P and F) can be classified as having shown discrimination on the first visit but not the second, then three further conclusions can be drawn. First, discrimination often varies with the staff members directly involved, rather than reflecting management policy.⁹ Second, the percentage of restaurants showing discrimination at some point in time in the sample and period we tested is 20%, rather than 10%. Third, even the 20% should be treated as a minimum, since we only returned to restaurants that had shown discrimination initially; if discrimination is indeed sporadic, then an unknown proportion of those restaurants that did not discriminate initially would presumably do so if retested; hence the proportion ever discriminating is *above* 20%.

It is useful to consider the final three categories in Table I together. Restaurant X showed an overcharge, which was interpreted as discriminatory, but which may have been an accident. Restaurant I produced isolated seating, but the two teams seemed doubtful that it involved discrimination. Finally, in Restaurant N a series of differential treatments occurred that, had they been in favor of the white team, would have been interpreted as discriminatory, but which in fact favored the black team. This occurrence, which we could not explain either in racial terms or in any other way related to the teams themselves, serves to warn us of the difficulties of attributing racial motives to differential treatment of customers.¹⁰ Presumably in this case differences in which restaurant staff members served which customers, which we could not control, plus 'accidental' factors, account for the unexpected findings.

If we sum up the cases in Table I, discounting the last three restaurants, our best estimate is that 10% of the restaurants discriminated systematically against blacks and at least another 10% discriminated on occasion. On the one hand, this result clearly indicates that discrimination has not disappeared from this population of New York restaurants over the three decades since the baseline study.¹¹ On the other hand, we suspect that discrimination has declined somewhat from the 42% level reported in 1950, though our sample is too small to put great confidence in exact tests of this point. The standard error of the 1950–1981 difference is about 12%, using conventional simple random sampling formulas, which means that a decline to below 18% would have been needed to allow us to report a statistically significant (0.05 level) difference in 1981 – whereas the 1981 figure most comparable to the 1950 findings is 20% or more. A decline to 20% does just reach significance at the 0.10 level, or at the 0.05 level if a one-directional test is considered appropriate.

One further finding from Table I is of particular interest in comparing the 1950 and 1981 results. Six of the seven restaurants that we classified as definitely or possibly discriminating in 1981 charged prices above the median for all 20 restaurants. This fits the findings reported earlier that discrimination was concentrated in the more expensive restaurants in 1950. Perhaps discouraging black patronage is part of a more general emphasis on preserving an exclusive atmosphere in such restaurants.

What we cannot compare between 1950 and 1981 is the quality or detailed content of the discriminatory behavior that occurred in the two eras. The 1950 report speaks of ‘rude’ treatment and of service being ‘markedly’ faster or slower than for other patrons. But more specific descriptions or examples are not given, and the 1950 raw questionnaires are not available. Even the 1981 questionnaires are not as illuminating as might be hoped with regard to descriptions of what transpired in a restaurant. For example, the staff in Restaurant Q was said to be ‘shaken’ and ‘befuddled’ by the appearance of the black customers (see Table I), but these words involve more in the way of summary impression than detailed description. And ‘slow service’, even when the number of minutes was provided as called for by the questionnaire, involves a final judgment about the time lapse relative to the nature of the order and relative to others served by the same waiter. Finally, testers in 1950 and 1981 may also have been differentially sensitive to behavior that might

be construed as discriminatory, as a result of the Civil Rights Movement and related events. This is analogous to a systematic shift in the meaning of a measuring scale, and again we have no way of testing such a possibility. In sum, it is certainly possible that acts classified in the same way in 1950 and 1981 differed importantly in quality and content, but we are unable in the present study to assess this possibility closely. In this sense, codings of behavior are like codings of responses to open questions in surveys and can only take us part of the way toward comparisons of actual behaviors. Videotapes might be a desirable, but also probably impractical, aid to more adequate data in such an investigation.

THE ATTRIBUTION PROBLEM AND ITS RACIAL DIMENSION

As we have seen, the indicators of discrimination in New York restaurants are often subtle and frequently ambiguous. Because of this — because discrimination is rarely blatant in these settings — black customers are confronted with difficult issues of when to attribute inferior treatment to discrimination, as against some other explanation. The issue is not basically different from ordinary encounters that lack a racial dimension. Suppose one passes an acquaintance who fails to smile in his or her usual way: Is this because you have done something to displease the person, or is it because the person is preoccupied with other matters having nothing to do with you? Such everyday attribution problems take on an added dimension when race is involved, since racial discrimination or prejudice may also be a source of the problematic behavior.

Thus in restaurants, as in virtually all interracial situations, black customers are frequently confronted with behaviors that may or may not be racially motivated. Is the seating poor? Perhaps this is discriminatory, but perhaps it is simply carelessness by the waiter, or merely an 'accident', or even due to differing perceptions as to what is desirable seating (e.g., isolation can sometimes be defined as desirable privacy). Is the service slow? Perhaps due to discrimination, but possibly to something about one's order, to an inexperienced waiter, or to delay in the kitchen that is unrelated to the customer. Some of these types of treatment can be evaluated if a clear comparison is possible, as when the cloak room is said to be closed and yet one observes it

to be open for another customer. In other cases, such as slow service, even comparison is difficult because it may involve different waiters with different types of orders.

Thus black customers are often faced with attempting to evaluate problematic behavior in a way that is incomprehensible to many white customers. The latter may become impatient about poor service, but in most cases they can comfortably attribute this to failures of restaurant staff.¹² Blacks must usually add racial motivation as a possible explanation. Even where careful comparison with other customers can help resolve the issue, this demands a social alertness and sensitivity not required of whites. And often no comparison is available (e.g., on a gratuity added to a bill), or if available cannot resolve the issue. Because of this extra dimension to black-white relations, the discovery of *any* significant amount of clear discrimination in restaurants has implications beyond its own limited proportion: from the standpoint of black customers — and from the standpoint of our investigation — it renders suspect *all* instances of differential treatment by race.

'Suspect' is the key word here, for we often found ourselves unsure about how to interpret a behavior described in the questionnaires filled out by the testers, and even further probing did not necessarily help. Why was the service slow, the bill added incorrectly, the orders switched when served? In the absence of other contextual information it was hard to know, and thus we were forced to rely on the subjective sense of the participants to a degree beyond that which we had expected. And in some instances the testers were themselves unsure of the interpretation to be placed on actions and events in the restaurants they visited.¹³

Moreover, the ambiguities of interracial behavior, and the tensions that they give rise to, were manifested in another way within our own project. Although all black and white testers were persons who volunteered to take part in the research because of an interest in it, they did not necessarily get along with one another. In fact, several incidents in the first few days of the testing led us to doubt the wisdom of continuing it. One black team believed that they sensed prejudice on the part of the white team they were working with, while another black team became irritated because of the white team's interpretation that they (the white team) had been treated poorly in the restaurant because of their age. On another occasion a black team was an hour late in arriving at its pre-restaurant rendezvous, and then canceled altogether without what the white team considered a justifiable reason. Some

whites voiced the feeling that the blacks were cold or excluded them, while some blacks commented about white 'liberal guilt' leading to oversolicitousness. White teams were also characterized as 'too nervous', and as seeming to be "very uncomfortable in the city ... apprehensive." Nor did the project initiators escape criticism, some black volunteers worrying that this was just another piece of research that would lead nowhere. One black tester also noted that the project initiators were all white and urged that the research should have more black participation at the level of its direction.

Thus the research itself, in its own internal character as well as in the ambiguities of the situations it studied, was a microcosm that reflected basic problems of racial interaction in America. To be sure, the behaviors we studied in East Side New York restaurants are far removed from the larger economic and political issues that intersect with racial differences in the United States. But insofar as race-related discrimination, uncertainty, and tension persist in public areas of life where economic and political distinctions are absent or muted, this small study both touched and incorporated them.

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NOTES

* We are indebted to many people for help in carrying out this study: to the forty-nine volunteers, black and white, who did the actual testing of restaurants; to Lawrence Bobo, who helped analyze the data; to Hilton B. Clark, who generously made available the facilities of Clark, Phipps, Clark and Harris, Inc. on the many nights when teams went out to test and then returned for debriefing by the study staff; and to both Charlotte Steeh and Lawrence Bobo who provided advice at various points. Tom W. Smith offered helpful suggestions on an earlier draft of this article. The research was supported in part by a grant (MH34116) from the National Institute of Mental Health.

¹ This statement needs to be qualified by noting demographic analyses of residential patterns (e.g., Taeuber and Taeuber, 1965), but discrimination can be inferred only indirectly from such patterns.

² First, the area was divided into 23 equal-sized segments. Next, two blocks were selected at random from each segment, and all restaurants on the four sides of each block were listed. Restaurants were then arranged in order of price, and every fourth restaurant was selected, for a total of 20 restaurants. This procedure yields a self-weighting sample, since restaurants are chosen without regard to their density on any given block - i.e., they are chosen with equal probability from the total universe of restaurants in the area.

³ Limited funds made us restrict meals in this way, although it also appears that drinks were excluded in the 1950 study. Even with meals limited to a first course, main course, and coffee, the average cost of a single test by two teams of two persons was nearly \$70, not counting transportation. The project covered the cost of meals, but participants were not paid otherwise.

⁴ We assigned back-up restaurants of comparable price for each of the restaurants selected for the study in case both teams were turned away for lack of reservations. (We did not, of course, make reservations ahead of time.) In fact, three substitutions were made: one, because reservations were required; a second, because both teams would have had to wait between three-quarters of an hour and an hour; and a third, because the teams decided, on their own initiative, that the restaurant was too crowded. We have no reason to suppose that these substitutions affected our conclusions in any way. Of the final sample, seven restaurants were Italian; five, French; two, Chinese; one, Japanese; one, Spanish; the rest, no particular nationality.

⁵ Most entrances to the restaurants were made between 6.45 and 7.45, but two were later than 8.00 p.m. No effect of time on treatment was noted.

⁶ All five coders agreed on both visits for Restaurants A and Q in Table I; 4 of 5 agreed for both visits for Restaurants P and F, but one indicated uncertainty about discrimination having occurred on the first visit to each; 2 of 5 saw discrimination in Restaurant X but 3 were uncertain; and all five were uncertain about Restaurant I. All five coders recorded treatment as better for the black couple in the case of Restaurant N.

⁷ These included one case where one member of a (white) team felt their table was undesirable but the other member disagreed and the objective evidence was not compelling, and two cases where black teams themselves chose tables considered undesirable by the white observers. It should be noted that in 16 of the 20 restaurants, tables were assigned to both teams, but (for reasons that are not clear) in three restaurants (N, K, L) the black team reported that it chose its own table and in a fourth restaurant (O) the white team reported that it chose its own table.

⁸ There were some peculiarities in the description of this overcharge, and it is conceivable (though we think unlikely) that the report involved misinterpretation of the bill by the black customers.

Shortly after the end of our field work, a black couple in Scotch Plains, New Jersey, won a judgment of \$1500 against the Jade Island restaurant there, for "pain and humiliation" caused by the restaurant's practice of adding a service charge to the checks of their black, but not white, customers — a fact established when the New Jersey Division of Civil Rights sent out two teams of testers after the original complaint had been filed.

⁹ There is also the possibility that on the second visit the restaurant employees suspected some sort of test, though neither in this case nor in any of the others did the testers report evidence of such suspicion. Our questionnaire included questions about possible suspicion by the restaurant staff, but it was not easy for testers to make such judgments.

¹⁰ Several readers have commented that it may have been the assumed class, rather than the race, of the testers to which restaurant staff members responded, and have regretted our failure to vary cues relevant to social class. Although the small sample precluded such variation, we of course attempted to standardize indicators of social class by having all participants wear similar clothes. Thus, in order to sustain an interpretation based on class or status considerations, we must assume that race itself was used as an additional indicator of social class. There is no way to test such an interpretation directly in a study such as this one. Studies that have done so (e.g., Triandis and Triandis, 1960) have systematically foisted knowledge of class as well as race on subjects by, e.g., eliciting ratings of 'black doctors' and 'black janitors'. What we are interested in, rather, is what assumptions are made about the social class of black men and women dressed in inconspicuous 'middle class' uniform.

¹¹ This statement assumes that we are confident that discrimination against blacks

occurred in at least *some* restaurants, as indeed we are for Restaurants A and Q where the actions were clear-cut and involved replication. Our model here is similar to that used for a disease like smallpox: if even a single case of smallpox is discovered anywhere in the world, the claim that it has been eradicated is immediately proved erroneous. Thus a probability test is not needed for the simple statement that some discrimination continued to exist in this population of restaurants in 1981, although such tests are required for statements that go beyond such a simple assertion.

¹² Other statuses may of course also create ambiguity. A single woman, for example, or a couple less well dressed than other customers, may suffer similar uncertainty in attempting to account for rude or negligent behavior.

¹³ Black testers varied in their personal reactions to problematic behavior: in two cases they said they would have refused an assigned table had they not been in the study and in one other case they recommended legal action; but in other instances they expressed puzzlement because they were treated graciously except in one specific way (e.g., seating). We should note that after our 1981 tests, we sent detailed letters of protest to the five restaurants that we believed had definitely or probably discriminated, with copies of the letters to the New York Better Business Bureau, the New York Convention and Visitors Bureau, and the New York State Restaurant Association. The 1950 investigation was followed by an extensive action program to reduce discrimination in restaurants, and then a further follow-up set of tests in 1952 to evaluate the program (see Selltitz, 1955, for detailed description and data).

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