

Republican-appointed judges sentence black offenders to 3 months longer on average than whites: study

Raw Story

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study by the National Bureau of Economic Research found that Republican-appointed judges on average give black Americans sentences that are three months longer than those given to white convicts.

In a [paper released this month](#), researchers Alma Cohen and Crystal Yang concluded that a judge's political ideology can impact the sentencing of non-white criminals.

“In sharp contrast to the prior literature relying on court-level variation, we find economically meaningful and statistically significant evidence that judge political affiliation is a source of disparities in federal sentencing,” the authors explained. “We find that Republican-appointed judges give substantially longer prison sentences to black offenders versus observably similar non-black offenders compared to Democratic-appointed judges within the same district court.”

“The racial gap by political affiliation is 3.0 months, approximately 65 percent of the baseline racial sentence gap,” the paper observed. “We also find that Republican-appointed judges give female defendants 2.0 months less in prison than similar male defendants compared to Democratic-appointed judges, 17 percent of the baseline gender sentence gap.”

The authors noted that much of the gap in sentencing is “largely driven by serious drug and violent offenses, and cannot be fully explained by other observable judge characteristics such as judge race, gender, former prosecutorial experience, or proxies for racial bias.”

“We also find larger racial and gender gaps among judges who serve in courts from states with higher racial bias, which are disproportionately located in the South,” the researchers said.

The study concludes:

These results indicate that the appointment of federal judges can have profound distributional effects on the criminal justice system, in particular because the federal criminal justice system is the source of the largest and fastest growing prison population (Congressional Research Service 2013), with federal judges making tens of thousands of sentencing decisions a year. Our estimates suggest that a ten percentage point increase in the share of Republican-appointed judges in each court would increase the racial sentencing gap by approximately five percent and the gender sentencing gap by roughly two percent.

In President Donald Trump's first year in office, the Senate [confirmed a dozen](#) of his district court judge nominees, more than any president since Congress created circuit courts with the 1891 Judiciary Act.