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Judicial Selection: America's Quandary

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Abstract

There are 2 million people in the nation's prisons and jails—a 500% increase over the last 40 years. Twelve percent of those people are serving life sentences, and four percent are serving life without parole despite a 56% drop-in crime rates from the 1990s. Sentencing law and policy changes are suggested as a reason for this increase. Additionally, despite federal sentencing guidelines, the duration or type of sentencing of a convicted criminal in the United States shows a lack of consistency across geography and can vary from state to state, and jurisdiction to jurisdiction. Many theories have been presented for this disparity of sentences and the degree of variation in sentencing across jurisdictions, including institutional racism, personal ideologies, and political pressure. Political pressures, including the desire to be reelected, stand out as one constant across the Country that may impact sentencing. This study looks at the likelihood that a State Supreme Court Judge will impart a more harsh sentence in life or death penalty cases if he is to face an election. The results suggest that elected judges do sentence more harshly, which has important implications for the dispensation of justice and institutional design in the US.

Introduction

There are 2 million people in the nation's prisons and jails—a 500% increase over the last 40 years (sentencingproject.org). Twelve percent of those people are serving life sentences, and four percent are serving life without parole despite a 56% drop-in crime rates from the 1990s. Sentencing law and policy changes are given as a reason for this increase. However, more harsh sentencing for all crimes has also increased. The increase in more punitive sentencing has resulted in prison overcrowding despite increasing evidence that large-scale incarceration is not an effective means of achieving public safety. Overly punitive law and its disproportionate application have clouded what is supposed to be a fair and just system in the United States.

The disparity experienced in criminal sentencing and the degree of variation in sentencing across the US is a related issue. Despite federal sentencing guidelines, the duration or type of sentencing of a convicted criminal in the United States can vary from state to state, and jurisdiction to jurisdiction. Many theories have been presented to explain this variation, including institutional racism, personal ideologies, and political pressure. Political pressures, including the desire to be reelected, stand out as one reason. As such, I argue that variation in judicial selection between appointed and elected state court judges can explain some of these state differences. The dynamics of local and state legislation and expectations of the population can create an environment of regional beliefs dictating the harshness of punishment for a crime above minimum sentencing guidelines seen in other states or jurisdictions. Even though state sentencing statutes and sentencing structures limit a judge's freedom in their choice of sentencing, there is a need to come to terms with the impact of politics on judicial discretion and how it is put into practice.

In recent years, many legislatures and prosecutors' offices have begun reducing lengthy prison terms, such as by scaling back truth-in-sentencing requirements and implementing second-look reforms that allow for reconsideration of imposed sentences. These efforts reflect a growing awareness that ending mass incarceration and tackling its racial disparities require scaling back long sentences. Examining the factors that affect judicial discretion will likely help in this endeavor. To aid in this understanding, testing the impact of politics on sentencing is necessary. Because of this need, I examine if elected judges are more likely to induce harsh sentencing in the cases they hear. Specifically, I examine elected versus appointed State Supreme Court judges' records on sentencing in life in prison and the death penalty. My results indicate that elected judges do tend to sentence more harshly, but that there is other variation in judicial selection that should also be taken into account.

The remaining part of this paper will include an overview of recent research on sentencing and the variation in judicial selection, specifically elected, nonpartisan, and appointed judges. The causal mechanisms behind my theory and my research design will follow. I will then describe my results, significance, and implications. Lastly, I will conclude with a discussion of limitations and ways to expand on my findings.

Literature Review

The consensus among legal scholars is that elections can compromise judicial sentencing. Empirical studies examining the relationship between judicial elections and criminal case outcomes have found that re-election pressures impact judges' rulings — to the detriment of defendants (Brennen 2020). One group of studies considered the impact of elections on judges' adjudication of cases involving serious crimes. Each study found that election pressures had an effect — making judges more punitive in sentencing and less likely to find in favor of criminal defendants (Brennen 2020). Studies in Pennsylvania and Washington found that trial court judges hand out significantly longer sentences in severe, violent criminal cases closer to election time. Specifically, Berdejó and Yuchtman (2013) found that judges' sentences were around 10% longer at the end of a judge's political cycle than at the beginning; judges' discretionary sentencing above the guidelines range increases by 50% across the electoral cycle.

A review of 2,102 state supreme court rulings on death penalty appeals from the 37 states found a strong correlation between the sentencing in those cases and the way each state chooses its justices (Levine and Cook 2015). In the 15 states where high court judges are directly elected, justices rejected the death sentence in 11 percent of appeals; in the seven states where justices are appointed, judges did so 26% of the time (Levine and Cook 2015). Brace (2004) found that mass opinion and the institution of electing judges influence court composition and judge behavior. Research continues to suggest that outside influences impact judges' decisions in many of these cases. Specifically, it has been found that public opinion influence judges sentencing, even though empirical studies suggest that voters are almost entirely uninformed about judge behavior (Huber 2004). Looking back to the culture which led to the Sentencing Reform Act and the creation of the Sentencing Commission in 1978¹ has been pinpointed as a year in which political elections of judges began to get competitive. Around this time, district attorneys in Los Angeles, California "Began encouraging opposition to judges they believed were soft on crime" (Bam 2014). Since the 1960s, interest groups became increasingly involved in judicial elections. However, these interest groups are not necessarily an educated public. The empirical studies generally show a pervasive ignorance of politics and government" and that "[t]he pattern of political ignorance continues when we look at public knowledge [voters] of the state judiciaries" (Bam 2014). Because of this lack of knowledge, voters often vote along a party line when party labels is available on the ballot. According to Burnette (2014), the party label continues to be an efficient substitute for voter knowledge of judicial candidates'

¹ The U.S. Sentencing Commission, a bipartisan, independent agency located in the judicial branch of government, was created by Congress in 1984 to reduce sentencing disparities and promote transparency and proportionality in sentencing Reform Act is the federal statute intended to increase consistency in United States federal sentencing.

attitudes and values. Schanzenbach and Tiller (2008) validate this notion of party label as a substitute for knowledge on the candidate, indicating that voters believe Democratic judges will be more lenient in imposing sentences for more serious crimes than their Republican counterparts. Rock (2010) found that political advertising can affect judicial voting. This finding supports the notion that the more television ads during an election, the less likely judges are to rule in favor of criminal defendants. Rock also found that high-visibility judicial contests have the effect of making more voters aware of basic information about the candidates, and that information informs their voting choices, albeit only in Republican voters (Rock 2010).

When looking at the impact of elections on sentencing Taylor, (2021) found that states with reelected trial judges are generally more punitive than states without judicial elections. They write this punitiveness in response to the public's ideological preferences, indicating that elections serve as an important judicial accountability mechanism for citizens. This is further seen in research by Gordon and Hubert (2007) who demonstrate that judges in competitive partisan systems sentence significantly more punitively than those in retention systems (Gordon and Hubert 2007). Canes-Wrane, Clark, and Kelly (2014) conversely showed that Judges are significantly more responsive to the majority opinion in nonpartisan than partisan election systems. They also found that judges respond similarly to public opinion in systems with partisan elections or reappointment. These findings suggest there is possibly more to judicial sentencing than politics and the method of representation. Further research is warranted. I seek to contribute to this field of study.

Theory

Building on extant literature, I examine the possible cause for the differences in the degree of harshness of criminal sentencing across the US States. I examine whether the method of choosing state judges—elected or appointed—explains variation in sentencing across jurisdictions. This punitiveness is assumed to be in response to the public's ideological preferences on crimes. I argue that judges' impartiality is impaired by the nature of judicial elections; it is the desire for electability that drives the variability of punitive sentencing found within this country.

I assume that all judges, no matter how they are selected, are motivated by ideology and a personal sense of justice in their courtroom. However, elected judges' criminal sentencing is also dictated by the electorate since they must consider the voter's ideology when sentencing if they wish to get reelected. Certain judges will allow their desire to be elected to dictate the harshness of their sentencing. This drive to appease the voters results from the nature of election-based judgeships, where voters decide who is on the bench. The voters' decision is often not based on the skill or record of the judge but instead on the electors' decisive evaluations of publicized cases (Huber 2004). Because of this elective force, judges are often driven to deliver sentencing that is in keeping with public desires. Elected judges presiding over controversial cases may base their decisions on the potential political effects of those decisions instead of legal

precepts or an unbiased reading of the facts of a case. Appointed judges do not face the same pressures.

Furthermore, I argue that under-penalized cases are more critically scrutinized than over penalized records, especially in states where judges are elected. With the added impact of campaign advertising suggesting a judge is soft on crime, it is no wonder there is no consistency in sentencing between states. Empirical studies across states, court level, and method of election find that proximity to re-election makes judges more likely to impose longer sentences, affirm death sentences, and even override life sentences to impose death (Brennon, 2015). It is the dynamics of local and state legislation and expectations of the population that create an environment of harshness of punishment for a crime above minimum sentencing guidelines seen in other states or jurisdictions (Bam 2013).

I also argue that voters are not typically well-informed in judicial races; as a result, some voters tend to cast their ballot only in response to well-publicized cases, such as those seen in severe criminal case (Bam 2013). Not having the time or access to the information to do an in-depth search of each judge running for office in their district, many people rely on the information compiled by others. This information is brief and often highlights cases of interest, especially those where a judge appears soft or hard on crime.

Finally, I argue that appointed judges are freer to deliver sentencing that is more in line with their understanding of the law or their own preferences, and I argue this to be so even in the case of periodic retention elections for sitting judges². Not having the burden of electoral oversight allows an individual to practice law without the impact of retaliation from the voting base. I argue that appointed judges are protected from mudslinging and thus are afforded the natural comfort of their position. Without this burden of the repercussion of under-penalized cases, appointed judges can judge cases based on judicial considerations and not political ramifications. With this in mind, I posit the hypothesis:

H1: All else equal, elected judges should sentence more harshly than appointed judges.

Empirics

To test my theory, I take a statistical approach. The unit of analysis is the US state. I analyze death penalty, life sentencing rates, and election/appointment type while controlling for violent crime rates for the year 2016 as well as presidential outcome per state. I aim to show that the severity of criminal sentencing is impacted by means of selection for state Supreme Court judges.

² Retention elections are where voters are asked whether an incumbent judge should remain in office for another term. The judge, who does not face an opponent, is removed from the position if a certain percentage of voters (often 50%) indicate that he or she should not be retained. This is a rare occurrence.

The dependent variable is the severity of sentencing in a state. I measure it in two ways. The first is the percentage of the prison population in each state with a virtual or actual life sentence. This includes a life sentence with and without parole and extremely long “virtual” life sentences.³ This data is from the Justice Project and is only available for the year 2016. My second measure is the number of executions from the death penalty in each state in 2016. This data is from deathpenaltyinfo.org.

In the U.S. 44,311 individuals are serving "virtual life" sentences, yielding a total population of life and virtual life sentences at 206,268 – or one of every seven people in prison.⁴ The United States incarcerates people for life at a rate of 50 per 100,000. In this study, the average life sentence across the states is 13.636%, and the average death penalty rate is 0.005580645 per 100,000 people for 2016. This research finds the maximum life sentence rate in the United States in California at 31.3%. North Dakota has the minimum life in prison rate of 4.5%. While the use of the death penalty is very rare, Georgia has the maximum death penalty rate at 0.087 out of 100K or 9 people in 2016. Most of the 31 states that had the death penalty in 2016 have the minimum execution rate of 0. Of the 31 states that have the death penalty, 26 did not conduct execution in 2016.

The independent variable used in this study is whether the states' superior court judges are elected or appointed. The data was collected from Brennan Center for Justice.⁵ I use a dummy variable to capture the selection process. It is coded as a 1 for states with elected judges and 0 otherwise. Twenty-one states elect their judges. As a robustness check I include two other measures of judicial selection. First, I create a dummy for whether a state has nonpartisan elections. It is coded as 1 if yes; 0 otherwise. I included this because research indicates that nonpartisan judges have the most incentive to sentence harshly because they don't have job security or a party label to run on. Fourteen states have nonpartisan elected judges. Second, I have an indicator for whether an appointed judge faces retention elections, as that could affect the dynamic of interest. Eighteen states have retention elections.

I also control for factors that may explain the variation in sentencing across states. My two control variables determine what percent of a state voted for Donald Trump in 2016 and the Violent Crime Rate per 100k (2016). Republicans are typically harsher on crime, so I expect judges in states that are more Republican and thus more supportive of Trump to sentence more harshly. This information was gathered from New York Times 2016 election edition.⁶ The Violent Crime Rate was collected from FBI: Uniform Crime Reporting⁷. This data illustrates the number of violent crimes in given state per 100k people. Violent crime rate statistics were used because violent crimes are more likely to receive more punitive sentences. The least support for Trump in 2016

³ A Virtual Life Sentence is when people are eligible for parole but serving excessive sentences resulting in Death by Incarceration

⁴ deathpenaltyinfo.org

⁵ <https://www.brennancenter.org/judicial-selection-map>

⁶ <https://www.nytimes.com/elections/2016/results/president>

⁷ FBI's Uniform Crime Reporting (UCR) Program <https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/tables/table-2>

was found in Hawai'i at just 30% and the maximum support was found in Wyoming at 68.2%. The average support for Trump in 2016 was 46.1%. The maximum violent crime rate was found in Alaska at 804.2 per 100,000 people and the minimum violent crime rate was found in Manie at 123.8 per 100,000 people. The central tendency, or average rate, for the United States was 378.038 per 100,000 people.

Results and Analysis

I evaluate my hypothesis via regression analysis. My first regression analysis uses the percent of the prison population with a life sentence as the dependent variable and includes the elected judges dummy variable, the violent crime per 100,000 in the state, and the percent in support of Trump in 2016 as the independent variables. The results of this are in Table 1.

Table 1: Life Sentencing results

Variable	Coefficients	St. Error	P-Value
Intercept	12.01	4.71	0.01
Elected	0.15	1.9	0.94
Violent crime rates	0.02	0.006	0.004
% Trump (2016)	-0.11	0.09	0.23

Table 1 shows the regression results using the percent of the prison population with life sentencing as the dependent variable. Elected judges have the hypothesized positive effect, but it is small and not statistically significant. Only violent crime has a statistically significant effect.

This analysis showed that when looking at the relationship between elected judges and life sentencing rates, there is a negligible positive effect size $r=.15$; however, the finding was not found to be statistically significant ($p=.94$). The results suggest that elected judges increase the percentage of the prison population with life sentences by 0.15%. While the effect is in the hypothesized direction, it is very small and therefore does not have a meaningful impact on sentencing harshness. Testing for controls, it was found that when looking at life sentencing through the lens of violent crime rates, the effect was found to be statistically significant, $p=.004$, which is logical because we expect harsher sentencing rates for violent crimes. However, the effect size was modest; life sentencing increases by 0.02% for each violent crime per 100K. Another way to consider this is if we increased violent crimes by 100 per 100K people, it would increase sentencing by 2%. While this effect isn't large, it is meaningful. When looking to find an effect between the dependent variable life sentencing with Trump election results, we see a negligible negative relationship $r=-.11$. This slight negative effect was a surprise, because it is commonly thought that Republicans are "tougher" on crime. Given that the result was not statistically significant ($p=.23$), this effect size could be just by chance.

Table 2: Life Sentencing Robustness Check

Variable	Coefficients	St. Error	P-Value
Intercept	12.75	4.72	0.01
Elected	3.52	2.75	0.21
Nonpartisan Elected	-3.48	2.96	0.25
Retention Election	2.085	2.28	0.37
Crime Rate	0.02	0.01	0.01
% Trump (2016)	-0.13	0.10	0.18

Table 2 shows the robustness regression test for the life sentence model including 2 additional judicial selection variables: non-partisan and retention election. Elected judges sentence more harshly than non-elected. I also find that judges who face retention elections sentence more harshly, while nonpartisan elected judges do not. No results were statistically significant except on violent crime.

I also conducted a robustness check to further evaluate my hypothesis. The results are in Table 2. I include other variables for judicial selection, such as whether a judge faces nonpartisan or retention elections. None of these independent variables had statistically significant effects, though the effect sizes were found to be larger under this analysis. Elected judges were found to positively increase sentencing harshness (effect size $r=3.52$). Nonpartisan election shows a large negative effect on sentencing ($r=-3.48$). This suggest that nonpartisan elected judges are associated with a 3.48% decrease in life sentencing on the prison population. Retention elections showed large positive effect suggesting an increase sentencing ($r=2.09$). Trump support, again, showed a negative relationship, but effect size small with no statistical significance. Violent crime rate still has a positive and statistically significant effect.

I further evaluate my hypothesis using the number of death penalty executions as the dependent variable. I use the dummy variable for elected judges, the violent crime rate and Trump Support as the independent variables. The results are in Table 3.

Table 3: Death Penalty

Variable	Coefficients	Standard Error	P-value
Intercept	-0.26	2.47	0.92
Elected	1.07	0.73	0.17
Violent Crime Rate	0.002	0.003	0.54
% Trump (2016)	-0.006	0.04	0.89

Table 3 shows the regression using the number of for Death Penalty executions as the dependent variable. Elected judges are associated with one more execution, which is a large effect given how rare executions are. However, the finding is not statistically significant, nor are the results in the controls.

This analysis illustrates that when looking at the election variable and death penalty rate there is a positive effect of $r = 1.07$; this suggests an increase of 1 death penalty sentence under elected judges. This is quite a large effect considering how rare executions were in the data. However, the finding was not shown to be statistically significant as $p = 0.17$. When testing for controls, I found that when looking at execution numbers through the lens of violent crime, the correlation effect was only slightly positive, and not statistically significant $p = .54$. The Trump support variable still has a negative effect, which is puzzling. However, it also did not show a statistically significant impact.

I also conducted a robustness check to further test this hypothesis. The results in Table 4 add non-partisan and retention election variables to the previous regression.

Table 4: Death Penalty Robustness Check

Variable	Coefficients	Standard Error	P-value
Intercept	0.08	2.65	0.98
Elected	1.06	1.28	0.42
Nonpartisan Elected	-0.48	1.14	0.68
Retention Election	-0.41	1.18	0.73
Violent Crime Rate	0.002	0.003	0.57
% Trump (2016)	-0.006	0.045	0.90

Table 4: shows the robustness regression test for Death Penalty. While nonpartisan elections and retention elections show a modest negative effect, elected judgeships shows a positive effect on death penalty sentencing. No variable was found to be statistically significant.

No variables included in this regression had statistical significance. However, a positive correlation was suggested, again, with elected judges showing an effect size of $r = 1.06$. This was similar in the previous analysis, suggesting a 1 punitive sentencing increase. Nonpartisan and retention elected judges suggested somewhat of a negative effect size ($r = -0.48$; $r = -0.41$). These effect size suggested a less punitive sentencing. Nonpartisan and retention elections are associated with 0.48 and 0.41 fewer executions respectively. This amounts to an effect size of half of an execution less for each. Trump's support and Violent Crime rate showed little effect on sentencing and was not statistically significant. The small sample size could explain for these findings.

Finally, to account for different state population sizes, I also estimated these models using the number of executions per 100K as the dependent variable. This Measurement decision did not fundamentally change the results. These findings can be found in the appendix in Tables A1 and A2.

Conclusion

The United States is only one of a few nations in the world that elects judges while at the same time allowing for the appointment of others. This system is inconsistent at best and unjust at worse. Could the disparate nature of judgeship be one reason for the high number of extended incarceration rates in the United States? Do politics impact judges' decisions? This study suggests that this may be the case. Everyday experience tells us that politics find their way into every aspect of American life. We cannot believe the courtroom to be any different. One of the primary goals of the Sentencing Reform Act was to implement determinate sentencing and reduce disparity. Undoubtedly, these goals have been accomplished in some jurisdictions across the U.S. However, continued research suggests its impact is not universal, and more needs to be done to address the issues with sentencing in this country.

Here, I offer an explanation for our disparate judicial system: our system of electing judges often taints sentencing, especially relative to states with appointed judges. My study suggests that jurisdictions with elected judges have more punitive sentencing rates than those with appointed judges. This impact is assumed to be because these judges must face the public to retain their seats on the bench. I have demonstrated that, at least for State Supreme Court judges, how they gain their bench seat may play a role in how they judge. While not found to be statistically significant in this study, the hypothesized effect was found, at least for the year 2016.

Previous research has used temporal proximity to an election to argue that elected judges are cognizant of and responsive to electoral considerations, but the studies have been limited to a single state (Taylor 2021). Future research should investigate this possibility in a comparative study to confirm the electoral consideration mechanism. Further, a more in-depth analysis will aid this research and help to address this study's limitations. By looking at a broader range of years, analyzing more levels of court (i.e., lower courts), and including all types of cases (violent versus nonviolent; felony vs misdemeanor), future research will better extend the understanding of this quandary of the American judicial system.

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Data Appendix

Table A1: Death Penalty Per 100K

Variable	Coefficients	Standard Error	P-value
Intercept	-0.009	0.02	0.66
Elected	0.01	0.006	0.17
Violent Crime Rate	0.00002	0.00003	0.43
% Trump (2016)	0.00005	0.0004	0.89

Table A2: Death Penalty Per 100k Robustness

Variable	Coefficients	Standard Error	P-value
Intercept	-0.008	0.02	0.75
Elected	0.007	0.01	0.54
Nonpartisan Elected	-0.0007	0.01	0.95
Retention Election	-0.003	0.01	0.75
Violent Crime Rate	0.00002	0.00003	0.44
% Trump (2016)	0.00006	0.0004	0.88

Citations

- Bam, D. 2014. "Voter ignorance and judicial elections". *Kentucky Law Journal*, 102(3), 553–599; 566-568
- Berdej6, C., & Yuchtman, N. 2013. " Crime, Punishment, and Politics: an analysis of political cycles in criminal sentencing." *The Review of Economics and Statistics*, 95(3), 741–756.
- Brace, P., & Boyea, B.D. 2008. "State Public Opinion, the Death Penalty, and the Practice of Electing Judges." *American Journal of Political Science* 52: 360-372.
- Brennan Center for Justice. 2022. "Judicial Selection: An Interactive Map." Brennan Center for Justice. <https://www.brennancenter.org/judicial-selection-map>
- Burnett, Craig M. and Tiede, Lydia Brashear. 2014. "Voter Knowledge of Candidates' Judicial Philosophies "Judicature, Forthcoming.
- Canes-Wrone, B., Clark, T.S., & Kelly, J.P. 2014. "Judicial Selection and Death Penalty Decisions." *American Political Science Review*, 108: 23 - 39.
- Choi, S. J., Gulati, G. M., & Posner, E. A. 2010. "Professionals or Politicians: The Uncertain Empirical Case for an Elected Rather than Appointed Judiciary". *Journal of Law, Economics, & Organization*, 26(2), 290–336.
- Cohen, A., & Yang, C. 2018. "Judicial politics and sentencing decisions" Cambridge: National Bureau of Economic Research, 162
- Curry, T.A., & Romano, M.K. 2018. "Ideological Congruity on State Supreme Courts." *Justice System Journal* 39: 139 - 154.
- FBI. 2018. "Crime/Law Enforcement Stats (UCR Program)." FBI. <https://www.fbi.gov/how-we-can-help-you/need-an-fbi-service-or-more-information/ucr>
- Gregory A. Huber & Sanford C. Gordon, 2004. "Accountability and Coercion: Is Justice Blind When it Runs for Office?" *American Journal of Political Science*. 48 247-258

- J.M. 2009. "Are Appointed Judges Strategic Too?" *Duke Law Journal* 58:1589-1626
- Levine, Dan, and Kristina Cooke. 2015. "In States with Elected High Court Judges, a Harder Line on Capital Punishment." *Uneven Justice*.
<https://www.reuters.com/investigates/special-report/usa-deathpenalty-judges/>
- Lim, C. S. H. 2013. "Preferences and incentives of appointed and elected public officials: Evidence from state trial court judges." *The American Economic Review* 103(4):1360-1397.
- Rock, E., & Baum, L. 2010. "The Impact of High-Visibility Contests for U.S. State Court Judgeships: Partisan Voting in Nonpartisan Elections." *State Politics & Policy Quarterly*, 10(4), 368-396.
- Sanford C. Gordon & Gregory A. Huber, 2007. The Effect of Electoral Competitiveness on Incumbent Behavior, *American Journal of Political Science*, 2Q 107-108
- Schaller, Barry R. 2012. "Ethical Aspects of Political Dilemmas Faced by Appointed Judges" *Yale Law & Policy Review Inter Alia*
- Schanzenbach, Max M. and Tiller, Emerson H. 2008 "Reviewing the Sentencing Guidelines: Judicial Politics, Empirical Evidence, and Reform," *University of Chicago Law Review*: 75(2) Article 3.
- Taylor, T.N. 2021. "Judicial Selection and Criminal Punishment." *Journal of Law and Courts* 9: 305-335.
- The New York Times. 2016. "2016 Presidential Election Results." *The New York Times*.
<https://www.nytimes.com/elections/2016/results/president>

The Sentencing Project. 2022. "We Change the Way Americans Think about Crime and Punishment." The Sentencing Project. <https://www.sentencingproject.org/>