

Nineteenth-Century Sentencing Disparities

Research Questions

Do counties with large black populations sentence more harshly?

Do counties with large immigrant populations sentence more harshly?

“Large” is conservatively estimated at the 90th percentile for that period. (Additional analyses examine alternative cut-offs.)

Goal

Testing contemporary theory (group threat theory) with historical data

Findings

Table 4: Legal and Extralegal Factors Affecting Sentence Length in Multiple Periods between 1829 and 1871.

	1829-1845	1846-1856	1856-1860	1860-1865	1866-1871
Juvenile	-0.070* (0.036)	-0.026 (0.039)	-0.108*** (0.028)	-0.091** (0.036)	-0.199*** (0.033)
Irish	-0.039 (0.035)	-0.103*** (0.022)	-0.031 (0.054)	-0.015 (0.064)	-0.048 (0.062)
German	0.063 (0.072)	0.025 (0.066)	0.088 (0.054)	-0.069 (0.059)	-0.009 (0.058)
English	0.178*** (0.045)	-0.046 (0.106)	0.005 (0.045)	-0.022 (0.071)	0.060 (0.073)
Other White Imm.	0.149*** (0.044)	-0.092 (0.083)	0.066 (0.068)	0.208*** (0.073)	0.074 (0.088)
Black Migrant	0.117** (0.043)	0.200** (0.078)	-0.053 (0.099)	-0.112 (0.091)	-0.117 (0.138)
Mulatto Migrant	0.035 (0.044)	0.095 (0.092)	0.131 (0.119)	0.161 (0.149)	-0.026 (0.069)
White Migrant	0.072*** (0.014)	0.054 (0.041)	0.049 (0.049)	0.049 (0.045)	0.088*** (0.028)
Black Native	0.000 (0.037)	-0.035 (0.065)	0.122 (0.100)	0.010 (0.081)	-0.142** (0.053)
Mulatto Native	0.130*** (0.032)	0.065 (0.056)	-0.031 (0.082)	-0.071 (0.067)	0.045 (0.085)
One prior	0.191*** (0.023)	0.115*** (0.039)	0.094** (0.038)	0.155*** (0.038)	0.143*** (0.039)
Two plus	0.227*** (0.032)	0.227*** (0.042)	0.235*** (0.036)	0.205** (0.090)	0.061 (0.125)
Compound	0.393*** (0.078)	0.103 (0.061)	0.137** (0.060)	0.279*** (0.075)	0.340*** (0.074)
Group crime	0.034 (0.022)	0.050 (0.032)	0.066** (0.032)	0.074* (0.044)	0.047* (0.026)
County size	0.084*** (0.028)	0.020 (0.021)	0.007 (0.025)	0.062*** (0.019)	-0.030 (0.036)
Urban portion	0.008 (0.015)	-0.039*** (0.014)	0.023 (0.035)	-0.023 (0.017)	0.038* (0.021)
Foreign portion	-0.013 (0.011)	0.013 (0.009)	0.032 (0.089)	-0.017 (0.025)	-0.089* (0.051)
Black portion	0.158* (0.092)	0.285 (0.215)	-0.821 (0.561)	0.007 (0.165)	-0.495 (0.298)
Constant	-0.241 (0.492)	0.129 (0.760)	2.669 (1.961)	0.512 (0.488)	2.351 (1.446)
Adj. R ²	0.434	0.488	0.501	0.556	0.523
N	1857	1304	959	1028	1590

Note: The regressions used to generate these coefficients also included fixed effects for crime, jurisdiction, and year sentenced and were clustered by jurisdiction. Statistical significance is determined by * (p < 0.10), ** (p < 0.05), and *** (p < 0.01).

Results

Black Population:

certain periods only

Immigrant Population:

no significant relationship

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