FEDERAL PROSECUTOR POLITICS

Stephanie Holmes Didwania*

ABSTRACT. *This paper is the first to describe the political leanings of line prosecutors in the federal criminal system. To carry out this project, I use data on political contributions made by federal Assistant United States Attorneys matched to federal criminal case data. The article analyzes whether federal prosecutors of different political leanings treat defendants differently. It finds that Democratic- and Republican-leaning prosecutors do not charge criminal defendants significantly differently overall, but Democratic-leaning prosecutors exhibit smaller Black-white charging disparity than Republican-leaning prosecutors, a difference that persists after controlling for many case and defendant characteristics and fixed effects. Further, charging differences affect sentencing outcomes. The Black-white sentencing gap is on average two months smaller among prosecutors who are one standard deviation more Democratic-leaning—an effect size that is similar in magnitude to the differential between Democratic- and Republican-appointed judges that scholars have documented in prior work. Democratic- and Republican-leaning prosecutors do not significantly differ in their treatment of defendants who are any other race or ethnicity relative to non-Hispanic white defendants. There is perhaps weak evidence that Democratic-leaning prosecutors exhibit a wider gender gap than Republican-leaning prosecutors (treating male defendants more harshly relative to female defendants), but these effects do not translate to expanded sentencing gaps by sex.*

JEL Classifications: D73, D91, J15, J16, K14, K42

* Professor, Northwestern Pritzker School of Law. I am grateful to Sue Long and the Transactional Records Access Clearinghouse (TRAC) for providing data for this research during my appointment as a TRAC Fellow. This paper benefited greatly from comments from participants at the 2024 Conference on Empirical Legal Studies, the 2024 Empirical Criminal Law Roundtable at Duke Law School, the 2025 Annual Meeting of the American Law and Economics Association, the 2025 Texas Economics of Crime Workshop, the Boston University Law and Economics Workshop, the University of Chicago Law and Economics Workshop, and the University of Michigan Law and Economics Workshop. Comments are welcome at didwania@law.northwestern.edu. [Additional and individual acknowledgements to be added].

Introduction

Observers have long commented on the immense power our criminal system bestows upon its prosecutors. Prosecutors alone have the power to initiate criminal cases, and they exercise important decision-making authority throughout the criminal process, such as by selecting which charges to bring and by engaging in plea bargaining, which is the way most criminal cases in the United States are resolved. These prosecutorial decisions—*who* and *what* to charge, if at all—are largely shielded from judicial oversight.

Although prosecutors exercise vast discretion in criminal cases, their behavior is mostly unstudied by quantitative empirical researchers. Prosecutors—like all people—are susceptible to bias in decision-making. In fact, because prosecutors enjoy expansive and largely unreviewable discretion in choosing whether and what charges to bring and how to engage in plea bargaining, one might expect the prosecutorial setting to be one in which bias is especially likely to affect behavior.

This paper focuses on the ways in which a prosecutor's political views shape (or, at least, predict) the way they do their (nominally, apolitical) job. This paper thus builds on a small existing literature to present evidence about prosecutorial decision-making at the individual prosecutor level (Didwania 2022; Sloan 2020). I use new data of federal criminal cases sentenced in 2000 through 2019, involving around 3,000 unique federal prosecutors, matched to data of attorney's political contributions. I use this data to describe the political views of federal prosecutors and to estimate the consequences of those views for criminal defendants.

Charging and sentencing severity are the primary outcome variables I study. I find that Democratic- and Republican-leaning prosecutors do not significantly differ in how harshly they charge defendants overall. This overall finding masks variation in how prosecutors with different political commitments treat defendants with different characteristics. When political preferences are interacted with defendant race, Hispanic

ethnicity, and sex, I find some significant differences between Democratic- and Republican-leaning prosecutors. Most notably, I find that Democratic-leaning prosecutors exhibit less Black-white charging disparity than Republican-leaning prosecutors, and that this charging differential creates differences in sentencing. The Black-white sentencing gap for defendants prosecuted by Republican-leaning prosecutors is around two months larger than the gap for defendants prosecuted by Democratic-leaning prosecutors—a magnitude that is slightly smaller than Alma Cohen and Crystal Yang's estimate of sentencing differences between Democratic- versus Republican-appointed federal judges (Cohen and Yang 2019).

I believe this paper is the first to closely examine how political views shape prosecutorial behavior by *line prosecutors*: the unelected career attorneys who carry out criminal law in the United States. Prior work in this vein has focused extensively on the figurehead prosecutors who lead prosecutorial offices and on prosecutor elections (Okafor 2022; Krumholz 2019; Nadel, Scaggs, and Bales 2017; Bandyopadhyay and McCannon 2014; Dyke 2007). Recent and in-progress work by Hannah Shaffer and Emma Harrington considers the political views of line prosecutors in North Carolina as part of a broader series of research that seeks to understand how prosecutors' beliefs relate to the decisions they make.[1] This article focuses on the political views of the thousands of federal civil servants who carry out federal criminal law on the ground—many of whom spend decades in the job, spanning multiple presidential administrations.

[1] Shaffer (2023) reports survey results of line prosecutors in North Carolina and finds, consistent with this article, that "[c]ompared to prosecutors with average political views, prosecutors who report one standard deviation more liberal views have [0.89 percentage points]… lower prison rates in cases with Black defendants relative to facially similar white defendants in the same office unit." (Shaffer n.167 (2023)). Harrington and Shaffer (n.d.) similarly report that "Republican prosecutors tend to increase [racial] disparities but find that political affiliation "explain[s] less than two percent of the variation in prosecutors' disparate impacts."

Examining bias in prosecutorial decision-making is important for several reasons. First, and perhaps most obviously, our criminal system is meant to shield defendants from bias. The Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, for example, broadly dictates that the government must treat people equally, and sex and race are characteristics upon which discrimination is thought to be especially invidious. Mitigating bias in the federal criminal system was also a priority of the U.S. Department of Justice for at least some of the time period studied here.[2]

It is also important to study bias among prosecutors because prosecutorial decisions carry important consequences, implicating a suspect or defendant's liberty, and risking far-reaching collateral effects on their life and livelihood. Scholars have documented the effects of contact with the criminal system and criminal convictions on, for example, high school completion (Aizer and Doyle 2015); employment (Mueller-Smith 2015, Pager 2003); dependence on public assistance (Mueller-Smith 2015); wages and wage growth (Western 2002); and family formation and support (Geller, Garfinkel, and Western 2011).

Finally, studying how the political views of prosecutors relate to their decisions is important because many observers have come to view DOJ as increasingly guided by politics during President Donald Trump's second term.[3] Moreover, some U.S. Attorney's Offices, such as the office in Chicago, have experienced significant turnover during 2025.[4] If outgoing federal prosecutors are replaced by a wave of more Republican-leaning new prosecutors, this article provides evidence about what to expect.

---

[2] For example, in 2016, DOJ announced that all federal law enforcement officers and prosecutors would receive training in how to recognize and address implicit bias.

[3] Peter Stone, "'A Subversion of the Justice System': DOJ Shifts Into Trump's 'Political Wing' As Criminal Investigations Accelerate," THE GUARDIAN, Mar. 5, 2026 (describing DOJ's attempts to prosecute many of the President's perceived political enemies such as Federal Reserve chair Jerome Powell, Minnesota Governor Tim Walk, and Arizona Senator Mark Kelly).

[4] Mark Rivera, Barb Markoff, Christine Tressel, and Tom Jones, *US Attorney's Office in Chicago Experiencing Unprecedent Leadership Exodus, Legal Community Says*, ABC NEWS, Nov. 14, 2025.

The research setting presents two important challenges. The first is that federal prosecutors are not randomly assigned to cases. The second is that a defendant's underlying conduct is not observable to the researcher. One might worry that due to either or both challenges, the cases prosecuted by Democratic- and Republican-leaning prosecutors are systematically different. In section III.A, I show that across many observable case and defendant characteristics, such as race, age, education, prior criminal record, and offense type, there are not systematic differences in the cases prosecuted by Democratic- and Republican-leaning prosecutors in the same U.S. Attorney's Office.

Moreover, to the extent the assignment of prosecutors to cases is non-random, this non-randomness does not appear to be generating the findings. Prosecutors' political differences do not appear to affect outcomes that are determined by the judge rather than (or, perhaps, jointly with) the prosecutor, such as whether the defendant is sentenced below their recommended Guidelines range.

The paper proceeds as follows. Part I describes the research setting and situates the project in prior literature. Part II describes the data and presents descriptive statistics. Part III estimates differences in the behavior Democratic- and Republican-leaning prosecutors. Part IV presents extensions and robustness checks of the results. Part V concludes.

I. Research Setting

Federal prosecutors work in the 93 U.S. Attorney's Offices (USAOs) that cover the United States. The USAOs are coterminous with federal judicial districts (the boundaries of the federal district courts), with one exception.[5] Figure 1 depicts the boundaries of these federal districts. This section provides a broad overview of how federal prosecutors work.

[5] The districts of Guam and the Northern Mariana Islands share a USAO.

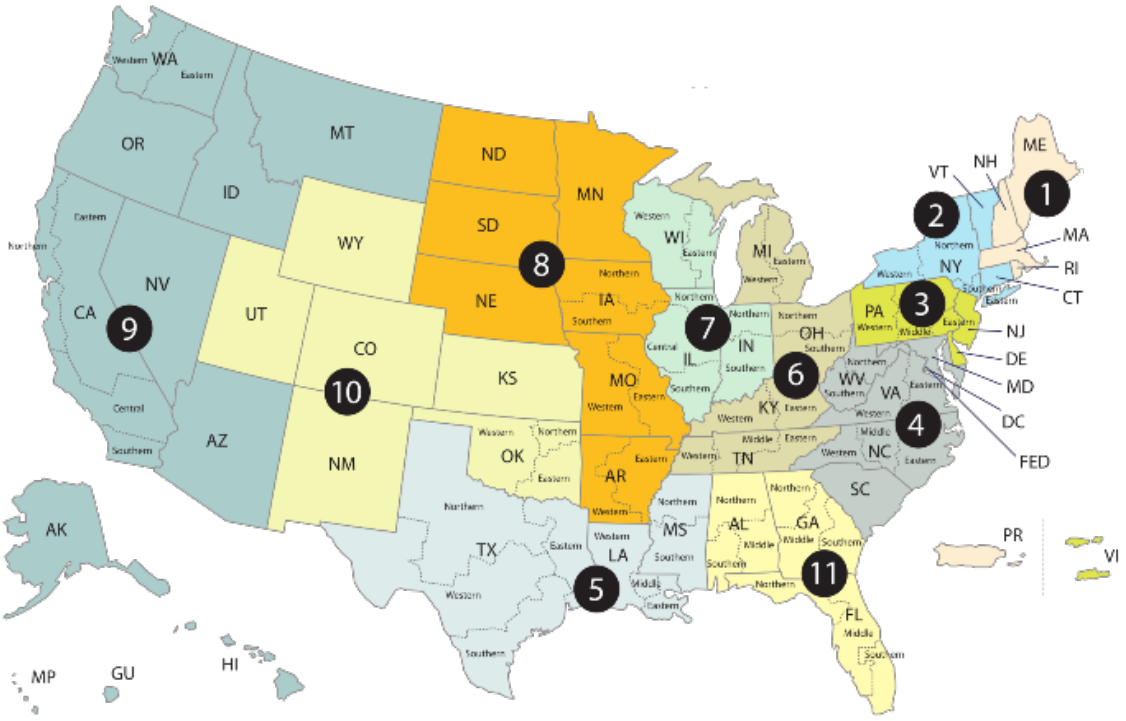


FIGURE 1. GEOGRAPHIC BOUNDARIES OF FEDERAL JUDICIAL DISTRICTS

A. Federal Prosecutors

Each USAO is led by a United States Attorney. United States Attorneys are appointed by the President and confirmed by the Senate.[6] It has long been customary for incoming Presidents to replace remaining United States Attorneys appointed by the previous president, with few exceptions.[7] United States Attorneys sometimes have political ambitions.[8]

The prosecutors who work in USAOs are called Assistant United States Attorneys (AUSAs). Unlike United States Attorneys, AUSAs are not political appointees; they are lawyers who are hired as civil servant employees of the U.S. Department of Justice. They

---

[6] During President Donald Trump's second term, he has asserted the power to appoint U.S. Attorneys without Senate confirmation using the statutory power to appoint "interim" and "acting" U.S. Attorneys.

[7] For example, President Biden replaced 91 out of 93 United States Attorneys that had been appointed by President Trump (retaining only John Lausch and David Weiss, the United States Attorneys for the Northern District of Illinois and the District of Delaware, respectively). Similarly, President Trump replaced all 93 United States Attorneys that had been appointed by President Obama.

[8] *See, e.g.,* David Hawkings, *Yesterday's US Attorneys May be Tomorrow's Congressional Candidates*, ROLL CALL (Mar. 16, 2017).

therefore retain their jobs when the presidential administration changes. AUSAs represent the government in both civil and criminal cases in their district, and most USAOs include separate criminal and civil divisions.[9] This article focuses on federal criminal cases.

B. Federal Charging

In handling criminal cases, USAOs have a broad mandate to prosecute violations of federal criminal laws in their jurisdictions. USAOs enjoy wide discretion in how they carry out this work. Without an individual client, the fundamental yet nebulous duty of all prosecutors is to do justice.[10]

A prosecutor's decision to initiate a prosecution, and if so, their decision of which criminal violations to charge, is largely unreviewable by courts. The quantum of certainty needed to bring charges ("probable cause") is lower than the quantum of certainty necessary to convict ("beyond a reasonable doubt"), and it is very unusual for a defendant to succeed in arguing that the government lacks probable cause at the charging stage. Similarly, defendants typically cannot challenge a prosecutor's choices during plea bargaining, unless the prosecutor engages in intentional misconduct or discrimination.[11] In contrast to criminal cases at the state level, federal prosecutors rarely voluntarily dismiss criminal cases. For example, in 2023, just eight percent of federal criminal cases were dismissed (Motivans 2024).

I do not mean to imply that individual prosecutors are completely unfettered in deciding how to do their jobs. All federal prosecutors are managed by supervisors in their

---

[9] I collected this information by hand by visiting the website of each USAO. The majority of USAO websites indicated that they have separate civil and criminal sections. I did not find any instances in which a USAO website stated that the USAO's civil and criminal sections were combined. There were a handful USAOs for which it was unclear whether the civil and criminal sections were combined or separate.

[10] ABA Criminal Justice Standards, Standard 3-1.2 Functions and Duties of the Prosecutor (4th ed. 2017), https://www.americanbar.org/groups/criminal_justice/standards/ProsecutionFunctionFourthEdition/ ("The primary duty of the prosecutor is to seek justice within the bounds of the law, not merely to convict.").

[11] United States v. Armstrong, 517 U.S. 456 (1996) (holding that the criminal defendant bears the burden of proof in a claim of selective prosecution and must prove that similarly-situated defendants of other races could have been prosecuted, but were not). *See, e.g.*, Bordenkircher v. Hayes, 434 U.S. 357 (1978).

office, and the U.S. Department of Justice publishes a manual (the "Justice Manual") that all prosecutors are supposed to follow. Additionally, Attorneys General routinely issue memoranda for federal prosecutors to follow in making charging decisions. For example, a 2022 memo promulgated by Attorney General Merrick Garland instructed federal prosecutors to charge "the most serious offense that is encompassed by [the defendant's] conduct and that is likely to results in a sustainable conviction," but provided room for prosecutors to charge something less than the most serious provable offense by considering "whether the consequences of those charges for sentencing" are likely to achieve punishment that is proportional to wrongdoing, protects the public, achieves deterrence, and promotes rehabilitation. Similarly, Chapter 9-27.120 of the Justice Manual instructs prosecutors to follow this guidance, but Chapter 9-27.140 permits prosecutors to "modify or depart from [these principles] as necessary in the interests of fair and effective law enforcement."

Chapter 9-27.230 of the Justice Manual also details the factors prosecutors should consider when deciding whether to bring charges.[12] Chapter 9-27.250 provides guidance on how prosecutors should determine "whether there exists an adequate, non-criminal alternative to prosecution." And Chapter 9-27.260 makes clear that a prosecutor can not take action against a person if they are influenced by: "[t]he person's race, religion, gender, ethnicity, national origin, sexual orientation, or political association, activities, or beliefs; the attorney's own personal feelings concerning the person, the person's associates, or the victim; or the possible effect of the decision on the attorney's own professional or personal circumstances." Moreover, the chapter makes clear that "federal

[12] Under Chapter 9-27.230, prosecutors should consider nine factors: (1) federal law enforcement priorities, (2) the nature and seriousness of the offense, (3) the deterrent effect of prosecution, (4) the person's culpability in connection with the offense, (5) the person's history with respect to criminal activity, (6) the person's willingness to cooperate in the investigation or prosecution of others, (7) the person's personal circumstances, (8) the interests of any victims, and (9) the probable sentence or other consequences if the person is convicted.

prosecutors and agents may never make a decision regarding an investigation or prosecution, or select the timing of investigative steps or criminal charges, for the purpose of affecting any election, or for the purpose of giving an advantage or disadvantage to any candidate or political party."

Prosecutors' imprecise mandate, coupled with the fact that criminal laws are dense, means a federal prosecutor will often have many potential charges to choose from given any particular criminal conduct they believe a defendant committed. For example, imagine the following scenario. A person is arrested by the Drug Enforcement Agency (DEA) after attempting to sell heroin to an undercover officer. The DEA agent searches the person and finds they are carrying a handgun. The person is also connected to a larger drug-trafficking organization that DEA can show has sold at least one kilogram of heroin. In an interview with DEA, the person first denies their involvement with the organization before eventually being implicated by a co-conspirator and admitting guilt.

A federal prosecutor handling this hypothetical case has many things they could do. First, they could decide not to bring charges at all. Second, if they decide to bring charges, there are many possible charges they could bring, ranging from lying to the FBI (18 U.S.C. § 1001), to simple drug possession (21 U.S.C. § 844), to drug possession with intent to distribute (21 U.S.C. § 841), to conspiracy to distribute heroin (21 U.S.C. § 846). If the person has previously been convicted of a felony, the prosecutor could charge them with violating the felon-in-possession statute because they carried a handgun (18 U.S.C. § 922(g)(1)). These options cover a remarkable range of punishments—from a five-year statutory *maximum* for a § 1001 violation, to a 20-year statutory *minimum* for the drug trafficking charge. A prosecutor could choose to bring all, some, or none of these charges. As described in section II.B, one of the primary outcomes this paper considers is a variable that quantifies the severity of the charges against the defendant.

C. Federal Sentencing

The other primary outcome variable in this paper is the defendant's sentence. In the federal criminal system, most defendants are sentenced to a term of imprisonment. The average sentence is around 45 months, making the federal criminal system the most punitive in the United States.

Most defendants convicted of federal crimes are sentenced under the U.S. Sentencing Guidelines (the "Guidelines"). The Guidelines are promulgated by the U.S. Sentencing Commission (the "Commission"), a bipartisan agency of the federal judiciary. The Guidelines are compiled, with commentary, in the Guidelines Manual. Prosecutors, defense attorneys, and judges use the Guidelines Manual to compute a defendant's recommended sentencing range. A defendant's Guidelines range is determined by two things: the defendant's *offense level* and their *criminal history category*. A defendant's offense level is a number that ranges from one to 43 that measures the severity of the defendant's offense conduct. For nearly every federal crime, there is a corresponding Guideline that provides instructions about how to compute the offense level. For example, if a defendant is convicted of bank robbery, Guideline 2B3.1 states that the defendant's base offense level is 20. A defendant's offense level might also be increased or decreased based on factors relating to their offense and the subsequent prosecution. For example, a defendant who played an aggravating role in the offense will be subject to a two- to four-point increase in their offense level. A defendant who accepts responsibility for their offense by pleading guilty earns a two- to three-point reduction in their offense level.

The Guidelines similarly provide detailed instructions about how to count a defendant's prior convictions to compute their criminal history score. After computing the score, the defendant will fall into one of six *criminal history categories* ranging from I (least criminal history) to VI (most criminal history). After calculating a defendant's final offense level and criminal history category, the Sentencing Table in the Guidelines

Manual mechanically produces an advisory sentencing range. The least serious range (for defendants in criminal history category I with a final offense level of one) is 0-6 months. The most serious range (for defendants in criminal history category VI with a final offense level of 43) is life imprisonment.

Federal judges impose sentences upon defendants. From their creation in 1987 until 2005, the federal Sentencing Guidelines were mandatory—federal judges were not allowed to sentence a defendant outside their Guidelines range except in very limited circumstances delineated by statute. In 2005, however, the U.S. Supreme Court held in *Booker v. United States* that mandatory application of the Guidelines is unconstitutional, and since then the Guidelines have been merely advisory. Although the Guidelines are no longer mandatory, a little more than half of defendants are sentenced within their advisory Guidelines range. Perhaps reflecting what many view as harshness of the Guidelines, many defendants (around 45 percent) receive a sentence below their Guidelines range. It is rare for a defendant to receive a sentence above their Guidelines range.

Before sentencing defendants, judges consider the views of the prosecutor, the defendant (typically through counsel), and the pretrial services officer(s) as to what an appropriate sentence would be. Ultimately, judges enjoy wide discretion in imposing sentences. A sentence will be upheld as long as it is reasonable.[13]

D. Prior Literature

This paper relates to prior work that examines prosecutorial decision-making and its role in race- and sex-based disparity in criminal legal systems, as well as prior work examining how political ideology among criminal system actors—such as judges, police officers, legislators, and the public—influence outcomes in criminal systems.

[13] Rita v. United States, 551 U.S. 338 (2007).

A few prior studies have examined prosecutorial decision-making by leveraging information about the characteristics of individual prosecutors. Didwania (2022) finds that federal prosecutors demonstrate gender favoritism—charging own-gender defendants more leniently than opposite-gender defendants.[14] Sloan (2020) examines prosecutorial charging decisions in New York County and finds that the Black-white conviction gap is larger for white prosecutors than Black prosecutors. These articles suggest that line prosecutors are influenced by (perhaps subconscious) bias in making decisions in criminal cases.

Other prior work explores the role of political ideology of judges, elected prosecutors, and police officers, in shaping criminal case outcomes. Cohen and Yang (2019) find that Republican-appointed judges as compared to Democratic-appointed judges sentence Black defendants to three months more than similar non-Black defendants, and female defendants to two months less than similar male defendants. Earlier work by Max Schanzenbach and Emerson Tiller similarly found in a smaller sample that Republican-appointed judges generally treat criminal defendants more harshly than Democratic-appointed judges on a variety of measures (Schanzenbach and Tiller 2008). Using political appointment information aggregated to the district court-year level, Schanzenbach (2015) similarly finds that district court-years with more Democratic-appointed judges sentence more leniently than those with more Republican appointees, but that racial disparities are not affected by a court-year's partisan composition.

Efforts are also well underway to study the political views of police officers and the effects of political ideology on policing, and vice versa. A recent working paper merges rosters from nearly 100 large local law enforcement agencies with voter files and

[14] Because of the way defendant gender is coded in the Commission and EOUSA datasets, Didwania (2022) as well as this paper are only able to consider gender as a binary characteristic.

finds "few partisan differences" between how Democratic and Republican officers behave on the job, but—consistent with earlier work—also finds evidence that Black officers behave differently from white officers (making fewer stops and arrests in Chicago and using less force) (Ba et al. 2024). Others have considered the role of police work in *shaping* political identity, and recent work has found that joining a police force increases the chance that a person identifies as Republican, donates to Republican candidates, and turns out to vote (Goncalves and Tuttle 2024).

Several other earlier papers have argued that figurehead prosecutors (such as elected District Attorneys) are influenced by political factors, for example by pursuing harsher sentences in election years (Okafor 2022; Krumholz 2019; Nadel, Scaggs, and Bales 2017; Bandyopadhyay and McCannon 2014). Okafor (2022) finds that per capita prison admissions and sentences increase in election years, and that the effects are larger in Republican counties and correlated with anti-Black/pro-white county-level bias. Okafor (2022) concludes that these electoral-year effects reflect district attorneys responding to voter preferences, consistent with other work showing that Fox News viewership increases punitiveness and racial disparity among elected, but not appointed, judges (Ash and Poyker 2024).

Finally, this work relates more generally to efforts to understand how prosecutors affect racial disparities in the criminal system. Authors who lack individualized information about prosecutors have approached this question by analyzing data that includes information about charging decisions. Much work has focused on the use of mandatory minimums. Yang (2015) finds that prosecutors are more likely to charge Black defendants with mandatory minimums compared to observably similar white defendants, and that this inequality was exacerbated in the aftermath of *Booker*, which rendered the Guidelines advisory. Rehavi and Starr (2014) use rich data—including information on the arrest offense—to show that much Black-white sentencing disparity can be explained by

prosecutors' charging decisions and the application of mandatory minimums. These findings are consistent with earlier work that mandatory minimum charging significantly contributes to racial disparities in sentencing (Fischman and Schanzenbach 2012). Recent work, however, challenges the conventional wisdom that prosecutors enhance racial inequality by presenting evidence that among defendants with prior criminal records, white defendants were more likely than Black defendants to receive a prison sentence (Shaffer 2023).

II. Data and Descriptive Statistics

A. Data

This paper combines data from five sources: (1) the U.S. Sentencing Commission data of individuals sentenced under the U.S. Sentencing Guidelines ("Commission Data"); (2) the Executive Office of U.S. Attorneys national caseload data ("EOUSA Data"); (3) the Transactional Records Access Clearinghouse data identifying federal prosecutors and linking them to cases ("TRAC Data"); (4) attorney and judge political ideology data collected by Adam Bonica and Maya Sen ("Bonica-Sen Data") (Bonica and Sen 2017); and (5) Martindale-Hubbell professional profiles of attorneys in the United States ("Martindale-Hubbell Data"). This section describes these data sources and explains how I linked them to build the dataset used in this paper.

The U.S. Sentencing Commission publishes data each year of all federal defendants sentenced under the U.S. Sentencing Guidelines. Nearly all federal criminal defendants are sentenced under the Guidelines, which reach defendants convicted of all types of felonies and class A misdemeanors.[15] The Commission data reports rich information about federal criminal defendants and their cases.

[15] Defendants who are convicted of class B misdemeanors, class C misdemeanors and infractions are not sentenced under the federal sentencing guidelines. U.S.S.G. § 1B1.9. Class B and C misdemeanors are punishable by up to six months and 30 days in prison, respectively, and a $5,000 fine. Infractions are punishable by up to five days in prison. 18 U.S.C. § 3559(a)(7)-(9).

It is not possible to study the decisions of individual prosecutors using only the Commission data because the Commission does not report any information about the prosecutor assigned to each case. Individual prosecutor assignments to cases are reported in both the EOUSA and the TRAC data, which derive from a common source—the software program the EOUSA uses to keep track of cases.

The proprietary TRAC data lists each staff member who is assigned to each case and the start and end dates of each assignment. The data also identifies the role that the staff member played in the case. Most assignments are coded as *lead prosecutors*, and I restrict attention to staff members in this role. Critically, the proprietary TRAC data also includes the first and last name of nearly all USAO staff members.

The Martindale-Hubbell data is available on the Martindale-Hubbell website. The data provides information about all attorneys in the United States. After looking up each lead prosecutor in the Martindale-Hubbell data, I record: (a) the law school from which the attorney earned their J.D., (b) the year of their first admission to the bar; and (c) their unique International Standard Lawyer Number (ISLN).

I attempt to find each lead prosecutor by first and last name in the Martindale-Hubbell data. Most attorneys appear in the Martindale-Hubbell directory with the same first and last name and state as the TRAC data.[16] In cases in which the Martindale-Hubbell directory lists more than one attorney with the same first and last name, I identify the prosecutor through additional research: often, a prosecutor's middle initial and/or geographic location will uniquely identify them in the Martindale-Hubbell directory. In a smaller number of instances, I identify a prosecutor by the law school they attended by matching this information from their Martindale-Hubbell profile with their public LinkedIn profile or similar. I also identify many female prosecutors who have different

[16] A handful of attorneys appear to have more than one entry in the Martindale-Hubbell directory. For these attorneys, I record all ISLNs associated with the attorney.

last names in the TRAC data and Martindale-Hubbell directory through the attorney's LinkedIn and other publicly available information, such as wedding announcements. Finally, internet searches helped me identify many attorneys who are deceased or who have been disbarred for misconduct and therefore no longer appear in the Martindale-Hubbell directory. In all, I am able to locate roughly 95 percent of attorneys from the TRAC data in the Martindale-Hubbell directory. [*Note to Readers: I haven't finished looking up all the prosecutors yet. What I mean here is that out of the attorneys I have looked up so far, I have been able to find a Martindale-Hubbell entry for roughly 95 percent. I will of course update this number as I continue to work through the attorneys.*] Of the roughly five percent I can't locate, around twenty percent of these attorneys (around one percent of all prosecutors) can be confirmed to be deceased or no longer licensed to practice law.

Prosecutors can be linked to the Bonica-Sen data by ISLN. The Bonica-Sen data contains information about attorneys and judges in the United States, including some of the same information gleaned from Martindale-Hubbell (such as the attorney's law school, geographic location, and year of first bar admission). The Bonica-Sen data also captures detailed information about the political contributions (if any) that each attorney made. The Bonica-Sen variable that measures political ideology is called a "CF score." They explain that these scores "are ideological estimates for individual donors placed in a common space with other candidates and organizations spanning state and federal politics." (Bonica and Sen, 2017). The CF score ranges from -2 (most liberal) to +2 (most conservative). The measure takes into account the political ideology of the candidate to whom the person donated. For example, a person who donated to Bernie Sanders would have a lower CF score than a person who donated an equal amount to Barack Obama, because—although both candidates are Democrats—Sanders is more liberal than Obama.

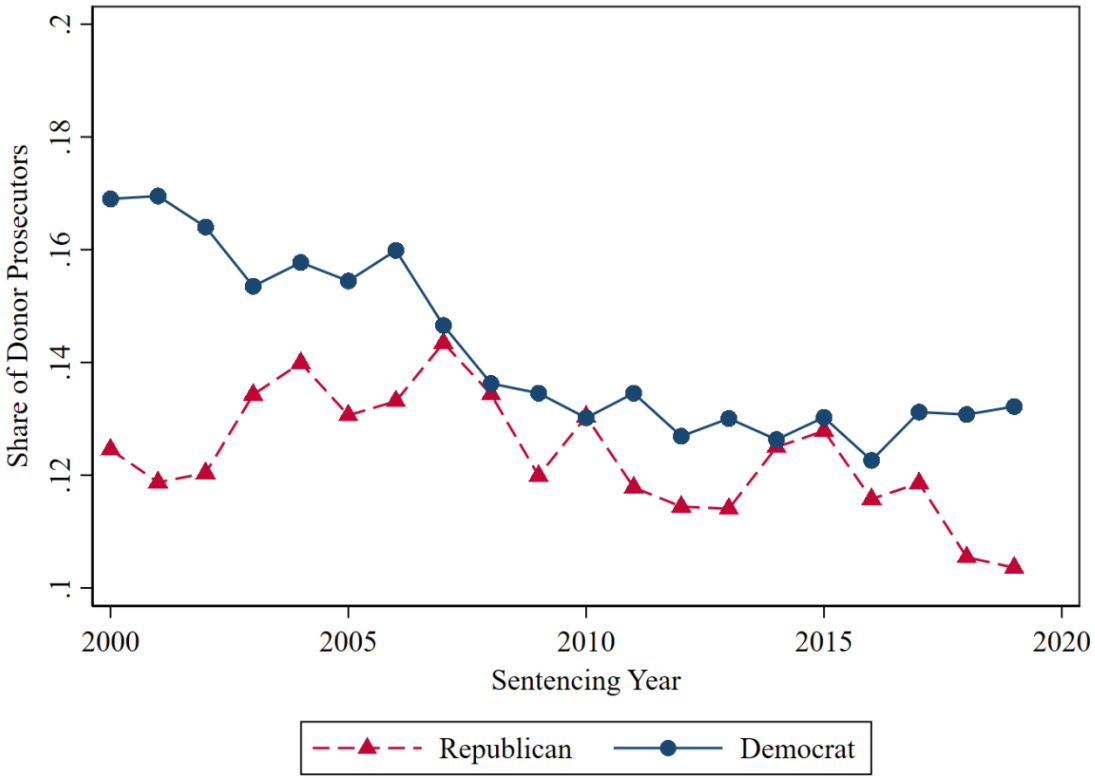
To build the dataset for the paper, I begin with the Commission data of defendants sentenced in 2000 through 2019. Over this twenty year period, 1,467,610 defendants were sentenced under the Guidelines and reported in the Commission data. After matching with the EOUSA data on common variables, the matched sample includes 880,866 defendants—a 60 percent match rate.[17] Of these 880,866 defendants, only nine do not have any lead prosecutor assigned to their case—I drop these nine. Around 56 percent of defendants have just one lead prosecutor and 24 percent have two lead prosecutors. There are 19 defendants who have 26 different lead prosecutors who work on their case at some point—the maximum in the data. Of the 880,866 matched defendants, 626,107 have at least one lead prosecutor located in the Martindale-Hubbell directory. [*Note to Readers: As I continue to build the dataset by hand, this number (626,107) will increase.*]

Of these 626,107 defendants that have at least one lead prosecutor in the Martindale-Hubbell directory, 422,551 have a lead prosecutor in the Bonica-Sen data. I call this set of cases the "full dataset." Of these 422,551 defendants, 114,216 have a first prosecutor who has made a political donation (a "donor"). The remaining 308,335 defendants have a first prosecutor who appears in the Bonica-Sen data but has not made any political donation (a "non-donor"). I call the set of cases with at least one donor prosecutor the "donor dataset" and the set of cases with any prosecutor from the Bonica-Sen data the "full dataset." Most of the analysis uses the donor dataset, but Table 10 shows the results are robust to using the full dataset and coding non-donors as having ideology equal to zero.

[17] This match rate is roughly ten percentage points larger than the match rate in other work using the same data (Cohen and Yang 2019) (reporting 50 percent match rate between TRAC and Commission data). The match rate is significantly higher for U.S.-citizen defendants (around 73 percent) than for defendants who are not U.S. citizens (around 48 percent) and defendants whose citizenship status is not reported (around 51 percent).

Figure 2 plots the share of cases with a Democratic- and Republican-leaning donor in the full dataset, by sentencing year. Democratic-leaning prosecutors are more prevalent, especially during Republican presidential administrations (roughly 2000 through 2009 and 2017 through 2019). Donor shares are relatively stable over time (readers will notice the y-axis is only scaled from 0.1 to 0.2) but declining more sharply for Democratic-leaning donors.

FIGURE 2. DEMOCRATIC- AND REPUBLICAN-LEANING PROSECUTORS, OVER TIME



Notes: This figure plots the mean share of Democratic-leaning and Republican-leaning lead prosecutors by sentencing year in the data.

B. Summary Statistics

The full dataset (all defendants with a prosecutor who appears in the Bonica-Sen data) and the donor dataset (all defendants with a prosecutor who made a political donation) are smaller than the universe of all federal criminal defendants sentenced over 2000 through 2019, and restrictions that filtered the data might leave a sample that is not

representative of the federal criminal docket. Table 1 presents summary statistics of many defendant and case characteristics across the donor dataset ((1)), the full dataset ((2)), the set of all matched cases ((3)), and the universe of all sentenced defendants ((4)).

TABLE 1. SUMMARY STATISTICS AND REPRESENTATIVENESS OF THE SAMPLE

	Donor Data (1)	Full Data (2)	Matched Sample (3)	Commission Data (4)
Defendant Characteristics				
Black	0.29	0.27	0.26	0.22
Hispanic	0.35	0.37	0.37	0.48
Non-Hispanic white	0.32	0.33	0.32	0.27
Another Race	0.04	0.04	0.05	0.04
Male Defendant	0.86	0.85	0.85	0.87
U.S. Citizen	0.67	0.67	0.65	0.55
Age (years)	35.6	35.6	36.0	35.4
Less than HS	0.43	0.44	0.42	0.48
High School Grad	0.33	0.33	0.33	0.30
Some College	0.18	0.18	0.18	0.16
College Grad	0.06	0.06	0.07	0.06
Prosecutor Characteristics				
Any Donor	1	0.40	-	-
CF Score	-0.11	-	-	-
Republican Donor	0.42	0.17	-	-
Total Donation ($)	2250.2	890.2	-	-
Male Prosecutor	0.75	0.69	-	-
Years in Legal Profession	19.6	18.5	-	-
Case Characteristics				
Sentencing Year	2007.8	2008.3	2009.1	2009.7
Base Offense Level	19.4	19.1	18.5	17.2
Final Offense Level	20.5	20.1	19.6	18.0
Drug Case	0.41	0.43	0.40	0.35
Case Outcomes				
Mean Guidelines Range	70.1	72.9	68.6	60.7
Substantial Assistance	0.17	0.17	0.16	0.13
Safety Valve[18]	0.29	0.30	0.31	0.32
Sentence (months)	58.2	56.0	51.4	45.2
Any Imprisonment	0.88	0.89	0.87	0.86
Below Guidelines	0.44	0.45	0.47	0.45
Above Guidelines	0.02	0.02	0.02	0.03
In-Range	0.53	0.52	0.50	0.52
Observations	114,216	422,551	880,866	1,467,610

[18] Safety valve relief is only reported for drug cases.

Columns (1) through (3) suggest that the donor data and full data are quite representative of the matched sample. Among defendant characteristics, the samples are nearly identical in their composition by race, sex, citizenship, age, and educational attainment. Both the donor data and the full data tend to skew a little bit earlier than the matched sample. This is likely due to two reasons: first, the Bonica-Sen data includes attorneys matched through 2012, so it is likely to underrepresent later years in the data relative to earlier ones. A prosecutor who entered the legal profession after 2012 will not be in the Bonica-Sen data but could easily be in many later years of the matched sample. Second, as I look up attorneys in the Martindale-Hubbell directory, I have prioritized attorneys who appear in more cases. These attorneys tend to skew older (because more years of practice means more appearances in the dataset). As I continue to build the dataset, I therefore expect the average sentencing year to climb.

Case outcomes for defendants in the donor data, full data, and matched sample are also similar. Guidelines ranges average around 70 months in all datasets, as are the share of defendants receiving sentences of incarceration, below-Guidelines sentences, above-Guidelines sentences, and in-range sentences. Sentences are longer in the donor and full data compared to the matched sample; I believe this is due my suspicion, as described in the prior paragraph, that these samples overrepresent people with longer tenures as prosecutors. As above, I imagine these averages will decrease as I continue to build the dataset.

On the other hand, the full universe of Commission defendants is systematically different from the matched sample, full data, and donor data. Hispanic defendants make up a larger share of defendants in the Commission data than in the other samples. Additionally, in the Commission data, there are fewer drug cases, and average sentences are lower (around 45 months in the Commission data compared to around 51-57 months in columns (1) through (3)). This discrepancy stems from the poor match rate among non-

citizen defendants charged with immigration offenses, particularly in the Southwest border districts. In districts that prosecute more than one defendant for the same offense in the same month and year, and sentence these defendants identically, there is a many-to-many problem that makes it impossible to match between the EOUSA and Commission data.[19]

III. Empirical Strategy and Results

A. Estimation Strategy

The main analysis estimates the relationship between prosecutors' political views and case outcomes using the following empirical specification:

$$y_{ipct} = \beta_0 + \beta_1 CFscore_{ip} + \theta X_i + \gamma_c + \delta_t + \varepsilon_{ipfct} \quad (1)$$

where y_{ipct} is an outcome for defendant i, assigned prosecutor p, in courthouse c, in year t; $CFscore_{ip}$ is the CF score for prosecutor p, X_i is a vector of observable characteristics of defendant i and their case; γ_c and δ_t are courthouse and year fixed effects, respectively.

To estimate political bias by defendant sex and race, I interact the CF score with variables that indicate the defendant's sex and race as reported in the Commission data, leaving out the female sex and white race group:

$$\begin{aligned} y_{ipct} = \beta_0 + \beta_1 CFscore_{ip} \times MaleD_i + \beta_2 CFscore_{ip} \times BlackD_i + \\ \beta_3 CFscore_{ip} \times HispanicD_i + \beta_4 CFscore_{ip} \times OtherRaceD_i + \beta_5 CFscore_{ip} + \\ \beta_6 MaleD_i + \beta_7 BlackDi + \beta_8 HispanicD_i + \beta_9 OtherRaceD_i + \theta X_i + \gamma_c + \delta_t + \varepsilon_{ipfct} \end{aligned} \quad (2)$$

In this formulation, β_1 captures average differences in how the male-female gap changes for prosecutors with different political views. Similarly β_2, β_3, and β_4 estimate how the gap between non-Hispanic white defendants and, respectively, Black, Hispanic, and defendants of another race varies with prosecutor political ideology.

[19] Cohen and Yang (2019) describe a similar problem in their paper, which also involves matching TRAC and USSC data.

The defendant's base offense level is the primary dependent variable used in the analysis. The base offense level is a whole number between one and 43 that reflects the severity of the offense(s) of which the defendant was convicted—with larger base offense levels associated with higher severity. Increasing a defendant's base offense level by one point corresponds with a roughly ten percent increase in the Guidelines-recommended sentencing range. I focus on the defendant's base offense level because it reflects the severity of the charged offense(s) before any adjustments occur are. I therefore consider it to be the variable in the data that most closely quantifies the prosecutorial charging decision.[20]

A central challenge to estimating equations (1) and (2) is that a prosecutor's political views might be correlated with unobservable defendant or case characteristics that also affect case outcomes, even after controlling for many observable defendant and case characteristics and relevant fixed effects. If so, a regression of equations (1) or (2) will produce biased coefficient estimates.

There are several ways in which the assignment of cases to prosecutors might be non-random in a way that biases the estimates. Take β_1 in equation (1) as an example. Most obviously, β_1 in equation (1) will be biased upward (downward) if supervisors on average assign cases with less serious (more serious) defendants to prosecutors who have Republican ideology.

I think it is unlikely, however, that cases are assigned this way. For one thing, a supervisor might not know the political preferences of the AUSAs to whom they assign cases. Second, it is similarly plausible that the factors that influence an AUSA's charging

[20] Throughout, I refer to the base offense level as a measure of "charging severity," but this characterization is imprecise. The base offense level for a defendant is computed as part of their sentencing (not at the charging stage) so it is necessarily influenced at least in part by the sentencing judge. For all crimes, the base offense level is determined mechanically from the statute of conviction (an aspect of the case that the prosecutor *charges*) and factual allegations that the prosecution is able to prove at or before sentencing.

decision are not known by the supervisor at the time of case assignment. If supervisors do not have a nuanced picture of a defendant's social history and specific offense conduct at the time case assignments are made, it would be difficult for such assignments to be made strategically. For this reason, I rely on the *first* prosecutor assigned to a case under the assumption that the first attorney assignment is made when the supervisor has the least information.[21] Prosecutors who join the case later might be more strategically assigned or might themselves seek out working on the case; for that reason they are not part of the main analysis. However, if I compute and use the average political lean of all prosecutors on a case, the results are similar to the those in the main analysis, as shown in Table 10.

I also look for quantitative evidence to shed light on whether prosecutors with different political views are assigned to caseloads that are systematically different in terms of many observable defendant and case characteristics. Table 2 presents estimates produced by regressing the prosecutor's CF score on defendant and case characteristics that are fixed at the time of case assignment, including: the defendant's sex, race, age, educational attainment, citizenship status, criminal history category, and offense type (among 15 categories). Column (1) presents results in the whole donor dataset; columns (2)-(6) present similar results by defendant sex and race.

In column (1), which regresses CF scores on defendant and case characteristics, none of the variables are statistically significant at conventional levels. Just one—the share of defendants who are not Black, Hispanic, or white—is marginally significant, with larger shares associated with more Democratic-leaning prosecutors. The results are very similar for male defendants (column (3)), which is not surprising because around 85

[21] Around 92 percent of cases have just one prosecutor assigned on the earliest assignment date, and 99 percent have either one or two prosecutors assigned on that date. If more than one prosecutor is assigned on the earliest assignment date, I average their CF scores.

percent of federal criminal defendant are men. When subdivided by race and Hispanic ethnicity, the results are also similar. For Black and non-Hispanic white defendants, no defendant and case characteristics are significantly associated with prosecutorial political views. Among Hispanic defendants, just one variable is marginally significant—the joint F-test among all offense types—but no offense type on its own is a statistically significant predictor of CF score.

TABLE 2. CASELOAD BALANCE BY PROSECUTOR POLITICS

	All Defs	Female Defs	Male Defs	Black Defs	Hispanic Defs	Non-Hispanic white Defs
	(1)	(2)	(3)	(4)	(5)	(6)
Male	0.007	-	-	-0.013	0.013	0.021
	(0.012)			(0.015)	(0.017)	(0.015)
Black	0.019	0.004	0.020	-	-	-
	(0.024)	(0.025)	(0.024)			
Hispanic	0.010	0.009	0.010	-	-	-
	(0.024)	(0.030)	(0.025)			
Other Race	-0.077*	-0.047	-0.086*	-	-	-
	(0.045)	(0.051)	(0.048)			
Citizen	-0.030	0.007	-0.035	0.016	-0.021	0.011
	(0.026)	(0.022)	(0.028)	(0.027)	(0.022)	(0.027)
Age (years)	-0.0003	0.001	-0.00005	-0.0005	-0.0002	-0.0002
	(0.0004)	(0.0008)	(0.0004)	(0.0006)	(0.0008)	(0.0005)
HS Grad	0.001	-0.002	0.002	0.003	0.008	0.006
	(0.007)	(0.017)	(0.007)	(0.010)	(0.013)	(0.013)
Some College	0.006	-0.003	0.010	0.007	0.013	0.0007
	(0.009)	(0.019)	(0.011)	(0.013)	(0.020)	(0.014)
College Grad	-0.007	-0.022	0.00004	0.015	-0.071	-0.008
	(0.018)	(0.034)	(0.019)	(0.032)	(0.046)	(0.021)
F-Stat: Crim Hist	1.30	2.74**	1.26	0.64	0.67	0.96
	p=0.27	p=0.02	p=0.28	P=0.26	p=0.65	p=0.44
F-Stat: Offense	0.95	1.76*	1.07	0.64	1.75*	0.82
	p=0.50	p=0.05	p=0.39	p=0.67	p=0.06	p=0.63
R^2	0.362	0.403	0.363	0.357	0.390	0.409
Observations	94,829	13,536	81,293	28,225	30,186	31,815

Note. OLS regressions of a prosecutor's CF score on defendant and case characteristics. ***: p<0.01; **: p<0.05; *: p<0.10. Criminal History variable contains six categories as defined in the U.S. Sentencing Guidelines. Offense type includes 15 categories. All regressions include sentencing fiscal year and courthouse fixed effects. Standard errors are clustered at the courthouse level.

The only statistically significant predictor across all regressions is among female defendants. Like Hispanic defendants, there are marginally significant differences in offense type that are correlated with prosecutorial political views. More critically, though, the F-statistic among criminal history categories is significant at the five-percent level. Point estimates on the dummy variable for criminal history suggest the CF score

variable is associated with more defendants in criminal history category VI (the highest criminal history category) among female defendants. This is a relatively small group of defendants (around 500 out of 100,000). The main results are robust, however, to restricting the analysis to male defendants.

B. *Prosecutor Politics and Charging Decisions*

Table 3 presents results of estimating equation (1) in the donor dataset. The outcome variable is the base offense level, my preferred measure of charging severity. The variable "R Lean" is the prosecutor's CF Score. (It is labeled "R Lean" in the tables for readers' convenience—a larger CF score is associated with a stronger Republican leaning).

TABLE 3. PROSECUTOR POLITICS AND CHARGING SEVERITY

	(1)	(2)	(3)	(4)
R Lean	-0.122	-0.102	0.041	0.030
	(0.324)	(0.096)	(0.097)	(0.100)
Male	-	1.701***	1.617***	1.617***
		(0.105)	(0.100)	(0.099)
Black	-	0.942***	0.941***	0.930***
		(0.135)	(0.118)	(0.119)
Hispanic	-	1.362***	1.439***	1.364***
		(0.313)	(0.217)	(0.213)
Other Race	-	1.140***	0.641***	0.593***
		(0.415)	(0.207)	(0.210)
Citizen	-	0.280**	0.377***	0.257*
		(0.111)	(0.106)	(0.145)
Age (years)	-	0.007*	0.004	0.003
		(0.004)	(0.003)	(0.004)
HS Grad	-	-0.118	-0.129*	-0.129*
		(0.092)	(0.076)	(0.074)
Some College	-	-0.476***	-0.530***	-0.538***
		(0.117)	(0.101)	(0.100)
College Grad	-	-1.040***	-1.061***	-1.068***
		(0.200)	(0.200)	(0.200)
Pros Tenure (years)	-	-0.018*	-0.017*	-0.027***
		(0.010)	(0.009)	(0.008)
Crim Hist FEs	N	Y	Y	Y
Offense FEs	N	Y	Y	Y
Courthouse FEs	N	N	Y	Y
Year FEs	N	N	N	Y
R^2	0.0001	0.587	0.607	0.608
Observations	110,064	93,268	93,268	93,284

Note. OLS regressions of the defendant's base offense level. ***: p<0.01; **: p<0.05; *: p<0.10. Criminal History Category (CHC) variable contains six categories as defined in the U.S. Sentencing Guidelines. Offense type includes 15 categories. Standard errors are clustered at the courthouse level.

Column (1), which simply reports the raw relationship between prosecutorial politics and charging shows that prosecutor ideology is not a significant predictor of charging severity. Columns (2) through (4) add more control variables, including defendant, prosecutor, and case characteristics, courthouse fixed effects, and year fixed effects. The coefficient estimate of the ideology variable is not statistically significant in any specification, and shrinks as more controls are added—suggesting that a prosecutor's political views are not correlated with charging severity overall. In the regressions with geographic controls (columns (3) and (4)) the point estimate on the CF score variable shrinks to near zero (0.03 is 0.003 standard deviations of the base offense level variable in the data) and not near statistically significant ($p = 0.62$ in column (3) and $p = 0.74$ in column (4)).

Table 4 presents results of estimating equation (2) with the defendant's base offense level as the outcome variable. As in Table 3, the coefficient estimates of the CF score variable are statistically insignificant in all specifications.

The estimate of the prosecutor's CF score interacted with the defendant's gender is marginally significant once geographic controls are added: columns (3) and (4) suggest that a one-point increase in the CF score, which is around a one-standard deviation increase, predicts a roughly 0.16-point, or ten percent, decrease in the male-female charging gap, which is around 1.6 points.

The results by race are starker. In all specifications, the Black-white gap is larger among prosecutors with stronger Republican-leaning views. In the specification with all controls, a one-point increase in the CF score, which is around a one-standard deviation increase, predicts a roughly 0.34-point increase in the Black-white charging gap, which is around a 40 percent increase. This estimate is statistically significant and consistent across all specifications once defendant and case characteristic controls are added. The

charging gaps between white defendants and Hispanic and other race defendants do not significantly vary with prosecutorial politics.

TABLE 4. PROSECUTOR POLITICS AND CHARGING SEVERITY BY DEFENDANT SEX AND RACE

	(1)	(2)	(3)	(4)
R Lean	0.078	-0.133	0.107	0.098
	(0.396)	(0.154)	(0.140)	(0.137)
R Lean × Male	-0.018	-0.116	-0.158*	-0.157*
	(0.237)	(0.095)	(0.093)	(0.093)
R Lean × Black	2.567***	0.354**	0.334***	0.337***
	(0.279)	(0.140)	(0.118)	(0.116)
R Lean × Hispanic	-0.720	0.112	-0.059	-0.071
	(0.542)	(0.173)	(0.127)	(0.126)
R Lean × Other Race	-1.041*	-0.095	-0.180	-0.183
	(0.598)	(0.295)	(0.217)	(0.214)
Male	3.214***	1.685***	1.596***	1.596***
	(0.310)	(0.106)	(0.100)	(0.098)
Black	2.567***	0.969***	0.963***	0.952***
	(0.279)	(0.135)	(0.114)	(0.115)
Hispanic	0.511	1.376***	1.425***	1.347***
	(0.702)	(0.308)	(0.218)	(0.213)
Other Race	0.129	1.091***	0.586***	0.537**
	(0.606)	(0.382)	(0.207)	(0.210)
Citizen	-	0.276**	0.370***	0.247*
		(0.111)	(0.106)	(0.141)
Age (years)	-	0.007*	0.004	0.003
		(0.004)	(0.003)	(0.003)
HS Grad	-	-0.114	-0.128*	-0.129*
		(0.092)	(0.075)	(0.074)
Some College	-	-0.475***	-0.528***	-0.536***
		(0.117)	(0.100)	(0.100)
College Grad	-	-1.048***	-1.070***	-1.077***
		(0.199)	(0.199)	(0.199)
Pros Tenure (years)	-	-0.018*	-0.017*	-0.027***
		(0.010)	(0.199)	(0.008)
Crim Hist FEs	N	Y	Y	Y
Offense FEs	N	Y	Y	Y
Courthouse FEs	N	N	Y	Y
Year FEs	N	N	N	Y
R^2	0.027	0.587	0.608	0.608
Observations	110,064	93,268	93,268	93,268

Note. OLS regressions of the defendant's base offense level. ***: p<0.01; **: p<0.05; *: p<0.10. Criminal History Category (CHC) variable contains six categories as defined in the U.S. Sentencing Guidelines. Offense type includes 15 categories. Standard errors are clustered at the courthouse level. Prosecutor tenure is the mean number of years that each first prosecutor has been a practicing lawyer.

C. Sentencing Outcomes

The results in the previous section found that Black-white and, perhaps, male-female charging gaps significantly varied by prosecutors' political ideology, with

Democratic-leaning prosecutors charging in ways that mitigated Black-white disparity and perhaps heightened male-female disparity. Charging severity on its own, however, might not translate into differences in sentencing, where judges and other criminal system actors influence outcomes. This section estimates the effects of prosecutorial political views on the ultimate sentences imposed on defendants.

TABLE 5. PROSECUTOR POLITICS AND SENTENCE LENGTH

	(1)	(2)	(3)	(4)
R Lean	2.005	1.314*	0.649	0.582
	(1.388)	(0.721)	(0.745)	(0.759)
Male	-	16.931***	16.351***	16.319***
		(0.671)	(0.689)	(0.685)
Black	-	12.701***	10.538***	10.537***
		(1.237)	(0.827)	(0.843)
Hispanic	-	8.122***	10.224***	9.851***
		(2.074)	(1.328)	(1.325)
Other Race	-	4.819**	3.082*	2.869*
		(2.339)	(1.708)	(1.738)
Citizen	-	-0.544	0.273	-0.487
		(0.828)	(0.769)	(0.844)
Age (years)	-	0.222***	0.215***	0.211***
		(0.028)	(0.023)	(0.024)
HS Grad	-	-1.019	-0.863	-0.827
		(0.705)	(0.611)	(0.604)
Some College	-	-1.982**	-2.300***	-2.290***
		(0.796)	(0.725)	(0.728)
College Grad	-	-1.642	-1.694*	-1.678*
		(1.045)	(0.990)	(0.988)
Pros Tenure (years)	-	-0.115	-0.160**	-0.190*
		(0.085)	(0.075)	(0.077)
Crim Hist FEs	N	Y	Y	Y
Offense FEs	N	Y	Y	Y
Courthouse FEs	N	N	Y	Y
Year FEs	N	N	N	Y
R^2	0.0009	0.266	0.309	0.310
Observations	115,084	93,924	93,924	93,924

Note. OLS regressions of sentence length in months. ***: p<0.01; **: p<0.05; *: p<0.10. Criminal History Category (CHC) variable contains six categories as defined in the U.S. Sentencing Guidelines. Offense type includes 15 categories. Standard errors are clustered at the courthouse level. Prosecutor tenure is the mean number of years that each first prosecutor has been a practicing lawyer.

Table 6, analogous to Table 4, presents results when CF scores are interacted with defendant's sex and race. In other words, it estimates equation (2) using sentence length (measured in months) as the outcome variable. Like in Table 3, the CF score variable is

only marginally significant in one specification (without any additional controls) and is positive in all specifications.

TABLE 6. PROSECUTOR POLITICS AND SENTENCE LENGTH BY DEFENDANT SEX AND RACE

	(1)	(2)	(3)	(4)
R Lean	2.019*	1.213	0.776	0.699
	(1.049)	(0.793)	(0.885)	(0.878)
R Lean × Male	0.111	-0.538	-0.594	-0.547
	(1.430)	(0.707)	(0.668)	(0.670)
R Lean × Black	0.696	1.369	1.915**	1.912**
	(1.496)	(1.144)	(0.955)	(0.948)
R Lean × Hispanic	-1.896	0.657	-0.367	-0.456
	(1.840)	(1.046)	(0.854)	(0.846)
R Lean × Other Race	-3.701*	-0.732	-1.138	-1.136
	(2.040)	(1.783)	(1.804)	(1.792)
Male	33.264***	16.858***	16.265***	16.238***
	(1.335)	(0.675)	(0.688)	(0.683)
Black	22.411***	12.803***	10.660***	10.656***
	(1.633)	(1.264)	(0.829)	(0.846)
Hispanic	-3.647	8.212***	10.139***	9.744***
	(3.013)	(2.073)	(1.361)	(1.356)
Other Race	-1.525	4.519**	2.743	2.531
	(2.101)	(2.147)	(1.675)	(1.708)
Citizen	-	-0.557	0.234	-0.541
		(0.832)	(0.768)	(0.829)
Age (years)	-	0.223***	0.216***	0.210***
		(0.028)	(0.023)	(0.024)
HS Grad	-	-1.004	-0.860	-0.824
		(0.705)	(0.610)	(0.603)
Some College	-	-1.976**	-2.290***	-2.280***
		(0.796)	(0.726)	(0.728)
College Grad	-	-1.674	-1.745*	-1.729*
		(1.041)	(0.988)	(0.986)
Pros Tenure (years)	-	-0.115	-0.158**	-0.190**
		(0.086)	(0.075)	(0.077)
Crim Hist FEs	N	Y	Y	Y
Offense FEs	N	Y	Y	Y
Courthouse FEs	N	N	Y	Y
Year FEs	N	N	N	Y
R^2	0.064	0.267	0.267	0.310
Observations	112,475	93,924	93,924	93,924

Note. OLS regressions of sentence length in months. ***: p<0.01; **: p<0.05; *: p<0.10. Criminal History Category (CHC) variable contains six categories as defined in the U.S. Sentencing Guidelines. Offense type includes 15 categories. Standard errors are clustered at the courthouse level. Prosecutor tenure is the mean number of years that each first prosecutor has been a practicing lawyer.

Columns (3) and (4) show that once courthouse fixed effects are included, Republican ideology corresponds with larger Black-white sentencing gaps. The point estimate in columns (3) and (4)—around 1.9—suggest that a one-point increase in CF

score (around one standard deviation more Republican-leaning) predicts a two-month larger Black-white sentencing gap, which is around 20 percent of the entire Black-white gap. This estimate is similar in magnitude to Alma Cohen and Crystal Yang's finding that Republican-appointed judges sentence with a Black-white gap that is roughly three months larger than Democratic-appointed judges (Cohen and Yang 2019).

On the other hand, the weakly significant charging differences by sex do not appear to have translated to sentencing. Recall Table 4 showed that stronger Republican lean was weakly significantly predictive of a smaller male-female gap. That finding does not appear to translate to sentencing, although the point estimates in all specifications once controls are included (columns (2) through (4)) are negative.

IV. Extensions

A. Additional Outcomes

This section presents regression results for five additional outcome variables: the defendant's final offense level, the defendant's statutory minimum (measured in months), whether the defendant received a substantial assistance reduction, the defendant's sentence as a percentage of the defendant's advisory Guidelines range, and whether the defendant was sentenced below the Guidelines range. If case assignment is as-good-as-random, one would expect the CF score to have stronger effects on variables that are within the prosecutor's control, and less or no effect on outcomes that fall within the judge's purview.

Table 7 confirms this hypothesis. Columns (1) (which reproduces column (4) of Table 4) and (2) (final offense level) are measures of charging severity, and show that Republican lean is associated with a significantly larger Black-white charging gap. On the other hand, column (3) (substantial assistance) does not show significant differences by prosecutorial ideology.

TABLE 7. ADDITIONAL OUTCOMES

	Base Offense Level	Final Offense Level	Substantial Assistance	Sentence (months)	Sentence (control for BOL)	Below-GL
	(1)	(2)	(3)	(4)	(5)	(6)
R Lean	0.108	0.033	0.003	0.699	0.266	0.003
	(0.135)	(0.145)	(0.008)	(0.878)	(0.612)	(007)
R Lean × Male	-0.167*	-0.130	-0.007	-0.547	0.189	-0.005
	(0.091)	(0.095)	(0.005)	(0.670)	(0.514)	(0.006)
R Lean × Black	0.296***	0.311**	0.004	1.912**	0.343	0.004
	(0.103)	(0.131)	(0.006)	(0.948)	(0.710)	(0.006)
R Lean × Hispanic	-0.018	-0.033	0.005	-0.456	-0.160	-0.011
	(0.122)	(0.147)	(0.006)	(0.846)	(0.600)	(0.009)
R Lean × Other Race	-0.188	-0.220	0.010	-1.136	-0.405	0.007
	(0.221)	(0.257)	(0.008)	(1.792)	(1.217)	(0.011)
Male	1.473***	2.286***	-0.037***	16.238***	9.062***	-0.084***
	(0.099)	(0.102)	(0.005)	(0.683)	(0.491)	(0.007)
Black	0.892***	0.783***	-0.038***	10.656***	6.409***	-0.051***
	(0.107)	(0.116)	(0.006)	(0.846)	(0.635)	(0.006)
Hispanic	1.436***	1.208***	-0.057***	9.744***	3.754***	-0.077***
	(0.176)	(0.175)	(0.008)	(1.356)	(0.747)	(0.009)
Other Race	0.715***	0.146	-0.029***	2.531	-0.405	-0.038***
	(0.222)	(0.233)	(0.010)	(1.708)	(1.217)	(0.013)
Citizen	0.408*	0.201	0.023***	-0.541	-1.689***	0.050***
	(0.232)	(0.209)	(0.005)	(0.829)	(0.514)	(0.009)
Age (years)	0.070***	0.038***	-0.001***	0.210***	0.200***	-0.00001
	(0.016)	(0.004)	(0.0002)	(0.024)	(0.020)	(0.0002)
Age^2 (years)	-0.0008***					
	(0.0002)					
HS Grad	-0.182***	-0.002	0.022***	-0.824	-0.274	0.028***
	(0.064)	(0.071)	(0.005)	(0.603)	(0.451)	(0.004)
Some College	-0.591***	-0.013	0.033***	-2.280***	0.167	0.051***
	(0.094)	(0.107)	(0.005)	(0.728)	(0.556)	(0.005)
College Grad	-1.182***	0.548***	0.045***	-1.729*	3.121***	0.082***
	(0.196)	(0.168)	(0.009)	(0.986)	(0.829)	(0.010)
Pros Tenure (years)	-0.028***	-0.022**	-0.0001	-0.190**	-0.073	-0.0004
	(0.008)	(0.010)	(0.0004)	(0.077)	(0.057)	(0.0005)
R^2	0.608	0.358	0.119	0.310	0.500	0.129
Observations	93,268	93,401	93,938	93,924	93,254	93,413

Columns (4) and (5) show that the differences in the Black-white sentencing gap by political lean are driven by differences at the charging stage. Column (4) reproduces column (4) from Table 6. Column (5) reports analogous results when the defendant's base offense level is added as a control variable in the regression. Once this variable is added, the Black-white sentencing gap is not significantly different by political lean, which suggests the difference at sentencing was driven by differences at charging, consistent with prior work that suggests prosecutorial charging decisions contribute to racial sentencing gaps.

Finally, column (6) shows that prosecutorial ideology has no effect on whether the defendant is sentenced below their advisory Guidelines range—a decision that is within the judge's discretion.[22]

B. Intersectional Race-Sex Disparity

Table 8 presents results by defendant's race-sex. Prior work recognizes that focusing on race- and sex-based inequality alone can obscure disparities that lie at the intersection of race and sex (Crenshaw 1989). For example, in the federal criminal system—where more than 80 percent of defendants are male—race-based disparity in the full data might mask different patterns among female defendants.[23] As a general matter, women in the federal criminal system fare better than men, even after controlling for many observable characteristics of defendants and their cases (Starr 2015).

Table 8, column (1) reports results when the base offense level is the outcome variable and column (2) reports results when the sentence (in months) is the outcome variable. white men are the omitted race-sex group. The estimates suggest that political ideology affects charging and sentencing in similar ways for male and female defendants. As in Tables 4 and 6, Republican

[22] I do not mean to imply that a prosecutor has no effect on whether a defendant receives a sentence below their advisory Guidelines range. A prosecutor can recommend such a sentence to the court at sentencing. However, in order to recommend an out-of-range sentence, a prosecutor must write a memo and receive supervisory approval.

[23] In prior work, for example, I find that Black-white disparities for federal pretrial detention are different for male and female defendants (Didwania 2021).

ideology is not a statistically significant predictor of overall charging or sentence length—both estimates are statistically insignificant at conventional levels and are not economically meaningful.

Republican ideology is also—unsurprisingly—associated with increased Black-white charging and sentencing disparity in magnitudes that are similar to those in the full sample: a roughly 0.3-point increase in the base offense level and a roughly 1.9-month increase in sentence length. I say this is unsurprising because male defendants make up 86 percent of defendants in the sample, so the estimates in the full data represent the estimates for male defendants.

But Table 8 also suggests that political ideology has a nearly identical effect on racial disparities among female defendants. For Black women defendants, Republican ideology is associated with significantly heightened charging and sentencing disparities. The charging gap is even larger than among male defendants (a 1-point increase in CF score is associated with a 0.5-point increase in the base offense level), and the sentencing gap is roughly the same (a 2.0-month increase).

It is important to note, too, that Black men and women are, on average, *not* similarly-situated in the federal criminal system (Starr 2015; Didwania 2021). In the data, Black men are charged the most severely on average of all race-sex groups, while Black women are charged the least severely. For Black men, the most commonly-charged offense is a drug crime, while for Black women, the most commonly-charged offense is a financial crime. The fact that the estimates are similar between both Black men and Black women—despite key observable average differences in these groups—suggests that the inequality patterns are based on race. Finally, as in the main results, among other race-sex groups for defendants who are not Black, prosecutor ideology does not appear to affect racial charging and sentencing gaps.

TABLE 8. MAIN RESULTS BY RACE-SEX

	Base Offense Level (months)	Sentence Length (months)
R Lean	-0.049	0.191
	(0.095)	(0.785)
R Lean × BF	0.509***	1.983*
	(0.120)	(1.053)
R Lean × BM	0.317**	1.888*
	(0.130)	(1.068)
R Lean × HF	0.133	0.969
	(0.181)	(0.967)
R Lean × HM	-0.086	-0.594
	(0.135)	(0.932)
R Lean × OF	-0.081	-0.574
	(0.300)	(1.579)
R Lean × OM	-0.176	-1.192
	(0.220)	(2.012)
R Lean × WF	0.098	0.264
	(0.129)	(0.839)
Black Female	-1.343***	-11.479***
	(0.136)	(0.659)
Black Male	1.164***	12.872***
	(0.121)	(0.946)
Hispanic Female	0.261	-4.375***
	(0.199)	(1.174)
Hispanic Male	1.374***	10.607***
	(0.223)	(1.485)
Other Race Female	-0.081	-12.048***
	(0.300)	(1.586)
Other Race Male	0.747***	3.185*
	(0.223)	(1.908)
White Female	0.098	-11.479***
	(0.129)	(0.659)
Citizen	0.238*	-0.572
	(0.141)	(0.824)
Age (years)	0.003	0.214***
	(0.003)	(0.024)
HS Grad	-0.132*	-0.823
	(0.073)	(0.600)
Some College	-0.525***	-2.173***
	(0.100)	(0.728)
College Grad	-1.067***	-1.558
	(0.199)	(0.987)
Pros Tenure (years)	-0.027***	-0.189**
	(0.008)	(0.077)
R^2	0.609	0.311
Observations	93,268	93,924

Note. OLS regressions of base offense level in points and sentence length in months. ***: p<0.01; **: p<0.05; *: p<0.10. All regressions include fixed effects for criminal history category, offense type (13 categories), courthouse, and year. Standard errors are clustered at the courthouse level.

C. Election Years

Table 9 estimates whether the political bias is heightened (or, perhaps minimized?) in presidential election years. Scholars have found, for example, that prosecutors send more people to prison and for longer during District Attorney election years (Okafor 2022). Others have documented similar electoral effects among sentencing judges (Abrams, Galbiati, Henry and Philippe 2023). Columns (1) and (2) estimate effects on charging severity (measured with the base offense level), while columns (3) and (4) estimate effects on sentence length (measured in months of imprisonment).

Columns (1) and (3) show results without election year interactions—they are identical to column (4) in Tables (4) and (6), respectively. Columns (2) and (4) show results with interactions for whether the defendant was sentenced during a presidential election year. I define an election year as a 12-month period spanning November – October leading up to an election (that is, November 2015 through October 2016 is considered an election year). Thus, election years are not precisely collinear with year fixed effects.

TABLE 9. RESULTS IN U.S. PRESIDENTIAL ELECTION YEARS

	Base Offense Level		Sentence Length	
	(1)	(2)	(3)	(4)
R Lean × Male × Election	-	0.032	-	-0.439
		(0.135)		(0.803)
R Lean × Black × Election	-	-0.038	-	0.182
		(0.165)		(1.410)
R Lean × Hispanic × Election	-	0.146	-	1.506
		(0.161)		(1.024)
R Lean × Other Race × Election	-	0.181	-	5.443**
		(0.249)		(2.206)
R Lean × Male	-0.157*	-0.161	-0.547	-0.413
	(0.093)	(0.099)	(0.670)	(0.724)
R Lean × Black	0.337***	0.346***	1.912**	1.873*
	(0.116)	(0.124)	(0.948)	(0.964)
R Lean × Hispanic	-0.071	-0.111	-0.456	-0.857
	(0.126)	(0.139)	(0.846)	(0.880)
R Lean × Other Race	-0.183	-0.232	-1.136	-2.595
	(0.214)	(0.229)	(1.792)	(1.801)
R Lean × Election	-	-0.089	-	-1.445
		(0.169)		(0.906)
Male × Election	-	-0.472***	-	-1.081
		(0.145)		(0.856)
Black × Election	-	-0.034	-	0.817
		(0.167)		(1.241)
Hispanic × Election	-	0.112	-	0.641
		(0.152)		(0.939)
Other Race × Election	-	0.027	-	2.403
		(0.296)		(1.936)
R Lean	0.098	0.120	0.699	1.063
	(0.137)	(0.144)	(0.878)	(0.903)
Male	1.596***	1.725***	16.238***	16.540***
	(0.098)	(0.103)	(0.683)	(0.725)
Black	0.952***	0.964***	10.656***	10.444***
	(0.115)	(0.125)	(0.846)	(0.873)
Hispanic	1.347***	1.317***	9.744***	9.574***
	(0.213)	(0.218)	(1.356)	(1.404)
Other Race	0.537**	0.528**	2.531	1.864
	(0.210)	(0.221)	(1.708)	(1.787)
Election	-	0.431**	-	1.464
		(0.182)		(1.102)
R^2	0.608	0.609	0.310	0.311
Observations	93,268	93,268	93,924	93,924

Notes. OLS Regressions of the defendant's base offense level and sentence in months of incarceration. ***: p<0.01; **: p<0.05; *: p<0.10. All regressions include controls for U.S. citizenship, age, educational attainment, prosecutor tenure, criminal history, offense type, sentencing year, and courthouse. Standard errors are clustered at the courthouse level.

The results in columns (2) and (4) suggest the findings documented in Part III are not affected by electoral pressures. When it comes to charging, it appears that men receive significantly lesser charges in election years, but this estimate does not vary by prosecutorial political views and does not translate to lesser sentences. When it comes to sentencing, there is just one statistically significant result associated with election years—the gap between white defendants and defendants who are not Black, Hispanic, nor white for Republican- compared to Democratic-leaning prosecutors is heightened in election years. This result merits further investigation.

V. Robustness

A. Including Additional Prosecutors and Non-Donors

All of the analysis above excluded cases in which the first prosecutor assigned to a defendant's case was not a political donor in the Bonica-Sen data. Although Table 2 suggests that this restriction did not meaningfully compromise the representativeness of the sample, one might nonetheless worry that the results represent either the effects of something other than regular partisan ideology, such as the most extreme or the most strongly-held political views which are likely to prompt individuals to donate to candidates.

Table 10 presents regression results when I expand the sample beyond defendants whose first prosecutor was a donor. In Table 10, I incorporate defendants in which *any* prosecutor was a donor, as well as defendants whose prosecutors were all non-donors. Columns (1) and (4) present the main results in the paper (they are identical to column (4) in Tables 4 and 6, respectively). Columns (2) and (5) use the average CF score of all lead prosecutors on the case for whom a CF score is reported—this expands the sample to include all cases in which at least one of the lead prosecutors is a donor in the Bonica-Sen data. Columns (3) and (6) restrict attention to prosecutors that are in the Bonica-Sen data, and replacs the CF score for all non-donor prosecutors with zero.

TABLE 10. RESULTS WITH NON-DONORS

	Base Offense Level			Sentence Length (months)		
	Non-Donors Excl. (Main Sample)	Non-Donors Excl. (CF Average)	Non-Donors = 0 (Bonica-Sen Sample)	Non-Donors Excl. (Main Sample)	Non-Donors Excl. (CF Average)	Non-Donors = 0 (Bonica-Sen Sample)
	(1)	(2)	(2)	(4)	(5)	(6)
R Lean	0.098	-0.079	0.173	0.699	0.322	0.965
	(0.137)	(0.142)	(0.114)	(0.878)	(0.983)	(0.763)
R Lean × Male	-0.157*	-0.022	-0.203**	-0.547	-0.858	-0.620
	(0.093)	(0.099)	(0.083)	(0.670)	(0.772)	(0.604)
R Lean × Black	0.337***	0.278***	0.239**	1.912**	1.605**	1.401*
	(0.116)	(0.097)	(0.109)	(0.948)	(0.788)	(0.825)
R Lean × Hispanic	-0.071	-0.116	-0.016	-0.456	-1.697*	-0.200
	(0.126)	(0.119)	(0.126)	(0.846)	(0.910)	(0.766)
R Lean × Other Race	-0.183	-0.005	-0.211	-1.136	0.310	-0.514
	(0.214)	(0.216)	(0.251)	(1.792)	(1.686)	(1.880)
Male	1.596***	1.525***	1.286***	16.238***	17.285***	15.668***
	(0.098)	(0.094)	(0.084)	(0.683)	(0.702)	(0.517)
Black	0.952***	0.916***	0.730***	10.656***	11.157***	10.438***
	(0.115)	(0.104)	(0.090)	(0.846)	(0.781)	(0.713)
Hispanic	1.347***	1.403***	1.330***	9.744***	8.721***	8.401***
	(0.213)	(0.178)	(0.141)	(1.356)	(1.155)	(0.984)
Other Race	0.537**	0.730***	0.606***	2.531	3.764**	3.336***
	(0.210)	(0.191)	(0.154)	(1.708)	(1.679)	(1.189)
Citizen	0.247*	-0.220	-0.376**	-0.541	2.985***	2.196***
	(0.141)	(0.231)	(0.185)	(0.829)	(1.003)	(0.759)
Age (years)	0.003	0.087***	0.084***	0.210***	1.058***	1.118***
	(0.003)	(0.015)	(0.010)	(0.024)	(0.102)	(0.065)
HS Grad	-0.129*	-0.174***	-0.105**	-0.824	-1.202**	-0.697**
	(0.074)	(0.059)	(0.049)	(0.603)	(0.525)	(0.351)
Some College	-0.536***	-0.588***	-0.503***	-2.280***	-2.967***	-2.512***
	(0.100)	(0.089)	(0.065)	(0.728)	(0.584)	(0.391)
College Grad	-1.077***	-1.159***	-0.979***	-1.729*	-1.546*	-1.373**
	(0.199)	(0.162)	(0.109)	(0.986)	(0.825)	(0.595)
Pros Tenure (years)	-0.027***	0.023***	-0.009*	-0.190**	-0.092	-0.057
	(0.008)	(0.008)	(0.005)	(0.077)	(0.085)	(0.049)
R^2	0.608	0.594	0.601	0.310	0.307	0.314
Observations	93,268	152,845	379,080	93,924	153,881	381,654

Notes. OLS Regressions of the defendant's base offense level and sentence in months of incarceration. ***: p<0.01; **: p<0.05; *: p<0.10. All regressions include controls for U.S. citizenship, age, educational attainment, prosecutor tenure, criminal history, offense type, sentencing year, and courthouse. Standard errors are clustered at the courthouse level.

Table 10 shows that the results are robust to incorporating these additional measure of partisan ideology, although with each expansion the point estimates of the relative effect of Republican ideology on the Black-white gap is attenuated. For example, the coefficient on R Lean × Black drops from 0.337 in the main results, to 0.278 in the regression using the average CF score, and to 0.239 in the regression assigning all non-donors a value of zero. In all specifications, however, this coefficient estimate remains statistically significant at either the one- or five-percent level. Similarly, the coefficient on R Lean × Black drops from 1.912 in the main results, to 1.605 in the regression using the average CF score, to 1.401 in the regression assigning all non-donors a value of zero. In the latter regression, the coefficient estimate is only significant at the ten-percent level. This attenuation pattern makes sense—using the average CF score includes the political preferences of prosecutors who might have entered the case after the charging decision was made, and replacing non-donors with zero constitutes measurement error—it is implausible that all non-donors are actually politically neutral.

B. Prosecutor Fixed Effects

Table 11 presents results when prosecutor fixed effects are included. Because a person's CF score is fixed over time, this variable is no longer included in the regression. Table 11 shows that the results are robust to controlling for prosecutor-specific fixed effects.

TABLE 11. RESULTS WITH PROSECUTOR FIXED EFFECTS

	Base Offense Level		Sentence (months)	
	Courthouse FEs	Prosecutor FEs	Courthouse FEs	Prosecutor FEs
R Lean	0.098	-	0.699	-
	(0.137)		(0.878)	
R Lean × Male	-0.157*	-0.148	-0.547	-0.688
	(0.093)	(0.095)	(0.670)	(0.722)
R Lean × Black	0.337***	0.300***	1.912**	2.302**
	(0.116)	(0.107)	(0.948)	(0.964)
R Lean × Hispanic	-0.071	0.058	-0.456	0.740
	(0.126)	(0.124)	(0.846)	(0.808)
R Lean × Other Race	-0.183	-0.026	-1.136	-0.661
	(0.214)	(0.205)	(1.792)	(1.560)
Male	1.596***	1.451***	16.238***	14.840***
	(0.098)	(0.095)	(0.683)	(0.712)
Black	0.952***	0.913***	10.656***	10.509***
	(0.115)	(0.103)	(0.846)	(0.735)
Hispanic	1.347***	1.536***	9.744***	10.046***
	(0.213)	(0.163)	(1.356)	(1.098)
Other Race	0.537**	0.745***	2.531	3.806**
	(0.210)	(0.208)	(1.708)	(1.603)
Citizen	0.247*	0.321	-0.541	-2.853***
	(0.141)	(0.200)	(0.829)	(0.976)
Age (years)	0.003	0.004	0.210***	0.226***
	(0.003)	(0.003)	(0.024)	(0.022)
HS Grad	-0.129*	-0.162***	-0.824	-0.586
	(0.074)	(0.061)	(0.603)	(0.570)
Some College	-0.536***	-0.540***	-2.280***	-2.076***
	(0.100)	(0.080)	(0.728)	(0.713)
College Grad	-1.077***	-1.115***	-1.729*	-2.024*
	(0.199)	(0.193)	(0.986)	(1.035)
Pros Tenure (years)	-0.027***	-0.019	-0.190**	-0.337
	(0.008)	(0.056)	(0.077)	(0.340)
R^2	0.608	0.628	0.310	0.339
Observations	93,268	83,891	93,924	84,501

Notes. OLS Regressions of the defendant's base offense level and sentence in months of incarceration. ***: p<0.01; **: p<0.05; *: p<0.10. All regressions include controls for U.S. citizenship, age, educational attainment, prosecutor tenure, criminal history, offense type, sentencing year, and courthouse. Standard errors are clustered at the courthouse level.

C. Alternative Measures of Partisan Ideology (in progress)

As described above, this article's measure of political ideology comes from the Bonica-Sen data. This approach has two shortcomings that limit the number of prosecutors for whom I can proxy political ideology. The first shortcoming is that the Bonica-Sen data only includes people who have made political donations, and most prosecutors do not make political donations. Moreover, as described in Part V.A, it is plausible that the prosecutors who make political donations systematically vary from the prosecutors who do not—for example, they could be more avid in their political beliefs. The second shortcoming is that the Bonica-Sen data was collected

more than ten years ago. Prosecutors who were admitted to practice law after 2012 are necessarily excluded from the Bonica-Sen data. This biases the sample towards older prosecutors and under-represents later years relative to earlier years.

I am currently in the process of addressing these shortcomings in two ways. First, to address the shortcoming stemming from the donor-only limitation, I am collecting voter registration data from as many states as possible in which voters officially register with a political party. Many states make this voter registration data available by request. I have already obtained voter registration data from DC and New York, and am scheduled to be mailed Florida's next monthly distribution. I have also submitted requests to several other states. I plan to locate as many prosecutors as possible in these voter files and record their party registration, which I assume will have more coverage than the donor-only data from Bonica and Sen.[24]

Second, to address the shortcoming stemming from the fact that the Bonica-Sen data was collected more than ten years ago, I have run a python script that has looked up the full roster of prosecutor names from my data on the Federal Election Commission's database of individual contributors and recorded the donations, if any, that each person made. My next task is to clean up this data because it contains many names that appear to belong to more than one person in the state (the "John Anderson" problem). Once complete, I can see if the results are robust to using this political donation data instead of the Bonica-Sen data. This data will potentially have larger coverage than the Bonica-Sen data, but I expect it will have more erroneous values (because of the repeated name problem) and it will measure partisan ideology in a more coarse way than the sophisticated methodology of Bonica and Sen's CF scores.

VI. Conclusion

This paper uses novel federal criminal case data matched to political contribution data covering more than 100,000 criminal defendants sentenced between 2000 and 2019 in federal

[24] I have also considered purchasing voter registration data from L2 if acquiring the voter registration from the states that make it available does not work out.

district courts in the United States. It finds that the Black-white charging and sentencing gaps are significantly mitigated when the federal prosecutor assigned to the case has stronger Democratic ideology. Through this charging channel, Democratic ideology among prosecutors produces smaller Black-white sentencing gaps. The magnitude of the reduction is two months—around the same magnitude as the increase in the Black-white sentencing gap for Republican- relative to Democratic-leaning judges (Cohen and Yang 2019). On the other hand, the ideology of a defendant's assigned prosecutor does not appear to affect their sentence through other channels, nor does it affect the probability they will receive a sentence below the recommended Guidelines range—a decision that largely falls to the sentencing judge.

Bibliography

Abrams, David, Roberto Galbiati, Emeric Henry, and Arnaud Philippe. 2023. "Electoral Sentencing Cycles." *The Journal of Law, Economics, and Organization*, 350-370.

Aizer, Ann, and Joseph J., Jr. Doyle. 2015. "Juvenile Incarceration, Human Capital, and Future Crime: Evidence from Randomly Assigned Judges." *Quarterly Journal of Economics*, 759-803.

Ash, Elliott, and Michael Poyker. 2024. "Conservative News Media and Criminal Justice: Evidence from Exposure to the Fox News Channel." *The Economic Journal* 134 (660): 1331-1355.

Ba, Bocar, Haosen Ge, Jacob Kaplan, Dean Knox, Mayya Komisarchik, Gregory Lanzalott, Rei Mariman, Jonathan Mummolo, Roman Rivera, and Michelle Torres. 2024. "Political Diversity in U.S. Police Agencies." *American Journal of Political Science (Accepted).*

Bandyopadhyay, Siddhartha, and Bryan C. McCannon. 2014. "The Effect of the Election of Prosecutors on Criminal Trials." *Public Choice* 161 (1/2): 141-156.

Bonica, Adam, and Maya Sen. 2017. "Replication Data for: The Politics of Selecting the Bench from the Bar: The Legal Profession and Partisan Incentives to Introduce Ideology Into Judicial Selection." *Harvard Dataverse.* https://doi.org/10.7910/DVN/FQ6EPR.

Bonica, Adam, and Maya Sen. 2017. "The Politics of Selecting the Bench from the Bar: The Legal Profession and Partisan Incentives to Introduce Ideology into Judicial Selection." *The Journal of Law and Economics* 60 (4).

Cohen, Alma, and Crystal S. Yang. 2019. "Judicial Politics and Sentencing Decision." *American Economic Journal: Economic Policy*, 160-91.

Crenshaw, Kimberlé. 1989. "Demarginalizing the Intersection of Race and Gender: A Black Feminist Critique of Antidiscrimination Doctrine." *University of Chicago Legal Forum* 139.

Didwania, Stephanie Holmes. 2021. "Discretion and Disparity in Federal Detention." *Northwestern University Law Review* 115 (5): 1261-1336.

Didwania, Stephanie Holmes. 2022. "Gender Favoritism among Criminal Prosecutors." *The Journal of Law and Economics* 65 (1).

Dyke, Andrew. 2007. "Electoral Cycles in the Administration of Criminal Justice." *Public Choice* 133 (3/4): 417-437.

Fischman, Joshua B., and Max M. Schanzenbach. 2012. "Racial Disparities Under the Federal Sentencing Guidelines: The Role of Judicial Discretion and Mandatory Minimums." *Journal of Empirical Legal Studies* 9 (4): 729-764.

Geller, Amanda, Irwin Garfinkel, and Bruce Western. 2011. "Paternal Incarceration and Support for Children in Fragile Families." *Demography*, 25-47.

Goncalves, Felipe, and Cody Tuttle. 2024. "Police Work and Political Identity." (Working Paper).

Harrington, Emma, and Hannah Shaffer. n.d. "Systemic Statistical Discrimination: Prosecutors' Interpretation of Police Arrests." {Working Paper}.

Krumholz, Sam. 2019. "The Effect of District Attorneys on Local Criminal Justice Outcomes." SSRN, January 3. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3243162.

Motivans, Mark. 2024. *Federal Justice Statistics, 2022.* Bureau of Justice Statistics.

Mueller-Smith, Michael. n.d. "The Criminal and Labor Market Impacts of Incarceration." *Working Paper.*

Nadel, Melissa R., Samuel J.A. Scaggs, and William D. Bales. 2017. "Politics in Punishment: The Effect of the State Attorney Election Cycle on Conviction and Sentencing Outcomes in Florida." *American Journal of Criminal Justice* 42: 845-862.

Okafor, Chika O. 2022. "Prosecutor Politics: The Impact of Election Cycles on Criminal Sentencing in the Era of Rising Incarceration." *Working Paper.*

Pager, Devah. 2003. "The Mark of a Criminal Record." *American Journal of Sociology*, 937-975.

Rehavi, M. Marit, and Sonja B. Starr. 2014. "Racial Disparity in Federal Criminal Sentences." *Journal of Political Economy* 122 (6): 1320-1354.

Schanzenbach, Max M. 2015. "Racial Disparities, Judge Characteristics, and Standards of Review in Sentencing." *Journal of Institutional and Theoretical Economics* 27-47.

Schanzenbach, Max M., and Emerson H. Tiller. 2008. "Reviewing the Sentencing Guidelines: Judicial Politics, Empirical Evidence, and Reform." *University of Chicago Law Review* 75 (2): 715-760.

Shaffer, Hannah. 2023. "Prosecutors, Race, and the Criminal Pipeline." *University of Chicago Law Review* 90 (7): 1889-1965.

Sloan, CarlyWill. n.d. "Do Prosecutor and Defendant Race Pairings Matter? Evidence from Random Assignment." (Working Paper).

Starr, Sonja B. 2015. "Estimating Gender Disparities in Federal Criminal Cases." *American Law and Economics Review* 17 (1): 127-159.

Western, Bruce. 2002. "The Impact of Incarceration on Wage Mobility and Inequality." *American Sociological Review*, 526-546.

Yang, Crystal S. 2015. "Free at Last? Judicial Discretion and Racial Disparities in Federal Sentencing." *Journal of Legal Studies* 44 (1): 75-111.