Unequal Punishment?:
Equality Before the Law, Partisanship, and Race in the United States*

James N. Druckman
jdruckma@ur.rochester.edu
University of Rochester

Rongbo Jin
jinrongbo@cuhk.edu.cn
Chinese University of Hong Kong, Shenzhen

Paul Lendway
lendway@stanford.edu
Stanford University

Trent Ollerenshaw
tolleren@central.uh.edu
University of Houston

Arjun Vishwanath
avishwan@bu.edu
Boston University

Abstract: Equality before the law is a fundamental democratic value in the United States. Do people apply it in practice? We argue that they do not. Instead, we hypothesize that people support lighter criminal sentences and pardons when a perpetrator comes from their own party or racial group. We present results from two experiments that partially support our expectations. Specifically, partisans from both sides support less punishment when a fellow-partisan commits a crime relative to a perpetrator from the other party. However, the racial dynamics are more nuanced. While Black Americans align with expectations (advocating greater leniency for Black perpetrators), the same is not true for white Americans. On average, white Republicans do not exhibit racially-biased punishment recommendations, while white Democrats advocate for less punishment for *Black* perpetrators. We provide evidence that these partisan asymmetries reflect differences in racial attitudes. Additionally, in two distinct experiments, we show that although voters penalize governors from their party for distasteful, potentially abusive, pardons, such acts do not usually cause them to vote for an outparty candidate. Overall, despite Americans' strong abstract endorsement of equality before the law, in practice, many Americans do not uniformly apply this principle due to partisan and racial considerations.

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In 2023, former President Donald Trump and current President Joe Biden were both found to have mishandled classified documents. The former was indicted and the latter was not. The details of their cases significantly differed, but Republican Senator Eric Schmitt stated, "I think that what we're seeing is an unequal application of the law" (Marquez 2023). Once Trump retook the presidency and assumed office in 2025, federal law enforcement entities began to arrest, detain, or target various Democratic elected officials. This led Democratic House leader Hakeem Jeffries to state, "The Trump administration continues to weaponize law enforcement to target political adversaries" (Okun 2025). Of course, concern about the unequal application of the law is not new—for instance, the American legal system has well-documented racial biases (e.g., Western 2006, Kovera 2019), a reality that is even sometimes acknowledged by political elites from both parties (cf. Watson 2020, Ibssa et al. 2024).

American citizens play a crucial role in the criminal justice system as jurors. This raises the question: Do citizens apply the law without favor? Or, do their preferences for punitiveness versus leniency depend on the race and/or party of the alleged perpetrator? We address these questions by exploring the public's decisions about criminal sentencing and pardons (Westwood et al. 2022), focusing on a defining characteristic of American democracy: the rule of law and its equal application.

While equality before the law is not stated in the U.S. Constitution, it is implied in the 14th Amendment, engraved on the Supreme Court, and affirmed in various court decisions (Bierschbach and Bibas 2017). Equality before the law is also a cherished value among most experts and members of the American public (Carey et al. 2019, Hall and Druckman 2023). If a perpetrator's race or partisanship alters legal decisions, it would violate an important principle of

the rule of law—uniform sentencing based on the crime committed, regardless of the perpetrator's characteristics (Whitman 2009).

We tested this in two survey experiments (N_1=2,640, N_2=2,457) where we presented respondents with examples of perpetrators who have committed political crimes such as protesting without a permit or assaulting political protestors. We randomized the partisan and racial characteristics of the perpetrator and the situation to test whether respondents punish equally. We find that they often do not; rather, as we preregistered, they favor their co-partisans relative to outparty members (i.e., they endorse shorter sentences and more pardons for members of their in-party relative to their out-party). Additionally, we show that Black respondents and white Democrats favor Black perpetrators relative to white ones by handing out shorter sentences and being more supportive of pardons for Black perpetrators. White Republicans, in contrast, do not exhibit racial preferences, on average. While our results for white respondents are counter to our initial expectations, we are able to probe them further. Specifically, we offer suggestive evidence that the differences between white Democrats and white Republicans reflect variation in their attitudes about race (i.e., racial liberalism): individuals who believe there is more racism are more lenient toward Black perpetrators (Doherty et al. 2022). Finally, in distinct experiments (unrelated to race), we find that individuals penalize politicians from their party for pardoning a murder (an act most disagree with) but that they still usually vote for that co-partisan candidate.

Our findings advance the literatures on democratic principles (e.g., Graham and Svolik 2020, Voelkel et al. 2024) and criminal sentencing (e.g., Doherty et al. 2022, Kenthirarajah et al. 2023) in three ways. First, we offer consistent evidence of racial disparities in the allocation of punishment for a political crime (our focus). While this disparity plays out in expected ways with respect to shared partisanship, it is striking that Black Americans and white Democrats alike

exhibit greater leniency toward Black perpetrators. In contrast, white Republicans, on average, show no variation in punitiveness based on the race of the perpetrator. Second, we document partisan discrimination regarding a highly valued democratic principle without proximate partisan benefit in terms of elections or power. Thus, unlike other work on public support for violating democratic principles which focuses on political gamesmanship, we find that partisans are willing to violate principles for reasons more akin to social discrimination. Third, the results make clear that studies of democratic backsliding would benefit from accounting for more group characteristics than partisanship, most notably race. Citizens appear not only to forego democratic expectations for partisan gain, but they also may do so to benefit or harm social groups. The extent and direction of that behavior may depend on citizens' group attitudes. Here, we show that racially liberal individuals are more lenient towards Black perpetrators relative to white ones, whereas racially conservative individuals are more lenient toward white perpetrators.

Overall, we find that Americans do not apply the principle of equality before the law in their own decisions. Partisans show clear favoritism towards members of their own party. Meanwhile, Americans' pre-existing views for or against racial groups shape their preferences for punishment versus leniency. Equality before the law—a vaunted democratic principle—does not seem to operate as such, at least as it is widely understood in the American context.

Studying Partisan and Racial Biases

Our focus is on equality before the law in the context of criminal sentencing and pardons. It is common in many countries that equality be applied with special consideration of social characteristics such as one's income (e.g., Winter 1979). Yet in the U.S., the expectation is that, notwithstanding extenuating circumstances, the same crime will merit the same punishment: "Criminal sentencing in the United States, from penalties for serious felonies to the most mundane citations, is characterized by a pursuit of uniformity without regard for social

circumstance… Formal equality in sentencing, or the principle that two persons convicted for the same crime ought to receive the same punishment, has triumphed over competing notions…"[1] (Bing et al. 2022: 119). Whitman (2009) explains that "equality in judicial sentencing has been one of the leading goals of American criminal law for a generation—perhaps the leading goal."[2] For now, we focus on this application, although we will return in the conclusion to discuss its normative status.

Our question is whether, in practice, Americans apply equality in sentencing or do so with partisan or racial bias. In the latter case, these biases violate the principle. To be clear, our use of "bias" is not meant to be normative. Instead, we use it to refer to a skew relative to a stated comparison point: would someone receive a different punishment if we held constant all other traits but varied their racial or partisan identity? This facilitates our empirical work because a pure interpretation of equality before the law implies that perpetrators' party and race should be irrelevant considerations, and so there should never be a relative partisan or racial bias.

In deriving hypotheses, we begin with literature on support for democratic principles and norms (e.g., Graham and Svolik 2020, Gidengil et al. 2022, Simonovits et al. 2022, Braley et al. 2023, Druckman 2024, Voelkel et al. 2024, Helmke and Rath 2025, Lendway 2025). Much of this work explores whether partisans forgo democratic laws, norms, or ideals for partisan gain (Ahmed 2023), finding that they often do (but not always; Frederikson 2024). Our focus on sentencing and pardoning makes the partisan benefits less proximate. For example, much of the work on democratic principle violations entails legal or political acts that explicitly benefit the party (e.g., altering voting rules, ignoring court rulings, prosecuting critical journalists, banning

[1] This is not strictly always the case given consideration is often given to the age or cognitive competence of a perpetrator as well as other circumstances (e.g., prior crimes, intent).
[2] Similarly, Bierschbach and Bibas (2017: 1450) explain that "in practice, the sausage factory that is the American criminal justice system focuses not on equal inputs or fair processes but on uniform outputs—equalizing the number of years in prison for each crime. Sentencing variations—or, to use another oft-invoked term, disparities—are suspect, regardless of how or why they occur."

rallies from the other party). In our case, the political benefit is distant since it involves a single non-elite criminal perpetrator.[3]

Even in the face of distant marco-level partisan benefits, however, we expect partisan favoritism to manifest. Other work reveals partisan prejudice in social and economic decisions (e.g., Iyengar et al. 2019, Finkel et al. 2020). For example, partisans prefer their co-partisans relative to those from the other party when it comes to scholarships (Iyengar and Westwood 2015), living situations (Shafrenek 2020), dating (Huber and Malhotra 2017), spousal selection (Iyengar et al. 2019), social networks (Lee and Bearman 2020), and economic pay and hiring (Gift and Gift 2015, McConnell et al. 2018). While these partisan skews may seem innocuous relative to criminal sentencing, other work suggests that partisans often dehumanize those from the other party (Cassese 2021, Martherus et al. 2021). And perhaps most relatedly, Lelkes and Westwood (2017) and Westwood et al. (2019) find that partisans (particularly affectively polarized ones) are more likely to suppress hostile rhetoric toward their party, seek preferential treatment for their party, and suppress investigations into their party (all relative to the other party).[4] While they look at legal or police authority rather than responses to clear individual criminal acts, their work suggests that partisanship can affect legal decision-making.[5] This literature leads to our first pre-registered hypothesis. We state the hypothesis in terms of the length of sentencing, but we preregistered analogous effects regarding support for pardons.

> *Partisan Bias Hypothesis*: Partisans will be more lenient in their criminal sentencing of those from their own party (i.e., in-party) compared to those with no clear partisan

[3] As we will later discuss, it is conceivable that widespread politicalization of the judicial and legal system (e.g., Davis and and Hitt 2025) could work in the favor of a given party; yet, this would mean that individuals infer that a single perpetrator's sentencing or pardon translates into systemic partisan bias that benefits the party's power.
[4] However, they are not more likely to endorse using tear gas on a group of protesters from the other side.
[5] The possibility of a partisan bias in sentencing has taken on increased relevance given increases in partisan crime and violence (e.g., Kalmoe and Mason 2022, Perker and Eisler 2023). Moreover, even when partisanship is not a clear motivation of the perpetrator, it is plausible that others impute partisan identities given partisan social sorting and partisan spillover into other domains of life (e.g., Druckman and Levy 2022).

identity (H1a). Partisans will be more lenient in their criminal sentencing of those with no clear partisan identity compared to those from the other party (i.e., out-party) (H1b). Thus, partisans will be more lenient in their criminal sentencing of those from their own party compared to those from the other party (H1c).

We incorporate a "no clear partisan identity" comparison to assess whether partisanship matters relative to when it is not introduced at all.

Most of the work on democratic principles does not explicitly incorporate race (but see Bartels 2020, Jardina and Mickey 2022, Carey and Cisneros 2023, Thompson 2025). There is, however, a long-standing and enormous corpus of work on racial bias in sentencing decisions (e.g., Steffensmeier and Demuth 2000, Mitchell et al. 2005, Lynch and Haney 2011, Duxbury 2021, Kenthirarajah et al. 2023, Harris 2024, Light and Vachusak 2024). This scholarship involves many levels of analyses such as decisions about arrests, investigations, and prosecutions, as well as judge and jury decisions. Here, we are primarily interested in citizens' beliefs about the appropriate sentence of someone convicted of a political crime and whether that perpetrator deserves a pardon. Historic evidence suggests there are biases against Black perpetrators, although recent work paints a more mixed picture (Du 2021, Doherty et al. 2022, Ferguson and Smith 2024, Holmes and Feldmeyer 2024, Light and Vachuska 2024).

We expect that white individuals will impose shorter sentences on white perpetrators compared to Black perpetrators. This expectation derives from well-documented discrimination against Black people across many societal domains including medical care (Zestcott et al. 2016), employment opportunities (Quillian et al. 2017), rental options in the shared economy (Edelman et al. 2017), and political responsiveness (Costa 2017). We also expect that Black individuals will favor shorter sentences on Black perpetrators than on white ones. There are (at least) two potential reasons for this hypothesis. Zigerell (2018) shows that Black Americans possess a meaningful in-group bias, and so it may be that Black participants will impose weaker sentences

on a favored group. Another reason (which is not mutually exclusive) is that Black Americans may believe that the legal system itself is biased against Blacks, and so they may favor weaker sentences in order to offset this perceived systematic bias. For instance, Sommers and Ellsworth (2000) and Mitchell et al. (2005) find that Black mock jurors demonstrated substantial same-race leniency, often reflecting their belief that the system has built-in race penalties. The latter point aligns with Peffley and Hurwitz (2010) who demonstrate that Black and white Americans have very different perceptions of the criminal justice system, with the former seeing it as racially-discriminatory and the latter viewing it as a color-blind institution. Regardless of which of these specific rationales is operative, we posit that Americans will favor their racial in-group in their sentencing (and pardon) preferences. Our second pre-registered hypothesis is as follows.

> *Racial Bias Hypothesis:* Individuals will be more lenient in their criminal sentencing of those from their own racial group compared to those with no clear racial identification (H2a). Individuals will be more lenient in their criminal sentencing of those with no clear racial identification compared to those from another racial group (H2b). Thus, individuals will be more lenient in their criminal sentencing of those from their own racial group compared to those from another racial group (H2c).[6]

As with partisanship, we include a "no clear racial identification" comparison to evaluate against a non-racial benchmark. Just as our work expands research on democratic principles by explicitly incorporating race, it extends scholarship on criminal sentencing by including large samples of both white and Black respondents (across two studies) and incorporating tests for partisan bias.[7]

We test our hypotheses in two studies, the first with white respondents and the second with white and Black respondents. In both studies, we differentiate Democrats and Republicans.

[6] We additionally pre-registered a hypothesis that the presence (absence) of both a partisan and racial match will have an effect relative to when one of the features is absent (present). As stated, the hypothesis did not predict an interaction but rather an additive effect. That said, as we will discuss, we assess potential interaction effects. We do not discuss this hypothesis further, though, given our results regarding race – as will become clear – make it a moot hypothesis. Finally, we pre-registered a severity hypothesis that most acutely predicted weaker partisan and race effects for murder. We discuss relevant data for this later in the paper.

[7] Our focus on partisanship and race echoes Iyengar and Westwood (2015) who investigate the impact of both factors in decision-making, although in distinct social contexts.

While we did not pre-register distinguishing partisans from one another when testing for racial bias, it is sensible since white Democrats hold significantly more racially liberal attitudes than white Republicans (Engelhardt 2021, 2022, Jardina and Ollerenshaw 2022), which we find are highly relevant to racial biases in punitiveness. This is a point on which we later elaborate.

Study 1

Study 1 tests our hypotheses with a sample of non-Hispanic white respondents (n = 2,640).[8] We recruited respondents from CloudResearch Connect, an online survey panel, from December 3-13, 2024.[9] We excluded pure independents given our focus on partisan bias, as is typical in this literature (Druckman and Levendusky 2019), and classify independent "leaners" with the party with which they more closely identify. All 2,640 respondents passed an attention check and a mock vignette factual manipulation check (Kane et al. 2023); both items were administered pre-treatment to avoid bias from conditioning on post-treatment variables. The sample is 61.55% Democrats and 38.45% Republicans. The Connect sample's full demographic profile is available in the appendix.

Participants began with a pre-treatment survey that asked several demographic questions, their partisanship, a 3-item measure of punitive attitudes (Burton et al. 2020) (α = .77), and the extent to which they value equality before the law (i.e., rating the importance that all people are equally protected and treated by the law, and that no individual or group is privileged over another). Consistent with the premise of our study, we find that most Americans at least claim to value equality before the law, with a mean importance rating of 89.54 (std. dev.: 17.74) out of a possible 100. Further, partisans from both sides strongly endorse equality before the law, with

[8] The pre-registration for Study 1 is available at: aspredicted.org/8xjf-s2h4.pdf.
[9] The full sample includes 3,685 respondents, 1,045 of which did not identify as primarily white. We pre-registered a focus on non-Hispanic white respondents. We replicate our analysis with the full sample in the appendix, but note that hypothesis tests among other racial/ethnic subgroups have low statistical power.

Democrats offering a mean rating of 92.19 (std. dev.: 13.86) and Republicans of 85.31 (std. dev. 21.96). Thus, any deviation from equality before the law in practice with respect to perpetrators' party or race would violate a principle that Americans claim to strongly support.

We randomly assigned respondents to one of nine experimental conditions that varied perpetrator's race (no clear race, white, Black) and perpetrator's partisanship (no clear party, Democrat, Republican). Each respondent was assigned to one of the nine conditions and then responded to six scenarios with the perpetrator's race and party held constant across scenarios. The specific scenarios come from Westwood et al.'s (2022) study of support for partisan violence.[10] For instance, the first scenario for the white, Democrat perpetrator read:

> *Christopher Schmidt, a white man who owns several local area restaurants, was convicted last week of* ***protesting without a permit.*** *He was arrested by police after leading a protest against Republicans on the grounds of the county courthouse. He made no effort to acquire the necessary permit for the protest and refused to leave when asked by police.*

Importantly, these scenarios test explicitly political acts as an initial exploration into whether partisanship shapes punishment attitudes. Future work should test whether partisanship shapes punishment attitudes for non-political acts. The scenario signals race with the explicit description and with names that are commonly associated with white or Black Americans, as identified by Block et al. (2021). We randomly assigned one of four white names or one of four Black names for their respective conditions.[11] These names were assessed for socio-economic equivalency, and we mentioned that the man owns several local restaurants to further control for class perceptions. Those assigned to a no clear race condition were told abstractly of "A man."[12]

[10] Westwood et al. (2022) do not vary the partisanship or race of the perpetrator.
[11] The white names are Christopher Schmidt, Nicholas Austin, Matthew Roberts, and Ryan Thompson. The Black names are Andre Jefferson, Willie Washington, Darryl Jefferson, and Darryl Washington. We vary the names to ensure our results are not contingent on a given name (i.e., stimulus sampling).
[12] Our focus on male perpetrators follows Westwood et al. (2022) and is consistent with the preponderance of violent crime in the U.S. being committed by males; however, future work may consider varying the gender of perpetrators.

Those assigned to a Republican perpetrator condition were told of "a protest against Democrats" and those assigned to the no clear party condition were told of "a political protest."

After reading this first scenario, respondents were then asked two questions. First: "The judge is expected to sentence Christopher Schmidt [with the name listed here depending on the condition] next week. We are interested in what sentence you think is appropriate:…" with the responses including 11 options ranging from "community service" to "more than 20 years in prison." The other options were particular amounts of time in jail or prison. The second question asked "The governor also may consider pardoning Christopher Schmidt [with the name listed here depending on the condition], which would prevent any punishment. To what extent would you oppose or support a pardon that would let him off?" The response scale ranged from 0 (strongly oppose a pardon) to 100 (strongly support a pardon).

The protest scenario was followed by five additional scenarios—with the race/name and partisanship condition held constant—that asked about increasingly severe crimes: vandalism, assault (throwing rocks), arson, assault with a deadly weapon, and murder.[13] The exact wording for each scenario is provided in the appendix. Each scenario was followed with the same two outcome measures about sentence length and pardon support. Thus, each respondent answered six questions about sentencing and six questions about pardoning (one per crime).

Study 1 Results

Consistent with our pre-registration, we focus our analyses on sentencing and pardoning measures that take the average across the six crimes (the respective alphas are .68 and .77, and the two indices correlate at $r = -.31$). We regress each outcome on dummy variables for

[13] We kept the order of crimes constant to avoid a priming effect, that we would lack statistical power to fully isolate. We included two manipulation checks toward the end of the survey that asked about partisanship and racial identity of the perpetrator. Respondents across conditions correctly identified the party of the perpetrator at least 78% of the time, and correctly identified the race of the perpetrator at least 90% of the time (including saying not clear in the no clear race condition).

same-party, different-party, same-race, different-race, and the full set of their intersections (i.e., four interaction terms). As pre-registered, we adjust for pre-treatment covariates to increase the statistical precision of our treatment effect estimates (Clifford et al. 2021; Jordan et al. 2025): the equality before the law value measure, the three-item punitiveness scale, and demographics (age, gender, education, income). Recall that sentences ranged from 1 (community service) to 11 (more than 20 years in jail) while pardon support ranged from 0 to 100 with higher scores indicating more support for a pardon. For reasons previously discussed, we present the results for all respondents, Democrats, and Republicans. Figure 1 (sentencing) and Figure 2 (pardons) plot the average marginal effects (AMEs) of same-party and different-party (baseline: no clear party) and same-race and different-race (baseline: no clear race). Appendix Table A-1 presents the regressions underlying the AMEs in these figures.[14]

Figure 1 shows that overall, there is a clear out-party bias such that those from the other party receive longer sentences relative to those without a clear partisan identity (H1b). We do not find consistent same-party bias comparing the same-party to the no clear party conditions (contrary to H1a). Democrats do give shorter sentences to co-partisan perpetrators than perpetrators whose party is not specified. Republicans surprisingly give *longer* sentences to co-partisans than those without a clear party identity. Even so, however, Republicans are significantly more punitive toward Democrats than Republicans; Democrats are likewise significantly more punitive toward Republicans than Democrats (H1c) ($p < .05$, see Appendix Table A-2). Overall, these analyses show there is a partisan bias in sentencing, especially when comparing the same-party against the different-party. This is consistent with hypothesis 1c.

[14] The regressions here include interaction terms, as preregistered. We do not present joint party*race predicted effects in the figures because they are not necessary for testing our hypotheses. Further, the interactions are usually non-significant and the additive race and party effects are near-identical to the joint predicted values. Additionally, in Appendix Tables A-6, we present the results for all respondents (not just whites), showing that the party effects are consistent, but the racial dynamics are not as strong, as is sensible given the racial heterogeneity of the sample.

We next evaluate support for pardons—recall that higher scores on this measure indicate more support for a pardon (i.e., less punitiveness, the opposite coding of sentencing decisions). Figure 2 shows no significant same-party effects relative to those without a clear partisan identity (again contrary to H1a). But we find a clear different-party bias comparing the outparty to the no clear party conditions, consistent with H1b. And comparing the same-party to the different-party conditions, we find a significant bias towards pardoning co-partisans for all respondents and for Democrats, but a non-significant result for Republicans, offering mixed support for H1c overall (see Appendix Table A-2).

Turning to racial biases, for both sentences (Figure 1) and pardons (Figure 2), the race results contradict our hypotheses (H2a,b,c). Democrats sentence white perpetrators (same-race) to longer sentences compared to those with no clear racial identity or Black perpetrators (different-race). With respect to pardons, Democrats are more lenient towards Black perpetrators than those with unclear racial identities and are more lenient towards those with unclear racial identities than to white perpetrators. Republicans, in contrast, show no significant racial bias in any direction. It is unclear how to interpret the white perpetrator bias relative to the no clear race condition since we do not know what respondents typically envision in that case (e.g., do they imagine a Black perpetrator?) (Dafoe, Zhang, and Caughey 2018). Consequently, the more straightforward result concerns the differences between the white and Black perpetrators (H2c). A plausible explanation for Democrats' relative leniency toward Black perpetrators over white ones is their beliefs about widespread anti-Black discrimination (Doherty et al. 2022) coupled with their sympathy for Black victims of racism (Chudy 2021). We lack the appropriate design to directly test for mediation, but we later offer suggestive evidence for this perspective.

The substantive impacts of these results are easily interpretable from the figures since they present movement due to the given identity (e.g., same-party perpetrator relative to no clear party perpetrator). For instance, for everyone, the different-party coefficient for sentencing is .55, meaning an approximately half point increase on the 11-point sentencing scale, relative to when the party is not defined. The coefficient for sentencing someone of the same-race relative to a different-race is .37. Consider, for example, Democrats evaluating a culprit who committed vandalism.[15] If the perpetrator was a white Democrat, the predicted sentence is 2.10 (std. error: .10 for a confidence interval); if instead the perpetrator was a white Republican, the predicted value shifts to 2.61 (std. error: .11). This in essence is a move from 1-3 days in jail (a score of 2) toward considering a longer sentence of 4-30 days in jail (a score of 3). If instead, the perpetrator was a Black Democrat, the predicted value is 1.65 (std. error: .12), which means moving toward community service (a score of 1). These are not drastic changes in sentences, but also far from an equal application of the law given that the sentence for a Black Democrat approaches community service while the sentence for a white Republican who commits the same offense moves toward several days in jail. The analogous (respective) changes in the support for a pardon on a 0 to 100 scale are: 33.09 (std. error: 2.11) for a white Democrat perpetrator, 26.56 (std. error: 2.30) for a white Republican perpetrator, and 43.82 (std. error: 2.49) for a Black Democrat perpetrator; thus, a more than 15 percentage point shift changing the perpetrator's partisan and racial identities.

One final point is that sentencing punitiveness and pardon support vary as one would expect as a function of the crimes' severities; for example, support for a pardon for murder is exceptionally low (mean 4.60, std. dev: 14.54). Severe crimes also have less consistent biases

[15] In Appendix Tables A-3, A-4, and A-5, we present results for each criminal act. While there are some cases where the coefficients fall short of significance, the general results are consistent across acts for everyone and both parties.

because respondents are more apt to punish for these crimes irrespective of other factors (see Appendix Tables A-3, A-4, A-5).

Overall, the findings reveal substantial partisan bias, particularly when it comes to comparing perpetrators identified as being from one's own party versus the other party (H1c).[16] Figures 1 and 2 suggest more out-party bias than in-party favoritism. This coheres with the affective polarization and negative partisanship literatures (e.g., Druckman et al. 2024) rather than work on in-party bias (e.g., Lelkes and Westwood 2017, Lee et al. 2022). We also find that Democrats show a racial bias where they offer harsher judgments against white perpetrators (relative to Black perpetrators or those whose race is not explicated). Keeping in mind the ambiguity of the no clear race condition, there are a few processes that could be at play (given this is a sample of all white individuals). First, as already suggested, most Democrats perceive there to be a great deal of discrimination against Black Americans (Jardina and Ollerenshaw 2025), including in the criminal justice system (Gonzalez-Barrera et al. 2024). These acute concerns about systematic racism may cause Democrats to approach Black defendants with greater leniency. Second, Democrats have exhibited increasingly warm affect and positive trait evaluations of Black Americans since 2016 (American National Election Study 2021; Jardina and Ollerenshaw 2022). Our results could be consistent with straightforward favoritism toward a favored racial outgroup. Third, it could be a black sheep dynamic where Democrats are judging in-group members more harshly than out-group members when they deviate from norms (Marques et al. 1988). For whichever reason, our results most importantly show that Democrats do not display equality before the law with respect to criminal sentences and pardons.

[16] As noted, the one exception is for Republicans with the pardon, although in that case only the different-party perpetrator significantly differs from 0.

Figure 1: Effect of Party and Race on Sentencing, Study 1. Three models (all respondents, Democrats, Republicans) with four average marginal effects and 95% confidence intervals. See Appendix Table A-1 for underlying regression models. Baseline for party is no clear party. Baseline for race is no clear race. Data source: CloudResearch Connect, 2024.

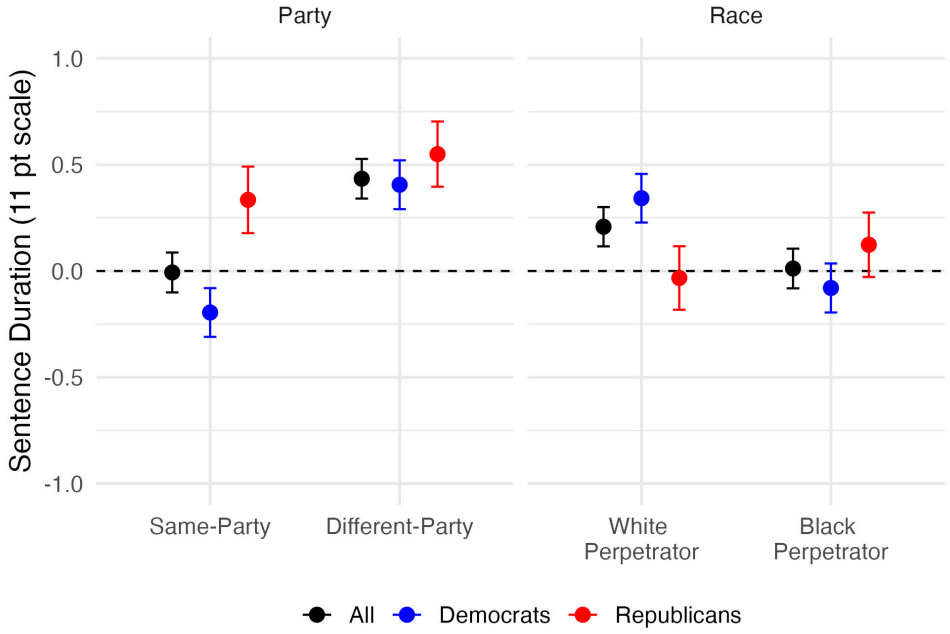
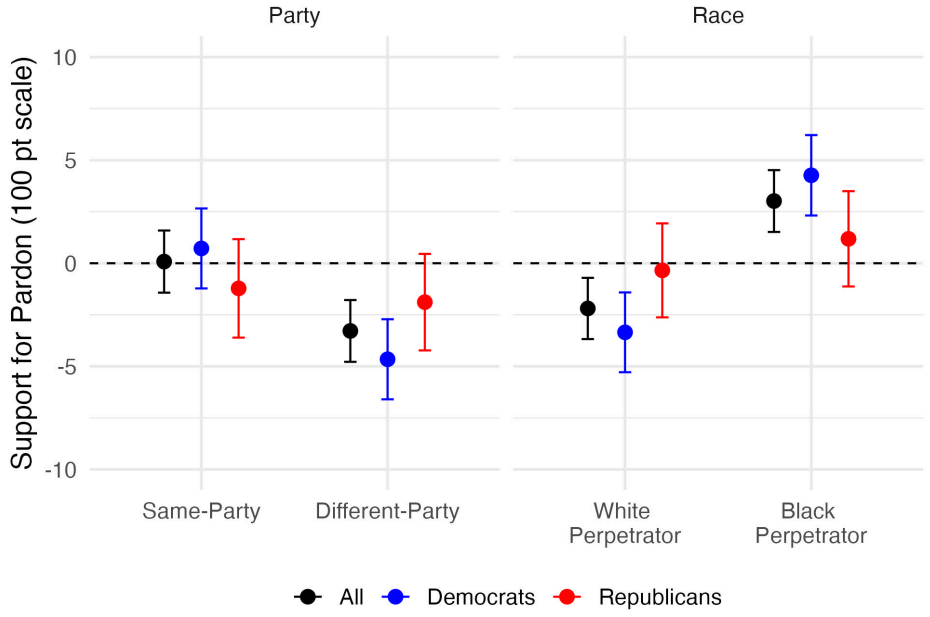


Figure 2: Effect of Party and Race on Pardon Support, Study 1. Three models (all respondents, Democrats, Republicans) with four average marginal effects and 95% confidence intervals. See Appendix Table A-1 for underlying regression models. Baseline for party is no clear party. Baseline for race is no clear race. Data source: CloudResearch Connect, 2024.



Study 2

We sought to replicate and extend the results from Study 1.[17] This ensures the robustness of the partisan bias results and the unexpected racial bias results. Moreover, in Study 2, we recruited a sufficiently powered sample of Black respondents.[18] We expect the same partisan dynamics among Black respondents as we observed among white respondents in Study 1. With respect to racial bias, we predicted that if Black respondents demonstrated racial bias, they would display more leniency toward Black perpetrators, which could reflect ingroup bias (Zigerell 2018) or beliefs about racial bias in the criminal justice system (Sommers and Ellsworth 2000).[19]

We collected data for Study 2 via Bovitz Inc.'s Forthright panel (see Stagnaro et al. n.d.). The sample included 1,337 respondents who identified primarily as non-Hispanic white and 1,120 respondents who identified primarily as non-Hispanic Black. We collected the data from April 24, 2025 to May 8, 2025. Pure independents were excluded and independent "leaners" were sorted into the party they more closely identified with. Among the white sample, 42.11% identified as Democrat and 57.89% identified as Republican; among the Black sample, 85.36% identified as Democrat and 14.64% identified as Republican. Once again, all respondents had to pass an attention check and a pre-treatment factual manipulation check to be included in the sample. A full demographic profile of the sample is available in the appendix.

We used the same design as Study 1 with one important modification: we did not include conditions where the perpetrator's party or race were undefined. The experimental design thus has 2 party conditions (Same-Party, Different-Party) and 2 race conditions (White, Black). This

[17] Study 2's pre-registration is available at: aspredicted.org/b3sz-s32s.pdf. This pre-registration included discussion of a black sheep hypothesis, which reflected an incorrect interpretation of Study 1 (based on an initial coding error).
[18] In Study 1, white partisans strongly endorsed equality before the law. Study 2 shows this is true of Black partisans, too: on the 0-100 scale, mean support for equality before the law is 93.73 (std. dev. = 11.81) for white Democrats, 85.82 ((std. dev. =21.52) for white Republicans, 90.53 ((std. dev. =17.27) for Black Democrats, and 88.34 (std. dev. =18.21) for Black Republicans.
[19] This technically aligns with the original H2a,b,c, but the rationale is different given the results of Study 1.

means that we cannot differentiate in-party bias from out-party bias; however, it has limited consequences in terms of identifying partisan bias (i.e., H1c). Collapsing from nine to four conditions greatly increases statistical power for testing our primary hypotheses in each racial subgroup. The stimuli and outcome measures otherwise replicate Study 1.[20]

Study 2 Results

We analyze the data in Study 2 using our pre-registered regression which this time did not include interactions (since the average marginal effects were near-identical with or without modeled interactions in Study 1, which remains true in Study 2).[21] We present the AMEs of same-party (baseline: different-party) and same-race (baseline: different-race) for white and Black respondents, differentiating by party (see appendix Tables A-7 and A-11 for the regressions underlying these figures).

Figures 3 and 4 show clear partisan biases among white respondents such that they give shorter sentences to perpetrators from their in-party relative to the other party. This is significant for the pooled sample, for Democrats, and for Republicans. We also see racial bias against white perpetrators for white Democrats, but no racial bias for white Republicans (replicating Study 1).

All respondents, Democrats, and Republicans are also all significantly more supportive of pardoning co-partisans. The latter result differs from Study 1, in which Republicans were not more supportive of pardoning co-partisans. We find a significant race effect for white Democrats in pardons as well whereby they are more supportive of pardons for Black perpetrators. Overall, Study 2 replicates both the partisan biases found in Study 1 and white Democrats' bias in favor of Black perpetrators (see appendix Tables A-8, A-9, and A-10 for regressions for each crime).[22]

[20] The alphas for sentencing and pardoning for white respondents are .71 and .81; for Black respondents, they are .71 and .81. The measures correlate at -.36 for white respondents and -.38 for Black respondents. The alphas for punitive attitudes are 0.75 for whites and .61 for Black respondents. In manipulation checks, respondents across samples and conditions correctly identified the perpetrator's party at least 80% of the time and their race at least 90% of the time.
[21] The AMEs are near-identical with a race*party interaction, which is the only relevant interaction for a 2x2 design.
[22] Concerningly, here we do observe same-party favoritism with respect to murder pardons among white Democrats.

Figure 3: Effect of Party and Race on Sentencing for White Respondents, Study 2. Three models (all white respondents, white Democrats, white Republicans) with two average marginal effects and 95% confidence intervals. See Appendix Table A-7 for underlying regression models. Baseline for party is different-party. Baseline for race is Black perpetrator. Data source: Bovitz Inc. Forthright, 2025.

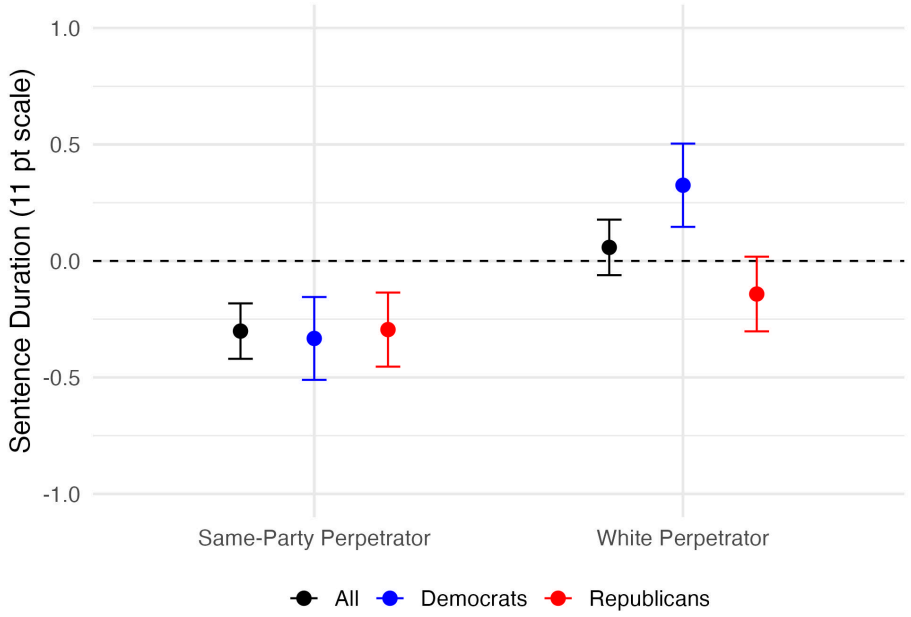
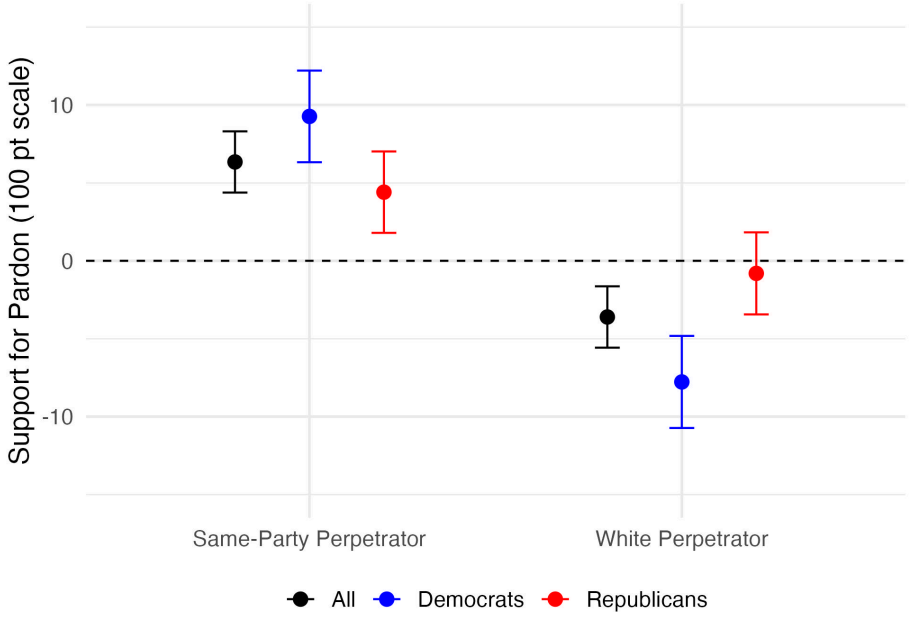


Figure 4: Effect of Party and Race on Pardon Support for White Respondents, Study 2. Three models (all white respondents, white Democrats, white Republicans) with two average marginal effects and 95% confidence intervals. See Appendix Table A-7 for underlying regression models. Baseline for party is different-party. Baseline for race is Black perpetrator. Data source: Bovitz Inc. Forthright, 2025.



Figures 5 and 6 display the results for Black respondents. We note that our results are less precise for Black Republicans because the overwhelming majority of Black Americans in our sample identify as Democrats. Here, with respect to sentencing decisions, we find large partisan biases among Black Democrats and an equally-sized but insignificant partisan bias among Black Republicans (H1c). We also find that Black respondents from both parties display a racial bias in favor of their group such that Black perpetrators receive less punitive sentences than white perpetrators. We find identical results for pardons: a same-party bias among Democrats and same-race bias among Democrats and Republicans (i.e., more support for a pardon for these groups) (see Appendix Tables A-12, A-13, and A-14 for regressions for each crime).[23] The size of the pardon race effect is notable. For a same-party white perpetrator, Black respondents' predicted support for a pardon is 39.34 (std. error: 1.89). If that same perpetrator were Black, however, their predicted support for the pardon increases to 59.80 (std. error: 1.96).[24]

[23] The crime specific results show fairly consistent findings across acts, with a few exceptions mostly when it comes to partisanship (particularly for Black Republicans where the sample size is low).

[24] In Appendix Table A-15, we present a regression that merges white and Black respondents, showing significant differences between the two, contingent on party, when it comes to the racial bias (i.e., Black respondents and white Democrats display bias in favor of Black perpetrators, whereas white Republicans display minimal racial bias).

Figure 5: Effect of Party and Race on Sentencing for Black Respondents, Study 2. Three models (all Black respondents, Black Democrats, Black Republicans) with two average marginal effects and 95% confidence intervals. See Appendix Table A-11 for underlying regression models. Baseline for party is different-party. Baseline for race is white perpetrator. Data source: Bovitz Inc. Forthright, 2025.

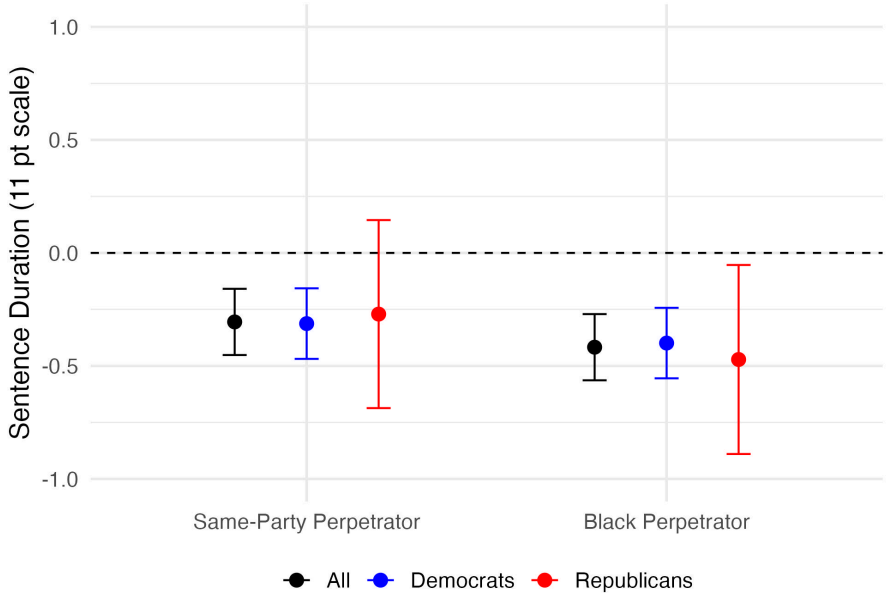
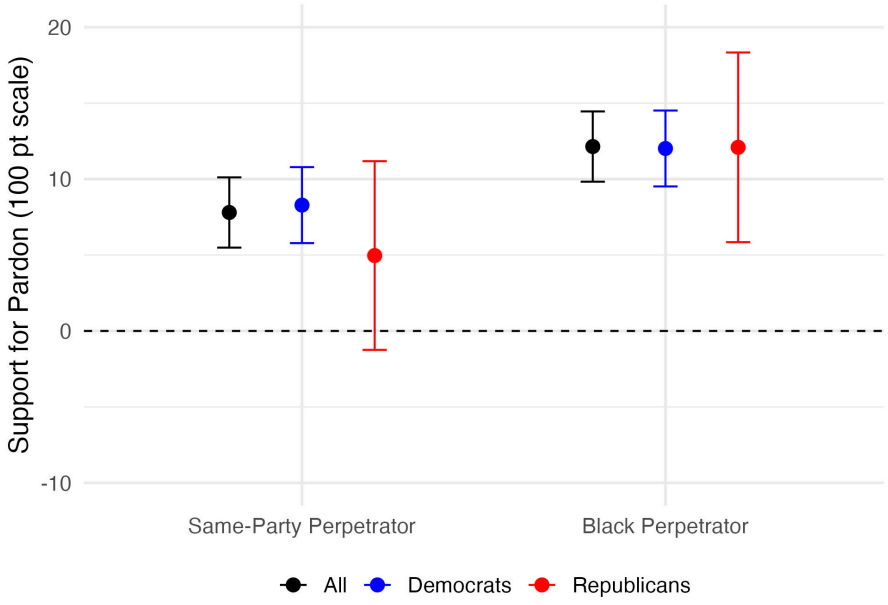


Figure 6: Effect of Party and Race on Pardon Support for Black Respondents, Study 2. Three models (all Black respondents, Black Democrats, Black Republicans) with two average marginal effects and 95% confidence intervals. See Appendix Table A-11 for underlying regression models. Baseline for party is different-party. Baseline for race is white perpetrator. Data source: Bovitz Inc. Forthright, 2025.



Summary of Studies 1 and 2

In Table 1, we summarize the results of Study 1 and Study 2 for each test of same-party versus different-party effect (H1c) and the same-race versus different-race effect (H2c). In this table, "favoring" a group either means shorter sentence lengths or higher support for pardons. Also, to avoid "double counting" results, we summarize the findings by party; that is, we do not include the "all" respondent results since that would, in essence, skew the summary in our favor. With only one exception, "the all" respondents match our Democratic respondents' results.[25]

For partisan bias, we predicted that partisans would be less punitive in sentencing and more supportive of pardons for co-partisan perpetrators relative to different-party perpetrators. In the models pooling Democrats and Republicans, we always observe significant biases in favor of co-partisans (not shown in Table 1). In the partisan subgroup models, we find partisan biases in 9 out of 12 tests. One non-significant finding is for white Republican pardons in Study 1. The other two are for Black Republicans in Study 2 and are, as mentioned, likely due to low statistical power given the effect sizes observed in the other groups (n = 164).

In terms of racial bias, we predicted that individuals would be more lenient in sentencing and more supportive of pardons toward those from their own racial group than those in a racial outgroup. We consistently found support for this expectation for Black Democrats (2 out of 2 tests) and Black Republicans (2 out of 2 tests), who are biased in favor of leniency toward Black perpetrators relative to white ones. However, we also consistently observe pro-Black bias among white Democrats (4 out of 4 tests). In contrast, for white Republicans, we observe no evidence of bias in either direction on average (0 out of 4 tests). And while both sentencing results for white Republicans are directionally consistent with pro-white bias, both pardon results are directionally

[25] The exception is in Study 2 (sentencing): all whites show no racial bias, white Democrats show a pro-Black bias.

consistent with pro-Black bias. Overall, then, white Republicans differ from Black Americans and white Democrats in that they do not exhibit pro-Black bias in sentencing and pardon support.

Table 1: Summary of Results in Studies 1 and 2 by Respondent Race and Party. Favoring a group indicates shorter sentence lengths and higher support for pardons for that group.

Experimental Comparison	Sentence Length	Pardon Support
Perpetrator: Same vs. Different Party		
Study 1: White Democrats (n=1,625)	Favors Same Party	Favors Same Party
Study 1: White Republicans (n=1,015)	Favors Same Party	Not Significant
Study 2: White Democrats (n=563)	Favors Same Party	Favors Same Party
Study 2: White Republicans (n=774)	Favors Same Party	Favors Same Party
Study 2: Black Democrats (n=956)	Favors Same Party	Favors Same Party
Study 2: Black Republicans (n=164)	Not Significant	Not Significant
Perpetrator: White vs. Black		
Study 1: White Democrats (n=1,625)	Favors Black	Favors Black
Study 1: White Republicans (n=1,015)	Not Significant	Not Significant
Study 2: White Democrats (n=563)	Favors Black	Favors Black
Study 2: White Republicans (n=774)	Not Significant	Not Significant
Study 2: Black Democrats (n=956)	Favors Black	Favors Black
Study 2: Black Republicans (n=164)	Favors Black	Favors Black

The Moderating Role of Racial Attitudes

The results for whites' racial biases are striking: on average, white Democrats show greater leniency toward Black perpetrators whereas white Republicans do not exhibit racial bias in either direction. As mentioned, these results echo partisan differences in racial attitudes. Recent scholarship finds that white Democrats' racial attitudes have liberalized since 2016, but white Republicans' racial attitudes have remained quite conservative (Engelhardt 2021, Jardina and Ollerenshaw 2022). In the 2024 American National Election Study, white Democrats reported low racial resentment, warmer affect for Black people than white people, and slightly more positive trait ratings for Black people than white people. Further, many white Democrats

have visceral emotional reactions to racism that include sympathy for Black Americans and guilt, each predictive of pro-Black behavior (Chudy et al. 2019, Chudy 2021, Agadjanian et al. 2023).

White partisans also differ greatly in their beliefs about racism in American society. 91% of white Democrats agree that Black Americans face a lot of discrimination and only 15% agree that white Americans face discrimination. In contrast, white Republicans are less likely to agree that Black Americans face discrimination (50%) than that white Americans do (60%) (Jardina and Ollerenshaw 2025). Asked in a 2024 KFF poll whether racism in the criminal justice system is a major problem, 75% of white Democrats agreed it is versus just 25% of white Republicans (Gonzalez-Barrera et al. 2024). White Democrats' racial liberalism may spur leniency toward Black perpetrators who they view as potential victims of racism. This theory aligns with Doherty et al. (2022) who find that individuals with greater awareness of systematic racial discrimination prescribe shorter sentences for Black defendants, whereas those who discount these explanations prescribe longer sentences to Black defendants.

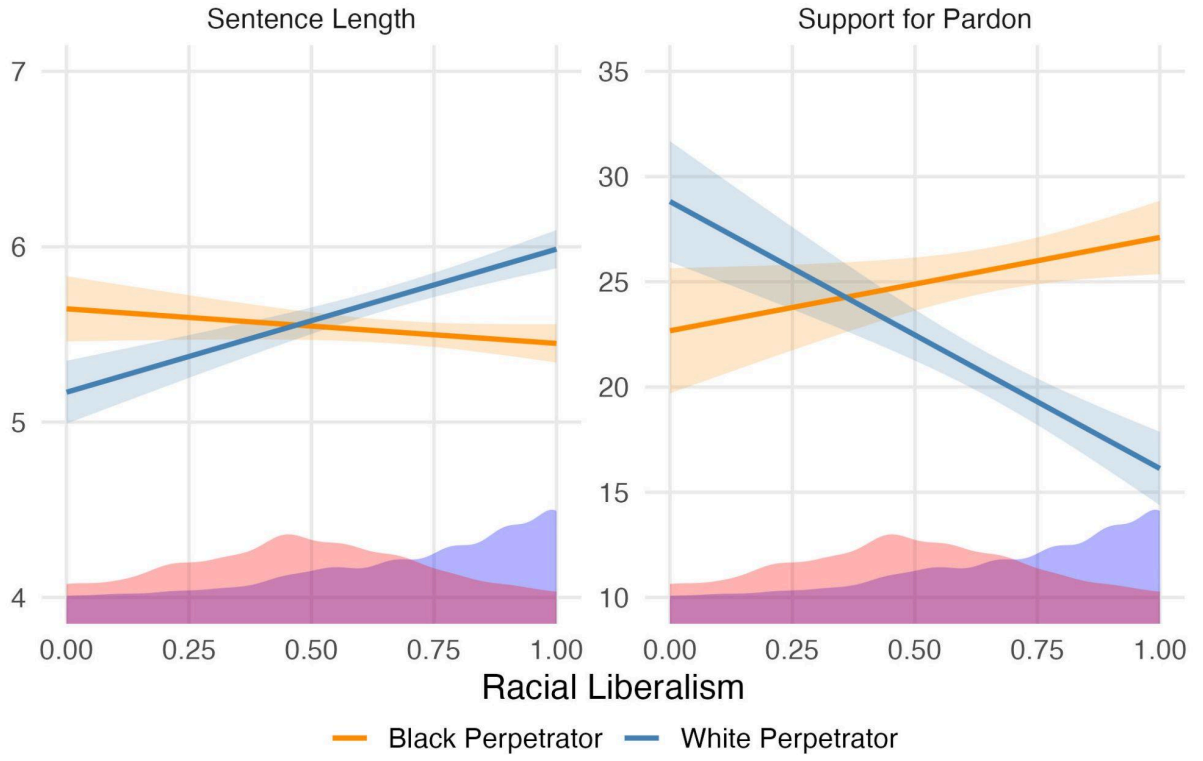
We use Study 1, which asked two measures of racial attitudes, to test this theory.[26] First, we asked respondents how likely it is that white people cannot find a job because employers are hiring racial minorities instead (Jardina 2019), on a 6-point scale with higher scores indicating less likely. For this item, the respective means for white Republicans and white Democrats are 4.75 (1.21) and 3.27 (1.18) ($t_{2638} = 30.80$; $p < .01$). Second, we asked how important it is for white people to work together to change laws that are unfair to Black people on a 5-point scale with higher scores indicating more importance. For this item, the respective means are 4.18 (1.14) for white Democrats and 2.97 (1.24) for white Republicans ($t_{2638} = 25.67$; $p < .01$). Thus, on both items, white Democrats are considerably more racially liberal than white Republicans.

[26] These measures were not asked in Study 2.

We create an additive scale of the two questions that ranges from 0 to 1 (α = .71). We re-analyzed the data in Study 1 using this scale, focusing on H2c (White-Black racial bias) to see if racial attitudes moderated the race effect observed in Study 1. We find that they do. In Figure 7, we show that respondents at the low end of the racial liberalism scale display pro-white biases in sentencing and support for pardons (see appendix Table A-16 for the regressions underlying this figure). These results are consistent with there being a sizable minority of white Americans who display racial ingroup bias (Jardina 2019). However, as racial liberalism increases, sentence lengths increase for white perpetrators and pardon support decreases, while the opposite patterns emerge for Black perpetrators. Indeed, after about 0.47 on the racial liberalism scale, predicted sentences for Black perpetrators become shorter than those for white perpetrators. For pardons, that point is about .37 on the racial liberalism scale.

For reference, white Republicans' mean racial liberalism is .47 (std. dev.: .23), a value where we would predict race-neutral sentencing lengths and pardon support. In both studies, this is exactly what we observe among white Republicans. In contrast, white Democrats' mean racial liberalism is .77 (std. dev.: .23), a value where we would predict relative leniency toward Black perpetrators versus white ones. Again, in both studies, this is what we find. These heterogeneous treatment effects suggest that the stark differences in white partisans' racial liberalism plausibly explain their asymmetric leniency toward Black perpetrators relative to white ones. As Schmidt et al. (2025: 66) explain, "The modern Democratic Party asks Americans to acknowledge that a historic wrong was done (and indeed, is still being done) to Black Americans – and therefore that exceptional efforts are imperative to put things right (see Smith and King 2024). Hence the profoundly different dynamics of white Americans' racial attitudes – asymmetrical rather than symmetrical polarization."

Figure 7: Heterogeneous Effects of Perpetrator Race by Racial Liberalism (Study 1). Each plot shows predicted sentence length and pardon support with 95% confidence intervals for white versus Black perpetrators as functions of respondents' racial liberalism. The red and blue density plots at the bottom show the distribution of racial liberalism scores for white Republicans and white Democrats, respectively. Data source: CloudResearch Connect, 2024.



Voting Experiment

Both Study 1 and Study 2 included an additional experiment following the last of the six scenarios where respondents reported how supportive or opposed they were toward pardoning the perpetrator who committed murder. Specifically, respondents were provided with a vignette that informed them about a governor who was running for re-election against another candidate. We randomly varied two factors: 1) whether the governor running for re-election was from the respondent's party or the other party (Democrat or Republican) with the challenger always being from the competing party (Republican or Democrat) and 2) whether the governor pardoned the

convicted murderer. In both studies, we manipulated these factors orthogonally to the party and race manipulations in the sentencing/pardoning experiment and thus treat it as an independent experiment.[27] Respondents reported which candidate they would vote for on a 0-to-100-point scale from definitely their own party's candidate to definitely the other party's candidate.[28]

A core premise of the voting experiment is that respondents oppose pardoning the murderer, regardless of their own race and party or the perpetrator's race and party. Indeed, in both data collections (Study 1, Study 2), the median support score for a murder pardon was 0. While we cannot directly show that people interpreted such a pardon as a violation of equality before the law, it clearly countered their preferences in how the governor applied the law. We are interested in how this highly noxious action influences voting decisions. The set-up differs from the widely studied democracy-partisan tradeoff (conjoint) studies (e.g. Graham and Slovik 2020) in that there is not a partisan advantage for the "negative" act of pardoning a murderer (e.g., the pardon does not increase the party's power in a way that gerrymandering, ignoring checks and balances, or other anti-democratic actions do in democracy-partisan tradeoff studies).

We present the results with a figure from each sample that displays predicted vote support for the candidates, contingent on the experimental condition.[29] Figure 8 shows the results from Study 1, revealing that voters penalize the governor for pardoning a murder. For instance, for all voters, when a same-party governor pardons, their vote support drops 20 points from an average of 84.45 to 64.35. The drop for an out-party governor is about 9 points (i.e., voting for them decreases from 20.88 to 11.29). This smaller effect likely stems from a floor effect where voting for the out-party is inherently lower. The findings are similar across parties (see Figures A-1 and

[27] The condition assignment in the sentencing/pardoning experiment is randomly distributed across conditions in this voting experiment and thus does not affect the results, on average. We (substantially) lack statistical power to test for interactions between the perpetrator's partisanship and race with the governor's partisanship and pardon decision.
[28] The precise question mentioned the parties and always placed the incumbent at 0 and the challenger at 100.
[29] We had no reason to expect differences by race and thus we do not differentiate white and Black respondents from Study 2. The results are analogous if we distinguish by race.

A-2). Importantly, even when the same-party governor pardons, voters, on average, are more likely to vote for their in-party candidate than not (the scores remain above 50). (The regressions underlying these figures appear in Appendix Table A-17.) Figure 9 shows the results from Study 2 (we merge across races; see prior footnote). The results are similar to Study 1, with a 16 point drop for the same-party pardon and a nearly 7 point drop for the out-party pardon. The findings are again similar across parties (see Figures A-3 and A-4; see Table A-18 for the underlying regressions). As with Study 1, in no case does the same-party vote total drop below 50.

The findings suggest that how politicians wield legal power matters when it comes to voting. Even though voters do not consistently apply equality before the law, especially for less severe crimes, they seem to have certain expectations around extreme crimes like murder.[30] They levy strong penalties against governors who pardon a murderer; however, even with those penalties, the average likelihood of voting for a governor from one's party who pardoned a politically-motivated murderer remains substantially above 50 on the 0 to 100 point scale. This echoes recent work on partisanship and anti-democratic actions where it seems that the perceived costs of electing an out-party candidate are severe enough that voters give same-party candidates considerable leverage to perform highly noxious actions.

[30] In Appendix Tables A-19 and A-20, we also report results from each experiment for a question that asked about the likelihood of turning out to vote that shows, in all cases, a same-party pardon does decrease turnout likelihood.

Figure 8: Respondents' Predicted Voting for Same-Party Candidate, Study 1. The left panel shows the self-reported vote likelihood with 95% confidence intervals for a same-party governor based on whether that governor pardons a murderer or not. The right panel shows the same for an out-party governor. Data Source: CloudResearch Connect, 2024.

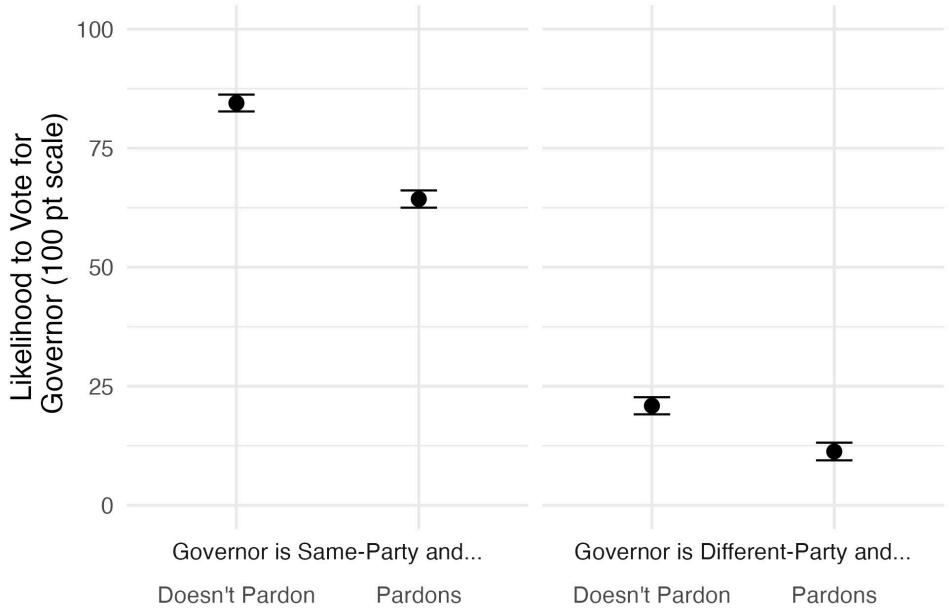
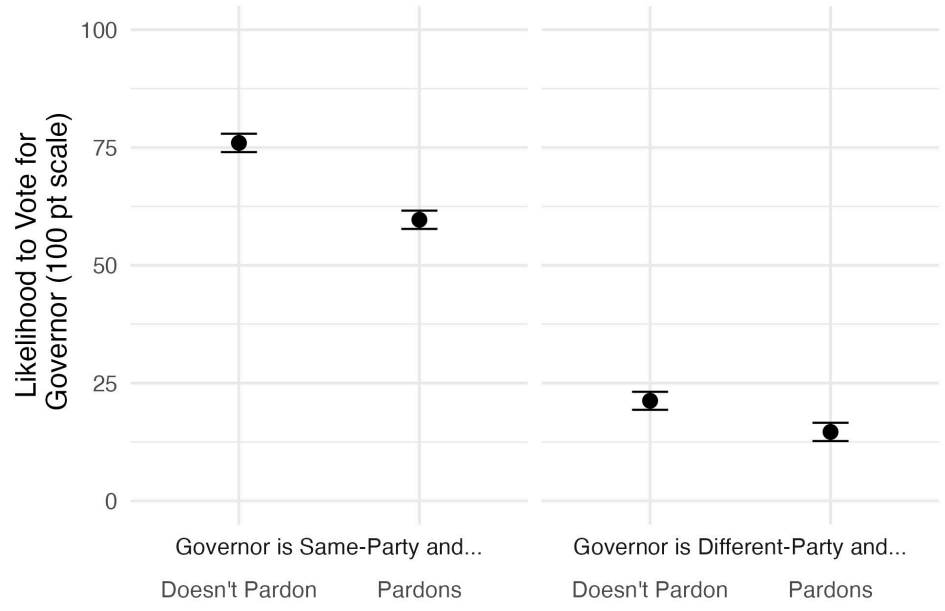


Figure 9: Respondents' Predicted Voting for Same-Party Candidate, Study 2. The left panel shows the self-reported vote likelihood with 95% confidence intervals for a same-party governor based on whether that governor pardons a murderer or not. The right panel shows the same for an out-party governor. Data Source: Bovitz Inc. Forthright, 2025.



Conclusion

A sizable literature shows that partisan biases pervade many aspects of American life. We show this is the case even when it comes to one of Americans' most highly valued principles: equality before the law.[31] We reasoned that the bias operates in a more subtle fashion since it is not evident that allocating less punishment to a co-partisan (compared to someone from the other party) directly benefits or empowers one's own party. It could be that the partisan bias reflects individuals' assumptions about the partisan perpetrator's background or values akin to partisan social discrimination (Iyengar et al. 2019). Alternatively, it is possible that partisans favor those from their own party because they view the legal system as politicized against people from their party. This would coincide with the increasing national politicization and polarization of the legal system (e.g., Armaly and Enders 2022, Armaly and Lane 2023, Davis and and Hitt 2025). As mentioned, whether this bias manifests when the crime is entirely non-political (and whether people infer the perpetrator's partisanship in such cases) is an important question for future work.

To be clear, there are limits on the extent to which partisans will violate democratic principles (Druckman et al. 2024, Holiday et al. 2024). Our results show that the severity of the crime substantially impacted the preferred length of sentences and support for pardons (see Tables A-3, A-4, A-5, A-8, A-9, A-10, A-12, A-13, A-14), consistent with Westwood et al. (2022)'s finding that support for extreme acts of partisan violence is low. However, the baseline of equality before the law is a strict one – i.e., uniformity or no bias in sentencing. This is why our finding of partisan bias is meaningful, even for less severe crimes. What are the implications for partisanship mattering in legal decisions? Practically, it makes the venue and geography of a trial highly relevant, which is consistent with common concerns that high profile partisans cannot

[31]It is not surprising that equality before the law is not fully realized. Carey et al. (2019) query beliefs about whether the U.S. meets the standard of "equal political, legal, and voting rights," and only about 40% of experts agree that it does.

get fair trials in highly polarized areas. In jury trials which require unanimous verdicts, this may be particularly important if one strong partisan prevents a conviction. The voting experiment results affirm this perspective insofar as partisans were typically not so bothered by a pardon for a politically-motivated murderer to vote against their party's candidate. At the extreme, partisans are not coordinating on a democratic norm (of applying the law uniformly), and this can spiral into erosion (Weingast 1997, Helmke et al. 2022).

Our findings on race highlight the need to consider race and other social characteristics (e.g., gender, religion, etc.) when it comes to citizens' applications of democratic principles. Our results add to a longstanding literature on race and sentencing by looking at both white and Black individuals and separating them by party. We consistently find (counter to our initial expectations regarding white individuals) that white Democrats and Black Americans in both parties support shorter sentences and more pardons for Black perpetrators relative to white ones. We offer some evidence that the results for white Democrats stems from their liberal racial attitudes and beliefs in widespread systemic racism (Doherty et al. 2022; Gonzalez-Barrera et al. 2024). We also find that white Republicans sentence and pardon equally regardless of race on average, consistent with a color-blind version of equality (rather than the race-conscious views of white Democrats).

It is worth pointing out the American conception of equality before the law differs from that in other countries. For instance, many European democracies focus not on equalizing punishment for a given crime but rather on equalizing the threat of investigation and prosecution (e.g., Whitman 2009). In such cases, the focus shifts from ensuring equal punishments to equal procedural treatment (i.e., equality before conviction rather than after). This raises questions about what is more "democratic" and whether violations of equality in punishment, such as we found, are inherently unfair (Bierschbach and Bibas 2017). The major tension in the U.S. system

is that an equal application of punishment may be problematic given there are inequities at other stages of the criminal justice process (e.g., policing, access to defense) (Western 2006).[32]

With this in mind, we conclude with three points. First, increased interest in understanding democratic principles in the U.S. context has prompted scholars to explore a wide range of such principles (e.g., studying multiple violations that vary in severity). There are good reasons to do this; however, there is also an advantage to deeper empirical study into specific key principles. In our case, such a focus enabled us to consider more than partisanship (the common focus) and think carefully about the implications of violations of the principle. Second, as mentioned, the role of race in the criminal system in the U.S. is well studied and documented. There is much less attention to the role of partisanship, but the evolution of partisanship in the U.S. suggests it deserves more attention. Beyond partisanship, researchers could broaden their attention beyond strictly partisan crimes to consider domestic political acts more generally that might encompass crimes motivated by religion, racial/ethnic, gender, sexuality, and so on. Ideological motivations and how they are treated in the legal process is a question worthy of more attention. Finally, from the perspective of democratic principles, dramatic increases in partisan polarization have prompted attention to the partisan biases we have discussed. Yet, the history of the United States is defined by democratic principles being violated based on race, religion, and gender (e.g. Jardina and Mickey 2022, Druckman 2024, Thompson 2025). This may be well appreciated, but more acutely isolating how these sources of inequality compare and interact with partisan democratic violations is crucial to understanding American democracy.

[32] Bierschbach and Bibas (2017: 1497) explain, "A number of studies suggest that, with so much determined at the front end through arrest, charging, and plea bargaining, tamping down on discretion at sentencing in an attempt to equalize back-end outcomes might on the whole just make things worse. Paradoxically, if that is true, then what is needed to achieve equality of punishment throughout the system as a whole might be more back-end inequalities of certain kinds, not less."

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Appendix

Study 1 Study Demographics

The full sample was 71.64% (primarily) non-Hispanic white (2,640/3,685). Given there are 9 conditions, that leaves a sample of non-white respondents that is too small for meaningful analyses especially given they were heterogenous in their race (e.g., only 13.49% of the full sample were Black or 497 respondents which would give about 50 a condition). Consequently, we focus only on non-Hispanic white respondents, which we specified as doing in the pre-registration. We present the main results for everyone later in the appendix. Among white respondents, 45.68% identified as male, 54.13% identified as female and 0.19% identified as non-binary; for education, 0.42% had less than high school, 11.86% were high school graduates; 30.30% had some college; 40.42% had a 4 year degree; and 17.01% had an advanced degree; for family annual household income, 15.34% earned < $30,000; 34.20% earned $30,000 - $69,999; 20.68% earned $70,000-$99,999; 24.47% earned $100,000-$200,000, and 5.30% earned >$200,000. The average reported age was 43.67. A total of 61.55% identified as Democrat and 38.45% identified as Republican.

Study 2 Study Demographics

The sample included 2,576 respondents with 1,337 identifying as primarily non-Hispanic white respondents, and 1,120 Black respondents. Another 119 identified primarily with a different-race and we excluded them from the analyses (as was pre-registered). Among white respondents, 41.74% identified as male, 57.14% identified as female and 0.45% identified as non-binary; for education, 1.42% had less than high school, 21.91% were high school graduates; 39.49% had some college; 25.13% had a 4 year degree; and 12.04% had an advanced degree; for family annual household income, 23.19% earned < $30,000; 38.37% earned $30,000 - $69,999; 17.43% earned $70,000-$99,999; 17.58% earned $100,000-$200,000, and 3.44% earned >$200,000. The average reported age was 52.91. A total of 42.11% identified as Democrat and 57.89% identified as Republican. Among Black respondents, 42.68% identified as male, 56.88% identified as female and 1.12% identified as non-binary or none of the categories offered; for education, 2.50% had less than high school, 23.13% were high school graduates; 44.64% had some college; 22.95% had a 4 year degree; and 6.79% had an advanced degree; for family annual household income, 31.34% earned < $30,000; 40.63% earned $30,000 - $69,999; 16.25% earned $70,000-$99,999; 9.73% earned $100,000-$200,000, and 2.05% earned >$200,000. The average reported age was 46.77. A total of 85.36% identified as Democrat and 14.64% identified as Republican.

We recognize that both samples are not perfectly representative of the given populations. However, other than partisanship (which we study), we do not have a theoretical reason to anticipate that any of our experimental effects vary across subgroups. We are thus confident in the generalizability of the findings (see Druckman and Kam 2011, Druckman 2021).

Pre-treatment Survey Question Wording

Generally speaking, do you usually think of yourself as a Democrat, a Republican, an Independent, or what?

- ○ Democrat (1)
- ○ Republican (2)
- ○ Independent (3)
- ○ Some other party (4)

Would you call yourself a strong [**DEMOCRAT/REPUBLICAN]** or a not very strong [**DEMOCRAT/REPUBLICAN]**?

- ○ Strong (1)
- ○ Not very strong (2)

If you had to choose, do you think of yourself as closer to the Democratic Party or the Republican Party?

- ○ Closer to the Democratic Party (1)
- ○ Closer to the Republican Party (2)
- ○ Neither (3)

Please read the following vignette carefully. After you read it, we will ask you some questions about it.

Jason Bower, a Latino man who owns a neighborhood toy store, decided to start selling products on Amazon when his store's annual revenue dropped twofold.

Do you think Jason made a good decision?

- ○ No (1)
- ○ Yes (2)

In the scenario you just read, what kind of store did Jason Bower own?

- ○ Toy (1)
- ○ Grocery (2)
- ○ Convenience (3)
- ○ It was not clear (4)

In the scenario you just read, what was Jason Bower's race/ethnicity?

- ○ Black (1)
- ○ Latino (2)
- ○ Asian-American (3)
- ○ It was not clear (4)

If you had to choose one, which racial or ethnic group do you see yourself belonging to or mostly closely identified with?

- ○ White (1)
- ○ Black (2)
- ○ Asian American (3)
- ○ Hispanic or Latino (4)
- ○ Native American (5)
- ○ Other (6)

Do you oppose or support the death penalty for a person convicted of murder?

Strongly oppose			Neither oppose nor support						Strongly support
0	10	20	30	40	50	60	70	80	90	100

()	

In general, do you think courts deal too harshly or not harshly enough with criminals?

Too harshly About right Not harshly enough

0 10 20 30 40 50 60 70 80 90 100

()	

What do you think should be the main emphasis in most prisons–trying to rehabilitate the individual so that they might return to society as a productive citizen or punishing the individual convicted of the crime?

Rehabilitation Equal parts rehabilitation and punishment Punishment

0 10 20 30 40 50 60 70 80 90 100

()	

How likely is it that white people are unable to find a job because employers are hiring racial minorities instead?

- ○ Extremely likely (1)
- ○ Very likely (2)
- ○ Somewhat likely (3)
- ○ Somewhat unlikely (4)
- ○ Very unlikely (5)
- ○ Extremely unlikely (6)

How important is it for white people to work together to change laws that are unfair to Black people?

- ○ Extremely important (1)
- ○ Very important (2)
- ○ Somewhat important (3)
- ○ A little bit important (4)
- ○ Not at all important (5)

When a big news story breaks, people often go online to get up-to-the-minute details on what is going on. We want to know if people are paying attention to this question. Please ignore the actual question and select FoxNews.com and NBC.com as your two answers. When there is a big news story, which is the one news media website you would visit first?

- ☐ New York Times website (1)
- ☐ Huffington Post (2)
- ☐ CNN.com (3)
- ☐ FoxNews.com (4)
- ☐ Google News (5)
- ☐ Yahoo News (6)
- ☐ NBC.com (7)
- ☐ USA Today Website (8)
- ☐ Other (9) _____

We will next show you a list of values, such as freedom, equality, and so on. Nearly everyone agrees that all of these values are important, but people differ in just how important each one is. For each value, rate how important each one is to you.

EQUALITY, that is making sure that everyone has the same chance to get ahead in life.

Not at all important				Somewhat important				Extremely important		
0	10	20	30	40	50	60	70	80	90	100

()

MORALITY, that is people living according to the rules that most people agree constitute decent human behavior.

Not at all important | Somewhat important | Extremely important

0 10 20 30 40 50 60 70 80 90 100

()

INDIVIDUALISM, that is everyone getting ahead in life on their own, without extra help from government or other groups.

Not at all important | Somewhat important | Extremely important

0 10 20 30 40 50 60 70 80 90 100

()

SOCIAL ORDER, that is being able to live without fear, in a safe, peaceful society where the laws are respected and enforced.

Not at all important | Somewhat important | Extremely important

0 10 20 30 40 50 60 70 80 90 100

()

EQUALITY BEFORE THE LAW, that is all people must be equally protected and treated by the law. No individual or group is privileged over another.

Not at all important | Somewhat important | Extremely important

0 10 20 30 40 50 60 70 80 90 100

()	

What is the highest level of education you have completed?

- ○ Less than high school (1)
- ○ High school graduate (2)
- ○ Some college (3)
- ○ 4 year degree (4)
- ○ Advanced degree (5)

What is your estimate of your family's annual household income (before taxes)?

- ○ < $30,000 (1)
- ○ $30,000 - $69,999 (2)
- ○ $70,000-$99,999 (3)
- ○ $100,000-$200,000 (4)
- ○ >$200,000 (5)

Which of the following best describes your religion?

- ○ Protestant (1)
- ○ Catholic (2)
- ○ Jewish (3)
- ○ Muslim (4)
- ○ Hindu (5)
- ○ Other (6)
- ○ Not Religious (7)

Which of the following best describes your gender?

- ○ Male (1)
- ○ Female (2)
- ○ Non-binary (3)
- ○ None of the categories offered (4)

What is your age?

▼ 18 (1) ... 95 (78)

Sentencing and Pardoning Experimental Stimuli and Outcomes

We next present you with a series of scenarios that resemble news court reports. Each scenario is about the same hypothetical person, but the crime varies. For each, please read the scenario and answer the questions that follow.

NAME IS "A Man"/"the man" OR ONE OF THE ASSIGNED NAMES MENTIONEDI IN THE TEXT (DEPENDING ON THE CONDITION).

NAME who owns several local area restaurants, was convicted last week of **protesting without a permit.** He was arrested by police after leading [**a political protest/ a protest against Democrats / a protest against Republicans]** on the grounds of the county courthouse. He made no effort to acquire the necessary permit for the protest and refused to leave when asked by police.

The judge is expected to sentence **NAME** next week. We are interested in what sentence you think is appropriate:

- ○ Community service (1)
- ○ 1-3 days in jail (2)
- ○ 4-30 days in jail (3)
- ○ 2-3 months in jail (4)
- ○ 4-6 months in jail (5)
- ○ 7 months to 1 year in jail (6)
- ○ 2-5 years in prison (7)
- ○ 6-10 years in prison (8)
- ○ 11-15 years in prison (9)
- ○ 16-20 years in prison (10)
- ○ More than 20 years in prison (11)

The governor also may consider pardoning **NAME**, which would prevent any punishment. To what extent would you oppose or support a pardon that would let him off?

Strongly oppose a pardon				Neither oppose nor support				Strongly support a pardon		
0	10	20	30	40	50	60	70	80	90	100

()	

EACH OF THE NEXT FIVE VIGNETTES WERE FOLLOWED THE SAME SENTENCING AND PARDONING QUESTION JUST LISTED.

NAME who owns several local area restaurants, was convicted last week of **vandalism**. He was arrested by police after he vandalized several large **[political signs / political signs expressing support for the Democratic Party / political signs expressing support for the Republican Party].**

NAME who owns several local area restaurants, was convicted last week of **assault**. He was arrested by police for throwing rocks at peaceful **[political protesters / Democratic protesters / Republican protesters]**. Although no one was seriously injured, paramedics bandaged a man with a head wound.

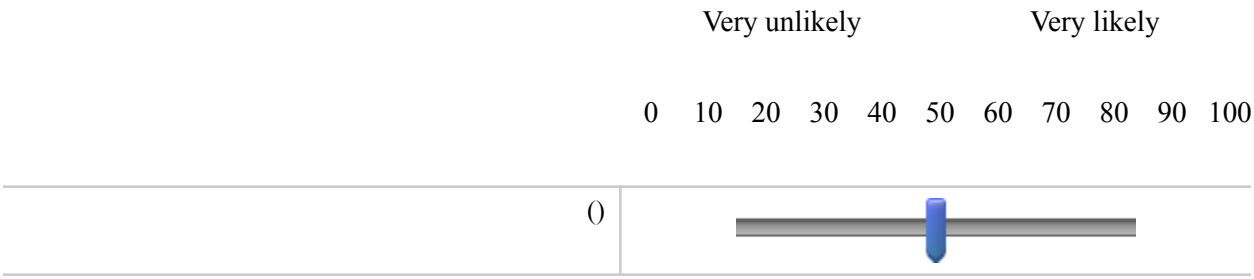
NAME who owns several local area restaurants, was convicted last week of **arson**. He was arrested by police as he attempted to run from a fire he started at **[a local political office / the local Democratic office / the local Republican office]**. Although he waited for the building to close for the night, several adjacent buildings were still occupied.

NAME who owns several local area restaurants, was convicted last week of **assault with a deadly weapon**. He was arrested by police after driving his car into a crowd of peaceful **[political protesters / Democratic protesters / Republican protesters]**. Although no one was killed, several individuals were seriously injured and one spent a month in the hospital.

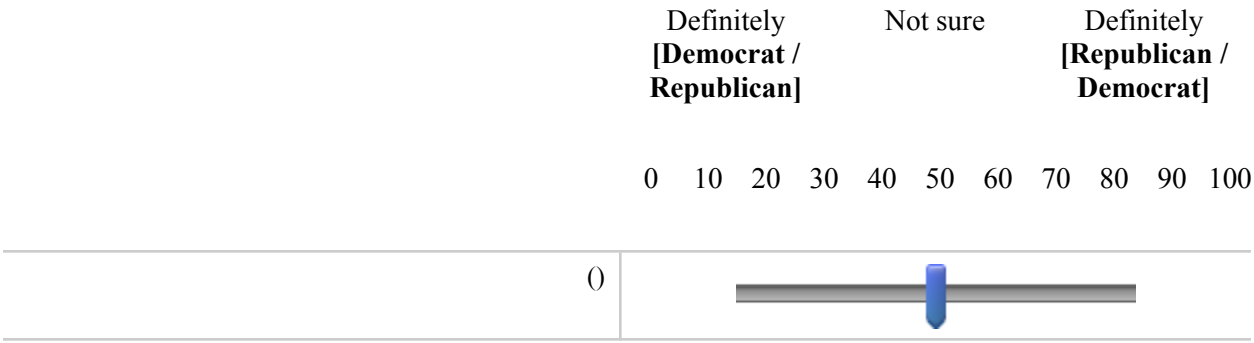
NAME who owns several local area restaurants, was convicted last week of **murder**. He was arrested by police after surveillance footage was found showing him stabbing a prominent **[political official / Democratic official / Republican official]** to death. He targeted the official because he believed this person had prevented him from voting in the last election as part of a conspiracy to stop **[people from voting / Democratic voters from voting / Republican voters from voting]**.

Voting Experimental Stimuli and Outcomes

Imagine the governor is a **[Democrat / Republican]** and they **[pardon / do not pardon] NAME**. They also are the **[Democratic / Republican]** candidate in the next election, running against a **[Republican / Democrat]** challenger. How unlikely or likely would you be to vote in this election?



If you were to vote, which candidate would you support: the **[Democratic / Republican]** governor or the **[Republican / Democratic** challenger?



Manipulation Checks

In the scenarios with which you were just presented, what was the partisanship of the victim(s) of the crimes?

- ○ Democrat (1)
- ○ Republican (2)
- ○ Not clear (3)

In the scenarios with which you were just presented, what was the racial identity of the person who acted out (e.g., committed a crime)?

- ○ White (1)
- ○ Black (2)
- ○ Asian American (3)
- ○ Not clear (4)

Table A-1: Regressions Underlying Figures 1 and 2 (Study 1)

	(1) All sentence	(2) All pardon	(3) Dem sentence	(4) Dem pardon	(5) Rep sentence	(6) Rep pardon
Same-Party	0.115	-0.731	-0.082	-0.824	0.432***	-0.972
	(0.082)	(1.315)	(0.101)	(1.708)	(0.133)	(2.029)
Diff. Party	0.550***	-4.874***	0.453***	-5.679***	0.699***	-4.134**
	(0.082)	(1.318)	(0.103)	(1.742)	(0.129)	(1.972)
Same-Race	0.371***	-4.298***	0.446***	-5.409***	0.145	-1.858
	(0.085)	(1.358)	(0.103)	(1.742)	(0.141)	(2.144)
Diff. Race	0.091	2.683**	-0.025	3.799**	0.212	0.438
	(0.083)	(1.332)	(0.100)	(1.694)	(0.141)	(2.150)
Same-Party * Same-Race	-0.212*	2.006	-0.187	2.997	-0.165	-0.275
	(0.116)	(1.870)	(0.142)	(2.402)	(0.192)	(2.930)
Diff. Party * Diff. Race	-0.080	0.573	-0.013	-0.203	-0.121	2.455
	(0.116)	(1.861)	(0.143)	(2.413)	(0.190)	(2.900)
Same-Party * Diff. Race	-0.153	0.406	-0.151	1.599	-0.129	-0.484
	(0.118)	(1.893)	(0.144)	(2.440)	(0.195)	(2.976)
Diff. Party * Same-Race	-0.265**	4.144**	-0.126	3.215	-0.327*	4.324
	(0.117)	(1.881)	(0.145)	(2.460)	(0.189)	(2.878)
Punitive	0.007***	-0.033**	0.011***	-0.009	0.009***	-0.113***
	(0.001)	(0.014)	(0.001)	(0.020)	(0.002)	(0.025)
Equal. Law Value	0.002**	-0.160***	0.003*	-0.208***	0.001	-0.122***
	(0.001)	(0.018)	(0.002)	(0.030)	(0.001)	(0.022)
Age	-0.003*	-0.199***	-0.001	-0.219***	-0.003	-0.158***
	(0.002)	(0.024)	(0.002)	(0.031)	(0.002)	(0.038)
Female	-0.067*	1.229*	-0.075	1.858**	-0.110*	0.198
	(0.039)	(0.627)	(0.048)	(0.815)	(0.064)	(0.973)
Educat.	0.009	1.213***	0.011	1.601***	-0.015	0.654
	(0.023)	(0.372)	(0.029)	(0.487)	(0.038)	(0.575)
Income	0.006	-1.281***	0.029	-1.663***	-0.024	-0.668
	(0.018)	(0.294)	(0.023)	(0.385)	(0.030)	(0.450)
Constant	4.768***	43.990***	4.636***	47.216***	4.753***	45.671***
	(0.158)	(2.533)	(0.223)	(3.766)	(0.236)	(3.604)
Observations	2,640	2,640	1,625	1,625	1,015	1,015
R-squared	0.078	0.094	0.137	0.124	0.085	0.087

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table A-2: Regressions With Only Partisan Conditions (Study 1)

	(1) Sentence	(2) Pardon	(3) Rep sentence	(4) Rep Pardon	(5) Dem sentence	(6) Dem Pardon
Same-Party	-0.433***	4.175***	-0.273**	3.228	-0.534***	4.908***
	(0.082)	(1.337)	(0.131)	(2.039)	(0.103)	(1.748)
Same-Race	0.106	-0.152	-0.180	2.402	0.320***	-2.175
	(0.081)	(1.329)	(0.125)	(1.949)	(0.105)	(1.784)
Diff. Race	0.014	3.287**	0.098	2.858	-0.039	3.614**
	(0.081)	(1.326)	(0.127)	(1.974)	(0.103)	(1.762)
Same-Party * Same-Race	0.054	-2.157	0.176	-4.546	-0.059	-0.267
	(0.114)	(1.865)	(0.180)	(2.811)	(0.144)	(2.461)
Same-Party * Diff. Race	-0.075	-0.211	-0.006	-3.009	-0.137	1.770
	(0.117)	(1.912)	(0.184)	(2.870)	(0.148)	(2.526)
Punitive	0.008***	-0.022	0.008***	-0.102***	0.010***	0.001
	(0.001)	(0.017)	(0.002)	(0.030)	(0.001)	(0.025)
Equal. Law Value	0.003*	-0.150***	0.002	-0.108***	0.002	-0.206***
	(0.001)	(0.023)	(0.002)	(0.028)	(0.002)	(0.037)
Age	-0.002	-0.202***	-0.002	-0.170***	-0.001	-0.220***
	(0.002)	(0.030)	(0.003)	(0.045)	(0.002)	(0.040)
Female	-0.056	1.118	-0.095	-0.265	-0.066	2.090**
	(0.048)	(0.778)	(0.075)	(1.176)	(0.060)	(1.029)
Educat.	-0.012	1.313***	-0.072	0.822	0.009	1.753***
	(0.028)	(0.462)	(0.045)	(0.694)	(0.036)	(0.617)
Income	0.025	-1.345***	0.007	-1.197**	0.046	-1.537***
	(0.022)	(0.365)	(0.035)	(0.546)	(0.029)	(0.488)
Constant	5.283***	37.704***	5.464***	41.065***	5.111***	39.958***
	(0.190)	(3.098)	(0.279)	(4.341)	(0.270)	(4.594)
Observations	1,799	1,799	722	722	1,077	1,077
R-squared	0.082	0.084	0.051	0.078	0.151	0.116

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table A-3: All Respondents' Crime Specific Results (Study 1)

	(1) Protest sent.	(2) Protest pardon	(3) Vandal sent.	(4) Vandal pardon	(5) Assault sent.	(6) Assault pardon	(7) Arson sent.	(8) Arson pardon	(9) Weapon sent.	(10) Weapon pardon	(11) Murder sent.	(12) Murder pardon
Same-Party	0.033	-2.216	0.118	-1.111	-0.096	-1.050	0.429***	-1.425	-0.046	1.434	0.250**	-0.019
	(0.092)	(2.791)	(0.127)	(2.468)	(0.171)	(1.838)	(0.149)	(1.599)	(0.143)	(1.367)	(0.107)	(1.174)
Diff. Party	0.328***	-10.055***	0.470***	-8.414***	0.608***	-4.887***	0.903***	-4.301***	0.565***	-0.604	0.425***	-0.981
	(0.092)	(2.797)	(0.128)	(2.474)	(0.171)	(1.841)	(0.150)	(1.603)	(0.143)	(1.369)	(0.107)	(1.176)
Same-Race	0.188**	-6.427**	0.175	-8.948***	0.575***	-6.099***	0.539***	-1.598	0.448***	-1.874	0.301***	-0.843
	(0.095)	(2.881)	(0.132)	(2.548)	(0.176)	(1.897)	(0.154)	(1.651)	(0.148)	(1.411)	(0.110)	(1.211)
Diff. Race	0.102	6.771**	0.078	5.185**	-0.143	1.611	0.337**	1.824	-0.003	0.491	0.173	0.220
	(0.093)	(2.825)	(0.129)	(2.499)	(0.173)	(1.860)	(0.151)	(1.619)	(0.145)	(1.383)	(0.108)	(1.188)
Same-Party * Same-Race	-0.011	4.428	-0.045	4.289	-0.444*	2.520	-0.350*	-0.256	-0.229	0.460	-0.192	0.597
	(0.130)	(3.967)	(0.181)	(3.508)	(0.243)	(2.612)	(0.212)	(2.273)	(0.203)	(1.942)	(0.152)	(1.668)
Diff. Party * Diff. Race	-0.030	-3.486	-0.139	0.383	0.173	0.723	-0.204	2.601	-0.049	1.700	-0.228	1.517
	(0.130)	(3.949)	(0.180)	(3.492)	(0.241)	(2.600)	(0.211)	(2.263)	(0.202)	(1.933)	(0.151)	(1.660)
Same-Party * Diff. Race	-0.026	-1.376	-0.102	-1.534	-0.015	1.294	-0.502**	1.345	-0.029	0.712	-0.243	1.997
	(0.132)	(4.017)	(0.183)	(3.552)	(0.246)	(2.645)	(0.215)	(2.302)	(0.206)	(1.967)	(0.153)	(1.689)
Diff. Party * Same-Race	-0.046	6.318	-0.015	8.992**	-0.342	4.242	-0.409*	1.830	-0.577***	2.274	-0.202	1.209
	(0.131)	(3.992)	(0.182)	(3.531)	(0.244)	(2.628)	(0.213)	(2.288)	(0.204)	(1.954)	(0.153)	(1.678)
Punitive	0.005***	-0.185***	0.012***	-0.072***	0.005***	0.012	0.009***	0.001	0.005***	0.033**	0.005***	0.014
	(0.001)	(0.029)	(0.001)	(0.026)	(0.002)	(0.019)	(0.002)	(0.017)	(0.002)	(0.014)	(0.001)	(0.012)
Equal. Law Value	-0.007***	-0.053	-0.006***	-0.183***	0.005**	-0.257***	0.008***	-0.174***	0.008***	-0.173***	0.007***	-0.119***
	(0.001)	(0.039)	(0.002)	(0.034)	(0.002)	(0.025)	(0.002)	(0.022)	(0.002)	(0.019)	(0.001)	(0.016)
Age	-0.004**	-0.446***	-0.006**	-0.309***	-0.018***	-0.136***	0.007**	-0.132***	-0.004	-0.084***	0.010***	-0.084***
	(0.002)	(0.051)	(0.002)	(0.045)	(0.003)	(0.034)	(0.003)	(0.029)	(0.003)	(0.025)	(0.002)	(0.022)
Female	-0.056	2.259*	-0.140**	6.324***	-0.034	-0.060	-0.169**	0.476	-0.109	-0.457	0.108**	-1.171**
	(0.044)	(1.331)	(0.061)	(1.177)	(0.081)	(0.876)	(0.071)	(0.763)	(0.068)	(0.652)	(0.051)	(0.559)
Educat.	0.054**	0.560	0.034	0.722	0.078	1.128**	-0.059	1.759***	-0.005	1.863***	-0.050*	1.247***
	(0.026)	(0.788)	(0.036)	(0.697)	(0.048)	(0.519)	(0.042)	(0.452)	(0.040)	(0.386)	(0.030)	(0.331)
Income	-0.077***	-1.018	-0.067**	-1.274**	-0.051	-1.057**	0.053	-1.511***	0.048	-1.422***	0.129***	-1.406***
	(0.020)	(0.623)	(0.028)	(0.551)	(0.038)	(0.410)	(0.033)	(0.357)	(0.032)	(0.305)	(0.024)	(0.262)
Constant	1.844***	86.321***	2.066***	63.334***	4.006***	45.598***	5.217***	30.783***	6.744***	21.269***	8.728***	16.636***
	(0.177)	(5.375)	(0.245)	(4.753)	(0.329)	(3.538)	(0.287)	(3.080)	(0.275)	(2.631)	(0.205)	(2.260)
Observations	2,640	2,640	2,640	2,640	2,640	2,640	2,640	2,640	2,640	2,640	2,640	2,640
R-squared	0.055	0.074	0.062	0.067	0.048	0.069	0.057	0.055	0.031	0.060	0.053	0.047

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table A-4: Democrats' Crime Specific Results (Study 1)

	(1) Protest sent.	(2) Protest pardon	(3) Vandal sent.	(4) Vandal pardon	(5) Assault sent.	(6) Assault pardon	(7) Arson sent.	(8) Arson pardon	(9) Weapon sent.	(10) Weapon pardon	(11) Murder sent.	(12) Murder pardon
Same-Party	-0.111	-3.879	-0.049	0.776	-0.403*	0.421	0.155	-0.611	-0.188	-0.279	0.103	-1.374
	(0.112)	(3.547)	(0.152)	(3.201)	(0.213)	(2.271)	(0.186)	(2.005)	(0.180)	(1.750)	(0.144)	(1.521)
Diff. Party	0.387***	-16.284***	0.441***	-8.146**	0.557**	-4.087*	0.649***	-3.883*	0.421**	-0.761	0.262*	-0.913
	(0.114)	(3.618)	(0.156)	(3.265)	(0.217)	(2.317)	(0.189)	(2.046)	(0.183)	(1.785)	(0.147)	(1.551)
Same-Race	0.326***	-9.090**	0.344**	-10.666***	0.706***	-7.785***	0.516***	-1.752	0.468**	-1.916	0.318**	-1.244
	(0.114)	(3.618)	(0.156)	(3.265)	(0.217)	(2.317)	(0.189)	(2.046)	(0.183)	(1.785)	(0.147)	(1.551)
Diff. Race	0.082	6.833*	0.054	8.526***	-0.429**	4.325*	0.186	2.229	-0.142	0.806	0.097	0.073
	(0.111)	(3.518)	(0.151)	(3.175)	(0.211)	(2.253)	(0.184)	(1.989)	(0.178)	(1.736)	(0.143)	(1.508)
Same-Party * Same-Race	-0.095	6.721	-0.032	5.619	-0.405	3.842	-0.358	-0.369	-0.184	0.921	-0.047	1.248
	(0.157)	(4.990)	(0.214)	(4.503)	(0.299)	(3.195)	(0.261)	(2.821)	(0.253)	(2.461)	(0.203)	(2.139)
Diff. Party * Diff. Race	-0.080	-1.602	-0.119	-3.372	0.297	-0.306	-0.057	2.182	0.021	0.930	-0.140	0.953
	(0.158)	(5.013)	(0.215)	(4.524)	(0.301)	(3.210)	(0.262)	(2.834)	(0.254)	(2.473)	(0.204)	(2.149)
Same-Party * Diff. Race	0.041	-1.419	-0.192	-2.735	0.122	2.430	-0.550**	3.798	-0.044	3.792	-0.283	3.730*
	(0.160)	(5.069)	(0.218)	(4.574)	(0.304)	(3.246)	(0.265)	(2.866)	(0.257)	(2.501)	(0.206)	(2.173)
Diff. Party * Same-Race	-0.077	7.024	-0.011	7.986*	-0.223	4.317	-0.039	-0.015	-0.396	0.019	-0.010	-0.041
	(0.161)	(5.110)	(0.220)	(4.612)	(0.306)	(3.272)	(0.267)	(2.889)	(0.259)	(2.521)	(0.208)	(2.191)
Punitive	0.008***	-0.199***	0.016***	-0.056	0.011***	0.061**	0.015***	0.010	0.008***	0.090***	0.006***	0.040**
	(0.001)	(0.041)	(0.002)	(0.037)	(0.002)	(0.026)	(0.002)	(0.023)	(0.002)	(0.020)	(0.002)	(0.018)
Equal. Law Value	-0.012***	0.006	-0.013***	-0.169***	0.007*	-0.302***	0.017***	-0.284***	0.009***	-0.284***	0.010***	-0.213***
	(0.002)	(0.063)	(0.003)	(0.057)	(0.004)	(0.040)	(0.003)	(0.036)	(0.003)	(0.031)	(0.003)	(0.027)
Age	-0.005**	-0.517***	-0.001	-0.369***	-0.015***	-0.150***	0.007**	-0.140***	-0.004	-0.064**	0.012***	-0.077***
	(0.002)	(0.065)	(0.003)	(0.059)	(0.004)	(0.042)	(0.003)	(0.037)	(0.003)	(0.032)	(0.003)	(0.028)
Female	-0.085	4.234**	-0.262***	6.639***	-0.045	0.301	-0.137	1.351	-0.040	-0.535	0.122*	-0.843
	(0.053)	(1.693)	(0.073)	(1.528)	(0.102)	(1.084)	(0.089)	(0.957)	(0.086)	(0.835)	(0.069)	(0.726)
Educat.	0.064**	1.493	0.057	1.077	0.058	1.995***	-0.025	1.845***	-0.035	1.948***	-0.050	1.249***
	(0.032)	(1.012)	(0.043)	(0.913)	(0.061)	(0.648)	(0.053)	(0.572)	(0.051)	(0.499)	(0.041)	(0.434)
Income	-0.069***	-1.866**	-0.059*	-1.429**	-0.031	-1.572***	0.071*	-1.851***	0.105***	-1.565***	0.160***	-1.693***
	(0.025)	(0.800)	(0.034)	(0.722)	(0.048)	(0.512)	(0.042)	(0.452)	(0.040)	(0.395)	(0.033)	(0.343)
Constant	2.200***	82.705***	2.528***	60.289***	3.845***	44.221***	4.260***	40.402***	6.609***	29.928***	8.372***	25.751***
	(0.247)	(7.822)	(0.336)	(7.059)	(0.469)	(5.009)	(0.409)	(4.423)	(0.396)	(3.859)	(0.318)	(3.353)
Observations	1,625	1,625	1,625	1,625	1,625	1,625	1,625	1,625	1,625	1,625	1,625	1,625
R-squared	0.108	0.103	0.115	0.084	0.087	0.102	0.088	0.086	0.046	0.101	0.064	0.076

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table A-5: Republicans' Crime Specific Results (Study 1)

	(1) Protest sent.	(2) Protest pardon	(3) Vandal sent.	(4) Vandal pardon	(5) Assault sent.	(6) Assault pardon	(7) Asrson sent.	(8) Arson pardon	(9) Weapon sent.	(10) Weapon pardon	(11) Murder sent.	(12) Murder pardon
Same-Party	0.255*	-0.058	0.362	-4.374	0.395	-3.912	0.858***	-3.059	0.208	3.763*	0.513***	1.808
	(0.155)	(4.496)	(0.221)	(3.859)	(0.278)	(3.039)	(0.244)	(2.629)	(0.235)	(2.143)	(0.152)	(1.824)
Diff. Party	0.228	-1.167	0.491**	-9.186**	0.699***	-6.862**	1.288***	-5.315**	0.805***	-0.872	0.684***	-1.402
	(0.150)	(4.370)	(0.215)	(3.751)	(0.270)	(2.953)	(0.237)	(2.555)	(0.228)	(2.082)	(0.148)	(1.773)
Same-Race	-0.087	-2.066	-0.175	-4.873	0.182	-1.623	0.429*	-0.554	0.315	-1.930	0.203	-0.101
	(0.163)	(4.750)	(0.234)	(4.078)	(0.293)	(3.211)	(0.258)	(2.778)	(0.248)	(2.264)	(0.161)	(1.928)
Diff. Race	0.099	5.454	0.052	-0.881	0.252	-2.711	0.422	1.636	0.178	-0.807	0.272*	-0.064
	(0.164)	(4.762)	(0.234)	(4.088)	(0.294)	(3.219)	(0.258)	(2.785)	(0.249)	(2.270)	(0.161)	(1.933)
Same-Party * Same-Race	0.172	0.609	0.006	1.007	-0.357	-1.419	-0.219	-0.791	-0.214	-0.393	-0.378*	-0.664
	(0.223)	(6.490)	(0.319)	(5.571)	(0.401)	(4.387)	(0.352)	(3.795)	(0.339)	(3.093)	(0.220)	(2.634)
Diff. Party * Diff. Race	0.102	-5.252	-0.074	6.897	0.040	2.612	-0.292	3.155	-0.136	4.075	-0.363*	3.243
	(0.221)	(6.425)	(0.316)	(5.516)	(0.397)	(4.343)	(0.348)	(3.758)	(0.335)	(3.062)	(0.218)	(2.608)
Same-Party * Diff. Race	-0.104	0.380	0.049	1.683	-0.201	0.084	-0.297	-2.127	0.005	-3.031	-0.228	0.104
	(0.227)	(6.594)	(0.324)	(5.660)	(0.407)	(4.457)	(0.358)	(3.856)	(0.344)	(3.142)	(0.224)	(2.676)
Diff. Party * Same-Race	0.092	4.276	0.099	8.469	-0.266	1.767	-0.763**	3.382	-0.724**	5.338*	-0.399*	2.711
	(0.219)	(6.376)	(0.313)	(5.473)	(0.394)	(4.309)	(0.346)	(3.728)	(0.333)	(3.038)	(0.216)	(2.587)
Punitive	0.006***	-0.249***	0.012***	-0.178***	0.012***	-0.156***	0.011***	-0.042	0.009***	-0.044*	0.005***	-0.010
	(0.002)	(0.055)	(0.003)	(0.047)	(0.003)	(0.037)	(0.003)	(0.032)	(0.003)	(0.026)	(0.002)	(0.022)
Equal. Law Value	-0.006***	-0.075	-0.002	-0.175***	0.001	-0.204***	0.000	-0.104***	0.005*	-0.107***	0.006***	-0.066***
	(0.002)	(0.049)	(0.002)	(0.042)	(0.003)	(0.033)	(0.003)	(0.029)	(0.003)	(0.024)	(0.002)	(0.020)
Age	-0.001	-0.367***	-0.011***	-0.226***	-0.018***	-0.107*	0.009*	-0.099**	-0.003	-0.084**	0.005*	-0.067**
	(0.003)	(0.084)	(0.004)	(0.072)	(0.005)	(0.057)	(0.005)	(0.049)	(0.004)	(0.040)	(0.003)	(0.034)
Female	-0.059	-0.758	0.010	5.893***	-0.098	-0.753	-0.310***	-0.761	-0.268**	-0.601	0.068	-1.834**
	(0.074)	(2.156)	(0.106)	(1.851)	(0.133)	(1.458)	(0.117)	(1.261)	(0.113)	(1.028)	(0.073)	(0.875)
Educat.	0.014	-0.206	-0.020	0.489	0.061	-0.181	-0.132*	1.353*	0.022	1.511**	-0.038	0.959*
	(0.044)	(1.273)	(0.063)	(1.093)	(0.079)	(0.860)	(0.069)	(0.744)	(0.066)	(0.607)	(0.043)	(0.517)
Income	-0.077**	-0.078	-0.058	-1.074	-0.064	-0.250	0.020	-0.806	-0.036	-1.019**	0.073**	-0.779*
	(0.034)	(0.997)	(0.049)	(0.856)	(0.062)	(0.674)	(0.054)	(0.583)	(0.052)	(0.475)	(0.034)	(0.405)
Constant	1.627***	89.043***	1.917***	70.018***	3.675***	56.769***	5.625***	27.435***	6.660***	19.413***	9.012***	11.349***
	(0.275)	(7.984)	(0.393)	(6.854)	(0.493)	(5.397)	(0.433)	(4.669)	(0.417)	(3.805)	(0.271)	(3.240)
Observations	1,015	1,015	1,015	1,015	1,015	1,015	1,015	1,015	1,015	1,015	1,015	1,015
R-squared	0.041	0.055	0.042	0.065	0.040	0.074	0.080	0.040	0.039	0.050	0.063	0.035

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table A-6: Regressions with All Respondents (Regardless of Race; Study 1)

	(1) Sentence All Respondents	(2) Pardon All Respondents	(3) Sentence Dem	(4) Pardon Dem	(5) Sentence Rep	(6) Pardon Rep
Same-Party	0.049	-0.646	-0.107	-0.075	0.325***	-1.085
	(0.071)	(1.185)	(0.085)	(1.452)	(0.121)	(1.940)
Diff. Party	0.508***	-4.704***	0.433***	-5.164***	0.637***	-3.708**
	(0.070)	(1.181)	(0.086)	(1.465)	(0.117)	(1.887)
Same-Race	0.193***	-1.996	0.267***	-2.501*	-0.007	0.141
	(0.074)	(1.248)	(0.089)	(1.515)	(0.129)	(2.081)
Diff. Race	0.024	2.266**	-0.035	3.136**	0.068	0.792
	(0.069)	(1.154)	(0.082)	(1.399)	(0.120)	(1.929)
Same-Party * Same-Race	-0.053	1.135	-0.102	2.300	0.109	-2.041
	(0.103)	(1.732)	(0.124)	(2.119)	(0.177)	(2.845)
Diff. Party * Diff. Race	0.047	-0.121	0.092	-1.331	0.009	1.282
	(0.096)	(1.608)	(0.115)	(1.961)	(0.165)	(2.662)
Same-Party * Diff. Race	-0.044	-1.295	-0.073	-0.915	0.064	-2.397
	(0.097)	(1.633)	(0.116)	(1.984)	(0.169)	(2.713)
Diff. Party * Same-Race	-0.137	2.043	-0.064	1.674	-0.138	1.795
	(0.103)	(1.737)	(0.126)	(2.147)	(0.174)	(2.805)
Punitive	0.007***	-0.049***	0.010***	-0.034**	0.009***	-0.088***
	(0.001)	(0.012)	(0.001)	(0.016)	(0.001)	(0.024)
Equal. Law Value	0.002**	-0.181***	0.000	-0.171***	0.002	-0.123***
	(0.001)	(0.016)	(0.001)	(0.024)	(0.001)	(0.021)
Age	-0.003**		-0.002	-0.211***	-0.003	-0.253***
	(0.001)		(0.002)	(0.027)	(0.002)	(0.036)
Female	-0.051		-0.077*	2.190***	-0.071	-0.295
	(0.033)		(0.040)	(0.684)	(0.058)	(0.928)
Educat.	-0.006		-0.006	1.194***	-0.020	1.499***
	(0.020)		(0.024)	(0.412)	(0.034)	(0.549)
Income	0.007		0.031*	-1.206***	-0.023	-0.222
	(0.016)		(0.019)	(0.322)	(0.027)	(0.432)
Constant	4.917***	44.280***	5.061***	44.779***	4.694***	44.058***
	(0.135)	(1.838)	(0.180)	(3.070)	(0.213)	(3.431)
Observations	3,685	3,685	2,385	2,385	1,300	1,300
R-squared	0.077	0.051	0.121	0.088	0.085	0.106

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table A-7: Regressions Underlying Figures 3 and 4 (Study 2, White respondents)

	(1) All sentence	(2) All pardon	(3) Dem. sentence	(4) Dem. pardon	(5) Rep. sentence	(6) Rep. pardon
Same-Party	-0.301***	6.345***	-0.333***	9.270***	-0.295***	4.407***
	(0.061)	(1.002)	(0.091)	(1.497)	(0.081)	(1.331)
Same-Race	0.058	-3.607***	0.325***	-7.777***	-0.142*	-0.808
	(0.061)	(1.004)	(0.091)	(1.505)	(0.082)	(1.342)
Punitive	0.013***	-0.133***	0.009***	-0.080**	0.014***	-0.146***
	(0.001)	(0.023)	(0.002)	(0.035)	(0.002)	(0.035)
Equal. Law	0.002	-0.140***	0.001	-0.247***	0.003	-0.137***
Value	(0.002)	(0.028)	(0.004)	(0.065)	(0.002)	(0.032)
Age	-0.003	-0.060*	-0.000	-0.073	-0.007**	-0.037
	(0.002)	(0.033)	(0.003)	(0.047)	(0.003)	(0.046)
Female	0.094	-0.761	0.091	-1.311	0.102	-0.412
	(0.062)	(1.018)	(0.093)	(1.535)	(0.083)	(1.357)
Educat.	0.036	-0.811	0.017	-0.729	0.046	-0.765
	(0.034)	(0.564)	(0.052)	(0.863)	(0.045)	(0.747)
Income	0.021	-0.492	0.035	-0.762	0.024	-0.447
	(0.030)	(0.490)	(0.042)	(0.703)	(0.041)	(0.674)
Constant	4.857***	49.006***	4.846***	59.569***	4.848***	47.001***
	(0.213)	(3.527)	(0.434)	(7.172)	(0.263)	(4.323)
Observations	1,337	1,337	563	563	774	774
R-squared	0.084	0.093	0.085	0.145	0.078	0.073

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table A-8: White Respondents' Crime Specific Results (Study 2)

	(1) Protest sent.	(2) Protest pardon	(3) Vandal sent.	(4) Vandal pardon	(5) Assault sent.	(6) Assault pardon	(7) Arson sent.	(8) Arson pardon	(9) Weapon sent.	(10) Weapon pardon	(11) Murder sent.	(12) Murder pardon
Same	-0.338***	12.205***	-0.383***	7.168***	-0.301***	5.336***	-0.295***	5.527***	-0.296***	4.212***	-0.194***	3.622***
Party	(0.084)	(1.864)	(0.104)	(1.695)	(0.116)	(1.333)	(0.101)	(1.246)	(0.099)	(1.124)	(0.070)	(1.048)
Same	0.030	-2.576	-0.022	-2.931*	0.007	-5.078***	0.082	-4.579***	0.127	-3.919***	0.125*	-2.559**
Race	(0.084)	(1.868)	(0.105)	(1.699)	(0.116)	(1.336)	(0.101)	(1.249)	(0.100)	(1.127)	(0.070)	(1.050)
Punitive	0.009***	-0.277***	0.020***	-0.191***	0.014***	-0.118***	0.015***	-0.101***	0.011***	-0.064**	0.009***	-0.049**
	(0.002)	(0.042)	(0.002)	(0.038)	(0.003)	(0.030)	(0.002)	(0.028)	(0.002)	(0.025)	(0.002)	(0.024)
Equal.	-0.008***	0.062	-0.012***	-0.072	0.001	-0.176***	0.008***	-0.208***	0.011***	-0.256***	0.010***	-0.190***
Law Value	(0.002)	(0.052)	(0.003)	(0.047)	(0.003)	(0.037)	(0.003)	(0.035)	(0.003)	(0.031)	(0.002)	(0.029)
Age	-0.005	-0.278***	-0.006	-0.134**	-0.014***	0.012	0.005	-0.026	-0.004	0.034	0.003	0.030
	(0.003)	(0.062)	(0.003)	(0.057)	(0.004)	(0.044)	(0.003)	(0.042)	(0.003)	(0.038)	(0.002)	(0.035)
Female	0.361***	-3.046	0.171	0.635	0.257**	-0.450	-0.194*	0.394	-0.147	0.222	0.118*	-2.321**
	(0.085)	(1.895)	(0.106)	(1.724)	(0.118)	(1.355)	(0.103)	(1.267)	(0.101)	(1.143)	(0.071)	(1.065)
Educat.	0.035	-1.414	0.044	-1.713*	0.179***	-0.815	-0.008	0.121	0.049	-0.716	-0.081**	-0.328
	(0.047)	(1.050)	(0.059)	(0.955)	(0.065)	(0.751)	(0.057)	(0.702)	(0.056)	(0.634)	(0.039)	(0.590)
Income	0.003	0.106	-0.037	-0.553	0.042	-0.953	0.012	-0.766	0.066	-0.387	0.040	-0.398
	(0.041)	(0.911)	(0.051)	(0.829)	(0.057)	(0.651)	(0.049)	(0.609)	(0.049)	(0.550)	(0.034)	(0.512)
Constant	2.029***	70.575***	2.670***	61.192***	3.593***	48.238***	5.505***	42.563***	6.283***	41.330***	9.061***	30.140***
	(0.296)	(6.564)	(0.367)	(5.969)	(0.407)	(4.693)	(0.356)	(4.389)	(0.350)	(3.959)	(0.245)	(3.689)
Observat.	1,337	1,337	1,337	1,337	1,337	1,337	1,337	1,337	1,337	1,337	1,337	1,337
R-squared	0.053	0.096	0.079	0.051	0.037	0.054	0.057	0.063	0.040	0.072	0.062	0.050

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table A-9: White Democrat Respondents' Crime Specific Results (Study 2)

	(1) Protest sent.	(2) Protest pardon	(3) Vandal sent.	(4) Vandal pardon	(5) Assault sent.	(6) Assault pardon	(7) Arson sent.	(8) Arson pardon	(9) Weapon sent.	(10) Weapon pardon	(11) Murder sent.	(12) Murder pardon
Same	-0.431***	16.807***	-0.375***	10.703***	-0.296*	8.224***	-0.365**	8.335***	-0.290**	5.643***	-0.239**	5.906***
Party	(0.104)	(2.822)	(0.142)	(2.691)	(0.177)	(2.016)	(0.166)	(1.932)	(0.147)	(1.645)	(0.112)	(1.544)
Same	0.334***	-10.863***	0.206	-8.594***	0.367**	-10.123***	0.364**	-7.277***	0.468***	-6.599***	0.213*	-3.206**
Race	(0.104)	(2.835)	(0.143)	(2.704)	(0.177)	(2.026)	(0.167)	(1.941)	(0.148)	(1.652)	(0.112)	(1.551)
Punitive	0.007***	-0.197***	0.015***	-0.093	0.010**	-0.075	0.008**	-0.050	0.006*	-0.029	0.009***	-0.036
	(0.002)	(0.066)	(0.003)	(0.063)	(0.004)	(0.047)	(0.004)	(0.045)	(0.003)	(0.039)	(0.003)	(0.036)
Equal.	-0.008*	0.001	-0.022***	-0.002	-0.001	-0.315***	0.013*	-0.330***	0.009	-0.467***	0.015***	-0.369***
Law Value	(0.005)	(0.122)	(0.006)	(0.117)	(0.008)	(0.088)	(0.007)	(0.084)	(0.006)	(0.071)	(0.005)	(0.067)
Age	-0.001	-0.261***	0.003	-0.174**	-0.007	0.034	0.009*	-0.072	-0.006	0.043	0.001	-0.008
	(0.003)	(0.089)	(0.004)	(0.085)	(0.006)	(0.064)	(0.005)	(0.061)	(0.005)	(0.052)	(0.004)	(0.049)
Female	0.211**	-2.268	0.123	-1.893	0.199	-0.837	-0.098	0.710	-0.103	-0.929	0.216*	-2.653*
	(0.107)	(2.893)	(0.145)	(2.759)	(0.181)	(2.067)	(0.170)	(1.981)	(0.151)	(1.686)	(0.115)	(1.583)
Educat.	-0.058	-0.746	-0.024	-2.802*	0.096	-0.497	-0.044	0.274	0.063	-0.626	0.067	0.025
	(0.060)	(1.626)	(0.082)	(1.551)	(0.102)	(1.162)	(0.096)	(1.114)	(0.085)	(0.948)	(0.065)	(0.890)
Income	-0.026	-0.380	-0.048	0.662	0.145*	-1.336	0.039	-1.422	0.083	-1.156	0.015	-0.941
	(0.049)	(1.324)	(0.067)	(1.263)	(0.083)	(0.946)	(0.078)	(0.907)	(0.069)	(0.772)	(0.053)	(0.725)
Constant	2.232***	76.085***	3.563***	57.971***	3.537***	59.885***	5.179***	54.166***	6.450***	62.074***	8.115***	47.235***
	(0.498)	(13.513)	(0.679)	(12.888)	(0.846)	(9.655)	(0.796)	(9.253)	(0.706)	(7.876)	(0.536)	(7.395)
Observat.	563	563	563	563	563	563	563	563	563	563	563	563
R-squared	0.084	0.123	0.091	0.071	0.038	0.095	0.039	0.087	0.039	0.117	0.060	0.089

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table A-10: White Republican Respondents' Crime Specific Results (Study 2)

	(1) Protest sent.	(2) Protest pardon	(3) Vandal sent.	(4) Vandal pardon	(5) Assault sent.	(6) Assault pardon	(7) Asrson sent.	(8) Arson pardon	(9) Weapon sent.	(10) Weapon pardon	(11) Murder sent.	(12) Murder pardon
Same	-0.302**	9.387***	-0.417***	4.932**	-0.325**	3.441*	-0.258**	3.563**	-0.315**	3.186**	-0.151*	1.931
Party	(0.123)	(2.447)	(0.147)	(2.147)	(0.153)	(1.768)	(0.126)	(1.629)	(0.134)	(1.523)	(0.088)	(1.417)
Same	-0.193	3.024	-0.216	1.711	-0.246	-1.738	-0.125	-2.957*	-0.128	-2.397	0.056	-2.489*
Race	(0.123)	(2.466)	(0.148)	(2.164)	(0.154)	(1.782)	(0.127)	(1.642)	(0.135)	(1.535)	(0.089)	(1.428)
Punitive	0.005	-0.207***	0.018***	-0.148***	0.018***	-0.166***	0.022***	-0.162***	0.016***	-0.118***	0.008***	-0.076**
	(0.003)	(0.065)	(0.004)	(0.057)	(0.004)	(0.047)	(0.003)	(0.043)	(0.004)	(0.040)	(0.002)	(0.037)
Equal.	-0.005	0.013	-0.007*	-0.147***	0.001	-0.146***	0.007**	-0.182***	0.011***	-0.205***	0.010***	-0.153**
Law Value	(0.003)	(0.059)	(0.004)	(0.052)	(0.004)	(0.043)	(0.003)	(0.039)	(0.003)	(0.037)	(0.002)	(0.034)
Age	-0.009**	-0.273***	-0.013***	-0.078	-0.019***	0.003	0.002	0.024	-0.002	0.035	0.003	0.069
	(0.004)	(0.085)	(0.005)	(0.075)	(0.005)	(0.062)	(0.004)	(0.057)	(0.005)	(0.053)	(0.003)	(0.049)
Female	0.505***	-3.930	0.242	2.143	0.291*	0.014	-0.259**	0.241	-0.191	1.170	0.023	-2.109
	(0.125)	(2.494)	(0.150)	(2.188)	(0.156)	(1.802)	(0.128)	(1.660)	(0.137)	(1.552)	(0.090)	(1.444)
Educat.	0.120*	-2.200	0.106	-1.030	0.223***	-0.726	-0.011	0.256	0.023	-0.492	-0.187***	-0.398
	(0.069)	(1.373)	(0.083)	(1.205)	(0.086)	(0.992)	(0.071)	(0.914)	(0.075)	(0.854)	(0.049)	(0.795)
Income	0.050	0.114	-0.008	-1.876*	-0.024	-0.841	0.001	-0.319	0.066	0.193	0.061	0.046
	(0.062)	(1.239)	(0.075)	(1.087)	(0.077)	(0.895)	(0.064)	(0.825)	(0.068)	(0.771)	(0.045)	(0.718)
Constant	1.889***	68.920***	2.504***	59.431***	3.594***	47.622***	5.414***	41.270***	6.166***	37.663***	9.520***	27.102***
	(0.398)	(7.947)	(0.478)	(6.974)	(0.497)	(5.743)	(0.409)	(5.289)	(0.436)	(4.946)	(0.286)	(4.602)
Observat.	774	774	774	774	774	774	774	774	774	774	774	774
R-squared	0.044	0.062	0.050	0.042	0.048	0.045	0.083	0.063	0.054	0.065	0.076	0.042

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table A-11: Regressions Underlying Figures 5 and 6 (Study 2, Black respondents)

	(1) All sentence	(2) All pardon	(3) Dem sentence	(4) Dem pardon	(5) Rep sentence	(6) Rep pardon
Same-Party	-0.305***	7.801***	-0.313***	8.287***	-0.271	4.966
	(0.075)	(1.179)	(0.080)	(1.275)	(0.211)	(3.145)
Same-Race	-0.417***	12.142***	-0.399***	12.015***	-0.472**	12.092***
	(0.075)	(1.179)	(0.079)	(1.273)	(0.212)	(3.161)
Punitive	0.007***	0.031	0.004**	0.059*	0.021***	-0.068
	(0.002)	(0.030)	(0.002)	(0.033)	(0.006)	(0.084)
Equal. Law	-0.001	-0.152***	0.001	-0.170***	-0.012**	-0.076
Value	(0.002)	(0.035)	(0.002)	(0.038)	(0.006)	(0.090)
Age	-0.000	-0.039	0.001	-0.050	-0.009	-0.038
	(0.003)	(0.042)	(0.003)	(0.045)	(0.008)	(0.123)
Female	-0.059	0.056	-0.042	-0.031	-0.014	-2.303
	(0.076)	(1.201)	(0.082)	(1.313)	(0.220)	(3.287)
Educat.	0.009	-0.656	0.007	-0.643	-0.011	-0.303
	(0.046)	(0.724)	(0.048)	(0.772)	(0.144)	(2.157)
Income	-0.055	0.150	-0.069	0.460	-0.033	-1.048
	(0.041)	(0.641)	(0.043)	(0.695)	(0.114)	(1.709)
Constant	5.741***	36.114***	5.626***	36.346***	6.218***	36.397***
	(0.263)	(4.145)	(0.281)	(4.495)	(0.724)	(10.818)
Observations	1,120	1,120	956	956	164	164
R-squared	0.057	0.136	0.052	0.146	0.155	0.119

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table A-12: Black Respondents' Crime Specific Results (Study 2)

	(1) Protest sent.	(2) Protest pardon	(3) Vandal sent.	(4) Vandal pardon	(5) Assault sent.	(6) Assault pardon	(7) Arson sent.	(8) Arson pardon	(9) Weapon sent.	(10) Weapon pardon	(11) Murder sent.	(12) Murder pardon
Same	-0.229**	13.697***	-0.261**	11.186***	-0.417**	8.841***	-0.195	5.382***	-0.304**	4.255***	-0.426**	3.445**
Party	(0.103)	(1.956)	(0.126)	(1.935)	(0.132)	(1.750)	(0.119)	(1.489)	(0.119)	(1.485)	(0.102)	(1.427)
Same	-0.261**	16.311***	-0.448**	17.602***	-0.631**	14.489***	-0.414**	10.570***	-0.440**	9.100***	-0.310**	4.780***
Race	(0.103)	(1.956)	(0.126)	(1.935)	(0.132)	(1.750)	(0.119)	(1.489)	(0.119)	(1.485)	(0.102)	(1.427)
Punitive	0.012***	-0.021	0.014***	0.008	0.012***	0.021	0.004	0.030	0.001	0.056	0.000	0.092**
	(0.003)	(0.051)	(0.003)	(0.050)	(0.003)	(0.045)	(0.003)	(0.038)	(0.003)	(0.038)	(0.003)	(0.037)
Equal.	-0.014***	0.166***	-0.022**	-0.033	-0.008*	-0.205***	0.009**	-0.271***	0.012***	-0.276***	0.015***	-0.294***
Law Value	(0.003)	(0.057)	(0.004)	(0.057)	(0.004)	(0.051)	(0.003)	(0.044)	(0.003)	(0.044)	(0.003)	(0.042)
Age	-0.002	-0.258***	-0.000	-0.062	-0.009*	0.109*	0.005	-0.047	-0.005	0.027	0.009**	-0.004
	(0.004)	(0.070)	(0.004)	(0.069)	(0.005)	(0.062)	(0.004)	(0.053)	(0.004)	(0.053)	(0.004)	(0.051)
Female	0.113	-0.088	0.063	1.960	-0.052	-0.937	-0.134	0.580	-0.219*	0.374	-0.125	-1.552
	(0.105)	(1.994)	(0.128)	(1.973)	(0.135)	(1.784)	(0.122)	(1.517)	(0.121)	(1.514)	(0.104)	(1.454)
Educat.	-0.046	0.207	-0.035	-2.245*	0.069	-0.318	0.027	-0.564	0.021	-0.079	0.017	-0.935
	(0.063)	(1.202)	(0.077)	(1.189)	(0.081)	(1.075)	(0.073)	(0.915)	(0.073)	(0.913)	(0.063)	(0.877)
Income	-0.069	1.900*	-0.153**	1.990*	-0.059	-1.000	-0.101	-0.445	0.029	-1.510*	0.025	-0.033
	(0.056)	(1.063)	(0.068)	(1.052)	(0.072)	(0.951)	(0.065)	(0.809)	(0.065)	(0.807)	(0.055)	(0.776)
Constant	2.969***	33.057***	4.644***	35.436***	5.210***	36.135***	6.114***	40.280***	6.806***	36.688***	8.704***	35.090***
	(0.361)	(6.879)	(0.442)	(6.805)	(0.465)	(6.154)	(0.420)	(5.235)	(0.418)	(5.222)	(0.359)	(5.017)
Observat.	1,120	1,120	1,120	1,120	1,120	1,120	1,120	1,120	1,120	1,120	1,120	1,120
R-squared	0.055	0.117	0.074	0.101	0.047	0.092	0.026	0.089	0.031	0.077	0.057	0.068

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table A-13: Black Democrat Respondents' Crime Specific Results (Study 2)

	(1) Protest sent.	(2) Protest pardon	(3) Vandal sent.	(4) Vandal pardon	(5) Assault sent.	(6) Assault pardon	(7) Arson sent.	(8) Arson pardon	(9) Weapon sent.	(10) Weapon pardon	(11) Murder sent.	(12) Murder pardon
Same	-0.222**	14.194***	-0.251*	11.501***	-0.416***	9.469***	-0.208*	5.988***	-0.330***	4.745***	-0.449***	3.824**
Party	(0.108)	(2.126)	(0.136)	(2.083)	(0.144)	(1.903)	(0.125)	(1.587)	(0.127)	(1.587)	(0.111)	(1.513)
Same	-0.227**	15.021***	-0.465***	18.688***	-0.608***	15.093***	-0.335***	10.231***	-0.419***	8.887***	-0.339***	4.171***
Race	(0.108)	(2.124)	(0.136)	(2.081)	(0.144)	(1.901)	(0.125)	(1.586)	(0.127)	(1.586)	(0.111)	(1.512)
Punitive	0.009***	0.027	0.011***	0.075	0.009**	0.040	0.001	0.033	-0.002	0.072*	-0.001	0.106***
	(0.003)	(0.056)	(0.004)	(0.055)	(0.004)	(0.050)	(0.003)	(0.042)	(0.003)	(0.042)	(0.003)	(0.040)
Equal.	-0.009***	0.134**	-0.020***	-0.016	-0.006	-0.223***	0.010***	-0.305***	0.015***	-0.297***	0.017***	-0.315***
Law Value	(0.003)	(0.063)	(0.004)	(0.061)	(0.004)	(0.056)	(0.004)	(0.047)	(0.004)	(0.047)	(0.003)	(0.045)
Age	-0.000	-0.278***	0.005	-0.110	-0.008	0.093	0.005	-0.022	-0.004	0.013	0.011***	0.001
	(0.004)	(0.075)	(0.005)	(0.074)	(0.005)	(0.068)	(0.004)	(0.056)	(0.005)	(0.056)	(0.004)	(0.054)
Female	0.090	1.217	0.027	2.207	0.020	-1.000	-0.041	-0.165	-0.171	-0.425	-0.177	-2.020
	(0.111)	(2.190)	(0.140)	(2.146)	(0.148)	(1.960)	(0.129)	(1.635)	(0.131)	(1.635)	(0.114)	(1.559)
Educat.	-0.039	0.076	-0.066	-2.341*	0.092	-0.471	0.035	-0.371	0.030	-0.030	-0.010	-0.718
	(0.066)	(1.288)	(0.082)	(1.262)	(0.087)	(1.153)	(0.076)	(0.962)	(0.077)	(0.961)	(0.067)	(0.917)
Income	-0.123**	2.216*	-0.188**	2.350**	-0.059	-0.768	-0.104	0.050	0.015	-1.250	0.044	0.165
	(0.059)	(1.158)	(0.074)	(1.135)	(0.078)	(1.037)	(0.068)	(0.865)	(0.069)	(0.865)	(0.061)	(0.825)
Constant	2.698***	34.352***	4.670***	31.868***	5.086***	37.654***	6.087***	40.871***	6.643***	37.910***	8.574***	35.423***
	(0.382)	(7.497)	(0.479)	(7.348)	(0.507)	(6.712)	(0.440)	(5.599)	(0.447)	(5.597)	(0.392)	(5.336)
Observat.	956	956	956	956	956	956	956	956	956	956	956	956
R-squared	0.042	0.112	0.067	0.116	0.040	0.101	0.024	0.098	0.037	0.086	0.070	0.076

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table A-14: Black Republican Respondents' Crime Specific Results (Study 2)

	(1) Protest sent.	(2) Protest pardon	(3) Vandal sent.	(4) Vandal pardon	(5) Assault sent.	(6) Assault pardon	(7) Asrson sent.	(8) Arson pardon	(9) Weapon sent.	(10) Weapon pardon	(11) Murder sent.	(12) Murder pardon
Same	-0.268	11.105**	-0.281	8.205	-0.428	4.896	-0.145	2.504	-0.177	1.290	-0.326	1.798
Party	(0.303)	(4.905)	(0.329)	(5.116)	(0.346)	(4.505)	(0.369)	(4.266)	(0.343)	(4.271)	(0.260)	(4.265)
Same	-0.364	22.677***	-0.359	10.362**	-0.686*	10.134**	-0.805**	11.551***	-0.465	9.977**	-0.152	7.850*
Race	(0.305)	(4.931)	(0.330)	(5.143)	(0.348)	(4.528)	(0.371)	(4.289)	(0.344)	(4.294)	(0.262)	(4.287)
Punitive	0.024***	-0.232*	0.032***	-0.269*	0.026***	0.018	0.024**	0.038	0.014	-0.006	0.005	0.043
	(0.008)	(0.131)	(0.009)	(0.136)	(0.009)	(0.120)	(0.010)	(0.114)	(0.009)	(0.114)	(0.007)	(0.114)
Equal.	-0.035***	0.294**	-0.029***	-0.151	-0.014	-0.120	0.003	-0.100	-0.002	-0.186	0.004	-0.193
Law Value	(0.009)	(0.141)	(0.009)	(0.147)	(0.010)	(0.130)	(0.011)	(0.123)	(0.010)	(0.123)	(0.007)	(0.123)
Age	-0.006	-0.258	-0.028**	0.040	-0.010	0.040	-0.005	-0.178	-0.005	0.141	0.001	-0.014
	(0.012)	(0.192)	(0.013)	(0.200)	(0.014)	(0.176)	(0.014)	(0.167)	(0.013)	(0.167)	(0.010)	(0.167)
Female	0.448	-13.844***	0.346	-7.716	-0.207	-5.214	-0.631	6.509	-0.294	5.017	0.256	1.427
	(0.317)	(5.126)	(0.343)	(5.347)	(0.362)	(4.708)	(0.385)	(4.459)	(0.358)	(4.464)	(0.272)	(4.457)
Educat.	-0.117	2.655	0.114	0.430	-0.111	1.164	-0.041	-2.631	-0.067	-0.666	0.153	-2.771
	(0.208)	(3.364)	(0.225)	(3.509)	(0.237)	(3.090)	(0.253)	(2.926)	(0.235)	(2.930)	(0.179)	(2.925)
Income	0.131	1.190	-0.034	0.381	-0.100	-1.723	-0.110	-2.934	0.049	-2.522	-0.136	-0.679
	(0.165)	(2.666)	(0.179)	(2.781)	(0.188)	(2.449)	(0.200)	(2.319)	(0.186)	(2.322)	(0.142)	(2.318)
Constant	4.150***	27.040	4.106***	56.903***	5.881***	28.170*	6.137***	39.316***	7.601***	32.474**	9.434***	34.478**
	(1.043)	(16.873)	(1.131)	(17.599)	(1.190)	(15.496)	(1.269)	(14.676)	(1.179)	(14.693)	(0.896)	(14.671)
Observat.	164	164	164	164	164	164	164	164	164	164	164	164
R-squared	0.179	0.230	0.182	0.084	0.109	0.053	0.093	0.096	0.038	0.063	0.035	0.048

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table A-15: White and Black Respondents' Overall Sentencing and Pardoning Preferences (Study 2)

	(1) Sentence	(2) Pardon
Same-Party	-0.299***	6.980***
	(0.046)	(0.767)
Same-Race	-0.446***	9.417***
	(0.068)	(1.114)
Punitive	0.011***	-0.021
	(0.001)	(0.019)
Equal. Law Value	0.001	-0.177***
	(0.001)	(0.022)
Age	-0.002	-0.083***
	(0.002)	(0.026)
Female	-0.019	-1.210
	(0.047)	(0.780)
Educat.	0.050*	0.298
	(0.027)	(0.443)
Income	-0.020	-0.110
	(0.024)	(0.391)
White	-0.013	-2.220
	(0.108)	(1.783)
Dem.	-0.054	3.029**
	(0.093)	(1.529)
White * Dem.	-0.282**	4.762**
	(0.131)	(2.167)
White * Dem. * Same-Race	0.766***	-17.226***
	(0.120)	(1.985)
White * Rep. * Same-Race	0.325***	-10.358***
	(0.109)	(1.792)
Constant	5.260***	41.157***
	(0.182)	(3.005)
Observations	2,576	2,576
R-squared	0.082	0.133

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table A-16: Racial Liberalism and Sentencing / Pardoning

	(1) Sentence	(2) Pardon
Same-Party	0.007	-0.081
	(0.048)	(0.761)
Diff. Party	0.450***	-3.548***
	(0.047)	(0.756)
Same-Race	-0.113	-0.354
	(0.123)	(1.968)
Diff. Race	0.363***	-6.498***
	(0.125)	(2.004)
Racial Lib.	0.329**	-9.987***
	(0.135)	(2.162)
Same-Race *	0.487***	-2.705
Racial Lib.	(0.175)	(2.795)
Diff. Race *	-0.527***	14.421***
Racial Lib.	(0.176)	(2.819)
Punitive	0.009***	-0.069***
	(0.001)	(0.016)
Equal. Law	0.002*	-0.153***
Value	(0.001)	(0.018)
Age	-0.002	-0.206***
	(0.001)	(0.024)
Female	-0.079**	1.449**
	(0.039)	(0.622)
Educat.	0.008	1.232***
	(0.023)	(0.367)
Income	0.001	-1.190***
	(0.018)	(0.292)
Constant	4.583***	50.659***
	(0.178)	(2.851)
Observations	2,640	2,640
R-squared	0.092	0.113

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table A-17: Regressions Underlying Figures 8, A-1, and A-2 (Study 1)

	(1) All Vote	(2) Dem. Vote	(3) Rep. Vote
Gov. Same-Party	5.382***	5.123***	5.688***
	(1.287)	(1.624)	(2.096)
Pardon	9.604***	9.739***	9.139***
	(1.319)	(1.668)	(2.137)
Gov. Same-Party * Pardon	-29.772***	-28.539***	-31.151***
	(1.845)	(2.331)	(2.993)
Age	0.154***	0.136***	0.235***
	(0.035)	(0.045)	(0.057)
Female	2.564***	3.966***	-0.467
	(0.927)	(1.170)	(1.517)
Educat.	0.404	0.343	-0.440
	(0.545)	(0.696)	(0.895)
Income	-0.136	0.495	-0.719
	(0.434)	(0.554)	(0.701)
Constant	72.666***	72.199***	74.508***
	(2.302)	(2.911)	(3.744)
Observations	2,640	1,625	1,015
R-squared	0.140	0.135	0.159

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table A-18: Regressions Underlying Figure 9, A-3, and A-4 (Study 2)

	(1) All Vote	(2) Dem. Vote	(3) Rep. Vote
Gov. Same-Party	-2.776**	-3.959**	-0.612
	(1.392)	(1.809)	(2.161)
Pardon	6.604***	6.121***	7.249***
	(1.390)	(1.763)	(2.242)
Gov. Same-Party * Pardon	-22.920***	-21.355***	-25.555***
	(1.975)	(2.531)	(3.136)
Age	0.125***	0.032	0.289***
	(0.032)	(0.042)	(0.050)
Female	2.618***	3.875***	0.061
	(1.001)	(1.291)	(1.583)
Educat.	-0.644	-0.025	-1.936**
	(0.567)	(0.733)	(0.896)
Income	0.706	0.688	0.968
	(0.499)	(0.643)	(0.795)
Constant	73.739***	75.033***	70.979***
	(2.233)	(2.838)	(3.596)
Observations	2,576	1,605	971
R-squared	0.131	0.128	0.156

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table A-19: Voting Turnout and Pardons (Study 1)

	(1) All Turn Out
Gov. Same-Party	7.551***
	(1.684)
Pardon	-0.533
	(1.725)
Gov. Same-Party * Pardon	-15.172***
	(2.414)
Age	0.237***
	(0.046)
Female	1.168
	(1.212)
Educat.	2.804***
	(0.713)
Income	3.505***
	(0.568)
Constant	50.026***
	(3.012)
Observations	2,640
R-squared	0.071

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table A-20: Voting Turnout and Pardons (Study 2)

	(1) All Turnout	(2) Dem. Turnout	(3) Rep. Turnout
Gov. Same-Party	9.161***	6.442***	13.685***
	(1.826)	(2.327)	(2.934)
Pardon	-0.308	-0.196	-0.876
	(1.824)	(2.268)	(3.044)
Gov. Same-Party * Pardon	-15.553***	-14.166***	-17.533***
	(2.591)	(3.256)	(4.258)
Age	0.317***	0.281***	0.422***
	(0.042)	(0.054)	(0.068)
Female	-0.656	-0.386	-1.960
	(1.314)	(1.660)	(2.149)
Educat.	4.351***	3.552***	4.953***
	(0.744)	(0.943)	(1.217)
Income	2.332***	3.227***	1.461
	(0.655)	(0.827)	(1.079)
Constant	40.988***	45.142***	33.949***
	(2.929)	(3.651)	(4.883)
Observations	2,576	1,605	971
R-squared	0.077	0.070	0.103

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Figure A-1: Democrat Respondents' Predicted Values of Voting for Same-Party Candidate (Study 1)

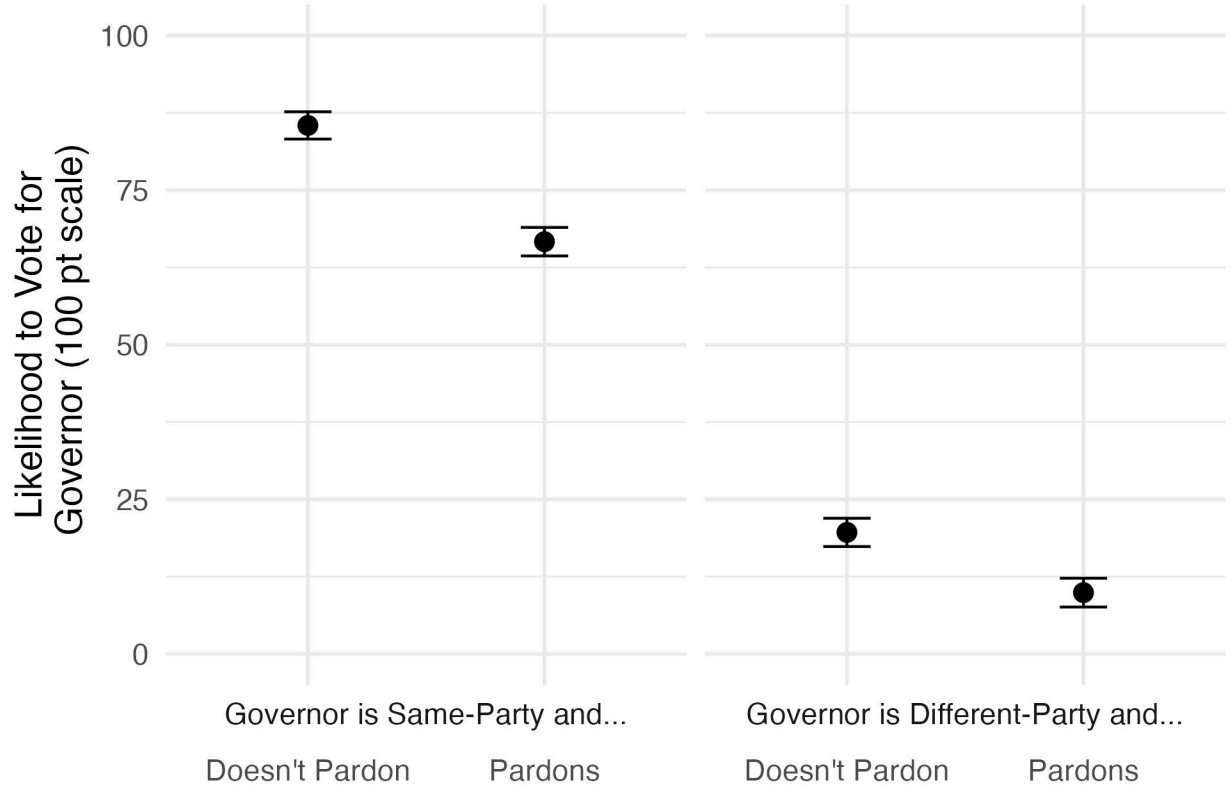


Figure A-2: Republican Respondents' Predicted Values of Voting for Same-Party Candidate (Study 1)

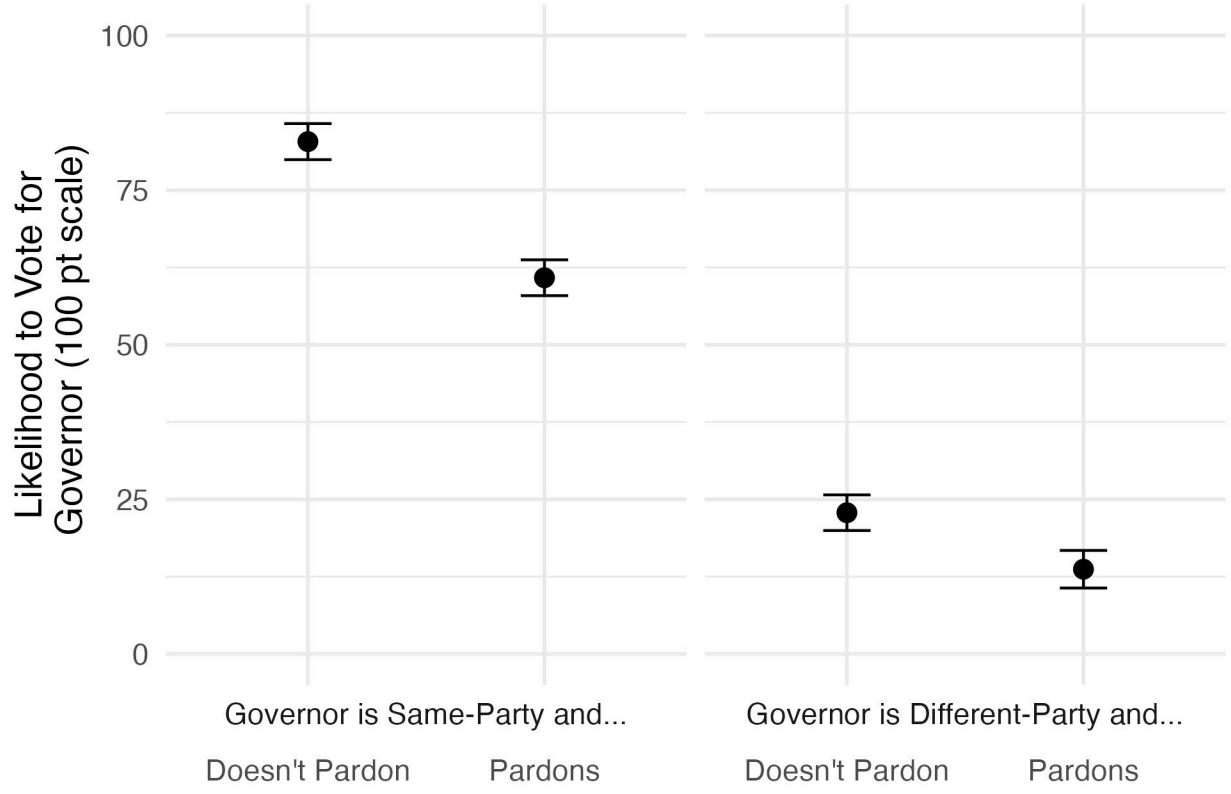


Figure A-3: Democrat Respondents' Predicted Values of Voting for Same-Party Candidate (Study 2)

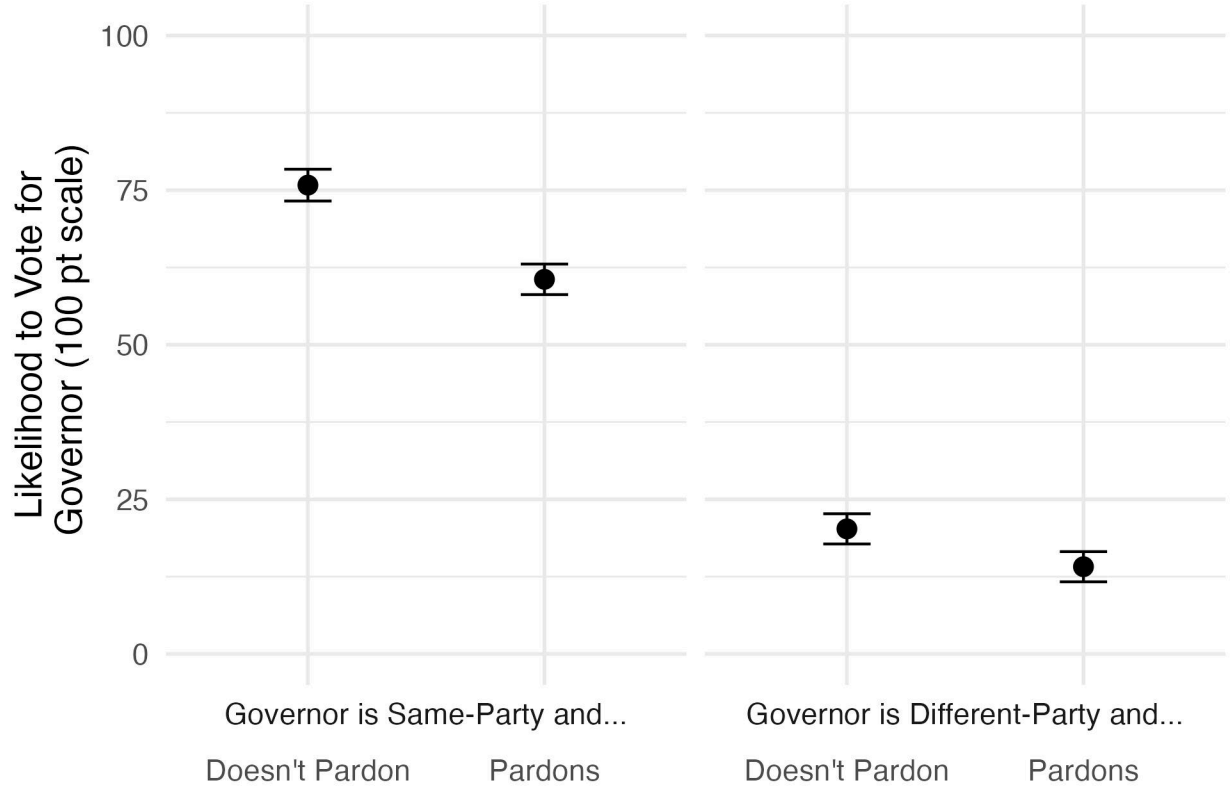
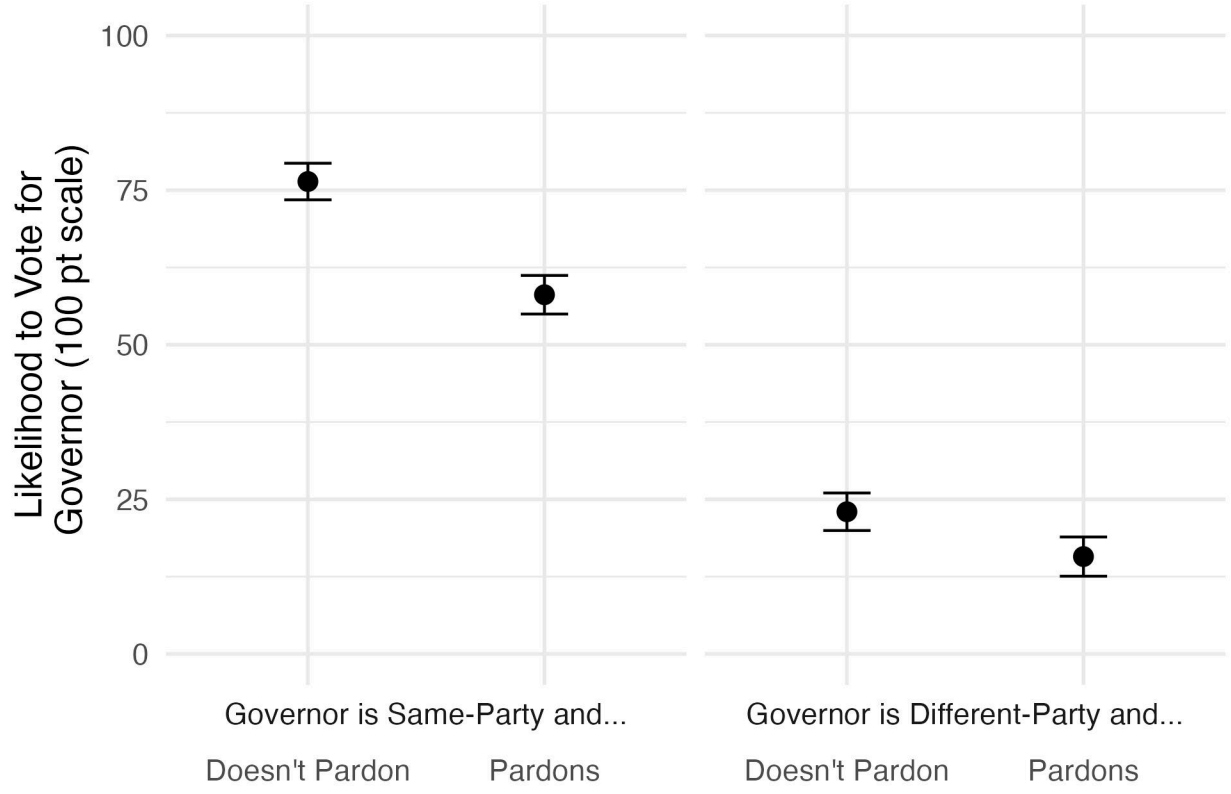


Figure A-4: Republican Respondents' Predicted Values of Voting for Same-Party Candidate (Study 2)



Appendix References

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Druckman, James N, and Cindy D. Kam. 2011. "Students as Experimental Participants." In *Cambridge Handbook of Experimental Political Science*, edited by James N. Druckman, Donald P. Greene, James H. Kuklinski, and Arthur Lupia. Cambridge University Press.