

Do You Receive a Lighter Prison Sentence  
Because You are a Woman or a White?  
An Economic Analysis of the  
Federal Criminal Sentencing Guidelines \*

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**Abstract**

Using data obtained from the United States Sentencing Commission's records, we examine the extent to which the Federal Criminal Sentencing Guidelines curbed judicial sentencing preferences based on gender, race, and ethnicity. Our structural utility maximization model of judicial sentencing and a new generalized nonlinear decomposition methodology allow us to conduct a counterfactual exercise examining the impact of the guidelines on sentences during our period of study. Our results indicate that, under the guidelines, and after controlling for circumstances such as the severity of the offense and past criminal history, judicial preferences strongly favor women while also disadvantaging black men. We find that in the absence of the guidelines the estimated unadjusted sentencing gaps would have diminished slightly but judicial preferences would have increased the unexplained gap. Our findings stand up to a wide variety of robustness checks.

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