

# Andrea Ambam Western Kentucky University - Informative

Thu, 3/12 3:36PM 9:17

## SUMMARY KEYWORDS

judges, lsu, study, loss, juveniles, louisiana, sentencing, decisions, lsu football, black, judge, emotional, courtroom, bias, patterns, game, white, harsher sentences, emotions, concerns

## SPEAKERS

Andrea Ambam

- A** Andrea Ambam 00:01  
After the 52nd annual Super Bowl between the Eagles and the Patriots shit hit the fan. drunken rioters took both excitement and disappointment to the streets by lighting trash cans on fire, flipping over cars and climbing light poles. This classic American practice is not uncommon football fans routinely let out their emotions in the streets after a high stakes game. But according to economic professors at Louisiana State University, these emotions can linger beyond post game riots and find themselves in the courtroom. In their 2018 study entitled "Emotional Judges and Unlucky Juveniles" published in the American Economics Journal LSU professors Eren and Mocan found shocking patterns in judge's sentencing decisions between 1996 and 2012 after the LSU football team suffers an upset loss, judges in Louisiana give harsher sentences to juveniles, up to an extra four years
- A** Andrea Ambam 01:06  
an effect that's strengthened when the juvenile is black. Mocan tells the Atlantic on September 6, 2016. This isn't a little lab experiment. These are consequential decisions made by highly educated people consistently for nearly two decades. We all know bias pervades our judicial system, but it often festers in the shadows. Eren and Mocan's study spotlights bias in a way we can measure and discuss. So let's explore the research itself. theories and concerns before finally implications. Because for many teenagers in

Louisiana, the difference between parole or prison is how the Tigers did last weekend. It's difficult to truly capture the magnitude of LSU football. Everything from charitable fundraising events to weddings are scheduled around home games. In light of this massive cultural impact. Let's explore the study and the results. Eren and Mocan began by searching for patterns using 18 years of files from the Louisiana juvenile justice system and LSU football results. The June 5th 2015 Pacific Standard explains. They noted the severity of the sentence handed down and the university the sentencing judge attended. They then match decisions with wins or losses by LSU the weekend before sentencing, Las Vegas betting odds along with point spreads were used to determine if the win or loss was unexpected. Eren and Mocan also limited their research to first time delinquents convicted of only one statute offense. This is because multiple offenses that have criminal history results in mandatory sentencing decisions. Ultimately, they looked at about 8000 Records involving 200 judges next the results were glaring. After LSU suffers an upset loss. Judges impose longer sentences with four factors impacting decisions. The effect was stronger when the judge was an alum of LSU and if LSU was ranked top 10 going into a game. Additionally, the loss had to be unexpected. For example, a loss to Alabama wouldn't impact sentencing but a loss

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finally without the element of football, black and white juveniles received similar sentence. But an upset loss increased severity for white defendants by about five days. For black defendants. It was 43 days or an 800% increase. And that's just the average some unfortunate juveniles sat in jail for years because of an unlucky sentencing day. Eren and Mocan focused on LSU. But Louisiana isn't the only state where football culture runs deep. There's no doubt a loss in California, Ohio, or Alabama resonates beyond arenas. But why? Let's discuss theory and concerns. First, previous scholarship has demonstrated sport losses inspire emotional shock, or as Eren and Mocan explain, incidental anger triggered by one situation automatically elicits a motive to blame individuals in another. Even though the targets have nothing to do with the source. We've seen emotional shock in the form of riots, stock market drops, and even a rise in domestic violence after a game. But these effects are short lived. Judges doled out harsher sentences for an entire week, even with institutional guidelines, supposedly limiting their decisions. The takeaway they were just as susceptible as drunken college students or angry husbands. It's not surprising to see fans climbing light poles after a loss. But a judge's week long temper tantrum in the courtroom reveals emotional shock has impact beyond game day. Next, critics have

expressed concerns the September 7th 2016 Washington Post asked are attorneys also emotionally shook by upset loss. And what if judges aren't reacting to a game but some unknown incident, Eren and Mocan respond. Of course attorneys make a difference. But no patterns were found on trial days, only sentencing days when the judge has discretion. Also, they took other shocking incidents into account. For example, they removed all 2005 data in consideration for the emotional impact of Hurricane Katrina. Still, Jeffrey Butts from John Jay College of Criminal Justice worries less about methods and more about impact. He tells the previously cited Atlantic. The shocking nature of this study could invoke calls to limit judge flexibility and strengthen mandatory sentencing policies, eliminating overly harsh penalties along with any chance of leniency

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in light of Eren and Mocan's work,

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Executive Director at the Justice Policy Institute Mark Schindler argues Louisiana lawyers should adapt their opening statements after an LSU upset to further gauge its impact. Let's explore two critical implications. First, while race is evident in the results of Eren and Mocan's study, it's curiously absent in their emotional shock explanation the coauthors emphasize judges anger falls mostly on black juveniles but make no further racial connections. Let's explore that oversight shall we. Rolling Stone on August 31, 2018 details the rich history of criticism befalling black athletes who step out of line in the eyes of white America, when Cam Newton celebrated touchdowns inappropriately, when Serena Williams grunted too loudly, when Kaepernick refuses to stand and when the 85% black LSU football team doesn't win, whether they recognize it or not. Eren and Mocan's study suggest this disturbing pattern of retaliation, fines, penalties, blacklisting. It doesn't end with the players when black athletes don't behave as expected, black children pay the price. Finally this study compels us to more closely examine who is making these courtroom decisions. Eren and Mocan gathered demographic information from a total of 209 judges, they were overwhelmingly white, male, old.

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and I actually gasped when I first read this,

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Democrats.



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We'd like to think that liberal leaning judges would be less susceptible to these forces. But this study confirms what people of color have been saying for years. Democratic party affiliation is not a shield to racism. In fact, it can produce one of the most invisible, insidious forms of prejudice, those who think themselves immune to bias. Meanwhile, what do we do with the fact that the judges will give black kids harsher sentences because they're pissed about a football game? Are the same judges we probably would have voted for. Eren and Mocan hope their study proves a cautionary tale, helping judges become more aware of their decision making after delving into their research theory and its implications. I hope they're right. Still, next time emotions are running high after a football game try not to find yourself in a courtroom.