Death by Implicit Racial Bias?
An Empirical Study of Jury-Eligible Citizens in Six Death Penalty States

For decades, stark racial disparities have defined America’s relationship with the death penalty. In an American society that touts pluralism and racial progress, capital punishment stands out as a notable area where inequities continue. But why do these disparities persist? And how do legal processes intended to ensure fairness in capital punishment, such as death qualification, function to ameliorate or exacerbate them? This article considers whether implicit racial bias helps to explain the continuing racial disparities in the death penalty and presents an empirical study that was conducted on jury eligible citizens in six of the leading death penalty states: Alabama, Arizona, California, Florida, Oklahoma, and Texas. The study pursued a range of hypotheses relevant to racial bias and the death penalty, including: (1) do jury eligible citizens in death penalty states harbor implicit racial stereotypes, such as stereotypes that Blacks are aggressive, lazy, and worthless, and Whites are virtuous, hard-working, and valuable, (2) do death qualified jurors hold stronger implicit and explicit racial biases than non-death qualified jurors, and (3) do implicit and explicit bias predict death penalty decision-making depending upon the race of defendant and victim. Results of the study confirmed several of the hypotheses. This work in progress session will present this study and discuss its implications.

Professor Levinson joined the faculty in 2004. In Fall 2008, he founded the Culture and Jury Project, an interdisciplinary and international research collaboration devoted to facilitating the study of human decision-making in the law.

Professor Levinson practiced law at Wilson Sonsini Goodrich & Rosati in Palo Alto, California, where he represented technology companies at various stages of development. He has served as Visiting Assistant Professor at Beijing University, and as a Fellow at the Culture and Cognition Lab at UC Berkeley. He has also taught courses in Australia and Israel.

Professor Levinson's research focuses on the intersection of psychology and the law, including empirical analysis of psychological concepts embedded in the law.

DATE: Monday – October 22, 2012
TIME: Noon - 1:30 pm
LOCATION: Room 254

RSVP with Kelly-Ann Hernandez (kaysh@hawaii.edu), by Friday, October 19, 2012. A light lunch will be provided. Limited Seating.