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Bias in the Jury Box: The Sociological Determinants of Jury Selection for Capital Cases in North Carolina

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ABSTRACT: An evaluation of four Wake County capital cases from 2014-2018 reveals the disparate effects that the jury selection process had on Black and female potential jurors and especially on Black female potential jurors. The requirement that capital jurors be willing and able to sentence death systematically excluded Blacks and females, with Black females excused for this reason at a rate over three times higher than White males. Black potential jurors not struck for death qualification were disproportionately excluded by prosecutorial peremptory strikes at a rate nearly two times greater than Whites. Final analyses conclude that Black females had significantly lower probabilities of being seated on account of their racial and gender identity. This research highlights how the jury selection process produces White male-dominant juries that undermine defendants' Sixth Amendment right to a jury of their peers.

Introduction

The United States is one of the only democratic states that maintains capital punishment as codified law. This practice has fluctuated throughout American history, with historically high execution rates contrasted by modern-day lows. Capital punishment has been on the books since the country's founding and its constitutionality remained unquestioned until the Supreme Court case of *Furman v. Georgia* (1972), which concluded that the practice was "arbitrary and capricious" in part because of overreaching juror discretion that allowed extralegal factors to influence weighty decisions of life and death.[1] Consequently, the Court implemented a nationwide moratorium. States that intended to maintain their capital punishment statutes had to refine their procedures to protect against the vulnerabilities to bias that had concerned the Supreme Court's majority.[2] States scrambled to redefine their death sentencing parameters and established distinct statutes for capital cases to comply with the idea that sentencing death is different from other criminal punishments. However, states ignored the possibility that arbitrary and capricious influences in death sentencing may not be concentrated in the procedures a jury uses to sentence death, but rather in the procedures used to hand-pick jury members.

Research Questions

Though the Sixth Amendment of the United States Constitution guarantees an impartial jury of one's peers to criminal defendants, the modern-day process of jury selection has been criticized for contributing to a lack of representation in the jury box.[3] This is especially true for capital cases, where jury selection is defined by the procedural requirement that jurors be "death qualified," or that they be admittingly willing and able to sentence death.[4] Death qualification

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acts as a stringent parameter for those who can be selected for a jury, excluding individuals who have religious or personal hesitations to impose death. Requiring that jurors hold similar opinions about the death penalty to sit trial defines the jury pool by a parameter that may be intrinsically related to other sociological factors, such as race, gender, religion, age, etc., which could perpetuate the very biases the Supreme Court has been concerned about. Nonetheless, jury selection has been overlooked by the Supreme Court as a foundational explanation for partiality in death penalty application in the U.S. To determine if this nuance of the capital jury selection process is burdening the diversification of jury members, I evaluate whether death qualification systematically excludes potential jurors of a specific race and/or gender.

The process of jury selection also has a long history of racialized effects perpetuated by prosecutorial strategies. This history begins with the original interpretation of the Sixth Amendment, which promised only a jury of White peers, given that many states prevented the service of Black jurors.[5] It was not until the 1879 ruling of *Strauder v. West Virginia* that the Supreme Court found these provisions unconstitutional, stating that Blacks must be allowed to participate as jurors in order to fulfill the Sixth Amendment's promise.[6] Prosecutors and local officials abided by this ruling on its face while continuing to ensure the exclusion of Black potential jurors through discriminatory tests requiring that individuals meet arbitrary standards of moral character or intelligence to be jury-eligible.[7] Though the Supreme Court has since ruled that race cannot be a determining factor for selecting jurors, the racialized manipulation of the jury selection process has become ingrained in case procedures.[8]

To determine whether modern-day jury selection practices are continuing to infringe upon the constitutional rights of capital defendants, I study the extent to which jury selection processes contribute to the disproportionate exclusion of potential jurors by race and gender. In particular, I evaluate the effects of death qualification on the final racial and gender composition of capital juries. I also evaluate whether the prosecution uses its limited number of peremptory strikes—or rejections from sitting on the jury—to disproportionately remove jurors of a particular race. Given data constraints, I narrow the scope of this project to North Carolina capital cases from 2014-2018.

Literature Review

Social science research has examined biases in jury selection using a variety of methods, though the bulk of the literature has produced results through experiments and surveys. I evaluate these results in order to situate my study among existing theories about whether jury selection practices contribute to jury bleaching, or the process of making a jury more White. To do so, I first explain the procedural intricacies of jury selection for capital cases in North Carolina, relevant legal history, and overarching theories of race and gender.

A. Jury Selection: The Procedural Rules

During jury selection, the State and the defense are presented with two options for striking potential jurors: they may employ a "for cause" exclusion, arguing that an individual is not legally qualified to serve on the jury, or they may use peremptory strikes to strike potential jurors for any reason, so long as these are not motivated by the individual's race, gender, or ethnicity.[9] Excusals for cause are unlimited and are used in capital trials against individuals who are not death qualified because they are unable to comply with the legal duty to sentence death even when the circumstances of the case warrant that punishment. They are also used to

eliminate individuals who express biases against the State or the defense, or the criminal justice system in general, if it appears these opinions may significantly influence their conduct as jurors.

Peremptory strikes, on the other hand, are limited by state statutes and are not associated with an explicit reason for their usage. In North Carolina, both the State and the defense are allotted 14 peremptory strikes, with extras provided for each alternate juror, amounting to three extra strikes for capital cases (North Carolina Code § 15A-1217). Peremptory strikes are free to be used as broadly as the prosecution or defense prefer, so long as neither side implicates race or gender in their decision to strike a juror. Peremptory strikes were adopted to ensure that all jurors are equipped to sit trial. However, social science research has since evaluated whether in practice they do more harm than good.

B. The Effects of Death Qualifying a Jury

Death qualification was first questioned in the 1985 Supreme Court case *Wainwright v. Witt*, in which defendant Johnny Paul Witt argued that because the prosecutor weeded out potential jurors based on their opinions of the death penalty, his jury was hand-picked with the intent to sentence death.[10] The Supreme Court ruled against Witt, with the Court's majority arguing that the process of death qualification actually restrains the bias of venirepersons, or jurors, by preventing those who would never be able to sentence death—even if doing so would be justified given a state's criminal statutes—from sitting on the jury.[11] The Court also added that this logic can be applied in the reverse, such that potential jurors who express an affinity for sentencing death can be excluded from jury service because these individuals may be biased to sentence death even when doing so would not be proportional or in accordance with state statutes.[12] Despite the implementation of this safeguard, studies show that strong death penalty supporters are more likely to be deemed "fit to serve" than death penalty opponents because the strength of their opinions is less evident in questioning during jury selection than anti-death penalty sentiments.[13]

Even though the Court's logic in reaffirming death qualification has been explained by a desire to restrain bias in capital cases, studies show that death qualification *creates* a bias in those selected for jury service that is rooted in the differences in the demographics of those in support of the death penalty.[14] Though death qualification is not necessarily tantamount to a person's death penalty opinions, given that an individual may support the death penalty and refuse to personally impose it, the two are highly related.

Death penalty opinions of Americans are systematically differentiated by several demographic and sociological characteristics. Surveys indicate that Blacks, women, young liberal individuals, and those of certain religious denominations are more inclined to oppose the death penalty.[15] In turn, research has bridged the gap between death penalty opinions and death qualification by evaluating whether those more likely to be in opposition to the practice are also more likely to be struck from capital case trials. I am most interested in studying the effects of death qualification by race and gender because these characteristics significantly differentiate death penalty opinions.

a. Racial Effects

Death qualifying a jury complicates the ability to compose a jury of one's peers because of the systematic differences in how Americans of different races feel about the death penalty. There is a clear and consistent racial gap in support for the death penalty, such that the mean difference in favorable opinions of the death penalty between Whites and Blacks is 20%.[16] A

2019 North Carolina public opinion poll shows that when asked to choose an appropriate punishment for first-degree murder, 30% of White respondents opted for the death penalty, compared to only 11% of Blacks.[17] These differences in death penalty support have the potential for disparate effects during jury selection. A survey conducted by Lynch and Haney of a jury-eligible subject pool in California determined that over half of Black respondents were deemed excludable by death qualification, compared to only 30% of Whites.[18] A survey conducted by Summers and colleagues of 994 jury-eligible Nebraskans found similar results, with Blacks failing to meet death qualification at a rate two times higher than Whites, demonstrating how death qualification can contribute to the underrepresentation of Black jurors and may decrease their presence in the deliberation room.[19]

b. Gender Effects

Death qualification also has disparate impacts on the genders that comprise a jury, as there exists a relatively stable 12% mean difference in death penalty support between men and women that contributes to women being less likely to be death qualified than men.[20] A 2019 North Carolina public opinion poll showed congruence with these results, wherein 33% of males preferred the death penalty as a punishment for first-degree murder, compared to only 19% of females.[21] In the Lynch and Haney study, of those who would be excluded from the jury pool, 62% of women would be excluded for failing to be death qualified, compared to only 53% of men.[22] The Summers and colleagues study affirms these results, demonstrating consistency in the trends of gender-based exclusion due to death qualification.[23] Though I use the results of these studies to inform my research, rather than engineering a survey sampling jury-eligible individuals, I evaluate the actual jury pools summoned for a series of capital cases to determine the rate at which the death qualification process excluded Black potential jurors compared to Whites and female potential jurors compared to males.

C. Death Qualification and Death Sentencing

The racial and gender gaps in death penalty favorability create a jury pool that is demographically distinct: death-qualified jurors are more likely to be White, male, conservative, and middle-class.[24] Studies show that death qualification not only determines the sociological characteristics of who sits on the jury, but it also influences the perspectives in the deliberation room. This effect would be irrelevant if the formative beliefs of death-qualified individuals–who are majority White males–had little to no influence on deliberations, but that is not the case.[25] In a study by Thompson and colleagues, a jury-eligible subject pool watched footage of conflicting testimony by a prosecution witness and a defense witness. Death-qualified individuals were significantly more likely to favor the prosecution than were non-death-qualified individuals, suggesting that those sitting on capital juries may be predisposed to aligning with evidence presented by the State, which could impact the likelihood of both a conviction and of a death sentence.[26]

Importantly, existing literature goes beyond establishing a link between death-qualified individuals and their proclivity to hold biased opinions that *could* influence the decision to sentence death. Studies also demonstrate how death qualification directly impacts an individual's evaluations of the procedures used to determine a death sentence. For most death penalty practitioner states, including North Carolina, aggravating and mitigating circumstances define these procedures.[27] With this system, a death sentence is warranted if the aggravating factors, or the aspects of the crime that emphasize the offender's culpability, outweigh the mitigating

factors, or the personal and situational circumstances considered to offer grace to offenders. Butler and Moran show that death-qualified individuals from a pool of 450 people called for jury duty in Florida provided higher endorsements for aggravating factors, and lower endorsements for mitigating factors when presented with facts from a hypothetical capital case.[28] Though studying the effect of death qualification on death sentencing is beyond the scope of my study, discussing this research contextualizes the significance of my findings about the effects of death qualification on jury composition.

D. Other Biases in Jury Selection

In recent years, the use of peremptory strikes by the State and the defense have been named a potential source of bias that depletes diversity in the jury box, much like death qualification. Presumably, these strikes are to be used against a select number of individuals that either the State or the defense think represent a potential for bias and are thus not fit to serve, though they may be qualified to do so given legal parameters. However, because these strikes generally do not require on-the-record justifications, it is difficult for courtroom officials to parse whether they are used with discriminatory intent.

It was not until the 1986 *Batson v. Kentucky* case that the Supreme Court evaluated whether prosecutors could use an individual's race as a justification for peremptorily striking them from the venire, or the jury.[29] The Court ruled that this practice was in violation of the Equal Protection Clause and required that any strike by either the State or the defense be based solely on race-neutral and gender-neutral reasons—or reasons that are unrelated to one's race and/or gender.[30] In other words, striking potential jurors on the basis of race and/or gender was deemed discriminatory and unconstitutional.

Beyond this constitutional restriction, the use of peremptory strikes can be as arbitrary as calling into question the personal characteristics of a potential juror, making someone's marital status, employment history, or favorite pastimes valid reasons to prevent them from fulfilling their civic duty of sitting on trial.[31] Both the State and the defense can present *Batson* challenges against strikes that appear to have been motivated by race, which is the only instance in which either side is required to provide an explanation for their use of a strike. However, the Court's outlined evidentiary framework requires that *Batson* claims prove purposeful discrimination in the use of a peremptory strike. This is a difficult standard to satisfy, which has resulted in very few successful *Batson* challenges, despite trends of racialized jury selection supported by existing literature.[32] Thus, research evaluating biases in peremptory strikes adds to the discussion of whether the parameters for successful *Batson* challenges are too narrowly defined, or if the permissibility of peremptory strikes is too broad by allowing any race-neutral justifications that could simply disguise racialized motives.

When for cause strikes during the death qualification process do not sufficiently cleanse the jury pool of those who pose a threat to the success of the State, prosecutors can rely on their peremptory strikes to ensure that those who sit on their capital cases are more likely than not to secure a death sentence. This effectively translates to using these strikes against Black potential jurors, who pose the biggest threat to prosecutorial success on account of their death penalty opinions and empathetic viewpoints that favor the presentation of mitigating factors.[33] My study relies on a method existing literature has utilized to demonstrate these racial biases in peremptory strikes, which involves statistical analyses of juror questionnaires—questionnaires completed by individuals at the start of the jury selection process that provide basic personal information—to understand how the sociological characteristics of a venireperson impacted their chances of

being struck by the State. This information about potential jurors is also gathered from responses given during voir dire, or the pre-trial process of juror examination that occurs in the courtroom, where individuals are questioned either in groups or individually by the judge, prosecution, and defense about an array of personal characteristics to determine whether they are fit to sit trial.

Baldus and his colleagues pioneered this methodology by evaluating the racialized use of peremptory strikes in over 300 Philadelphia County capital cases over a 17-year period, when controlling for race-neutral characteristics about an individual that could present as reasons to strike them.[34] The study found that, on average, prosecutors peremptorily struck 51% of Black potential jurors, but only 26% of comparable non-Black potential jurors. Interestingly, defense strikes showed an opposite trend, striking only 26% of Black potential jurors, but 54% of comparable non-Black potential jurors.[35]

Existing literature shows that even beyond Philadelphia County, racialized rates of peremptory strikes persist. Grosso and O'Brien examined whether race influenced prosecutorial peremptory strikes in the jury selection proceedings of each death row inmate in 2010, representing more than half of the counties in North Carolina over a 25-year period. The results showed Black potential jurors were struck at a rate 2.5 times higher than their non-Black counterparts, when controlling for relevant sociological characteristics.[36] This study acts as the baseline for mine because it informs the context of jury selection in North Carolina. However, my study analyzes peremptory strike rates in North Carolina for a shorter time period and within just one county. My research aims to demonstrate the extent that the racialized trends identified by Grosso and O'Brien persist within the scope of my study.

Hypotheses And Theory

Given the conclusions in relevant literature, there are several ways in which the jury selection process is vulnerable to racial biases that impact the final composition of the jury. My theory is that the jury selection process was designed to allow both the prosecution and the defense to excuse potential jurors who may compromise the impartiality of the jury. However, in practice, the exclusionary procedures of jury selection are subject to race and gender effects. I expect that these effects will align with the prosecution's motive to secure a jury that is more likely to favor their side by convicting and sentencing death. In other words, the prosecution will utilize these exclusionary practices by race and gender to ensure a pro-prosecution jury. A pro-prosecution jury is one that has more favorable opinions of the death penalty and is more likely to favor the State's presentation of evidence, which literature suggests are qualities more commonly held by White men.[37] [38] Thus, I expect the identity-based effects of jury selection will influence who is eventually seated on a jury, benefitting the presence of White males on capital juries while significantly threatening the presence of Blacks and females. My theory suggests that within the scope of my study, the exclusionary practices of jury selection will differentiate removals of potential jurors by sociological characteristics, namely race and gender, to ensure that the final seated juries align with the State's pro-prosecution ideal.

For the purposes of my study, I evaluate how the processes of death qualification and peremptory strikes secure a pro-prosecution jury through disparate racialized and gendered effects on final jury pools. I expect that the requirement to death qualify a capital jury will systematically exclude jurors in accordance with current trends of public opinions on the death penalty. My hypotheses for the death qualification effect are as follows:

H1: Black potential jurors will hold more negative opinions of the death penalty than their White counterparts, which will contribute to higher excusal rates due to death qualification rates for Black potential jurors compared to Whites.
H2: Female potential jurors will hold more negative opinions of the death penalty than their male counterparts, which will contribute to higher excusal rates due to death qualification rates for female potential jurors compared to males.

The theory motivating these hypotheses is rooted in the public opinion gap between Whites and Blacks and men and women in support of the death penalty.[39] Because the jury pool should operate as a representative sample of the community, these public opinion trends should persist for potential jurors, which would cause the disproportionate exclusion of Black and female jurors on the basis of not being death qualified.

I expect that even beyond the effects of death qualification, prosecutors will continue to narrow potential jurors based on race by finding other ways to exclude Black individuals, as supported by consistent findings in literature. I expect to find the following:

H3: Black potential jurors will have a disproportionately higher share of their total share of the jury pool struck by the State than Whites. When controlling for what that is known about a potential juror (their sociological characteristics and potential for biases), Black potential jurors will still have a higher likelihood of being struck by the State than their White counterparts.

I expect that as a result of the processes of death qualification and peremptory strikes the prosecution will secure final juries that do not reflect the shares of race and gender in the original jury pool and thus cannot truly be considered juries of one's peers. The final juries will reflect the race and gender effects of these three components of the jury selection process such that:

H4: The final seated juries will be White male-dominant, overrepresenting the share of White males in the original jury pool and underrepresenting the share of Blacks and females.

Support for my hypotheses would suggest that the capital jury selection process systematically excludes individuals with specific sociological characteristics, calling into question whether the constitutional right to a representative jury is truly being upheld in capital trials.

Data Collection

To conduct my analyses, I used jury selection data from the jury pools of the four capital case trials in Wake County, North Carolina between 2014-2018: *Devega v. State of North Carolina* (2014), *Smith v. State of North Carolina* (2016), *Holden v. State of North Carolina* (2017), and *Richardson v. State of North Carolina* (2018). The data I retrieved was publicly available via the Wake County clerk of court.

Wake County is a demographically diverse, heavily populated urban county, meaning the four jury pools should represent that diversity. Though courtroom practices for capital jury selection are somewhat standardized across North Carolina's prosecutorial districts, I cannot infer that my results apply to other geographical contexts given that different counties have

different prosecutors that may abide by individualized strategies for jury selection. Thus, I am bound by my case selection, which limits the generalizability of my results.

The jury pools of the four capital cases are defined by statutory procedures that outline who is jury-eligible and how North Carolina residents are randomly summoned to jury duty. In North Carolina, juror summons are created from the source list of registered voters (ROV) and licensed drivers registered with the Department of Motor Vehicles (DMV). Those who are unregistered or unlicensed are automatically excluded from the population that is used to draw jury pool samples. Studies show that this basis for exclusion disproportionately affects Black and transient individuals.[40] For this reason, the jury pools of the four capital cases may not accurately or wholly represent the demographic diversity in Wake County. The jury pool is further narrowed by the jury-eligible qualifications enumerated by the state: jurors must be U.S. citizens, 18 years or older, a resident of the county in which they were summoned, able to speak English, and had their civil rights restored if previously convicted of a felony. These parameters define the individuals in the jury pools of all four capital cases included in my analysis.

The jury selection data includes juror questionnaires completed by all venirepersons who responded to their jury summons by appearing in court, as well as a clerk report for each capital case that records whether individuals summoned for that case were subsequently seated on the jury or excused from the jury. If an individual was excused, the type of strike is listed in the report: defense peremptory strike, State peremptory strike, defense for cause motion, State for cause motion, Court strike—wherein the judge presiding over the case finds cause that an individual is unfit to sit trial—or hardship—wherein an individual was unable to sit trial because of personal conflicts, such as work or childcare. I also created a variable to note the explicit reason or reasons why each individual across the four jury pools was struck. This data is recorded during the voir dire for each type of excusal except for State and defense peremptory strikes, which do not require explanations. This variable was used to track how many individuals were explicitly struck due to death qualification.

A total of 490 individuals were summoned, appeared in court, and completed the initial juror questionnaire. Because the questionnaire did not contain inquiries of an individual's opinions of the death penalty, the judges presiding over these cases asked this question of potential jurors during voir dire, and both the State and the defense followed up with each individual's response. Thus, I used the voir dire to collect death qualification data for the venirepersons of all four capital cases. However, some individuals who completed a questionnaire did not undergo the voir dire process if they were excused for hardship at the beginning of the process, did not appear, or were sent home once the jury has been selected and there is no longer a need to continue questioning other individuals. This means I only collected data about death penalty opinions for individuals who made it to the voir dire stage.

All four questionnaires include the same inquiries: name, age, race, sex; marital status; employment status, spouse's employment status, children's employment status; highest level of education completed; whether or not an individual has ever served on a jury or been a witness or defendant in a criminal case; whether or not an individual been a victim of a crime or been convicted of a felony, or knows of anyone that has; whether or not an individual is a member of a church; whether or not an individual has close friends or family employed in law enforcement; what magazines/newspapers/or television shows an individual reads or watches. I converted this qualitative data for all observations who completed a questionnaire into quantitative binary and categorical variables that are compiled in a master dataset.

I created a categorical variable to represent responses to questions of an individual's death penalty opinions, which were used by the State and the defense to gauge death qualification. I applied this coding schema to the written responses of potential jurors in the Devega case, as well as the oral responses of potential jurors who reached the voir dire stage from the Devega, Smith, Holden, and Richardson cases. This variable is recorded as follows:

1: The respondent expresses an absolute inability to sentence death under any condition.
2: The respondent expresses a disinclination to sentence death, though acknowledges caveats to when and why they would choose to do so.
3: The respondent expresses an undecided or neutral perspective toward sentencing death.
4: The respondent expresses an inclination to sentence death, though acknowledges caveats to when and why they would choose not to do so.
5: The respondent expresses an absolute inclination to sentence death in all cases where the death penalty is an available punishment.

Because responses to the question of death qualification were incredibly varied, it was important that I created a measure that simplified and grouped these responses, while still capturing the nuances in individual opinions. For instance, many respondents expressed a hesitation to sentence death due to normative views but admitted that in exceptional cases a crime might warrant a death sentence. These individuals were coded in the second category. Another large sect of respondents expressed an ability to sentence death, but only when doing so would be proportional to the crime in question. These individuals were coded in the fourth category. Individuals who were coded as a 5 believed that the death penalty should be applied in all first-degree murder cases–as this is the only offense that is death-eligible in the state.

In order to accurately and efficiently record relevant information from all four capital case voir dires, which totaled to over 16,000 pages, I applied for and received funding from Honors Carolina to employ four undergraduate students to assist in the process. I trained these students on how to interpret responses in the voir dire and how to appropriately code them in accordance with the codebook. Though training these students and providing stringent protocols for measurement was one method to ensure reliability, I also conducted random tests of interrater reliability throughout the data collection stage. This involved randomly choosing a handful of data entries completed by Student A to be re-done by Student B. Without Student B seeing how Student A coded these entries, I requested that Student B complete the same set of entries in order to ensure that the data was being recorded identically between students. Each observation coded by a student on the team was not included into the master dataset without my review. This process detected and prevented human error, as well as instances where students may have interpreted a potential jurors' response in a way that biased their categorization or coding.

Despite these preventative measures, I acknowledge that the results of my analyses could have been threatened by human error in the data collection process. Though I reviewed the data for each observation in my dataset, I cannot confirm that there are no misalignments with the coding schema.

Methodology

To evaluate my hypotheses H1 and H2, I first analyze the share of death penalty opinions by race and then by gender to determine whether Blacks and females are in fact less likely to favor the death penalty than their White and male counterparts. I utilize a multivariate regression

to test how an individual's sociological characteristics are associated with their score on the death qualification scale I devised. Then, I compare the rate of excusals for death qualification for Black potential jurors compared to White, as well as for females compared to males. This is how I determine whether there was a statistically significant difference in death qualification excusals by race or by gender. I then complete these analyses for a combination of both race and gender.

For H3, I emulate methodology by Baldus et al. and first evaluate the distribution of State strikes by race and gender. I then use a series of logistic regression models to analyze the relationship between an individual's race and gender and their likelihood of being struck by the prosecution, when controlling for other relevant information that could influence the State's decision to strike a juror. By controlling for what is known about potential jurors, I can uncover the extent to which the use of prosecutorial peremptory strikes is systematically differentiated by race.

The analysis of my hypothesis H4 includes several logistic regression models displaying the relationship between race and gender and one's likelihood of being seated, when holding constant what is known about a potential juror that could also impact their odds of being seated on a jury. I display a series of figures representing differences in the predicted probability of being seated by race and gender when holding constant what is known about a potential juror that could also impact their odds of being seated on a jury. These analyses reveal whether race and gender alone are the explicit targets of exclusion from the jury pool.

Results

Across all the capital cases evaluated, 551 individuals were summoned, replied to their summons, and were assigned to either the Devega, Smith, Holden, or Richardson trial. Those who did not reach the questionnaire or voir dire stage are missing critical data, leaving only 490 observations with race data. Because race is critical to my analyses, observations missing race data are excluded from all analyses. Of the 490 observations that identify race, only 338 reached the voir dire. Of those, some were excused before answering questions about death qualification, which further limits my sample size for analyses including these variables. I recognize that these sample size restrictions could hinder the significance of my results.

Table 1: Distribution of Race and Gender of All Potential Jurors

Juror Race and Gender	White Male	White Female	Black Male	Black Female	Other Male	Other Female	Total
N	196	160	43	43	26	22	490
%	40.00%	32.65%	8.78%	8.78%	5.31%	4.49%	100.00%

Of the 490 observations in my dataset, 72.65% were White, 17.55% were Black, and 9.80% identified as another race. The small sample size for individuals of other races across all four jury pools is important to note, as it suggests that analyses of this population may not be statistically significant. The gender distribution reveals 45.92% of the jury pools were females compared to 54.08% males. Table 1 combines this information to show the distribution of both race and gender in the jury pool, with White men comprising the largest share.

Hardships were the leading cause for excusal. Many of the observations excused for hardship did not reach the questionnaire or the voir dire stage, so they comprise the majority of

the missing data. The next highest frequency of eliminations derives from State motions, which nearly quadruples the amount of defense motions. This is because the voir dire process is conducted such that the State is the first to question each potential juror, since they have the burden of proof. Before the defense is able to question a juror, the State has already had the opportunity to either make a motion for cause if the individual is unfit to sit trial, use a peremptory strike, or approve a potential juror to be seated. This table shows how the State's advantage during voir dire significantly influences who is excused from the jury before the defense has a say.

Table 2: Distribution of Excused Versus Seated Jurors by Race and Gender

	White Male	White Female	Black Male	Black Female	Other Male	Other Female	Total
Not Seated on Jury	163 (83.16%)	143 (89.38%)	36 (83.72%)	42 (97.67%)	25 (96.15%)	22 (100.00%)	431 (87.96%)
Seated on Jury	33 (16.84%)	17 (10.62%)	7 (16.28%)	1 (2.33%)	1 (3.85%)	0 (0.00%)	59 (12.04%)
Total	196 (100.00%)	160 (100.00%)	43 (100.00%)	43 (100.00%)	26 (100.00%)	22 (100.00%)	490 (100.00%)
$p = 0.017^{**}$ $^{*}p < 0.10$, $^{**}p < 0.05$, $^{***}p < 0.00$							

Table 2 represents the percent of individuals by both race and gender across all four jury pools who were either seated or excused. Excusals include all outcomes listed in Table 4 that are not "Seated." The statistical significance indicates that there is a meaningful relationship between a juror's race and gender and whether they are seated on the jury. This offers initial support for my theory that the jury selection process is subject to racial and gender effects that influence the final composition of the jury. Black females, females of other races, and males of other races were the least represented in the final juries across all four capital cases. Because the largest share of seated jurors were White males, there is also initial support for my expectation that White male jurors are seated at a rate that overrepresents their original share of the jury pools. Nonetheless, Table 2 does not confirm whether the two jury selection processes I have identified (death qualification and peremptory strikes) are contributing to the racial and gender composition of the final jury pools. Thus, to further gauge support for my hypotheses and understand jury selection significantly differentiates seated juries by sociological characteristics like race and gender, I begin by evaluating the extent to which death qualification led to the disproportionate excusal of Black jurors compared to White jurors.

a. The Racialized Effect of Death Qualification

An understanding of the distribution of race, gender, types of eliminations, and eliminations by race and gender is essential to contextualize the test of my first hypothesis regarding the differential impact of death qualification by race. To conduct my analysis, I first evaluated the distribution of death penalty opinions for those who made it to the voir dire, were asked this question, and had race recorded (totaling 304). A 1 on the death qualification scale was recorded for potential jurors who were always opposed to the death penalty, a 2 was recorded for those who were almost always opposed, a 3 was recorded for those who had neutral views, a 4 was recorded for those who were almost always in favor of the death penalty, and a 5 was recorded for those who were always in favor. The majority of respondents across all capital

cases were on the 4-5 end of the scale, indicating relative or full support for the imposition of the death penalty, respectively (see Table 3). I hypothesized that observations on the 1-2 end of the scale would disproportionately represent Black respondents, which would call for the excusal of Black potential jurors due to death qualification at a higher rate than Whites.

Table 3: The Distribution of Death Penalty Opinions*

Death Qualification Scale	N	%
1 Always Opposed	64	21.05%
2	64	21.05%
3 Neutral	2	0.66%
4	147	48.36%
5 Always Favor	27	8.88%
Total	304	100.00%

***Note:** Data was obtained for individuals who had race and death penalty opinions data.

Table 4 shows the distribution of death penalty opinions by race, (significant at $p < 0.00$). Over 60% of White jurors expressed either conditional or full-fledged support for the death penalty, scoring either a 4 or a 5, respectively, whereas over 60% of Black jurors were either entirely opposed or almost always opposed to the death penalty, scoring a 1 or a 2, respectively. This differentiation in death penalty opinions by race offers initial support for my hypothesis H1.

Table 4: The Distribution of Death Penalty Opinions by Race*

Death Qualification Scale	White	Black	Other Races	Total
1 Always Opposed	38 (17.04%)	20 (35.71%)	6 (24.00%)	64 (21.05%)
2	44 (19.73%)	14 (25.00%)	6 (24.00%)	64 (21.05%)
3 Neutral	0 (0.00%)	1 (1.79%)	1 (4.00%)	2 (0.66%)
4	120 (53.81%)	20 (35.71%)	7 (28.00%)	147 (48.36%)
5 Always Favor	21 (9.42%)	1 (1.79%)	5 (20.00%)	27 (8.88%)
Total	224 (100.00%)	56 (100.00%)	25 (100.00%)	304 (100.00%)
$p = 0.001^{***}$ $^{*}p < 0.10$, $^{**}p < 0.05$, $^{***}p < 0.00$				

***Note:** Data was obtained for individuals who had race and death penalty opinions data.

Model 1 shows the results of several multivariate regressions testing the relationship between an individual's score on the death penalty opinion scale (1-5) and their race, where Black potential jurors and jurors of other races are compared to White potential jurors, who are the reference group. Controls include a potential juror's level of education, level of religious involvement, whether they have previously served on a jury, whether they have friends or family in law enforcement, and whether they have had a negative criminal justice experience. Controls were chosen based on their potential to influence death penalty opinions, as informed by existing literature, and are consistent across all models.

Model 1: Death Penalty Opinions and Race

	(1) Reduced Model	(2) Education	(3) Religious Involvement	(4) Prior Jury Service	(5) Law Enforcement	(6) Criminal Justice Experience
	Death Penalty Opinions	Death Penalty Opinions	Death Penalty Opinions	Death Penalty Opinions	Death Penalty Opinions	Death Penalty Opinions
Race (Whites are reference group)						
Black	-0.760***	-0.854***	-0.718***	-0.717***	-0.711***	-0.630**
	(0.000)	(0.000)	(0.001)	(0.002)	(0.002)	(0.014)
Other	-0.228	-0.103	-0.047	-0.002	0.053	0.817*
	(0.423)	(0.722)	(0.873)	(0.995)	(0.870)	(0.051)
Level of Education		-.151*	-0.123	-0.128	-0.127	-0.065
		(0.082)	(0.155)	(0.167)	(0.175)	(0.515)
Level of Religious Involvement			-0.155***	-0.158***	-0.159***	-0.105
			(0.005)	(0.007)	(0.008)	(0.110)
Prior Jury Service				.166	0.168	0.244
				(0.505)	(0.503)	(0.384)
Law Enforcement					0.059	-0.016
					(0.735)	(0.934)
Criminal Justice Experience						-0.0409
						(0.155)
N	304	297	291	265	264	198
R^2	0.045	0.051	0.075	0.077	0.077	0.112

Exponentiated coefficients; *p*-values in parentheses
*** $p < .10$, ** $p < .05$, *** $p < .01$**

Throughout all six versions of Model 1, Black potential jurors scored significantly lower on the death penalty opinion scale compared to the average score of White potential jurors. In version 6 of Model 1, which accounts for all of the control variables, the average score on the death penalty opinion scale of Black potential jurors scored was .63 points lower than the average for Whites. Model 1 also identifies religious involvement as a sociological characteristic that is significantly related to death penalty opinions, wherein increased involvement in religion

indicates decreased favorability for the death penalty. It is important to note that given the R^2, the variables included in all versions of Model 1 have low explanatory power, suggesting that there are likely uncaptured variables that better explain differences in death penalty opinions. Nonetheless, the significant mean difference in the death penalty opinions between White and Black potential jurors lends initial support to my hypothesis that Black potential jurors have less favorable views about the death penalty than their White counterparts. My hypothesis suggests that because death penalty opinions are significantly related to race, there will also be a significant differentiation in death qualification excusals by race.

Table 5: Death Qualification Excusals by Race*

	White	Black	Other	Total
Not Struck for Death Qualification	168 (75.34%)	27 (48.21%)	16 (64.00%)	211 (69.41%)
Struck for Death Qualification	55 (24.66%)	29 (51.79%)	9 (36.00%)	93 (30.59%)
Total	223 (100.00%)	56 (100.00%)	25 (100.00%)	304 (100.00%)
$p = 0.000^{***}$ $^{*}p < 0.10, ^{**}p < 0.05, ^{***}p < 0.00$				

***Note:** Data was only obtained for individuals who had race and death penalty opinions data. The individuals captured in this table that were struck for death qualification were struck on account of unfavorable death penalty opinions (scoring a 1 or a 2 on the death qualification scale).

Table 5 represents the share of individuals by race who were explicitly excused due to not being able to sentence death, or not being death qualified (significant at $p < 0.00$). All individuals who scored a 1 on the death qualification scale were excused for this reason, while 45.31% of individuals who scored a 2 were excused for this reason. Individuals who scored a 2 but were not excused for this reason expressed an ability to comply with the law, which rendered them ineligible to be excused by a for cause motion for death qualification. No observations who scored in the 3-5 range were excused because of an inability to sentence death. Overall, 30.59% of individuals who reached the voir dire stage were struck because of an expressed inability to sentence death, which demonstrates the significant role death qualification plays in whether a potential juror is seated or not. Of all the Black potential jurors who reached the voir dire stage and were asked about their death penalty opinions, 51.79% were subsequently excused because their views rendered them unable to sentence death, which is more than double the share of Whites excused for this reason (24.66%). This differentiation in death qualification excusals by race supports my hypothesis H1.

Potential jurors who scored a 5 on the death qualification scale could have also been deemed not death qualified due to the fact that their beliefs favored the imposition of the death penalty for all first-degree murder cases, even when North Carolina statutes would suggest that a death sentence is not a proportional punishment. Like individuals who scored a 2 on the scale, not all who scored a 5 were the automatic subject of a death qualification excusal. Instead, only

individuals who expressed that they would be unable to set aside their views and follow the judge's instructions were deemed not death qualified and subsequently excused. Individuals who scored a 5 but vouched for their impartiality were not eligible for a for cause death qualification excusal.

Of the individuals who were coded as a 5 on the death qualification scale, 48.15% were subsequently excused due to their bias in favor of sentencing death that deemed them not death qualified. The majority of these excusals for death qualification were by defense motions, whereas the State only excused one potential juror for cause for this reason. This follows my theoretical reasoning that the State is not incentivized to excuse potential jurors who strongly favor the death penalty even if they outwardly admit bias because these individuals could ensure prosecutorial success at trial. Thus, it is the defense's burden to excuse these individuals.

It is evident that death penalty opinions as well as motions made for cause against non-death-qualified individuals are significantly differentiated by race, supporting my hypothesis H1 and suggesting that the death qualification process is inherently tied to identity-based characteristics. The relationship between race, death penalty opinions, and juror outcomes are analyzed further in later sections of this paper.

b. The Gendered Effect of Death Qualification

My hypothesis H2 expects that females will have more negative opinions of the death penalty than males, which will result in their disproportionate exclusion due to death qualification. Table 6 shows the distribution of death penalty opinions by gender for individuals who were asked about their death penalty opinions and had race data. The majority of both men and women scored on the 4-5 end of the scale. However, 48.51% of females scored on the 1-2 end of the scale, compared to 37.06% of males. Nonetheless, the difference in the distribution of death penalty opinions by gender is not statistically significant. Therefore, I cannot support the claim that the distribution of death penalty opinions across all four jury pools was significantly differentiated by gender.

Table 6: The Distribution of Death Penalty Opinions by Gender*

Death Qualification Scale	Female	Male	Total
1 Always Opposed	33 (24.63%)	31 (18.24%)	64 (21.05%)
2	32 (23.88%)	32 (18.82%)	64 (21.05%)
3 Neutral	0 (0.00%)	2 (1.18%)	2 (0.66%)
4	58 (43.28%)	89 (52.35%)	147 (48.36%)
5 Always Favor	11 (8.21%)	16 (9.41%)	27 (8.88%)
Total	134 (100.00%)	170 (100.00%)	304 (100.00%)
$p = 0.254$ $^{*}p < 0.10$, $^{**}p < 0.05$, $^{***}p < 0.00$			

***Note:** Data was obtained for individuals who had race and death penalty opinions data.

Model 2 shows the results of a multivariate regression analyzing the relationship between an individual's score on the death penalty opinion scale (1-5) and their gender, when controlling for a potential juror's level of education, level of religious involvement, whether they have previously served on a jury, whether they have friends or family in law enforcement, and whether they have had a negative criminal justice experience. In all six versions of Model 2, the average death penalty opinion score for female potential jurors was significantly lower than the average for males, with females scoring about .34 points lower on average than males on the five-point scale in version 6 of Model 2. As in Model 1, which evaluated this relationship for race, higher levels of religious involvement were significantly associated with less favorable death penalty opinions.

The results of Models 1 and 2 confirm that average scores on the death penalty opinion scale are significantly different between White and Black potential jurors and female and male potential jurors. Thus, while the distribution of death penalty opinions was not significantly different between men and women (see Table 9), Model 2 suggests that average opinions of the death penalty do significantly differ by gender, which offers initial support for my hypothesis H2.

Model 2: Death Penalty Opinions and Gender

	(1) Reduced Model	(2) Education	(3) Religious Involvement	(4) Prior Jury Service	(5) Law Enforcement	(6) Criminal Justice Experience
	Death Penalty Opinions	Death Penalty Opinions	Death Penalty Opinions	Death Penalty Opinions	Death Penalty Opinions	Death Penalty Opinions
Gender (Males are the reference group)						
Females	-0.293*	-0.300*	-0.331**	-0.306*	-0.308*	-0.314*
	(0.065)	(0.062)	(0.039)	(0.072)	(0.073)	(0.092)
Level of Education		-0.041	-0.029	-0.030	-0.026	0.032
		(0.615)	(0.725)	(0.733)	(0.763)	(0.735)
Level of Religious Involvement			-0.194***	-0.194***	-0.195***	-0.155**
			(0.000)	(0.001)	(0.001)	(0.017)
Prior Jury Service				0.186	0.188	0.354
				(0.462)	(0.459)	(0.216)
Law Enforcement					0.054	-0.130
					(0.761)	(0.499)
Criminal Justice Experience						-.620**
						(0.026)
N	304	297	291	265	264	198
R^2	0.011	0.012	0.054	0.054	0.055	0.074

Exponentiated coefficients; *p*-values in parentheses
*** $p < .10$, ** $p < .05$, *** $p < .01$**

Full support for my hypothesis H2 would require that differences in death penalty opinions by gender result in a greater share of females being excused on account of negative opinions of the death penalty than the share of men excused. Table 7 shows that individuals struck on account of unfavorable death penalty opinions is significantly differentiated by gender at $p < 0.00$. Of all the female potential jurors who were asked about their death penalty opinions and had race data, 38.81% were subsequently excused because their views rendered them unable to sentence death, whereas only 24.12% of male potential jurors were excused for this reason. It is important to note that this gap in excusals for death qualification is slimmer than the gap by race, suggesting race is more strongly related to removals for death qualification than gender.

Table 7: Death Qualification Excusals by Gender*

	Female	**Male**	**Total**
Not Struck for Death Qualification	82 (61.19%)	129 (75.88%)	211 (69.41%)
Struck for Death Qualification	52 (38.81%)	41 (24.12%)	93 (30.59%)
Total	134 (100.00%)	170 (100.00%)	304 (100.00%)
$\boldsymbol{p = 0.006^{***}}$ $^{*}p < 0.10, ^{**}p < 0.05, ^{***}p < 0.00$			

***Note:** Data was only obtained for individuals who had race and death penalty opinions data. The individuals captured in this table that were struck for death qualification were struck on account of unfavorable death penalty opinions (scoring a 1 or a 2 on the death qualification scale).

Being that the distribution in death penalty opinions was not significantly differentiated by gender across the jury pools, this gendered difference in death qualification removals suggests female potential jurors may have been targeted for their negative death penalty opinions more so than men. This is evidenced by the fact that while the same number of men and women scored a 2 on the death qualification scale, nearly 60% of these women were excused for not being death qualified, which is nearly double the share of men scoring 2s that were deemed not death qualified. However, I cannot confirm that the death penalty opinions between men and women who scored 2s were identical. It could have been the case that women in this category expressed more unequivocal opposition than did men, which may not have been accurately captured in the data and could explain why they were excused at a higher rate. Nonetheless, Table 7 confirms that death qualification is significantly linked to gender and aids in allowing the prosecution to keep more males than females in the jury pool. This offers additional support for my theory that the death qualification process is intrinsically linked to identity-based characteristics, which allows the prosecution to secure a pro-prosecution White male-dominant jury without sounding alarms about explicit racial or gender biases.

c. The Effect of Death Qualification by Race and Gender

To further investigate the effect of death qualification excusals, I completed the analyses of hypotheses H1 and H2 for a combination of both race and gender. This analysis captures more

nuance than that for race and gender alone and informs whether death penalty opinions and death qualification excusals are related to specific race and gender interactions (see Table 8). Table 8 shows that more than 70% of White men who reached the voir dire stage and were asked about their opinion of the death penalty expressed favorable views, scoring a 4 or a 5 on the death qualification scale. A slimmer majority of the share of White females and females of other races also scored on the favorable end of the spectrum, which calls into question the extent to which gender alone is associated with negative death penalty opinions, rather than a combination of race and gender. Over 60% of both Black females and Black males expressed views in opposition to the death penalty, scoring a 1 or a 2 on the death qualification scale.

Table 8: The Distribution of Death Penalty Opinions by Race and Gender*

	Juror Race and Gender						
Death Qualification Scale	**White Male**	**White Female**	**Black Male**	**Black Female**	**Other Male**	**Other Female**	**Total**
1 Always Opposed	16 (12.80%)	22 (22.45%)	12 (38.71%)	8 (32.00%)	3 (21.43%)	3 (27.27%)	64 (21.05%)
2	20 (16.00%)	24 (24.49%)	7 (22.58%)	7 (28.00%)	5 (35.71%)	1 (9.09%)	64 (21.05%)
3 Neutral	0 (0.00%)	0 (0.00%)	1 (3.23%)	0 (0.00%)	1 (7.14%)	0 (0.00%)	2 (0.66%)
4	75 (60.00%)	45 (45.92%)	11 (35.48%)	9 (36.00%)	3 (21.43%)	4 (36.36%)	147 (48.36%)
5 Always Favor	14 (11.20%)	7 (7.14%)	0 (0.00%)	1 (4.00%)	2 (14.29%)	3 (27.27%)	27 (8.88%)
Total	125 (100.00%)	98 (100.00%)	31 (100.00%)	25 (100.00%)	14 (100.00%)	11 (100.00%)	304 (100.00%)
$p = 0.001^{***}$ $^{*}p < 0.10, ^{**}p < 0.05, ^{***}p < 0.00$							

***Note:** Data was obtained for individuals who had race and death penalty opinions data.

Model 3 replicates the analyses of Models 1 and 2 for race and gender to show how different race-gender interactions score on the death penalty scale on average, compared to White men. Across all six versions of the regressions in Model 3, there were significantly lower average death penalty opinion scores for White females, Black males, and Black females, when compared to the average scores of White men. Results from individuals of other races were not consistently significant, likely because their total sample size is too small to garner significant results. Version 6 of Model 2 controls for a potential juror's level of education, level of religious involvement, whether they have previously served on a jury, whether they have friends or family in law enforcement, and whether they have had a negative criminal justice experience. In this model, the average death penalty opinion score for White females was about .50 points lower than the average score for White men. In the same model, the average death penalty opinion score for Black females was .74 points lower than the average for White men. The greatest mean

difference is between White men and Black men, as the average death penalty opinion score for Black men was about .98 points lower than the average for White men.

Model 3: Death Penalty Opinions and Race-Gender Interactions

	(1) Reduced Model	(2) Education	(3) Religious Involvement	(4) Prior Jury Service	(5) Law Enforcement	(6) Criminal Justice Experience
	Death Penalty Opinions	Death Penalty Opinions	Death Penalty Opinions	Death Penalty Opinions	Death Penalty Opinions	Death Penalty Opinions
Race and gender (White males are the reference group)						
White Females	-0.500***	-0.514***	-0.544***	-0.509***	-0.506**	-0.495**
	(0.006)	(0.005)	(0.003)	(0.009)	(0.010)	(0.021)
Black Males	-1.053***	-1.142***	-1.025***	-1.019***	-1.017***	-0.975***
	(0.000)	(0.000)	(0.000)	(0.001)	(0.001)	(0.005)
Black Females	-0.888***	-1.019***	-0.887***	-0.881***	-0.872***	-0.741**
	(0.003)	(0.001)	(0.004)	(0.005)	(0.006)	(0.022)
Other Males	-0.694*	-0.642*	-0.556	-0.512	-0.447	0.346
	(0.067)	(0.089)	(0.151)	(0.231)	(0.321)	(0.594)
Other Females	-0.135	0.121	0.077	0.083	0.092	0.779
	(0.748)	(0.782)	(0.859)	(0.853)	(0.838)	(0.148)
Level of Education		-0.160*	-0.133	-0.138	-0.137	-0.088
		(0.062)	(0.121)	(0.135)	(0.140)	(0.376)
Level of Religious Involvement			-0.158***	-0.164***	-0.164***	-0.114*
			(0.004)	(0.005)	(0.006)	(0.081)
Prior Jury Service				0.149	0.150	0.199
				(0.550)	(0.548)	(0.481)
Law Enforcement					0.038	-0.048
					(0.827)	(0.801)
Criminal Justice Experience						-0.437
						(0.127)
N	304	297	291	265	264	198
R^2	0.073	0.082	0.108	0.105	0.104	0.140

Exponentiated coefficients; *p*-values in parentheses
*** $p < .10$, ** $p < .05$, *** $p < .01$**

This gap in support for the death penalty between White men and White women, White men and Black women, and White men and Black men suggests that death qualification may have a stronger effect by a combination of race and gender than my analyses of hypotheses H1 and H2 revealed. These results by race and gender also confirm that White men have a significantly higher favorability for the death penalty on average than other potential jurors,

which my theory would suggest would make the prosecution more likely to seat these individuals. Later analyses regarding the final compositions of the four capital juries serve to either confirm or deny this logic.

The statistically significant results in Table 9 confirm that death qualification excusals for individuals with negative opinions of the death penalty (scoring a 1 or a 2) are not only differentiated on account of race and gender alone but are also disproportionately affected by the interaction between the two. The most prominent gap in death qualification excusals is between White males and Black females, as Black females were deemed not death qualified due to negative opinions of the death penalty at a rate over 3 times higher than the White men. Over half of Black females who reached the voir dire stage were struck due to negative views of the death penalty, which shows the significant impact this process has on this group of potential jurors. No other race and gender combination had a majority share of their representation in the jury pools struck for death qualification.

Table 9: Death Qualification Excusals by Race and Gender*

	White Male	White Female	Black Male	Black Female	Other Male	Other Female	Total
Not Struck for Death Qualification	103 (82.40%)	65 (66.33%)	17 (54.84%)	10 (40.00%)	9 (64.29%)	7 (63.64%)	211 (69.41%)
Struck for Death Qualification	22 (17.60%)	33 (33.67%)	14 (45.16%)	15 (60.00%)	5 (35.71%)	4 (36.36%)	93 (30.59%)
Total	125 (100.00%)	98 (100.00%)	31 (100.00%)	25 (100.00%)	14 (100.00%)	11 (100.00%)	304 (100.00%)
$p = 0.000^{***}$ $^{*}p < 0.10, ^{**}p < 0.05, ^{***}p < 0.00$							

***Note:** Data was only obtained for individuals who had race and death penalty opinions data. The individuals captured in this table that were struck for death qualification were struck on account of unfavorable death penalty opinions (scoring a 1 or a 2 on the death qualification scale).

H1 and H2 and suggest that within the scope of my analysis, the practice of death qualifying the juries systematically removed Black females and decreased their chances of being represented in the seated capital juries. Black males had the next largest share of their representation across the jury pools struck for death qualification, emphasizing the important role race plays in this trend.

d. The Race and Gender Effect of Peremptory Strikes

My hypothesis H3 expects the disproportionate use of prosecutorial peremptory strikes against Black potential jurors compared to the use of these strikes against White potential jurors. Table 10 shows significant results for the distribution of State peremptory strikes by race. Of all those summoned to jury duty across the four capital cases, Black potential jurors had the highest proportion of their total share across the jury pools struck by the prosecution (16.28%). The share of Black jurors struck by the State was nearly two times greater than the share of White

jurors. The share of females struck by the State was not significantly different from the share of males struck (9.51% and 7.64% respectively).

Table 10: State Strikes by Race*

	White	Black	Other	Total
Not Struck by the State	327 (91.85%)	72 (83.72%)	44 (91.67%)	443 (90.41%)
Struck by the State	29 (8.15%)	14 (16.28%)	4 (8.33%)	47 (9.59%)
Total	356 (100.00%)	64 (100.00%)	48 (100.00%)	490 (100.00%)
$p = 0.068^{*}$ $^{*}\ p < 0.10,\ ^{**}\ p < 0.05,\ ^{***}\ p < 0.00$				

***Note:** Data was only obtained for individuals who had race data.

My hypothesis H3 expects the disproportionate use of prosecutorial peremptory strikes against Black potential jurors compared to the use of these strikes against White potential jurors. Table 10 shows significant results for the distribution of State peremptory strikes by race. Of all those summoned to jury duty across the four capital cases, Black potential jurors had the highest proportion of their total share across the jury pools struck by the prosecution (16.28%). The share of Black jurors struck by the State was nearly two times greater than the share of White jurors. The share of females struck by the State was not significantly different from the share of males struck (9.51% and 7.64% respectively).

Conducting this analysis by both race and gender also did not produce significant results (see Table 11). However, White women, Black women, and women of other races had higher shares of their population struck than their male counterparts. Black females were the most heavily targeted, with 18.60% of their total share of the jury pools eventually being struck by the State, whereas only 7.14% of the total share of White men were struck by the State. These trends show that Black potential jurors, especially Black women, are peremptorily struck by the State at higher rates than Whites, especially White men. Though there are no significant results in the distribution of State strikes by gender or by race and gender, I can confirm that the State used peremptory strikes disproportionately against Black potential jurors compared to their total share of the jury pool, offering initial support for my hypothesis H3.

Table 11: State Strikes by Race and Gender*

	White Male	White Female	Black Male	Black Female	Other Male	Other Female	Total
Not Struck by the State	182 (92.86%)	145 (90.62%)	37 (86.05%)	35 (81.40%)	24 (92.31%)	20 (90.91%)	443 (90.41%)
Struck by the State	14 (7.14%)	15 (9.38%)	6 (13.95%)	8 (18.60%)	2 (7.69%)	2 (9.09%)	47 (9.59%)
Total	196 (100.00%)	160 (100.00%)	31 (100.00%)	43 (100.00%)	26 (100.00%)	22 (100.00%)	490 (100.00%)
***p* = 0.265** $^{*}p < 0.10$, $^{**}p < 0.05$, $^{***}p < 0.00$							

***Note:** Data was only obtained for individuals who had race data.

Model 4: Odds of Prosecutorial Strikes and Race-Gender Interactions

	(1) Reduced Model	(2) Death Penalty Opinions	(3) Education	(4) Religious Involvement	(5) Prior Jury Service	(6) Law Enforcement	(7) Criminal Justice Experience
	State Strike (0,1)	State Strike (0,1)	State Strike (0,1)	State Strike (0,1)	State Strike (0,1)	State Strike (0,1)	State Strike (0,1)
Race and gender (White males are the reference group)							
White Females	1.345	1.570	1.602	1.624	1.481	1.471	1.877
	(0.445)	(0.287)	(0.270)	(0.259)	(0.385)	(0.395)	(0.186)
Black Males	2.108	2.186	2.468	2.224	1.879	1.863	2.198
	(0.152)	(0.206)	(0.170)	(0.233)	(0.379)	(0.130)	(0.304)
Black Females	2.971**	5.004***	5.457***	5.052***	4.982**	4.863**	3.804**
	(0.023)	(0.004)	(0.006)	(0.009)	(0.012)	(0.014)	(0.048)
Death Penalty Opinion Scale (4 scores are the reference group)							
2 - Almost always opposed		2.417**	2.424**	2.270**	1.842	1.863	1.945
		(0.020)	(0.021)	(0.034)	(0.135)	(0.130)	(0.128)
5 - Always in favor		0.292	0.290	0.283	0.261	0.259	0.317
		(0.247)	(0.244)	(0.234)	(0.207)	(0.205)	(0.285)
Level of Education			1.015	1.010	1.027	1.029	1.063
			(0.943)	(0.518)	(0.903)	(0.896)	(0.788)
Level of Religious Involvement				1.086	1.109	1.113	1.104
				(0.518)	(0.437)	(0.424)	(0.490)
Prior Jury Service					0.849	0.839	1.234
					(0.778)	(0.762)	(0.738)
Law Enforcement						0.897	0.964
						(0.787)	(0.931)
Criminal Justice Experience							1.354
							(0.666)
N	238	220	216	211	191	191	156
Pseudo R^2	0.092	0.095	0.098	0.097	0.089	0.089	0.085

Exponentiated coefficients; *p*-values in parentheses
*** $p < .10$, ** $p < .05$, *** $p < .01$**

To further analyze my hypothesis H3, I ran a series of logistic regressions evaluating the relationship between a potential juror's race and their likelihood of being struck by the State from 0 to 1, where 0 indicates an individual was not struck by the State and 1 indicates that they

were (see Model 4). Version 7 of Model 4 controls for an individual's death penalty opinions, level of education, level of religious involvement, whether they have previously served on a jury, whether they have friends or family in law enforcement, and whether they have had a negative criminal justice experience, as these variables have the potential to influence the State's decision to strike an individual. Given the results of previous analyses, I chose to exclude individuals of other races from Model 4, as their small sample sizes have produced consistently insignificant results. I also chose to narrow the death penalty opinion scale such that the only categories included were 2, 4, and 5, where 4 was the reference group. This is because all individuals who scored a 1 were excused for cause, which means they perfectly predicted failure to be struck by the State in Model 4. I also excluded 3 due to insufficient data. However, it is important to note that in excluding these categories from both race and death penalty opinions, I compromised the overall sample size.

Throughout all versions of the model, Black women had significantly higher odds of getting struck by the State compared to White men. In version 7 of the logistic regression model, Black females had 280% higher odds of being struck by the State than White males, when holding the other independent variables constant. No other race and gender combination had significantly higher or lower odds of being struck by the State in any version of Model 4, which emphasizes how the use of State strikes across all jury pools targeted these potential jurors. These results support my claim that Black potential jurors are disproportionately struck by the State and suggest that this is particularly true for Black females.

Model 4 also highlights the significant role death penalty opinions played in the odds that an individual was struck by the State, even when controlling for race and gender. I chose to make a death penalty opinion score of 4 the reference category to highlight the difference in excusal rates against individuals who were almost always in favor of the death penalty, as my theory would suggest the State would opt not to strike these individuals. Given the pseudo R^2 calculations, the version of the model wherein the included independent variables have the most explanatory power over the variation in state strikes is version 3. In that version of the model, potential jurors who scored a 2 on the death penalty scale but were willing and able to sentence death had about 142% higher odds of being struck by the State than did potential jurors who scored a 4, which supports my theory. However, the difference in the probability of being struck between individuals who scored a 2 versus those who scored a 4 was not statistically significant as more controls were added and as the sample size declined. Nonetheless, the significant results in Model 4 point to the State's strategy to strike potential jurors on the basis of race and gender as well as by negative death penalty opinions. This finding supports my hypothesis H3 and my theory that the State excludes individuals from the jury who are not pro-prosecution, which includes Black females and those with unfavorable death penalty opinions.

It is important to note that across all four cases included in my analysis, 9 *Batson* claims were made by the defense against peremptory strikes used by the State. One *Batson* claim was made against a White man, who the defense suspected was unconstitutionally struck on account of his disability. However, the other 8 claims were made against White women and Black women. The defense argued these motions by stating that the State used peremptory strikes against Black or White female potential jurors in instances where White male jurors with similar juror profiles (death penalty opinions, employment status, etc.) were not struck by the prosecution. The *Batson* procedure called for the State to defend their use of peremptory strikes in these 9 cases with on-the-record explanations verifying that race and/or gender did not motivate their decision to strike these individuals. The justifications provided by the State to

strike these jurors included: age, education, marital status, employment status, death penalty opinions, biases against law enforcement, experiences with the criminal justice system, etc. All these explanations were accepted at face-value by the presiding judges as being both race and gender-neutral, which resulted in no successful *Batson* claims. Nonetheless, my results suggest that even when controlling for reasons that might justify the State's decision to strike a juror–including some of the actual justifications the State provided during *Batson* motions–Black potential jurors and specifically Black females had significantly increased odds of being struck by the State compared to their White male counterparts. Although my results support the basis for these *Batson* claims, the procedure in place allowed the prosecution to evade consequences for the racialized and gendered effects of their peremptory strikes.

Though my hypothesis H3 is only concerned with State strikes, I conducted the same analyses for defense strikes to gauge whether the defense also utilized its strikes in a manner that had racialized effects. It is important to emphasize that by the time the defense had been able to question potential jurors during the voir dire, the State had already decided whether to make a motion for cause against a potential juror, strike them peremptorily, or accept them. In other words, by the time the defense had to make decisions on whether to strike a potential juror, the jury pools were already disproportionately White. At the start of the defense's stage of the voir dires, the combined jury pools consisted of 137 individuals with 86% Whites and 8% Blacks. The share of Black potential jurors at this stage was less than half of their original share of the combined jury pools. However, the share of White potential jurors at this stage had increased more than 10% from their original share of the combined jury pools, on account of the processes of death qualification and peremptory strikes that my results confirm contributed to the disparate exclusion of Black potential jurors compared to Whites.

Table 12: Defense Strikes by Race*

	White	**Black**	**Other**	**Total**
Not Struck by the Defense	309 (86.80%)	84 (97.67%)	45 (93.75%)	438 (89.39%)
Struck by the Defense	47 (13.20%)	2 (2.33%)	3 (6.25%)	52 (10.61%)
Total	356 (100.00%)	86 (100.00%)	48 (100.00%)	490 (100.00%)
$p = 0.008^{***}$ $^{*}p < 0.10, ^{**}p < 0.05, ^{***}p < 0.00$				

***Note:** Data was only obtained for individuals who had race data.

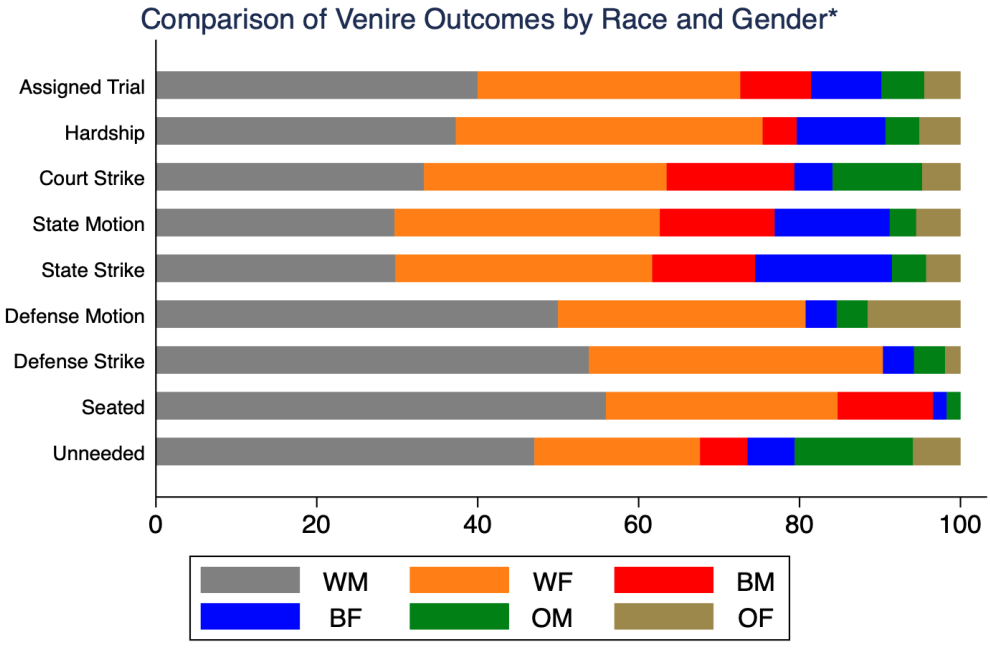
Table 12 shows that Whites were disproportionately struck by the defense. However, the fact is that by the time the defense was able to make decisions about potential jurors, there was an overwhelming share of White potential jurors and few Black potential jurors. Thus, the racialized difference in defense strikes could be the result of the defense's careful decision to strike as few Black potential jurors as possible to increase their odds of being seated, rather than the result of bias against White jurors. When looking at defense strikes by both race and gender, White men had the highest share of their total population struck by the defense (14.29%), compared to all other race-gender interactions.

While analyses of State peremptory strikes confirmed my hypothesis H3 in revealing a significant difference in the odds of being struck between Black females and White males, the reverse was not true for defense strikes. Thus, the exclusion of Whites, and especially of White males, by the defense is likely in response to the actions the State took to disproportionately exclude Black potential jurors from the jury pools.

e. The Outcomes of Potential Jurors by Race and Gender

My final hypothesis H4 posited that White men would be overrepresented on seated juries compared to their original share across the jury pools because the jury selection processes of death qualification and prosecutorial peremptory strikes would have allowed the State the opportunity to construct a pro-prosecution jury, or one that is as White and as likely to sentence death as possible. Table 2 showed that White males and Black males had the highest share of their jury pool populations seated on the juries, followed by White females, males of other races, Black females, and women of other races. Figure 1 contextualizes that data in showing the original distribution of race and gender of all individuals that were assigned to one of the four capital case trials in my study as a proportion out of 100% (labeled "Assigned Trial"). This is compared to the share of race and gender across the four seated juries (labeled "Seated"). Figure 1 also shows the proportion of race and gender combinations excused by each type of excusal in the voir dire: hardship, Court strikes, State motion or strike, defense motion or strike, and unneeded–for surplus individuals that were not called to voir dire and were excused after the jury was seated. The y-axis is in order from top-to-bottom based on the sequential stages of the jury selection process.

Figure 1*



*Data only obtained for individuals with race and gender data (N = 490).
WM is White Male, WF White Female, BM Black Male, BF Black Female, OM Other Male, OM Other Female.

Figure 1 confirms the significant overrepresentation of White males, whose share of the final juries was nearly 20% more than their original share across the jury pools. This is explained by the fact that the State excused small shares of White men. Even though the defense struck a

greater proportion of White men than their original share on the jury pool, this did not mitigate the effect of the State's actions, resulting in the disproportionate representation of White men on the final juries. This finding lends initial support to my hypothesis H4 and to my overarching theory that the State would seat as many White males as possible, as their generally pro-death penalty and pro-prosecution beliefs provide the best odds for a conviction and a death sentence.

White females, Black females, and females of other races were all underrepresented compared to their original share across the jury pools, albeit to varying degrees. Men were seated on final juries at a rate 2 times higher than females, confirming that seated juries were male-dominant. Interestingly, Figure 1 shows that Black males were overrepresented on the final juries compared to their original share of the jury pools, which contradicts my expectations. Even though the Court and the State moved to excuse a greater proportion of Black male jurors than were originally in the jury pools, the defense did not excuse any Black males that reached their stage of the voir dires. Thus, Black males had the opportunity to sit on final juries on account of the defense's careful actions. However, the overrepresentation of Black males on seated juries does not negate my findings that death qualification and prosecutorial peremptory strikes contributed to the disproportionate exclusion of Black potential jurors. Instead, it suggests that these exclusions did not significantly affect the likelihood that Black males were seated on final juries.

My results have confirmed that the sociological characteristics of race and gender are significantly linked to processes of jury selection. However, to further understand whether race and gender alone significantly affected the odds of being seated on a capital jury, I analyzed a series of logistic regression models testing the relationship between the odds of being seated on a jury from 0 to 1–where 0 indicates an individual was not seated on a jury and 1 indicates that they were–and a potential juror's race and gender, controlling for their death penalty opinions, level of education, level of religious involvement, whether they previously served on a jury, whether they have friends or family in law enforcement, and whether they have had a negative criminal justice experience (see Model 5).

Model 5: Odds of Being Seated and Race-Gender Interactions

	(1) Reduced Model	(2) Death Penalty Opinions	(3) Education	(4) Religious Involvement	(5) Prior Jury Service	(6) Law Enforcement	(7) Criminal Justice Experience
	Seated (0,1)	Seated (0,1)	Seated (0,1)	Seated (0,1)	Seated (0,1)	Seated (0,1)	Seated (0,1)
Race and gender (White males are the reference group)							
White Females	0.587*	0.686	0.682	0.755	0.856	0.882	1.041
	(0.096)	(0.296)	(0.302)	(0.455)	(0.693)	(0.752)	(0.927)
Black Males	0.960	1.433	1.576	1.571	1.573	1.572	1.136
	(0.929)	(0.511)	(0.440)	(0.454)	(0.483)	(0.484)	(0.865)
Black Females	0.118**	0.147*	0.151*	0.154*	0.155*	0.167	0.142*
	(0.038)	(0.071)	(0.079)	(0.083)	(0.088)	(0.104)	(0.090)
Death Penalty Opinion Scale (4 scores are the reference group)							
2 - Almost always opposed		0.361**	0.384**	0.379**	0.362**	0.344**	0.520
		(0.014)	(0.021)	(0.021)	(0.022)	(0.017)	(0.165)
Level of Education			1.010	1.004	1.030	1.023	0.981
			(0.958)	(0.985)	(0.885)	(0.910)	(0.930)
Level of Religious Involvement				1.051	1.052	1.037	0.984
				(0.671)	(0.684)	(0.776)	(0.909)
Prior Jury Service					1.257	1.319	1.423
					(0.658)	(0.595)	(0.568)
Law Enforcement						1.491	1.582
						(0.272)	(0.257)
Criminal Justice Experience							1.677
							(0.528)
N	442	198	194	189	169	169	141
Pseudo R^2	0.029	0.063	0.061	0.061	0.064	0.070	0.055

Exponentiated coefficients; *p*-values in parentheses
*** $p < .10$, ** $p < .05$, *** $p < .01$**

For this series of regressions, I further narrowed the death penalty opinion scale such that the only categories included were 2 and 4, with the first being compared to the latter. This is because all individuals who scored a 1, 3, or a 5 were excused, meaning they would perfectly predict failure to be seated in every version of Model 5. Only individuals who scored a 2 or a 4 were eventually seated on the juries, given that these were the categories that indicated an ability to sentence death within the scope of the law.

The difference in the probability of being seated between individuals who scored a 2–or were disinclined to sentence death–versus those who scored a 4–or were inclined to sentence

death–on the death penalty opinion scale was nearly always significant. In version 6 of Model 5, wherein the independent variables had the highest explanatory power over variation in a potential juror's odds of being seated, individuals who scored a 2 on the death penalty opinion scale had about 66% lower odds of being seated on the jury than those who scored a 4, when controlling for other sociological characteristics relevant to jury selection, including race and gender. However, as the sample size decreased in version 7 of Model 5, there was not a significantly different relationship in the probability of being seated between individuals who scored a 2 on the death penalty opinion scale and those who scored a 4. This decrease in significance could also be due to the fact that death penalty opinion scores and whether an individual had a negative criminal justice experience are negatively correlated at $p < 0.05$.

The models that show a statistically significant difference in the odds of being seated by death penalty opinions is an important finding, given that both individuals who score a 2 and those who score a 4 are qualified by North Carolina statute to sit on capital juries, yet individuals with less favorable death penalty opinions had a lower likelihood of being chosen to do so. Thus, seated capital juries are not representing the opinions of summoned jury pools. Though not significant, only 15.25% of seated jurors scored 2s on the death penalty opinion scale while all others scored 4s. The only seated jurors who scored 2s were White. All Black seated jurors scored 4s, even though this does not align with the distribution of death penalty opinions among the Black individuals summoned to jury duty (see Table 8). The lack of variation in death penalty opinions of seated jurors made it such that an overwhelming majority of those seated were in favor of the death penalty, which aligns with my theory that the prosecution would aim to seat jurors that are most likely to sentence death.

Version 1 of Model 5 shows that White females have a significantly lower likelihood of being seated than White males. However, this relationship was no longer significant after the inclusion of death penalty opinions as a control variable. Black males did not have a significantly higher or lower likelihood of being seated compared to White males in any version of Model 5. This finding is counter to my expectations, given that my results for hypotheses H1-H3 identified racialized effects of jury selection that I theorized would result in the disproportionate exclusion of Black men from final juries. However, Figure 1 shows that Black males were actually overrepresented on seated juries, which could mean that exclusions by race were disproportionately affecting Black females compared to Black males.

The results of Model 5 show that Black females had a significantly lower probability of being seated than White males. However, results for version 6 of Model 5 were slightly above the $p < 0.10$ threshold for statistical significance. This is important to note given that this version of Model 5 included the most explanatory independent variables, and the additional control variable in version 7 of Model 5 did not contribute any new information to the model. Nonetheless, the significance consistently remains around the $p < 0.10$ threshold throughout all versions of the model, supporting the idea that Black females have disproportionately lower odds of being seated. In version 7 of Model 5, significant results show that Black females had about an 86% lower likelihood of being seated on a jury compared to White males, when controlling for other sociological characteristics.

To further understand the relationship between race and gender and being seated on a capital jury, Figures 2 through 5 represent the predicted probability of being seated for versions 1, 3, 6, and 7 of the logistic regression models displayed in Model 5, respectively, where each displayed predictive probability by race and gender accounts for the control variables included in each model. The controls hold an individual's death penalty opinions, level of education, level of

religious involvement at mean value, whereas the binary control variables–whether an individual previously served on a jury, whether they have friends or family in law enforcement, and whether they or their friends and family had a negative criminal justice experience–are held at median value. Figures 2 and 5 are included to display the differences between the reduced model and the version of the model accounting for all controls. Figure 3 is included to show the change when controls are added. Figure 4 is included because the model it represents had the highest pseudo R^2 value. The dotted line reflects the average probability that any individual across the four jury pools was seated on a jury, as shown in Table 5.

Figure 2:

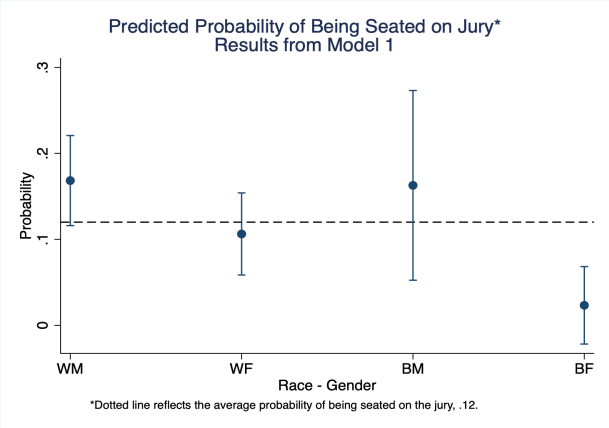


Figure 3:

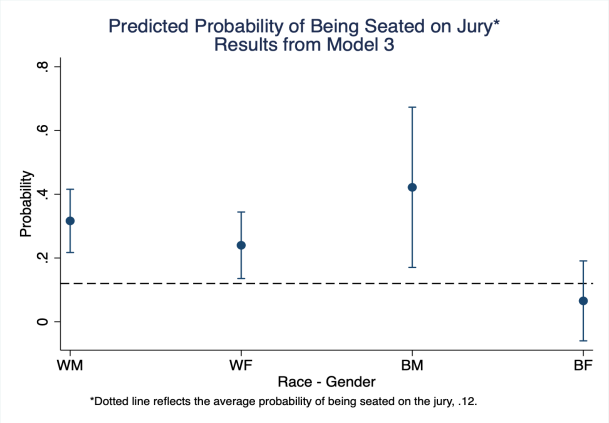


Figure 4:

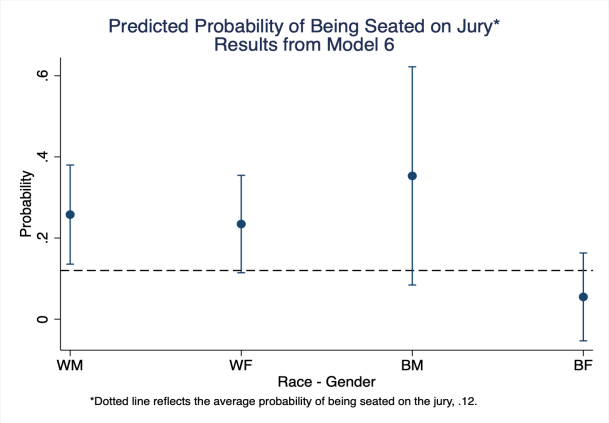
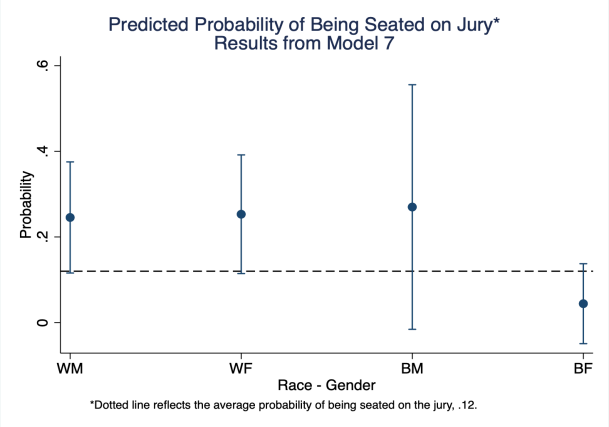


Figure 5:



The results from the reduced model displayed in Figure 2 show that Black females had a significantly lower predicted probability of being seated when no controls were included, compared to the overall average likelihood of being seated. The range of confidence intervals for Black females did not overlap with the average probability marker, though confidence intervals for all other race-gender combinations did overlap with the average. White men and Black men had estimations above the average, whereas White women and Black women did not. The figure most clearly displays the significant difference in the predicted probability of being seated between White males and Black females, with White males having a predicted probability of being seated about 5 times higher than that of Black females.

The display of Model 7 holds constant an individual's death penalty opinions, level of education, level of religious involvement, whether or not they had previously served on a jury, whether or not they had family or friends in law enforcement, and whether or not they had a negative experience with the criminal justice system. Figure 5 displays wider confidence intervals for race-gender combinations that all overlap with the average marker. In this figure, the estimation of the predicted probability of being seated is about equal for White males, White females, and Black males, while Black females maintained a significantly lower estimation. Thus, this figure shows that even when holding both death penalty opinions and experiences with the criminal justice system constant for all potential jurors, Black females are still likely to be disproportionately excluded from seated juries compared to other jurors. Though I expected these jury selection processes to be explaining racialized and gendered exclusions from seated juries, it can be deduced that for Black females, their race and gender alone is also negatively impacting their odds of being seated. This Black female effect furthers the racialized and gendered effects of death qualification and peremptory strikes, which have both been found to disproportionately exclude Black females.

In Figures 2 through 5, the predicted probability of being seated for Black females remained consistently below the average and significantly below the predicted probability estimations of other race-gender combinations, even when holding additional variables constant. These results suggest that the predicted probability of being seated is influenced by race and gender in isolation. However, these results do not negate the impact that the process of death qualification had on the composition of the final jury, but instead suggest that even when holding death penalty opinions constant, Black females would still have a significantly lower probability of being seated compared to other race and gender combinations. Thus, Black females bear the brunt of the racialized and gendered effects of jury selection, which systematically denies them from serving on capital juries.

Discussion & Conclusion

The results of my analyses confirm that within the scope of my study, the defendants' Sixth Amendment constitutional right to a jury of their peers was not upheld. This promise was first targeted by the death qualification process, which systematically excluded Blacks and females, with disparate impacts for Black females. These results affirm that the death qualification process decreased the likelihood that seated jurors in the Devega, Smith, Holden, and Richardson trials were Black or female. Because the defendants in these trials were Black males, the representation of Black jurors was even more critical in the judgment of these men.

The death qualification process also impacted the opinions held by seated jurors. Since individuals can only be seated if they are willing and able to sentence death, the opinions in the deliberation room are inherently skewed. Thus, the death qualification process makes it such that seated jurors are differentiated in ways that make them more pro-prosecution and more inclined to sentence death. Eliminating the death qualification requirement would allow jurors to have different opinions of the death penalty, potentially increasing the diversity in the demographics of those seated and allowing more impartial and balanced deliberations. However, further research would benefit from evaluating whether not death qualifying a jury would present more threatening biases in opinions that could also affect the imposition of a death sentence.

Peremptory strikes furthered the racialized and gendered impact of death qualification and specifically resulted in the disproportionate removal of Black females. This further validates the claim that the Sixth Amendment is being undermined during jury selection, as Black females

are systematically denied the right to fulfill their civic duty when summoned for jury duty. Given the ease with which *Batson* claims are denied, there is essentially no safeguard in place to identify or prevent racialized or gendered prosecutorial peremptory strikes. Although my results confirmed biased peremptory strikes, the lack of successful *Batson* claims against these strikes suggests there must be serious consideration as to whether the *Batson* standard of purposeful discrimination is too difficult to satisfy. Though the motivation behind peremptory strikes is to give the State and the defense limited liberty in who they see fit to sit on the jury, the result is evidently counteracting the constitutional liberties of defendants.

My study affirms the fact that the jury selection process targets Black and female potential jurors, with an emphasis on the exclusion of Black females. The end result is a White male-dominant jury that denies the constitutional rights of criminal defendants. Though my results are bound by data from Wake County between 2014-2018 and thus subject to external validity constraints, existing literature has confirmed these trends in a slew of different contexts. Given the fact that jury selection is a quasi-standardized practice across North Carolina, there is reason to believe that these biases have impacted other capital cases across the state, which calls into question the fairness of the trials of the 134 current North Carolina death row inmates. To confirm that claim, further research would benefit from a state-wide analysis of how both death qualification and prosecutorial peremptory strikes have impacted the final composition of capital juries. A state-wide analysis would include a larger sample size, which would address the weaknesses my study had regarding generalizability and statistical significance.

My analyses demonstrated evident and consistent racialized and gendered biases in the jury selection practices of four capital cases in Wake County, North Carolina. This study adds to a breadth of existing social science research identifying jury selection as a detriment to defendants' Sixth Amendment constitutional right. The State of North Carolina should not wait for more research to confirm these results. These biases in capital jury selection pose a significant threat to the constitutionality of the death penalty application within the state, which begs the question: Is it time to do away with this antiquated criminal punishment?

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