

Elections 2017: Beginning of the End of Willie Horton Politics?

By **Judy Greene** | November 10, 2017



Former President Obama campaigns for Ralph Northam, now governor-elect of Virginia. Courtesy Facebook

Ed Gillespie sacrificed his future as a rising politician on the national scene when he embraced the Trump/Bannon political playbook in this year's Virginia gubernatorial race.

Long regarded as a centrist Republican, he resorted to hot-button charges that painted his opponent, Democrat Ralph Northam, as an immigrant-hugging, soft-on-pedophilia wuss.

Virginia voters couldn't have made their response clearer. Northam soundly defeated Gillespie (<https://www.nytimes.com/elections/results/virginia-governor-election-gillespie-northam>) with 53.9 percent of the vote on November 7.

Meanwhile, in New Jersey, Lt. Governor Kim Guadagno lost to Phil Murphy, a Goldman Sachs alum, after running a negative campaign that borrowed the guilt-by-association approach polished to a dark art by Lee Atwater, the

campaign manager of the first George Bush in his victorious 1988 campaign against Michael Dukakis.



From Willie Horton 'Attack Ad' used in 1988 campaign. Photo courtesy Wikipedia

Politico New Jersey said her television ad claiming Murphy would “have the backs of deranged murderers” was “reminiscent of George H.W. Bush’s infamous Willie Horton ad.”

(<https://www.politico.com/states/new-jersey/story/2017/11/07/murphy-defeats-guadagno-115549>).

Horton committed armed robbery and rape while on a weekend furlough from a Massachusetts prison. Campaign ads with the photo of Horton, an African American, attempted to associate Dukakis’ liberalism with being soft on crime.

Atwater was said to have told associates, “by the time we’re finished, they’re going to wonder whether Willie Horton is Dukakis’ running mate.”

The rejection of Willie Horton tactics extended to the mayor’s race in Jersey City, where Ravi Bhalla overcame a campaign that flirted with racism. There were flyers with his photo (https://www.washingtonpost.com/news/acts-of-faith/wp/2017/11/08/sikh-candidate-labeled-a-terrorist-on-hateful-campaign-fliers-wins-mayoral-election/?utm_term=.oebedb46ff38) captioned “Don’t Let Terrorists Take Over Our Town.” Further down the ballot, mailers charged that two school board candidates in Edison, NJ were spearheading a Chinese/Indian “political takeover

(http://www.nj.com/middlesex/index.ssf/2017/11/candidates_targeted_in_racist_mailers_win_nj_elect.html)”—with proposals such as developing cricket fields in local school grounds.

That tactic similarly failed to defeat Jingwei Shi and Falguni Patel.

For the anti-Trump forces, the 2018 midterm elections may still represent an uphill struggle, but the notable failures of the “Willie Horton tactics” attempted in some of this year’s campaigns offer encouragement to those battling the “tough on crime” rhetoric that helped boost Donald Trump and many of his allies into office last year.

Trump’s self-style description of himself as “the law and order candidate,” and his spurious claims that the nation was in the midst of a crime wave, soon followed by Attorney General Jeff Sessions’ efforts to reverse the previous administration’s more lenient approach to drug sentencing, have left criminal justice reformers fearing that a resurgence in penal populism could damage what appeared to be a growing bipartisan consensus about getting “smart on crime.”

The Rise of Penal Populism

Penal populism, according to Oxford University criminologist [Julian V. Roberts](https://global.oup.com/academic/product/penal-populism-and-public-opinion-9780195136234?cc=us&lang=en&) (<https://global.oup.com/academic/product/penal-populism-and-public-opinion-9780195136234?cc=us&lang=en&>), embodied a trend—first exemplified in the 1988 presidential campaign—of candidates gaining political capital by stoking fears of crime among the public, tapping their anger and their punitive instincts toward those who commit crimes.

It was an approach used by both Democrats and Republicans in their bid for votes.

From 1994—the year that the “tough on crime” [Violent Crime Control and Law Enforcement Act](https://legal-dictionary.thefreedictionary.com/Violent+Crime+Control+and+Law+Enforcement+Act+of+1994) (<https://legal-dictionary.thefreedictionary.com/Violent+Crime+Control+and+Law+Enforcement+Act+of+1994>) was signed into law by President Bill Clinton—until 1997, crime was the number-one social concern cited by Americans in the annual Gallup Poll.

Political rhetoric and media depictions of violent crimes had given the impression that our streets had become a battle zone. Yet Americans’ actual fear of crime in their local neighborhood had peaked back in 1981, [declining thereafter to an all-time low in 2017](http://news.gallup.com/poll/1603/Crime.aspx?g_source=&g_medium=&g_campaign=tiles). (http://news.gallup.com/poll/1603/Crime.aspx?g_source=&g_medium=&g_campaign=tiles)

And just 22 percent of Americans now say that someone in their household was a crime victim in the last 12 months, [the lowest proportion since 2001](http://news.gallup.com/poll/221087/fewer-americans-say-household-victimized-crime.aspx) (<http://news.gallup.com/poll/221087/fewer-americans-say-household-victimized-crime.aspx>).



Photo courtesy Phil Murphy campaign.

The actual decline in crime rates, coupled with reduced fears about crime, has

created a political opening over the past decade for rethinking some of the misguided crime control policies embraced in prior decades.

From coast to coast, state policy makers have enacted new measures to address drug crimes from a public health and harm-reduction perspective, eliminating many mandatory-minimum sentencing laws, and increasing judicial discretion to consider more effective and humane penalties for people charged with criminal offenses across the board.

At the same time, effective crime control strategies in a few urban areas are reducing incarceration rates in both local jails and state prisons. Since 1996, a 55 percent reduction in New York City’s use of both local jail and state prison beds was accomplished, while at the same time the city was becoming the safest in America, with serious crime declining by 58 percent.

According to [John Pratt and Michelle Miao](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2903819) (https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2903819), however, penal populism in the 1990s set the stage for the flowering of a more “free-flowing political populism” in recent years.

They trace the emergence of a “new kind of victimhood”—the perceived vulnerability of the state itself to “mass immigration.” Indeed, Trump’s populist rhetoric has constructed the “criminal alien” as the new Willie Horton, while the MS-13 gang has emerged as a reincarnation of the 1994 “super-predator” threat.

Yet every credible research study indicates that immigrants are far more law-abiding than our own citizens.

One wants to believe that Tuesday’s off-year election results—especially in Virginia and New Jersey—augur well for the continuation of pragmatic criminal justice reform efforts.

Are urban/suburban voters rejecting the populist hype about a mass immigration crime wave?

Could it be that the resounding defeats of Ed Gillespie and Kim Guadagno signal that our urban/suburban voters are rejecting the populist hype about a mass immigration crime wave?

Is the shrill claim that, “They’re bringing in drugs. They’re bringing crime. They’re rapists...” losing its mesmerizing hold on our body politic?

For the benefit not just of Democrats, but of all Americans who want justice reform, it’s something to hope for.

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