

The diminishing influence of tough-on-crime political rhetoric

BY DAVID ROGERS
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Are we witnessing the diminishing influence of tough-on-crime campaign rhetoric and the politics of fear? The election results show a compelling shift in the attitudes of the American electorate on criminal justice and public safety issues.

Historically, America's political campaigns are full of tough-on-crime rhetoric designed to make opponents look weak and tap into the power of fear. Most famously, the Willie Horton ads in the 1988 presidential campaign did exactly what they intended to do: make Dukakis look soft on crime and less effective at addressing critical public safety issues.

These tough on crime political tactics don't always have the heavy racialized subtext of the Willie Horton ads, but they are a regular tool in the bag of dirty campaign tricks. Yet, criminal justice and public safety issues took a decisive turn in a different direction this election.

In California, Proposition 36, a measure that reforms California's three strikes mandatory minimum law, passed with over 68 percent support.

In Oregon, about 10 candidates in swing districts were hit with a barrage of ads that implied that scary criminals would ravage Oregon's communities if those candidates were elected. Every one of the candidates who were attacked by those hit pieces won their races, which also shifted the balance of power in the House.

Voters in Washington State and Colorado turned their backs on the War on Drugs and decided to legalize, tax and regulate marijuana.

The election results show an electorate

that is increasingly sophisticated when it comes to assessing the validity of political scare tactics and bluster of tough-on-crime rhetoric.

People recognize that policies promoted by tough-on-crime posturing have brought very little benefit if not a whole lot of problems. The public is embracing a smart-on-crime agenda, a more rational and cost effective approach to public safety, accountability, and crime prevention.

A smart-on-crime agenda questions the efficacy of mass incarceration and looks to invest resources in more effective approaches to building safe communities like community policing, addiction treatment, mental health services and programs designed to help formerly incarcerated people succeed. Although it is important not to overstate the change that is happening, there are multiple factors that point to a real shift in voter attitudes and the political dynamics of criminal justice policy.

First, voters are making the connections between criminal sentencing policy, prison expansion and state budget deficits. America has been on a massive prison build up over the past 20 years. This has come at a profound cost. States have been struggling with severe budget deficits cutting education funding and life-saving programs, while prison spending is soaring. Voters are beginning to think in terms of economic priorities.

Both statewide marijuana legalization measures were constructed to tax the drug. The promise of increased revenue to address challenging fiscal conditions was an explicit and compelling factor in both campaigns.

Second, Americans are beginning to recognize that there is a better way to fight crime than building and filling prisons. 2012 marked the 40th anniversary of the start of the War on Drugs kicked off by President

Nixon. In a Gallup poll, only 31 percent of Americans said they thought the government was making much progress dealing with illegal drugs. Voters are ready to try a different approach. There is recognition among the public that just toughening sentences for addiction-driven crime does nothing to break the cycle of use and recidivism.

Third, changing demographics is a factor. As communities of color become a larger portion of the electorate, public safety discourse will need to change particularly when looking at the profound racial disparity within the criminal justice system. Status quo policies and messages will not gain much support from voters of color.

Fourth, there is no longer a homogenous and unified law enforcement voice endorsing and amplifying the tough-on-crime political attacks. There is growing reflection among various law enforcement leaders and associations about what constitutes the most effective public safety policy. There is legitimate concern that growing prison spending under-resources more effective local crime interventions.

Although California's key law enforcement associations opposed Proposition 36, several high profile district attorneys provided strong and visible support for reforming California's mandatory minimum law.

The landscape around criminal justice and public safety issues is changing. We all want to live in safe communities. The question becomes, how do we best address crime and maintain safety. Voters are rightfully showing real dissatisfaction and skepticism with the status quo.

Are we seeing the diminishing influence of tough-on-crime rhetoric and political tactics? Perhaps it's too early to tell, but I think America is ready to begin getting smart-on-crime.

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David Rogers is the executive director of Portlandship for Safety and Justice. PSJ is a statewide, nonprofit advocacy organization dedicated to making Oregon's approach to crime and public safety more effective and just.

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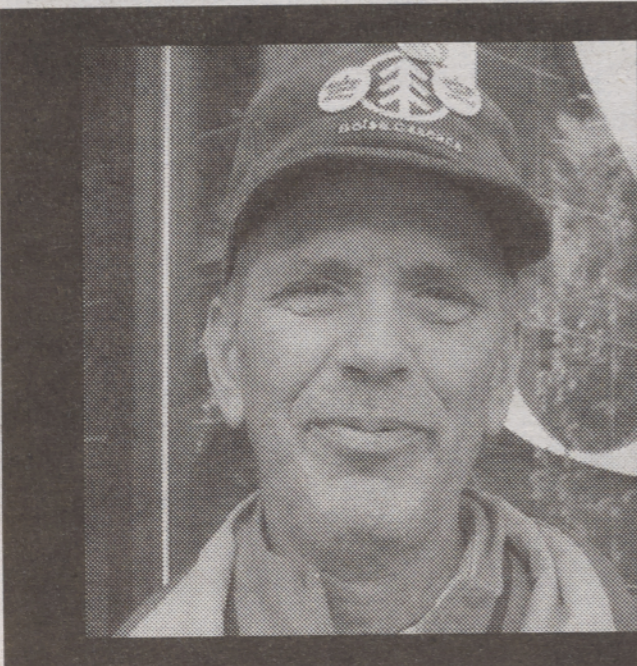
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