

Papers filed in law-and-order recall campaign against judge in Stanford sexual assault case

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Paperwork was filed on Monday by a group led by Stanford University law Professor Michele Dauber to seek the recall of California Judge Aaron Persky, who is accused of awarding sentences in sexual assault cases that are too lenient.

The right-wing, law-and-order campaign is aimed at pressuring judges to hand down harsher sentences. It was triggered last year by the case of 20-year-old Stanford freshman Brock Turner, who was convicted of sexually assaulting a 22-year-old woman after a fraternity party they had both attended.

Judge Persky gave Turner a sentence of six months in jail and three years of probation. Turner eventually served three months in jail. In determining Turner's sentence, Persky followed the recommendation of the Santa Clara County Probation Department, as he had done in 20 prior cases.

Turner was expelled from the university and required to register as a sex offender, which will severely limit where he can live and the jobs he may be able to hold for the rest of his life.

The plan to try to recall Persky was announced last year. Now that they have filed the paperwork, the group led by Dauber, calling themselves Recall Aaron Persky, have 160 days to gather the signatures of 58,634 registered qualified voters of Santa Clara County, California, 20 percent of potential voters, to trigger a countywide recall election in June 2018.

The demand for "victims' rights" and harsher sentencing requirements have been hallmarks of reactionary legal campaigns for decades. The petitioners will be appealing in their effort to gather signatures to right-wing forces supporting an increase in the power of the state and the expansion of the prison system.

According to the *Mercury News*, Dauber has hired a

professional firm that will work to collect the necessary signatures to trigger the recall election.

A recall election is seen as almost guaranteed as the campaign has the support of the Democratic Party at both the local and national level. The 50 signatories of the notice of intent to recall Persky include elected officials, professional Democratic Party activists and other Stanford professors.

The push to recall Persky was opposed by dozens of law professors from universities throughout California, including 11 from Stanford, in an open letter last year. The professors noted that the sentence Persky gave Turner was legal and that the effort, if successful, would sway judges to make sentencing decisions based on popular opinion.

The campaign for harsher sentencing will have much broader consequences beyond the potential recall of Persky. It is a mechanism for intimidating other judges into giving the harshest sentence possible and making procedural decisions in cases that are detrimental to defendants—under threat that they could also be recalled if they are too "lenient." It will add further to an environment in which judges hand out the most severe sentences in all sorts of cases, not just those relating to sexual violence.

Another effect will be to place even more pressure on accused individuals, particularly poor and working-class defendants, to plead guilty to lesser offenses out of fear that they could face decades in prison if convicted, even if they are in fact innocent.

All the more remarkable is the role of the law Professor Dauber, who is no doubt aware of the implications of the campaign she is waging. This can only be understood in a political context.

The law-and-order campaign over Turner's sentence was developed last year as part of former Secretary of

State Hillary Clinton's election campaign, which Dauber actively supported. Vice President Joe Biden openly solidarized the Obama administration and the national Democratic Party with the campaign.

The strategy of the Clinton campaign was to develop a coalition of different middle-class layers based on identity politics, while entirely ignoring the social concerns of the working class, of all races and genders. The Turner case played a critical role in developing this strategy, and in shifting focus away from the issues of social inequality that had motivated widespread support for Vermont Senator Bernie Sanders during the primaries.

The political exploitation of the Turner sentence is comparable to the decision by George H. W. Bush, during the 1988 presidential election campaign, to seize on the case of Willie Horton, a convicted felon serving a life sentence. During a temporary release as part of a weekend furlough program, Horton raped and assaulted a woman. Bush attacked his opponent, Democrat Michael Dukakis, who was the governor of Massachusetts at the time of Horton's furlough, for being soft on crime.

The use of the Horton case was understood, even by liberals, to be inflammatory and reactionary—an opportunity for Bush and the Republicans to demand more severe prison terms and otherwise increase the power of the state and the police. With the Turner case, layers around the Democratic Party have seized the opportunity to adopt their own right-wing, law-and-order agenda.



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