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Republicans hope to keep Kaine unsettled with murderer Soering issue; Dems say they're ready

by Bob Lewis, The Washington Post, January 29, 2012

RICHMOND, Va. — As former Virginia Gov. Tim Kaine mounts a campaign for U.S. Senate, an action he took on the eve of his exit from office is certain to come back to haunt him: his unannounced recommendation to return confessed double-murderer Jens Soering to his German homeland and eventual freedom.

Virginia Republicans this year want Soering to do for Kaine what Willie Horton did for fellow Democrat Michael Dukakis's hapless 1988 presidential bid.

National Republican Senatorial Campaign strategist Christopher J. LaCivita, a longtime ally of Republican U.S. Senate front-runner George Allen, says it's a telling commentary on Kaine's judgment — not just the decision in January of 2010, but the changing explanations and rationales Kaine has offered since.

For independents who say they vote for the person, not the party, Kaine's Soering decision raises red flags about character, said LaCivita, a mastermind behind the "Swift Boat Veterans for Truth" offensive against Democrat John Kerry in President George W. Bush's 2004 re-election.

"Releasing a convicted double-murderer on the last day of your term as governor — the dramatics behind it because of the brutality of the crime, the manner in which the transfer would have been done, the fact that it was done in this tie with the administration up in Washington — there's so many unanswered questions," LaCivita said.

Soering, son of a German diplomat, and his then-girlfriend, Elizabeth Haysom, confessed to fatally stabbing and nearly decapitating her parents, Derek and Nancy Haysom, at the couple's Bedford County home in 1985. The grisly attack horrified the region.

The young lovers fled the United States and traveled Europe together before being arrested in London. Both confessed, but Soering later tried to recant. He said he confessed falsely to spare Elizabeth Haysom the death penalty, erroneously believing his father's diplomatic immunity was his ticket home free.

Now serving two life terms, Soering has been denied parole seven times, including Kaine's refusal of a clemency request. The closest he got was Kaine's stealthy request to the Justice Department to transfer Soering to a German prison where he could have been

freed in as little as two years.

The story broke as McDonnell moved into the Executive Mansion, and the new governor swiftly rescinded Kaine's request, scuttling Soering's transfer.

Working full time as Democratic National Chairman, Kaine addressed the Soering issue in Richmond Times-Dispatch interview shortly after leaving office. Otherwise, he was silent until he entered the Senate race 15 months later. Then the questions came with a vengeance.

He first explained it as a cost savings.

"I basically said, 'Look, Virginia taxpayers have borne the cost of this German citizen's incarceration for 20-plus years.' I thought it was time for German citizens to bear the cost of his incarceration," Kaine told a scrum of incredulous reporters in announcing his candidacy in April.

A month later, in an Associated Press interview, he said he thought he was done with politics when he recommended Soering's transfer.

"I frankly thought that I wouldn't see my name on a ballot again," Kaine said.

In December's AP Day at the Capitol Senate Debate with Allen, Kaine said he agreed the transfer because Soering could never return to the United States. Retired Virginia Commonwealth University political science professor Robert D. Holsworth called it the weakest moment in an otherwise bravura debate for Kaine.

But would Kaine have made the recommendation were he not barred from seeking re-election by Virginia's constitution? In an AP interview Friday, his answer was neither yes nor no.

"I really tried very hard to make every decision that I made ... the best possible way I could," he replied. "I did not stop being a governor or turn into a half-governor in my last month or two in office."

Such evasion, LaCivita says, gives the dark attack ads that are now a staple of American politics the venom that makes them work.

"Take all this stuff — the crime itself, what Kaine did, all that's in the public record that he's said — and it is his Willie Horton, absolutely it is," LaCivita said. "You don't have to be a rocket scientist to tell that story."

There are important distinctions between Soering, a German citizen, and Horton, a black Massachusetts inmate who raped a white woman while free on a weekend release program that Dukakis had supported as governor. An anti-Dukakis attack ad featuring Horton became infamous for its racially charged message to voters, but it was effective in

George H.W. Bush's 1988 presidential victory.

Steve Jarding, who guided electoral triumphs for Democrats Jim Webb and Mark Warner in Virginia before becoming a political science professor at Harvard University's Kennedy School of Government, said using Soering against Kaine is risky for Republicans with an electorate fearful about their jobs, distrustful of both parties, and desperate for something more hopeful than partisan character assassinations.

"They have to be careful with this," Jarding said. "If the economy looked good, if Congress seemed to be functioning, yeah, I think an issue like that would have more resonance."

There's also a lesson in overreach from the 2005 gubernatorial race, when Republican Jerry W. Kilgore produced ads hitting Kaine as soft on crime because of a moral objection to the death penalty based on his Roman Catholic faith. One ad featured a murder victim's grieving father saying he didn't trust Kaine to carry out death sentences and contending that Kaine would even spare Adolf Hitler from execution. Editorials vilified the ad, rabbis denounced it for belittling the Holocaust, and subsequent polls indicated it boomeranged on Kilgore.

Eleven inmates were executed during Kaine's term.