

# Commentary

## Contentions

### Nocera Hits the Bulls-Eye on Magnitsky Act

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President Obama has been decrying “the way Congress does its business these days” and promising to act “with or without this Congress,” so fed up is he by the lack of bipartisan solutions coming from the legislative branch. So the president, one would think, would be delighted that Congress has come together to produce a bipartisan, popular bill that would also give the president a strong foreign policy move while simultaneously beefing up his credentials on human rights and democracy.

I’m talking, of course, about the “Sergei Magnitsky Rule of Law Accountability Act of 2011,” a bill that would sanction Russian human rights offenders. It is named after the Russian attorney who was detained without trial for investigating Russian corruption and then beaten and left to die in prison. It is intended to replace the Cold War-era Jackson-Vanik amendment, aimed at getting the Soviet Union to allow Jewish emigration, but which is outdated and will likely be repealed now that Russia is joining the World Trade Organization. The bill was introduced by Democratic Senator Ben Cardin and has broad bipartisan support. But Obama staunchly opposes the bill. Today, *New York Times* columnist Joe Nocera adds his voice to the growing chorus of commentators, both liberal and conservative, who support the bill:

I have to confess that when I first began receiving press releases about this effort, which has gained traction in Europe as well as the U.S., I didn’t take it very seriously. Visa restrictions didn’t seem like much of a price for allowing an innocent lawyer to die in prison. But after watching the reaction of the Russian government, which has repeatedly and vehemently denounced the bill — and which is now, out of pure spite, prosecuting Magnitsky posthumously — I’ve come to see that it really does hit these officials where it hurts them most.

Nocera makes an important point as to why the Magnitsky bill so easily got under the skin of Russian officials. It may sound marginal or even shallow, but it’s undeniably effective:

Who knew that what corrupt Russian officials care about, more than just about anything, is getting their assets — and themselves — out of their own country? They own homes in St. Tropez, fly to Miami for vacation and set up bank accounts in Switzerland. They understand the importance of stashing their money someplace where the rule of law matters, which is most

certainly not Russia. Besides, getting out of Russia is one of the pleasures of being a corrupt Russian official.

This is not only about targeting Russian criminals' vested interests, but about the symbolism of basing legislation on human rights and especially the rule of law as well. As Nocera notes, our dedication to the rule of law is a big reason this law would be effective.

And it's not just Russians. Last month, at Intelligence Squared U.S.'s debate on China and capitalism, Ian Bremmer said the same thing:

We got to watch what people do, not what people say, what they do. Did you see that piece in the *Wall Street Journal*, talked about the disposition of Chinese millionaires, how over 50 percent of Chinese millionaires say they prefer to live in the United States than China? And yeah, it's about quality of life. Yeah, it's about the environment. Yeah, it's about opportunities for their kids. It's also about no rule of law in China and worrying about corruption and the sanctity of their assets over the long term. Your assets are okay tomorrow. The United States, we're over-litigious. China doesn't have that problem. You don't have to worry about lawyers in China. You have to worry about someone ripping off your stuff or being forced out of the country or not being heard from again.

Nocera says passing the bill would give Republicans and Democrats separate victories that also give them the political cover to pass the bill. "Bipartisanship will reign," Nocera says. But he forgets to add: if Obama will get out of the way.