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THEY SAID IT

On the subject of immigration, my plea to Congress is loud and clear: You can't quit now. Last week the Senate was on the verge of addressing our broken immigration system. Now, the compromise bill wasn't perfect. But our current system is a disaster....For 20 years our country has done basically nothing to enforce the 1986 legislation against either the employers who hired illegal immigrants or those who crossed our borders illegally to work for them . . . We need comprehensive reform, and we need it this year.

Janet Napolitano, Governor of Arizona, *The Washington Post*, June 10, 2007.

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THE IMMIGRATION FOLLIES.

A few weeks ago, we hypothesized that the present low approval rating of Congress is an early sign that representative democracy has outlived its usefulness as a form of government in much the same way that hereditary monarchy did. We suggested that the extinction of representative democracy would take a very long time, but argued that in a progressively more complex and diverse society, decision-making and enforcement authority would, over time, naturally gravitate away from a contentious committee of 535 narcissists to the more centralized and unified executive branch, along with its principal power base, the constantly growing and increasingly authoritative bureaucratic apparatus.

The on-going fight in Washington over immigration reform is an excellent illustration of the difficulty that plebiscitary-type governments encounter when trying to deal with the kinds of complex issues that confront modern, highly developed, open societies. It is also likely, over time, to become an excellent illustration of how these problems will be handled in the future as the importance of the legislative branch slowly atrophies.

In keeping with this observation, we would note that while we are not in the business of giving advice to politicians, largely because we have never been asked, we would, if asked by say Mitt Romney, argue that the best position, both politically and practically, for him to take on the issue of immigration would be to promise to enforce rigorously the immigration laws that are already on the books.

When he is confronted, as he would be, with the charge that the current law doesn't work, we would advise him to respond with the question, "How do you know, given that it has never been enforced?" In response to the follow up question, we would tell him to ask the inquisitor what part of the phrase "illegal immigrant" he or she doesn't understand, and follow that up with another question, namely why he or she thinks that a new law would be any more likely to be enforced than the existing one.

This would naturally lead him to contend that the best way to begin solving the immigration problem would be to put someone in the White House who would do what no prior president from either party has ever done for a very long time, which is to enforce the law as written. This exercise, he could argue, would provide insights into the kinds of adjustments in the current law that should be made, based on real information rather than on speculation made during the heat of a highly partisan political debate over the shortcomings of a law that has never been enforced.

This position offers manifold benefits both politically and practically. For starters, it would not subject the candidate to criticism on the grounds that he or she was introducing new prejudices and new mistakes into an already troubled system. It is proactive and thus offers the same hypothetical hope that changing the law does, but doesn't involve the kind of inflammatory public debate that always makes legislative reform difficult. Moreover, it relegates Congress to the role for which it is best suited in this day and age, namely, that of providing citizens with some sense of participation in the running of the federal government, without actually involving them too deeply in the process. And finally, it is in keeping with the way things actually work, rather than enmeshing the candidate in the fantasy world in which most of Washington lives day to day.

It is not at all clear to us why President Bush decided to start a fight over a new immigration law. As President, he is in direct control of virtually all of the administrative offices that have jurisdiction over the immigration laws. This provides him with enormous power to interpret and shape these statutes, and to choose which provisions to enforce and which to ignore. He must, of course, deal with congressional and judicial oversight. But this is a cumbersome process that a determined president can usually circumvent and always minimize. Yet, President Bush, who has never done anything meaningful on the immigration front, has now suddenly chosen to publicize this sloth with a futile attempt to change the very same law that he has all but ignored for the past seven years.

To add to the political idiocy of this endeavor, a large number of leading congressional Republicans have allied themselves with Ted Kennedy in the process of determining what reforms are necessary, apparently indifferent to the fact that Senator Kennedy is one of the principal authors and champions of the very law that everyone seems to think has proven to be such a failure.

Needless to say, this effort at conciliation has done more to kill the "reform" effort than all of the actions of the bill's declared opponents combined, since, from a conservative perspective, Ted Kennedy is the Anti-Christ of American politics. Not only is he always on the wrong side of every issue, he is, unlike say Arlen Specter, there by choice rather than ignorance. Our advice to Republicans would be to avoid dealing with him on any and all issues. By all accounts, the Senator from Massachusetts is intelligent and charming, and can make himself appear to be quite reasonable when he wishes, which makes him all the more dangerous, especially when in the presence of egomaniacal Republicans who aren't all that smart, i.e., virtually all of them.

One thinks of the demand by Marlow's Dr. Faustus upon seeing Mephistophilis for the first time, "I charge thee to return, and change thy shape; Thou are too ugly to attend on me." Mephistophilis left the room and returned in the form of a Franciscan friar, which made him visibly more acceptable to Faustus and convinced the good Doctor that he was more than a match for this representative of all that was evil. ("How pliant is this Mephistophilis, Full of obedience and humility! Such is the force of magic and my spells.") In the end, of course, Dr. Faustus lost his soul, and while Marlowe doesn't say so directly, we know that Mephistophilis subsequently moved to Washington, D.C to cut similar deals with Democrats.

Now we are not saying here that a new immigration bill would make no difference. Obviously, several hundred pages of new law and tens of thousands of pages of new regulations would alter the nature of immigration control in this country a great deal.

What we are saying is that the character and quality of America's immigration control efforts will ultimately be decided by the executive branch, which hires the leaders of the bureaucratic organizations that interpret, codify, prioritize, and administer the pertinent laws on a day-to-day basis. If the administration does this well, the public and the congressional branch stay out of the picture, for the most part. Clearly, in the case of immigration, no administration has done well for a very long time. But the fact that it took 20 years for the public and the legislative branch to notice and to attempt to reassert their collective influence, and the fact that Congress is performing this task so poorly, is, as we said earlier, an excellent illustration of the shrinking role that the legislative branch is likely to play in the future as American society becomes more diverse and the problems associated with running it more complex.

Ironically, one of the reasons that Congress is having such a difficult time agreeing upon a variety of compromises that are necessary to produce a final legislative package is the cold awareness by many members that it does not matter how emphatically they state their demands that the executive branch proceed with diligence to enforce the immigration control portions of the law. They know full well that the executive branch can, and probably will ignore these demands for another 20 years and that there is little that an increasingly effete Congress can or will do about it. So why bother?

And therein lies the foolishness of Governor Napolitano's demand, cited above in the "They Said It" section, that a new law be passed because the old one is not working because "basically nothing" has been done in the past 20 years to enforce it. If you want a laugh, or a reason to weep for the fate of America's noble experiment in representative government, read the following paragraphs from the Wikipedia entry for the Immigration Reform and Control Act of 1986. That's *1986*, mind you.

The law criminalized the act of knowingly hiring an illegal immigrant and established financial and other penalties for those

employing illegal aliens, under the theory that low prospects for employment would reduce illegal immigration. It introduced the I-9 Form to ensure that all employees presented documentary proof of their legal eligibility to accept employment in the United States.

These sanctions would only apply to employers that had more than three employees and that did not make a sufficient effort to determine the legal status of the worker. IRCA also established a provision that if "wide-spread" discrimination was caused through employer-sanctions, according to a three year report by the General Accounting Office (now the Government Accountability Office) (GAO), then the sanctions would be repealed. The GAO found discrimination in 10% of cases studied, and the employment sanctions were not repealed.

The law established a one-year amnesty program for illegal immigrants who had already worked and lived in the U.S. since January 1982. Those eligible could apply for regularization of status and eventually full citizenship. The law also mandated the intensification of Border Patrol activities including the auditing of employer I-9 forms. Over 2.7 million illegal aliens and others not qualifying for visas were legalized under the 1986 IRCA amnesty.

And so it goes.

A NEW COLD WAR?

What is going on with Russia? Has a new Cold War begun? Is the Russian Bear once again a threat to the West? Why is Vladimir Putin behaving so confrontationally?

These questions and others like them have been asked countless times over the past week or so by various news anchors, columnists, analysts, and foreign policy "experts," all of whom are trying to make sense of last week's G8 summit in Heiligendamm, Germany, the

highlight of which was Putin's anti-West belligerence and his threat to retarget his nation's nuclear missiles at Europe.

Certainly, some of the answers to these questions have been shrewd and useful. Many have been unnecessarily melodramatic. Most have been superficial and trite. And still others have been just plain dumb, misapplying the answerers' own unrelated biases and political predilections to the question of Russian antagonism. An example of this latter type was offered by *Time* magazine, which, for reasons unknown, turned for insight to former Carter National Security Advisor Zbigniew Brzezinski, a man whose misunderstanding of Russian and Soviet affairs is perhaps unparalleled in Western thought. Zbig, in his infinite wisdom, decided that Russia's newfound anti-Westernism is, in large part, George Bush's fault. The President, according to Zbig, has not been coddling enough of the fledgling post-Soviet state. Like many on the left, Brzezinski has grown even more intellectually lazy over the last several years than he was when he worked for Jimmy, reflexively answering "Bush did it" to any question posed him.

Try as they may, though, the Bush bashers will have a difficult time pinning this one on him. Anyone who has been paying any attention at all (which, apparently, excludes Zbig) understands that the threats posed by post-Soviet Russia are anything but new. We documented Russia's burgeoning anti-Western activities in these pages nearly a year ago, and even then, our insights hardly qualified as breaking news. Putin, a former KGB thug, has been president for more than seven years now, having taken office more than a year *before* Bush did, and he has never been exactly secretive about his intentions to restore the Motherland's glory, a plan of action which, almost by definition, necessitates a more confrontational relationship with Europe and the United States.

But tracing Russia's antagonism directly to Putin misses the point. Russia is indeed a threat to the West, but not necessarily in the sense that most analyses of the past week have suggested. Putin's bluster is

just that. He talks tough, but mostly for domestic consumption, red meat for the folks back home. The real menace posed by Russia is not its desire to embark on renewed hostilities with the West, something that would make no sense either strategically or financially. Rather, Russia's threat can be found in the condition of its civil society, in its retreat from civilization, and its ongoing collapse into an anarchical state.

Nine years ago this summer, when we were working for a firm that suddenly no longer exists, we called Russia "the world's largest criminal enterprise." And though we were chastised for our frankness by said firm, there is little question that we were right. And Russia has only degenerated even further in the decade since.

Much of what was written about Russia over the last week focused on Russian history as a source of its current antagonism. Russia has always feared outsiders. It has always been mistrustful of Europe. It has always felt the need to expand its holdings to provide a feeling of security, etc., etc., etc. While there may be grains of truth in all of this, it seems to us that Russia's real problems stem from more recent history. It is easy to discount the long-term effects of communism more than a decade after the Soviet Union's collapse and the subsequent "end of history," but communism was, and in a few places still is, a mightily destructive force. Post-Soviet Russia may be different from Soviet Russia in that it is no longer a superpower and thus no longer an overt global menace. But beyond that, post-Soviet Russia appears much like Soviet Russia, only poorer and more explicitly Third World. What there was of Russian civil society was permanently destroyed by the nation's seven-decades-long experiment with Marxism, leaving a hollow, soulless nation with neither the will nor the means to function in the global community.

For starters, though Putin may be revered by a great many of his fellow Russians, he is still little more than a KGB thug. And Russia is still little more than a police state. And as in all police states, the explicit end of government action is to enhance or enrich those in power.

Why has Putin seized quasi-privately held assets for the state? Why has he murdered domestic critics? Why has he assassinated critics living abroad? Why has he stifled any and all criticism of his government? Because he can. And because in doing so he accumulates power and/or wealth for himself and his henchmen.

And why do most Russians not object? In part because they know better, fully understanding what happens to those who cross the state as embodied by the “strong man.” But in larger part, they don’t object because they *don’t* know better, or at least they don’t know any different. From their perspective, this is the way things have always been, and the way they will always be. The “rule of law” in Russia is precisely what the state says it is, just as it always has been.

Corruption in Russia is, frankly, beyond description. The word “endemic” does not do it justice. A decade ago, under the ostensibly “democratic” Boris Yeltsin, payoffs, fraud, and outright theft were rampant, which explains why Western investment in Russia all but dried up. Under the authoritarian Putin, the situation is undoubtedly even worse. In police states, capital flows not to the most efficient or productive uses, but to those that exert the greatest power. That this is inefficient goes without saying. But it is also perilous and ultimately destructive.

But government and “business” (if that is the right word) are not the only institutions in Russia that are collapsing into post-Communist ruin. Religion in Russia is virtually non-existent. And a great many of those who do practice organized religion, practice not Russian Orthodoxy, but Sunni Islam. As the inimitable Mark Steyn noted in his book *America Alone*, published last year:

There are districts that are exceptions to these baleful trends, parts of Russia that have healthy fertility rates and low HIV infection. Of the country’s eighty-nine federal regions, twelve are showing substantial population growth. Any ideas as to which regions they are? Once again, it starts with an I, ends with a slam. The allegedly seething “Arab street”

that the West’s media doom-mongers have been predicting since September 11 will rise up in fury against the Anglo-American infidels remains as seething as a Westchester County cul-de-sac on a Wednesday afternoon. But the Russian Federation’s Muslim street is real, and on the boil. And even its placid *quartiers* have no reason to prop up the diseased Russian bear.

Not surprisingly, the collapse of Christianity in Russia has been accompanied by a collapse in other civic institutions: in the family, in fertility, and in the overall health of society in general. Today, Russia’s fertility rate is 1.2 children per woman, the lowest of any “G8 nation,” lower than any nation in Europe, and even lower than Japan, the erstwhile death-spiral-demographics king. And this is hardly an accident. The practice of “abortion as birth control,” pioneered in the “feminist” friendly Soviet state, remains an important component of post-Soviet Russian life. According to Steyn, “When it comes to the future, most women are voting with their fetus: 70 percent of all pregnancies are terminated.”

Needless to say, all of this has left the nation over which Vladimir Putin rules in a pretty pathetic state. Once more, in the words of Mark Steyn:

If you’re a male born in Russia in 2000, you can expect to live 58.9 years. While its womenfolk have a life expectancy comparable to their American counterparts, sickly Russian men now have a lower life expectancy than Bangladeshis – not because Bangladesh is brimming with actuarial advantages but because, if he had four legs and hung from a tree in a rain forest, the Russian male would be on the endangered species list. The decline in male longevity is unprecedented for a (relatively) advanced nation not at war, and with many attendant social and economic consequences . . .

Russia is the sick man of Europe, and would still look pretty sick if you moved him to Africa. There are severe outbreaks of viral

hepatitis; tuberculosis is the country's leading fatal infectious disease, with a proliferating number of drug-resistant strains. It has the fastest-growing rate of HIV infection in the world. In the first five years of the new century, more people tested positive in Russia than in the previous twenty in America. The virus is said to have infected at least 1 percent of the population, the figure the World Health Organization considers the tipping point for a sub-Saharan-sized epidemic. So at a time when Russian men already have a life expectancy that doesn't make it beyond middle age, they're about to see AIDS cut them down from the other end, felling young men and women of childbearing age, and with them any hope of societal regeneration. By some projections, AIDS will soon be killing between a quarter and three-quarters of a million Russians every year. Along with those extraordinary rates of drug-fueled Hepatitis C, heart disease, and TB, HIV is just one more symptom of what happens when an entire people lacks the will to rouse itself from self-destruction.

All of this taken together suggests that the threat that Russia poses to the world is far different than that envisioned by those who fear "a new Cold War." The fact of the matter is that Russia is collapsing upon itself. The nation is crumbling and yet is run by men concerned principally with consolidating their own power and wealth. Steyn believes that the natural upshot of this will be the eventual dismantling of Russia and the sale of its assets – from land to resources to weaponry – to the highest bidder, be they Chinese, Muslim or otherwise. We tend to believe that the threat may well be more immediate.

What is left of Russian civil society is, apparently, rife with angst, tension, delusion, and paranoia. In a recent column for *The Times* of London, Russian columnist Robert Skidelsky noted that his country today is dominated by a "Russian ideology of greatness," a critical component of which is the "refusal to accept

that the Cold War ended in a Russian defeat." And those who do accept defeat, Sidelsky wrote, are preoccupied with the idea that defeat sprang not from any inherent Russian deficiency, but from "Mikhail Gorbachev's 'stab in the back.'"

What this means, then, is that post-Soviet Russia does not resemble Soviet Russia, with its drive for global dominance and superpower status, so much as it resembles Weimar Germany, with its decay – physical, political, cultural, and spiritual – its instability, and its propensity for violence. Whether "Weimar" Russia will meet the same bad end as did Weimar Germany, we can't say. But it is not unreasonable to believe that it will. The mechanisms of the police state remain intact, and the leap from police state to vicious, genocidal police state is likely not all that great.

In the meantime, Russia will continue to pursue its own ends in global affairs, practicing "the great game" as it has for centuries. When Russia's interests conflict with those of the United States, the relationship between the nations will appear cold, perhaps even hostile. But when interests coincide, comity and cooperation will rule the day. Long ago, we wrote that the post-9/11 world would be dominated by "interests" rather than "friendships," with alliances shifting as interests change. America's relationship with Russia today and the very immediate future will fit this model perfectly.

Also in the meantime, Russia and its post-Soviet collapse can offer a great many lessons for Western observers. To Europe, it offers a clear picture of post-Christian, post-family society. If Europe continues down current paths, demographically and politically, its future may not be all that different from Russia's.

As for America, Russia offers other, equally valuable lessons. The early dreams for post-Soviet Russia have been shattered. And what matters here is why.

Clearly, populations with no history of or experience with democratic and capitalist institutions have little chance of operating either with any consistency,

honesty, or longevity. Russia had no experience either with markets or with representative governance. And its immediate post-Soviet attempts to fashion both proved spectacularly inept.

Those few nations that have managed to escape Russia's fate and to transition from statist and autocratic to capitalist and democratic are those that did so over decades, often under the watchful eye of Western occupiers. Many of the most successful such nations (Japan, South Korea, India) had the successful institutions of West imposed upon them, either through imperial conquest or through foreign occupation resulting from war, and slowly developed their own institutions over time.

These facts have implications not just for politics and foreign policy, where any serious attempt to reform the institutions of the Middle East will require a

substantial long-term commitment, but for the capital markets as well. Investors would, we think, do well to remember that China, for example, is very much like Russia, an inherently corrupt post-Communist police state with little experience with markets or the representative institutions that allow markets to function. China has done far better in constructing the façade of capitalism and free markets than did Russia, though it too lacks both the institutions necessary to facilitate transparent and efficient markets and the will to construct those institutions. China's post-communist experiment is much different than Russia's, though in the long term, we suspect it will be equally unsuccessful.

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