

U.S. Should Remove Its Magnitsky Halo

By [James Carden](#)

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Earlier this month, Konstantin Dolgov, the Foreign Ministry's head of human rights, arrived in Washington for talks regarding the "Dima Yakovlev" law, which bans Americans from adopting Russian children. In the U.S., media coverage of the adoption ban has largely focused on the emotional, human interest side of the story, particularly U.S. parents who have adopted Russian children with disabilities.

What has been missing from these reports, however, is the role that the U.S. Congress played in provoking the adoption ban. The ban was not the result of some cruel whim on the part of the Russian government, but rather, it was a calculated response to the Magnitsky Act, which U.S. President Barack Obama signed on Dec. 14.

Magnitsky's death in a Moscow pretrial detention center in 2009 is terrible, but it is a Russian affair involving a Russian citizen, Russian perpetrators and Russian tax dollars that were allegedly stolen from a company owned by a British citizen.

What's more, the Magnitsky Act is redundant. In July 2011, the State Department said it would

deny visas and freeze the assets of dozens of Russian officials implicated in the death of Magnitsky. The only difference is that the State Department proposal would not have published the names on the blacklist, a provision the act's backers insisted on to "name and shame" Russian officials.

But the Magnitsky Act is also troubling for what it says about U.S. policy toward Russia. It is indicative of an anti-Russia alliance among Wilsonian internationalists, mainly Democrats, and neoconservative Republicans, both of whom voted overwhelmingly in both houses of Congress for the Magnitsky Act. This bipartisan consensus sees Russia as neither a partner nor a peer competitor but rather as a rogue authoritarian regime that needs to be kept in check by the self-appointed guardians of global freedom on Capitol Hill.

This anti-Russian alignment means that the dominant ideologies of both the left and the right now have an additional bogeyman on which to focus their collective ire.

Where does this leave relative centrists like Obama, who has tried not to link issues in the bilateral relationship that are unrelated to one another? The Obama administration's "reset" policy may be in tatters now, but much of the responsibility for that surely lies with an activist Congress rather than with the pragmatic White House.

This is not to say that Russia has been an ideal partner. The Kremlin's expulsion of USAID in October and the hostile anti-American rhetoric over the past year also speak to Russia's direct role in worsening U.S.-Russian relations.

Another problem with the legislation is that it purports to promote "U.S. democratic values" abroad despite the United States' own poor track record on human rights.

As author and foreign policy analyst Robert Merry recently pointed out, the Magnitsky Act is a "dagger pointed at the heart of Russia's existing governmental structure." It is strange that U.S. leaders didn't realize in advance that the Magnitsky Act was bound to elicit such a sharp response from a global power like Russia.

Members of Congress should consider U.S. theologian Reinhold Niebuhr's exhortation to lay aside what he called "the halo of moral sanctity" and refocus their efforts on the enormous challenges that face them at home in the U.S.

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