

June 25, 2013

According to [Breitbart](#), Bob Woodward thinks it is absurd to pass an immigration bill no one has read.

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“You can’t have a Congress that is kind of going around picking this and picking that and that fails and that fails and this fails,” Woodward said in the online post-show panel of Fox News Sunday this weekend.

Woodward added that “when you pass complicated legislation and no one has really read the bill” then “the outcome is absurd.”

Woodward is the veteran journalist who, with Carl Bernstein, broke the Watergate scandal that led to the resignation of President Richard Nixon, and has remained a force at the Post over the past several decades.

Steve Hayward takes a look at the bill.

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It’s true, we have a two-party system in America: The Evil Party, and the Stupid Party. And every once and a while the Evil Party and the Stupid Party get together to pass something really evil and stupid. That’s called “bipartisanship.”

It would seem the perfect description of the Gang of Eight and immigration reform. Please save us from bipartisan gangs.

Stan also taught me that whenever you hear about a bad piece of legislation under development in Congress, when you actually read the bill you invariably find out that it’s even worse than you imagined. So Stan’s column a few days ago (I don’t have a link) notes:

On first appraisal, the amnesty/immigration bill before the Senate looks pretty bad. On a more careful comb-through, clause by clause, it looks much worse – like a complete disaster. It also looks like a massive venture in deception.

Mickey Kaus has his metaphor for the bill.

I’ve been trying to think of the right metaphor for the giant Corker-Hoeven amendment, the one that is reportedly giving the Gang of 8’s immigration bill enough votes to pass the Senate.

Sure, it's a fig leaf—but a fig leaf is usually something insignificant-yet-real. This is something grandiose that's a fraud.

The best I can come up with is this: A man comes into your restaurant. You recognize him—he's a guy who ate a \$100 meal last year and said he'd pay later, but he stiffed you. Now he's back and wants another meal on credit. He senses you are wary and makes a new offer. "This time I'll pay you ... \$2 million! How can you refuse? It's 2 million dollars!"

You get the idea. Just try and collect.

Similarly, Schumer, Durbin & Co. have offered a deal to Corker, Hoeven, and conservatives. In essence, it's this: You'll immediately legalize 11 M immigrants who are unlawfully in the country. They'll get work permits renewable ad infinitum—we call it "provisional," but basically they're in. Yes, we know that in 1986 we passed an amnesty and promised enforcement that never happened, but this time we promise to ... militarize the Southern border! Hire 20,000 new agents! That's the ticket. Double the Border Patrol! Spend \$20 billion. Quadruple the budget. Drones in the sky—triple the number of drones. Drones! Sensors on the ground! 700 miles of fence! 100% use of E-Verify! "I don't know what more to do, short of just shooting people," says Gang of 8-er Lindsey Graham.

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The Atlantic posts on the increasing prison population. Another result of the foolish drug war.

The U.S. incarceration rate has more than quadrupled since 1980. It's now the highest in the world, just ahead of Russia and Rwanda. ...

... Why have U.S. incarceration rates skyrocketed? The answer is not rising crime rates. In fact, crime rates have actually dropped by more than a quarter over the past 40 years. Some look at these statistics and find confirmation of their view that expanding prison populations reduces crime rates. In fact, however, these same decreases have occurred even in places where incarceration rates have remained unchanged.

New sentencing guidelines have been a key factor. They have reduced judges' discretion in determining who goes to jail and increased the amount of time convicts sentenced to jail spend there. A notable example is the so-called "three-strikes" law, which mandates sentences ranging from 25 years to life for many repeat offenders. Though championed as protecting the public, such sentences have resulted in long confinements for many non-violent offenders, who constitute half of all inmates.

Perhaps the single greatest contributor has been the so-called "war on drugs," which has precipitated a 12-fold increase in the number of incarcerated drug offenders. About 1.5 million Americans are arrested each year for drug offenses, one-third of whom end up in prison. Many are repeat offenders caught with small quantities of relatively innocuous drugs, such as marijuana, a type of criminal activity often referred to as "victimless."

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WSJ has the lowdown on America's Cup spying.

The America's Cup, which begins in San Francisco July 4, isn't just sailing's most prestigious competition. It is also a showcase for the most shamelessly conspicuous spy operation in professional sports.

From San Francisco's waterfront, it's impossible to miss the teams practicing on their 13-story-tall yachts—and the fleet of enemy spy vessels trailing them. Onboard the powerboats, which sport their teams' logos, are photographers with \$10,000 Nikon lenses trying to shoot pictures of something the other guys don't want them to see: a shorter sail, a lighter foil, a modified rudder.

Reconnaissance in the Cup is about as old as the 162-year-old competition itself, and it's especially crucial this year because the four teams are racing largely untested, state-of-the-art yachts. The squads spy on each other to avoid missing technological breakthroughs and to learn their opponents' racing strategy.

"Sometimes you get caught up in your own processes and you want to think outside the box," said Cameron, the New Zealand team photographer. "Those guys"—the competition—"are thinking completely outside the box."

Espionage has already permeated this Cup. New Zealand coach Rod Davis said that in November, his team needed to test a new foil, which elevates a boat's hull above water so the boat goes faster. The problem: An Oracle spy boat was lurking outside their Auckland dock.

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Breitbart

Bob Woodward on Immigration Reform: 'Absurd' if Congress Passes Unread Bill

by Matthew Boyle



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Power Line

Why Immigration Reform Is The Panama Canal Treaty Redux

by Steve Hayward

I’m pretty sure it was my first Washington mentor, the great M. Stanton Evans, who told me—and perhaps originated—the famous story of a senior Senate aide explaining American

democracy to a Russian visitor shortly after the Soviet Union broke apart in 1991. The story is probably apocryphal, but like Xenophon's re-telling of Cyrus the Great, or Machiavelli's subtle mis-tellings of so many stories, it contains the "effectual truth" of the matter:

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Quite apart from Rubio's bilingual double talk, the bill itself says in so many words that a lack of border security is expected by its sponsors, since provision is made for that very outcome. The legislation says that if, five years out, the border is not secure, a special commission will be set up to look into the matter (a commission that, on the language of the bill, would be toothless).

Also, even if border security could somehow be established, that wouldn't remedy the countless defects of the legislation. It is shot through with provisos that would swell the number of aliens on a "path to citizenship" to three or four times the 11 million illegals now in the country (if that is in fact the true number) . Most obvious of these are "chain immigration" aspects that will bring in and legalize the spouses and children of illegals, but there are many others of like nature.

One such is a "blue card" (temporary, eight- year) work visa, which might not be a problem in itself, but links to other features. Once here, these workers could qualify for "provisional" immigrant status, just like the illegals, and thus get on the citizenship pathway also. Further, if a future illegal gets apprehended, he can escape removal by requesting "blue card" status for up to two and a half years after the rule is final. Thus, hesto-presto, would future illegals be made legal.

The bill is otherwise riddled with clauses that would help illegals avoid removal, get into the country to begin with, seek "provisional" status, apply for naturalization, ask stays of judgment, and game the system in general. One of the words appearing most often in the bill is "waiver," closely followed by "appeals," "stays," "reviews" and "exceptions" : A thicket of legalisms that could and undoubtedly would be used to thwart enforcement.

It's of course unlikely that a Spanish-speaking immigrant who walks across the border from Mexico would know anything of these legal complexities, but the drafters have foreseen that problem also. The bill sets up a fund, amounting to \$50 million (with more money to be added as needed), to represent illegals in every phase of the process – seeking provisional immigration status, filing appeals, blocking efforts at deportation, obtaining naturalization, and so on.

I'm actually in favor of some sensible immigration reforms, and believe the GOP could handle this issue in a way that would make liberals howl (start with including some anti-multicultural poison pills in the law, and then debate the matter openly). But increasingly this bill looks to me that it is this decade's equivalent of the Panama Canal treaty of 1977: if it passes, it is going to end several political careers, starting with Rubio's. Howard Baker's Panama Canal treaty vote not only killed his presidential ambitions, but also eliminated him from serious consideration to be Ronald Reagan's running mate in 1980.

The failure of the farm bill in the House the other day is, however, a good omen. I think it is possible that that vote was really about immigration reform—a shot across the bow of House leadership that they can't be counted upon to go along unless the bill is completely changed, and that Boehner will fight for the House version in a conference committee.

Daily Caller

[One More Metaphor for the Gang of 8](#)

by Mickey Kaus

Preliminary Search for Loopholes in a Cloud: I've been trying to think of the right metaphor for the giant Corker-Hoeven amendment, the one that is [reportedly giving](#) the Gang of 8's immigration bill [enough votes to pass the Senate](#). Sure, it's a fig leaf—but a fig leaf is usually something insignificant-yet-real. This is something grandiose that's a fraud.

The best I can come up with is this: A man comes into your restaurant. You recognize him—he's a guy who ate a \$100 meal last year and said he'd pay later, but he stiffed you. Now he's back and wants another meal on credit. He senses you are wary and makes a new offer. "This time I'll pay you ... \$2 million! How can you refuse? It's 2 million dollars!"

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Drones in the sky—triple the number of drones. *Drones!* Sensors on the ground! 700 miles of fence! 100% use of E-Verify! "I don't know what more to do, short of just shooting people," [says Gang of 8-er Lindsey Graham](#).

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Nothing this Congress does, remember, can prevent future Congresses from renegeing on the back end of this "legalize first" deal. Budget considerations alone will mean the advertised "surge" won't be sustained—as [Obama's earlier 1,500 man National Guard surge wasn't sustained](#). Future lawmakers will be looking around for "offsetting" spending cuts and that bloated 40,000 man border patrol will stick out like a nail that wants to be hammered. Plus, once illegal immigrants have their legalization in hand, Democrats will lose 80% of their

motivation to make good on the law's elaborate promises. They're *already* unhappy with the back end of the deal—[Sen. Leahy calls it](#) “a Christmas wish list for Halliburton.” Meanwhile, militarizing the border is [drawing immediate protests](#). Business interests—especially farmers—can be expected to oppose the requirement that they use a computerized system to check new hires. There will be little to stop these forces—the ones that have blocked enforcement until now—except some Republican pols saying “But ... but you pwomised!”

It's true that Democrats (and immigrant advocates, and the ethnic lobbyists like La Raza) will want the 11 million newly legalized immigrants to be able to get green cards and embark on the fabled “path to citizenship.” But their answer won't be to fulfill the cartoon enforcement promises of Corker-Hoeven. It will be to water down the requirements for green cards. Republicans are going to resist that? They want to alienate the growing Latino voting bloc? After they tried so hard to take the whole issue “off the table” in 2013? **

This the reality to keep in the front of your mind when discussing the details of Corker-Hoeven's border security requirements: *None of them is actually going to happen!* The formal requirements will be gutted by future Congresses and bureaucrats. We're just trying to figure out if there's really anything they'll have to gut.

With that in mind, here are some initial tentative impressions of Corker-Hoeven's [1000-plus pages](#) of unenforceable, soon-to-disappear promises: [I will update and correct as necessary. Here is [Byron York's more thorough take](#) from yesterday.]

The Mexican Border Fence: The bill seems to require that, before green cards can be issued, “no fewer than 700 miles of pedestrian fencing” be “in place.” Since there are at least [352 miles in place already](#), that's a maximum requirement of 348 *new* miles, on a 2,000 mile border. **The fencing *doesn't* have to be double layered** (it “may” be that) and it *doesn't* have to replace the existing, [pathetic, hop-over-it “vehicle barrier”](#) (this only has to be done “where possible”). The Department of Homeland security doesn't have to build anything in any particular place—there's a [big escape clause](#) that says the Secretary can determine that it's not “the most appropriate means to achieve and maintain effective control” at any one location. (So much for Marco Rubio's idea that Congress was going to write a plan so specific it would tie Janet Napolitano's hands.)

But arguably (and I suspect it's not that simple) DHS has to build 348 new miles of fence *somewhere* on the border.

Fancy new technology: [May be avoided by the Secretary of DHS if she thinks “alternative technology”](#) is “at least as effective.” So all Corker-Hoeven's absurd Umberto Eco-style specifics about “22 ... night vision goggles” in Yuma and “85 unattended ground sensors” in El Centro are just for show.

E-Verify: Here Corker-Hoeven uses the same language as the original Gang of 8 bill—language I still [think leaves a big loophole](#). Before green cards can be issued, DHS must have

“**implemented the mandatory employment verification system required** by section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by section 3101 of this Act,

for use by all employers to prevent unauthorized workers from obtaining employment in the United States.” [*Emphasis added.*]

So they have to “implement ... the ... system ... required ... for use by all employers.” Does that mean they have to implement –partially? fully? “substantially”?-an E-verify-like system that’s *designed* for and *required* of all employers? Or does it have to actually *be* in use by all employers? The language is ambiguous—and since it would have been easy to write language that wasn’t ambiguous (e.g. “in use by all employers” or “95% of employers”) you have to think the vagueness is intentional, designed to give the government an escape hatch if, say, the system’s only used by 50% of employers.

Border Patrol: “[N]o fewer than 38,405 trained full-time active duty U.S. Border Patrol agents” must be “deployed, stationed, and maintained” along the border. If there are only 38,404, no green cards! Right.

“Honey, it’s that esteemed solicitor from Nigeria emailing again. I know he’s a con man but this time he’s offering \$20 billion! I think I’ll answer him.”

P.S.: The Corker-Hoeven revision also keeps the Gang of 8’s [run-out-the-clock Litigation Escape clause](#)—meaning that if after 10 years lawsuits have prevented one of the requirements from being carried out, [green cards get issued anyway](#). This sets up the bizarre situation in which a court 9 years from now might want to merely delay some DHS action but the effect would be to *eliminate*, not delay, the law’s “trigger.” Why not just say that if the requirement is delayed by a lawsuit the green cards are too? That might discourage lawsuits ... ah yes, I see the reasoning now.

** – There *was* a do-able deal—a variety of deals, actually—that would have guaranteed completion of the border security “back end” of Corker-Hoeven deal. The deal would be to make it the front end—require that its targets be met *before* any legalization. Or move step-by-step with smaller, balanced confidence-building measures—the DREAM Act mini-amnesty in exchange for E-verify, etc. It’s entirely possible “the 11 million” could get their citizenship *faster* under these scenarios than the Senate bill’s 13-year default position, since once all the targets were met there’d be no need to append gratuitous delays (which seem mainly intended to appease conservative voters). And the enforcement targets would be met.

But that was the road not taken—vetoed by Democrats who’d rather have no bill (and an election issue) than enforcement promises they couldn’t renege on.

The Atlantic

[The Incarceration Epidemic](#)

About one-fourth of all incarcerated people on Earth is in the U.S. That constitutes a public health problem.

by Richard Gunderman

The U.S. incarceration rate has more than quadrupled since 1980. It’s now the highest in the world, just ahead of Russia and Rwanda. It is estimated that approximately 2.3 million Americans are now behind bars. This is about one-fourth of all the incarcerated people on Earth,

though the U.S. represents only one-twentieth of the world's population. When the figures for those under probation and parole are added, about 1 in 18 U.S. men is under some form of monitoring or control. The figure for blacks is 1 in 11.

From a medical point of view, the number 2.3 million is huge. It is double the number of Americans infected with HIV, the virus that causes AIDS. People in prison are much more likely to carry and contract a variety of communicable diseases, including tuberculosis, syphilis, and hepatitis B and C. [Recent articles in *The Atlantic*](#) have detailed [horrible prison conditions](#) and [egregious abuses of mentally ill prisoners](#). From a medical perspective, putting someone in prison is putting them in harm's way.

Why have U.S. incarceration rates skyrocketed? The answer is not rising crime rates. In fact, crime rates have actually dropped by more than a quarter over the past 40 years. Some look at these statistics and find confirmation of their view that expanding prison populations reduces crime rates. In fact, however, these same decreases have occurred even in places where incarceration rates have remained unchanged.

New sentencing guidelines have been a key factor. They have reduced judges' discretion in determining who goes to jail and increased the amount of time convicts sentenced to jail spend there. A notable example is the so-called "three-strikes" law, which mandates sentences ranging from 25 years to life for many repeat offenders. Though championed as protecting the public, such sentences have resulted in long confinements for many non-violent offenders, who constitute half of all inmates.

Perhaps the single greatest contributor has been the so-called "war on drugs," which has precipitated a 12-fold increase in the number of incarcerated drug offenders. About 1.5 million Americans are arrested each year for drug offenses, one-third of whom end up in prison. Many are repeat offenders caught with small quantities of relatively innocuous drugs, such as marijuana, a type of criminal activity often referred to as "victimless."

Some sentencing laws seem little less than perverse. For example, in the 1980s, crack cocaine received a great deal of public attention. In response, the U.S. Congress passed legislation imposing a 100 to 1 sentencing ratio for possession of crack cocaine, as compared to its powdered form. That is, someone carrying 5 grams of crack cocaine would get the same sentence as someone carrying 500 grams of powdered cocaine. From a medical point of view, this makes little sense.

The costs of incarceration are high. For example, the state of California spends approximately \$9,000 per year for each public school student it educates but over \$50,000 per year for each inmate it keeps incarcerated. The proportion of the state budget devoted to imprisonment has been increasing at a rate much faster than that for education. Moreover, despite California's huge prison expenditures, its prisons recently held 140,000 prisoners in facilities designed for only 80,000.

Does prison do any good? This is a surprisingly difficult question to answer. Incarceration certainly works to prevent criminals from committing repeat offenses by removing them from contact with the public. It also provides retribution, satisfying some members of the public that the incarcerated are paying for their crimes. Anyone who visits a prison would be hard pressed to say that it does not represent a powerful form of punishment.

Yet it is difficult to make the case that so-called correctional institutions do much in the way of correcting, reforming, or rehabilitating inmates. The recidivism rate at 3 years post-release is about two-thirds, of which over half end up back in prison. The most important factor in preventing recidivism is not the amount of time people serve in prison, but the age at which they are set free. The older inmates are at the time of their release, the less likely they are to return.

Even the U.S. Congress admits that prison is ineffective at correcting and rehabilitating those convicted of crimes, and it has directed federal judges to avoid sending people to prison with this objective in mind. If we are the product of our environment, then prison, which puts people convicted of crimes in close daily contact with other criminals, might well cause more problems than it solves. Far from correcting and rehabilitating, prison itself may serve as a school for crime.

Perhaps some people do need to be incarcerated. However, it is difficult to argue that the numbers of such people has increased rapidly over the past 40 years, at the same time that the crime rate has fallen. In fact, there are good reasons to suppose that in many cases incarceration does more harm than good, and that those suffering this damage include not only criminals themselves but their families, their communities, and society as a whole.

The toll on families is clear. Incarceration converts two-parent families to one-parent families and one-parent families to no-parent families. Husbands are taken away from wives, and in many cases (over 100,000 inmates are juveniles) children are taken away from their parents. Incarceration itself causes suffering for families, who must do without their loved ones for long periods of time. The penumbra of its stigma can prove especially burdensome for children.

Incarceration also takes a big toll on communities. Its costs, both direct and indirect, are high, and it draws resources away from other equally or more worthy needs, such as education and healthcare. Some communities, particularly in inner cities, are devastated by incarceration. For example, blacks are incarcerated at nearly 6 times the rate of whites, and if current trends continue, nearly 1 in 3 black males born today can expect to be incarcerated at some point in life.

America likes to think of itself as the land of the free. In the mid-1800s, Alexis de Tocqueville, perhaps the greatest student of America, came here to study the U.S. prison system. Instead, he left enlightened and elevated by the American conception of freedom, and in response, he wrote *Democracy in America*. Were Tocqueville to visit again today, he might well complete his prison report, shaking his head that the land of the free has become the home of the jailed.

WSJ

Espionage on the High Seas

During America's Cup Practice, Efforts to Spy on the Competition Aren't Very Covert

by Stu Woo



Emirates Team New Zealand photographer Chris Cameron, left, took photos of Oracle Team USA's yacht during a reconnaissance mission in May.

San Francisco

The world's best spies go unnoticed. They flit through enemy territory, hidden behind disguises or under the cover of darkness while using pocket-size gadgets to gather intelligence. They never announce themselves.

Chris Cameron is not the world's best spy. One bright morning this spring, he zipped up a black jacket emblazoned with the logo of his sailing team, Emirates Team New Zealand. He then grabbed an 18-inch-long camera lens, hopped onto a powerboat and announced his plan. "We're going down to Oracle" he said, referring to rival Oracle Team USA.

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Oracle's mistake, Davis said, was not noticing that his team's best sailors were aboard the supposedly broken-down boat. "The other guys were actors," said Davis, who was on the decoy himself, "and they sold it."

Davis said the ruse helped hide the new foil from Oracle for weeks. Oracle said that wasn't the case. "We actually saw what happened that day," said Jimmy Spithill, Oracle's skipper. "We have boats all over."

It's easy to see why teams spy on one another. Cup organizers set guidelines on boat design, but there's enough leeway for teams to modify boat parts, even during the middle of the weeks-long competition. Weight and aerodynamics are crucial in sailing; in a 20-minute race, slight tweaks can mean the difference between winning and losing.

"It's not the sailing" that wins the Cup, said Dennis Conner, the legendary American sailor who won four Cups in the 1970s and 1980s. "It's the equipment."

Espionage has long been part of the Cup, but spying ratcheted up after the 1983 competition. The Australian team arrived in Newport, R.I., with a revolutionary design for a keel, the underwater fin that stabilizes a boat, and shrouded it with a skirt while the boat was docked so other teams couldn't see it.

In 1985, British police arrested a man trying to sell the U.K. team's keel design for \$25,000, said Tom Ehman, then the director of a U.S. team that received the sales pitch.

Cup officials banned aerial and underwater surveillance after the 1992 Cup, which featured helicopter and scuba-diver reconnaissance.

While sailing teams can be friendly to the spy boats—Cameron said the Italian team once tossed him ice-cream bars—others pull pranks. In 1995, Matt Mason and five fellow grinders, the burly guys who crank the winches aboard a ship, on Team New Zealand once boarded an Australian spy boat, pinned down the lone crewman and stripped him of his gear and clothing. They returned to their own boat with booty.

"We hoisted his jeans up on a halyard," said Mason, now with Oracle, proudly.

In recent years, the Americans have been accused of playing dirty. In 2009, a Swiss team alleged an Oracle team member named Jean Antoine Bonnavreau illegally took photos at its base. Oracle called it "legal observation" and no charges were filed after a local-police investigation.

Last November, the Italian team Luna Rossa accused Oracle of violating a rule that prohibits boats from "navigating" within 200 meters of a competing yacht for surveillance. Oracle denied wrongdoing, citing the Oxford English Dictionary's definition of "navigate," which equates navigating with moving. Oracle said its spy boats were simply parked while the Luna Rossa yacht sailed by.

A Cup panel found Oracle's argument "flawed and unreasonable." It punished the team, forbidding it to practice five days this spring, a minor penalty.

As for the intelligence gathered, Oracle team chief Russell Coutts isn't sure whether it actually helped. "At the end of the day, it's the team with the fastest boats and best sailors that wins," he said.



