

EDITORIAL

The smell test

Canine witnesses need tighter judicial leashes.

WITH very little science to back

them up, so-called scent lineups have been used extensively to convict defendants in Texas courts.

Dogs sample the odor of a suspect and several other persons and sniff crime-scene evidence. Then they indicate to their handlers through signals whether there's a match. In many law enforcement jurisdictions, officers can use the evidence to justify a search, an arrest, even a criminal charge.

One of the leading practitioners and popularizers of the technique is Fort Bend County Deputy Keith Pikett, who has constructed a lucrative career testifying to the accuracy of his pack of bloodhounds, colorfully tagged with monikers like Columbo, James Bond and Clue. In testimony for prosecutors, Pikett has claimed that his dogs are almost never wrong in their determinations in thousands of cases.

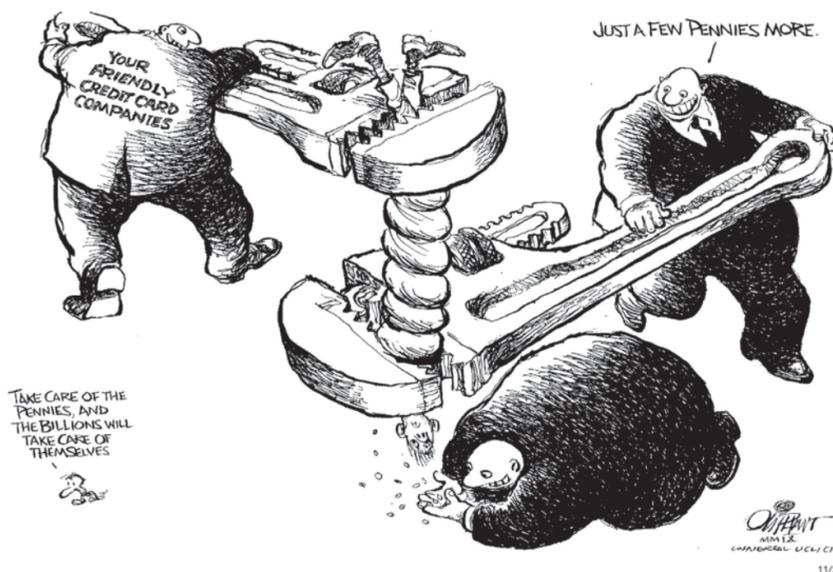
That assertion is under fire in federal court in Houston, as three men wrongfully accused on the basis of Pikett's scent lineups are suing for damages after spending months in jail.

Cedric Johnson and Curvis Bickham were charged with capital murder after Pikett's hounds linked them to a charred gas can found at the scene of a triple killing. Johnson spent 16 months in jail and Bickham eight before all charges were dropped. Another litigant in the federal suit, Ronald Curtis, was incarcerated after the dogs implicated him in a string of cell phone store burglaries. He spent eight months in the slammer before the real thief was arrested.

As a report issued by the Innocence Project of Texas documents, the practice of using of dogs for scent lineups is unreliable and amounts to "junk science." Police agencies in the Netherlands that pioneered the technique have concluded it has limited value and should only be used in conjunction with solid forensics, such as DNA.

Texas lawmen are not alone in using erroneous scent lineups to implicate suspects. In Florida, three men have had convictions overturned based on discredited testimony by dog handlers.

If the Texas Forensic Science Commission ever finishes up its delayed investigation of arson findings in the case of executed convict Cameron Todd Willingham, members should start sniffing up the trail of scent lineups.



The art of diplomacy, 20 years later

German reunification filled with complexities

By JOE BARNES

TWENTY years ago today, the Berlin Wall fell. The event, indelibly etched in the memory of anyone alive at the time, may not have marked the end of the Cold War, but it clearly heralded the beginning of the end. The pace of change — already swift by Nov. 9, 1989 — accelerated in the extraordinary two years that followed. Germany was reunified on Oct. 3, 1990. The Warsaw Pact dissolved on March 31, 1991. And the Soviet Union itself ceased to exist on Dec. 31, 1991.

In retrospect, it is easy to invest events like the reunification of Germany with historical inevitability. By the time the Berlin Wall came down, the forces of change in Central and Eastern Europe had become irresistible. Hungary and Poland were already moving rapidly to dismantle their police states. Massive peaceful demonstrations were sweeping East Germany. The Soviet Empire set up in the wake of World War II was crumbling for all to see. The division of Germany into two states, one free and one not, was no longer sustainable.

Nonetheless, the precise form that unification would take remained in doubt. Would East and West Germany form a loose confederation? Or would the East simply merge into the West? Would a reunified Germany become neutral or remain a member of NATO? What place would the new Germany have in the ongoing process of Western European

economic and political integration?

All these questions would ultimately be answered — but only after extended, multitiered negotiations among the various parties. As Princeton scholar John Ikenberry stresses, the Cold War did not merely end. It was settled. And it was settled by a complex array of formal agreements, public commitments and private assurances.

Indeed, at the time, British Prime Minister Margaret Thatcher and French President François Mitterand were initially very suspicious of German reunification, fearing it might mark a return to the "old Germany" that had once caused destruction in Europe. German Chancellor Helmut Kohl assuaged these fears by committing a reunified Germany to close integration with its European Union partners.

At the outset, Soviet leader Mikhail Gorbachev was similarly opposed to NATO membership for a reunified Germany. U.S. President George H.W. Bush and his Secretary of State James A. Baker III allayed Soviet concerns with a series of assurances aimed at minimizing the perceived threats posed by a reunified Germany and a strengthened NATO. Bush and Baker went even further, telling Gorbachev that Washington had no intention of taking advantage of Moscow's troubles in Central and Eastern Europe.

Not least, the Bush administration developed an imaginative process — the so-called "Two-Plus-Four" talks — to shepherd German unification. The "two" were West and East Germany. They would negotiate internal aspects of unification. The "four" were the United States, the Soviet Union, Britain and France — the original Allied occupying powers after World War II. The four

would have a voice in the external aspects of reunification. The formula both recognized the primacy of German interests in reunification and the importance of conferring international legitimacy on any agreement between East and West Germany. The Two-Plus-Four talks were a resounding success, contributing to early and surprisingly smooth German reunification by the end of 1990.

In short, the reunification of Germany was, in many ways, the result of old-fashioned "great power" diplomacy. This is not to diminish the courage of East Germans who took history into their own hands on Nov. 9, 1989. Nor is it to dismiss the broader historic trends sweeping Eastern and Central Europe during the period.

But the national leaders involved in the negotiations leading to German reunification deserve credit for the role that they, too, played. They may not themselves have set vast historical forces into play, but they sought to harness those forces in service of peaceful, legitimate and enduring outcomes. Their efforts embody the principles of effective diplomacy: a process of seizing opportunities, identifying shared interests and building consensus.

Diplomacy, it is said, is the art of the possible. The reunification of Germany shows that it can be a high art, indeed.

Barnes is the Bonner Means Baker Fellow at the James A. Baker III Institute for Public Policy. View a webcast of the institute's "German Unification" panel discussion that included former Soviet Foreign Minister Eduard Shevardnadze and former U.S. Secretary of State James A. Baker III at <http://www.bakerinstitute.org/events/germany09panel>.

Call us when you're serious about peace



THOMAS FRIEDMAN says it's time for the U.S. to pack up, go home and let Israel and the Palestinians face political reality.

THE Israeli-Palestinian peace process has become a bad play. It is obvious that all the parties are just acting out the same old scenes, with the same old tired clichés — and that no one believes any of it anymore. There is no romance, no sex, no excitement, no urgency — not even a sense of importance anymore. The only thing driving the peace process today is inertia and diplomatic habit. Yes, the Israeli-Palestinian peace process has left the realm of diplomacy. It is now more of a callisthenic, like weight-lifting or sit-ups, something diplomats do to stay in shape, but not because they believe anything is going to happen. And yet, as much as we, the audience, know this to be true, we can never quite abandon hope for peace in the Holy Land. It is our habit. As I ranted about this to a friend the other day, he said it reminded him of an old story.

"These two guys are watching a cowboy and Indian movie. And in the opening scene, an Indian is hiding behind a rock about to ambush the handsome cowboy," he explained. "'I bet that Indian is going to kill that cowboy,' one guy says to the other. 'Never happen,' his friend answers. 'The cowboy is not going to be killed in the opening scene.' 'I'll bet you \$10 he gets killed,' the guy says. 'I'll take that bet,' says his friend.

"Sure enough, a few minutes later, the cowboy is killed and the friend pays the \$10. After the movie is over the guy says to his friend, 'Look, I have to give you back your \$10. I'd actually seen this movie before. I knew what was going to happen.' His friend answers: 'No, you

can keep the \$10. I'd seen the movie, too. I just thought it would end differently this time.'"

This movie is not going to end differently just because we keep playing the same reel. It is time for a radically new approach. And I mean radical. I mean something no U.S. administration has dared to do: take down our "Peace-Processing-Is-Us" sign and just go home.

Right now we want it more than the parties. They all have other priorities today. And by constantly injecting ourselves we've become their Novocain. We relieve all the political pain from the Arab and Israeli decision-makers by creating the impression in the minds of their publics that something serious is happening. "Look, the U.S. secretary of state is here. Look, she's standing by my side. Look, I'm doing something important! Take our picture. Put it on the news. We're on the verge of something really big, and I am indispensable to it." This enables the respective leaders to continue with their real priorities — which are all about holding power or pursuing ideological obsessions — while pretending to advance peace, without paying any political price.

Let's just get out of the picture. Let all these leaders stand in front of their own people and tell them the truth: "My fellow citizens: Nothing is happening; nothing is going to happen. It's just you and me and the problem we own."

Indeed, it's time for us to dust off James Baker's line: "When you're serious, give us a call: 202-456-1414. Ask for Barack. Otherwise, stay out of our lives. We have our own country to fix."

The fact is, the only time America has been able to advance peace — post-Yom Kippur War, Camp David, post-Lebanon war, Madrid and Oslo — has been when the parties felt enough pain for different reasons that they invited our diplomacy, and we had statesmen — Henry Kissinger, Jimmy Carter, George Shultz, James Baker and Bill Clinton — savvy enough to seize those moments.

Today, the Arabs, Israel and Palestinians are not feeling enough pain to do anything hard for peace — a mood best summed up by a phrase making rounds at the State Department: The Palestinian leadership "wants a deal with Israel without any negotiations" and Israel's leadership "wants negotiations with the Palestinians without any deal."

It is obvious that this Israeli government believes it can have peace with the Palestinians and keep the West Bank, this Palestinian Authority can't decide whether to reconcile with the Jewish state or criminalize it, and Hamas leadership would rather let Palestinians live forever in the hellish squalor that is Gaza than give up its crazy fantasy of an Islamic Republic in Palestine.

If we are still begging Israel to stop building settlements, which is so manifestly idiotic, and the Palestinians to come to negotiations, which is so manifestly in their interest, and the Saudis to give Israel a wink, which is so manifestly pathetic, we are in the wrong place. It's time to call a halt to this dysfunctional "peace process," which is only damaging the Obama team's credibility.

If the status quo is this tolerable for the parties, then I say, let them enjoy it. I don't want to subsidize it or anesthetize it anymore. If and when they get serious, they'll find us. And when they do, we should put a detailed U.S. plan for a two-state solution, with borders, on the table. Let's fight about something big.

Friedman is a columnist for The New York Times and a three-time Pulitzer Prize winner.

LETTERS

Medicare mention

YOU published a letter from David Kroon (Page B10, Wednesday) in which he said he had to take strong exception to your statement that Medicare should be a model on which to design the public option portion of the pending health bill because, according to a *60 Minutes* piece, Medicare just sends checks to storefront medical offices without bothering to check the claims.

I had sent a letter to Medicare in October telling them that I thought a surgeon who did not perform the surgery he said he would perform had

improperly billed them. When I saw the same *60 Minutes* piece that Mr. Kroon cited, I thought that Medicare probably would not bother to respond to my letter.

So I must admit that I was surprised when Medicare called me and said they had received my letter and asked me if I would like to pursue the matter.

When I said I would and mentioned being surprised by her call because of the *60 Minutes* piece, she laughed and said Medicare depended on its recipients to report problems and TV shows depended on ratings.

— RICHARD W. KING, Pasadena

Headline matters

IF Bush were president now, the headlines in the *Chronicle* would be: "Citizens are dying because Bush can't distribute enough H1N1 flu vaccine even with a year's notice."

— GERARD HAYNES, Houston

ICE woes

REGARDING the "ICE Numbers" editorial (Page B10, Oct. 22), it seems that the *Houston Chronicle* only grazed the bigger issue going on at Immigration and Customs Enforcement.

When you have an agency that is utterly underfunded, understaffed, run by managers who do not view the employees as equals and who treat employees like third-class citizens, it shouldn't be surprising when you find discrepancies, errors and questionable practices on any statistics released from the agency.

The bottom line is that ICE leadership needs a shake-up. ICE employees face dangers every day on the job be it from violent detainees or contracting H1N1 from exposure in a detention facility.

We need to be focusing on giving them the tools they need to do their job — the current ICE leadership is woefully failing them and failing the American public.

— JOHN GAGE, national president, American Federation of Government Employees

Party problems

AS I have watched the continuing polarization of our electorate, I am deeply reminded of the timeless wisdom that those who sow the wind shall reap the whirlwind.

Each party seems to be increasingly flailing its own way toward the fringes. Democrats flail leftward, and more Republicans get elected. Republican flail rightward, and more Democrats get elected.

Americans are neither ultra-liberal nor ultra-conservative. Our supposed swings between one or another party is just our corporate seeking for some sort of balance.

Personally, I would like to quash between my fingers those who purport to be the leaders and spokespersons for both and either of the parties. Masking themselves as deeply concerned, and shrill, patriots, the common thread among their rhetoric is fear.

It is these seeds of fear that are being sown into the very fabric of our society, and my fellows who march lockstep into their self-serving paranoia will have to reap the whirlwind of illogic insanity that follows.

— P.A. MOYE, Sugar Land

BIBLE VERSE

Thus saith the Lord God unto these bones; Behold, I will cause breath to enter into you, and ye shall live: and I will lay sinews upon you, and will bring up flesh upon you, and cover you with skin, and put breath in you, and ye shall live; and ye shall know that I am the Lord.

— EZEKIEL 37:5-6