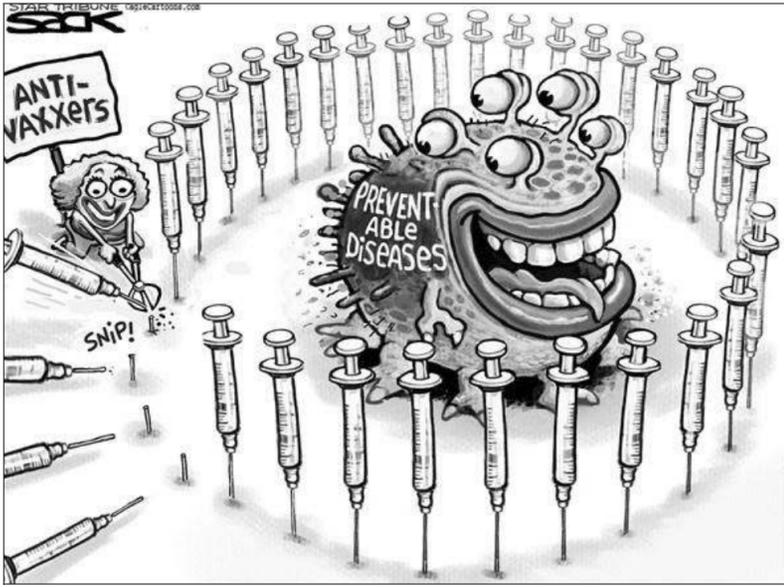


COLUMNS & CARTOONS



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Two pillars of Israel's security eroding

Israel is the only liberal democracy in the Middle East and North Africa. Eight million Israelis are surrounded by some 400 million Muslims in more than 20 states. Almost all of Israel's neighbors are anti-Israeli dictatorships, monarchies or theocracies – a number of them reduced to a state of terrorist chaos.

Given the rise of radical Islam, the huge petrodollar wealth of the Middle East and lopsided demography, how has Israel so far survived?

The Jewish state has always depended on three unspoken assumptions for its tenuous existence.

First, a democratic, nuclear Israel can deter larger enemies. In the Cold War, Soviet-backed Arab enemies understood that Israel's nuclear arsenal kept them from destroying Tel Aviv.

Second, the Western traditions of Israel – free-market capitalism, democracy, human rights – ensured a dynamic economy, high-tech weapons, innovative industry and stable government.

Third, Israel counted on Western moral support from America and Europe, as well as military support from the United States.

Israel's stronger allies have often come to the defense of its democratic principles and pointed out that the world applies an unfair standard to Israel, largely out of envy of its success, anti-Semitism, fear of terrorism and fondness of oil exporters.

Unfortunately, two of these three traditional pillars of Israeli security have eroded.

When the United States arbitrarily lifted tough sanctions against Iran and became a de facto partner with the Iranian theocracy in fighting the Islamic State, it almost ensured that Iran will get a nuclear bomb. Iran has claimed that it wishes to destroy Israel, as if its own apocalyptic sense of self makes it immune from classical nuclear deterrence.

Sen. Robert Menendez, D-N.J., summed up the Obama administration's policy on Iran

as “talking points that come straight out of Tehran.” Obama has cynically dismissed Menendez's worries about negotiations with Iran as a reflection not of the senator's principles, but of his concerns over “donors” – apparently a reference to wealthy American Jews.

Symbolism counts, too. President Obama was about the only major world leader to skip the recent march in Paris to commemorate the victims of attacks by radical Islamic terrorists – among them Jews singled out and murdered for their faith. Likewise, he was odd world leader out by skipping this week's 70-year commemoration of the liberation of the Auschwitz concentration camp.

Obama is not expected to meet with Israeli Prime Minister Benjamin Netanyahu, who will address Congress in March. A nameless administration official recently said Netanyahu “spat in our face” by accepting the congressional invitation without Obama's approval and so will pay “a price” – personal animus that the administration has not directed even against the leaders of a hostile Iran.

Jews have been attacked and bullied on the streets of some of the major cities of France and Sweden by radical Muslims whose anti-Semitism goes unchecked by their terrified hosts. Jewish leaders in France openly advise that Jews in that country immigrate to Israel.

Turkey, a country whose prime minister, Recep Tayyip Erdogan, was praised by Obama as one of his closest friends among world leaders, has turned openly nonsecular and is vehemently anti-Israel.

Until there is a change of popular attitudes in Europe or a different U.S. president, Israel is on its own to deal with Iran, with the radical Islamic madness on its borders and with the global harassment of Jews.

A tiny democratic beacon in the Middle East should inspire and rally Westerners. Instead, too often, Western nations shrug and assume that Israel is a headache – given that there is more oil and more terrorism on the other side.

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The United States is virtually the only developed nation that still allows the death penalty.

BOTCHED EXECUTIONS AND ETHICAL DILEMMAS

Supreme Court tinkering with the machinery of death rather than confronting penalty's unconstitutionality.

As the Supreme Court is again poised to consider capital punishment, it is time for the court to hold finally and firmly that the death penalty is unconstitutional.

On Jan. 23, the Supreme Court announced that it will decide whether the three-drug protocol currently used in lethal injections constitutes cruel and unusual punishment. It is not likely to happen, but this should be the occasion for the court to declare that the death penalty inherently violates the Eighth Amendment's ban on cruel and unusual punishment.

Near the end of his time as a Supreme Court Justice, Harry Blackmun famously declared: “From this day forward, I no longer shall tinker with the machinery of death.” Justice Blackmun came to believe that it was impossible to devise a system for administering the death penalty that was sufficiently fair and sufficiently reliable in protecting the innocent, and sufficiently humane to be constitutional. After that declaration, in every case, Justice Blackmun voted to overturn the death penalty, as Justices William Brennan and Thurgood Marshall had done before him.

In all likelihood, in *Glossip v. Gross*, the case now before the Supreme Court, the justices will tinker with the machinery of death rather than confront the basic question of whether the death penalty is inherently unconstitutional.

The issue before the court arises because the drugs that previously had been used for lethal injections are no longer available.

Until 1978, states with the death penalty used sodium thiopental to induce unconsciousness. But that drug no longer is made in the United States, and the European Union, where the death penalty is prohibited, banned the importation of the drug into the United States. States then shifted to using pentobarbital for this purpose, but the producer objected to its use in executions and it is no longer available.

States shifted to using midazolam to induce unconsciousness. But there have been serious problems with its use in executions. In April, Clayton Lockhart was executed in Oklahoma and kicked and grimaced for 45 minutes before he died. In Arizona, Joseph Randolph Wood III gasped for 90 minutes before he died. In Ohio, Dennis McGuire choked for 25 minutes before dying.

Two weeks ago, before the execution of Charles Warner in Oklahoma, his lawyers asked the Supreme Court to stay the exe-

cutio to hear his challenge to the cruelty of using midazolam. The justices denied the stay, but four justices – Ginsburg, Breyer, Sotomayor and Kagan – would have stopped the execution to allow consideration of whether the drugs used risked significant pain and thus violated the Constitution. Warner was executed and some witnesses said that they heard him complain that “my body is on fire” before he died.

In *Baze v. Rees*, in 2008, the Supreme Court held that lethal-drug executions do not violate the Constitution unless there is a clear risk of severe pain when compared to what would result by using an alternative protocol. In *Glossip v. Gross*, the court will consider how this applies to the new three-drug protocol, especially after the much-publicized instances of botched executions where those put to death suffered greatly.

Focusing just on a narrow question obscures the larger issue as to the constitutionality of the death penalty. The Supreme Court long has said that what is “cruel and unusual punishment” is determined by “evolving standards of decency.” The United States is virtually the only developed nation that still allows the death penalty. Canada, Mexico, Australia, almost all of Europe and over 100 countries altogether prohibit capital punishment.

Thanks to the work of the innocence projects across the country, we know that sometimes innocent people are convicted and sentenced to death.

Any human system at times will fail, especially one as flawed as the American criminal justice system. It is also documented that the death penalty is administered in a racially discriminatory fashion. African Americans and Latinos are far more likely to be executed for the same crimes than whites.

There is no evidence that the death penalty deters crime. States and countries without the death penalty do not have higher murder rates than those that execute people.

Last summer, Orange County federal judge Cormac Carney declared the death penalty in California unconstitutional because of the capricious and unpredictable way that it is carried out.

Carney's ruling is being reviewed by the 9th U.S. Circuit Court of Appeals. Hopefully, it will end the death penalty in California. But even more important would be for the Supreme Court to declare that the death penalty violates the Eighth Amendment. It is time to stop tinkering with the machinery of death.

Erwin Chemerinsky is the dean of the UCI School of Law.

Syriza's victory puts austerity on trial

By ROBERT J. SAMUELSON
SYNDICATED COLUMNIST

Is this the beginning of the end for austerity?

Alexis Tsipras, leader of the victorious far-left Syriza party, has proposed renegotiating much of Greece's public debt (now estimated at 177 percent of GDP) and slowing the “privatization” of state-owned businesses. “Austerity has failed in Greece,” he wrote a few days before the election. The former government had “promised the country's lenders that it [would] cut salaries and pensions further, and increase taxes.” Crazy, he said. Fulfilling other campaign promises, Tsipras' government

quickly announced a higher minimum wage, increases in some state pensions and plans to rehire some laid-off government workers.

The rejoinder is that austerity, though hugely painful, was beginning to succeed and trying to undo it may backfire. Jacob Kirkegaard of the Peterson Institute fears that Syriza is adopting a self-defeating “confrontational” approach toward Greece's lenders. Greece's economy was predicted to expand modestly, about 2 percent, in 2015. “But given the uncertainty resulting from a confrontation, these projections are worthless,” he argues.

Greece has already benefited

from one debt write-down. In 2012, about 100 billion euros of debt held by banks and private investors was reduced by half, says economist Hung Tran of the Institute of International Finance, an industry research group. Maturities were also lengthened and interest rates lowered, increasing the overall debt relief.

The write-down has left most of Greece's remaining debt with three governmental organizations – known as the “troika” – which continued lending to Greece in return for approved policies. The troika consists of the European Commission, the European Central Bank and the International Monetary Fund.

Together, they hold more than two-thirds of Greece's government debt of 317 billion euros, says Tran.

The troika and Greece will negotiate to resolve their differences. Failure could be catastrophic for Greece. Unless Greece has a program approved by the troika, the ECB has warned it will cease lending to the country's banks, says Kirkegaard. Without the ECB backstop, banks would probably fail, further dragging down the economy. Lacking an agreement, the troika would also not make more loans to Greece, resulting in default on maturing borrowings. Greece might abandon the euro and restore its own cur-

rency, the drachma.

But the troika also faces limits to its power. If it is too rigid with Greece, it might fan a further popular backlash in other debtor countries, including Spain and Italy. “The pushback will be strengthened,” says Tran. A Greek exit from the euro would also create a novel situation that, conceivably, could explode into a full-blown financial crisis.

Austerity is on trial. There's a huge split between those who think it is necessary medicine and those who think it is economic poison. And as Tran notes, “the fault line is getting deeper.”

Robert J. Samuelson is a columnist for the Washington Post.