Granting adolescents the right to health care, assumes that they are rational enough to make decisions, which causes them to be assumed rational in the Criminal justice system as well which leads to adolescents being tried in adult courts. **Mutcherson 06[[1]](#footnote--1)**

In the recent past, several young people convicted of capital crimes received life-term sentences in adult prisons or even the death penalty-punishments that seem incompatible with the young age of the defendants. **When a fifteen-year-old commits a** serious **crime** for which adult punishment is possible, many juvenile justice **advocates decry the use of the adult** penal **system to contend with "children"** too immature to consider the ramifications of their actions before committing their crimes. These advocates raise concerns about adolescent impulsiveness, the pull of peer pressure and, in more recent times, point to research on the still growing adolescent brain to justify their view that the law should not treat juveniles as adults when meting out justice. Those who argue against such harsh penalties for young people **do so,** at least in part, **based on a belief in adolescent decisional incapacity**. In other words, young people lack the decision-making ability necessary to justify imposing adult sentences upon them even for the most heinous crimes. **By contrast, when faced with a** pregnant **fifteen-year-old seeking** to access **abortion services** or prenatal care, some **advocates** for young people in the healthcare decision-making arena **argue** that **adolescents** do **posses the maturity** and competence **to** reason through options and **make** critical **healthcare decisions** without the knowledge or consent of parents. On this end of the spectrum, **advocates seek** enhanced **decision-making rights for adolescents by claiming** that most **adolescents are** in fact **developmentally capable** of meaning- fully participating in and even independently directing their own healthcare. Advocates have made this argument particularly strenuously in the context of abortion rights for young women though it also appears in other healthcare contexts. **Given these** potentially **clashing views of adolescent decision-making capacity**, it is possible that advocates for juveniles in these two areas of law undermine each other's causes and are at serious odds with each other. This seeming divide between people who claim allegiance to and concern for young people and who may, in fact, believe deeply in the other's cause marks two groups of advocates for young people who are on divergent paths. Juvenile justice advocates march toward a future in which the criminal justice system, with few exceptions, consistently presumes adolescent developmental deficiencies significant enough to protect young defendants from much criminal responsibility and certainly sufficient to protect young people from prosecution and punishment as adults. At the same time, many healthcare advocates march toward an opposite future in which those in the healthcare system presume adolescent developmental capacity also with few exceptions. **In the quest for a unified** and all-encompassing **legal regime**-governing adolescents across areas of law, **one might** simply **choose one understanding** of general adolescent competence or incompetence **and apply it across the board.** Arguably, a unified vision is a worthwhile goal if it replaces the present patch- work of common and statutory law dealing directly or indirectly with questions of competence and young people. However, **embracing one view** of the developmental capacity of adolescents **seems to preclude** embracing **the other**. In choosing a single position, one fears that adolescents will be left unduly vulnerable either in the criminal courts or in the offices of their healthcare providers. This article seeks to understand the divide between groups of advocates and stake out a compromise position that supports an integrated system of measuring adolescent competence across different areas of the law. Ultimately, I conclude that there is an underlying consistency in these different views of adolescent competence or decision-making capacity. Therefore, they can peacefully coincide and be reconciled so that the assertion of one position does not diminish the claim of the other. When speaking to each other, juvenile justice advocates and healthcare advocates have little trouble embracing each other's positions on adolescent competence and perceive no lapse in logic in their claims. My concern, however, is with a wider audience of **judges and policymakers** who **remain unconvinced that one can make claims of** both **competence and incompetence in the same breath**.

When a juvenile is convicted in adult courts they can’t go to the military: **Young 2K**[[2]](#footnote-0)

**In addition to receiving an adult sentence** and possibly serving time in an adult prison, **[J]uveniles convicted in criminal court** may suffer other long-term legal consequences. Depending on the laws of their state, they may • Be subject to criminal court jurisdiction for any subsequent offense committed as a juvenile • Have their conviction a matter of public record • Have to report their conviction in employment applications • Lose the right to vote, sometimes for life • **[l]ose the right to serve in the military.**

Young offenders constitute a large proportion of recruits, which is on the brink now. **Bender 7**[[3]](#footnote-1)

**Nearly 12 percent of Army recruits** who entered basic training **this year [had]** needed a special waiver for those with **criminal records**, a dramatic increase over last year and 2 1/2 times the percentage four years ago, according to new Army statistics obtained by the Globe**.**With less than three months left in the fiscal year, 11.6 percent of new active-duty and Army Reserve troops in 2007 have received a so-called "moral waiver," up from 7.9 percent in fiscal year 2006, according to figures from the US Army Recruiting Command. In fiscal 2003 and 2004, soldiers granted waivers accounted for 4.6 percent of new recruits; in 2005, it was 6.2 percent. **Army officials acknowledge** privately **that the increase** in moral waivers **reflects the difficulty of signing up sufficient numbers of recruits** to sustain an increasingly unpopular war in Iraq; the Army fell short of its monthly recruiting goals in May and June**.** Since Oct. 1, 2006, when the fiscal year began, more than 8,000 of the roughly 69,000 recruits have been granted waivers for offenses ranging in seriousness from misdemeanors such as vandalism to felonies such as burglary and aggravated assault. Army officials say **the** majority of such **recruits** committed relatively minor offenses and **have not been in prison.** They point out that **waivers are granted only after a careful review of each soldier's history -- and only when the applicant has shown remorse or changed behavior**… **Applicants with** more than one felony -- or with **a single conviction for a more serious crime such as homicide,** sexual violence, or drug trafficking -- **are not eligible.** "In most cases we see, the charges were from a period of time when the applicant was young and immature," said a two-page statement from the Army Recruiting Command, based in Fort Knox, Ky., provided in response to queries from the Globe. "We look at the recent history such as employment, schooling, references, and signs of remorse and changed behavior since the incident occurred as part of the waiver process," the statement said. "The Army does not rehabilitate enlistees who receive waivers; they have already overcome their mistakes."

#### Recruitment is key to readiness—necessary for US military effectiveness. Kosiak 08[[4]](#footnote-2)

For more than half a century, the US military has been well known for developing and employing the most advanced weapon systems in the world*. However,* over the years, perhaps nothing has contributed more to the effectiveness of the US military than the quality of its personnel*. Indeed,* in order to be effective, the US military must have adequate numbers of high-quality military personnel, *with the right experience, training and skills.* Military manpower requirements can be successfully met only if adequate resources are provided for recruitmentand retention efforts, including appropriate types and levels of compensation. In addition, success depends on less easily quan- tifiable elements such as effective leadership and intangible but important factors including high morale and the relative success of ongoing military operations. It also requires effective long-term planning. First, because it takes considerable time to produce quality military personnel; and, second, because the military is a closed sys- tem that—with few exceptions—promotes only from within.The US military faces a range of serious challenges to its ability to recruit and retain sufficient numbers of quality personnel *both in the near term and over the long term.* The most critical near-term challenge is related to the wars in Iraq *and Afghanistan. But these ongoing operations are not the only manpower-related prob- lems confronting the US military. Among other things, those challenges include: Trends in various areas of military technology and concepts of operations that will, over time, likely require that the Services acquire and maintain an increasingly competent, well-trained and well-educated workforce. Obstacles within the Services’ traditional personnel and management cultures that may stand in the way of using the most cost-effective recruitment and reten- tion tools, and creating a more flexible and effective personnel management and compensation system.* High and growing budgetary costs associated with military personnel *(including the cost of pay and, especially, healthcare and retiree benefits*), and the danger that increasing personnel costs may crowd out needed investments in the development and procurement of new weapon systems*. Taken together,* these and other trends and challenges make it imperative that the Services’ personnel requirements be managed effectively in coming years*. Doing so is likely to require both using traditional tools of personnel management (e.g., pay, bo- nuses and recruiting resources) more efficiently and adopting a mix of broader, and in some cases, new and innovative approaches (e.g., restructuring military compensa- tion, and reorienting the military to focus more attention and resources on preparing for stability operations).*

Readiness solves multiple scenarios for extinction. **Startfor ‘13**[[5]](#footnote-3)

Hard power has not been in vogue since the Iraq War turned badly in about 2004. In foreign policy journals and at elite conferences, the talk for years has been about “soft power,” “the power of persuasion” and the need to revitalize the U.S. State Department as opposed to the Pentagon: didn’t you know, it’s about diplomacy, not military might! Except when it isn’t; except when members of this same elite argue for humanitarian intervention in places like Libya and Syria. Then soft power be damned. The fact is that **hard power is** supremely **necessary** in today’s world, for reasons having nothing to do with humanitarian intervention. Indeed, the Harvard professor and former government official, Joseph S. Nye, Jr., who, in 2004, actually coined the term “soft power” in an eponymous book, has always been subtle enough in his own thinking to realize how relevant hard power remains. As I write, **the two areas** of the world that are **most important in** terms of **America’s long-term** economic and political **interests — Asia and Europe — are undergoing power shifts**. The growth of Chinese air and naval power is beginning to rearrange the correlation of forces in Asia, while the weakening of the European Union in geopolitical terms – **because of its** ongoing **fiscal crisis** — is providing an opportunity for a new Russian sphere of influence to emerge in Central and Eastern Europe. Of course, both challenges require robust diplomacy on America’s part. But fundamentally **what they** really **require is a steadfast commitment of American hard power**. And the countries in these two most vital regions are not bashful about saying so. Security officials in countries as diverse as Japan and Poland, Vietnam and Romania desperately hope that all this talk about American soft power overtaking American hard power is merely that — talk. For it is **American** warships and **ground forces deployments that matter most to these countries and their officials**. Indeed, despite the disappointing conclusions to the Iraq and Afghanistan wars, **rarely before has American hard power been so revered** in places that actually matter. Asia is the world’s demographic and economic hub, as well as the region where the great sea lines of communication coalesce. And unless China undergoes a profound political and economic upheaval — of a degree not yet on the horizon — the Middle Kingdom will present the United States with its greatest 21st century competitor. **In the face of China’s** military **rise**, Japan is shedding its quasi-pacifistic orientation and adopting a positive attitude toward military expansion. In a psychological sense, Japan no longer takes the American air **and** naval presence in Northeast Asia for granted. It actively courts American hard power in the face of a territorial dispute with China over islands in the East China Sea. Japan knows that, ultimately, it is only American hard power that can balance against China in the region. For South Korea, too, American hard power is critical. Though the South Korean military can ably defend itself against **North Korea’s**, again, it is America’s air and naval presence in the region that provides for a favorable balance of power that defends Seoul against Pyongyang and its ally in Beijing. As for Taiwan, its very existence as a state depends on the American military’s Pacific presence. Don’t tell officials in the Philippines that American hard power is any less relevant than in previous decades. Like Japan, after years of taking the U.S. Navy and Air Force for granted, Manila is literally desperate for American military support and presence against China, with which it disputes potentially resource-rich islands and geographical features in the South China Sea. Like Japan and South Korea, the Philippines is a formal treaty ally of the United States: that is to say, these countries matter. As for Taiwan, it is arguably one of the finest examples of a functioning democracy in the world beyond the West, as well as geopolitically vital because of its position on the main sea lines of communication. Thus, Taiwan too, matters greatly. Vietnam, for its part, has emerged as a critical de facto ally of the United States. It is the single most important Southeast Asian country preventing China’s domination of the strategically crucial South China Sea. And what is Vietnam doing? It is refitting Cam Ranh Bay as a deep-water harbor, officially to attract navies from India, Russia and elsewhere; but especially to attract the U.S. Navy. Malaysia plays down its close relationship with the United States, as part of a delicate diplomatic minuet to get along with both China and the Muslim world. Nevertheless, the number of visits of American warships to Malaysian ports has jumped from three annually in 2003 to well over 50. As for Singapore, one of its diplomats told me: “We see American hard power as benign. The U.S. Navy defends globalization by protecting the sea lanes, which we, more than any other people, benefit from. To us, there is nothing dark or conspiratorial about the United States and its vast security apparatus.” In 1998, the Singaporeans built Changi Naval Base solely to host American nuclear-powered aircraft carriers and submarines. In 2011, there were 150 American warship visits to Singapore. Then there are the four American littoral combat ships that, it was announced in 2011, would be stationed in Singapore. At the other end of Eurasia, whatever their public comments, diplomats from countries in Central and Eastern Europe are worried about any American shift away from hard power. In the 1990s, the security situation looked benevolent to them. They were in the process of joining NATO and the European Union, even as Russia was weakened by chaos under Boris Yeltsin’s undisciplined rule. Following centuries of interminable warfare, they were finally escaping history, in other words. Now NATO and the European Union — so vigorous and formidable in the 1990s – look fundamentally infirm. Meanwhile, Russia has been, for the moment, revitalized through a combination of natural gas revenues and Vladimir Putin‘s dynamic authoritarianism-lite. Russia once again beckons on the doorstep of Europe, and the Poles, Romanians and others are scared. Forget NATO. With declining defense budgets of almost all European member states, NATO is to be taken less and less seriously. The Poles, Romanians and so on now require unilateral U.S. hard power. For years already, the Poles and Romanians have been participating in U.S. military missions in Afghanistan, Iraq and sub-Saharan Africa. They have been doing so much less because they actually believe in those missions, but in order to prove their mettle as reliable allies of the United States — so that the United States military will be there for them in any future hour of need*.* As for the Middle East*, Israel, Jordan, Saudi Arabia and the Gulf* countries *all* desperately require U.S. hard power*: If not specifically for an attack on Iran’s nuclear facilities, then certainly* in order to promote a balance of power unfavorable to Iran’s regional hegemony. Soft power became a trendy concept in the immediate wake of America’s military overextension in Iraq and Afghanistan. But soft power was properly meant as a critical accompaniment to hard power and as a shift in emphasis away from hard power, not as a replacement for it. **Hard power is best employed** not when America invades a country with its ground troops but **when it** daily **projects military might over vast swaths of the earth**, primarily with air and naval assets, in order to protect U.S. allies, world trade and a liberal maritime order. American hard power, thus, must never go out of fashion.

1. Kimberly M. Mutcherson, pf @ Rutgers, “Minor discrepancies: forging a Common understanding of Adolescent competence in Healthcare decision-making and Criminal responsibility” Nevada Law Journal, 6:927 [↑](#footnote-ref--1)
2. Young, Malcom C. and Jenni Gainsborough. “Prosecuting Juveniles in Adult Court: An Assessment of Trends and Consequences” (Jan. 2000). <http://www.prisonpolicy.org/scans/sp/juvenile.pdf> [↑](#footnote-ref-0)
3. Bender, Bryan. “More entering Army with criminal records.” The Boston Globe. July 13, 2007. <http://www.boston.com/news/nation/articles/2007/07/13/more_entering_army_with_criminal_records/> [↑](#footnote-ref-1)
4. Steven M. Kosiak, Vice President for Budget Studies at Center for Strategic and Budgetary Assessments, frequent speaker on defense issues, providing expert testimony before House and Senate Committees, and has been published in multiple major newspapers, “Military Manpower for the Long Haul,” CSBA Publication, 2008 [↑](#footnote-ref-2)
5. Stratfor 13. "The Virtues Of Hard Power." Forbes. Forbes Magazine, 22 May 2013. Web. 15 July 2013. Stratfor is a geopolitical intelligence firm that provides strategic analysis and forecasting to individuals and organizations around the world.PL [↑](#footnote-ref-3)