

# National Security Advice for a New Administration: Initial Thoughts

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*It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness . . . in short, the period was so far like the present period, that some of its noisiest authorities insisted on being received, for good or for evil, in the superlative degree of comparison only.<sup>1</sup>*

## INTRODUCTION

The opening phrase in Charles Dickens's *Tale of Two Cities* nicely captures the national security challenges confronting the nation as a new administration takes office. After the stunning failures of the preceding Administration, Obama's election in November 2008 was greeted with euphoria. Obama's bearing, approach and outlook seemed to offer a "just in time" rescue for national security policies run aground. Now, as the day-to-day reality of governing sets in, it is increasingly clear that the nation will need every bit of the new President's heralded thoughtfulness and calm. Obama seems an excellent example of Ernest Hemingway's definition of courage as "grace under pressure." Even without considering the economic debacle confronting the world and its impact on global markets, the national security concerns confronting the United States as the world's leading power are daunting.

The new President will need the best advisors. Time will tell if the national security team being assembled is suited for the job and capable of functioning well together. The team brings a diverse combination of expertise, backgrounds, and differing perspectives critical for forging new solutions in response to a dynamic environment.<sup>2</sup> The team's diversity offers hope that the new Administration can avoid the central problem of the Bush administration: narrow ideological focus with little tolerance for differences in opinion. Bush's "Global War on Terror" led to an unproductive, one-dimensional approach to foreign policy. Hopefully, the

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1. CHARLES DICKENS, *A TALE OF TWO CITIES* 1 (Bantam Books 1989) (1859).

2. See Jake Tapper, *Barrack Obama Unveils National Security Team, Taps Former Rival Hilary Clinton for State*, ABC NEWS, Dec. 1, 2008, available at <http://abcnews.go.com/GMA/President44/story?id=6365516&page=1> (stating that Obama's national security team will be composed of Gen. James L. Jones, Nat'l Sec. Advisor; Robert Gates, Sec'y of Def.; Sen. Hillary Rodham Clinton, Sec'y of State; Admiral Dennis Blair, Dir. of Nat'l Intell.; Rep. Leon Panetta, CIA Dir.; Ariz. Gov. Janet Napolitano, Dir. of Homeland Sec.; Eric Holder, Att'y Gen.; and Robert Mueller, FBI Dir., a holdover from the Bush administration).

Obama administration will have the vision needed for the most important task at hand: to design novel, fact-based responses to crucial national security issues at hand, rather than viewing them simply through the interpretive prism of the “Global War on Terror.”

And so, when answering V. I. Lenin’s classic question of “what is to be done”<sup>3</sup> with our national security policy the answer is simple: system-redesign. For the United States to retain its position as the world’s superpower, “spot-welding” is not enough.

## I. CRITICAL ISSUES INHERITED FROM THE BUSH ADMINISTRATION

The Obama administration inherits a set of intractable national security issues that cannot be ignored. A course of action cannot be charted without an understanding of where we have been. Starting with a clean slate is not an option. Still, the Obama administration must do more than simply react to inherited crises. Rather than falling into a reactive mode, President Obama and his team must design a clear concept for the future into which current actions fit. This will not be an easy task. The following is my “Top-Ten List” of the national security concerns that the Obama administration inherits from its predecessor.

### A. *Russia*

What should the United States relationship be with Russia, a giant power? Long the guarantor of stability in its region – albeit using means antithetical to Western values – Russia remains the dominant state among those of the former Soviet Union. With the end of the Cold War, Russia has become increasingly defensive and belligerent. These tendencies were exacerbated by the Bush administration’s policy of North Atlantic Treaty Organization (NATO) expansion and what Russia would describe, not without basis, as “U.S. meddling” among its former client states. In recent years, Russia’s foreign policy has become increasingly bold. Ironically, today Russia’s strength comes not from its military power, but from the economic power created by its vast energy resources. Economic downturn threatens this new strength, and Russian leadership will be challenged both domestically and internationally. How will Russia respond to growing instability as the economic downturn worsens? Will Russia respond with aggression or will it adopt the approach of a cooperative partner with shared concerns and needs? Our national security policy can influence this evolving relationship.

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3. See generally VLADIMIR ILYICH LENIN, ESSENTIAL WORKS OF LENIN: “WHAT IS TO BE DONE?” AND OTHER WRITINGS (Henry M. Christman ed., Dover Pub. 1987) (1902).

### *B. China*

One of the few, but significant, foreign policy successes of the Bush administration is the productive partnership it created with China. The relationship is one of increasing mutual dependence, based on China's production of goods for the U.S. consumer market, which is sustained by China's support of the vast U.S. national debt that, in turn, enables U.S. consumer spending.

What will the economic downturn mean for this interdependent relationship? The stability and prosperity of the Chinese economy depends on Western, particularly American, consumption. As that consumption has declined, China's unemployment rate has soared. Will political unrest from unemployed workers force China to shift its investments in U.S. debt to its own social programs? If so, what impact will this have on the world economy?

Clearly a balance must be struck between Western dependence on China's financial support and China's own need to insure internal stability. China already suffers from a domestic disequilibrium in the distribution of the economic benefits it has achieved during two decades of miraculous economic growth. More importantly, how would the U.S. respond if China moves to insure its domestic stability by further restricting the political and civil rights of its citizens? The Obama administration faces uncomfortable choices. Not surprisingly, the new Secretary of State has already demonstrated a low-key treatment of China's human rights record during her visit to China.<sup>4</sup>

### *C. Afghanistan*

U.S. deaths incurred as a result of efforts to prop up this "failed-state-in-the-making" threaten to exceed the U.S. death count in Iraq. Solutions to the Afghanistan political problem will continue to evade us without collaboration on the part of Afghanistan's suspicious neighbors, Pakistan, Iran, and India. Each is seeking to fill an Afghan leadership gap. Continued American military presence threatens a long term drain on U.S. financial and personnel resources and is unlikely to be sustainable in the long run. How long will it be before the U.S. public begins to question this investment in building democracy in Afghanistan as "not worth the candle?" The recent attack on the eve of Special Envoy Richard Holbrooke's visit to Afghanistan reveals that stability, not democracy

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4. See Richard Spencer, *Hillary Clinton: Chinese Civil Rights Secondary to Economic Survival*, DAILY TELEGRAPH, Feb. 21, 2009, available at <http://www.telegraph.co.uk/news/worldnews/asia/china/4735087/Hillary-Clinton-Chinese-human-rights-secondary-to-economic-survival.html>.

building, must be the primary initial objective of the U.S. presence in Afghanistan.<sup>5</sup>

Yet, if the current Afghanistan government is as inept and corrupt as reports suggest, addressing its need for stability may require rethinking. Here again, our relationship with Russia is relevant. But for the presence of al Qaeda, should not Afghanistan be of greater security significance to Russia than to the United States? What importance does this question have for our own national security choices?

#### *D. Pakistan*

As current events reveal, this nuclear armed state desperately confronts the possibility of its own disintegration. Pakistan is struggling to achieve internal order and repel challenges from a ring of hostile neighbors. Its interests are only partially aligned with those of the United States, and the government seems unable to develop and implement its own policies, let alone those of a sponsoring state, notwithstanding billions of dollars of U.S. investment. Moreover, its inability to control territories where terrorists hostile to the United States reside will leave the United States little option but to defend its vital interests unilaterally. The domestic political damage that will inevitably result from such action threatens further to destabilize the U.S.-Pakistani relationship. The U.S. relationship with the Pakistanis is critical to regional stability and to avoiding further incidents with India. As Israel's experience in Gaza teaches, military responses to terrorist activities embedded in civilian communities lead to greater problems in maintaining peace.

#### *E. India*

The second nuclear armed state in the region, but of vastly greater size and importance to the United States and the global economy, India is an all but ungovernable multi-ethnic democracy, struggling with a stark disparity of incomes. That disparity is fueling dissident groups. India's government must now confront an economic downturn amidst the external provocation of recent terrorist attacks. U.S. policy supporting India's development of a nuclear weapon stands in the way of diplomatic efforts to prevent further development of nuclear weapons in the region. However, as a practical matter, U.S. support for India's nuclear policy may be irreversible if the United States is to have the leverage needed to influence Indian policy in this critical and dangerous part of the world.

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5. See M. Karim Faiez & Laura King, *Afghan Raids Illustrate Strength of Insurgents*, L.A. TIMES, Feb. 12, 2009, at A1.

### *F. Iran*

Iran aspires to become the third nuclear-armed nation in the region and its first nuclear-armed theocracy. Iran's leadership appears determined to regain regional supremacy with a combination of bluster and threat, both real and postured. Its use of armed co-religionist intermediaries threatens stability and peace efforts. But in other cases, the belligerence and posturing of President Mahmoud Ahmadinejad should be seen as addressed more towards his domestic audience than as something the international community should seriously engage. Understanding how to minimize such posturing and avoid allowing it to dominate the direction of U.S. foreign policy becomes a serious challenge when U.S. domestic interests take advantage of President Ahmadinejad's rantings for their own policy purposes. We must fashion a policy that develops long-term democratic trends in Iran and remains firm in resisting aggressive behavior threatening to regional stability. President Obama's recent conciliatory message to Iran is a start,<sup>6</sup> but the road to improved relationships will require time, patience, and a sophisticated understanding of the Iranian perspective.

### *G. Iraq*

The effort by U.S.-led Western forces to help build democracy in Iraq through armed intervention remains a gamble with long odds. An 80-year-young nation, cobbled together from disparate, almost warring, ethnic and religious groups, Iraq confronts achieving its independence in the context of on-going violence. It is in a "rough neighborhood" where a high-stakes game is underway to control vast oil resources. Under such circumstances, stability alone should be judged a success. Democracy, judged by Western standards, will not be soon, if ever, in coming. This Bush administration goal must not become a policy millstone around the neck of the Obama administration. Even so, it will be important not to sacrifice gains once thought improbable in service to campaign promises, and so a continued military presence may be necessary, however unpopular.

### *H. Democracy Building*

The United States should use the experience in Iraq to re-examine U.S. policy in support of democracy building. The origins of the democracy building policy predate the last Administration, but over the last eight years democracy building has become an article of faith, as well as an element of

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6. See, e.g., Barbara Slavin, *Obama Reaches Out to the Iranians; Sends a Greeting for New Year*, WASH. TIMES, Mar. 20, 2009, at A1.

foreign policy. Our experience in Iraq demonstrates beyond question that democracy building is a very costly effort and that our military has been poorly prepared to take on the task. Even without considering the current economic turmoil, democracy building in nations that have inherited Cold War governments presents questions. To avoid tarnishing our motives and the concept of democracy itself, if we are serious about democracy building, we must first end our support for the corrupt “democracies of expedience,” created or tolerated for Cold War strategic goals now long past. When we ally ourselves with governments that cynically and superficially embrace democratic principles, their citizens recognize the hypocrisy involved. These citizens are subject to corrupt governments and unpopular policies. In turn, they associate the United States with corrupt practices and unpopular policies when we stand idly by. American democracy becomes synonymous with “government as kleptocracy.” This problem is exacerbated when democratic elections are renounced because they contradict our own geopolitical interests. Particularly in the Middle East, democracy building may have done more harm than good to the United States, to the people we seek to help, and, most importantly, to perceptions of democracy itself. Rather than promoting democracy only by name, the Obama administration should focus on creating conditions required for democracy and good government: transparency, integrity, legality, and the support of the governed.

#### *I. Worldwide Natural Resource Limitations*

Deterioration and decline in the availability of natural resources, energy, and food threaten all nations. As underdeveloped nations seek to improve their standards of living, they may implement policies that exhibit little regard for those policies’ impact on global warming. Such an approach is understandable, but disturbing. Now, however, the current economic situation can only exacerbate this situation. Long-term orderly resource management will continue to decline. The time has come for the United States to curb its own excessive use of natural resources.

#### *J. Israel and Palestine*

The pre-inaugural Israeli-Palestinian conflict, the first national security challenge of the new Administration, was provoked by Hamas. Israel’s excessive response may result in a short-term success; however, it will complicate long-term regional efforts to arrive at a stable peace. The Obama administration’s welcome initiative in attracting two highly regarded special envoys to focus on the area signals both a seriousness of purpose and an ability to identify and attract talent of the highest caliber to

augment its national security team.<sup>7</sup> They will serve to keep a focus on the Middle East, while not consuming the Secretary of State with the problem at an early point in her tenure. Yet the recent aborted appointment of Ambassador Charles Freeman to head the National Intelligence Council shows that even as the Obama administration recognizes the need to reassess our policy towards Israel and Palestine from a new perspective, strong domestic interests will continue to block progress.<sup>8</sup> The lesson learned here, as elsewhere, may be that the place to start in changing our national security policy is here at home, where special interest lobbying often confounds new thinking and prevents wise national security policy making.

#### K. Global Financial Crisis

As the economic downturn accelerates, all nations, rich and poor, are impacted. The current crisis in national financial systems and organizations, consumer confidence and financial markets will threaten global stability in ways that mirror, if not surpass, the Great Depression, thanks in part to the multiplying effect of globalization. The Obama administration has already signaled its concern for this situation and the obvious interplay between natural resources, the current economic crisis, and world security.<sup>9</sup>

#### L. Other Crises Lurk

The Obama administration's initial responses to these national security threats reflect a welcome energy, thoughtfulness, and openness to new ideas. Even so, almost as many additional crises simmer on backburners, and may take center stage at a moment's notice.

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7. The appointments of Dennis Ross as an advisor on the Middle East and George Mitchell as Special Envoy for Middle East Peace are positive signals. See, e.g., Ed Henry & Elise Labott, *George Mitchell Named Special Envoy for the Middle East*, CNN NEWS, Jan. 22, 2009, available at <http://www.cnn.com/2009/POLITICS/01/22/obama.mitchell/#cnnSTCText>.

8. See Walter Pincus, *Freeman Withdraws from Intel Position*, WASH. POST, Mar. 10, 2009, available at [http://voices.washingtonpost.com/44/2009/03/10/blair\\_withdraws\\_freemans\\_name.html](http://voices.washingtonpost.com/44/2009/03/10/blair_withdraws_freemans_name.html). The Obama administration may have been too bold too early in nominating Freeman as head of the National Intelligence Council. Freeman was an outspoken critic of Middle East policy. I hope that his withdrawal due to political pressure is only a temporary setback in policy.

9. “[The economic collapse] already looms as the most serious one in decades, if not centuries.” Greg Miller, *World Economy Tied to U.S. Security; Intelligence Director Warns Congress of Fallen Governments and Hamstrung Allies*, L.A. TIMES, Feb. 13, 2009, at A16 (quoting Obama's new National Intelligence Director Dennis C. Blair).

The following are national security threats that merit at least “honorable mention” in the growing list that the Obama administration will need to be prepared to address:

- North Korea and its threat of nuclear weapons;
- Somali pirates’ threat to international shipping and the global economy;
- The destructive leadership and economic and political crises destabilizing East African regions near Zimbabwe, the Congo, Rwanda, and much of West Africa;
- Darfur’s tragic ethnic strife, encouraged by the Sudanese government, whose lawless behavior seems immune to world sanctions, due partially to China’s need for energy and oil;
- Cuba’s continued decline, even as Fidel Castro relinquishes power;
- Mexico’s increasing inability to govern, thanks to a bonfire of corruption stoked by illegal U.S. drug and gun markets;
- Venezuela’s bullying behavior, its provocative nationalization of its energy reserves, and efforts to create opposition to U.S. leadership in Latin America;
- Thailand’s crisis of constitutional governance.

This list could go on. Each of these “hot spots” is worthy of extended discussion in its own right. Each is capable of consuming the attention of the new Administration. The world-wide financial crisis might well leave the Administration very little time to consider national security and foreign policy matters at all. It is the dynamic nature of the post-Cold War era that makes developing U.S. foreign policy so challenging – and so important.

Then-Senator Biden predicted when some of these crises surfaced, before the Administration assumed power, that the new Administration’s ability to manage these and other crises would be the key to restoring America’s credibility.

Yet even before addressing these regional topics, there is an immediate need to consider the overhanging question of how to respond to high profile policy outrages of the Bush administration: torture, detention, enhanced domestic surveillance programs, and, in the view of some, the legal accountability of certain members of the outgoing Bush administration for the Constitutional and legal disarray that their actions created. These questions, among others, will also demand the attention of the new Administration in its early days in office. Maintaining focus and positive momentum will be a major challenge.



## II. LOOKING FORWARD TO A NEW NATIONAL SECURITY POLICY

In considering the national security topics mentioned above and others that will surely arise, several points should be kept in mind. First, it took time to create our current situation, and time will be required to extricate ourselves from it and change course. Second, a crisis can be an opportunity. Third, we should not allow our reactions to world events and their related demands to distract us from the need for forward planning and fundamental rethinking as regards our national security needs. Fourth, and most importantly, the time for designing a new post-Cold War security policy is long overdue. The Bush administration's failure to design such a policy is my principal criticism of its national security performance.

There will be demands to "jump in" to address current issues inherited from the Bush administration and to reexamine its apparent misjudgments. The need to do so cannot be ignored, but will not substitute for developing new directions in U.S. national security foreign policy. Most issues presented to the Obama administration in its early days will have been framed by others and can quickly become distractions. An exclusive focus on them will waste energy and the opportunity to reframe our national security agenda. The time for looking backward is over. It is time to look forward and to forge a new conceptual framework for the security of the United States and the world. The Obama administration would do well to make such a long term strategy its lasting legacy.

Fundamental questions must be asked. What are our national security vision, goals, and objectives? What themes and approaches should we adopt to move our nation forward in a new multilateral world? What policies are realistic, given the world we have inherited, and what means can we use to implement those policies? Most importantly, how will these questions be answered?

The Bush administration modeled little fresh thinking on these topics. Unprepared for the 2001 terrorist attacks in its first year, the Bush administration allowed national security policy to be hijacked by the "Global War on Terror." Preventing terrorism became synonymous with national security and foreign policy. Efforts to combat the threat of terrorism displaced concerns like national economic stability, corruption, and effective government – concerns that will have a deeper long term impact.

Moreover, the use of force dominated our response to the terrorist threat, and little thought was given to "soft power" national security policy tools like diplomacy and economic development. Ironically, it was Robert M. Gates, the hold-over U.S. Secretary of Defense, who first made this point during the Bush administration. He argued that the Department of State should be strengthened so that diplomacy and development could become a more robust part of our foreign policy.

Speaking at Kansas State University in 2007, Secretary Gates said:

My message is that if we are to meet the myriad challenges around the world in the coming decades, this country must strengthen other important elements of national power both institutionally and financially, and create the capability to integrate and apply all of the elements of national power to problems and challenges abroad. In short, I am here to make the case for strengthening our capacity to use “soft” power and for better integrating it with “hard” power.<sup>10</sup>

Gates also noted the disparity between defense and non-military affairs funding.<sup>11</sup> Most recently, Gates personally lobbied for an increase in the State Department budget.<sup>12</sup>

Terrorism is a symptom, not a cause. Our new national security policy must develop and then support means that over the long term address the underlying causes that threaten our security. Our fundamental focus should be on strategic concerns, not on the tactics of our adversaries. This does not mean that we do not need to respond to issues as they arise, defend ourselves from immediate threats, and use force when appropriate. It means that we must support approaches that emphasize multi-state security over the longer term. Implicit in such an approach is the need for a much deeper understanding of our world, because what is needed is a multipolar national security policy. The organizing principle of our Cold War containment strategy, which might be described as a “nuclear stand-off” with Communist Russia and China that allowed each to keep order within its vast empire, is no longer workable.

### III. TWENTY-FIRST CENTURY NATIONAL SECURITY: MUST THE PAST BE PROLOGUE TO THE FUTURE?

The year 2009 marks the twentieth anniversary of the fall of the Berlin Wall and disintegration of the Soviet empire. One might have considered twenty years to be a sufficient period of time in which to reassess our national security policy. For over forty years following the end of World War II, that policy has been organized around the principle of *containment*, first articulated by Ambassador George F. Kennan in 1947 in response to the existential threat posed by a nuclear-armed Soviet state. Yet, still today,

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10. ROBERT M. GATES, U.S. SEC’Y OF DEF., REMARKS AT KAN. ST. UNIV. LONDON LECTURE (NOV. 26, 2007), *available at* <http://www.defenselink.mil/speeches/speech.aspx?speechid=1199>.

11. *Id.* (“Funding for non-military foreign-affairs programs *has* increased since 2001, but it remains disproportionately small relative to what we spend on the military and to the importance of such capabilities.”).

12. *See* Rick Maze, *Gates Lobbies for More Funds – For State*, FED. TIMES, Mar. 30, 2009, *available at* <http://www.federaltimes.com/index.php?S=4013993>.

the basic features of this Cold War policy remain, often with negative impact:

- An export control system that assumes that we must protect against the loss of our world-wide technological lead by limiting exports to other nations, when in fact other nations' technology may be ahead of ours, and our controls have only the unintended negative consequence of making us less economically competitive by limiting our trade;
- An immigration system with restrictions that confuse Cold War concerns with those from the "Global War on Terror" and exclude foreign talent from domestic industries, thereby reducing competitiveness and forcing some businesses offshore in search of qualified workers;<sup>13</sup>
- A security classification system that has ballooned out of control, and, by protecting too much, may fail to protect the most essential secrets, while limiting public awareness and understanding of modern national security concerns;<sup>14</sup>
- An intractable security clearance system, seemingly impervious to change,<sup>15</sup> that may ultimately limit our ability to embrace the future by delaying or preventing the addition of our best and brightest young talent to our national security agencies;<sup>16</sup>

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13. See generally NAT'L ACAD. OF SCI., BEYOND 'FORTRESS AMERICA': NATIONAL SECURITY CONTROLS ON SCIENCE AND TECHNOLOGY IN A GLOBALIZED WORLD 1 (2009).

14. The Public Interest Declassification Board, created by the Intelligence Reform and Terrorism Prevention Act of 2004, noted in a December 2007 report that – notwithstanding efforts under Executive Order 12,958 to accelerate declassification and release of records – currently, over 400 million pages remained classified and unavailable to the public. See INFO. SEC. OVERSIGHT OFF., 2007 REPORT TO THE PRESIDENT (2007). In its March 2009 letter to President Obama, the Board sounded a "note of alarm" on the failure of declassification efforts and again called for "comprehensive reform" of a system that was no longer functional. See Letter from the Public Interest Declassification Bd. to the Honorable Barrack Obama (Mar. 3, 2009).

15. Compare the recommendations of the February 1994 report of the Joint Security Commission, "Redefining Security," the first of its kind, to the mandates of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA).

16. Immediately upon his appointment as Director of Intelligence, Admiral Michael McConnell made security clearance reform his top priority, proposing a new approach that was modeled after the private sector. See Daniel Pulliam, *Intelligence Chief Pushes Security Clearance Reform*, GOVERNMENTEXECUTIVE.COM, Apr. 4, 2007, <http://www.govexec.com/dailyfed/0407/040407p2.htm>. One year later, Admiral McConnell was still seeking "transformational change." See *Hearing on Security Clearance Reform Before the Intelligence Community Management Subcommittee of the H. Permanent Select Comm. on Intelligence*, 110th Cong. 1 (2008) (statement of Eric Boswell, Assistant Deputy Dir. of Nat'l Intell. for Sec.).

- An over-reliance on the military, rather than soft power, capabilities;
- Continuation, if not out-right expansion, of a military and nuclear arsenal, calibrated to Cold War needs, rather than twenty-first century threats; and
- Continued embrace of Cold War world-views and suspicions; a policy of *containment*, rather than *engagement* in the global marketplace of goods and ideas.

#### CONCLUSION

In sum, the multipolar twenty-first century world needs a new national security policy based on engagement coupled with pragmatic realism; we need to assess and address modern threats, yet work to encourage the growth of market economies and stronger societies. Our goal should be to produce the preconditions necessary to support the eventual growth of a global community of liberal democracies. To take advantage of this turning point in history, the Obama administration must redefine the basic principles guiding twenty-first century national security and gain a better understanding of our post-Cold War world, our limited abilities to effect change, and our need to prioritize, given resource limitations in a time of economic challenge.

Most importantly, however, we must learn as a nation that our most enduring power is the soft power of diplomacy and development, not military power. The time has come to shift our focus and recognize that our military, remarkable though it is, exists to serve the political and economic strengths that are our greatest advantages. We should use our political and economic strengths to engage, not contain, the twenty-first century world.

Perhaps ironically, George Kennan also saw U.S. political and economic strengths as essential to his recommendation of containment. Others altered his focus toward military prowess. In the end, of course, Kennan was right: economic might enabled the United States to triumph in the Cold War. The time has come now to learn and to apply the most important lessons of Cold War history in formulating a new national security system for the twenty-first century. Lawyers will play a central role in designing this new structure, for a central plank must be a robust international legal system to support the global market economy and dispute resolution without the use of military force. What better legacy for a former professor of constitutional law, now the President of the United States?