

Obama, Congress, and Audience Costs: Shifting the Blame on the Red Line

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PRESIDENT BARACK OBAMA ENTERED OFFICE vowing to draw down two wars and revive America's image abroad. In light of these assertions, his decision to initiate hostilities against Muammar el-Qaddafi in 2011 without congressional authorization took many by surprise. Obama argued the United States had a unique ability to spearhead the operation and a Responsibility to Protect (R2P) the people of Libya. He expressed no qualms about sidestepping Congress, offering only ambivalence about the benefit of—not the need for—congressional support. In Congress, his unilateralism “raised all sorts of hackles” that came to very little. Obama's actions received a “veneer of outrage” followed by “the collective message... of supplication,” giving him every reason to assume he could act the same way in the future.¹

¹William G. Howell, *Thinking about the Presidency: The Primacy of Power* (Princeton, NJ: Princeton University Press, 2015), 95.

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Changing course in 2013, Obama asked Congress to provide an Authorization for Use of Military Force (AUMF) against the Syrian regime of Bashar al-Assad in similar circumstances. In contrast to his actions on the civil war in Libya, Obama justified this decision by claiming the use of chemical weapons did not require a quick response. While many praised his decision to acknowledge Congress's coequal status, the contrasting rhetoric and actions raise a number of questions.

What explains Obama's decision to seek congressional approval in 2013 before engaging in military operations in Syria? One year later, he no longer had the same constitutional concerns when bombing the Islamic State, claiming the 2001 and 2002 AUMFs provided continuing authority to pursue terrorists around the globe and prosecute a war in Iraq. What caused Obama to shift between acting unilaterally and courting Congress?

This article demonstrates that Congress's inability to provide a new AUMF in 2013 did not prevent Obama from using military force. Rather, Obama did not want to act and sought congressional approval only when he calculated that Congress was extremely unlikely to provide it. Obama had generated audience costs with his "red line" statement on the use of chemical weapons in 2012 and feared suffering the political costs of backing down. His decision to ask Congress for an AUMF was an innovative strategy to avoid audience costs by shifting them to Congress.

To bolster this case, we use both process tracing and a statistical analysis of several key factors, including congressional behavior and international support, employing a time-series cross-sectional model from 2011 to 2014. This article details three episodes in Obama's presidency: Libya in 2011, Syria in 2013, and Syria in 2014. Libya stands as the "control" case by exemplifying what is expected from presidents: they act unilaterally to initiate limited military strikes. Syria in 2014 stands as a second control case: Obama acted unilaterally despite the likelihood that operations on the ground would lead to a quagmire. These stand in stark contrast to Syria in 2013. By August 2013, Obama had unambiguously threatened the Assad regime, which would cause him to suffer audience costs if he backed down. He attempted to avoid action *and* shift the political costs to Congress by asking for an AUMF that he knew would fail.

LITERATURE REVIEW

Scholars have come to different conclusions regarding presidential war powers. By the presidencies of Lyndon B. Johnson and Richard M. Nixon, scholars had shifted from praising the strong presidency to seeing

it as “imperial.”² Legal scholars started calling on Congress to stand up to the president and assert its constitutional authority over war.³ Others claimed the Constitution no longer had the power to constrain the president.⁴ Some suggested that the Constitution facilitated the concentration of power in the president’s hands.⁵ In opposition to these dire views, unitary presidency scholars presented broad constitutional leeway as the Founders’ intention.⁶ Former deputy assistant U.S. attorney general John Yoo went so far as to claim the president has unilateral control over all operations short of total war.⁷

From another perspective, some scholars see the contemporary legislature as capable of keeping presidential unilateralism below a certain threshold.⁸ While presidents can initiate flyover wars and more limited operations, they may avoid larger operations because larger operations

²Harold Koh, *The National Security Constitution: Sharing Power after the Iran-Contra Affair* (New Haven, CT: Yale University Press, 1990); John Hart Ely, *War and Responsibility: Constitutional Lessons of Vietnam and Its Aftermath* (Princeton, NJ: Princeton University Press, 1995); and Arthur M. Schlesinger Jr., *The Imperial Presidency* (Boston: Houghton Mifflin, 2004).

³Thomas E. Mann and Norman J. Ornstein, *It’s Even Worse than It Looks: How the American Constitutional System Collided with the New Politics of Extremism* (New York: Basic Books, 2012); Chris Edelson, *Emergency Presidential Power: From the Drafting of the Constitution to the War on Terror* (Madison: University of Wisconsin Press, 2013); Ryan C. Hendrickson, *The Clinton Wars: The Constitution, Congress, and War Powers* (Nashville, TN: Vanderbilt University Press, 2002); Ryan C. Hendrickson, *Obama at War: Congress and the Imperial Presidency* (Lexington: University Press of Kentucky, 2015); Louis Fisher, *Presidential War Power*, 3rd ed. (Lawrence: University Press of Kansas, 2013); and Charles A. Lofgren, “Government from Reflection and Choice”: *Constitutional Essays on War, Foreign Relations, and Federalism* (New York: Oxford University Press, 1986).

⁴Bruce Ackerman, *The Decline and Fall of the American Republic* (Cambridge, MA: Belknap Press of Harvard University Press, 2010).

⁵William G. Howell and Terry M. Moe, *Relic: How Our Constitution Undermines Effective Government and Why We Need a More Powerful Presidency* (New York: Basic Books, 2016); James A. Baker III and Warren Christopher, co-chairs, “National War Powers Commission Report,” Miller Center of Public Affairs, University of Virginia, 2008, accessed at <http://web1.millercenter.org/reports/warpowers/report.pdf>, 2 January 2020; and Brien Hallett, *Declaring War: Congress, the President, and What the Constitution Does Not Say* (Cambridge: Cambridge University Press, 2012).

⁶Philip Bobbitt, “War Powers: An Essay on John Hart Ely’s ‘War and Responsibility: Constitutional Lessons of Vietnam and Its Aftermath,’” *Michigan Law Review* 92 (May 1994): 1364–1400; L. Gordon Crovitz and Jeremy A. Rabkin, *The Fettered Presidency: Legal Constraints on the Executive Branch* (Washington, DC: American Enterprise Institute for Public Policy Research, 1989); and Robert F. Turner, *Repealing the War Powers Resolution: Restoring the Rule of Law in U.S. Foreign Policy* (Washington, DC: Brassey’s, 1991).

⁷John Yoo, *The Powers of War and Peace: The Constitution and Foreign Affairs after 9/11* (Chicago: University of Chicago Press, 2006).

⁸Howell, *Thinking about the Presidency*; Douglas L. Kriner, *After the Rubicon: Congress, Presidents, and the Politics of Waging War* (Chicago: University of Chicago Press, 2010); William G. Howell and Jon C. Rogowski, “War, the Presidency, and Legislative Voting Behavior,” *American Journal of Political Science* 57 (January 2013): 150–166; William G. Howell and Jon C. Pevehouse, *While Dangers Gather: Congressional Checks on Presidential War Powers* (Princeton, NJ: Princeton University Press, 2011); and William G. Howell, Saul P. Jackman, and Jon C. Rogowski, *The Wartime President: Executive Influence and the Nationalizing Politics of Threat* (Chicago: University of Chicago Press, 2013).

require budgetary changes and troop deployments Congress has to approve.⁹ All three of the operations discussed in this article fell below that threshold.

When discussing the Obama presidency, there is limited consensus on what caused Obama to make these three seemingly contradictory decisions. While some administration officials painted a picture of a thoughtful commander in chief who carefully weighed every decision using a variety of factors,¹⁰ others, such as defense secretaries Leon Panetta and Robert Gates, painted a more reactionary picture. They claimed his decision to engage in Libya stemmed from a miscalculation about the power vacuum that is often filled by radicals when outsiders overthrow a dictator.¹¹ As Rosa Brooks notes, the Libyan intervention “was the high-water point for the Responsibility to Protect.” It was perhaps inevitable, she goes on to say, that an operation to “protect citizens from predation by their own government” would eventually morph “into regime change.”¹² Obama engaged in this operation despite his rhetoric about hoping to reduce the use of the military, maintain a light footprint abroad, and reestablish the norm of building international coalitions to stop humanitarian crises.

Given the aspirations that Obama expressed during the campaign and during the early days of his presidency,¹³ his decision to engage Libya in 2011 and ISIS in 2014 represent instances when he acted against his clearly stated policy objectives. What explains the differing calculus against Syria in 2013? Because of the immaturity of the literature on Obama’s foreign policy, his behavior toward Libya and Syria over the course of several years is central to understanding his conduct in office.

⁹Barry Rundquist and Thomas M. Carsey, *Congress and Defense Spending: The Distributive Politics of Military Procurement* (Norman: University of Oklahoma Press, 2002); and Thomas R. Cusack and Miroslav Nincic, “The Political Economy of US Military Spending,” *Journal of Peace Research* 16 (June 1979): 101–115.

¹⁰Derek Chollet, *The Long Game: How Obama Defied Washington and Redefined America’s Role in the World* (New York: PublicAffairs, 2016); and Ben Rhodes, “On-the-Record Conference Call by Deputy National Security Advisor for Strategic Communications Ben Rhodes on Syria,” 13 June 2013, accessed at <https://obamawhitehouse.archives.gov/the-press-office/2013/06/13/record-conference-call-deputy-national-security-advisor-strategic-commun>, 2 January 2020.

¹¹Robert M. Gates, *Duty: Memoirs of a Secretary at War*, reprint ed. (New York: Vintage, 2015); and Leon Panetta and Jim Newton, *Worthy Fights: A Memoir of Leadership in War and Peace* (New York: Penguin, 2015).

¹²Rosa Brooks, *How Everything Became War and the Military Became Everything: Tales from the Pentagon* (New York: Simon & Schuster, 2016), 247.

¹³Fawaz Gerges, *ISIS: A History*, revised ed. (Princeton, NJ: Princeton University Press, 2017); Daniel Klaidman, *Kill or Capture: The War on Terror and the Soul of the Obama Presidency* (Boston: Houghton Mifflin Harcourt, 2012); and Kevin J. Lasher and Christine Sixta Rinehart, “The Shadowboxer: The Obama Administration and Foreign Policy Grand Strategy,” *Politics & Policy* 44 (October 2016): 850–888.

This article contributes to this nascent literature by tracing the factors that influenced his decision-making in 2011, 2013, and 2014. Doing so will not only support the theory presented here, but it will lay the foundation for future scholarship on Obama's tenure in office.

The immense size and wide deployment of the U.S. military gave Obama, like all post-World War II presidents, a military flexible enough to engage in smaller operations unilaterally. Other presidents certainly did: John F. Kennedy claimed he had the constitutional authority to do so during the Cuban missile crisis; Nixon unilaterally brought the Vietnam War to Cambodia; Gerald Ford recaptured the *Mayaguez* from the Cambodians; Ronald Reagan exercised unilateral power in Lebanon (for a time) and Grenada as well as ordering airstrikes against Libya; George H.W. Bush took action in Panama; and Bill Clinton carried out airstrikes against Iraq, Bosnia, and Kosovo. Given the ample precedents, Obama knew that initiating military action unilaterally in 2011 would signal to Congress that the engagement would be limited in scope and duration. The opposite occurred in 2013. With the exception of Harry S. Truman, all post-World War II presidents have sought congressional authorization for larger engagements: Vietnam, both Gulf Wars, and the pursuit of al Qaeda worldwide. While no postwar president has sought a declaration of war, congressional AUMFs have become something of a substitute for war declarations. By going to Congress in 2013, therefore, President Obama signaled that the military engagement in Syria would go well beyond the resources at his unilateral disposal.

One could claim that perhaps Obama *wanted* a large operation. Given his efforts to minimize the use of the military whenever possible during the entirety of his presidency, however, this is extremely unlikely. Instead, we posit that Obama asked Congress for an AUMF *as a condition of action* in an effort to both avoid conflict and shift the costs of backing down onto Congress. As the deliberative branch, when asked to authorize military operations, Congress has proven itself divisive and disorganized.¹⁴ Obama's other actions lend credence to this view. He unilaterally decided to initiate military operations in Libya; he only minimally involved the Senate when negotiating the Trans-Pacific Partnership and the Iran nuclear agreement; and, finally, he had no trouble initiating operations in Syria one year later to combat ISIS.

¹⁴Jonathan Martin, "Vote on Syria Sets Up Foreign Policy Clash between 2 Wings of G.O.P.," *New York Times*, 2 September 2013, accessed at <http://www.nytimes.com/2013/09/03/us/politics/syria-vote-sets-up-foreign-policy-clash-in-gop.html>, 2 January 2020; and Ryan C. Hendrickson, "Libya and American War Powers: War-Making Decisions in the United States," *Global Change, Peace & Security* 25 (June 2013): 175-189.

A key difference between Syria in 2013 and the other cases is the production of audience costs. Audience costs act as a penalty that leaders pay for backing down from threats. If a leader backs down after making a threat, the domestic audience sees that leader as weak and his or her actions as damaging to the nation's credibility. The people exact a cost on the leader for failing to maintain the credibility of the nation's belligerent signals.¹⁵ Because leaders "tie their hands" by producing a punishment for themselves if they back down, this signals resolve to adversaries in hope of generating bargaining leverage.

Jack Snyder and Erica Borghard show that executives tend to use ambiguous language to generate audience costs while simultaneously leaving themselves an "out" to back off the threat.¹⁶ In contrast, Obama declared a "red line" with the use of chemical weapons, producing an *unambiguous* threat. If he backed down, the American public would punish him for looking weak and damaging the nation's credibility.

Theories of audience costs assert that a president in such a scenario will have to use force rather than risk taking political punishment. Snyder and Borghard moved the literature forward in understanding how executives can leave themselves wiggle room to back down from a threat. At present, however, the literature has not grappled with what leaders can do once they have made an unambiguous threat. This article addresses this puzzle. We hypothesize that one way of doing so is to "shift" as much of the audience costs as possible onto Congress. Obama calculated that constituents would perceive Congress as the branch responsible for backing down from the threat and punish them.

Obama's actions are of even more interest as they stand in stark contrast to the practice of post-World War II presidents. With a few exceptions, presidents search for legitimacy when initiating a military operation by looking to global allies and partners. Beyond developing global consensus about the necessity of action, international coalitions have the added benefit of sharing the costs, especially if things go

¹⁵Giacomo Chiozza, "Presidents on the Cycle: Elections, Audience Costs, and Coercive Diplomacy," *Conflict Management and Peace Science* 34 (January 2017): 3–26; James D. Fearon, "Domestic Political Audiences and the Escalation of International Disputes," *American Political Science Review* 88 (September 1994): 577–592; Joshua D. Kertzer and Ryan Brutger, "Decomposing Audience Costs: Bringing the Audience Back into Audience Cost Theory," *American Journal of Political Science* 60 (January 2016): 234–249; Bahar Levenotoğlu and Ahmer Tarar, "Prerenegotiation Public Commitment in Domestic and International Bargaining," *American Political Science Review* 99 (August 2005): 419–433; and Kenneth A. Schultz, "Looking for Audience Costs," *Journal of Conflict Resolution* 45 (February 2001): 32–60.

¹⁶Jack Snyder and Erica D. Borghard, "The Cost of Empty Threats: A Penny, Not a Pound," *American Political Science Review* 105 (August 2011): 437–456.

awry.¹⁷ After decades of using this path to legitimize operations, presidents have developed a case—however unconstitutional—that they do not need to court Congress when initiating smaller-scale operations. Moreover, Congress generally does not push back. Below a certain threshold, Congress tends to avoid actively opposing presidential unilateralism. Representative Jack Kingston (R-GA) accidentally admitted this well-known congressional position. When asked whether Congress would provide Obama an AUMF in 2014 to combat ISIS, he said, “We like the path we’re on now. We can denounce it if it goes bad, and praise it if it goes well and ask what took him so long.”¹⁸ For these reasons, the 2013 case marked a departure from the typical interaction between the political branches in the realm of military operations.

As discussed earlier, when presidents seek an AUMF, there is an implicit assumption that the operation will be larger and longer. Because of the costs associated with larger operations, presidents have a strong incentive to avoid them and keep operations below the threshold that requires public deliberation and congressional authorization. In this space, presidents attempt to avoid mission creep and the accusation that they failed to react. The varied problems associated with this strategy come to the fore in this analysis of Obama’s decision-making process in 2011, 2013, and 2014.

THEORY AND OVERVIEW

What facilitates and restrains presidential unilateralism? Domestically, the president has both formal and informal constraints. For decades, Democratic and Republican presidents have claimed that their power as commander in chief provides them with the constitutional power to initiate hostilities.¹⁹ Conversely, it is hard for Congress to compel presidential action—save tightening the purse strings to draw down forces. By design and habit, the president tends to act as the first mover.²⁰

¹⁷Presidents can claim they need international agreement, but they can also engage in operations without strong international support. Syria in 2014 is the case for Obama. Without a UN resolution or a NATO resolution, Obama initiated operations all the same.

¹⁸As quoted in Jonathan Weisman, Mark Landler, and Jeremy W. Peters, “As Obama Makes Case, Congress Is Divided on Campaign against Militants,” *New York Times*, 8 September 2014, accessed at <https://www.nytimes.com/2014/09/09/us/as-obama-makes-case-congress-is-divided-on-campaign-against-militants.html>, 2 January 2020.

¹⁹While many would disagree about the legality of presidents initiating hostilities without authorization, it has a great deal of precedent. Presidents have initiated well over 300 military operations, and Congress has only issued 35 authorizations; see Sarah Burns, “Debating War Powers: Battles in the Clinton and Obama Administrations,” *Political Science Quarterly* 132 (Summer 2017): 203–223.

²⁰William G. Howell, *Power without Persuasion: The Politics of Direct Presidential Action* (Princeton, NJ: Princeton University Press, 2003); and Jack Goldsmith, *Power and Constraint: The Accountable Presidency after 9/11* (New York: W.W. Norton, 2012).

While the four largest conflicts since the Korean War have all had congressional authorization, the vast majority of operations have not. Given the tendency to act without congressional approval, what prompts presidents to seek authorization from Congress? The first reason relates to the desire to appear to “speak with one voice” internationally. Presidents George H.W. Bush and George W. Bush both actively courted Congress to achieve authorizations. In addition to courting Congress in advance, presidents who are resolved can force Congress’s hand by taking advantage of their first-mover advantage. The president can preposition forces and build public expectations for the use of force, which stacks the deck in the president’s favor, as George H.W. Bush did in the lead-up to the first Gulf War.²¹

A second reason presidents seek approval is the likelihood of success. In the previously mentioned instances, presidents saw a strong chance of receiving the approval. Third, presidents seek approval when the situation provides temporal leeway. For example, President Dwight D. Eisenhower asked Congress for authorization to use the American military to protect Formosa from Chinese aggression, claiming its authorization would clarify his power as commander in chief. Obama made a similar claim about the value of congressional input in 2013 when discussing military operations against Assad. Fourth, in comparatively rare cases, presidents acknowledged the formal power of Congress to initiate hostilities and sought approval prior to any action, as James Madison did prior to the War of 1812.

In the realm of informal power, presidents have the “power to persuade.”²² Presidents enjoy more discretion when they have higher popularity and people have a positive view of the economy.²³ Conversely, when people prefer to avoid U.S. military involvement in the affairs of another country or cannot see the connection to their own security, presidents have a harder time initiating and maintaining longer-term operations.²⁴

²¹Fisher, *Presidential War Power*, 168–69.

²²Richard E. Neustadt, *Presidential Power: The Politics of Leadership* (New York: Wiley, 1960).

²³Brandice Canes-Wrone and Scott De Marchi, “Presidential Approval and Legislative Success,” *Journal of Politics* 64 (May 2002): 491–509.

²⁴Terence P. Jeffrey, “Obama’s Libyan Intervention Has Lowest Approval of Any Military Op Polled by Gallup in 4 Decades,” CNS News, 24 March 2011, accessed at <http://www.cnsnews.com/news/article/obama-s-libyan-intervention-has-lowest-approval-any-military-op-polled-gallup-4-decades>, 2 January 2020; Andrew Dugan, “U.S. Support for Action in Syria Is Low vs. Past Conflicts,” Gallup, 6 September 2013, accessed at <http://www.gallup.com/poll/164282/support-syria-action-lower-past-conflicts.aspx>, 2 January 2020; and Frank Newport, Jeffrey M. Jones, and Joseph Carroll, “Gallup Poll Review: Key Points about Public Opinion on Iraq,” Gallup, 14 August 2007, <http://www.gallup.com/poll/28390/Gallup-Poll-Review-Key-Points-About-Public-Opinion-Iraq.aspx>, 2 January 2020.

These previous items represent the conventional reasons why presidents seek congressional authorization. In this article, we show that Obama created a novel reason: seeking congressional authorization as a way to avoid action. Scholars of executive war making have long proven that when leaders draw clear red lines, they have to back them up or risk sustaining audience costs. But what happens when a leader generates an unambiguous threat and does not want to act?

In presenting Obama's actions as novel, it is important to reference the other famous example of a president using forceful rhetoric while simultaneously indicating an unwillingness to act. In 1954, President Dwight D. Eisenhower had to decide whether to assist the French in the battle of Dien Bien Phu. Many in his administration wanted to help the French, but Eisenhower hesitated. His initial efforts to secure congressional support faltered because Congress would not support a unilateral intervention.²⁵ Much as Obama did later, he tried to court allies, asking British prime minister Winston Churchill to help with the French. Churchill demurred because of the Labour Party's concerns that British involvement in Indochina would cause the Chinese to invade Hong Kong—which he knew they could take easily. As there was already talk in Parliament of asking or requiring Churchill to resign, he was in no political position to embark on an unpopular and potentially costly new mission in Southeast Asia.²⁶

There are other similarities. Eisenhower and Obama had to worry about third-party intervention; Eisenhower worried about the Soviet Union and China; Obama worried about Iran and Russia. They both faced the likelihood of getting drawn into a quagmire or sparking a larger conflict. They both had a public strongly opposed to another war as well as strong congressional opposition. The differences are more important, however.

The geostrategic context of each presidency is significantly different. Eisenhower lived in a world of identifiable state enemies capable of using their immense resources to fight the United States either in the Third World or in a full-scale great-power war. For this reason, in contrast to the small engagements under later presidents, Eisenhower saw the need to get congressional authorization to keep the purse strings loose in case the fight grew dramatically in scale. Conversely, Obama lived in a world of stateless enemies and R2P. He could easily order small-scale operations unilaterally knowing that great-power war is unlikely in the

²⁵Fredrik Logevall, *Embers of War: The Fall of an Empire and the Making of America's Vietnam* (New York: Random House, 2012), 477.

²⁶Logevall, *Embers of War*, 483.

twenty-first century. The different threats and the differing reasons for exercising American military power means there are significantly more important differences than there are similarities.

Moreover, Eisenhower consistently displayed a sensitivity to the constitutional system and congressional powers. As he said in a news conference on 10 March 1954, “There is going to be no involvement of America in war unless it is a result of the constitutional process that is placed upon Congress to declare it.”²⁷ He made similar claims a year later when asking Congress for authorization to put ships in the Taiwan Strait and two years later when he asked Congress to provide assistance to Middle Eastern countries requesting military aid.²⁸ His actions in 1954 fit a pattern of behavior, while Obama’s actions in 2013 were an aberration when compared with his actions in 2011 and 2014. Furthermore, Obama never claimed he *needed* congressional authorization; he always claimed he had the constitutional power to act unilaterally. Eisenhower *always* claimed he needed authorization, and he sought support from allies as a means of garnering congressional support, not as substitute for it.²⁹

Previously, perhaps with the exception of Eisenhower, leaders enjoyed very few options when they backed down from a threat. The literature up to this point shows that leaders tend toward initiating conflict. In systems with multiple sources of political power, however, they have an alternative: attempt to shift the political responsibility to another actor within the domestic system. The institutional environment in the United States is a perfect venue for testing this theory because of the overlapping areas of responsibility in the realm of foreign affairs. In 2013, we saw a similar effort on the part of British prime minister David Cameron. Unwilling to shoulder the responsibility unilaterally, he asked Parliament to approve the action. When Parliament voted it down, he could credibly say the nation did not support the action, and thus his hands were tied. It may be that the failure to receive the support of Parliament on August 30th that cued Obama to the possibility that he could engage in this novel reason for seeking congressional authorization.

While some have questioned the salience of audience costs in decision-making, recent works have shown that it continues to be important.³⁰ We can see that Obama’s decision to seek congressional support is consistent with contemporary audience cost theories. Michael Tomz produces

²⁷Dwight D. Eisenhower, “The President’s News Conference,” 10 March 1954, American Presidency Project, accessed at <http://www.presidency.ucsb.edu/ws/index.php?pid=10177>, 2 January 2020.

²⁸Fisher, *Presidential War Power*, 117–119.

²⁹Logevall, *Embers of War*, 477.

³⁰Snyder and Borghard, “The Cost of Empty Threats”; and Marc Trachtenberg, “Audience Costs: An Historical Analysis,” *Security Studies* 21 (2012): 3–42.

evidence of audience costs through experiments and shows that they are increasingly salient as the level of escalation rises.³¹ Certainly, President Obama expected a conflict with the Assad regime to be an intense one, far more so than in Libya because of the aid coming from Russia and Iran. For this reason, he would experience even heavier costs for backing down from his threat as strategic enemies would be able to claim a clear win.

Others have begun to disaggregate audience costs. Matthew Levendusky and Michael Horowitz show that the reasons a leader gives for backing down from a threat matter more to copartisans.³² Given Republican control of Congress, shifting responsibility to the other branch would have been highly salient among Obama's Democratic base in 2013. Joshua Kertzer and Ryan Brutger also show that people react differently to audience costs based on their left/right political orientation.³³ Those on the left punish leaders more for belligerence than for backing down, and those on the right punish leaders more for backing down. This fits with Obama's decision to push the issue to Congress, which reduced his "belligerence costs" among his liberal base while also trying to push the traditional "costs of backing down" onto the Republican Congress. Furthermore, Kyle Haynes finds that leaders who are not eligible for reelection are more likely to back down from threats.³⁴ Obama was in this exact situation in 2013, and he found a novel way of backing down from the threat and attempted to avoid electoral punishment for Democrats in Congress, who could also benefit from avoiding "belligerence costs," while hoping Republicans would pay the costs of backing down.

In this instance, Obama mentioned being the head of "the world's oldest constitutional democracy," claiming that "[American] power is rooted not just in our military might, but in our example of a government by the people and for the people." Significantly, he made this claim while asserting that as commander in chief and chief executive, he had the power to act without Congress. He was therefore signaling that seeking congressional authorization was a choice, not a constitutional necessity.³⁵

Obama behaved much as we would expect given recent work on audience costs. He expected high audience costs because of his unambiguous threat; he gave specific reasons for deferring to Congress that

³¹Michael Tomz, "Domestic Audience Costs in International Relations: An Experimental Approach," *International Organization* 61 (October 2007): 821–840.

³²Matthew S. Levendusky and Michael C. Horowitz, "When Backing Down Is the Right Decision: Partisanship, New Information, and Audience Costs," *Journal of Politics* 74 (March 2012): 323–338.

³³Kertzer and Brutger, "Decomposing Audience Costs."

³⁴Kyle Haynes, "Lame Ducks and Coercive Diplomacy: Do Executive Term Limits Reduce the Effectiveness of Democratic Threats?," *Journal of Conflict Resolution* 56 (October 2012): 771–798.

³⁵Barack Obama, "Statement by the President on Syria," 31 August 2013, accessed at <https://obamawhitehouse.archives.gov/the-press-office/2013/08/31/statement-president-syria>, 2 January 2020.

would appeal to the Democratic base; he avoided further belligerence costs on the left; and he attempted to shift audience costs onto Republicans, who would suffer more for backing down.

There are two advantages associated with attempting to shift audience costs in this way. First, the president can plausibly claim that he continued to back the original threat. If an AUMF failed, he could claim that he stood behind his threat but the legislative branch tied his hands. Second, he can also claim to be responsive to and respectful of the “will of the people.”³⁶ This logic makes even more sense given the electoral costs Democrats may have suffered from either an unpopular operation or a president from their party backing down from an unambiguous threat. Many members had even had firsthand experience, having to justify voting for the Iraq War over many election cycles.

Electoral prospects often impact presidential decisions-making. Presidents take their popularity’s impact on congressional elections into account, as congressional elections tend to follow the president’s “coattails.”³⁷ In this instance, since the Republicans controlled Congress, Obama had a higher probability of protecting Democrats while harming Republicans by attempting to shift audience costs to them. At the very least, the president hoped that audience costs would fall equally on both parties, so as to avoid too much electoral damage.

On the international front, Obama’s decision-making in all three instances also made sense. Much like congressional sanction, presidents have rarely acknowledged the *need* for multilateralism, only the helpfulness of multilateralism. For this reason, multilateralism acts as an informal rather than a formal constraint. As Jack Goldsmith and Daryl Levinson note, “Out of deference to state sovereignty, international law is a “voluntary” system... and thus lacks the power to impose obligations on states against their interests.”³⁸ Having achieved multilateral support in 2011 and 2014, Obama could easily present international agreement on the need to act—unlike in 2013.

³⁶I make no claim as to whether the strategy of shifting audience costs onto Congress “worked,” simply that this was an innovative strategy used by President Obama to avoid using force in Syria while minimizing the domestic costs of backing down from his unambiguous threat.

³⁷John A. Ferejohn and Randall L. Calvert, “Presidential Coattails in Historical Perspective,” *American Journal of Political Science* 28 (February 1984): 127–146; James E. Campbell, “Explaining Presidential Losses in Midterm Congressional Elections,” *Journal of Politics* 47 (November 1985): 1140–1157; and Paul S. Herrnson and Irwin L. Morris, “Beyond Coattails: Presidential Campaign Visits and Congressional Elections” (unpublished manuscript, 2006).

³⁸Jack Goldsmith and Daryl Levinson, “Law for States: International Law, Constitutional Law, Public Law,” *Harvard Law Review* 122 (May 2009): 1791–1868, at 1793.

Furthermore, when presidents achieve multilateral support, the United States does not have to incur all of the costs. Repeated studies have shown that the American public has a more positive response to military actions when conducted in a multilateral context.³⁹ Thus, the participation of key allies and prominent international organizations relieves both international and domestic costs of military action, on pecuniary and political levels. Conversely, with limited international support in 2013, he would have to incur both.

THE UNITED STATES AND LIBYA

Libya in 2011 stands as the control case in this study. It was a state actor violently persecuting its own people. Domestically, the American public displayed ambivalent support at best. In the winter of 2011, Obama started receiving questions about why the administration had failed to address the violence in both Libya and Syria. In response, Obama clarified a distinction between the two countries, claiming his administration would make “decisions... on a case-by-case basis,” taking into consideration the opinion of the “international community” and the capacities of the United States. While he demurred on whether he would act militarily in either country, he chose to single out Assad’s government, which felt the “noose tightening around them.”⁴⁰

At this time and in the following years, we see a dramatically different set of decisions when it comes to Qaddafi and Assad that likely reflects the difference between the international support and audience costs in each case. In February 2011, Obama expressed concern for the situation in Libya, but he had yet to make a firm decision. By late February, he had issued an executive order imposing economic sanctions against members of the government because of their violations of human rights.⁴¹ His

³⁹Terrence L. Chapman, “International Security Institutions, Domestic Politics, and Institutional Legitimacy,” *Journal of Conflict Resolution* 51 (February 2007): 134–166; Terrence L. Chapman, “Audience Beliefs and International Organization Legitimacy,” *International Organization* 63 (October 2009): 733–764; Terrence L. Chapman, *Securing Approval: Domestic Politics and Multilateral Authorization for War* (Chicago: University of Chicago Press, 2012); Richard C. Eichenberg, “Victory Has Many Friends: US Public Opinion and the Use of Military Force, 1981–2005,” *International Security* 30 (Summer 2005): 140–177; and Joseph M. Grieco, Christopher Gelpi, Jason Reifler, and Peter D. Feaver, “Let’s Get a Second Opinion: International Institutions and American Public Support for War,” *International Studies Quarterly* 55 (June 2011): 563–583.

⁴⁰Barack Obama, “Interview with Matt Lauer of NBC News,” 5 February 2012, American Presidency Project, accessed at <https://www.presidency.ucsb.edu/documents/interview-with-matt-lauer-nbc-news>, 2 January 2020.

⁴¹Barack Obama, “Letter from the President Regarding the Commencement of Operations in Libya,” 21 March 2011, accessed at <https://obamawhitehouse.archives.gov/the-press-office/2011/03/21/letter-president-regarding-commencement-operations-libya>, 2 January 2020.

letter to Congress claimed that Qaddafi's actions represented an "extraordinary threat to...national security."⁴² When asked about the possibility of a stalemate, he said he wanted to be on the "right side of history."⁴³ At this time, Obama also claimed that both "military and nonmilitary" options remained on the table.

By mid-March, Obama claimed NATO and the United Nations (UN) had begun collectively looking at every possible option.⁴⁴ Rather than court Congress, as he did about Syria in 2013, he looked to a broad international consensus, including the Arab League, to insist that Qaddafi had to go. After bargaining at the UN, America ensured that Russia would not veto a UN resolution condemning the actions of the government in Libya.⁴⁵ Instead, the UN Security Council (UNSC) passed a resolution advocating the use of "all necessary measures" to protect civilians—UN code for sanctioning military action.⁴⁶ Significantly, Obama did not court Congress with the same vigor as he did international consensus. He merely sent a letter to Congress explaining his actions in roughly the same terms.⁴⁷

While Obama never officially endorsed R2P, his rhetoric was unmistakable, especially to an international audience. He claimed that "NATO decided to take on the additional responsibility of protecting Libyan citizens" and that "when our interests and values are at stake, we have a responsibility to act."⁴⁸ This is the explicit language of R2P, and the Obama administration supported and pushed the UN resolution authorizing military action, which specifically invoked R2P, "recalling the Libyan authorities' responsibility to protect its population."⁴⁹

⁴²Obama, "Letter from the President Regarding the Commencement of Operations in Libya."

⁴³Barack Obama, "The President's News Conference with President Felipe de Jesus Calderon Hinojosa of Mexico," 3 March 2011, American Presidency Project, <https://www.presidency.ucsb.edu/documents/the-presidents-news-conference-with-president-felipe-de-jesus-calderon-hinojosa-mexico>, 2 January 2020.

⁴⁴Barack Obama, "Remarks Following a Meeting with Prime Minister Lars Lokke Rasmussen of Denmark," 14 March 2011, American Presidency Project, accessed at <https://www.presidency.ucsb.edu/documents/remarks-following-meeting-with-prime-minister-lars-lokke-rasmussen-denmark>, 2 January 2020.

⁴⁵Robert M. Gates, *Duty: Memoirs of a Secretary at War*, reprint ed. (New York: Vintage, 2015), 519.

⁴⁶United Nations Security Council (UNSC), "UN Security Council Resolution 1973," 17 March 2011, accessed at [https://www.undocs.org/S/RES/1973%20\(2011\)](https://www.undocs.org/S/RES/1973%20(2011)), 2 January 2020.

⁴⁷Barack Obama, "Interview with Matt Lauer of NBC News," 05 2011, American Presidency Project, accessed at <http://www.presidency.ucsb.edu/ws/index.php?pid=115151&st=syria&st1=libya>, 2 January 2020.

⁴⁸Obama, "Letter from the President Regarding the Commencement of Operations in Libya."

⁴⁹UNSC, "UN Security Council Resolution 1973." For more on Obama's adoption of R2P, see Samuel A. Jarvis, "Obama's Adoption of the Responsibility to Protect: A Constructivist Analysis," *Journal of Politics & International Studies* 9 (Summer 2013): 212–249; and Jocelyn Vaughn and Tim Dunne, "Leading from the Front: America, Libya and the Localisation of R2P," *Cooperation and Conflict* 50 (March 2015): 29–49.

On 18 March 2011, Obama claimed he had to take military action, and he made his threat clearly—presumably committing him to act or suffer audience costs. Obama’s rhetoric presented a clear assertion of liberal internationalist principles and a strong commitment to uphold them even through force. It should be noted, he could have made the exact same claim about the situation in Syria in 2011 through 2014.

Left unchecked, we have every reason to believe that Qadhafi would commit atrocities against his people. Many thousands could die. A humanitarian crisis would ensue. The entire region could be destabilized, endangering many of our allies and partners. The calls of the Libyan people for help would go unanswered. The democratic values that we stand for would be overrun.⁵⁰

We see, therefore, that Obama had both the capacity and the willingness to act without Congress to address a humanitarian crisis. As we know from James Fearon and Michael Tomz, domestic publics are prone to view their leaders as incompetent or weak after making a threat and failing to back it with action.⁵¹ It is likely that if he failed to act after making these threats he would have suffered further costs to his legitimacy at home and the electoral prospects for Democrats in Congress. Furthermore, the UNSC passed a resolution authorizing the use of force, including the enforcement of a no-fly zone.⁵² Importantly, Obama stressed the uniqueness of the American contribution as well as the limitation of the engagement. America would not deploy ground troops and would not go beyond the “well-defined goals.” Here Obama reflects the rhetorical style of presidents engaged in limited operations. He followed this by emphasizing the broad coalition and the leadership role of the British, French, and Arab League, claiming that “this is precisely how the international community should work as more nations bear both the responsibility and the cost of enforcing international law.”⁵³ According to Rosa Brooks, the operation in Libya (as well as one in Côte d’Ivoire) represented “the high-water point for the Responsibility to Protect.”⁵⁴

After initiating hostilities, Obama sent a letter to Congress that displayed no acknowledgment of Congress’s power to restrain his unilateral

⁵⁰Barack Obama, “Remarks by the President on the Situation in Libya,” 18 March 2011, accessed at <https://obamawhitehouse.archives.gov/the-press-office/2011/03/18/remarks-president-situation-libya>, 2 January 2020.

⁵¹Fearon, “Domestic Political Audiences”; and Tomz, “Domestic Audience Costs.”

⁵²UNSC, “UN Security Council Resolution 1973.”

⁵³Obama, “Remarks by the President on the Situation in Libya.”

⁵⁴Brooks, *How Everything Became War and the Military Became Everything*, 247.

action. He claimed that he initiated the operation pursuant to his “constitutional authority to conduct foreign relations and as Commander in Chief and Chief Executive” and only provided the letter to inform Congress consistent with the War Powers Resolution (WPR).⁵⁵

This clear disregard for congressional input continued over the summer. Obama passed the 90-day clock imposed by the WPR in June. At this time, he had an opinion from his Office of Legal Counsel (OLC) stating that he, like many presidents before him, had the constitutional power to initiate operations unilaterally. The opinion stated that Congress has the power to declare war, but that the Libyan operation was not war. It also addressed the WPR, stating that the 60- to 90-day window for unilateral presidential action showed that Congress has tacitly accepted unilateralism below a certain threshold: namely a small operation lasting no more than 90 days. By this reading, Obama would have had to draw down troops by June 2011.⁵⁶

In a move that shocked even the most seasoned observers, Obama did not abide by the OLC’s opinion.⁵⁷ Instead, he asked the chief State Department legal adviser, Harold Koh, to provide him with an opinion that would allow operations to continue. Koh came up with the opinion that the operation in Libya did not even amount to hostilities as understood by the WPR.⁵⁸ For this reason, the president could continue past the 90-day clock, as the WPR did not apply to this operation.

What we see, therefore, is an administration determined to use any means necessary to create constitutional cover for presidential unilateralism. We see that Obama not only *knew* he had the option of manipulating a plain reading of statutes to avoid getting congressional sanction, he *used* this option in 2011. While his actions in 2013 may seem like a change of heart, it is also important to note that he used the same tactic in 2014, claiming—implausibly—that the United States could fight ISIS using both the 2001 and 2002 AUMFs because they were associated with the individuals who had carried out the September 11, 2001 terrorist attacks and President Obama needed to continue to defend our national

⁵⁵Obama, “Letter from the President Regarding the Commencement of Operations in Libya.”

⁵⁶U.S. Department of Justice, “Authority to Use Military Force in Libya,” 1 April 2011, accessed at https://www.justice.gov/sites/default/files/olc/opinions/2011/04/31/authority-military-use-in-libya_0.pdf, 2 January 2020.

⁵⁷Ackerman, 2011; Fisher, 2012; Ewen MacAskill and Nick Hopkins, “Barack Obama rebuked for Libya action by US House of Representatives,” *The Guardian*, 24 June 2011. Accessed 8 January 2020 at <https://www.theguardian.com/world/2011/jun/24/barack-obama-libya-us-house-of-representatives>; Eric A. Posner and Adrian Vermeule, *The Executive Unbound: After the Madisonian Republic*, (New York: Oxford University Press, 2011).

⁵⁸Fisher 2012.

security “against the continued threat posed by Iraq.”⁵⁹ For all of these reasons, it is much more plausible to say that Obama’s actions over 2011, 2013, and 2014 demonstrate a strategic use of the law to achieve his desired action (or inaction).

Members of Congress had mixed reactions to Obama’s unilateralism. The Senate passed a nonbinding resolution earlier in March encouraging the protection of the Libyan people and condemning Qaddafi’s violation of human rights. It supported international efforts to isolate Qaddafi and compel him to cease, going so far as to say the UNSC should consider the imposition of a no-fly zone. It did not, however, express any views about U.S. involvement.⁶⁰ The resolution fell short of authorizing or even referencing presidential action; however, it did recognize the humanitarian crisis and the need for some kind of response. After Obama’s unilateral initiation of military force, views among members of Congress shifted. Members provided the president with mixed messages. A bipartisan group of representatives submitted bills to support the action. Others submitted bills to oppose or at least limit American involvement in the operation.⁶¹

Following William Howell and Jon Pevehouse’s description of legislative constraints, it is possible to assume this operation would quickly cost Obama political capital.⁶² It is likely, therefore, that there were hidden informal domestic constraints working against a large long-term military operation in Libya. In keeping with the theory presented here, it is very likely that unilateralism has a ceiling, and Obama had reached it. Altogether, this experience would have provided Obama with evidence that he could commit troops to engage in a humanitarian intervention unilaterally. Furthermore, as Table 1 demonstrates, by 2011, Obama had more military flexibility as the number of people deployed abroad had diminished. It should be noted that those levels were even lower in 2013. With fewer forces actively tied down in ongoing operations such as those in Afghanistan, the president had more “slack” in the force to use for a new operation, if he so desired.

⁵⁹U.S. Congress, “Authorization for the Use of Military Force, Public Law 107-243,” 16 October 2002, accessed at <https://www.congress.gov/107/plaws/publ243/PLAW-107publ243.pdf>, 2 January 2020.

⁶⁰S. Res. 85, “A resolution strongly condemning the gross and systematic violations of human rights in Libya, including violent attacks on protesters demanding democratic reforms, and for other purposes,” 112th Cong., introduced 1 March 2011.

⁶¹Felicia Sonmez, “President Obama’s Libya Speech: The Reaction from Capitol Hill,” *Washington Post*, 28 March 2011, accessed at https://www.washingtonpost.com/blogs/2chambers/post/president-obamas-libya-speech-live-video-and-reactions-from-capitol-hill/2011/03/28/AFqKSpqB_blog.html, 2 January 2020.

⁶²Howell and Pevehouse, *While Dangers Gather*.

TABLE 1
U.S. Deployed Forces over Time

<i>Year</i>	<i>Land Forces Abroad</i>	<i>Share Deployed Abroad</i>
2010	277,151	21%
2011	186,476	14%
2012	172,966	15%
2013	125,149	12%
2014	124,173	12%

Source: Defense Manpower Data Center, 2018.

Note: Each value is measured at the end of the year. Thus, in March 2011, the percentage of U.S. troops deployed abroad was 18% to 19%—much higher than what President Obama was dealing with in late 2013.

Furthermore, European allies, especially France, the Arab League, and the UNSC, all insisted on the need to use force. As Steven Erlanger writes, France led the charge, joining with “Britain to drag Europe and the United States toward military engagement in the Arab world that key allies like Washington and Berlin never wanted.”⁶³ Obama reiterated his reluctance to act in a 2016 interview with Jeffrey Goldberg in which Obama claimed he did not think presidents “should place American soldiers at great risk in order to prevent humanitarian disasters, unless those disasters pose a direct security threat to the United States.” In the case of Libya, powerful figures such as presidential special adviser Samantha Power and UN ambassador Susan Rice pushed him toward action.⁶⁴ Later, Secretary of State Hillary Clinton also overcame her initial hesitation and supported intervention.⁶⁵ Despite the voluntary nature of international agreements and the UNSC resolution, Obama would have faced costs to his international reputation and the reputation of the United States as a leader on humanitarian matters if he had avoided action. The reluctant commander in chief needed a broad international coalition and pressure to overcome his own reticence. We see an entirely different decision-making process around the Syrian civil war.

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Assad’s crackdown on popular uprisings during the Arab Spring caused many to start asking whether the United States had an obligation to

⁶³Steven Erlanger, “Sarkozy Puts France in Front of Fight for Libya,” *New York Times*, 20 March 2011, accessed at <http://www.nytimes.com/2011/03/21/world/europe/21france.html>, 2 January 2020.

⁶⁴Jeffrey Goldberg, “The Obama Doctrine,” *The Atlantic*, April 2016, 73, accessed at <http://www.theatlantic.com/magazine/archive/2016/04/the-obama-doctrine/471525/>, 2 January 2020.

⁶⁵Joby Warrick, “Hillary’s War: How Conviction Replaced Skepticism in Libya Intervention,” *Washington Post*, 30 October 2011, accessed at https://www.washingtonpost.com/world/national-security/hillarys-war-how-conviction-replaced-skepticism-in-libya-intervention/2011/10/28/gt1QAhGS7WM_story.html?utm_term=.e2224d052e68, 2 January 2020.

intervene to address the humanitarian situation, as it had in Libya in 2011. While Obama claimed that Libya required quick and decisive action, he had a markedly different posture toward Syria. This may be partly attributable to formal and informal constraints on the president in this particular instance.

The president faced strong opposition from Congress. On the Republican side, legislators warned that the United States did not have the funds to support another operation and cautioned of the long-term enemies created when the military picks “short-term winners in internal conflicts like Syria.”⁶⁶ Senators Bob Corker (R-TN) and Susan Collins (R-ME) also expressed concern over the slippery slope of arming rebels.⁶⁷ Representative Steve Chabot (R-OH), the second-ranking Republican on the House Subcommittee on Middle East and South Asia, claimed that Obama’s lack of information about the opposition represented a “deliberate policy” rather than an “intelligence failure.”⁶⁸

On the Democratic side, Obama received a mixed response. Representative Sheila Jackson Lee (D-TX) aggressively supported arming the rebels.⁶⁹ Most Democrats wanted to focus on diplomatic solutions, using sanctions to put more pressure on Assad. Reflecting the liberal internationalist strain within the Democratic Party, Gary Ackerman (D-NY), the ranking member of the House Subcommittee on the Middle East and South Asia, said the United States should focus on the creation of a coherent Syrian opposition. He supported an opposition that would stake out “strong determined positions regarding a liberal, Democratic, pluralistic Syria to come,” claiming, however, that a “flood of arms will not necessarily facilitate that objective.”⁷⁰

Obama also faced the difficulty of legitimizing *another* humanitarian engagement in the region after initiating the military operation against Libya in 2011—which did not prove successful or easy. Considering the thin connection to national security, he would have to rely on the American commitment to maintaining global and regional stability as well as the moral claim associated with R2P: precisely what he had relied on in 2011. He would again have to sell this questionable military engagement to a very reluctant American public. Prior to 2013, Americans

⁶⁶Brooks, 2012.

⁶⁷U.S. Senate, Committee on Foreign Relations, *Syria, U.S. Policy Options*, S. Hrg. 112-495, 12 August 2013.

⁶⁸U.S. House of Representatives, Committee of Foreign Affairs, *Confronting Damascus: U.S. Policy Toward the Evolving Situation in Syria, Part II*, H. Hrg. 112-146, 12 April 2012.

⁶⁹158 Cong. Rec. 1376 (2012).

⁷⁰U.S. House of Representatives, Committee of Foreign Affairs, *Confronting Damascus*.

opposed military operations in Syria two to one.⁷¹ Furthermore, they experienced an increasing amount of war weariness thanks to the war in Afghanistan.⁷² All of these factors further increased Obama's reluctance to act in Syria despite his "red line" that represented a clear threat to Assad.

Even Obama's rhetoric about Libya and Syria stand in stark contrast. This began in early 2012, when Matt Lauer asked him about the two conflicts. Unlike Libya, he said of Syria, "It is important for us to try to resolve this without recourse to outside military intervention and I think that's possible."⁷³ He calculated that the people would successfully overthrow Assad. In his "red line" comment of 2012, he presented chemical weapons as a regional threat to Israel. One would expect his concern about chemical weapons to compel action. Instead, he presented a quantity threshold without specifying what that quantity was. On 20 August 2012, Obama responded to a reporter's question by stating,

We have been very clear to the Assad regime, but also to other players on the ground, that a red line for us is we start seeing a whole bunch of chemical weapons moving around or being utilized. That would change my calculus. That would change my equation... We have communicated in no uncertain terms with every player in the region that that's a red line for us and that there would be enormous consequences if we start seeing movement on the chemical weapons front or the use of chemical weapons. That would change my calculations significantly.⁷⁴

While his "red line" comment displayed hesitation, among reporters and members of the administration, it became a focal point of discussions about Syria. Both within and outside the administration, the statement was treated as a threat. The administration could have walked back the statement. Instead, they accepted the common view that it was an unambiguous threat. In April 2013, Deputy National Security Adviser Ben Rhodes said that the United States had evidence that Assad had used chemical weapons in an attack on Khan al-Assal in northern Syria on 19

⁷¹Pew Research Center, "Little Support for U.S. Intervention in Syrian Conflict," 15 March 2012, accessed at <http://www.people-press.org/2012/03/15/little-support-for-u-s-intervention-in-syrian-conflict/>, 2 January 2020.

⁷²Frank Newport, "More Americans Now View Afghanistan War as a Mistake," Gallup, 19 February 2014, accessed at <http://www.gallup.com/poll/167471/americans-view-afghanistan-war-mistake.aspx>, 2 January 2020.

⁷³Obama, "Interview with Matt Lauer of NBC News," 5 February 2012.

⁷⁴Barack Obama, "Remarks by the President to the White House Press Corps," 20 August 2012, accessed at <https://obamawhitehouse.archives.gov/the-press-office/2012/08/20/remarks-president-white-house-press-corps>, 2 January 2020.

March. Rhodes referenced Obama's "red line," implying that the few hundred people killed by April did not reach the ambiguous threshold that triggered the military action. It had, however, caused them to increase support for the opposition as well as increase the kinds of support the United States provides. Rhodes's statement implies an acceptance that the red line statement nearly a year earlier had imposed audience costs if the administration failed to act. Rhodes further stated they had yet to decide on establishing a no-fly zone but he ruled out ground troops.⁷⁵ As the spring moved on, the United States ramped up its efforts to aid the rebels without committing many military assets to the fight.⁷⁶

Meanwhile, the legislature continued to drag its feet. A few committees passed resolutions hoping to show support for humanitarian goals, but none of these bills received serious consideration. When asked about legislative action after learning in April 2013 that Assad had used chemical weapons, Senators Dick Durbin (D-IL) and John McCain (R-AZ) both said that Obama should act militarily, but Durbin added, "It's up to the commander in chief."⁷⁷ Taken altogether, Obama would have seen an indecisive and deferential Congress.

On 21 August 2013, Assad's regime again used chemical weapons on opposition-controlled areas in Ghouta in an attack that killed more than 1,000 people.⁷⁸ On 30 August, Secretary of State John Kerry said that "history would judge us all extraordinarily harshly if we turned a blind eye to a dictator's wanton use of weapons of mass destruction." He went on to demonstrate the potential audience costs, saying that action "matters deeply to the credibility and the future interests of the United States of America and our allies."⁷⁹ Kerry, along with Power and Hillary Clinton, tried to push Obama toward intervention. As Goldberg reported, he was always reluctant: "Syria, for Obama, represented a slope

⁷⁵While it is beyond the scope of this article, it is interesting to note that Rhodes admitted, perhaps too honestly, "the notion that you can solve the very deeply rooted challenges on the ground in Syria from the air [is] not immediately apparent." It is possible that fact contributed to Obama's hesitation. Rhodes, "On-the-Record Conference Call by Deputy National Security Advisor for Strategic Communications Ben Rhodes on Syria."

⁷⁶Erica Ritz, "'It Is Not Sufficient': U.S. Doubles Aid to Syrian Rebels, Who Still Want More," *The Blaze*, 20 April 2013, accessed at <http://www.theblaze.com/news/2013/04/20/it-is-not-sufficient-u-s-doubles-aid-to-syrian-rebels-who-still-want-more/>, 2 January 2020; and Barbara Starr, "U.S. Military to Step up Presence in Jordan in Light of Syria Civil War," *Security Clearance* (CNN blog), 17 April 2013, accessed at <http://security.blogs.cnn.com/2013/04/17/u-s-military-to-step-up-presence-in-jordan-in-light-of-syria-civil-war/>, 2 January 2020.

⁷⁷UPI, "U.S. Intelligence: Syrian Regime Used Chemical Weapons," 25 April 2013, accessed at <https://www.upi.com/US-intelligence-Syrian-regime-used-chemical-weapons/44321366909487/>, 2 January 2020.

⁷⁸Obama, "Statement by the President on Syria."

⁷⁹John Kerry, "Statement on Syria," U.S. Department of State, 30 August 2013, accessed at <http://2009-2017.state.gov/secretary/remarks/2013/08/213668.htm>, 2 January 2020.

potentially as slippery as Iraq.” Furthermore, Obama claimed in 2011 that “the notion that we could have... changed the equation on the ground there was never true” because of Assad’s military power and the support coming from Iran and Russia.⁸⁰ His reticence combined with the concern over audience costs led him to search for a way to avoid both. These unique circumstances caused Obama to invent a novel reason to ask for an AUMF. On August 31st, he claimed to be conscious of leading the world’s oldest democracy and needing an AUMF *prior to* initiating hostilities against Assad.

Within the administration, Kerry, Koh, Power, and National Security Adviser Susan Rice all claimed the president had not only a moral responsibility but also the legal authority necessary to respond unilaterally.⁸¹ Obama had also “articulated a legal argument justifying the potential unilateral use of force for the purpose of protecting civilians, even in the absence of Security Council authorization.”⁸² Furthermore, even the way he framed the request to Congress demonstrated he thought it was voluntary. He claimed he had “the authority to carry out this military action without specific congressional authorization.” He requested congressional authorization because it made the country “stronger” and military action “more effective.” Considering the growing humanitarian crisis—much greater than the one in Libya—claiming that action was not “time sensitive” reads as an excuse.⁸³

There is further evidence when examining the legislative side of the debate. Leon Panetta claimed he thought Obama should not place his faith in Congress. “By mid-2013,” he wrote, “a majority of Congress could not agree on what day of the week it was, much less a resolution authorizing the use of American force in the Middle East.”⁸⁴ He had every reason to hold this opinion. As Ryan Hendrickson notes, “Once the president turned to Congress to request legislative support more congressional opposition became evident... it appeared unlikely that Obama had enough support to win a resolution in favor of U.S. military action in

⁸⁰As quoted in Goldberg, “The Obama Doctrine.”

⁸¹Discussing Koh’s support, see Brooks, *How Everything Became War and the Military Became Everything*, 248; discussing Kerry’s support, see Goldberg, “The Obama Doctrine”; discussing Power’s support, see Max Fisher, “Samantha Power’s Case for Striking Syria,” *Washington Post*, 7 September 2013, accessed at https://www.washingtonpost.com/news/worldviews/wp/2013/09/07/samantha-powers-case-for-striking-syria/?utm_term=.dd6fabe941a0, 2 January 2020; and Susan Rice, “Susan Rice Speaks on Syria, Full Text,” *Politico*, 9 September 2013, accessed at <https://www.politico.com/story/2013/09/susan-rice-syria-full-speech-text-096484>, 2 January 2020.

⁸²Brooks, *How Everything Became War and the Military Became Everything*, 248.

⁸³Obama, “Statement by the President on Syria.”

⁸⁴Panetta and Newton, *Worthy Fights*, 450.

Syria.”⁸⁵ In support of this argument, Hendrickson goes on to suggest that we consider the “political context in which Obama began to make his case.”⁸⁶ He had limited domestic backing and almost no international backing for the action: “With all of these political challenges in place, coupled with an especially assertive faction of House Tea Party Republicans, President Obama faced widespread domestic and international opposition to a military strike.”⁸⁷

The House Armed Services Committee convened a hearing on a potential AUMF for Syria on September 10th as well. In this hearing, Chairman Buck McKeon (R-CA) made his reservations plain in his opening statement, declaring that many second- and third-order effects would likely result from an intervention against the Assad regime. He criticized the cuts to the Defense Department, expressing a concern that the military could not perform additional missions under sequestration budgets. Ranking member Adam Smith (D-WA) also expressed skepticism that any intervention in Syria could be confined to a single targeted strike.⁸⁸

Members of both parties expressed hesitation about authorizing military force in Syria. Significantly, this occurred *before* the president’s statement to the country on the night of 10 September 2013, in which he did not use the same forceful rhetoric about America’s responsibility as a world leader to enforce norms. Instead, the president actually echoed the concerns of those in Congress and gave them further life, thereby solidifying opposition to a new AUMF rather than clear a path for its passage. Congress had already let its opposition be known, and rather than sidestepping Congress, as he had done in the past, the president doubled down on the congressional hesitance. It appears that Obama was not trying to sway Congress but rather to shift the blame to Congress, knowing that Congress would not pass an AUMF.

When Congress finally had a proposed AUMF to deliberate, it contained a provision that the president would have to go to Congress *again* to certify that all diplomatic angles had been exhausted. This was compounded by the unreasonable qualifications the most hawkish members required to support an AUMF. For instance, Senator John Cornyn (R-TX) required both overwhelming force and a sizable international coalition, two items that were unlikely to occur.⁸⁹

⁸⁵Hendrickson, *Obama at War*, 119–120.

⁸⁶Hendrickson, *Obama at War*, 121.

⁸⁷Hendrickson, *Obama at War*, 122.

⁸⁸U.S. House of Representatives, Committee on Armed Services, *Proposed Authorization to Use Military Force in Syria*, HASC No. 113-55, 10 September 2013.

⁸⁹159 Cong. Rec. S6343 (2013).

Obama presented clear limits to a proposed operation, stating he would keep ground troops out of the fight. When framing the operation, however, he signaled that events in Syria could escalate. He repeatedly referenced the wars in Iraq and Afghanistan—two long and unpopular wars. His speech warned of the slippery slope that had led to the quagmire in both countries.⁹⁰ Linking the suggested “limited” engagement to these other wars provided a signal to anyone on the fence: this would likely be a third long-term engagement in the region. Truly determined presidents, such as George H.W. Bush, had previously found ways to force the congressional hand by ratcheting up rhetoric and preemptively placing military forces in the region, but President Obama spoke and acted differently.

While he laid out the rhetorical case for military engagement by pointing to the dangers of failing to act, his speech about the engagement acted as a poison pill. He reminded the public of recent wars that suffered from mission creep and lacked a clear exit strategy, and he repeatedly mentioned the painful recent experiences in Iraq and Afghanistan. Members of Congress would have to support an action framed as costly and lengthy, with little to no benefit to the United States.

Soon after indifferently seeking support and receiving an ambivalent response from Congress, Kerry mentioned that if Assad removed his chemical weapons, the United States would stand down. Crucially, this happened after Congress had clearly demonstrated it would not pass an AUMF. Russia jumped on the opportunity and offered to remove the weapons. Meanwhile, the administration continued to push for a political solution, hoping the Geneva communiqué and the talks planned in January 2014 between the Syrian government and the opposition would yield acceptable results. With entrenched interests on both sides, the international community put enormous pressure on the United States to help facilitate a transition. Kerry urged the opposition to participate, calling the conference “the best opportunity... to achieve the goals of the Syrian people and the revolution.”⁹¹ The talks broke down almost immediately, however, as the UN-Arab League envoy could not break a deadlock between the Syrian government and the opposition.⁹²

⁹⁰Obama, “Statement by the President on Syria.”

⁹¹BBC News, “Syria Conflict: Government Offers Prisoner Exchange,” 17 January 2014, accessed at <http://www.bbc.com/news/world-middle-east-25773728>, 2 January 2020.

⁹²“Syria Peace Talks Break Up as UN Envoy Fails to End Deadlock,” *The Guardian*, 15 February 2014, accessed at <http://www.theguardian.com/world/2014/feb/15/syria-peace-talks-break-up-geneva>, 2 January 2020.

Despite this setback, Obama continued to present a hopeful message about a transition in Syria.⁹³ However, the situation in Syria continued to deteriorate without serious consideration on the part of the administration to initiate military operations—fearing that American action would not lead to a solution.⁹⁴ By June, the G-7 collectively denounced the “sham presidential election” that provided Assad with another seven-year term. It also “condemned” the failure to implement UNSC Resolution 2139, which provided humanitarian assistance to those impacted by the ongoing war.⁹⁵ More importantly, the Assad regime had yet to remove its entire chemical weapons stockpile despite the deal brokered by the Russians. Assad failed to live up to his side of the bargain, but Obama continued to avoid military action.

We suggest that the request was a way to shift audience costs to Congress. Obama’s polling numbers shortly after this series of events are consistent with Kertzer and Brutger’s argument that individuals respond differently to audience costs based on left/right political views.⁹⁶ After Obama stepped back from the brink of conflict, Republicans’ support for the president dropped by 4 percent (between the 2–8 September poll sample and 30 September–6 October) as they exacted the costs of backing down. Democrats, on the other hand, rewarded the president for refraining from belligerence by increasing their support by 3 percent in those same polls. Overall, his level of support remained the same, and he did not suffer an overall drop in popularity from the matter.⁹⁷ While small, these numbers are consistent with our theory and what we would expect from Kertzer and Brutger.

Obama did not merely seek to minimize his own audience costs. He intended to shift them onto the Republican Congress. Congressional approval (as low as it was) took a substantial hit during this period. Congressional approval stood at 19 percent in the September 5-8 sample, before Congress debated the issue of an AUMF, and by the November 7-10 poll, it had dropped *10 percent*, including an 8 percent drop between

⁹³Barack Obama, “Remarks Prior to a Meeting with King Abdullah II of Jordan in Rancho Mirage, California,” 14 February 2014, American Presidency Project, accessed at <http://www.presidency.ucsb.edu/ws/index.php?pid=104730&st=syria&st1>, 2 January 2020.

⁹⁴Barack Obama, “Interview with Jeffrey Goldberg of Bloomberg’s View,” 27 February 2014, American Presidency Project, accessed at <http://www.presidency.ucsb.edu/ws/index.php?pid=109752&st=syria&st1>, 2 January 2020.

⁹⁵European Commission, “The Brussels G7 Summit Declaration,” 5 June 2014, accessed at https://ec.europa.eu/commission/presscorner/detail/en/MEMO_14_402, 2 January 2020.

⁹⁶Kertzer and Brutger, “Decomposing Audience Costs.”

⁹⁷Gallup, “Barack Obama Presidential Job Approval,” 2017, accessed at <https://news.gallup.com/poll/116479/barack-obama-presidential-job-approval.aspx>, 2 January 2020.

the September and October samples. The last time Congress had seen its approval rating plummet at this rate was in the midst of the debate over the Affordable Care Act between September and October 2009.⁹⁸ These polling numbers support the case that Obama sought an AUMF as a way to not only back down from the conflict, but also as a way to shift the audience costs onto Congress. Obama's polling numbers remained stable, while congressional approval dropped by more than *half* its previous level. Obama had foreseen this outcome. To advisers, he said of his decision to seek congressional approval that "everyone will see they have no votes."⁹⁹ He regarded his move as a "clever tactical win."¹⁰⁰ Arguably, the gamble worked.

SYRIA AND ISIS

By June 2014, the administration faced another growing crisis in the region: ISIS. Taking advantage of the instability in Syria and the fledging government in Iraq, ISIS swept through the region, amassing territory and declaring a caliphate after the capture of Mosul.¹⁰¹ These events caused Obama's rhetoric to shift. By August 1st, he had returned to discussing the importance of "American leadership" and our "special responsibilities." In contrast to a year earlier, he said, "We're willing to plunge in and try, where other countries don't bother trying." He also presented ISIS as a threat to the United States that needed to be addressed immediately.¹⁰² ISIS stated a very clear desire to not only obtain territory in the Middle East but also to bring the fight to the enemy and send terrorists back to their home countries.¹⁰³ Comparatively, Assad's crackdown did not pose the same security threats to the United States—although the use of chemical weapons could harm Israel.

A crucial turning point came a few weeks later on August 18th, when the president announced that "the most lethal declared chemical weapons

⁹⁸Gallup, "Congress and the Public," 2018, accessed at <https://news.gallup.com/poll/1600/congress-public.aspx>, 6 January 2020.

⁹⁹George Packer, "Witnessing the Obama Presidency, from Start to Finish," *The New Yorker*, 18 June 2018, accessed at <https://www.newyorker.com/magazine/2018/06/18/witnessing-the-obama-presidency-from-start-to-finish>, 2 January 2020.

¹⁰⁰Ben Rhodes, "Inside the White House during the Syrian 'Red Line' Crisis," *The Atlantic*, 3 June 2018, accessed at <https://www.theatlantic.com/international/archive/2018/06/inside-the-white-house-during-the-syrian-red-line-crisis/561887/>, 2 January 2020.

¹⁰¹Martin Chulov, "Isis Insurgents Seize Control of Iraqi City of Mosul," *The Guardian*, 10 June 2014, accessed at <http://www.theguardian.com/world/2014/jun/10/iraq-sunni-insurgents-islamic-militants-seize-control-mosul>, 2 January 2020.

¹⁰²Barack Obama, "The President's News Conference," 1 August 2014, American Presidency Project, accessed at <http://www.presidency.ucsb.edu/ws/index.php?pid=105506&st=syria&st1>, 2 January 2020.

¹⁰³Gerges, *ISIS: A History*.

possessed by the Syrian regime were destroyed.”¹⁰⁴ Importantly, there are two qualifiers here that led to the conclusion that Assad maintained a store of chemical weapons. During this month, Obama ordered targeted strikes against ISIS targets. By now, however, he had shed his concerns about leading the “world’s oldest democracy.”¹⁰⁵ On September 10th, Obama laid out his strategy to defeat ISIS, including a campaign of airstrikes, saying he welcomed congressional support. Just as in 2011 and 2013, he never claimed he required congressional support prior to or during his bombing campaign.

His rhetoric about the nature of the engagement also shifted. In his speech on August 18th, he made it clear that the engagement with ISIS would not look like the wars in Iraq and Afghanistan and reiterated the importance of American leadership as “one constant in an uncertain world,” unlike his rhetoric about attacking Assad and much like his rhetoric about attacking Qaddafi.¹⁰⁶ Importantly, in this speech, he called on Congress to provide authorization to train and equip the Syrian opposition.

Obama’s actions in 2013 broke with a long tradition of presidents providing a legal opinion regarding their authority to initiate hostilities unilaterally as a result of their power as the commander in chief and the chief executive. His 2014 decisions were equally novel. On August 8th, August 17th, September 1st, and September 8th 2014, Obama reported to Congress that “consistent with the War Powers Resolution,” he had initiated operations in Iraq. The August 8th message did not reference ISIS, but the August 17th, September 1st and September 8th letters did.¹⁰⁷ Consistent with the WPR, one would assume he was acting unilaterally and had started the 60- to 90-day clock. On September 23rd, however, he changed course. He sent two letters to Congress. One referenced the fight against the Khorasan Group—a known affiliate of al Qaeda. In this letter, he referenced the 2001 AUMF as

¹⁰⁴Barack Obama, “Statement on the Elimination of Syria’s Declared Chemical Weapons Stockpile,” 18 August 2014, American Presidency Project, accessed at <http://www.presidency.ucsb.edu/ws/index.php?pid=106702&st=syria&st1>, 2 January 2020.

¹⁰⁵Obama, “Statement by the President on Syria.”

¹⁰⁶As quoted in David Hudson, “President Obama: ‘We Will Degrade and Ultimately Destroy ISIL,’” *White House Blog*, 10 September 2014, accessed at <https://obamawhitehouse.archives.gov/blog/2014/09/10/president-obama-we-will-degrade-and-ultimately-destroy-isil>, 2 January 2020.

¹⁰⁷Barack Obama, “Letter from the President—War Powers Resolution Regarding Iraq,” 8 August 2014, accessed at <https://obamawhitehouse.archives.gov/the-press-office/2014/08/08/letter-president-war-powers-resolution-regarding-iraq>, 2 January 2020; Barack Obama, “Letter from the President—War Powers Resolution Regarding Iraq,” 17 August 2014, accessed at <https://obamawhitehouse.archives.gov/the-press-office/2014/08/17/letter-president-war-powers-resolution-regarding-iraq>, 2 January 2020; Barack Obama, “Letter from the President—War Powers Resolution Regarding Iraq,” 1 September 2014, accessed at <https://obamawhitehouse.archives.gov/the-press-office/2014/09/01/letter-president-war-powers-resolution-regarding-iraq>, 2 January 2020; and Barack Obama, “Letter from the President—War Powers Resolution Regarding Iraq,” 8 September 2014, accessed at <https://obamawhitehouse.archives.gov/the-press-office/2014/09/08/letter-president-war-powers-resolution-regarding-iraq>, 2 January 2020.

legislative authorization, but he maintained that he was informing Congress consistent with the WPR.¹⁰⁸ In the second letter, he discussed operations in Iraq fighting ISIS and changed from referring to these operations as limited in scope. Importantly, he cited both the 2001 and 2002 AUMFs as legislative authorization and claimed that he was informing Congress consistent with the WPR. We see here that he informed Congress in the same way that George W. Bush did with the initiation of the Iraq War.¹⁰⁹ In other words, he presented his actions as congressionally sanctioned.

Referencing the WPR can have two different meanings. Without an authorization, it initiates the 60- to 90-day clock. With an authorization or declaration of war, the president is merely keeping Congress informed. As the situation in Syria and Iraq became a long-term operation, he decided to reach back to the 2001 and 2002 AUMFs and alter his rhetoric about the operation. The situation in Syria in 2014 was the exact slippery slope that Obama had wished to avoid in 2013.

As he used the old AUMFs to pursue policy, he simultaneously asked for a new one. It became quickly apparent, however, that he did not want restrictions. He asked for an AUMF “akin to the one that Congress gave the President for al Qaeda and its affiliates in the 2001 AUMF.”¹¹⁰ Asking for another AUMF and failing to get one further demonstrates our theory. In both 2013 and 2014, Obama claimed he had the authority under the Constitution to initiate hostilities without congressional authorization. In both instances, he asked for one.

In 2013, Obama claimed he was “taking this vote in Congress and what the American people are saying very seriously” and there was an understanding that no military action would occur without an AUMF.¹¹¹ In this instance, he expressed a concern about the precedent he would set

¹⁰⁸Barack Obama, “Letter from the President—War Powers Resolution Regarding Syria,” 23 September 2014, accessed at <https://obamawhitehouse.archives.gov/the-press-office/2014/09/23/letter-president-war-powers-resolution-regarding-syria>, 2 January 2020.

¹⁰⁹“Bush Sends Letter to Congress on Iraqi Action,” CNN, 21 March 2003, accessed at <http://www.cnn.com/2003/ALLPOLITICS/03/21/sprj.irq.letter/index.html>, 2 January 2020.

¹¹⁰Jack Goldsmith, “The Obama Administration Wants a Super-Broad AUMF for the Islamic State (and Other Reactions to Yesterday’s AUMF Hearing),” *Lawfare* (blog), 10 December 2014, accessed at <https://www.lawfareblog.com/obama-administration-wants-super-broad-aumf-islamic-state-and-other-reactions-yesterdays-aumf>, 2 January 2020.

¹¹¹Packer, “Witnessing the Obama Presidency”; and Rhodes, “Inside the White House during the Syrian ‘Red Line’ Crisis.” It should be noted that Obama consistently refused to answer the question about whether he would act without congressional authorization. Barack Obama, “Remarks Prior to a Meeting with Congressional Leaders on the Situation in Syria,” 3 September 2013, American Presidency Project, accessed at <https://www.presidency.ucsb.edu/documents/remarks-prior-meeting-with-congressional-leaders-the-situation-syria>, 2 January 2020; Barack Obama, “Transcript: NBC’s Savannah Guthrie interviews Pres. Obama regarding Syria,” 9 September 2013, accessed at <http://www.wsfa.com/story/23384005/transcript-nbcs-savannah-guthrie-interviews-pres-obama-regarding-syria>, 2 January 2020.

if he acted when there was no “consensus” and no “direct or imminent threat to the homeland or [American] interest around the world.” He and his officials all emphasized the desire to consult closely with Congress while side stepping the question about whether he would act without an authorization in order to preserve flexibility.¹¹² As Ben Rhodes reports, Obama wanted to move away from the “perpetual war footing” that the United States had experienced since September 11, 2001. He claims Obama knew “Republicans would come after him” if he went into Syria unilaterally making it “impossible to sustain any military engagement.”¹¹³ Furthermore, in another piece, Rhodes quotes Obama saying that if he lost the vote, “it will drive a stake through the heart of neoconservatism—everyone will see that they have no votes.”¹¹⁴ Positioning himself in this way, Obama would get precisely what he wanted: he could hold Congress—especially Republicans—accountable when it called for action but refused to take responsibility while also reducing the perpetual war footing. It was only because of the advice of Susan Rice and Obama’s lawyers that he “reserved the right to take action even if Congress didn’t approve.”¹¹⁵

Conversely, in 2011, Obama did not express anything like these qualms when he unilaterally initiated military operations against Qaddafi two years earlier. In 2014, lacking consensus in Congress or among the American people, he did not hesitate to act. This showed he was more motivated, just as he was in 2011. It is possible that as the operation progressed and he saw that he would not receive a new AUMF from Congress, he decided to claim authority based on the old ones. This would explain the 13-day lapse between troop increases and Obama reporting to Congress on September 23rd.

Unlike in 2013, legislators from both parties were sending positive signals to continue. On September 17th, Senator Bob Menendez (D-NJ) characterized President Obama’s plan to defeat ISIS as “comprehensive and holistic,” one that would “integrate all the tools of U.S. power to defeat ISIL.”¹¹⁶ That same day, Senator Tim Kaine (D-VA) introduced a resolution providing an AUMF against ISIS, which described the grievous threat that ISIS presented to the United States and its allies.¹¹⁷

¹¹²Packer, “Witnessing.”

¹¹³Ben Rhodes, *The World as It Is: A Memoir of the Obama White House* (New York: Random House, 2018), 235.

¹¹⁴Packer, quoting Rhodes who quoted Obama, “Witnessing.”

¹¹⁵Rhodes, *The World as It Is*, 237.

¹¹⁶U.S. Senate, Committee on Foreign Relations, *United States Strategy to Defeat the Islamic State in Iraq and the Levant*, S. Hrg. 113-668, 17 September 2014.

¹¹⁷S. J. Res. 44, “Authorization for Use of Military Force against the Islamic State in Iraq and the Levant,” 112th Cong., introduced 17 September 2014.

These immediate signals from the president's copartisans could not have contrasted more with the tepid and resistant response from them a year earlier. Overall, he had robust backing for his actions from Democrats.

Much like they had in 2011, the Republicans thought the president should consult with Congress but made no meaningful efforts to force his hand. For instance, Senator Corker castigated the administration for "exercising terrible judgment right now," without backing up this statement by imposing any checks on Obama. He also repeatedly stated that he wished the president had acted *sooner and more strongly*, even though the fight would likely take a decade or more. Senator Jim Risch (R-ID) expressed almost unqualified support for the president's military actions, saying that everyone agreed that American "boots on the ground" were unacceptable but that the drone program had been very effective.¹¹⁸ Thus, he provided support for the president's military actions and only objected to the lack of congressional consultation. Republicans were unwilling to obstruct ongoing operations, since they agreed with them and only objected on procedural grounds. In 2013, Republicans hesitated to support an operation that would have numerous second- and third-order effects but embraced them in 2014 and only rhetorically opposed the president for acting unilaterally.

The growing threat from ISIS caused the hawks and doves to put their ideology aside and support the fight against a terrorist organization that threatened the United States and her allies. While there was still fear over mission creep as evidenced by the continued reluctance to support ground troops, that no longer extended to *all* military action by September 2014. By initiating operations and conducting them unilaterally, Obama further saved more dovish Democrats from having to justify their support on the campaign trail.

DATA AND METHODOLOGY

Given the case study evidence in support of this argument, we provide a short statistical section to bolster the contention that Obama went to Congress to avoid action and to shift audience costs to the legislative branch. What we seek to do here is analyze the conditions that were present during the decision to present an AUMF to Congress in 2013. We find that congressional conditions were very similar to 2011 and 2014, with a strong conservative bent that was unlikely to approve an AUMF. However, Obama unilaterally used force in Libya and against ISIS without congressional punishment. He could have expected the same in 2013.

¹¹⁸U.S. Senate, Committee on Foreign Relations, *United States Strategy to Defeat the Islamic State in Iraq and the Levant*.

We constructed a data set of international and domestic factors during the 2011–2014 period. Given the short time period, yearly variables are broken into monthly ones to allow for a larger set of observations. Most variables show a good deal of variation from month to month, which allows for statistical estimates once accounting for time dependence. Because of the short period and limited observations, we chose to include a limited number of variables to preserve degrees of freedom to test the key dependent variable.

Data

The dependent variable of interest here is American military intervention. We use a binary indicator of this measure, with 1 in months when the United States is militarily engaged in the countries of interest to this study and 0 when it is not. On the domestic front, we included a key measure that has previously been associated with theories of uses of force: presidential popularity (*PotusPopularity*). We obtained this measure from the Gallup tracking poll covering the first day of the indicated month within the data set.¹¹⁹

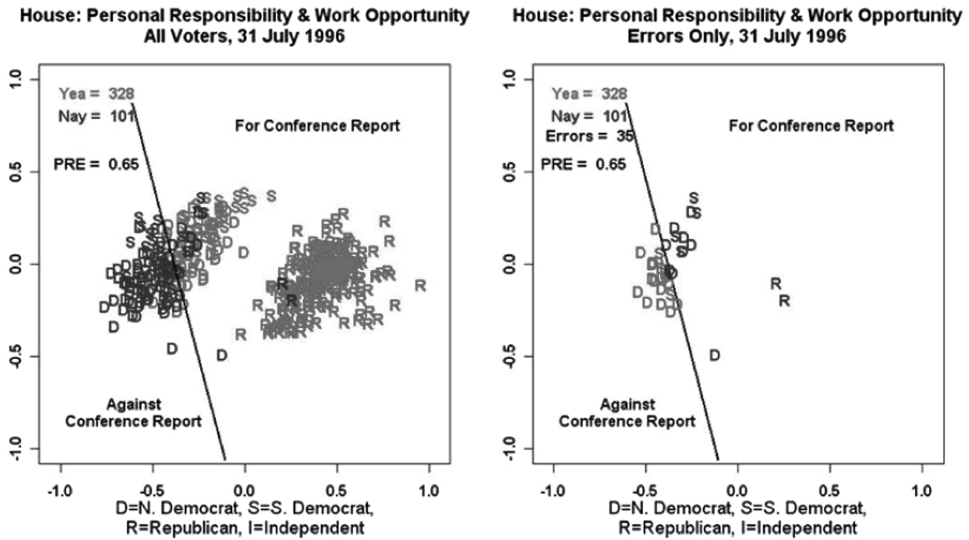
We also included four measures of congressional behavior for each month using DW-Nominate scores or roll calls during the 112th and 113th Congresses. We included the mean DW-Nominate roll call midpoint for each month along both dimensions that DW-Nominate measures. While many scholars are familiar with the estimates that are derived from roll calls of the ideological location of each member of Congress, these indicators show where *a piece of legislation* falls on the ideological spectrum.¹²⁰ The roll call midpoint scores (as opposed to the scores for individual legislators) generate a prediction of where members of Congress will fall on the issue, given their ideological “ideal point,” and where it falls in relation to the cut point, as shown in Figure 1. Negative scores align with a more liberal piece of legislation, and positive scores align with a more conservative vote. The first dimension (*dwnommean1*) measures economic liberal-conservative ideal points, and the second dimension (*dwnommean2*) measures cultural or lifestyle factors. While each roll call vote estimates a final “ideal point” for each legislator that does not vary, the midpoint scores for roll calls themselves *do* vary over time.

For each of these dimensions, we also collected the mean for the reported “spread” along each dimension (*dwnomspread1* and *dwnomspread2*), which indicates how far the average congressional voter fell from the “cutting line”

¹¹⁹Gallup, “Barack Obama Presidential Job Approval.”

¹²⁰Jeffrey B. Lewis, Keith Poole, Howard Rosenthal, Adam Boche, Aaron Rudkin, and Luke Sonnet, Voteview: Congressional Roll-Call Votes Database, accessed at <https://voteview.com/>.

FIGURE 1
 Generation of Cut Points in Roll Call Votes



Source: Demonstration of the cut point between voting yes and voting no on a piece of legislation.

that divides a yea vote from a nay. A larger “spread” indicates a Congress whose members lie further away from the dividing line between yeas and nays in either direction. A smaller spread means there are more members closer to flipping. Furthermore, a more negative spread indicates that the roll call lay further from Democratic ideal points than Republican ones.

To capture the significance of international support, we include a measure of the number of UN resolutions (*UNResolutions*) in support of military action in the target state. This proxies the general level of international support. During this period, NATO support and UN support generally moved together, with NATO supporting the operations in Libya and then against ISIS in Iraq, but not against the Assad government.

Models

The data consist of a time-series set of observations for the United States, with one international variable. The unit of analysis is the month-year. Because of the binary nature of the dependent variable, we use one logit and one probit model. Each independent variable is lagged one period to help prevent endogeneity (Table 2).

The results provide support for our key contentions. First, the *dwnom-mean2* variable is positive and significant across both models. This indicates that legislation patterns during the period in which the United States underwent conflict against Libya and Syria were in a more conservative

TABLE 2
Effects on Military Intervention

Variable	Logit	Probit
<i>dwnommean1</i>	3.9937 (8.3808)	0.8070 (4.6937)
<i>dwnomspread1</i>	*-19.4956 (8.5696)	*-9.5008 (3.9185)
<i>dwnommean2</i>	*16.6510 (7.4634)	*8.2707 (3.5730)
<i>dwnomspread2</i>	5.9668 (5.1805)	2.8456 (2.8487)
<i>PotusPopularity</i>	-0.1503 (0.2452)	-0.0448 (0.1383)
<i>UNResolutions</i>	*1.3235 (0.6159)	*0.7741 (0.3483)
Constant	1.7267 (10.8121)	-0.5606 (6.2984)
Observations	41	41

Notes: Standard errors in parentheses.

Two-tailed significance tests used: * $p < .05$; ** $p < .01$; *** $p < .001$.

direction. The *dwnomspread1* variable is also negative and significant across both models, indicating that President Obama was more likely to initiate force when he was faced with a more conservative legislative pattern in Congress. This indicates that going to Congress during these periods would likely have been unsuccessful, as Congress was acting in a more conservative fashion, but the president was able to initiate force with no congressional repercussions. However, in 2013, he went to Congress for an AUMF with similarly low expectations for approval and it predictably failed. If we input a hypothetical 1 in September 2013, these same variables remain significant and negative at similar levels, indicating that Obama likely could have unilaterally used military force with the same expected outcome.

The *UNResolutions* variable is also positive and significant across both models, indicating that international support played a key role in the initiation of force in these two key instances. Much research has found that international support provides political legitimacy for American military operations, which can sometimes substitute for the authorization of Congress. The lack of international support in 2013 made Obama even more hesitant, and he sought an AUMF from Congress knowing that it would fail, as a way to gracefully back down and attempt to avoid the potential audience costs and shift them onto the conservative Congress.

CONCLUSION

In 2011, President Obama ordered military strikes on Libya to protect civilians against Muammar el-Qaddafi. Following the Arab Spring, Obama rhetorically asserted the importance of being on the “right side of history” by participating in a humanitarian intervention to protect peaceful protests against an oppressive leader.¹²¹ At the time, he neither courted congressional

¹²¹Obama, “Statement on the Elimination of Syria’s Declared Chemical Weapons Stockpile.”

approval nor received congressional punishment despite going over the 90-day clock in the WPR. In this action, we see a determined commander in chief, willing to use whatever means necessary to achieve his objectives. Obama acted forcefully and without permission from Congress, using aggressive rhetoric about the importance of American leadership and the necessity of addressing a humanitarian crisis.

Syria tells a different story, despite the similar circumstances. Even after years of an arguably more severe humanitarian crisis, in 2013, Obama used more ambivalent language and sought congressional authorization prior to intervention. In this article, we have argued that he asked for authorization as a way to both avoid acting despite his red line and in an effort to shift audience costs to Congress. When Congress failed to pass an AUMF, Obama used this as a justification for a lack of action.

We assert that Obama had good reason to assume he would *not* receive an AUMF at the time. As Derek Chollet explains, “The case for action was swallowed with a healthy dose of skepticism.” Members of Congress understood the risks, “especially now that they were part of the decision.” “Some,” says Chollet, “even complained that the administration, in asking for their approval and obliging them to share responsibility, had put them in this position.”¹²² The 2013 interaction stands in clear contrast to this decision-making process in 2011 as well as the one in 2014, albeit in different respects. In 2014, we once again saw a motivated commander in chief willing to engage in unilateral action—even after he asked for and did not receive an AUMF to fight ISIS.

This hypothesis entertains the possibility that Obama created a new reason to ask for an AUMF: as a means to avoid using force. The statistical evidence and case study analysis show strong support for our theory that Obama did just that in 2013. Not only did President Obama seek congressional approval as a way of trying to avoid action, but he did so with a high degree of confidence that Congress would not act. With a similarly oriented Congress in 2011 and 2014, Obama showed little hesitation in using military force without their authorization. Going to Congress for an AUMF in 2013 was almost guaranteed to fail and the president did little to push members toward authorization. The tools at his disposal (such as clear signals he would act and/or moving troops into the region) to push Congress toward action remained unused. Obama’s decision to ask for an AUMF looks more like a novel way to avoid military action and shift the audience costs for failing to back up the red

¹²²Chollet, *The Long Game*, 15.

line to Congress. The president manufactured his own political constraint, because of his own reluctance to engage the Assad regime. This was born out in 2014, when he also did not receive the AUMF he asked for but he acted anyway.

The evidence supports our contention, but it is important to entertain counter arguments. One counterargument would suggest that Obama sought congressional approval for an AUMF in a genuine effort to bring the United States to war against the Assad regime. Given the evidence to the contrary, in addition to his willingness to engage in military force without congressional approval other times throughout his administration (including against state actors), we think this is a dubious assertion. A second suggests that Obama sought a resolution to maximize pressure on Assad. However, given the evidence that he knew a resolution was unlikely to be forthcoming, such a move would undermine his own leverage. More likely, Obama was hesitant to engage in a large-scale military conflict in Syria that would likely become a quagmire and purposefully avoided action by removing his responsibility for the issue and placing it in the hands of Congress.

The evidence shows that Obama was strongly disinclined to engage the Assad regime in 2013 and did what he could to avoid action while attempting to avoid political responsibility by placing the issue in front of a Congress when they were unlikely to provide an AUMF. The statistical analysis backs this argument by showing that Congress in 2013 was highly opposed to the president's agenda, with a wider spread in ideological orientation. In other words, there were fewer members of Congress on the threshold of tipping from a no to a yes. He made a political gamble that Congress would refrain from authorizing a president from the opposite party to engage in a large-scale military action.

Many scholars have recognized congressional hesitance to assert itself into foreign policy decisions that involve the use of military force. Many others have recognized the costs that a president may incur by backing down. When these assertions are combined with an examination of Obama's actions in 2011 and 2014 in contrast to 2013, we think it is safe to conclude that Obama did not want to act and created a novel method of avoiding military action: presidents can ask a reluctant Congress who will be unlikely to provide an authorization, arguably giving the president political cover. Given congressional reticence to take a firm stance on using military force, asking for authorization can guarantee inaction, and it offers a viable way for a president to avoid audience costs by blaming the inaction on a gun-shy Congress.