

**SUPPORT OUR TROOPS:
HOW THE WHITE HOUSE FAILS TO DO SO**

by
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Abstract

American presidents and vice presidents can fail at properly supporting their armed forces by allowing the embezzlement of Department of Defense funds, disseminating defense-related tweets without military advisor review, and not publicly endorsing naval deterrence operations. As the American taxpayer votes for the president, who is constitutionally the head of the military as the Commander-in-Chief, the taxpayer ultimately directs the military. The American public should understand how the highest elected officials fail to serve them and their armed forces. A gap in research exists regarding the presidential impact on the military due to the military's apolitical nature.

This thesis attempts to add to the limited body of work regarding the relationship between the White House and the Department of Defense. The first contribution is the impact of public support on military operations, specifically naval deterrence. The chapter explores three case studies: Strait of Hormuz, Taiwan Strait, and South China Sea. Naval deterrence operations do not have the same level of success when the president does not officially endorse them.

The second contribution of this thesis is the lack of accountability of the executive branch and embezzlement from the Department of Defense. This chapter investigates three politicians: Vice President Richard Cheney (R), President Barack Obama (D), and President Donald Trump (R). Research finds that presidents and vice presidents can become kleptocratic through the Department of Defense when there is no accountability from the legislative or judicial branches.

The last contribution is the importance of recognizing that tweets are lawful orders with severe consequences on the Department of Defense. The chapter explores President Trump's tweets aimed at North Korea, Iran, and transgender service members. Trump's unique communication style should serve as a warning regarding the possible repercussions of removing

military advisors from reviewing official communication regarding the armed forces. Finally, the thesis provides recommendations for accountability of the president and vice president to support the troops better.

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Disclaimer

The views and opinions expressed in this thesis are those of the authors and do not necessarily reflect the official policy or position of any agency of the U.S. Government.

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Introduction

The President of the United States (U.S.) often runs on a platform of supporting their troops, which is especially important as the Commander-in-Chief. However, the president and vice president can fail in supporting their military when it comes to international messaging that helps military operations, the use of the Department of Defense (DoD) budget for personal gain, and social media posts as lawful orders. Article 2 of the Constitution denotes the President as the Commander-in-Chief (CIC) of the world's most powerful military. As the U.S. evolved, so did the men who took office. When the Founding Fathers wrote the Constitution, most men had military experience, but now, that is not the case. The constitutional right to control the military offers the White House incredible power, although fewer presidents are veterans.

Without a firm background in military culture, good order and discipline, and the required resources for operations, it is difficult to truly grasp how to support the troops without military advisors. Having military experience is not indicative of being a great CIC but understanding the inner workings of the armed forces provides greater context to decisions made at the highest level of government. When the president provides public support for military operations, namely naval deterrence, those operations have better outcomes and take troops out of harm's way. When the president divests from personal finances and does not embezzle money from the DoD, a larger portion of the DoD budget returns to resources available to troops. Lastly, when the presidential social media account posts, specifically Twitter, go through an arduous review process by military advisors, military personnel are better prepared to answer to those 280-character statements.

This thesis discusses how the President of the United States (POTUS) and Vice President (VP) can fail at properly supporting the military. The POTUS and VP contradict themselves in the common usage of “support the troops” when they, in fact, fail to do so on occasion. The executive has a unique opportunity to directly impact over two million service members and DoD civilians through messaging and budget use. The president’s power over the Department often goes unchecked and can diminish the capabilities of the military.

As arguably the most essential member of the United States Government and the head of the largest military globally, the CIC needs to be especially conscious of how their actions impact the DoD. Whether in social media or through the White House Press Office, their public messaging needs to echo the campaign sentiment of supporting the troops. Although a large military budget does not necessarily translate into more support for the troops, the embezzlement of taxpayer dollars would pique the public’s interest. Following the money and large defense contracts that may, in fact, enrich some elected to the highest offices, as well as some political appointees is important for the public to know and scrutinize along with their elected officials in Congress to ensure greater accountability. Otherwise, there is the potential for a growing kleptocratic and unconstitutional relationship between the POTUS, VP, and the military budget that continues largely unchecked.

More and more elected officials, especially in the White House, do not have military experience. The Founding Fathers found it critical that the United States military be under civilian control, but during the writing of the Constitution, almost all men had military experience. The increased distance of politicians from military service leads to a misunderstanding of military culture, capabilities, and chain of command. While it is not a prerequisite for politicians to have military experience to lead effectively, it is vital to understand

the pitfalls to ensure proper checks and balances. The close examination between the relationship of the CIC and the DoD is critical to military operations' continued success at home and abroad.

The American Founding Fathers decided their novel country would always have civilian control. In article 2, section 2 of the Constitution, the authors appointed the president as the Commander-in-Chief, granting the powers to control the army and navy, and the national guard when called into service of the U.S.¹ The civilian control ensured the military remained under democratic control, unlike the forefathers' fight against King George III's armies. These two objectives ensured the people could control the military through their vote by proxy of the president. While 29 of the 45 presidents have a military background, it is not a requirement for the highest office.² Many scholars have explored the relationship between the civilian president and the control of their military. Three scholars, Samuel P. Huntington, Peter D. Feaver, and Peter W. Rodman all discuss the relationship between the two and the importance of the president's military and political experience.

First, Huntington discusses the increased relationship between the president and the military post-World War II. Before the attack on Pearl Harbor, the U.S. military was organized under the Joint Board, an advisory committee on operations and issues faced by the army and navy. The board included the secretaries of war and navy, the chiefs of staff, and their deputies. World War II led to the authorization by President Franklin D. Roosevelt to create the Joint Chiefs of Staff to replace the Joint Board. President Roosevelt encouraged the close relationship between his new Chief of Staff advisors, General Marshall and Admiral King, both personally

¹ U.S. Constitution, Art. 2, Sect. 2.

² Blaine Cain, "29 American Presidents Who Served in the Military," Military, www.military.com/history/29-american-presidents-from-military.html.

and professionally. Roosevelt saw “himself as a master strategist” and sought their nod that he could speak to the military officers’ advanced knowledge and experience.³ Both General Marshall and Admiral King still had the secretaries of army and navy, respectively, that offered further civilian control with the President. Due to his self-perception, Roosevelt later cut the civilian secretaries out of the conversation by directing their focus towards administrative and civilian issues.⁴ Roosevelt is known as drastically increasing the president's power during his time in office; moreover, creating a more substantial and familiar relationship between the highest office in the land and the highest-ranking military officers.

Huntington’s civil-military theory suggests the necessity of civilian and military roles, and the military must maintain professionalism to achieve those roles. That professionalism requires the military to perform the required duties, especially those determined by elected officials. Regardless of the political party and the president’s background, the military has sworn an oath to serve the country and its leader. The military contributes to the strategic picture by advising the president, however, Huntington argues that the president should not interfere with military affairs and military autonomy.⁵

In comparison, Rodman points to this unique relationship as being an issue. When comparing the United States to its closest ally, the United Kingdom, the president's journey lends little to no experience with the government or the military. The Prime Minister will have previous government experience, given that they must be a member of parliament.⁶ Although the

³ Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, MA: The Belknap Press of Harvard University Press, 1957), 319.

⁴ *Ibid.*, 318-323.

⁵ *Ibid.*, 16-18.

⁶ Peter D. Rodman, *Presidential Command: Power, Leadership, and the Making of Foreign Policy from Richard Nixon to George W. Bush*, (New York: Alfred A. Knopf, 2009), 9.

CIC of the British Armed Forces is the head monarch, in this case, the Queen of England, the Prime Minister has the de facto executive authority over the military. This lack of guaranteed experience hurts the president, mostly as the CIC when the relationship remains close as Roosevelt intended. Additionally, Rodman states that America is at a further disadvantage with all new White House staff and cabinet appointees after every election, rather than the English civil servants whose career it is to advise the Prime Minister, regardless of party.⁷

Feaver answers Rodman's concern by pointing to democratic theory that the people elect their president, knowing they will take command of the military. Furthermore, "The democratic imperative insists that this precedence applies even if civilians are woefully under equipped to understand the technical issues at stake. Regardless of how superior the military view of a situation may be, the civilian view trumps it."⁸ As the elected official, the only person who can judge the society's risk is the president, even though the military might have the best experience to identify the risk.

The three scholars provide ample reason for why the president, the elected representative of the people, should maintain civilian control over the military. However, Rodman and Feaver discuss how ill-equipped the president is at making those decisions due to inexperience. The expectation for the Joint Chiefs of Staff is to provide the requisite advice and assistance is part of serving their country; however, the inexperience and CIC title could interfere with decision-making. Those decisions by the president have substantial impacts on military operations, and if advice is not heeded or misunderstood, it could have devastating consequences. As Huntington

⁷ Rodman, *Presidential Command*, 12.

⁸ Peter D. Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations*, (Cambridge, MA: Harvard University Press, 2003), 153.

discusses, President Roosevelt felt he was equal when it came to a military understanding. His perception cut out other critical civilian control from the highest echelons of military planning. This standard led to the president's, and in some cases, vice president's determination of the military operations, leading to an impact on the budget, personnel, and readiness.

The first chapter explores the presidential messaging of naval deterrence operations. Deterrence operations are meant to demonstrate military power in the proximity of an adversary to stop them from advancing operations. Deterrence is one of the US Navy's primary missions since World War II and has been used as justification for increasing the number of ships and weapons included in the DoD budget. The chapter explores three naval deterrence cases: South China Sea, Strait of Hormuz, and Taiwan Strait. The South China Sea case investigates how naval Freedom of Navigation (FON) operations under the United Nations Convention on the Law of the Sea (UNCLOS) attempts to deter Chinese artificial islands' expansion. In the Strait of Hormuz's case, the US Navy continues to deploy aircraft carriers at an almost constant rate. The consistent presence of the 5,000-personnel ship equipped with the most elite fighter jets and weapon technology acts as a reminder to Iran from trying to close the critical choke point. Lastly, the US Navy sends an assortment of naval vessels at random through the Taiwan Strait, an incredibly hostile waterway between Taiwan and China. The transit through the Taiwan Strait acts as a deterrent to China from any military aggression towards Taiwan.

The chapter discusses the history of naval deterrence and how it has evolved from 1992 under President Bill Clinton (D) to President Barack Obama (D) in 2016. The first scholar, Ugur Yetkin, argues navies should shape their maritime strategies by becoming more reactive than proactive. The less proactive a country's navy then less conflict will exist in the maritime

environment; therefore, it acts as a deterrent.⁹ In comparison, Brian Crisher and Mark Souva believe just the sheer size of a navy can act as a deterrent. The two argue that the adversary's knowledge of another country's navy will deter the adversary from taking action, as long as the navy publicizes its capabilities. Yetkin, Crisher, and Souva agree that kinetic effects are not necessary for proper deterrence in the maritime environment.

The research agrees with Crisher and Souva that global leadership reacts positively to U.S. naval deterrence when the world understands the lethality and capabilities of the fleet. Moreover, research finds that naval deterrence operations are more successful when the president publicly acknowledges and endorses the operations. The White House publicly condemned any Iranian actions to cease maritime traffic through the Strait of Hormuz. With the executive reinforcement in conjunction with aircraft carrier presence, deterrence operations have been successful. As for the Taiwan Strait, China and Taiwan are familiar with U.S. naval capabilities. When the White House endorsed the One China policy and the Taiwan Relations Act, the naval operations through the Strait solidified the support for both policies. However, in the case of the South China Sea, the U.S. presidential leadership has failed to publicly condemn the expansion of artificial islands. The U.S. navy continues to conduct operations in the vicinity, but China has continued to claim more sovereign territory in the South China Sea. The presidential public support of the naval operations helps reinforce the deterrence.

The second chapter discusses how the president and vice president have an opportunity to become kleptocrats while in office with misuse of the military budget. Kleptocracy is using public office for personal gain and, in this case, the DoD. The Constitution's Emoluments clause outlines explicitly that the president shall not make any profits other than their presidential

⁹ Ugur Yetkin, "Revealing the Change in the Maritime Security Environment through Porter's Five Forces Analysis," *Defence Studies* 13, no. 4(2013): 463. *Military & Government Collection, EBSCOhost.*

salary. The clause was written specifically to ensure there was no improper influence over the highest office in the land. The three case studies explore Dick Cheney, Barack Obama, and Donald Trump, who did not divest from their investments prior to entering office. First, Dick Cheney, the Vice President under George W. Bush, had ties to Halliburton, where he had been the Chief Executive Officer for several years. Consequently, when the Global War on Terror started in 2003, Halliburton received millions of no-bid contracts. Even while in office, Cheney maintained significant stock in the company, directly benefiting from the government contracts. Second, Barack Obama authored several books before his campaign for president. During his eight-year tenure as president, he made millions in profit from book sales. Lastly, Donald Trump maintained a close relationship with his company, the Trump Organization, and almost exclusively stayed at the Trump Organization's resort properties when not at the White House. The decision to stay at these resorts ensured millions of dollars from the DoD would be spent at the properties.

The second chapter explores three kleptocracy scholars, Mançur Olson, Susan Rose-Ackerman, and Kelly Greenhill, all of which have their own criteria. Generally, kleptocracy is a form of corruption where the politician steals from their government for personal gain. Of the three, Olson's definition of kleptocracy is the strictest by requiring the kleptocrat to make profits from taxation.¹⁰ The second scholar, Rose-Ackerman, requires kleptocrats to organize the government to maximize rents. This definition includes allowing the kleptocrat to allocate funds or award contracts that would make the highest profit for themselves.¹¹ Lastly, Greenhill uses a

¹⁰ Mançur Olson, "Dictatorship, Democracy, and Development," *The American Political Science Review*, no. 87 (1993): 567-576. doi:10.2307/2938736.

¹¹ Susan Rose-Ackerman and Bonnie J. Palikfa, *Corruption & Government: Causes, Consequences & Reform*, 2nd ed. (Cambridge, UK: Cambridge University Press, 2016), 277.

four-part criterion to determine kleptocratic nature. Overall, Greenhill looks for private gain over the public good, a lack of legal accountability, and a mix of legal and illegal economic sources.¹²

The second chapter uses Greenhill's definition and criteria to assess the two former presidents and the vice president. The criteria finds that the POTUS and VP can make personal gains from their office with no history of accountability from the legislative branch. The lack of enforcement of the Emoluments clause has led to kleptocracy. Trump and Cheney fit three out of four of Greenhill's requirements. Obama did not fit the definition of kleptocrat, although he did make personal profits from the books he authored prior to taking office.

The third and final chapter examines the president's social media, namely Twitter, and if tweets directed at the DoD harm the chain of command, good order and discipline, and creates chaos in the ranks. While Barack Obama was the first president to use Twitter and nicknamed the "Twitter President," the chapter exclusively inspects Trump case studies. The three case studies discuss President Trump's tweets towards Iran, North Korea, and the transgender ban. Part of Trump's appeal to voters was his unusual communication style, especially the apparent unedited live stream of his thoughts. Trump's Twitter use differed significantly from the polished tweets of his predecessor. In early 2020, President Trump authorized via Twitter to "shoot down and destroy" any Iranian vessels that harass US naval vessels after months of military escalation.¹³ The tweet differed from standing rules of engagement in the Strait of Hormuz. In late 2017, tensions increased with North Korea after the country started to test missiles near US allies. Trump tweeted his anger at the North Korean leader, Kim Jung Un, sometimes using

¹² Kelly M. Greenhill, "Kleptocratic Interdependence: Trafficking, Corruption, and the Marriage of Politics and Illicit Profits," in *Corruption, Global Security, and World Order*, ed. Robert I. Rotberg (Cambridge, MA: Brookings Institution Press, 2009), 98.

¹³ Chandelis Duster, Nikki Caraval, "Trump on Twitter tells US Navy to 'shoot down and destroy' Iranian boats that harass US ships", CNN, April 22, 2020, www.cnn.com/2020/04/22/politics/trump-us-navy-iranian-ships-tweet.

playground nicknames. The last series of tweets directed at Kim included Trump declaring his possession of a working nuclear button. Lastly, in 2017, Trump announced that all transgender service members would not be allowed to join or stay in the military. Although the tweet referenced consultation with his military advisors, many officials stated they had been “blindsided” by the decision.

Chapter three surveys three scholars, Scott Robertson, Stephen Frantzich, and Jefferey Peake, all of whom discuss political agenda setting in the media. Robertson first uses the framework of “Uses and Gratification” theory as to what needs are fulfilled by social media users. Moreover, politicians use the media to attempt to set the agenda, rather than subject to the news cycle.¹⁴ Frantzich takes Robertson’s framework one step further by stating politicians can manipulate the media by posting a diversion from undesirable news.¹⁵ In contrast, Peake states the White House is primarily reactive to the news cycle. Rather than agenda setting, the president agenda-surfs the cycle.¹⁶

The third chapter uses the “Uses and Gratification” framework set by Robertson and found that the presidential tweets interfered with the DoD chain of command, specifically because military advisors did not review those tweets. In all of the Trump case studies, the tweets harmed the chain of command and good order and discipline of the armed forces. The Trump tweets fit the criteria set forth by Robertson as a means of personal gratification rather than establishing lawful orders directed at the military.

¹⁴ Scott P. Robertson, *Social Media and Civic Engagement*, Morgan & Claypool Publishers, pg. 30, <https://www-morganclaypool-com.proxy1.library.jhu.edu/doi/pdf/10.2200/S00836ED1V01Y201803HCI040>.

¹⁵ Stephen E. Frantzich, *Presidents and the Media: The Communicator In Chief*, pg. 7, Milton: Routledge, 2018.

¹⁶ Jeffrey S. Peake "Presidential Agenda Setting in Foreign Policy." *Political Research Quarterly* 54, no. 1 (2001): 69-86. Accessed February 28, 2021. doi:10.2307/449208.

Overall, the military needs consistent messaging that is not restricted to 280-characters. If future presidents continue to use Twitter as a means of dissemination, a review process should be in place. However, military matters are incredibly sensitive, and presidents should take extra precaution when addressing the DoD or other world leaders with military action. Additionally, the public response from the White House needs to support military operations for those operations to have the maximum impact. Without public backing from the CIC, naval deterrence loses its ability to impact its intended target fully. Lastly, the legislature needs to review presidential income and any profits that the president could potentially make. Enforcement of the Emoluments clause would help stop kleptocracy; moreover, a requirement for the POTUS and VP to divest from their finances while in office.

This thesis is by no means an exhaustive series of executive infractions, but the research offers insight into what the military needs to operate effectively. The three chapters focuses on the threats to national security that come from the highest levels of government. Without exploring and acknowledging known threats, it will be nearly impossible to start the course of the unknown. Additionally, as veterans become a smaller part of the American population, so do the people who represent them. Starting with the CIC and the Vice President allows for an institutional shift to recognize the second and tertiary effects of their actions on military forces. It will enable the White House to start actually and directly support the troops through public messaging, social media, and the DoD budget. The executive and legislative elected leadership need to review the Constitution, standing foreign policies toward China and Taiwan, and what constitutes a lawful order to enforce them appropriately for effective use in supporting the military.

Chapter 1: Presidential Public Support and Naval Deterrence

Introduction

A primary use of the United States (U.S.) Navy for the last 242 years has been to deter the actions of adversaries through naval operations. Every Commander-in-Chief (CIC) has charged the Navy to carry out and enforce foreign policy; however, the Navy is unsuccessful in its deterrence mission when the CIC does not publicly support the operations. When deterrence is used outside the declaration of war, the U.S. Navy is not as successful in deterring adversaries' actions as a means of enforcing executive branch policy when the president fails to publicly endorse them.

Unlike other branches of the military, the U.S. Navy has the advantage of a highly mobile fleet, allowing the U.S. to place sovereign territory off of any oceanic coast in the world. The Navy is able to maintain this type of presence for weeks on end, as long as logistical support is provided by support vessels. Deterrence operations act as a reminder as to the American military's capabilities outside of twelve nautical miles. Not only does it serve as a reminder, but it stops an adversary from advancing operations. Deterrence is one of the US Navy's primary missions since World War II and has been used as justification for increasing the number of ships and weapons included in the DoD budget.

The chapter first looks at a brief history of naval deterrence and its consequences. Then, a discussion of the U.S. naval strategy and its relation to President Bill Clinton's (D), President George W. Bush's (R), and President Barack Obama's (D) foreign policy. The discussion specifically looks at how naval deterrence acts as an arm of the foreign policy under the three

presidents. The chapter uses three scholars, Ugur Yetkin, Brian Crisher, and Mark Souva, who have explored the topic of deterrence extensively.

The chapter explores three naval deterrence cases: Strait of Hormuz, Taiwan Strait, and the South China Sea. In the Strait of Hormuz's case, the US Navy continues to deploy aircraft carriers at an almost constant rate to deter Iran from closing the strait. For the Taiwan Strait, the U.S. sails through the Strait to emphasize its commitment to peaceful relations between China, Taiwan, and the U.S. Lastly, the South China Sea case investigates how naval Freedom of Navigation (FON) operations under the United Nations Convention on the Law of the Sea (UNCLOS) attempts to deter Chinese artificial islands' expansion.

History of Naval Deterrence

Naval operations have long been used for deterrence and projecting power against adversaries and to encourage those adversaries to abide by the desires of a country. Deterrence is defined as “a strategy designed to prevent one party from performing an unwanted action by reducing the benefits or heightening the potential costs of said action.”¹⁷ A notable U.S. naval operation to deter existential threat to American shores was the quarantine executed during the Cuban Missile Crisis. In July of 1962, at the height of the Cold War, U.S. intelligence determined the Soviet Union commenced moving tanks, guns, aircraft, and primarily missiles to Cuba. By October, Cuban missile capabilities increased threefold, and U.S. intelligence assessed the missiles could range almost anywhere in the United States.¹⁸ The Cuban government maintained the missiles on the island were only for defense, but President John F. Kennedy (D)

¹⁷John J. Mearsheimer, *Conventional Deterrence* (New York: Cornell University Press, 1983), 14-15.

¹⁸A. Denis Clift, "Ringside at the Missile Crisis," (*U.S. Naval Institute Proceedings* 138, no. 10 (October 2012): 56-62.

and his advisors saw it otherwise. As a result, the Joint Chiefs of Staff offered the President two military options: a naval blockade or a military strike.

A naval blockade of Cuba would allow the U.S. to stop all incoming shipments of goods from the Soviet Union, in an attempt to isolate militarized resources. Additionally, the blockade process would buy the President decision space without pushing the Soviet Union to war. The other option-the military strike would ideally demolish all missile sites but likely result in a retaliatory action from the Soviet Union. Although it was considered an act of war, President Kennedy pursued the naval blockade and called it a “quarantine” to avoid the issue.¹⁹ Although the tensions rose with the threat of a nuclear war between the U.S. and USSR, an official declaration of war was never sent for congressional approval. The U.S. Navy deployed Russian speakers to every vessel in the Caribbean and used international signs to warn Soviet vessels from approaching the line of vessels. If the Soviets decided not to heed the warning, the U.S. Navy would fire warning shots across the bow and eventually through the rudder if initial attempts did not prove effective. Ultimately, the rules of engagement employed were left with the commanding officer of each vessel.

A total of 140 American ships were used in the quarantine to stop the entry of any militarized shipments to Cuba.²⁰ The naval quarantine successfully deterred the escalation of military action by both the Soviet Union and the U.S. No Soviet submarines or ships attempted to storm the line of American ships. Additionally, President Khrushchev agreed to withdraw military resources from Cuba, as long as the quarantine ended, and the U.S. vowed not to invade

¹⁹ Clift, “Ringside at the Missile Crisis,” 58.

²⁰ Thomas B. Allen, “Mr. President, The Navy Will Not Let You Down,” *Naval History* 26, no. 5 (2012): 16-23. *International Security & Counter Terrorism Reference Center*, EBSCOhost (accessed July 14, 2018).

Cuba.²¹ The naval quarantine proved an effective way to enforce an aspect of President Kennedy's foreign policy. President Kennedy's doctrine derived from the Roosevelt Corollary and containment theory which dictated the U.S. would intervene in any aggression in Latin America as the international police force, especially against European actors; even more so, if those powers had ties to communism.²² President Kennedy used the hybrid policy within the context of the growing threat of the communist Soviet Union and its military expansion to the Western Hemisphere, especially to a country only 90 miles off the coast of Florida. Although the Cold War marred Kennedy's tenure as president, the naval quarantine successfully deterred future Soviet Union strategic missile deployments to Cuba and reduced the likelihood of nuclear war between the two nations.

Foreign Policy and Naval Strategy

For the last thirty years, the U.S. Navy has used its maritime strategy to offer flexibility to the CINCPAC while continuing its global dominance. Since 1992, the naval doctrine crafted closely followed the election cycle, allowing the Chief of Naval Operations to adapt to the President's foreign policy intentions. A consistent component of each strategy includes deterrence of actions by adversaries in American self-interest and for this review, will only look at each strategy through the scope of deterrence. While deterrence is a significant pillar in all naval strategy, success is defined in this context by plateaued escalation or an adversary reversing its stance in accordance with each president's doctrine. Following each strategy, this section will review criticism of deterrence through implementation or lack thereof.

²¹ Clift, "Ringside at the Missile Crisis," 59.

²² Serge Ricard, "The Roosevelt Corollary." *Presidential Studies Quarterly* 36, no. 1 (2006): 17-26.

In 1992, the Navy developed the “From the Sea” strategy, highlighting an overarching form of deterrence: power projection. Power projection as defined by the strategy,

“Naval Forces maneuver from the sea using their dominance of littoral areas to mass forces rapidly and generate high intensity, precise offensive power at the time and location of their choosing under any weather conditions, day or night...requires mobility, flexibility, and technology to mass strength against weakness.”²³

As the Cold War had just ended, “From the Sea” looked to President Bill Clinton’s foreign policy and saw the call for a “doctrine of enlargement.” The doctrine included increasing democracies and free markets around the world, all the while committing to intervene in international problems when practical.²⁴ As a result, the Navy downsized and focused towards littoral and amphibious capabilities. During the time of this strategy, the United Nations pursued the United Nations Convention on the Law of the Sea (UNCLOS) coming into law in 1994. The U.S. was a major contributor and drafter of the law, but Congress has yet to ratify.²⁵ Among other laws, UNCLOS defined territorial waters, 12 nautical miles off a coast, and Exclusive Economic Zones (EEZ), as 200 nautical miles off of a coast.

The Navy downsized considerably during this period. The spending by the government by a percentage of the gross national product was the lowest since 1948.²⁶ Military leaders warned of unpredictable actors after the fall of the Soviet Union and stressed the movement from global adversaries to regional objectives. The strategy shifted deterrence to a lower priority, and if conducted, it would be done by U.S. Marines Corps as part of a Naval Expeditionary Force.

²³ Department of the Navy, *From the Sea*, September 1992, www.navy.mil/navydata/policy/fromsea/fromsea.txt.

²⁴ Russell L. Riley, “Bill Clinton: Foreign Affairs,” UVA Miller Center, millercenter.org/president/clinton/foreign-affairs.

²⁵ Ben Cardin, “The South China Sea Is the Reason the United States Must Ratify UNCLOS,” July 13, 2016, <https://foreignpolicy.com/2016/07/13/the-south-china-sea-is-the-reason-the-united-states-must-ratify-unclos>.

²⁶ Carl E. Mundy Jr., “Against the coping-stone of change: The Department of the Navy and the future,” *Marines* 23, no. 5 (1994): 16, *MasterFILE Premier*.

Rather than use the U.S. Navy as a deterrent to other navies' actions, the strategy emphasized the influence of events ashore.²⁷

A drastic change occurred after September 11, 2001, which led to the unveiling of "Sea Power 2001" in 2002. The Chief of Naval Operations created the "Sea Shield" to focus on offensive power, defensive assurance, and joint operations. These objectives aimed to answer the demand for naval forces to deploy around the world to discourage any further actions taken against the U.S.²⁸ The new strategy fell in line with President George W. Bush's doctrine of preemptive strikes by potential enemies. Under this foreign policy, global adversaries knew the U.S. Navy would strike if intelligence suggested a threat, and the forward deployed presence and quick response under the strategy aimed to deter those actions. Additionally, "Sea Power 2001" added emphasis on information operations, especially the growing field of cyber operations and innovation to grow naval technological capabilities. The new warfare capabilities required an agile and technologically advanced force that could sustain long operations with little preparation.²⁹ The strategy posed by the Chief of Naval Operations encouraged commanders to prepare for extended deployments as one of the greatest benefits of a large navy is the freedom to place U.S. sovereign territory off any coast and offer the President and their advisors time to contemplate further plans.

Unlike "From the Sea" which focused on regional issues, the attack in 2001 broadened the horizon of naval operations and expanded its striking power. The decrease in funding after 1994 hurt the active naval forces, and leaders demanded more than 300 ships for forward

²⁷ Mundy Jr., "Against the coping-stone of change,"16.

²⁸ Department of the Navy, *Sea Power 21*, by Vern Clark, October 2002, <http://www.navy.mil/navydata/cno/proceedings.html>.

²⁹ Robert P. Haffa Jr. and Robert E. Mullins, "Trends in America's Post-Cold War Military Conflicts: The Implications for Sea Power," *Sea Power* 46, no. 7(2003): 13. *MasterFILE Premier*, EBSCOhost.

presence.³⁰ After the unveiling of the strategy, experts said the Navy was spread too thin and an increase in operations would harm people and equipment. The emphasis on new technology and ally engagement were tasked to bridge the gap between budget constraints and high operational tempo.

In 2007, the Navy developed “A Cooperative Strategy for 21st Century Seapower” (CS21) and returned to naval basics of forward presence, deterrence, sea patrol, power projection, maritime security, and humanitarian aid/disaster response.³¹ The strategy also stated a recommitment to allies if their self-interest was at risk. In addition to forward basing around the world, the Navy could quickly respond to any aggression to deter adversaries from committing to a costly decision. Critics of the strategy believed the document stripped the Navy of the responsibility of operations and put the onus on diplomatic relations, hardly a naval strategy. Leaders with kinetic effects felt the pendulum move away from what made the Navy a military force: hard power was not acknowledged as a key part of power projection. Kinetic effects are one of the Navy’s most dominant forms of deterrence, as a ship without a kinetic ability is just a sitting target.³² As a result of the criticism, the Secretary of the Navy stated, “Let there be no mistake, we are not walking away from, diminishing, or retreating in any way from those elements of hard power that win wars—or deter them from ever breaking out in the first place... The strength of a nation’s navy remains an essential measure of a great power status and role in the world.”³³ CS-21 lacked the overarching acknowledgement of firepower for commanders to make decisions under the strategy.

³⁰ Department of the Navy, “Sea Power 21’ International Partnership For The Common Good,” *Naval Forces* 25, no. 1(2004): 22-31, *Military & Government Collection*, EBSCOhost.

³¹ Frank C. Pandolfe, “The Evolution of Modern U.S. Naval Strategy,” *Naval War College Review* 69 (2016).

³² Geoffrey Till, “A Cooperative Strategy for 21st Century Seapower: A View from the Outside,” *Naval War College Review* 61, no. 2 (Spring 2008): 29.

³³ Donald C. Winter, 18th International Seapower Symposium, Naval War College, 18 October 2007.

What the strategy lacked in recognition of kinetic effects, it made up in the deterrence objective to specifically “deter and dissuade potential adversaries and peer competitors.”³⁴ During this time, recognition of a rising Asian threat and the Navy’s posture changed to upgrade the vessels stationed in Guam and Japan, the Pacific theater’s forward operating bases. Vessels were moved from the Atlantic Fleet to the Pacific Fleet with the newest capabilities in order to reinforce the commitment to timely deterrence.³⁵ In the same breath, the Navy had committed to peaceful resolution of sovereignty claims in accordance with international law and encouraged allies to act in the same manner. The U.S. Navy could act as a world police force but working with allies would benefit from long-term success and more accountability from other world forces.³⁶

Under President Barack Obama in 2015, the Chief of Naval Operations published “CS-21 Revised.” CS-21R was the first overarching naval strategy to state the difference between types of deterrence. Nuclear deterrence typically points to the nuclear ballistic missiles submarines as a constantly deployed asset to display the potential cost of an adversary’s aggression. As for conventional deterrence, the strategy pointed to the use of non-nuclear vessels, especially through the use of large carrier strike groups. Each strike group typically deploys with a cruiser, two destroyers, an attack submarine, and an air wing.³⁷ The strategy specifically points to several threats to naval dominance, China, Russia, and Iran, as a threat to American and ally interests. President Obama stated, “We will engage, but we preserve all our capabilities” and has since

³⁴ John F. Bradford, "The Maritime Strategy of the United States: Implications for Indo-Pacific Sea Lanes," *Contemporary Southeast Asia: A Journal Of International & Strategic Affairs* 33, no. 2(2011): 186. *International Security & Counter Terrorism Reference Center, EBSCOhost.*

³⁵ *Ibid.*,192.

³⁶ Robert C. Rubel, “The New Maritime Strategy: The Rest of the Story,” *Naval War College Review* 61, no. 2 (Spring 2008): 78.

³⁷ Department of the Navy, *A Cooperative Strategy for the 21st Century Seapower*, March 2015, <http://www.navy.mil/local/maritime/150227-CS21R-Final.pdf>.

used this statement to guide his foreign policy.³⁸ Obama used diplomacy to engage world leaders and tried to preserve military superiority when engagement did not work. The CS-21R complimented the strategy by continuing to grow naval capabilities, building relationships with allies, and striving to ensure stability through presence, but maintaining options for the Commander-in-Chief.

While the strategy lent itself to wherever the President needed a naval presence, the document specifically discussed China as a growing threat. CS-21R did not outline every Chinese capability and intention but alluded to problems Americans could face if the People's Liberation Army-Navy (PLAN) did not slow its growth. The strategy neglected to acknowledge the PLAN pushing the U.S. Navy out from the Asia-Pacific region. By not using this platform to bring attention to the current Chinese threat to regional goals detracts from the overall American objective to deter the PLAN from aggressive behaviors.³⁹ As a guiding document for commanders, the lack of guidance refused to identify tomorrow's problems.

Literature Review

Ugur Yetkin used a version of Porter's Five Forces Analysis to determine the evolution of maritime security. Porter's Five Force is often used for business strategy, but Yetkin transforms the analysis to have the power of buyers equate to the international and domestic public, suppliers as defense industry and human capital, threat of entrance to the market as other global navies, the threat of substitute products as the army, air force, or other peaceful means, with all variables as inputs into the rivalry among existing competitors contributing to each navies'

³⁸ David Kaiser, "The 'Obama Doctrine' Echoes Kennedy and Nixon," Time, April 8, 2015, <http://time.com/3814350/obama-kennedy-nixon-doctrine>.

³⁹ Abhijit Singh, "The new US maritime strategy -- implications for "maritime Asia," *Pacnet Newsletter* no. (2015): 1-2, *International Security & Counter Terrorism Reference Center*, EBSCOhost.

mission.⁴⁰ The rivalry among existing competitors determines how navies should shape strategy in order to accommodate the other four variables, “by being a less provocative force, a navy can be used effectively to deter the enemy without any major conflict or only with a limited one.”⁴¹ Yetkin points to the superpower abilities of the U.S. Navy after the Cold War, but despite the Navy’s status, the strategy includes depending on allies for maritime success.⁴²

Brian Crisher and Mark Souva determine the strength of navies by examining the kinetic ability to destroy resources, whether vessels or humans and the size of the ship by tonnage.⁴³ The more strength a navy has within its fleet, the larger a deterrent it will be to a competitor. The results determined that while some countries invest in aircraft carriers, like the US and Great Britain, other countries can counter the strength through ballistic submarines, like Russia.⁴⁴ Deterrence can be enforced by any vessel, just as long as the perception of the adversary portrays the lethality of provoking the threat.

The U.S. Navy has depended on deterrence to prevent wars from starting and to showcase the powerful capabilities that can sit off the coast of foreign shores. The president, as the Commander-in-Chief, determines goals for their foreign policy through creating an all-encompassing doctrine, which directly impacts the Navy’s strategies. As a consequence, naval strategies since 1992 continued to form in the mold of the President’s goals overseas. Deterrence, while a consistent objective, initially saw a decrease in demand during President Clinton’s tenure. The attacks on September 11 led to a reevaluation of military capabilities with an

⁴⁰ Ugur Yetkin, "Revealing the Change in the Maritime Security Environment through Porter’s Five Forces Analysis," *Defence Studies* 13, no. 4(2013): 463. *Military & Government Collection*, EBSCOhost.

⁴¹ *Ibid.*, 470.

⁴² *Ibid.*, 469.

⁴³ Brian Benjamin Crisher and Mark Souva, "Power at Sea: A Naval Power Dataset, 1865–2011," *International Interactions* 40, no. 4(2014): 602-629, *International Security & Counter Terrorism Reference Center*, EBSCOhost.

⁴⁴ *Ibid.*, 622.

emphasis on intelligence and the ability to move the largest ship in the fleet, an aircraft carrier, to demonstrate power. In 2007, President George W. Bush determined that forward presence through overseas basing demonstrated the aptitude to respond to any rising problem, whether a necessity for humanitarian aid or a threat from an adversary. President Obama's time in office saw the specificity in the type of deterrence used, conventional or nuclear, reemphasizing the capabilities the U.S. Navy vessels maintain and the purpose of them.

Throughout the last 26 years, naval deterrence capabilities have evolved with the strategies that stem from the commander's intent but only reach full potential when messaging matched the operations. American treaty allies expect their relationships to garner a military presence when violated by an adversary. The U.S. Navy has not been able to maintain a healthy fleet for the last 26 years, after hitting a modern all-time low of 280 vessels manned by such fatigued sailors that two fatal collisions occurred over a one-year period. To the contrary, United States' naval deterrence operations have achieved success in stopping or reversing an adversary's actions per presidential policy when the White House acknowledged and publicly supported the operations.

The U.S. Navy consistently supported foreign policy throughout the world, but nowhere as frequently as the Strait of Hormuz, the Taiwan Strait, and the South China Sea. These bodies of water have had significant manpower and operations dedicated to their development through naval deterrence, all for very different reasons and projecting all different messages. The case studies will explore the importance of these regions to American interests, how the Navy conducts deterrence, the legal actions taken by an adversary, and the public support from the White House.

The Message of Deterrence

In the case of the Cuban Missile Crisis, the definition of the naval operations was in the eye of the beholder, whether it was a blockade or a quarantine, the rules of engagement did not change. While creating strategies to prioritize and drive a force is necessary, the strategies have neglected to address the changing global environment thoroughly. Strategies since the 1990s fail to address issues without borders and multilateral disputes. In Asia specifically, concerns of a renewed Russian naval power, China's rising strength, and the almost constant threat of North Korea failed to be addressed by naval operations.⁴⁵ This type of potential conflict from several countries means deterrence is not as potent and clear-cut as the Cuban Missile Crisis; however, deterrence needs careful assessment for each operation and country in order to achieve success.

The ambiguity of deterrence and a heightened presence in a single place of tension to deter an adversary could lead to a miscalculation with a high potential for escalation.⁴⁶ For successful deterrence, the U.S. needs to make its intentions and desires clear to the adversary. Without a clear message for what the strategy hopes to achieve, deterrence can be seen as aggression and escalate tensions. The naval operations should match the rhetoric of the White House or the leadership of the Chief of Naval Operations to prevent the conclusion that the U.S. is attempting to escalate a conflict.

American Allies

Reaffirming American commitments to allies is crucial to each naval strategy and ensures the long-term success of all foreign policy.⁴⁷ With deterrence as a significant component of naval

⁴⁵ Mira Rapp Hooper, "Uncharted Waters: Extended Deterrence and Maritime Disputes," *Washington Quarterly* 38, no. 1(2015): 127, *MasterFILE Premier*, EBSCOhost.

⁴⁶ Deborah Sanders, "Maritime Security in the Black Sea: Out with the New, In with the Old," *Mediterranean Quarterly* 28, no. 2(2017): 4-29, *Academic Search Complete*, EBSCOhost.

⁴⁷ Rapp Hooper, "Uncharted Waters," 138.

strategy and with treaties to uphold, the U.S. needs to honor the promises by treating allies' sovereignty as its own. For example, the Philippines have the Mutual Defense Treaty with the U.S., which requires both countries to come to the aid of the other. However, the Philippines have reefs within the EEZ and have come under attack by China. The treaty promised the U.S. would aid the Philippines in such aggression, yet the U.S. has taken no official stance on the matter, let alone come to the defense of the ally. This example of the lack of deterrence, not even a retaliatory operation, reminds allies that America is a fair-weather friend and will pick and choose in which instance maritime deterrence is worth American military resources.

Not only are ally expectations blurry, but the U.S. Navy budget cannot support deterrence operations in all cases. The size of the U.S. Navy has shrunk significantly from the 740-ship navy in World War II to less than 300 ships. The sheer number of ships do not necessarily capture the abilities of the fleet, considering the constant technological upgrade.⁴⁸ The Navy does have intentions to grow the fleet by 46 ships in the next five years, with an increase of 25,000 recruits at the same time.⁴⁹ Although the ships have notable capability advancements, the operational tempo has been challenging to sustain. Deployments range from six to eight months with most sailors working one-hundred-hour weeks. The tempo has seen 17 fatalities in the Pacific Fleet with the collisions of the USS Fitzgerald and the USS McCain in 2017.

Not only is the fleet smaller, but funding to the military has ebbed and flowed with wars. In 1992, the military allocated 4.66% of the Gross Domestic Product towards the military, by 1998, it was almost half that at 2.90%. In 2010, the budget had returned to 1992 standards, but since the height of the conflict in the Middle East, the allocation has returned to about 3% of the

⁴⁸ Rubel, "The New Maritime Strategy," 78.

⁴⁹ Mark D. Faram, "As Fleet Grows, It's A Good Time To Be In The Navy," *The Navy Times*, 19 February, 2018, <https://www.navytimes.com/news/your-navy/2018/02/19/as-fleet-grows-its-a-good-time-to-be-in-the-navy>.

GDP in 2017.⁵⁰ Without the budget to support the basic defense of American coastlines and interests, the ability to deter the actions of allies' adversaries will not be possible to sustain consistently.

Case Study: Strait of Hormuz

The Strait of Hormuz is a critical choke point through which approximately 40% of the world's oil supplies are transported.⁵¹ The water feature is as narrow as 22 miles and serves as the gateway to the Persian Gulf from the Arabian Sea, and if interfered or blocked, could have devastating ripple effects around the world. Moreover, the two available shipping lanes are only five miles across, making maneuvering very difficult. Iran maintains primary control over the Strait and has often used their ability to place mines, block, or interfere with the Strait as a constant threat.

In 1988, a U.S. Frigate hit four Iranian mines while transiting through the Strait and as a result, the U.S. faced this incident by developing Operation Praying Mantis, a one-day event that demonstrated the ire of Washington. Naval forces initially targeted Iranian frigates, however, by the end of the operation, almost half of all Iranian maritime capabilities were destroyed.⁵² The last major naval event during this time was the USS Vincennes' incorrect targeting of an Iranian airliner, Flight 655, killing all 290 passengers.⁵³

⁵⁰ World Bank, "Military Expenditure (% of GDP),"

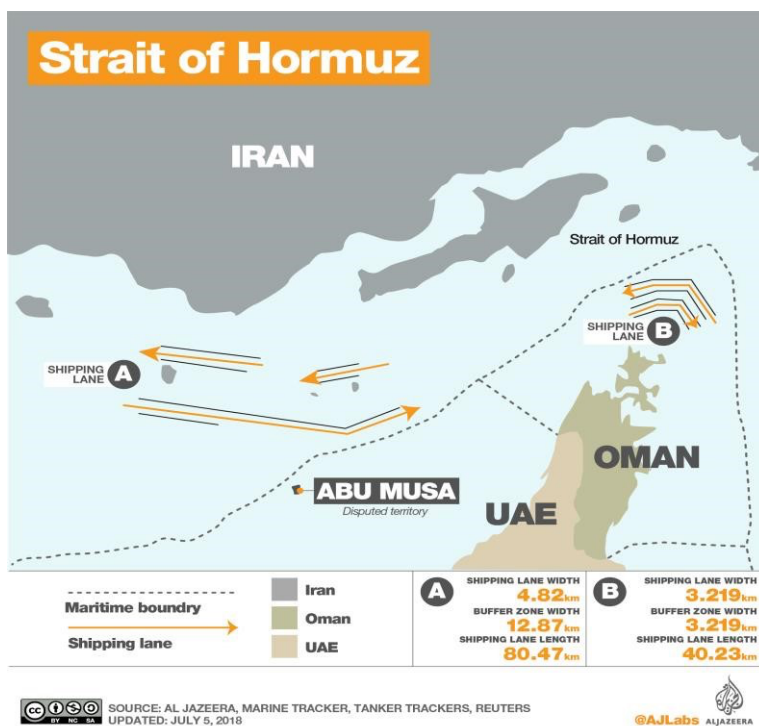
<https://data.worldbank.org/indicator/MS.MIL.XPND.GD.ZS?end=2017&locations=US&start=1992>.

⁵¹ Ed Blanche, "Flashpoint Hormuz," *Middle East* no. 403(2009): 12-16, *OmniFile Full Text Mega (H.W. Wilson)*, EBSCOhost.

⁵² Harold Lee Wise, "One Day of War," *Naval History* 27, no. 2(2013): 26, *MasterFILE Premier*, EBSCOhost.

⁵³ Joseph J. St Marie and Shahdad Naghshpour, *Revolutionary Iran and the United States : Low-intensity Conflict in the Persian Gulf*. Farnham, Taylor & Francis Group (2011): 175, ProQuest Ebook Central.

Figure 1-1



In 2007, tensions come to a boil once again when Iran conducted one of its largest naval exercises. The U.S. decided to place two U.S. Carrier Strike Groups in the region as a result of the increase of Iranian naval forces.⁵⁴ Not only did the Iranian exercise occur, but the start of Iranian nuclear capabilities started to develop, escalating the regional tensions. The next year, tensions increased further after three U.S. naval vessels were harassed through swarming techniques, the use of multiple smaller vessels to quickly approach larger ships to escalate postures and demonstrate weapons capabilities.⁵⁵

In 2011, the USS John Stennis Carrier Strike Group operated legally through the Strait during another Iranian exercise. One of the top Iranian admirals threatened the Navy that if the

⁵⁴ Mohammed Abbas, "Nine U.S. warships in Gulf for show of force," Reuters, May 23, 2007, https://www.reuters.com/article/us-gulf-usa-ships/nine-u-s-warships-in-gulf-for-show-of-forceidUSL239406620070?src=052307_1135_TOPSTORY_iran_defies_deadline&pageNumber=2.

⁵⁵ "Iran's Deterrence Strategy in the Strait of Hormuz," *Stratfor Analysis* (2012) 27, *International Security & Counter Terrorism Reference Center*, EBSCOhost.

operations continued, the U.S. would see consequences. Although widely acknowledged that it is not in the best interest of Iran, it threatened the use of mine operations and the closing of the Strait to maintain power. As a result of the threats, the U.S. Navy and its leaders have gone on the record to state the “red line” of closing the Strait.

Since the instance of the dual carrier operations, the presence of a carrier transiting this location has become more common as a means of deterrence. U.S. Fifth Fleet, the naval headquarters responsible for the waters for the Gulf of Oman, Persian Gulf, Gulf of Aden, Red Sea, and the Arabian Sea and headquartered in Bahrain, resides only 370 miles from the Strait. In 2011, Fifth Fleet determined the need for keeping an average of 1.7 carriers on station over the course of the year.⁵⁶ The U.S. maintains 11 carriers, and considering deployment cycles to train, replenish, and make the necessary changes to the carrier and all of its accompanying vessels, holding a 1.7 presence demonstrates the high priority of the choke point and the commitment to American and ally commerce transiting through the body of water.

In 2016, the U.S. Navy found itself in another problematic situation when Iran captured two small patrol boats with ten American sailors on board for trespassing on territorial waters.⁵⁷ The GPS equipment failed, and the two vessels floated a mile into Iranian waters. While the sailors were released a few days later, it was not without creating an international embarrassment. Even after this incident, the U.S. decided to maintain the high presence of naval vessels in the region.

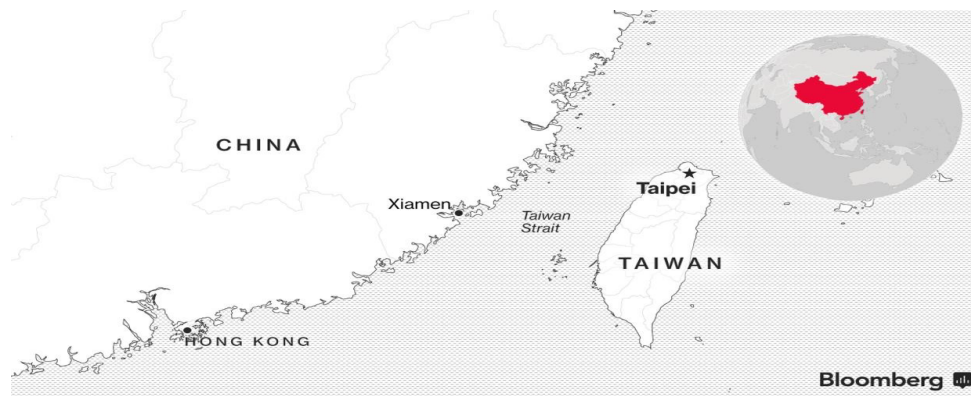
⁵⁶ "Washington's Gunboat Diplomacy and the Strait of Hormuz," *Stratfor Geopolitical Diary* 12(2012) *Business Source Complete*, EBSCOhost.

⁵⁷ Helene Cooper and David E. Sanger, "Iran Seizes U.S. Sailors Amid Claims of Spying," *The New York Times*, January 12, 2016, <https://www.nytimes.com/2016/01/13/world/middleeast/iran-holds-us-navy-boats-crew.html>.

Case Study: Taiwan Strait

The Taiwan Strait resides in the East China Sea, about eighty miles at its most narrow point between the two coastlines of the Republic of China (Taiwan) and People's Republic of China (PRC). The Taiwan Strait has been subject to a long history of naval aggression between the two countries. While Taiwan has enjoyed semi-independence since 1945, the U.S. adopted the One China policy in 1979 as a result of growing tensions between the three countries. The U.S. maintained diplomatic ties with Beijing and honored the goal of peaceful reunification between the PRC and Taiwan, but also maintained trade agreements with Taiwan. After the One China policy took effect, the U.S. passed the Taiwan Relations Act, allowing the U.S. to sell Taiwan the weapons necessary for the island to defend itself.⁵⁸ The unofficial relationship between the U.S. and Taiwan acts as a considerable deterrent of Chinese hostility, and one of the more apparent manifestations of this trilateral relationship takes place in the Taiwan Strait. Most view the U.S. as responsible for keeping the peace between these two actors.⁵⁹

Figure 1-2



⁵⁸ "What Is the 'One China' Policy?" BBC News, February 10, 2017, <https://www.bbc.com/news/world-asia-china38285354>.

⁵⁹ John Fuh-sheng Hsieh, "Cross-Strait Relations in the Aftermath of Taiwan's 2016 Elections," *Journal Of Chinese Political Science* 22, no. 1: 1-15(2017), *Academic Search Complete*, EBSCOhost.

In the 1950s, the Strait experienced two distinct acts of Chinese aggression when the PRC bombed two Taiwanese held islands in the Strait, in what became known as the Taiwan Strait Crises. The U.S. feared the Korean War would extend to Taiwan and the PRC, so the U.S. put forces in the Strait to encourage peace. Although the allocation of American naval forces in close proximity to the PRC raised tensions, the PRC continued to pursue conquering smaller islands in the Strait.⁶⁰ The smaller islands were not formally included in the Taiwan Relations Act, but the U.S. reiterated it would assist in the protection of Taiwan and the small islands, if the PRC continued to act with aggression. Mao Zedong eventually stopped the bombing of the smaller islands and the PRC pursued a peaceful resolution.

Only small skirmishes took place in the Strait until 1995 when the PRC launched several missiles that landed off the coast of Taiwan and deployed amphibious vessels into the Strait. The U.S. reacted by sending two carrier strike groups to the area. At this time, the U.S. was the only country with a “carrier monopoly,” and the strait transit acted as a massive deterrent to PRC’s intervention. As the area simmered after the presence of the strike groups, the U.S. issued a “dual deterrence” warning to both Taipei and Beijing. Since 1996, the U.S. has maintained a naval presence in the area.

In 2007, the U.S. sent the USS Kitty Hawk, an aircraft carrier, through the Strait after it was denied entry into a Chinese port of Hong Kong. The transit after the denial served as a reminder to the agreement of the One China policy and the desire for peace. U.S. officials pointed to weather avoidance as the reason to transit, but this façade had no impact on the

⁶⁰ U.S. Department of State, "The Taiwan Straits Crises: 1954–55 and 1958," <https://history.state.gov/milestones/1953-1960/taiwan-strait-crises>.

Chinese reaction. The Chinese attempted to rescind the denial of service and stated the U.S. was always welcome.⁶¹

The U.S. has not sent another carrier strike group through the Strait since 2007 but continues to send smaller vessels like destroyers through on an annual basis.⁶² While the PRC views the transits as an increase in aggression by the US, the deterrence of the strait transits and freedom of navigation operations allow for a peaceful reminder as to both the One China policy and the Taiwan Relations Act.

Case Study: South China Sea

The growing presence of the PRC's creation of artificial islands on top of reefs in the South China Sea (SCS) has created an international nightmare and the U.S. has tasked the Navy to deter the building of additional islands. Naval operations started in 2001 and increased strength in 2015 as China continued to expand their claim of the massive body of water through the building of artificial islands. Six other countries have stronger claims to the reefs, but with China's overwhelming budget and human resources to continue the construction, the other claimants have been bullied out of the water.

China seized the opportunity in 1947 to claim most of the region in what is called the "nine-dash line," an unspecified boundary with no precise latitude and longitudinal coordinates.⁶³ Within the boundary are hundreds of shallow reefs that are home to millions of schools of fish,

⁶¹ "China Upset at Kitty Hawk's Taiwan Strait Transit," Reuters, December 04, 2007, <https://www.reuters.com/article/us-china-usa-kittyhawk/china-upset-at-kitty-hawks-taiwan-strait-transitidUSPEK3008920071204>.

⁶² Sam Lagrone, "Two U.S. Destroyers Sail Through Taiwan Strait," USNI News, July 07, 2018, <https://news.usni.org/2018/07/07/two-u-s-destroyers-sail-taiwan-strait>.

⁶³ Peter Navarro, *Crouching Tiger: What China's Militarism Means for the World*, (Amherst, New York: Prometheus Books, 2015), 40-43.

untapped oil, and some of the busiest sea lanes in the world. Since the 1970s, the PRC has started to build on reefs that are hundreds of miles from China's mainland, developing new islands for military and civilian use.⁶⁴ This conflict in the region ignited by the PRC led to decades of legal, economic, and military issues with the U.S. Navy as the primary deterrent to the PRC to cease their building of the artificial islands.

Figure 1-3



Photo Credit: *Data via the Asia Maritime Transparency Initiative; Design by Aliza Grant, Forbes Staff*

While the U.S. resides thousands of miles away from the region, American military forces, especially the Navy, have a large footprint there. The U.S. does not take an official stance on the territorial dispute, but with trillions of dollars' worth of trade transported through these waters annually, the U.S. decided to increase the military presence. The primary means of naval operations in SCS is through a Freedom of Navigation Operation (FONOP) as a way to enforce international maritime law, the safety of navigation, and allegiance to U.S. allies. A FONOP is defined as entering within 12 nautical miles of a sovereign landmass without consent. Under the

⁶⁴ Navarro, *Crouching Tiger*, 41.

conditions of the FONOP, the Navy and their commanders are only able to do so much without posing a significant risk of starting a war.⁶⁵

With the South China Sea containing many shipping lanes, a US military presence is almost constant, with carrier strike groups navigating through the waters biannually. While the primary vessel for FONOPs is destroyers, carriers operating in the area have been found to participate in exercises with allies, reminding the PRC of the consequences of further growth in the Sea. Since 2001, the artificial islands of the South China Sea have grown exponentially, even with the FONOPs deterrent operations.

Law Impacts on the Case Studies

To legally justify U.S. naval operations, the U.S. points to the United Nations Convention of the Law of the Sea (UNCLOS) for determination of legalities around the world. The U.S. was instrumental in helping formulate the law but has not ratified it. One of the primary goals of UNCLOS was to determine the definition of territorial waters, EEZ, unique waterways, and the implementation of freedom of navigation.

The Strait of Hormuz is incredibly unique given the narrow waterway and the fact the Strait resides in the territorial waters of Iran and Oman.⁶⁶ With half of the Strait in Iran's territorial waters, it is still illegal for the country to form a blockade in peacetime. UNCLOS maintains that a blockade of any sort is an act of war, and Iran has been in peacetime since 1988 at the conclusion of the Iran-Iraq War.

⁶⁵ Michael Fabey, *Crashback: The Power Clash Between the US and China in the Pacific*, New York City: Scribner, (2017), 231.

⁶⁶ Stefan Kirchner and Birutė M. Salinaitė, "The Iranian Threat To close the Strait of Hormuz: A Violation of International Law," *Jurisprudencija* 20, no. 2(2013): 553, *Academic Search Complete*, EBSCOhost.

The Taiwan Strait is not narrow enough to share territorial waters with both the PRC and Taiwan, but the two countries share an exclusive economic zone. While the use of fishing and resources in the Strait have not been a topic of contention, the ability to navigate and use the Strait has led to high tensions between the PRC, Taiwan, and the U.S. In 1995, the PRC used the Strait for missile tests directed at Taiwanese islands. UNCLOS maintains that any action in the Strait, while not in the high seas due to the EEZ, must “refrain from any threat or use of force against the sovereignty, territorial integrity or political independence of States bordering the strait, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations.”⁶⁷ While the PRC states the same rights as a state with a border of the Strait, it infringed on the right of Taiwan through the use of missile testing. PRC, and by proxy, Taiwan, are subject to UNCLOS as they are signatories.

UNCLOS does not recognize any reefs as a landmass, preventing PRC to legally claim an EEZ or territorial waters from PRC’s artificial islands. An EEZ allows the sovereign country to own all resources within 200 nautical miles of the coast. This is significant because China’s territorial claim extends more than six hundred miles south of the mainland, thus creating an extension of claims. Similar to the EEZ, UNCLOS recognizes sovereign territorial waters as 12 nautical miles off the coast of a country, this restricts any other country coming within those waters without previously receiving permission.⁶⁸ This greatly restricts the travel of any ships traveling through the waters, as it could be seen as an act of war. In the eyes of the United Nations, China’s man-made land does not qualify for this right.

⁶⁷ United Nations, Oceans and Law of the Sea, Part III, Article 35.

⁶⁸ United Nations, Oceans and Law of the Sea, Part V, Article 60.

In 2013, the Philippines brought China to the Permanent Court of Arbitration to discuss the legality of the expansion using UNCLOS as the base for argument. The Philippines, a claimant a portion of the reefs, has been dramatically affected by China's expansion and the Philippines' resources, especially fishing, has left the Philippines arguing the rights of the EEZ. In 2017, the Permanent Court of Arbitration decided the nine-dash line as a non-existent boundary with no rights to the resources and the construction of the reefs are illegal.⁶⁹ Since the decision, China does not abide by the ruling and continues to build and steal resources.

Density of Naval Support

U.S. Fifth Fleet, headquartered in Bahrain, maintains the 1.7 carrier strike group (CSG) presence for the high-tension area. The CSG presence by itself is a naval fleet more capable than most countries' navies. The ability to launch highly capable and powerful aircraft off the coast of almost any country acts as a massive deterrent to any adverse actions. In addition to the commitment to the CSG presence, Bahrain has four mine countermeasure vessels, as a major secondary threat from Iran is the use of mines throughout the choke point by Iran.

The East and South China Sea fall within the domain of U.S. Seventh Fleet, headquartered in Yokosuka, Japan. The presence through the Taiwan Strait is significantly lower than the Strait of Hormuz, with only annual transits by smaller vessels and no CSG transit since 2007. Japan boasts of two major naval bases, Sasebo and Yokosuka, and one CSG homeported in the Yokosuka, so if there was a need for presence, the US Navy could provide it in few days' time.

The South China Sea has significant shipping lanes, of which, the U.S. Navy is charged with protecting American and ally commerce. CSG operations happen on a biannual basis, while

⁶⁹ Permanent Court of Arbitration, The South China Sea Arbitration (The Republic of Philippines v. The People's Republic of China), 2013-19, December 12, 2016, <https://www.pcacases.com/web/sendAttach/2086>

sometimes conducting exercises with nearby allies, like Australia. Smaller American naval vessels, like cruisers and destroyers, will conduct FONOPs sporadically throughout the year and just the consistent presence is considered part of the deterrence operations.

Support from the White House

The public support and acknowledgment of naval operations, especially deterrence, are critical to the success of the greater strategy to support foreign policy. Without a clear message that directly correlates to the military actions could appear disjointed and without a real cause.

The White House consistently sends the message that the U.S. will not tolerate the closing of the Strait of Hormuz. After the skirmish in 2007, White House officials offered a grave warning against any further threats of U.S. naval vessels.⁷⁰ The same stance continued through 2012, when Secretary of Defense Leon Panetta warned, “We have made very clear that the United States will not tolerate blocking of the Straits of Hormuz. That’s another red line for us— and that we will respond to that.”⁷¹ Furthering the sentiment, the Chairman of the Joint Chiefs of Staff, General Martin Dempsey, stated he would not hesitate to use military means to reopen the Strait if Iran closed it.⁷²

The relationship between the U.S., Taiwan, and the PRC is an incredible balance of strategic ambiguity. The U.S. maintains a relationship with both countries, committed to the One China policy and the Taiwan Relations Act, but does not speak publicly on the relations if

⁷⁰ Damien McElroy, “US tells Iran to back down after Gulf skirmish,” The Telegraph, 8 January 2008, <https://www.telegraph.co.uk/news/worldnews/1574954/US-tells-Iran-to-back-down-after-Gulf-skirmish.html>.

⁷¹ Library of Congress, Foreign Affairs Division and Library of Congress, 2012.

⁷² Elisabeth Burnmiller, Eric Schmitt, and Thom Shanker, "U.S. Sends Top Iranian Leader a Warning on Strait Threat," The New York Times, January 13, 2012, <https://www.nytimes.com/2012/01/13/world/middleeast/us-warns-top-iran-leader-not-to-shut-strait-of-hormuz.html>.

Taiwan would declare complete independence or China invaded Taiwan. After the escalation in 1995, the strategy shifted to “dual deterrence.” The incident highlighted perceptions of American intentions, forcing Assistant Defense Secretary Joseph Nye to remark, “The Americans do not want to give Taiwan a 100 percent guarantee that no matter what Taiwan does, the Americans will come to its defense, because that would encourage Taiwan to take actions that would be risky.”⁷³ On the other hand, acknowledging the perception that America would not defend Taiwan, China would have no hesitation to target Taiwan. Although the White House has not officially remarked on the transits through the Taiwan Strait, an action so infrequent would need approval from the highest office. The lack of statements consistently contributes to the standing policy to stay on the median between the two countries and the transits portray this message to the full extent.

When it comes to the South China Sea, the Navy has not received any explicit reassurance or acknowledgement of the operations from the White House, unlike the Strait of Hormuz and the Taiwan Strait. The White House press releases have lacked clear language that acknowledges the distrust in the region. The U.S. states it does not have an official stance on the region but pursues the FONOPs to counter the PRC’s illegal actions against UNCLOS. In 2015, the Obama Administration was pressed on the issues in the South China Sea by the PRC, so the Secretary of State, John Kerry, delayed the operations to appease Beijing.⁷⁴ The lack of clear direction, especially a month before a meeting with President Xi Jinping, proved the lack of direction and commitment to the operations. Additionally, to support the operations in the South

⁷³ Pan Zhongqi, "US Taiwan Policy of Strategic Ambiguity: a dilemma of deterrence," *Journal Of Contemporary China* 12, no. 35(2003): 389, *Academic Search Complete*, EBSCOhost.

⁷⁴ Jeff M. Smith, “An Innocent Mistake: How a Fumbled Freedom of Navigation Operation Set Back Interests in the South China Sea,” *Foreign Affairs*, 3 December, 2015, <https://www.foreignaffairs.com/articles/china/2015-1203/innocent-mistake>.

China Sea, the White House press should publicly acknowledge and condemn the actions, without those, it will be difficult to create pressure from around the world. To put it simply, “Whether at sea or otherwise, lack of clarity is harmful to the rule of law.”⁷⁵ Not only do the messages from the highest office give no guidance, but every time when a destroyer conducts a FONOP, it conducted by “innocent passage,” rather than a more provocative passage that would truly demonstrate the illegal claims made by the PRC.⁷⁶ In order to make the FONOP more effective, many argue, the destroyers should launch aircraft and operate in a normal posture while within the PRC claimed territorial waters. Without this, Washington essentially concurs with the Chinese claim.

Relationship with Allies and Other Countries

The Strait of Hormuz serves as the gateway to the Persian Gulf, where Kuwait, Saudi Arabia, Iraq, Oman, United Arab Emirates, Qatar, and Iran all have a coastline and depend on the Gulf for trade. The U.S. has a significant presence with overseas bases in Bahrain, Kuwait, and Qatar, and port ties with the United Arab Emirates. The exportation of oil and importation of food and other goods through the Strait serves as a lifeline with costly substitutes. The U.S. presence in this theater had little high-level leadership representation until 1995 when Fifth Fleet reactivated after almost fifty years.⁷⁷ Although the “From the Sea” strategy saw an overall decrease in the size of the U.S. Navy, leadership saw a need for increased presence throughout the region. U.S. allies, especially Great Britain, increased their role in the region through increased naval presence as

⁷⁵ Benjamin K. Wagner, *Lessons from Lassen: Plotting a Proper Course for Freedom of Navigation Operations in the South China Sea*, (*Journal Of East Asia & International Law*, 2016) 9, no. 1: 137-166.

⁷⁶ Keith Johnson and Dan de Luce, “Washington’s Muddled Message in the South China Sea,” *Foreign Policy*, 5 November 2015, <https://foreignpolicy.com/2015/11/05/washingtons-muddled-message-in-the-south-china-sealassen-fon-subj>.

⁷⁷ *The Gulf Security Architecture: Partnership with the Gulf Cooperation Council: a Majority Staff Report Prepared for the Use of the Committee On Foreign Relations*, United States Senate, One Hundred Twelfth Congress, Second Session, June 19, 2012. Washington: U.S. G.P.O., 2012.

well. Similar to the capture of the ten U.S. sailors in 2016, Iran seized 15 Britons while on patrol and drifted into Iranian territorial waters.⁷⁸ Iran does not discriminate against America and her allies when it comes to accidental actions in the controversial waters.

Joint exercises have been a substantial method to demonstrate deterrence with the added benefit of improving relations with partners, specifically in the Persian Gulf. The U.S. routinely conducts exercises with Great Britain and Australia, and occasionally with France.⁷⁹ Conducting these operations with allies sends a joint message to Iran regarding the importance of the region, and the possible consequences the country will need to face if the Strait closes for any amount of time.

The U.S. maintains security commitments to many of Iran's neighbors, although it does not have a mutual defense agreement with any of the littoral countries.⁸⁰ The allocation of military personnel in these critical countries prove the dedication to the freedom of navigation mission and ensure safe passage for all vessels.

The Taiwan Strait needs the continued reminder of allegiance and commitment to the Taiwan Relations Act. Although some believe it would be easier to give up the stance of supporting Taiwan through defense, it is critical to maintaining the relations after the 2011 "pivot to Asia."⁸¹ Without maintaining this commitment, the U.S. loses credibility. Taiwan also relies on Japanese relations; moreover, both expect the U.S. to continue to assist in the defense against

⁷⁸ Sarah Lyall, "Iran Seizes 15 Britons on Patrol in Persian Gulf," *The New York Times*, March 24, 2007, <https://www.nytimes.com/2007/03/24/world/europe/24britain.html>.

⁷⁹ Hope Hodge Seck, "Allied Navy Exercise Begins in Persian Gulf Amid Iranian Warnings," *Military.com*, November 25, 2016, <https://www.military.com/daily-news/2017/01/31/allied-navy-exercise-begins-in-persian-gulfamid-iranian-warning.html>.

⁸⁰ Max Fisher and Sergio Peçanha, "What the U.S. Gets for Defending Its Allies and Interests Abroad," *The New York Times*, January 16, 2017, <https://www.nytimes.com/interactive/2017/01/16/world/trump-military-role-treatiesallies-nato-asia-persian-gulf.html>.

⁸¹ Nancy Bernkopf Tucker and Bonnie Glaser, "Should the United States Abandon Taiwan?," *Washington Quarterly* 34, no. 4(2011): 23-37, *International Security & Counter Terrorism Reference Center*, EBSCOhost.

Chinese aggression. If the U.S. fails to maintain a defense of Taiwan interests, other alliances in the region will crumble like Japan and the Philippines.

Similar to the Taiwan Strait, if the U.S. does not publicly back the allies' who are subject to the territorial disputes in the South China Sea, the U.S. will lose credibility. The naval operations could see greater success if the Navy invited non-claimant allies to participate in the operations as the regional commitment to a peaceful result. Additionally, the U.S. could utilize major naval exercises, like Rim of the Pacific, as an incentive to cease the militarization of the artificial islands to follow the UNCLOS ruling. This recommendation was heeded in 2018 when China found their invitation rescinded after the Trump Administration's growing concerns over electronic warfare equipment and possible surface-to-air missiles moving to the South China Sea.⁸²

The U.S. Navy presence in the South China Sea not only projects power to the PRC but assures allies of agreements and the emphasis on the region.⁸³ Although the relationship between the U.S. and the Philippines have evolved since President Duterte took office, the U.S. maintains the Mutual Defense Treaty, providing defense measures to ensure the protection of the Philippines. While the U.S. does not have similar agreements with other claimant countries, the use of FONOPs in the Sea has resulted in more international recognition of the growing issues.⁸⁴

⁸² Ankit Panda, "What the Trump Administration's Decision to Disinvite the Chinese Navy From RIMPAC 2018 Means," *The Diplomat*, May 24, 2018, <https://thediplomat.com/2018/05/what-the-trump-administrations-decision-to-disinvite-the-chinese-navy-fromrimpac-2018-means>.

⁸³ Kyung Suk Lee and Kyu Young Lee, *U.S. Freedom of Navigation Operations in South China Sea: An Ongoing Riddle between the United States and China*, (*Korean Journal Of Defense Analysis*, 2017) 29, no. 3: 455-473.

⁸⁴ Michael Fabey, *Crashback*, (New York City: Scribner, 2017), 231.

Success of Naval Deterrence

In the case of the Strait of Hormuz, some feel that CS-21 strategy specifically pointed to the region when in regard to,

“We will not permit conditions under which our maritime forces would be impeded from freedom of maneuver and freedom of access, nor will we permit an adversary to disrupt the global supply chain by attempting to block vital sea-lines of communication and commerce. We will be able to impose local sea control wherever necessary, ideally in concert with friends and allies, but by ourselves if we must.”⁸⁵

Since 2007, Iran has failed in making good on their threats, while the U.S. Navy has played a significant role in ensuring the freedom of navigation through the Strait. The U.S. Navy and the Iranian conflict followed the CS-21R strategy closely: allies continued exercises and presence in the region and was cemented by the 1.7 CSG presence. The White House has kept a hardline stance against the closure of the Strait throughout several presidencies, which has reinforced the naval operations in the region. Overall, the U.S. Navy has succeeded with only a few blemishes in deterring the Iranian Navies from creating a blockade through the fragile waters. While there are other threats the U.S. Navy needs to be aware of, like mining in the area and the small boat “swarming” technique, the primary objective to stop the advancement and escalation of the surrounding areas have effectively been accomplished.⁸⁶

The Taiwan Strait, with one high point of tension in the last thirty years, has remained peaceful. The use of the U.S. Navy as a buffer between the PRC and Taiwan was highlighted by the actions of the two CSGs.⁸⁷ Under the “From the Sea” strategy, the strait transits were necessary and practical, following the outline of the strategy, to insert American dominance into

⁸⁵ Department of the Navy, *A Cooperative Strategy for the 21st Century Seapower*, 3.

⁸⁶ J. Peter Pham, "Iran's Threat to the Strait of Hormuz: A Realist Assessment," *American Foreign Policy Interests* 32, no. 2 (March 2010): 64-74. *Academic Search Complete*, EBSCOhost.

⁸⁷ Zhongqi, "US Taiwan Policy of Strategic Ambiguity," 389.

the area. With the transition to newer strategies like CS-21, a goal of stopping outbreaks of war before they occur was outlined with the CSG transit in 2007, after tensions rose with the appointment of a new Taiwan President who ran on a campaign of independence. A higher presence of American vessels, like the Strait of Hormuz, could be perceived as American aggression by the PRC. Although the strategy of dual deterrence leads the U.S. Navy by a unique White House stance, it is clear the White House intends to use the military to reinforce the status quo and prevent an escalation between the two countries.

The responsibility placed on the U.S. Navy to enforce the international maritime law and slow the growing threat of the PRC in the South China Sea is a no-win situation for the U.S. Navy. The permissions granted to the Navy have maintained the same appearance: persistent presence in the South China Sea, regularly scheduled FONOPs, and dissemination of images of the artificial islands. The strategy in the South China Sea has remained the same, just with different vessels, for the last four years with no result. The PRC has continued to construct airfields, housing, and generally militarize the artificial islands in the face of the Navy. The White House's stance has wavered since the beginning of the construction, with public evidence of President Obama backing down when the issue of the South China Sea has been raised. Without clear guidance and direction from the President, the Navy has failed to deter any actions by the Chinese.

Conclusion

Naval deterrence operations have been successful in enforcing foreign policy when appropriately implemented. The delicate balance between soft and hard power is critical to international relations under tense conditions. The U.S. Navy has the most success when properly and publicly endorsed by the White House. Without a consistent message of support

from the President, naval deterrence fails. The Strait of Hormuz is a critical choke point for a significant amount of oil transportation, and the U.S. has maintained a consistent presence through Strait transits to demonstrate the importance of keeping the Strait open. Since the beginning of the transits, the Strait of Hormuz has not been closed, even with the threat from the Iranian government.

In the case of the Taiwan Strait, the Clinton, Bush, and Obama White House did not hesitate to straddle a fine line and maintain a balance in accordance with the One China policy and the Taiwan Relations Act. Although “dual deterrence” can be tricky, the message was clear in how the U.S. Navy implemented the policy and neither Taiwan has declared independence nor has China invaded Taiwan.

Lastly, the PRC’s violation of UNCLOS and American allies’ claims to the area have provided unrivaled challenges to naval deterrence operations. Although the Navy has an almost constant presence in the Sea, the PRC has continued to create artificial islands and challenge legal rulings. With legal justification and a constant presence, a primary difference between the successes of naval deterrence in the Strait of Hormuz and Taiwan Strait is the lack of clarity and messaging from the White House. If the South China Sea problem is to be taken seriously and the U.S. Navy is to enforce the regional demand, more permissions need to be granted, and the White House needs to speak frankly about the threat created by the PRC.

Naval deterrence operations are successful, as long as the White House is consistent and sends a clear message as to why the operations are occurring, and what the Navy is deterring. From the Cuban Missile Crisis to the Taiwan Strait, having the public support from the White House is critical to the success of naval deterrence.

Chapter 2: Presidential Kleptocracy and the Department of Defense

Introduction

Why are American presidents and vice presidents immune to the Emolument Clauses of the Constitution, but all other members of the executive held to them? As the head of the government, the president and vice president become kleptocrats by violation of the Emolument Clauses and not divesting from their personal finances, specifically by means of the Department of Defense (DoD).

In the last forty years, all but three members of the White House have divested from their financial portfolio: Vice President Richard “Dick” Cheney (R), President Barack Obama (D), and President Donald Trump (R). It is a tradition that those running for the country’s highest office create a blind trust to free themselves of potential conflicts of interest. In the case of these three men, they declined to follow protocol and maintained access to their investments.

Unlike other executive members, the Emolument Clauses of the Constitution are not enforced for the president (POTUS) and vice president (VP). The Domestic Emolument Clause states, “The President shall, at stated Times, receive for his Services, a Compensation which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.”⁸⁸ The Foreign Emolument Clause states that leaders, “without the Consent of the Congress, accept any present, Emolument...from any King, Prince, or foreign State.”⁸⁹

Traditionally, the judiciary has not enforced this part of the Constitution. The United States needs to move past the outdated mindset. Without enforcement of these clauses of the

⁸⁸ Congressional Research Service, “The Emoluments Clause of the Constitution,” Congressional Research Service, August 19, 2020, <https://fas.org/sgp/crs/misc/IF11086.pdf>.

⁸⁹ U.S. Constitution, Art. 2, sec. 1.

Constitution and divestiture of investments, the POTUS and VP will continue to take advantage of their political status. Furthermore, their elevated position allows them to take advantage of the DoD for personal gain. Scholars have explored the topic of modern American kleptocracy, but no research exists if the executive has personally benefited from the DoD.

This paper will first dive into kleptocracy: how it is defined and scholars' criteria to determine kleptocratic nature. This chapter explores three case studies: Dick Cheney and Halliburton, Barack Obama and U.S. Treasury Bonds, and Donald Trump and the Trump Organization. The objective is to determine if these three men were kleptocrats, if they specifically used the DoD as a means of personal gain, or if a violation of the Emolument Clauses occurred. Lastly, a discussion on how the US should maintain accountability and how the POTUS and VP should handle their finances while in office.

Kleptocracy Theory

The word "corruption" often brings to mind dictators who have abused their position for personal benefit. However, pinpointing the definition can be difficult. For the sake of simplicity, Transparency International's definition will be used, "the abuse of entrusted power for private gain."⁹⁰ As a type of corruption, kleptocracy faces the same problem. For additional simplicity, this paper uses three scholars' definitions: Mançur Olson, Susan Rose-Ackerman, and Kelly Greenhill, all of whom have backgrounds in political science and economics.

Mançur Olson introduces the strictest definition of kleptocracy. A kleptocrat is a private monopolist or "stationary bandit" and allows a restriction in the goods provided by the

⁹⁰ Transparency International, "What Is Corruption?" Transparency International, <https://www.transparency.org/what-is-corruption#define>.

government to increase costs for the country leader's benefit.⁹¹ Moreover, a stationary bandit will attempt to separate private businesses and the government, while creating a meritocracy to operate the businesses. The goal is to create maximum efficiency and approve policies that ensure a continuum of profits and decrease the money returning to the hands of the general public.⁹² Additionally, taxation is the only form of profits allowed.⁹³ Overall, kleptocrats desire efficiently maximizing profits from taxation for their benefit and the detriment of the public.

Susan Rose-Ackerman's definition is significantly less confining than Olson's of a kleptocrat, stating that a strict private monopoly may not be possible. The head of government "controls the state but not the entire economy."⁹⁴ In contrast, Rose-Ackerman states kleptocracy is "the extreme case in which the state is organized purely to maximize the head of state's gains."⁹⁵ Additionally, the executive and legislative branches can allocate funds or award contracts based on what would win them the highest rent.⁹⁶

Under her interpretation, the government's errors hurt the potential profits of the leader. Resources are imperfect and inconsistent. The kleptocrat prefers the inefficient state due to more opportunities for corruption, making it very difficult to increase profits.⁹⁷ The additional payments to maintain discretion of those who are helping also decrease the profits. Finding people who will continue loyalty, and at the same time, making a profit is a difficult feat for

⁹¹ Mançur Olson, "Dictatorship, Democracy, and Development," *The American Political Science Review*, no. 87 (1993): 567-576. doi:10.2307/2938736.

⁹² Susan Rose-Ackerman and Bonnie J. Palikfa, *Corruption & Government: Causes, Consequences & Reform*, 2nd ed. (Cambridge, UK: Cambridge University Press, 2016), 277.

⁹³ Olson, "Dictatorship, Democracy, and Development," 569.

⁹⁴ Rose-Ackerman and Palikfa, *Corruption & Government*, 278.

⁹⁵ *Ibid.*, 9.

⁹⁶ *Ibid.*, 10.

⁹⁷ *Ibid.*, 279.

kleptocrats. For a realistic kleptocrat, it is impossible to maximize personal profits without payouts for silence.

Lastly, Rose-Ackerman also points to strong kleptocrats desiring to privatize government functions, as long as it leads to an increase of profits. The credibility of the privatization is critical to its success. As for a weak kleptocrat, it is difficult for them to profit given how disorganized and bloated their government may be.⁹⁸

Kelly Greenhill differs greatly on kleptocracy than Olson and Rose-Ackerman. Kleptocracy requires an interdependence between corrupt governments and transnational criminal organizations (TCOs). TCOs are defined as “structured groups...with the aim of earning profits of controlling markets, internal or foreign, by means of violence, intimidation or corruption, both in furtherance of criminal activity and in order to infiltrate the legitimate economy.”⁹⁹ Furthermore, she points to transnational trade in the form of direct participation, especially by the police or military. This is one of the most worrisome aspects of her definition because “corruption will actually tend to determine state goals by shaping the rules or policies that state agencies enact or implement.”¹⁰⁰

Moreover, the heads of government appear to fight corruption, all the while continuing their profit-making ways. Greenhill outlines the criteria to be considered as a direct participant of kleptocratic interdependence with four primary traits:

“1) A division of political, functional, and social control between state and non-state actors... 2) a privileging of private gain over the public good- although, in cases where states are particularly weak or poorly run, the public may in fact benefit from the existence of such relationships; 3) absence or dearth of legal and

⁹⁸Rose-Ackerman, *Corruption & Government*, 281.

⁹⁹ Kelly M. Greenhill, “Kleptocratic Interdependence: Trafficking, Corruption, and the Marriage of Politics and Illicit Profits,” in *Corruption, Global Security, and World Order*, ed. Robert I. Rotberg (Cambridge, MA: Brookings Institution Press, 2009), 98.

¹⁰⁰ *Ibid.*, 99-100.

juridical accountability, and 4) some measure of fusion between the licit and illicit economic realms-although each of these comprise will vary across cases.”¹⁰¹

This can create a grey area of what should be tolerated, especially given different national laws.

The addition of unethical acts to Greenhill’s definition, would further the understanding of kleptocracy given how difficult it may be to determine the host nation’s stance versus a TCO’s host nation. Kleptocratic interdependence increases globally as barriers to trading fall and globalization occurs.

Rose-Ackerman, Olson, and Greenhill’s definitions do not have many similarities. All agree the executive may create contracts with those willing to engage in corruption. Furthermore, privatization of government functions can increase potential profits. Olson believes a stationary bandit is unrealistic, as no government can support all taxation going to a kleptocrat. In the case of kleptocratic interdependence, Greenhill states kleptocracy only occurs with TCOs. This limiting factor hinders the ability to classify other types of corruption. Between the three definitions, Rose-Ackerman finds a middle ground that speaks directly to Olson’s perfect scenario definition and acknowledges that kleptocracy does not always occur with TCOs.

Privatization of contracts fit neatly within all of the scholars' theories; it just depends on who is the awardee. Olson takes privatization further by stating the kleptocrat would prefer a meritocracy to nepotism to ensure maximum profits with the best experience. This directly speaks to Rose-Ackerman’s concern about inefficiencies, as those selected under a merit-based system would address those issues.

Finally, the four-part criteria provided by Greenhill compliments the other two definitions nicely. The requirements under Rose-Ackerman’s definition allows analysis to acknowledge the

¹⁰¹ Greenhill, “Kleptocratic Interdependence,” 101.

shortcomings of governments and the difficulty of creating rents in an imperfect system. The need for a stable, merit-based government that offers their citizens services, yet finds a way to privatize and maximize profits would be an ideal scenario for a kleptocrat. This encompasses the stationary bandit of Olson, the strong kleptocrat of Rose-Ackerman, and subject to the criteria provided by Greenhill.

Case Study: Richard Cheney

Richard “Dick” Cheney is a career politician who rose through the ranks of government starting in 1966. By 1989, he was uprooted from Congress and selected to be George Bush’s Secretary of Defense (SecDef). Cheney’s twenty years between the White House and Congress proved invaluable with his Washington, D.C. connections. His top priority was to privatize the military’s logistic capabilities. This reduced the military by a half million service members by moving the workload to defense contracting companies. Kellogg Brown and Root won the novel contract for international logistic support to the U.S. military.¹⁰² During this time, Operation Desert Storm emerged as a pivotal moment that put Cheney’s privatization to the test. He hired Halliburton, a company with close ties to the DoD. Kellogg Brown and Root was a subsidiary of Halliburton, and those two companies kept him in mind when President Bush voted out of office.

With President Clinton’s election, Cheney’s time in Washington, D.C. appeared to be over. In search of a new job, he eventually became hand-selected to become the Chief Executive Officer (CEO) for Halliburton. Halliburton recognized his vast network across political parties, as an alumnus of the White House. He worked tirelessly to grow the relationship with the DoD. Eventually, Halliburton was awarded \$2.3 billion of federal contracts and \$1.5 billion in

¹⁰² S.C. Gwynne and Andy Martin, “Did Dick Cheney Sink Halliburton (And Will It Sink Him?)” *Texas Monthly* 30, no. 10 (October 2002), 94.

taxpayer-insured loans.¹⁰³ He acquired Dresser Industries, a company that had previously had contracts with Saddam Hussein and the Ayatollahs of Iran.¹⁰⁴ This acquisition created a \$17 billion company and became the world's largest oil-field industry.¹⁰⁵

By the time Cheney left his position at Halliburton for Vice President, stock was at an all-time high. During his time as Vice President, he received \$150,000 a year for deferred compensation and maintained 230,000 shares of Halliburton stock.¹⁰⁶ In addition to his holdings, he received a stock payoff of about \$37 million.

Once in office, he put friends, like Donald Rumsfeld and Paul Wolfowitz, into the Pentagon to conduct his bidding. From 2002-2003, Cheney publicly remarked on the growing threats of Saddam Hussein's arsenal of nuclear weapons. The growing concern helped the political and public sphere to support the invasion into Iraq. With war looming, it was only logical to award contracts to Halliburton. It is widely known that intelligence during this time was fabricated to sew a fictitious narrative together to support going to war in Iraq. Several reports from the Intelligence Community provided the White House with information that did not support the Weapons of Mass Destruction narrative pushed by Cheney.¹⁰⁷

Most American companies were prohibited from doing business with Saddam's regime, Halliburton found a workaround. Instead, Halliburton was awarded a no-bid contract for two years for \$7 billion before any American military arrived.¹⁰⁸ The Pentagon stated that a public

¹⁰³ Gwynne, "Did Dick Cheney Sink Halliburton (And Will It Sink Him?)" 125.

¹⁰⁴ T.D. Allman, "The Curse of Dick Cheney." *Rolling Stone*, no. 957 (September 16, 2004), 58–64.

¹⁰⁵ Gwynne, "Did Dick Cheney Sink Halliburton (And Will It Sink Him?)" 125.

¹⁰⁶ Allman, "The Curse of Dick Cheney." 58–64.

¹⁰⁷ Liesbeth van der Heide, "Cherry-Picked Intelligence. The Weapons of Mass Destruction Dispositive as a Legitimation for National Security in the Post 9/11 Age," *Historical Social Research* 38, no. 1 (March 2013), 288.

¹⁰⁸ R. Leung, "All In The Family," CBS News, April 25, 2003, <https://www.cbsnews.com/news/all-in-the-family-25-04-2003>.

bid would have given away classified war plans.¹⁰⁹ The competitors who had Gulf War experience requested to submit bids were told that their services were not required. Before Cheney's time as Defense Secretary, the military would have completed this work.

Furthering profits, Halliburton raised the price of gas by more than twice the amount of competitors. A New York Times reporter, Don van Natta, Jr., assessed:

“A company's profits on the transport and sale of gasoline are usually razor-thin, with companies losing contracts if they overbid by half a penny a gallon... Halliburton's percentage of its gas importation contract said the company's 26-cent charge per gallon of gas from Kuwait appeared to be extremely high.”¹¹⁰

Halliburton justified the cost, stating heightened danger in transporting the gas and the costly overhead. Overall, the Bush Administration awarded Halliburton \$8 billion in contracts for its work in Iraq.¹¹¹ Cheney never divested from his 230,000 stock options worth more than \$10 million¹¹² and earned almost \$2 million from Halliburton from 2000-2008.¹¹³ In all, Wil S. Hylton said it best, “the Vice President has repeatedly promoted the interests of a corporation, Halliburton, over the interests of the nation, causing untold harm to American economic, military, and public health.”¹¹⁴

Halliburton's actions did have consequences. In 2003, the company came under review for favorable defense contracts from the Pentagon. Later that year, the Defense Contract Audit Agency found sufficient evidence that Halliburton overcharged and defrauded the government

¹⁰⁹David E. Rosenbaum, “A Closer Look at Cheney and Halliburton,” New York Times, September 28, 2004, <https://www.nytimes.com/2004/09/28/us/a-closer-look-at-cheney-and-halliburton.html>.

¹¹⁰Don van Natta, Jr., “*High Payments To Halliburton For Fuel in Iraq*,” New York Times, December 10, 2003, <https://www.nytimes.com/2003/12/10/world/a-region-inflamed-resources-high-payments-to-halliburton-for-fuel-in-iraq.html>.

¹¹¹Allman, “The Curse of Dick Cheney,” 58–64.

¹¹²Friesdorf, “Remembering Why Americans Loathe Dick Cheney.”

¹¹³Rosenbaum, “A Closer Look at Cheney and Halliburton.”

¹¹⁴Wil S. Hylton, “The People V. Richard Cheney,” GQ, March 9, 2007, <https://www.gq.com/story/richard-cheney-vice-president-impeachment?printable=true>.

over \$100 million worth of resources.¹¹⁵ Keep in mind, the man at the helm, Donald Rumsfeld, was a close friend and personally selected by Dick Cheney. Together, they conspired to move more business to the Middle East with false intelligence reports approved by the Pentagon, where Halliburton had a higher likelihood of earning contracts.

In 2010, two years after leaving office as Vice President, Dick Cheney had a warrant for his arrest by the Nigerian Economic and Financial Crimes Commission, their anti-corruption organization, for bribery and corruption. Halliburton constructed a liquefied natural gas plant in the Nigerian Delta after offering \$180 million in bribes to Nigerian politicians from 1994-2004, a majority of which was under Cheney's purview as CEO. Halliburton pleaded guilty to the bribery charges in 2009, but Nigeria wanted Cheney to be held accountable.¹¹⁶ After a month of private negotiations that involved former President George H.W. Bush (R) and Halliburton representatives, the charges were dropped. Halliburton agreed to pay \$250 million to clear the name of the former CEO and several other officials.¹¹⁷

Analysis: Richard Cheney

The act of kleptocracy requires a head of government and the theft of money, in this case the DoD. The Constitution explicitly states that no member of the executive shall receive any emoluments during their time in office. In the case of Dick Cheney, his history of civil service granted him insight into profiteering and networking across the government. While SecDef, Cheney significantly reduced the footprint and capabilities of the military by privatization. His experience led to the opportunities of future deals, like Halliburton.

¹¹⁵ Hylton, "The People V. Richard Cheney."

¹¹⁶ David Smith, "Dick Cheney to be charged in Nigeria corruption case," *The Guardian*, December 2, 2010, <https://www.theguardian.com/world/2010/dec/02/dick-cheney-halliburton-nigeria-corruption-charges>.

¹¹⁷ John Nichols, "Enron: What Dick Cheney Knew." *Nation* 274, no. 14 (April 15, 2002), 14.

His time as the SecDef led to a comprehensive and exclusive network that offered access with an established reputation, even with no business experience. Cheney not only brought an extensive background to the table but a significant win in his resume with the short Gulf War and the rolodex of Middle Eastern leaders. His addition to the company expanded its reach into the Middle East and Africa. The lack of experience in running a multibillion-dollar company was overlooked by the board when it was evident that gaining Cheney's name was an investment.

The intelligence which supported the invasion of Iraq was fictitious, and Cheney and Rumsfeld created the Pentagon office that fabricated those reports. Moreover, Halliburton was awarded no-bid contracts prior to the announcement of the invasion. Cheney found a surefire way to ensure his previous company, one that he still had a significant investment in, could profit from his time in office.

Olson's definition of kleptocracy discusses the stationary bandit who uses a private monopoly to create profits from the government through taxation. During Cheney's time as SecDef, he privatized much of the military and granted many defense contracts. According to Olson, "a stationary bandit has an encompassing interest in the territory he controls and accordingly provides domestic control."¹¹⁸ Although it is not clear if Cheney's actions were meant to benefit him after the White House, the privatization appealed to all contracting companies. This policy change also meant a decrease in military capability. Before tenure as SecDef, the military could accomplish the tasks for which Halliburton was contracted. However, a monopoly of profits is impossible with a myriad shareholders in Halliburton. Given the sizable amount of shares that Cheney held, he still made a significant profit.

¹¹⁸ Olson, "Dictatorship, Democracy, and Development," 569.

Olson calls for a meritocracy under his kleptocracy definition. The no-bid contract of Halliburton did not allow others to compete. Competitors were allegedly left in the dark due to the classification of the project. In comparison Cheney placed confidants in the Pentagon that ensured success of his objectives. This could be seen as a minimal form of meritocracy in terms of Cheney's desires coming to fruition more efficiently. Lastly, Olson requires rents from taxation, which did not occur. Cheney only received his profits through payment from Halliburton and his shareholdings. Under Olson's definition of kleptocrat, Cheney partially fits into the definition. While Cheney successfully privatized part of the military, it was neither a monopoly nor a true meritocracy.

Rose-Ackerman states that a kleptocracy is an extreme state strictly organized for maximum rents. She specifically calls out awarding contracts to ensure maximum gains for the heads of government, of which Cheney did just that. The contracts awarded to Halliburton were grossly over the price point needed in Iraq. So much so, Halliburton successfully doubled the price of fuel with no competition. The facade of overhead and danger pay was previously unheard of and could have been mitigated by competitive bidding.

Rose-Ackerman discusses a loyal base of the kleptocrat, stating their unquestioning attitude. A majority of the American people after September 11, 2001 wanted justice through whatever means possible. The erroneous intelligence cited by the Bush Administration was enough for Americans to have an unquestioning attitude. Additionally, Cheney's strategically placed friends, Rumsfeld and Wolfowitz, ensured the Pentagon could provide the supporting documentation for the invasion into Iraq.

However, the inefficiencies cited by Rose-Ackerman's definition fall short. Halliburton's shareholders provided input to the board. Contrary to Rose-Ackerman's definition, those

inefficiencies of other shareholders may have cut into Cheney's maximum rents, but the \$2 million earned and the 230,000 stock options still provided a significant profit. Additionally, no evidence exists that Cheney's payout was shared with anyone other than possibly his family. Overall, Dick Cheney partially fits into Rose-Ackerman's definition of a kleptocrat. Cheney successfully awarded contracts to a company that offered a significant profit, regardless of the inefficiencies. Cheney maintained an incredibly loyal base that provided cause for him to award said contracts, all the while, never dividing his shareholdings.

As for Greenhill, she provided a four-part criterion that assists in determining if Cheney falls into her definition of kleptocrat. First, the appropriate division exists between the state and non-state actors, given the fact that Cheney occupied the role of Vice President from 2001-2009.

Second, private gain over public benefit occurred when he misused taxpayer money by not allowing competition. Cheney granted Halliburton a no-bid contract and had he allowed bids, the taxpayers would have almost certainly saved money. Instead, Cheney personally benefited through his stock holdings. Although Greenhill suggests under a weak government that the public could benefit from the private gain, this scenario does not fit.

Third, the absence of legal accountability is prevalent throughout his time as Vice President. The Justice Department fined Halliburton for fraudulent charges during his time as CEO, but Cheney did not face personal accountability. Similarly, the contracts awarded before the war in Iraq allowed Halliburton to defraud the government over \$100 million.¹¹⁹ Other than hits to their reputations, neither Cheney nor Rumsfeld had charges brought against them for their influence over the fictitious intelligence or showing favor to Halliburton.

¹¹⁹ Hylton, "The People V. Richard Cheney."

Lastly, Greenhill states that a fusion of legal and illegal actions took place. Cheney was cautious in ensuring his actions followed the letter of the law, knowing the Constitution's Emolument Clauses has never been enforced. Greenhill also states that a kleptocrat operates with a TCO, which Halliburton can fit that description. The U.S., Indonesian, and Nigerian governments charged Halliburton for separate but comparable crimes of corruption and bribery, thus fitting into Greenhill's definition. Overall, Vice President Cheney fits into four of the five criteria as a definition of kleptocrat.

Case Study: Barack Obama

Barack Obama is the first African American to win the presidency. He spent only twelve years in politics when he was elected to the White House in 2008. He successfully won reelection, serving eight years as the 44th president. Once taking office, Obama decided not to use a blind trust, the first president in over forty years to decline to do so. According to a White House spokesperson, "The choice not to have a blind trust is an effort to be transparent about where his money is kept, and the public can see his latest financial disclosure documents, which we have made public."¹²⁰ He instead decided to sell his stock portfolio and transition his investments to U.S. treasury bonds.¹²¹

Conflicts of interest and financial benefits of his political stature had previously created a need to investigate his finances. The Federal Election Commission (FEC) investigated his mortgage during his tenure as senator, when he allegedly used his office to receive a lower interest rate. The complaint lodged against the Obamas sited other comparable mortgage rates, of

¹²⁰ Michael Shear, "For Obama, Lack of Huge Stock Portfolio Helps Avoid Need For Blind Trust," The Washington Post, April 16, 2010, https://www.washingtonpost.com/wpdyn/content/article/2010/04/16/AR2010041603420.html?itid=lk_inline_manual_3.

¹²¹ Russ Choma, "How Obama Handled the Conflict-of-Interest Issue Trump Now Faces," Mother Jones, December 13, 2016, www.motherjones.com/politics/2016/12/how-obama-handled-conflict-of-interest-issue-trump-faces.

which the Obamas received a significant discount, allegedly resulting in over \$100,000 saved over thirty years. The FEC later dismissed the case, finding that the Obamas were a successful couple and wanted to create a long-term investment relationship.¹²² Eight of the fourteen other mortgage loans given by the bank to similar couples resulted in a discount.¹²³

The investigation left a lasting impact on the Obamas. So much so, that when the economic collapse of 2008 saw lower interest rates, Barack Obama made it clear he would not refinance. During a Town Hall in Los Angeles, Obama remarked, “Our home back in Chicago, my mortgage interest rate, I would probably benefit from refinancing right now...When you're President, you have to be a little careful about these transactions, so we haven't refinanced.”¹²⁴

The transparency President Obama strived to maintain for his loans and his financial portfolio also included his tax returns published on the official White House website. In 2015, for example, his tax returns showed earning \$1,686 from his treasury bonds.¹²⁵ Other reports from his tax returns show the majority of his earnings since 2005 derive from the two books he authored prior to his presidency. He made about \$7.5 million in book deals. Profits since taking office, making up 75% of all Barack and Michelle Obama’s earnings.¹²⁶ The other earnings came from Obama’s presidential salary.

¹²² Kenneth P. Vogel, “Obama Mortgage: A Legal Deal,” Politico, March 5, 2009, <https://www.politico.com/story/2009/03/fec-obama-mortgage-a-legal-deal-019676>.

¹²³ Judicial Watch, “FEC Investigation Confirms Obama Received Discount Mortgage,” February 9, 2009, <https://www.judicialwatch.org/press-releases/fec-investigation-confirms-obama-received-discount-mortgage>.

¹²⁴ Barack Obama, “Remarks at a Virtual Town Hall Meeting and a Question-and-Answer Session on Housing in Los Angeles, California,” US Government Publishing Office, <https://www.govinfo.gov/content/pkg/DCPD-201300552/pdf/DCPD-201300552.pdf>.

¹²⁵ White House, “Barack and Michelle Obama 2015 Tax Returns,” <https://www.whitehouse.gov/sites/whitehouse.gov/files/images/Blog/Obamas%202015%20Taxes.pdf>.

¹²⁶ Dan Alexander, “How Barack Obama Made \$20 Million Since Arriving in Washington,” Forbes, January 20, 2017, <https://www.forbes.com/sites/danalexander/2017/01/20/how-barack-obama-has-made-20-million-since-arriving-in-washington/?sh=763f8cab5bf0>.

While Barack Obama was in office, he declined to follow his predecessors' traditional ways by divesting from his portfolio. He achieved his promise to conduct his time in office with maximum transparency by publishing his tax returns and, most importantly, moving his stock portfolio to treasury bonds. He also ensured he did not take advantage of the recession by refinancing. However, he still profited considerably from his books, violating the Domestic Emolument Clause. Obama's time in the Senate taught him a lesson for his time as president and helped create an avenue that would not financially benefit from his political influence.

Analysis: Barack Obama

The president's office can influence the market by signing new policies, executive orders, or diplomatic discussions. However, Obama's tax returns show a very modest return on investment of less than \$2000 per year. Additionally, treasury bonds traditionally have a low return on investment and are open to the public, making an investment a safer option if deciding not to divest.

According to Olson's definition of a kleptocrat, the taxes received from the American people between 2009 to 2017 show no evidence of supporting Obama as a stationary bandit. Obama did not further privatize the military after the Bush administration. Olson's definition creates a need for privatization that leads to profits for the head of government through taxation. In this case, this administration has no account of conducting themselves in this fashion.

As for Rose-Ackerman, Obama fails to meet the criterion set forth by her definition. Obama did not organize the U.S. to ensure maximum gains during his tenure, especially in the case of treasury bonds. No evidence has been found suggesting he has created new inefficiencies to create a new avenue of personal wealth nor has a devoted base been discovered that reaped from the benefits of his presidency.

Using Kelly Greenhill's criteria, the first question determined there was no division between state and non-state actors. He moved his assets into US treasury bonds, controlled by the Treasury Department. While a president may influence the bonds' value during their time in office, bond percentages were consistently low. Between 2009 to 2017, the highest return rose to 4.01% in 2010; however, most of his time in office hovered around 2.25%.¹²⁷ There is no evidence that Obama used his influence to create a higher return on investment for himself.

Second, as stated previously, no privilege of private gain existed over the private good. Anyone can purchase treasury bonds, therefore, could receive the same percentage of benefits Obama earned. The public did not suffer as a consequence of his investment in bonds, and there was no misappropriation of funds toward his investments.

Third, given the transparency of all of his tax returns via the White House website, any judicial challenge was possible. Even before his presidential campaign, watch groups already challenged his financial background, like his mortgage rate. While the FEC found no wrongdoing or preferential treatment, the need for transparency when there is no blind trust set up is critical. Anyone with an internet connection and the ability to call their congressperson could evaluate his tax returns and send a letter of concern to their elected representative. An opportunity existed for all those who wanted to ensure accountability.

Lastly, no evidence of illicit economic advantage surfaced during or after the Obama administration. Obama's case fails to meet Greenhill's definition of kleptocratic interdependence with no use or financial gain with a TCO. With his administration's pledge of transparency, it is clear that no evident fusion between the legal and illegal realm became intertwined. Overall, Obama does not fit the role as a kleptocrat according to Greenhill's definition.

¹²⁷ U.S. Department of the Treasury, "Daily Treasury Yield Curve Rates," <https://www.treasury.gov/resource-center/data-chart-center/interest-rates/Pages/TextView.aspx>.

Under the selected definitions by Rose-Ackerman, Greenhill, and Olson, Barack Obama does not fill the profile as a kleptocrat during his time as president. While he conducted his finances in an unusual manner, his tax returns show only a modest gain from his investment in U.S. treasury bonds. Furthermore, there is no evidence of him specifically adding personal gain from the U.S. military under his role as the Commander-in-Chief. The transparency that Obama sought, and the public observed shows that a complete divestiture of finances is not completely necessary. However, he did violate the Domestic Emolument Clause by receiving profits other than his congressionally approved presidential salary.

Case Study: Donald Trump

Donald J. Trump was born into a family with a highly successful real estate business. When he became CEO, he renamed the company “The Trump Organization,” and it grew to encompass hotels, golf resorts, and commercial buildings. After his inauguration in 2017, Trump gave up his role at the Trump Organization and made his two sons, Donald Jr. and Eric, the co-executive vice presidents. Setting up a blind trust would not be feasible with his sons at the helm. Both sons publicly remarked that they regularly update their father on business deals and their associated assets.¹²⁸ Unlike previous presidents, Trump decided not to give up his financial stakes in his namesake business. Although it is a private organization, he publicly discussed how he could stay president of both the United States and the Trump Organization; however, he did not like how it would appear to the public.¹²⁹

¹²⁸ Dan Alexander, “After Promising Not To Talk Business With Father, Eric Trump Says He’ll Give Him Financial Reports,” *Forbes*, March 24, 2017, <https://www.forbes.com/sites/danalexander/2017/03/24/After-Promising-not-donald-talk-business-with-father-eric-trump-says-president-give-him-financial-reports/#c85ca4f359a1>.

¹²⁹ Andy Sullivan, Emily Stephenson, Steven Holland, “Trump Says Won’t Divest From His Business While President,” *Reuters*, January 11, 2017, <https://www.reuters.com/article/us-usa-trump-finance/trump-says-wont-divest-from-his-business-while-president-idUSKBN14V21I>.

After taking office, President Trump took advantage of the real estate empire that he grew. While in office, he often stayed at properties he owned, whether it is the “Southern White House” at Mar-a-Lago Club in Palm Beach, Florida, or the Trump National Golf Club in Bedminster, New Jersey. As of his 1,374th day in office (Oct. 25, 2020), he had spent 378 days at his property rather than the White House or another presidential location, like Camp David.¹³⁰

According to the U.S. Government Accountability Office (GAO), when traveling to any location, the president is required to travel on a DoD aircraft.¹³¹ The two military aircraft used by the president are Air Force One and Marine One, depending on the distance of the travel required. Additionally, the DoD is required, as per the Presidential Protection Assistance Act, to “provide such assistance on a temporary basis *without reimbursement* when assisting the Secret Service in its duties directly related to the protection of the President or the Vice President. [emphasis added]”¹³² The Secret Service is charged with the protection of the president, vice president, and immediate family members.¹³³ However, the Secret Service does not fall under the DoD, rather the Department of Homeland Security (DHS). The law dictates that the president is obligated to travel by DoD aircraft.¹³⁴

The GAO found that during four trips to Mar-a-Lago, the DoD incurred \$8.468 million to support the president’s travels from February 3, 2017 to March 5, 2017.¹³⁵ Of note, this figure does not include classified costs and the salaries of the servicemen and women who support the

¹³⁰ Liz Johnstone, “Tracking Trump’s Visits to Trump Properties,” NBC News, October 22, 2019, <https://www.nbcnews.com/politics/donald-trump/how-much-time-trump-spending-trump-properties-n753366>.

¹³¹ US Government Accountability Office, *Presidential Travel: Secret Service and DOD Need to Ensure That Expenditure Reports Are Prepared and Submitted to Congress*, January 2019, <https://www.gao.gov/assets/700/696512.pdf>.

¹³² Presidential Protection Assistance Act, H. Res. 1244, 94th Cong., *Congressional Record*, vol. 121, daily ed. (Jan. 14, 1975) <https://www.govtrack.us/congress/bills/94/hr1244/text>.

¹³³ U.S. Code § 3056, *Powers, Authorities, and Duties of United States Secret Service*, <https://www.law.cornell.edu/uscode/text/18/3056>.

¹³⁴ Presidential Protection Assistance Act, *Congressional Record*.

¹³⁵ US Government Accountability Office, *Presidential Travel*, page 2.

operations. In contrast, the DHS and the Secret Service footed \$5.071 million for the same travel. Part of those costs included \$24,414.70 paid to Mar-a-Lago for the military to stay at the Trump-owned resort.¹³⁶ To be fair, President Trump could not charter his own flights for these trips, but the amount of travel spent at his properties is notable. His most frequented Trump property was Mar-a-Lago, spending 133 days conducting “work vacations” and 99 days at Bedminster, New Jersey under the same justification.¹³⁷ As of October 25, 2020, Trump made 32 trips to Mar-a-Lago during his tenure in office.

With no further documentation provided by the GAO, one can estimate that Trump’s trips alone to Mar-a-Lago led to the DoD billed \$67.744 million.¹³⁸ The price of flying on Air Force One is approximately \$180,000 per hour, so while the GAO has not published a report on his travels to Bedminster, it would approximately cost the DoD \$360,000 per round trip.¹³⁹

Previous presidents conducted similar working vacations, but none to a resort property they own. Additionally, trips for other presidents, like President Barack Obama, to a similar distance as Washington DC to Mar-a-Lago tallied to \$2.839 million for two trips charged to the DoD, equaling approximately \$5.678 million if it was four trips.¹⁴⁰ Furthermore, past presidents usually take their time away from the White House at Camp David, offering “solitude and tranquility” while situated only sixty miles from the White House.¹⁴¹

¹³⁶ US Government Accountability Office, *Presidential Travel*, page 15.

¹³⁷ Johnstone, “Tracking Trump’s Visits to Trump Properties.”

¹³⁸ S.V. Date, “Trump’s 29th Trip To Mar-a-Lago Brings Golf Tab To 334 Years Of Presidential Salary,” Huffpost, February 17, 2020, https://www.huffpost.com/entry/trump-golf-mar-a-lago-taxpayers_n_5e4712b9c5b64d860fcab86c.

¹³⁹ “Trump’s Mar-a-Lago Trips Cost Taxpayers About \$10M So Far,” CBS News, February 21, 2017, <https://www.cbsnews.com/news/president-trump-mar-a-lago-trips-cost-taxpayers-millions>.

¹⁴⁰ US Government Accountability Office, *Presidential Travel: Estimated Costs for a Specific Presidential Trip to Illinois and Florida*, October 2016, <https://www.gao.gov/assets/690/680400.pdf>.

¹⁴¹ White House, “The Grounds: Camp David,” <https://www.whitehouse.gov/about-the-white-house/camp-david>.

Additionally, whenever Trump stayed at a hotel, the security detail was required to stay in the same location, which guarantees higher occupancy for the Trump Organization resort. The average night for the detail was \$400 to \$650 per night, while at Bedminster, they were charged a flat rate of \$17,000 per month.¹⁴² Meanwhile, the cost to the DoD for lodging, meals, and miscellaneous costs charged by the Trump Organization is unknown.

The first lady, Melania Trump, and their son, Barron, decided to reside in Trump Tower in New York City. As part of the first family, they must have a secret service detail and, most likely classified, services of the DoD. The DoD and DHS needed to lease a floor at Trump Tower to ensure the family's safety, costing about \$1.5 million a year and returning to the pocketbooks of the Trump Organization.¹⁴³ Overall, Anita Kumar put it best when trying to determine how much money is spent and from which organizations, “There’s no way to determine how much in total the administration is spending because no single entity tracks that money.”¹⁴⁴

One significant incident during Trump’s tenure in office resulted in his impeachment. On December 18, 2019, President Trump was impeached for high crimes and misdemeanors by the House of Representatives. Trump and his associates solicited help from Ukraine's government to investigate presidential candidate Joe Biden. Trump attempted to suspend \$391 million of military aid and security assistance already allocated by Congress.¹⁴⁵ While this case did not

¹⁴² David A. Graham, “Why Would a Billionaire Charge the Secret Service \$650 a Night?” *The Atlantic*, February 7, 2020, <https://www.theatlantic.com/ideas/archive/2020/02/why-does-billionaire-charge-secret-service-650-night/606253>.

¹⁴³ Drew Harwell, Amy Brittain, and Jonathan O’Connell, “Trump Family’s Elaborate Lifestyle is a ‘Logistical Nightmare’ — at Taxpayer Expense,” *The Washington Post*, February 16, 2017, <https://www.washingtonpost.com/business/economy/Trump-familys-elaborate-lifestyle-a-logistical-nightmare—at-taxpayer-expense/2017/02/16>.

¹⁴⁴ Anita Kumar, “How Trump Fused His Business Empire To the Presidency,” *Politico*, January 20, 2020, <https://www.politico.com/news/2020/01/20/trump-businesses-empire-tied-presidency-100496>.

¹⁴⁵ *Articles of Impeachment Against Donald John Trump*, HR 744, 116th Cong., 1st sess., December 18, 2019, <https://www.congress.gov/116/bills/hres755/BILLS-116hres755enr.pdf>.

outrightly benefit the Trump Organization, it intended to keep Trump in the White House for an additional four years. Those four years could have led to similar travel costs, barring any inflation, by President Trump to his properties owned by the Trump Organization.

Analysis: Donald Trump

The definition of a kleptocrat set forth by Olson requires the head of government to decrease the availability of goods while driving up the costs of said goods to ensure profits. In Trump's case, he did not outright reduce any products' availability, but he did decrease the locations where he was willing to stay. As previously mentioned, Trump was the only president to vacation and work at his own commercial properties. By not allowing other locations to be an option, he ensured exclusivity of the goods he was willing the government to purchase on his behalf. The funneling of those funds to the Trump Organization fit as an extension of Olson's definition of a stationary bandit.

However, Olson also states an incentive to separate business and government must exist, which is not found in this situation. Trump routinely tried to merge the two and boasted how easily he could conduct himself while the head of the two with him at the helm. Lastly, Olson states that all profits gained need to derive from taxation, which did not occur during his presidency. The DoD personnel that are obligated to stay at Trump properties did not go to the Trump Organization through taxation. Overall, in both cases of the Trump Organization and Ukraine, Trump does not fit the strict definition of kleptocrat according to Olson.

The definition under Rose-Ackerman gives more leeway into who can be considered a kleptocrat. Her definition believes kleptocrats can allocate funds or contracts where it best suits their profits. Trump ensured most of his days away from the White House were taken at properties owned by the Trump Organization. On his 1,374th day in office (Oct. 25, 2020), he

spent 378 days staying at his properties. While an actual contract between the White House and the Trump Organization did not exist, President Trump had the authority to stay where he pleased. He was also aware of the profit margin those stays created under the DoD and Secret Service personnel's orders. Military members are subject to the Uniform Code of Military Justice if their orders are not followed. Armed with this knowledge, Trump guaranteed room occupancy at his properties and whatever other charges, like room service or resort fees, that came with staying there. The DoD made payments to the Trump Organization, therefore, the president.

Rose-Ackerman adds that those profits need to be shared by those who enable the kleptocrat to ensure compliance. Trump put his two sons, Eric and Donald Jr., at the Trump Organization's forefront. He also employed his son-in-law, Jared Kushner, and his daughter, Ivanka, as White House advisors. The nepotism surrounding the White House fits the definition. Outside of his family, the threat of termination was all too common. Trump was known to fire anyone who speaks out against his actions. While that might not be spreading the profits, the potential high-profiled job loss shared a similar effect.

The last part of Rose-Ackerman's criteria includes privatization of state abilities. Past presidents have taken vacations to other resorts, but again, none of which they owned. Additionally, previous presidents have taken time away at the White House at Camp David, owned by the government. Instead of the traditional Camp David stay, Trump moved several state visits to his properties. He hosted Japanese Prime Minister Shinto Abe and Chinese President Xi Jinping at Mar-a-Lago, rather than Camp David or the White House.¹⁴⁶ The U.S. government owns many properties that are meant to receive foreign leaders and by using Mar-a-Lago instead ensured privatization.

¹⁴⁶Marissa Melton, "Trump Hosts Foreign Dignitaries at His Own Private Resort," Voice of America, April 6, 2017, <https://www.voanews.com/usa/trump-hosts-foreign-dignitaries-his-own-private-resort>.

As for Greenhill's four-part criteria, the first part looks at the "division of political, functional, and social control between state and non-state actors."¹⁴⁷ The Trump Organization, as a non-state actor, created a significant influence over how and where the president traveled. His use of Mar-a-Lago as the "Winter White House" altered how the president hosted foreign leaders. The mandatory stay by the Secret Service and the DoD also changed how personnel reside while in the service of the president.

Second, Trump ensured the "privilege of private gain over the public good." He spent almost 30% of his time in office at his personal properties at DoD and DHS expense, therefore, the taxpayer. American taxpayers already pay for the White House and Camp David, yet Trump determined his properties were better suited. If he stayed at the White House or Camp David, the potential cost saved by the DHS and DoD would be quite sizable.

Third, an absence of accountability, especially by the judiciary, is a grey area. According to the law, the president is entitled to the protection and the operations of the DoD. The use of Mar-a-Lago to host foreign leaders is a clear violation of the Foreign Emolument Clause. The use of Trump Organization resorts to receive payments from foreign leaders and stay at the resorts rather than a non-Trump Organization or government-owned property can cause undue influence.

The Trump Organization violated the domestic clause with the continued involvement and receipt of benefits. Just in the DoD case, millions of dollars were obligated to the Trump Organization every time Trump stayed at one of his properties. Accountability for disregarding both the Foreign and Domestic Emolument Clauses has not been enforced by the judicial branch, further harming the government's checks and balances. The Citizens for Responsibility and

¹⁴⁷ Greenhill, "Kleptocratic Interdependence," 101.

Ethics in Washington (CREW), a government watch group, brought a case against Trump in 2017; however, dismissed for lack of standing. The judge granted CREW an appeal, which is now pending. The District of Columbia filed similar charges for his violation of the clauses.¹⁴⁸

The question of accountability was answered after Trump was impeached for his actions in 2019. Although the vote in the House of Representatives fell mostly along party lines, their action attempted to maintain checks and balances across the government. The House found that Trump used his office and military aid as leverage to urge Ukraine to investigate his political rivals. Trump corruptly used the DoD as a pawn in his election campaign and for his personal gain. Once again along party lines, the Senate acquitted the president, resulting in no real consequence to his impeachment. Overall, several cases of his misuse of his office, both between the Emolument Clauses and the impeachment, have lacked any consequence for Trump and the Trump Organization.

Lastly, Greenhill calls for “some fusion between the licit and illicit economic realms.”¹⁴⁹ As stated previously, the use of personal properties for personal gain is against the Constitution. Moreover, Ukraine is one of the most corrupt countries in Europe. According to a 2018 USAID anti-corruption poll, 92.5% of Ukrainians believed that government and political corruption is a severe problem in the country and a top-three issue that citizens faced.¹⁵⁰ Trump's request of the Ukrainian President, Volodymyr Zelensky, encouraged illicit behavior in a well-known corrupt country. Withholding the congressionally approved military aid as quid pro quo with Ukraine reinforced illegal economic realms. Especially in this case, there is a problematic entanglement of those realms.

¹⁴⁸ Greenhill, “Kleptocratic Interdependence,” 101.

¹⁴⁹ Greenhill, “Kleptocratic Interdependence,” 101.

¹⁵⁰ USAID, “Corruption in Ukraine: Perception, Experience, Attitudes,” USAID, 2018, <https://dif.org.ua/uploads/pdf/2310307365c079b234fadd5.86469797.pdf>.

Overall, Donald Trump fit most of the criteria of a kleptocrat during his presidential tenure. Moreover, with the Trump Organization and the request of Ukraine, he misused the DoD budget for personal gain. He has not been held accountable, which could happen when he leaves office. But until then, he made a significant amount of money during these last four years, especially for a man who boasted of not accepting the presidential salary.

Conclusion

Presidents and vice presidents can become kleptocratic during their time in office and receive unprecedented benefits, especially from the DoD, when they are not subject to the Emolument Clauses and do not divest from their finances. Two of the three case studies highlight how to achieve unprecedented personal gain, starting with not divesting from their finances when taking office. While Obama did not divest from his finances, his use of treasury bonds did not result in any evident kleptocracy.

According to the three scholars, Mançur Olson, Susan Rose-Ackerman, and Kelly Greenhill, Richard Cheney mostly fits the role as a kleptocrat. Of the three scholars, he fits Greenhill's criteria the most: he worked with a private company with a transnational crime history with no legal accountability. He violated the Domestic Emolument clause, thus the Constitution by not divesting from his Halliburton shares. Overall, given the vastly different definitions of kleptocrat provided, Dick Cheney fits the description of a kleptocrat during his time as Vice President.

Dick Cheney proves that kleptocracy within a president's administration could have successes with little consequences. Like Cheney, Donald Trump found a way to ensure profits while in office, contrary to the Constitution. History shows that those in the White House have never been prosecuted for that violation. Trump refused to establish a blind trust of his financial

assets, allowing him to reap the benefits of the Trump Organization. By continuing to spend 30% of his time in office at his properties, which included logistics and protection afforded by the DoD, he ensured occupancy at his resorts. Against the scholars' definition, Trump failed to meet Olson's standard but met the criteria set forth by Rose-Ackerman and Greenhill. Trump did misuse the DoD as a kleptocrat during his presidency and violated the Constitution.

As for Obama, he failed to meet the kleptocrat criteria set forth by the scholars. While he may not have made any profits from the government, specifically the DoD, he made significant profits from the books he authored prior to the presidency. He did violate the Domestic Emolument Clause without any repercussions.

To prevent future kleptocracy in the White House, the executive branch should mandate the divestiture of financial portfolios and creation of a blind trust. Not only does this create better transparency between the White House and the American people, but it also produces fewer conflicts of interest. The traditional immunity from the Domestic and Foreign Emolument Clause should also end, or an ethics committee should screen all profits. Regardless of political party, all three men violated the Constitution. The Senate and House Ethics Committees should review those profits to reinforce the checks and balances required by the Constitution. Future studies should explore other types of Emolument Clause violations and kleptocracy through the lens of other government departments, not just the Department of Defense.

The Bush and Trump Administrations laid the groundwork for future kleptocracy, and the American public is at risk of this behavior becoming a social norm. Regardless of which party holds the presidency, the DoD will continue to see funding allocation abuses under the guise of classified receipts and executive privilege. All in all, the framework laid out by Rose-Ackerman, Olson, and Greenhill can be used as a cautionary tale for the American public. Until Dick

Cheney and Donald Trump are held accountable by the American justice system, kleptocracy through payments from private companies and stocks will continue to encourage politicians of all parties to steal from the public. Kleptocrats are a threat to American democracy; moreover, the lack of accountability for Cheney's and Trump's actions will ensure kleptocracy in America continues.

Chapter 3: Presidential Twitter and the Department of Defense

Introduction

When the President of the United States (U.S.) uses social media to announce changes that impact the Department of Defense (DoD), it undermines the chain of command, creates chaos among military members, and jeopardizes relations with allies. As the Commander-in-Chief (CIC), the President has the constitutional right under Article 2, Section 2, to command the armed forces. Command requires dissemination of lawful orders, with or without “the Opinion, in writing, of the principal Officer in each of the executive Departments.”¹⁵¹

Since the founding of the U.S., how military orders propagate has evolved. Most recently, Twitter became the avenue of choice of President Donald J. Trump (R). Most Americans will agree that Trump’s use of Twitter was unlike his predecessor, President Barack Obama (D), or other world leaders. Trump’s communication style appealed to his conservative voting base, which encouraged him to maintain the stream of tweets while in office. Trump’s presidency may have been a communication outlier, however, future presidents can still learn valuable lessons. A bright line is that a president should not use the @POTUS or a personal Twitter account to communicate with the American military without military advisors' careful advice. Without their expertise, military members and even allies are put into precarious positions.

This paper will first dive into presidential agenda setting: how it is defined and scholars’ social media observations to control narratives. This chapter then explores three case studies: Donald Trump’s Twitter use towards the DoD with Iran, North Korea, and the social issue of the transgender ban. The objective is to determine if these three case studies interfered with the military, specifically looking at the impact on military leadership, the impact on good order and

¹⁵¹ U.S. Constitution, Art. 2, Sec. 2.

discipline, and, when appropriate, relationships with allies. Lastly, a discussion on how President Biden interacts with his personal and @POTUS account since taking office. This section includes recommendations of how to avoid similar social media predicaments of the Trump Administration.

Literature Review: Presidential Agenda Setting

The role of social media in politics had many individuals optimistic about the direct line of communication between politicians and the general public. Anyone with access to the internet now had an ability to directly message anyone with a profile. Similarly, it allowed those with a following to give short insights into their lives without much censorship. Three scholars, Scott Robertson, Stephen Frantzich, and Jefferey Peake, explore the importance of the changing atmosphere with politician communication. All the scholars discuss in depth the changing political atmosphere with the integration of social media, specifically looking at the role of agenda setting by politicians.

Robertson, in his book, *Social Media and Civic Engagement*, discusses the modern-day town square, the social media sphere where anyone can gather to hear the latest news. This transition to the “public sphere,” as he calls it, encompasses the “public transformation of the public sphere” and the civic culture in the same realm.¹⁵² The public sphere can encompass any part of social media, whether a user of Twitter or a Facebook group that someone may belong in. The emphasis is on the word “public,” with the growing inability to make anything truly private on the internet.

¹⁵² Scott P. Robertson, *Social Media and Civic Engagement*, Morgan & Claypool Publishers, pg. 30, <https://www-morganclaypool-com.proxy1.library.jhu.edu/doi/pdf/10.2200/S00836ED1V01Y201803HCI040>.

One particular theory that Robertson goes into depth is the “Uses and Gratification” framework. The goal of Uses and Gratification (U&G) theory is “to explain why individuals choose certain media and reject others.”¹⁵³ This theory is particularly interesting for social media, given the multiple avenues to disseminate information. Whether it is through pictures, like Instagram, a few sentences, like Twitter, or the combination of both, like Facebook. He finds that social media users have four primary needs: “socializing, entertainment, self-seeking status, and information.”¹⁵⁴ Robertson points to a study conducted in 2011 by Bakker and de Vreese that suggests “civic engagement is positively associated with online production.”¹⁵⁵ Robertson’s discussion has an application to those consuming and disseminating political information through social media. He also specifically mentions that the information disseminated through social media was not a predictor of said information being factual compared to more traditional news sources, like local news broadcasts.¹⁵⁶

The last of Robertson’s theories that applies to this chapter builds on U&G with the “Agenda Setting and Framing.” He defines this as “how media attention created a sense of salience about certain issues which in turn correlated with their perceived importance.”¹⁵⁷ Especially in the case of politicians, their social media accounts can be used to encourage a specific news story and divert attention away from other topics. The amount of attention received often depends on the number of followers and the manner in which the information or post is

¹⁵³ Robertson, *Social Media and Civic Engagement*, 39.

¹⁵⁴ *Ibid.*, 30.

¹⁵⁵ Tom P. Bakker, and Claes H. de Vreese. “Good News for the Future? Young People, Internet Use, and Political Participation.” *Communication Research* 38, no. 4 (August 2011): 451–70. //doi.org/10.1177/0093650210381738.

¹⁵⁶ Robertson, *Social Media and Civic Engagement*, 40.

¹⁵⁷ *Ibid.*, 41.

disseminated. The better the issue is dramatically “framed,” leads to higher interest and more time in traditional news broadcasts.¹⁵⁸

In Stephen E. Frantzich’s book, *Presidents and the Media: The Communicator in Chief*, the theme builds on Robertson discussion and focuses solely on POTUS. As one of the most important members of American democracy, the POTUS has a different role with the media. The POTUS gets more attention than any other member of the government and has a direct impact on foreign policy. Social media has caused presidents to start campaigning throughout their presidency, rather than just the run-up to an election, making it hard to distinguish between campaign goals or present-day actions.

To add to Robertson’s discussion of agenda setting, Frantzich suggests that presidents use social media to talk specifically to Congress or the media but not to the general public. First, the president’s social media becomes a pulpit of sorts, using their influence to pressure Congress into swaying to his will. Second, the president needs to set the agenda through the media, because if it is not picked up by a news source, the public is less likely to pay attention. According to Frantzich, “Presidents tend to be more successful in setting the agenda on issues where there is currently little public concern.”¹⁵⁹ The president can utilize their platform to draw attention to a topic that is of great concern to them, but the media does not already have a narrative due to lack of public interest.

Social media and agenda setting have not stopped there. The use of Twitter has seen an increase in controlling the narrative in addition to targeted pressure.¹⁶⁰ The traditional media has a responsibility to fact check as a reporting principle, whereas social media has a need to be

¹⁵⁸ Robertson, *Social Media and Civic Engagement*, 42.

¹⁵⁹ Stephen E. Frantzich, *Presidents and the Media: The Communicator In Chief*, pg 7, Milton: Routledge, 2018.

¹⁶⁰ *Ibid.*, 13.

quick and catchy. Only recently has Twitter and Facebook put disclaimers on “alternate facts” or “fake news” that has been proven false. If there is an error in print media, the editor is responsible for issuing a correction. That is just not the case with social media. Narrative control is especially important because of media bias. According to Frantzich, “Almost two-thirds of the public perceives the media as favoring one party or ideology over the other.”¹⁶¹ By 2017, 87% of Republicans believed the media was targeted to one side.¹⁶²

Frantzich also suggests that with the 24/7 news cycle, it is difficult for the president to really control the agenda. Some believe that the president needs to “agenda-surf” the news waves.¹⁶³ Domestic reporters have moved away from covering the White House, sometimes making it a struggle to get the attention of those who report the news. The president needs to use their 280 characters to catch reporters attention. However, international coverage of the White House has increased in recent years.¹⁶⁴

The use of social media has quickened the distribution of the political messages, often without the special touch of the previously carefully crafted and edited press releases. Like Robertson also suggests, social media allows more people to engage with the political figure. However, both authors have a clear concern about misinformation and the echo-chambers that the public figure and their followers create. A politician is more likely to have followers who tend to have similar beliefs and concerns than those who do not. As Frantzich states, “[Followers] look for affirmation of existing biases rather than challenges to their

¹⁶¹ Frantzich, *Presidents and the Media*, 19.

¹⁶² *Ibid.*, 20.

¹⁶³ *Ibid.*, 200.

¹⁶⁴ *Ibid.*, 219.

assumptions.”¹⁶⁵ The echo-chamber has served as a microphone to further disseminated misinformation, bypassing traditional news media that had some degree of fact checking.

Frantzich then takes a deep dive into the presidential use of Twitter. The first president to use Twitter was President Obama, when his team created the @POTUS account in 2008. Obama’s tweets were similar to more commonly used press releases: carefully devised and checked by experts.¹⁶⁶ Obama did not tweet often, and it was less clear if he was the one crafting the message and hitting send. His tweets are archived on the Twitter handle @POTUS44 and maintained by the National Archives. As for President Trump, “his messages have not been tried out on focus groups and reviewed by many levels of the communications staff.”¹⁶⁷ Trump’s Twitter use was often a pseudo livestream of his inner thoughts. Many of his followers enjoyed his use of social media, believing it gave him more authenticity and a look behind the scenes of the government. In comparing the two presidents, “Whereas only 22% of President Obama’s tweets contained an exclamation point, 59% of President Trump’s tweets used them for emphasis. Trump went a step further, using multiple exclamation points in about 10% of his tweets.”¹⁶⁸ Overall, Obama’s and Trump’s use of the platform was vastly different.

Frantzich builds on Robertson’s fourth need for U & G: information. Frantzich is concerned with five issues with Twitter. First, the dissemination of an accurate and complete message with less than 280 characters. Second, the lack of vetting, spell check, and grammatical errors can overshadow the true message of the tweet. Third, the almost instantaneous reaction via the same platform from whomever a tweet may be targeted. Fourth, the impact on US foreign

¹⁶⁵ Frantzich, *Presidents and the Media*, 167.

¹⁶⁶ *Ibid.*, 170.

¹⁶⁷ *Ibid.*, 172.

¹⁶⁸ *Ibid.*, 173.

policy without the engagement of diplomats and the State Department.¹⁶⁹ This fourth point is specifically important, given those tweets are considered “official statements” from the White House and lawful orders for the military. Lastly, the lack of context can make the statement confusing and chaotic, especially when a tweet is often disseminated to get traction and a reaction.¹⁷⁰

In particular, Frantzich explicitly discusses the role of the military in presidential media. He states that the military is often used as a backdrop to an important message, knowing that the service members are unable to heckle or give a dissenting opinion. According to Frantzich, the military as a prop ensures no “undesirables” will be in the audience and gives an air of strength and patriotism.¹⁷¹ In 2018, 80% of Americans had confidence in the military, making this photo opportunity an almost certain bet.¹⁷² These picturesque moments work well in an era of 24/7 news coverage and meme-heavy news telling. The growing absence of print media and readership encourages people to receive their news in terms of headlines and pictures, rather than multi-page articles that might make it above the fold.

Lastly, Jeffrey Peake, although published in 2001, still makes valid points on the impact of presidential agenda setting on foreign policy. He first discusses that presidents cannot really set an agenda, because their office is primarily reactive.¹⁷³ This ties in with Frantzich’s statement of agenda-surfing, rather than agenda setting. During the early 2000s, this could have been predominantly the case. However, since the rise of social media by political figures, presidents

¹⁶⁹ Frantzich, *Presidents and the Media*, 172.

¹⁷⁰ *Ibid.*, 173.

¹⁷¹ *Ibid.*, 101.

¹⁷² Pew Research Center, *The Public, The Political System and American Democracy*, April 2018, <https://www.pewresearch.org/politics/2018/04/26/1-democracy-and-government-the-u-s-political-system-elected-officials-and-governmental-institutions>.

¹⁷³ Jeffrey S. Peake, "Presidential Agenda Setting in Foreign Policy", *Political Research Quarterly* 54, no. 1 (2001): 69-86, doi:10.2307/449208.

have an opportunity to write attention-grabbing posts. Presidents can now find a way to become the news, rather than a victim to the news cycle.

Furthermore, Peake states that if Congress and the media are already devoting energy to another high salience topic, it will be increasingly difficult for the President to trump the attention.¹⁷⁴ When issues are less salient, the president has an opportunity for great influence in the case of foreign policy.

Peake also finds that, “Presidents who clearly establish foreign policy priorities related to an issue have greater influence on media and congressional attention than have Presidents with unclear priorities.”¹⁷⁵ His research used the State of the Union addresses as a means of determining how the president gave attention to specific foreign policy issues. While the State of the Union is still relevant today, the use of social media as a means to highlight issues is timelier. The president needs to pick and choose his foreign policy topics carefully and determine if using political currency is worth driving the agenda towards that topic.

Where all of the authors fail to discuss the impact on the military. Unlike the civilian population, the military is subject to the Uniform Code of Military Justice (UCMJ), where it is explicitly discussed that service members are not to engage in politics while in uniform. The censorship also relates to Article 88, “Any commissioned officer who uses contemptuous words against the President, the Vice President... shall be punished as a court-martial may direct.”¹⁷⁶ Article 88 does not stop with just speech, but it could include social media. Even though each member swears an oath to the Constitution, the president still holds immunity from military

¹⁷⁴ Peake, "Presidential Agenda Setting in Foreign Policy", 72.

¹⁷⁵ Ibid., 80.

¹⁷⁶ Uniform Code of Military Justice, Article 88.

scrutiny. This oversight makes researching this subject especially difficult, as many decisions from the top directly impacts every member of this workforce.

Service members are allowed to attend political rallies or protests; however, many do not participate due to an insufficient understanding of the UCMJ. One group that could be evaluated is the impact of presidential use of social media on veterans, who are often more outspoken than their active-duty counterparts. On January 6, 2021, the Capitol was overrun by protestors in the aftermath of the 2020 presidential election. Many of those who were involved were avid Trump supporters, who believed that President Trump should maintain the Oval Office for the next four years. According to National Public Radio, nearly one in five rioters were veterans.¹⁷⁷ While it is incredibly difficult for the public to conduct politics-related studies and polls on active-duty military, a focus on veterans could offer great insight into the topic.

Case Study 1: Donald Trump and Iran

Since the 1970s, the relationship between Iran and the United States has been less than diplomatically ideal. Since 1980, the U.S. has ceased all formal diplomatic relations with the country. President Trump often talked about Iran during his campaign before his 2016 election to office, especially in the context of the Joint Comprehensive Point of Action (JCPOA), otherwise known as the Iran Nuclear Agreement. By 2018, Trump decided to withdraw the U.S. under the notion he could negotiate better terms for the U.S.

The tensions continued to rise throughout Trump's tenure after transportation through the Strait of Hormuz was thought to be in jeopardy. In May 2019, several tankers hit limpet

¹⁷⁷ Tom Dreisbach & Meg Anderson, "Nearly 1 In 5 Defendants In Capitol Riot Cases Served In The Military," January 21, 2021, National Public Radio, www.npr.org/2021/01/21/958915267/nearly-one-in-five-defendants-in-capitol-riot-cases-served-in-the-military.

mines, which American intelligence pointed to Iranian origins. As a result, the U.S. deployed an extra 1,500 service members to the region.¹⁷⁸ The next month, a U.S. Navy drone in international airspace was shot down. Iran claimed the drone flew into Iranian airspace, constituting an act of war. Trump issued further sanctions on Iran as a result after tweeting that his retaliatory military plan was not proportional. President Trump also highlighted the importance of continued freedom of navigation throughout the Strait of Hormuz, but other countries need to increase their defense of the crucial waterway.¹⁷⁹

By December 2019, tensions were at an all-time high when several rockets hit an Iraqi base. The base housed Iraqi and American personnel, including U.S. contractors and service members. The attack killed one American contractor and wounded several U.S. service members.¹⁸⁰ On December 27, the U.S. announced that Kataib Hezbollah, an Iran-backed Shia militia group, was responsible for the attack. The Pentagon also announced that the Air Force conducted five airstrikes against Hezbollah-held bases. Those airstrikes killed 25 Hezbollah fighters and wounded many more. Iran denied any relation to the Hezbollah fighters and declared the U.S. actions were “terrorism.”¹⁸¹ On December 31, 2019, Iranian-backed protesters attacked the U.S. embassy in Baghdad. While no one was hurt, Trump tweeted that Iran would pay for the attack.¹⁸²

¹⁷⁸ Michael D. Shear, Eric Schmitt, Michael Crowley, Maggie Haberman, “Strikes on Iran Approved by Trump, Then Abruptly Pulled Back”, New York Times, June 20, 2019, <https://www.nytimes.com/2019/06/20/world/middleeast/iran-us-drone.html>.

¹⁷⁹ Quint Forgy, “Trump levels new sanctions against Iran”, Politico, June 24, 2019, <https://www.politico.com/story/2019/06/24/donald-trump-iran-strait-of-hormuz-1377826>.

¹⁸⁰ Julian E. Barnes, “American Contractor Killed in Rocket Attack in Iraq”, New York Times, January 27, 2020 <https://www.nytimes.com/2019/12/27/us/politics/american-rocket-attack-iraq.html>.

¹⁸¹ Al Jazeera News, “US Attacks Shia militia: Iraq, Syria, Iran, Russia, Israel React” December 30, 2019, <https://www.aljazeera.com/news/2019/12/30/us-attacks-shia-militia-iraq-syria-iran-russia-israel-react>.

¹⁸² Falih Hassan, Ben Hubbard, Alissa J. Rubin, “Protesters Attack U.S. Embassy in Iraq, Chanting ‘Death to America’”, New York Times, December 31, 2019, <https://www.nytimes.com/2019/12/31/world/middleeast/baghdad-protesters-us-embassy.html>.

President Trump's tweet came to fruition a few days later. On January 3, 2020, Major General Qasem Soleimani, the leader of Iran's paramilitary forces, was assassinated by an airstrike. The airstrike also successfully killed the leader of Kataib Hezbollah, Abu Madhi al-Muhandis.¹⁸³ Soleimani had a history of targeting Americans and enabling paramilitary groups in their pursuit of pro-Iranian causes. Soleimani was viewed as the second most powerful Iranian political figure and Supreme Leader Ayatollah Khamenei vowed that the US would pay. Iran retaliated by launching 16 missiles at American bases in Iraq. While there were no American casualties, some infrastructure was destroyed.¹⁸⁴ Operation Martyr Soleimani, the name for the Iranian attack, came to a halt after Iran mistakenly shot down Ukraine Flight 752, killing 176 people. The incident stopped any further escalation for a few months.¹⁸⁵

By March, tensions between Iran and the U.S. returned, punctuated by President Trump's Twitter use. During a military exercise in the North Arabian Sea, several armed Iranian boats conducted swarming techniques to interfere with the U.S. naval operations. One boat came within ten yards of a U.S. vessel, putting the commander into a predicament of inherent right of self-defense. The commander decided not to take any action, but the crew recorded the entire incident. Iran acknowledged the occurrence and stated that the videos were American theatrics. In response, President Trump tweeted, "I have instructed the United States Navy to shoot down

¹⁸³ Daniel Byman, "Killing Iran's Qasem Soleimani changes the game in the Middle East" Vox, Jan. 2, 2020 <https://www.vox.com/2020/1/2/21047655/iran-us-strike-general-qassem-soleimani-pentagon-news>.

¹⁸⁴ Dan Lamothe, "These U.S. troops survived one of the greatest crises of the Trump era. A year later, they're still coping," Washington Post, January 10, 2021, https://www.washingtonpost.com/national-security/us-military-iran-missile-attack/2021/01/10/651c3930-4fb0-11eb-b2e8-3339e73d9da2_story.html.

¹⁸⁵ Christiaan Triebert, Malachy Browne, Ainara Tiefenthaler, Sarah Kerr, "Video Shows Ukrainian Plane Being Hit Over Iran" New York Times, Jan. 9, 2020, <https://www.nytimes.com/2020/01/09/video/iran-plane-missile.html>.

and destroy any and all Iranian gunboats if they harass our ships at sea.”¹⁸⁶ As the CIC, the tweet was a lawful order, however, it was not clear if it changed the established rules of engagement.

The Secretary of State, Mike Pompeo, and Deputy Secretary of Defense, David Norquist, publicly acknowledged the tweet and confirmed Trump’s commitment to the protection of U.S. military assets. Norquist added that military members needed to be very clear in their understanding of the inherent right of self-defense, touching on the ambiguity of Trump’s tweet.¹⁸⁷ The harassment of U.S. naval vessels by Iran is not uncommon, making the tweet especially difficult to distinguish the difference.

The lawful order tweet later resulted in the USS Boxer, an amphibious naval vessel, to use electronic jamming measures to take down an Iranian drone that overflew the ship. The drone was accompanied by an Iranian helicopter and several small boats, similar to the March incident. The Boxer attempted to contact the drone pilot and the associated vessels to stand down, but the Iranians persisted to harass the American ship¹⁸⁸. The incident occurred as the Boxer was inbound for the Strait of Hormuz, a historically hostile region near Iran. (See chapter 1.) No personnel were harmed in the destruction of the drone, but it is unknown if the level of harassment met the justification of self-defense.

Analysis: Donald Trump and Iran

The following analysis will use Robertson's theory of Users and Gratification (U&G) and the four aspects of socializing, entertainment, self-seeking status, and information to determine if

¹⁸⁶ Chandelis Duster, Nikki Caraval, “Trump on Twitter tells US Navy to 'shoot down and destroy' Iranian boats that harass US ships”, CNN, April 22, 2020, www.cnn.com/2020/04/22/politics/trump-us-navy-iranian-ships-tweet/index.html.

¹⁸⁷Ibid.

¹⁸⁸ Bill Chappell, Tom Bowman, “USS Boxer Used Electronic Jamming to Take Down Iranian Drone”, NPR, July 19, 2019, npr.org/2019/07/19/743444053/u-s-official-says-government-has-evidence-iran-drone-was-destroyed.

the President's tweets undermined the chain of command, created chaos among military members, and jeopardized relations with allies.¹⁸⁹ In Iran's case, there have been decades of threatening and hostile communication between the two countries. While Twitter may be a new form of that communication, the end of diplomatic ties with Iran in 1980 proves how complicated history has been. Trump's tweet on April 22, 2020, "I have instructed the United States Navy to shoot down and destroy any and all Iranian gunboats if they harass our ships at sea"¹⁹⁰ became another low point in those relations. In terms of socializing with Trump's military advisors, it is clear that his top advisors (and most of the U.S.) were aware of the rising tensions between the two countries.

The Secretary of Defense, Mark Esper, stated in an interview with National Public Radio (NPR) that he and the Joint Chiefs of Staff looked into second and third-order effects. However, in the same interview, Esper stated he was unaware of some of the intelligence that supported the Soleimani attack.¹⁹¹ Not only was Esper left in the dark about some of the intelligence, but it is also unclear when the authorization was approved. The NPR interviewer stated the attack had been authorized seven months ago; however, Esper disagreed with this fact. Although these briefings and authorizations are highly classified, the White House and the cabinet's message is conflicting. In terms of socializing the decision to assassinate Soleimani, the public perception is Trump's Administration was not on the same page.

Furthermore, the Republican-led Senate passed a resolution to restrict Trump's ability to order military action against Iran. The decision in February 2020 was a direct consequence of the

¹⁸⁹ Robertson, *Social Media and Civic Engagement*, pg 39.

¹⁹⁰ Duster and Caraval, "Trump on Twitter tells US Navy to 'shoot down and destroy.'"

¹⁹¹ Mark Esper, interview by Ari Shapiro, "Transcript: NPR's Full Interview With Defense Secretary Mark Esper On Iran", National Public Radio, January 14, 2020, www.npr.org/2020/01/14/796246147/transcript-nprs-full-interview-with-defense-secretary-mark-esper-on-iran.

Soleimani killing, of which no one in Congress was notified.¹⁹² On March 11, 2020, the House passed the same bill. The infamous tweet occurred on April 22, 2020 and by May 6, 2020, Trump vetoed the bill limiting his powers.¹⁹³ Frantzich suggests that presidents use the media to speak directly to Congress; in this case, it appears Trump did exactly that.

The timeline supports the notion that Trump did not socialize his tweet with Congress members, especially after Trump publicly stated the bill made the U.S. weak. The Deputy Defense Secretary, David L. Norquist, publicly acknowledged the tweet and clarified it did not change the regional rules of engagement. Norquist classified the tweet as a warning rather than a lawful order to the military.¹⁹⁴ The U.S. Navy's rules of engagement do not consider harassment a hostile action unless it puts the naval vessel in harm's way. Had Trump received any guidance from his military advisors, the tweet's wording would not have conflicted with previously standing guidance.

As for entertainment, 2020 was a lead-up to a presidential election, of which Trump was the Republican nominee. Since taking office in 2017, Trump stated he started to campaign for reelection after his inauguration. Just as Frantzich suggests, the CIC uses the military background to demonstrate power, patriotism, and competency. In the same NPR interview with Esper, the interviewer, Ari Shapiro, stated that Trump actively uses the military for a campaign background. Esper responded, “The president knows [he should not use the military as a campaign device]. The commanders know that others in the White House and the cabinet know

¹⁹² Karoun Demirjian, “Senate passes resolution to limit Trump’s power to order military action against Iran”, Washington Post, February 13, 2020, www.washingtonpost.com/national-security/senate-passes-resolution-limiting-trump-against-iran-in-bipartisan-vote/2020/02/13/d2f7429c-4e8f-11ea-bf44-f5043eb3918a_story.html.

¹⁹³ S.J.Res. 68 — 116th Congress: “A joint resolution to direct the removal of United States Armed Forces from hostilities against”, 2020, <https://www.govtrack.us/congress/bills/116/sjres68>.

¹⁹⁴ Jim Garamone, “Defense Officials Express Agreement With President's Warning to Iran” US Dept. of Defense, April 22, 2020, <https://www.defense.gov/Explore/News/Article/Article/2161141/defense-officials-express-agreement-with-presidents-warning-to-iran>.

that everybody recognizes that we are filling a longstanding tradition of keeping a DoD apolitical.”¹⁹⁵ However, in 2020, even with the novel coronavirus, Trump used the military as a background twelve times between August 1 and December 1, 2020.

For Trump’s self-seeking status, he had previously mentioned that any delay of his Article 2 rights as the CIC would make him appear “weak.” After this event, he vetoed the bill to restrict his powers, emphasizing his right to use the military as he sees fit. Especially in an election year, it was evident that Trump needed to solidify his status as a powerful president in charge of the most robust military in the world.

In terms of information, the U.S. military is not accustomed to receiving direct orders from the CIC without careful articulation of said order. Additionally, those orders are typically disseminated through the proper chain of command, even given “warning orders” that an operation is coming from the higher echelons. A tweet to share information furthers confusion between the intermediate chain of command, which excludes them from any further decision-making capabilities.

Overall, it is clear that President Trump did not properly socialize the tweet before its dissemination. The verbiage used, specifically “harass,” directly went against the standing rules of engagement and the inherent right of self-defense. Although the President had support from his advisors during the rising tensions with Iran, the Defense Secretary stated he was not included in all intelligence briefings. For entertainment, the assessment might not be classified under the correct overarching theme. Trump could claim the news headlines by disseminating a bold tweet and emphasized his presidential dominance in an election year. The self-seeking status is evident when the tweet happened between passing a bill in the House and Senate to

¹⁹⁵ Esper. “Transcript: NPR's Full Interview With Defense Secretary Mark Esper On Iran.”

retract some of his military powers and his veto of said bill. The tweet highlighted the power he refused to give up.

The tweet did undermine the chain of command and silenced advisors' capability to create a tailored message. The naval vessel commander needed to await further guidance from more immediate leaders to determine how to proceed- whether to target an Iranian vessel that is harassing the American warship or only target if in the case of self-defense. Disobeying an order from the CIC is a grave offense, but it could mean preventing an international incident. If anyone had taken the tweet literally, the U.S. and Iran could have seen tensions rise to the levels of January 2020, where many believed World War III was a possibility.

Case Study: Donald Trump and North Korea

Just like Iran, President Trump inherited decades old conflict with North Korea. Prior to taking office on January 20, 2017, even China warned against escalatory nature from the White House. North Korean officials stated that the country was in the final stages of constructing a ballistic missile and Trump wanted China to do more to stop the hermit country.¹⁹⁶ The stance on North Korea after the inauguration continued to deteriorate. For the next few months, North Korea continued to test missile capabilities, often boasting about its new capabilities.

By April 2017, the USS Carl Vinson, a U.S. aircraft carrier, headed to the Western Pacific. President Trump joined Fox News to state that the Carl Vison was deployed to the Sea of Japan, placing the American sailors in close proximity to North Korea; however, this was not true. The Carl Vinson was headed towards Indonesia to conduct a routine naval exercise with the

¹⁹⁶ Charlie Campbell, "China Warns Donald Trump Not to 'Escalate' North Korea Situation With Erratic Tweets" Time Magazine, January 4, 2017, time.com/4621475/china-donald-trump-north-korea-twitter.

Royal Australian Navy.¹⁹⁷ The White House mistake furthered the rhetoric that the US was prepared to fight with North Korea.

Kim alluded to New York City within the maximum distance capable of their newly developed intercontinental ballistic missiles (ICBM).¹⁹⁸ Coincidentally, North Korea decided to test another missile on July 4, 2017 and Trump could not ignore the threat to his hometown. The Trump Administration put further sanctions on the country and North Korea vowed to seek revenge.

The latest North Korean threat led to a pivotal statement from President Trump, “[North Korea] will be met with fire and fury like the world has never seen.”¹⁹⁹ In response, North Korea threatened to strike the American territory of Guam. The escalation was met with a blunt response from the Secretary of Defense, Jim Mattis. Mattis stated that if Kim Jung-Un targeted Guam, it would mean the end of Kim’s regime. The back and forth of threats temporarily ceased the escalation of words. Trump echoed Mattis’ statement through a tweet, “Military solutions are now fully in place, locked and loaded, should North Korea act unwisely. Hopefully Kim Jong Un will find another path!”²⁰⁰

Five weeks later, Trump had the opportunity to address the United Nations for the first time as President. He decided to use the new nickname “Rocket Man” for Kim, rather than outright calling out the country. On October 1, 2017, Trump tweeted, “I told Rex Tillerson, our

¹⁹⁷ Mark Landler, Eric Schmitt, “Aircraft Carrier Wasn’t Sailing to Deter North Korea, as U.S. Suggested,” *New York Times*, April 18, 2017, www.nytimes.com/2017/04/18/world/asia/aircraft-carrier-north-korea-carl-vinson.html.

¹⁹⁸ Jeffrey Lewis, “North Korea Is About to Test a Missile That Can Reach Trump Tower”, *Foreign Policy*, June, 12, 2017, foreignpolicy.com/2017/06/12/north-korea-is-about-to-test-a-missile-that-can-reach-trump-tower.

¹⁹⁹ Meghan Keneally, Benjamin Siegel, “Trump says North Korea will be met by 'fire, fury' if threats continue,” *ABC News*, August 8, 2017, abcnews.go.com/Politics/trump-north-korea-met-fire-fury-threats-continue/story?id=49097627.

²⁰⁰ Robert Windrem, Corky Siemaszko and Daniel Arkin, “North Korea crisis: How events have unfolded under Trump” *NBC News*, May 2, 2017, <https://www.nbcnews.com/news/world/north-korea-crisis-how-events-have-unfolded-under-trump-n753996>.

wonderful Secretary of State, that he is wasting his time trying to negotiate with Little Rocket Man... Save your energy Rex, we'll do what has to be done!" The step back from diplomacy and the increased pressure for military action was not lost on the American public. A poll conducted by ABC News stated that "Six out of ten Americans were uneasy with Trump's handling of North Korea."²⁰¹

Less than eleven months into his presidency, Trump decided to use name calling as a means of communicating with Kim Jong-Un. Kim called Trump an "old lunatic," which Trump responded by saying, "Why would Kim Jong-un insult me by calling me "old," when I would NEVER call him "short and fat?" Oh well, I try so hard to be his friend - and maybe someday that will happen!"²⁰² During this time, Trump revisited sanctions on North Korea, taking a break from the threat of military action.

With new sanctions in place, Kim returned to using threatening statements of having a nuclear button nearby at all times. On January 2, 2018, Trump responded on Twitter, "North Korean Leader Kim Jong Un just stated that the "Nuclear Button is on his desk at all times." Will someone from his depleted and food starved regime please inform him that I too have a Nuclear Button, but it is a much bigger &, more powerful one than his, and my Button works!"²⁰³ After two months of little dialogue, the nuclear option was back on the table. The former Chairman of the Joint Chief of Staff, Admiral Mike Mullen, stated that this sort of nuclear brinkmanship with

²⁰¹ Elizabeth McLaughlin, "Mattis warns North Korea of 'end of its regime,' 'destruction of its people'" ABC News, August 9, 2017, abcnews.go.com/International/mattis-warns-north-korea-end-regime-destruction-people/story?id=49116627.

²⁰² Meghan Keneally, "From 'fire and fury' to 'rocket man,' the various barbs traded between Trump and Kim Jong Un," ABC News, June 11, 2018, <https://abcnews.go.com/International/fire-fury-rocket-man-barbs-traded-trump-kim/story?id=53634996>.

²⁰³ Peter Baker, Michael Tackett, Trump Says His 'Nuclear Button' Is 'Much Bigger' Than North Korea's," New York Times, January 2, 2018, www.nytimes.com/2018/01/02/us/politics/trump-tweet-north-korea.html.

North Korean had never been so close to fruition.²⁰⁴ The button that Trump referred to is often called the “nuclear football” which is maintained by a military officer at all times.

Finally, by the beginning of March 2018, diplomacy prevailed after announcing a meeting with North Korea. The meeting, held in June 2018 in Singapore, included discussions of denuclearization of the Korean peninsula and future diplomatic relationship between the two countries. Trump and Kim met a total of three times during Trump’s tenure as president.

Analysis: Donald Trump and North Korea

In the case of Donald Trump and North Korea, similar to Iran, tensions have been tensed for decades, and diplomatic ties strained. President Trump consistently said that the U.S. was weak in foreign policy on the hermit country. Even with an escalation of North Korean missile launches, President Trump felt it necessary to tweet about the military’s nuclear capabilities. The American population had not felt the level of nuclear brinkmanship since the Cold War.

The tweets related to the North Korean escalation from late 2017 to March 2018 were unlike any previous press release pertaining to nuclear power. Given the sensitivity of this rhetoric, it is hard to believe that a member of the White House public affairs team, Secretary of Defense, or the Joint Chiefs of Staff, had helped craft the messages. The tweets used similar verbiage that Trump often used and responded directly to North Korea's insults lodged at Trump. The unique style of communicating and governing even called on the Secretary of State, Rex Tillerson, to cease diplomatic avenues.

As for entertainment, much of Trump's rhetoric is the same he used on the 2016 campaign trail. As mentioned previously, after his 2017 inauguration, he immediately started to

²⁰⁴ Rick Noack, “Under Trump, Nuclear Brinkmanship is the New Normal,” Washington Post, Jan. 3, 2018, [washingtonpost.com/news/worldviews/wp/2018/01/03/under-trump-the-threat-of-nuclear-war-is-the-new-normal](https://www.washingtonpost.com/news/worldviews/wp/2018/01/03/under-trump-the-threat-of-nuclear-war-is-the-new-normal).

campaign for 2020. The novel moniker for Kim became a popular joke among the American people, especially Trump's base. The "rocket man" comment made at UN headquarters continued to be a rallying cry for a more robust military response against this adversary. At the campaign rallies, Trump regularly discussed North Korea, using the playground taunts to applause and laughs from his followers. The entertainment success of the North Korean tweets was some of the most memorable rhetoric of his tenure in office.

The self-seeking status is used in the tweet about his bigger nuclear button that "actually works." The strong man approach to foreign policy is not a new concept, and the U.S. has used it for decades. However, it has been decades since the U.S. has used nuclear weapons to deter escalation. During the Cold War, the message was carefully articulated to be broadcast globally. In this case, it appears to have been only to establish personal dominance.

Lastly, information between countries typically travels through the State Department. As mentioned earlier, Trump specifically asked Tillerson to end diplomacy efforts in favor of military action. Using Twitter to address a foreign political figure was not new for Trump, given he often used it on the 2016 campaign trail. Nonetheless, as a president with a cabinet to address foreign issues and publicly asking them to stand back hurts credibility. By asking Tillerson on Twitter to "save his energy" decreases diplomacy efforts with North Korea and with any other country the US has relations.

Overall, the use of Twitter during the escalation of the threat of nuclear war cut out the military chain of command and the State Department. Those service members in South Korea were constantly at the ready due to the escalation on Twitter between North Korea and the U.S. The military moved more forces to the area in preparation of a possible declaration of war and military exercises were cancelled. The families of those service members also were affected due

to the tenuous relationship between the two adversaries. Trump's tweets directed at North Korea not only impacted American service members but the relationship with South Korea, Japan, and China. All countries were well within the radius of a North Korean missile, possibly the victim of a poorly worded tweet.

Case Study: Donald Trump and the Transgender Ban

During the Obama Administration, the DoD allowed transgender people to openly serve in the military. The former Defense Secretary, Chuck Hagel, desired any eligible person who wanted to serve should be able to join the military if they met the basic requirements. The Administration and the RAND Corporation conducted a study in 2016 that found supporting evidence that allowing transgender service members to openly serve had minimal costs to the DoD budget. The cost was estimated to be \$2.9 million to \$4.2 million a year, compared to the \$534.3 billion budget of 2016.²⁰⁵ In June 2016, the barrier to serve had officially been lifted.

On July 26, 2017, despite the evidence provided by the previous administration, President Trump announced via Twitter, "After consultation with my Generals and military experts, please be advised that the United States Government will not accept or allow Transgender individuals to serve in any capacity in the U.S. Military. Our military must be focused on decisive and overwhelming victory and cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail. Thank you."²⁰⁶ Although it is unclear if Trump

²⁰⁵ Agnes Gereben Schaeffer, Radha Iyengar Plumb, Srikanth Kadiyala, Jennifer Kavanagh, Charles C. Engel, Kayla M. Williams and Amii M. Kress, *Assessing the Implications of Allowing Transgender Personnel to Serve Openly*. Santa Monica, CA: RAND Corporation, 2016. https://www.rand.org/pubs/research_reports/RR1530.html.

²⁰⁶ Donald Trump, Twitter, July 26, 2017 <https://www.thetrumparchive.com/?dates=%5B%222017-06-30%22%2C%222017-07-28%22%5D>.

actually consulted with any military officials. Many sources point to the upper military echelon as being “blindsided” by the decision.²⁰⁷

Trump later cited the high costs associated with the service members, only .00078% of the 2016 DoD budget. The decision came at a time when the defense package was set to be in Congress but delayed due to conservative Congressmen refusing to vote for it unless the military would stop paying for any of transgender medical needs. The tweet occurred while Defense Secretary, Jim Mattis, was on vacation and given one day’s notice. Mattis stayed quiet on the situation, while other top military officials confirmed there was no plan for the future of the transgender military members, emphasizing the surprise.²⁰⁸ Without a plan to move forward, transgender service members who were deployed or overseas were put into a predicament with many questions going unanswered.

The Supreme Court made a decision in January 2019 to allow the ban of transgender service members. Those who identified themselves as transgender to their leadership could continue to serve, but as their biological sex. For those who refused to continue as their biological sex, they would be dismissed from the military. The decision barred any service member from transitioning while they are on active duty.²⁰⁹

The transgender ban was later reversed by President Joe Biden on January 25, 2021. The Biden Administration pointed to the study conducted by the RAND Corporation and the feedback from the upper echelons of the military stating there was limited impact on operational readiness.

²⁰⁷ Julie Hirschfeld Davis, Helene Cooper, “Trump Says Transgender People Will Not Be Allowed in the Military,” New York Times, July 26, 2017, www.nytimes.com/2017/07/26/us/politics/trump-transgender-military.html.

²⁰⁸ Ibid.

²⁰⁹ Adam Liptak, “Supreme Court Revives Transgender Ban for Military Service,” New York Times, Jan. 22, 2019, <https://www.nytimes.com/2019/01/22/us/politics/transgender-ban-military-supreme-court.html>.

Analysis: Donald Trump and Transgender Ban

Unlike the previous two case studies, Trump did not direct tweets at another country or its leader but a group of Americans. In 2016, President Obama lifted the restrictions on transgender service members openly serving in the military. The impetus was placed on those who wanted and were physically qualified to serve without restrictions. Unfortunately, this policy was unpopular with President Trump's conservative base.

For the tweet's socializing, all new sources confirmed that the decision was a complete surprise to the top military leadership. Many of the military advisors felt "blindsided" by the massive change in policy. Statements like this suggest that the ban was not socialized by those impacted, especially DoD leadership. It took six months to implement the change under the Obama Administration, and now with thousands of service members who identified themselves as transgender, it would be impossible for their commands to forget their new identity. Trump's decision to change the transgender policy would take months, if not a year, to determine how to transition transgender servicemembers out of the service. Additionally, the administration should have prepared the delivery of such a change in a different manner. The two-sentence tweet left much to be desired and left many affected servicemembers in limbo.

It is unclear if this was meant to provide any entertainment to the Twitter audience. While it appealed to his base, Trump received a lot of backlash from the media for the lack of notification to the top brass before hitting send.

The change's justification elevated Trump's self-seeking status by emphasizing his generals' and military advisors' consultations. By using this verbiage, it presented the decision with definitive authority. As mentioned, this part of his tweet was a falsehood, eventually hurting his cabinet's credibility. However, it proved he could wreak havoc on thousands of able-bodied

service members on the world stage, serving as a warning for any other minority Trump's base might not like.

Lastly, the information dissemination could have been through the Joint Chiefs of Staff or each branch's respective secretary. When the ban was lifted under the previous administration, the Defense Secretary, Ash Carter, in a carefully worded press briefing.²¹⁰ During the brief, Carter answered questions from reporters, and the press office released the plan on how to integrate the service members once they identified themselves. While every president conducts his affairs differently, information dissemination at this level needs proper articulation with follow-up information. Twitter with a 280-character maximum fails to do just that.

Conclusion

President Trump's communication style on Twitter to discuss DoD-related concerns hindered the chain of command and disrupted good order and discipline. As president and CIC, it is their constitutional right to order military forces to conduct themselves as the president sees fit. However, given the rapid dissemination of social media, namely Twitter, a leader can send out lawful orders without military advisors giving their input. The new technology enables harmful and confusing statements to the lowest ranks of the military and, at the same time, catches the entire military force off guard and scrambling.

President Trump was only the second president to use the medium as a primary form of communication. Given the novelty of social media technology, no standard for politicians had been truly established before taking office. President Obama's Twitter usage appeared very polished and in line with press releases from the White House press briefings. In comparison,

²¹⁰ Courtney Kube, Halimah Abdullah, "Pentagon Lifts Ban on Transgender Service Members Serving Openly," NBC News, June 30, 2016, www.nbcnews.com/feature/nbc-out/pentagon-lifts-ban-transgender-service-members-serving-openly-n601816.

Trump's communication style was an anomaly from previous transitions of media, whether it was a fireside chat or televised State of the Union address. No president before Trump spoke to the American people with such a constant and unfiltered microphone.

As Robert E. Neustadt asks and answers in *Presidential Power*,

“Suppose such sharp divergences are lacking, suppose most players of the mental game see policy objectives much alike, then can [the president] not rely on logic (or on charm) to get what he wants? ...This answer is a simple one: Most who share in governing have interests of their own beyond the realm of policy objectives.”²¹¹

It is clear that Trump led his administration to literally answer this question by evidence of his presidential term. By agenda-setting for most of his tenure in office, President Trump could continue to build a persona of a macho-man on the world stage, regardless of policy outcomes. While this placed service members, their families, and American allies at risk, it allowed Trump to further his self-interest by means of his logic and charm.

President Trump understood the appeal of such unprecedented access and it helped him get elected. Trump sought to dominate the news cycle and when it did not view him favorably, he deemed it “fake news.” Of all the presidents before him, Trump transitioned from reactive agenda-surfing to an offensive agenda setting. Twitter helped Trump stay at the forefront of the news cycle with his consistent stream of 280-character thoughts.

As fewer elected leaders have a military background, those in power must take time to discuss tweets and their second and tertiary effects with military advisors. First, the difference between one word, like “harass” and “inherent right of self-defense,” have meaningful differences for military commanders. The distinction between the two could further escalate measures with American and adversary forces and place allies in an unfavorable position.

²¹¹ Robert E. Neustadt, *Presidential Power and the Modern Presidents*, pg. 40, New York: The Free Press, 1990.

Second, leaders should avoid nuclear brinkmanship via Twitter at all costs. Undermining the State Department and diplomacy efforts in favor of military action should not be discussed over social media but in the Oval Office with cabinet members. Third, drastic changes to military personnel should be disseminated by the Secretary of Defense, who is in that position to address military personnel issues. Employing cabinet members to carry out their assigned duties should be encouraged, not hampered.

Additionally, the UCMJ should revise the criteria listed under Article 90, Willfully Disobeying Superior Lawful Order. Currently, the third criteria is “The order must be genuine (i.e. not spoofed or faked or otherwise suspect in terms of authenticity).”²¹² Given the vulnerability across all websites, especially a high-profile account like the President’s, it is increasingly difficult to determine if a tweet is genuine. Therefore, the UCMJ should add further clarification restricting the issuance of a lawful order through social media.

To prevent any further DoD-related confusion and if any future presidents decide to use their Twitter account in this fashion, the Secretary of Defense and the Secretary of each military branch should offer press releases supporting the CIC’s direction in the time immediately following. Under the Secretaries’ offices, further information as to how to carry out the lawful order or an explanation would provide guidance to their military subordinates.

Quantifying the impact of presidential Twitter posts on the DoD is challenging. By tradition and necessity, the military is apolitical. Determining the forces’ sentiments is nearly impossible, as it is not often researched, especially when it relates to the CIC. For further research into the topic, it is recommended to deep dive into the impact of presidential Twitter on

²¹² Butch Bracknell,” Yes, the President’s tweets count as legitimate orders, no matter how confusing they seem,” Task & Purpose, April 24, 2020, <https://taskandpurpose.com/opinion/trump-tweets-military-orders>.

the American population and foreign policy. The novelty of Twitter lacks peer-reviewed political studies, making this chapter especially difficult to research.

Since taking office, President Joe Biden (D) has taken the same approach to social media as the original Twitter President, President Obama. With less than three months in office, Biden's personal Twitter account, @JoeBiden, mirrors the @POTUS account, oftentimes retweeting the latter. The POTUS account under Biden almost exclusively addresses domestic issues, and it appears that his staff drafts, verifies, and releases all tweets. Across the board, social media's presidential use should be meticulously checked just as any press release would. Instead, this chapter serves as a warning of extreme cases that did not help the American purpose but instead fed one man's ego and satisfied his base.

Conclusion

This thesis explored ways in which the White House can better support American military forces and thereby ensure greater national security. The three chapters explore three known threats to the DoD by the CIC that ultimately impact national security. Exploration of internal threats, rather than external threats, is often overlooked and need further research. Overall, this body of research is by no means a complete list of areas in which the president and vice president need to rely heavily on military advisors for recommendations and the legislative branch for accountability. For example, public messaging in support of naval deterrence in conjunction with diplomacy efforts needs close evaluation to ensure the success of international intentions. Both the legislative and judicial branches need to maintain checks and balances over the executive by closely monitoring for kleptocratic use of the DoD budget. Lastly, the public messaging through social media needs to be consistent with strict review and scrutiny before dissemination, mainly when directed towards the DoD.

The first chapter, “Presidential Public Support and Naval Deterrence,” explores the impact of public messaging by Presidents Bill Clinton, George W. Bush, and Barack Obama in support of naval operations. The first case study, the Strait of Hormuz, explores the critical waterway that transports 40% of world oil supplies. Iran often threatens to close the Strait with its navy or mines. The U.S. Navy maintains a constant presence in the region with a naval base in Bahrain and aircraft carriers. The aircraft carriers act as a means of deterrence, reminding Iran of the lethal fighter jets onboard and their advanced weapon capabilities. The three presidents all publicly stated that closing the Strait in any capacity is a “red line” with severe consequences. While there have been skirmishes from 1992 to 2016, the Strait has never been completely

closed off. In this case, the public messaging and constant naval deterrence operations have helped maintain a critical open waterway.

The second case study, the Taiwan Strait, found that naval deterrence operations supported the One China policy and the Taiwan Relations Act. The delicate balance of diplomacy between China and Taiwan and the American presidential messaging that toes the line between the two is critical. The American presidents publicly acknowledge the importance of the deterrence the U.S. Navy offers. The naval vessels that conduct these operations act as reminders of the commitment to neutrality and peace by operating through the middle of the waterway.

The third case study, the South China Sea, has an almost constant presence of U.S. naval vessels operating in the region. However, the three presidents failed to acknowledge the deterrence operations publicly. Without presidential support, China continues to create and militarize artificial islands, allowing China to claim economic exclusivity of this area. To better support the naval deterrence, the president should ratify the United Nations Convention on the Law of the Sea (UNCLOS), of which the US is one of a handful that is not a party to the law.

All three case studies focus strictly on naval deterrence and do not take into consideration diplomacy efforts. The State Department plays a significant role in determining how and when the U.S. will support specific causes, and in the three case studies, the research fails to identify further explanations as to why naval deterrence fails. Further research should explore how other U.S. military branches are affected by presidential public messaging. While the U.S. Navy is the primary actor for these types of operations, the different military branches have similar deterrence missions that do not have the public support of the White House. Notably, the U.S. Army's role in Iraq with the Kurds would be a valuable lesson.

The recommendation for the U.S. Government to become a signatory of UNCLOS is unlikely. The U.S. is one of only a handful of countries not to observe the international agreement, and it would require a two-thirds majority vote in the Senate to become a signatory. Although the U.S. helped draft the UNCLOS, it appears there is no appetite to enforce it, as there are concerns it could lead to outer space. Without signing or ratifying the UNCLOS, naval deterrence operations in the South China Sea will be challenging to enforce, given the U.S. does not officially recognize the international agreement.

The second chapter, “Presidential Kleptocracy and the Department of Defense,” discusses how presidents and vice presidents have a unique position of making personal gains from the DoD. Furthermore, the chapter looks at the Constitution's domestic and foreign Emolument Clauses and whether presidents and vice presidents violate the clause. The case studies explore two presidents and one vice president, the only three since 1980 that did not divest from their personal finances before taking office: Richard Cheney, Barack Obama, and Donald Trump.

In the first case, Vice President Richard Cheney worked his entire adult life in Washington, DC politics. When Cheney became Vice President under President George W. Bush, Cheney did not put his finances into the historical norm blind trust but instead earned \$150,000 a year for deferred compensation and maintained 230,000 shares of Halliburton stock. In addition to his holdings, he received a stock payoff of about \$37 million. During his tenure of the vice presidency, he ensured through several means that Halliburton would receive no-bid contracts, guaranteeing a personal profit. Cheney became a kleptocrat through the DoD as Vice President. Although the full figure is unknown due to his status as a private citizen, his actions were a clear violation of the Emolument Clauses.

In President Barack Obama's case, he decided not to divest from his financials but placed all of his holdings into U.S. treasury bonds. Obama's tax returns show him earning less than \$2,000, a small profit from the bonds. However, Obama continued to profit from his authored books, violating the domestic Emoluments Clause. Under the criteria used in the chapter, Obama failed to meet the criteria as a kleptocrat during his presidency and made no notable gains from the DoD.

In the last case study of chapter two, President Donald Trump maintained a close relationship with the Trump Organization business by putting his two sons as co-executive vice presidents. Trump also decided not to give up his financial stake in his previous company. Trump spent 30% of his tenure in office at Trump Organization properties, which ensured DoD spending wherever he stayed. By staying at the resort properties, the DoD paid for travel to and from as well as for all possible resort fees that service members encountered while there. Not only was this a violation of the domestic Emoluments Clause, but he also invited world leaders like Japan's Shinzo Abe and China's Xi Jinping to stay at his Florida property, Mar-a-Lago. Hosting foreign leaders at locations for personal profit is a violation of the foreign Emoluments Clause. All in all, Trump was kleptocratic in nature during his presidency and violated the foreign and domestic Emoluments Clause.

The research for chapter two was limited to public information, namely unclassified DoD receipts and tax returns. The Government Accountability Office (GAO) did have public DoD spending reports for an Obama trip, which the research shows was not kleptocratic. Obama also released his tax returns annually. In Cheney's case, many contracts offered during the early 2000s are still classified, limiting what financial facts are available to the public. Cheney's tax returns are limited, not offering a complete picture of what he earned during his time in office. Tax

returns for public officials are not required by law to be released, but those in the White House have a tradition of doing so. For Trump, he infamously refuses to make public his tax returns. Without the tax returns, it is truly difficult to determine how much he profited from his time in office. Lastly, the GAO only completed one president travel report for Trump and Obama. Had the GAO conducted more, the findings would allow for more data points in the assessment.

Chapter two has several recommendations, most of which are not feasible. First, the president and vice president (and their spouses) should place their finances into a blind trust upon taking office. A blind trust ensures that there is no undue influence over the office and complies with the Constitution's Emolument Clauses. Second, the Emolument Clauses need to be enforced for the same reason-transparency with no perceived conflict of interest. Anyone in elected office can take advantage of the Clauses because they have never been enforced. This needs to change. Third, the president and vice president's tax returns should be publicly available before taking office and every year in office. The Senate and House Ethics Committees should take responsibility for this overhaul. Unfortunately, this level of accountability is unpopular for those subject to these recommendations, and selfish human nature will prevent them from becoming law.

Further study of American kleptocracy is critical to maintaining the American ideals of democracy and freedom. An ethics committee should closely evaluate each department of the government by looking at the president, vice president, and the appointed secretary and their financial holdings concerning that department. Many presidents appoint someone with political favor to a specific department, making it even more critical to closely observe how they use the office.

The third chapter, “Presidential Twitter and the Department of Defense,” analyzes how presidents use Twitter directed at DoD personnel and the impact it has. The chapter explores President Donald J. Trump's tweets, as most can agree that his communication style was an anomaly. Trump’s most notable tweets that affected the DoD are related to Iran, North Korea, and transgender service members. The analysis finds that presidents should not use their Twitter accounts, personal or @POTUS, to address the DoD, as it hinders the military chain of command and disrupts good order and discipline.

In the first case study of the third chapter, Trump directed the U.S. Navy to “shoot down” any Iranian gunboats that “harass” American ships. However, the Commander-in-Chief (CIC) direction directly contradicted standing rules of engagement in the Strait of Hormuz. The guidance all American naval vessels follow is to act in a defensive posture under the inherent right of self-defense. The CIC directed the vessels to take an offensive stance and could escalate tensions further and possibly constitute an act of war if acted on by the naval commander. No military advisors evidently reviewed the tweet, as advisors would have been aware of the careful wording and lawful order directed by the CIC. As a result, the entire chain of command between President Trump and the naval vessel commander did not have an opportunity to properly review the new guidance, creating chaos within the ranks.

In regard to North Korea, Trump entered a war of words with North Korea’s leader, Kim Jung Un. The escalation reached braggadocious heights by Trump stating he had a nuclear button on his desk that works. The nuclear brinkmanship over the social media platform was an event the US had not seen since the Cold War. The tweets raised the readiness posture in the Asian region, changing the American stance towards the hermit country. It put American service members at risk and put US allies, like Japan and South Korea, in a precarious position. The

series of poorly worded tweets also directed the Secretary of State to step back from diplomacy efforts. The consequence of this verbiage hinders the credibility of the department. Overall, the tweets escalated the weapons posture for American service members and their allies. It created chaos among the ranks and left the upper echelon of the military scrambling to determine how to react to the tweets.

Finally, the last case study explores Trump's tweet creating the transgender ban from the armed forces. Many military advisors stated they were "blindsided" by the decision to kick out all the servicemembers that identified as transgender. Although the tweet suggested otherwise, no plan existed to remove the transgender members and caught all within the ranks off guard. When Obama started the initiative to integrate transgender members into the military, it took six months to a year. However, without a clear path forward to dismiss the identified members left military leaders in chaos. The tweet ruined the military profession's good order and discipline by not having a clear way forward.

Evidently President Trump decided on the rhetoric used on his Twitter account and insisted on maintaining strict control of his tweets. It is not clear if an advisor or friend gave him the idea to send those tweets, "But adequate or not, a President's own choices are the only means in his hands of guarding his own prospects for effective influence."²¹³ At the very least, the President cosigned the disseminated messages in order to maintain his influence and speak to his base. The manner in which Trump used agenda-setting was dangerous and an inadequate means to gain influence — ultimately, Trump's choice.

²¹³ Neustadt, *Presidential Power*, 49.

Quantifiable data limits the research of chapter three. How does one measure chaos and good order and discipline? The analysis allows for qualitative discussion, but it is difficult to truly grasp at what level a 280-character message impacts the DoD. Additionally, given the armed forces' apolitical nature, studies are limited in determining the sentiments of the different sectors of the military. For example, military officers must have a bachelor's degree or higher, and it is unknown if officers follow national voting trends for the same demographic. The same exists for enlisted service members who are not required to have a degree. Without this information, research into the military personnel becomes a guessing game rather than official statistics.

President Biden has already employed the recommendations from chapter three. Social media posts should go through a careful evaluation and review process before dissemination. The same scrutiny of a press release should be used for social media posts, as well. The rhetoric used on the president's personal account should be in lockstep with the @POTUS account and vice versa. In the case of tweets directed towards the DoD, follow-up plans should be ready for dissemination after introducing a policy change. Previous administrations used the Secretary of Defense to speak to those plans, which should continue. Although Trump's tweets serve as an extreme case, he is only the second president in history to use this type of communication. Using the case studies as a measuring stick as an extreme communication style will hopefully shift presidents away from using the medium in this fashion.

An area of study should move towards the lack of research into the impact of presidential social media on the American population. Very few peer-reviewed journals have discussed Twitter from the White House and its effect on the American people. As mentioned earlier, further studies should look into the sentiments of different parts of the military population and

social media's impact. Although the military is apolitical, service members are highly encouraged to vote in any election they chose and follow current events.

This thesis highlights not only highlights the impacts of the White House on the American armed services but on all American taxpayers. As Samuel Huntington discusses in *The Soldier and the State*, the military serves at the pleasure of the CIC, who is democratically elected. With that in mind, the American people direct the military by their votes for executive office. The executive branch needs to maintain checks and balances by the legislative and judicial branches, moreover, accountability by the taxpayers. While some actions in the White House may not be illegal, they can qualify as unethical or immoral. The American public needs to understand how the White House fails legally, illegally, ethically, and unethically as a matter of holding those politicians accountable and the threats that those failures present to national security.

This thesis explores how the White House could improve upon the relationship with the DoD, namely publicly supporting naval deterrence operations, transparency in the use of the DoD budget, and adequately reviewing tweets that impact the DoD. The president as the CIC and the vice president as the second in line have an extraordinary impact on the armed forces. As fewer veterans take political office, the disconnect between the military and civilian population grows. By no means does every politician need military experience, but those politicians should rely on military advisors to bridge the cultural and educational gap. Without taking those advisors' advice, the military will continue to suffer in silence due to the apolitical emphasis.

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