

Congress, Coercion, and the Constitution in the Taiwan Strait

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August 24, 2022

Abstract

Recent worries of a full-scale crisis over Taiwan have raised questions of what role—if any—Congress would have in a hypothetical Sino-American confrontation over the island. Indeed, calls to move from a declared policy of “strategic ambiguity” to “strategic clarity” have yet to fully address how much ambiguity would actually be resolved if Congress were not part of this revision. This article lays out a theory of how formal Congressional approval for the use of military force has mattered in international crises since the end of the Second World War, despite a widespread belief in an “Imperial Presidency”. Crucially, the theory implies presidents will be highly averse to actually utilizing significant American military force absent congressional backing. U.S. adversaries, furthermore, realize this and consequently partially base their assessments of American resolve on the sentiment they observe emanating from Congress. It then illustrates the logic of the theory through a close examination of American and Chinese decision-making during the First Taiwan Strait Crisis in 1954-55. The paper then closes with a consideration of implications for other possible crises, including in the Taiwan Strait today.

“[A] suitable Congressional resolution would clearly and publicly establish the authority of the President as Commander-in-Chief to employ the armed forces...It would make clear the unified and serious intentions of our Government, our Congress and our people. Thus it will reduce the possibility that the Chinese Communists, misjudging our firm purpose and national unity, might be disposed to challenge the position of the United States, and precipitate a major crisis which even they would neither anticipate nor desire.” —President Dwight D. Eisenhower

Introduction

President Biden created a stir in May 2022 when he declared that—in contrast to the U.S. policy of avoiding direct intervention in the war in Ukraine—he would be “willing to get involved militarily to defend Taiwan.”¹ Notably, this was not the first time the president had made such a remark.² Since the normalization of relations between the United States and China in the 1970’s, the U.S. has officially followed a policy of “strategic ambiguity” with regards to how it would react to an attack against the island.³ More recently, however, there have been calls to embrace “strategic clarity” as a way to enhance the deterrent threat of American intervention.⁴

Why are some threats seen as credible while others are not? Efforts to enhance deterrence across the Taiwan Strait have a vast literature on the topic in political science upon which to look. Internal balancing—helping Taiwan arm itself (Porter & Mazarr 2021)—has been written about extensively (Waltz 1979, Yarhi-Milo, Lanoszka & Cooper 2016). External balancing and an increased role for allies—especially the United States (Mastro 2021)—likewise has received attention (Walt 1987, e.g.). The core of the argument in favor of a policy announcement in favor of “strategic clarity”, however, seems to rest on audience cost theory (Fearon 1994): by publicly taking such a

¹<https://www.nytimes.com/2022/05/23/world/asia/biden-taiwan-china.html>

²In August 2021 Biden explicitly analogized the U.S. commitment to Taiwan with its Article II treaty commitments to defend NATO, Japan, and South Korea.<https://www.theguardian.com/world/2021/aug/20/biden-taiwan-china-us-defence> When asked whether the US would protect Taiwan if attacked by China at a CNN townhall in October, Biden again responded that the U.S. would intervene militarily because “we have a commitment to do that.”<https://www.cnn.com/2021/10/21/politics/taiwan-china-biden-town-hall/index.html>.

³For the two decades prior to the 1970’s, the United States and the government on Taiwan had a formal security alliance guaranteeing U.S. defense of the island. After normalization with Beijing, however, the alliance was abrogated and the U.S. relationship with Taiwan was guided by the 1979 Taiwan Relations Act. The act requires that defensive arms be sold to Taipei, but leaves ambiguous what the American response would be in the event of attack.

⁴Most prominently, Richard Haass and David Sacks have argued that “strategic ambiguity” has outlived its purpose and that a more clear American commitment would better serve the national interest of deterring a conflict no one wants (Haass & Sacks 2020)—although many Taiwan experts have discouraged the idea (Glaser, Mazarr, Glennon, Haass & Sacks 2020).

firm position, the president would be in a tough spot if they tried to back down in a crisis. This, in turn, makes their threat to follow-through with military action more credible.

Taken for granted by advocates of the president declaring a policy of “Strategic Clarity”, however, is that a mere policy declaration by the executive branch would serve to sufficiently convey American resolve to Beijing. This wholly overlooks another key player—Congress—without whose endorsement little would actually be clarified. Conventional security guarantees made by the United States have traditionally taken the form of Article II Treaties requiring approval of two-thirds of the Senate—a high bar ensuring broad Congressional support for the commitment, which in turn helps add credibility to the American threat (Ramsay 2004, Schultz 2001, McManus 2017). Since the abrogation of the Sino-American alliance in 1979, however, no such treaty has extended congressional endorsement to the defense of the island. Notably, this is in sharp contrast to American defense commitments to South Korea, Japan, and nations on NATO’s eastern flank, for example (all of which fall under alliance treaties). A security guarantee of such consequence made unilaterally by the president would be without parallel.

Would Congress’s formal endorsement really matter? Congress’s power to authorize the use of military force⁵ is conventionally thought not to matter very much (Lindsay 1994). Since at least the Korean and Vietnam wars, a widespread belief in an “Imperial Presidency” (Schlesinger 2004) able and willing to utilize military force without regard for Congress’s constitutionally enumerated power to declare war has become the the virtually unchallenged modern understanding of the war powers. Recent research in political science, however, hints at a greater role for Congress than the Imperial Presidency thesis might suggest. Americanists, for example, have shown that the composition of Congress substantially affects a presidents willingness to use military force (Howell & Pevehouse 2005, Howell & Pevehouse 2007, Kriner 2010). More recently, McManus has shown that

⁵This is more commonly referred to Congress’s “power to declare war”. Because true declarations of war have fallen out of use since the Second World War but statutory congressional authorizations are still sometimes utilized, this article refers more generally to “Congress’s power to authorize the use of military force.” The most common instrument used since the Second World War to formally authorize conflict has been the Authorization for the Use of Military Force (AUMF). AUMF’s actually have a history *longer* than that of true Declarations of War, and the U.S. Congress passed multiple AUMF’s before it made its first Declaration of War in 1812. While Congress last declared war in World War II, it has passed many AUMF’s since 1945, including the Formosa Resolution (1955), the Middle East Resolution (1957), the Cuba Resolution (1962), the Southeast Asia Resolution (1964), as well as AUMF’s for Lebanon (1983), the Gulf War (1991), the response to 9/11 (2001) and the authorizing the use of force against Iraq (2002).

presidents tend to be more successful in militarized disputes when a greater number of Republicans are in Congress (McManus 2017). Nonetheless, the actual constitutional power of Congress to authorize the use of military force is not taken to be of great import in any of these works. Instead, Congress’s influence is argued to come through informal means instead of formal powers (Kriner 2010). With regard to the formal “power to declare war”, even political scientists arguing in favor of congressional influence in military force decisions often argue a president’s incentives to acquire power (Howell & Brent 2015) in the war powers context has led to a “persistent accumulation of executive authority” (Howell, Shepsle & Wolton 2021). Congress’s power to formally authorize the use of military force is thus, today, mostly seen as a quaint relic of a distant past irrelevant to military conflict today.

One piece of evidence often cited in favor of the Imperial Presidency thesis is that presidents since World War II have consistently claimed to have the power to take the country to war unilaterally. Presidential *claims* of unilateral war-making authority are not necessarily proof of an *actual* willingness to “go it alone” in major military conflict, however. Indeed, while Truman infamously classified the Korean War as a “police action” not requiring congressional approval, subsequent presidents have never again waged a *major* conflict express approval from the legislature.⁶ In other work, I show that this is no coincidence, but rather because presidents have only entered major conflicts when formal approval was present, and avoided major conflict when it was absent.⁷ This article, instead, focuses on explaining why formal authorization still matters greatly to presidents contemplating major military action, and how this affects adversary perceptions of U.S. credibility and international bargaining. It then illustrates the logic of the theory through a case study of the First Taiwan Strait Crisis (1954-55). The theory suggests that formal congressional sanction for the use of military force still matters today, and that the absence or presence of an authorization for the use of military force has a substantial effect on the credibility of U.S. threats to wage major conflict.

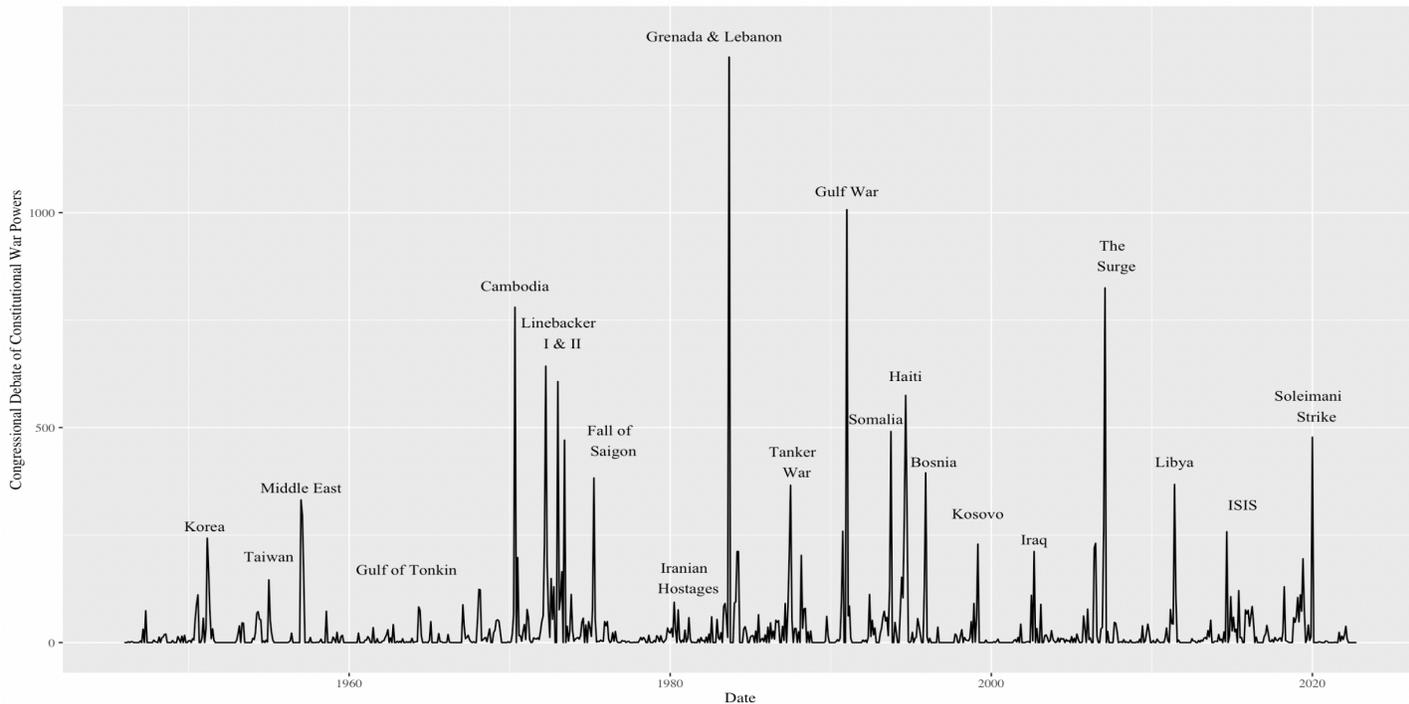
⁶Prior to each of the four major wars waged since the Korean conflict—Vietnam, Persian Gulf, Afghanistan, and Iraq—presidents sought and acquired formal approval for the use of military force from the legislature.

⁷Examples of “negative” cases include Dien Bien Phu (1954), the Six-Day War (1967), the Fall of Saigon (1975), the Caribbean Basin (1980’s), Iran (2007), and Syria (2013).

The Constitution and the War Powers

Formally, the Constitution endows Congress with the power to declare war, and the President as the Commander-in-Chief of the military. There is substantial controversy over what these powers should mean in actual practice, but it is well recognized presidents *de facto* can, and frequently do, use military force unilaterally.⁸ Indeed, very few uses of military force actually occur under the auspices of formal congressional authorization. Nonetheless, such unilateral action often draws considerable complaint from Congress, and there are reasons to believe such criticism is not “cost free”, but, rather, quite damaging to presidents (Kriner 2014, Christenson & Kriner 2020). Moreover, the scale of a use of force—ranging from drone strikes lacking American casualties to full scale war—seems to correlate closely with presidents’ willingness to use force unilaterally: quick strikes are often undertaken absent congressional approval, but all full-scale wars since the Korean War have occurred under formal congressional approval.

Figure 1: War Powers Debates in Congress



⁸<https://sgp.fas.org/crs/natsec/R42738.pdf> and <https://sgp.fas.org/crs/natsec/RL31133.pdf>

Congressional Lost Costs

Indeed, presidential administrations since the end of the Second World War have in private consistently cited a specific reason for seeking congressional authorization even while publicly maintaining they could act unilaterally: *ex post* costs assessed by the legislature on the executive if a use of force were to end poorly. For simplicity, this paper will hereafter refer to these as “Congressional Lost Costs.”

While not yet explicitly highlighted by political scientists, such costs are already seemingly implicitly recognized by some scholars of the presidency. In seeking to explain President Obama’s unexpected request for congressional authorization to use military force in Syria in 2013, Kriner (2014) argues congressional authorization effectively ties domestic lawmakers hands and impedes their ability to later impose costs on the president over a less-than-successful use of force.⁹ Similarly, Schultz (2017) argues using military force without Congressional authorization “amplifies the political risks in the event that things go badly” and “puts the president further out on a limb.” Such concerns in the executive branch are clearly present in historical transcript evidence as well. While Truman had clearly demonstrated in the Korean War a president had the ability to utilize the massive power of the standing military absent formal congressional approval, the *legal* precedent of the “police action” quickly became a *political* anti-precedent¹⁰ intentionally avoided by Truman’s successors. Less than a year after the armistice ending the Korean War in 1953, Eisenhower refused to intervene in Indochina because of a lack of congressional approval (Wildavsky 1966, Hitchcock 2018). A decade later, Johnson likewise opined that “Truman had erred in failing to ask Congress for approval” in the Korean War and that “only if Congress was in on the takeoff would it take responsibility for any ‘crash landing’ in Vietnam” (Beschloss 2018, pg. 506).

Likewise, in the run up to Gulf War, the Bush Administration publicly pronounced a very broad

⁹Kriner (2014) actually proposes that two specific mechanisms, together, drive the logic behind seeking congressional approval for the use of military force. First is the “Congressional Lost Costs” arguments explored in this paper. Second, there is the possibility of gaining a short term boost in public opinion—not dissimilar to the effect international authorization can have domestically (Chapman 2011).

¹⁰That is, a precedent that while technically exists is nonetheless nearly universally reviled and effectively only cited in the negative. See, for example, contemporary discussion of the case of *Korematsu v. United States* (323 U.S. 214 (1944)),

interpretation of presidential war powers. Bush famously averred “I didn’t have to get permission from some old goat in Congress to kick Saddam Hussein out of Kuwait.”¹¹ Yet, in private the President was highly worried about acting unilaterally. He noted in his diary “If it works in a few days, and [Saddam] gives up, or is killed, or gets out, Congress will say, ‘Attaboy, we did it, wonderful job; wasn’t it great we stayed together.’ If it drags out and there are high casualties, I will be history” (Meacham 2015).

These episodes, and others, suggest that presidents (1) actually worry deeply about undertaking major military action unilaterally and (2) believe they can protect against *ex post* punishment by Congress by securing formal authorization *ex ante*.

The Constitution and the Search for Credibility

“In sum, there are military moves that we can take that would contribute to a continuing impression of firmness...But it is at least doubtful that any combination of the moves listed above would in fact do the trick... The action that most commends itself for this purpose is an immediate Congressional Resolution.”

— National Security Advisor McGeorge Bundy to President Johnson¹²

If it is the case that presidents fear losing a large conflict unilaterally, as argued above, this would seem to have implications for adversary views of U.S. credibility in a crisis. If presidents are squeamish about entering a major war absent formal congressional backing, this should affect their ability to follow through on their threats (McManus 2017). In other words, if U.S. adversaries realize presidents face this political constraint, then they should push bargains harder when a president is acting unilaterally, and, conversely, give more concessions if formal authorization has been granted from the legislature.

Knowing this to be the case, presidents would thus have incentives to disperse this potential doubt in the minds of adversaries by removing any ambiguity over the “constitutional question” in a potential use of force by acquiring formal congressional authorization. Presidents and the Congress do, indeed, often recognize this. For example, knowing such calculations were going through the

¹¹<https://www.theatlantic.com/politics/archive/2002/09/an-invasion-of-iraq-requires-the-approval-of-congress/378094/>

¹²<https://history.state.gov/historicaldocuments/frus1964-68v01/d214>

War Powers Theories and Propositions		
	Congressional Loss Costs	Imperial Presidency
<i>Effect of Congressional Authorization</i>	Substantially expands presidential willingness to use military force	Marginal effect, if any
<i>Congressional Action and International Diplomacy</i>	Intimately related	Marginal effect, if any

heads of Iraqi decision-makers, George H.W. Bush at one point “show[ed] a group of legislators a clipping from an Iraqi newspaper purporting to describe congressional opposition to war” in order to pressure Congress into approving the action (Zaller 1994, pg. 265). Such an argument on Bush’s part appears to have been well founded, as there does seem to be evidence of Iraqi decision-makers weighing Bush’s actual willingness to use military force unilaterally and risk Congress’s wrath:

“[Congress is] going to stand there and tell him they are not going to take responsibility and that he would have to do it and bear full responsibility on his own. Would he be able to do that?” — Saddam Hussein (Woods, Palkki & Stout 2011, pg. 38)

The effect of AUMF’s on American coercive efforts, however, was hardly a novel argument in 1990. Indeed, during the height of the Cold War from the 1950’s to 1960’s, American policymakers focused heavily on the deterrent effect of congressional use of force authorizations. In the First Taiwan Strait Crisis (1954-55), Middle East (1957), Cuba (1962), and in Vietnam (1964), Congress and the president worked together in passing formal authorizations for the use of military force with an eye toward deterring possible adversary action.¹³

A Formal Model of Crisis Under the Shadow of Congress

We construct a simple formal model of crisis bargaining taking account of Congressional Lost Costs. We assume that two states, the president (P) of the United States and an adversary (S_2), have a

¹³This is explains why some members of Congress who voted in favor of, e.g., the Gulf of Tonkin Resolution—a clear and broad delegation of war-making authority to the president—later claimed they did not want a war when they voted for the measure. They had voted in favor of the measure as part of a calculated bet it would prevent war from actually occurring. Some Senate Democrats would later make similar arguments over their votes in favor of the Iraq AUMF in 2002.

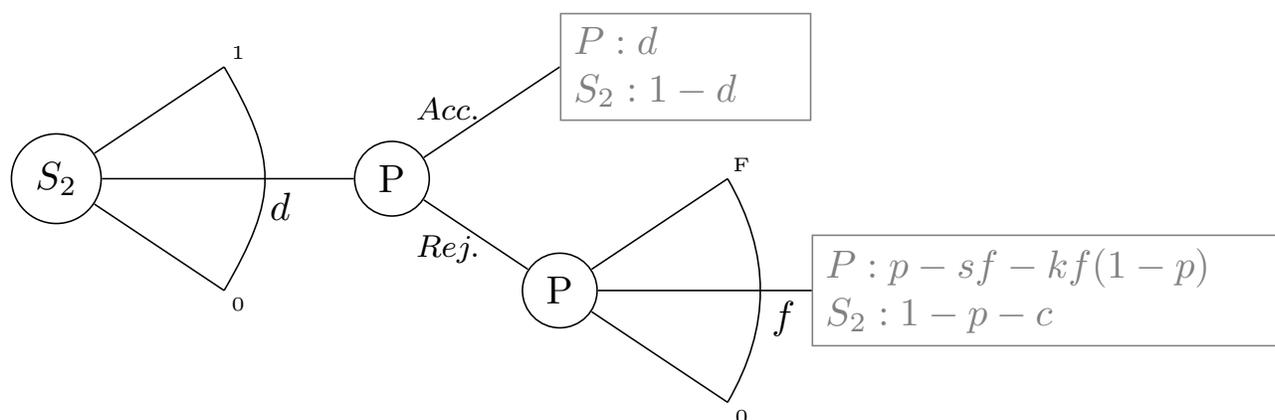
dispute over control of some good, whose overall value we assume is equal to 1.

The model takes a standard bargaining game and makes three small amendments. First, in contrast to a standard bargaining model in which the choice is a binary decision between fighting and not fighting, here the President not only gets to choose between war and peace, but also selects—if war is chosen—the *amount* of force (f) to be used. Second, the cost of fighting here is a function of how much force the President chooses to actually utilize—in contrast, again, to the standard model with gives a fixed cost to fighting (usually “ c ”). Lastly, an additional term is added to the president’s war payoff utility function to account for the possibility that Congress can *ex post* impose a punishment on a president who goes to war without sufficient congressional support and then loses the conflict.

Sequence of Moves

The extensive form of the game is illustrated in Figure 1, below. Two countries, the United States and a potential adversary state (S_2) compete over an issue space equal to one. S_2 begins the interaction by proposing a deal (d , where $0 \leq d \leq 1$) to the president for the division of the good. After viewing S_2 ’s proposed deal, d , the president then decides whether to accept the deal or to reject it and go to war. If the president accepts the deal, the game ends peacefully with the president receiving d and S_2 receiving $1 - d$. If the president rejects the deal, the president selects the amount of force (f , where $0 \leq f \leq F$) to employ and war occurs.

Figure 2: Bargaining Model with Congressional Lost Costs



Payoffs

A standard bargaining model war payoff for an actor is:

$$U^P(war) = 1 * p + (1 - p) * 0 - c \quad (1)$$

Which can be simplified as:

$$U^P(war) = p - c \quad (2)$$

The first amendment to the standard model is to allow the president to choose the amount of force to employ, f . An endogenous choice over the amount of force to employ is a key consideration in warfare, because in “real war” states almost never choose to fully employ their maximum effort (Clausewitz 1976). The probability of victory for the president, p , is assumed to be a function of f using a standard contest function, $p = \frac{f}{f+t}$ (where t is the size of the threat—i.e. the power S_2 brings to bear). Thus, Equation 3 can be rewritten as:

$$U^P(war) = \frac{f}{f+t} - c \quad (3)$$

The second amendment here will be to make the cost of fighting, usually denoted as c , dependent on the amount of force employed. Here, the force employed f is multiplied by the casualty sensitivity parameter s . Thus the president’s war payoff is amended to be:

$$U^P(war) = \frac{f}{f+t} - sf \quad (4)$$

The last alteration is to impose a penalty for loss (Congressional Lost Costs—denoted k). Like the cost of fighting, the magnitude of Congressional Lost Costs (k) are scaled by the amount of force f employed. Thus, the probability of loss, $1 - \frac{f}{f+t}$, is multiplied by f and k . Adding this to the war payoff function yields:

$$U^P(war) = \frac{f}{f+t} - (1 - \frac{f}{f+t})kf - sf \quad (5)$$

Keeping in mind that $p = \frac{f}{f+t}$, Equation 5 can alternatively be rewritten in a more simplified form as:

$$U^P(war) = p - (1-p)kf - sf \quad (6)$$

State 2's utility function retains that of the standard bargaining model:

$$U^{S_2}(war) = (1-p) - c_2 \quad (7)$$

Information and beliefs

Both complete and incomplete information versions of the game will be considered. In the complete information version, both states know each others' expected payoff from war, $U^P(war)$ and $U^{S_2}(war)$. In the incomplete version of the game, S_2 is incompletely informed about the Congressional Lost Costs, k , the president faces.

Complete Information Equilibrium

Having perfect information, this game is solved using the subgame perfect equilibrium solution concept. Backward induction is used to determine players' best responses in equilibrium. Starting from the bottom of the game tree, the president selects the optimal amount of force to employ. Given the president's utility function from war:

$$U^P(war) = \frac{f}{f+t} - \left(1 - \frac{f}{f+t}\right)kf - sf \quad (8)$$

Taking the derivative of this utility function with respect to f yields:

$$\frac{\partial U^P(war)}{\partial f} = f^{(-k)} \left(\frac{f}{(f+t)^2} - \frac{1}{f+t} \right) - k \left(1 - \frac{f}{f+t} \right) - \frac{f}{(f+t)^2} + \frac{1}{f+t} - s \quad (9)$$

Setting this equal equal to zero and solving for f yields the amount of force that maximize the president's war utility:

$$f^* = \sqrt{\frac{t - kt^2}{s}} - t \quad (10)$$

From this, the probability of victory p^* can be calculated. Given the contest function $p = \frac{f}{f+t}$, the probability of American victory at the optimal force level is:

$$p^* = \frac{s\sqrt{\frac{t-kt^2}{s}}}{kt-1} + 1 \quad (11)$$

Next, in order to determine the president's selection at the prior decision node—i.e., whether to accept the deal offered, d , or to reject it and go to war—we set the president's payoff from accepting the deal equal to the payoff of going to war.

$$d = \frac{f^*}{f^* + t} - \left(1 - \frac{f^*}{f^* + t}\right)kf^* - sf^* \quad (12)$$

Thus, if the deal offered, d , is greater than or equal to the president's war payoff, the deal will be accepted. Otherwise, the deal will be rejected and war will occur. Knowing this, S_2 will offer a deal that maximizes its own share while still avoiding war. S_2 will thus offer d , such that:

$$d^* = s \left(t - 2\sqrt{-\frac{t(kt-1)}{s}} \right) - kt + 1 \quad (13)$$

Plotted below in Figure 3 is the amount of force, f , the U.S. will be able to employ as a function of k . As the plot shows, f and k exhibit an inversely proportional relationship: as k increases, f decreases.

Hypothesis 1: The amount of force a president will be willing to employ in a crisis will be inversely proportional to the congressional loss costs they anticipate, *ceterus paribus*.

Note that under perfect and complete information war does not occur (both sides adequately understand each others' cost of fighting and thus are able to find a deal better for both sides than war (Fearon 1995)). Thus, f can be said to represent the amount of force the U.S. credibly *threatens* to employ—not that actually is employed.

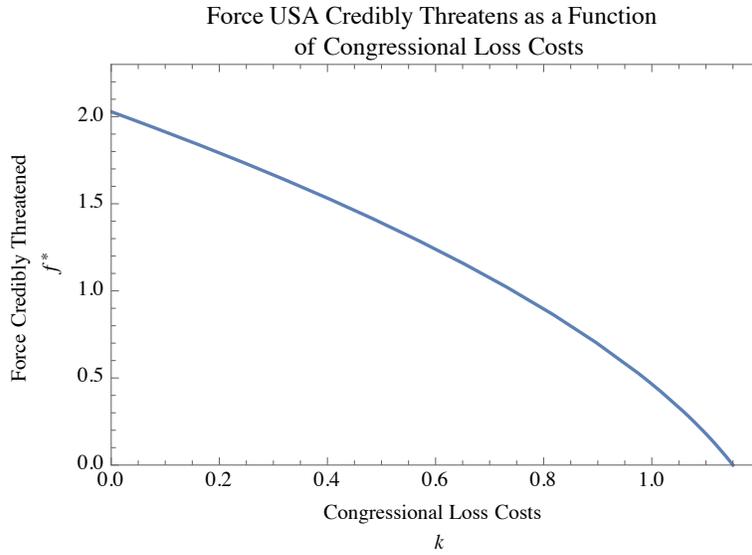


Figure 3

The next plot below shows that the deal, d , that the U.S. will receive as a function of k . As was the case with f , above, d and k exhibit an inversely proportional relationship: as k increases, d decreases. This is of course, consistent with conventional understandings of coercive diplomacy: the deal one can receive is proportional to the amount of force they can credibly threaten to employ.

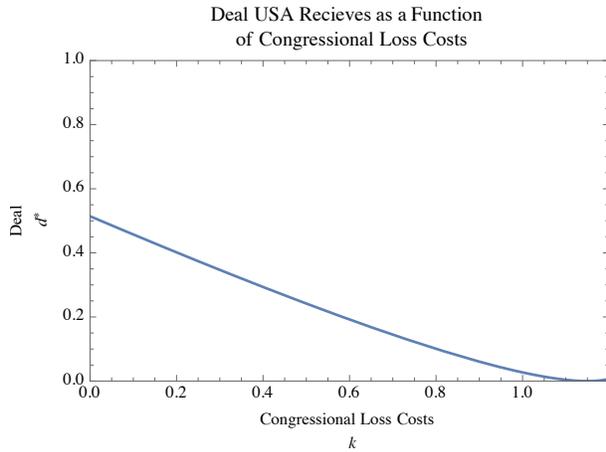


Figure 4

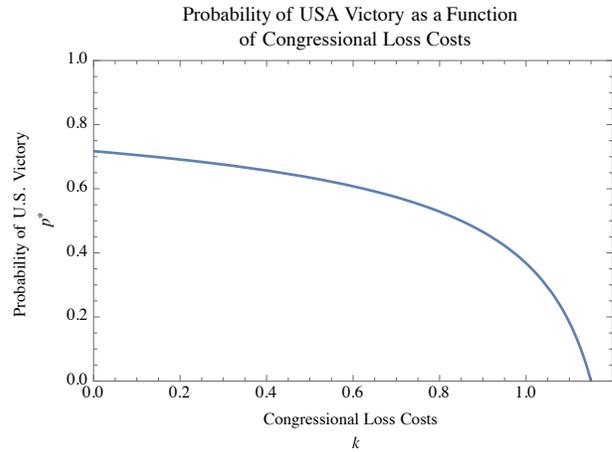


Figure 5

Hypothesis 2: The value of the deal a president will be able to reach with an adversary will be inversely proportional to the congressional loss costs.

Thus, if a U.S. adversary perceives the president to face lower Congressional Loss Costs, the

U.S. will do better in crisis bargaining (and vice versa). This gives the president incentives to publicly deny any cost of acting unilaterally. For example, in the run up to the Gulf War in the fall of 1990, President Bush repeatedly declared he was ready, willing, and able to initiate the use of force against Iraq absent congressional approval. Most famously, Bush would proclaim he “didn’t have to get permission from some old goat in Congress to kick Saddam Hussein out of Kuwait.”¹⁴ Yet privately Bush was highly distressed at the prospect of using force absent the sanction of the legislature, specifically noting his fears of impeachment in his diary several times¹⁵, and privately requesting formal authorization from the legislature at least seven times (Woodward 1991).

It is clear that the sharp distinction between Bush’s private thoughts and public rhetoric was substantially driven by concerns of maintaining a credible threat in the eyes of Iraq. When privately begging congressional leaders for formal approval for the use of military force, Bush “show[ed] a group of legislators a clipping from an Iraqi newspaper purporting to describe congressional opposition to war.” (Zaller 1994, pg. 265). Concerns about credibility in the eyes of the adversary are similarly seen in the president’s public remarks:

“Q. Do you think you need such a [congressional] resolution? And if you lose it, would you be bound by that?”

“The President. I don’t think I need it... Saddam Hussein should be under no question on this: I feel that I have the authority to fully implement the United Nations resolutions.” —The President’s News Conference on the Persian Gulf Crisis (January 09, 1991)¹⁶

In summary, the deal the U.S. can secure is proportional to the amount of force it can credibly threaten to use, which, in turn, is a function of how much support the use of force has in Congress. By removing the possibility of *ex post* punishment by Congress (k), formal authorization for the use of military force improves the president’s bargaining position.

¹⁴<https://www.presidency.ucsb.edu/documents/remarks-the-texas-state-republican-convention-dallas-texas>

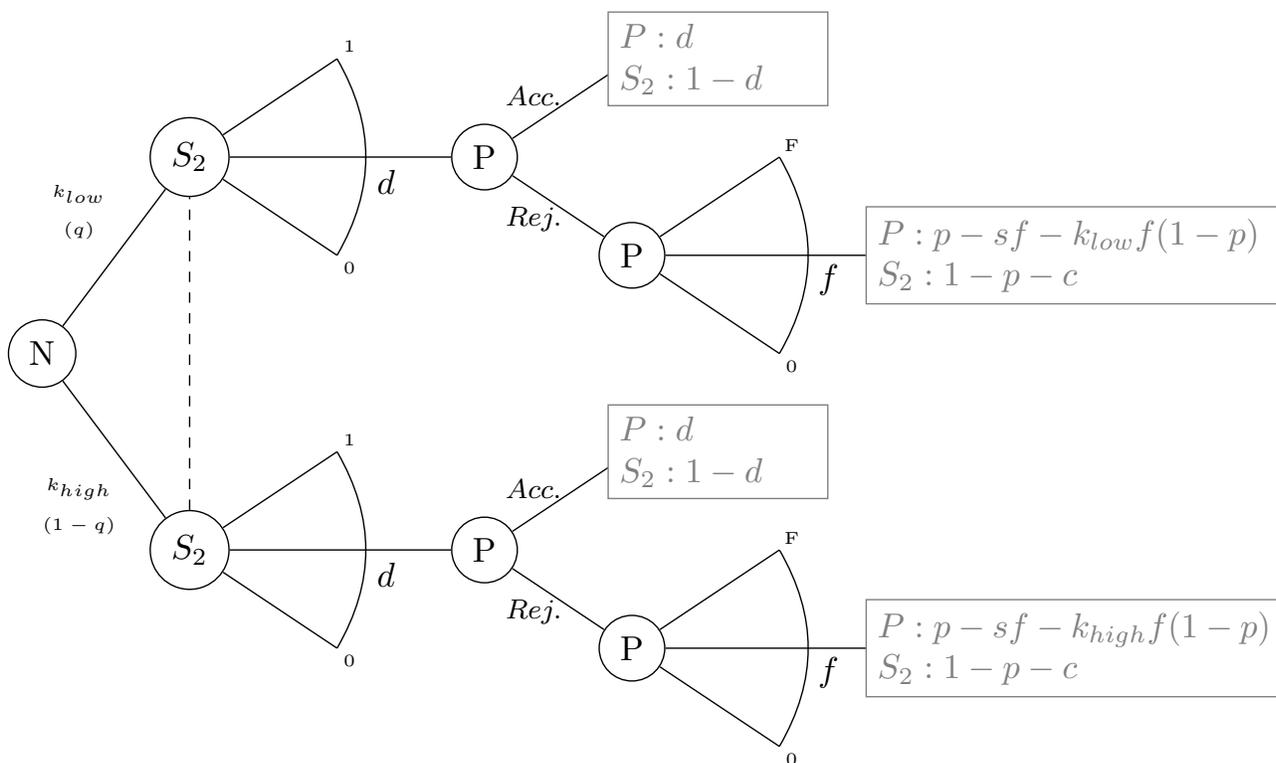
¹⁵<https://www.politico.com/magazine/story/2015/11/jon-meacham-book-george-h-w-bush-213347/>

¹⁶<https://www.presidency.ucsb.edu/documents/the-presidents-news-conference-the-persian-gulf-crisis>

Incomplete Information Equilibrium

Now we consider a situation in which asymmetric information is present. S_2 is uncertain of the President's exposure to Congressional Loss Costs (k). This uncertainty is generated by assuming that Nature first selects one of two types of president: one which faces lower loss costs (k_{low}) and one which faces higher costs (k_{high}), where $0 \geq k_{low} \geq k_{high}$. S_2 does not observe the Nature's selection, but the values of k_{low} and k_{high} , as well as the probability of nature selecting each (q and $1 - q$, respectively) are all common knowledge.

Figure 6: Bargaining Model with Congressional Lost Costs



Given that the president is fully informed of their type at each decision node, we can simply substitute k_{low} and k_{high} into equations 10 and 11 to determine the amount of force and probability of victory, respectively, for each type of president:

$$f_{low}^* = \sqrt{\frac{t - k_{low}t^2}{s}} - t \quad (14)$$

$$f_{high}^* = \sqrt{\frac{t - k_{high}t^2}{s}} - t \quad (15)$$

$$p_{low}^* = \frac{s\sqrt{\frac{t - k_{low}t^2}{s}}}{k_{low}t - 1} + 1 \quad (16)$$

$$p_{high}^* = \frac{s\sqrt{\frac{t - k_{high}t^2}{s}}}{k_{high}t - 1} + 1 \quad (17)$$

Unlike the complete information version of the model, above, S_2 is unable to know with certainty the deal d it can offer that will make the president indifferent between war and peace. Instead, because of its lack of precise knowledge about k , S_2 faces a risk-reward trade-off (Powell 1999) in which it prefers to offer as low a d as possible (in order to keep as much as possible for itself), but also knows that the lower the d it offers, the higher the likelihood that it will low-ball the president and cause a war. Were S_2 completely informed of the president's type, it would simply calibrate the deal to maximize its own share while making the president indifferent between the deal and war. Substituting in k_{low} and k_{high} , respectively, into equation 13, above, allows S_2 to calibrate the deal offered to each type:

$$d_{low}^* = s \left(t - 2\sqrt{-\frac{t(k_{low}t - 1)}{s}} \right) - k_{low}t + 1 \quad (18)$$

$$d_{high}^* = s \left(t - 2\sqrt{-\frac{t(k_{high}t - 1)}{s}} \right) - k_{high}t + 1 \quad (19)$$

S_2 's decision comes down to offering the deal calibrated to the low- k type (d_{low}^*) or that calibrated to the high- k type (d_{high}^*). If S_2 offers the deal calibrated to the low- k type, it knows with certainty there will be peace: the deal satisfies the low- k type and, because the high- k type has a lower expected payoff from fighting, also satisfies the high- k type.

$$U^{S_2}(d_{low}^*) = 1 - d_{low}^* \quad (20)$$

S_2 gets a better deal, however, if it can get the president to accept the high- k calibrated deal. This comes with the risk, however, of war if the president turns out to be the low- k type. Given that q represents the probability the president is the low- k type, S_2 's expected utility of offering d_{high}^* can be expressed as:

$$U^{S_2}(d_{high}^*) = q(U^{S_2}(War_{low})) + (1 - q)(1 - d_{high}^*) \quad (21)$$

S_2 thus makes its decision on which deal to offer based on whether its expected utility from risking war by offering the worse deal to the president ($U^{S_2}(d_{high}^*)$) is higher than the guaranteed payoff it will receive by offering the president the better deal, ($U^{S_2}(d_{low}^*)$). Intuitively, if $q = 0$ then S_2 knows with certainty it faces the high- k type president and thus can offer d_{high}^* with no actual chance of war. On the other hand, if $q = 1$, then S_2 knows with certainty it faces the low- k type president and thus guarantees war if it offers d_{high}^* . In this case, S_2 would of course offer, instead, d_{low}^* . In between 0 and 1, there is some level of q such that S_2 is indifferent between the two offers. Let \bar{q} represent the q at which S_2 is indifferent between the two potential deals. Setting equations 20 and 21 equal to one another and solving for q , we find:

$$\bar{q} = - \frac{(k_{low}t - 1) \left(2s \left(\sqrt{-\frac{t(k_{low}t-1)}{s}} - \sqrt{-\frac{t(k_{high}t-1)}{s}} \right) - k_{high}t + k_{low}t \right)}{c(k_{low}t - 1) + s \left(2k_{low}t \sqrt{-\frac{t(k_{high}t-1)}{s}} - 2 \sqrt{-\frac{t(k_{high}t-1)}{s}} + \sqrt{-\frac{t(k_{low}t-1)}{s}} - k_{low}t^2 + t \right) + k_{high}t(k_{low}t - 1)} \quad (22)$$

\bar{q} , in other words, represents the risk level of war at which S_2 is no longer willing to offer the worse deal to the president. At level of q below \bar{q} , the level of risk is tolerable, even if significant. At q above \bar{q} , however, the risk of war is so great that S_2 chooses, instead, to simply offer d_{low}^* and guarantee peace.

Let Δk represent the difference between k_{high} and k_{low} .¹⁷ Figure 6, below, plots the relationship between Δk and \bar{q} . If k_{high} and k_{low} are equal—and thus $\Delta k = 0$ —then S_2 knows the president's k with certainty and thus can calibrate a deal to it without any risk of war. In this case, $\bar{q} = 0$: no matter q , the president offers d_{low}^* and there is no risk of war.

¹⁷One can think of this value as representing the amount of uncertainty S_2 faces.

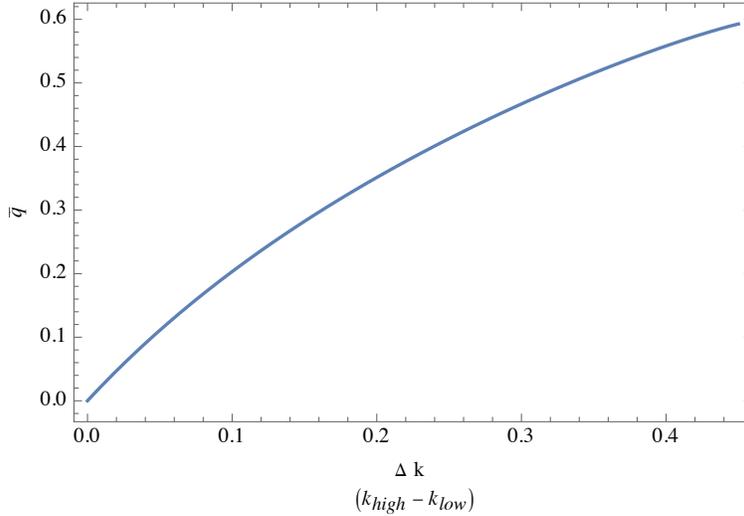


Figure 7: Risk of War as Function of Uncertainty over k

As depicted in Figure 6, however, \bar{q} monotonically increases alongside increased in Δk . In other words, as uncertainty over k increases, the risk of war S_2 is willing to undertake also increases: asymmetric information is leading to a positive probability of war.

Hypothesis 3: Increasing uncertainty over the Congressional Loss Costs faced by the president will increase the probability of conflict, and vice versa.

In this way, costly conflict can occur (or, continue) simply due to a lack of information over the congressional loss costs faced by the president. States can also, however, gain information through fighting (Wagner 2000). Near the end of the Vietnam War, North Vietnamese leaders and negotiators tried to discern the effect of congressional resistance on Nixon’s willingness to continue the fight (Asselin 2017). Negotiations broke down in late 1972 as the North Vietnamese became encouraged by a “McGovernite” Congress highly opposed to the war that was to be sworn in at the New Year (Kissinger 2011, pg. 1795). Nixon, however, launched one of the most savage strategic bombing campaigns of the postwar era in order to convey his determination to achieve a “Peace with Honor”.

“Nixon reasoned, correctly, that he would pay a serious domestic price for lifting the self-imposed bombing restrictions; but it would become unmanageable only if he failed.

He preferred a massive brief effort to a prolonged inconclusive one.” (Kissinger 2011, pg. 1797).

Updating their beliefs from facing a high- k type to a low- k type, the North Vietnamese conceded the bargain sought by the Americans in the Paris Peace Accords. Kissinger wrote to Nixon “What has brought us to this point is the President’s firmness and the *North Vietnamese belief that he will not be affected by either Congressional or public pressures*. Le Duc Tho [North Vietnam’s chief negotiator] has repeatedly made these points to me.”¹⁸ Updated beliefs over k thus allowed for peace to be reached.

The Effect of Formal Congressional Authorization

In summary, adversary beliefs about k will influence the deal they offer the president (Hypothesis 2), and uncertainty over k can lead to inefficient war both sides would rather avoid (Hypothesis 3). While presidents can—and often do—use and threaten to use military force unilaterally, securing formal authorization has great potential benefits. Securing formal approval, first, eliminates k by making it much more difficult to attack the president *ex post* (Kriner 2014). This has the immediate consequence of making the president’s threat of major military action more credible to U.S. adversaries. Second, to the extent that an adversary state has uncertainty over k , formal authorization eliminates this doubt and thus can lower the probability of conflict.

¹⁸Emphasis added. <https://history.state.gov/historicaldocuments/frus1969-76v42/d43>

The 1954-55 Taiwan Strait Crisis

The logic of the model can be illustrated in a historical case study. Specifically, we would expect the following:

- Presidents will be reluctant to actually utilize major force absent formal congressional approval
- U.S. adversaries will recognize this presidential reluctance, and will assess the credibility of threats based on congressional action
- Receiving formal congressional approval will help relieve uncertainty in the eyes of the U.S. adversary—making peace more likely

Here, the First Taiwan Strait Crisis (1954-55) is explored.

Background to the Crisis

Sino-American conflict in East Asia far preceded the Taiwan Strait crisis of 1954-55. The United States had supported Chiang Kai Shek's Nationalist forces in the Chinese Civil War after the end of the Second World War, and American and Chinese soldiers had directly engaged each other in Korea from 1950-53. After an armistice was agreed to on the peninsula in the summer of 1953, focus moved to developments in Indochina where French colonial forces fought communist guerillas in the First Indochina War. By the beginning of 1954, French forces had been surrounded at Dien Bien Phu and requested immediate American help (Logevall 2013).

There was significant American opposition to participation in yet another war in Asia after the conclusion of the Korean conflict, however. Despite threatening to use military force to save the French garrison—even going so far as to suggest nuclear weapons would be employed—the administration chose against intervening. After the highly publicized fall of Dien Bien Phu, the future political organization of Indochina was negotiated at the 1954 Geneva Conference. While refusing to officially take part in the negotiations, the Americans encouraged their French and British allies to utilize the possibility of American intervention as bargaining leverage at the conference. Soon after the conclusion of the conference in July of 1954, focus moved to confrontation brewing across the Taiwan Strait.

War Powers Troubles at Home

The Truman Administration had chosen to conduct the war in Korea absent the express approval of Congress in order to set a precedent of unilateral action.¹⁹ The real value of the Korean example, however, was more of an instance of what-not-to-do than as something later presidents would gladly replicate. Members of Congress who had informally supported the action were later able to avoid responsibility for it and relentlessly criticize “Truman’s War” (Beschloss 2018). The debate over presidential power soon grew beyond the immediate conflict to an effort by the administration to send additional troops to Europe. This so-called “Great Debate” lasted for months and featured not only vocal criticism in Congress, but also high profile speeches by Joseph Kennedy and former President Hoover (Carpenter 1986).

By the time of Eisenhower’s inauguration in 1953, a further controversy over presidential power in foreign policy involved executive agreements made absent congressional approval. The new administration had to fight hard to prevent passage of the so-called Bricker Amendment that would have limited such power, and succeeded in defeating the amendment only by a single vote in the Senate. The near success of the amendment, however, created caution in the mind of Eisenhower when it came to broad assertions of presidential power, including when it came to the use of military force (Prados 2002).

This became most conspicuous during the crisis over Indochina in the first half of 1954. Facing congressional criticism over the dispatch of 200 air force technicians to Indochina, the administration was forced to publicly pledge “there is going to be no involvement of America in war unless it is a result of the Constitutional process that is placed upon Congress to declare it.”²⁰ Top administration officials had met with congressional leaders and explicitly asked for formal approval for the use of military force, but were rebuffed. Legislators refused to approve the request unless assurances for burden sharing could be acquired from allies—most importantly the British (Logevall 2013).

Eisenhower met with his Secretary of State in mid-April to discuss a legal opinion from the Department of Justice that argued he had the power to use force in Indochina absent congressional

¹⁹It should be noted that congressional support for the use of military force was near unanimous, and the president had even been *encouraged* by members of Congress to not ask for a formal vote.

²⁰<https://www.presidency.ucsb.edu/documents/the-presidents-news-conference-353>

authorization, but both agreed it would be *politically* impossible. Recent scholarship suggests Eisenhower himself did want to intervene in Indochina, but it was specifically the lack of congressional support that prevented him from doing so (Prados 2002, Logevall 2013, Hitchcock 2018, Crosswell 2010).

Adversary Recognition of Constitutional Qualms

Communist forces, moreover, were aware of the congressional problems facing U.S. presidents at home. During the “Great Debate” of 1950-51, *People’s Daily* reported on the speeches by by Hoover and Kennedy, and cited low public support for the war. Moreover, during the 1954 crisis in Indochina, communist forces kept a close watch on domestic developments in the United States. *People’s Daily* specifically reported on Eisenhower’s March 10th and 17th pledges not to involve U.S. forces without congressional authorization. Ultimately, during the negotiations of the Geneva conference, Zhou Enlai would make the explicit connection between congressional politics and the credibility of the American threat. Zhou argued “America’s non-intervention policy is only a temporary phenomenon and this will only be maintained until the coming November, when the U.S. Congress holds elections.”²¹ Communist Vietnamese forces had similarly learned from the Korean War that “any presidential administration would have a tough time sustaining a war ... without popular and congressional approval.” (Asselin 2017).

The Crisis Begins: Fall 1954

Shortly after the conclusion of the Geneva conference in July of 1954, Sino-American competition moved to the Taiwan Strait.

²¹<https://books.google.com/books?id=7BgtEAAAQBAJ&pg=PA260&lpg=PA260&dq=%22America%27s+non-intervention+policy+is+only+a+temporary+phenomenon+and+this+will+only+be+maintained+until+the+coming+November,+when+the+U.S.+Congress+holds+elections.%22&source=bl&ots=-h9PMMPK&sig=ACfU3U0ORKuwjTM05dNcZKoz3z6iwzavRA&hl=en&sa=X&ved=2ahUKEwIjpIPogLz0AhXUQzABHQczBgIQ6AF6BAgCEAM#v=onepage&q=%22America's%20non-intervention%20policy%20is%20only%20a%20temporary%20phenomenon%20and%20this%20will%20only%20be%20maintained%20until%20the%20coming%20November%2C%20when%20the%20U.S.%20Congress%20holds%20elections.%22&f=false>

Constitutional Qualms Within the Administration

As early as August 18th, the administration was contemplating its constitutional problems should a crisis rise in the Taiwan Strait:

“Secretary Dulles said he hated to introduce difficulties, but had any member of the Council given thought to the problem of Congressional authority in this matter? Admiral Radford expressed the thought that Congress had already acquiesced in our intention of defending these offshore islands, but Secretary Dulles insisted that the defense of all these islands would involve a material change in the existing orders to the Seventh Fleet.”²²

The next month, similar concerns were raised:

“Dr. Flemming inquired whether, if the recommendations of Admiral Radford and the majority of the Joint Chiefs of Staff were adopted, it would be necessary to seek authority from Congress to carry out this course of action. *The Attorney General replied that of course the President can and must do whatever is necessary for the defense of the United States, but it was highly advisable, policy-wise, to seek Congressional authority if time permitted.*”

In September, Secretary of State John Foster Dulles noted in a memo:

“1. Quemoy cannot be held indefinitely without a general war with Red China in which the Communists are defeated. The Reds might agree to the independence of Formosa, but never the alienation of the off-shore islands like Quemoy.

2. If we want such a war, Quemoy can be made to provide the issue.

3. *However, it is doubtful that the issue can be exploited without Congressional approval.* Probably, Congress will be acquiescent in the Executive sustaining the 1950 order to the Seventh Fleet to defend Formosa. *Undoubtedly, there would be serious attack on*

²²<https://history.state.gov/historicaldocuments/frus1952-54v14p1/d256>

the Administration, and a sharply divided Congress and nation, if the Executive sought to use his authority to order U.S. forces to defend also Quemoy, Tachen etc., which are not demonstrably essential to the defense of Formosa, as shown by the fact that for four years they have not been included in the area the Fleet is ordered to defend.

4. Probably, but by no means certainly, Congress and the nation would respond to an all-out appeal to the Congress, on the broad issue that we cannot afford to be acquiescent to any more Communist gains in the area. However, this acquiescence is less likely during the campaign than subsequently.” (Emphasis added) ²³

The administration was aware, however, that it would be in a better bargaining position with adversaries if it did not publicly air its constitutional concerns. In the aftermath of the 1954 Geneva Conference on Korea and Indochina, for example, Dulles had written to Eisenhower that the U.S should not publicly:

“give[] the Communists a ‘case study’ of how we operate in these matters from the standpoint of our own Constitution and our desire not to ‘go it alone.’ This might tempt them in the future to try to make some close calculations—perhaps miscalculations—to our disadvantage.” ²⁴

By October, with the crisis escalating, the administration similarly admitted *in private* to the the Chinese Nationalist government it faced such a problem:

“We have been careful to keep the Communists in uncertainty as to our probable course of action. However, we must say to you in the *utmost confidence* that it is highly doubtful that the President could now, without Congressional authorization, thus enlarge the mission of the Seventh Fleet, authorized in 1950 in connection with the Korean War, and engage in what might become in fact a major war with Communist China. The President also feels that the fate of these offshore islands, while very important, would not justify him in calling on the American nation to engage in what might become a

²³<https://history.state.gov/historicaldocuments/frus1952-54v14p1/d334>

²⁴<https://history.state.gov/historicaldocuments/frus1952-54v13p2/d1101>

war of indeterminate scope, intensity and duration. It is uncertain that if the Congress were asked for such authority it would be readily granted.” (Emphasis added)²⁵

Thus, during the fall of 1954—and consistent with its behavior during the Indochina crisis the previous spring—the Eisenhower administration was privately unwilling to enter into major conflict absent formal approval of Congress.

Chinese Assessments of American Resolve

In the fall of 1954, Chinese decision-makers reasoned that the U.S. administration did not want to risk war—American efforts to obscure their intentions notwithstanding. In late October, Mao explicitly stated that he personally did not think the U.S. wanted to take part in a large war.²⁶ Part of the reasoning behind this assessment was based on congressional politics—specifically, upcoming midterm elections two weeks later. In a discussion with India’s Nehru, it was agreed Democratic gains in the American midterms would “mean a lessening of tensions and from the point of view of war it will be better.”²⁷ In general, Mao and other Chinese leaders believed that leaders needed to have the support of the people to be successful in a war.

Such sentiment was also reflected in *People’s Daily*. A November 3rd article stated that American “voters are uneasy about the danger of a new war...these fears may adversely affect the ruling party in the election.”²⁸ An article from November 6th similarly read:

“Nationwide political dissatisfaction has reduced the influence of the Republican Party...It should be particularly pointed out that the leadership of the Republican Party has been working hard to achieve favorable results, *hoping to use this to threaten “the people’s support” for their propositions, especially in terms of foreign policy.* However, this election shows that the American ruling clique’s aggressive policy of opposing the interests of peace-loving peoples and the task of ensuring world peace is not supported by the American people. The vast majority of the American people...are opposed to

²⁵<https://history.state.gov/historicaldocuments/frus1952-54v14p1/d334>

²⁶<https://digitalarchive.wilsoncenter.org/document/117815>

²⁷See “Minutes of talks with Mao Tse-tung, Beijing, October 23, 1954 (Nehru 2000)

²⁸“In the last few days of the U.S. election campaign, U.S. politicians from both parties fiercely scolded

the political policy adopted by the Republican government today in terms of internal affairs and foreign affairs.”²⁹

The Chinese chargé d’affaires in London likewise concluded on November 6th that the US “would not be launching any big scale war any time soon” because “factors such as the Republicans’ loss in the recent mid-term elections dampened any bellicosities of the White House.” (Pang 2019, pg. 113) “In face of anti-war sentiments...now the Republicans for their political futures had to demonstrate some peace-loving gestures.” Thus, the political climate would dictate against any war moves by the US in the Far East (Pang 2019, pg. 113).

Putting Constitutional Uncertainty to Rest: the Formosa Resolution

As the crisis escalated further around the New Year, Secretary Dulles described the President’s authority to defend Quemoy in a meeting with Congressional leaders as “now rather vague”³⁰ and that “[a] lack of adequate authority at the present time could be very dangerous indeed”³¹

The Speaker of the House, Sam Rayburn, had opined that it would be better for the president to use force under his own authority and then go to Congress for *ex post* approval.³² Eisenhower, however, specifically rejected this course of action. The White House was well aware it had the option of using force unilaterally and Eisenhower “believed that [he] could do a lot of things as a mere matter of course”, but that was beside the point. It was important to get the authority *ex ante* so as to deter the need to use force in the first place—such a resolution “would have a tremendous effect.”³³

Vice President Nixon, furthermore, specifically advocated against repeating Truman’s course in Korea:

If “the President did not go before the Congress with a request for additional authority, and then “moved in” on the situation in the offshore islands, he would be drawing a parallel with the action in 1950 on Korea. ‘Some of the boys on our side’ would be

²⁹”Izvestia” published an article commenting on the results of the U.S. Congressional elections

³⁰<https://history.state.gov/historicaldocuments/frus1955-57v02/d23>

³¹<https://history.state.gov/historicaldocuments/frus1955-57v02/d23>

³²<https://history.state.gov/historicaldocuments/frus1955-57v02/d26>

³³<https://history.state.gov/historicaldocuments/frus1955-57v02/d26>

certain to pick this up and *use it against the President* by arguing in effect that he was doing precisely what President Truman did in June 1950.”³⁴

Eisenhower, thus, specifically requested formal approval for the use of force from Congress:

“Authority for some of the actions which might be required would be inherent in the authority of the Commander-in-Chief. Until Congress can act I would not hesitate, so far as my Constitutional powers extend, to take whatever emergency action might be forced upon us in order to protect the rights and security of the United States.

However, a suitable Congressional resolution would clearly and publicly establish the authority of the President as Commander-in-Chief to employ the armed forces of this nation promptly and effectively...It would make clear the unified and serious intentions of our Government, our Congress and our people. Thus it will reduce the possibility that the Chinese Communists, misjudging our firm purpose and national unity, might be disposed to challenge the position of the United States, and precipitate a major crisis which even they would neither anticipate nor desire.”

Congress soon passed a joint resolution authorizing the president “to employ the Armed Forces of the United States as he deems necessary” to defend the island. Days after the measure passed in the Congress, the Administration was finally confident to assure its Chinese Nationalist allies that it could defend the offshore islands:

“Mr. Robertson said the President would have the power to conduct operations for the defense of Formosa as necessary in the related area. This would include any and all islands in that area. The Secretary had already informed the Foreign Minister that in our view under present circumstances Quemoy and Matsu are important to the defense of Formosa and the Pescadores... There was no question but that Congress understood the wide scope of the authority that would be granted under the Resolution.”³⁵

³⁴<https://history.state.gov/historicaldocuments/frus1955-57v02/d26>

³⁵<https://history.state.gov/historicaldocuments/frus1955-57v02/d46>

Chinese Assessments of American Intentions and Resolve

While in the autumn of 1954 PRC decision-makers assessed a low likelihood of American involvement in a large war, such assessments changed immediately with the passage of the Formosa Resolution. To begin with, there was widespread reporting of Eisenhower's message to Congress in China. A January 28th article in *People's Daily* entitled "The U.S. prepares to conduct open armed intervention in our internal affairs. Eisenhower submits a war message to the U.S. Congress" reported that Eisenhower:

"asked Congress to authorize him to use the U.S. armed forces to openly interfere in the Chinese people's liberation of Taiwan ...the actions he asked Congress to authorize completely exposed the US government's ongoing and further deployment of outright aggressive war steps. ...*Eisenhower is actually asking Congress to give the US president the dictatorship to start wars that the President of the United States has never had before, and there are no restrictions on the scope and nature of the actions.*" (Emphasis added)

More importantly, such sentiment was not only found in *People's Daily*, but also seems to have been evident in the attitudes of Chinese decision-makers. A British diplomat described Zhou's reaction to the Formosa Resolution as the "bleakest interview I had ever had with Chou. Every now and again I tried to lighten the atmosphere a little, but he was in his most emotional and bitter mood" (Trevelyan 1971, pg. 123). Zhou said of the President's speech and the resolution: "The President's message to Congress had made the United States aim clear. It was a war message."³⁶ The standard historical interpretation of the Formosa Resolution and China's reaction has thus been that the measure was effective in deterring further Chinese action (Zhang 1993, Pang 2019).

As an alternative explanation for the change in Chinese attitudes, some scholars, such as Zhang (1993), have suggested that nuclear threats coupled with the Formosa Resolution served to deter the PRC. More recent scholarship, however, has dismissed the effectiveness of U.S. nuclear threats in the crisis (Pang 2019, Sechser & Fuhrmann 2017). Pang, for example, quotes Huan as believing

³⁶<https://history.state.gov/historicaldocuments/frus1955-57v02/d51>

Chinese Assessments of American Credibility		
	Congressional Approval?	Perceived as Willing to Engage in Major Combat?
<i>Before January 1955</i>	No Formal Congressional Approval	No
<i>After January 1955</i>	Formal Congressional Approval	Yes

U.S. nuclear threats were a bluff but nonetheless surmising that “both the doves and hawks in Washington shared the view that Taiwan ought to be firmly under US protection” Huan hence concluded that unless Beijing was willing to force the issue and go to war, it needed to be more flexible (Pang 2019, pg. 143).

Furthermore, Zhou’s thinking in other crises seem to support the interpretation that he focused substantially on congressional action when assessing American intentions. During the Geneva conference less than a year prior, Zhou had argued that “America’s non-intervention policy is only a temporary phenomenon, and this will only be maintained until the coming November, when the U.S. Congress holds elections.” He would likewise on several occasions during the Vietnam War point to congressional and popular resistance. In 1964 for example, he pointed out “Everywhere the American people are saying that they do not want war. The United States deployment of troops to South Vietnam aroused much domestic opposition.” A year later he would write to Ho Chi Minh “United States continues to send large numbers of reinforcements and still is in a difficult situation. This is going to become an issue for the Congress and the Constitution, one dragging in the issue of a declaration of war.” Thus, Zhou seems to have given substantial attention to congressional politics when attempting to predict American behavior.

Furthermore, it is overwhelmingly clear that on the American side policymakers believed the pre-dated force authorizations had the intended deterrent effect. Indeed, members in both the executive and legislative branches of the government would explicitly point to the precedent of the Formosa Resolution when passing similar resolutions for the Middle East, Cuba, and Southeast Asia in 1957, 1962, and 1964, respectively. The last of these “area resolutions” (Fisher 2013) would gain notoriety as the infamous Gulf of Tonkin Resolution.

Conclusion

The First Taiwan Strait crisis of 1954-55 thus provides one avenue for increased deterrent credibility: formal congressional authorization for the use of military force. Moreover, the episode stands as a clear historical precedent for what might be seen in a possible Fourth Taiwan Strait crisis sometime in the next decade. Indeed, Democratic member of Congress, Representative Elaine Luria of Virginia, recently argued in the Washington Post that “No amount of rhetoric or military spending will stop the Chinese if Beijing is intent on taking Taiwan by force because of one simple fact: Under the War Powers and Taiwan Relations acts, the president has no legal authority, without the express authorization of Congress, to use military force to defend Taiwan” (Luria 2021).

Appendix

Allowing for AUMFs, with asymmetric information:

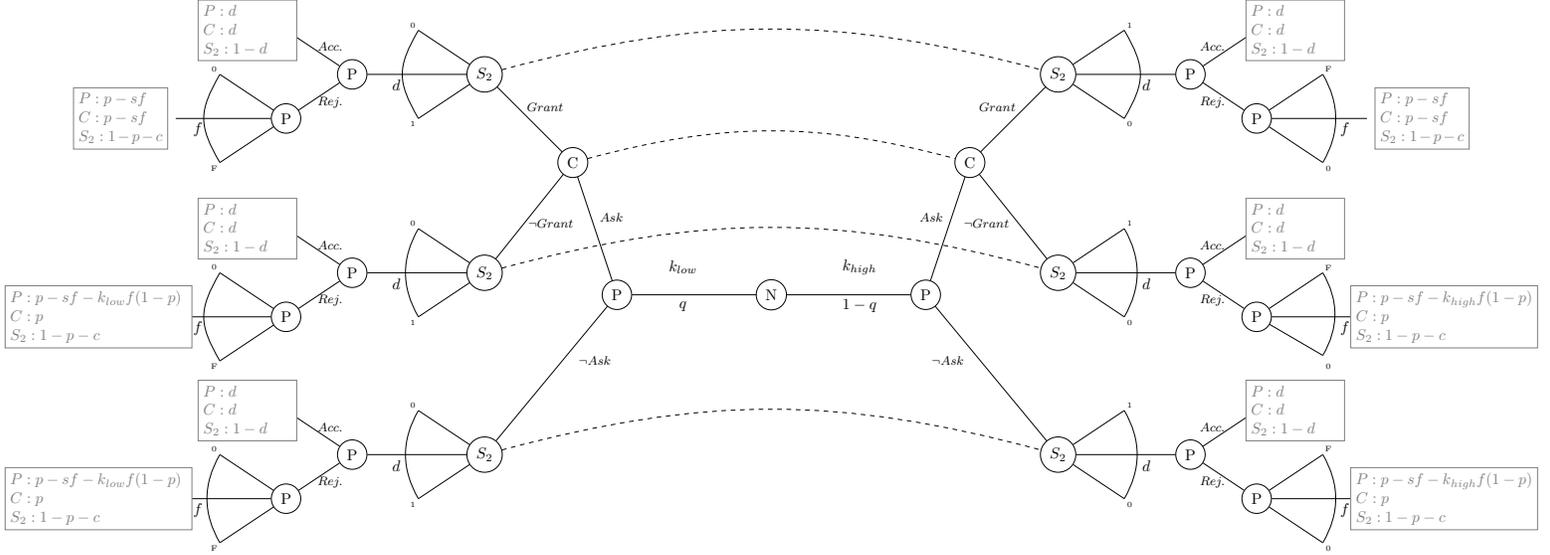


Figure 8: ...

The game can be simplified quite a bit. First, because the only source of uncertainty is k , and because passing an AUMF eliminates k (and thus any uncertainty around it), Congress will *always* grant authorization if asked. Granting authorization both 1) gives the U.S. a better bargaining position and 2) eliminates any chance of war. Thus, Congress will always grant. Because of this, we can ignore the middle branch on each side. Moreover, because C's action is always the same, we can collapse the tree to just show that if the president requests authorization, S_2 will offer d_0^* (where 0 represents k , which is zero because authorization has been secured). Notably, this is the case regardless of which type the president is: regardless of whether the president is the low- k or high- k type, securing the AUMF has made this a moot point.

Further, the bottom subgames are essentially identical to Figure 6. Thus, we know that S_2 will be facing a risk-reward tradeoff. It can make the offer calibrated to the low- k type and guarantee peace, but would be giving too much if it turns out the president was the high- k type. Conversely, S_2 could off the deal calibrated to the high- k type, but this risks war if the president turns out the be the low- k type.

We can simplify the game into the figure below:

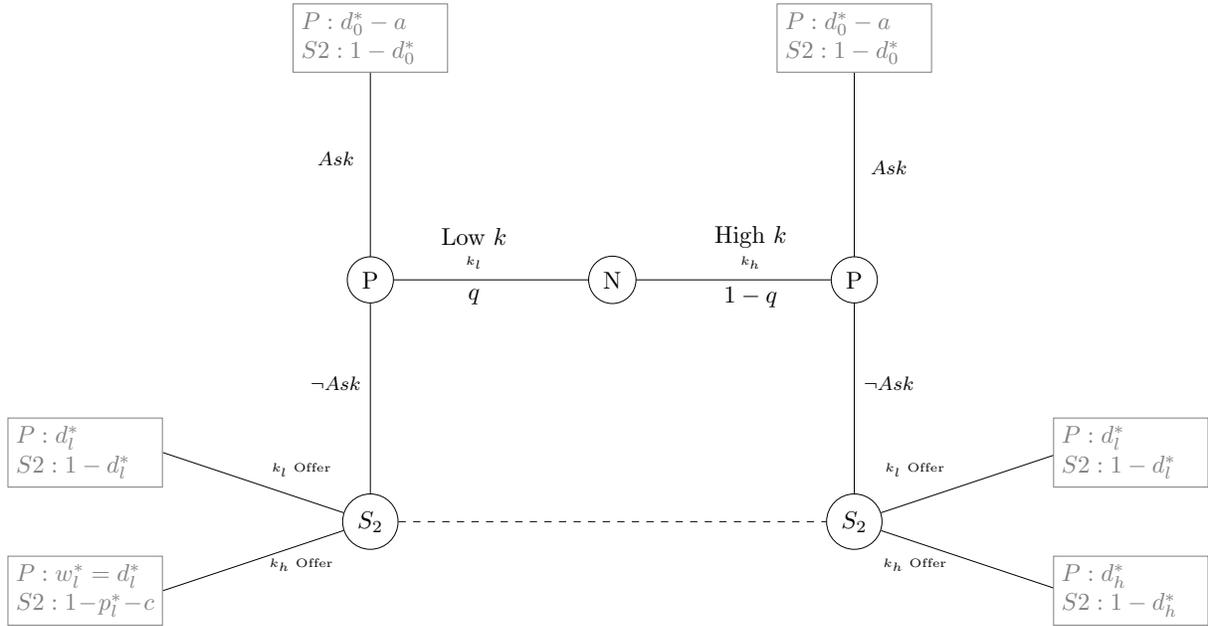


Figure 9: ...

Recall that the deal offered will be proportional to k . Thus, we know $d_0^* \geq d_l^* \geq d_h^*$.

Pooling Equilibria

If $d_0^* - a > d_l^*$, both types Ask

First, we conjecture that there is a pooling equilibrium in which both types ask. Regardless of S_2 's best response, this equilibrium will only hold if $d_0^* - a > d_l^*$.

Thus, if $d_0^* - a > d_l^*$, there will be a pooling equilibrium in which both types ask for authorization, S_2 takes either action, and believes with probability q the president is the low- k type and $1 - q$ the high- k type.

If $d_0^* - a < d_h^*$, both types do not Ask

Next, we see whether there is a pooling equilibrium in which both types avoiding asking. Assuming both types make this choice, S_2 's decision will depend on its belief about the president's type. Since

we are conjecturing this is a pooling equilibrium, there should be no update in beliefs. Let \bar{q} be the q at which S_2 is indifferent between his options.

If $q > \bar{q}$, then S_2 will offer d_l^* . In this case, the equilibrium will hold so long as $d_0^* - a < d_l^*$.

If $q < \bar{q}$, then S_2 will offer d_h^* . In this case, the equilibrium will only hold if $d_0^* - a < d_h^*$.

Because if $d_0^* - a < d_h^*$, then it would by definition also be the case $d_0^* - a < d_l^*$, we can say that if $d_0^* - a < d_h^*$, there will be a pooling equilibrium in which both types do not ask.

Separating Equilibria

From the above, we see that if a is very low, both sides ask—and if a is very low, both sides do not ask. Now we want to know if there is a separating equilibrium.

First, consider a situation in which the low- k types acts unilaterally and the high- k type asks for authorization. If this were the case, S_2 would know with certainty that is the president did not ask, they were they low- k type. This being S_2 's belief, it's best response would then be to offer d_l^* . However, for this equilibrium to hold, it would then need to be the case that $d_0^* - a < d_l^*$ (for the low- k type to not ask) and also that $d_0^* - a > d_l^*$ for the high- k type to ask. This if, of course, impossible.

There is also no separating equilibrium in which the low- k type asks and the high- k type does not. If P were to adopt such a strategy, S_2 will know with certainty it faced the high- k type if it witnessed the president ask. S_2 's best response would then be to offer d_h^* . For this to then hold, it would have to be the case that $d_0^* - a > d_l^*$ (for the low- k type to ask) and $d_0^* - a < d_h^*$ (for the high- k type to not ask). This would require $d_l^* < d_h^*$, which is impossible. Thus, no separating equilibrium exists.

	$q > \bar{q}$	$q < \bar{q}$
$d_0^* - a > d_l^* > d_h^*$	Pooling: <i>Ask, Ask</i>	Pooling: <i>Ask, Ask</i>
$d_l^* > d_0^* - a > d_h^*$	Pooling: $\neg Ask, \neg Ask$	Mixed: $\neg Ask, p(Ask) = \sigma_a$
$d_l^* > d_h^* > d_0^* - a$	Pooling: $\neg Ask, \neg Ask$	Pooling: $\neg Ask, \neg Ask$

Table 1: Equilibria in Pure Strategies

Semi-Separating Equilibria

We consider a semi-separating equilibrium in which the low- k type does not ask, and the high- k type mixes. Let σ_a represent the probability the high- k president asks (and thus $1-\sigma_a$ the probability they act unilaterally). Furthermore, let σ_d represent the probability that S_2 offers d_l^* (and, thus, $1-\sigma_d$ the probability they offer d_h^*). Lastly, let r be equal to S_2 's posterior belief the president is the low- k type (and, conversely, $1-r$ the posterior belief of the likelihood the president is the high- k type).

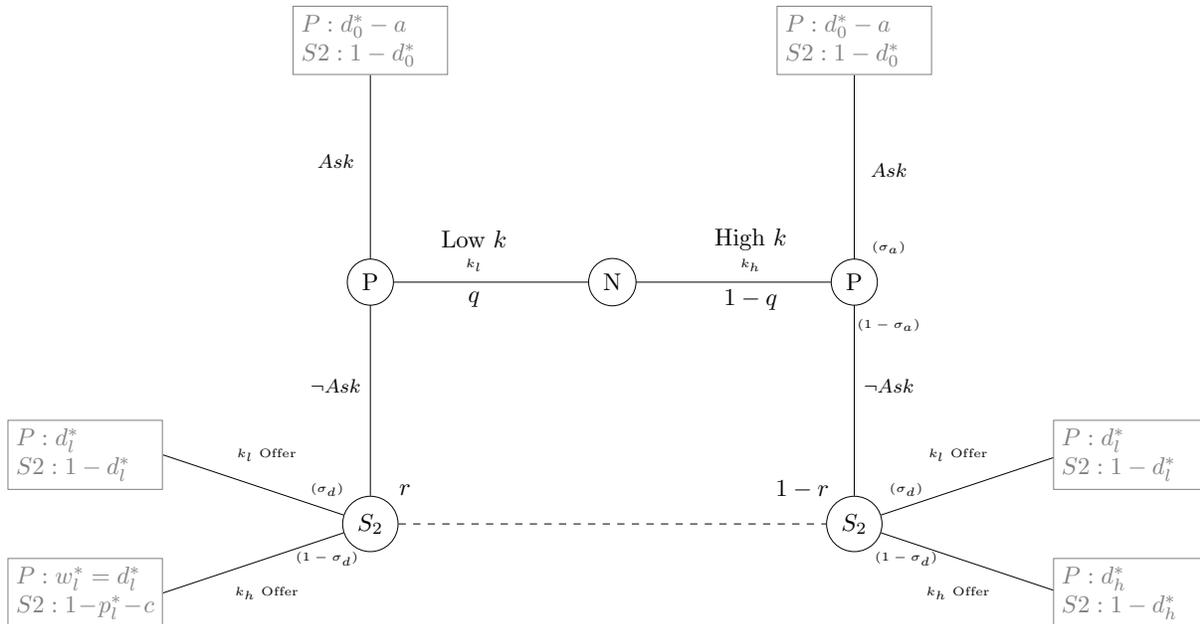


Figure 10: ...

First, we need to figure out a mixed strategy for S_2 such that the high-k type P is indifferent between asking and not asking:

$$d_0^* - a = \sigma_d d_l^* + (1 - \sigma_d) d_h^* \quad (23)$$

Solving for σ_d , we find:

$$\sigma_d = \frac{-a + 2s\sqrt{-\frac{t(k_{high}t-1)}{s}} + k_{high}t - 2s\sqrt{\frac{t}{s}}}{2s\sqrt{-\frac{t(k_{high}t-1)}{s}} + k_{high}t - 2s\sqrt{-\frac{t(k_{low}t-1)}{s}} - k_{low}t} \quad (24)$$

Now, we need to figure out r such that S_2 is indifferent between the two possible deals it can offer:

$$1 - d_l^* = r(1 - p_l^* - c) + (1 - r)(1 - d_h^*) \quad (25)$$

Solving for r , we find that:

$$r = (omitted) \quad (26)$$

Having solved for r (S_2 's posterior belief about P 's type), we can now figure out the mixed strategy the high-k type president can play in order to make S_2 indifferent between deals.

$$r = \frac{q}{q + (1 - q)(1 - \sigma_a)} \quad (27)$$

Solving for σ_a , we find:

$$\sigma_a = (omitted) \quad (28)$$

Notably, Bayes' Rule shows us that if this mixed-strategy equilibrium is played,

In summary, if a is very low, both types will ask—and if a is very high, both types will act unilaterally. More interestingly, if a is in a more middle range, there is a possibility of a semi-separating equilibrium.

Because the variables in the model are all relative to one another, we can hold a constant and see how other variables effect this. Specifically, we might be curious as to how the size of the threat influences this. Plotted below are d_l^* , d_h^* , and $d_0^* - a$ as a function of t . $d_0^* - a$ is lower than both d_l^* and d_h^* when t is small. In other words, both types will act unilaterally when the threat is very small. On the other hand, $d_0^* - a$ is greater than both d_l^* and d_h^* when t is quite large. Thus, when the threat is very large, both types will seek congressional authorization.

It is in the middle range—where $d_l^* > d_0^* - a > d_h^*$ —where it is possible to see semi-separation. If $q > \bar{q}$ —i.e., if S_2 anterior beliefs about P being the low- k type are sufficiently high, both types of president will act unilaterally. However, if $q < \bar{q}$, there will be a separating equilibrium in which the low- k type acts unilaterally and the high- k type mixes. Upon seeing a president act unilaterally, S_2 will update its beliefs and think it more likely the president is the low- k type.

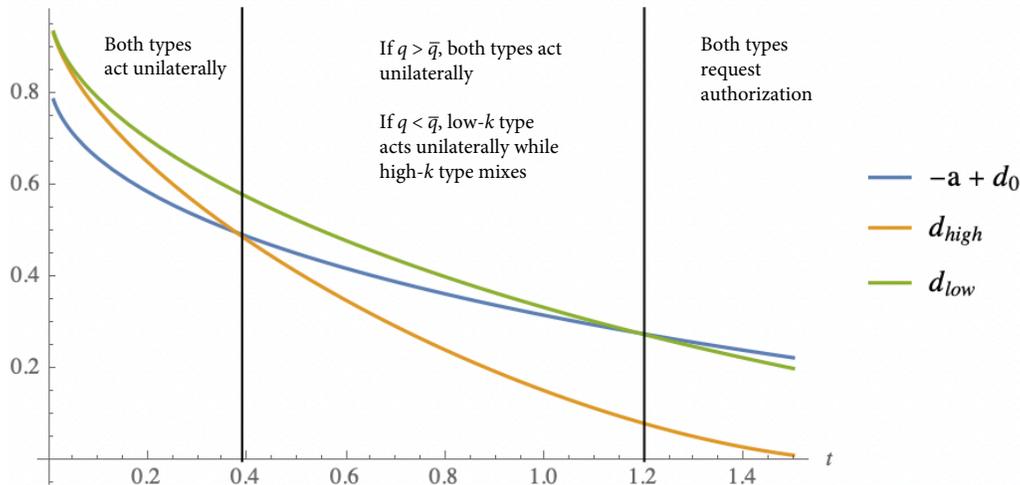


Figure 11: ...

Thus, no president is going to be blamed for asking for formal authorization when they are expecting a large conflict—George W. Bush, for example, sought and received Formal congressional authorization for both the Afghanistan invasion and war in Iraq, and yet still maintained a reputation as an imperial president.

Compare this to President Obama, who was considered somewhat skittish when he sought congressional approval for the use of military force in Syria in 2013. Notably, this was after he had

unilaterally taken actions such as the 2011 Libya intervention and the killing of Osama bin Laden unilaterally. While Bush had less of a record of unilateral action, his requests for congressional approval were for major wars in which both types of president would have sought approval. Obama's precedents of unilateral action were of really little reputational value because—given their rather minor nature—both types of president would have undertaken these unilaterally. The key was the medium-sized Syria crisis—here, a true low-k president would have acted unilaterally. While Obama nearly did so, he balked after David Cameron lost a parliamentary vote over the

Obama's first two secretaries of defense—Robert Gates and Leon Panetta—were likewise critical of the Obama administration for formally asking for Congress's authorization to use force in Syria in 2013.

“While Gates opposed an intervention in Syria and Panetta supported one, both said Obama had damaged the presidency as an institution by showing that an American President could warn that something was a “red line” but then defer to Congress” (Savage 2017, 654).

Leon Panetta argued:

“Iran is paying very close attention to what we're doing...There's no question in my mind they're looking at the situation, and what they are seeing right now is an element of weakness.”

Similarly, Kissinger recalls of Nixon's decision not to seek congressional approval of the Paris Peace Accords:

“In 1969 he thought it an abdication to ask the Congress to reaffirm his authority to conduct a war that was already taking place. In 1973 he was convinced that to ask a hostile Congress to give him authority to enforce the Agreement would be a confession that he had no authority to resist while the Congress was deliberating , and would thus invite an all-out North Vietnamese assault . He therefore proceeded to do what in his view the national interest required , in effect challenging the Congress to forbid it”

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