

In the Shadow of Congress

Chapter 1: Theory of War Powers Politics

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Abstract

How does Congress affect (1) the willingness of the President to utilize military force and (2) the outcomes of crises? The conventional wisdom of the “Imperial Presidency” (Schlesinger 1973), scholarship on unilateral action (Moe & Howell 1999, Howell 2003, Howell, Shepsle & Wolton 2021), and recent work on the decline of declarations of war over time (Irajpanah & Schultz 2021, Fazal 2018) and the rise of “states of emergency” (Rooney 2019) all suggest the deck is stacked against congressional power. At the same time, no President since Harry Truman has proven willing to actually enter a full scale war absent formal congressional approval. Moreover, there are several examples of Presidents in the last seventy years avoiding conflict because of a lack of formal congressional authorization. This chapter argues that a specific mechanism has been overlooked in the literature: the costs Congress can impose on the President for a unilateral use of force gone wrong—“loss costs”. A formal model introduced below suggests not only that formal congressional authorization for the use of military force remains relevant in the postwar era, but also that these loss costs influence presidential behavior and crisis outcomes even when the President acts unilaterally.

A conventional wisdom surrounding Congress in the use of military force context is that the legislature *de facto* has little power. While the Constitution clearly endows the legislative branch with the power to declare war, the legislature has not formally declared war since the Second World War, and hundreds of uses of force have been undertaken absent any kind of vote of approval from lawmakers. Even the strongest proponents of the existence of congressional influence in foreign policy concede that Congress’s power to formally authorize the use of military force matters little. Congressional influence, instead, is argued to occur through informal channels, to be bounded by substantial scope conditions, and even then, to be small in comparison to the power of the President (Howell & Pevehouse 2007, pg. 9-10). As James Lindsay succinctly puts it, “Congress plays at

best a small role in crisis policy” (Lindsay 1994, pg. 153).

Since the 1970’s, political scientists, historians, jurists, and journalists have bemoaned an “Imperial Presidency” willing and able to utilize military force regardless of the will of the legislature (Schlesinger 1973). Several developments have been cited as contributing to this accumulation of power in the executive—the advent of a large standing military after the Second World War, a judiciary unwilling to adjudicate war powers cases, and congressional incentives to avoid position-taking on military force decisions. Others point to a worldwide decline in formal declarations of war since 1945, and a rise in unilateral declarations of emergency by executives (Irajpanah & Schultz 2021, Rooney 2019). Even when Congress might seek to involve itself in military intervention decision-making, informational and collective action disadvantages—as well as the first mover advantage of the President—make effective action very difficult (Kriner 2010).¹

Nonetheless, while Congress can hardly compete head-to-head with the Presidency in the use of force context, the legislature need not actually do so in order to exert substantial influence. Instead, the executive has a highly vulnerable Achilles’ heel that the legislature can, and often does, threaten to strike. Presidents that use force absent sufficient congressional support—be it via formal authorization or informal encouragement and consent—leave themselves highly vulnerable to *ex post* congressional attack for uses of force that end poorly. Were it the case that intervention outcomes were easy to predict *ex ante*, this threat of *ex post* punishment would perhaps not amount to much. The reality, however, is that war is a highly uncertain business (Reed 2003, Clausewitz 1976). Rationally anticipating both the risk of failure in armed conflict and the ensuing congressional fallout this could create deters Presidents from choosing to enter conflicts lacking sufficient congressional support. Thus, while the executive might have an unassailable ability to utilize military force, the threat of *ex post* attack for failure substantially affects their actual willingness to do so.

This first chapter introduces a general theory of how and when congressional sentiment over the use of military force exerts substantial influence over the crisis behavior of both the President and U.S. adversaries. The second part of the chapter then extends the model to specifically consider how congressional Authorizations for the Use of Military Force (“AUMF”)—i.e., questions of con-

¹Moreover, comparative studies in democracy and international conflict suggest that the U.S. has less democratic constraint than most other democracies (Baum & Potter 2015).

stitutional war powers—affect the dynamic. Overall, the model(s) suggest that despite the parade of the maladies frequently cited by skeptics of congressional influence, the legislature strongly effects both presidential decision-making and adversary behavior in crises. Even when acting unilaterally, Presidents will tailor uses of force to be in rough conformity with the wishes of Congress. Moreover, Presidents will only undertake the largest uses of force—full scale war—when formally authorized by the legislative branch.

The Imperial Presidency

“Although international crises raise the possibility of war, members of Congress find themselves excluded from decisions on crisis policy. Presidents insist they have the independent authority to initiate the use of force, a position that has been implicitly buttressed by the reluctance of the courts to confront the war powers issue. In turn, practical, normative, and electoral concerns generally leave members of Congress with little choice but to follow the President’s lead.”—*Congress and the Politics of U.S. Foreign Policy* (Lindsay 1994, pg. 147)

It is widely believed Congress has little influence in use of military force decisions. Across policy areas, foreign and domestic, Presidents have strong incentives to accrue and utilize unilateral powers. The gap between the great expectations placed on the presidency and the few formal powers expressly given to the position forces occupants of the office to accrue power (Howell & Brent 2015). The U.S. constitution is notoriously vague, and this lack of clarity creates opportunities for assertions of presidential power (Moe & Howell 1999).

Presidential power, moreover, is not consistent across policy areas. It is widely recognized that executives have more discretion over foreign policy than domestic matters (Wildavsky 1966, Canes-Wrone, Howell & Lewis 2008, Lowande & Shipan 2021, pg.10). Not only do Presidents have more *de jure* constitutional power in foreign affairs,² but they additionally maintain several structural advantages that enhance their power *de facto* as well. These include not only greater agenda setting powers and first mover advantages, but also informational advantages (Canes-Wrone, Howell & Lewis 2008). Electoral incentives additionally make members of Congress less interested in taking

² *U. S. v. Curtiss-Wright Corp.*, 299 U.S. 304 (1936).

the lead on foreign policy (Canes-Wrone, Howell & Lewis 2008), and instead encourage lawmakers to simply focus on avoiding blame (Weaver 1986).

Even amongst this higher discretion Presidents have in foreign affairs in general, it is the power over war that sees executive power reach its apex (Lowande & Shipan 2021, Howell & Pevehouse 2007, pg. 222). While there are several policy areas in which Presidents face incentives to claim ever-increasing power—and other political actors have weak incentives to prevent such accretion of authority (Howell, Shepsle & Wolton 2021)—such extraordinary claims to power are most evident in the war powers context (Lindsay 2003). While courts give more deference to the executive in foreign affairs compared to domestic matters (Charney 1989), they refuse even to hear cases challenging the President’s power over war initiation (Ramsey 2018). Because of this, the executive branch is free to self-police its authority in this area. Unsurprisingly, this had led to enormous assertions of power as the “Presidential conception of what their constitutional powers are has vastly expanded over the course of American history” (Lindsay 2020). Congress, furthermore, fails to assert its own prerogatives because “members of Congress fear making politically risky decisions on war and peace” (Lindsay 2003, pg. 138).

To be sure, a burgeoning literature in political science over the past two decades has suggested that Congress does sometimes matter in the U.S. use of force context, but it is argued that this is through *informal* means and only under certain circumstances. For example, even while arguing in favor of congressional influence, Howell and Pevehouse concede that Congress remains a definite “secondary political player” in the war powers context (Howell & Pevehouse 2007, pg 9).³ Moreover, while much of the first wave of this work focused on partisan politics and the strength of the President’s party in Congress (Howell & Pevehouse 2007, Kriner 2010), more recent work has called this into question and suggested that, when it comes to supporting the use of force, ideology matters more than copartisanship with the President (McManus 2017, Bendix & Jeong 2022). Overall, results have been mixed: findings have tended to have modest effect sizes and lack strong statistical significance. Results are often sensitive to model specification, the time period considered,

³ “[L]et there be no mistake about it: Presidential power reaches its apex when the nation stands on a war footing” (Howell & Pevehouse 2007, pg 222). The authors lower expectations of congressional influence to a bare minimum of “whether Congress in *any* material fashion, constrains the Presidential use of force” (Howell & Pevehouse 2007, pg 10, emphasis added).

the data set utilized, or the dependent variable being explained.⁴ Moreover, the formal war power of Congress—i.e., a vote to legally authorize the use of military force—is considered to be so inconsequential that political scientists fully omit authorization status from statistical models.⁵

Curiously, this omission of formal war powers questions from the political science literature is in strong tension with the reported experiences of Presidents and senior lawmakers. A conventional wisdom argues that no postwar President ever decided against using force due to a mere lack of formal congressional approval (Griffin 2013), but there is actually strong historical evidence in contradiction of this.⁶ Moreover, while Truman famously entered the Korean War absent a formal vote of the legislature, subsequent Presidents have consistently rejected the option of entering a major war unilaterally (often, specifically citing Truman’s experience as *anti*-precedent).⁷ Still further, formal authorization from Congress not only appears to affect the willingness of the President to utilize military force above a certain magnitude, but is also often connected with deterrence and compellence in the minds of politicians.⁸ President Obama, for instance, argued that U.S. actions would be more effective in Syria if Congress formally authorized the use of force.⁹

⁴For example, while Howell and Pevehouse (2005, 2007) find an association between unified government and an increased proclivity to use force, Gowa finds no relationship when utilizing a more extended time period (Gowa 1998). Many of the findings in this line of literature have not replicated at conventionally accepted levels of statistical significance when utilizing data from the Correlates of War project. While Howell Pevehouse (2005, 2007) and Kriner (2010) have found that copartisan strength in Congress predicts the number and duration of major uses of force, McManus (2017) finds such composition has no effect on the outcome of U.S. MIDs. Conversely, while McManus (2017) finds that the number of Republicans in Congress predicts more successful MIDs for the United States, Howell and Pevehouse (2005, 2007) and Kriner (2010) find no relationship between the number of Republicans and presidential proclivity to use force. More recently, scholarship has suggested that *both* copartisanship with the occupant of the White House and being more hawkish (i.e., Republican) predict support for the use of military force (Bendix & Jeong 2022, Böller 2021).

⁵One close exception is Kriner (2010), who includes congressional votes in some models. Formal authorization—i.e., a joint resolution going through the entire bicameralism and presentment process—is not included, however.

⁶Chapter 4 presents seven crises—Indochina (1954), the Six Day War (1967), Vietnam after the Paris Peace Accords (1973), the Fall of Saigon (1975), the Caribbean Basin (1980’s), Iran (2006), Syria (2013)—in which a lack of formal authorization from the legislature appears to have substantially driven the decision not to intervene.

⁷Not only has every major war since Korea (Vietnam, Gulf War, Afghanistan, Iraq) been fought pursuant to an Authorization for the Use of Military Force by the legislature, but there is strong evidence in many of these cases war would not have been waged had the legislature rejected the proposal. Moreover, Chapter 3 shows that even when including major crises in which the adversary of the U.S. backed down prior to conflict, such as in Cuba (1962), or in the Berlin crises (1958 and 1961), there is not a single clear case of a President willing to execute full scale war unilaterally after the Korean War.

⁸Even Schelling paid extensive attention to the Formosa Resolution—an AUMF—in *Arms and Influence* (1966).

⁹<https://obamawhitehouse.archives.gov/the-press-office/2013/08/31/statement-President-syria>. Some have argued that Obama intentionally asked for authorization knowing that Congress would turn him down (Burns & Stravers 2020, Yarhi-Milo 2018, e.g.). I show in Chapter 4 that there is little evidence of this in the recollection of the events by those present for the decision. To the contrary, by all accounts—including those in favor of bypassing Congress (Rice 2019, e.g.)—the overwhelming majority of advisors believed congressional approval would

Several future Democratic presidential candidates reported voting for the 2002 Authorization for the Use of Military Force against Iraq because they thought it would increase President Bush’s bargaining leverage. More recently, some lawmakers have advocated giving President Biden the authority to defend Taiwan in order to deter a potential attack from the People’s Republic of China (Luria 2021). Such a logic connecting coercion and the war powers even appears to have existed during the Trump Administration: during the 2017 nuclear crisis with North Korea, there were thoughts of securing congressional authorization in order to coerce the DPRK.¹⁰ What explains this divergence between well accepted theories in political science suggesting massive unilateral power on the part of the President,¹¹ and the reluctance of Presidents since the Korean War to engage in full scale war unilaterally?

The Missing Element: Loss Costs

Victory has a hundred fathers and defeat is an orphan—John F. Kennedy¹²

While the literature makes a strong case that there is little Congress can do *ex ante* to stop a determined President from using military force, Congress’s ability to punish the President *ex post*—and the President’s anticipation of this (Kriner 2010)—is often overlooked. Moreover, the risk of such attacks is amplified by performance on the battlefield: while it might be unwise to attack a popular President after a clear victory, it is an overwhelming temptation after military failure. For the sake of simplicity, these will be referred to as “loss costs.”¹³

Kriner (2010, 2018), Howell and Pevehouse (2005, 2007), McManus (2017), and others have highlighted the mechanisms through which lawmakers can erect serious obstacles for Presidents be forthcoming (Kerry 2019, Power 2019, Rhodes 2019). Moreover, there are several theoretical reasons why even a President with no intention of actually using force would nonetheless not want to publicly broadcast this to a watching adversary.

¹⁰“If it gets to be a mature threat...don’t let us [Congress] just sit on the sidelines and bitch and moan... call the congressional leadership up and say, ‘I may have to use force here. Let me tell you why I want your backing for authorization to use force against North Korea.’ If we had a vote that was decisive and you had that authority in your back pocket, it may prevent you from having to use it.” —Senator Lindsey Graham (R-SC) to President Trump (Woodward 2019, pg. 129).

¹¹See, e.g., Howell on unilateral Presidential power in general (2003, 2021) and Schultz (2003) on the war powers in particular.

¹²<https://www.presidency.ucsb.edu/documents/the-Presidents-news-conference-213>

¹³These are distinct from audience costs. Fearon’s audience costs refer to cost of *backing down* in a crisis (Fearon 1994). Here, loss costs are assessed when *following through*, and losing.

using military force. These go well beyond direct actions such as funding cut-offs for military operations (McManus 2017, Jeong 2020), but include indirect attacks through informal means. One mechanism of particular influence is through affecting public opinion (Howell & Pevehouse 2007, Christenson & Kriner 2020). Members of Congress are able to use hearings, investigations, media appearances, and legislative measures in order to impose these costs (Kriner 2010, Kriner 2014). In addition to attacks on policy grounds, charges of unconstitutional behavior can also be levied (Kriner 2018). Because the Constitution clearly endows Congress alone with “the power to declare war”—and an overwhelming majority of Americans across the political spectrum believe that military operations should only be taken pursuant to formal congressional approval (Kriner 2014, Christenson & Kriner 2020)—these attacks can resonate broadly with the American public. Members of Congress can even threaten the President with impeachment during unilateral uses of force.¹⁴

Congress can resist more asymmetrically, as well. Economic aid, for example, often accompanies U.S. military interventions, and it is not uncommon for the legislature to threaten to withhold such spending. In this way, it can exercise its “power of the purse” while not taking the potentially risky move of cutting off funding to U.S. troops.¹⁵ Lawmakers can even use issue-linkage to go after policy areas fully unrelated to the military intervention, “upending congressional action on other aspects of the President’s policy agenda” (Howell 2013) or otherwise force the President to waste political capital defending their use of force (Kriner 2010).

Less well explored—though seemingly well recognized by scholars of the Presidency and American foreign policy¹⁶—is the way in which victory and defeat affect Congress’s incentives and ability

¹⁴<https://www.theatlantic.com/politics/archive/2012/03/a-resolution-to-impeach-is-ready-if-obama-goes-to-war-without-congress/254366/>—and such threats are not limited to members of the opposing party. <https://www.politico.com/story/2011/03/kucinich-libya-action-impeachable-051668>

¹⁵Kissinger, for example, writes that in the months prior to the Fall of Saigon the administration wanted to interdict North Vietnamese supplies and manpower entering the South, but feared that Congress would retaliate by withholding aid to Saigon (Kissinger 1999). Congress can utilize other powers as well to coerce the White House. In 1979, for example, prominent members of the Senate pushed the Carter Administration to take a strong stand against the presence of a Soviet brigade in Cuba by threatening to not ratify SALT II (Carter 1982).

¹⁶“During those periods when dangers gather abroad...Presidents struggle mightily to forecast the likelihood of military success and to discern Congress’s likely reaction *in the event of failure*.” (Howell & Pevehouse 2007, pg. 232, emphasis added). Similarly, Schultz argues using military force without Congressional authorization “amplifies the political risks *in the event that things go badly*” (Schultz 2017, emphasis added). As James Lindsay put it, “the very fact they [Congress] are poised to *pile on in defeat* exerts an important constraining and shaping effect...knowing that Congress might hang you in two weeks has a way of concentrating the minds of Presidents and their advisers.”

to impose such costs, and the implications this entails. While a determined Congress could theoretically impose costs regardless of the outcome of the use of force, lawmakers are much more likely to be motivated into attacking the President upon American defeat. The more the outcome of an intervention diverges from a clear victory, the more opportunity lawmakers will have to criticize the foreign policy acumen of the President, for example. Because the President is inescapably the Commander-in-Chief, they will be held responsible for the consequences of military action whenever undertaken. Members of Congress, however, have the option of sitting on the sidelines. And because politicians are often motivated more by blame avoidance than by being able to take credit for positive outcomes (Weaver 1986), this is an attractive option. But this has a serious implication: by not taking a position *ex ante*, members of Congress are much more free to attack a President for failure *ex post*. Were the outcome of war easy to predict, such a threat might be inconsequential. The fundamental nature of war, however, is risk (Clausewitz 1976).¹⁷ If the likely outcome of a conflict were obvious to all from the beginning, it is unlikely war would actually occur (Blainey 1973, Reed 2003).¹⁸

Two factors, in particular, will influence the size of these *ex post* costs assessed by the legislature on the executive upon American failure: (1) the scale of the use of force,¹⁹ and (2) congressional sentiment regarding the potential use of force *ex ante*.²⁰ Larger uses of force—costing more blood and treasure—will be more likely to incentivize and trigger a broader congressional response (Howell & Pevehouse 2007). American combat deaths, in particular, will motivate increasing attention and resistance. While a drone strike absent American casualties will give a President little pause, actions involving American death—and certainly anything approaching full scale war—will make a President think twice before acting unilaterally.

Congressional sentiment toward the use of force will also scale the size of these potential loss costs. Members of Congress can have varying individual preferences over different foreign policy

(Lindsay 2003, pg. 158, emphasis added).

¹⁷As Hannibal noted to Scipio Africanus at the end of the Second Punic War “Nowhere less than in war do results match men’s hopes.” Livy Book 30 chapter 30.

¹⁸See also Slantchev (2003).

¹⁹The scale of force employed will be denoted f below.

²⁰Congressional sentiment over the (potential) use of force will be denoted β below.

objectives.²¹ Of course, the value a lawmaker places on a particular priority might simply depend on what they believe their constituents want (Mayhew 1974), their own ideology (Jeong 2018, McManus 2017), or even on whether the President is a copartisan or not (Schultz 2001, Howell & Pevehouse 2007, Kriner 2010). Ultimately, why particular members support or oppose particular military interventions is an empirical question beyond the scope of this manuscript. What is important is that Congress—in the aggregate—can have sentiment in favor of or opposed to a particular potential use of force. Congress might be virtually unanimous in favor of the use of force (e.g., in the Korean War) or nearly unanimous in opposition (such as in Vietnam after the Paris Peace Accords). Congress can be split along party lines (as it was in regard to the 2007 Surge in Iraq), or split with significant opposition and support in both parties (as it was in the 2013 Syria “red line” crisis). Moreover, while congressional sentiment could be revealed in a roll-call vote, it need not be.²² For example, it was recognized during the counter-ISIS campaign that Congress

²¹Speaker Pelosi, for example, has recently been classified as a “China Hawk” for her long tenure criticizing the human rights record of the Chinese Communist Party and her support for Taiwan. Notably, she felt so strongly over the issue she defied the wishes of President Biden when she visited Taiwan in August of 2022. At the same time, Speaker Pelosi led the charge against President Bush’s surge strategy in Iraq in 2007—making her an “Iraq Dove.” President Nixon similarly noted that many “Vietnam Doves” in 1973 were concurrently “Israel Hawks” during the Yom Kippur War (Nixon 1986).

²²There is an interesting question of whether congressional sentiment, in the aggregate, is closer to Jervis’ “signals” or “indices” (Jervis 1970). Framed another way, is expressed congressional sentiment more like Presidential rhetoric or a public opinion poll? The former will be discounted as cheap talk because a leader clearly has strong incentives to misrepresent (Fearon 1995). A genuine public opinion poll, in contrast, is more likely to fall in the category of “indices” because it seems unlikely individual citizens are going to misrepresent their true feelings in some convoluted attempt to trick an American adversary.

On the one hand, members of Congress might be more similar to the President, given their status as high profile politicians. On the other hand, several factors seem likely to distinguish the speech of the President from that of lawmakers: (1) the President controls the military, (2) there is only one President, and (3) Presidents and lawmakers have different incentives regarding the outcomes of crises. First, while Presidents have actual control over the use of military force, legislators do not. Presidents say what they will or will not do—they make threats. Individual members of Congress say what the *President* should or should not do—they have no ability to carry out threats themselves. Moreover, while the President has control of what they themselves might choose to do with the military in the future, members of Congress have to simply trust that the President will not do something reckless with the military in the future.

Second, “Congress” is 535 individuals, the President is 1. The marginal cost to the United States of the President saying the “wrong” thing in a crisis is enormous; the marginal cost to the United States of any given member of Congress saying the “wrong” thing in a crisis is vanishingly small (it is slightly higher for congressional leadership, although still not nearly at the same level as the President). An adversary will certainly be listening to what the President is saying. They will likely also be listening, as well, to what Congress *as a whole* is saying—but the chances they are listening to any particular member at any given time are small. Congress thus faces a collective action problem.

Lastly, a President very much internalizes the outcome of the crisis—they are the Commander-in-Chief: success and failure will be disproportionately attributed to them. A defeat for the United States is *per se* a defeat for the President; A defeat for the United States is only a defeat for a lawmaker if they took a high-profile stand in favor of the use of force. Indeed, an American defeat could actually pay off handsomely for a member of Congress if they

overwhelmingly supported the operation despite not formally authorizing it.

Congressional sentiment in favor of the use of force will dampen the possible loss costs faced by the President *ex post*. First, if many of members of Congress favored the operation from the beginning, it will simply be more difficult for them to attack a President later because those who originally supported an intervention will be subject to charges of hypocrisy and “flip-flopping”.²³ Second, if members of Congress who vocally supported an operation then turned their swords on a President who fulfilled their wishes, this will make it much more difficult for them to encourage a President to act in the future. Conversely, when congressional sentiment is highly opposed to the intervention, Presidents face much higher anticipated costs upon failure. Having voiced disapproval from the beginning, lawmakers will be in the perfect position to highlight their own competence and heighten their own political status by attacking the President. The political risk faced by a President contemplating military action in the midst of strong congressional opposition to the use of force will thus be much higher.

Note, however, that even while anticipated loss costs might lessen when congressional sentiment is in favor of the use of force from the beginning, they will not be eliminated completely. Even if congressional sentiment favored the intervention *ex ante*, it is easy to foresee attacks for waging “unconstitutional war” later on if the formal, legally binding consent of the legislature was not obtained.²⁴ And in a long, bloody conflict, members of Congress who previously supported an operation will face increasing temptations to defect from their position. This will not be limited to opportunistic members of the opposition party, but can also come from frustrated copartisans of the President eager to leap from a sinking-ship. Rivals for party leadership—and the presidency—might vocally opposed it from the beginning.

Altogether, while Presidents clearly have strong incentives to bluff in crises, it is not clear individual members of Congress do. To the contrary, they are much more motivated by domestic politics, which is comparatively far more salient for them (Goldfien, Joseph & McManus N.d.). Their incentives are to be seen as making good choices by their individual constituents—to follow public opinion. Thus, whereas Presidents are incentivized to stand firm in a war progressing poorly rather than back down (consider Johnson and Nixon in Vietnam or Bush in Iraq), members of Congress—and congressional sentiment in the aggregate—are incentivized to follow public opinion (as it did during Vietnam and Iraq). There thus seems to be an argument congressional sentiment is more like public opinion—an index—than Presidential rhetoric—a signal.

²³<https://www.cnn.com/2017/04/07/politics/kfile-top-republicans-syria-trump/index.html>

²⁴The Korean War had overwhelming bipartisan support from the beginning, but Truman still suffered vicious attacks for “violating the Constitution” by not receiving formal congressional approval for the use of force.

become increasingly hungry to strike once they smell blood in the water.²⁵

Presidents contemplating war thus not only face a threat abroad, but also one waiting back home if things go poorly. Kennedy famously noted that “defeat is an orphan”, but the reality is military loss will always have at least one parent: the President. The question is whether they can offset some of this burden on those with the potential to attack them later.

A Role for Formal Authorization

Given the existence of potential loss costs, Presidents are incentivized to find ways to mitigate and minimize them. If the magnitude of loss costs are a function of the scale of the force employed, then one option would be for Presidents to “pull their punches” and utilize less military power than might otherwise be optimal. Perhaps this would entail utilizing airstrikes instead of ground operations, for example. In other cases, this may even mean simply avoiding intervention altogether (Schultz 2017). Either way, however, this incentive to use less force leads to a trade-off: less force employed can mean less of a probability of victory.²⁶ Thus, while under certain circumstances the solution of “pulling punches” may be an attractive option, it is far from a panacea.

Another solution is to try to minimize Congress’s ability to impose loss costs *ex post* by increasing support *ex ante*. One clear way to do this is to utilize the strategy of “going public” (Kernell 2007)—appealing to the general public in order to put pressure on members of Congress. For any use of force beyond the most minor operations, presidential administrations undertake great effort to increase public support for the intervention—often through, e.g., presidential addresses or actions such as international coalition building or acquiring international authorization for the use of force (Chapman 2011). But while the President has the advantage of the “bully pulpit”, success is far from certain. The Bush Administration, for example, attempted to garner public support for a threatened strike on Iran in 2007, but was severely thwarted in its efforts.²⁷ Clinton, similarly, attempted to sustain support for the U.S. effort in Somalia after the “Black Hawk Down”

²⁵Note, for example, the 1972 Democratic Presidential nominee, George McGovern, was highly opposed to the Vietnam War despite it being initiated by a Democratic President. Similarly, Donald Trump helped distinguish himself from other Republicans in the 2016 field by arguing that the Iraq War was a disaster and that Bush “lied” about Iraq possessing weapons of mass destruction.

²⁶Of course, in the case where no force is employed, it means no chance of victory.

²⁷See Chapter 4.

incident of 1993, but was unable to do so (Clinton 2005).²⁸ Securing international support or legal authorization from an international institution can help boost public opinion (Chapman 2011) and yields some sense of legitimacy to an operation (Kreps 2019), but is also far from guaranteed.

The problem, moreover, with all of these options—even when successful—is that none of them address a more fundamental issue faced by the President: support today does not guarantee support into the future. While a short term boost in public approval for an operation might mute congressional criticism in the near term, American casualties will put ever heightening pressure on members of Congress to attack the President.

Facing the possibility of congressional defection in the future, the Commander-in-Chief must thus figure out a way to resolve this serious commitment problem on the part of lawmakers. Prior to the initiation of Operation Desert Storm in January 1991, former President Nixon crafted a private letter to President Bush partially addressing this exact question. The ex-President wrote that the Commander-in-Chief’s “most difficult challenge” at that point was neither in sustaining a fragile international coalition nor even in dealing with the Iraqi army. Rather, Bush’s most important problem was “how to get a public declaration of support from Congress for military action.” One option was to invite congressional leaders to the White House for a meeting, and to privately ask them for their support. This was obviously less than perfect, however, because it would be easy for legislators to lie about their support (or opposition) later on. A better alternative would be to get high profile “supporters of military action” in the Senate and House to sign a public “letter of support” for the operation. This course of action was, nevertheless, also suboptimal—presumably because it would still leave Bush vulnerable to charges of unconstitutional or illegal war *ex post*. Instead, the best option for the President would be to acquire formal authorization for the use of military force from both houses of Congress before launching an attack—“the preferable way would be a joint resolution.”²⁹

Hence, the gold standard Presidents have settled on in the postwar era is to have Congress formally approve the use of military force before entering major military operations. These le-

²⁸As another example, Ford made several high profile addresses in the spring of 1975 in order to secure more military aid for the crumbling government of South Vietnam, and even asked for formal authorization for the use of military force to evacuate Vietnamese individuals at special risk of persecution. All, however, was to no avail.

²⁹Nixon, Richard M. Letter to George H. W. Bush. December 25, 1990. Richard Nixon Foundation.

gal instruments are often referred to as Authorizations for the Use of Military Force (“AUMF”). Lawmakers who vote to authorize the use of force undertake the most high-profile and public endorsement possible, and thus are the most entrapped by their position later on even if the intervention sours.³⁰ In seeking to explain President Obama’s unexpected request for congressional authorization to use military force in Syria in 2013, for example, Kriner 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 (2014).

Johnson, for instance, specifically sought the Gulf of Tonkin Resolution prior to the Vietnam War because he believed “only if Congress was in on the takeoff would it take responsibility for any ‘crash landing’ in Vietnam” (Beschloss 2018, pg. 506). Similarly, George H.W. Bush sought formal approval prior to the Gulf War so that if things started going poorly Congress could not abandon the President—or, as he more colorfully put it: “paint their asses white and run with the antelopes,” (Hess 2006, pg. 96). After the 9/11 terrorist attacks, the Bush administration sought formal congressional authorization so that “it would be more difficult for Democrats or Republicans to squawk later about President Bush taking action if the full Congress authorized it from the beginning,” (Gonzales 2016, pg. 128-129). Presidents thus seek formal congressional authorization in order to substantially lessen the possibility of loss costs later on.

Modelling the War Powers

Interestingly, even non-technical politicians and policymakers tend to unwittingly speak of the war powers relationship in quasi-game theoretic terms—arguing, for example, that certain actions or legal regimes will hurt a bargaining position, or that others will enhance credibility. They argue that certain congressional resolutions will “send a signal” to U.S. adversaries, or that others will “undermine the President.” Some argue that greater congressional control will lead to less war, while others claim too much influence from the legislature will encourage aggression.³¹ Nonetheless, there have been few direct attempts to formally analyze the strategic environment facing the President,

³⁰<https://www.youtube.com/watch?v=2QpS2Am51Wo>, <https://www.youtube.com/watch?v=PNt3yfeQmA0>

³¹<https://www.visitthecapitol.gov/exhibitions/artifact/President-richard-nixons-letter-house-representatives-regarding-his-veto-war>

the Congress, and U.S. adversaries in the context of the war powers.³² Formal theory has examined the effect of opposition party support or opposition in international crises (Schultz 1998, Schultz 2001, Ramsay 2004)³³ but the specific question of war powers—when Presidents act unilaterally, and when they seek congressional support—has not been addressed (Waxman 2013, Waxman 2014).

The model here attempts to “stack the deck” against finding congressional influence over the use of military force, and includes all the maladies frequently bemoaned by critics of the war powers *status quo*. We assume away respect for norms or the Constitution, and instead make relatively cynical, self-interested assumptions about the relevant actors in the war powers context:

- **Unilateral Action by the President:** Here we assume that the President possesses the ability for unilateral action—and, indeed, in this case we make even stronger assumptions of executive discretion than normally taken in the literature (Howell 2003). While Howell’s Unilateral Politics Model gives the legislature and the judiciary the opportunity to overturn the policy set by the President (Howell 2003, pg. 29), here we assume that neither Congress nor the courts have any such opportunity. In this model, the President effectively has unlimited discretion over the policy.

In the first version of the model introduced, Congress is not even involved in the decision leading up to the use of military force. In the extended model allowing for statutory authorization for the use of military force (AUMF), Congress can be asked for formal authorization prior to

³²Models somewhat related to the war powers include works by Schultz (2003) and Gartzke (1996).

³³Formal work in political science thus far has not extensively explored the effect of Congress on crisis behavior. Schultz’s *Democracy and Coercive Diplomacy* (2001) argues that the behavior of domestic opposition parties affects threat credibility and that democracies will make more selective, effective threats than non-democracies. Ramsay builds on Schultz’s thesis by showing that future accountability at the ballot box and a desire to gain valuable recognition as competent in foreign policy generates the costly signal that drives the information transmission generated by opposition party support (Ramsay 2004). Both Schultz and Ramsay thus focus on a mechanism by which opposition party support (opposition) increases (decreases) executive credibility. While insightful and surely applicable to a certain extent in the American context, these models are nonetheless suboptimal for specifically understanding the war powers question in the United States. The set-up of an executive and an opposition party, for example, seems to be more reflective of a Westminster system than a Presidential system in which interbranch rivalry—especially in the war powers context—can be sometimes be quite prominent even amongst copartisans. In the U.S. context, the war powers question is by definition one between political branches, not political parties. Moreover, these models assume the clear and public expression of opposition party support or opposition, while in the U.S. context often such position taking is far from clear prior to a contemplated intervention. Moreover, the very choice to hold a formal public vote over the use of force is *per se* the outcome of a strategic process assumed away in these models. In the American context, whether a contemplated use of force should be voted on is perhaps *the* core question of the war powers debate.

actual conflict, but even here the choice of asking for such permission is the President’s alone to make. The President maintains the option of simply bypassing Congress in the process of going to war, and Congress is given no chance to interfere with this choice *ex ante*. Moreover, even if the President chooses to seek congressional approval, the executive can still choose to employ as much military force as they see fit *regardless of whether Congress approves or rejects the President’s request*. The President alone makes the final decision over the use of military force.

- **An Opportunistic Congress:** In the first, simple version of the model (i.e., absent authorizations for the use of military force), Congress sits on the sidelines and is assumed only to act *ex post*—specifically, in the event of military defeat. Thus acting opportunistically, it strikes when it sees Presidential vulnerability and avoids acting otherwise. We thus assume the legislature merely exploits misfortune for political gain.

In the extended version of the game—introducing the possibility of formal authorization for the use of military force—we similarly assume that, *ceteris paribus*, Congress would rather not approve the use of force even if it supports the military intervention from a policy perspective. While the legislature can have its own preferences, the best case scenario for it is when it can “have its cake and eat it too”—i.e., have its preferred policy enacted without having to actually vote on the deployment. Congress thus seeks to avoid the risk of blame whenever possible (Weaver 1986).

- **An Absent Judiciary:** Arguments that certain uses of military force are “illegal” or “unconstitutional” amount to little because the usual actors responsible for constitutional and statutory adjudication are unable or unwilling to intervene in the war powers context. The judiciary has consistently refused to hear cases related to the extent of Presidential war initiation authority under a series of non-judiciability doctrines. While members of Congress and the military have sought to enjoin military actions through lawsuits prior to or during certain military interventions, courts have utilized the political question doctrine, as well mootness and ripeness, to avoid adjudicating the legal questions (Ramsey 2018). Notably,

this judicial avoidance includes both the constitutional war powers and the statutory 1973 War Powers Resolution. We thus assume that the War Powers Resolution is irrelevant, and that legal claims against the President engaging in war outside the authorities of the office are immaterial.

- **No Agency Problems:** Others have suggested that even where courts might refuse to make a judgment on the merits of a case, lawyers *within* the executive branch can (Goldsmith 2012). Every use of military force has to be legally justified by the executive branch,³⁴ and it is theoretically possible constitutionally committed attorneys within the executive branch could refuse to justify uses of force they believe to be illegal. Nevertheless, the Attorney General and the President have the authority to overrule the legal findings of these lawyers, and—in any case—these lawyers are ultimately servants of the executive branch, not unbiased adjudicators. It is because of these incentives that even those who argue in favor of the independent influence of executive branch lawyers in national security law concede that they have little influence in the use of military force context (Goldsmith 2012). Here, we assume that lawyers within the administration fail to serve as any constraint on the executive.

Moreover, while bureaucrats beyond lawyers could conceivably serve as a constraint on presidential policymaking (Lowande & Rogowski 2021) in the war initiation context, we assume such obstacles do not exist. It is not inconceivable, for example, that members of the military might refuse certain orders for moral, policy, or legal reasons (Esper 2022), but we omit such possibilities from the model. If the President gives the order to “go”, the military acts.

- **A “Standing Army”:** The model essentially assumes that the President can use *any* amount of force. While the United States traditionally held a mistrust of standing armies³⁵ and demobilized its military after major wars, it has maintained a massive peace-time military since the end of the Second World War and the beginning of the Cold War (Ely 1995). One common argument is that because it is Congress that raises and supports the armed forces, peacetime Presidents prior to the middle of the twentieth century had little army to utilize

³⁴Today, this is almost always the responsibility of the Department of Justice’s Office of Legal Counsel, or “OLC”. In prior decades, this responsibility sometimes fell to the State Department or other executive agencies.

³⁵See, e.g., *The Federalist Papers*.

absent legislative action to fund additional forces. In the postwar era, however, the consistent existence of the standing army has removed this legislative veto-point on executive action. While in reality the executive still lacks the ability to raise whatever force structure they might desire—Donald Rumsfeld famously lamented “You go to war with the Army you have, not the Army you might want or wish you had”—the President nonetheless possesses “a sprawling military and enormous discretion” (Goldsmith 2020). Here, we assume a President can utilize whatever force they see fit.

Note that if any of these assumptions are too strong when compared to reality, these objections would only serve to suggest constraints on the executive which are even greater than those implied by the model. Perhaps, for example, it is too cynical to assume Congress would only punish the President upon defeat, or that executive branch lawyers are willing to justify any potential use of force, or that courts are unwilling to enforce the War Power Resolution. These are all plausible grievances with the model, but are immaterial to the ultimate conclusion. The model biases heavily against a finding in favor of congressional influence, and where it might depart from the nuances of reality it does so in a way that underestimates congressional power.

MODEL I: The Unilateral Use of Force

We first consider a President contemplating the unilateral use of military force—i.e., without securing formal, legal approval for the use of force from Congress.³⁶ Specifically, we construct a simple formal model of crisis bargaining taking account of loss costs.

The model takes a standard bargaining game and makes three small amendments. First, in contrast to a standard 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 the amount of force (f) to be used.³⁷ Second, and related, the cost of fighting here is a function of how much force the President chooses to actually utilize—in contrast, again, to the standard

³⁶In the following section, we allow the President to consider seeking such congressional authorization.

³⁷An 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).

model which 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 loss costs.

Sequence of Moves

The extensive form of the game is illustrated in Figure 1, below. Two countries, the United States—who is represented by the President (P)—and an adversary state (S_2) compete over an issue space equal to one. P begins the interaction by proposing a deal (d , where $0 \leq d \leq 1$) to S_2 for the division of the good. After viewing P ’s proposed deal, d , S_2 then decides whether to accept the deal or to reject it and go to war. If S_2 rejects the deal, the President selects an amount of force (f , where $0 \leq f \leq F$) to employ and war occurs. The probability of victory for the United States will be a function of the amount of force the President chooses to employ (f) and the power of the adversary (t), using the common contest function $p = \frac{f}{f+t}$. After conflict occurs, Congress (C) then has the ability to impose a penalty on the President after viewing the result of the contest.

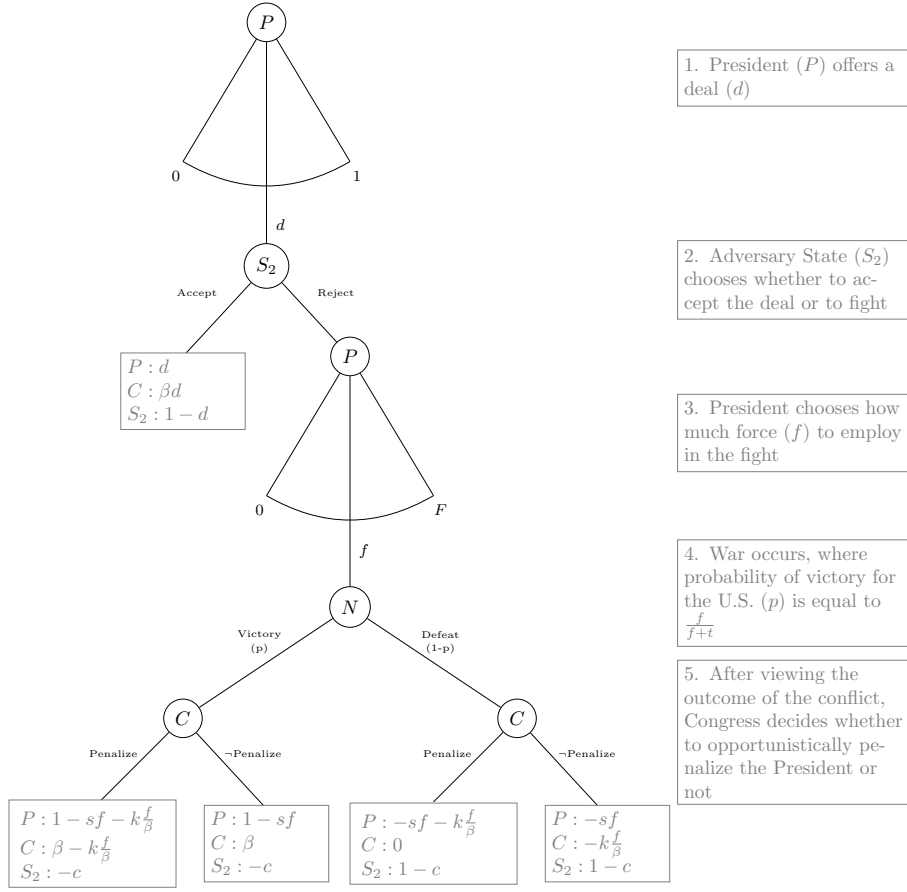
Payoffs

The President (P) and the Adversary State (S_2) both value the object being bargained over at a normalized value of 1. Congress’s (C) value of the object—i.e., congressional sentiment—in contrast, is given by an exogenous parameter, β . It is possible for Congress to value the objective more than the President (in which case $\beta > 1$), less than the President ($\beta < 1$), or as much as the President ($\beta = 1$).

If S_2 accepts the deal offered (d), the game ends peacefully with the President thus receiving a payoff of d , Congress receiving βd , and S_2 receiving $1 - d$. If, instead, the deal is rejected and conflict occurs the payoffs of the actors will involve the following components:

- **Value of object:** The value of the object being fought over, as described above, is normalized to 1 for the President and the Adversary State, while Congress values it at β .
- **The Cost of Fighting:** Because the President selects how much force (f) to employ, the projected cost of fighting for the President is proportional to the force utilized. A casualty

Figure 1: Bargaining Model with Loss Costs



sensitivity parameter— s —is multiplied by the amount of force used (f) to yield the President's costs of fighting: sf . While the President has thus internalized the cost of fighting, we assume that Congress has not done so since it has not formally authorized the use of force.³⁸ Lastly, S_2 maintains the standard cost of fighting parameter, c .

- ***Ex Post* Penalty (“Loss Costs”):** Here we assume the legislature has the ability to impose a penalty on the executive after watching the outcome of the conflict. The size of this potential penalty will be equal to:

$$k\frac{f}{\beta}$$

Where f is the amount of force utilized, β is congressional sentiment, and k is a scaling

³⁸This will be the topic of the next section.

parameter. As discussed above,³⁹ the potential penalty will be directly proportional to the amount of force employed and inversely proportional to congressional sentiment—more support for the use of force will give a President more political cover while greater opposition will increase the risk they face. Thus, f is in the numerator and β is in the denominator.⁴⁰ Note that S_2 is not subject to this potential cost.

Assuming a deal has been rejected and conflict occurs, each actor will pay its cost of fighting (sf , 0, and c , for the President, the Congress, and the Adversary State, respectively). If the United States is victorious, the President and the Congress will additionally receive their values for the objective (1 and β , respectively), while S_2 will receive 0. In contrast, if the United States is defeated, the President and the Congress will receive no utility from the object while S_2 will receive its value (1).

Lastly, the possible *ex post* penalty will be factored into the payoffs of the American actors. Congress chooses whether to assess the penalty or not: if it does so, the President pays it (that is, $k\frac{f}{\beta}$). Congress's own incentives to penalize the President, however, are determined by whether victory or defeat has occurred. If victory has been achieved, it will be very unpopular and politically difficult for Congress to attack the triumphant Commander-in-Chief. We thus assume if it chooses to do so, it will also be harming itself and have to pay the penalty as well ($k\frac{f}{\beta}$). American defeat, however, creates far different incentives. Members of Congress will be incentivized to attack the executive both for foreign policy incompetence and for violating the Constitution. Such attacks will be popular and low cost for the legislature. Failing to make such attacks will be, in comparison, costly for the legislature as they leave such a prime opportunity unrealized and seemingly acquiesce in what is perceived by the public as egregious behavior on the part of the President. Congress, therefore, pays the penalty ($k\frac{f}{\beta}$) if it does not penalize the President after defeat. All payoffs are shown in the extensive-form game found in Figure 1, above.

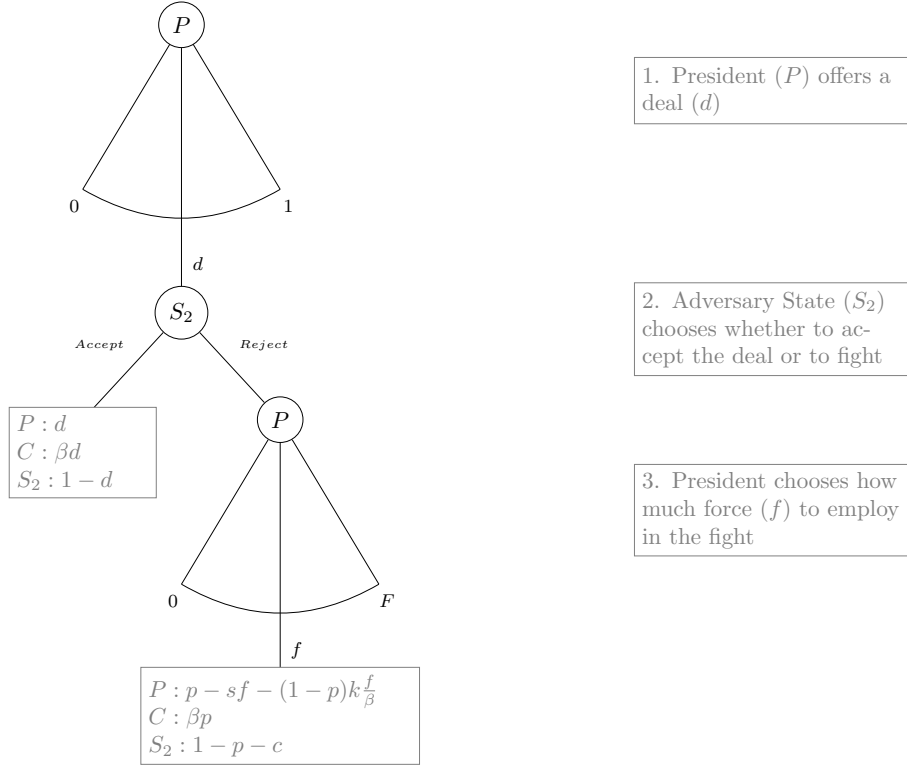
Facing these incentives, Congress will thus choose to impose such an *ex post* penalty after defeat, and avoid doing so after victory. This penalty can therefore be thought of as “*loss costs*”. Moreover, because we know precisely what Congress's choice at each node will be, the extensive

³⁹See “The Missing Element: Loss Costs”.

⁴⁰Note that while f is endogenously selected by the President in the model, β is an exogenous parameter.

form game can be simplified substantially. Knowing that p represents the probability of victory (and, conversely, $1 - p$ represents the probability of defeat), we can simplify each actors' expected war payoff as depicted in Figure 2, below.

Figure 2: Bargaining Model with Loss Costs (Simplified)



Note that while Congress does not appear even to be acting in the game above (Figure 2), this is only because we have collapsed the more extensive version shown in Figure 1. Congress is choosing to assess a penalty upon the President after American defeat. This influence is now found in the President's war payoff function (specifically, where we see " $-(1 - p)k_{\beta}^f$ "). Recall, further, that β (which represents congressional sentiment) is influencing the size of the loss costs the actors expect the President to suffer. Therefore, both (1) the existence and (2) the magnitude of these possible loss costs is a manifestation of congressional influence. As we will see, Congress's expected penalization of the President upon defeat is going to drive the behavior of the President in terms of the amount of force they will be willing to use. Moreover, this will then affect S_2 's expected war payoff and, thus, the deals it is willing to entertain. While it may not immediately appear

like Congress is a relevant actor in the interaction between the President and the Adversary State, this is because Congress’s influence has been “priced in” to the President’s payoff function. The behavior of the President and the Adversary State is taking place in the shadow of Congress.⁴¹

Solution and Results

Assuming perfect and complete information, the game can be solved simply utilizing backward induction. The step-by-step solution is provided in the Appendix, but will be briefly outlined here.

Looking at Figure 2, we start with the President’s decision over how much force to employ. The President has two competing incentives: on the one hand, more force utilized entails a greater chance of victory (due to the contest function $p = \frac{f}{f+t}$). On the other hand, more force utilized entails more casualties (internalized by the President as sf) and greater loss costs to be suffered upon defeat ($k\frac{f}{\beta}$). The President will then select the amount of force that maximizes their expected utility based on these constraints. Note that this amount of force might be 0 (i.e., they simply choose not to intervene).

Knowing the amount of force the President will choose to employ—which then affects the probability of victory in the contest—the Adversary State will be able to calculate its expected payoff from war. Knowing S_2 is making this calculation, the President will calibrate the deal to maximize their own “slice of the pie” (d), while avoiding conflict. The President will offer a deal that makes S_2 indifferent between accepting the deal and going to war, and S_2 will accept the offer. Because there is perfect and complete information, there is no actual risk of war. Nonetheless, the model effectively illustrates how loss costs influence both the amount of force the President will be willing to utilize and the outcomes of crises.⁴²

Key comparative static results are depicted below. Plotted on the left below is the amount of force, f^* , the President will employ as a function of congressional sentiment over the use of force

⁴¹To reiterate, this is occurring in two ways: first, Congress’s prospective attack on the President in defeat is driven by its strategic choice given its incentives. Second, the *size* of these loss costs is affected by congressional sentiment, β .

⁴²“Models of complete and perfect information are an appropriate and useful tool for studying questions of distribution and welfare, even when they do not produce a positive probability of conflict.” (Morrow & Sun 2020, pg. 263).

β .⁴³ As the plot shows, f and β exhibit a positive relationship: as β increases, f^* increases. This implies that as congressional sentiment increasingly supports the use of force, the President will correspondingly increase the amount of force they employ. Conversely, increasing congressional opposition to the use of force (decreasing β) leads to the employment of less force. In other words, the increasing threat of punishment upon defeat—moderated by the size of the force employed—is driving the President to “pull their punches.”

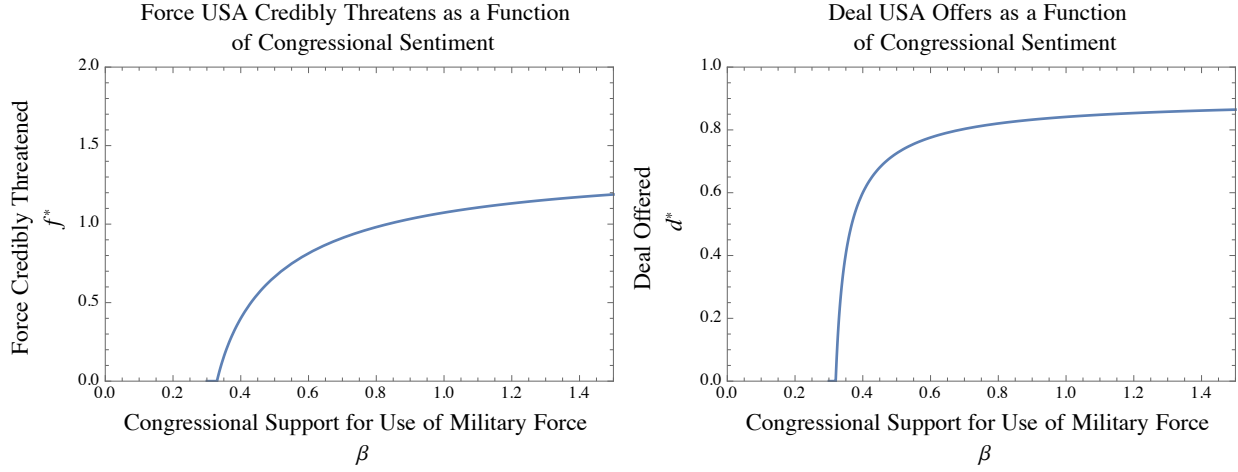


Figure 3: U.S. Force Threatened and Deal Received as a Function of Congressional Sentiment

The plot on the left thus yields the following hypotheses:

Hypothesis 1 *The President will be more likely to engage in combat when there is greater support for the use of military force in Congress. (DV : binary variable—use/ not use force) (Chapter 2)*

Hypothesis 2 *The President will be more likely to use more force when there is greater support for the use of military force in Congress. (DV : continuous variable—scale of use force) (Chapter 2)*

The plot on the right, above, shows the deal, d^* , that the U.S. will receive as a function of β . As was the case with f^* , above, d^* and β exhibit a directly proportional relationship: as β increases, d^* increases. 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. This yields the following hypothesis:

⁴³Parameters as follows (unless otherwise noted): $k = .5, s = 0.15, t = 0.6, c = 0.2$.

Hypothesis 3 *Crises in which the Congress exhibits greater support for the use of American military force will be more likely to yield better outcomes for the United States. (DV : ordered categorical variable—outcome) (Chapter 2)*

Note that under perfect and complete information war does not occur (both sides adequately understand the likely outcome of the contest and each other’s cost of fighting, and thus are able to find a deal better for both sides than war (Fearon 1995)). Because of this, f can be said to represent the amount of force the U.S. credibly threatens to employ—not that actually is employed. Nonetheless, this credible threat of force drives the bargaining outcome even when war does not occur. Thus, this predicted effect of congressional sentiment on outcome should exist regardless of whether the crisis matures into actual combat or not.⁴⁴

These simple comparative static results have an important implication: because congressional sentiment, by way of the loss cost mechanism, is influencing the maximum amount of force a President will be willing to employ, congressional will is affecting the policy implemented by the President even when the President is acting unilaterally.

MODEL II: Allowing for Formal Congressional Authorization

Formal Authorization for the Use of Military Force

We now introduce the possibility of formal authorization from the legislature into the game. Formal approval from the legislature refers to either a declaration of war or a statutory, legally binding Authorization for the Use of Military Force (AUMF). Because declarations of war have fallen into disuse across the world since World War II (Fazal 2012, Irajpanah & Schultz 2021), here we will primarily refer to AUMF’s.

It is a common misconception that statutory AUMF’s are somehow inferior to true declarations of war (Bradley & Goldsmith 2005).⁴⁵ Some emphasize that AUMF’s are not perfectly equivalent to declarations of war (Beschloss 2018, Howell 2003, pg. 1, for example), but the differences are

⁴⁴See, for example, McManus’s *Statements of Resolve* (2017), which makes little distinction between crises that escalate to actual uses of force and those that stay sub-kinetic.

⁴⁵ “[A] declaration of war is not required in order for Congress to provide its full authorization for the President to prosecute a war. An authorization of military force can be sufficient and, in fact, may even be necessary,” (Bradley & Goldsmith 2005).

minor and irrelevant for the purposes considered here. From a formal-legal perspective, jurists and all three branches of the federal government⁴⁶ agree that statutory authorizations for the use of military force can be used as valid substitutes for formal declarations of war from a constitutional perspective.⁴⁷

More importantly, either instrument requires a public, high-profile vote by both houses of Congress. This formal endorsement has two major consequences: first, it removes all constitutional doubt that the President has the power to undertake the operation. This eliminates an otherwise powerful criticism from the arsenal of opponents. Second, by having members of Congress publicly fix their name to the operation, it changes the lawmakers' own incentives over the long term. Their political fortunes become tied to the success of the intervention, and they thus have a vested interest in supporting it over time. Additionally, if the war ends in failure the vote makes it more difficult for lawmakers to attack the President for having poor judgement in foreign policy, because they themselves voted in favor of the operation. For the sake of simplicity, we assume that securing formal authorization *ex ante* removes the possibility of loss costs *ex post*.⁴⁸

Sequence of Moves

As in the first game presented above, there are in total three players in this game— P , C , and S_2 . Now, however, there is a possibility Congress will take an action prior to the bargaining process. The sequence of plays is as follows. First, the President (P) decides whether to ask Congress (C), for formal authorization to use military force. The President, as is well recognized, of course always has the option of simply bypassing Congress entirely. If they do so, the actors will then be

⁴⁶The Supreme Court itself has recognized AUMF's as a substitute for declarations of war as far back as 1800 in *Bas v. Tinny*. Congress's 1973 War Powers Resolution, likewise, specifically enumerates declarations of war and AUMF's as equivalent formal authorizations. Lastly, the executive branch—including the Department of Justice's Office of Legal Counsel—has consistently found AUMF's to be a valid form of congressional approval for the use of military force. Moreover, the United States passed several AUMF's decades before its first Declaration of War in 1812—suggesting that even the Framers of the Constitution (many of whom were in Congress in the first decades after the ratification of the Constitution) concurred on this point.

⁴⁷The main difference between the two instruments is their effect under *international* law: declarations of war change the legal regime operating between two states from that of peace to war, while AUMF's have no automatic international legal effect.

⁴⁸Another way of thinking about this is $k = 0$ when an AUMF has been secured.

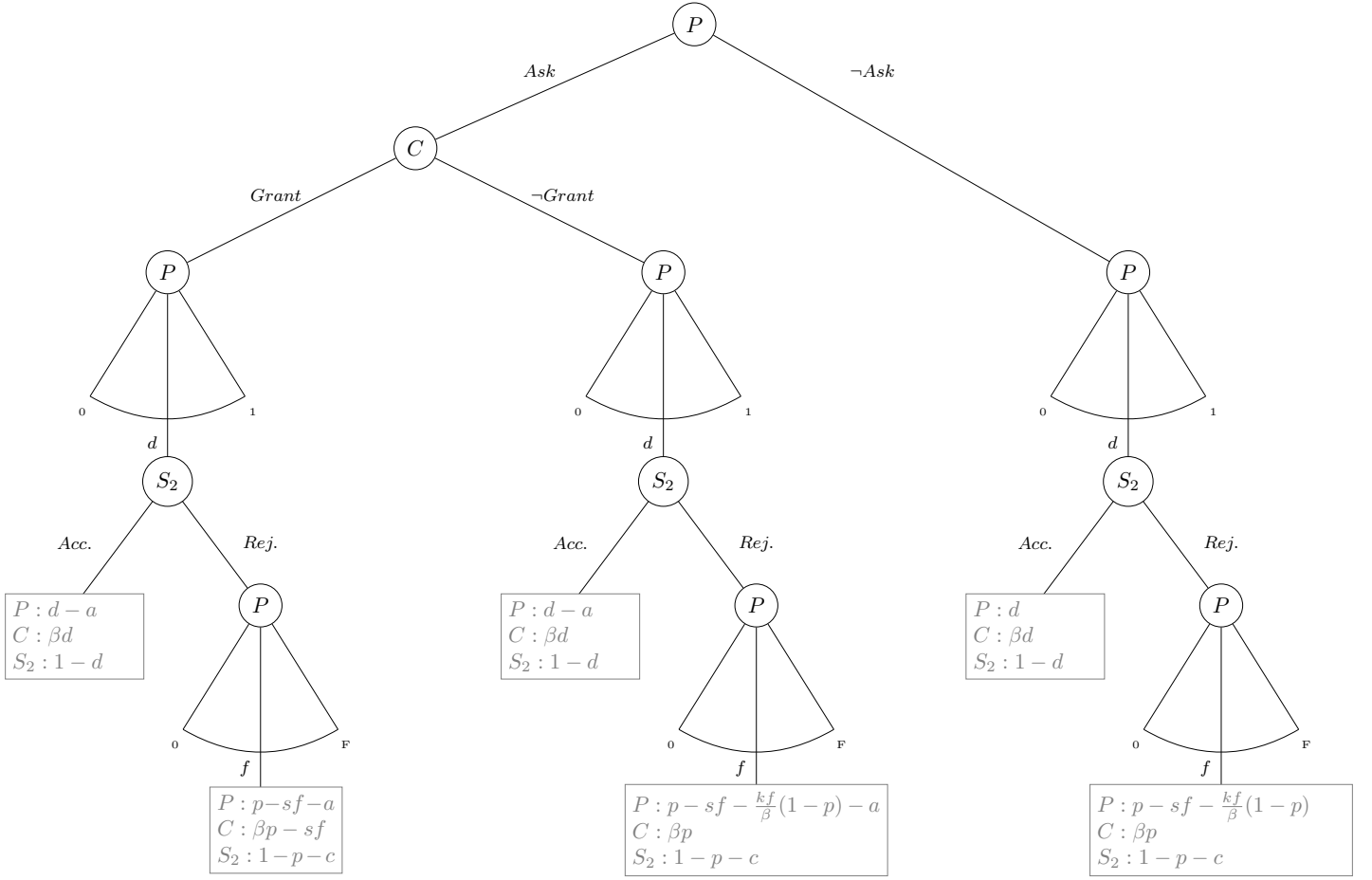


Figure 4: Bargaining Model with Loss Costs and Possibility of Formal Authorization from Congress

in a subgame identical to the “unilateral” game analyzed in the section above.⁴⁹ Indeed, there are substantial incentives to act unilaterally because seeking approval is not cost free. Instead, asking for formal authorization entails a cost, a .⁵⁰ The benefit of securing such approval is substantial, however, as it eliminates the possibility of Congress imposing loss costs on the President.

If the President chooses to seek formal congressional approval, C then decides whether to grant

⁴⁹Notice, therefore, that the subgame on the right—i.e., after the President selects $\neg Ask$ —is identical to the game shown in Figure 2.

⁵⁰Costs consists of, among other things, a) the precedent it may set for future uses of force and the implicit recognition that the President lacks the authority to use force unilaterally, b) the risk of looking “weak” or “indecisive”, c) the time and effort needed to lobby for an AUMF, and d) the possible embarrassment of being rejected. These factors could be made more explicit in the model—such as, for example, updating adversary beliefs about the President’s type—but doing so adds exponential complexity. Thus, for the current version of the model we simply treat them as an exogenously fixed asking cost, a .

such authorization. By granting authorization, however, C is forced to put some “skin in the game.” As explained above, the President will always internalize a sensitivity to casualties (sf) regardless of whether the use of force is authorized. Now, if Congress formally approves the use of force, it too is penalized for higher casualty counts and is subject to that as a cost of fighting (sf).

Thereafter—regardless of whether P asked for authorization, and, if so, whether C granted such authorization—the same bargaining game explained in the section above takes places. P decides a deal to offer the adversary state (d , where $0 \leq d \leq 1$). If S_2 accepts d , the game ends with payoffs ($d, \beta d, 1 - d$), plus other costs accrued,⁵¹ for P, C , and S_2 , respectively. If S_2 refuses the demand, then P must decide f , the amount of military force to use against S_2 , where $0 \leq f \leq F$ (F being the size of the standing army at the President’s disposal). As was the case in the game described above, the probability of victory increases with the amount of force employed by the United States, and is here specifically determined via the contest function $p = \frac{f}{f+t}$, where t is the amount of military force S_2 can bring to bear. Thereafter, the conflict takes place.⁵²

Payoffs

The payoffs of each player are most easily described in comparison to those seen in the original “unilateral” game presented above. First, notice that if the President simply chose to not ask ($\neg Ask$) Congress and act unilaterally (the subgame on the right), the payoffs are precisely the same as those found in the first game. Second, consider what happens if the President seeks approval but is rejected by the legislature (the middle subgame). Here, all of the payoffs are precisely the same as those in the original “unilateral” game, except for the fact the President additionally pays the cost of asking, a .

Lastly, consider the situation in which the President has sought formal approval and Congress has granted it (the subgame on the left). Payoffs here differ from the original “unilateral” game in the following ways: first, the President pays the cost a of asking. Second, loss costs have been eliminated. By securing formal congressional approval *ex ante*, Congress is no longer able to attack the President later for an “unconstitutional” use of force. Moreover, given their votes in favor of

⁵¹I.e., a , if the President sought approval.

⁵²The President always has the option of deploying $f = 0$: not using any force.

the operation, it will make it much more difficult for legislators to attack the President on policy grounds. Because of this, the entire loss cost term (i.e., $-(1-p)k\frac{f}{\beta}$) has been eliminated from the President's payoff when fighting with the formal approval of Congress. Lastly, as alluded to above, Congress now also suffers a cost of fighting (sf) if force is actually used after legislative authorization is given. Because in this case Congress has formally affixed its approval to the operation, Congress can no longer metaphorically “wash its hands” of the conflict and “sit on the sidelines”.

Perfect and Complete Information: Solution and Results

First, we assume a situation in which information is perfect and complete. As with the “unilateral” model, the step-by-step solution for the game is included in the Appendix. Several key points will be discussed here.

The most important result is that the President is willing to utilize more force when acting pursuant to formal authorization for the use of military force (“AUMF”) than when acting unilaterally. The intuition here is straightforward: from the previous model we saw that increasing loss costs incentivized Presidents to “pull their punches”, or perhaps to not even intervene at all. When acting pursuant to an AUMF, however, Presidents no longer have to worry about loss costs and thus are willing to utilize more force.

The plot on the left in Figure 5, below, shows the amount of force a President will be willing to use at different levels of adversary power. The orange curve represents a President operating under an AUMF, while the blue line signifies one operating unilaterally. Notice that when the adversary is very weak, there is no meaningful difference between the executive acting unilaterally and the one acting under formal congressional approval. In this case, the executive is quite certain the U.S. will prevail (given the massive power imbalance) and can use relatively little force to achieve a high chance of victory. In this case, loss costs are quite small, and the executive has few qualms about unilateral action.

A different story unfolds, however, as adversary power grows. As the President faces stronger adversaries, they will begin “pulling their punches”: increasing force risks higher loss costs, and the adversary's power makes defeat a substantial possibility. Eventually, the executive will be so

deterred from unilateral action that they simply will not intervene. Acting pursuant to formal approval from the legislature, however, provides substantial political cover to the executive and incentivizes them to utilize more force.

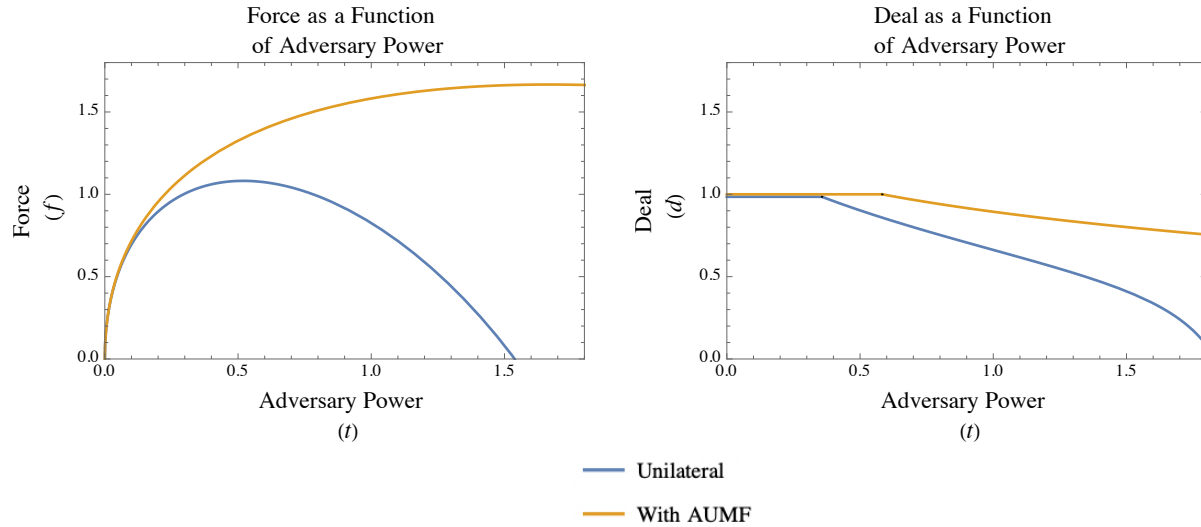


Figure 5: Force Employed and Deal Received as a Function of Adversary Power (t), Unilaterally and with AUMF

Moreover, because the amount of force employed affects the probability of victory, this then affects the deal the U.S. can expect—depicted in the plot on the right.⁵³ Here, the deal achieved by the President is shown as a function of adversary power—again, with the blue line representing unilateral action and the orange line symbolizing crises in which the Congress has provided formal authorization for the use of military force. When acting unilaterally, the threat that Congress will punish the President for a use of force that ends poorly effectively hurts the executive’s bargaining position. Again, this is increasingly the case as adversary power increases. These two plots of comparative statics yield the following hypotheses:

Hypothesis 4 *Ceteris paribus, the presence of formal authorization for the use of military force will make a President more likely to engage in combat (DV : binary variable—use/ not use force) (Chapter 2)*

Hypothesis 5 *Ceteris paribus, the presence of formal authorization for the use of military force will make a President more likely to use more force (DV : continuous variable—scale of use of force) (Chapter 2)*

⁵³Unless otherwise noted, $k = .5$, $s = 0.15$, $t = 0.6$, $c = 0.2$, $\beta = 1$

Hypothesis 6 *Ceteris paribus, the presence of formal authorization for the use of military force will yield better outcomes for the United States. (DV : ordered categorical variable—outcome) (Chapter 2)*

The second main takeaway from the model is that with complete and perfect information—and thus, in this model, no actual chance of war—Congress will always grant authorization for the use of force. The simple intuition here is that because there is zero probability of war, and because Congress is only hurt by authorizing the use of force if it is actually used, Congress knows it will never actually have to suffer the possible consequences of authorizing the use of force. It is therefore always optimal to give the President the extra bargaining leverage formal approval creates because—in this version of the model—there is no downside to doing so.

A possible illustration of this type of reasoning is the infamous Gulf of Tonkin Resolution (1964) prior to the Vietnam War. Starting in the mid 1950's, Presidents routinely sought formal authorization for the use of military force when facing major crises (see Chapter 3). The first joint resolution authorizing the use of force was the 1955 Formosa Resolution, passed during the First Taiwan Strait Crisis. The resolution was considered such a success in “strengthening the President’s hand” and deterring war⁵⁴ that lawmakers sought to emulate it in the Middle East after the Suez Crisis (1957), and then with a resolution for Cuba shortly before the Cuban Missile Crisis (1962). As seeming successes with these resolutions piled up, lawmakers paid less attention to their implications and the possibility of actual war. Thus, by 1964 lawmakers were quite well acquainted with these “area resolutions” and thought passing a sweeping resolution would help deter North Vietnamese adventurism at little cost.⁵⁵ Of course, in this instance, war did end up occurring. Years later, members of Congress would claim that they did not think they were voting for a war, while at the same time admitting that the clear language of the resolution authorized a major conflict.

⁵⁴ And seventy years later, the historical evidence suggests it was a success (Pang 2019).

⁵⁵ See extensive analysis of the Vietnam War in Chapter 5.

Incomplete information model

Asymmetric information is now introduced here with a specific goal in mind: to create a real risk of war, and to see how this affects Congress and the President’s behavior with regard to formal use of force resolutions. As we saw in the complete information version of the model, because there is no actual probability of war, Congress is more than happy to support the President with a resolution improving the bargaining position of the United States. Because the downside risk for legislators is non-existent (they do not have to worry about the cost of conflict), they always vote in favor.

To create a risk of war, we assume that the U.S. does not know the adversary state’s cost of war, c , with certainty. The distribution of types for S_2 is continuous over the interval $c \in [c^{max}, c^{min}]$, where $0 < c^{min} < c^{max} < 1$ and where c is drawn randomly by nature (N), a non-strategic player. S_2 , in contrast, is perfectly and completely informed of Congress and the President’s actions and payoffs. This imperfect information version of the game is solved using the Bayesian Perfect Equilibrium solution concept. As with the previous versions introduced, the full solution to the game is provided in the Appendix.

Discussion

Unlike in the complete information version of the game, here there is a positive probability of war under certain parameters. Because of this, Congress does not always grant authorization, as it now faces the possibility of having to share responsibility in an actual armed conflict. Moreover, because Congress does not always grant authorization, the President does not always seek it. Indeed, in equilibrium, the President will only seek authorization when Congress will grant it.

Hypothesis 7 *Presidents will only seek authorization when they think it is likely to be given, and will consciously avoid asking Congress when prospects for passage are low. (Chapters 3 & 4)*

Thus, when commentators note that it is quite rare for Congress to reject a presidential request for authorization⁵⁶—often suggesting Congress simply “rubber stamps” these requests (Burns 2019)—this needs to be put into context. Because seeking authorization is not cost free, the White House is incentivized to only make its desire for authorization known when it is relatively

⁵⁶Lindsay (2013).

certain it will be approved.⁵⁷ A good analogy for this dynamic is veto bargaining (Cameron 2000). While presidential vetoes are relatively rare, this is not because the President lacks power over legislation. Rather, it is because Congress considers the likelihood of a veto when crafting legislation—consciously trying to avoid passing legislation that will obviously be vetoed. In the war powers context, the roles are simply reversed. The President will only propose an AUMF they think has a high likelihood of passage, and consciously avoid going to Congress otherwise. There is strong evidence the Reagan Administration avoided seeking authorization for the use of force in the Caribbean Basin in the 1980’s, for example, because congressional resistance was obvious.⁵⁸ Similarly, Nixon avoided having Congress ratify the Paris Peace Accords—which would have included, at minimum, an implicit grant of authority to enforce the agreement—because congressional support seemed unlikely (Kissinger 2011). Moreover, there is evidence Congress has actually rejected presidential requests for formal approval more than often recognized. Congress denied Eisenhower authorization to use force in the 1954 Dien Bien Phu crisis (Prados 2002), pushed back on Johnson’s request for approval to break up the Egyptian blockade of the Straits of Tiran in 1967, refused Ford’s request for authority to evacuate at-risk Vietnamese from Saigon in 1975, and balked at President Obama’s request in the 2013 Syria “red line” crisis.⁵⁹ In 2015, Congress failed to pass an AUMF requested by the Obama administration authorizing the counter-ISIS campaign, despite the fact congressional sentiment overwhelmingly supported the mission. In these cases, the legislature was hardly a “rubber stamp.”

Moreover, this does not mean that a President acts the same regardless of authorization status. To the contrary, as the size of the threat increases, the force level employed by a President unilaterally versus under the cover of formal authorization becomes increasingly divergent. The plot

⁵⁷While beyond the scope of this manuscript, Presidents clearly seem to think the mere action of asking for congressional approval can sometimes be seen as an expression of weakness. As but one example, Nixon rejected the idea of asking for a congressional reaffirmation of the Vietnam War when he came into office in January of 1969—despite the increased political cover it would grant him—because he thought it would damage the prestige of the office (Kissinger 2011). Several of Obama’s advisors, likewise, argued in the 2013 Syria crisis that his presidency would be fatally damaged if he were to ask for congressional authorization and then lose the vote (Kerry 2019). In a similar fashion, George H.W. Bush recognized that it would be devastating for the President to publicly request congressional approval and not receive it (Bush & Scowcroft 1999). In each of these cases—and others—simply acting unilaterally was considered far preferable to seeking authorization and not obtaining it.

⁵⁸See Chapter 4.

⁵⁹For more information on all of these cases, see Chapter 4.

illustrated in Figure 6, below, depicts the equilibrium amount of force employed (or—if war does not occur—the amount of force credibly threatened to be employed) as a function of adversary power (t).⁶⁰ Note that this is the same plot as that presented in Figure 5 on the left, but now additionally highlights the authorization status (i.e., unilateral action versus pursuant to formal congressional authorization) we will observe in equilibrium. Again, consider the orange line, which illustrates the level of force used when acting pursuant to an AUMF. Because the possibility of loss costs has been eliminated when acting pursuant to a formal resolution, the amount of force employed is efficient (at least in the sense that the President is not pulling punches simply in order to decrease their exposure to loss costs). The blue line, in contrast, illustrates the President acting unilaterally. Against weaker adversaries, the President is quite willing to act unilaterally, and the blue line barely diverges from the orange line: the same amount of force would have been used regardless of authorization status. As the size of the threat increases, however, the increasing prospect of loss costs incentivizes the President to “underdeploy”. Indeed, around $t = 0.5$, unilateral force reaches its maximum. Thereafter, increasingly less force is deployed even as the size of the threat increases, and eventually $f^* = 0$: the U.S. simply does not enter the contest.

Lastly, observe that the darkened portions of the curves represents the actual amount of force (and authorization status) we will observe in equilibrium after the decisions by the President and Congress over formal authorization have been made. Smaller threats are undertaken unilaterally by the President, so the blue line is darkened up to a certain threshold threat level (on this plot, around $t = 0.55$). At this point, however, Congress becomes willing to formally authorize the intervention, and the use of force, instead, occurs pursuant to formal approval.⁶¹ This leads to the discontinuity and sudden jump to the orange line, which is now shown as darkened from this point on to higher threat levels. This suggests that the President will act unilaterally against smaller threats, and pursuant to formal congressional approval for larger threats. Note also that the observed level of force used in equilibrium is higher when acting under formal approval than when acting unilaterally. This yields the following hypotheses:

⁶⁰Unless otherwise noted, $s = 0.15$, $t = 0.6$, $c = 0.2$, $c^{min} = 0.0$, $c^{max} = 0.8$, $a = 0.1$, $beta = 1$, $k = 0.5$

⁶¹One might immediately wonder what would happen if Congress simply had no interest in authorizing the use of force—in other words, what if Congress was less supportive of the intervention (i.e., had a lower β) than assumed in this particular marginal effects plot? This is specifically analyzed below.

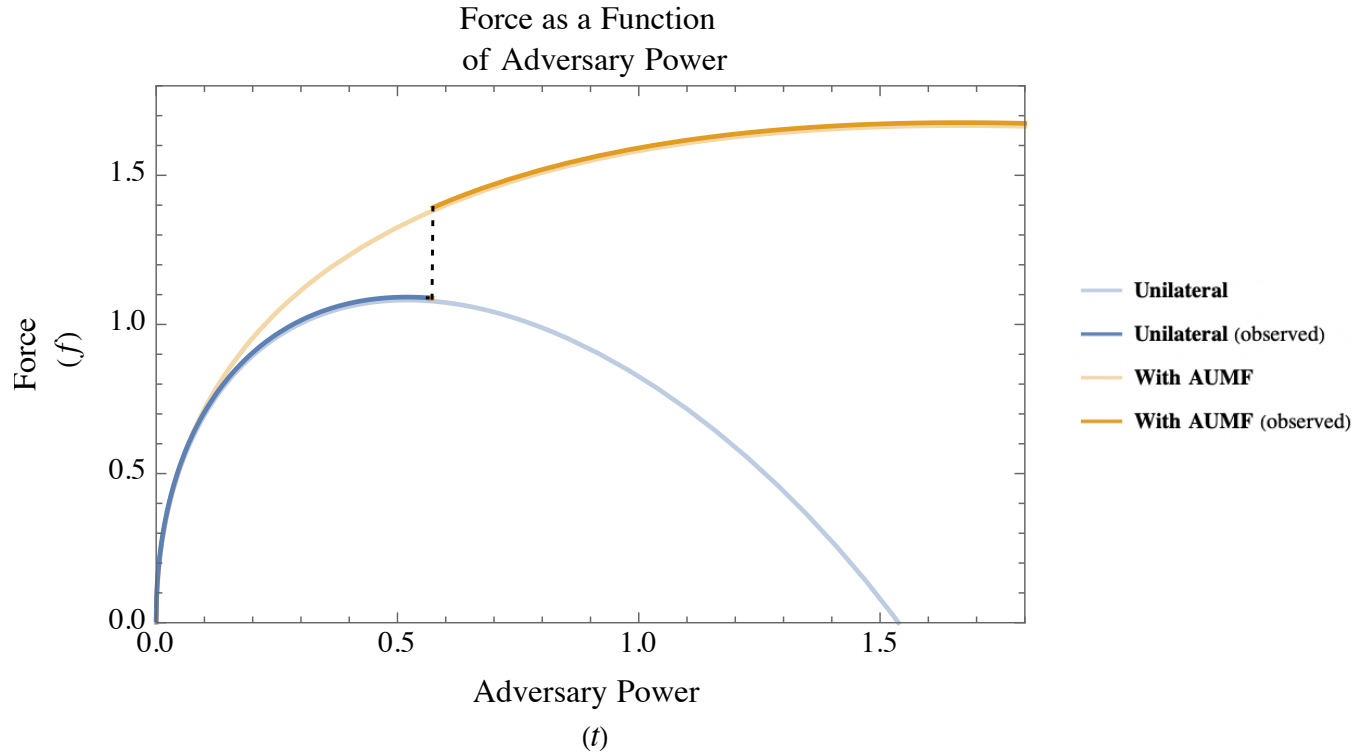


Figure 6: U.S. Force Employed (or, Credibly Threatened) and Authorization Status Observed in Equilibrium as a Function of Adversary Power

Hypothesis 8 *Large observed uses of force will have formal authorization, while small uses of force will be undertaken unilaterally. (Chapters 3 & 4)*

Hypothesis 9 *Large uses of force will not be taken absent formal approval by the legislature. (Chapters 3 & 4)*

Hypothesis 10 *There will exist potential uses of force considered but avoided specifically because of a lack of formal approval. (Chapter 4)*

Notice that this leads to a seemingly paradoxical prediction: despite Congress being disinclined to assume responsibility for uses of military force, we will find that the largest uses of force against the biggest threats have formal congressional authorization while smaller uses of force against weaker adversaries will not exhibit the formal backing of the legislature.

The reason for this perplexing outcome is precisely because of Congress's incentives to avoid taking a formal position on the use of force, however. Because *ceteris paribus* Congress would rather not vote on a use of force, it will only do so when it realizes that it will make a big enough difference

to offset the additional risk it undertakes by putting “skin in the game.” Notice that as the size of the threat increases, the difference in force employed by a President unilaterally compared to that utilized when acting pursuant to authorization (i.e., the difference between the blue and orange lines) becomes increasingly large. Congress knows that its authorization allows the President to move from the blue line to the orange line. At low values of t , the difference is so minimal that Congress simply prefers the White House to act unilaterally.⁶² Against the largest levels of t however, Congressional approval makes an enormous difference. If Congress sufficiently values the use of force, it will approve the operation and the intervention will be undertaken. Otherwise, the President—acting unilaterally—is forced to use a very low level of force, or, in many cases, simply use no force at all.

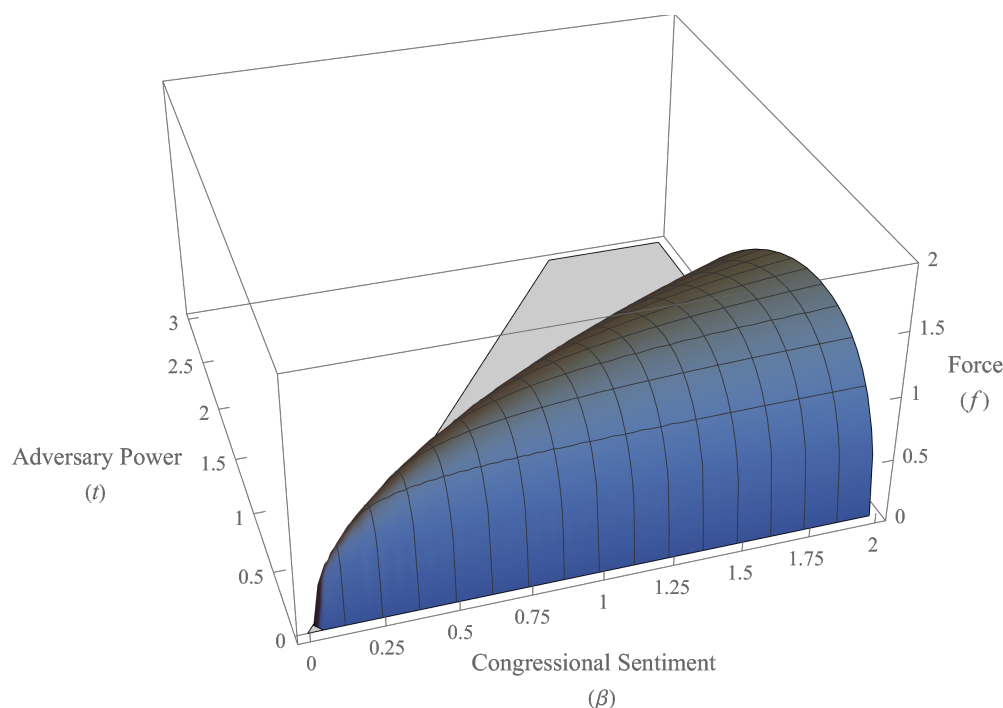


Figure 7: Force Employed as a Function of Adversary Power (t) and Congressional Sentiment (β)—Unilateral Force Only

⁶²Consider, for example, the Obama Administration’s effort to receive explicit approval for its Counter-ISIS campaign: the size of the effort was relatively small, and it was already well underway before authorization was requested in early 2015. Congress thus had little incentive to give formal approval when the administration was already doing what Congress wanted. More recent efforts to update the 2001 AUMF would fall under a similar logic. Since the White House is by-and-large already undertaking the small counter-terrorism operations members of Congress generally support, there is no incentive for members of Congress to put their own “skin in the game” with a new AUMF.

We can also see how this dynamic changes at different levels of congressional sentiment in favor of the use of military force (β). First, we limit our consideration to unilateral uses of force in Figure 7, above. As noted above in the discussion of Model I, we see that Congress can actually maintain reasonable influence over the use of military force even when the President acts unilaterally. Figure 7 essentially takes the blue line from Figure 6 (representing force employed unilaterally) and adds a third dimension: congressional sentiment (β). While still maintaining the same “upside-down-U” shape, we see that the figure narrows substantially at lower levels of congressional support (near $\beta = 0$), and conversely widens significantly when there is more congressional support for the use of force (near $\beta = 2$). The maximum amount of force the President will be willing to employ is thus proportional to congressional sentiment for the operation, even when acting unilaterally.

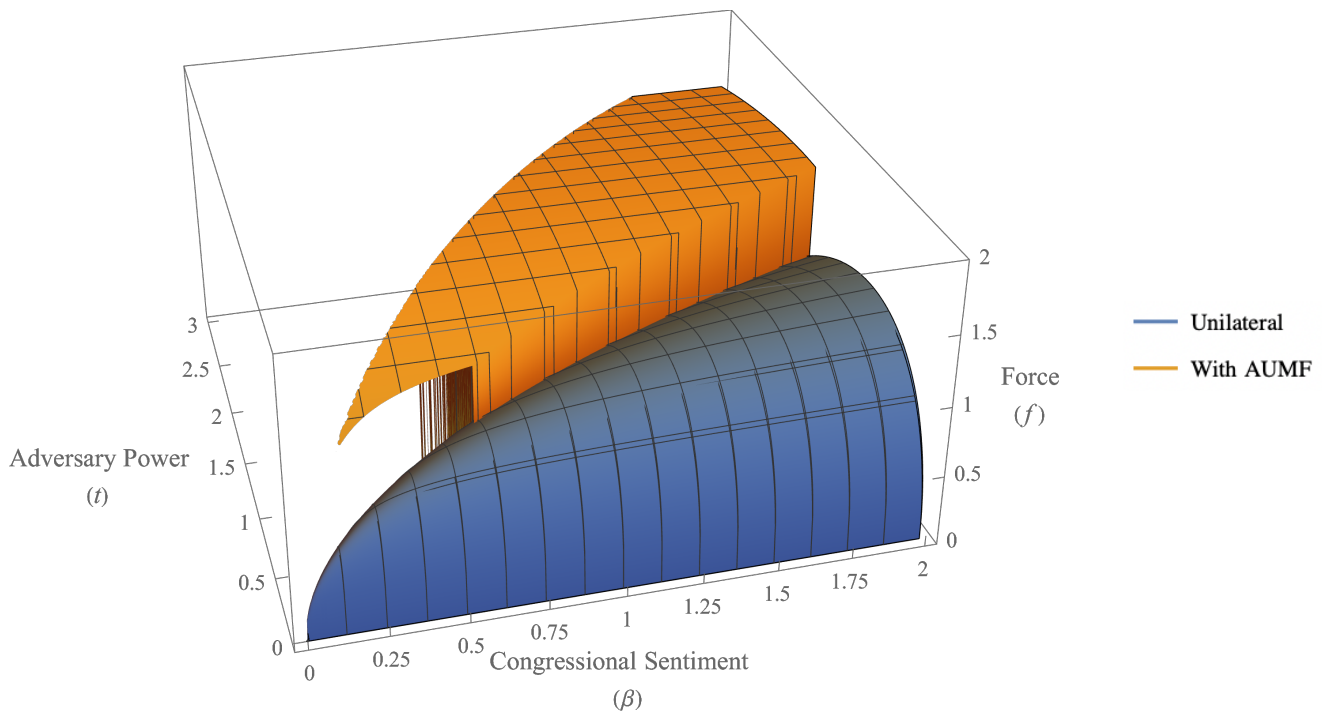


Figure 8: Equilibrium Force Employed (and, Authorization Status) as a Function of Adversary Power (t) and Congressional Sentiment (β)—AUMF Option Included

Now, allowing for the possibility of formal authorization for the use of military force in Figure 8, we see a similar pattern as that shown by the darkened portions of the curves in Figure 6. At the front of the figure, we see the same blue conical object representing uses of force undertaken unilaterally. At a certain threshold, however, we see a step (technically, a discontinuity) up to a

much higher level of force. This orange upper-shelf in the back consists of uses of force undertaken pursuant to formal congressional approval.

Note that one of the major differences between Figures 7 and 8 is the additional surface area covered in Figure 8. This suggests that more threats will be responded to when AUMF's are a possibility. Moreover, note that at every level of congressional sentiment, the presence of an AUMF greatly expands the amount of force to be used against the largest threats.

A key takeaway from Figure 8 is that formal authorization for the use of force will have an effect well beyond simply exposing congressional attitudes over the use of force.⁶³ In simpler terms, formal congressional authorization *matters*. Prior to the Gulf War, for example, President Bush was well aware that a formal vote authorizing the use of force would be highly divisive and that the vast majority of Democrats would oppose it (Bush & Scowcroft 1999). In this sense, the immediate floor debates and vote over the resolution in early January 1991 served only to reinforce this fact. Viewed through the lens of Schultz's seminal model (Schultz 1998), this would have undermined U.S. signalling. Viewed through the theory presented here, however, the passage of the AUMF—even if revealing a clear domestic split in the U.S.—would have made the President far more comfortable using major military force. The reason, again, is simple: the AUMF would have eliminated possible loss costs—a fact well recognized by the President and his advisors (Bush & Scowcroft 1999, Meacham 2015). Bush would privately admit after the vote in his diary, “The big burden, lifted from my shoulders, is this Constitutional burden—the threat of impeachment...All that cleared now by this very sound vote of the Congress,” (Meacham 2015).

Similarly, even in cases in which Congressional sentiment is nearly unanimous in favor of the use of force, Presidents will still seek formal authorization if they expect the operation to be large in scale and lengthy in time. After the 9/11 terrorist attacks, for example, it was no secret that the United States was unified in its determination to strike back. While the Bush administration felt it was perfectly justified in acting unilaterally, there was no serious consideration of acting without congressional authorization.⁶⁴ Instead, it sought to secure long term buy-in and monetary support

⁶³This is a restatement of Hypotheses 4, 5, and 6: a President is more likely to use force, to use more force, and to win when acting pursuant to formal congressional approval—and even after controlling for informal congressional sentiment.

⁶⁴<https://millercenter.org/the-presidency/Presidential-oral-histories/alberto-r-gonzales>

from Congress by securing formal approval.⁶⁵

Adversary Perceptions

Lastly, all the analysis provided up to this point—arguing that congressional sentiment and formal authorization status both affect the amount of force a President will employ—suggests U.S. adversaries would have a strong interest in paying attention to congressional sentiment and formal actions. The North Vietnamese, for example, paid close attention to Congress throughout the Vietnam War (Asselin 2017).⁶⁶ Similarly, in the run-up to the Gulf War, Saddam Hussein seemingly had doubts about Bush’s actual willingness to start a war absent legal approval from Congress:

“[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)

Hypothesis 11 *U.S. Adversaries will pay close attention to congressional sentiment and authorization debates in the U.S. when assessing American intentions and credibility (Chapter 5)*

Moreover, realizing that the adversary is up to this, Presidents will face strong incentives to portray an image of themselves as an Imperial President prepared to act regardless of the will of Congress (Jervis 1970, Schlesinger 1973). For example, as Saddam pondered whether the American President was bluffing or not, 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.”⁶⁷ Yet, privately, Bush was highly distressed at the prospect of entering a major war absent the sanction of the legislature. He specifically noted his fears of impeachment in his diary several times,⁶⁸ and requested formal authorization from congressional leaders on at least seven occasions behind closed doors (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

⁶⁵Turning Point: 9/11 and the War on Terror, Episode 2 (2021)

⁶⁶See extensive treatment of Vietnam War in Chapter 5.

⁶⁷<https://www.presidency.ucsb.edu/documents/remarks-the-texas-state-republican-convention-dallas-texas>

⁶⁸<https://www.politico.com/magazine/story/2015/11/jon-meacham-book-george-h-w-bush-213347/>

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)⁶⁹

Hypothesis 12 *Presidents will publicly downplay the effect of congressional sentiment and formal authorization on their willingness to use force, while privately being highly concerned about it (Chapter 3,4,5)*

Conclusion

But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others.... Ambition must be made to counteract ambition.—Federalist 51

Critics of the *status quo* state of the war powers bemoan the poor incentives political actors have in maintaining an appropriate balance of control over the power to initiate armed conflict (Hendrickson 2002, Fisher 2013, Schlesinger 1973, Burns 2019, Griffin 2013). Proposed solutions often include calls for members of Congress to essentially ignore self-interest and to “reclaim” their power over war. Unsurprisingly, efforts to amend the war powers relationship have consistently failed.⁷⁰

But the Framers of the Constitution were quite clear-eyed about the fact they were setting up a government of humans, not angels.⁷¹ Here, vice becomes virtue: self-interest is not a bug in the

⁶⁹<https://www.presidency.ucsb.edu/documents/the-presidents-news-conference-the-persian-gulf-crisis>

⁷⁰<https://www.lawfareblog.com/what-happened-post-trump-reform>. See, for example, <https://millercenter.org/issues-policy/foreign-policy/national-war-powers-commission>

⁷¹Federalist 51

system; it is the key to the system’s long term functioning. In the war powers context, it is precisely Congress’s ability to opportunistically attack a President for a less-than-successful military action that encourages Presidents to closely consider congressional sentiment—and, for the largest uses of force, to only act if they can secure formal congressional authorization. Congress’s incentives to sit on the sidelines and “snipe” at the President motivate the executive to only utilize a level of force commensurate to the amount of support in Congress for the endeavor.

The next chapters will empirically assess key predictions from the theory, starting with a quantitative analysis of the effect of congressional sentiment and formal legal authorization on a President’s willingness to use force, and on the outcomes of U.S.-relevant crises. Chapters 3 and 4 then examine the relationship between a President’s willingness to enter a major war and formal authorization, finding that while there are no clear cases of a willingness to prosecute a major war unilaterally after the early 1950’s, there are many cases where force was avoided due to a lack of formal approval. Chapter 5 then examines international perceptions and reactions to the domestic war powers contest in the United States, showing that even during the purported zenith of the Imperial Presidency—the Vietnam War—U.S. allies and adversaries put great weight on the sentiment and actions of the legislature when assessing American credibility.

Appendix

MODEL I: The Unilateral Use of Force

Payoffs

As described in the text and as shown in Figure 2, the war payoffs for the actors are as follows (note Congress has been omitted because in the collapsed form of the game it has become a passive actor):

$$U^P(war) = p - sf - \frac{fk}{\beta}(1 - p) \quad (1)$$

$$U^{S_2}(war) = (1 - p) - c_2 \quad (2)$$

Complete Information Equilibrium

Having perfect and complete 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. We can rewrite the President's utility function from war as:

$$U^P(war) = \frac{f}{f+t} - \left(1 - \frac{f}{f+t}\right) \frac{fk}{\beta} - sf \quad (3)$$

Taking the derivative of this utility function, setting this equal to zero, and solving for f yields the amount of force that maximizes the President's war utility:

$$f^* = \sqrt{\frac{\beta t - kt^2}{\beta s}} - t \quad (4)$$

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

$$p^* = 1 - \frac{t}{\sqrt{\frac{t(\beta-kt)}{\beta s}}} \quad (5)$$

Next, in order to determine the S_2 's choice at the prior decision node—i.e., whether to accept the deal offered, d , or to reject it and go to war—we set S_2 's payoff from accepting the deal equal to the payoff from going to war:

$$1 - d = 1 - p^* - c \quad (6)$$

Which can be rewritten as:

$$d = p^* + c \quad (7)$$

Thus, if the deal offered, d , is greater than or equal to $p^* + c$, the deal will be accepted by S_2 . Otherwise, the deal will be rejected and war will occur. Knowing this, P will offer a deal that maximizes their own share while still avoiding war. P will thus offer d , such that:

$$d^* = p^* + c \quad (8)$$

Substituting in Equation 5, and simplifying, this simplifies to:

$$d^* = -\frac{t}{\sqrt{\frac{t(\beta-kt)}{\beta s}}} + c + 1 \quad (9)$$

MODEL II: Allowing for Formal Congressional Authorization

Complete Information Version

Having perfect information, this game is solved using the subgame perfect equilibrium solution concept.

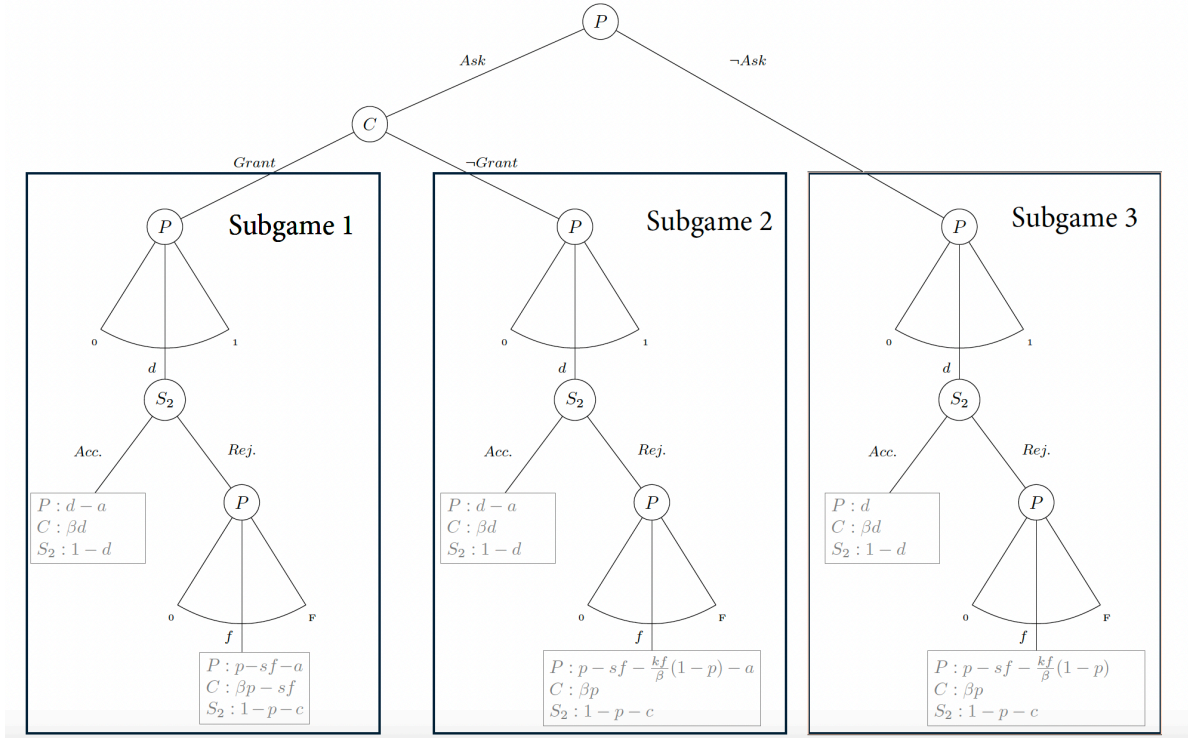


Figure 9: Bargaining Model with Loss Costs and Possibility of Formal Authorization from Congress, Subgames Highlighted

Subgame 1

The subgame on the left—that in which the President has secured formal authorization for the use of military force—is first considered. Starting from the last decision node, the President must decide how much force to employ f . Because the President's utility function at this node is $p - sf - a$, and p is given by the contest function $p = f/(f + t)$, we can rewrite the President's war payoff in the first subgame as:

$$U_1^P(war) = \frac{f}{f+t} - sf - a \quad (10)$$

In order to find the amount of force that maximizes the President's utility at this subgame, we take the partial derivative of Equation 1 with respect to f and set this equal to 0. Solving for f we find:

$$f_1^* = \sqrt{\frac{t}{s}} - t \quad (11)$$

Where f_1^* represents the optimal amount of force for the President to employ in subgame 1. Given that this is a game of complete and perfect information, S_2 will take this into account when making its own decision about whether to accept or reject the offer made by the President, as f_1^* directly affects S_2 's war payoff by way of affecting the probability of victory. Specifically, given f_1^* and the contest function ($p = \frac{f}{f+t}$), we know the probability of victory for the United States in the first subgame is:

$$p_1^* = 1 - s\sqrt{\frac{t}{s}} \quad (12)$$

Given this, and its own war payoff, S_2 will be able to decide whether to accept the deal proposed by the President or reject the offer. Specifically, if:

$$1 - d \geq 1 - (1 - s\sqrt{\frac{t}{s}}) - c \quad (13)$$

S_2 will accept the offer. Otherwise, the offer will be rejected. Knowing this, the President then knows precisely the deal to offer to S_2 in order to get the best deal possible for the United States while still avoiding war. Specifically, the deal the President will offer will be:

$$d_1^* = c - s\sqrt{\frac{t}{s}} + 1 \quad (14)$$

And S_2 will accept the deal.

Subgame 2

Subgame 2 consists of the middle subgame—that in which Congress rejected a President’s request for authorization. Starting from the bottom, the President must decide how much force to employ. Notably, the decision here is slightly different from subgame 1—where an AUMF was in hand—because now the President has to take into account the blowback they are going to get from Congress if they lose unilaterally (k). Because the President’s utility function at this node is $p - sf - \frac{kf}{\beta}(1 - p)$, and p is given by the contest function $p = f/(f + t)$, we can rewrite the President’s utility function as:

$$U_2^P(war) = \frac{f}{f + t} - \frac{fk}{\beta} \left(1 - \frac{f}{f + t}\right) - fs - a \quad (15)$$

In order to find the amount of force that maximizes the President’s utility at this subgame, we take the partial derivative of Equation 15 with respect to f and set this equal to 0. Solving for f we find:

$$f_2^* = \sqrt{\frac{\beta t - kt^2}{\beta s}} - t \quad (16)$$

Where f_2^* represents that optimal amount of force for the President to employ in subgame 2. Given that this is a game of complete and perfect information, S_2 will take this into account when making its own decision about whether to accept or reject the offer made by the President, as f_2^* directly affects S_2 ’s war payoff by way of affecting the probability of victory. Specifically, given f_2^* and the contest function, we know the probability of victory for the United States in the second subgame:

$$p_2^* = 1 - \frac{t}{\sqrt{\frac{t(\beta - kt)}{\beta s}}} \quad (17)$$

Given this, and its own war payoff, S_2 will be able to decide whether to accept the deal proposed by the President or reject the offer. Specifically, if

$$1 - d \geq 1 - \left(1 - \frac{t}{\sqrt{\frac{t(\beta - kt)}{\beta s}}}\right) - c \quad (18)$$

S_2 will accept the offer. Otherwise, the offer will be rejected. Knowing this, the President then knows precisely the deal to offer to S_2 in order to get the best deal possible for the United States while still avoiding war. Specifically, the deal the President will offer will be:

$$d_2^* = -\frac{t}{\sqrt{\frac{t(\beta-kt)}{\beta_s}}} + c + 1 \quad (19)$$

And S_2 will accept the deal.

Subgame 3

The only relevant difference between subgames 2 and 3 is that by fulling bypassing the Congress, the President avoids paying the cost of asking (a)—a sunk cost by the time the subgames are reached. Thus, the same equilibrium behavior will be observed in subgame 3 as in subgame 2. Therefore:

$$f_3^* = \sqrt{\frac{\beta t - kt^2}{\beta_s}} - t \quad (20)$$

$$p_3^* = 1 - \frac{t}{\sqrt{\frac{t(\beta-kt)}{\beta_s}}} \quad (21)$$

$$d_3^* = -\frac{t}{\sqrt{\frac{t(\beta-kt)}{\beta_s}}} + c + 1 \quad (22)$$

And S_2 accepts the deal offered by the President.

Congress's Decision

Notably, because Congress only has a decision if authorization is actually requested by the President, we only have to compare Congress's expected payoff's from subgames 1 and 2. If $U_1^C > U_2^C$, Congress will grant the authorization requested, and otherwise will deny the authorization. Substituting d_1^* and d_2^* into Congress's payoffs, we see that if:

$$\beta(c - s\sqrt{\frac{t}{s}} + 1) > \beta(-\frac{t}{\sqrt{\frac{t(\beta-kt)}{\beta s}}} + c + 1) \quad (23)$$

Congress will grant the authorization requested, and otherwise will deny the authorization. Simplifying equation 23 and solving for β , we see that if:

$$\beta \geq 0 \quad (24)$$

Congress will grant the authorization requested, and otherwise will deny the authorization. Given that this is true by definition here, it means that under perfect and complete information Congress *always* grants authorization.

The President's Decision

Lastly, knowing the deals that will occur at each subgame and knowing that Congress will always authorize the use of force if requested, the President has to decide whether to request authorization. Effectively, the choice comes down to whether the extra bargaining leverage gained by having a congressional authorization in hand will compensate for the cost incurred by seeking authorization. Specifically, if:

$$d_1^* - a > d_3^* \quad (25)$$

Authorization will be requested, otherwise, it will not be. This can be rewritten and simplified to if:

$$a < \frac{t}{s\sqrt{\frac{t(\beta-kt)}{\beta s}}} - \sqrt{\frac{t}{s}}$$

Authorization will be requested, otherwise, it will not be.

Incomplete Information

Subgame 1

The very last node—where the President selects how much force to employ, f — actually involves the same decision as the complete information game. Thus:

$$f_1^* = \sqrt{\frac{t}{s}} - t \quad (27)$$

and

$$p_1^* = 1 - s\sqrt{\frac{t}{s}} \quad (28)$$

Because S_2 is completely informed of P 's actions and payoffs, it actually knows precisely how much force the President will use if S_2 rejects the offer. Thus, S_2 's decision in subgame 1 will be if:

$$1 - d_1 \leq 1 - (1 - s\sqrt{\frac{t}{s}}) - c \quad (29)$$

S_2 will reject the offer. Otherwise, the offer will be accepted.

The United States, however, is uncertain over S_2 's cost of fighting, and thus has to make a deal that balances maximizing the deal acquired while minimizing the probability of war—a risk-reward trade-off. The President knows that there is some \bar{c} at which S_2 would be indifferent between accepting the deal and risking war. Setting S_2 's payoff from a deal, d_1 , and war, $(1 - p) - c$, equal to each other and solving for c :

$$\bar{c} = d_1 + s\sqrt{\frac{t}{s}} - 1 \quad (30)$$

The Presidents will estimate the probability that S_2 will reject the offer by comparing this \bar{c} to the range of values of which the U.S. expects S_2 's true type to be located ($c \in [c^{max}, c^{min}]$).

$$prob_1(rej) = \frac{\bar{c} - c^{min}}{c^{max} - c^{min}} \quad (31)$$

Substituting in equation 30, we get:

$$prob_1(rej) = \frac{d_1 + s\sqrt{\frac{t}{s}} - 1 - c^{min}}{c^{max} - c^{min}} \quad (32)$$

Knowing this probability of rejection, the President will have to make an offer d_1 such that their expected utility is maximized. The President's utility function in this subgame is:

$$U_1^P = prob_1(rej) * (p - sf - a) + (1 - prob_1(rej)) * (d_1 - a) \quad (33)$$

Substituting in the variables defined above, we solve for the d_1 that maximizes the President's expected utility. We find:

$$d_1^* = \frac{1}{2} \left(c^{max} + st - 3\sqrt{s}\sqrt{t} + 2 \right) \quad (34)$$

Subgame 2

As in the first subgame of this version of the game, the President's use of force decision is the same as in the complete information version of the game. Thus:

$$f_2^* = \sqrt{\frac{\beta t - kt^2}{\beta s}} - t \quad (35)$$

and

$$p_2^* = 1 - \frac{t}{\sqrt{\frac{t(\beta - kt)}{\beta s}}} \quad (36)$$

As in subgame 1, because S_2 is completely informed of P 's actions and payoffs, it actually knows precisely how much force the President will use if S_2 rejects the offer. Thus, S_2 's decision in subgame 2 will be if:

$$1 - d_2 \leq 1 - p_2^* - c \quad (37)$$

S_2 will reject the offer. Otherwise, the offer will be accepted. Similar to subgame 1, the President knows there is some c, \bar{c} , such that S_2 will be indifferent between accepting the deal offered, d_2 , and rejecting the deal. Setting S_2 's expected utilities from accepting and rejecting equal to each other, and solving for \bar{c} , we see:

$$\bar{c} = \frac{t}{\sqrt{\frac{t(\beta-kt)}{\beta s}}} + d_2 - 1 \quad (38)$$

The President will estimate the probability that S_2 will reject the offer by comparing this \bar{c} to the range of values of which the U.S. expects S_2 's true type to be located ($c \in [c^{max}, c^{min}]$).

$$prob_2(rej) = \frac{\bar{c} - c^{min}}{c^{max} - c^{min}} \quad (39)$$

Substituting in equation 38, we get:

$$prob_2(rej) = \frac{-c^{min} + d_2 + \frac{t}{\sqrt{\frac{t(\beta-kt)}{\beta s}}} - 1}{c^{max} - c^{min}} \quad (40)$$

Knowing this probability of rejection, the President will have to make an offer d_2 such that their expected utility is maximized. The President's utility function in this subgame is:

$$U_2^P = prob_2(rej) * (p - sf - a - \frac{kf}{\beta}(1 - p)) + (1 - prob_2(rej)) * (d_2 - a) \quad (41)$$

In order to find the optimal deal, d_2 , to offer S_2 , we take the derivative of the President's utility function, set it equal to zero, and solve for d_2 . From this, we find that the optimal deal to offer is:

$$d_2^* = \frac{\beta^2 \left(-3s\sqrt{\frac{t(\beta-kt)}{\beta s}} + c^{max} + st + 2 \right) - \beta kt \left(-2s\sqrt{\frac{t(\beta-kt)}{\beta s}} + c^{max} + st + 3 \right) + k^2 t^2}{2\beta(\beta - kt)} \quad (42)$$

Subgame 3

Because the only difference between subgames 2 and 3 is the sunk cost of asking for authorization (a), the equilibrium behavior follows the same calculations.

$$f_3^* = \sqrt{\frac{\beta t - kt^2}{\beta s}} - t \quad (43)$$

$$p_3^* = 1 - \frac{t}{\sqrt{\frac{t(\beta - kt)}{\beta s}}} \quad (44)$$

$$d_3^* = \frac{\beta^2 \left(-3s\sqrt{\frac{t(\beta - kt)}{\beta s}} + c^{max} + st + 2 \right) - \beta kt \left(-2s\sqrt{\frac{t(\beta - kt)}{\beta s}} + c^{max} + st + 3 \right) + k^2 t^2}{2\beta(\beta - kt)} \quad (45)$$

Congress's Decision

Notably, because Congress only has a decision if actually requested by the President, we only have to compare Congress's expected payoffs from subgames 1 and 2. Substituting d_1^* and d_2^* —as well as the probabilities of rejected deals (i.e., war) into Congress's payoffs—we see:

$$U_1^C = prob_1(rej)(\beta p_1^* - sf_1^*) + (1 - prob_1(rej))(\beta d_1^*) \quad (46)$$

$$U_2^C = prob_2(rej)(\beta p_2^*) + (1 - prob_2(rej))(\beta d_2^*) \quad (47)$$

If $U_1^C > U_2^C$, Congress will grant the authorization requested, and otherwise will deny the authorization.⁷²

The President's Decision

Lastly, knowing the deals that will occur at each subgame and knowing that Congress will always authorize the use of force if requested, the President has to decide whether to request authorization.

⁷²More extensive display of equation not presented due to space constraints. Available upon request.

Effectively, the choice comes down to whether the extra bargaining leverage gained by having a congressional authorization in hand will compensate for the cost incurred by seeking authorization.

First, the President will *never* seek authorization if Congress is not going to grant it. Thus, if $U_1^C < U_2^C$, then the President does not seek authorization. The simple intuition here is that because subgames 2 & 3 (i.e., asking and getting rejected vs. simply not asking) are identical other than the sunk cost a the President pays for asking, it is always better to simply avoid asking if the answer will be negative.⁷³

If $U_1^C > U_2^C$ —i.e. Congress would grant the request if asked—then the President will seek authorization if their utility from subgame 1 (asking and receiving) is greater than the utility from subgame 3 (not asking), where:

$$U_1^P = \text{prob}_1(\text{rej})(p_1^* - sf_1^*) + (1 - \text{prob}_1(\text{rej}))(d_1^*) - a \quad (48)$$

$$U_3^P = \text{prob}_3(\text{rej})(p_3^* - sf_3^* - \frac{kf_3^*}{\beta}(1 - p_3^*)) + (1 - \text{prob}_3(\text{rej}))(d_3^*) \quad (49)$$

Note: $\text{prob}_3(\text{rej})$ is equivalent to $\text{prob}_2(\text{rej})$, above.

If $U_1^P > U_3^P$, authorization will be requested, otherwise, it will not be.⁷⁴

⁷³Unexplored here—but ripe for future research—is the signalling taking place during the ask/ not ask and grant/ not grant decisions. The mere act of asking conceivable signals to adversaries that a President is a “weak” type. Thus, simply not asking might be preferred to asking and being rejected because it does not signal weakness. For tractability purposes, incomplete information over k —or some other parameter representing presidential resolve—is not directly investigated here.

⁷⁴More extensive display of equation not presented due to space constraints. Available upon request.

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In the Shadow of Congress

Chapter 2: Quantitative Assessment of Congress and Coercion

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Abstract

This chapter turns to empirically testing key propositions from the first chapter. First, a new dataset of “congressional support scores” is introduced. It utilizes speech data from the congressional record to measure sentiment toward the possible use of force in U.S.-relevant crises from the end of the Second World War until today. A validation test of the scores suggests they are superior proxies to any other alternative—including measures such as the portion of Congress consisting of Republicans (McManus 2017) or presidential copartisans (Howell & Pevehouse 2007, Kriner 2010). Second, the effect of informal congressional sentiment and formal authorization on the President’s intervention decision is tested. Both prove to be closely connected to whether a President chooses to intervene in a crisis—and, if so, how much force to employ. Lastly, the influence of congressional sentiment and formal approval for the use of military force on crisis outcomes is considered. The evidence yielded suggests that the United States is more likely to achieve victory in crises that have congressional backing.

Congressional Support, Force Employment, and Crisis Outcomes

This chapter quantitatively tests Hypotheses 1-6 from Chapter 1. The theory presented in the previous chapter suggested that the level of force a President would be willing to employ in a given crisis—and, thus, also to credibly *threaten* to employ—will be substantially affected by the level of support in Congress for the potential use of force. Internationally, this implies the outcomes achieved by the United States in crises will be substantially affected by support in Congress for the intervention.

Part I of this chapter introduces a novel dataset of congressional sentiment toward the use of

force in approximately 150 crises¹ since the end of the Second World War. This dataset required the hand-labelling of roughly twenty-five thousand congressional floor speeches, and took nearly two years to complete. Part II then tests hypotheses in which the use of force is the outcome variable. It finds that both informal congressional sentiment and formal legal authorization for the use of military force predict a President using force—and more force—in a crisis. Part III, in contrast, focuses on the hypotheses related to the outcome of the crisis. It similarly finds that congressional sentiment and legal authorization predict better outcomes for the United States. The section also addresses the possibility of reverse causation, and shows that it is unlikely to be driving this result.

Part I: Measuring Congressional Support for the Use of Military Force

While congressional support for, or opposition to, the employment of American military force in a crisis is theoretically quite important (Schultz 2001, for example), actually measuring it is difficult. One technique commonly utilized in the literature is to use the proportion of Congress made up of copartisans of the President (Howell & Pevehouse 2005, Howell & Pevehouse 2007, Kriner 2010) or Republicans (McManus 2017) as a proxy for congressional support. Both of these proxies, however, have significant drawbacks. First, as shown below, both of these measures only very roughly correlate with, e.g., the few use of force votes that do exist. It is not difficult to identify major cases in which non-copartisans gave greater support to the President in using force (e.g., Vietnam under Johnson, or the Afghanistan surge under Obama), or in which otherwise hawkish Republicans opposed the use of force (e.g., Haiti or Bosnia under Clinton). Moreover, the fixed nature of these proxies does not readily allow for a change in congressional support during a crisis² or across crises occurring within the same congressional session.³ Furthermore, the composition

¹The dataset actually includes around 180 crises, but to avoid concerns of researcher bias in case selection the chapter presents results yielded on a subset of 141 of these crises corresponding to a seemingly neutral definition. Specifically, this includes all ICB crises in which the U.S. was at least coded as economically involved with one of the crisis actors. See discussion below. Rerunning the results on the full dataset yields nearly identical results.

²For example, congressional support for U.S. military operations in Somalia in the early 1990's declined rapidly in the fall of 1993.

³For example, in 1973 the same Congress that was highly adverse to re-engagement in Vietnam was quite willing to take a strong stand supporting Israel in the Yom Kippur War (Kissinger 2011*b*).

of Congress is easily observable *ex ante* and thus is less likely to affect the outcome of crises we observe.⁴

Table 1: Competing Measures of Congressional Support for the Use of Military Force

	% Congress Copartisan ⁵	% Congress Republican ⁶	Roll Call Votes	Congressional Support Scores ⁷
Coverage:	Universal	Universal	Low	High
Difficulty to Measure:	Low	Low	Medium	High
Easily Observable <i>Ex Ante</i> :	Yes	Yes	No	Sometimes
Captures Intraparty Heterogeneity:	No	No	Yes	Yes
Can Measure Opposition Party Stance:	No	No	Yes	Yes
Allows for Change over Course of Crisis:	No	No	No	Yes
Allows for Different Sentiment in Different Concurrent Crises:	No	No	Yes	Yes
Correlates Well with Actual Use of Military Force Votes:	Weakly	No	-	Strongly

There is no consensus over whether ideology or partisan politics drives the foreign policy preferences and behavior of members of Congress. In other words, if one has to choose between utilizing the “% copartisans” and “% Republicans” proxies, it is not immediately clear which is more appropriate. While Howell and Pevehouse argue that partisan politics is key (2005, 2007), more recent work by McManus (2017) and Bendix and Jeong (2022) suggests that ideological beliefs are predominant. Others show that *both* are important (Böller 2021).

Another commonly utilized method of capturing congressional sentiment over a given issue—the analysis of roll call votes—is also of relatively limited utility because members of Congress are quite

⁴I.e., whatever effect the composition of Congress might have should be “priced in” to the decision to start a crisis, but is less likely to affect the outcome of the crisis (Fearon 1994). Moreover, note that prominent theories about the effect of opposition party signalling on crisis outcomes (Schultz 1998, Schultz 2001) cannot even be tested with proxies such as these because they give us no information about the stance of the opposition party.

⁵Howell & Pevehouse (2007); Kriner (2010).

⁶McManus (2017).

⁷Introduced below.

reluctant to vote on use of military force decisions. This means that the vast majority of crises lack any relevant vote from which we could deduce congressional sentiment. In order to measure congressional sentiment over potential uses of force in a much broader set of crises than the select few in which formal votes are taken, we instead focus on what members of Congress *say*. Even when Congress declines to formally vote on the use of military force, members of Congress frequently make their positions publicly known through their rhetoric—be it on cable news, through op-eds, via press releases, or by way of speeches on the floor of the Senate. To give one recent example, Congress declined to vote on the use of force against ISIS in the mid-2010’s—even after President Obama asked it to do so. Nonetheless, members of Congress at the time conveyed near unanimous support in favor of striking the terrorist group. While members of Congress differed perhaps in the tactics and operations to be employed, there was little disagreement that the group needed to be degraded and ultimately destroyed. It is not uncommon to see congressional sentiment over the use of military force expressed in a similar fashion in other crises: absent formal vote, but well articulated in speech and text. The next sections describe how a new dataset was created in an attempt to capture congressional sentiment over the use of force in crises since the Second World War.

Identifying U.S.-relevant crises in the Postwar Period

First, a “universe” of cases in which the use of American military force might have reasonably been considered must be defined. The Interstate Crisis Behavior dataset contains around seventy crises in which the U.S. is deemed to have been a “crisis actor”, but we need to also consider “dogs not barking”—i.e., cases in which military action was considered but decided against. To give one example, the U.S. is not considered by the ICB dataset to have been a crisis actor during the 1975 Fall of Saigon,⁸ but this was not due to any lack of serious consideration.⁹ In order to capture cases in which the U.S. might reasonably be considered to have had a substantial security interest, but in which it ultimately decided against intervention, we additionally include all ICB crises in which

⁸<http://www.icb.umd.edu/dataviewer/?crisno=258>

⁹Indeed, there is good reason to believe the administration’s omission to use force was substantially due to congressional opposition to re-engagement in Indochina after the 1973 Paris Peace Accords.

at least one crisis actor experienced economic—or greater—involvement by the United States in the crisis. Economic involvement in a conflict suggests the U.S. had *some* interest in the outcome of the crisis, even if its interest was not great enough to justify direct kinetic military intervention. Requiring this minimal level of U.S. involvement in the crisis helps eliminate cases in which the U.S. had negligible interests involved. In the ICB dataset, this includes cases in which UNSINV is rated at “4” or higher at the actor-level, and thus also includes cases of *higher* U.S. involvement, such as propaganda involvement, covert involvement, U.S. semi-military involvement (military aid or advisors, without participation in actual fighting) and cases in which American military forces were directly involved.¹⁰ This yields 141 crisis between 1945 and 2016.¹¹

In order to measure congressional sentiment over the possible use of force in these crises, we focus on floor speeches in the congressional record. While other sources—such as press releases, op-eds, interviews, and speeches outside Congress—can obviously also be used to convey opinions over possible uses of force, focusing on speeches available in the Congressional Record allows us to consult a single source whose relevance has seemingly remained high over the past eighty years.

Consider the following examples of floor speeches expressing support or opposition to the potential use of military force in Table 2. The first four examples convey sentiment in favor of the use of force.

Sometimes sentiment over the use of military force is conveyed during debate over legislation authorizing (or prohibiting) the use of force—as is the case in the example excerpt from the First Taiwan Strait Crisis. More often, however, such sentiment is conveyed outside the context of the consideration of specific legislation. For each of the other speech excerpts—related to the 2011 Libyan intervention, the counter-ISIS campaign beginning in 2014, and the 2019 Venezuela

¹⁰For similar approaches in identifying U.S. opportunities to use military force, compare to *Assessing Trade-Offs in U.S. Military Intervention Decisions: Whether, When, and with What Size Force to Intervene* (Frederick, Kavanagh, Pezard, Stark, Chandler, Hoobler & Kim 2021) and *Informing the Leader: Bureaucracies and International Crises* (Schub 2022).

¹¹As a robustness check, a more inclusive list of U.S. crises was developed which includes non-interstate crises (e.g., Somalia in the early 1990’s or ISIS in the mid-2010’s) and crises occurring after 2016. Cases from the ICB dataset in which the U.S. was not coded as being even “economically” involved, but for which we nonetheless have evidence that American intervention was considered, are also added. For example, we know from memoirs and news reporting that the White House closely followed the Russian invasion of Georgia in 2008, but consciously ruled out direct intervention. Altogether, this yields a grand total of 172 crises. When including all of these additional cases, the results are substantially similar to those presented in the manuscript.

Table 2: Speech Examples: Supporting the Use of Military Force

	Supporting Force
First Taiwan Strait Crisis (1955)	“[T]here can be no question that we should say to the world that we now propose to make our position clear. We must say that we will not be parties to the placing of Formosa and the Pescadores in unfriendly hands.” —Senator Walter George (D-GA)
Libya (2011)	“[I] urge the President of the United States to take long overdue action to prevent the massacres that are taking place in Libya as we speak” —Senator John McCain (R-AZ)
ISIS (2014)	“Like it or not the American military is second to none. The special forces capability we have can really be decisive in this fight. To every American, this is not only about them over there: this is about us here. The better and the sooner that ISIL is defeated, the more decisive ISIL is defeated.” —Senator Lindsey Graham (R-SC)
Venezuela (2019)	“We cannot let evil triumph in Venezuela. It would be a failure of leadership with disastrous consequences... It is becoming clear that we will have to consider the use of American military assets ... Our safety, national security, and the peace of our hemisphere demand that we take action.” —Senator Rick Scott (R-FL)

crisis¹²—a policy preference is being conveyed even if a specific congressional resolution is not being considered. Sometimes the support for the use of force is quite explicit, as illustrated by the McCain excerpt from 2011. Other times, intervention may not be specifically called for, but the implicit sentiment conveyed is clearly quite hawkish. In the Graham excerpt from the ISIS crisis, for example, the Senator never actually directly calls for intervention, but the sentiment in favor of the use of force is clear.

The next four speech excerpts come from the same four crises, but instead convey sentiment in opposition to the use of military force. As is the case for sentiment in favor of the use of force, sentiment opposed to military intervention can occur in the context of debate over congressional legislation—as depicted in the example from the First Taiwan Strait crisis. Another common focus of opponents to utilizing force is that such action violates the Constitution. Thus—as shown by Dennis Kucinich’s opposition to the 2011 Libya Intervention—lawmakers can attack the authority of the executive (Christenson & Kriner 2020). Alternatively, as shown by the excerpts from the 2014 ISIS and 2019 Venezuela crises, legislators can focus on policy criticism instead of constitutional

¹²Esper (2022).

Table 3: Speech Examples: Opposing the Use of Military Force

	Opposing Force
First Taiwan Strait Crisis (1955)	“every Senator who votes for this resolution is authorizing the President ... to send troops anywhere —possibly thousands of miles into the mainland of China...[I am] not going to vote at this time to give a blank check to the President”—Senator William Langer (R-ND)
Libya (2011)	“Madam Speaker. we are in the midst of a foreign policy and constitutional crisis. The administration has committed our Nation to a war against Libya in violation of the Constitution of the United States.” —Rep. Dennis Kucinich (D-OH)
ISIS (2014)	“I completely agree with the cautionary notes that have been cited about just sending in the U.S. military to do it. I think the risks there are enormous, and it would not be successful because it would unite... a fair number of Sunnis and radicals against us”—Rep. Adam Smith (D-WA), Chairman of the House Armed Services Committee
Venezuela (2019)	“The organizing principle of American policy seems to be the need to drive Maduro from power. What if Maduro is not really in power right now? What if the people who are really calling the shots in Venezuela are a group of transnational criminal organizations...? And what if their entire purpose is to draw the United States into an ill-advised war?...certainly, as a Congress, we need to be very critical in our thinking to not get our Nation in another ill-advised war.” —Rep. Matt Gaetz (R-FL)

attacks (Christenson & Kriner 2017).

Note, further, that in each of the examples, above, copartisans of the President *opposed* the use of military force. This is especially notable in the first three examples because there were simultaneously opposition party legislators that supported the President in the use of force. Even seemingly close ideologues and allies of the President can have vastly different positions on the possible the use of military force. Matt Gaetz—whom the Washington Post dubbed the “Trumpiest Congressman”—frequently opposed the use of military force by the Trump Administration while otherwise being one of the closest allies to the Administration.¹³

The Stanford Social Science Data Collection provides parsed speeches from the congressional record from 1873 through 2016. In order to, first, identify potentially relevant congressional speeches, the congressional record was searched for a specific keyword(s) during the time period of the crisis and the three months prior to the beginning of the crisis.¹⁴ The total number of

¹³<https://www.washingtonpost.com/nation/2020/01/10/gaetz-war-powers/>

¹⁴McManus (2017) similarly includes presidential speeches not only from the time period of the dispute, but also

“matches” for all crises by all members of Congress was nearly one hundred thousand.

Automated text analysis tools—such as supervised machine learning—are not well suited for measuring policy prescriptions (Schub 2022), so qualitative hand-coding was employed.¹⁵ This, however, made the manual review of all speeches beyond the resources available. In order to decrease the number of speeches to a more manageable level, speeches from key foreign policy leaders in Congress were identified for review. Such key leaders consisted of the following:

Senate:

- Senate Majority Leader
- Senate Minority Leader
- Chairman and Ranking Member of Foreign Relations Committee
- Chairman and Ranking Member of Armed Services Committee
- Chairman and Ranking Member of Intelligence Committee
- Chairman and Ranking Member of Appropriations Committee
- All Members of Senate Foreign Relations Committee
- All Members of Senate Armed Services Committee

House of Representatives:

- Speaker of the House
- House Minority Leader
- Chairman and Ranking Member of Foreign Affairs Committee
- Chairman and Ranking Member of Armed Services Committee
- Chairman and Ranking Member of Intelligence Committee
- Chairman and Ranking Member of Appropriations Committee

In total, this amounted to approximately 40 lawmakers in any given Congress, and for a total of roughly twenty-five thousand speeches. Notably, despite making up only 7-8% of all members of Congress, these foreign policy leaders were responsible for roughly one quarter of all speeches containing the keyword(s) during the relevant crisis time periods. All such “matches”—thus containing both the keyword(s) and being spoken by a key foreign policy leader in Congress—were then read by an individual from a team of undergraduate research assistants and hand-labelled as supportive of the use of military force, opposed to the use of military force, or neither/ irrelevant.¹⁶

prior to it.

¹⁵As described below, machine learning was utilized to predict labels for the non-hand-labeled speeches as a robustness check.

¹⁶While the vast majority of speeches were labelled by a single coder, 10% of the speeches were labelled by a second coder in order to determine the intercoder reliability of the task. With a Cohen’s Kappa of 0.60, there was moderate to substantial agreement. Moreover, because of the way the aggregate “congressional support score” for each crisis is calculated (it excludes speeches marked “irrelevant”), the primary worry is not if one coder judged a speech irrelevant

Of these roughly twenty-five thousand potentially relevant speeches, 15% were deemed to be supportive of the use of military force, 12% were deemed to be opposed to the use of military force, and the other 73% irrelevant.¹⁷ Speech coders were thus quite discerning in deciding whether a speech actually contained sentiment regarding the use of military force.

For each crisis, an overall “congressional support score” was created by simply calculating:

$$\text{Congressional Support Score} = \frac{\text{Speeches in Favor Use of Force}}{\text{Speeches in Favor Use of Force} + \text{Speeches Against Use of Force}}$$

For crises in which the United States ended up actually utilizing military force, speeches were limited to those made before combat commenced.¹⁸

This simple calculation yielded a congressional support score ranging between 0 (uniform opposition) and 1 (uniform support) for each crisis. This is then re-centered at 0, so that scores with a positive value signify overall support in Congress, while scores below 0 suggest there is more opposition in the legislature.¹⁹ Moreover, to guard against one or two preference outliers amongst elite lawmakers driving the sentiment score, speeches are weighted by speaker. Crises with few speakers also are “penalized” so that they are not given extreme values based on the sentiment of just a couple of legislators. Throughout the results presented below, we will require a minimum of five lawmakers to speak before assigning the raw score calculated as shown above. Crises with less than five speakers have their polarity prorated toward 0.²⁰

and another did not. Rather, the largest threat was if one coder marked a speech as in favor of the use of force and another marked it as opposed to the use of force. This was found to be the case in less than 2% of speeches.

¹⁷Schub, for example, removes from the corpus all text-portions he deems to be non-pertinent to his theory (Schub 2022, pg. 7).

¹⁸This is specifically done in order to see where members stood before the use of force commenced. This restriction can be relaxed, and similar statistical results are still yielded.

¹⁹I.e. -0.5 corresponds to uniform opposition, +0.5 corresponds to uniform support, and 0 corresponds to overall neutral (or, perfectly split) sentiment in Congress.

²⁰I.e., if 5 lawmakers in this elite subset gave speeches uniformly opposing a potential intervention, this will meet the threshold to yield the lowest possible sentiment: -0.5. If only one lawmaker spoke, however, it would be more difficult to deduce overall congressional sentiment. In this case, since there is only one out of the five required, we divide the valence by 5—yielding a congressional support score of -0.1.

There are, of course, many different cutoffs one could use. 10, 20, 40, and even 0 were all tried and yielded nearly identical results. Data utilizing this 5-member cutoff is presented here for two reasons: first, it yielded the best model fit statistically. Second, while it seems important to have *some* cutoff—it would be peculiar to have a single member speak out against an operation and then assume all of Congress was in opposition to it—it also seems intuitive that there would be diminishing returns to speaking out when several of your colleagues already have and there is a uniform consensus. Thus, if five members of this group of lawmakers speak out unanimously in favor of an operation (or in opposition to it), and there is no dissent whatsoever from any other member, it seems more reasonable to conclude that this is a well represented view.

Description of the Data

The histograms in Figure 1, below, depict key metrics of the speech data. The first shows the total number of relevant speeches given in Congress for specific crises. Note that the histogram follows a power law distribution, with many crises having less than ten relevant speeches from the sample of lawmakers. The tail of the distribution is quite long, with some crises having over three hundred relevant floor speeches from foreign policy leaders in Congress.

Because the number of speeches, however, is likely highly correlated with the temporal length of the crisis, it is important to also consider the distribution of crisis days. Like the number of speeches, the distribution of crisis days follows a power law distribution. Roughly a third of the crises are less than fifty days long, while the majority are longer than this benchmark. In order to determine the relative magnitude of congressional sentiment targeted toward the potential use of military force in each crisis, a speeches-per-crisis-day metric is calculated for each crisis.²¹ Again, a power law distribution is evident, with many crises having relatively less attention in congressional speeches.

Lastly, a histogram of the calculated congressional support scores is presented. Note again that scores are re-centered at 0, so that while a score of 0 equates to balanced or neutral overall sentiment, a negative score—with a minimum of -0.5—corresponds to aggregate congressional sentiment against the use of military force. Similarly, positive scores—with a maximum of 0.5—equate to average congressional sentiment in favor of the use of military force. The modal—and median—crisis has neutral polarity (0), primarily due to roughly one quarter of the crises having no relevant speeches from foreign policy leaders in Congress.²² Aside from this collection of crises at 0, we see crises of varying congressional support across the range of sentiment from -0.5 all the way to +0.5.

Validation

While the plots provide some face validity to the scores, there are obvious concerns about how accurate a measure of congressional sentiment this method might actually produce. Several drawbacks

²¹Note, this only includes speeches found to be *relevant* to whether force should or should not be used.

²²Additionally, some crises with relevant speeches happened to have equal amounts of positive and negative sentiment conveyed, resulting in a neutral polarity score.

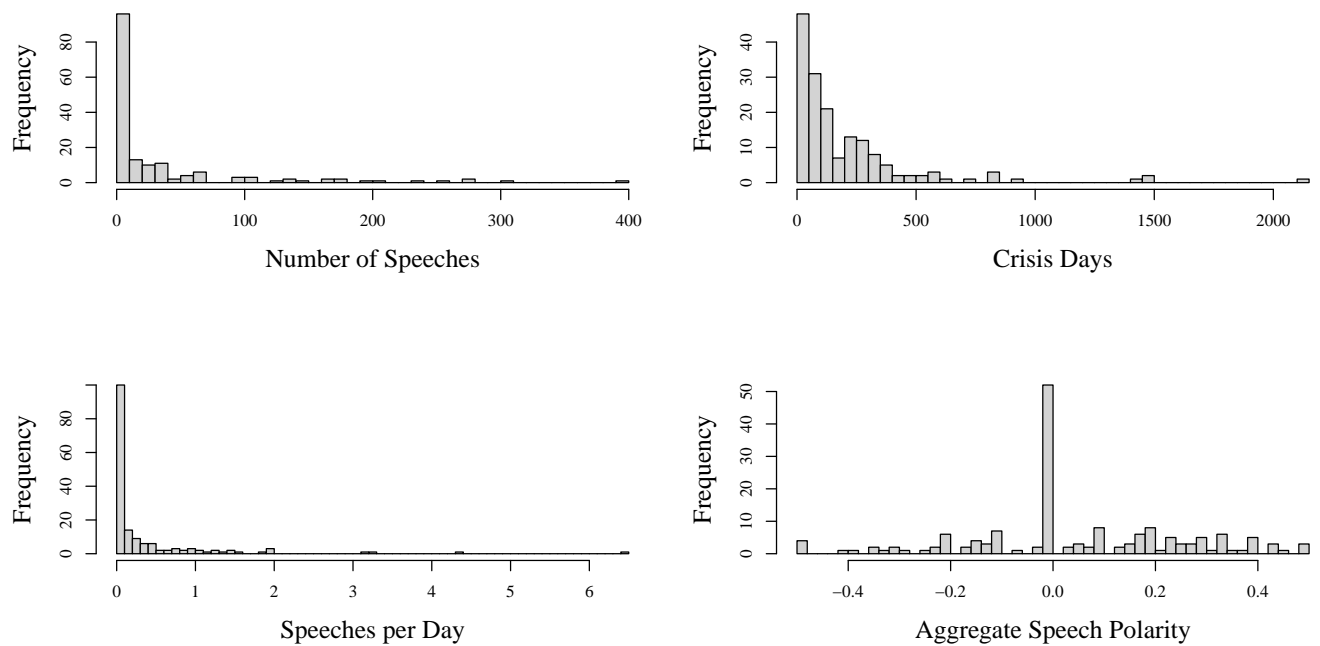


Figure 1: Histograms of Speech Data

clearly make this method imperfect: speeches from less than 10% of congressional members are even considered; speeches from Senators are disproportionately represented in the sample; many members of Congress give no relevant speech at all. Validation is thus key to increasing our confidence in the ability of this method to sufficiently measure congressional sentiment over the use of military force. One way to “test” how well this approach works is to compare the congressional support score yielded by the speech data to the handful of roll call votes we do have regarding use of military force decisions.²³ How well these scores predict vote outcomes can then be examined both in an absolute sense and in relationship to other commonly used measures.

Each of the figures below plots on the X-axis the percent of lawmakers in favor of the use of force in sixty-five roll call votes in postwar crises. The votes include, for example, authorizations for the use of military force in the early Cold War (Formosa, the Middle East, Cuba, and Southeast Asia), and more recent AUMF’s such as those passed prior to the Gulf War and the 2001 and 2002

²³While there are approximately 65 roll call votes related to the use of force, this includes both houses of Congress and thus covers only around one-fifth of all crises.

AUMF's. Also included are prominent votes against the use of force, such as the 1973 Case-Church Amendment banning the use of military force in Southeast Asia.

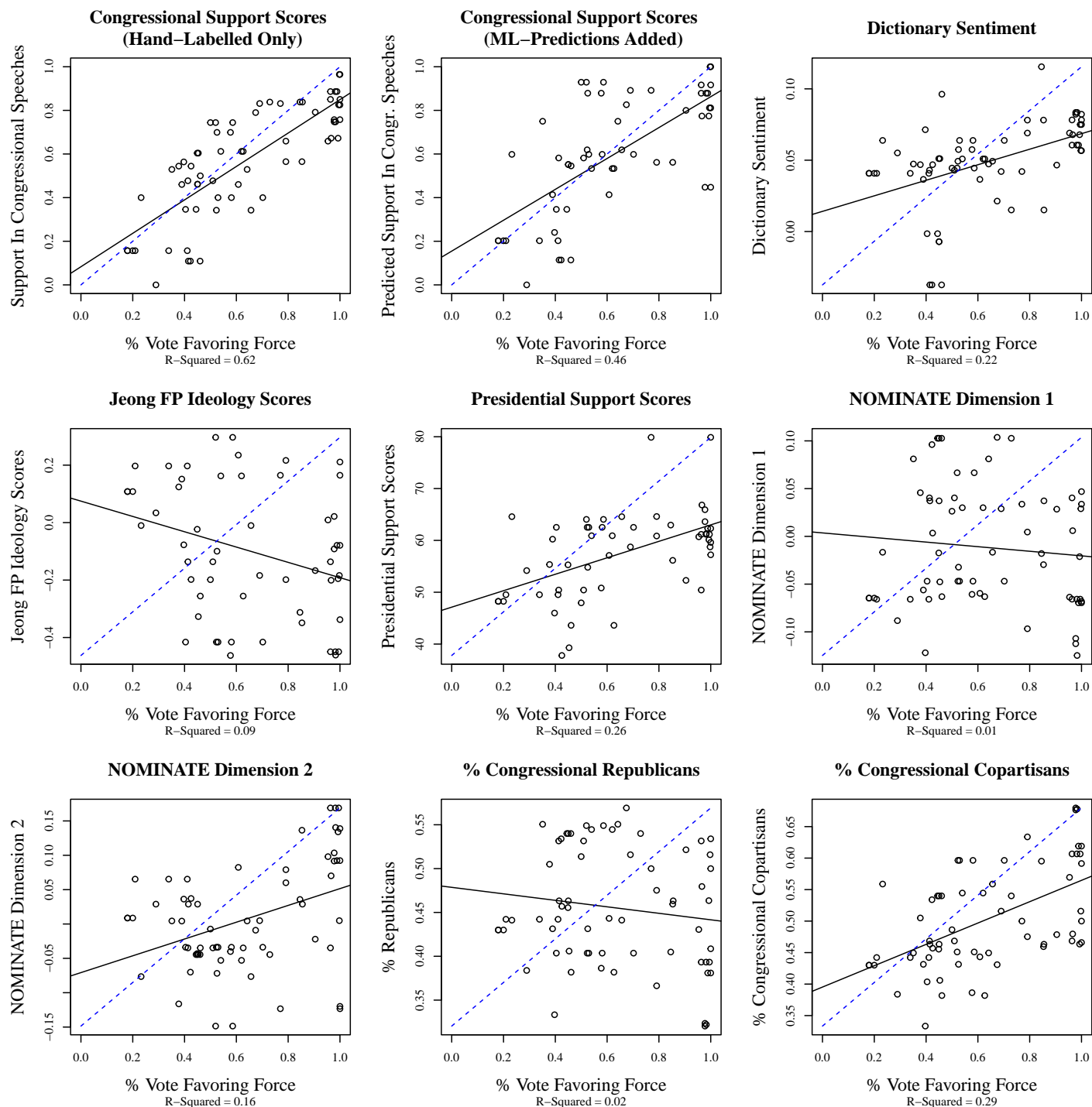


Figure 2: Accuracy of Competing Measures in Predicting Use of Military Force Votes

The Y-axis for each of the nine figures, in contrast, varies and consists of different possible metrics used as a proxy for congressional support for the use of military force. An optimally performing measure of congressional support would (theoretically) provide a trend line from the bottom left of the square to the top right (represented by the blue dashed line in each plot), with observations close to the line. Given the continuous nature of the variables on each plot, ordinary least squares regression is used to determine how well each measure predicts use of force vote share. A black trend line for the observations is shown in each figure, and a simple R-squared metric is presented below each plot. The R-squared is a useful measure of how well each variable performs as a proxy for congressional support.

The first plot in the upper left corner shows how well the “congressional support scores” from the speech data predict vote share in these key war votes. While predictions are clearly imperfect,²⁴ the R-squared of 0.62 is relatively high. The black trend line is quite close to the blue dashed line representing a “perfect” trend line, and the observations are relatively close to the line. More importantly, looking either at the plot or the R-squared, the measure clearly outperforms each of its potential competitors.

The second plot similarly utilizes congressional support scores calculated as described above, but here also includes predicted classifications from a supervised machine learning model that was utilized to predict labels for the approximately 75% of congressional speeches that were made by legislators outside the group that were hand-labelled. These members outside the elite group of foreign policy leaders have much less influence over foreign policy, but given their sheer numbers, it is not inconceivable that their opinions could alter the findings presented. To this end, a series of Transformer models from the HuggingFace library were trained and tested on the hand-labelled speeches. After hyperparameter tuning, the models were compared for out-of-sample predictive accuracy. Ultimately, a DistilRoBERTa base model was found to maximize predictive accuracy while minimizing computation time. The speech classifications (i.e., whether a speech was in favor of or opposed to the use of force, or whether it was irrelevant) from the model were then used

²⁴Note, however, that even when the sentiment score does not closely match the vote share, it is not necessarily the case that the sentiment score is the metric missing the true congressional opinion at the time. For example, it is well understood that several of the members of Congress who voted in favor of the 1964 Gulf of Tonkin Resolution had serious reservations. The congressional support score shows this, while the actual vote does not.

as predicted labels for the non-hand-labelled speeches. Aggregate congressional support scores were then calculated using these labels. Note that others have recently shown (Schub 2022, for example) supervised and dictionary methods are not optimal for determining policy prescriptions—the very task explored here—and that hand-labelling is more appropriate (Schub 2022, pg. 8-10).²⁵ Nonetheless, while this measure does not perform as well as the scores from the hand-labelled data alone, they are a clear second-best with an R-squared of 0.46.

The third plot (top right) utilizes the predicted sentiment of speeches from the popular “sentimentr” package in R. This utilizes a standard dictionary method to create an overall polarity score for a speech based off of positive-sentiment and negative-sentiment words and phrases. Standard sentiment packages and dictionaries such as these have a difficult time deciphering support and opposition to the use of military force because politicians advocating for military action often do not utilize “happy” words. This proxy performs far worse than the first two, with a much lower R-squared (0.22). Others have utilized custom dictionaries to good effect in the use of force context (McManus 2017), but for a different aim. McManus uses the dictionary method to measure statements of resolve from Presidents by utilizing both a customized dictionary from prior work (Wood 2012) and additional terms added for her specific purpose. The major difference between presidential rhetoric and congressional speech, however, is that Presidents in a crisis tend to avoid conveying a lack of resolve publicly—regardless of their private thoughts or intentions (Fearon 1995). Thus, because the rhetoric tends to only go in one direction, McManus can reasonably argue that the word “fail” will much more likely be used by the President to say “we will not fail” than “we will fail” (McManus 2017, pg. 211).²⁶ Members of Congress, on the other hand, are much more willing to speak out against the use of force. The word “fail” in a congressional speech very well could be used in a context conveying opposition to the use of force. It is partially for this reason that others have recently argued dictionary methods are not well suited to determining policy prescriptions in speech data (Schub 2022).

²⁵Nonetheless, as discussed below, even when including machine-predicted labels in calculating a “congressional support score” for each crisis as a robustness check, the statistical results in the models presented below are nearly identical.

²⁶“For example, Presidents often say, ‘we will not fail,’ but almost never say, ‘We will fail.’ Therefore, ‘fail’ is considered to be a word associated with resolve.” (McManus 2017, pg. 211)

Foreign policy ideal point estimates from Jeong are tested in the next figure (middle row, left) (Jeong 2018, Jeong & Quirk 2019). These scores are available for each member of Congress from 1945-2010, and are intended to represent the hawkishness or dovishness of each member. The median score can be used to represent the hawkishness of the Congress as a whole, and thus plausibly represent congressional support for the use of military force in a crisis occurring during that congressional session. This measure turns out to be a poor proxy, however. Not only is the R-squared quite modest—at 9% compared with the 62% yielded by the speech data—but the predicted relationship is actually in the wrong direction. Here, the more “hawkish” Congresses are predicted to be more opposed to the use of force.

A series of other off-the-shelf metrics are similarly tested, including presidential support scores (Lewis, Poole, Rosenthal, Boche, Rudkin & Sonnet 2022), and NOMINATE dimensions 1 and 2 (Lewis et al. 2022).²⁷ Of these, presidential support scores perform the best, yielding an R^2 of 0.26, and in the correct direction. Nominate Dimension 1, however, exhibits little relationship with supporting the use of force in these key war votes, while Dimension 2 yields an R^2 of only 0.16. Again, the “congressional support score” estimates from the speech data thus yield a better proxy of vote share in actual use of force votes than any of these possible alternatives.

Lastly, we consider two key metrics that have been used in the political science literature as deliberate proxies for congressional support for the use of force. The first is the partisan composition of Congress, in terms of Democrats vs. Republicans. The theory behind this measure is that Republican members of Congress have a reputation for being more hawkish than their counterparts across the aisle.²⁸ Arguably, using the percent of Congress made up of Republicans can be viewed as a proxy for how supportive Congress is for the use of military force (McManus 2017). Interestingly, however, with an R^2 of 0.02 (and in the wrong direction) the partisan composition of Congress seems to exhibit little relationship with congressional support for the use of force revealed in roll call votes. Others have recently noted that while Democrats have a reputation of being more dovish than their Republican counterparts, the actual empirical evidence of this claim is limited (Kertzer,

²⁷ Again, the median scores for Congress as a whole at that time are utilized.

²⁸ As but one example, consider the Afghanistan “surge” early in the Obama Administration. Obama anticipated “There won’t be universal applause on Capitol Hill”, because “Everyone knew that the Democrats were going to be the biggest naysayers, and the Republicans the biggest supporters,” (Woodward 2010, pg. 326).

Brooks & Brooks 2021).

Second, others have focused not on the absolute partisan composition of Congress, but instead on the amount of copartisans a President has on the Hill (Howell & Pevehouse 2007, Kriner 2010).²⁹ Howell and Pevehouse find that a larger number of copartisans in Congress predicts an increased likelihood of initiating major uses of force in the postwar period (2007).³⁰ Kriner similarly finds the duration of American uses of force are predicted by the percent of the legislature composed of lawmakers in the President’s party (2010). The proportion of Congress made up of presidential copartisans does yield a positive relationship with the support shown for the use of force in roll call votes, and this measure seemingly outperforms each of its off-the-shelf competitors. Nonetheless, with an R^2 of 0.29 this still leaves much of the variance unexplained and suffers from many of the drawbacks highlighted above.

In sum, each of the potential off-the-shelf proxies for congressional support for the use of force is substantially outperformed by the scores derived from the speech data. While these “congressional support scores” are imperfect, they are far better than any other measure currently available.

Part II: Congressional Support and Presidential Willingness to Use Force

Now having a measure of congressional sentiment over the potential use of force, we first consider the relationship between congressional support and the willingness of the President to employ American combat power. The Imperial Presidency thesis suggests that the standing army—and other factors—makes Congress irrelevant, while the model presented in the last chapter implied that the maximum amount of force a President would actually be willing to employ would be proportional to the amount of support displayed by Congress for the operation (Hypotheses 1, 2, 5, & 6).

The first set of hypotheses thus focus on the use of force as the dependent variable. This can be

²⁹Recent research suggests both copartisanship with the President and Republican Party identification separately predict support for the use of force by members of Congress (Böller 2021).

³⁰Gowa, however, finds no relationship between divided government and proclivity to use military force (Gowa 1998).

operationalized as either whether (binary) force is used, or how much (continuous) force is used. Starting with informal congressional sentiment, we have:

Hypothesis 1 *The President will be more likely to engage in combat when there is greater support for the use of military force in Congress. (DV: binary variable—use/ not use force)*

Hypothesis 2 *The President will be more likely to use more force when there is greater support for the use of military force in Congress. (DV: continuous variable—scale of use force)*

The next two hypotheses are analogous to Hypotheses 1 and 2, but instead focus on the effect of formal authorization rather than informal sentiment. The model presented in Chapter 1 suggested that the presence of a legally binding joint resolution passed by Congress would give the President substantial political cover should the use of force end poorly—thus encouraging the President to use force and use more force, even when already accounting for informal congressional sentiment.

Hypothesis 4 *Ceteris paribus, the presence of formal authorization for the use of military force will make a President more likely to engage in combat (DV : binary variable—use/ not use force)*

Hypothesis 5 *Ceteris paribus, the presence of formal authorization for the use of military force will make a President more likely to use more force (DV : continuous variable—scale of use of force)*

Table 4: Summary of Hypotheses: Force Employed

DV: Force Employed	
Informal Congressional Sentiment	H1: ↑ Congressional Support → ↑ Use Force (Binary)
	H2: ↑ Congressional Support → ↑ Use More Force (Continuous)
Formal Authorization for the Use of Military Force (AUMF)	H4: ↑ Legal Authority → ↑ Use Force (Binary)
	H5: ↑ Legal Authority → ↑ Use More Force (Continuous)

The figure below depicts U.S.-relevant crises plotted by the sentiment expressed in Congress for the use of force versus the amount of force actually employed.³¹ The Y-axis ranges from crises

³¹Note that if the ICB dataset split a war into multiple crises—the Korean and Vietnam Wars, for example—only the first crisis is included on the plot. In the case of Korea, congressional support remained quite strong through the

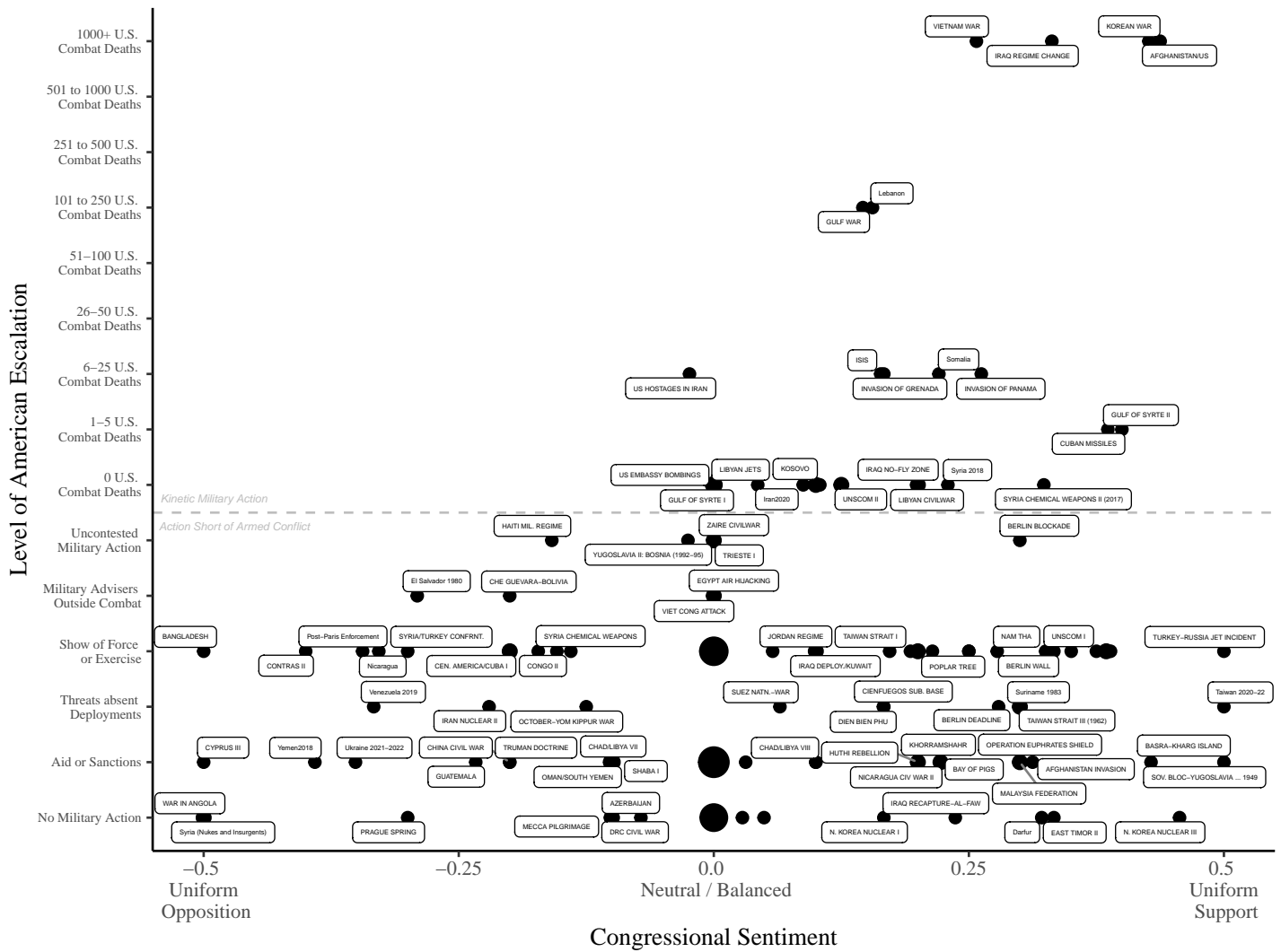


Figure 3: Level of Force Employed by Support in Congress for Use of Military Force in Crisis

in which the U.S. took no action whatsoever (or, when it limited its reaction to mere diplomatic protest) to full scale war involving more than one thousand U.S. combat fatalities. Crises above the horizontal dashed line represent conflicts in which American forces engaged in actual combat, while those below the line consist of crises in which American action was limited to that short of armed conflict. Actions short of armed conflict are arranged in order of escalating risk of American casualties.

First, note that lack of observations in the upper left quadrant of the figure. This quadrant is where we should see evidence of the Imperial Presidency—i.e., Congress expressing opposition to the use of force, but the Commander-in-Chief choosing to use it anyway. Instead, we see no evidence of this when it comes to initial use of force decisions.³² Instead, we see that—almost without exception—American engagement in combat was only undertaken when it was supported by a majority in Congress *even if members of Congress did not formally vote on the use of force*. The 1999 Kosovo and 2011 Libya interventions are good illustrations of this. While neither received formal, legally binding, approval from Congress, both had clear bipartisan support. The Korean War—notably the *only* major use of force undertaken by a President without formal approval—had enormous congressional support across political parties.

end of the conflict, while for Vietnam congressional support slowly eroded from strong support to strong opposition. Consistent with the theory, as opposition in Congress grew, crisis responses by American Presidents became more and more tailored to avoid American casualties (e.g., the 1971 Laos intervention or the Linebacker and Linebacker II operations in 1972 that lacked American “boots-on-the-ground”).

³²The place where we do find more evidence of it is in a major war that Congress initially supported but then turned against—e.g., Vietnam and Iraq. But because we are only considering the decision to enter conflict here, decision-points made after war has already begun are excluded. The Vietnam sentiment shown in the plot above includes sentiment around the Gulf of Tonkin incident and in the first seven months of 1965. Congressional support for the war was quite high—overwhelmingly in favor, albeit with a substantial minority in strong opposition—through the initial escalations in 1965 and beyond (Gelb & Betts 2016). Once Congress turned against the war by the time of Nixon’s inauguration in 1969, we see Nixon continue the fight rather than simply withdraw—but even here there is strong evidence that Nixon’s willingness to sustain casualties was conditioned by congressional support or opposition. As Congress turned against the war, Nixon rapidly reduced the number of American soldiers in Southeast Asia and consequently reduced American casualties immensely. Nixon created an uproar when he launched an incursion in Cambodia in 1970, but the action was actually authorized by the Gulf of Tonkin Resolution (Ely 1995) and was aimed at *reducing* American casualties (Kissinger 2011a). Notably, when faced with a similar situation in Laos the next year—this time, however, facing a congressional ban on ground troops instead of the arguable authorization he had for Cambodia—Nixon consciously avoided a similar operation. Some of Nixon’s most infamous actions—Operations Linebacker I & II—were *air* operations aimed at minimizing U.S. casualties. Lastly, likely the clearest evidence of all that even Nixon was not the Imperial President he claimed to be was his inability to act against North Vietnamese violations of the 1973 Paris Peace Accords (Kissinger 2011a). Nixon consciously sought to convey an image of an Imperial President, but it should be recognized he had strong incentives to do so (Jervis 1970). See Chapter 5 for an extensive discussion of the Vietnam War.

When facing a lack of congressional support, in contrast, Presidents appear highly reluctant to engage in operations anticipated to create American combat fatalities. While Clinton deployed military force in two crises with little congressional support—the 1994 Haiti intervention clearly contradicted the will of Congress, while the post-Dayton Accords deployment to Bosnia had divided support (Schultz 2003)—neither yielded a single American fatality, nor even saw American troops actually engaged in combat.³³ Consider, in contrast, the administration’s quick pullout from Somalia once support evaporated in the legislature after the “Black Hawk Down” incident, or the White House’s omission to intervene in the Rwandan genocide due to anticipated resistance from Congress (Clinton 2005).

Multivariate statistical models similarly suggest a strong relationship between congressional support for the use of military force and a President’s willingness to actually engage in combat. Below, Table 5 presents a series of probit models utilizing robust standard errors in order to account for heteroscedasticity in the data. The unit of observation is the crisis-dyad.³⁴

Dependent Variable

Here, the dependent variable is binary: whether the United States actually engages in combat or not in the crisis. This was determined by utilizing the ICB dataset.³⁵

Independent Variables

Congressional Sentiment: As described above, the “congressional support score” is measured by dividing speeches in favor of the use of force by all speeches relevant to the use of force, in support or in opposition. In crises that saw U.S. forces engaged in combat, speeches are limited to those that occur before combat commences.³⁶

³³In the case of Bosnia, the Clinton administration notably refused to deploy ground troops during the actual fighting. Instead, it delayed any deployment until after the Dayton Peace Accords in 1995. Moreover, while House Republicans were mostly against the deployment, it had significant support in the Senate—most notably from soon-to-be Republican presidential candidate Bob Dole (Hendrickson 2002).

³⁴Thus, if the U.S. faces two adversaries in the same crisis, this will yield two separate observations. All tables are rerun utilizing individual crises as the unit of observation, and this yields very similar results.

³⁵<https://www.crisisevents.org/>

³⁶This is important, because information tends to be revealed once conflict begins (Baum & Potter 2008, Wagner 2000), and members of Congress could change their position as a certain outcome comes to look more likely.

Legal Status: The formal legal status regarding the use of force in the crisis. Specifically, this additional explanatory variable is coded as “1” if force has been formally authorized by the legislature via a legally binding joint resolution, “-1” if force has been formally prohibited via a legally binding joint resolution, and “0” otherwise.³⁷

Congressional Copartisans: The percent of Congress made up of Representatives and Senators of the same political party as the President, measured in the year the crisis is triggered.

Congressional Republicans: The percent of Congress made up of Republican Representatives and Senators, measured in the year the crisis is triggered.

Relative Capabilities: In order to create an estimate of the proximate distribution of power (i.e., adjusted for distance), we simply divide a state’s power by the distance³⁸ to the location of potential conflict.

$$\text{Proximate Distribution of Power} = \frac{\frac{\text{State 1 CINC}}{\text{distance}_1}}{\frac{\text{State 1 CINC}}{\text{distance}_1} + \frac{\text{State 2 CINC}}{\text{distance}_2}} \quad (1)$$

Note that accounting for the loss-of-strength gradient when measuring relative power greatly increases model fit. Nonetheless, models rerun using the more conventional measure of relative power (i.e., $\frac{\text{State 1 CINC}}{\text{State 1 CINC} + \text{State 2 CINC}}$) yield substantially similar results.³⁹

Year: To account for possible trends over time, the start year of the crisis is included.

Political Polarization: Political polarization in Congress is measured by taking the difference in party mean ideological ideal points. Specifically, this consists of the distance between NOMINATE Dimension 1 averages for each party (Lewis et al. 2022). This is calculated for each chamber of Congress separately, so the average of House and Senate polarization is utilized.

³⁷Alternative coding schemes were also run as robustness checks. These included a simple binary coding—“1” if force has been formally authorized by the legislature via a legally binding joint resolution and “0” otherwise—and a five-point ordinal scale also taking account of non-binding legislation. (Binding joint resolutions authorizing the use of military force were coded as a “2”, while resolutions lacking legal force—yet still supporting the use of force—are coded as “1”. In contrast, legally binding prohibitions on the use of force were coded as “-2”, while congressional resolutions clearly opposed to the use of force but lacking legal force were coded as “-1”. Crises in which there were no relevant resolutions regarding the use of American military force were coded as “0”.) Substantially similar results were yielded in each case.

³⁸Note the “distance” measured here is that between a state’s capital and the location of potential conflict. It is not the distance between the two capitals and thus differs for both states.

³⁹One can also use log(distance) instead of raw distance in calculating the proximate distribution of power. Again, this still yields substantially similar results.

Presidential Approval: Percent of Americans approving of the President’s job performance in the Gallup Poll most proximate to the date the crisis is triggered.

Unemployment Rate: Monthly unemployment rate from U.S. Bureau of Labor Statistics.

Cold War: Following Howell Pevehouse (2005), a dummy variable for crises occurring prior to 1990.

U.S. to Crisis Distance: Distance between Washington, D.C. and the location of the crisis.

Concurrent War: Dummy variable with a value of “1” if the crisis takes place at the same time as a major war for the United States. This includes crises occurring contemporaneous to the Korean, Vietnam, Gulf, Afghan, and Iraq Wars.⁴⁰

Crisis Part of Continuing War: Dummy variable with a value of “1” if the crisis takes place as part of a continuing major war for the United States. For the purposes of the ICB dataset utilized here, this only applies to crises in the Korean and Vietnam Wars that took place after the initial North Korean invasion of South Korea and the Gulf of Tonkin incident, respectively. As a robustness check, these cases can also simply be dropped from the dataset—in which case similar results are still found.

Results

The results are displayed in Table 5. The first model tests the relationship between informal congressional sentiment over the use of force (i.e., the “congressional support score”), and whether force ends up being utilized in the crisis. Notably, the relationship is highly significant, and in the anticipated direction. The only other covariate that shows a significant relationship with employing force is if the crisis is part of an ongoing war for the United States. It is, of course, quite intuitive that if American forces are already committed to a war, they will be used in response to a new crisis within the conflict. Other variables—including the relative capabilities of the U.S., political polarization, and presidential approval—exhibit no relationship with the dependent variable.

The second model uses a similar model specification, but utilizes formal authorization status instead of congressional sentiment. Similar to the first model, we see that formal congressional

⁴⁰Ending with the final pullout of U.S. forces from Iraq in December 2011.

	(1) Congr. Sent.	(2) AUMF	(3) % Copart.	(4) % Repub.	(5) All
Congressional Sentiment	2.295*** (0.622)				2.031** (0.689)
Legal Status		1.799*** (0.324)			1.815*** (0.332)
% Copartisans			1.324 (1.301)		2.401 (2.084)
% Republicans				0.473 (2.313)	2.869 (3.683)
Relative Power	0.779 (0.498)	0.675 (0.506)	0.457 (0.420)	0.433 (0.419)	0.985 (0.583)
Year	0.040 (0.022)	0.031 (0.032)	0.019 (0.024)	0.016 (0.023)	0.064 (0.033)
Political Polarization	-5.839 (5.175)	0.603 (6.912)	-1.066 (5.153)	-0.918 (5.256)	-6.237 (6.937)
Presidential Approval	0.007 (0.005)	0.004 (0.007)	0.007 (0.005)	0.007 (0.005)	0.004 (0.007)
Unemployment Rate	-0.107 (0.087)	-0.006 (0.085)	-0.052 (0.082)	-0.046 (0.088)	-0.049 (0.091)
Cold War	-0.382 (0.583)	0.250 (0.725)	-0.276 (0.594)	-0.285 (0.606)	0.274 (0.736)
Distance from U.S.	-0.000 (0.004)	0.002 (0.004)	-0.000 (0.004)	-0.000 (0.004)	0.001 (0.004)
Concurrent War	0.086 (0.304)	0.339 (0.335)	0.129 (0.301)	0.185 (0.300)	0.259 (0.338)
Crisis Part of Continuing War	2.972*** (0.523)	3.631*** (0.581)	2.608*** (0.427)	2.524*** (0.431)	4.318*** (0.676)
Observations	210	210	210	210	210
AIC	179.578	157.967	190.389	191.187	155.421
BIC	216.396	194.785	227.208	228.005	202.280

Standard errors in parentheses

* $p < .05$, ** $p < .01$, *** $p < .001$

Table 5: Effect of Congressional Support on Willingness to Use Force (Binary DV)

approval (or prohibition) of the use of force strongly predicts whether force is actually utilized.

The third and fourth models use alternative measures of congressional support utilized in the literature. Following Howell and Pevehouse (2005, 2007) and Kriner (2010), Model 3 uses the percent of Congress consisting of copartisans of the President as a proxy for congressional support. While the coefficient is in the expected direction, it is insignificant even at the $p < 0.1$ level. Following McManus (2017), Model 4 uses, instead, the percent of Congress made up of Republicans. This measure is, again, in the anticipated direction but far from significant. The newly introduced congressional support scores from the speech data thus seem to much better predict the use of force than other measures utilized in the literature.

The final model includes all four of these potential measures of congressional support for the use of military force, and yields similar results. Congressional Support Scores and legal authorization are both highly significant predictors of the use of military force, while the percent of presidential copartisans and Republicans in the legislature are insignificant predictors. The findings of this table thus confirm Hypotheses 1 & 4: Presidents are more likely to engage in combat when there is greater support for the use of military force in congressional sentiment (H1) and when they have legal authorization from Congress to do so (H4). In contrast to the Imperial Presidency thesis, we thus find strong evidence that the decision to use military force is highly congruent with the will of the legislature.

While Table 5 utilizes a binary dependent variable (use of force/ no use of force), one can also utilize a continuous measure representing the scale of the use of force (including, as its minimum value, no use of force) in order to test Hypotheses 2 & 5. Here, the dependent variable is the scale of U.S. combat involvement in the crisis. This was determined by utilizing the ICBe dataset⁴¹ and coded on a “0” to “9” scale as follows:

- 0. No combat
- 1. 0 U.S. combat deaths
- 2. 1-5 U.S. combat deaths
- 3. 6-25 U.S. combat deaths
- 4. 26-50 U.S. combat deaths
- 5. 51-100 U.S. combat deaths

⁴¹<https://www.crisisevents.org/>

6. 101-250 U.S. combat deaths
7. 251-500 U.S. combat deaths
8. 501-1000 U.S. combat deaths
9. Over 1000 U.S. combat deaths

Note the difference between a coding of “0” and “1” is that for a coding of “0”, U.S. forces did not engage in combat, while for a “1”, U.S. forces engaged in combat but suffered no combat fatalities.

Two tables analogous to Table 5, but with the “scale” of the use of force as the dependent variable, are provided in the Appendix. The first utilizes OLS, while the second treats the dependent variable as an ordered categorical variable and utilizes an ordered probit regression. Both present nearly identical results, and the results are similar to those yielded by the models with the binary dependent variable. Both find congressional sentiment and legal status to be significant and in the anticipated direction. % Copartisans, while insignificant when utilizing the binary dependent variable, now exhibits significance when considering the scale of the use of force.⁴² It loses significance, however, once congressional sentiment and legal status are included in the model.

Figures 4 & 5, below, plot the marginal effect of congressional sentiment on the predicted scale of the use of force from the OLS model. Figure 4 utilizes the full dataset,⁴³ while Figure 5 runs the same model specification but on a smaller sample consisting only of actual uses of force. Figure 4 shows a significant yet modest effect of congressional sentiment, but it should be kept in mind that the great majority of crises do not even end up escalating to the use of force. Notice, for example, the plethora of crises in the bottom-right quadrant of the Figure 3 scatter plot. In many of these cases, force was not even necessary because the adversary backed down in the crisis. Take, for example, the two Berlin crises under Eisenhower and Kennedy, respectively. In both of these cases, congressional sentiment strongly favored a strong stand, and the Presidents acted accordingly. Yet in neither of these cases was force actually required because the Soviets backed down before effectively blockading West Berlin as threatened.

⁴²While Howell and Pevehouse find no relationship between % Copartisans and the use of force when including “minor” uses of force, they do find a relationship when subsetting the data to only include larger interventions (Howell & Pevehouse 2005, Howell & Pevehouse 2007).

⁴³Specifically, Table 9, Model 5 in the Appendix.

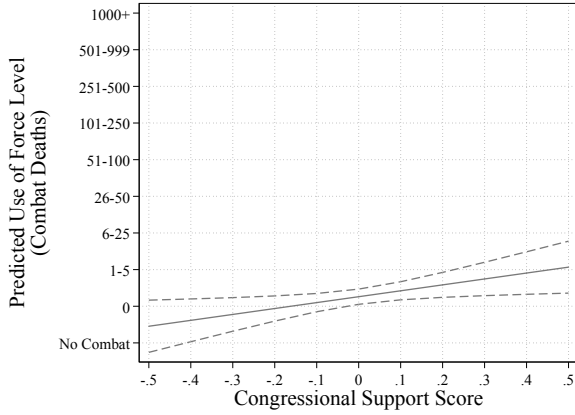


Figure 4: Predicted Force Employed by Level of Congressional Support (All Crises)

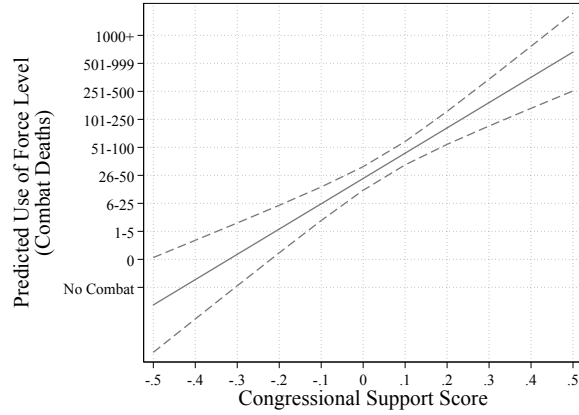


Figure 5: Predicted Force Employed by Level of Congressional Support (Uses of Force Only)

Figure 5, accordingly, limits the observations to those in which force was utilized⁴⁴—ranging from uncontested military action yielding neither combat nor casualties (e.g., Haiti 1994) all the way to full scale wars such as Vietnam or Korea. Here, the predicted effect is massive: when Congress is fully opposed to the use of force, force is not undertaken, while when Congress is uniformly in support of an operation, the President is willing to undertake full scale war involving thousands of combat deaths.

Figures 6 & 7 similarly depict the predicted marginal effect from the OLS model⁴⁵ of legal authorization on the scale of the use of force. Figure 6 utilizes the full dataset, while Figure 7 limits the sample to those consisting of actual uses of force.

Both figures depict large effects. When considering all crises in Figure 6, it appears that Presidents do not use force in disputes in which the use of force has been forbidden. Consider Vietnam after Congress passed the Case-Church Amendment in the Summer of 1973, which prohibited the use of military assets in Southeast Asia. While the Nixon Administration tried to publicly exude a willingness to defy the ban and use force to uphold the Paris Peace Accords, it privately acknowledged it was not actually willing to do so (Kissinger 2011b). When force is formally authorized, in

⁴⁴ Another option is to not simply drop all crises in which force was not utilized, but to only drop those in which force was not utilized and the U.S. still “won” (e.g., again, the Berlin crises). This yields results somewhere in between the two presented plots: a clear and significant upward trend, but not as large as that found in the “uses of force only” plot.

⁴⁵ Specifically, Table 9, Model 5 in the Appendix.

contrast, Presidents are much more willing to employ the full might of the U.S. military.

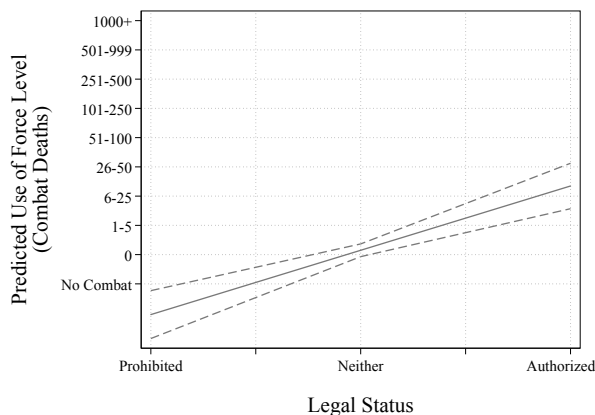


Figure 6: Predicted Force Employed by Legal Status (All Crises)

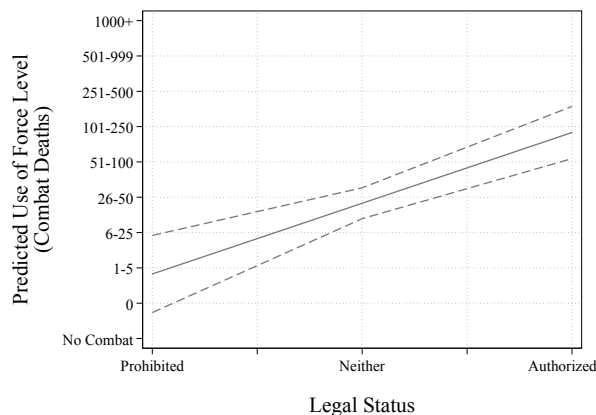


Figure 7: Predicted Force Employed by Legal Status (Uses of Force Only)

Figure 7—limited to actual uses of force—exhibits a similar story. Formally authorized uses of force are much larger than those that lack such authorization. Recall that after the Korean War in the early 1950's every full scale war fought by the United States occurred pursuant to formal congressional approval (Griffin 2013).

Figure 4-7 thus provide strong evidence in favor of Hypotheses 2 & 5: Presidents are more willing to utilize a larger amount of force in crises with greater informal congressional support, and similarly use more force when they have formal legal authorization from the legislature.

One possible criticism of the analysis presented above is that perhaps Congress and the President simply want the same thing, and that the close relationship between congressional support and use of American force is simply spurious: the President is making their decision regardless of Congress's wishes, and it just so happens the President never wanted to use force when Congress also had no desire for it.⁴⁶ A series of cases studies in the following three chapters directly investigate this and provide unambiguous evidence: Congress and the President frequently disagree over the wisdom of a potential use of force. The White House constantly attempts to keep a pulse on attitudes on the Hill to see what legislators might support or oppose, and adjusts its own plans and proposals in light of this anticipated congressional reaction. Chapter 4, specifically, provides strong evidence

⁴⁶The model presented in Chapter 1 is fundamentally a deterrence model. As is well recognized, deterrence is hard to observe—e.g., maybe the Soviets never had any intention of attacking Western Europe.

of several cases in which a lack of congressional authorization deterred Presidents from intervening in conflicts.

Part III: The Effect of Congress on Crisis Outcomes

Next, we consider the effects of the domestic war powers contest on foreign policy. The model presented in the previous chapter suggested that a President's disinclination to employ American military force above a certain level (given a specific level of congressional support) would have an effect internationally (Hypotheses 3 and 6). This set of hypotheses, therefore, now focuses on the outcome of the crisis as the dependent variable.

As implied by the model, the amount of force a President is willing to employ should be proportional to the amount of support in Congress for the use of American military force. Anticipating this, bargains between the U.S. and adversaries will be reached under the shadow of congressional sentiment (i.e., threats to use major military force in the face of congressional opposition will not be viewed as credible, and factored into the bargaining position of states).

Hypothesis 3 *Crises in which the Congress exhibits greater support for the use of American military force will be more likely to yield better outcomes for the United States. (DV: ordered categorical variable—outcome)*

Again, while this hypothesis focuses on informal sentiment in Congress, the next looks at the formal legal status of the use of force. Hypothesis 6 suggests that the formal legal status of a possible use of force would have an effect even beyond the informal sentiment conveyed in Congress.

Hypothesis 6 *Ceteris paribus, the presence of formal authorization for the use of military force will yield better outcomes for the United States. (DV: ordered categorical variable—outcome)*

If crises mature to the point where military force is used, the amount of power the United States actually employs will be tempered by congressional sentiment. Thus, in these actual conflicts, congressional support will affect the likelihood of victory. Furthermore, congressional sentiment will have an effect even short of actual armed conflict. If U.S. adversaries understand the political limitations congressional sentiment has on the President, the bargains they are willing to entertain will be effected by the sentiment they witness emanating from the legislature. Thus, regardless of

whether a crisis reaches the point of actual combat on the part of American forces, congressional sentiment should affect the outcome of the crisis for the United States.⁴⁷ Below, a series of ordered probit models is presented to test Hypotheses 3 & 6. The unit of observation is the crisis-dyad from the dataset described above.

Table 6: Summary of Hypotheses: Crisis Outcomes

DV: Crisis Outcome	
Informal Congressional Sentiment	H3: ↑ Congressional Support → ↑ U.S. Victory
Formal Authorization for the Use of Military Force (AUMF)	H6: ↑ Legal Authority → ↑ U.S. Victory

Dependent Variable

Here, the dependent variable is the outcome of the crisis from the perspective of U.S. interests. Following McManus (2017), this is coded as a three-level ordered variable. Here, victory is coded a “1”, compromise or stalemate as a “0”, and defeat as a “-1”. Where the U.S. is coded as a crisis actor in the ICB dataset, the outcome coding for the United States is used. Where the United States is not a direct actor (e.g., the 1975 Fall of Saigon), the outcome coding for the U.S. ally or protégé is used.

Independent Variables

Most variables are already described above, with the exception of the following:

Speeches per Day: This variable simply consists of a ratio created by dividing the number of speeches relevant to the use of military force in the specific crisis by the number of days in the crisis. This thus serves as a proxy for the amount of attention given in Congress to the crisis.

Crisis Days: Simple measure of days between beginning and end of crisis.

⁴⁷Crises in which the U.S. utilizes force and those resolved short of force are also analyzed separately, in the appendix.

Polity Score: Polity2 score that measures political regime type on a 21-point scale ranging from -10 (hereditary monarchy) to +10 (consolidated democracy).

Level of U.S. Involvement: The level of U.S. involvement in a crisis attempts to measure the amount of fatalities the U.S. has incurred or risks incurring in a crisis. Codings from the International Crisis Behavior events (ICBe)⁴⁸ dataset were used to determine the most escalatory action undertaken by the United States in the course of the crisis (Note that this is the same variable displayed on the Y-axis of the Figure 3 scatter plot). This was coded on a 15-point ordinal scale as follows:

1. No military action taken (e.g., mere diplomatic protest)
2. Aid or sanctions utilized
3. Threats absent deployments
4. Show of force or military exercise
5. Military advisors outside of combat
6. Uncontested military action (e.g., occupation without resistance)
7. 0 U.S. combat deaths
8. 1-5 U.S. combat deaths
9. 6-25 U.S. combat deaths
10. 26-50 U.S. combat deaths
11. 51-100 U.S. combat deaths
12. 101-250 U.S. combat deaths
13. 251-500 U.S. combat deaths
14. 501-1000 U.S. combat deaths
15. Over 1000 U.S. combat deaths

Note that combat—i.e., actual hostilities—only exists at codings 7 and above, while codings 1-6 consist of measures short of actual armed conflict on the part of American forces.

Results

A series of ordered probit regressions is presented in Table 7, below. The first model simply includes the congressional support score in a crisis as the sole explanatory variable, and confirms the expected relationship between congressional support for the use of military force and successful crisis outcomes for the United States.⁴⁹ The second model similarly does so, but with legal authorization

⁴⁸<https://www.crisisevents.org/>

⁴⁹Recall that speeches are limited to those made prior to the use of force. The potential for reverse causation is considered in detail below.

instead of informal congressional support. The third model includes both congressional sentiment and legal authorization as explanatory variables. This model suggests that each explanatory variable has an independent contributory effect on conflict outcome, and gives tentative evidence in favor of Hypotheses 3 & 6. Not only does more supportive congressional sentiment predict better outcomes (H3), but the U.S. is more likely to achieve victory in crises that are formally authorized by Congress, even after controlling for informal congressional sentiment (H6).

The fourth and fifth models include additional controls in order to test the robustness of the findings. For example, it might be important to control for how many speeches related to the possible use of American military force were actually given in the crisis. To this end, “speeches per day” and “crisis days” variables are included in the fourth model. Relative power is also included in the model, as this has a strong potential to affect the outcome of a crisis. Unsurprisingly, relative power exhibits a positive relationship with the probability of victory, but even after controlling for these factors little changes with regard to the relationship between congressional support and conflict outcome.

The fifth model additionally controls for a variety of other variables, including the possibility of a time trend by year, the amount of presidential copartisans and Republicans in Congress, and political polarization. Other domestic factors such as presidential approval and the U.S. unemployment rate are also included, as is the Polity2 score (i.e., regime type) of the adversary in the dyad. Distance between the U.S. and the crisis is also controlled for because this is one of the best predictors of U.S. success in international disputes (Hulme & Gartzke 2021). Dummy variables are additionally included for the Cold War, whether the crisis takes place concurrent to a full scale U.S. war somewhere else on the globe, and whether the crisis is part of an ongoing war. Notably, congressional sentiment and formal authorization still predict better outcomes for the U.S. even after including all of these possible confounds.

Note that the coefficient on congressional support has actually grown stronger, while the coefficients on the percent of Republicans and copartisans in Congress is actually negative—the opposite of what one might expect given the evidence that Republicans and presidential copartisans are more likely to support the use of force (Böller 2021). This actually makes sense, however, because it is

	(1)	(2)	(3)	(4)	(5)	(6)
Congressional Sentiment	1.423*** (0.370)		1.140*** (0.345)	1.367*** (0.355)	2.052*** (0.474)	1.965*** (0.483)
Legal Status		0.908*** (0.222)	0.805*** (0.223)	1.063*** (0.226)	1.247*** (0.239)	1.075*** (0.228)
Speeches per Day				-0.301 (0.189)	-0.345 (0.231)	-0.440 (0.312)
Crisis Days				-0.001* (0.000)	-0.001* (0.000)	-0.001* (0.000)
Relative Power				0.864** (0.279)	1.007** (0.316)	0.948** (0.324)
% Copartisans					-6.218*** (1.881)	-6.449*** (1.915)
% Republicans					-9.076** (2.850)	-9.200** (2.845)
Year					-0.002 (0.017)	-0.000 (0.018)
Political Polarization					-1.166 (3.378)	-1.688 (3.524)
Presidential Approval					-0.005 (0.004)	-0.005 (0.004)
Unemployment Rate					-0.187** (0.070)	-0.177* (0.070)
Cold War					-1.010* (0.455)	-0.967* (0.465)
Distance from U.S.					-0.008 (0.004)	-0.007 (0.004)
Concurrent War					0.288 (0.225)	0.246 (0.224)
Crisis Part of Continuing War					-0.389 (0.342)	-0.888* (0.451)
Adversary Polity Score					-0.025 (0.020)	-0.022 (0.020)
U.S. Escalation Level						0.075 (0.050)
Observations	210	210	210	210	210	210
AIC	422.128	412.940	406.687	392.018	380.569	378.801
BIC	432.170	422.982	420.076	415.448	440.817	442.396

Standard errors in parentheses

* $p < .05$, ** $p < .01$, *** $p < .001$

Table 7: Relationship between Congressional Support and Crisis Outcome

showing that rhetoric “against type” is stronger than rhetoric “with type”: support given by Republicans or copartisans is not as informative as support given by Democrats or non-copartisans.⁵⁰

The last model additionally controls for the level of U.S. involvement in the conflict, but this variable shows no significant relationship with conflict outcome. Of special note, however, is the lack of major effect any of the preceding controls has on the relationship between congressional support and conflict outcome. In each model, the coefficients for the congressional support score and formal authorization are in the anticipated direction and significant at the 0.001 level.

Given the difficulty of interpreting coefficients of an ordered probit regression, marginal effects plots are helpful in visualizing the effect of these key variables on the predicted probability of a “victory” outcome for the United States. Using Model 5 from Table 7, the two plots below show the marginal effect of congressional sentiment and formal authorization, respectively, on the likelihood of victory. It is helpful, furthermore, to include the plots side-by-side in order to see the relative effect of each.

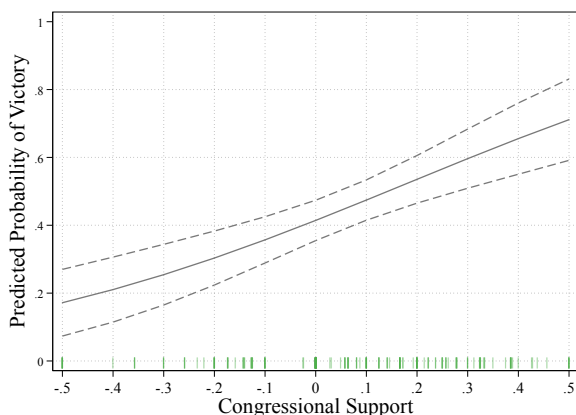


Figure 8: Predicted Probability of Victory by Level of Congressional Support

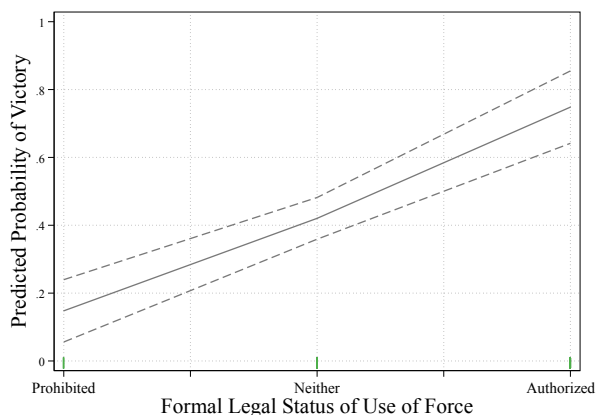


Figure 9: Predicted Probability of Victory by Legal Status

Figure 8 represents the marginal effect of congressional sentiment on crisis outcomes. Note the steep upward trend of the line. Crises occurring under uniform opposition in Congress are highly unlikely to end in victory for the United States (predicted probability of less than 20%). During the 1971 Bangladesh War, for example, Nixon sent the Seventh Fleet into the Indian Ocean in order

⁵⁰This logic is similar to that laid out by Schultz (1998).

to seemingly threaten intervention. Congress, however, was virtually unanimous in opposition not only to direct U.S. military involvement, but even to providing economic aid to Pakistan. Strong congressional resistance helped convince India of the non-credible nature of the threat (Blechman & Kaplan 1978). As congressional support increases, however, the likelihood of U.S. victory increases dramatically. When support reaches its maximum, the predicted probability of victory is roughly 75%. Figure 8 thus confirms Hypothesis #3—greater congressional support is associated with more preferable outcomes for the United States.

Figure 9, likewise, suggest a similar story for formal authorization (or prohibition). Note, first, the strong relationship between legal status and crisis outcome. When the use of force is prohibited, it is nearly impossible for the President to succeed in the crisis. Consider, for example, Nixon and Ford’s inability to prevent the Fall of Saigon after the Case-Church amendment banned the use of force in Vietnam after the summer of 1973. On the other hand, the U.S. is very successful in crises in which Congress has formally authorized the use of force. This confirms Hypothesis # 6: even after controlling for informal congressional support, the presence of formal authorization for the use of military force yields better outcomes for the United States.

Signalling vs. Brute Force

It is possible, further, to analyze whether actual uses of force drive this observed relationship between congressional support (informal and formal) and conflict outcome, or whether a signalling process is also playing out in crises that terminate short of armed conflict. In other words, can U.S. adversaries observe the domestic debate in the U.S. over the potential use of force, and react accordingly?

The coefficient plot below uses the same model specification as Model 5 in Table 7, but omits all but the illustrated control variables from the presentation. The plot illustrates the coefficients and confidence intervals on two different populations. The first—in red—includes all crises (i.e., both actual U.S. uses of force and those resolved short of U.S. intervention). It is thus identical to Model 5 in Table 7. In contrast, the second model—in blue—corresponds to a subset of crises that only includes those short of armed intervention by the United States.

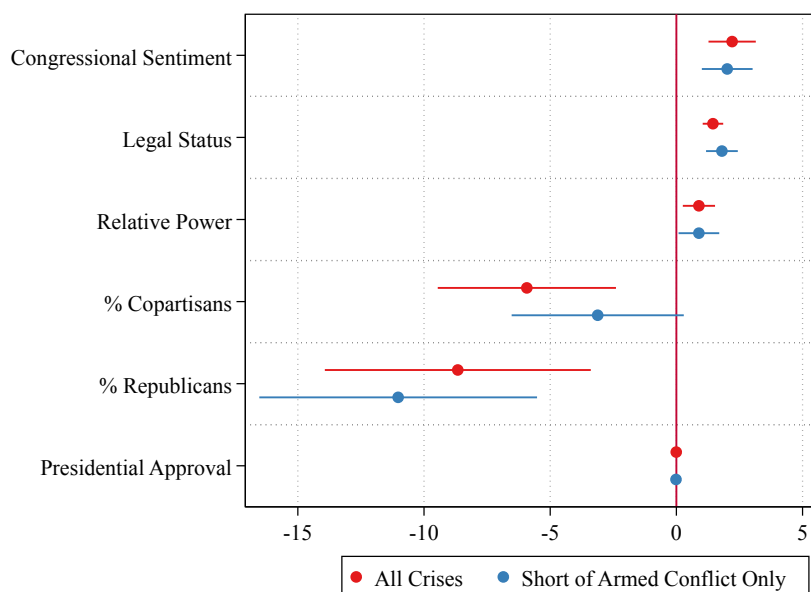


Figure 10: All Crises vs. Crises Short of Armed Conflict Only (Model 5, Table 7—Other Controls Omitted from Coefficient Plot)

The most striking feature of the coefficient plot is that coefficients and confidence intervals are quite similar. Even when only considering crises in which the U.S. did not intervene, we still see strong positive effects of both informal congressional sentiment and formal authorization status on crisis outcome. In the First Taiwan Strait Crisis, for example, the U.S. and the P.R.C. did not actually engage in combat with one another, but Congress was nonetheless important to the outcome of the crisis. Prior to the crisis, Chinese leadership felt that the United States was unlikely to precipitate a major fight—especially given the results of the 1954 midterm elections, which saw Democratic gains (Pang 2019). In January, however, Congress passed a formal authorization for the use of military force to protect Taiwan and a series of small islands off of the Chinese coast. This congressional action convinced Chinese leaders that the U.S. would be willing to go to war over the islands, and they soon terminated the crisis thereafter (Pang 2019, Zhang 1993).

Reverse Causation

While the discussion above demonstrates a strong correlation between congressional support and the outcome of crises for the United States, one concern might be the possibility of reverse causation. In

other words, there is a chance that the relationship noted between legislative support and victory could simply be due to Congress foreseeing the *ex post* outcome and then *ex ante* expressing sentiment in line with that prediction. Note, however, that relative power—presumably the most easily observable indicator of the likelihood of success—has already been controlled for, and that the speeches utilized in calculating congressional sentiment are limited to those made *prior* to the use of force. This should give us some confidence that reverse causation is not the primary explanation for the observed associations, but it is nonetheless theoretically possible for lawmakers to look far into the future and make accurate predictions.

It is worth taking a minute to flesh out precisely what this alternative explanation might be. One version of it might be that members of Congress are trying to claim credit for good outcomes. This credit claiming explanation, however, runs into the immediate problem of what precisely legislators would be trying to claim credit for when reverse causation posits that Congress is not actually affecting the outcome. This explanation would then have to rely on highly unsophisticated voters, who would give credit to lawmakers for an outcome over which they had no effect. A more plausible alternative explanation would be that the *ex ante* position-taking of members of Congress would be used by voters in order to assess the foreign policy competence of these legislators (Ramsay 2004). However, in this case, voters would likely not be myopically focused on whether the U.S. “won” a contest, but rather more holistically assess the outcome of the dispute in comparison to the cost involved. Given the enormous power of the United States, it is rare to find a crisis it cannot “win” if it wanted to—the more pertinent question is whether the objective is worth the cost paid in achieving it. In both Vietnam and Afghanistan, for example, there is little doubt the U.S. could have maintained the status quo had it merely applied its military power in defending Saigon or Kabul. What allowed for the final capitulation of the U.S. client, instead, was a decision that the cost of fighting was no longer worth the objective (Clausewitz 1976). Similarly, it can hardly be said the United States “lost” the Iraq War—Saddam’s government was successfully overthrown, and a new government put in place. Yet, it is widely recognized *ex post* that the war was not worth the enormous price it ended up costing. Displaying competence in foreign policy thus not only involves a simple calculation of the probability of victory, but also a projection of what the price of victory

might actually be, and a comparison of that price to the value of the outcome. These are not only difficult calculations to make *ex ante*, but inherently involve major value judgments—bluntly, how many American lives is an objective worth?⁵¹ Thus, it is not clear how plausible an alternative explanation involving members of Congress simply trying to guess whether the U.S. will “win” or “lose” a conflict really is when it seems their constituents would care about factors such as the cost of fighting.

But even supposing members of Congress might simply be trying to “guess” the outcome, there are several other reasons why reverse causation is unlikely to be the major driver of the results. On the one hand, there is little doubt that members of Congress do attempt to assess the prospect of victory when deciding whether to support an intervention or not. Indeed, it would be grossly negligent for them not to. However, it is not immediately clear members of Congress are actually able to predict conflict outcomes with great precision. First, one of the major criticisms often levied by advocates of the Imperial Presidency is that members of Congress tend to *lack* good information about conflicts, and are swindled by sly executives into supporting unwinnable contests.⁵² Indeed, it is well recognized in the literature that legislators are at an informational disadvantage when it comes to foreign policy (Canes-Wrone, Howell & Lewis 2008). It would be a curious case if these legislators that lacked good information nonetheless were able to make such good predictions of conflict outcome.

Second, the selection incentives members of Congress face are also held by the two other strategic players: the President and the U.S. adversary. If U.S. victory or defeat were overwhelmingly obvious, there would be little incentive for the President or the U.S. adversary to precipitate the crisis in the first place. Indeed, crises and wars are most likely to unfold when the outcome is *not* obvious (Blainey 1973, Reed 2003). Thus, given this general difficulty actors have in predicting crisis outcomes, combined with the specific difficulty lawmakers have in acquiring information in foreign policy, it is not clear that members of Congress are able to easily foresee conflict outcomes.

A good test of this is to limit the data to actual uses of force, because in these cases we know

⁵¹The effect of these personal judgments on support or opposition to a potential use of force also helps explain why there often tends to be such heterogeneity in Congress over intervention decisions. If the only concern was “victory” or “defeat”, and legislators all had access to similar information, we would expect sentiment to be rather homogenous.

⁵²Consider, for example, popular explanations of the Gulf of Tonkin Resolution and the Vietnam War.

the President *ex ante* thought intervention was a good idea. Below, we again run Model 5 from Table 7,⁵³ but this time limit the observations to those that involved the use of American force.

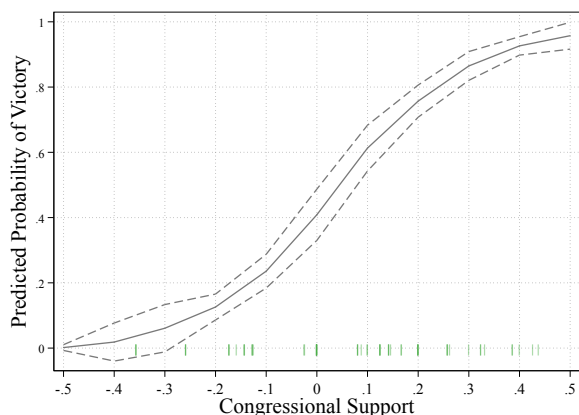


Figure 11: Predicted Probability of Victory by Level of Congressional Support (Uses of Force Only)

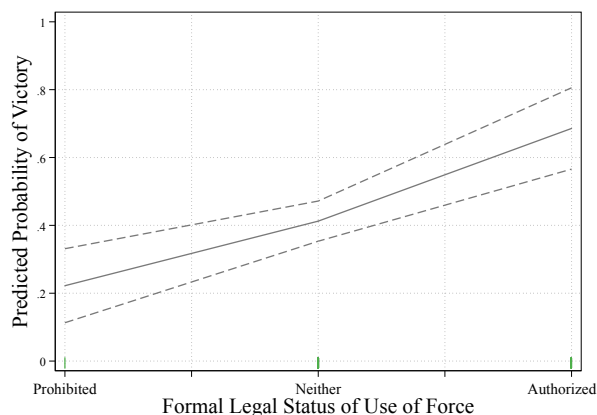


Figure 12: Predicted Probability of Victory by Legal Status (Uses of Force Only)

Figures 11 and 12 depict the marginal effect plots for congressional sentiment and formal authorization, respectively. Compared to the models run on the full set of crises, the confidence intervals and the shapes of the curves change slightly, but the large effect sizes are still seen: informal congressional sentiment and formal authorization for the use of military force strongly predict better outcomes for the United States. In this case, because we know the President thought intervention was worthwhile (they chose to do so, after all) reverse causality would be implausible. If the finding here were due to Congress simply making good guesses—supporting uses of force it knew would end in victory and opposing those it believed likely to end in defeat—this would imply that Congress had better information than the President: a highly unlikely proposition. (Matching can also be utilized, and is provided in the Appendix. The matched sample technique, while imperfect, also yields results consistent with congressional sentiment affecting crisis outcomes.)

Third, if the outcome of these crises was so obvious—and members of Congress were motivated to simply support obvious victories and oppose obvious defeats—we would expect to see relative

⁵³The “Distance from U.S.” variable has been removed from the model specification in order to allow convergence while using the small sample size. While distance predicts U.S. crisis outcomes, including this variable is almost certainly an over-specification because distance proxies for either the loss of resolve or loss of strength over distance (Hulme & Gartzke 2021). Resolve in this model is essentially already included in the congressional support score, while distance adjusted power is already included in the “relative power” variable.

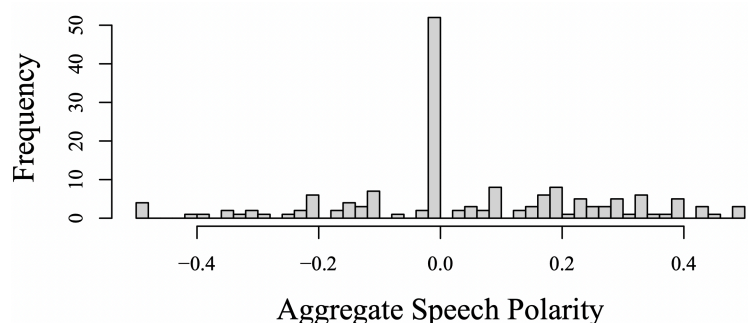


Figure 13: Distribution of crises by aggregate congressional sentiment

homogeneity in congressional opinion as everyone knew victory (or defeat) was likely. Relative homogeneity in opinion would look like a “U” when viewing the distribution of congressional support scores in the population of crises because many disputes would have (close to) uniform support or opposition. Yet, empirically, we see that the distribution looks more like a uniform distribution broken by a large concentration in the middle (Figure 13, above)—exactly the opposite of what reverse causation would expect.⁵⁴

We can, furthermore, consider when members of Congress make speeches. If lawmakers were simply speaking in favor of obvious wins and opposing obvious losses, we would expect members of Congress to give the most attention to conflicts in which the outcomes were most easily foreseen and avoiding comment otherwise. Conflict outcomes should be most easily foreseen at the extremes of relative power, and most difficult to predict around power parity. Figure 14, below, plots the predicted number of speeches per day by the relative power of the United States in the dyad. Again, we observe precisely the opposite pattern of what reverse causation would predict: members of Congress give *more* speeches when relative power is closer to parity (where relative power is close to 0.5) and relatively fewer speeches when there is a great disparity in effective power between the United States and an adversary. See “Explaining the Magnitude of Congressional Sentiment Expressed” in the Appendix.

Further still, one can consider the polarity of the sentiment expressed in speeches and its relationship with the distribution of power in a crisis. If members of Congress were merely attempting

⁵⁴This wide distribution in congressional opinion during crises is, instead, more consistent with lawmakers having imperfect information over the probability of victory and the cost of fighting, and as well as differing values over the objective.

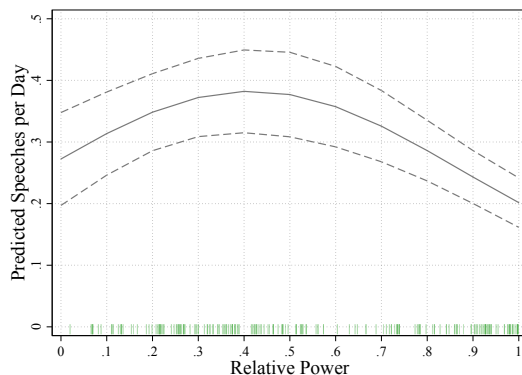


Figure 14: Relationship between Relative Power and Number of Speeches per Day

to associate themselves with obvious victories and disclaim obvious defeats, we would expect to see a positive relationship between the relative power in the conflict dyad and the average polarity of speeches related to the crisis. In other words, we would expect positive rhetoric in crises in which the U.S. had a power advantage, and rhetoric against the use of force when the U.S. was at a relative power disadvantage. Figure 15, below, plots predicted congressional sentiment in crises by the relative U.S. power in the dyad. Once again, we empirically observe the opposite of what reverse causation would predict: speeches are relatively more positive when the U.S. is at a power disadvantage and more negative when there is overwhelming American power. See “Explaining the Polarity of Congressional Sentiment Expressed” in the Appendix.

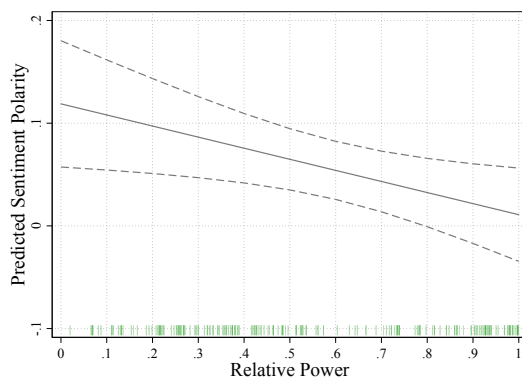


Figure 15: Relationship between Relative Power and Polarity of Speech Sentiment

The alternative explanation of reverse causation thus has many problems. Theoretically, it is unclear why voters would reward members of Congress who had no impact on the outcome of the

crises, or—in the alternative—focused merely on “victory” or “defeat” while paying no attention to the cost of fighting. Moreover, it is not obvious conflict outcomes can be predicted particularly well *ex ante* by lawmakers, if crises and wars are most likely to occur when it is not obvious who will win, and when we commonly assume legislators have relatively poor information about how a potential conflict will proceed (Canes-Wrone, Howell & Lewis 2008). Lastly, the great heterogeneity observed in congressional opinion over the use of force, the greater attention given to conflicts closer to parity, and the negative correlation between relative power and congressional sentiment are all highly inconsistent with what one would expect if reverse causation were driving the results displayed in Table 7. These patterns are, instead, more consistent with serious congressional debate over U.S. national interests, weighing the predicted costs of fighting with outcomes that are not easily foreseeable.

As a final note, we should return to the widely observed phenomenon—often highlighted by proponents of the Imperial Presidency—that members of Congress *dislike* voting on use of military force decisions and rarely do so. This, of course, would not be the case if outcomes were easy to predict, and lawmakers simply sought to associate themselves with the outcome *ex ante*.

Conclusion

This chapter has quantitatively tested the first six hypotheses derived from the model in Chapter 1 and found strong evidence for each. Presidents are more willing to utilize force—and more force—when there is greater informal congressional support for the use of force. Moreover, formal legal authorization from Congress increases a President’s willingness to employ force, even when controlling for informal sentiment. Lastly, the U.S. is more likely to achieve better crisis outcomes—victory—in disputes that garner congressional support, measured either through informal congressional rhetoric or formal authorization.

The conventional wisdom of the Imperial Presidency argues that developments after the Second World War, such as the advent of the standing army, have created an executive willing and able to utilize military force regardless of Congress’s own wishes. The evidence presented above, however, suggests that the amount of power Presidents are willing to employ is substantially limited by con-

Table 8: Summary of Hypotheses (All Confirmed)

	<i>DV: Force Employed</i>	<i>DV: Crisis Outcome</i>
Informal Congressional Sentiment	H1: ↑ Congressional Support → ↑ Use Force (Binary)	
	H2: ↑ Congressional Support → ↑ Use More Force (Continuous)	
		H3: ↑ Congressional Support → ↑ U.S. Victory
Formal Authorization for the Use of Military Force (AUMF)	H4: ↑ Legal Authority → ↑ Use Force (Binary)	
	H5: ↑ Legal Authority → ↑ Use More Force (Continuous)	
		H6: ↑ Legal Authority → ↑ U.S. Victory

gressional sentiment over the use of force. Moreover, the results suggest these political constraints on the Presidency are not only perceived by the White House, but also by adversaries abroad.

The next three chapters complement the quantitative evidence analyzed here with qualitative cases studies. One particular advantage of this method is that it allows the researcher to actually trace the causal process involved by examining the perceptions and choices of the key decision-makers. Chapter 3 applies a disconfirmatory Large-N Qualitative Analysis (Goertz & Haggard 2021) approach to a core claim of the Imperial Presidency thesis: Presidents are willing and able to conduct major armed conflict absent the formal approval of the legislature. The chapter demonstrates that after the Korean War there are *no* cases of Presidents willing to sustain American combat fatalities at the level of full scale war absent express congressional authorization.⁵⁵ Instead, when staring down into the abyss of major war, Presidents have consistently opted only to stand firm if the formal backing of the legislature was in hand or expected to soon be forthcoming.

Chapter 4 then shifts the analysis to negative cases in which intervention did not occur. Seven cases—each taking place in a different presidential administration, and with a focus on hawkish Presidents least likely to respect constitutional boundaries—demonstrate the widespread avoidance of conflict specifically due to a lack of formal authorization. Together, the findings of Chapters 3

⁵⁵This analysis not only includes each of the major wars fought by the United States since 1945, but also near-nuclear crises in which the President stood firm—the paradigmatic example being the Cuban Missile Crisis.

and 4 suggest formal authorization still maintains an important role in use of force decision-making in the postwar era.

Lastly, the fifth chapter extends the analysis to also consider perceptions in the watching world abroad. The Vietnam War is selected as a series of “least likely” cases against which to test the theory, given that the period from the beginning of the Cold War until the end of the Vietnam War and the passage of the War Powers Resolution in 1973 is considered the zenith of the Imperial Presidency (Schlesinger 1973, Fisher 2013). Using archival research—including primary sources in both Chinese and Vietnamese—this chapter examines (i) congressional influence on presidential decision-making, (ii) international perceptions of American credibility based on congressional behavior, and (iii) related higher-order beliefs and concerns⁵⁶ (Dafoe, Zwetsloot & Cebul 2021, Schelling 1960). Looking at five crises from 1954 to 1975, the evidence supports the expectations of the model and contradicts the Imperial Presidency thesis.

⁵⁶E.g., White House concerns about adversary perceptions of American credibility based on congressional behavior, and strategic behavior intended to shape a certain image of the Presidency in the eyes of the adversary (Jervis 1970).

Appendix

Table 5 Replication with Scale of Force Utilized as DV

OLS

	(1) Congr. Sent.	(2) AUMF	(3) % Copart.	(4) % Repub.	(5) All
Congressional Sentiment	2.798*** (0.740)				1.613* (0.689)
Legal Status		2.394*** (0.407)			2.199*** (0.389)
% Copartisans			4.849** (1.540)		0.436 (1.472)
% Republicans				-5.372 (2.835)	-4.196 (2.854)
Relative Power	0.511 (0.479)	0.247 (0.408)	0.182 (0.482)	0.106 (0.485)	0.404 (0.428)
Year	0.006 (0.029)	-0.022 (0.029)	-0.010 (0.030)	-0.029 (0.032)	-0.008 (0.029)
Political Polarization	2.866 (5.862)	11.497* (5.773)	6.841 (5.713)	10.279 (6.311)	8.866 (5.496)
Presidential Approval	0.009 (0.006)	0.005 (0.005)	0.009 (0.007)	0.009 (0.007)	0.003 (0.006)
Unemployment Rate	-0.281** (0.085)	-0.086 (0.068)	-0.218** (0.081)	-0.255** (0.093)	-0.184* (0.073)
Cold War	0.535 (0.622)	1.083 (0.585)	0.563 (0.666)	0.169 (0.640)	0.849 (0.529)
Distance from U.S.	0.004 (0.004)	0.003 (0.004)	0.003 (0.004)	0.004 (0.005)	0.004 (0.004)
Concurrent War	0.598 (0.466)	0.807* (0.374)	0.599 (0.464)	0.688 (0.466)	0.592 (0.383)
Crisis Part of Continuing War	5.472*** (0.688)	5.214*** (0.509)	5.288*** (0.653)	5.046*** (0.684)	5.449*** (0.539)
Observations	210	210	210	210	210
AIC	872.922	821.187	881.857	886.466	815.126
BIC	909.741	858.005	918.676	923.284	861.985

Standard errors in parentheses

* $p < .05$, ** $p < .01$, *** $p < .001$

Table 9: Table 5 Replication with DV as Continuous Variable (OLS)

Ordered Probit

	(1) Congr. Sent.	(2) AUMF	(3) % Copart.	(4) % Repub.	(5) All
Congressional Sentiment	3.259*** (0.642)				2.664*** (0.662)
Legal Status		1.866*** (0.264)			1.949*** (0.331)
% Copartistans			3.192** (1.227)		4.301 (2.419)
% Republicans				-1.984 (2.179)	2.590 (3.514)
Relative Power	0.694 (0.468)	0.476 (0.431)	0.354 (0.393)	0.308 (0.390)	0.815 (0.493)
Year	0.032 (0.021)	-0.001 (0.027)	0.004 (0.023)	-0.008 (0.021)	0.049 (0.031)
Political Polarization	-4.384 (4.747)	6.603 (6.099)	2.493 (4.500)	4.497 (4.574)	-3.074 (5.896)
Presidential Approval	0.008 (0.006)	0.003 (0.006)	0.007 (0.005)	0.007 (0.005)	0.003 (0.007)
Unemployment Rate	-0.175* (0.078)	-0.049 (0.071)	-0.094 (0.073)	-0.106 (0.080)	-0.107 (0.085)
Cold War	-0.197 (0.564)	0.454 (0.693)	-0.030 (0.569)	-0.170 (0.591)	0.527 (0.686)
Distance from U.S.	0.002 (0.004)	0.004 (0.004)	0.001 (0.004)	0.001 (0.004)	0.006 (0.004)
Concurrent War	0.179 (0.300)	0.476 (0.295)	0.161 (0.303)	0.246 (0.292)	0.316 (0.303)
Crisis Part of Continuing War	3.104*** (0.512)	3.120*** (0.493)	2.577*** (0.413)	2.336*** (0.393)	4.216*** (0.609)
Observations	210	210	210	210	210
AIC	342.173	314.993	361.740	366.497	299.861
BIC	399.074	371.894	418.641	423.398	366.803

Standard errors in parentheses

* $p < .05$, ** $p < .01$, *** $p < .001$

Table 10: Table 5 Replication with DV as Ordered Categorical Variable (Ordered Probit)

Matching

Observations were matched on variables likely to be associated with the sentiment expressed in Congress and crisis outcomes—specifically the relative capabilities of the United States and the adversary state in the dyad, as well as the percent of Congress made up of copartisans. Here, coarsened exact matching was used (Iacus, King & Porro 2012, McManus 2017, pg. 83). The model is then estimated again using the matched sample, with the marginal effects plots shown below.

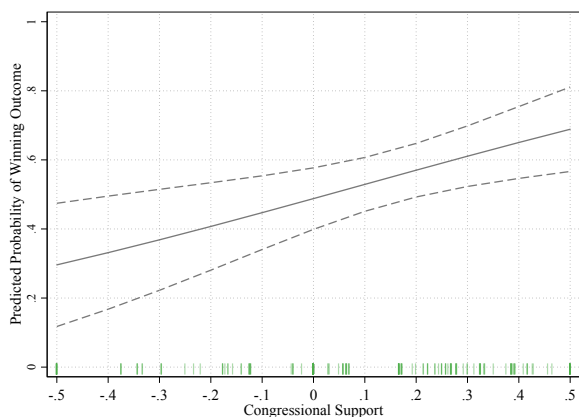


Figure 16: Predicted Probability of Victory by Level of Congressional Support (Matched Sample)

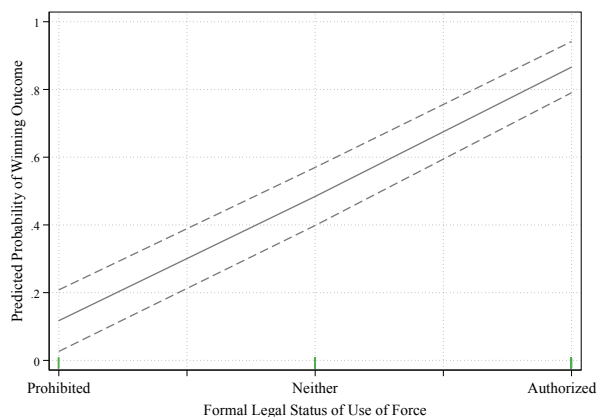


Figure 17: Predicted Probability of Victory by Legal Status (Matched Sample)

Note, again, that as congressional support moves from its minimum (uniform resistance) to its maximum (uniform support), the effect on the probability of victory is quite large—roughly from 0.3 to 0.7. Formal legal status also appears to have a substantial effect. As is well recognized, however, matching is an imperfect causal inference technique. The major limit of the method is that it cannot account for the possibility of unobserved variables confounding the relationship between congressional support for the use of force and conflict outcomes. Nonetheless, the results shown here are very similar to those yielded in the body of the text—suggesting, alongside the other evidence provided, that reverse causation is not the major factor yielding the strong association observed between congressional support and crisis outcome.

Explaining the Magnitude of Congressional Sentiment Expressed

Dependent Variable

Here, the dependent variable is the magnitude of the congressional sentiment expressed relevant to the use of military force. Specifically, this is operationalized as the average number of crisis-relevant speeches per day.

Independent Variables

Gravity: From the ICB dataset, the variable “identifies the most salient object of threat identified by any of the actors in the crisis.”

- (0) Economic threat
- (1) Limited military damage
- (2) Political threat – threat of overthrow of regime, change of institutions, replacement of elite, intervention in domestic politics, subversion
- (3) Territorial threat – threat of integration, annexation of part of a state’s territory, separatism
- (4) Threat to influence – threat of declining power in the global system and/or regional subsystem, diplomatic isolation, cessation of patron aid
- (5) Threat of grave damage – threat of large casualties in war, mass bombings as a result of a threat of grave damage.
- (6) Threat to existence – threat of survival of population, genocide, threat to existence of entity, of total annexation, colonial rule, occupation

Violence:

Like “Gravity” this variable comes from the ICB dataset and “identifies the extent of violence in an international crisis as a whole”

- (1) No violence
- (2) Minor clashes
- (3) Serious clashes

- (4) Full-scale war

All other variables are described in the main body of the text, above.

	(1)	(2)	(3)	(4)
	Speeches/day	Speeches/day	Speeches/day	Speeches/day
Relative Capabilities	-0.368*** (0.077)	1.160*** (0.377)	1.127*** (0.378)	0.452* (0.238)
Relative Capabilities ²		-1.368*** (0.340)	-1.340*** (0.340)	-0.607*** (0.208)
% Congress Copartisan			0.228 (0.317)	
Net Approval			0.000 (0.001)	-0.000 (0.001)
% Congress Republican				-0.458* (0.275)
Gravity				-0.007 (0.011)
Violence				0.030** (0.013)
Level of U.S. Involvement				0.052*** (0.005)
N	210	210	210	210
AIC	183.626	169.694	172.816	22.989
BIC	193.667	183.083	192.899	53.113

Standard errors in parentheses

* $p < .10$, ** $p < .05$, *** $p < .01$

Table 1 presents a series of models predicting the number of relevant congressional speeches made over the possible use of military force in a crisis. The functional form of each is a Tobit model, which accounts for the fact that the number of speeches cannot be less than zero.⁵⁷ The first model depicts a strong relationship between the distribution of power between the U.S. and the adversary and the amount of attention the possible use of force receives in Congress. The second model includes an additional term for the square of relative capabilities in order to account for the possibility of a curvilinear relationship. Both models suggest a lower amount of congressional attention given to contests in which the U.S. has an overwhelming advantage—suggesting that members of Congress are not simply giving speeches when U.S. victory is obvious. The third model additionally includes

⁵⁷Because the dependent variable is the ratio of relevant speeches to crisis days, it cannot be treated as count data.

terms for domestic political factors that might be thought salient—the number of copartisans a President has in Congress, and the President’s contemporaneous approval rating—and shows that each fails to yield statistical significance. Similarly, the fourth model accounts for the number of Republicans in Congress, the magnitude of the crisis overall (considered separately from actual U.S. involvement), the violence seen in the dispute, and the overall level of U.S. involvement. This model shows that the level of U.S. involvement in the crisis and the balance of power are robust predictors of the amount of congressional attention given to (potential) U.S. participation.

Explaining the Polarity of Congressional Sentiment Expressed

The dependent variable is the polarity of the congressional sentiment expressed, ranging from -0.5 to 0.5. Statistical models are Ordinary Least Squares.

	(1)	(2)	(3)	(4)
	Cong. Support	Cong. Support	Cong. Support	Cong. Support
Relative Capabilities	-0.182*** (0.061)	-0.177*** (0.059)	-0.184*** (0.061)	-0.147** (0.061)
% Congress Copartisan		1.008*** (0.217)		1.269*** (0.246)
% Congress Republican			0.044 (0.315)	0.835** (0.354)
Net Approval		-0.000 (0.001)	0.000 (0.001)	-0.000 (0.001)
N	210	210	210	210
AIC	52.150	35.694	55.795	31.754
BIC	58.844	49.082	69.183	48.490

Standard errors in parentheses

* $p < .10$, ** $p < .05$, *** $p < .01$

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