

AMERICAN GOVERNMENT SIMULATION: OVERVIEW FOR INSTRUCTORS

This Simulation Has a Special Focus on These Concepts:

- Constitutional Powers of the President vs. Congress in Foreign Policy
- Civil Rights/Liberties (emphasis on 4th, 5th, & 6th amendments in Bill of Rights)
- Role of Interest Groups
- Institutional Checks and Balances & Judicial Review
- Relationship between Media and Government
- Federalism
- Role of Political Parties and Ideology
- Civil-Military Relations
- The War Powers Resolution
- The Political and Policy Effects of Scandals

Other Concepts Covered:

- How Bills Become Law
- Campaigns and Elections
- Challenges and Politics of Intelligence Analysis
- Executive Orders vs. Presidential Directives
- FISA Court
- Bureaucratic Politics & Organizational Routines
- Intra-agency Conflict and “Whistleblowers”
- Public Opinion & Polling

The following outline highlights the major concepts that are taught in the simulation, and the red text gives specific examples of how the simulation teaches those concepts.

1. The Constitution gives Congress the power to declare war and to spend (or withhold) funds, but it also says the president is Commander-in-Chief of the military and chief executive. What this means in the realm of war powers (especially for military interventions short of war) is disputed. This results in a “tug of war” between the president and Congress over war powers.
 - a. The president insists that as Commander-in-Chief he has the authority to order military operations in support of vital national interests.
 - b. Congress insists that the legislative branch must play a central role in decisions on committing U.S. armed forces. The *War Powers Resolution* (passed in 1973 over President Nixon’s veto) says that the president can only commit military forces if Congress declares war, if Congress provides specific statutory authorization, or if an emergency requires immediate military action and there’s no time to get Congressional approval. The War Powers Resolution also says that presidents must consult with Congress before and during deployment of forces, that a 60-90 day time limit exists on emergency deployments, and that Congress can withdraw military forces at any time with a

concurrent resolution (a simple majority of both houses of Congress). All U.S. presidents since Nixon have regarded the War Powers Resolution as an unconstitutional infringement on presidential power, but the courts have not ruled on this. Presidents have imperfectly complied with the War Powers Act – usually sending reports to Congress and often seeking authorization for major uses of force, but sometimes not consulting with Congress before deploying forces, especially for smaller-scale interventions. At the very least, the War Powers Act seems to act as a political constraint that makes it difficult for presidents to completely ignore Congress's wishes on military matters.

c. The simulation is divided into 4 periods. The president and Congress must make decisions by the end of period 2 about possible military action against a large underground ISIS complex discovered in Syria. The president must decide what type of military action (if any) to order and how much to consult with Congress, and Congress must decide what bill to pass (if any) regarding this crisis: a declaration of war against Syria, authorization for the president to use force, or a bill cutting off all funds for military operations in Syria. If the president decides to launch a military operation, a new bill will become available in Congress calling for the immediate withdrawal of U.S. forces. Members of Congress will lose "Simulation Points" (SP) – a reflection of their performance in the simulation – if the president fails to consult with them or uses military force without their authorization. The president will also suffer some political costs (and lose some SP) for taking action without Congressional support. But higher levels of presidential consultation with Congress increase the chances that classified information will leak, which could jeopardize the military operation.

2. Congress has generally deferred to the president in the arena of foreign policy (including war powers) for several reasons:

- a. Historical precedent: presidents have defined their foreign policy role in expansive ways even where the Constitution is silent.
- b. Political interests: it's politically attractive for Congress to authorize the president to use force "if necessary and appropriate," which allows them to criticize the president's handling of the war if things go badly but take credit for authorizing it if things go well. It's also politically dangerous to cut off funds for ongoing operations – and become vulnerable to charges of not supporting the troops – although Congress has the "power of the purse" and could do this.
- c. Information asymmetry: the president has 16 intelligence agencies and other foreign/defense bureaucracies at his disposal, whereas members of Congress must rely on the executive branch for intelligence briefings. The president can therefore argue that he is better informed than Congress and that certain highly sensitive matters can only be shared with select committees in Congress to avoid potential leaks.
- d. Requirements of the Nuclear Age: in the Cold War era – when nuclear annihilation could come with only minutes of warning – it became clear that one person needed to be empowered to make quick decisions. Foreign policy could not be delegated to "535 Secretaries of State" (Congress) for mundane decisions, much less under conditions of crisis.
- e. Strategic Reasons: Having Congress debating and possibly voting against major presidential foreign policy initiatives runs the risk of increasing uncertainty among allies and enemies about U.S. intentions, making the U.S. look weak and divided, and undermining efforts to deter unwanted behavior by making credible threats.

- f. In the simulation, three of the bills are very unpopular in Congress (declaration of war, cutting off funds for military action, and immediate withdrawal of troops) and students are briefed on why the starting vote totals for these bills are so unfavorable – Congress doesn't want to “own” the war and politically it looks bad to be cutting off funds for, or demanding withdrawal of, troops in harm's way. The bill that has the best chance of passing is the bill authorizing the president to use military force “if necessary and appropriate” which allows Congress to blame the president if things go poorly. The information asymmetry between the executive branch and Congress is made painfully clear as students playing members of Congress must beg administration officials for intelligence information. Students are also sensitized to the slow pace with which Congress moves and the relative swiftness of presidential decision-making in crises, and they are confronted with the strategic downside of undercutting the president during a crisis.
3. **Congress has periodically sought to reassert its authority in foreign policy when it appears the pendulum has swung too far toward presidential power.** This is especially the case when foreign engagements have been very costly or unpopular with the public. Examples: a post-Vietnam/post-Watergate reassertion of Congressional authority, including the 1973 War Powers Resolution, and occasional attempts to challenge presidents' efforts to deploy forces or escalate commitments in places like Nicaragua (Reagan), Iraq (George W. Bush) or Libya (Obama).
- a. Comparison of the simulation scenario to these cases and others can be drawn by the instructor.
4. **As a bill works its way toward becoming a law, committee chairs, party whips, and party leaders in the House and the Senate play crucial roles.**
- a. Relevant committees in both houses must approve bills before they go to the full House or Senate for a vote. Committee members, and especially committee chairs, have great influence to hold up or advance legislation.
- b. The party leaders who schedule votes in the full House and Senate are also very influential.
- c. Party whips are important in maintaining discipline among party members and tracking likely vote totals.
- d. In the simulation, students play all of these roles and will gain insight into why committee chairs, party whips, and party leaders are so pivotal to the process of shepherding a bill through the House and Senate. Players in the executive branch will learn that in order to be effective in advancing or stopping specific legislation, they must target their appeals to the key members of Congress, such as committee chairs and party leaders, who hold the fate of the bill in their hands. The declaration of war and authorization for military force bills will begin in the House Foreign Affairs Committee and the Senate Foreign Relations Committee. To keep the number of student positions manageable, other bills (e.g., those related to civil liberties issues) are assumed to have already passed committee and are available for voting by the entire House or Senate. Vote totals for all 435 members of the House and 100 members of the Senate are simulated – with a beginning approval percentage for each bill in each house of Congress that can be moved up or down based on 1. Presidential speeches, 2. Executive efforts to lobby Congress, 3. Negotiation or “horsetrading”

among members of Congress, 4. Interest group lobbying and mobilization efforts, and 5. Media editorials.

5. The president's ability to veto legislation, Congress's power to override presidential vetoes (with a vote of 2/3 of both houses of Congress), and Congress's ability to exercise oversight of the executive branch represent key checks and balances in the U.S. government. But with divided government (different parties controlling different branches) and a polarized partisan environment, these essential checks and balances can be a recipe for "gridlock." The judicial branch provides further checks and balances, as the courts through judicial review can strike down executive orders or legislation deemed unconstitutional.
 - a. These checks and balances are replicated in the simulation. Congress will find it difficult to reach a 2/3 majority in both houses, prompting them to understand the importance of getting the president on board with any bill they want to become law. The party dynamics in the simulation (the president is a Republican and Congress is controlled by Democrats) are shown to increase the difficulty of moving quickly to enact legislation unless a specific bill enjoys overwhelming bipartisan support. Furthermore, the president and Congress must be aware that "overreaching" by pursuing executive orders or legislation that conflict with the Constitution risks a rebuke from the courts, which may engage in judicial review and strike down such actions by the president and Congress. Congress has the opportunity to launch investigations and high-profile hearings on such issues as bulk data collection, and call witnesses from the executive branch and interest groups. More generally, in this simulation Congress and the president struggle over U.S. policy not only with regard to war powers, but also in the areas of interrogation methods, domestic surveillance, and the rights of suspected terrorists.
6. The president (unless serving a second term) and members of Congress must focus considerable attention and resources on their approval ratings and campaigns for reelection.
 - a. Candidates frequently employ opinion polls to determine their current approval ratings and the views of their constituents on key issues.
 - b. Candidates campaign for reelection through ad buys, campaign rallies, tours through their districts, seeking endorsements, debates with opponents, and other methods. All of these tools are expensive and require a constant effort to raise funds and maintain a sizeable "war chest."
 - c. Candidates pay close attention to the impact of their decisions (including their votes on key pieces of legislation) on their approval ratings among key constituencies.
 - d. Candidates are attuned to the effect of media coverage (positive or negative) on their electoral fortunes.
 - e. Students playing the president and members of Congress can see their current approval rating by doing a poll (which costs a small amount of XP) and will be frequently taking polls to get an updated snapshot of their approval after key events have happened. These players earn significant points in the game for reelection and lose points for failure to be reelected, so they are incentivized to focus heavily on their own political survival. Tools at their disposal – which add up to cost quite a lot of XP, the main resource of the game – include ad buys, district-wide tours, campaign rallies,

town hall meetings, press conferences, debates with opponents, and speeches. Some of these efforts may backfire (e.g., a town hall meeting or press conference that goes badly), lowering their approval rating. An approval rating of 51% or higher is needed by the end of period 4 in order to be reelected. Republican members of Congress are told that their constituents will generally support efforts to authorize military force, whereas Democratic members of Congress are told that their constituents are more skeptical about authorizing the Republican president to use military force – and these players will gain or lose approval accordingly. Similarly, the president is informed that a successful military operation against ISIS will increase their approval rating but problems such as high U.S. casualties or a wider war (drawing in Syrian and Russian forces) will harm their approval. Candidates will occasionally be able to run specific polls to determine constituents' views on particular issues. Finally, candidates' approval ratings will be affected by positive or negative news stories, which gives them an incentive to develop relationships with media outlets and seek to shape the tenor of news coverage in their favor.

7. Political parties and ideologies are important predictors of preferences and voting behavior for members of Congress and the U.S. public.

- a. When Congress and the White House are controlled by different parties, Congress is less likely to defer to the president on foreign policy and war powers questions.
- b. Republican members of Congress and their constituents are generally more “hawkish” (militarily assertive) on questions of using military force for national security reasons, whereas Democrats lean more “dovish” (less militarily assertive). When apparent conflicts arise between national security and civil liberties, Republicans are more likely to emphasize security, while Democrats tend to emphasize civil liberties. But this also depends on which party is in control of the executive branch. For example, Republicans were more likely to trust President Bush with expansive domestic surveillance measures than President Obama, and vice versa for Democrats.
- c. Party whips play an important role in imposing voting discipline on party members in both houses of Congress. More generally, parties play an important role in aggregating and articulating the interests of segments of the public, and party leaders – while they can sometimes shape public opinion as elite actors – are also constrained by public pressure to remain generally consistent with longstanding party positions.
- d. In the simulation, the president is a Republican and both houses of Congress are controlled by Democrats. Democratic members of Congress are informed that their constituents are skeptical of authorizing the Republican president to use military force or employ expansive surveillance and interrogation methods, whereas Republicans in Congress are told that their constituents are more supportive of such efforts. Republicans in Congress will find that one way to boost their reelection chances is to have the president campaign for them. Secret news stories (which can be leaked to the news media) are given to Democratic members of Congress that reveal some damaging information about the president, and the president also has some “dirt” on them. They must decide whether to leak this information or engage in deterrence by only leaking this information if the other side does so. Party whips have the ability to count projected votes in the House and Senate on any bill, and have an ability called “whip the vote” which moves some members of their party in the desired direction on a given bill.

- 8. The news media in the U.S. are driven by a desire to expand their audience size, report high-impact news stories before competing news outlets (“scoops”) and avoid inaccurate reporting that would tarnish their credibility.**
 - a. Sensational stories – even if of questionable newsworthiness – will gain viewers or readers (“if it bleeds, it leads”).
 - b. News outlets can use the power of *agenda-setting* (deciding what stories to cover) and *framing* (deciding how to cover stories) in order to influence public opinion and government behavior.
 - c. There is a tension between the desire to report news first and the need to get the facts right. Verifying stories takes time.
 - d. In the simulation, students will notice that higher-impact stories (on a scale of 1 to 5) are not always the most newsworthy, but are sensational stories that are guaranteed to attract more readers or viewers. Students assigned to media outlets will have a strong interest in publishing these stories, since they produce the most points. Media outlets can try to verify stories that are currently “unverified” but this costs resources and takes time. They are under pressure to publish stories quickly since only the first news outlet to publish a particular story gets credit for that “scoop.” This leads to pressures to compromise one’s journalistic integrity and risk publishing false stories – although doing so will harm the reputation of the news outlet and cost its members points. Students will become aware of how news coverage can shape the national debate and affect the approval ratings of the president and other officials.

- 9. There is a symbiotic relationship between the government and the news media. They both gain from their links to the other, but their different interests are a source of tension.**
 - a. Government officials can use the media to get their message out and shape public perceptions.
 - b. Media outlets cultivate sources in the executive branch and in Congress who can provide high-impact stories (sometimes containing classified information).
 - c. Government officials sometimes leak information to the news media in an effort to shine a light on controversial policies/plans or undermine those policies.
 - d. Media outlets have an interest in publishing classified information because it is often sensational and attracts a higher audience, but this can have implications for national security and ongoing military operations.
 - e. In the simulation, members of the news media (New York Times, Fox News, and CNN) will seek to develop sources inside the executive branch and (to a lesser degree) Congress who can feed them “juicy” stories. Government officials will have high-impact stories that can be given to the press (and in return may expect positive news coverage for themselves or the administration), but the publication of these leaked stories may have serious implications for players’ approval ratings or even national security. Executive branch officials suspected of leaking classified information can be investigated and charged by the Attorney General. Players may reach deals with news outlets not to publish damaging information about themselves in exchange for providing other high-impact stories.

10. Interest groups can be influential actors in both foreign and domestic policy. They use methods such as lobbying Congress and the executive branch, trying to shape public opinion, and mobilizing the public to support/oppose candidates or legislation. Certain groups have more influence on certain parties and candidates.

a. In this simulation, the American Civil Liberties Union (ACLU) is an interest group focusing on the protection of civil liberties for both U.S. and foreign citizens. They seek to prevent presidential actions and legislation that would allow sweeping domestic surveillance, coercive interrogation techniques, rendition of terror suspects, and detainment without trial in civilian courts. They use a number of methods to influence Congress and the executive branch, such as providing policy expertise, raising funds for campaigns, mobilizing the public for/against candidates and legislation, and launching ad campaigns. In the simulation, Democratic members of Congress will have closer links, and greater electoral vulnerability, to these groups given the ideological affinity between their constituents and these groups.

11. Civil Rights/Civil Liberties, and Possible Tradeoffs with National Security: The 4th, 5th, and 6th Amendments to the U.S. Constitution ensure specific civil liberties involving unreasonable searches and seizures, due process, and fair trials. Some policies designed to enhance national security raise potential conflicts with these civil liberties, forcing American policymakers to consider difficult tradeoffs between national security and civil liberties.

a. In this simulation, the president has the ability to issue presidential directives and executive orders on a variety of counter-terrorism measures, including enhanced interrogation techniques, expanded domestic surveillance, rendition of terror suspects, and detainment of suspects without trial or with trial by military commission rather than by civilian jury trial. Congress can pass legislation dealing with several of these policies as well. Students are made aware of the civil rights and liberties enshrined in the Constitution (including the 4th, 5th, and 6th amendments) and are forced to consider how a variety of counter-terrorism policies might conflict with these guarantees.

12. The U.S. is a federal system, meaning that important powers are shared between the federal government and the states. On policy issues ranging from immigration to the environment, power struggles play out between the federal government and the states. The courts sometimes step in to adjudicate these disputes.

a. In this simulation, the president wants to fulfill a campaign promise to close Guantanamo Bay's detention facility and transfer the prisoners to U.S. soil. But the governors of states where the prisons would be located strongly oppose the move and are pushing back against the federal government's plans. If the president refuses to compromise, the states may file lawsuits to prevent the relocation of the prisoners.

13. Political Scandals have implications not only for candidates' political fortunes, but for policymaking as well. Leaders who are hampered by scandal may find it difficult to accomplish their policy goals – either because of increased political opposition or the need to expend scarce

political and attention resources to deal with the scandal. Scandals may also tempt political leaders to use diversionary tactics to divert public attention from the scandal.

a. In the simulation, a brewing campaign finance scandal regarding members of Congress starts to consume more and more of these candidates' attention as the four periods unfold. They must make decisions about whether to say anything (and if so, what to say) publicly about the scandal, and must make strategic judgments about what political and policy actions will help to minimize the political crisis as elections approach.

14. Civilian control of the military is an important aspect of democratic governance, but military services seek autonomy in their spheres of expertise. The occasionally problematic nature of military Standard Operating Procedures (SOPs) illustrates the organizational process model of policymaking.

a. Military chiefs seek to carry out their operations with minimal interference from political leaders. This creates tensions with the civilian leaders (e.g., president and Secretary of Defense) who are responsible for overseeing military activities.

b. Some military standard operating procedures and routines (including rules of engagement, military tests and exercises) may have unforeseen consequences, including signaling escalation to an adversary in a dispute. The Defense Secretary wants to be informed about such steps and make careful judgments in such matters, but does not have time to micromanage the military services and must rely on top officers to identify these momentous decisions and bring them to him or her for a decision.

c. Contrary to the “rational actor” model of policymaking, some policy actions are not well-planned, centrally coordinated decisions but are the result of organizations mindlessly following their standard operating procedures.

d. In the simulation, the uniformed chiefs of the Army, Navy, and Air Force are confronted with a series of choices that require a decision. They are given points for making their own decisions on military matters and will lose points for referring decisions to their civilian boss, the Secretary of Defense. However, if they fail to refer a decision to the Defense Secretary and the decision results in a negative outcome, they (and the Defense Secretary) will lose a great deal of points. The Defense Secretary will lose some points for every decision that is referred to him/her – representing the time spent managing the bureaucracy – but, as noted, will lose more points if they aren’t consulted on a decision that turns out badly. Some of the “routine decisions” that the military services face, such as raising an alert level, conducting a supposedly routine military exercise, or revising rules of engagement, may have serious consequences that the president never intended.

15. Power struggles and turf wars between military services (e.g., Navy vs. Air Force) or between executive departments (e.g., State vs. Defense) illustrate the Bureaucratic Politics model of policymaking.

a. Bureaucratic organizations see the world through the lens of their own roles and missions. Thus, an organization like the State Department (whose mission is diplomacy) and the Defense

Department (whose mission is preparation for, and if necessary execution of, military action) naturally see policy problems differently and generate different solutions.

- b. Contrary to the “rational actor” model of policymaking, some policy decisions are not well-planned, centrally coordinated decisions but are the output of a complicated political game played among actors who differ in their preferences and their power positions. So a certain decision may not reflect the national interest but instead be the lowest common denominator outcome that the key players could agree upon, or the ugly hybrid solution that gave each key player something they wanted.
- c. In the simulation, players representing different bureaucratic entities – such as different military services or the Defense Department vs. the State Department – have different interests and goals. These goals sometimes are compatible, but will often lead to conflict. The president will be under pressure to make decisions that are not necessarily optimal for the national interest but are the most attractive or feasible choices given the political “tug of war” between various departments. The president will also be given XP to distribute to various departments to conduct activities, and these departments will compete to receive this XP. (Similarly, the Defense Secretary will be given XP to distribute to the Army, Navy, and Air Force to conduct operations, and must decide whether to allocate this XP equally or favor certain military services).

16. Preemption and preventive war may be seen as attractive foreign policy tools, but they are viewed differently through the lenses of ethics and international law, and they present different kinds of costs and benefits.

- a. Preemption involves taking action first to deal with a known, imminent threat. Under international law and ethics it is generally regarded as akin to self-defense, and is thus justifiable. A challenge with preemption is that one must be certain an attack is coming (i.e., have excellent intelligence) in order to justify such measures.
- b. Preventive war involves taking military action to deal with a more diffuse, uncertain, and future threat. Because the threat is not certain or imminent, it is not regarded as self-defense and is more difficult to justify. Yet it may still be seen as useful or even necessary when facing an adversary whose capabilities are growing and which is known to harbor hostile intentions.
- c. In the simulation, a variety of intelligence and media reports indicate that a terrorist attack on the U.S. is imminent and is being directed from the ISIS base in Syria. The administration is therefore given the option of a preemptive attack. But since there are high-value targets (terrorist leaders) in the compound and the base is a center for planning future operations, this could also be viewed as a preventive strike with longer term benefits. Students must consider the downside of striking first without clear evidence that an attack is coming, and the potential costs in terms of international public opinion of launching a preemptive/preventive strike and appearing to be a bully or aggressor.

17. Executive Orders vs. Presidential Directives: Executive orders are made public but presidential directives are secret and are not reported to Congress, which raises concerns about executive power, Congressional oversight, and accountability.

- a. In this simulation, the president has the option to sign several top secret presidential directives regarding expanded domestic surveillance, enhanced interrogation methods, and rendition of terror suspects. However, there are also a number of executive orders on the president's desk that are more broadly palatable and involve banning these controversial counter-terrorism practices. Information about planned or enacted presidential directives may be leaked to the news media, and publication of this classified information could both focus public criticism (and Congressional scrutiny) on these programs and undermine their effectiveness, with unpredictable consequences for national security.
- 18. Just War Theory and the Ethics of War: Key principles of Just War Theory include just cause, proportionality, and discrimination. Foreign policy decision makers must grapple with these ethical issues as they consider using military force.**
- a. The principle of Just Cause requires there to be an ethically justified reason for war. The most acceptable reason is self-defense. Other causes considered just by many just war theorists include stopping genocide and defending other countries from aggression. Wars for greed or self-aggrandizement are not considered just.
- b. Proportionality includes both (1) a requirement that the amount of good that comes out of a war exceeds the amount of evil, and (2) a requirement that the nature of a response be proportionate to the injury sustained – i.e., don't respond to a verbal insult with an armed invasion, or to a conventional attack with nuclear annihilation.
- c. Discrimination requires that soldiers distinguish between civilians (who may not be targeted) and combatants. This may be difficult in practice since (1) most military engagements place some civilians at risk, and (2) some combatants do not wear uniforms and may intentionally seek to blend in with the civilian population.
- d. In this simulation, students are confronted with all of these dilemmas regarding the ethics of war. The contemplated military action against the ISIS base inside Syria raises questions regarding Just Cause (it can't quite be justified as self-defense since there is ambiguous evidence regarding an imminent attack). Policymakers are also confronted with warnings that civilians may be harmed in any attack on the Syrian compound and are required to make decisions (e.g., regarding rules of engagement) about tradeoffs between protecting their soldiers and protecting civilians. Proportionality also comes into play as students consider whether the scale of the contemplated strike on Syria is proportionate to the threat posed by the ISIS compound.
- 19. The U.S. intelligence community is composed of 16 different agencies – including the CIA, NSA, and military intelligence agencies – overseen by the Director of National Intelligence.**
- a. In the simulation, students are made aware that there are many different intelligence agencies with different emphases (such as military intelligence agencies, the FBI, and the CIA) and that the Director of National Intelligence seeks to bring together and synthesize reports from the various agencies – a daunting task. The DNI must decide what information to report to the president as "likely true."

20. Intelligence analysis involves an attempt to separate the “signal” of accurate information from the “noise” of irrelevant or false information, and to provide reliable information to policymakers in a timely manner.

- a. Intelligence gathering requires careful management of limited resources (human agents, spy satellites, etc.)
- b. Intelligence analysis occurs in an environment of uncertain, incomplete, and sometimes contradictory information.
- c. Intelligence analysts must decide what information to report to superiors as likely true, and what information (including warnings of terrorist attacks, etc.) not to report.
- d. Students in the simulation get a taste for the complexities of intelligence gathering and analysis. Students assigned to intelligence roles must decide how to allocate scarce gathering resources and what reports to refer to the Director of National Intelligence as “likely true” reports. Reports will never be 100% certain but will have an uncertainty estimate attached (e.g., 90% confidence). Contradictory and incomplete information is also common. Analysts (and the DNI) will gain points for referring accurate reports to their superiors as “likely true” but penalized for referring false reports.